



LAND USE SCHEME
(Spatial Planning & Land Use
Management Act, 2013 (Act 16 of 2013))

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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 Kouga 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 Kouga Spatial Planning & Land Use Management By-laws, herein after referred to as Kouga SPLUM By-laws No. 3609, dated 4 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 Kouga 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, 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 Kouga 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 Kouga 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) 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.
- (2) In cases where a Consent Use is approved, the development parameters applicable to the primary use shall apply.

10. Uses not Permitted

Any use not reflected as a primary or consent use 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 departures relate to applications as contemplated in Section 76 of the Kouga 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 Kouga 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, with 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 Kouga 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 Kouga 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; and
 - (b) indicate the suitable zoning which should be allocated.
- (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 Kouga 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 Kouga SPLUM By-laws.

21. Development Parameters Applicable to Use Rights

- (1) Land use and development rights are subject to Section 58 of the Kouga 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 Kouga 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 Kouga 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
- (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

Adult Entertainment Business means an establishment where erotic apparatus, films photographs, books magazines and live performance are hired, sold or occur and includes a massage parlour for sexual pleasure, but excludes any residential use

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

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 feed farming, agricultural industries and consent uses as defined

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

Authority Use means a use which is practised by the organs of State or a public body, but which cannot be classified under other uses in this Scheme, 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 and Institutions

Average Ground Level means the average between the highest and the lowest natural undisturbed level of the land unit, as determined by a registered surveyor

Bakery means a building in which bread, rusks, biscuits, pies, pastries, confectionery and other flour-based products are produced in bulk for distribution to wholesale trade, shops and warehouses, as well as such retail as may be approved by the Local Municipality

Basement means any part of a building which is below the level of the ground storey

Bottle Store means a shop in which mainly alcoholic beverages are sold in the retail trade for off-site consumption and includes an off-sales facility which is under the same management as a licensed hotel

Building Line means the distance from an erf boundary within which no building or structure, excluding those structures listed in Paragraph 52

Builders' Yard means land, which is used for the storage of material :

- (a) if necessary for or normally used for construction work
- (b) that was obtained from demolitions of structures or excavations of the ground
- (c) required or is normally used for land improvements, such as storage of material used for construction work (e.g. of sand or bricks), whether for public or private purposes

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, community facilities, 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

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)

Commune means a building designed as a dwelling-house which contains more than 1 room, but less than 6 rooms for habitation by a maximum of 2 persons per room, other than a family, for residential purposes and who share communal facilities, such as a kitchen, lounge, provided that :

- (a) the owner or manager shall reside on the same property
- (b) a home occupation or house shop shall not be exercised by any such occupant
- (c) on-site parking shall be provided at 1 bay per room

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 Kouga 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 Kouga Local Council or its delegates

Coverage means the percentage area of a land unit that may be covered by buildings measured over the outside walls 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)

Dwelling Unit means a self-contained inter-leading 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 1 room of the dwelling unit and/or outbuildings

Erf has the same meaning as land unit

Flat means a dwelling unit in a block of flats

Floor Space in relation to a building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or support. Floor space shall be measured from the outer face of the exterior walls or supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements. Provided that the following shall not be included in determining total floor space :

- (a) any floor areas, including basement storeys, reserved exclusively for the parking of vehicles;
- (b) any balconies, terraces, stairs, stair-wells, communal foyers and communal passages, irrespective of the fact that they are covered by a roof; and
- (c) areas for lift motors and other electronic equipment necessary for the proper functioning of the building

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

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

Guest Lodging Facility *(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, Turkish 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

High-Intensity Land Uses means land uses that change the character of the land/property or that require licences, determined rights, approval from another authority etc. from a parallel legislation

Holiday Accommodation means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeded three(3) months within a period of twelve (12) months, except with the consent of the Local Authority

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

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

Industry is the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse, laboratory, workshop and may also include offices, which are normally associated with, or which are reasonably essential for the main use, as well as the sale of goods wholly or partially manufactured, processed or packed on the property

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 Feed Farming is regarded as a high intensity land use and means land or a building used for the keeping, feeding or breeding of animals or poultry on an intensive basis

Land Unit means a portion of land registered in the Deeds Registry or shown on a valid plan of subdivision approved by Municipality or another competent authority as an erf, stand, lot, plot or farm

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

Licensed 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

Licensed Restaurant means a shop in which mainly prepared food and refreshments are sold and served and which is licensed in terms of the Liquor Act

Medical Use means a building used for medical consultation, examination or treatments of humans or animals by members of the medical or allied professions but does not include overnight or live-in facilities for humans or an institution

Micro Manufacturing means the use of land or a building for small scale manufacturing and selling of goods on site, which use is not noxious and excludes wholesale and distribution

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

Motor Showroom means a building or property used solely for the display and sale of motor vehicles and excludes a shop

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

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

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, medical uses 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. Freestanding shop/s, restaurant/fast food outlet other than a convenience shop shall require the consent of the Municipality

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 dance hall, billiard / pool room, theatre, sports stadium, private club, place of assembly, amusement park, cinema, public hall, adult entertainment business, pub / tavern and skating rink or similar use

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

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

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 Road 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

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 Street and Parking means land indicated on an approved plan, diagram or map as having been set aside as a public through-way for motorised, non-motorised vehicles and pedestrians and of which the ownership as such vests with the Municipality or any other public authority or have been assigned as such by any law and includes land used for parking purposes to the general public

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

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

Self-Catering Unit means a portion of a dwelling for occupancy by guests consisting of one or more bedrooms or suites and a dining area with small cooking facilities

Service Workshop means a building or part of building used for the repair and servicing of household appliances or office equipment limited to 150m²

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

Shopping Centre means a purpose-built complex of shops, restaurants, offices with interconnected walkways and which excludes residential and industrial uses, i.e. warehouses

Social Facility means a building which is used by the owner or proprietor on a temporary basis as a place of education, place of worship or place of assembly. The character and primary use should remain in accordance with the zoning

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

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, 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

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

Town Housing Erf means a subdivided portion of a town housing site, approved for the erection of a dwelling unit as part of a group housing scheme, which has been or may be transferred to an individual owner

Town Housing Site means a portion of land on which a town housing scheme has been or is to be developed

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

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

Veterinary Clinic means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products

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 : LAND USE ZONES

23. Use Zone Table

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Residential	Residential Zone 1	<i>Single Residential</i>	• 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.	• Dwelling Unit	• Additional Dwelling Unit • Child Care Facility • Commune • Guest Lodging Facility • Home Occupation • House Shop • Medical Use • Social Facility • Tavern
	Residential Zone 2	<i>Medium Density Residential</i>	• 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.	• Town Housing	• Child Care Facility • Commune • Guest Lodging Facility • Home Occupation • Laundrette • Place of Refreshment • Retirement Village • Self-catering Units • Social Facility
	Residential Zone 3	<i>High Density Residential</i>	• 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.	• General Residential Building	• Child Care Facility • Home Occupation • Licensed Hotel • Licenced Restaurant • Medical Use • Self-Catering Units • Social Facility

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Business & Commercial	Business Zone 1	Low Intensity Business	- 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.	- Shop - Office - Shopping Centre	- Bakery - Bottle Store - Car Wash - Funeral Parlour - General Residential Building - Gym - Hospital - Institution - Licensed Hotel - Micro Manufacturing - Petrol Filling Station - Place of Assembly - Place of Instruction - Place of Entertainment - Place of Worship - Tourist Facility
	Business Zone 2	High Intensity Business	- 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.	- Business & Mixed Use - General Residential Building	Uses other than those mentioned in Primary Use, excluding Noxious Use and Industry

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Industrial	Industrial Zone 1	General Industrial	- 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.	Industry	Uses other than those mentioned under Primary Use, excluding noxious uses and residential uses
	Industrial Zone 2	Noxious Use	- 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.	- Noxious Use - Crematorium	None

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Community	Community Zone	Education Worship Assembly Institution	- Provision of education and related uses. - Includes schools, crèches, tertiary facilities and support activities. - Provision for worship facilities and related uses. - Includes places of assembly. - 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 as a consent use.	- Place of Worship - Place of Assembly - Place of Instruction	- Funeral Parlour - Institution - Sport Facility
	Authority Zone	Authority Use	- 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.	Authority Use	Subject to Municipality's decision

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Open Space & Conservation	Open Space Zone 1	Public Open Space	- 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.	Public Open Space	- Camping Site - Cemetery - Child Care Facility - Events - Memorial Site - Tourist facility
	Open Space Zone 2	Private Open Space	- 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.	Private Open Space	- Cemetery - Camping Site - Sport Facility - Tourist Facility
	Open Space Zone 3	Conservation	- 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.	Conservation Area	- Holiday Accommodation - Landing Pad - Tourist Facility

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Transport	Transport Zone 1	Public Roads and Parking	- 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.	- Public Street & Parking - Transport Use	None
	Transport Zone 2	Private Roads and Parking	- Use of land for private access and private roads, including private parking facilities. - Generally associated with private residential estates and group housing facilities.	Private Roads & Parking	None

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Agriculture	Agriculture Zone	Agriculture	- 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, including agriculture worker accommodation.	- Agriculture - Agriculture Worker Accommodation	- Abattoir - Additional Dwelling Unit - Agricultural Industry - Child Care Facility - Guest Lodging Facility - Home Occupation - Intensive-feed Farming - Nursery - Social Facility - Tourist Facility

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Resort	Resort Zone	Resort	- 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.	Holiday Accommodation	- Licensed Hotel - Resort Shop - Social Facility - Tourist Facility

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Special	Special Zone	Specialised Land Uses	- 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.	Special Use	None

CHAPTER 7 : USE ZONE DEVELOPMENT PARAMETERS

24. Zoning, Primary Uses and Consent Use

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use		Building Lines			Height	Coverage	Parking	
					Street	Lateral	Rear				
Residential	Residential Zone 1 Dwelling Unit		- Additional Dwelling Unit - Child Care Facility - Commune - Guest Lodging Facility - Home Occupation	- House Shop - Medical Use - Social Facility - Tavern	< 400m²	1m	1m on 1 boundary	1m	8.5m	70%	Dwelling Unit : 2 s / du
					> 400m²	3m	1.5m	1.5m	8.5m	50%	
	Residential Zone 2 Town Housing		- Child Care Facility - Commune - Guest Lodging Facility - Home Occupation - Laundrette	- Place of Refreshment - Retirement Village - Self-catering Units - Social Facility	Town Housing Site	4.5m	1.5m	1.5m	8.5m	70%	Town Housing : 2 s / du
					Town Housing Erf	0m	0m	0m	8.5m	80%	Visitors : 1 s / 4 du
	Residential Zone 3 General Residential Building		- Child Care Facility - Home Occupation - Licensed Hotel - Licenced Restaurant	- Medical Use - Self-Catering Units - Social Facility	5m		4m		11m	50%	General Residential Buildings : 2 s / du
											General Residential Buildings (Rooms) : 1 s / room
Business & Commercial	Business Zone 1 - Shop - Office - Shopping Centre		- Bakery - Bottle Store - Car Wash - Funeral Parlour - General Residential Building - Gym - Hospital - Institution	- Licensed Hotel - Micro Manufacturing - Petrol Filling Station - Place of Assembly - Place of Instruction - Place of Entertainment - Place of Worship - Tourist Facility	0m		3m		8.5m	70%	Office : 4 s / 100m² FS
											Business : 4 s / 100m² FS
	Business Zone 2 - Business & Mixed Uses - General Residential Building		- Uses other than those mentioned in Primary Use, excluding Noxious Use and Industry	0m		0m		11m	Business : 100%	Business : 4 s / 100m² FS	
									Residential : 70%	General Residential Buildings : 2 s / du	
											General Residential Buildings (Rooms) : 1 s / room

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines		Height	Coverage	Parking
				Street	Lateral & Rear			
Industrial	Industrial Zone 1 • Industry		- Uses other than those mentioned under Primary Use, excluding noxious uses and residential uses	0m	0m	11m	75%	Industry : 1 s / 200m ² FS
	Industrial Zone 2 • Noxious Use • Crematorium		- None	0m	0m	11m	75%	Noxious Use : 1 s / 200m ² FS Industry : 1 s / 200m ² FS
Community	Community Zone • Place of Worship • Place of Assembly • Place of Instruction		- Funeral Parlour - Institution - Sport Facility	5m	5m	11m	50%	Place of Worship : 0.15 s / seat Place of Assembly : 0.25 s / seat Place of Instruction: 1 s / classroom area or office
	Authority Zone • Authority Use		- Subject to Municipality's decision	Site and Development Specific as imposed by Municipality				Authority Use : Subject to Municipality's decision
Open Space & Conservation	Open Space Zone 1 • Public Open Space		- Camping Site - Cemetery - Child Care Facility - Events - Memorial Site - Tourist facility	Site and Development Specific as imposed by Municipality				Public Open Space: Subject to Municipality's decision
	Open Space Zone 2 • Private Open Space		- Cemetery - Camping Site - Sport Facility - Tourist Facility	Site and Development Specific as imposed by Municipality				N/A
	Open Space Zone 3 • Conservation Area		- Holiday Accommodation - Landing Pad - Tourist Facility	Site and Development Specific as imposed by Municipality				N/A
Transport	Transport Zone 1 • Public Streets & Parking • Transport Use		- None	3m	0m	11m	75%	
	Transport Zone 2 • Private Roads & Parking		- None	Site and Development Specific as imposed by Municipality				
Agriculture	Agriculture Zone • Agriculture • Agriculture Worker Accommodation		- Abattoir - Additional Dwelling Unit - Agricultural Industry - Child Care Facility - Guest Lodging Facility - Home Occupation - Intensive-feed Farming - Nursery - Social Facility - Tourist Facility	10m	10m	11m	20%	Agriculture : 0 s

Land Use Category	Zoning & Primary Use	Colour & GIS Notation	Consent Use	Building Lines		Height	Coverage	Parking
				Street	Lateral & Rear			
Resort	Resort Zone • <i>Holiday Accommodation</i>		- Licensed Hotel - Resort Shop - Social Facility - Tourist Facility	5m	5m	11m	20%	
Special	Special Zone • <i>Special use</i>		- None	Site and Development Specific as imposed by Municipality				

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.					
USE OF THE PROPERTY					
Primary Use		Definition			Consent Use
Dwelling Unit		means a self-contained inter-leading 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 1 room of the dwelling unit and/or outbuildings			• Additional Dwelling Unit • Child Care Facility • Commune • Guest Lodging Facility • Home Occupation • House Shop • Medical Use • Social Facility • Tavern
DEVELOPMENT PARAMETERS					
Building Lines				Height	Coverage
	Street	Lateral	Rear		
Erven < 400m ²	1m	1m on 1 boundary	1m	8.5 m	70%
Erven > 400m ²	3m	1.5m	1.5m	8.5 m	50%
Density				Parking	
1 Dwelling unit per erf and 1 Additional Dwelling Unit subject to Consent				Dwelling Unit : 2 s / du	

General Provisions

☐ **Minimum Dwelling Size**

- Minimum size of a dwelling unit is 60 m².

☐ **Additional Provisions for Government Subsidised Housing**

- No minimum dwelling units size
- Densities may exceed 50 units / hectare
- Street, lateral and rear building lines : 1 m
- Coverage : 70 %

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.					
USE OF THE PROPERTY					
Primary Use		Definition			Consent Use
Town Housing		means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes support facilities relating to the operation and sustainability of the scheme or building, functional communal open space, public and/or private roadway and such dwelling units may be cadastrally subdivided			• Child Care Facility • Commune • Guest Lodging Facility • Home Occupation • Laundrette • Place of Refreshment • Retirement Village • Self-catering Units • Social Facility
DEVELOPMENT PARAMETERS					
Building Lines				Height	Coverage
	Street	Lateral	Rear		
Town Housing Site	4.5m	1.5m	1.5m	8.5m	70%
Town Housing Erf	0m	0m	0m	8.5m	80%
Additional building lines may be imposed based on surrounding land uses or safety controls					
Density			Parking		
Town Housing : Maximum of 50 units / ha			Town Housing : 2 s / du Town Housing Visitors Parking : : 1 s / 4 du		

General Provisions**▣ Common Open Space**

- A minimum of 40m² per dwelling unit shall be provided and in this context "Common open space" means public or private open space, excluding roads, service yards, private outdoor spaces and undevelopable land steeper than 1:5 and/or below the 1:50 years flood line of a river or a stream.
- The required provision of common open space may be relaxed if:
 - Public open space is provided in the immediate vicinity; and
 - internal street reserves are planned and can be used as part of the open space system.

▣ Private Outdoor Space

- Private outdoor space, having a total area of at least 40% of the ground floor area of the dwelling unit concerned, excluding garages and carports, shall be provided for every group housing erf, provided that the private outdoor space shall be out of sight of anyone else than the occupants of the dwelling unit concerned.
- For the purposes of this subsection, "private outdoor space" means the area adjoining any given dwelling unit in a group or town housing scheme which is reserved for the exclusive use of the occupants of the dwelling unit concerned and intended to be used for private outdoor living and recreation and the drying of laundry, storing of a rubbish bin and other household store and service functions.

▣ Aesthetics

- The objectives reflected in the definition of "Town Housing" shall be closely followed and implemented in the design.
- A Site Development Plan, shall be submitted for approval for every new group or town housing scheme, before any building plans are approved or any building operations commence.
- A garden and environmental plan may be required for approval and subsequent implementation.

▣ Street Width

- The minimum street width shall be 7 m for private streets and 10 m for public streets.

▣ Minimum Erf Size

- The minimum erf size in this zone will be 2 000 m².

▣ Management

- Development in this zone must be managed by a Home Owners Association or Body Corporate as determined by the Kouga Spatial Planning & Land Use Management By-laws.
- Development in this zone must comply with the guidelines and parameters as determined by the Municipality.

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.			
USE OF THE PROPERTY			
Primary Use	Definition	Consent Use	
General Residential Building	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, residential rooms, children's home, guest lodging facilities, retirement village, hostel, town housing, dwelling units, flats, but excludes hotels	• Child Care Facility • Home Occupation • Licensed Hotel • Licenced Restaurant • Medical Use • Self-Catering Units • Social Facility	
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5m	4m	11m	50%
Density		Parking	
No density limit, subject to all other development parameters		General Residential Buildings : 2 s / du General Residential Buildings (Rooms) : 1 s / room Visitors : 1 s / 4 du or as determined by the Municipality	

General Provisions

▣ Common Open Space

- A minimum of 25% of the land or erf shall be set aside as common open space. This area excludes roads, service yards, private outdoor spaces and undevelopable land steeper than 1:5 and/or below the 1:50 years flood line of a river or a stream.
- The required provision of common open space may be relaxed if :
 - public open space is provided in the immediate vicinity; and
 - internal street reserves are planned and can be used as part of the open space system.

▣ Management

- Development in this zone must be managed by a Home Owners Association or Body Corporate as determined by the Kouga Spatial Planning & Land Use Management By-laws.
- Development in this zone must comply with the guidelines and parameters as determined by the Municipality.

28. Business Zone 1

LAND USE CATEGORY		Business	
ZONING		Business Zone 1	
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.			
USE OF THE PROPERTY			
Primary Use	Definition	Consent Use	
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	• Bakery • Bottle Store • Car Wash • Funeral Parlour • General Residential Building • Gym • Hospital • Institution • Licensed Hotel • Micro Manufacturing • Petrol Filling Station • Place of Assembly • Place of Instruction • Place of Entertainment • Place of Worship • Tourist Facility	
Office	means a building used only for professional, clerical, administrative work, financial institution, medical uses and includes storage areas ancillary to the office use, not exceeding 30% of the total floor area of the office use		
Shopping Centre	means a purpose-built complex of shops, restaurants, offices with interconnected walkways and which excludes residential and industrial uses, i.e. warehouses		
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0m	3m	8.5m	70%
Additional building lines may be imposed based on surrounding land uses or safety controls			
Parking			
Office : 4 s / 100m ² FS			
Business : 4 s / 100m ² FS			

General Provisions**▣ Basements**

The building line restrictions need not be complied with in so far as basements are concerned.

▣ Projections

Projections, excluding advertising signs, approved by the Municipality in accordance with the provisions of any other law over streets and building lines, shall be limited to minor architectural features and one cantilevered one canopy to within 0.5 m of the pavement edge, provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.

▣ Loading & Unloading

The Municipality may stipulate the provision of additional space for loading or unloading of goods if the particular nature or extent of development contemplated for that erf should, in the opinion of the Municipality, justify such a step.

▣ Parking

On-site parking must only be provided as open bays, carports, in basements, but not as closed garages, except where parking is provided for residential purposes.

29. Business Zone 2

LAND USE CATEGORY		Business	
ZONING		Business Zone 2	
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.			
USE OF THE PROPERTY			
Primary Use	Definition	Consent Use	
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, community facilities, 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	• Uses other than those mentioned in Primary Use, excluding Noxious Use and Industry	
General Residential Building	means a building for human habitation, together with such outbuildings and support facilities relating to the operation and sustainability of the scheme or building, and includes a boarding house, residential rooms, children’s home, guest lodging facilities, retirement village, hostel, town housing, dwelling units, flats, but excludes hotels		
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0m	0m	11m	Business : 100%
			Residential : 70%
Additional building lines may be imposed based on surrounding land uses or safety controls			
Parking			
Business : 4 s / 100m² FS General Residential Buildings : 2 s / du General Residential Buildings (Rooms) : 1 s / room			

General Provisions**▣ Loading & Unloading**

The Municipality may stipulate the provision of additional space for loading or unloading of goods if the particular nature or extent of development contemplated for that erf should, in the opinion of the Municipality, justify such a step.

▣ Parking

On-site parking must only be provided as open bays, carports, in basements, but not as closed garages, except where parking is provided for residential purposes.

30. Industrial Zone 1

LAND USE CATEGORY		Industrial	
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.			
USE OF THE PROPERTY			
Primary Use	Definition		Consent Use
Industry	is the use of land or a building for a factory, distributing depot, wholesale, storage, warehouse, laboratory, workshop and may also include offices, which are normally associated with, or which are reasonably essential for the main use, as well as the sale of goods wholly or partially manufactured, processed or packed on the property		• Uses other than those mentioned under Primary Use, excluding noxious uses and residential uses
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0m	0m	11m	75%
Parking			
Industry : 1 s / 200m² FS			

General Provisions

▣ Building Lines

- Where an industry bounds on any residential or business erf, a lateral building line of 5 m shall apply to the industry, with reference to the boundaries abutting the residential and business erven.
- Where servitudes for municipal services exist along lateral and rear boundaries, these will form the lateral and rear building lines.

▣ Loading & Unloading

- For the purpose of loading and unloading vehicles the following spaces shall be provided :

Total floor space of building	Required loading and unloading area
0 - 2500 m ²	1 bay
2501 - 5000 m ²	2 bays
5001 - 10000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

- No loading bay shall be less than 24 m² in area, nor shall its length be less than 6 m, nor its width be less than 3m.
- The location, design, access to and egress from the loading bays shall be to the satisfaction of the Municipality and all such bays shall be demarcated "*loading and unloading only*".
- Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fuelled in the street, except in designated bays.
- The provisions of this regulation may be relaxed or waived by the Municipality where its application is not considered to be practicable by reason of the nature or situation of the erf.

31. Industrial Zone 2

LAND USE CATEGORY		Industrial	
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.			
USE OF THE PROPERTY			
Primary Use	Definition		Consent Use
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		None
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)		
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
0m	0m	11m	75%
Parking			
Noxious Use : 1 s / 200m² FS Industry : 1 s / 200m² FS			

General Provisions

▣ Building Lines

- Where a noxious use bounds on any residential or business erf, a lateral building line of 5 m shall apply to the noxious use, with reference to the boundaries abutting the residential and business erven.
- Where servitude reserves for municipal services exist along lateral and rear boundaries, these will form the lateral and rear building lines.

▣ Loading & Unloading

- For the purpose of loading and unloading vehicles, the following spaces shall be provided :

Total floor space of building	Required loading and unloading area
0 - 2500 m ²	1 bay
2501 - 5000 m ²	2 bays
5001 - 10000 m ²	3 bays
Every additional 10 000 m ² or portion there of	1 additional bay

- No loading bay shall be less than 24 m² in area, nor shall its length be less than 6 m, nor its width be less than 3m.
- The location, design, access to and egress from the loading bays shall be to the satisfaction of the Municipality and all such bays shall be demarcated "*loading and unloading only*".
- Neither the owner nor any occupant of a building shall permit any vehicle transporting goods to and from the building to be loaded, unloaded or fuelled in the street, except in designated bays.
- The provisions of this regulation may be relaxed or waived by the Municipality where its application is not considered to be practicable by reason of the nature or situation of the erf.

32. Community Zone

LAND USE CATEGORY	Community		
ZONING	Community Zone		
PURPOSE	• Education • Worship • Assembly • Institution		
Objectives			
• Provision of education and related uses. • Includes schools, crèches, tertiary facilities and support activities. • Provision for worship facilities and related uses. • Includes places of assembly. • 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 as a consent use.			
USE OF THE PROPERTY			
Primary Use	Definition	Consent Use	
Place of Worship	means land or a building used as a church, sinner block, mosque, temple, chapel, synagogue or facility for practising religion or devotion and includes uses directly related thereto, but does not include a funeral parlour	• Funeral Parlour • Institution • Sport Facility	
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 Instruction	means land or a building used as a child care facility, school, college, technical institution, university, academy, lecture hall, monastery, convent, public library, art gallery, museum or other such facility which is utilised for education purposes and includes facilities directly related thereto		
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5m	5m	11m	50%
Parking			
Place of Worship : 0.15 s / seat Place of Assembly : 0.25 s / seat Place of Instruction : 1 s / classroom area or office			

33. Authority Zone

LAND USE CATEGORY	Community		
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.			
USE OF THE PROPERTY			
Primary Use	Definition		Consent Use
Authority Use	means a use which is practised by the organs of State or a public body, but which cannot be classified under other uses in this Scheme, 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, museums and Institutions		Subject to Municipality's decision
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			
Parking			
Authority Use : Subject to Municipality's decision			

34. Open Space Zone 1

LAND USE CATEGORY		Open Space	
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.			
USE OF THE PROPERTY			
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	- Camping Site - Cemetery - Child Care Facility - Events - Memorial Site - Tourist facility	
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			
Parking			
Public Open Space : Subject to Municipality's decision			

General Provisions

- No building or structure shall be erected or use practiced except if same is compatible with "public open space", as defined.
- The Municipality shall in each case, depending on unique circumstances, stipulate land use restrictions and additional conditions.

35. Open Space Zone 2

LAND USE CATEGORY	Open Space		
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.			
USE OF THE PROPERTY			
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 - Camping Site - Sport Facility - Tourist Facility
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			
Parking			
Not applicable			

General Provisions

- No building or structure shall be erected or use practiced, except if same is compatible with "private open space", as defined.
- The Municipality shall in each case, depending on unique circumstances, stipulate land use restrictions and additional conditions.

36. Open Space Zone 3

LAND USE CATEGORY	Open Space		
ZONING	Open Space Zone 3		
PURPOSE	Conservation		
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.			
USE OF THE PROPERTY			
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	• Holiday Accommodation • Landing Pad • Tourist Facility	
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			
Parking			
Not applicable			

General Provisions

The relevant authorities shall in each case, depending on unique circumstances, stipulate land use restrictions and additional provisions.

37. 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.			
USE OF THE PROPERTY			
Primary Use	Definition		Consent Use
Public Streets & Parking	means land indicated on an approved plan, diagram or map as having been set aside as a public through-way for motorised, non-motorised vehicles and pedestrians and of which the ownership as such vests with the Municipality or any other public authority or have been assigned as such by any law and includes land used for parking purposes to the general public		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
Street	Lateral & Rear		
3m	0m	11m	75%
Additional building lines may be imposed based on surrounding land uses or safety controls			

38. 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.			
USE OF THE PROPERTY			
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		• None
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			

39. 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, including agriculture worker accommodation.			
USE OF THE PROPERTY			
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 feed farming, agricultural industries and consent uses as defined	• Abattoir • Additional Dwelling Unit • Agricultural Industry • Child Care Facility • Guest Lodging Facility • Home Occupation • Intensive-feed Farming • Nursery • Social Facility • Tourist Facility	
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		
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
10m	10m	11m	20%
Density		Parking	
1 Dwelling unit per erf and 1 Additional Dwelling Unit at a density of 1 unit per 10ha to a maximum of 5 Additional Dwelling Units.		Agriculture : 0 s	

40. Resort Zone

LAND USE CATEGORY	Resorts		
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.			
USE OF THE PROPERTY			
Primary Use	Definition	Consent Use	
Holiday Accommodation	means a place of rest, holiday place, tenting or camping ground, caravan park, game park, pleasure resort or picnic spot intended for public recreation with the view to profit or gain and includes a place of refreshment and other buildings normally related and appurtenant to such a resort, as approved by the Local Authority, provided that no facility within the resort shall be occupied by any person for a period exceeded three(3) months within a period of twelve (12) months, except with the consent of the Local Authority	• Licensed Hotel • Resort Shop • Social Facility • Tourist Facility	
DEVELOPMENT PARAMETERS			
Building Lines		Height	Coverage
Street	Lateral & Rear		
5m	5m	11m	20%

General Provisions

The density, layout, parking, landscaping, building design, and layout plan shall be prepared in accordance with the Municipal Policy and approved by and filed with the Municipality, clearly indicating the position of all structures, stands and internal roads.

41. 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.			
USE OF THE PROPERTY			
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
Street	Lateral & Rear		
Site and Development Specific as imposed by Municipality			

General Provisions

If special factors justify the creation of a new zone on the zoning map for a site or sites, without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a special zone on the zoning map. Every such portion of land which has been zoned as such and in respect of which the land use restrictions differ from those of other land which has been zoned as such, shall be given a separate number on the zoning map. A special zone may consist of different portions of land, provided the land use restrictions are the same. Each special zone, in respect of which the land use restrictions differ from those of other special zones, shall be given a separate number (from 1 onwards), and each number with the accompanying land use restrictions shall be described as a separate special zone in a schedule to these scheme regulations.

CHAPTER 8 : GENERAL PROVISIONS

42. 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 one 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 one or two dwelling units only;
- (d) a screen wall shall be erected if required by and to the satisfaction of 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;
- (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; and
- (j) no goods or materials whatsoever shall be stored or stacked to such a height or in such a manner that it is visible from outside the property, unless prior written approval from the Municipality is granted.

43. 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.

44. 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; and
 - (h) subdivision of a property on which a national monument is situated.

45. 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;

46. 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 Kouga SPLUM By-laws.
- (2) Land development decisions in terms of the Kouga SPLUM By-laws must be considered in terms of Sections 22 and 42 of SPLUMA and Sections 13 and 53 of the Kouga SPLUM By-laws.
- (3) Decisions should be aligned with National, Provincial policy and legislation applicable to the specific application.

47. 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.

48. 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 Kouga Land Use Scheme and will take preference in cases of conflicted or more restrictive provisions.

49. Development Charges

Development charges to be implemented in terms of Sections 121 – 125 of the Kouga SPLUM By-laws.

50. Provision of Engineering Services

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

51. Title Conditions

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.

52. Relaxation of Building Lines

- (1) The following structures may be allowed over the building line :
 - (a) Water storage facilities
 - (b) Boundary walls and fences
 - (c) Structures not exceeding a height of 1m from the natural ground level:
 - (d) Swimming pools
 - (e) Pump houses
 - (f) Decks
 - (g) Staircases
 - (h) Landscaping and garden features
 - (i) Retaining walls
 - (j) Roof overhangs not exceeding a projection of 1m
- (2) The following structures requires written consent from the neighbouring property owners :
 - (a) Tool shed
 - (b) Carport covered by shade cloth/net
 - (c) Pergola
 - (d) Any other structure that is not mentioned above and is not exceeding a height of 1m from the natural ground level
- (3) The Municipality may approve the erection of a building or structure which exceeds a building line provided that :
 - (a) 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; and
 - (b) the provision of any access way of at least one 1 m wide, other than through a building from a street, to every vacant portion of the land unit concerned, other than a court yard.
- (4) 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.
- (5) Municipality must consult the relevant Controlling Authority prior to building line relaxation along proclaimed roads.

53. 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, access by motor vehicles into a garage structure is not practically possible within the height restriction.
- (b) a detailed Site Plan must be submitted, indicating all vertical and horizontal dimensions and proposed height departure.
- (c) the Municipality must obtain comment from all neighbours and assess the application on its merit.

54. 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;
 - (c) the Municipality may consent to a basement exceeding the coverage limit where all or the major portion of the basement is situated below natural ground level; and
 - (d) where any portion of any floor of a building is designed to be used for more than once use, the floor space coverage shall conform to the predominant use of the storey.
- (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.

55. Floor Factor

- (1) In the calculation of the maximum permitted floor space as part of bulk, the following shall be excluded :
 - (a) buildings without roofs and areas used for external fire escapes;
 - (b) areas of any floors or basements used as parking spaces for occupants of the building;
 - (c) accommodation for a lift motor room and other mechanical and electronic equipment required for the proper functioning of a building;
 - (d) a verandah or balcony in a building, provided that such verandah or balcony shall not be enclosed in any other way than by a parapet not more than 1.5m high or a wire mesh screen;
 - (e) access passages and corridors (excluding the entrance hall and foyer and passages in a dwelling where these are enclosed by an external wall or window);
 - (f) areas reasonably used for the cleansing, maintenance and care of the building(s), excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff; and
 - (g) areas set aside and used exclusively for the parking, loading / unloading or fuelling of vehicles.
- (2) The Municipality may grant an increase in floor factor if the Municipality is satisfied that the applicant has furnished sufficient proof that an increase in floor factor is necessary and/or desirable as a result of the topography or locality of the site and the proposed increase in floor factor will not detract from the amenity or development vision for the area.

56. Subdivisions

- (1) The Municipality may grant or refuse an application for the subdivision of land in terms of Part B of the Kouga SPLUM By-laws within, and subject to the conditions applicable to a subdivisional area, 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 granting of an application for subdivision with a view to permitting two or more attached dwelling units to be held under separate title, shall be subject to the following conditions which shall be complied with before the issuing of a written authority by the Municipality :
 - (a) where restoration or improvement is considered necessary by the Municipality, the buildings shall be fully restored or improved to its satisfaction; and
 - (b) where considered necessary by the Municipality, one parking bay shall be provided and constructed to the satisfaction of the Municipality on each of the land units.
- (4) 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) water supply if required;
 - (c) sewage disposal if required and in particular specific attention has been given to the disposal of sewerage from higher lying across lower lying erven; and
 - (d) electricity if required.
- (5) 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.
- (6) 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;
 - (b) the average slope of a panhandle may not exceed 1:4, provided that Municipality may approve a greater slope;
 - (c) the owner of the panhandle property shall construct a dust free driveway along the width and length of the panhandle to the satisfaction of Municipality, prior to or simultaneous with the erection of any building on such property, and shall maintain the driveway to the satisfaction of Municipality; and
 - (d) servitude access ways in the place of panhandles are not be permitted.

- (7) 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 waterpipes 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.

57. Site Development Plans

The following further conditions shall apply to all erven in all use zones:

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 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. 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.
- (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) Parking, loading and unloading areas.
 - (viii) Vehicular and pedestrian circulation.
 - (ix) Elevation of all buildings and structures as well as materials and finishes to be used.
 - (x) The phasing of the development, if it is envisaged that the total development will not take place simultaneously.
 - (xi) The position of all structures on adjacent sites.
 - (xii) Proposals for site boundaries including fences, walls or other edge proposals.
 - (xiii) A land use schedule which specifies the zoning of the property, applicable controls and controls used for the development.

- (xiv) A certificate by a registered architect if required by the Municipality.
- (xv) A contour map indicating 0,5 meter contour intervals.
- (xvi) Any other requirement deemed necessary by Municipality.

58. Parking

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

58.1 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 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.
- (3) 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.
- (4) The Municipality may require the owner of an erf to provide a lesser number of parking spaces than is required, in which event the owner of the erf shall pay to the Municipality a financial contribution calculated in terms of this Section for the number of parking spaces by which his obligation is reduced.

58.2 Parking Layout Requirements and Design

- (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. Furthermore, 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 distributing other parked vehicles, unless provision is made and maintained for mechanical or manual parking by the building proprietors. 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.
- (2) The design standards provided by the Department of Transport shall be applied.
- (3) The provision of parking spaces is a minimum requirement for all development and the Municipality may require development to provide additional parking spaces on top of minimum off-street parking requirements in Paragraph 58.3.

58.3 Minimum Off-street Parking Requirements

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	Subject to Municipality's decision
Bottle Store	4 spaces / 100m ² Floor Space
Business	4 spaces / 100m ² Floor Space
Cemetery	0.15 space / 100m ² public assemble area
Cinemas	0.25 space / seat or spectator capacity
Conference Facility	0.25 space / seat + 20 spaces / 100m ² public accessible area
Crèche	1 space / classroom area, office
Dwelling Unit	2 spaces / dwelling unit
Funeral Parlours	4 spaces / 100m ² floor space
Garage	1 space / working space + 6 spaces / 100m ² retail floor space + 2 spaces / car wash unit
General Residential Buildings	2 spaces / dwelling unit + 1 space / 4 dwelling units (visitors)
General Residential Buildings (Rooms)	1 space / room
Group Housing	2 spaces / dwelling Unit
Guest Lodging Facility	0.7 spaces / guest room
Halls	0.25 space / seat
Holiday Accommodation	As required by Municipality
Holiday Housing	As required by Municipality
Home Enterprise	2 spaces / dwelling unit
Hospital	6 spaces / 100m ² consulting room + 1 space / bed
Incremental Housing	0 space
Industry	1 space / 200m ² floor space
Institution	As required by Municipality

Minimum Off-street Parking Requirements	
Libraries	1 space / 100m ² floor space
Licensed Hotel	0.7 space / room
Light Industry	1 space / 100m ² floor space
Medical Use	4 spaces / 100m ² consulting room + 1 space / bed
Mining	0 space
Mining industry	1 space / 100m ² floor space
Museums	1 space / 100m ² floor space
Noxious use	1 space / 100m ² floor space
Nursery	1 space / 200m ² nursery + 4 spaces / 100m ² shop
Office	4 spaces / 100m ² floor space
Outdoor Storage	1 space / 100m ² floor space
Place of Assembly	0.25 space / seat
Place of Entertainment	0.25 space / seat + 1 space / 100m ² public assembly area
Place of Instruction	1 space / classroom area, office
Place of Worship	0.15 space / seat
Public open space	Subject to Municipality's decision
Restaurant	4 spaces / 100m ² floor space
Retirement Villages	1 space / dwelling unit or bedroom
Rural residential	2 spaces / dwelling unit
Scrap yard	1 space / 100m ² floor space
Shop	4 spaces / 100m ² floor space
Social Facility (Residential related)	1 space / 50m ² public assembly area
Sport Centres	0.25 space / seat or per spectator capacity
Sport Stadiums	0.25 space / seat or per spectator capacity
Tavern	4 spaces / 100m ² floor space
Tourist Facility (excluding restaurant)	4 spaces / 100m ² floor space
Town Housing	2 spaces / dwelling unit + 1 space / 4 dwelling units (visitors)
Transport	Subject to Municipality's decision
Warehouse	1 space / 100m ² floor space

59. Overlay Zones

59.1 The Purpose of Overlay Zones

The Municipality may prepare, review and amend overlay zones for specific areas in the Municipality with the objective of :

- Giving expression, in a planning context, to the local needs and values of the communities concerned;
- Promoting particular types of development, urban form, landscape character, environmental features, heritage values, development incentives or strategic intervention; and
- Giving effect to specific guidelines contained in an approved Spatial Development Framework or Policy Plan.

59.2 Status of Overlay Zones

- (1) 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.
- (2) 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.
- (3) The provisions of an overlay zone do not in any way detract from any obligations in terms of national, provincial and planning legislation.
- (4) 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.

59.3 Identification and Numbering of Overlay Zones

- (1) The Municipality shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.
- (2) The Municipality shall indicate the area of an overlay zone on the zoning map.
- (3) 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.
- (4) Overlay zones shall be inserted in Schedule 7 of this Land Use Scheme.

59.4 Procedures for Adoption, Amendment, Review or Replacement of Overlay Zones

The procedure for change of use, form or function of land as contemplated in Section 41 of SPLUMA shall apply for the adoption, amendment, revision or replacement of an overlay zone.

60. Mining Activity

Permission for mining activities in terms of these Scheme Regulations shall be obtained by way of a departure application. Conditions of departures granted, including validity period for the departure, shall be in accordance with stipulations of the permit and/or license granted by the Department of Mineral & Energy Affairs.

61. 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 these scheme regulations shall be obtained by way of a rezoning application. 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. In such event, the period of validity of the Departure will be for the duration of the validity of the license from the Regulator. Conditions of departures granted shall be to the discretion of the Municipality.

62. Transmission Facility

- (1) Transmission Facility (as contemplated in the General Provisions of this Land Use Scheme) 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. Conditions of the departure granted, shall include conditions imposed by relevant regulating authority.

63. 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.

64. House Shops

- (1) House shop, including spaza shops means a building on land developed as a Government Subsidised Housing Scheme or land as determined by the Municipality, operated by the registered owner / beneficiary 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 dwelling is to have a primarily residential function;
 - (c) not more than 3 persons should be involved in the operating of such a shop;
 - (d) such a shop should not impact negatively on the surrounding neighbours; and
 - (e) all signs of trade, including advertising, should be granted in terms of the Municipal By-laws prior to advertising.
- (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) A complete record of all house shops shall be kept by the Municipality in this regard.
- (6) Any contravention of the guidelines mentioned above or any written complaints verified by officials of the Municipality could result in the closure of the house shop and the withdrawal of the permission granted.
- (7) The ward Committee must endorse the application for operation of a house shop, prior to consideration by the municipality.

65. Taverns

- (1) Tavern means a building on land developed as a Government Subsidised Housing Scheme or land as determined by the Municipality, 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, serving of meals, watching television and background music. In addition, the establishment of a tavern should be secondary to the residential use, should not create a disturbance, affect the character of the surrounding area and should have the written support of the neighbouring property owners.
- (2) The Tavern may not exceed 50 % of the total floor area of the dwelling unit.
- (3) 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.
- (4) Taverns are allowed to sell alcohol on the premises, only for the purposes of retail trade.
- (5) 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.
- (6) The location of a tavern shall comply with the relevant regulations and policies of the Municipality or the Spatial Development Framework.
 - (7) 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.
 - (8) The comments of the abutting neighbours must be obtained prior to the Municipality's consideration of an application.

66. Noxious Use

- (1) The following activities are classified as noxious use/trade/industry :
 - (a) Any use, trade or industry which constitutes a nuisance or a risk to health in neighbouring premises arising from vapours, effluvia, fluids, liquid waste matter, solid waste matter, noise, disturbance and dust – or which carries a high risk in the event of a fire, natural disaster or accident.
 - (b) Any installation, which in terms of the Occupational Health and Safety Act No. 85 of 1993 is classified as a "major hazard installation". The act defines a "major hazard installation as follows:
 - (i) where more than the prescribed quantity of any substance is or may be kept, whether permanently or temporarily; or
 - (ii) where any substance is produced, processed, used, handled or stored in such a form and quantity that it has the potential to cause a major incident.
 - (c) Any activities which constitute a nuisance as envisaged in other applicable legislation (or amendments thereof) or new legislation (or regulations promulgated in terms of such legislation), including;
- (2) Approval of an application for establishment of a noxious use, trade or industry in terms of this Land Use Scheme does not exempt the owner from applying for permission in terms of other relevant legislation.

67. Guest Lodging Facilities

- (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) more than 1 but 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; and
 - (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 58

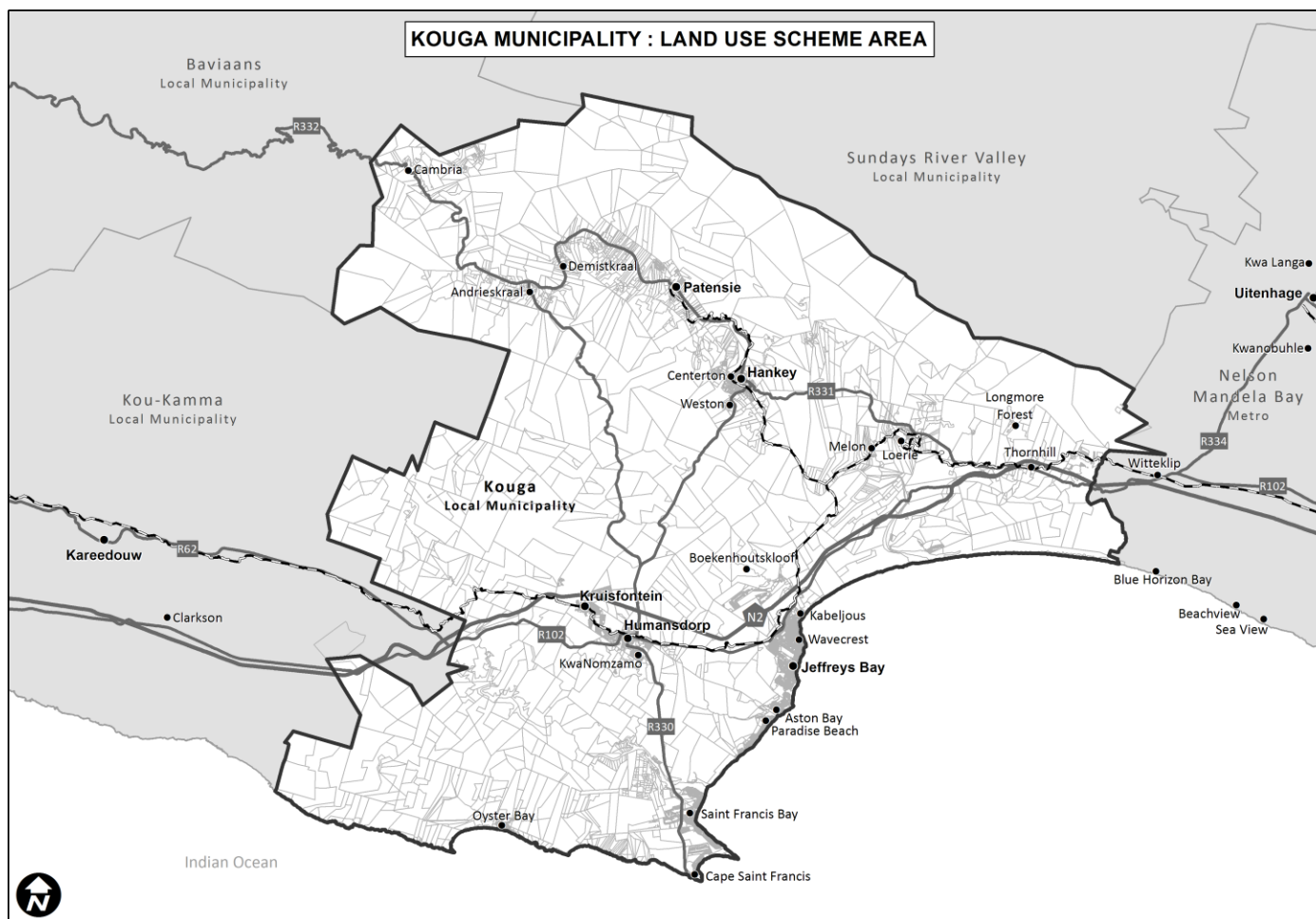
- (f) guest-rooms may not include kitchen facilities (should not be operating as self-catering units)
- (g) 2 persons (with 2 children) shall be allowed per guest-room
- (h) health regulations must be complied with where applicable

68. 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.

CHAPTER 9 : SCHEDULES

Schedule 1 : Land Use Scheme Area



Schedule 2 : Notice of Adoption**EXTRACT OF THE ORDINARY COUNCIL MEETING HELD ON 26 FEBRUARY 2021****21/02/PD10 APPROVAL AND ADOPTION OF THE KOUGA INTEGRATED LAND USE SCHEME IN TERMS OF S (24) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013****Resolved (26 February 2021)**

1. That in terms of section 24 (1) of the Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013), Council approves and adopts the Integrated Land Use Scheme for Kouga.
2. That the Integrated Land Use Scheme (ILUS) be published on the Municipal Website, Kouga Express, as well as Provincial Gazette.
3. That, in terms of Section 27(3) of the Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013) the Integrated Land Use Scheme be submitted to the Premier for monitoring purposes.
4. Council notes section 27 (1) of SPLUMA, that the municipality may review its ILUS in-order to achieve consistency with the Municipal SDF.

PROVINSIALE KOERANT, BUITENGEWOON 19 MAART 2021

No. 4525 3

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 51 OF 2021****KOUGA MUNICIPALITY****MUNICIPAL NOTICE NUMBER:****52/2021****KOUGA INTEGRATED LAND USE SCHEME ADOPTION NOTICE**

Notice is hereby given in terms of section 24(1) of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), read with section 25(1) of the Kouga Spatial Planning and Land Use Management Bylaw (No. 3609 March 2016), that the Kouga Local Municipality's Council at its meeting held on 26 February 2021 approved and adopted its new Integrated Land Use Scheme. The Kouga Integrated Land Use Scheme will come into operation and effect on date of publication of this notice and will apply to the entire Kouga Municipal area of Jurisdiction.

The new Kouga Integrated Land Use Scheme is available on the municipal website (www.kouga.gov.za).

Schedule 3 : Zoning Transition Table

The comparable zoning table indicates zonings as per the Zoning Schemes applicable before the introduction of the Kouga 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 Kouga Land Use Scheme.

KOUGA LAND USE SCHEME			PREVIOUS ZONING SCHEMES COMPARABLE ZONING		
Zoning		Primary Use	Jeffreys Bay	Section 8	Act 4 of 1984
RESIDENTIAL	Residential Zone 1	• Dwelling Unit	• Single Residential A • Single Residential B • Undetermined	• Residential Zone I • Informal Residential	• Residential I • Undetermined
	Residential Zone 2	• Town Housing	• Group Housing	• Residential Zone II • Residential Zone III	
	Residential Zone 3	• General Residential Building	• General Residential	• Residential Zone IV • Residential Zone V	• Residential II
BUSINESS & COMMERCIAL	Business Zone 1	• Shop • Office • Shopping Centre	• Restricted Business • Office	• Business Zone II • Business Zone III	
	Business Zone 2	• Business & Mixed Use • General Residential Building	• Special Business • Office • Restricted Business	• Business Zone I • Business Zone IV • Business Zone V	• Business
INDUSTRIAL	Industrial Zone 1	• Industry	• General Industrial	• Industrial Zone I	• Industrial
	Industrial Zone 2	• Noxious Use • Crematorium	• Noxious Industrial	• Industrial Zone II	
COMMUNITY	Community Zone	• Place of Worship • Place of Assembly • Place of Instruction	• Educational • Institution	• Institutional Zone I • Institutional Zone II • Institutional Zone III	• Institutional I • Institutional II • Institutional III
	Authority Zone	• Authority Use	• Authority	• Authority Zone	• Services
OPEN SPACE & CONSERVATION	Open Space Zone 1	• Public Open Space	• Public Open Space	• Open Space I	• Open Space I • Open Space II
	Open Space Zone 2	• Private Open Space	• Private Open Space	• Open Space II	• Open Space II
	Open Space Zone 3	• Conservation Area		• Open Space III	
TRANSPORT	Transport Zone 1	• Public Street & Parking • Transport Use	• Public Road • Public Parking	• Transport Zone I • Transport Zone II • Transport Zone III	• Street • Parking
	Transport Zone 2	• Private Roads & Parking			
AGRICULTURE	Agriculture Zone	• Agriculture • Agriculture Worker Accommodation	• Agriculture	• Agriculture Zone I • Agriculture Zone II	
RESORT	Resort Zone	• Holiday Accommodation	• Resort	• Resort Zone I • Resort Zone II	
SPECIAL	Special Zone	• Special Use	• Special	• Special Zone	• Special

Schedule 4 : Register of Amendments to the Land Use Scheme

The following change in land uses have been approved in terms of the Kouga 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 with supporting development parameters in terms of the Kouga Land Use Scheme.

Reference	Special Use Name	Resolution and Reference Number
1	To be determined	
2		
3		
4		
5		
6		

Schedule 6 : Temporary Uses

The following temporary uses have been approved in terms of the Kouga 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 Kouga Land Use Scheme.

Overlay Zone Name and Description	Resolution and Reference Number	Commencement Date
Marina Martinique		
Crossways		
St Francis Links		

Schedule 8 : Height Determination

