

## Adam Tas Corridor Overlay Zone

To be incorporated in Chapter 27 of the SM Zoning

Scheme By-Law 2019: Local Overlay Zones *Sections 263-265 and Section 266 (1)-(4) remain and is reflected as it is.*

### 263. Zone name and designation on map

- (1) The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO) followed by a number designating the zone. The area to which the Local Area Overlay zone applies shall be indicated on the zoning map by a green unique coloured dotted outline with a transparent fill in the same colour.

### 264 Purpose of the zone and incorporation of land

- (1) The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.
- (2) The Municipality may demarcate new Local Area Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, but land cannot be rezoned by an owner for incorporation into or exclusion from this overlay zone.

### 265. Areas designated as local area overlay zones

- (1) Municipality has designated the areas listed in **Table D** as Local Area Overlay zones.

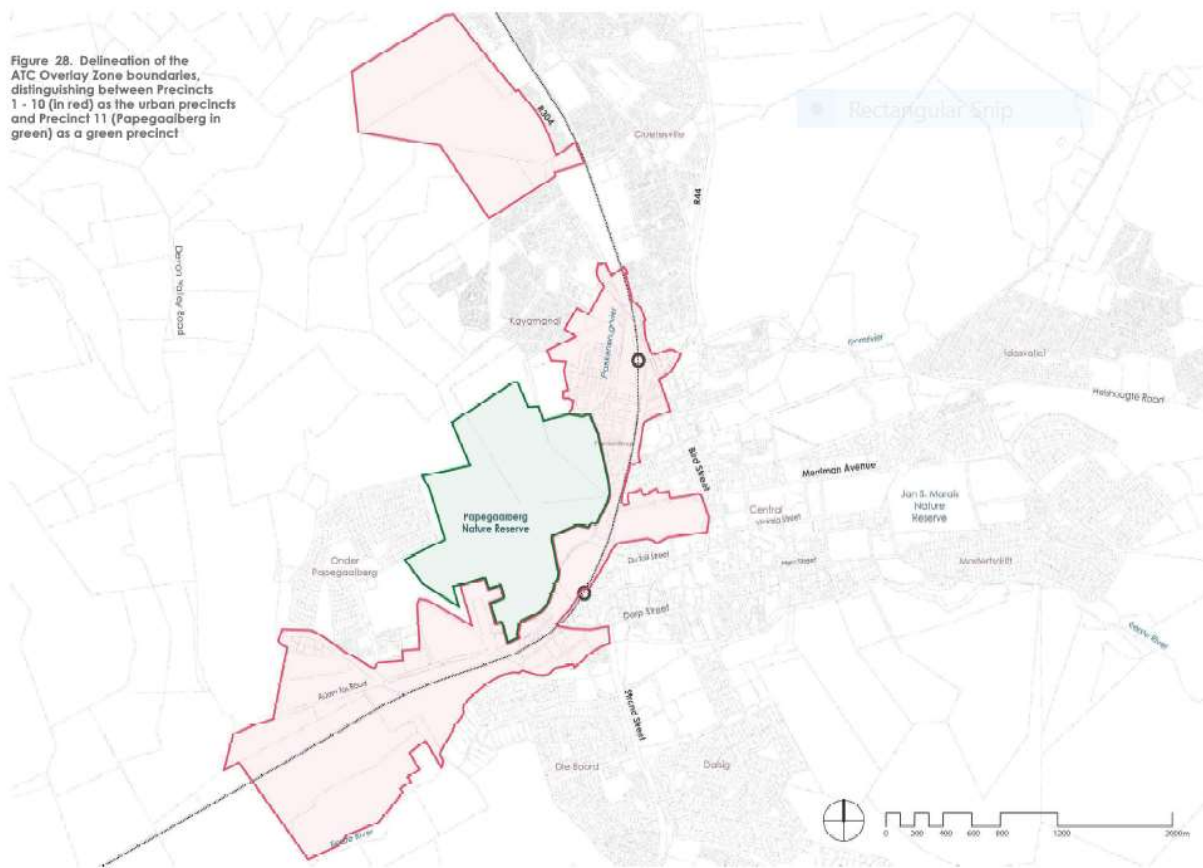
TABLE D: LOCAL AREA OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
LAO1	Techno Park Local Area Overlay zone	
LAO2	Adam Tas Corridor Local Area Overlay zone	TBC

### 266. Areas declared as local overlay zone areas and specific provisions

Sub-sections 1-4 deals with the Techno Park Local Area Overlay Area.

- (5) The Adam Tas Corridor Local Overlay Area is indicated on Map LAO2 and the parameters in this subsection will apply as indicated.
- (6) The purpose of the Adam Tas Corridor Overlay zone is to enable development of the area in a manner which provides for:

- (a) A vibrant, compact, and efficient urban district as part of Stellenbosch town, respectful of the environment and history.
- (b) Increased access to livelihood opportunity for ordinary citizens and different income groups.
- (c) Inclusionary Housing
- (d) Seamless spatial and socio-economic integration with surrounding areas.
- (e) Financial sustainability.
- (f) Pro-active partnership, shared responsibility, and a clear differentiation of roles between landowners, government, and other stakeholders.
- (g) A clear development process with speedy decision-making.



- (7) Unless otherwise indicated, the development parameters set out in this Chapter replace all the development rules set out in the various use zones applicable to the area and shall apply to all the properties or portion of properties falling within the boundaries of the Adam Tas Corridor Local Area Overlay zone as depicted on map LAO2.
- (8) The Municipality’s overall intent for the Adam Tas Corridor Overlay Area is stated in the Adam Tas Corridor Local Spatial Development Framework, prepared in

terms of the legislative framework, settlement development and management objectives, principles, and policy set out in the Spatial Planning and Land Use Management Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014, approved Stellenbosch Municipal Spatial Development Framework, and related legislation and policy.

- (9) Core components of the Adam Tas Corridor Local Spatial Development Framework which informs the development parameters in this Chapter, its extent and distribution across the area, take-up, phasing, and form, are the:
  - (a) Development Principles.
  - (b) Policy framework.
  - (c) Area-wide Development Framework, including the identification of precincts, mix of uses (including the compulsory provision of inclusionary housing), and development yields permitted.
  - (d) Area-wide Services Framework, including the progressive extent of development permitted with respect to bulk infrastructure provision/ investment triggered by such development.
  - (e) Area-wide Development Guidelines.
  - (f) The hierarchical process of plan preparation and approval - the "package of plans" - required for precincts and parts of precincts following below the Development Framework and the focus and format of each.
  
- (10) The following land uses are permitted in the Adam Tas Corridor Local Area Overlay zone:

Primary Uses		Additional Uses	Consent Uses
Ancillary uses	Occasional use	<i>Non-conforming land use (?)</i>	Adult entertainment business
Apartment/flat	Office		Builder's yard
Authority use	Outdoor sport		Crematorium
Backpacker establishment	Parking bay/parking garage		Filling station/service station
Business premises	Place of assembly		Freestanding base telecommunication station
Church/place of worship	Place of education		Funeral parlour
Clinic	Place of entertainment		Gambling place
Clubhouse	Plant nursery		Helicopter landing pad
Commercial gymnasium	Postal service		Hospital
Commercial services	Private outdoor space		Motor vehicle fitment centre
Community residential building	Private road		Motor vehicle repair centre
Commune	Proclaimed road		Motor showroom
Conference facility	Professional service		Old age home
Day care centre	Public institution		Renewable energy installation
Employee housing	Public and private open space		Rooftop base telecommunication station
Escort agency	Public parking area		Shopping centre
Extramural facility	Public place		Transport purposes (goods)
Function venue/place of entertainment/tourist facilities	Public road		Warehouse
Heritage resource	Railway use		
Hostel	Restaurant		
Hotel	Service trade		
Indoor sport	Shop		
Industry	Tertiary educational institution		
Liquor store	Training centre		
Loading bay	Transport purposes (passengers)		
Market	Utility installation		
Medical consulting rooms	Wellness centre		
Museum	Welfare institution		
Natural environment/nature area			

(11) The indicative land area allocated to different uses in the Adam Tas Corridor Overlay Area and precincts shall be as set out in the table below:

Area	Residential	Mixed use residential	Mixed use commercial/retail	Light industry	Sporting facilities	Public facilities
<b>Overall Area</b>	<b>259 730</b>	<b>487 111</b>	<b>379 398</b>	<b>220 661</b>	<b>57 026</b>	<b>198 025</b>
Precinct #1 Droë Dyke	173 125	194 766	-	-	21 641	43 281
Precinct #2 Sawmill	-	49 063	56 072	28 036	-	7009
Precinct #3 Oude Libertas	-	17 804	17 804	-	-	23 738
Precinct #4 Adam Tas	-	56 986	56 986	14 247	-	14 247
Precinct #5 Remgro	-	12 360	24 719	12 360	-	12 360
Precinct #6 Bosman's Crossing	-	16 586	14 513	8 293	-	2 073
Precinct #7 Bergkelder	-	-	50 971	16 990	-	16 990
Precinct #8 Van der Stel	-	24 073	30 951	-	6 878	6 878
Precinct #9 Plankenbrug	-	-	98 514	140 735	14 073	28 147
Precinct #10 Northern Extension	86 605	115 473	28 868	-	14 434	43 302
Precinct #11 Papegaalberg	-	-	-	-	-	-

- (12) The overall extent of floor area permitted in the Adam Tas Corridor Local Area Overlay area and its distribution between precincts and uses shall be as set out in the table below.

Area	Residential		Mixed use residential		Mixed use commercial/retail		Light industry		Sporting facilities		Public facilities		TOTAL	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
<b>Overall Area</b>	<b>372 971</b>	<b>528 793</b>	<b>884 948</b>	<b>1 250 285</b>	<b>908 685</b>	<b>1 227 516</b>	<b>500 076</b>	<b>669 315</b>	<b>104 551</b>	<b>143 809</b>	<b>375 427</b>	<b>526 881</b>	<b>3 146 659</b>	<b>4 346 599</b>
Precinct #1 Droö Dyke	234 758	328 902	264 103	370 014	-	-	-	-	29 345	41 113	58 690	82 225	<b>586 895</b>	<b>822 254</b>
Precinct #2 Sawmill	-	-	107 624	172 830	122 998	197 520	61 499	98 760	-	-	15 375	24 690	<b>307 496</b>	<b>493 799</b>
Precinct #3 Oude Libertas	-	-	24 947	42 371	42 371	42 371	-	-	-	-	33 263	56 495	<b>100 581</b>	<b>141 238</b>
Precinct #4 Adam Tas	-	-	158 305	204 295	158 305	204 295	39 576	51 074	-	-	39 576	51 074	<b>395 762</b>	<b>510 737</b>
Precinct #5 Remgro	-	-	24 857	33 185	49 714	66 370	24 857	33 185	-	-	24 857	33 185	<b>124 285</b>	<b>165 925</b>
Precinct #6 Bosman's Crossing	-	-	45 114	56 392	39 474	49 343	22 557	28 196	-	-	5 639	7 049	<b>112 784</b>	<b>140 980</b>
Precinct #7 Bergkelder	-	-	-	-	138 641	190 085	46 214	63 362	-	-	46 214	63 362	<b>231 068</b>	<b>316 809</b>
Precinct #8 Van der Stel	-	-	75 716	104 677	97 349	134 584	-	-	21 633	29 908	21 633	29 908	<b>216 331</b>	<b>299 076</b>
Precinct #9 Plankenbrug	-	-	-	-	213 761	276 317	305 373	394 739	30 537	39 474	61 075	78 948	<b>610 747</b>	<b>789 478</b>
Precinct #10 Northern Extension	138 213	199 891	184 283	266 522	46 071	66 630	-	-	23 035	33 315	69 106	99 946	<b>460 709</b>	<b>666 304</b>
Precinct #11 Papegaalberg	-	-	-	-	-	-	-	-	-	-	-	-		

- 13) At the discretion of the Municipality, and subject to meeting the overall intent for the Adam Tas Corridor Overlay Area, floor area associated with the preservation of historic buildings, historic structures, and inclusionary housing, may be excluded from overall floor area permitted.
- 14) With cognisance to the general purpose of a specific building or structure, it's specific location and built environment context - including the general townscape, historic features, view lines, and the amenity of adjoining development - no building or structure in the Adam Tas Corridor Overlay Area shall exceed a height of six (6) storeys.
- 15) The Municipality will follow a package of plans approach as the basis for approvals in respect of the Adam Tas Corridor Overlay Zone.
- 16) The package of plans consists of the following components, listed in a hierarchy from higher - order to lower-order plans:
- Contextual Framework.
  - Development Framework.
  - Precinct Plan.
  - Subdivision Plans.

- e) Site Development Plans.
  - f) Building Plans.
- 17) The Municipality will issue detailed specifications related to the focus, subject matter, and format of components of the package of plans for the Adam Tas Corridor Overlay Area from time to time.
- 18) General provisions of the package of plans are that:
- a) Lower-order plans must follow higher-order plans.
  - b) The Municipality may deem the description of the Adam Tas Corridor Overlay Area contained in the approved Municipal Spatial Development Framework as the Contextual Framework for the area.
  - c) The Municipality may deem the description and associated development parameters of the Adam Tas Corridor Overlay Area contained in the approved Adam Tas Local Corridor Local Spatial Development Framework as the area-wide Development Framework for the area.
  - d) Bulk allocated to a Precinct Plan area remains "floating" across the precinct - within the overall over-all intent for the Adam Tas Corridor Overlay Area as stated in the Adam Tas Corridor Local Spatial Development Framework and area-wide Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.
  - e) Unless otherwise stated in this Chapter, no development may commence on site unless the necessary hierarchy of plans have been submitted and approved by the Municipality.
  - f) A specific plan - at any level in the hierarchy - shall only lapsed if replaced by a new approved plan.
  - g) The Municipality is the approving authority of any level of plan and may require amendments of plans under preparation to address reasonable concerns related to the overall vision, strategic goals, and planning of the area.
- 19) Upon approval of a Precinct Plan for each of the precincts constituting the Adam Tas Corridor Overlay Area, and with cognisance to the development guidelines contained in the Adam Tas Corridor Local Spatial Development and the area-wide Development Framework for the area, the Municipality shall impose conditions of

approval which will specify additional development parameters for the precinct, including, but not limited to:

- a) Site coverage, height, and massing of buildings.
  - b) The relationship between buildings, streets, and spaces.
  - c) The management of environmental resources.
  - d) The provision of Inclusionary Housing.
  - e) The general response to, incorporation, and management of aspects of heritage and culture.
  - f) Parking, and access.
  - g) Engineering services provision.
- 20) The proposed development must contain a fair and reasonable number of dwelling units, of no less than 30% (as indicated by the developer/applicant) falling within the affordability thresholds for rental or ownership within the new mixed-use development.
- 21) These inclusionary housing units must be provided on-site as part of the market-related development i.e., in the same building or on the same land parcel and should be spread throughout the development as indicated on the Site Development Plan.
- 22) Residents of the inclusionary housing units must have indiscriminate access to all entrances and amenities of the development; and -
- a) The inclusionary housing units are not intended for community residential buildings, communes, employee housing, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)
- 23) The inclusionary housing units will be reserved for qualifying recipients with a total combined monthly household income with an income of R1 850 to a maximum of R22 000 (as per the social housing guidelines) for rental, and R3 501 to R22 000 (FLISP subsidy measure) or to a maximum of the Financial Services Charter Measure as defined and updated yearly for ownership (e.g., R26 100 2020 rates).

- a) Monthly rent or repayments may not be more than 30% of the total monthly household income;
  - b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by Stats SA.
- 24) The inclusionary housing units must be retained as such in perpetuity using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development.
- a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition, as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.
  - b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or
  - c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.
  - d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.
- 25) The developer or managing agent (HOA or Body Corporate) must provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually.
- 26) If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.
- 27) In addressing parking, landowners should consider:



- a) The intent expressed in the Adam Tas Corridor Local Development Framework and area-wide Development Framework to pursue and environment prioritising public and non-motorised transport.
  - b) The reality of having to accommodate parking – serving Stellenbosch town and the Adam Tas Corridor Overlay Area – while expecting to progress towards lower private motor vehicle dependence and use over time; this, in turn, requiring innovative transitory arrangements, including the provision of parking in a form enabling ready conversion in future to other uses.
  - c) Centralised parking facilities, delinking the provision of parking from the specific entity served.
- 28) With cognisance to the intent expressed in the development guidelines contained in the Adam Tas Corridor Local Spatial Development Framework, its core components, and the development parameters contained in this Chapter, it is anticipated that the Municipality, landowners, and other stakeholders will enter into formal agreements from time to time to further inform the manner in which the overall development intent for the Adam Tas Corridor Overlay Area is to be achieved and to affirm the varied commitments and responsibilities of landowners and stakeholders. These agreements may include inter alia:
- a) Shared responsibility related to the provision of infrastructure services and the phasing of infrastructure, including the extent and use of development contributions.
  - b) Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).
  - c) Shared responsibility related to the formation and operation of institutional arrangements established in support of the Adam Tas Corridor Overlay Area.
  - d) Landowner and shared responsibility related to the provision of inclusionary housing.
  - e) Shared responsibility related to undertaking environmental remediation work.
  - f) Shared responsibility related to the provision and operation of public facilities.

- 29) To enable the coordination demanded to achieve the stated overall intent for the Adam Tas Corridor Overlay Area between landowners, the Municipality, and other stakeholders, the Municipality and landowners will establish and maintain dedicated institutional arrangements to support the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Adam Tas Corridor Local Spatial Development Framework and contained in this Chapter.
- 30) Public participation related to the Adam Tas Corridor Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning By- law, 2015 shall occur:
  - a) Prior to the adoption of the Adam Tas Corridor Local Spatial Development Framework and establishment of the Adam Tas Corridor Local Area Overlay zone.
  - b) At the review of the Adam Tas Corridor Local Spatial Development Framework (and resultant- if demanded through the review- amendment of the Overlay zone).
  - c) When a departure from the provisions of the Adam Tas Corridor Local Area Overlay zone is applied for.
- 31) As part of the dedicated institutional arrangements contemplated in Section (19) above, detailed arrangements will be agreed to related to addressing possible disputes between landowners, their agents, and proponents of individual development projects in the Adam Tas Corridor Overlay Area.
- 32) The Municipality may consider lead projects to commence development of the Adam Tas Corridor Overlay Area - prior to completion and adoption of Precinct Plans - if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future roll-out of development in the area.
- 33) Lead projects - taken together- should encompass a balanced package of interventions and reflect the future of the area as a vibrant, mixed use living and working environment serving a range of interests and income groups.

- 34) No application for building plan approval in terms of the National Building Act for a lead project shall be granted by the Municipality unless a Site Development Plan has first been approved.
- 35) As it is expected that development of the Adam Tas Corridor Overlay Area will take place over a lengthy period, the Municipality may consider interim uses for parts of the area, ensuring fruitful use of existing land and building resources, meeting community needs, and assisting in project learning.
- 36) In considering interim uses other than that permitted in terms of the base zoning of the Adam Tas Corridor Overlay Area, the Municipality may require submission of a Site Development Plan for approval.
- 37) To address issues of nuisance and safety the following restrictions apply to the Adam Tas Corridor Overlay Area:
  - a. No building shall be used for the manufacture, storage, distribution, or sale of any product or item which increases the fire hazard to any other improvement or property in the environment.
  - b. No business shall be permitted which constitutes a nuisance by the emission of smoke, gases, and effluvia, which could reasonably be expected to be injurious to products or persons in the Adam Tas Corridor Overlay Area.
  - c. The storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted.
  - d. The storage of explosives shall not be permitted in the Adam Tas Corridor Overlay Area.