



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2016-10-21

NOTICE OF THE 3RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2016-10-26 AT 15:00

TO The Speaker, Cllr DD Joubert [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS	F Adams	MC Johnson
	DS Arends	NS Louw
	FJ Badenhorst	N Mananga-Gugushe (Ms)
	GN Bakubaku-Vos (Ms)	C Manuel
	FT Bangani-Menziwa (Ms)	LM Maqeba
	PW Biscombe	NE McOmbring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	RS Nalumango (Ms)
	JN De Villiers	N Olayi
	MB De Wet	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	WC Petersen (Ms)
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	E Groenewald (Ms)	SR Schäfer
	JG Hamilton	Ald JP Serdyn (Ms)
	AJ Hanekom	N Sinkinya (Ms)
	DA Hendrickse	P Sitshoti (Ms)
	JK Hendriks	Q Smit
	LK Horsband (Ms)	E Vermeulen (Ms)

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **3RD MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2016-10-26** at **15:00** to consider the items on the Agenda.

SPEAKER
DD JOUBERT

A G E N D A
3RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2016-10-26
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6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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The report by the Acting Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

OUTSTANDING COUNCIL RESOLUTIONS OCTOBER 2016

Council Meeting		Resolution	Resolution Date	Date Closed	Task Status	Allocated To	% Feedback	Feedback Comment
352092	ELECTRICITY SUPPLY TO THE MUNICIPAL AREAS OF STELLENBOSCH	25TH COUNCIL MEETING: 2014-11-26: ITEM 7.5 RESOLVED (nem con) (a)that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality; (b)that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and (c)that SALGA be requested to expedite the Eskom process through political intervention. (DIRECTOR: ENGINEERING SERVICES TO ACTION)	2014-11-26		IN PROGRESS	JOHANNESC	90.00	Await outcome of meeting scheduled with Drakenstein on 20 October 2016
367234	WRITING-OFF OF IRRECOVERABLE DEBT: MERITORIOUS CASE	7.3 WRITING-OFF OF IRRECOVERABLE DEBT: MERITORIOUS CASE 29TH COUNCIL MEETING: 2015-04-30: ITEM 7.3 RESOLVED (nem con) that this matter be referred back to the Administration for further investigation. (CHIEF FINANCIAL OFFICER TO ACTION)	2015-04-30		IN PROGRESS	ANDRET	95.00	Information requested by Legal has now been obtained and sent through for further consideration and input.
383887	PROGRESS REPORT – POLICY FOR SELF GENERATION OF ELECTRICITY	7.9 PROGRESS REPORT : POLICY FOR SELF- GENERATION OF ELECTRICITY 33RD COUNCIL MEETING: 2015-08-25: ITEM 7.9 RESOLVED (nem con) that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item. (ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)	2015-08-25		IN PROGRESS	JOHANNESC	80.00	Item will only serve at November 2016 Mayco
394117	MUNICIPAL REGULATIONS ON	8.7 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS	2015-10-28		IN PROGRESS	FAIZH	50.00	Salga opinion still awaited. Conflict with

	<p>FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS</p>	<p>35TH COUNCIL MEETING: 2015-10-28: ITEM 8.7</p> <p>During deliberations on the matter, the DA requested a caucus, which the Speaker allowed.</p> <p>After the meeting resumed, it was</p> <p>RESOLVED (majority vote with 10 abstentions)</p> <p>(a) that Council review and rescind its resolution taken in this regard on 2014-11-26;</p> <p>(b) that Council take note of the progress made by Stellenbosch Municipality with regard to the implementation of the Municipal Regulation on Financial Misconduct Procedures and Criminal Proceedings;</p> <p>(c) that Council establish the Disciplinary Board pending the direction SALGA and/or National Treasury in line with these regulations;</p> <p>(d) that the Disciplinary Board has as its members the following:</p> <p>(i) The Chief Audit Executive</p> <p>(ii) A member of the Audit Committee as elected by the Audit Committee</p> <p>(iii) A senior manager from the legal division as determined by the Director: Corporate and Strategic Services</p> <p>(iv) A representative from Provincial Treasury as nominated by Province;</p> <p>(v) A retired senior legal expert, e.g. judge or advocate resident in the area with knowledge of the related field.</p> <p>(e) that Council designate the Chief Audit Executive as the designated official to whom reports on alleged financial offences against Councillors should go.</p> <p>(ACTING MUNICIPAL MANAGER TO ACTION)</p>						<p>existing legislation and roles of board to be reviewed. Designated official role and status to be clarified. Will be resubmitted for review and rescind once clarity is obtained.</p>
<p>394114</p>	<p>Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve</p>	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven</p>	<p>2015-10-28</p>		<p>IN PROGRESS</p>	<p>DUPREL</p>	<p>85.00</p>	<p>A service provider was appointed formally for a first phase of the project which will identify landowners to be included in negotiations, alternatives to be considered and initial negotiations with the identified land owners. Positive</p>

		<p>(the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschhoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>						<p>responses were already received from 3 of the land owners and the department is awaiting response from the others before deciding the next steps.</p>
401722	<p>9.4 QUESTION BY CLLR DA HENDRICKSE: FAILURE OF THE ADMINISTRATION TO, FOR THE PAST 4 YEARS, BRING REPORTS BEFORE COUNCIL IN TERMS OF SECTION 116(2)(d) OF THE MFMA</p>	<p>9.4 QUESTION BY CLLR DA HENDRICKSE: FAILURE OF THE ADMINISTRATION TO, FOR THE PAST 4 YEARS, BRING REPORTS BEFORE COUNCIL IN TERMS OF SECTION 116(2)(d) OF THE MFMA</p> <p>36TH COUNCIL MEETING: 2015-11-25: ITEM 9.4</p> <p>RESOLVED (nem con)</p> <p>that it be noted that Councillor DA Hendrickse was not satisfied with the response provided in respect of the question posed, and posed a follow-up question, namely: "Why did the Auditor-General not pick up that for four years no statutory report served before Council."</p> <p>The Acting Municipal Manager responded that this will be rectified and a report will be submitted to Council regularly.</p> <p>(ACTING MUNICIPAL MANAGER TO ACTION)</p>	2015-11-25		IN PROGRESS	MARIUSW	32.00	<p>Item planned for November Cycle. Manager Corporate Strategy and Compliance has recently been appointed.</p>
413640	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p>	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>38TH COUNCIL MEETING: 2016-02-24: ITEM 9.1</p> <p>The Speaker allowed Councillor JK Hendriks to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter. The matter was put to the vote yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>(a) that the Administration be tasked to investigate to what extent rural indigent residents, especially those residing on farms, can be assisted with electricity,</p>	2016-02-24		IN PROGRESS	ANNELIER	90.00	<p>External legal opinion sought. Item to be resubmitted once legal opinion received.</p>

		<p>health and social services by the local-, provincial- and national spheres of government;</p> <p>(b) that any further recommendations and findings that could improve the quality of life of indigent residents be considered for implementation and support to rural indigent residents;</p> <p>(c) that a report with recommendations for implementation pertaining to the above be tabled for consideration at the next Council meeting scheduled for 2016-03-30; and</p> <p>(d) that Council nominate a multi-party delegation to engage organised agriculture to investigate what the municipality can do to address the situation of the farm workers, in co-operation with the farmers;</p> <p>(e) that the multi-party delegation comprise of the following Councillors:</p> <p>DA = Cllr JP Serdyn (Ms) ANC = Cllr JA Davids SCA = Cllr DA Hendrickse SPA = Cllr F Adams SCA = Cllr DA Hendrickse ACDP = Cllr DS Arends COPE = Cllr HC Bergstedt (Ms); and NPP = Cllr LL Stander</p> <p>(DIRECTOR: STRAT & CORP TO ACTION)</p>						
428987	IMPROVING MUNICIPAL FINANCES	<p>7.5 IMPROVING MUNICIPAL FINANCES</p> <p>40TH COUNCIL MEETING: 2016-04-26: ITEM 7. 5</p> <p>During debate on the matter, the DA requested a caucus which the Speaker allowed.</p> <p>After the meeting resumed, it was</p> <p>RESOLVED (nem con)</p> <p>that this item be referred back for Administration to arrange for a workshop for all Councillors, whereafter the item be resubmitted to Council.</p> <p>(MUNICIPAL MANAGER TO ACTION)</p>	2016-04-26		IN PROGRESS	MARIUSW	5.00	Acting Municipal Manager to provide feedback at Council meeting.
466263	Amendment of 2013 approved Municipal Spatial Development Framework and Commencement of a Municipal Spatial Development	<p>7.4.4 AMENDMENT OF 2013 APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK AND COMMENCEMENT OF A MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) FOR STELLENBOSCH MUNICIPALITY WC024 IN LINE WITH THE NEW PLANNING DISPENSATION WHICH INCLUDE THE LAND USE PLANNING BY-LAW (2015), THE WESTERN CAPE LAND USE PLANNING ACT (ACT 3 OF 2014) AND THE SPATIAL</p>	2016-10-05		IN PROGRESS	DUPREL		Director to provide feedback at Council meeting.

	<p>Framework in terms of the Local Government: Municipal Systems Act (Act 32 of 2000) for Stellenbosch Municipality WCO24 in line with the</p>	<p>PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)</p> <p>2ND COUNCIL MEETING: 2016-10-05: ITEM 7.4.4</p> <p>RESOLVED (majority vote)</p> <p>that Council authorises the Municipal Manager to:</p> <p>(a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);</p> <p>(b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;</p> <p>(c) establish a project committee;</p> <p>(d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and</p> <p>(e) use the MSDF as a platform to consider and align the following:</p> <ul style="list-style-type: none"> (i) Strategic Environmental Management Framework (SEMF) (ii) Rural Area Plan (RAP) (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF (iv) Heritage Resources Inventory (v) Integrated Human Settlement Plan (vi) Klappmuts Local Spatial Development Framework (LSDF) (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA <p>(f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and</p> <p>(g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; GN Bakubaku-Vos (Ms); DA Hendrickse; LK Horsband (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms) and P Sitshoti (Ms).</p>						
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7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: CLLR AR FRAZENBURG
7.1.1	EPWP JOB OPPORTUNITIES CREATED

1. PURPOSE OF REPORT

To inform Council on the successful implementation of the Expanded Public Works Programme (EPWP) and the achievement of the Provincial target for the number of work opportunities created. (See **APPENDICES 1 & 2**).

2. BACKGROUND

Stellenbosch Municipality acknowledges that unemployment is a major contributing factor to the social decay of our communities in the Greater Stellenbosch. The EPWP programme is a fraction in restoring dignity and pride in the well-being of our citizens. The aim of the programme is to provide short term opportunities, transfer skills and reposition the participants to take part in the mainstream economy. The programme is a key government initiative, which contributes to Governments Policy Priorities in terms of decent work & sustainable livelihoods, education, health; rural development; food security & land reform and the fight against crime & corruption.

3. DISCUSSION

The EPWP programme creates work opportunities in four sectors, namely Infrastructure, Non-State, Environment & Culture and Social, through:

- a) Increasing the labour intensity of government-funded infrastructure projects under the Infrastructure sector,
- b) Creating work opportunities through Non-Profit Organisation Programme (NPO) and Community Work Programme (CWP) under the Non-State sector, and
- c) Creating work opportunities in public environment and culture programmes under the Environment and Culture sector,
- d) Creating work opportunities in public social programmes under the Social sector,

In Community & Protection Services Directorate EPWP work opportunities mainly occurs in the Area Cleaning, Nature Conservation and Parks departments.

Currently, approximately 295 EPWP employees obtained jobs in the Area Cleaning department; this department is dependent on EPWP workers because it comprises of only one permanent staff member.

All training programmes are funded by the Provincial Government – Department Roads and Public Works. The training is equivalent to a NQF level 2 in Environmental Management which will enable these workers to receive better employment opportunities in the near future.

RECOMMENDED

that the EPWP Report, **be noted**.

Meeting: Ref No:	<i>Council: 2016-10-26 4/5/8/3</i>	Submitted by Directorate: Author: Referred from:	<i>Community Development G Esau Mayco: 2016-10-19</i>
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Director: Cybil Maneveldt

Provincial Coordination & Compliance Monitoring
 Chief Directorate: Expanded Public Works Programme
 Email: Cybil.Maneveldt@westerncape.gov.za
 Tel: +21 483 0977 Cell: 072 1888 077

File: 14/1/2
 Ref: EPWP/Q4, Q1
 Enquiries: Mr J Smit

TO: Municipal Manager: Cape Winelands District Municipality (Mr M Mgajo)
Acting Municipal Manager: Stellenbosch Municipality (Mr R Bosman)
Acting Municipal Manager: Breede Valley Municipality (Mr D McThomas)
Municipal Manager: Witzenberg Municipality (Mr D Nasson)
Municipal Manager: Langeberg Municipality (Mr S Mokweni)
Acting Municipal Manager: Drakenstein Municipality (Mr J Carstens)

EXPANDED PUBLIC WORKS PROGRAMME (EPWP) QUARTERLY PERFORMANCE FOR THE CAPE WINELANDS DISTRICT FOR THE PERIOD 1 APRIL 2016 - 30 JUNE 2016

1. Performance against Protocol Targets

The validated quarterly performance report from 1 April 2016 – 30 June 2016 has been released on 15 August 2016 and achievements in terms of the Work Opportunities (WO) and Full Time Equivalent (FTEs) are indicated in Table 1 below.

Table 1: District Performance

Municipality	W/o target	W/o's Achieved			FTE Protocol target	FTE Achieved		
		*Q4	*Q1	Total		Q4	Q1	Total
Cape Winelands DM	613	166	122	288	84	14	11	25
Breede Valley	511	250	142	392	98	114	36	150
Drakenstein	565	489	1	490	118	173	1	174
Langeberg	291	571	149	720	80	118	19	137
Stellenbosch	889	707	237	944	278	262	61	323
Witzenberg	257	390	54	444	71	91	12	103
Total	3 126	2 573	705	3 278	729	772	140	912

(Source: NDPW, EPWP Quarterly Performance Annexures 15 August 2016)

*Cumulative Q4: 1 April – 31 March 2016, *Q1: 1 April 2016 – 30 June 2016

- WO = Work Opportunity: paid work created for an individual for any period of time
- FTE = Full Time Equivalent: is equal to 230 paid working days, including paid training days
- The work opportunity targets are based on the EPWP Protocol Agreement signed between the Minister of National Department of Public Works, Provincial MEC for Department of Transport and Public Works and Municipal Mayors.
- Municipalities such as Langeberg (247%), Stellenbosch (106%) and Witzenberg (173%) have over-performed in terms of the WO and FTE.
- Drakenstein Municipality have over-performed in respect of their FTE target.

2. EPWP Integrated Grant

The report indicates the spending patterns by municipalities in the Cape Winelands District.

Table 2: Integrated Grant Expenditure

Municipality	Allocations: Transferred to Date	Transfers as % of Allocation	Expenditure to Date	Expenditure: as % of Allocation and % of Transfer
Cape Winelands DM	R 1 000 000	100	R 1 000 000	100
Stellenbosch	R 1 075 000		R 1 075 000	
Breede Valley	R 1 000 000		R 1 000 000	
Witzenberg	R 1 041 000		R 1 041 000	
Langeberg	R 1 494 000		R 1 494 000	
Drakenstein	R 1 112 000		R 1 112 000	
TOTAL	R 6 722 000		R 6 722 000	

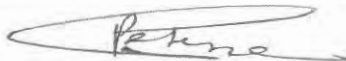
(Source: NDPW, EPWP Integrated Grant report 30 June 2016)

- The overall district expenditure was 100% for the 2015/16 financial year.

The Provincial Office continues to monitor and provide support to all implementing bodies to ensure the achievement of EPWP targets across the Province.

All performance related queries and requests for support should be directed to the Deputy Director: Jacobus Smit at Tel: 021: 483 8533/8528 or E-mail: Jacobus.Smit@westerncape.gov.za.

Kind Regards



Mr RF Petersen

Chief Director

Chief Directorate: EPWP

Date: 22.09.2016



Senior Manager: Cybil Maneveldt
 Provincial Coordination & Compliance Monitoring
 Chief Directorate: Expanded Public Works Programme
 Email: cybil.maneveldt@westerncape.gov.za
 Tel: +21 483 0977 Cell: 072 1888 077

File: 14/1/2
 Ref: EPWP/Q4, Q1
 Enquiries: Mr J Smit

TO: Municipal Manager: West Coast District Municipality (Mr H Prins)
Municipal Manager: Swartland Municipality (Mr J Scholtz)
Acting Municipal Manager: Saldanha Bay Municipality (Mr J Marias)
Municipal Manager: Bergriver Municipality (Adv. H Linde)
Municipal Manager: Cederberg Municipality (Mr G Matthys)
Acting: Municipal Manager: Matzikama Municipality (Mr J Swartz)

EXPANDED PUBLIC WORKS PROGRAMME (EPWP) QUARTERLY PERFORMANCE FOR THE WEST COAST REGION FOR THE PERIOD 1 APRIL 2016 - 30 JUNE 2016

1. Performance against Protocol Targets

The validated quarterly performance report for the period (1 April 2016 - 30 June 2016) has been released on 15 August 2016 and achievements in terms of the Work Opportunities (WO) and Full Time Equivalents (FTE) are indicated in Table 1 below.

Table 1: District Performance

Municipality	W/o target	W/o's achieved			FTE Protocol target	FTE achieved		
		*Q4	*Q1	Total		*Q4	*Q1	Total
West Coast DM	120	128	21	149	41	38	5	43
Matzikama	530	229	198	427	103	62	26	88
Cederberg	395	350	117	467	101	115	28	143
Bergriver	316	625	29	654	54	106	4	110
Saldanha Bay	456	267	196	463	97	77	43	120
Swartland	313	281	86	367	95	82	8	90
Total	2 130	1 880	647	2 527	491	480	114	594

(Source: NDPW, EPWP Quarterly Performance Annexures 15 August 2016)

*Cumulative Q4: 1 April – 31 March 2016, *Q1: 1 April 2016 – 30 June 2016)

- The work opportunity targets are based on the EPWP Protocol Agreement signed between the Minister of National Department of Public Works, Provincial MEC of Department of Transport and Public Works and Municipal Mayors.
- Municipalities such as Overstrand (176%) and Cape Agulhas (148%) are commended for the over-performance in terms of WO and FTE's.
- Swellendam (130%) and Theewaterskloof (101%) are commended for their over-performance in their respective FTE targets.

2. EPWP Integrated Grant

The report indicates the spending patterns of municipalities in the Overberg district.

Table 2: Integrated Grant Expenditure

Municipality	Allocation	Transferred to Date	Transfers as % of Allocation	Expenditure to Date	Expenditure: as % of Allocation and % of Transfers
Overberg District		R 1 000 000	100	R 1 000 000	100
Cape Agulhas		R 1 000 000		R1000 000	
Overstrand		R 1 661 000		R 1 661 000	
Swellendam		R 1 215 000		R 1 215 000	
Theewaterskloof		R 1 086 000		R 1 086 000	
TOTAL		R 5 962 000		R 5 962 000	

((Source: NDPW, EPWP Integrated Grant report 30 June 2016))

- The overall district expenditure was 100% for the 2015/16 financial years.

The Provincial Office continues to monitor and provide support to all implementing bodies to ensure the achievement of EPWP targets across the Province.

All performance related queries should be directed to the Deputy Director: Jacobus Smit on 021 483 8533/8528 or e-mail: Jacobus.Smit@westerncape.gov.za.

Kind Regards



Mr RF Petersen
Chief Director
Chief Directorate: EPWP
Date: 22.09.2016



Director: Cybil Maneveldt

Provincial Coordination & Compliance Monitoring

Chief Directorate: Expanded Public Works Programme

Email: Cybil.Maneveldt@westerncape.gov.za

Tel: +21 483 0977 Cell: 072 1888 077

File: 14/1/2
Ref: EPWP/Q4, Q1
Enquiries: Mr J Smit

TO: **Municipal Manager: Overberg District Municipality** (Mr D Beretti)
Municipal Manager: Cape Agulhas Municipality (Mr D O'Neill)
Municipal Manager: Overstrand Municipality (Mr C Groenewald)
Municipal Manager: Swellendam Municipality (Mr C Africa)
Municipal Manager: Theewaterskloof Municipality (Mr S Wallace)

OVERBERG REGION: EXPANDED PUBLIC WORKS PROGRAMME (EPWP) QUARTERLY PERFORMANCE FOR THE PERIOD 1 APRIL 2016 – 30 JUNE 2016

1. Performance against Protocol Targets

The validated quarterly performance report for the period (1 April 2016 - 30 June 2016) has been released on 15 August 2016 and achievements in terms of the Work Opportunities (WO) and Full Time Equivalent (FTE) are indicated in Table 1 below.

Table 1: District Performance

Municipality	W/o target	W/o's achieved			FTE target	FTE achieved		
		*Q4	*Q1	total		*Q4	*Q1	Total
Overberg DM	200	130	44	174	60	38	10	48
Theewaterskloof	389	246	60	306	106	94	12.7	107
Overstrand	396	592	105	697	100	154	24	178
Cape Agulhas	174	246	12	258	40	46	2	48
Swellendam	291	218	66	284	55	59	13	72
TOTAL	1 450	1 432	267	1 699	361	391	61.7	453

(Source: NDPW, EPWP Quarterly Performance Annexures 15 August 2016)

*Cumulative Q4; 1 April 2015 – 30 March 2016, *Q1: 1 April 2016 – 30 June 2016

- WO = Work Opportunity: paid work created for an individual for any period of time
- FTE = Full Time Equivalent: is equal to 230 paid working days, including paid training days

- WO = Work Opportunity: paid work created for an individual for any period of time
- FTE = Full Time Equivalent: is equal to 230 paid working days, including paid training days
- The work opportunity targets are based on the EPWP Protocol Agreement signed between the Minister of National Department of Public Works, Provincial MEC of Department of Transport and Public Works and Municipal Mayors.
- Municipalities such as West Coast District Municipality, Cederberg, Bergrivier, Saldanha Bay and Swartland Municipalities are herewith commended for their over-achievement in relation on their respective WO and FTE targets.

2. EPWP Integrated Grant

The report indicates the spending patterns by municipalities in the West Coast District area.

Table 2: Integrated Grant Expenditure

Municipality	Allocation	Transferred to date	Transfers as % allocation	Expenditure to date	Expenditure: as % allocation and as % transfer
West Coast DM	R 1 000 000	R 1 000 000	100	R 1 000 000	100
Matzikama	R 1 000 000	R 700 000		R 1 000 000	
Cederberg	R 1 007 000	R 1 007 000		R 1 007 000	
Bergrivier	R 1 070 000	R 1 070 000		R 1 070 000	
Saldanha Bay	R 1 000 000	R 1 000 000		R 1 000 000	
Swartland	R 1 185 000	R 1 185 000		R 1 185 000	
Total	R 6 262 000	R 6 262 000		R 6 262 000	

(Source: NDPW, EPWP Integrated Grant report 30 June 2016)

- The overall district expenditure was 100% for the 2015/16 financial year.

The Provincial Office continues to monitor and provide support to all implementing public bodies to ensure the achievement of EPWP targets across the Province

All performance related queries and support can be directed to the Deputy Director: Jacobus Smit on 021 483 8533/8528 or e-mail: Jacobus.Smit@westerncape.gov.za .

Kind Regards



Mr RF Petersen

Chief Director

Chief Directorate: EPWP

Date: 22.09.2016

COMMUNITY & PROTECTION SERVICES

EPWP JOB OPPORTUNITIES CREATED

DEPARTMENTAL OPPORTUNITIES CREATED	EPWP		
	Jul-16	Aug-16	Sep-16
<u>Community Services</u>			
Parks & Rivers Stellenbosch	21	24	24
Parks & Rivers Franschoek	0	0	2
Nature Conservation	80	120	6
Cemeteries	7	7	7
Million Trees	3	0	2
Food Security	26	0	0
Sports & Recreation	12	12	12
Halls	2	4	0
Area Cleaning	270	14	11
<u>Fire Services</u>	6	6	6
<u>Law Enforcement</u>	106	1	0
Total	533	188	70

7.2	CORPORATE AND STRATEGIC SERVICES: (CLLR E GROENEWALD (MS))
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NONE

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (CLLR JP SERDYN (MS))
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7.3.1	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT & NOISE CONTROL
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1. PURPOSE OF REPORT

To request Council's designation of an Air Quality Officer and a Noise Control Officer to allow Stellenbosch Municipality to execute its obligated functions in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and the Western Cape Noise Control Regulations, P.N. 200/2013.

2. STELLENBOSCH MUNICIPALITY'S OBLIGATIONS

National Environmental Management: Air Quality Act, 39 of 2004 (NEMAQA)

NEMAQA has been promulgated as a Specific Environmental Management Act (SEMA) under the National Environmental Management Act, 107 of 1998, and aims to give effect to Section 24 of the Constitution by improving ambient air quality so as to secure an environment not harmful to people's health and wellbeing. NEMAQA repealed the Atmospheric Pollution Prevention Act, 45 of 1965.

In terms of NEMAQA Section 14 (3) *each municipality must designate an **air quality officer** from its administration to be responsible for co-ordinating matters pertaining to air quality management in the municipality.*

Western Cape Noise Control Regulations, 2013 (Noise Regulations)

In terms of Regulation 9 of the Noise Regulations, published in terms of the Environment Conservation Act 73 of 1989, a local authority must give effect to the regulations by designating an employee to perform noise control functions. In terms of the above regulations a local authority must:

- (a) **designate an employee** of the local authority with the necessary competencies who must be responsible for the administration of these regulations within the area of jurisdiction of the local authority;
- (b) **designate an employee** of the local authority with appropriate knowledge and skills for conducting noise control or acoustic measurement, and who is registered with a science, engineering or health-related professional body, who must be responsible for—

- (i) *analysing, evaluating, approving and advising on noise impact assessments and noise management plans;*
- (ii) *approving sound mitigation measures;*
- (iii) *conducting noise impact measurements and calculating sound levels; and*
- (iv) *scrutinising sound modelling and techniques.*

Until such time as the recommended designation is made the municipality is at risk of being held liable for not being able to fulfil its mandate in terms of the Noise Regulations.

3. APPOINTMENT OF A SUITABLY QUALIFIED OFFICIAL

The Directorate Planning & Economic Development has filled the position of Air Quality Officer, post 2.4.4.1 on the organogram (attached as Annexure 1). The appointed official started employment with Stellenbosch Municipality on 3 October 2016 and is suitable qualified to perform both functions listed above.

4. FINANCIAL IMPLICATIONS

The following requirements have already been provided for:

- The appointment of a suitably qualified official.
- The preparation of the Stellenbosch Air Quality Management Plan (this document has already been adopted by Council).
- The required noise assessment equipment has been acquired.

The immediate actions proposed in this document, therefore, does not have financial implications.

Giving effect to the municipality's role in terms of NEMAQA as well as the Noise Regulations will, however, have financial implications. These will include:

- the development of sufficient capacity & competency within the municipality to perform the air quality management function,
- the development of an air quality by-law as well as
- the development of a noise control by-law.

5. CONCLUSION

Stellenbosch Municipality has a defined responsibility in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and the Western Cape Noise Control Regulations, P.N. 200/2013. Giving effect to the recommendations put forward in this report will result in Stellenbosch Municipality being compliant in terms of such responsibilities and being able to execute its obligated functions in terms of the said legislation and regulations.

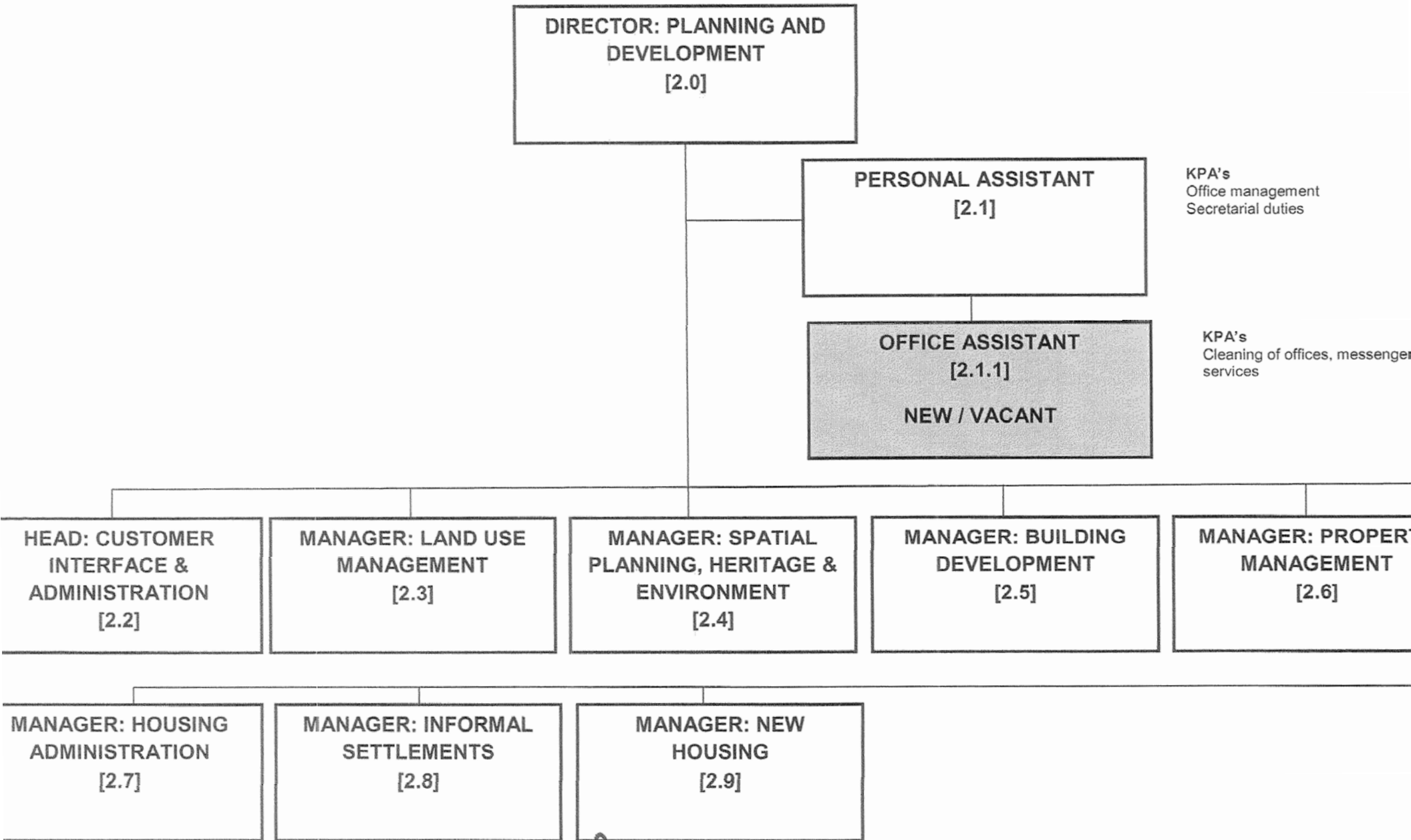
RECOMMENDED

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and

-
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

Meeting: Ref No:	<i>Council: 2016-10-26 1/1/1/16</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning Environmental Planner Mayco: 2016-10-19</i>
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DIRECTORATE: PLANNING AND DEVELOPMENT



KPA's
Office management
Secretarial duties

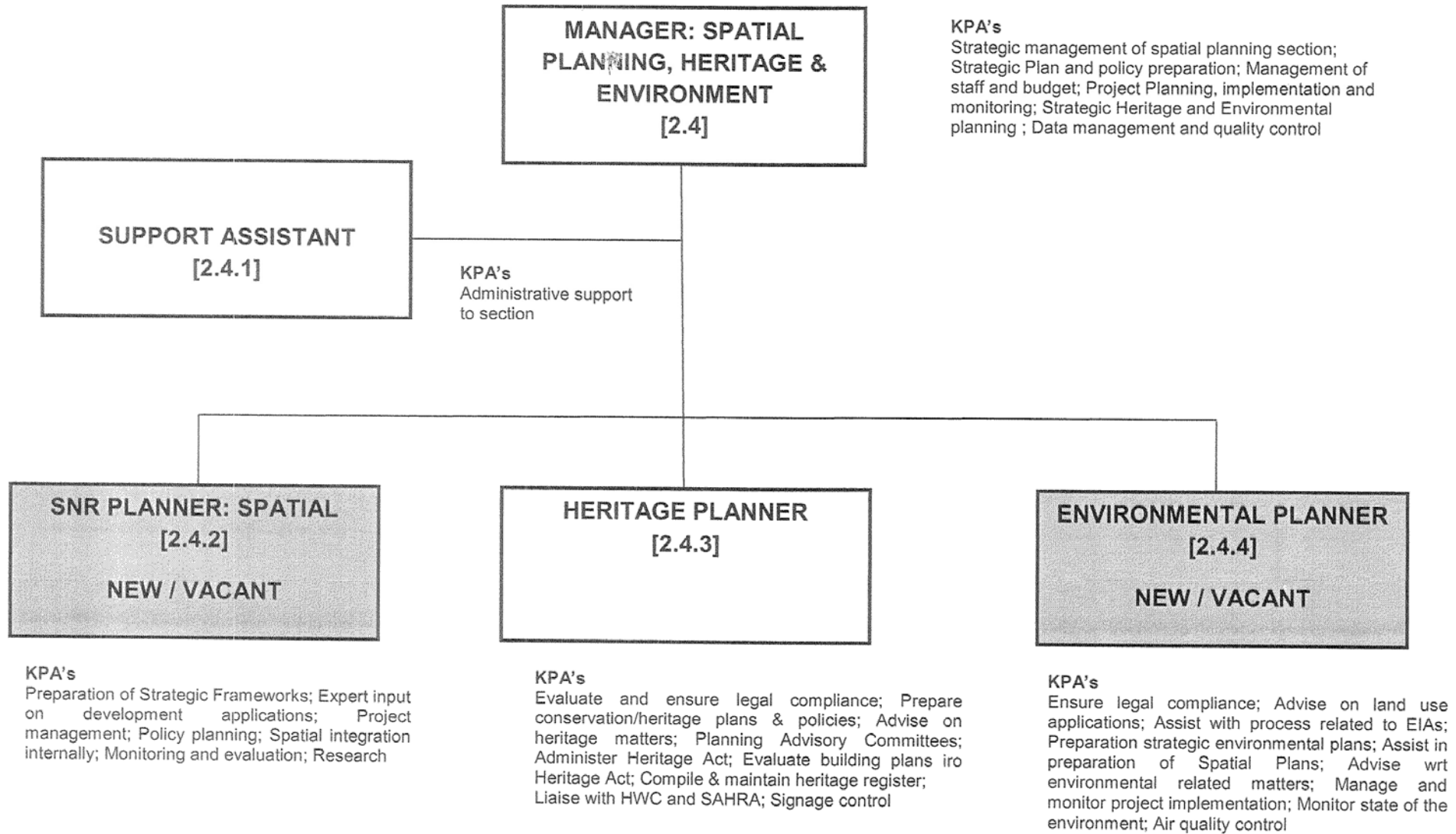
KPA's
Cleaning of offices, messenger
services

PROVED BY MUNICIPAL MANAGER:

OT Daniels

4 Oct 2011

DIRECTORATE: PLANNING AND DEVELOPMENT



APPROVED BY MUNICIPAL MANAGER: DP Daniels

4 Oct 2011

DIRECTORATE: PLANNING AND DEVELOPMENT

ENVIRONMENTAL PLANNER
[2.4.4]
NEW / VACANT

KPA's
Preparation of Strategic Frameworks; Expert input on development applications; Project management; Policy planning; Spatial integration internally; Monitoring and evaluation; Research

AIR QUALITY CONTROL OFFICER
[2.4.4.1]
NEW / VACANT

KPA's
Air Quality Control; Provide administrative support to Environmental Planner

APPROVED BY MUNICIPAL MANAGER: DP Daniels

4 Oct 2011

7.3.2	REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT INTEGRATED ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)
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1. PURPOSE OF REPORT

To obtain approval from Council to commence with Public Participation of the Draft Integrated Zoning Scheme By-law (10.3a) for Stellenbosch Municipality (WC024) in line with the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act No 3 of 2014, the Spatial Planning and Land Use Planning Act, No 16 of 2013 and the Stellenbosch Municipal Land Use Planning By-Law (2015).

2. BACKGROUND

Stellenbosch Municipality implemented the above new planning dispensation on 01 December 2015 through Provincial Gazette Notice, number 7539 by repealing the Land Use Planning Ordinance, Nr 15 of 1985 (LUPO). All applications thus submitted since 01 December 2015 have to be submitted in terms of the Land Use Planning By-law which is aligned with the new planning dispensation (LUPA and SPLUMA). With the enactment of the new planning dispensation, Council must adopt a single zoning scheme for its entire municipal area.

A zoning scheme is a by-law adopted by the Municipality, which describes how land may be used and developed. It also contains a zoning map which depicts the zoning of each property. A zoning scheme must ensure the orderly development of an area, and aims to promote and enable the implementation of the municipality's development vision. It must also be consistent with the national and provincial planning legislation and development principles set out in SPLUMA and LUPA which include:

- **Spatial justice** - ability to redress imbalances of the past;
- **Spatial sustainability** - ability to address environmental, community, heritage and economic issues effectively;
- **Spatial resilience** - ability to respond to change and threats;
- **Spatial efficiency** - ability to choose the most efficient development options, and
- **Good administration** - ability to put effective and predictable processes in place.

Currently Stellenbosch Municipality has four zoning schemes which regulate the entire Municipal Area (WC024) with each one having different provisions applying to different areas.

Some of these zoning schemes date back as far as the 1980s and have become outdated in a fast changing and developing municipality. The four existing zoning schemes include:

- Stellenbosch Zoning Scheme Regulations;
- Franschhoek Zoning Scheme Regulations;
- Kayamandi Zoning Scheme Regulations; and
- Section 8 Zoning Scheme Regulations.

In response, Council authorised the Land Use Department to appoint a service provider through a tender process (@Planning Town Planning Consultants) to prepare such document herewith attached as **APPENDIX 1** - Draft 10.3a with an summary herewith attached as **APPENDIX 2**.

3. DISCUSSION

3.1 The Purpose of a Zoning scheme By-law

The zoning scheme is a municipal law which allocates development rights to properties.

It is therefore the rules which tell a land owner how they may use land, and how they may develop it. A zoning scheme consists of the following components:

- **Zoning By-law:** which provides for the zoning of land and the adoption of new zones. It should therefore provide for the different zones which determine how land may be used (e.g. residential, commercial, industrial, open space, etc.). It also contains development parameters which determine how land may be developed (e.g. building lines, height, coverage, parking etc.);
- **Zoning Register:** Is a record of all planning applications approved by the municipality; and
- **Zoning map:** Records the zoning of land (and all rezoning's) on a map.

3.2 Legislative requirements

SPLUMA Chapter 5 (Attached as **APPENDIX 3**) with specific reference to Section 24 requires that each municipality must, after public consultation, adopt and approve a single land use scheme for its entire municipal area.

Highlighted sections of Chapter 5 of SPLUMA include:

- Role of the Executive Authority (section 23)
- Land Use Scheme (Section 24)
- Purpose and Content of a Land Use Scheme (Section 25)
- Legal effect of a Land Use Scheme (Section 26)
- Review and monitoring of a Land Use Scheme (Section 27)

In terms of LUPA Section 2, municipalities are responsible for land use planning in their respective municipal areas under their jurisdiction. A municipality must regulate the development, adoption, amendment and review of a zoning scheme for the municipal area.

LUPA Section 22 requires that every local municipality must adopt a single zoning scheme for its municipal area and must comply with Chapter 4 part 1 (see **APPENDIX 4**). Highlights of this chapter include:

- The purpose of the zoning scheme (Section 22)
- Contents of a zoning schemes (section 24)
- Compilation or amendment of a zoning scheme (Section 25)
- Procedure without an Intergovernmental Steering Committee (Sec 27)

-
- Submission of zoning schemes (Section 28), etc.

In terms of LUPA Section 25, a municipality have the option when compiling or amending its zoning scheme to establish an Intergovernmental Steering Committee or follow the prescribed procedure as set out in Section 27.

If an Intergovernmental Steering Committee (IGSC) is not established, the municipality must submit a draft zoning scheme to the Provincial Minister for written comment and may not adopt its zoning scheme until the municipality has received and considered the comments from the Provincial Minister.

The Acting Municipal Manager authorised that the Zoning Scheme be drafted without establishing an IGSC as per attached **APPENDIX 5**. Thus as per Section 27 of LUPA, it is required from Council to obtain the Provincial Minister's written comments on the Draft Integrated Zoning Scheme.

3.3 Commencement of an integrated zoning scheme for Stellenbosch Municipality in terms of LUPA

Council authorised that the Land Use Planning Department proceed with the preparation of an Integrated Zoning scheme for Stellenbosch Municipality. During December 2014 a bid was advertised based on the 80/20 points system which closed on 12 January 2015.

Through the Supply Chain Management process a tender was awarded to @Planning Town Planning consultants (B/SM 66/15) on the 24 April 2015 to proceed with the completion of the drafting an Integrated Zoning Scheme for the entire Stellenbosch Municipal Area (WC024) in line with SPLUMA and LUPA (See **APPENDIX 6**). Work officially commenced on 2 September 2015.

3.4 Drafting of the Stellenbosch Municipality Integrated Zoning Scheme By-law (September 2016 Draft 10.3a)

Since the appointment, the service provider completed the following task with regards to the attached Draft 10.3a copy.

- 3.4.1 Revision of previous work done in the drafting of an IZS as the project dates back to 2006 to integrate the four existing schemes into one. The service provider took the previous draft documents into account when the latest draft was compiled as the previous versions also underwent public participation as well as input given from the Department of Environmental Affairs and Development Planning (DEADP).
- 3.4.2 The Service Provider conducted research on the new planning legislation and incorporated it into the current version.
- 3.4.3 A series of internal workshops was conducted with the Land Use Planning Department (1 – 2 October 2015).
- 3.4.4 Comments received from internal departments were incorporated and used for intensive internal departmental workshops between 22 – 24 February 2016 and 09 March 2016.
- 3.4.5 On 02 September 2016 a final Director/Manager/Technical workshop was conducted with all departments of the municipality.

Draft 10.3a consists of 16 new Base Zones and 4 new Overlay Zones which will constitute the new structure of the new scheme.

3.5 Summary of the new Integrated Zonings Scheme

BASE ZONES

3.5.1 Conventional Residential Zone (CR)

All properties currently zoned Single Residential Zone, or similar zones convert to the Conventional Residential Zone

Purpose of the zone:

- To provide for predominantly single residential dwelling houses of a low to medium density character;
- To protect the amenity of established residential areas;
- To allow for limited densification through second dwellings;
- Residents may operate limited 'work-from-home' enterprises provided they do not affect the amenity of the neighbourhood and comply with the thresholds and conditions;
- Student housing (boarding houses) and other guest accommodation are limited through consent applications so that neighbours can be consulted and suitable conditions imposed where appropriate;
- Low density group housing (where groups of houses uniform architectural character are developed) can only be undertaken with consent, and should be compatible with the surroundings.

Development parameters summarised: Max 2 Storeys; Coverage ranging from 70% on smallest (<250m²) erven to 40% on largest (>1500m²) erven.

3.5.2 Less Formal Residential Zone (LFR)

All properties currently zoned Informal Residential Zone or developed under Less formal Township Establishment Act (no 113 of 1993) or similar zones (e.g. in Kayamandi) convert to the Less Formal Residential Zone.

Purpose of the zone:

- To provide for incremental housing developments, which may start with provision of services and over time upgrade to more formalised residential dwellings;
- To provide a zone in which emergency housing projects can be undertaken;
- To provide for residential areas where less stringent building standards apply;
- To allow an increased mix of residential, community and small business opportunities in residential areas in order to enable the informal economy and small businesses to start up with a minimum

Development parameters summarised: 2-3 Storeys; Coverage 80%.

3.5.3 Multi-Unit Residential Zone (MR)

All properties currently zoned Group Housing or General Residential Zone or similar zones will convert to the Multi-unit Residential Zone.

Purpose of the zone:

- To allow a greater mix of residential accommodation options in medium to high density residential development density;
- To allow a range of housing options which includes group housing, row houses, semidetached and flats;
- To allow for a range of other accommodation options such as student accommodation, guest houses and community residential buildings and retirement homes.

Notwithstanding that properties may be zoned MR Zone, if they are smaller than 1000m², they only have development rights similar to CR.

Development parameters summarised: Max 2-4 Storeys, Coverage 50%.

3.5.4 Local Business Zone (LB)

Properties currently zoned Restricted or Minor Business Zone, or similar zones intended to allow business of a lower order scale, should be converted to Local Business Zone.

The purpose of the zone:

- To allow a limited range of business and other community orientated land uses as primary rights at local neighbourhood nodes;
- To further provide for a wider range of consent uses if the municipality is satisfied that it will be compatible with the surrounding neighbourhood and that impact can be suitably addressed through conditions.

Development parameters summarised: Max 3 storeys; Coverage ranging between 50%- 75%

3.5.5 Mixed Use Zone (MU)

Properties currently zoned General Business Zone, or similar zones intended to allow business of a higher order scale, will be converted to Mixed Use Zone.

The purpose of the zone:

- To ensure a vibrant mix of compatible land uses which will allow the highest density development and is intended for all Central Business areas and other higher order development nodes;
- To make provision for a variety of high density business, residential and community uses which can co-exist without adverse impacts in close proximity, as primary rights;
- To provide for a further greater mix of land uses (granted as consent uses) which may also be desirable in these areas, but which needs to satisfy the municipality that they will not have an adverse impact on the surroundings. This will enable the municipality to also manage high impact land uses and impose suitable conditions related to the particular business which can address possible adverse impacts.

- Limited manufacturing/repairs are permitted inside businesses subject to thresholds (e.g. bakeries, coffee roasteries, appliance repairs, etc.)
- Tourist accommodation and student type accommodation is also permitted in the zone.

Development parameters summarised: Max 6 Storeys; Coverage ranging between 50%- 85%.

3.5.6 Industrial Zone (I)

Properties currently zoned Light Industrial, Industrial and Noxious Industrial Zones, or similar zones, will be converted to Industrial Zone. Because of electricity supply constraints, all existing Light Industry zoned properties in Stellenbosch will have a restriction which may be lifted with the municipality's permission in the event that sufficient electricity supply is indeed available. All land currently zoned Noxious Industry will be recorded so that consent is deemed to have been granted.

The purpose of the zone:

- To allow for a wide variety of industrial uses, for those activities which may have an adverse impact on neighbourhoods with regards to scale, noise, emissions, fumes, traffic amongst others can be located in one area and not affect the amenity of other areas.
- High impact activities (risk and noxious industries) can only be undertaken with a consent application.

Development parameters summarised: Max 4 Storeys; Coverage 75%

3.5.7 Education zone (E)

All properties currently zoned for schools or university will convert to this zone.

The zone permits all educational facilities including Early Childhood Development centres (ECD's or day-care centres), Primary, Secondary and Tertiary education facilities. Hostels and sporting facilities are also provided for in this zone.

Development parameters summarised: Schools 3 Storeys, Tertiary 4 Storeys; Coverage ranging between 25% and 50%

3.5.8 Community zone (C)

All properties currently zoned for Institution, Public Worship, Clinics and Hospitals will convert to this zone.

The zone permits a wide mix of public and community facilities to enable clustering of these facilities in line with the policies. Education facilities can also be developed in this zone.

Development parameters summarised: Max 3 Storeys; Coverage 50%

3.5.9 Utility Services zone (U)

Certain properties currently zoned for Government of municipal purposes will convert to this zone if the current land use is compatible with the objectives of this zone.

The zone permits a wide range of land uses related to authority use, engineering and utility services and infrastructure. Other transport related developments and renewable energy developments can be undertaken with consent.

Development parameters summarised: Max 2 Storeys; Coverage 20% or as per SDP.

3.5.10 Transport Facility zone (TF)

All properties currently zoned for Transport purposes, including stations and railway lines, taxi ranks will convert to this zone.

The zone permits a wide range of passenger- and goods transport related land uses.

Development parameters summarised: Max 3 Storeys; Coverage 50% or as per SDP.

3.5.11 Public Roads and Parking zone (PR)

All properties currently zoned for public roads and parking will convert to this zone.

Over and above the normal roads and parking function, provision is also made for outdoor trading and dining (which also includes informal trading) subject to municipal policies and bylaws.

Outdoor events and regular markets require the municipality's consent.

3.5.12 Public Open Space zone (POS)

All properties currently zoned for Public Open Space or similar zones will convert to this zone.

Purpose of this zone is to provide for any open space land which vests with the Municipality in terms of legislation and which is intended:

- For active and passive recreation use and public open space amenity;
- To create a desirable open space amenity for residents;
- Serve as riverine or other similar natural features corridors;
- For open space within which other municipal services can be conveyed on a natural landscape setting;
- To also permit as an additional use outdoor trading and dining (which also includes informal trading) subject to municipal policies and bylaws.
- For a number of other activities (such as camping, outdoor events, sport and recreation, tourist accommodation and tourist facilities) which can be applied for as a consent use.

Development parameters summarised: Max 1 Storey; Coverage 20% or as in SDP.

3.5.13 Private Open Space zone (PrOS)

All properties currently zoned for Private Open Space or similar zones will convert to this zone.

The purpose of this zone is to provide for open space in private ownership or where open spaces are provided and maintained by property owners associations rather than the municipality. A number of other activities (such as camping, outdoor events, sport and recreation, tourist accommodation and tourist facilities) can be applied for as a consent use.

Development parameters summarised: Max 1 Storey; Coverage 20% or as in SDP

3.5.14 Agricultural and Rural zone

All properties currently zoned Agriculture or Agriculture Industry or similar zones will convert to this zone. For existing approved Agricultural Industries, consent will deemed to have been granted and recorded according in the zoning register.

Purpose of this zone is to:

- Ensure conservation and appropriate use of current agricultural land, rural landscape, and biodiversity areas;
- Allow and enable agricultural activities to take place and protect it from other activities which may impact on its continued use for bona fide agricultural use;
- Where agriculture is not practiced, to allow for land to remain in its natural uncultivated state;
- To enable certain small scale compatible complementary agricultural industry and tourist related uses as additional uses to further augment the rural economy, subject to it remaining subservient to agriculture, and further subject to certain thresholds to limit the scale and possible adverse impact on agriculture as a primary right;
- A wide range of consent uses may be considered by the municipality, subject always to the retention of agriculture as the primary land use. Any additional use which exceeds the thresholds as set out in the scheme is subject to the municipality's consent, where so provided for;
- Outdoor events are only permitted with the municipality's consent. An owner may apply for permission to hold a certain number of events on an annual basis;
- Additional dwelling houses and tourist accommodation are intended to generate additional revenue for a bona fide farmer and may not be subdivided or separately sold via sectional title.

Development parameters summarised: Farm SDP showing all existing and proposed new uses before any new buildings/alterations may be approved. 1-3 Storeys; Agricultural buildings coverage not limited but buildings exceeding 2000m² require detail SDP; poly-tunnels exceeding 2000m² require SDP and exceeding 5000m² require consent; mainly to assess impact and impose mitigatory conditions where appropriate; Agri-industry less than 2000m² require SDP, exceeding 2000m² require consent. Dwelling houses: Limited to two dwellings of 500m² floor area each (2

Storeys). Additional dwellings with consent: maximum 4 units of 120m² floor area each (1 Storey).

3.5.15 Natural Environment zone

All properties currently zoned Open Space 3 or similar zones will convert to this zone.

Purpose of this zone is to:

- Provide for the preservation of natural environment or conservation areas, whether or not the land has been proclaimed for conservation purposes;
- Allow tourist accommodation and tourist facilities with consent.

Land can be in public or private ownership, may not be subdivided or separately sold via sectional title.

3.5.16 Limited Use Zone

All properties currently zoned Undetermined and Resort Zone II or similar zones will convert to this zone.

Purpose of this zone is to provide a transitional mechanism for zones for which no similar or suitable zoning is retained in the existing scheme. Existing lawful land uses may continue, but no further expansion is permitted. It is intended that this zone be progressively phased out, and no rezoning's to this zone may be undertaken.

OVERLAY ZONES

Overlay zones apply to a specified area and provide additional aspects of development to be managed, regardless of the base zone. Development parameters can also be more, or less restrictive than in the base zone. In the Stellenbosch Municipality Zoning Scheme the following overlay zones have been included:

3.5.17 Heritage Area Overlay Zones

Heritage Area Overlay Zones include for Stellenbosch CBD area, Franschhoek CBD, Jonkershoek Valley, Dwars River Valley and Ida's Valley. The overlay zones are either based on previous special areas and heritage studies ((Stellenbosch and Franschhoek) or areas demarcated Cultural Landscapes in terms of the National Heritage Resources Act.

The Overlay Zone enables the municipality to evaluate new construction or development proposals as a consent application.

- The purpose is to mitigate impact of new development on the heritage resources and historical character of the area;
- When granting consent, the municipality may prescribe more detail development requirements (i.e. materials, parameters & other requirements etc.); and
- Provides for Heritage Advisory Committee to advise the Municipality.

Stellenbosch Historical Area: height is limited to 10 meters

Franschhoek Historical Area: height is limited to 8.5m

3.5.18 Scenic Route Overlay Zones

Various important Rural and Urban Scenic Routes are proclaimed in the scheme in line with the requirements of the Spatial Development Framework. This Overlay Zone enables the municipality to evaluate the construction of buildings and structures adjacent to these routes with the view to mitigating the visual impact of such development on the rural and cultural amenity of the area.

3.5.19 Local Area Overlay Zones

The Local Area Overlay Zones mechanism allows the municipality to identify certain areas where different development parameters can apply over and above the parameters in the base zone. Currently only one such area is included in the scheme, namely Technopark. However, the municipality may in future identify other areas where additional or different land development parameters should apply, in which case, such areas can, after conclusion of the appropriate study to identify the suitable parameters, be demarcated in terms of the scheme.

3.5.20 Economic Area Overlay Zone

Provision has been made for an Overlay Zone which allows a greater diversity of small business opportunities in residential areas. The zone can also be applied to allow for greater informality by allowing informal buildings and structures. In order to achieve this, the municipality must first officially apply to the authorised Minister to de-activate the National Building Regulations in that particular area. No areas are currently demarcated for this zone in terms of the scheme, however demarcation of areas can take place upon application from a specific neighbourhood or at the municipality's initiative, and should be identified as part of the new Spatial Development Framework, or as part of a separate study.

3.5.21 Name of Zoning Scheme By-law

It is recommended that the scheme be called the “**Stellenbosch Municipality Zoning Scheme By-law**”, and that all documents henceforth carry this title.

3.6 Public Participation Process

In order to commence with public participation on the final draft, the Land Use Department requires permission from Council to commence.

A period of 90 days is proposed seen that it will include the festive season during 2016.

The public participation process includes:

- Publication of a notice in the Provincial Gazette;
- Notice in the local press;
- Notice and hardcopies of the By-law with a pamphlet at all libraries and notice boards;

- Notice on the municipal website, with a downloadable pdf of the by-law and pamphlet;
- Letters to Interested and Affected Parties who registered during November 2015 (See **APPENDIX 7**);
- Letters to all professional bodies and institutions in the build environment (South African Council of Planners, South African Planning Institute, South African Architects Association, etc.);
- Notice to the Provincial Minister in terms of Section 27 of LUPA;
- Notice to key state Departments which include the Department of Heritage, National Department of Agriculture, etc. ;
- Notice to IDP registered stakeholders and
- One Open House goes for public engagement (to be held in November during the afternoon and early evening, to allow the public to visit at a time convenient to them).

4. LEGAL IMPLICATIONS

Process will be monitored for compliance throughout.

5. FINANCIAL IMPLICATIONS

The process has been budgeted for in the 2016/17 approved budget and the following MTREF period.

RECOMMENDED

- (a) that Council authorises the Municipal Manager to:
- (i) proceed with public participation of the Draft Integrated Zoning Scheme By-law (10.3a) as per attached **APPENDIX 1** read together with paragraph 3.5;
 - (ii) proceed with LUPA Section 27 submitting the Draft Integrated Zoning Scheme By-law (10.3a) to the Provincial Minister for written comment as part of the public participation process;
- (b) that the Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration; and
- (c) that the public participation period be for 120 days subsequent to the approval by Council.

Meeting: Ref No:	<i>Council: 2016-10-26 PL183S</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning D Lombaard Mayco: 2016-10-19</i>
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STELLENBOSCH MUNICIPALITY

ZONING SCHEME BY-LAW

DRAFT 10.3a
OCTOBER 2016

(DRAFT FOR PUBLIC COMMENT)

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CHAPTER 1: DEFINITIONS

1. Definitions

In this Scheme, unless the context otherwise indicates, the following words shall have the meaning assigned to them below:

"abattoir" (abattoir) means a place where livestock or poultry is slaughtered and prepared for distribution to shops;

"additional use" (bykomende gebruiksreg) means a land use right specified in this Scheme as an additional right, being an activity or use that is permitted in the zone additional to a primary right, provided provisions specified for such use are adhered to;

"additional dwelling unit" (addisionele wooneenheid) means a dwelling unit, together with its customary outbuildings, which is erected on agriculturally zoned land on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that an additional dwelling unit may only be erected with the Municipality's consent on agricultural land units larger than 20ha, to a maximum of one additional dwelling unit per land unit per 10ha up to a maximum of 4 additional dwelling units;

"adult entertainment business" (volwasse vermaaklikheidsbesigheid) means a place where pornographic goods are displayed, hired, sold or live performances occur, which are characterized by an emphasis on the display or description of pornographic or erotic sexual activities; and includes an escort agency, adult shop, or a massage parlour where the massage or manipulation of the human body is administered with the purpose of obtaining an erotic response;

"agricultural building" (landbou gebou) means any building normally erected and used in direct connection with the farming operations on a farm and includes amongst others packing sheds, stores and cold stores, but excludes abattoirs, poly-tunnels¹, hot houses, agricultural industry buildings, employee housing or any of the defined consent uses in Agriculture and Rural Zone;

"agricultural industry" (landbou nywerheid) is an industry for the processing and storage of agricultural products where the agricultural products are primarily grown on the farm concerned and where the agricultural industry activity is subservient to the dominant agricultural use on the property and there is a rational relationship between the produce being processed in the facility and the produce being farmed on the property and on farms in the immediate vicinity of the property; examples include amongst others: winery, wine cellar with associated tasting facilities, distillery, cheese making industry, dairy and fruit ripening plant and includes a point of sale;

"agriculture" (landbou) means the cultivation of land for crops and plants whether or not in the open or under agricultural shade netting, or the keeping and breeding of animals, livestock, game, bees or birds for agricultural purposes, or the operation of a game farm and includes a riding school, and aquaculture, but excludes any defined consent uses;

"agricultural shade netting" (landbou skadunette) means netting material or other semi-transparent protective covers that are applied over a support structure constructed from wood, metal or any other similar material, on

¹ See definition for poly-tunnel and refer to Agriculture and Rural Zone for parameters

a permeant or semi-permanent basis to enclose agricultural or horticultural crops, plants or flowers in order to provide protection from adverse weather conditions ;

"airfield" (vliegveld) means a place where aircraft land and take off and includes hangars and other facilities required for the ordinary working of the airfield and includes ancillary shops and warehouses; and airport has the same meaning;

"airstrip" (landingstrook) means the place where light aircraft land and excludes any structures or buildings for commercial purposes;

"alter" (verander) means any action affecting the structure, appearance or physical properties of a building or place, whether by way of structural or other works, or a change of the use of that land or place;

"ancillary uses" (ondergeskikte gebruike) means a land use, building, structure or activity which is directly related to and subservient to, the lawful, dominant use of the property;

"antenna structure" (antenna struktuur) means any system of wires, poles, rods, satellite or microwave dishes, TV aerials and other similar devices, used to transmit or receive electromagnetic waves, whether fixed to a building or to any type of tower and associated equipment room;

"apartment" (woonstel) see **"flats"**;

"aquaculture" (akwakultuur) means the breeding of water fauna and/or flora in artificially constructed dams and natural waterways;

"authority use" (owerheidsgebruik) means a use which is undertaken or a service rendered by or on behalf of a public authority and of which the activity is such that it cannot be classified or defined under other uses in this Scheme and includes, but is not limited to military training facilities and installations, police stations, reformatories, jails, water treatment works, fire services, sewage purification works, waste control sites, reservoirs, weigh bridges and telecommunication facilities;

"backpacker establishment" (jeug koshuis) is a budget establishment supplying accommodation to transient guests, is aimed at the budget traveller and generally attracts a younger clientele. Bedrooms are dormitory style (more than 2 people sharing a bedroom) but double rooms may also be available. Kitchen, eating areas, lounge and entertainment areas may be included and shall be communal;

"balcony" (balkon) means a floor projecting outside a building at a level higher than that of the ground floor, which is intended as outdoor space for occupants of a building; it is enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floor and includes a roof, if any, over such floor and pillars supporting such roof; access walkways and fire escapes are not regarded to be balconies for the purposes of calculating floor area;

"basement storey" (kelder verdieping) means any storey or division of a storey with a ceiling level which does not protrude more than 1 meter at any point above existing ground level as defined in this Scheme;

"base zone" means the zone that determines the lawful land use and development rules for a land unit before the application of additional parameters or rules of an overlay zone;

"bed and breakfast establishment" (bed en ontbyt onderneming) means the use of a dwelling house, second dwelling and/or its outbuildings or a portion thereof, to supply accommodation and meals for compensation to transient guests provided that:

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
- ii) the primary use of the property shall remain a residence for the operator; and
- iii) the operator of the enterprise shall permanently reside on the property;

"berm" (keerwal) means an artificial ridge, raised embankment, or elevated land, typically constructed of soil with the purpose to function as a visual or other barrier between two areas;

"boarder" (loseerder)" means a person receiving accommodation against payment in a boarding house, where the accommodation is provided for longer periods of at least a month and could be on a month-to-month basis and where such accommodation could be regarded as the primary residence of the lodger for that period;

"boarding house" (losieshuis) means a place where residential accommodation is provided in rooms which are rented on a long term basis to 4 or more lodgers on the same property; the building may be a dwelling house, or a purpose built building, or any other building converted for this purpose. It shall include a communal kitchen, dining and recreational areas and individual rooms may not have separate kitchens; it may include such outbuildings as are normally used therewith and also includes student accommodation and student houses which are not associated with an educational institution²;

"boundary" see **"erf boundary"**;

"boundary wall" (grensmuur) means a wall erected on the cadastral boundary of a land unit which serves as a division between properties, whether or not it is erected on or next to the property boundary, and includes any gate, or pillar or any contrivance forming part of the said wall;

"boundary fence" (grens draad) means a fence erected on the cadastral boundary of a land unit, which serves as a division between properties, whether or not it is erected on or next to the property boundary, and includes any gate, or pillar or any contrivance forming part of the said wall;

"brickworks" (steenmakery) means a place where bricks and tiles are manufactured and baked and may also include the mining of clay, and the buildings connected with such operations;

"builder's yard" (bouerswerf) means a place which is used for the storage and/or sale and/or rental of material and equipment which:

- i) is required for or is normally used for building construction work; or
- ii) was obtained from the demolition of structures or excavations of the ground; or
- iii) is necessary for or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. of sand or bricks), whether for public or private purposes;

"building" (gebou) without in any way limiting its ordinary meaning, includes:

² Note: In instances where the number of people sharing a dwelling house exceed the definition of a family, or the relationship between occupants do not conform to the definition of 'family', the use of dwelling house for such occupation shall be classified as a 'boarding house', and where necessary a consent application is required.

- i) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof;
- ii) any roofed structure;
- iii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, veranda, porch or similar feature of a building;
- iv) any walls or railings enclosing any feature referred to in (ii);
- v) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- vi) any fuel pump or any tank used in connection therewith;

“building line” (boulyn) means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are prohibited and includes any basement on a street boundary or a basement which protrudes above natural ground, outbuildings, sheds. The following structures are excluded from adhering to building lines:

- i) boundary walls, retaining walls, screen walls which are not on a boundary or is perpendicular to a boundary, fences;
- ii) stoeps, entrance steps, stairs and landings at ground level which are external to the building and not covered by a roof;
- iii) pergolas;
- iv) eaves and sunscreen features not projecting more than 1 meter from the external wall of the building;
- v) on common boundaries only, a basement where the ceiling is below existing ground level;
- vi) all services and tanks which are underground;
- vii) on common boundaries only, uncovered drying yards, and features no higher than 2 meters;
- viii) refuse rooms which are required by the Municipality and located to the Municipality’s satisfaction;
- ix) rainwater harvesting tanks and grey water recycling tanks, provided that they do not exceed the height of the boundary wall immediately abutting such tanks, or are suitably screened to the satisfaction of the Municipality;
- x) gatehouses which do not exceed one storey in height and which do not exceed a floor area of 10m²;

“bulk” (massa) see **“floor area”**;

“business premises” (besigheidspersiel) means a place from which business is conducted and includes a wide range of commercial and professional services and retail uses such as, but not limited to shops, offices, financial institutions, postal agencies, wellness centres, restaurants, supermarkets, shopping centres, medical consulting rooms which are not in a clinic or hospital, motor showrooms, but excludes any other land use which is categorized under another land use category mentioned in that zone or for which the Municipality’s consent must be obtained in that zone;

“By-law” (verordening) means legislation passed by the council of the Stellenbosch Municipality which is legally binding in the Municipality’s area of jurisdiction;

“camping site” (kampeerterein) means a place which is utilised for the erection of tents and/or the parking of caravans and mobile homes and includes ablution, cooking, braai and other facilities, which together with the amenity of the land serves as a feature of attraction and is rented out on a short-term basis only and is the same as caravan park;

“carport” (motorafdak) means a roofed structure for the parking of motor vehicles which is open at the entrance and at least one other side;

“carriageway crossing” means a vehicular entrance or exit way or a combined entrance and exit from an abutting land unit to a public street;

“cemetery” (begraafplaas) means a place for burial of human or domestic animal remains and may include an office, chapel, a garden or wall of remembrance, but not a crematorium;

“church” (kerk) see **“place of worship”**;

“clinic” (kliniek) is a limited medical centre for day or out-patients. A clinic may include associated medical consulting rooms, a pharmacy, pathologist laboratories, but not an operating theatre or overnight accommodation for patients;

“clubhouse” (klubhuis) in relation to a sports facility and a place of assembly means a building or portion of a building specifically set aside where people who are normally members of an organized activity, sport or association meet with the intention of socialising and also includes a building which provides changing and ablution facilities associated with an outdoor sports activity, and may include a pub with the permission of the Municipality;

“commercial gymnasium” (kommersiële gimnasium) is a place where people pay to make use of specialized equipment to exercise and may include swimming pools, changing facilities, the sale of refreshments for users of the facility and areas for fitness training classes;

“commercial services” (kommersiële dienste) means services provided to paying customers related to, but not limited to, wholesale or retail trade, agriculture, communications, finance, fisheries, forestry, government, insurance, real estate and transportation;

“common boundary” (gemeenskaplike grens) in relation to property means a cadastral boundary common with an adjoining property other than a street boundary;

“communal outdoor space” (gemeenskaplike buiteruimte) means outdoor space in a group housing development or medium or high-density residential site intended for recreational use by all the occupants in the development, this may include a play area, a garden, a park, swimming pool, braai facilities, but excludes private roads parking, and service yards;

“community residential building” (gemeenskapsresidensiële gebou) means a building where accommodation is provided in rooms or dormitories for welfare purposes such as a home for handicapped, orphaned, mentally disabled or indigent or aged persons, night shelters, partial care facilities, rehabilitation facilities and includes ancillary offices, ancillary medical and frail care facilities and other residential accommodation associated with the aforementioned building;

“conference facility” (konferensie fasiliteit) means a place which is set aside for the purpose of conferences, meetings and/or trade or commercial related exhibitions, which may also supply meals for users of the facility;

“consent use” (vergunningsgebruik) means use right that is permitted in terms of the provisions of the scheme, only with consent of the Municipality;

“construction environmental management plan” (konstruksie omgewingsbestuursplan) means an operational plan which organises and coordinates mitigation, rehabilitation and monitoring measures in order to guide the implementation and construction of a development in areas which are sensitive from a heritage or environmental perspective, and the Municipality may adopt policy with regards to its application and content requirements;

"coverage" (dekking) means the total area of a land unit that may be covered by buildings with a roof, expressed in square meters or as a percentage of the area of the land unit, measured from the outer surface of outside walls, and the following shall be disregarded in the calculation of coverage:

- i) eaves or sunscreens projecting up to 1 meter from the outside wall;
- ii) stoeps, external stairs, steps, landings, driveways, paved areas or pergolas, all of which must remain uncovered by a roof;
- iii) verandas (which are roofed) which form part of a building of historical significance which remain open to the elements on the front or long side, or new verandas which may be required by the Municipality in areas of historical significance;
- iv) those portions of the basement where the ceiling level is below existing ground level;

"crematorium" (krematorium) means a place where human and/or domestic animal remains are incinerated in a furnace, and includes facilities for associated religious and administrative functions;

"daycare centre" (dagsorgsentrum) means a place which is used, whether for profit or otherwise, for the care of children of all ages including schooling of pre-primary school children and after-school care and is the same as early childhood development centre (ECD), crèche, preschool, playgroup or aftercare;

"development charge" (ontwikkelings fooi) as defined in the Municipality's Development Charges Policy is a once-off infrastructure access fee levied by the Municipality on an applicant, developer or landowner in terms of its relevant statutory powers in respect of a development which will result in an intensification of land use and an increase in the use of or need for municipal engineering services infrastructure, and includes any required Social Infrastructure;

"development parameters" (ontwikkelings parameter) means provisions or restrictions in the zoning scheme which are set out in a section which is duly identified as such by its heading, and which sets out the permissible extent for the development of buildings or the use of land and may be departed from by making an application in terms of Planning by-law; **"parameters"** have a similar meaning;

"domestic accommodation" (huishulp huisvesting) means a unit of accommodation not exceeding 30m² ancillary to a dwelling house which includes at least a bedroom and bathroom, and may include a sink and kitchen counter area not exceeding 3m x 0,6m and is for the accommodation of one person only and **"servant's quarters"** has a corresponding meaning;

"dwelling house" (woonhuis) means a building containing only one dwelling unit, together with the customary outbuildings usually associated with such a unit, for example, garage, garden shed, one domestic accommodation unit or a hot-house;

"dwelling unit" (wooneenheid) means a self-contained inter-leading group of rooms with at least one bathroom and no more than one kitchen, utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, employee housing or dwelling units in flats or apartments;

"eaves" (dak oorstek) means a portion of a roof projecting beyond the face of a building, including any gutters;

"employee housing" (werknemersbehuising) means a dwelling unit provided for employees by an employer which is ancillary and subservient to the primary activity on the property, includes accommodation for labourers, caretakers and supervisory staff, provided that the employee housing unit is for the accommodation

of one family only, is located on the same land unit on which the employment activity takes place and may not be sold separately;

“engineering services” (ingenieursdienste) means infrastructure, installed in the process of developing land, for the provision of municipal services such as water, sewerage, electricity, handling of solid waste, and the building of streets, roads, stormwater drainage systems, including all related services and equipment;

“erf” (erf) means a distinct portion of land identified by a unique number in the Surveyor-General's office, the title of which is capable of being registered separately in the Deeds Office, or a servitude area or lease area, capable of being registered in the Deeds Office and includes land units which are referred to as erven as well as farms;

“erf boundary” (erfgrens) in relation to a land unit, means a cadastral line separating one land unit from another land unit or the street, and **‘boundary’** has a corresponding meaning ;

“escort agency” (gesellinklub of -agentskap) means an enterprise providing escorts for financial compensation;

“events” (geleentheid) means:

- i) any sporting, recreational, entertainment, including live entertainment or event acts
- ii) an educational, cultural or religious event
- iii) any business event including marketing, public relations and promotional events or exhibitions, or
- iv) a charitable event including conference, organisation or community event, or similar activity hosted at a stadium, venue, or along a route, whether on private land or in public places, whether indoor or outdoor or in temporary or permanent structures, which consists of 50 persons or more and for which an events permit application has to be submitted in terms of the Municipality's Events By-law. In this By-law the term ‘events’ is only used in the context of activities which take place on a regular basis at a specific venue at a frequency exceeding once a month, and where the activity exceeds the normal activities on the site. Where land uses such as places of entertainment, places of worship, places of assembly, places of education, tertiary educational institutions, places of sport and recreation; place of indoor recreation; conference facilities, business premises are permitted as a primary right (or where consent has duly been granted) and an activity falls within the definition and normal occupancy of such building, is not considered an ‘Event’ in terms of the scheme and the activity will then only require approval in terms of the Municipality's Events By-law;

“extramural facility” (buitemuurse fasiliteit) means a place where social, sport, cultural, arts and craft classes are offered by a teacher/trainer and can include activities such as ballet, karate, gymnastics, art or music lessons, but is not a commercial gymnasium;

“existing building” (bestaande gebou) depending on the context in which it is being used, means a building for which construction has been completed, or a building which was lawfully constructed under previous regulations, or a building which still has to be constructed, but for which a building plan is already approved in terms of the parameters in this Scheme together with permanent departures granted;

“existing ground level” (bestaande grondvlak) means the level of the surface on a land unit:

- i) in its unmodified state, before any building has been erected and before its level has been altered in any manner, or
- ii) in a state which has been graded, with the Municipality's prior permission, for the purposes of subdivision and/or installation of engineering services for development, or
- iii) as determined by the Municipality if in its opinion it is not possible to determine existing levels of ground due to irregularities or disturbances of land; provided that in instances where ground levels have been

modified to such an extent that it no longer resembles natural ground level, the Municipality may rely on contours on plans which have been prepared by an official municipal or government agency prior to the commencement of the zoning scheme, and the Municipality may require the owner of land or an applicant to engage a registered land surveyor, to measure the existing ground levels and indicate these on a plan or application submitted in terms of the zoning scheme;

“external engineering services” (eksterne ingenieursdienste) see **“engineering services”**

“factory” (fabriek) see **“industry”**;

“family” (gesin) means:

- i) one person maintaining a common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such person, or
- ii) two persons who are married or in a civil union, maintaining a common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such persons, or
- iii) no more than 2 unrelated and independent persons (with no dependents) who earn or receive independent income and who maintain a common household;

“farm stall” (plaasstalletjie) means a building or structure, where a farmer sells products produced and processed on the farm, whether to his own employees or to the general public and tourists;

“filling station” (vulstasie) means a building in which fuel and related accessories are sold for motor vehicles, and includes a car wash and a shop; but excludes repairs, servicing, panel beating, spray painting;

“financial institution” (finansiële instelling) means a bank, automatic teller machine centre, micro-loan agency and a currency exchange;

“flats” (woonstelle) means a building or group of buildings which consist of two or more dwelling units which may be let or sold separately, together with such outbuildings as are ordinarily associated therewith;

“floor area” (vloeroppervlakte) in relation to any building means the area of a floor which is covered by a roof, slab or projection and shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor area shall be the sum of the floor area of all the levels, including that of basements; provided that the following shall be excluded:

- i) any area, including a basement, which is reserved solely for circulation, parking or loading of vehicles which are ordinarily associated with and which serves the land use on the property or in the particular building, provided that a commercial parking garage and additional parking in excess of the parking for land use in the building are not excluded;
 - ii) any area required for fire escapes regardless of the number of storeys, which are unroofed, open to the air and external to the main façade of the building and used solely for emergency purposes;
 - iii) a projection including a projection of eaves, a canopy and a projection which acts as a sunscreen or an architectural feature which protrude less than 1 meter from the face of the building;
 - iv) any unroofed internal courtyard, light well or other uncovered shaft;
- any stairs, stairwells, lift wells and atriums that are covered by a roof shall only be counted once on its ground floor;

“forestry” (bosbou) means the extensive planting of trees in veld and mountain areas for commercial purposes;

“freestanding base telecommunication station” (vrystaande selfoon basisstasie) means a freestanding support structure or mast anchored to land or a building and which accommodates telecommunication infrastructure for

the transmitting or receiving of electronic communication signals and may include a base station building and access road to such facility;

“funeral parlour” (begrafnislokaal) means a place where human remains are stored and prepared for burial or cremation and includes facilities for associated administrative and religious functions;

“gambling place” (dobbellokaal) means a place where betting and gambling may be undertaken in accordance with a license issued under the relevant Act, and includes premises for totalisators, electronic payout devices and limited gambling machines;

“garage” (motorhuis) where used in this Scheme in connection with the parking of a vehicle, means an enclosed and roofed outbuilding associated with a main building on the site for the parking of motor vehicles, but excludes a commercial parking garage;

“green-house” (kweekhuis) see **“hot-house”**;

“gross leasable area” (GLA) (bruto verhuurbare area) (BVA) means the total floor area designed for or capable of occupancy by tenants for their exclusive use, including storage areas which are leased, but excludes internal parking and loading bays and vehicular circulation areas and communal spaces which are used by more than one tenant, such as communal passages, toilets, kitchens, entrance lobbies, lift shafts, stairwells, service ducts, service areas and vertical penetration of floors and also excludes all spaces which are used by the same staff who work elsewhere in the building, for example staff changing rooms, staff canteens, recreational areas used exclusively for staff;

“ground level” (grondvlak) see **“existing ground level”**;

“ground storey” (grond verdieping) means the lowest storey in a building or division of a building which is not a basement;

“group house” (groepshuis) means a dwelling house in a group housing scheme;

“group housing scheme” (groepsbehuisingskema) means a group of separate and/or linked dwelling units accessed via a communal private road with one or more shared entrance, where the development is planned and designed as a harmonious architectural entity which may have a low, medium or high-density character and where dwelling units may be on one cadastral entity, cadastrally subdivided or sold separately through sectional title;

“group housing erf” (groepsbehuisingserf) means a subdivided portion of a group housing site approved for the erection of one dwelling unit as part of a group housing scheme, which has been or may be transferred to an individual owner;

“group housing site” (groepsbehuisingsperseel) means the total extent of land on which a group housing scheme has been or is to be erected;

“guesthouse” (gastehuis) is a converted dwelling house or purpose built commercial residential establishment, which has as its primary source of business the supply of tourist accommodation and meals for transient guests where individual bedrooms provide accommodation for guests on a short term basis and all meals and ancillary facilities are only available for the use of *bona fide* guests accommodated in the facility, provided that:

- i) a wellness centre and conference facility may be included only with the permission of the Municipality and is limited to serve resident guests only;

- ii) the guesthouse may consist of one or a group of buildings which are designed as a harmonious architectural entity;

“gymnasium” (gimnasium) means a room or hall with apparatus for physical exercise, refer also to **“commercial gymnasium”**;

“hazardous substance” (gevaarlike stof) means any substance or mixture of substances which, in the course of customary or reasonable handling or use, including ingestion, might by reason of its toxic, corrosive, irritant, strongly sensitizing or flammable nature or because it generates pressure through decomposition, heat or other means, cause injury, ill health or death of human beings (refer to the Hazardous Substances Act, 1973 (Act 15 of 1973));

“height” (hoogte) of a building:

- i) when measured in storeys, means the number of storeys in a building, and any habitable space in the roof or storey, which is not a basement, shall be counted as a storey;
- ii) when measured in meters, means the vertical dimension from a specified level to another specified level, provided that chimneys, flues, masts and antennae shall not be included for the purpose measuring a building height in meters;

“helicopter landing pad” (helikopter landingsblad) means any portion of land, building or structure or part thereof which has been demarcated and approved by the Civil Aviation Authority for the purposes of landing or taking off of helicopters or associated vertical lift-off aircraft;

“heritage resource” (erfenis hulpbron) means a building, place or object of cultural significance which has been included in the Municipality's Heritage Resource Inventory, as well as any place or object which is included in the National or Provincial Heritage Resources Registers, prepared in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999);

“home daycare centre” (tuis dagsorg) means the use of a dwelling house, second dwelling and/or its outbuildings or a portion thereof to provide daycare, crèche, after school care, early childhood development centre (ECD) or instruction for a limited number of infants or children, provided that:

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
- ii) the primary use of the property shall remain a residence for the operator; and
- iii) the operator of the enterprise shall permanently reside on the property.

“home occupation practice” (tuis beroepsbeoefening) means the use of a portion of a dwelling house, second dwelling and/or outbuildings for artistic, social, religious, professional services or occupational purposes, including inter alia professional and administrative office type uses, manufacturing and repairing of goods, the sale of goods which are manufactured on site, services of a personal nature such as a hairdresser, tutor or beautician, but excludes any uses which are likely to cause a nuisance, have a detrimental impact on or affect any person's health, safety, or welfare or have a detrimental impact on the amenity and aesthetic appearance of the residential environment whatsoever, provided that;

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
- ii) the primary use of the property shall remain a residence for the operator; and
- iii) the operator of the enterprise shall permanently reside on the property;

“hospital” (hospitaal) means a place for the diagnosis and treatment of human illness, with associated facilities which may include operating theatres, associated medical consulting rooms, a pharmacy, pathologist laboratories, trauma and emergency units;

“hostel” (koshuis) means a place which provides accommodation in rooms or dormitories for students attending a place of education or tertiary educational institution, and is managed by or on behalf of the particular educational institution with which it is associated and includes communal facilities directly associated with the main use;

“hotel” (hotel) is a commercial residential establishment, which its primary source of business as the supply of tourist accommodation and meals for transient guests where individual bedrooms provide accommodation for guests on a short-term basis and may include ancillary facilities which are available to the use of guests accommodated in the facility as well as the general public, provided that:

- i) meals and liquor may be provided to residents and to the general public;
- ii) associated restaurants, shops, conference and entertainment facilities, wellness centre, and sport and recreation facilities that are subservient and ancillary to the dominant use of the property as a hotel may be included;
- iii) premises which are licensed to sell liquor for consumption on the property may be included, but may not include an off-sales facility;

and may consist of one or a group of buildings which are designed as a harmonious architectural entity and are operated as one entity;

“hot-house” (plant kweekhuis) means an appropriately designed and equipped structure with the sides and/or roof made primarily of a transparent material such as glass, perspex or plastic, for the purpose of cultivating plants under controlled environmental conditions, and has the same meaning as **“green-house”**;

“house shop” (huiswinkel) means the use of a portion of a dwelling house, second dwelling and/or outbuildings as a shop provided that:

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
 - ii) the primary use of the property shall remain a residence for the operator; and
 - iii) the operator of the enterprise shall permanently reside on the property;
- and **“spaza shop”** has a corresponding meaning;

“house tavern” (huis taverne) means the use of a portion of a dwelling house, second dwelling and/or outbuildings for the sale of alcoholic beverages and if permission is expressly granted by the Municipality, may include consumption of alcoholic beverages by customers on the property, and/or the preparation of meals for on-site consumption, provided that:

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
 - ii) the primary use of the property shall remain a residence for the operator; and
 - iii) the operator of the enterprise shall permanently reside on the property;
- and **“shebeen”** has a corresponding meaning;

“hydro/spa” (hydro) see **“wellness centre”**;

“industry” (nywerheid) means a place, which in the Municipality’s opinion, is used as a factory and in which a product or article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, put in a

container, chilled, frozen or stored in cold storage, and can also be a brewery, distillery or wine related industry, and includes any activity which is ancillary and subservient to the aforementioned activities mentioned for example an office, caretaker's quarters, point of sale, but does not include, a noxious industry;

"intensive feed farming" (intensiewe voerboerdery) means the breeding and keeping of animals and poultry on an intensive scale, where animals are fed with little or no scope for natural grazing;

"inter-leading rooms" (intertoeganklike kamers) means rooms linked by an internal passage or doorway, within one dwelling unit;

"internal engineering services" (interne ingenieursdienste) see **"engineering services"**;

"kennel" (dierehotel) means kennel services for dogs, cats, and other pets, and includes commercial breeding, boarding kennels, pet motels and dog training facilities;

"kitchen" (kombuis) means the area in a dwelling unit fitted out and furnished for the storing, preparation and cooking of food;

"land unit" (grond-eenheid) has the same meaning as **erf**;

"land use restriction" (grondgebruik beperking) is a restricted range of land uses which may be undertaken lawfully on a property by virtue of the provisions of the applicable zone or by virtue of a condition imposed by a competent authority;

"linked" (geskakel) in relation to the definition of group housing, means to be connected by means of a shared wall or garage;

"liquor store" (drankwinkel) means a shop licensed in terms of the relevant Liquor Act, in which mainly alcoholic beverages are sold to the retail trade for off-site consumption;

"loading bay" (laaiplek) means an area which is clearly demarcated for loading and off-loading of goods from commercial vehicles, the dimensions and position of which is to the satisfaction of the Municipality;

"lodger" (loseerder)" means a person receiving accommodation against payment, where such accommodation is provided by the occupant of a dwelling house and/or second dwelling house, and where the accommodation provided is not transient, but for more extended for longer periods of at least a month and could be on a month-to-month basis and where such accommodation could be regarded as the primary residence of the lodger for that period;

"lodging establishment" (losies onderneming) means the use of rooms in a dwelling house, second dwelling house and/or outbuilding for the accommodation of lodgers which are not part of a 'family' as defined, provided that:

- i) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
- ii) the primary use of the property shall remain a dwelling house for the operator; and
- iii) the operator of the enterprise shall permanently reside on the property; and
- iv) it may or may not include the provision of meals;

"medical consulting rooms" (mediese spreekkamers) means a building or rooms which are used for medical and/or related consultations, examinations or treatments and does not include overnight facilities;

“**mining**” (**mynbou**) means the process of extracting, excavating, mining or quarrying of raw materials from the ground including gravel, sand, and stone, or prospecting activities related to mining materials and includes buildings connected with such operations and a crushing plant;

“**motor vehicle fitment centre**” (**motor toerus sentrum**) means a commercial enterprise where motor vehicles are fitted with exhausts, shock absorbers, radios and/or tyres, but excludes the commercial refuelling of vehicles, servicing, and repairs such as engine overhauling, spray painting, panel beating;

“**motor vehicle repair centre**” (**motor herstel werkwinkel**) means a commercial enterprise where motor vehicles are repaired and serviced and may include activities such as engine overhauling, spray painting, panel beating, a blacksmith, exhaust fitment, shock absorber fitment or body work, but excludes the commercial refuelling of vehicles;

“**motor showroom**” (**motor verkoopslokaal**) means a place for the display, sale or rental of new or used motor vehicles and includes a pre-sale inspection facility and includes a heavy vehicle dealership;

“**motor vehicle**” (**motor voertuig**) is a vehicle with more than 2 wheels that is capable of propelling itself, and for the purposes of this Scheme, a distinction is made between ‘light vehicles’, which do not exceed 3500kg, and which may convey goods or passengers (such as cars, mini-busses, bakkies), and ‘medium and heavy’ vehicles, which are all vehicles which exceed 3500kg;

“**Municipality**” (**munisipaliteit**) means the Municipality of Stellenbosch established in terms of section 12 of the Local Government Municipal Structures Act 1998 (no 117 of 1998) and includes, where the context so determines, the Council, another authorised political structure or office bearer, the Tribunal, the Municipal manager, or an authorised employee;

“**Municipal Manager**” (**munisipale bestuurder**) means the Municipal Manager of the Municipality of Stellenbosch, appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) or a municipal official duly authorised by the Municipality to administer this Scheme;

“**Municipal Planning By-law**” (**munisipale beplannings verordening**) means the Stellenbosch Land Use Planning By-law adopted by the Municipality in 2015, as amended from time to time, and means the same as ‘**Planning By-law**’;

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

“**natural environment**” (**natuurlike omgewing**) means an area which is undeveloped (often, but not restricted to wilderness or mountain areas) and may consist of vegetation in a natural state. Vegetation may be indigenous or alien, and the area may be rehabilitated to its indigenous state for the purpose of preserving the biophysical characteristics of the area, including flora and fauna living in the area, and may include river corridors, wetlands, man-made dams, proclaimed nature areas, biosphere reserves, undeclared conservation or critical biodiversity areas and may be in public or private ownership or areas managed under stewardship. It includes buildings which are reasonably connected with the management and maintenance of the area;

“**nature area**” (**natuurgebied**) means a national park or other area proclaimed in terms of legislation for conservation purposes and where the land use is controlled in terms of national legislation, and “**nature park**” has the same meaning;

“non-conforming land use” (nie-konformerende grondgebruik) means the existing use of a land unit, which lawfully exists in terms of a previous zoning scheme but which does not comply with this Scheme now in force;

“non-conforming building” (nie-konformerende gebou) means an existing building on a land unit, which was lawfully constructed in terms of a previous zoning scheme, but which does not comply with the development parameters prescribed in this Scheme;

‘notify’ (kennis gee) means the serving of a notice (or causing a notice to be served) as contemplated in the Planning By-law;

“noxious industry” (hinderlike nywerheid) means a place where an offensive, poisonous or potentially harmful trade, use or activity which, because of fumes, emissions, dust, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is deemed by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area. The following are examples of uses which are classified as noxious industries:

- i) boiling or drying bones or blood;
- ii) sterilising animal hair;
- iii) salting, preparing, tanning or stuffing animal skins and hides;
- iv) manufacturing gum or glue;
- v) distilling fat or melting tallow;
- vi) making soap or candles;
- vii) making bone meal;
- viii) manufacturing malt or yeast;
- ix) burning coal, charcoal, lime or cooking coke;
- x) manufacturing explosives;
- xi) oil refining;
- xii) other uses as determined by the Municipality from time to time;

“nuisance” (oorlas) see **“public nuisance”**;

“occasional use” (geleentheidsgebruik) means the infrequent use of a property for a temporary event as defined, where the frequency of events does not exceed once a month, except if the Municipality is satisfied with the occasional nature and minimal external impact in the event that this threshold is exceeded;

“occupant” (okkupeerder) means any person who physically inhabits, resides or occupies a property;

“occupational practice” (tuis beroepsbeoefening praktyk) see **“home occupation practice”**;

“office” (kantoor) means a place or building used for administrative or commercial purposes, including a financial institution, stock exchange, professional usage or similar undertaking, where no good, materials or merchandise is displayed and/or sold;

“old age home” (ouetehuis) means a welfare institution which provides permanent accommodation in rooms, apartments or dormitories to retired persons and may include a wide spectrum of associated health care and recreational facilities, to the satisfaction of the Municipality;

“open space” (oop ruimte) means land which may be public or privately owned and which is set aside for open space, such as a park, garden, vegetable garden, square, river or stream;

“operator” (operateur) in the context of a home enterprise which is conducted from a dwelling house or second dwelling house, is the person who is responsible for the day to day running of the business and who makes the

primary business decisions and renders primary services associated with the enterprise or activity to their clients, and who is required by the provisions of this Scheme to remain resident on the property; nothing in this definition prevents an operator to entrust the operation to an employee for a limited duration of absence (such as a normal leave, day off and so forth);

“outbuildings” (buitegebou) means a building or group of buildings, whether separate from or attached to the main building, which is ancillary and subservient to the main building on a land unit, and includes a building which is designed to be normally used for the garaging of motor vehicles, for storage purposes, as a laundry and any other normal activities in so far as these are usually and reasonably associated with the main building, and in the case of an outbuilding to a dwelling house may include domestic accommodation as defined, a hot-house, and rooms for lodgers and transient guests subject to parameters in the zone, provided such rooms may not be self-catering;

“outdoor market” (opelug mark) is the use of land for a market, fair, fête or show, or where goods and/or food are sold and/or entertainment provided mainly outdoors, provided that all structures erected are of a temporary nature and the activity does not take place on a daily or regular basis;

“outdoor trading and dining” (buite handel en uiteet) means the regular and daily use of land in an outdoor setting for the selling of goods and food, and includes outdoor dining and seating as permitted by the Municipality’s Outdoor Trading and Dining Policy or By-law for Informal Sellers and Businesses in a Public Street, and informal trading as permitted by the Municipality’s Informal Trading Policy or By-law, and may take place from public open space, public streets or other public or private land. Such trading typically takes place in the open air, and/or from temporary structures such as stalls, tents or caravans, and may also take place in permanent open structures which provide protection from the elements whilst in an open-air setting, and may include ancillary storage areas;

“overlay zone” (oorlegsonne) means a category of zoning applicable to a defined area or land unit, which stipulates additional development parameters that may be more or less restrictive than the base zone as defined in the Planning By-law and **“overlay zoning”** has a corresponding meaning;

“owner” (eienaar) in relation to land, means the person or entity in whose name a land unit is registered in a deeds registry, and may include the holder of a registered servitude right or registered long-term lease, executor of an estate, or any successor in title;

“owners’ association” (eienaarsvereniging) means an owners’ association contemplated in section 29 of the Planning By-law;

“parking bay” (parkeerplek) means an area which is clearly outlined and demarcated for the parking of one motor vehicle, the dimensions of which is to the satisfaction of the Municipality;

“parking garage” (parkeergarage) means a building in which parking facilities for motor vehicles are provided on a commercial basis as the dominant use of that building, and where the parking does not serve the other land uses found on that particular land unit;

“place of assembly” (vergaderplek) means any place or activity where large number of people congregate to either take part in activities and/or spectate or observe performances and may include, for example indoor sports arena, public swimming pool for sport events, halls or a sports stadiums;

“place of education” (plek van onderrig) means a school, college or technical school (whether private or public) attended by learners between grades R and 12 which is registered with the Department of Education in terms of the South African Schools Act, 1996 (Act 84 of 1996) and/or the Further Education and Training Colleges Act, 2006 (Act 16 of 2006), as a basic education institution or a further education institution and may include an ancillary day care centre or early childhood development centre, administration building, sporting facilities, hostels and teacher accommodation associated with the school and also includes the use of the land unit for any school related functions, sport days and fundraisers, but excludes an unregistered training centre or a training centre associated with a particular business or activities unrelated to the school where the premises is rented out for financial gain;

“place of entertainment” (vermaaklikheidsplek) is a place used predominantly for commercial entertainment where patrons may participate in the activities or observe performances or gather for entertainment purposes, and where such activities may generate noise from music or revelry, and where alcohol may be consumed, such as a night club, pub, cinema, theatre, amusement arcade;

“place of indoor recreation” (binnemuurse ontspanningsplek) means a place which is primarily used by participants for indoor recreation and sport and are for example small community halls, squash courts, and non-commercial gymnasiums, and can also be a **“place of assembly”**, when it involves a large number of seated or standing spectators;

“place of instruction” (plek van onderrig) see **“place of education”**;

“place of sport and recreation” (buitemuurse ontspanningsplek) means land which may be public or privately owned and which is set aside for outdoor sport and recreation such as sports grounds and fields, a sports stadium, putt-putt, miniature golf, golf courses, outdoor gymnasium, including ancillary ablution facilities, and can also be a **place of assembly**, when it involves a large number of seated or standing spectators. The following buildings are permitted only with the Municipality’s additional permission: clubhouse, stores, gatehouses and related administrative buildings;

“place of worship” (bedehuis) means a place where a religious ceremony is attended by a congregation, such as a chapel, church, mosque, synagogue, temple or other place utilised primarily for practicing religion, and includes any building in connection therewith including a dwelling house for a religious leader on the same site and wall of remembrance;

“Planning Law” (beplannings wet) means the National Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) or the Land Use Planning Act, 2014 (Act 3 of 2014), or the Planning By-law, whichever is applicable from the context, together with their regulations or any subsequent legislation governing town planning and land use management in the Western Cape Province;

“Planning By-law” (beplanningsverordening) the Stellenbosch Municipal Land Use Planning By-law;

“plant nursery” (kwekery) means a place where plants or flowers are cultivated on an intensive scale, including under a roof, or in hot-houses or poly-tunnels, as well as the sale of plants and other associated gardening equipment and materials;

“point of sale” (verkoopspunt) means an area where the goods that are manufactured or stored on the premises may be sold to clients and the general public and is included in industry, warehouses, scrap yard and agricultural industry;

“**poly-tunnel**” (**poli-tonnel**) is a structure constructed of metal or plastic bow frames and covered with polyethylene or other similar material and is used to enhance the climate (temperature, humidity, and ventilations) for agricultural crops, including plants, vegetables, fruit and flowers, and for the purposes of this scheme, also includes “agricultural shade netting”;

“**postal agency**” (**posagentskap**) means a place where postal services are provided;

“**Premier**” (**Premier**) means the Premier of the Western Cape Province;

“**primary use**” (**primêre gebruik**) means a land use that may be performed legally on a land unit as prescribed in this Scheme without the need to apply for a rezoning, departure or consent use;

“**private open space**” (**privaat oop ruimte**) means land set aside for open space or for a place of sport and recreation and which is in private ownership;

“**private outdoor space**” (**privaat buiteruimte**) means an area adjoining a dwelling unit or building which is reserved for the exclusive use of the occupants of that building and is intended to be used for private outdoor living and recreation, drying of laundry, storing of refuse bins and other household related functions and can be a veranda, stoep or garden area at ground level, and includes a service yard, but excludes garages and parking bays and areas for vehicular circulation;

“**private road**” (**privaat pad**) means land reserved for the passage or parking of motor vehicles, pedestrian or cycle traffic, which is privately owned and does not vest in the Municipality or another public authority and may include a security gatehouse and refuse room;

“**proclaimed road**” (**geproklameerde pad**) means a road proclaimed in terms of the Roads Ordinance, 1976, (Ordinance 19 of 1976);

“**professional services**” (**professionele dienste**) means technical, or unique functions performed by independent contractors or by consultants whose occupation requires advanced or specialized education and training, including but without being limited to law, accounting, banking, finance, real estate, engineering, medicine, architecture, dentistry, veterinary science and education and which profession is usually regulated in terms of an act and which requires professional registration with a governing body;

“**property**” (**eiendom**) means one erf or land unit together with all buildings and structures on the land;

“**pub**” (**kroeg**) means a place in which mainly alcoholic beverages are sold exclusively for on-site consumption and may include the serving of meals, and means the same as tavern and shebeen;

“**public institution**” (**publieke inrigting**) means a building which serves the general public, such as a public museum, public library or art gallery where articles are exhibited for viewing by the public but not for the primary purpose of selling those articles;

“**public nuisance**” (**openbare oorlas**) means any act, omission or condition which, in the Municipality’s opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace and quiet of the public, or which adversely affects the safety of any individual person or the general public;

“**public open space**” (**publieke oop ruimte**) means any land in respect of which ownership vests in the Municipality and which is set aside for open space or place of sport and recreation;

“public parking area” (openbare parkeerterrein) means a municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of and is accessible to the general public for the parking of vehicles, with or without payment;

“public place” (openbare plek) includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or Surveyor-General's office, and all land (other than erven shown on the general plan) the control thereof is vested, to the entire exclusion of the owner, in a local authority as is intended in the Land Survey Act (Act 8 of 1997);

“public road” (openbare pad) means the same as public street and is any land which is used as public road, indicated on an approved plan, diagram or map as having been set aside as a public street/road in the Deeds Office, the ownership of which vests in the Municipality in terms of Planning Law, or in terms of any other law, and with the further permission of the Municipality the following additional buildings are permitted: road based public transport infrastructure buildings such as enclosed bus stops and bus stations;

“public street” see **“public road”**;

“railway use” (spoorweggebruik) means all uses related to the ordinary working of the railway system, including railway reserves, stations, café, shunting yards and storage facilities, but does not include any private business-orientated enterprise/or development that takes place on a property previously owned by the railways;

“recuperation centre” (herstel sentrum) see **“welfare institution”**;

“reformatory” (verbeterings-inrigting) means a place where children receive tuition and accommodation in terms of a court ruling, and includes a place of detention whether private or public;

“register” (register) means documents kept and maintained by the Municipality for the purpose of recording any altered land use or development right granted in terms of the Scheme and as prescribed by Planning Law;

“regulations” (regulasies) means regulations proclaimed by the competent authority in terms of a relevant act;

“renewable energy structure” (hernubare energie struktuur) means any wind turbine or solar voltaic apparatus, or grouping thereof, which captures and converts wind or solar radiation into electricity and is erected for commercial use and/or gain irrespective of whether it feeds onto the national electricity grid or not, and includes any appurtenant structure or any test facility or structure which may lead to the generation of energy on a commercial basis;

“resident” (inwoner) see **“occupant”**;

“restaurant” (restaurant) is a place where food and refreshments are prepared and served to seated patrons;

“retirement village” (aftree-oord) means a group housing scheme which is used as an old age home which conforms to the following additional conditions:

- i) 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;
- ii) may include flats as part of the integrated group housing development;
- iii) may include a full spectrum of associated health care and recreational facilities subject to the Municipality's permission;

“riding school” (ryskool) means a place or establishment for the hire and stabling of animals for the purpose of giving riding instruction against payment;

“rooftop base telecommunication station” (dak selfoon basisstasie) means a support structure attached to the roof, side or any part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals;

“school” (skool) see **“place of education”**;

“scrap yard” (skrootwerf) is a place which is utilised for one or more of the following purposes:

- i) storing, depositing or collecting of junk or scrap material or articles whether for resale, recycling or disposal;
- ii) the dismantling of second hand vehicles or machines to recover components or materials;
- iii) the storing or sale of second hand parts, poles, steel, wire, timber yards, tyres, bricks, containers or other articles which are stored in the open;

and may include a refuse transfer station and a point of sale;

“second dwelling” (tweede woning) means a dwelling unit, together with its customary out buildings, which is erected on an erf on which a dwelling house already exists provided that the second dwelling :

- i) may be attached to or separated from the main dwelling;
- ii) is built of similar material and architectural style as the dwelling house on the property;

“servant’s quarters” (bediende kwartiere) see **“domestic accommodation”**;

“service station” (diensstasie) means a property where fuel for motor vehicles and related accessories are sold and where motor vehicles are also repaired and serviced, and includes a car wash and a shop, but excludes panel beating and spray painting;

“service trade” (diensbedryf) means an enterprise which is used for an agriculture-related enterprise which renders a service to the local agricultural environs, employs at most 10 people on the premises, and does not include any activity defined as a noxious industry;

“servitude” (serwituut) means a registered right that grants the use of a portion of land to a specific party or property or places a limitation on a portion of land in favour of another party or property for a specified purpose;

“shebeen” (shebeen) see **“pub”**;

“shelter” (skuiling) means an informal dwelling unit or outbuildings, constructed of any material whatsoever, even though such material or construction does not comply with the standards of durability intended by the National Building Regulations and Standards Act, 1977 (Act 103 of 1977), and may include inter-leading or separate rooms for lodgers or transient guests as an additional use in accordance with the parameters of the zone, provided that sufficient communal ablution facilities are provided for such rooms;

“shipping container” (verskeppingshouer) means any container ordinarily used for the transport of goods by sea, rail or road that is usually stored outside a building or structure and which usually can be stacked;

“shipping container site” (verskeppingshouer perseel) means a site, property or area to be used for the storage, cleaning and packing of shipping containers;

“shop” (winkel) means a place for the operation of a retail business including all associated storage of goods sold on the premises, and may include an area which does not exceed 50% of the total floor area of the premises for the manufacturing, packaging and repairing of articles which are sold in the same premises, provided that these activities do not cause any dust or noise pollution;

“shopping centre” (winkelsentrum) means a purpose-built complex consisting of a number of shops, restaurants, business premises and/or places of entertainment where the majority of shops are not orientated towards a public street and where parking is provided usually in a communal parking area which is conveniently located for customers;

“site development plan” (terrein ontwikkelingsplan) means a plan which illustrates the overall proposed development sufficiently to allow the Municipality to ensure that all conditions, thresholds, and parameters are adhered to or to enable the Municipality to make a decision about an application and for the plan to serve as the development parameters of an approved consent and is abbreviated as site development plan in this document;

“spaza shop” (spaza winkel) see **“house shop”**;

“split zoning” (verdeelde sonering) refers to the zoning of a land unit where more than one zone has been allocated to the same land unit. The base zone of the property is the primary use of the entire property, whilst the split zoned portion represents a different primary right applicable to the particular portion to which it applies. The split zoning may be allocated horizontally (applicable to a specific area of land) or vertically (applicable to any portions of buildings above or below ground). An application for a split zone in terms of this Scheme must be accompanied by a surveyor diagram indicating coordinates of the area to be rezoned and the zoning map shall bear an icon indicating that a split zoning has been allocated to the property;

“stoep” (stoep) means a paved area or projecting floor outside and immediately adjoining a building, uncovered by a roof, at or below the level of the ground floor and includes any low walls and railings that enclose such area;

“storey” (verdieping) means a single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. If a maximum of one storey is permitted, the height of the storey may not exceed 4 meters; if two storeys are permitted, the storey height may not exceed 8 meters and so forth;

“street boundary” (straat grens) means the cadastral boundary, as surveyed or proclaimed, between an erf and the adjoining public street;

“street build-to-line” (straat bou-tot lyn) means the line abutting a street up to where a building must be constructed, often prescribed in heritage areas to ensure that new built fabric lines up with existing buildings and maintains the correct relationship to other buildings in the street. Buildings may not be set back further from that line or cross the line, but must be built on the line;

“structure” (struktuur) without in any way limiting its ordinary meaning, includes any wall, retaining wall, fence, pillar, pergola, steps, landing, balcony, swimming pool, extractor, pump, air-conditioning unit, fuel pump, built-in fire place, chimney breast, underground or above ground tank, and any portion of such structure;

“**subdivisional area**” (**onderverdelings gebied**) means an overlay zone that permits subdivision for the purposes of a subdivision application involving a change of zoning;

“**subservient**” (**ondergeskik**) means being of a lesser importance, in overall intent, scale or extent;

“**tavern**” (**taverne**) see “**pub**”;

“**Techno park**” (**tegno park**) means a technology or science park development where enterprises associated with research, development, design and related activities in the high-technology sector are accommodated in a park-type work environment, which is specifically created for the industrial needs of the enterprises concerned;

“**tertiary educational institution**” (**tersiêre opvoedkundige instelling**) means a place attended by learners for tertiary educational purposes and which is registered with the Department of Education as a Higher Education and Training Institution in terms of the Higher Education Act, 1997 (Act 101 of 1997), such as (but not limited to) Universities and Further Education and Training (FET) Colleges. Buildings include, but are not limited to, lecture halls and rooms, administrative offices, residential buildings, libraries, laboratories, hostels, recreational and sports facilities, and any other uses and buildings which may be ordinarily associated with a university or college and its activities as a diverse multi-faceted learning and research institution, whether or not such buildings are located on the same land unit;

“**top of the roof**” (**punt van dak**) for the purpose of height control means the apex of the roof in the case of a pitched roof or the top of the parapet where a parapet extends above the roof, but excluding chimneys;

“**tourist accommodation**” (**toeriste akkommodasie**) means a harmoniously designed and built development consisting of grouped or linked self-catering dwelling units, used for holiday or recreational purposes, whether in private or public ownership, which:

- i) consists of a single enterprise in which accommodation is supplied by means of short term rental or time sharing only, and where individual units may not be sold or alienated on an exclusive basis in any way whatsoever;
- ii) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;

and where the following may only be undertaken only with the specific further permission of the Municipality:

- i) additional facilities for day visitors, camping, and caravans;
- ii) tented camps or any construction materials and methodologies that are not ordinarily associated with buildings in the area;

“**tourist**” (**toeris**) means a person making a visit or tour as a holiday, or a traveller, a holiday-maker, voyager, visitor, sightseer, day-tripper;

“**tourist facilities**” (**toeriste fasiliteite**) means amenities for tourists such as restaurant, shop, farm stall, restrooms, recreational facilities, 4x4, mountain bike, cycle and hiking trails, picnic facilities, wellness centres, function venues, wine tasting and sales, which facilities are located at places of interest primarily visited by tourists, but excludes tourist accommodation, guest houses and hotels. A tourist shop may sell goods made or grown on the farm or other goods;

“**training centre**” (**opleidingsentrum**) means a place where knowledge is imparted and skills are taught in a business environment, specifically aimed at business end users and includes internet training facilities or businesses, which offer internet training courses;

“transient guests” (tydelike gaste) means guests who stay in an accommodation establishment for short periods, usually on a day-to-day basis, and who are tourists or travellers and who reside primarily and permanently elsewhere;

"transport purposes (goods)" (vervoerdoeleindes) (goedere) means the use of land for the delivery of a transport service, including a public or private service, to transport goods by road, rail, or pipeline, and includes all ancillary uses which normally would be associated with the transport function, such as sheds, stores, workshops and offices, but excludes an airport, heliport or airstrip;

"transport purposes (passengers)" (vervoerdoeleindes) (passasiers) means the use of land for the provision of a transport service, including a public or private service, to transport passengers by road or rail, and includes all ancillary uses which normally would be associated with the transport function, such as shops and modal interchanges which serve passengers, taxi or bus termini where passengers embark and disembark, stations, sheds, stores, workshops, and offices, but excludes an airport, heliport or airstrip;

"university" (universiteit) see **“tertiary educational institution”**;

"urban conservation" (stedelike bewaring) means the development or maintenance of the built environment in a prescribed manner, aimed at maximising the historical environmental aesthetic or social attributes and the enhancement of the value of the area, both for present and future users;

“urban edge” (stedelike grens) means the demarcated line which in an approved spatial development framework, defines the outer limits of urban areas and separates urban areas from rural areas. It is a growth management tool, used to protect the rural area from urban sprawl and development and to protect important agricultural, scenic, and biodiversity land resources in a settlement’s immediate hinterland;

"use right" (gebruiksreg) in relation to land means the right to utilise land in accordance with its zoning, including any approved departure, consent use, building plan and lawful non-conforming use right;

“utility service” (nutsdiens) see **“engineering services”**;

"veranda" (veranda) means a paved area or projecting floor outside and immediately adjoining a building (not being an area which is a parking area or a yard), at or below the level of ground floor covered by a roof and includes any low walls and railings which enclose the area as well as the structuring covering it, provided that areas covered by eaves projecting less than 1 meter will not be regarded as “covered” for the purposes of this definition, in which case the paved area will be regarded as a stoep;

"visual impact assessment" (visuele impak analise) (VIA) is a report which is a systematic analysis of potential impacts to scenery and views (positive and negative impacts) resulting from a proposed development, and shall also include, if necessary, an investigation of the means available to mitigate the effects of such proposals prior to implementation;

“wall of remembrance” (herinneringsmuur) means a wall with cavities for the storage of human ashes covered by a plate with a commemorative message, to be found in a cemetery or at a church;

“wall-plate” (muurplaat) means the lowest longitudinal member, truss, or bracket supporting a roof;

"warehouse" (pakhuis) means a place used for the storage of goods, including a point of sale and ancillary uses, and is also a building in which storage units are rented out on an individual basis. It should be noted that large

warehouse style retail businesses are regarded as business premises; and storage associated with a shop is not considered to be a warehouse but part of the shop;

“wellness centre” (gesondheidsentrum) means a business enterprise where health and beauty treatments are offered, and may with the Municipality’s permission include additional facilities such as live-in accommodation for patrons, and **“hydro/spa”** has a similar meaning;

“welfare institution” (welsynsinrigting) means a building where counselling, recuperation or rehabilitation for bona fide medical, psychological or post-surgical conditions is provided, as well as a place where career or other guidance is offered to members of a community, such as a youth or community centre, and includes ancillary offices and residential accommodation associated with to the aforementioned;

“wendy house” (hout huis) means a wooden structure with a door and windows to be used for storage or accommodation and for which building plans must be submitted in line with the National Building regulations;

“zone” (sone) when used as a noun, means land which has been designated for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit;

“zone” (soneer) when used as a verb in relation to land, means to designate the land for a particular zoning;

“zoning” (sonering), when used as a noun, means a category of permissible land uses and associated parameters governing the development of land.

CHAPTER 2: APPLICATION AND JURISDICTION

2. Area of jurisdiction

As from the date of the notice of adoption published in the Provincial Gazette, this Scheme applies to the Stellenbosch Municipal area (WC024) as indicated in Figure 1 including Pniel where the Rural Areas Act, 1987 (Act 9 of 1987) applied and where no zoning scheme was previously adopted.

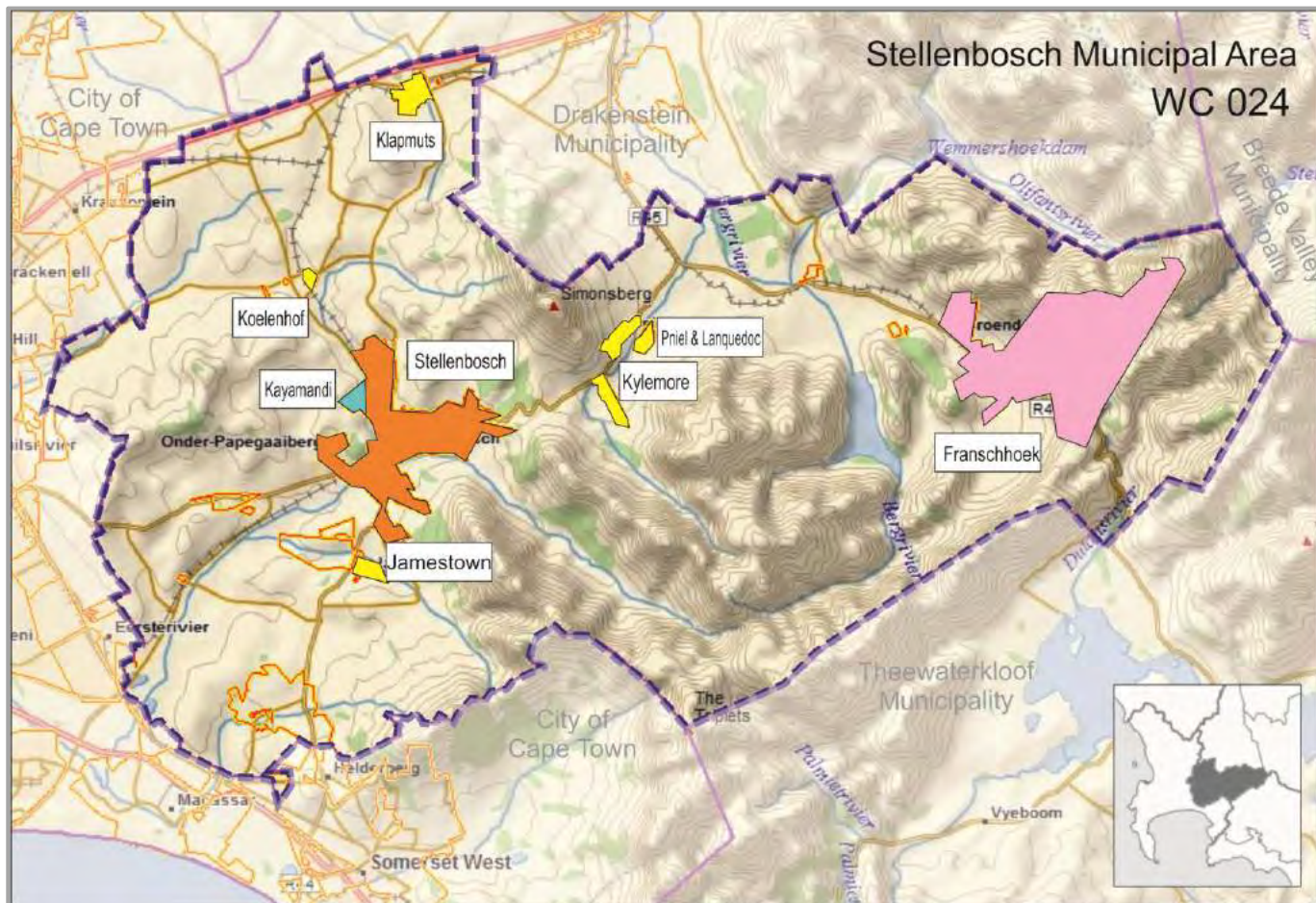


Figure 1: Area of jurisdiction of the Stellenbosch Municipality Zoning Scheme By-law (WC024)

3. Composition of Zoning Scheme

The Zoning Scheme consists of this by-law, the Zoning Register kept by the Municipality to record decisions and any zoning maps that may be prepared in accordance with section 4.

4. Compilation of the Zoning Map

- (1) The Municipality may create a zoning map or maps to indicate the application of this Scheme to land units within the municipal area.
- (2) When preparing a zoning map the Municipality shall take account of:
 - (a) zoning maps that form part of any previous zoning schemes, and;
 - (b) approved land use rights, and;
 - (c) existing lawful use of land.

- (3) The zoning map shall indicate:
- (a) the zone that applies to each land unit shown on the zoning map, and;
 - (b) any areas where special development parameters apply by virtue of overlay zones.

5. Errors on the zoning map

- (1) In the event that zoning has been wrongly allocated on the zoning map or wrongly converted from a former zoning map, or if the Municipality failed to accurately capture the zoning of a property for whatever reason, the owner of the property may submit to the Municipality a request to correct the zoning map. The owner must submit documentary proof of the lawful property rights, upon which the Municipality will make a determination and amend the zoning map accordingly should an error be confirmed.
- (2) The Municipality may, of its own accord, correct the zoning map should an error come to its attention. In such an event, the Municipality will inform the owner of the property accordingly and invite comments from the owner within 30 days. Once all information including the owner's comments has been considered, the zoning map shall be amended if necessary to reflect the correct zoning of the property.

CHAPTER 3: GENERAL ADMINISTRATION

6. Rules of interpretation

- (1) The following rules of interpretation shall apply:
 - (a) after the commencement of this Scheme, any words in this Scheme, annotations used on the zoning map and register, words and expressions used in planning reports and any conditions of approval imposed after the commencement date shall have the meanings assigned to them in accordance with the definitions contained in section 1 of the Scheme except where a different meaning is clear from the context;
 - (b) in conditions of approval imposed prior to the commencement of this Scheme, terms describing land use, shall, for the purposes of interpretation, retain their meaning as was effective under the previous legislation, unless the interpretation in this Scheme does not materially change the meaning. For all other aspects, the meaning of this Scheme shall prevail;
 - (c) interpretation of words not defined in this Scheme will have the meanings assigned to them in the “new Shorter Oxford English Dictionary” published by Oxford University Press, except where a different meaning in the Municipality’s opinion is clear from the context;
 - (d) headings do not determine the meaning of sections and must not be considered when interpreting the sections;
 - (e) the masculine gender includes the feminine and neuter, and vice versa and the singular includes the plural, unless otherwise indicated by the context;
 - (f) if there is any conflict between the English version and any other translation, the English version will prevail;
 - (g) whenever reference is made to a law, ordinance, by-law or regulation, the reference applies to all substitutions, amendments, and additions of the said law, ordinance, by-law or regulation;
 - (h) 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 the building and to the use of the land unit or part thereof, whether a building is erected or not;
 - (i) the terms “must” and “shall” are mandatory, and the term “may” is not mandatory;
 - (j) the competent authority’s interpretation shall prevail unless the contrary is proven.

7. Severance, other legislation, and by-laws

- (1) If any provision in this Scheme is struck down as invalid by a court of law, such provision shall be severed from the zoning scheme, and shall not affect the validity of the remaining provisions.
- (2) Where this Scheme is in conflict with national or provincial legislation, the provision of such legislation shall prevail, except where the provisions are a local competency, as mandated by the National Constitution.
- (3) Where this scheme prescribes parameters or conditions which differ from other legislation or by-laws, the most restrictive parameters shall prevail.

8. Transitional arrangements and existing schemes

- (1) Any application in terms of the Planning Law or in terms of a former zoning scheme submitted prior to the implementation of this Scheme and which is still in process at the date of commencement of this Scheme, will be assessed and finalised within the provisions of such former zoning scheme, unless the applicant has informed the Municipality in writing of the withdrawal of the application.

- (2) A building plan will be assessed and finalised within the approval granted (applying the land use restrictions or provisions of the applicable zone in the former zoning scheme), where:
 - (a) A building plan application was formally submitted before commencement of this zoning scheme, and did not contravene the provisions of the former zoning scheme at the time of submission, or
 - (b) A building plan application is formally submitted after commencement of this zoning scheme with the express purpose to act on a valid approval granted for any application in terms of planning law or any other application in terms of a former zoning scheme, provided that such building plan application is submitted within 30 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.
- (3) When implemented, buildings constructed in accordance with a building plan approved in terms of this section will not be considered to be contravening this zoning scheme but will be a lawful non-conforming use.
- (4) Where a rezoning application was approved prior to commencement of this zoning scheme but has not yet been acted on, or where a rezoning was approved as contemplated in this section within the provisions of a former zoning scheme after the commencement of this Scheme, the affected land unit/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this zoning scheme as determined by the Municipality, where such an approval is acted on.
- (5) Where any approval in terms of Planning Law or any other application in terms of a former zoning scheme has been lawfully acted on and it contravenes any provision in this zoning scheme but, it will for the purposes of this zoning scheme not be considered to be an offence but a lawful non-conforming use.
- (6) Where the provisions pertaining to maximum floor area, height and parking of this Scheme are more onerous or restrictive than a former scheme, the owner may, for a period not exceeding five years from the date of commencement of the scheme, continue to implement the particular more permissive parameter or parameters of a former scheme to any building plan or application in terms of this Scheme. In all other respects, the provisions of this Scheme will prevail.
- (7) If a building envelope is extended or the land use inside a building is altered after the date on which this Scheme comes into effect, the provisions of this Scheme shall only apply to such alterations and extensions.

9. Deemed zoning

- (1) Any portion of land designated on an approved General Plan or Surveyor General Diagram as 'public place' and which in the Municipality's opinion serves the function of open space shall be deemed to be zoned as Public Open Space Zone, and should the Municipality discover that the zoning map does not reflect the zoning in this manner, the zoning map shall be amended accordingly.
- (2) Any portion of land indicated on an approved General Plan or Surveyor General Diagram as public place or 'public street', and which in the Municipality's opinion serves the function of a public street, public parking, proclaimed road or is reserved under any other law for public street, or widening or improvement of an existing public street, including roads proclaimed in terms of the Roads Ordinance, 1976 (Ordinance 19 of 1976) (unless specifically excluded) shall be deemed to be zoned Public Roads and Parking Zone.
- (3) Where the proclamation of land zoned 'Public Open Space Zone' or 'Public Roads and Parking Zone' is changed due to the amendment, cancellation or withdrawal of a subdivision plan, the Municipality shall determine the appropriate zoning for such land unit and the land shall be deemed to be zoned accordingly.
- (4) Where a portion of land zoned 'Public Open Space Zone' or 'Public Roads and Parking Zone' is no longer required for such purposes and it is not large enough to represent a development opportunity and it

either is already a portion of an existing erf, or it is consolidated with an existing erf, the portion of land shall be deemed to fall in the same use zone as that of the abutting land of which it forms part or with which it is consolidated.

- (5) Where a land unit or portion of a land unit zoned 'Public Open Space Zone' or 'Public Roads and Parking Zone' is no longer required for such purposes and said portion of land represents land of sufficient size and dimension that it can be developed of its own accord without being consolidated with another abutting land, the zoning of such portion shall not be deemed as in subsection (4) above, but shall be rezoned.
- (6) All land subject to the provisions of section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) is deemed to be zoned Transport Facilities Zone.
- (7) Where an agreement has been entered into between the Municipality and the South African Transport Services or any of its divisions or its successors in title in terms of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) or preceding legislation, provisions and conditions contained within such agreement shall prevail over the Transport Facilities Zone.
- (8) Where land owned by the South African Transport Services or any of its divisions has been lawfully rezoned for any other use, such land will retain its zoning and shall be allocated the corresponding zoning in terms of this zoning scheme on the Municipality's zoning map, and all provisions of this Scheme shall apply.

10. Evasion of intent of the scheme

- (1) The Municipality may refuse a building plan or any application in terms of the zoning scheme or in terms of Planning By-law if in its opinion the plan or application facilitates or constitutes an evasion of the intent of the zoning scheme or any of its provisions.

11. Methodology of measuring and rounding off

- (1) The Municipality may require an applicant or owner to appoint a registered surveyor, at the owner/applicant's cost, to supply and verify information necessary for the Municipality to make decisions about compliance with distances or levels in terms of this Scheme. This information may be required at any stage of the application, building plan submission or construction process, or prior to an occupation certificate being issued in terms of the National Building Regulations.
- (2) The distance between a building and a boundary shall be measured along the shortest distance between a point on the building and the boundary measured on the same horizontal plane.
- (3) Where reference is made to the boundary opposite a point or building, that portion of the boundary is defined by drawing lines from the point on the building at right angles to the boundary.
- (4) Where reference is made to the existing ground level or the natural level of ground such level shall be calculated in accordance with recognised geometric principles.
- (5) Where it is not possible to measure a height, distance or level due to irregularities which make the application of geometric principles impractical or inconsistent with the intent of the scheme, the Municipality shall determine the distance, level or height for purposes of administering the scheme, taking into consideration the overall intent of the scheme.
- (6) If a calculation of a requirement results in a fraction, and where such a fraction applies to a number of whole units which cannot be provided in fractions (e.g. dwelling units, parking bays, bedrooms and so forth) then the result of the calculation will be rounded up or down as follows: when the calculation results in a fraction which is less than 0,5 the number shall be rounded down, and where the fraction is 0,5 or more, the number shall be rounded up.

CHAPTER 4: APPLICATIONS AND SUBMISSIONS

12. Permission in terms of the scheme

- (1) An application for permission in terms of this Scheme shall follow the application process prescribed in the Planning by-law.
- (2) Subject to the provisions of any other legislation, the Municipality may determine the extent to which an application requires to be made known, which may include notification in the media, and/or notification to an affected party or person, or may exempt an application completely if the proposal does not materially and adversely affect the public interest or the rights of any person.
- (3) Where a number of days are indicated in this Scheme, it means consecutive calendar days exclusive of public holidays. If the closing date of such a period falls on a weekend, the next working day become the day on which the action is to be concluded.

13. Additional use

- (1) Prior to commencing an additional use as permitted in terms of this Scheme, an applicant shall, where required, submit an Additional Use Site Development Plan to the Municipality for its permission, accompanied by the prescribed form, fees, and information, indicating the following:
 - (a) area and extent of the property to be used for the additional use and for the primary use;
 - (b) position of proposed new buildings, and extent of existing buildings to be used for the activity;
 - (c) parking, in accordance with the requirements of this Scheme;
 - (d) engineering services report, if required;
 - (e) landscaping and boundary wall treatment;
 - (f) façade treatment and elevations (if any alterations to buildings are proposed);
 - (g) description of proposed activity, hours of operation and number of people to be employed, or any other relevant information as required by the Municipality;
 - (h) confirmation of compliance with any other parameters contained in this Scheme, or any additional policy the Municipality may have approved in respect of the type of additional use.
- (2) Upon receipt of an Additional Use Site Development Plan, the Municipality shall, within 30 days request any additional information it may need to evaluate the application. The Municipality shall decide on the application within 60 days from the date of submission or the date when the last information is submitted by the applicant, whichever is the latest ;
- (3) Upon receipt of a complete application together with all additional information required, the Municipality shall:
 - (a) calculate any development charges, if applicable;
 - (b) scrutinise the plan for compliance with the development parameters in the scheme;
 - (c) scrutinise the plan for compliance with the Municipality's technical requirements, by-laws and policies such as (but not limited to) access requirements, circulation, refuse removal;
 - (d) assess the plan in terms of positioning of buildings on the property, visual screening and in the case of areas outside the urban edge, protection of the heritage and cultural landscape if applicable;
 - (e) require amendments to the plan, or impose any other conditions related to the implementation of the plan and which may be relevant to the activity, to ensure good order, safety, and health, and ensure that the character of the area is maintained;

- (f) inform the applicant in writing of any other applications required in terms of Planning Law, in which case the application may not proceed until such time as the application has been duly made and decided on; or
 - (g) inform the applicant of the decision together with any amendments, improvements, conditions to adhere to or development charges which must be paid before the activity may commence.
- (4) A site development plan submitted for additional use is exempt from public notification or notification of specific parties or persons.
 - (5) A site development plan for an additional use may be submitted and dealt with simultaneously with other applications in terms of the scheme.
 - (6) The Municipality may refuse an Additional Use Site Development Plan if it does not comply with development parameters of the Scheme or if it is likely to cause a health and safety hazard if insufficient bulk engineering services are available for the activity, or if it is not amended in accordance with the requirements of policy, by-law or other requirements of the Municipality.
 - (7) The activity may not commence until the Municipality has granted its approval of the Additional Use Site Development Plan, all conditions are met and all development charges have been paid.
 - (8) In the event that the Municipality does not respond in writing within the prescribed 60 days, or refuse the Additional Use Site Development Plan, the applicant may appeal in terms of the Planning by-law.

14. Occasional use and events

- (1) All occasional use and other events require events permits as set out in the Municipality's Events By-law and such events permit shall only be issued in terms of that by-law if the event is a permitted land use in terms of this Zoning Scheme By-law or if the required land use application has been approved.
- (2) An occasional use which is ancillary to the permitted primary use³ is included in the primary use right and is permitted, with no further site development plan or consent application needed, provided that such events may not take place more than once a month or more than four times a year. Should the frequency of occasional use exceed this threshold, the Municipality may waive the requirement for a further application if they are satisfied with the occasional nature of the event and that it remains related to the primary right.
- (3) For any other occasional use which is not ancillary to the primary use⁴ or any occasional use which exceeds the frequency threshold indicated in subsection (2), a site development plan shall be submitted (where occasional use is indicated as an additional use) or a consent application shall be submitted (where a consent is required for events or occasional use), prior to the activity being undertaken and in good time to allow the processing of an application in line with Planning by-law.
- (4) A site development plan or consent application for an occasional event shall be submitted by the operator with the written permission of the landowner, on the prescribed form and shall be accompanied by the information prescribed by the Municipality.
- (5) In the event that the Municipality require that a site development plan accompany an application for an occasional use, it shall contain the information required by the Municipality, which may include, but is not limited to indicating the area where the land use will take place, the temporary structures to be erected, the area where vehicles will park, and the area where ablution and other facilities (such as generators) will be positioned for the duration of the activity.

³ For example a school bazaar or school fundraiser event at a place of instruction or a church bazaar at a place of worship or the Cape Epic race end at a big sport stadium.

⁴ For example, renting out a school hall for public commercial functions, or holding an open-air market on an open space, hosting an outdoor music festival event on a farm

- (6) The Municipality may impose any conditions it deems necessary to mitigate the impact of the activity including (but not limited to) conditions relating to the duration and frequency of the event, erection and removal of temporary structures, cleansing, hours of operation, traffic management, and any other matter which may be necessary.
- (7) No more than one occasional use event per month and no more than a total of 12 occasional use events per year may be held on any property, regardless of whether it is an occasional use ancillary to the primary right or not, unless the Municipality has waived the requirement for further applications.
- (8) The operator and the owner shall be jointly responsible for adherence to all conditions of approval including also making adequate arrangement for all electrical, ablution, water, safety, health and other facilities which may be required by the activity, as well as to obtain all other permits and permissions which may be required in this regard.
- (9) For occasional use or for the undertaking of a specific event, notification will be undertaken as determined by the Municipality's Events By-law and Noise Regulations, and no public or personal notifications will be made in terms of this By-law, unless the Municipality is of the opinion that inadequate public consultation took place through the other permit application processes given the scale and impacts of an event.
- (10) When it is an owner's intention to use a property for a number of events which will exceed the frequency threshold of an 'occasional use' (more than once a month and/or more than 12 events per year), an application for consent shall be submitted by the owner to enable events to be held on a more regular basis. This is a general land use application which would give the right to an owner, subject to certain conditions, to hold a specified number of events per year on the property. This approval grants a land use right in terms of the Zoning Scheme By-law and event permits required in terms of the Events By-law shall be applied for by the event operator on an event-by-event basis.
- (11) A consent application for events is a land use application in terms of the Planning by-law and shall be subject to the same notification and other application procedures as set out in the Planning by-law.
- (12) The holding of events on a continuous basis to the extent that it becomes a permanent use and the only primary use on the property is not permitted under an event consent approval. If the primary activity on a property is to be regular events of a particular nature (which is taking place frequently enough to be regarded by the Municipality, in their sole opinion, as a permanent land use), then the activity should be classified according to one of the land use categories and an application for consent and/or rezoning, as the case may be, shall be made by the owner of the property.

15. Subdivision of land and owners association

- (1) 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 (which may include access via an appropriately registered right of way servitude);
 - (b) water supply, if required;
 - (c) sewerage disposal, if required for the particular use; and
 - (d) any other engineering services which are deemed a requirement for the particular intended use, to the Municipality's satisfaction.
- (2) When the Municipality grants an approval for subdivision of a property containing one or more existing approved buildings or structures, the Municipality's approval is deemed to have been granted for any departure which may arise out of the subdivision (without having to identify each departure individually),

provided that all structures are adequately shown on a plan and any new structures or buildings constructed after the confirmation of said subdivision, shall comply with the parameters of the scheme.

- (3) At the same time as applying for a subdivision, the applicant may submit a site development plan to the Municipality for the buildings to be developed for the intended development on the 'to be' subdivided portions. Upon approval of such a subdivision application and its accompanying site development plan, the Municipality's approval is deemed to have been granted for all internal departure which may arise out of the subdivision (without having to identify each departure individually), provided that all parameters which have an external impact or apply to external boundaries shall either be complied with or specifically be departed from.
- (4) Subsequent to the granting of a subdivision permitting two or more adjoining land units with attached dwelling units to be held under a separate title, the departures on the common boundary relating to common building lines will deem to have been granted. The owners of such land units shall at all times:
 - (a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure that is common to the adjoining land units or attached dwelling units;
 - (b) maintain every part of such wall, roof, pipe, gutter, wiring, or other structure which is on or traverses such land units or attached dwelling units;
 - (c) permit access to such land units or dwelling units for the purposes of maintaining, repairing, renewing or altering of any wall, roof, pipe, gutter, wiring or any other structure;
 - (d) not make any alterations to or demolish any part of the buildings erected on such land units, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings, without the permission of the Municipality.
- (5) If a property that has been granted a temporary departure or consent use right is subdivided, the consent use right or temporary departure approval may be revoked by the Municipality if the original conditions of approval cannot be satisfied, or may apply to only one of the subdivided portions (together with the original conditions of approval), or may apply to each of the subdivided portions with amended conditions, as determined by the Municipality when approving the subdivision.
- (6) Upon approval of a subdivision the Municipality shall impose conditions relating to the creation of an owners association to take ownership of any communal land (such as but not limited to private street, private open space or any communal private services) to which owners of all units in the subdivision have access or have a responsibility to maintain. In the event that a subdivision is approved where private open space, private communal services or private road is created, and the Municipality fails to duly impose conditions for the creation of an 'owner's association', the developer shall in any event create the required owners association in order to take ownership and maintenance responsibilities of communal land and services.
- (7) All new subdivisions are to take into consideration the Stellenbosch Design Guidelines and Minimum Standards for Civil Engineering Services and Electricity Services directives, as issued by the relevant department and amended from time to time.

16. Consolidation of land

- (1) When two or more individual land units are consolidated, building lines, coverage and other provisions which previously applied to individual land units, shall not remain in force over those former land units, but shall apply to the consolidated land unit in accordance with this Scheme.
- (2) The Municipality may impose additional development rules where two or more individual land units are consolidated, and the application for consolidation which would, in the Municipality's opinion:

- (a) substantially alter the character of the area, with negative consequences, as a direct result of the size of the consolidated land unit, or
 - (b) include a larger surface area of building, larger massing of structure, or reduction of space between built elements, than would have been possible prior to consolidation due to the building lines, floor space or coverage provisions that formerly applied to the individual land units in terms of this Scheme.
- (3) The additional development rules referred to above may:
- (a) relate to the massing, spacing and position of buildings on the consolidated land unit, and
 - (b) be more restrictive than the development rules that would normally apply to the consolidated land unit in terms of this Scheme,
- but may not be more restrictive than the development rules which applied to the former individual land units, prior to consolidation, unless the land is rezoned.
- (4) Consolidation of erven may result in intensification of land use which may result in additional Development Charges being levied on a property.

17. Site development plan

- (1) A site development plan:
- (a) may be required by the Municipality to accompany any application in terms of Planning by-law;
 - (b) may be required by the Municipality to accompany any permission in terms of this Scheme;
 - (c) shall be submitted prior to engaging in an additional use (except where indicated in the zone that it is not required);
 - (d) shall be submitted prior to the submission of a building plan, where so required by this Scheme.
- (2) The Municipality may, upon application by the owner, amend an approved site development plan and the same application process applicable to the original application shall apply to an application to amend the site development plan, provided that notification may be waived if the amendment does not have a material adverse impact on any other person or the public.
- (3) The Municipality may, prior to approving a site development plan, request adjustments to the plan in order to ensure compliance with the provisions and intent of the scheme or any other legal requirement, policy or technical requirement of the Municipality and may impose conditions which relate to the implementation and construction related to the site development plan.
- (4) To this end, the Municipality may determine what information is relevant for a particular application type, may adopt guidelines in this regard to assist applicants, and may request some, or all of the information below, or any relevant additional information it deems necessary:
- (a) existing contours, rivers or streams and trees or landscaping on the site;
 - (b) existing orchards, vineyards, grazing or any other existing agricultural land use;
 - (c) existing critical bio-diversity areas, natural veld or other vegetated areas; the position, extent and use of existing buildings, and other features, including indicating what is to be retained and demolished/removed;
 - (d) the position, use and extent of all proposed new buildings;
 - (e) elevations and cross sections of the new development;
 - (f) the alignment and general specification of proposed vehicle access, roads, parking areas and pedestrian footpaths;
 - (g) typical details of proposed fencing or walls around the perimeter of the land unit;
 - (h) provisions for the disposal of stormwater, sewage and refuse which result from the proposals;
 - (i) provisions for water supply;

- (j) external lighting proposals;
 - (k) external signage proposals;
 - (l) the position and extent of proposed private, public and communal space, general landscaping proposals including trees to be preserved, removed or planted, external paving, and measures for stabilising outdoor areas where applicable;
 - (m) the proposed phasing of the development;
 - (n) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
 - (o) all relevant information about the extent of the proposed development, floor area allocations and parking supply to illustrate compliance with the development parameters of this Scheme;
 - (p) the Municipality shall indicate upon request by an applicant whether site development plans may be un-scaled, hand drawn, drawn on an aerial photo or whether plans require to be dimensioned and to scale, which shall be determined by the complexity of the application and the need for scaled drawings to inform the particular application at hand (e.g. to determine extent of departures);
 - (q) any other details as may reasonably be required by the Municipality.
- (5) The Municipality may also accept, solely in their own discretion and to their own satisfaction, illustrations and drawings of proposals which are drawn by hand, which may not necessarily be drawn to-scale, especially in cases where accuracy and scale is of lesser importance, especially in informal areas and where owners are unable to afford professional drafting services.

18. Construction environmental management plans

- (1) A construction environmental management plan:
- (a) may be required by the Municipality to be submitted together with a building plan for its approval in the event that construction activities may have, in the opinion of the Municipality:
 - (i) an adverse impact on the natural and/or built environment or neighbours;
 - (ii) on-site or adjacent trees or vegetation require protection during the site preparation or construction phase;
 - (iii) heritage resources require protection during the site preparation or construction phase;
 - (iv) or any other related matter which require management during the site preparation or construction phase and which is not adequately dealt with by means of the provisions of the National Building Regulations.
 - (b) may be imposed as a condition when the Municipality considers an application in terms of Planning by-law.
- (2) The Municipality may adopt a policy to direct when a construction environmental management plan may be requested.
- (3) The construction environmental management plan and building plan may be submitted simultaneously for the Municipality's consideration and may be approved simultaneously.
- (4) The Municipality may specify requirements in relation to the qualifications of the specialist who will prepare, implement and oversee the construction environmental management plan⁵.
- (5) After considering the construction environmental management plan, the Municipality must either:
- (a) approve the construction environmental management plan, with or without conditions;
 - (b) or require amendments to the environmental management plan to be re-submitted;

⁵ Usually an Environmental Control Officer

- (c) or refuse the plan.
- (6) It is an offence for any person to develop, construct or use land without an approved construction environmental management plan, where one is required, or develop, construct or use land contrary to an approved construction environmental management plan.

19. Visual impact assessments

- (1) A visual impact assessment (VIA)
 - (a) shall be required where this Scheme specifies such an assessment to be submitted;
 - (b) may be required information to accompany an application in terms of Planning by-law;
 - (c) may be imposed as a condition when the Municipality considers an application in terms of Planning by-law, prior to which a building plan will not be approved.
- (2) A VIA must be undertaken by a suitably qualified specialist to the Municipality's satisfaction and shall contain sufficient information to enable the Municipality to make a decision and impose appropriate conditions to mitigate the impact of the proposed development.
- (3) It shall assess all relevant aspects of the proposed development, including, but not limited to building height, bulk and the siting of the building and/or structure, proposed design, façade and composition, material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public, such as parking, outdoor lighting, landscaping, signage and grading.
- (4) The Municipality may determine what information is relevant to a particular VIA and may request all or any of the following information:
 - (a) description of the affected environment;
 - (b) identification and response to issues;
 - (c) identification of alternatives;
 - (d) identification of opportunities and constraints;
 - (e) prediction of and assessing of impacts;
 - (f) recommendations of mitigatory measures.
- (5) A visual impact assessment informs either a planning application or a building plan and the Municipality shall either decide on the planning application, in which case appropriate conditions shall be imposed, or will decide on the building plan which incorporates the recommendations of the visual impact assessment.

20. Conditions of approval

- (1) The Municipality may approve an application or a site development plan or grant permission in terms of this scheme subject to the same provisions and procedures as set out in the Planning by-law.

21. Development charges

- (1) The purpose of development charges is to recover a pro-rata portion of the capital cost of infrastructure that is attributable to a particular development due to the intensification of land use, which results in an increase in engineering services usage or consumption.
- (2) The Municipality has adopted a Development Charges policy, and approved tariffs in terms of the Municipal Systems Act 2000 (Act 32 of 2000), in terms of which the fee is calculated .
- (3) In terms of Planning Law, development charges are payable when an application in terms of Planning Law is made. In the case of such an application, a condition of approval shall be imposed calculating charge payable in the event of a development commencing.

- (4) Regardless of whether the land use is a permitted, additional of consent use in this Scheme, the Municipality may also impose development charges in terms of this section on any development where there is no application in terms of planning law but where the envisaged development involves intensification of land use which requires the provision of additional, or will access existing spare capacity in the Municipality's external engineering services or infrastructure.
- (5) The Municipality shall calculate the development charges for intensification of land use at the time when a planning application is made in terms of planning law, and impose a condition of approval accordingly. Only in instances where intensification of land use is not accompanied by or preceded by a planning application, may the Municipality calculate a development charge and inform the owner accordingly prior to the approval of a building plan.
- (6) In the event that the Municipality fails to calculate a development charge at the appropriate approval stages as set out in subsection 21(5), it is deemed that there are no charges related to that development.⁶

22. Permission in terms of this scheme and serving notice

- (1) Throughout this Scheme, provision is made for the Municipality to grant permission or approval in terms of the scheme for certain matters.
- (2) The Municipality may determine whether or not it is required to serve a notice to any party when an application is made for the Municipality's permission in terms of this Scheme and shall cause a notice to be served in instances where a person's rights may be affected. When responding to a matter, a person who wishes to support an application for the Municipality's permission may do so in writing and may also waive their right to appeal, in which case the Municipality has no further obligation to inform them of further appeal procedures.
- (3) The submission of certain site development plans for additional use and overall farm site development plans are exempt from the serving of notice since these serve the purpose of informing the Municipality of the owner's intent to exercise permitted rights on the property.
- (4) A person who applied, or a person who objected, may appeal against the decision or a condition imposed as a result of a decision for permission in terms of this Scheme.

23. Permission, approvals, consent and permits in terms of other laws

- (1) Any approval, permission, consent or permit required in terms of any other law or by-law, must also be obtained for any activity or land use if so required, and this scheme in no way overrides such other legislation.
- (2) Where any other law prescribes conditions to be adhered to or requirements to be met, the owner or operator shall comply with all such conditions, and in all cases the most restrictive of conditions shall be adhered to.

24. Lapsing of approval

- (1) The lapsing provisions of the applicable Planning Law shall apply to any application in terms of this scheme, unless the Municipality imposed a condition which imposes a more limiting period within which to utilise the land in accordance with the approval.

⁶ Refer to section 32 which addresses the availability of capacity in external engineering services

CHAPTER 5: GENERAL DEVELOPMENT PARAMETERS

25. Development parameters for off-street parking

- (1) Off-street parking requirements for any new development are set out in Table A, and shall apply to all new buildings approved after the commencement of this Scheme.
- (2) The parking standard indicated in Table A applies to each land use, notwithstanding the base zone, unless otherwise indicated.
- (3) Off-street parking shall be provided -:
 - (a) on the same land unit where the particular land use is located for which the parking is required; or
 - (b) in a public parking facility to be provided by the developer in the vicinity of the site, subject to the Municipality's approval and subject further to any conditions it may impose together with such approval; or
 - (c) on another land unit, in which case the land on which such parking is provided shall be notarially tied with the subject property in accordance with this Scheme.
- (4) Where an addition is made to an existing building, or where an existing building or its use is altered so as to require additional parking or loading, only the additional parking required by that particular addition or altered land use shall be required to be provided.
- (5) In the event that the Municipality approves a departure from minimum parking requirement in terms of this Scheme, it may impose a condition which requires payment of a levy in lieu of the shortfall of the number of bays, on the basis that public parking or roads may be utilised for parking of vehicles connected to the activity.
- (6) Parking on a property shall only be for land uses which are lawfully permitted on the property. Apart from the provision in section 33 (1)(a), no business vehicles may be parked on land which is not zoned for that particular type of business.
- (7) The size and layout of all parking bays, parking areas and circulation space shall be to the Municipality's satisfaction and shall be dimensioned on a site development plan or building plan.
- (8) Except in the case of dwelling houses, tandem parking bays count as one bay.
- (9) Parking areas shall be constructed, adequately signposted, demarcated and maintained to the Municipality's satisfaction.
- (10) Parking layout, circulation and dimensions shall be to the Municipality's satisfaction. Minimum parking bay dimensions are 2m wide by 5m long unless otherwise approved by the Municipality. The Municipality may require that bays are wider to ensure they are accessible especially in cases where they are adjacent to solid walls and support columns or where narrow aisle widths require wider bays.
- (11) All parking bays shall remain accessible for use as parking and may not be otherwise used or encroached upon.
- (12) When approving a rezoning, consent or departure application in terms of Planning by-law, the Municipality may impose conditions which require more parking than stipulated in this section and may also impose parking requirements for land uses not stipulated in Table A.
- (13) Where two or more uses combine to share a common parking area, parking requirements may be reduced with the Municipality's permission and an applicant for a building plan may submit a motivation prepared by a suitably qualified person in support of shared parking together with such building plan. Approval of reduced parking on this basis is solely at the Municipality's discretion.

TABLE A: OFF-STREET PARKING REQUIREMENTS

<u>Land Use Category</u>	<u>Normal parking</u>	<u>Additional parking reserved for visitors</u>
Residential		
Backpackers establishment	1 bay/ bedroom	
Bed and breakfast establishment (add to dwelling)	1 bay/guest bedroom	
Boarding House	1 bay/ bedroom	
Community Residential building: orphanage and old age home	0,3 bay/ bedroom	
Dwelling house in all zones except LFR : 1 bedroom 2 or more bedrooms	1 bay/ dwelling house 2 bays/ dwelling house	
Dwelling house in LFR Zone	1 bay/ dwelling house	
Flats in all zones except LFR: 1 & 2 bedroom units 3 bedroom units 4 or more bedroom units	1 bay/ dwelling unit 1,25 bays /dwelling unit 1,5 bays / dwelling unit	0,5 bay/dwelling unit 0,5 bay/dwelling unit 0,5 bay/dwelling unit
Flats in LFR Zone:	1 bay/ dwelling unit	0,25 bay/unit
Group house:	1 bay /group house	1 bay/unit
Guesthouse	1 bay/ bedroom/suite	
Hostel	0,6 bay per bedroom for Tertiary Institution, Nil for schools	
Hotel	1 bay/ bedroom or suite plus additional parking for as required for additional facilities accessed by non-guests as required elsewhere in the scheme (e.g. office, restaurant, conference, wellness centre etc.)	
Lodging establishment (add to dwelling)	1 bay/ bedroom	
Second dwelling house: all zones except LFR	1 bay/ second dwelling	
Second dwelling house in LFR zone	Nil	
Business and office		
Business premises: including Liquor store, Funeral parlour, Adult entertainment and similar	4 bays/100m ² Gross Leasable Area	
Commercial gymnasium	6 bays/100m ² Gross Leasable Area	
Conference facility	0,25 bay/seat	
Filling Station	4 bays/100m ² Gross Leasable Area	
Motor showroom: Light Vehicles	3 bays/100m ² Gross Leasable Area	
Motor showroom: Medium and Heavy Vehicles	1 bay/ 100m ² Gross Leasable Area with a min of 6 bays plus 1/bay/800m ² Gross Leasable Area for heavy vehicles (min 1 bay)	
Motor Vehicle fitment centre, repair centre	4 bays per service bay plus 4 bays/100m ² Gross Leasable Area: Min 8 bays	
Offices	4 bays/100m ² Gross Leasable Area	
Place of entertainment -General	4 bays/100m ² Gross Leasable Area	
Cinemas and theatres -in shopping centre	0,1 bay/ seat	
-standalone	0,25 bay/seat	
Plant nursery	1 bay/100m ² Gross Leasable Area (total indoor and outdoor sales area)	
Restaurants	6 bays/100m ² Gross Leasable Area	
Service station	4 bays /service bay plus 2 bays/100m ² Gross Leasable Area	
Shops (including supermarkets and centres): up to and including 1000m ² >1000 up to 15 000m ² More than 15 000m ²	4 bays/100m ² Gross Leasable Area 6 bays/100m ² Gross Leasable Area 6 bays/100m ² Gross Leasable Area	
Industrial		
Industry	1,5 bays/100m ² Gross Leasable Area	
Warehouse, Abattoir, Brickworks, Builders yard	1 bay/100m ² Gross Leasable Area	
Scrap yard	1 bay/100m ² Gross Leasable Area	
Community facilities and medical		
Medical Consulting rooms	6 bays/100m ² Gross Leasable Area	
Clinics and Hospitals	1 bay/bed plus 3 bays/consulting room	
Daycare Centre	1 bay/classroom or office	
Extramural facility	1 bay/4 students	
Place of Education Primary and secondary schools	1 bay/classroom	
Tertiary Educational Institution Colleges	1 bay/lecture room	0,25 bay/ student

TABLE A: OFF-STREET PARKING REQUIREMENTS

<u>Land Use Category</u>	<u>Normal parking</u>	<u>Additional parking reserved for visitors</u>
University	1 bay/lecture room	0,4 bay /student
Place of worship Church Mosque	0,4 bay/seat or 40 bays/100m ² of seating and aisle area 25 bays/100m ² of net prayer area	
Place of assembly	0,25 bay/seat or 20 bays/100m ² GLA	
Place of indoor recreation	0,25 bay/seat	
Place of sport and recreation	0,25 bay/seat	
Public institution (e.g. library, museum)	2 bays/100m ² Gross Leasable Area	
Welfare institution	2 bays/100m ² Gross Leasable Area	
Libraries and museums	2 bays/100m ² Gross Leasable Area	

26. Disabled parking and universal access

- (1) A site development plan or building plan shall incorporate and be consistent with the requirements of the National Building Regulations and any Municipal Policy applicable at the time in relation to the provision of parking that is capable of use by physically disabled persons and universal access and it remains the owners’ responsibility to ensure compliance with these regulations and the Municipality’s policy.

27. Visitor parking

- (1) The following parameters shall apply to visitors’ parking required in terms of this Scheme:
 - (a) visitors’ parking as required by this Scheme shall be clearly demarcated, readily visible, and accessible to visitors with suitable signage to direct visitors to such parking;
 - (b) visitors’ parking shall not be sold via sectional title for exclusive use nor shall it be leased or allocated for the exclusive use of particular persons, other than visitors.

28. Parameters for motorcycle, bicycle and other non-motorised transport provision

- (1) The Municipality may require that parking for motorcycles and/or bicycles be provided in lieu of normal parking bays on any property and the Municipality may adopt a policy with regards to the compulsory nature of such non-motorised transport parking provision.
- (2) Dimensions, position and layout of these parking bays shall be to the Municipality’s satisfaction.
- (3) An owner may of their own accord provide unlimited bicycle and/or motorcycle bays over and above the normal vehicle parking bay requirement set out in section Table A.
- (4) The Municipality may agree that an owner can provide bicycle and/or motorcycle bays in lieu of parking bays in which case the Municipality shall determine the maximum number of parking bays which may be replaced by bicycle and/or motorcycle bays and all such parking shall be to the Municipality’s satisfaction.
- (5) Should motorcycle or bicycle parking be provided in lieu of normal parking, the following shall apply:
 - (a) four motorcycle spaces shall count towards one parking bay; or
 - (b) six bicycle spaces shall count towards one parking bay.
- (6) These bays shall be clearly marked, easily accessible to users and allow bicycles to be locked.
- (7) In the event that an owner does not provide the required bicycle and/or motorcycle bays or ceases to make such facilities available to users as set out in the conditions, the normal parking requirements applicable to the development shall be complied with.
- (8) The Municipality may request that an owner provides for bicycle routes or pedestrian pavements adjacent to a development at his cost as part of the developer’s responsibility when a site is extensively re-developed.

29. Traffic studies

- (1) The Municipality may require that a traffic impact study be undertaken by an owner or developer when a rezoning, subdivision, consolidation or consent application is submitted and the thresholds in subsection (3) are met.
- (2) The Municipality may furthermore require that a traffic impact study be undertaken at building plan approval stage in any other instance where intended development constitutes a redevelopment or intensification of land use within the parameters of the zone, where the thresholds set out in subsection (3) are met, notwithstanding that proposed development may be in accordance with the zone.
- (3) The following are the thresholds for requiring traffic studies to be undertaken:
 - (a) When less than 50 additional peak hour trips are generated, no study is required;
 - (b) When 50 or more additional peak hour trips are generated, but less than 150 trips, then a limited traffic impact statement may be required by the Municipality;
 - (c) When 150 or more additional peak hour trips are generated then a full-scale traffic impact assessment may be required by the Municipality.

30. Parameters for loading bays

- (1) The parameters for on-site loading facilities are set out below:
 - (a) For supermarkets and shopping centres 1 loading bay/500m²;
 - (b) In Industrial Zone, all loading of goods shall take place on the premises and the owner shall supply sufficient loading space to ensure this requirement is met. The minimum requirement for loading shall be 1 bay per 250m² Gross Leasable Area (GLA), plus 1 bay for every 1000m² GLA thereafter.

31. Access requirements

- (1) Vehicular and pedestrian access to a property shall be to the satisfaction of the Municipality.

32. Engineering services

- (1) Engineering services related to water, stormwater and electricity may be installed in any use zone, and shall be to the satisfaction of the Municipality.
- (2) The Municipality may refuse any application, site development plan, or building plan in terms of this Scheme in the event that insufficient capacity is available in the Municipality's bulk engineering services supply, or may impose any condition in this regard, including that connection to services will only be available after a certain date.
- (3) No buildings (except buildings associated with the particular service) may be constructed over municipal engineering services unless the Municipality has granted permission.
- (4) No rainwater may be discharged onto an abutting neighbour's property directly from a roof or gutter, unless such neighbour has granted consent, and in the event of any new building work, granted permission for a suitable servitude to be registered.

33. Parameters for outdoor storage of vehicles and other goods

- (1) The following development management provisions shall apply in all zones for the outdoor storage and parking of vehicles:
 - (a) motor vehicles (such as bakkies, taxis and mini-bus taxis) owned by the occupant of a dwelling unit, and used for commercial activities conducted away from the dwelling unit, may be parked on the property concerned, provided that:

- (i) no more than one commercial vehicle per residential property shall be parked on the land unit;
 - (ii) the gross weight of any such commercial vehicle shall not exceed 3500kg;
 - (iii) no goods or passengers may be loaded or offloaded at the residential property on a regular basis.
- (b) no area visible from a public street shall be used for the outdoor storage of inoperable vehicles;
- (c) no area visible from a public street shall be used for the outdoor storage of building material, appliances, boats, rubbish, rubble, garden refuse or similar items except:
- (i) when being temporarily stored for the purpose of construction in accordance with a valid building plan approval; or
 - (ii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days; or
 - (iii) with the Municipality's permission.

34. Parameters for mobile homes and caravans

- (1) A recreation vehicle, such as a caravan or mobile home, may not be used for permanent habitation by the occupant or guests on a land unit for more than 60 days during any 12 month period unless the Municipality has granted its permission, subject to conditions they may impose.

35. Parameters for shipping containers, wendy houses and tented structures

- (1) The use of shipping containers, wendy houses, tented and other similar informal structures for permanent habitation and occupation (for any use including storage) is not permitted in a position where the said structure is visible from a public road or public open space unless permission of the Municipality has been obtained in writing.
- (2) All such structures (whether temporary or permanent), when used for habitation or storage, are regarded as buildings in terms of this Scheme, shall be compliant with the development rules of the particular zone and building plans are required to be submitted.

36. Parameters for door and window openings and roof eaves

- (1) Unless servitudes have been registered on an abutting property in favour of the subject property, no door, or window which opens, is permitted in a wall facing a common boundary where such wall is erected closer than 1 meter to the common boundary. Windows which cannot open or glass bricks may be allowed in walls within one meter of the common boundary but in any event not closer than 0,5 meters from the common boundary. This provision is subject to the applicable building- and fire regulations which may impose more restrictive requirements.
- (2) Openings which are within 1 meter of a common boundary may not exceed 5m². This is a fire safety regulation and may not be departed from.
- (3) Unless servitudes have been registered on an abutting property in favour of the subject property, no eave or gutter may protrude over a common boundary.
- (4) No door or window (including garage doors and gates) may open over a common or street boundary.

37. Parameters for panhandle properties

- (1) No buildings shall be constructed on the panhandle portion of a property which is where access shall be provided to a property.

- (2) Common boundary building lines apply to the portion of the property which does not form part of the panhandle.
- (3) The panhandle portion of a panhandle property must be:
 - (a) not less than 3,5 meters wide for its entire length;
 - (b) disregarded for the purposes of calculating coverage.

38. Parameters for boundary walls and fences

- (1) No person shall erect a boundary wall or boundary fence of any nature on any boundary of any erf without the prior approval of the Municipality in accordance with the provisions contained herein.
- (2) Any person applying for the Municipality's permission to erect a boundary wall as aforesaid shall submit plans drawn in accordance with the scales stipulated in the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977), clearly indicating the position of the erf, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the wall proposed.
- (3) The height of boundary walls and boundary fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when the wall/fence is stepped, such stepping shall be in a series of even steps between piers (where necessary) which steps shall not materially deviate from the mean permitted height. The determination of what constitutes material deviation shall be at the discretion of the Municipality provided that such deviation shall not be more than 10% of the permitted height.
- (4) Where piers or columns of brick, stone, concrete or similar materials are required by the Municipality to ensure stability, their size and spacing shall be in accordance with the requirements of the Municipality and the National Building Regulations.
- (5) Boundary walls and boundary fences shall be constructed of the following materials only:
 - (a) face bricks with face bricks finishing; or
 - (b) plastered and painted brickwork or bagged or cement finished brickwork; or
 - (c) plastered and painted concrete block work or bagged or cement finished concrete block work; or
 - (d) decorative brick blocks; or
 - (e) painted precast concrete panels; or
 - (f) painted steel palisade; or
 - (g) galvanized or plastic-coated wire mesh; or
 - (h) wooden fences which shall consist of processed timber only as approved by the building control officer, or
 - (i) cast iron work or steel railings.
- (6) Additional security precautions such as spikes, electrical fencing/wiring, and such like, the height of which shall be included in the total height of the wall, shall be to the Municipality's satisfaction. Electrical fencing shall comply with any municipal guidelines on electrical security fence installations, the Electrical Machinery Regulations, the Occupational Health and Safety Act and any other applicable legislation.
- (7) All walls and fences shall present a fair face to adjacent properties and neighbours shall allow fair and reasonable access to allow an owner to comply with this requirement.
- (8) No person shall in the Municipality's opinion allow any wall or fence to fall into a ruinous, dilapidated or dangerous condition.

- (9) In the event that a wall or fence has fallen into a dilapidated condition or if not presenting a fair case to neighbours, the Municipality may serve a written notice upon such person requiring him/her to make good, repair, alter, demolish or remove such wall or fence at his/her own expense, within a period specified in such notice, which period shall not be less than 21 days, unless the wall or fence in question is declared by the Municipality to be a danger to safety and or health, in which case the Municipality may instruct the property owner to make good, repair, alter, demolish or remove such wall or fence immediately. Should the owner fail to comply with the requirements thereof within the time specified in the notice, the Municipality may carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.
- (10) Should the owner be denied access to a neighbour's property to make good a boundary wall, the Municipality may compel the neighbour by serving a compliance notice for him/her to grant such reasonable access as may be required for the owner to comply.
- (11) The Municipality's delegated official may grant a waiver to any of the provisions of this section if in his/her opinion the specific site's conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, the Municipality shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).
- (12) The additional requirements regarding height and visual permeability stipulated in each zone also applies, over and above these general requirements.
- (13) In the event that an erf is a corner property, or is abutted by more than one street, the Municipality may, for the purposes of applying the boundary wall requirements, deem one or more street boundaries to be common boundaries to ensure that a property can be walled sufficiently to provide for privacy.

39. Parameters for retaining walls, earth banks or raising ground level

- (1) Unless the permission of the Municipality has been obtained:
 - (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices may be constructed that enables the ground floor of a building to be raised more than 1 metre above existing ground level, provided that where the raising takes place and where a maximum height in meters for a building is stipulated, the height must still be measured from existing ground level;
 - (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2,5 metres above existing ground level; and
 - (c) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above existing ground level unless an approximately level area of at least 1 metre wide is incorporated between successive embankments or retaining structures for every 2,5 metres of cumulative height.

40. Parameters for development on steep slopes and ridgelines

- (1) No new buildings or structures outside the urban edge are permitted on slopes steeper than 1:4, except with the permission of the Municipality.
- (2) No new buildings are permitted on or protruding above those ridgelines as identified in the Municipality's Spatial Development Framework as ridgelines where construction is to be limited, except with the permission of the Municipality.

- (3) Such permission may be granted after due consideration of the visual impact of the proposed building or structure, together with any infrastructure which serves the development or gives access to it, and the Municipality may impose conditions to mitigate adverse impacts.

41. Parameters for screening

- (1) The Municipality may require screening in accordance with the following provisions:
 - (a) any part of a land unit which is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both;
 - (b) any external utility service or equipment which is required for a building must be appropriately screened from view from a public street or common boundary;
 - (c) any building, structure or wall may require to be screened by means of landscaping, planting or other screening measures to soften the visual impact of the structure.
- (2) The Municipality may require of its own accord, or upon request from an abutting affected landowner, that a boundary wall or other suitable screen or fence be erected in instances where business or industrial zoned properties abut residential, community, open space, or any other use zone and has an adverse impact on the adjacent property.
- (3) In the event that the Municipality request such a wall, fence or screen on a common boundary where it is not the abutting owner, it will seek out the abutting owner's comment. The wall or screen shall be erected by the owner of said business or industrial zoned property at his cost.

42. Parameters for satellite dish antennae

- (1) Satellite dish antennas of 1,5 metres in diameter and smaller, and used solely for the purposes of television reception or telecommunication, do not require the Municipality's approval and are excluded from height restrictions.
- (2) Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual and other impacts on the surrounding area and must comply with building parameters in the zone, and requires permission from the Municipality.

43. Parameters for equipment on top of or attached to building

- (1) On a pitched roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof of a building may not at any point be more than 2 metres above the roof surface, measured perpendicularly from that surface.
- (2) On a flat roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof or any other features such as elevator motor rooms, ventilation shafts, water tanks, air conditioning plants or other equipment on top of the roof may exceed a height of 2 metres above the wall plate. In this instance, all such features will be set back from the edge of the roof so as not to be visible from the street and/or shall be screened to the Municipality's satisfaction.

44. Decommissioning of various installations and land uses

- (1) The owners of facilities such as poly-tunnels, renewable energy infrastructure, telecommunication antennae, masts and other kinds of infrastructure, and owners of land where noxious industry and mining was undertaken, shall be responsible for the rehabilitation, decommissioning and any potential damage to the environment.

- (2) The Municipality may impose conditions relating to rehabilitation, decommissioning and repair of any environmental damage and may require that the owner makes financial provision, to the satisfaction of the competent authority, prior to construction commencing.
- (3) In all instances, whether financial provisions were put in place or not, the owner remains financially responsible for any rehabilitation, decommissioning and repair to the environment, should the costs of rehabilitation or decommissioning exceed the financial provision made.
- (4) If the facility is abandoned or, if the owner fails to rehabilitate and decommission the facility as contemplated above, or to restore damage to the environment, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate, decommission, or manage the negative environmental impact in question or to remove the facility and may recover such or any related additional costs from the owner.

45. Rainwater, greywater, recycling and renewable energy

- (1) The Municipality may adopt a policy regarding rainwater harvesting, greywater recycling, waste recycling, renewable energy use for domestic, business, industrial and agricultural uses, and any other such similar sustainable practices.
- (2) This may include demarcating different areas where such measures will apply or not, and shall consider the economic feasibility and practical application of newly built versus retrospectively fitting such measures, before imposing these conditions.
- (3) These may include:
 - (a) the installation of rainwater and/or greywater recycling in new buildings or major refurbishments where building plans are approved after the commencement of this Scheme;
 - (b) that water conservation measures and technologies be indicated on building plans approved after the commencement of this Scheme;
 - (c) the installation of photovoltaic panels or other appropriate renewable energy technologies for heating and/or reducing electrical demand where building plans are approved after the commencement of this Scheme;
 - (d) any other initiatives or programmes which may promote sustainable use of resources and services.

46. General heritage provisions

- (1) No building or structure listed on the Provincial Heritage Register or listed and graded IIIA or IIIB on the Provincial or Municipality's Heritage register shall be demolished, altered or extended nor shall any new building or structure be erected on the property occupied by such building or structure without the Municipality's permission. The Municipality shall take account of the Provincial Heritage Resources Authority's requirements, and the Municipality shall not grant its permission if such proposed demolition, alteration, extension or new building or structure will be detrimental to the character and/or significance of the graded building or structure.
- (2) The grading of buildings as indicated above refer to the grading given to buildings in the Heritage Register as adopted in terms of section 30 of the Heritage Resources Act (Act 25 of 1999).
- (3) This provision applies to graded buildings as specified, regardless of whether they are located in a Heritage Overlay Zone or not.

47. Urban horticulture

- (1) Nothing in this scheme prohibits the use of land in any use zone for small scale urban horticulture in any use zone, provided that the extent and nature of the activity will remain compatible with the land uses which are the primary uses in that scheme.
- (2) The use of pesticides, fertilisers, equipment, machinery and trucks will take account of the abutting land uses surrounding it.
- (3) Should the activity pose a health risk or cause undue public nuisance, the Municipality may issue a compliance notice, impose conditions, or require the activity to cease.

CHAPTER 6: BASE ZONES

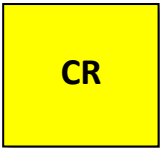
48. Use zones, land use categories and split zones

- (1) All land within the Municipal area shall be zoned in accordance with this Scheme, and at least one of the use zones set out in this Scheme shall apply to any land unit, for the purposes of controlling land use and buildings on the land.
- (2) If more than one zone is allocated to a single property it shall be referred to as a split zoning. In the event that a surveyor diagram indicating the extent of the split zone is not available in the Municipality's records, the extent to which the split zoning applies to a property shall be determined by the Municipality, taking into account the original application for the split zoning, and or the legal utilisation of the land, whichever is appropriate.
- (3) All land uses or buildings shall be classified as one of the land use categories listed under the primary, additional or consent uses in this Scheme. A land use may not be undertaken nor may a building plan be approved unless the proposed use is consistent with the land use category permitted as a primary use or additional use within that zone, or the Municipality's consent has been obtained for a land use category listed as a consent use in that particular use zone. The land use categories for primary uses, additional uses and consent uses within each zone are set out in each use zone.
- (4) An additional use may only be undertaken once a site development plan, where required, has been submitted and approved in accordance with section 13 of this Scheme.
- (5) In the event that there is uncertainty or a dispute about the land use category into which a particular land use falls, the Municipality shall, after giving due consideration to the relevant representations, determine the applicable land use category and its decision shall be final.
- (6) All buildings and land uses shall comply with the development parameters set out within the particular zone as well as the definitions and general development parameters set out in this Scheme; unless an approval where permitted, or a departure from the development parameters has been granted.

CHAPTER: 7 CONVENTIONAL RESIDENTIAL ZONE

49. Zone name and designation on map

- (1) The Conventional Residential Zone may be referred to by the code (CR) and must be indicated on the zoning map in Yellow (Colour code).



50. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) the use of land for the purposes of predominantly single dwelling houses;
 - (b) the welfare and safety of the occupants of dwelling houses within a neighbourhood by limiting uses which are likely to give rise to a public nuisance;
 - (c) the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
 - (d) controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses;
 - (e) moderate densification through additional dwellings of with a similar built form and character.

51. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home daycare centre • Home occupation practice • Lodging establishment • Second dwelling • Private road 	<ul style="list-style-type: none"> • Boarding house • Extramural facility • Group housing • Guesthouse • House shop

- (2) Additional uses are only permitted in a dwelling house and second dwelling house, and in group houses only with the prior permission of the property owners' association.
- (3) With the exception of a second dwelling, only one additional use per property is permitted.

52. Use parameters for dwelling houses and second dwelling houses in this zone

- (1) No more than two dwelling units (one dwelling house and one-second dwelling) shall be permitted on any land unit in this zone.
- (2) Each dwelling unit shall only be occupied by a family as defined, and/or be utilised for a single additional use or consent use in accordance with the provisions of this chapter of the scheme or any conditions of approval.
- (3) A second dwelling unit shall not contain a domestic accommodation unit, except with the permission of the Municipality.
- (4) A second dwelling may be registered separately by Sectional Title provided that each dwelling unit is approved on a building plan and constructed accordingly and has its own dedicated parking which is not tandem with parking for another dwelling unit.
- (5) Aviary and/or hot-houses in this zone shall not exceed 15 m² in total (if both are constructed on the property the maximum in total is 15m²).

53. Use parameters for additional uses in this zone

- (1) The operator of an additional use activity shall reside on the property from which the additional use activity is conducted, and the dominant use of the property must remain the operator's residence.
- (2) Apart from a second dwelling, only one additional use may be conducted on any property at any given time.
- (3) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use on condition that all other parameters are adhered to. If the additional use is conducted from the same dwelling in which the operator resides, a family (other than the operator's family) may be accommodated in the other dwelling unit on the property.
- (4) The nature of any alterations to the dwelling house or second dwelling must be such that the building can at any time revert to its use as a normal dwelling house or second dwelling.
- (5) The residential character of the façade of the dwelling house or second dwelling shall be retained to the satisfaction of the Municipality.
- (6) No goods, material or equipment shall be displayed or be visible from a public street. Any goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling house, second dwelling or its normal outbuildings.
- (7) The activity may not cause a public nuisance.
- (8) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted. In the sole opinion of the Municipality, additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public street or an excessive increase in the number and frequency of visitors to the property so as to be a nuisance.
- (9) Unless otherwise permitted by an approval or a policy adopted by the Municipality, no advertising sign may be displayed other than a single non-illuminated sign which does not project over the street and which does not exceed 0,5m².
- (10) No more than one vehicle not exceeding 3500kg may be used in connection with the activity and may be stored on the property.
- (11) All relevant safety, health and fire regulations shall be complied with.
- (12) An affected party may lodge a complaint in the event that an activity is causing a disturbance, affects their health, welfare or safety, or is not complying with the conditions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law if the conditions in the scheme are not adhered to. The Municipality may also order that the activity be ceased in the event that it causes a public nuisance or interferes with the health, welfare or rights of a neighbour (particularly with regards to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.
- (13) For a Bed and breakfast establishment or Lodging establishment in this zone, the following further parameters shall apply, together with the conditions in subsections (1) to (12):
 - (a) for a Bed and breakfast establishment no more than three bedrooms on the property (with a maximum of two persons per bedroom totalling six people per property) may be utilised for the activity;
 - (b) for a Lodging establishment no more than three bedrooms on the property (with a maximum of three persons per property) may be utilised for the activity;
 - (c) a Bed and breakfast establishment or Lodging establishment may not be conducted from a property where independent persons reside as defined in paragraph iii) of the definition of family;

- (d) no more than two additional full-time persons may be employed in connection with the activity;
 - (e) the Municipality may grant permission in terms of this Scheme for an enterprise which deviates from the parameters in this subsection provided that such permission shall not permit a facility which exceeds a total of six bedrooms on a property.
- (14) For a Home daycare centre in this zone, the following further parameters shall apply together with the conditions in subsections (1) to (12):
- (a) the home daycare centre may not accommodate more than six children (including any children of the resident family who also attend the facility);
 - (b) the hours of operation shall be limited to between 07:00 to 18:00 Mondays to Fridays;
 - (c) no more than one person may be employed full time for a home daycare centre of up to six children;
 - (d) at least one flush toilet must be provided on the premises;
 - (e) the Municipality may grant permission in terms of this Scheme for an enterprise which deviates from the parameters in this subsection provided that such permission shall not permit a facility which exceeds 20 children.
- (15) For a Home occupation practice in this zone, the following further parameters shall apply together with the conditions in subsections (1) to (12):
- (a) the activity should be of such a limited nature that the operator shall employ no more than two persons;
 - (b) the hours of operation shall be limited to between 07:30 to 18:00 Mondays to Saturdays;
 - (c) the maximum floor area for a home occupation practice (including storage) shall be no more than 30% of the floor area of the buildings on the site up to a maximum of 50m²;
 - (d) the Municipality may grant permission in terms of this Scheme for an enterprise which deviates from the parameters in this subsection provided that the facility shall not exceed 40% of the floor area of the buildings on the site.

54. Use parameters for guest houses and boarding houses in this zone

- (1) A guest house or boarding house in this zone may only be conducted with the Municipality's consent.
- (2) A guest house or boarding house in this zone shall only be conducted from a dwelling house, and/or (if applicable) a second dwelling house and the total extent of buildings on the property shall not exceed the scale of a dwelling house and/or second dwelling together with its normal outbuildings and shall be capable of reverting back to normal use as a dwelling house.
- (3) Upon granting consent, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for guest accommodation, provided that the number of bedrooms to be used for the facility shall not exceed 8 bedrooms and parking shall be provided in accordance with section 25.
- (4) The site development plan as approved by the Municipality shall constitute the development rules for the consent use and any expansion to or alteration in the land use will require a further permission in terms of this Scheme.
- (5) Landscaping shall be provided to the Municipality's satisfaction which may include provisions, where possible, for the screening of parking areas to ensure visual impacts are mitigated.
- (6) A guest house in this zone may not contain a conference facility or wellness centre.
- (7) Meals and beverages may only be served to bona fide guests who reside at the guest house or boarding house.
- (8) The Municipality may impose any conditions required to mitigate the potential impact, and shall also consider whether a live-in manager is compulsory to manage the facility. The Municipality may require a

live-in manager at a boarding house or guest house to manage the facility and mitigate the impact of the land use, based on the scale of the proposal, the likelihood of an unsupervised facility causing an adverse impact on neighbours, or any other criteria the Municipality may wish to apply.

55. Use parameters for group housing in this zone

- (1) Group housing in this zone may only be conducted with the Municipality’s consent.
- (2) Group housing developments shall be accompanied by architectural guidelines or typical unit plans and elevations.
- (3) More than one group house may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.
- (4) The Municipality shall determine the appropriate density for such development but shall have regard to the low-density nature of this zone whereby densities of 25 dwelling units per hectare should not be exceeded.

56. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Area of land unit/erf	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
Up to 250m ²	2m	1m	70%	2 storeys
251m ² to 500m ²	3m	1m	The greater of 175 m ² or 60%	2 storeys
500m ² to 1500m ²	4m	1m	The greater of 300 m ² or 50%	2 storeys
Greater than 1500m ²	4m	2m	The greater of 750m ² or 40%	2 storeys

- (2) The following additional parameters apply in respect of building lines:
 - (a) Carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundaries;
 - (b) Garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property other than the adjacent public or private street;
 - (c) Projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
 - (d) In respect of land units of 250m² or less, the building line on one of the common boundaries shall be 0 meters, provided no stormwater run-off shall be permitted directly from the building roof onto the neighbouring property other than the abutting public street or private street;
 - (e) A balcony, whether projecting from the face of the building or whether positioned on the roof of a building below, may not be located within the common boundary building line or closer than 1 m from the common boundary whichever is the most restrictive;
 - (f) Notwithstanding the building lines in this section, the Municipality may require a common boundary building line and/or servitude for the protection of any municipal services provided along land unit boundaries;

- (g) Notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road.
 - (h) Notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977) may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.
- (3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but are not limited to, the following:
- (a) off-street parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) panhandle properties (section 37);
 - (f) boundary walls and fences (section 38);
 - (g) retaining walls and earth banks (section 39);
 - (h) development on steep slopes (section 40).

57. Parameters for boundary walls and fences

- (1) The height of any wall or fence (including the entrance structure and columns) shall be as follows:
- (a) On a street boundary: no more than 2,1 meter high, on condition that 50% of the height of the wall or fence, including gates must consist of visually permeable sections (consisting of fencing, painted steel palisade, wire mesh or cast iron work or steel railings) to create visual transparency. The solid construction portions of the wall shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic;
 - (b) On a common boundary: no more than 2,1 meter high, comprising materials as described in section 38(5), except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of the Municipality increased up to 2,5 meters.
- (2) The general development parameters relating to boundary walls and fences in section 38 also apply.

58. Site development plan

- (1) A site development plan shall be submitted for all additional uses apart from a second dwelling, and shall be submitted in terms of section 13 of this Scheme prior to the commencement of an activity on the site.
- (2) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

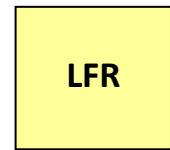
59. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services. Charges may apply (but are not limited to the following instances):
- (a) second dwelling houses;
 - (b) any additional uses in a dwelling house or second dwelling house;
 - (c) any consent use.

CHAPTER 8: LESS FORMAL RESIDENTIAL ZONE

60. Zone name and designation on map

- (1) The Less Formal Residential Zone may be referred to by the code (LFR) and must be indicated on the zoning map in pale yellow. (Colour code)



61. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) the use of land for the purpose of informal and/or subsidised housing, as well as group housing where more than one dwelling house can be permitted on the same cadastral erf;
 - (b) settlement of people in an informal manner for emergency purposes;
 - (c) incremental upgrading of informal settlements;
 - (d) where conditions so dictate, to accommodate persons residing in areas where financial constraints require that less stringent land use management and building development management provisions be applied;
 - (e) the stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas;
 - (f) the National Building Regulations and Standards Act, 1977 (Act 103 of 1977) to be exempted from applying in this zone by the competent authority.

62. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP not required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house • Group housing • Second dwelling • Shelter 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home daycare centre • Home occupation practice • House shop • Lodging establishment • Other social, educational, religious, occupational or business purposes • Private road 	<ul style="list-style-type: none"> • Boarding house • Business premises • Community residential building • Daycare centre • Extramural facility • Flats • Guesthouse • House tavern • Place of education • Place of worship • Welfare institution

- (2) Notwithstanding that land uses are expressed in the singular, multiple land uses and more than one building or structure for the same land use are permitted on the same cadastral entity in areas where no subdivision has been approved to establish a formal township.
- (3) Additional uses are only permitted in a dwelling house, second dwelling house, shelter and in group houses only with the prior permission of the of the property owners' association.

63. Use parameters for dwelling houses, second dwellings in already subdivided developments

- (1) No more than two dwelling units (one dwelling house and one-second dwelling, together with outbuildings) shall be permitted on any land unit in this zone on properties which have already been subdivided for development purposes.

- (2) A dwelling house, second dwelling or outbuildings may also be a shelter, or partially walled and/or partially roofed structure, which may contain formal water, electricity and sewer supply connections or sanitary fixtures, which are linked to engineering services.
- (3) Each dwelling unit shall only be occupied by a family as defined and/or be utilised for an additional and/or consent use as permitted in this zone.
- (4) Second dwellings may be registered separately by Sectional Title provided that each dwelling unit is approved on a building plan and constructed accordingly and has its own dedicated parking which is not tandem with parking for another dwelling unit.

64. Use parameters for dwelling houses, second dwelling houses and shelters where no development subdivision has been approved

- (1) In areas where a subdivision plan has not been approved by the Municipality and where no cadastrally defined erven exist, the Municipality may demarcate and approve an overall block layout for a predetermined area on a site development plan which takes account of future movement routes and emergency access lanes and other required land uses.
- (2) Within these demarcated blocks, occupiers may be permitted by the Municipality to erect dwelling houses, second dwellings and shelters on an ad hoc basis or according to pre-determined positions, if so indicated on the site development plan.
- (3) The Municipality may install engineering services to service structures.
- (4) The Municipality may require structures and shelters to be moved when they are erected within areas indicated for circulation, access, services or for fire safety purposes.

65. Use parameters for group housing in this zone

- (1) More than one group house may be constructed on a cadastral entity and these may be subdivided at the same time or at a later stage in order to provide for incremental development. Group housing may also be sold via Sectional Title.
- (2) Group housing developments shall be accompanied by architectural guidelines or typical unit plans and elevations.
- (3) The Municipality shall determine the appropriate density for such development and shall impose conditions in this regard where necessary.

66. Use parameters for shelters in this zone

- (1) Shelters shall not be approved on a building plan and no shelter shall require to comply with the National Building Regulations and Standards Act 1977 (Act 103 of 1977).
- (2) It shall be the sole responsibility of the owner or occupant of a shelter to ensure the structural stability, safety and fire resistance of a shelter.
- (3) The Municipality may prepare guidelines regarding aspects such as improving structural stability, safety, fire resistance and avoiding of flooding and advise owners or occupants of shelters in this regard.
- (4) The Municipality may instruct an owner of a shelter to rectify a public health, safety and fire risk and such owner shall rectify such risk forthwith upon receiving such compliance notice.

67. Use parameters for additional uses in this zone

- (1) Notwithstanding the uses listed in section 62 as additional uses, an occupant of a dwelling house, second dwelling or shelter may use the property for any social, educational, religious, occupational or business

purposes, provided it is not a consent use as listed in section 62, or a prohibited in subsection (9). Such use is subject to the parameters set out in this section.

- (2) A site development plan shall not be required for additional uses or uses in terms of subsection (1) in this zone.
- (3) The operator of an additional use activity shall reside on the property from which the additional use activity is conducted and the dominant use of the property must remain the operator's residence.
- (4) Apart from a second dwelling and lodging establishment combined, only one other additional use may be conducted from the property at any given time.
- (5) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use on condition that all other parameters are adhered to. If the additional use is conducted from the same dwelling in which the operator resides, a family (other than the operator's family) may be accommodated in the other dwelling unit on the property.
- (6) The nature of any alterations to the dwelling house must be such that the building can at any time revert to its use as a normal dwelling house.
- (7) The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.
- (8) The activity may not cause a public nuisance.
- (9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted. In the sole opinion of the Municipality, additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public street or an excessive increase in the number and frequency of visitors to the property so as to be a nuisance.
- (10) Apart from the provisions of section 33 (1)(a), the land use shall not involve the regular parking or storage of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration.
- (11) No more than one vehicle not exceeding 3500kg may be used in connection with the activity and may be stored on the property.
- (12) All relevant safety, health and fire regulations shall be complied with.
- (13) An affected party may lodge a complaint in the event that an activity is causing a disturbance, affects their health, welfare or safety, or is not complying with the conditions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law if the conditions in the scheme are not adhered to. The Municipality may also order that the activity be ceased in the event that it causes a public nuisance or interferes with the health, welfare or rights of a neighbour (particularly with regards to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.
- (14) For a Bed and breakfast establishment, no more than three bedrooms on the property (with a maximum of two persons per bedroom) may be utilised for the activity. These rooms may be separate shelters or outbuildings or may be inter-leading with the main dwelling house, provided that suitable ablution facilities, which are either communal or individual) are provided.
- (15) For a Lodging establishment, no more than four bedrooms on the property (or a maximum of four people per property) may be utilised for the activity. These rooms may be separate shelters or outbuildings or may be inter-leading with the main dwelling house, provided that suitable ablution facilities, which are either communal or individual) are provided.

- (16) The maximum floor area for a Home occupation practice or other social, educational, religious, occupational or business purposes (including associated storage) shall be no more than 30% of the floor area of the buildings on the site up to a maximum of 50m².
- (17) A Home daycare centre may not accommodate more than six children (including any children of the resident family who also attend the facility).
- (18) For a House shop in this zone, the following further parameters shall apply together with the conditions in subsections (1) to (13):
- the serving counter of the house shop must be set back at least 1,5 meters from the street boundary to allow sufficient space for customers and the pavement may not be obstructed with any goods or clients;
 - the activity should be of such a limited nature that the operator shall employ no more than two persons;
 - the hours of operation shall be limited between 07:00 to 21:00 Mondays to Saturdays (including public holidays) and 8:00 to 13:00 on Sundays;
 - the maximum floor area for a house shop (including storage but excluding a toilet) shall not exceed the lesser of 30% of the floor area of the buildings on the site or 50m²;
 - the following shall not be permitted in a house shop: sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, games machines, video games, pool tables or the sale of alcoholic beverages.
- (19) The Municipality may grant permission in terms of this Scheme for an activity which deviates from the parameters in this subsection provided that the facility shall not in any instance exceed 40% of the floor area of the buildings on the site.

68. Use parameters for guest houses and boarding houses in this zone

- A guest house or boarding house in this zone may only be conducted with the Municipality's consent.
- A guest house or boarding house in this zone shall only be conducted from a dwelling house and (if applicable) a second dwelling house and the total extent of buildings on the property shall not exceed the scale of a dwelling house and/or second dwelling together with its normal outbuildings and shall be capable of reverting back to normal use as a dwelling house.
- Upon granting consent, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for guest accommodation, provided that the number of bedrooms to be used for the facility shall not exceed 8 bedrooms and parking shall be provided in accordance with section 25.
- The site development plan as approved by the Municipality shall constitute the development rules for the consent use and any expansion to or alteration in the land use will require a further permission in terms of this Scheme.
- The Municipality may require the planting of trees or other landscaping to its satisfaction.
- A guest house in this zone may not contain a conference facility or wellness centre.
- Meals and beverages may only be served to bona fide guests who reside at the guest house or boarding house.
- The Municipality may impose any conditions required to mitigate the potential impact and shall also consider whether a live-in manager is compulsory to manage the facility. The Municipality may require a live-in manager at a boarding house or guest house to manage the facility and mitigate the impact of the land use, based on the scale of the proposal, the likelihood of an unsupervised facility causing an adverse impact on neighbours, or any other criteria the Municipality may wish to apply.

69. Building development parameters in this zone

(1) The following building lines, coverage and height shall apply to all buildings and shelters within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
Shelters	1m	1m	80%	2 storeys
All other buildings	1m	0m on one boundary 1m on all other boundaries	80%	3 storeys

(2) The following additional parameters apply in respect of building lines:

- (a) Carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundaries;
- (b) Garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be directly discharged from the roof of the building onto the neighbouring property other than onto the adjacent public or private street;
- (c) Projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
- (d) For that portion of the building which the building is located on the property common boundary no stormwater run-off shall be permitted to be discharged directly from the building roof onto the neighbouring property other than onto a public or private street;
- (e) A balcony, whether projecting from the face of the building or whether positioned on the roof of a building below, may not be located closer than 1 meter from the common boundary building line;
- (f) Where a shelter is constructed against or next to a solid wall which sufficiently addresses fire safety issues to the Municipality’s satisfaction, the common boundary building line may be reduced to 0 meters;
- (g) Notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
- (h) Notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
- (i) Notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977) may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.

(3) The general development parameters as set out in chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but are not limited to, the following:

- (a) off-street parking requirements (section 25);
- (b) door and window openings and roof eaves (section 36);
- (c) the Municipality may waive the application of general development parameters where it is not in the interest of the informal nature of this zone to enforce such parameters.

70. Areas identified as fire breaks and roads

- (1) No building or shelter shall be constructed in areas which has been identified by the Municipality and set aside for a future road or fire break on a site development plan, notwithstanding that a subdivision plan has not been formally approved.

71. Engineering services and infrastructure

- (1) Engineering services and other municipal infrastructure may be installed, constructed and provided notwithstanding that a formal subdivision plan has not been approved by the Municipality.

72. Parameters for boundary walls and fences

- (1) The general development parameters relating to boundary walls and fences in section 38 do not apply in this zone.

73. Site development plan

- (1) A site development plan shall not be required for additional uses in this zone, provided that the Municipality may request the submission of a plan in the event of a complaint being received.
- (2) The Municipality or an owner may prepare a site development plan for the incremental upgrade of an informal area and this site development plan may serve as a guide for the incremental construction and installation of structures, shelters, buildings, roads, engineering services, fire breaks and the like, until such time as a formal subdivision plan is approved.
- (3) A site development plan may be required for a consent use application and once approved, shall become the development parameters for such use once approved.

74. Approval of building plans

- (1) In the event of emergency housing, informal settlements or incremental upgrade areas where a subdivision plan for the formal subdivision into a township has not yet been approved, the Municipality may approve building plans for buildings in terms of the National Building Regulations and Standards Act 1977, (Act 103 of 1977), provided that the Municipality is satisfied that:
 - (a) The person constructing the building has permission of the owner of the land;
 - (b) The proposed building is acceptable as a permanent structure both in terms of position and land use, taking into consideration any plans to incrementally upgrade the area.

75. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services.

CHAPTER 9: MULTI-UNIT RESIDENTIAL ZONE

76. Zone name and designation on map

- (1) The Multi-unit Residential Zone may be referred to by the code MUR and must be indicated on the zoning map in orange (Colour code)



77. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) group housing development of medium or high density with a uniform group character and shared private services and access, which can either be subdivided or on one cadastral erf;
 - (b) development of medium and high density multi-unit residential offering a range of housing types, such as dwelling houses, semi-detached or row houses;
 - (c) high-density residential development, such as flats;
 - (d) other multi-unit residential land uses such as student and tourism accommodation and other forms of residential accommodation.

78. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses permitted in dwelling house + 2 nd dwelling (SDP required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Boarding house • Dwelling house • Flats • Group housing • Guesthouse • Retirement village • Second dwelling house • Tourist accommodation • Private road 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home daycare centre • Home occupation practice • Lodging establishment 	<ul style="list-style-type: none"> • Community residential building • Conference facility (associated with a guesthouse) • Place of indoor recreation • Renewable energy structure • Rooftop base telecommunication station • Welfare institution

- (2) Where an erf is zoned "Multi-unit Residential Zone" and it is smaller than 1000m², the use rights and development parameters prescribed for "Conventional Residential zone" shall be applicable to such erf, unless the Municipality's permission is granted in terms of this Scheme for other primary, consent or additional uses.
- (3) Additional uses are only permitted in a dwelling house, second dwelling house and in group houses with the prior permission of the owners' association and the same parameters prescribed in "Conventional Residential zone" shall be applicable to such erf.

79. Use parameters for guest houses, tourist accommodation and boarding houses in this zone

- (1) A guest house, tourist accommodation or boarding house in this zone may be conducted from a converted dwelling house and (if applicable) a second dwelling house or a purpose built building.
- (2) A guest house in this zone may, with the permission of the Municipality also include a conference facility or wellness centre, which may only be for bona fide guests who reside at the guest house.

- (3) The number of rooms in such a guest house is not limited in this zone and shall be determined based on the permitted development envelope and the ability to accommodate the required number of parking bays to the Municipality's satisfaction.
- (4) Meals and beverages may only be served to bona fide guests who reside at the guest house, tourist accommodation or boarding house in this zone.
- (5) The Municipality may require a live-in manager at a boarding house to manage the facility and mitigate the impact of the land use, based on the scale of the proposal, the likelihood of an unsupervised facility causing an adverse impact on neighbours, or any other criteria the Municipality may wish to apply.

80. Use parameters for group housing and retirement village in this zone

- (1) Group housing developments shall be accompanied by architectural guidelines or typical unit plans and elevations.
- (2) More than one group house may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.
- (3) The Municipality shall determine the appropriate density for such development but shall have regard to the high-density nature of this zone whereby densities of 25 dwelling units per hectare should not be exceeded.
- (4) Unless otherwise specified in the conditions of approval, the maximum density of a group housing development and retirement village shall be 50 dwelling units per hectare, provided that the Municipality may grant permission for a development to exceed this density upon assessing a departure.

81. Use and development parameters for rooftop base telecommunication station

- (1) A rooftop base telecommunication station in this zone may only be conducted with the Municipality's consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless approved by the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

82. Building development parameters in this zone

- (1) For dwelling house, second dwelling house and additional uses the same development parameters as contained in Conventional Residential zone of this Scheme shall apply.
- (2) The following building lines, coverage, height and floor area shall apply to buildings (other than those mentioned in subsection(1) within this zone, as follows:

Building type permitted	Street building lines (m)	Common boundary building lines (m)	Max Coverage	Max Height	Floor area
Group Housing; Retirement village	External : 3m Internal: 0m	External : 3m Internal: 0m	50%	2 storeys	n/a
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	4 storeys	75%
All other buildings	All levels: 4,5m	Ground floor: 0m First floor: 4,5m Second floor: 6m	50%	3 storeys	75%

- (3) The following additional parameters apply in respect of building lines:
- (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (e) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (f) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977), may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but are not limited to, the following:
- (a) off-street parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) panhandle properties (section 37);
 - (f) boundary walls and fences (section 38);
 - (g) retaining walls and earth banks (section 39);
 - (h) development on steep slopes (section 40).
- (5) Group houses, flats and second dwellings may be separately registered by Sectional Title provided that a second dwelling shall have dedicated parking which is not in tandem with the parking bays of another dwelling unit and each group house and flat have at least one parking bay allocated to it for its exclusive use.

83. Density of development and maximum floor space

- (1) When approving a rezoning to this zone for the purpose of group housing, the Municipality shall impose a condition stipulating the maximum density (units/ha) for the particular erf or development.

- (2) When approving a rezoning to this zone for flats the Municipality shall stipulate the maximum height and floor area permitted for the development, which may exceed that which is shown in the building development parameters table.

84. Outdoor space, service yards and refuse areas parameters

- (1) Outdoor space plus private outdoor space in a group housing development or retirement village shall be provided at a rate of at least 25m² per dwelling unit. This outdoor space may be provided in any combination of private and/or communal open space, provided that each dwelling unit has at the minimum a private outdoor space measuring 2 x 5 meters. The Municipality may, at its discretion, relax this provision provided that motivation is submitted why sufficient public open space and recreational area exists in close proximity or elsewhere in the vicinity.
- (2) On properties used as flats and boarding houses, "communal outdoor space", shall be provided at a rate of at least 20% of the area of the land unit and shall be landscaped to the Municipality's satisfaction and reserved for recreation purposes for residents. The Municipality may, in its discretion, relax this provision provided that sufficient landscaping is provided on site to address streetscape interface concerns and sufficient outdoor or open space is available elsewhere for recreation purposes.
- (3) A service yard shall be provided to the Municipality's satisfaction for each building and shall be enclosed by a wall of no more than 2,1 meters high.
- (4) If required by the Municipality, an enclosed refuse area shall be provided in a position accessible from a public street complying with the Municipality's requirements.

85. Boundary walls and fences

- (1) The height of any wall or fence (including the entrance structure and columns) shall be as follows:
 - (a) On a street boundary: no more than 2,1 meters high, on condition that 50% of the height of the wall or fence, including gates on residential zoned properties must consist of visually permeable sections (consisting of fencing, painted steel palisade, wire mesh or cast iron work or steel railings) to create visual transparency. The solid construction portions of the wall shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
 - (b) On a common boundary: no more than 2,1 meters high, comprising materials as described in section 38 (5), except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of the Municipality increase to up to 2,5 meters.
- (2) The general development parameters relating to boundary walls and fences in section 38 also apply.

86. Site development plan

- (1) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (2) The Municipality shall require a site development plan to be submitted for approval prior to the submission of a building plan for new construction, or conversion of an existing building to the following uses: group housing, retirement village, guest house, tourist accommodation or boarding house or for the conversion of an existing building to any of these uses.
- (3) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

87. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted prior to building plan approval for the construction of new flats, group housing, boarding house, tourist accommodation or guest house or any of the consent uses.

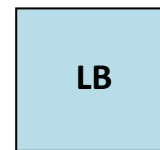
88. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services. Charges may apply (but are not limited to the following instances:
- (a) second dwelling houses;
 - (b) any additional uses in a dwelling house or second dwelling house;
 - (c) any new development where a group housing or retirement village scheme exceeds 20 units per hectare;
 - (d) any new development where existing or new flats, guest houses, tourist accommodation or boarding houses cause additional impact on engineering services and specifically where the proposed development exceeds the floor area which was permitted in terms of the previous zoning schemes applicable to that property⁷;
 - (e) where consolidation was undertaken which resulted in the indirect intensification of land use;
 - (f) any consent use.

⁷ Note for information: In previous Stellenbosch and Franschhoek scheme areas the following FAR applied:
Erven between 1000 and 1500m² : FAR 0,4;
Erven between 1501 and 1750m² : FAR 0,5;
Erven between 1751 and 2000m² : FAR 0,6;
Erven above 2000m²: FAR 0,75

CHAPTER 10: LOCAL BUSINESS ZONE

89. Zone name and designation on map



(1) The Local Business Zone may be referred to by the code (LB) and must be indicated on the zoning map in pale blue (Colour code)

90. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) low-density commercial uses which are compatible with and located within residential areas;
 - (b) non-residential land uses which provide for the convenience of and service to the surrounding residential community;
 - (c) non-residential uses which will not have an adverse impact on the surrounding residential environment;
 - (d) a clustering of community, residential and mixed land uses which are compatible with the surrounding residential environment and which enables residents to walk to facilities;
 - (e) a mix of land uses which can co-exist without negatively impacting on each other.

91. Land use within this zone

(1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Business premises • Clinic • Flats • Medical consulting rooms • Public parking area • Private road 	<ul style="list-style-type: none"> • Outdoor trading and dining (no SDP if demarcated) • Occasional Use • Outdoor market 	<ul style="list-style-type: none"> • Backpackers establishment • Boarding house • Commercial gymnasium • Community residential building • Conference facility • Daycare centre • Extramural facility • Filling station • Guesthouse • Hotel • Liquor store • Parking garage • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Welfare institution

(2) One or more of the abovementioned uses shall be permitted on a land unit at the same time.

92. Use parameters for business premises

(1) A business premises, shop, restaurant or pub may manufacture and/or package goods which are sold or consumed on the premises (for example wine, beer, baking, perishable goods, coffee roaster, clothes).

- (2) Such manufacturing and/or packaging shall remain subservient to the main retail activity on the premises and the area used for manufacturing and packaging products shall not exceed 25% of the floor area of the premises concerned.
- (3) A business premises may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are repaired and serviced which may not exceed 25% of the area of the shop.

93. Use parameters for flats

- (1) No flats shall be permitted on the ground floor except with the permission of the Municipality.

94. Use parameters for guest houses, hotels, backpackers establishments and boarding houses

- (1) A guest house, hotel, backpackers’ establishment or boarding house in this zone may only be conducted with the Municipality’s consent.
- (2) A guest house, hotel, backpackers’ establishment or boarding house in this zone may be conducted from a converted dwelling house and (if applicable) a second dwelling house or a purpose built building.
- (3) The number of rooms are not limited in this zone and shall be determined based on the permitted envelope and the ability to accommodate the required number of parking bays to the Municipality’s satisfaction.
- (4) A guest house or hotel in this zone may serve meals and may, with the permission of the Municipality also include a conference facility, wellness centre and any other related facilities which do not necessarily only serve resident guests.
- (5) The Municipality may require a live-in manager at a boarding house to manage the facility and mitigate the impact of the land use, based on the scale of the proposal, the likelihood of an unsupervised facility causing an adverse impact on neighbours, or any other criteria the Municipality may wish to apply.

95. Use and development parameters for rooftop base telecommunication station

- (1) A rooftop base telecommunication station in this zone may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless approved by the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

96. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
Guest house, hotel, backpackers and boarding houses	All levels 4,5m	Ground floor: 4,5m First floor: 4,5 m Second floor: 6m	50%	3 storeys
All other buildings	2m	1m	75%	3 Storeys

- (2) The following additional parameters apply in respect of building lines:
- (a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 meters along a street boundary, but may not exceed the property boundary unless a servitude is registered in favour thereof over the adjacent property, or in the case of a public road, an encroachment agreement has been entered into with the Municipality;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (e) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (f) where a land unit zoned local business abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3 meter building line shall apply to such common boundary, unless relaxed with the permission of the abutting owner;
 - (i) except where underground engineering services prevent it, or where the presence of mature trees which are conservation worthy, within the street reserve, require a setback to protect their roots, a basement is permitted 0 meters from the boundary provided that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level must comply with the building lines as set out in this section;
 - (j) Notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977) may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.
- (3) The façade of a building facing a public street shall present an active interface on ground level to the public street, which may include entrance doors and windows, shop fronts, pedestrian access, landscaping, street furniture, lighting, stoeps and windows, to the Municipality's satisfaction. In order to achieve this, the Municipality may relax the street building lines above, subject to the approval of a site development plan.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but are not limited to, the following:
- (a) off-street parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) panhandle properties (section 37);
 - (f) boundary walls and fences (section 38);
 - (g) retaining walls and earth banks (section 39);
 - (a) screening (section 41)
- (5) Portions of the property in this zone may be registered separately by Sectional Title.

97. Boundary walls and fences

- (1) The height of any wall or fence may not exceed 3 meters.

- (2) Notwithstanding this provision, the Municipality may prescribe a boundary wall of a height of less than 3 meters or require visual permeability on a street, if in the Municipality's opinion the erection of such a wall may detract from the amenities of the area, or may in the Municipality's opinion, be undesirable for any reason that the Municipality may determine.
- (3) On a street boundary, 50% of the height of a wall or fence, including gates must consist of visually permeable sections (consisting of fencing, painted steel palisade, wire mesh or cast iron work or steel railings) to create visual transparency.
- (4) The solid construction portions of the wall shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
- (5) The general development parameters relating to boundary walls and fences in section 38 also apply.

98. Refuse areas parameters

- (1) A refuse area shall be provided to the Municipality's satisfaction.

99. Site development plan

- (1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

100. Environmental management plan

- (1) The Municipality may require that an environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

101. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services. Charges may apply but are not limited to the following instances:
 - (a) second dwelling houses;
 - (b) any additional uses in a dwelling house or second dwelling house;
 - (c) any new development where the extent of new development exceeds what was previously approved on the property;
 - (d) where consolidation was undertaken which resulted in the indirect intensification of land use;
 - (e) any consent use.

CHAPTER 11: MIXED USE ZONE



102. Zone name and designation on map

- (1) The Mixed Use Zone may be referred to by the code (MU) and must be indicated on the zoning map in blue (Colour code)

103. Purpose of the zone

- (1) The purpose of this zone is to make provision for the following:
- (a) a variety of business uses (retail and office) and other related land uses within the central business areas of towns;
 - (b) a variety of higher density residential uses and tourist accommodation;
 - (c) a variety of community uses, creating a zone of mixed land uses which do not have a negative impact on each other.

104. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Backpacker establishment • Boarding house • Business premises • Clinic • Community residential building • Extramural facility • Flats • Guesthouse • Hotel • Plant nursery • Public institution • Public parking area • Welfare institution • Private road 	<ul style="list-style-type: none"> • Outdoor trading and dining (no SDP if demarcated) • Occasional use • Outdoor market 	<ul style="list-style-type: none"> • Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Daycare • Events • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Liquor Store • Motor vehicle fitment centre • Motor showroom • Parking garage • Place of assembly • Place of education • Place of entertainment • Place of indoor recreation • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.

105. Use parameters for flats

- (1) No flats shall be permitted on ground floor except with the permission of the Municipality.

106. Use parameters business premises

- (1) A business premises, shop, restaurant or pub may manufacture or package goods which are sold or consumed on the premises (for example wine, beer, baking, perishable goods, clothes).
- (2) Such manufacturing or packaging shall remain subservient to the main retail activity on the premises and the area used for manufacturing and packaging products shall not exceed 25% of the floor area of the premises concerned.
- (3) A business premises may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are repaired and serviced which may not exceed 25% of the area of the shop.

107. Use parameters for guest houses, hotels, backpackers establishment and boarding houses

- (1) A guest house, hotel, backpackers or boarding house in this zone may be conducted from a converted dwelling house and (if applicable) a second dwelling house or a purpose built building.
- (2) The number of rooms are not limited in this zone and shall be determined based on the permitted envelope and the ability to accommodate the required number of parking bays to the Municipality’s satisfaction.
- (3) Whilst a guest house, backpackers establishment is usually of a smaller scale and ordinarily provides catering and facilities for resident guests only, there is no restriction in this zone in this regard. A hotel in this zone may serve meals and may also include restaurants, conference facility, wellness centre and any other related facilities which do not necessarily only serve resident guests.

108. Use and development parameters for rooftop base telecommunication station

- (1) A rooftop base telecommunication station in this zone may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to, without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

109. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
Business premises	0m	0m	85%	6 storeys
Filling station	3m	3m	85%	2 storeys
Guest houses, hotels, backpackers and boarding houses	All levels 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	6 storeys
All other buildings	4,5m	4,5m	85%	6 storeys

- (2) The following additional parameters apply in respect of building lines:
- (a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 meters along a street boundary but may not exceed the property boundary unless a servitude is registered in favour thereof over the adjacent property, or in the case of a public road, an encroachment agreement has been entered into with the Municipality;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) no stormwater run-off shall be discharged off a building roof directly onto the neighbouring property unless it is a public or private street;
 - (e) should a building be a combined building consisting of portions where different building lines or parameters apply, each portion of the building shall, according to its use, comply with the applicable parameters or development rules;
 - (f) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (g) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (h) where a land unit zoned general business abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3 meter building line shall apply to such common boundary unless relaxed with the permission of the abutting owner;
 - (i) except where underground engineering services prevent it, or where the presence of mature trees which are conservation worthy, within the street reserve, require a setback to protect their roots, a basement is permitted 0 meters from the boundary provided that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level must comply with the building lines as set out in this section;
 - (j) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977), may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.
- (3) The façade of a building facing a public street shall present an active interface on ground level to the public street, which may include entrance doors, windows, shop fronts, pedestrian access, landscaping, street furniture, lighting, stoeps and windows, to the Municipality's satisfaction. In order to achieve this, the Municipality may relax the street building lines above, subject to the approval of a site development plan, if so required.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but are not limited to, the following:
- (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) boundary walls and fences (section 38);
 - (f) retaining walls and earth banks (section 39);
 - (g) development on steep slopes (section 40);

(h) screening (section 41).

(5) Portions of the property in this zone may be registered separately by Sectional Title.

110. Boundary walls and fences parameters

- (1) The height of any wall or fence may not exceed 3 meters.
- (2) On a street boundary, 50% of the height of a wall or fence, including gates must consist of visually permeable sections (consisting of fencing, painted steel palisade, wire mesh or cast iron work or steel railings) to create visual transparency.
- (3) The solid construction portions of the wall shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
- (4) Notwithstanding this provision, the Municipality may prescribe a boundary wall of a height of less than 3 meters or require visual permeability on a street, if in the Municipality's opinion the erection of such a wall may detract from the amenities of the area, or may in the Municipality's opinion, be undesirable for any reason that Municipality may determine.
- (5) The general development parameters relating to boundary walls and fences in section 38 also apply.

111. Refuse areas parameters

- (1) A refuse area shall be provided to the Municipality's satisfaction.

112. Site development plan

- (1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

113. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

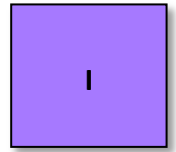
114. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services. Charges may apply but are not limited to the following instances:
 - (a) second dwelling houses;
 - (b) any additional uses in a dwelling house or second dwelling house;
 - (c) any new development where the extent of new development exceeds what was previously approved on the property;
 - (d) where consolidation was undertaken which resulted in the indirect intensification of land use;
 - (e) any consent use

CHAPTER 12: INDUSTRIAL ZONE

115. Zone name and designation on map

- (1) The Industrial Zone may be referred to by the code (I) and must be indicated on the zoning map in purple (Colour code)



116. Purpose of the zone

- (1) The purpose of the Industrial Zone is to make provision for:
- (a) sufficient land to be retained for the use for general manufacturing and large scale warehousing purposes and for any industrial activity exercised in connection therewith or additional thereto;
 - (b) the location of land use in areas where the negative impact of the land uses is limited to the industrial area and its environs.

117. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses which may be applied for
<ul style="list-style-type: none"> • Builders yard • Filling station • Funeral parlour • Industry • Motor vehicle fitment centre • Motor vehicle repair centre • Motor showroom • Plant nursery • Service station • Warehouse • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Outdoor trading and dining (no SDP if demarcated) • Occasional use • Shop 	<ul style="list-style-type: none"> • Abattoir • Adult entertainment business • Brickworks • Business premises • Crematorium • Events • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Mining • Noxious industry • Parking garage • Place of entertainment • Renewable energy structure • Scrap yard • Shipping container site • Transport purposes (goods)

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.

118. Use and development parameters for restricted industry on certain properties in this zone

- (1) The properties designated General Industrial (Restricted) and recorded as such in the zoning register (previously zoned Light Industrial zone in Stellenbosch) are subject to the following additional restrictive development parameters due to their previous zoning as light industry:
- (a) a single power driven unit or tool may not exceed a capacity of 4kW;
 - (b) all power driven units or tools on the property together may not exceed 23 kW.
- (2) The Municipality may grant permission for deviation from the above restriction on condition that sufficient electrical bulk services are available for the proposed activity, that any electrical bulk contributions are paid if required and the applicant has provided sufficient detail of the proposed

enterprise when making the application to ensure the proposal will remain a light industry which does not cause a disturbance to neighbours. This relates to the scale of the enterprise and type of activity to minimise the following: noise from machinery, emissions such as fumes, smoke, smells, pollution and physical external appearance, size and frequency of delivery vehicles.

119. Use and development parameters for shops and point of sale in this zone

- (1) The shop floor area shall not exceed 25% of the floor area of the building or 120m² whichever is the smallest.
- (2) The primary purpose of shops in this zone is to serve the surrounding workforce and goods for sale shall therefore be limited to convenience goods such as foodstuffs, take away food, groceries, household cleaning agents and toiletries.
- (3) The floor area for a point of sale shall not exceed 25% of the floor area of the building or 120m² whichever is the smallest.
- (4) The primary purpose of a point of sale is to provide an area where goods which are stored or manufactured on the premises are sold to clients or the general public.

120. Use and development parameters for employee housing in this zone

- (1) No more than one employee housing unit shall be permitted on any land unit, except with permission granted by the Municipality for enterprises where it is necessary for the operational functioning of the industry to have additional employees accommodated on the property.
- (2) The floor area of an employee housing unit floor shall not exceed 75m².
- (3) The dwelling unit shall only be occupied by one family as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site.

121. Use and development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is permitted use and a freestanding base telecommunication station may only be conducted with the Municipality's consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to, without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

122. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to other buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage/Floor area	Height
All buildings	3m	0m 3m if abutting another zone	75% coverage	4 storeys
Employee housing	3m	0m	75 m ² floor area	

- (2) The following additional parameters apply in respect of building lines:
- (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) for that portion of a building which is closer than 1 meter to the common boundary, such portion of the building shall not exceed one storey in height and no stormwater run-off shall be permitted to run onto the neighbouring property except for a public or private street;
 - (e) should a building be a combined building consisting of portions where different building lines or parameters apply, each portion of the building shall comply with the applicable parameters or development rules;
 - (f) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (g) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (h) where a land unit zoned general industrial abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3 meter building line shall apply to such common boundary, unless relaxed with the permission of the abutting landowner;
 - (i) except where underground engineering services prevent it, or where the presence of mature trees which are conservation worthy, within the street reserve, require a setback to protect their roots, a basement is permitted 0 meter from the boundary provided that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level must comply with the building lines as set out in this section;
 - (j) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations and Standards Act (Act 103 of 1977) may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this scheme.
- (3) Chimneys, smoke stacks, lifts, telecommunication towers and antennae’s may exceed the maximum height in this zone.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but is not limited to, the following:
- (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) boundary walls and fences (section 38);
 - (f) retaining walls and earth banks (section 39);

- (g) development on steep slopes (section 40);
 - (h) screening (section 41).
- (5) Portions of the property in this zone may be registered separately by Sectional Title.

123. Boundary walls and fences parameters

- (1) The height of any wall or fence may not exceed 3 meter.
- (2) Notwithstanding this provision, the Municipality may prescribe a boundary wall of a height of less than 3 meter or require visual permeability on a street or open space, if in the Municipality's opinion the erection of such a wall may detract from the amenities of the area, or may in the Municipality's opinion, be undesirable for any reason that the Municipality may determine.
- (3) The general development parameters relating to boundary walls and fences in section 38 also apply.

124. Refuse areas

- (1) A refuse area shall be provided to the Municipality's satisfaction.

125. Site development plan

- (1) A site development plan may be required by the Municipality for any new service station or filling station development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

126. Construction environmental management plan

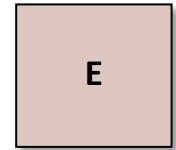
- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

127. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 13: EDUCATION ZONE

128. Zone name and designation on map



- (1) The Education Zone may be referred to by the code (E) and must be indicated on the zoning map in dusty pink (Colour code)

129. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) buildings which are used for all levels of education as defined in this Scheme including tertiary educational institutions such as colleges and universities;
 - (b) permitted uses include ancillary uses such as lecture halls and rooms, administrative offices, residential uses, libraries, laboratories, hostels, recreational and sports facilities and any other uses and buildings which may be ordinarily associated with an educational facility and its activities as a diverse multi-faceted learning and research institution.

130. Land uses within this zone

- (1) The following land uses are allowed in this zone:

Primary uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Daycare centre • Extramural facility • Hostel • Place of education • Place of indoor recreation • Place of sport and recreation • Public institution • Tertiary educational institution • Private road 	<ul style="list-style-type: none"> • Dwelling house • Employee housing • Outdoor trading and dining (no SDP if demarcated) • Occasional use (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Boarding house • Freestanding base telecommunication station • Place of assembly • Events • Renewable energy structure • Rooftop base telecommunication station

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.

131. Use parameters for dwelling house and employee housing in this zone

- (1) The development parameters in Conventional Residential zone apply to a dwelling house.
- (2) No more than two dwelling units shall be permitted on any land unit (that is, one dwelling house or one employee housing unit) except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (3) The floor area of an employee housing unit shall not exceed 75m².
- (4) A dwelling house or employee housing shall only be occupied by a family as defined and one of the occupants must be employed in connection with the main activity on the site.

132. Use and development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.

- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

133. Building development parameters for this zone

- (1) The following building lines, coverage, height and floor area shall apply to other buildings within this zone;

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height	Floor area
Tertiary educational institution	5m	5m	50%	4 storeys	n/a
Tertiary institution hostels	5m	5m	25%	4 storeys	75%
All other buildings	5m	5m	50%	3 storeys	n/a

- (2) The following additional parameters apply in respect of building lines:
 - (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) notwithstanding the building lines in this section, the Municipality may require a common boundary building line as determined by the Municipality for the protection of any municipal services provided along land unit boundaries;
 - (e) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (f) except where underground engineering services prevent it, a basement is permitted 0 meter from the boundary provided that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level must comply with the building lines as set out in this section.
- (3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but is not limited to, the following:
 - (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) boundary walls and fences (section 38);

- (f) retaining walls and earth banks (section 39);
 - (g) development on steep slopes (section 40).
- (4) Portions of the property in this zone may not be registered separately by Sectional Title.

134. Boundary walls and fences parameters

- (1) The height of any wall or fence may not exceed 3 meter.
- (2) Notwithstanding this provision, the Municipality may prescribe a boundary wall of a height of less than 3 meter, or require visual permeability on a street or open space, if in the Municipality's opinion the erection of such a wall may detract from the amenities of the area, or may in the Municipality's opinion, be undesirable for any reason that the Municipality may determine.
- (3) The general development parameters relating to boundary walls and fences in section 38 also apply.

135. Refuse areas

- (1) A refuse area shall be provided to the Municipality's satisfaction.

136. Site development plan

- (1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.
- (2) A site development plan shall not be required for additional uses in this zone, provided that the Municipality may request the submission of a plan in the event of a complaint being received.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality's events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (5) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

137. Construction Environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

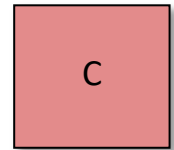
138. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 14: COMMUNITY ZONE

139. Zone name and designation on map

- (1) The Community Zone may be referred to by the code (C) and must be indicated on the zoning map in (Colour code)



140. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) buildings which are used for a wide range of community and welfare purposes including places of education for pre-primary, primary and secondary school levels;
 - (b) tertiary educational facilities such as colleges and universities are not included;
 - (c) permitted uses shall include ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with the particular facility.

141. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Clinic • Community residential building • Daycare centre • Extramural facility • Medical consulting rooms • Place of assembly • Place of education • Place of indoor recreation • Place of sport and recreation • Place of worship • Public institution • Welfare institution • Private road 	<ul style="list-style-type: none"> • Dwelling house • Employee housing • Occasional use (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Events • Freestanding base telecommunication station • Helicopter landing pad • Hospital • Outdoor trading and dining • Outdoor market • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.

142. Use parameters for dwelling house and employee housing in this zone

- (1) The development parameters in Conventional Residential zone apply to a dwelling house.
- (2) No more than one dwelling house plus one employee housing unit shall be permitted on a property, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (3) The floor area of an employee housing unit shall not exceed 75m².
- (4) A dwelling house and employee housing shall only be occupied by a family as defined and one of the occupants must be employed in connection with the main activity on the site or the house must be ancillary to the primary use on the property.

143. Use and development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

144. Development parameters for buildings in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	50%	3 storeys

- (2) The following additional parameters apply in respect of building lines:
 - (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements subject to site development plan approval;
 - (c) access ramps to basements may exceed the building line;
 - (d) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (e) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road.
 - (f) except where underground engineering services prevent it, a basement is permitted 0 meters from the boundary provided that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level must comply with the building lines as set out in this section.
- (3) Church steeples and similar architectural features may exceed the maximum height in this zone.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but is not limited to, the following:
 - (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);

- (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) boundary walls and fences (section 38);
 - (f) retaining walls and earth banks (section 39);
 - (g) development on steep slopes (section 40).
- (5) Portions of the property in this zone may not be registered separately by Sectional Title.

145. Boundary walls and fences parameters

- (1) The height of any wall or fence may not exceed 3 meters.
- (2) Notwithstanding this provision, the Municipality may prescribe a boundary wall of a height of less than 3 meters or visual permeability on a street or open space, if in the Municipality's opinion, the erection of such a wall may detract from the amenities of the area, or may in the Municipality's opinion, be undesirable for any reason that the Municipality may determine.
- (3) The general development parameters relating to boundary walls and fences in section 38 also apply .

146. Refuse areas

- (1) A refuse area shall be provided to the Municipality's satisfaction.

147. Site development plan

- (1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.
- (2) A site development plan shall not be required for additional uses in this zone, provided that the Municipality may request the submission of a plan in the event of a complaint being received.
- (3) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality's events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (4) A site development plan may be required for a consent use application and shall become the development parameters for such use once approved.

148. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

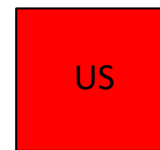
149. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 15: UTILITY SERVICES ZONE

150. Zone name and designation on map

- (1) The Utility Service Zone may be referred to by the code (US) and must be indicated on the zoning map in red (Colour code)



151. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
 - (a) the use of land for the provision and protection of any infrastructure services for the general public, whether in public or private ownership;
 - (b) land used by government, parastatal or private bodies appointed to perform a public function for any of the uses in the definition of “**authority use**” or where the authority use is not included in terms of any of the other land use categories and thus cannot be classified in any other suitable zone.

152. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (Application required)
<ul style="list-style-type: none"> • Authority use • Parking garage • Public parking • Public road • Utility services • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Outdoor trading and dining (no SDP if demarcated) • Occasional use (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Helicopter landing pad • Outdoor market • Renewable energy structure • Transport purposes (passengers)

- (2) One or more of the abovementioned uses are permitted on any land unit at the same time.

153. Development parameters for employee housing in this zone

- (1) No more than one employee housing unit shall be permitted on any land unit, except with permission granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the property.
- (2) The floor area of an employee housing unit floor shall not exceed 75m².
- (3) The dwelling unit shall only be occupied by one family as defined.
- (4) One of the occupants must be employed in connection with the main activity on the site.

154. Development parameters for rooftop- and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.

- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

155. Development parameters for renewable energy structure

- (1) A renewable energy structure may only be conducted with the Municipality's consent in this zone.
- (2) A maximum height of 200 meters for a wind turbine is permitted, measured from the existing ground level of the footprint of each structure to the highest tip of the blade. The maximum height of a structure for solar photovoltaic panels will be technology dependent, but shall not exceed 8,5 meters without the Municipality's permission.
- (3) The maximum height of associated buildings is one storey.
- (4) The setback from common and street boundaries, as well as from residential, commercial or agricultural buildings or any public or private road or registered right of way, shall be a distance equal to 1.5 times the height of the structure. Setback boundaries do not apply to common boundaries which are internal to the development. These setbacks are for safety purposes and may not be deviated or departed from.
- (5) A site development plan shall be submitted for approval prior to building plan approval and additional conditions may be imposed by the Municipality upon such approval.
- (6) The extent of the application area must be surveyed and coordinates of the exact location of turbines or solar infrastructure and all associated buildings and lay down areas shall be indicated on the site development plan.
- (7) In order to provide for rehabilitation, decommissioning and potential damage to the environment, the owner of the facility shall, prior to the commencement of construction, make financial provision, to the satisfaction of the competent authority, in the case of the owner not being financially able to fulfil any obligations emanating in this regard.
- (8) If the owner fails as contemplated above to rehabilitate and decommission the facility or to restore damage to the environment or when the facility is abandoned, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate, decommission, or manage the negative environmental impact in question or to remove the facility.
- (9) The Insolvency Act, 1936 (Act 24 of 1936), does not apply to any form of financial provision and all amounts arising from the provision.
- (10) A renewable energy structure shall be considered abandoned in the event that the facility fails to continuously operate for one year, or when part or all of the structure is confirmed as a hazard unless the owner can prove otherwise.

156. Building development parameters in this zone

(1) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings (other than listed below)	5m	5m	20%	2 storeys
Wind turbine	1,5 times height of structure	1,5 times height of structure		200m
Photovoltaic structure	1,5 times height of structure	1,5 times height of structure		8,5m
Buildings associated with Renewable energy installation	5m	5m		1 storey
Rooftop mast	5m	5m		3m
Free standing mast	1,5 times height of structure	1,5 times height of structure		15m
Freestanding base telecommunication building	5m	5m		1 storey
Employee housing	5m	5m	75m ²	2 storeys

157. Development parameters for buildings in this zone

- (1) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but is not limited to, the following:
- (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) door and window openings and roof eaves (section 36);
 - (e) boundary walls and fences (section 38);
 - (f) retaining walls and earth banks (section 39);
 - (g) development on steep slopes (section 40).

158. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

159. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.

- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality's events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (5) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

160. Construction environmental management plan

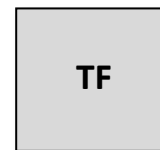
- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

161. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 16: TRANSPORT FACILITIES ZONE

162. Zone name and designation on map



- (1) The Transport Facilities Zone may be referred to by the code (TF) and must be indicated on the zoning map in light grey (Colour code)

163. Purpose of the zone

- (1) The purpose of this zone is to make provision for the following:
- (a) transportation systems, excluding roads and public streets, but including all other transport undertakings which serve the public such as airports, railway lines, bus depots, taxi ranks and cable car stations;
 - (b) enterprises which facilitate the transportation of goods;
 - (c) related or associated uses that may support the transport enterprise.

164. USE OF THE PROPERTY

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Filling station • Private road • Public parking area • Transport purposes (goods) • Transport purposes (passengers) 	<ul style="list-style-type: none"> • Outdoor trading and dining (No SDP if demarcated) • Occasional use (no SDF if Events By-law approval issued) • Outdoor market • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Airfield • Employee housing • Freestanding base telecommunication station • Helicopter landing pad • Parking garage • Renewable energy structure • Shipping container site

- (2) One or more of the abovementioned uses may be permitted on a land unit at the same time.

165. Development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

166. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	50% or as restricted in SDP	3 storeys

167. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

168. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality’s Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (5) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

169. Construction environmental management plan

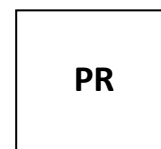
- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

170. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality’s Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 17: PUBLIC ROADS AND PARKING ZONE

171. Zone name and designation on map



- (1) The Public Roads and Parking Zone may be referred to by the code (PR) and must be indicated on the zoning map in white. (Colour code)

172. Purpose of the zone

- (1) The purpose of this zone is to make provision for the following:
- (a) public streets as indicated on a general plan and roads, whether or not constructed;
 - (b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas in order to address the need for off-street parking in an area, with or without the payment of a fee.

173. USE OF THE PROPERTY

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Public parking area • Public road • Utility service 	<ul style="list-style-type: none"> • Rooftop base telecommunication station • Outdoor trading and dining (no SDP if demarcated) • Occasional Use (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Events • Freestanding base telecommunication station • Outdoor market • Parking garage • Transport purposes (passengers)

- (2) One or more of the abovementioned uses may be permitted on a land unit at the same time.
- (3) The Municipality may indicate new proposed streets, widening and closing of streets for information purposes on the zoning map.
- (4) The original zoning of the affected properties will remain in place until the new street or widening has been proclaimed in terms of the relevant legislation and the required rezoning has become effective.
- (5) In the event of a road closure, the zoning of the closed road portion will be deemed or rezoned as provided for in section 9 of this Scheme.

174. Development parameters for rooftop- and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.

- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

175. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

176. Sidewalks

- (1) Pedestrian sidewalks may not be obstructed by sign boards or any other object which may impede the flow of pedestrians. In the event that objects cause such obstruction the Municipality shall immediately issue a compliance notice and the owner shall comply with such notice forthwith by removing the object or objects.
- (2) The Municipality may allow sidewalks to be used for occasional use, and on a more permanent basis for outdoor dining and trading, provided that the flow for pedestrians are not impeded by these uses.

177. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality's events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (5) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

178. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

179. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 18: PUBLIC OPEN SPACE ZONE

180. Zone name and designation on map



- (1) The Public Open Space Zone may be referred to by the code (POS) and must be indicated on the zoning map in dark green (Colour code)

181. Purpose of the zone

- (1) The purpose of this zone is to make provision for land which vests in the Municipality as ‘public place’ and which is intended to be used for:
- (a) active or passive public recreational and public amenity purposes; or
 - (b) creating a desired townscape, or visual open space for residents; or
 - (c) serving as an open space which also accommodates riverine corridors and other similar natural features; or
 - (d) serving as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

182. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Open space • Natural environment • Private road 	<ul style="list-style-type: none"> • Outdoor trading and dining (no SDP if demarcated) • Occasional use (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Camping site • Cemetery • Employee housing • Events • Freestanding base telecommunication station • Outdoor market • Place of indoor recreation • Place of sport and recreation • Rooftop base telecommunication station • Tourist accommodation • Tourist facilities

- (2) One or more of the abovementioned uses may be permitted on any land unit at the same time.

183. Development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

184. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	20% or as restricted in SDP	1 storey

185. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

186. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If trading areas in this zone are demarcated in terms of the Municipality’s Informal Trading Policy or By-law, a site development plan is not required for this activity.
- (4) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (5) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

187. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

188. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality’s Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 19: PRIVATE OPEN SPACE ZONE

189. Zone name and designation on map



- (1) The Private Open Space Zone may be referred to by the code (PrOS) and must be indicated on the zoning map in lime green (Colour code)

190. Purpose of the zone

- (1) The purpose of this zone is to make provision for land which is in private ownership and which is intended to be used for:
- (a) active or passive private recreational and private amenity purposes; or
 - (b) creating a desired townscape, or visual open space for residents; or
 - (c) serving as open space which also accommodates riverine corridors and other similar natural features; or
 - (d) serving as open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

191. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Open space • Natural environment • Private road 	<ul style="list-style-type: none"> • Occasional uses (No SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Camping site • Cemetery • Events • Freestanding base telecommunication station • Helicopter landing pad • Outdoor trading and dining • Outdoor market • Place of assembly • Place of indoor recreation • Place of sport and recreation • Rooftop base telecommunication station • Tourist facilities • Tourist accommodation

- (2) One or more of the abovementioned uses may be permitted on any land unit at the same time.

192. Development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.

- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

193. Building development parameters in this zone

- (2) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	20% or as restricted in SDP	1 storey

194. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

195. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a site development plan does not have to be submitted in terms of the scheme for that event.
- (4) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

196. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

197. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality’s Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 20: AGRICULTURE AND RURAL ZONE

198. Zone name and designation on map

- (1) The Agriculture and Rural Zone may be referred to by the code (AR) and must be indicated on the zoning map in pale green (Colour code)



199. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) conservation of agricultural land, rural landscape and existing biodiversity;
 - (b) use of land for purposes of bona fide agricultural production or conservation uses;
 - (c) buildings and structures which may be erected for reasonable and normal agricultural purposes;
 - (d) a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

200. Land use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses (SDP required)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural buildings • Agriculture • Dwelling house • Forestry • Natural environment • Private road • Poly-tunnels (<2000m²) • Second dwelling 	<ul style="list-style-type: none"> • Agricultural buildings (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (one unit, no SDP) • Farm stall • Guesthouse • Home daycare centre • Home occupation practice • Poly-tunnels (<2000m² and <5000m²) • Rooftop base telecommunication station • Tourist accommodation • Tourist facilities 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (>2000m²) • Conference facility (associated with a guesthouse or hotel) • Daycare centre • Employee housing (> 1unit) • Events • Freestanding base telecommunication station • Guesthouse (exceeding threshold) • Helicopter landing pad • Hotel • Intensive feed farming • Kennel • Occasional use • Outdoor market • Outdoor trading and dining • Place of sport and recreation • Plant nursery • Poly-tunnels (>5000m²) • Renewable energy structure • Service trade • Tourist accommodation (exceeding threshold) • Tourist facilities (exceeding threshold)

- (2) One or more of the abovementioned uses may be permitted on any land unit at the same time.

- (3) After the commencement of this scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, a farm Site Development Plan shall be submitted in accordance with section 213.

201. Use and development parameters for agricultural buildings

- (1) Agricultural buildings which are directly related to the agricultural activities on a farmland unit may be erected, provided that where the coverage of one building exceeds 2000m², an Additional Use Site Development Plan shall be submitted for approval prior to building plan approval.

202. Use and development parameters for agricultural industry

- (1) Agricultural industry buildings may be erected on a property provided that an Additional Use Site Development Plan shall be submitted for approval prior to building plan approval for buildings up to 2000m² coverage⁸.
- (2) Agricultural industry buildings exceeding 2000 m² coverage shall require a consent use application.
- (3) At least fifty percent of the produce which is processed in an agricultural industry building must be farmed on the farm concerned or on a group of farms in the same area owned by the same landowner.
- (4) The Municipality may require information about produce, yields and production capacity to confirm the scale of the proposed building is commensurate with the farming activities on the land unit concerned.
- (5) The agricultural industry shall remain subservient to the agricultural activities on the farm.
- (6) Other farm owners in the surrounding area may also supply produce to the agricultural industry provided that subsection (2) is adhered to.
- (7) An agricultural industry may not be subdivided, alienated via a registered lease, nor sold via sectional title.

203. Use and development parameters for dwelling house, second dwelling and additional dwelling

- (1) No more than one dwelling house and one-second dwelling shall be permitted on any land unit as a primary right.
- (2) The Municipality may grant its consent for additional dwelling units on land units exceeding 20ha in size and one unit per every 10 ha exceeding 20ha in size may be approved, up to a maximum of four additional dwellings units as set out in the definitions. This parameter may not be deviated or departed from.
- (3) Each dwelling house, second dwelling or additional dwelling unit may be occupied by no more than one family as defined, or may be used in a manner permitted for by the additional uses or consent uses (if approved by the Municipality) and the same conditions as set out in Chapter 7 for additional uses shall apply.
- (4) The dwelling houses, second dwellings and additional dwellings are intended to be used for residential occupation by the owner and/or manager and/or related family of the owner of the farm.
- (5) The maximum building development parameters are indicated in section 211: a main dwelling and second dwelling may not exceed a floor area (including outbuildings and garages) of 500m² each whilst any additional dwelling is limited to 120m² each.

⁸ It should be noted that NEMA requires a basic assessment for agricultural industries exceeding 2000m² in extent which are located outside industrial areas.

204. Use and development parameters for employee housing dwelling unit

- (1) No more than one employee housing dwelling unit shall be permitted on any land unit as an additional use.
- (2) The Municipality may grant its further consent for more than one employee housing dwelling unit upon being satisfied that the additional units are for bona fide employees associated with activities on the farm.
- (3) The employee housing may only be used for the accommodation of one family as defined.
- (4) One of the occupants of the employee housing dwelling unit must be permanently employed in connection with the farming activities on the land unit concerned.
- (5) No site development plan is required for the construction of one employee housing dwelling unit as an additional use.
- (6) The maximum building development parameters are indicated in section 211: an employee housing dwelling unit may not exceed a floor area (excluding outbuildings and garages) of 75 m² each.
- (7) Construction of new employee housing shall be refused in instances where existing employee housing units were converted to other land uses unless the Municipality is satisfied that such approval will not result in creeping escalation of additional uses which are not related to agriculture.

205. Use parameters for home occupation, home day-care

- (1) A home occupation or home day-care establishment may only be conducted from the approved main dwelling house or the second dwelling on the land unit and the operator shall reside in that same dwelling or second dwelling. The same parameters as section 53 shall apply to a home occupation or home day-care establishment in this zone.

206. Use parameters for bed and breakfast, guest house and tourist accommodation in this zone

- (1) A bed and breakfast establishment may only be conducted from the approved main house or the second dwelling on the land unit and the operator shall reside in that same dwelling or second dwelling. The same parameters as section 53 shall apply to a B&B in this zone, except the maximum number of rooms permitted is subject to the overall threshold for guest accommodation in this zone in subsection (3).
- (2) A guest house and/or tourist accommodation may only be conducted from existing approved dwelling units on the property (main dwelling house, second dwelling house, additional dwelling houses or employee housing).
- (3) The maximum accommodation permitted as an additional use for all types of guest accommodation (B&B, guesthouse and tourist accommodation) combined is 7 bedrooms or 14 people⁹ in total per land unit.
- (4) A guesthouse or tourist accommodation in this zone may only be undertaken as an additional use on a farm land unit where the primary use of the property remains cultivation and/or grazing and/or any other bona fide agricultural use as approved by the Municipality. The proposed guest accommodation activity shall at all times remain subservient to the primary agricultural activities described above and shall not interfere with the agricultural land uses on the property. In the event that the farm ceases to be used for

⁹ Note: "Less than 15 people" is the threshold set in NEMA regulations for all guest accommodation facilities outside the urban edge below which basic assessment is not required (unless within 5km of a proclaimed nature area). It is regarded as an appropriate general threshold for guest accommodation permitted as an additional use right on farms since the impact (from a land use management perspective) is regarded to be small and the activity will not have an adverse impact on agricultural activities, when curtailed to existing buildings. It should however be noted that guest accommodation outside the urban edge, but within protected areas, within 10km of a national park or world heritage site, or 5km from any other protected area or from the core of a biosphere reserve triggers a NEMA basic assessment.

agricultural activities, the Municipality may instruct the owner to cease operation of the guest accommodation.

- (5) When used as an additional use, guesthouse or tourist accommodation may only be provided in buildings which are approved on a plan for residential use. Should a non-residential building be converted for this purpose, such building shall at all times be an existing building which is no longer required for the original purpose.
- (6) The Municipality may approve minor alterations and additions to the existing buildings provided that they conform to the development parameters as set out in this zone.
- (7) Once an existing dwelling house, second dwelling house, additional dwelling house, employee housing or other non-residential building is converted to a guest house or tourist accommodation, no further building plan approval will be granted for the construction of similar dwellings or agricultural building (as the case may be), unless the Municipality is satisfied that such additional building will not lead to further undue expansion of non-agricultural land uses at the cost of the primary agricultural functions of the property.
- (8) The scale of the individual buildings used for a guest house or tourist accommodation shall remain that of a dwelling house and/or second dwelling and or employee houses together with its normal outbuildings and shall be capable of reverting back to normal use as a dwelling house, second dwelling or employee houses as the case may be.
- (9) The site development plan as approved by the Municipality shall constitute the development rules for the activity and any expansion to or alteration in the land use which exceeds thresholds in this section will require a further permission in terms of subsection (13).
- (10) A guest house or tourist accommodation in this zone may not contain a conference facility or wellness centre unless the Municipality's further permission has been obtained in terms of subsection (13).
- (11) Meals and beverages may only be served to bona fide guests who reside at the guest house or tourist accommodation.
- (12) The Municipality may impose any conditions required to mitigate the potential impact.
- (13) An application for the Municipality's consent shall be submitted for any guest house or tourist accommodation facility where any of the parameters in this section is not complied with or is exceeded and such application shall be subject to public notification as determined by the Municipality. Nothing in this section prohibits the Municipality from approving a more extensive facility or facilities where it is satisfied that the objectives of the Agriculture and Rural Zone will not be undermined by such approval.
- (14) When approving such an application the Municipality shall impose a restriction on the number of bedrooms which may be used in connection with the activity.

207. Use and development parameters for tourist facilities and farm stall in this zone

- (1) The parameters in this section apply to tourist facilities permitted as an additional use.
- (2) Tourist facilities in this zone may only be undertaken from a farm land unit where the primary use of the property is bona fide agriculture and where the proposed activity is subservient to the primary land use activity on the land unit.
- (3) Tourist facilities which require buildings to operate from, may only be undertaken from existing approved building or buildings on the property which are no longer utilised for their original purpose, provided the Municipality may approve internal alterations and minor additions to these buildings within the parameters of this Scheme.

- (4) The total floor area of all buildings which are used as tourist facilities as an additional use (including the area which is used for manufacturing as envisaged in subsection (6)) shall not exceed 250m² for the entire land unit.
- (5) A shop in a tourist facility may sell goods which are produced or grown on the farm or goods from elsewhere, provided that more than 50% of the goods sold from a shop on the farm must be made, produced or grown on the farm. A tourist shop, which includes a farm stall, may not exceed a total floor area of 120m² for the land unit and this is a sublimit of the overall limit for tourist facilities.
- (6) Tourist facilities may include an area for the making, brewing, cooking, baking of arts, craft, food, beverages or clothing where the raw materials used in such activity is not grown or farmed on the land concerned, provided the following conditions are adhered to:
 - (a) The floor area used for the making, arts, craft or similar activity may not exceed a total floor area of 50m² and this is a sublimit of the overall limit for tourist facilities;
 - (b) the activity shall be undertaken by the owner or one of their relatives, or a full time employee of the farm or one of their relatives;
 - (c) such goods may be sold in a shop which is a tourist facility on the property.
- (7) The site development plan as approved by the Municipality shall constitute the development rules for the activity and any expansion to or alteration in the land use which exceeds thresholds in this section will require a further permission in terms of this Scheme.
- (8) The Municipality may impose any conditions required to mitigate the potential impact.
- (9) An application for the Municipality's consent shall be submitted where any of the development parameters are not complied with or are exceeded and such application shall be subject to public notification as determined by the Municipality. Nothing in this section prohibits the Municipality from approving a more extensive facility or facilities where it is satisfied that the objectives of the Agriculture and Rural Zone will not be undermined by such approval.
- (10) When approving such an application the Municipality shall impose a restriction on the area which may be used in connection with the activity.
- (11) Tourist facilities may not have an adverse impact on surrounding properties (such as, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people) nor may the tourist activities have an adverse impact on any bona fide agricultural activities on the farm itself or on neighbouring properties. In the event that the Municipality is of the opinion that an activity has such an adverse impact, it may impose conditions in order to mitigate adverse impacts or it may instruct the owner that the activity must cease and the Municipality shall issue a compliance notice in accordance with the Municipal Planning By-law.

208. Development parameters for poly-tunnels

- (1) Poly-tunnels (which for the purposes of this section also include agricultural shade netting) -
 - (a) up to 2000m² coverage per land unit are permitted in this zone as a primary use provided that it is indicated on an overall farm site development plan submitted to the Municipality in accordance with section 213;
 - (b) between 2001m² and 5000m² is permitted as an additional use, subject to a more detailed and location-specific site development plan, as may be required by the Municipality;
 - (c) exceeding 5000m² will require the Municipality's consent.
- (2) When assessing site development plans or consent applications for poly-tunnels, the Municipality shall take cognisance of the importance of agriculture and food security and strive to approve applications forthwith if proposals address concerns of adverse impacts on visual, cultural and heritage amenity.

- (3) The Municipality may require amendment to proposals in the form of repositioning, screening and any other measures which may address negative adverse impacts.
- (4) The Municipality may also impose measures and conditions related to decommissioning as envisaged in section 44.

209. Mining as a temporary departure in Agriculture and Rural Zone

- (1) Notwithstanding section 18(1)(b) of the Stellenbosch Land Use Planning By-law, the Municipality may grant a departure to use land for the purposes of mining on a temporary basis for a period exceeding 5 years in this zone.
- (2) The period for which a mine may operate shall be linked to the life expectancy of the mine.
- (3) The Municipality shall impose conditions relating to the period of validity, other operational requirements, as well as future rehabilitation of the mine after closure thereof, as provided for in section 44 of this Scheme.

210. Use and development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality's consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned.

211. Building development parameters in this zone

- (1) The following building lines, height, and floor area or coverage thresholds shall apply to buildings and activities within this zone:

Building type	BUILDING LINES (m) Street & common boundaries (incl. ROW servitudes)	HEIGHT (Storeys)	PRIMARY USE Maximum Floor area Threshold	ADDITIONAL USE (SDP) Maximum Floor Area Threshold	CONSENT USE Maximum Floor area
Accommodation and dwellings in this zone					
Dwelling house and Second dwelling-house (including outbuildings and garages)	5m	2 storeys	500m ² each		
Additional dwelling houses (including outbuildings and garages): Max 4 dwelling units (1/10ha)	5m	1 storey			120m ² each
Employee housing unit	5m	1 storey	75m ²		As approved by Municipality
Tourist accommodation, Guesthouse, Bed & Breakfast	In existing approved dwelling (as per above)			Max 7 bedrooms	As approved by Municipality
Tourist facilities					
Tourist Facilities Overall Max limit.	5m	1 storey		250m ²	As approved by Municipality
-Shop in tourist facility (incl farm stall) sub-limit				120m ²	
-Manufacture and craft workshop sub-limit				50m ²	
Other Agricultural buildings					
Agricultural buildings	5m	3 storeys	No overall limit on farm property	Any-one building > 2000m ²	
Agricultural Industry	5m	3 storeys		2000m ²	>2000m ²
Poly-tunnels Including shade netting	5m	1 storey	2000m ²	>2000m ² and <5000m ²	>5000m ²

- (2) The following additional parameters apply in respect of building lines:
 - (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the property boundary unless a servitude is registered in favour thereof;
- (3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with. These include, but is not limited to, the following:
 - (a) offsite parking requirements (section 25);
 - (b) access requirements (section 31);
 - (c) outdoor storage of vehicles and goods (section 33);
 - (d) boundary walls and fences (section 38);
 - (e) retaining walls and earth banks (section 39);
 - (f) development on steep slopes (section 40).
- (4) Portions of the property in this zone may not be registered separately by Sectional Title.

212. Boundary walls and fences parameters

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

213. Site development plan

- (1) After the commencement of this scheme, an owner of land which is zoned Agriculture and Rural Zone may submit an overall farm site development plan to the Municipality indicating all existing as well as intended future primary and additional land uses on the farm. Consent uses may also be indicated, but then such consent uses shall be clearly marked for future approval or the site development plan should be accompanied by the relevant consent application and subject to public participation if required.
- (2) The purpose of the overall farm site development plan is to inform the Municipality of the existing and intended future land use proposals and allow an overview of land use activities on the land unit prior to building plan or other approvals.
- (3) The Municipality may, in the course of evaluating the site development plan, apply the guidelines in the SDF or other similar approved the rural development plan.
- (4) The overall farm site development plan does not require notification to neighbours, unless it triggers any other applications in terms of planning law, in which case the required procedures will apply.
- (5) Once the farm site development plan is approved by the Municipality, building plans for new and altered buildings may be approved in line with this plan.
- (6) An overall farm site development plan shall be approved prior to the approval of any new building plan, or prior to the alteration of existing buildings or land uses.
- (7) The location of an additional use shall be indicated on the overall farm site development plan and a more detailed site development plan may be required by the Municipality and shall then be submitted for the building(s) and immediate environment of the additional use in terms of section 13 of this Scheme prior to the commencement of an activity on the site.
- (8) The location of a consent use shall be indicated on the overall farm site development plan and a more detailed site development plan may be required for the building and immediate environment of the consent use and such site development plan shall become the development parameters for such use once approved.
- (9) An approved overall farm site development plan shall not lapse unless replaced by a new site development plan.

214. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

215. Engineering services

- (1) At building plan approval, the Municipality may impose conditions related to the provision of off-the-grid engineering services in instances where municipal engineering services are not available to a particular proposed development. Such services shall be provided at the cost of the owner and to the satisfaction of the Municipality.

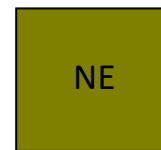
216. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 21: NATURAL ENVIRONMENT ZONE

217. Zone name and designation on map

- (1) The Natural Environment Zone may be referred to by the code (NE) and must be indicated on the zoning map in olive green (Colour code)



218. Purpose of the zone

- (1) The purpose of this zone is to make provision for the following:
- (a) the use of land or an area for preservation of the natural environment or for conservation purposes;
 - (b) protection of the natural environment whether or not the land has been proclaimed for conservation purposes in terms of the relevant legislation;
 - (c) the utilisation of these areas by the controlled provision of holiday accommodation and tourist facilities.

219. Land Use within this zone

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
<ul style="list-style-type: none"> • Natural environment • Open space 	<ul style="list-style-type: none"> • Occasional uses (no SDP if Events By-law approval issued) 	<ul style="list-style-type: none"> • Airstrip • Camping site • Employee housing • Events • Forestry • Freestanding base telecommunication station • Guesthouse • Helicopter landing pad • Outdoor market • Place of assembly • Place of sport and recreation • Private road • Rooftop base telecommunication station • Tourist accommodation • Tourist facilities

- (2) The land use restrictions set out in this Scheme for land zoned Natural Environment Zone shall only be applicable to land units which are governed by the relevant Planning Law. In the event that the use of land is governed and controlled by any other National Act and exempted from Planning Law¹⁰ the provisions of the applicable legislation will prevail and none of the parameters in this zone apply.
- (3) In the event that land, which is currently proclaimed as a protected area and is therefore governed by the provisions of that applicable legislation, is de-proclaimed in terms of that legislation or national legislation no longer controls the use of land (as set out in subsection(20) above), the Natural Environment Zone will

¹⁰ For example the Natural Environmental Management Protected Areas Act, 2003 (Act 57 of 2003),

automatically be deemed to apply to such land in terms of this Scheme and said land will duly become subject to the restrictions set out in this Scheme;

- (4) Any combination of the above-mentioned uses may be permitted on a land unit.

220. Development parameters for rooftop and freestanding base telecommunication stations

- (1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted with the Municipality’s consent.
- (2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to without the prior permission of the Municipality.
- (3) Any base station attached to the antennae must be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public street, unless approved by the Municipality.
- (4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
- (5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless approved by the Municipality.
- (6) The Municipality may require appropriate context-specific screening to mitigate the impact of this infrastructure.
- (7) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent application.

221. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	20% or as restricted in SDP	1 storey

222. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

223. Site development plan

- (1) A site development plan may be required by the Municipality for any primary use on the site.
- (2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity on the site.
- (3) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a Site Development Plan does not have to be submitted in terms of the scheme for that event.

- (4) A site development plan shall be required for a consent use application and shall become the development parameters for such use once approved.

224. Construction environmental management plan

- (1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

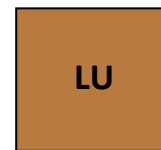
225. Development charges in this zone

- (1) The Municipality may impose development charges for any intensification of existing land use in line with the Municipality's Development Charges Policy, where such development may have the effect of increasing the burden on external municipal engineering services, including any additional use and consent use.

CHAPTER 22: LIMITED USE ZONE

226. Zone name and designation on map

- (1) The Limited Use Zone may be referred to by the code (LU) and must be indicated on the zoning map in brown. (Colour code



227. Purpose of the zone

- (1) The purpose of this zone is to make provision for the following:
 - (a) serve as a transitional mechanism to make provision for an appropriate zone for properties previously zoned ‘undetermined’ or other abolished zones in previous schemes;
 - (b) existing lawful land uses may continue, but no new land uses shall be permitted and properties must be rezoned to the appropriate use zone in order to permit new land uses;
 - (c) to progressively phase out this zone;
 - (d) no new rezoning to Limited Use Zone shall be permitted.

228. USE OF THE PROPERTY

- (1) The following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses
<ul style="list-style-type: none"> • Limited to existing lawful uses at commencement date 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None

- (2) No alteration to an existing land use or an existing building shall be permitted.
- (3) No rezoning to “Limited Use Zone” shall be permitted after the commencement date and should additional uses or development rights be sought, a rezoning application to an appropriate use zone in terms of this Scheme must be lodged.
- (4) Portions of property in this zone may not be registered separately by **Sectional Title**.

229. Boundary walls and fences

- (1) The height of any masonry wall (including the entrance structure and columns) may not exceed 1 meter.
- (2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
- (3) No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
- (4) The general development parameters relating to boundary walls and fences in section 38 also apply.

230. Destruction of existing building

- (1) Buildings which have by accident been partially or completely destroyed may be reconstructed in accordance with lawful development rights which existed at the commencement date, provided that building plans for such reconstruction are approved within 12 months from the date of the accidental destruction.

CHAPTER 23: GENERAL PROVISIONS FOR OVERLAY ZONES

231. Procedures for establishing overlay zones

- (1) The Municipality may adopt, amend or withdraw an overlay zone for a particular area, property or the municipal area as a whole, and must comply with sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) and the Planning by-law.

232. Requirements for overlay zones

- (1) The Municipality may adopt, amend or withdraw an overlay zone for a particular area, property, or the municipal area as a whole, after considering the following, where applicable:
 - (a) the development principles contained in Planning Law;
 - (b) the vision, principles, policies and provisions set out in the Municipality's Spatial Development Framework;
 - (c) any policy plan which was approved by the Municipality after following due process of public consultation.

233. Identification, numbering and mapping 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 property or area to which the provisions of an overlay zone apply on the zoning map and the name and number of the applicable zone shall be clearly indicated on the zoning map.

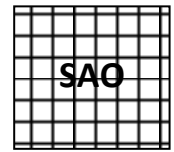
234. Status of overlay zones

- (1) An overlay zone does not change the underlying zoning of the properties to which it relates, but may vary the development parameters relating to these properties.
- (2) The development parameters of an overlay zone may be more restrictive or more permissive than the development parameters applicable to the underlying base zoning of the land concerned.
- (3) The development parameters of the particular base zone remain applicable unless it is replaced with an alternative development parameter in the particular overlay zone. In those instances where an overlay zone specifies a more restrictive development parameter, the overlay zone prevails. In an instance where an overlay zone specifies a more permissive development parameter the more permissive rule in the overlay zone replaces the parameter in the base zone. In instances where the overlay zone does not alter or explicitly abolish an applicable development parameter, the base zone parameters will continue to apply.
- (4) The provisions of an overlay zone do not in any way detract from any obligations which arise out of National And Provincial Legislation.

CHAPTER 24: SUBDIVISIONAL AREA OVERLAY ZONE

235. Zone name and designation on map

- (1) The Subdivision Area Overlay Zone may be referred to by the code (SAO) and must be indicated on the zoning map as black hatching, retaining the colour of the base zone before the land was rezoned to subdivisional area.

**236. Purpose of the zone**

- (1) This overlay zone designates land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved.

237. Land use within this zone

- (1) Notwithstanding the conditions imposed when rezoning the property to Subdivisional Area, a property may continue to be used for the purposes set out in the base zone prior to rezoning until the rezoning approval is being acted on and the subdivision or portions thereof have been confirmed.
- (2) Upon confirmation of the subdivision the permitted primary, additional or consent uses as permitted by the applicable new base zones as approved in the rezoning application, shall apply to the confirmed land units unless the conditions of approval stipulate additional restrictions.

238. Development parameters

- (1) Upon approval of an application to rezone land to Subdivisional Area, the Municipality shall impose conditions of rezoning which will specify at least the following information:
- (a) the permitted mix of land uses and zoning;
 - (b) the permitted density in the case of residential development;
 - (c) the permitted floor area in the case of business, industrial and other significant land uses;
 - (d) the approximate ratio of open space and public road, if required by the development;
 - (e) any departures from the development rules which may be required by the intended development;
 - (f) provisions for the supply of external and internal municipal engineering services and development charges;
 - (g) any other conditions the Municipality deems fit to inform the intended subdivision of land including, but not limited to, environmental, heritage, landscaping, parking and access parameters.
- (2) Land zoned as subdivisional area may be subdivided as contemplated by Planning By-law in accordance with the conditions imposed.
- (3) A plan of subdivision shall be submitted for approval in terms of the Planning By-law for land which is zoned Subdivisional Area Overlay Zone:
- (a) the plan of subdivision shall indicate the zoning of each of the proposed land units in accordance with the zones of the zoning scheme;
 - (b) the plan of subdivision shall not require to be advertised in the event that the subdivision plan conforms to all the conditions of approval and is generally in accordance with the proposed development framework indicated in the original application for rezoning to Subdivisional Area Overlay Zone;
 - (c) it may identify land parcels (superblocks) which may be further subdivided in future and identify these as Subdivisional Area Overlay zoned land units;

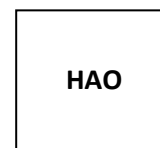
- (d) the development may be phased and if so indicated on the plan of subdivision, the remainder of land which is set aside for subsequent phases may be indicated as Subdivisional Area on the subdivision plan. In this case, the application must clearly indicate which portion of development rights have been taken up by the development and which development rights remain available for allocation to subsequent phases.

239. Updating of the zoning map

- (1) The Municipality shall in every instance where a subdivision requires a change of zoning, rezone land in terms of the Planning By-law to Subdivisional Area Overlay Zone. The property rezoned as Subdivisional Area shall be indicated accordingly on the zoning map.
- (2) Upon confirmation of the subdivision or part thereof, the said subdivision or part thereof shall be allocated the appropriate base zone on the zoning map, replacing the Subdivisional Overlay Zone designation.

CHAPTER 25: HERITAGE AREA OVERLAY ZONE

240. Zone name and designation on map



- (1) The Heritage Area Overlay Zone may be referred to by the code (HAO) and must be indicated on the zoning map in a unique colour outline for each area with fine horizontal hatching in the same colour.

241. Purpose of the zone

- (1) The purpose of the Heritage Area Overlay Zone is to guide development in order to protect and enhance the character of an area, which has special historical, heritage, cultural or architectural value. In addition, this zone creates the mechanism whereby heritage areas may be protected in compliance with the requirements of section 31(7) of the Heritage Resources Act, 25 (Act 25 of 1999).
- (2) The aim of this zone is to provide an additional mechanism through which the Municipality can manage new development in a sensitive and balanced manner and whereby the Municipality may impose measures and conditions with which to mitigate the adverse impact on heritage resources.
- (3) Other than when specific limitations are imposed which reduces the development envelope, the objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a severe and proven adverse impact on listed heritage resources.

242. Areas designated as heritage areas

- (1) The council of the Stellenbosch Municipality may designate an area as Heritage Area Overlay Zone. The area shall be depicted on a map and the area shall be recorded in Table B.

TABLE B: HERITAGE PROTECTION OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
HAO1	Stellenbosch Historical Area	
HAO2	Franschhoek Historical Area	
HAO3	Jonkershoek Valley Historical Area	
HAO4	Dwars River Valley Historical Area	
HAO5	Ida's Vallei Historical Area	

- (2) An area may be designated as a Heritage Area Overlay Zone based on its exceptional historic interest, architectural significance or conservation worthy aesthetic, after the completion of a suitable study to identify the extent and boundaries based on appropriate criteria.

243. Area specific parameters and guidelines for heritage protection areas

- (1) The Municipality may prepare and adopt area specific development parameters for a particular Heritage Area Overlay Zone which shall be contained in this Scheme and which may only be deviated from, with the permission of the Municipality.
- (2) The Municipality may also, after following due process, adopt guidelines for a Particular Heritage Area Overlay zone which is not part of the scheme and which constitutes policy which informs decision making for planning applications and building plan applications.

244. Heritage advisory committee

- (1) The Municipality may establish a Heritage Advisory Committee to make recommendations on the historical, aesthetic and architectural aspects of a planning application in heritage area overlay zones.
- (2) The Municipality shall by ordinary resolution prescribe rules and procedures for such committee.
- (3) Upon receipt of an application for permission in terms of this section of the scheme, the Municipal Manger will refer the application to the committee for a recommendation.
- (4) The committee shall consider the application and submit their recommendation within the period prescribed by Planning by-law.
- (5) The committee may forward recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve the compliance with heritage urban conservation objectives and principles.
- (6) The Municipality may, through its adopted rules and procedures, determine that certain types of applications need not be commented on by the committee, in which case the designated decision-maker within the Municipality may decide on the application as per the appropriate delegations.

245. Consideration of applications in terms of this chapter

- (1) When considering an application for permission as set out above, the Municipality shall only grant its approval for the activity if it is satisfied that the activity will not:
 - (a) be detrimental to the protection and maintenance of the heritage resource itself, or that of the historical streetscape or of adjacent and nearby heritage buildings/resources; or
 - (b) be aesthetically or architecturally out of keeping with the heritage resource itself, or that of the historical streetscape or of adjacent and nearby heritage buildings/resources.
- (2) The Municipality will also take into consideration the recommendations by the Advisory Committee and be bound by the decisions by national and provincial heritage authorities, if applicable.
- (3) When granting its permission, the Municipality may do so subject to conditions it deems necessary to protect and promote the aesthetic, architectural, or historical integrity of the building and its surroundings, which may include (but are not limited to):
 - (a) requiring an alternative position of the building on the property which has less impact on heritage resources or the character of the cultural landscape;
 - (b) setting a maximum development envelope (including the height) for the site which may be more or less restrictive than the building envelope permitted through this Scheme in cases where such a restrictive envelope is justified to protect important heritage resources ;
 - (c) prescribing details such as building platforms, stoeps, balconies, boundary walls, fences and landscaping;
 - (d) prescribing materials, colours and finishes;
 - (e) prescribing the proportion of wall space to windows and doors, including the dimensions, proportions and positions of all windows, doors and openings;
 - (f) prescribing an alternative building line to what is prescribed in this Scheme or a 'street build-to' line, having regard to the protection of trees both on the property or within the street reserve and also the position of historical buildings in the street. This alternative building line or 'street build-to line' may be more or less restrictive than what is prescribed in the base zone and any departure from the base zone which may be required will be deemed to have been granted and does not require public notification;
 - (g) prescribing the extent and position of parking, access and egress to the site, including a screening of parking, including prescribing a maximum number of parking bays which may be provided.

246. Site development plan

- (1) A site development plan may be required by the Municipality for any development in this zone.

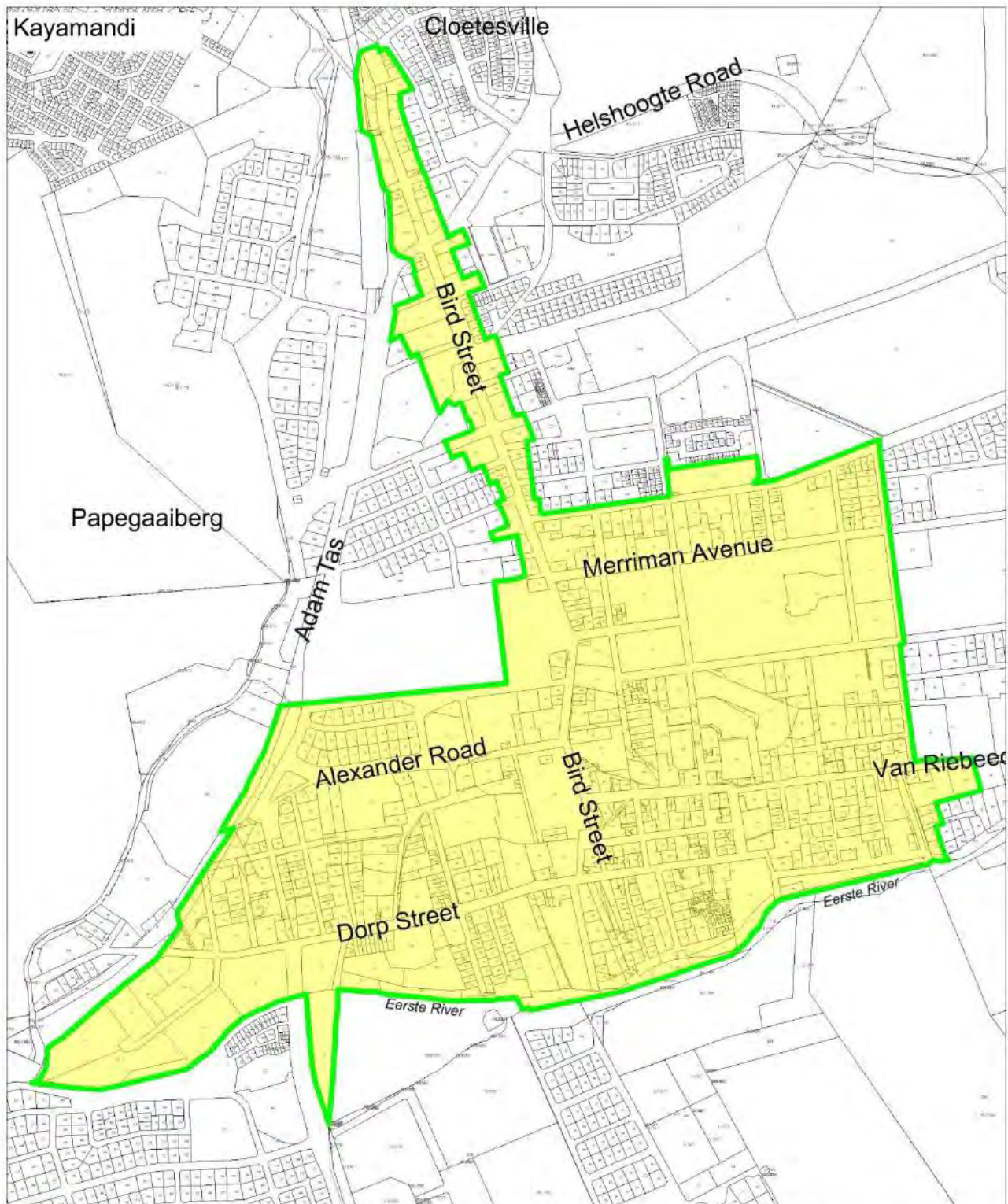
247. Development parameters for all Heritage Protection Overlay Areas


- (1) The base zone applicable to a property will continue to apply to properties within this overlay zone.
- (2) None of the under-mentioned activities may commence without the Municipality's permission:
 - (a) addition of any new building or structure;
 - (b) external demolition or alteration or renovation to an existing building or structure (including boundary walls, fences, stoep details, windows, roof details, existing chimneys, etc.);
 - (c) internal alterations to buildings which are graded III(a) or appear on the Heritage Register adopted in terms of section 30 of the National Heritage Resources Act (no 25 of 1999);
 - (d) removal, felling, lopping, topping or otherwise damaging of any mature tree (other than removal of dangerous branches or bona fide pruning);
 - (e) alteration or removal of any historical landscape feature including mature hedges and rows of mature plantings;
 - (f) the removal of any garden space which is visible from the street for paving or parking;
 - (g) alteration, removal or addition to historical hard landscape features such as (but not limited to) street furniture, signage, water furrows, carriageway/furrow crossings, bridges, cobble streets, lamp posts;
 - (h) the erection of any signage which may be visible from any public street or public open space;
 - (i) the addition of washing-lines, rain catchment tanks, television aerials and satellite dishes, telecommunication masts, chimneys, solar panels, solar geysers, electrical substations, refuse rooms, air conditioners, generators or any other service component or a similar feature which is visible from a public street or public open space.
- (3) The following activities are exempt from applying for permission:
 - (a) internal alteration to ungraded structures in the heritage protection area, provided these alterations are not visible from outside the building;
 - (b) general maintenance that does not involve removal of original fabric or change to the original appearance of a building or structure;
 - (c) repainting of existing painted surfaces of a building or structure, provided the colour is compliant with colour guidelines where such guidelines exist;
 - (d) re-plastering of existing plastered surfaces provided the appearance is identical to the original historical finish;
 - (e) re-cladding or re-thatching of roofs provided that the material is similar in appearance to the original historical material;
 - (f) the addition of washing-lines, water catchment tanks, television aerials and satellite dishes, solar panels, solar geysers that are not visible from a public street.
- (4) Applications for permission in terms of sections 247(2)(a),(b) and (c) shall be submitted only by a registered architect or town planner as the case may be, together with all information and plans the Municipal Manager may deem necessary to inform the decision. The Municipal Manager may require that the application be accompanied by a heritage report prepared by a heritage practitioner registered with Heritage Western Cape.

248. Areas declared as heritage protection areas and specific provisions

- (1) The **Stellenbosch Historical Area**, as defined on Map No. HAO1 is declared as heritage area overlay zone, to which the provisions in section 247 together with the provisions of this subsection will apply.
- (a) buildings may not exceed a height of 10 meters (measured from existing ground level to top of roof or top of parapet);
 - (b) the Municipality may withhold its permission in the event that any increase in height of a structure would, in the opinion of the Municipality, interfere with the growth of any tree within the street reserve, or if it would necessitate the undesirable pruning or removal of that tree or its branches;
 - (c) the Municipality may enforce a street building line for a basement set back from the street boundary if, in the opinion of the Municipality, the structure will interfere with the root system and growth of any trees within the abutting street;
 - (d) face brick may not be visible from the street façade;
 - (e) no pre-cast concrete walls of any kind, no barbed wire fencing or flat pressed industrial steel fences may be used;
 - (f) water tanks, solar panels, antennae and such similar attachments may not be visible from the street front;
 - (g) the Municipality may waive or reduce the parking requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the heritage resource on the site or the general streetscape of the street;
 - (h) the following colours shall be used unless otherwise approved by the Municipality:
 - (i) plastered walls shall be white or off-white;
 - (ii) outside woodwork, if painted, shall be green, brown or black;
 - (iii) piping and guttering shall be painted the same colour as the background;
 - (iv) roofing, if visible shall be black or thatch colour.
 - (i) notwithstanding the permitted land uses in the base zone, the following land uses shall require the Municipality's further consent and may only be refused if in the opinion of the Municipality it will have a detrimental impact on a heritage resource or on the heritage character of the street or area. The Municipality may also impose conditions on how buildings and land use activities should be positioned in relation to the public realm to mitigate negative impact.
 - (i) motor showrooms, public parking areas and garages;
 - (ii) plant nurseries,
 - (iii) supermarkets, shopping centres.
 - (j) Notwithstanding the requirements of section 25 related to parking ratios, the Municipality may impose reduced parking ratio on a property in this overlay zone, may waive the requirement to provide parking altogether or may impose a requirement for the provision of non-motorised transport provision in lieu of the provision of parking. Such alternative requirements shall be agreed to in writing and shall be deemed to be alternative development parameters applicable to the property.
- (2) The **Franschhoek Historical Area**, as defined on Map No. HAO2 is declared as heritage area overlay zone, to which the provisions in section 247 together with this subsection will apply.
- (a) buildings may not exceed 8,5 meters in height (measured from existing ground level to top of roof or top of parapet) except with the Municipality's permission;
 - (b) none of the materials listed below may be used, unless otherwise approved by the Municipality:
 - (i) decorative thatching;
 - (ii) cement tiles;

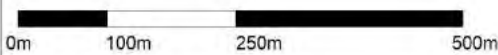
- (iii) fibre cement or IBR roof sheeting;
 - (iv) face brick of any kind or un-plastered cement blocks;
 - (v) gum poles;
 - (vi) natural or artificial stone of any kind (except possibly as a base in plinths);
 - (vii) slate;
 - (viii) steel or aluminium windows or doors on any elevation visible from the street;
 - (ix) unpainted wooden windows;
 - (x) pre-cast concrete fences;
 - (xi) exposed concrete of any kind.
- (c) no boundary wall may exceed 1 meter.
- (d) no roof pitch to any part of a building except a lean-to section attached to the main building shall have a roof pitch of less than 30 degrees;
- (e) the Municipality may waive or reduce the parking requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the heritage resource on the site or the general streetscape of the street;
- (f) the following colours shall be used unless otherwise approved by the Municipality:
- (i) plastered walls shall be white or off-white;
 - (ii) outside woodwork, if painted, shall be green, blue, brown, grey or white;
 - (iii) piping and guttering shall be painted the same colour as the background;
 - (iv) roofing shall be red oxide, black or various shades of grey. Steep roofs may be painted in red and white or green and white stripes (one colour per corrugated sheet).
- (g) notwithstanding the permitted land uses in the base zone, the following land uses shall require the Municipality's further consent and may be only refused if in the opinion of the Municipality it may have a detrimental impact on the heritage character of the area. The Municipality may also impose conditions on how buildings should be positioned in relation to the public realm to mitigate negative impact.
- (i) Motor showrooms, public parking areas and parking garages;
 - (ii) Plant nurseries,
 - (iii) Supermarkets, shopping centre.
- (3) The **Jonkershoek Valley Historical Area**, as defined on Map No. HAO3 is declared as heritage area overlay zone, to which the provisions set out in section 247 will apply.
- (4) The **Dwars River Valley Historical Area**, as defined on Map No. HAO4 is declared as heritage area overlay zone, to which the provisions set out in section 247 and this subsection will apply.
- (5) The **Ida's Valley Historical Area**, as defined on Map No. HAO5 is declared as heritage area overlay zone, to which the provisions set out in section 247 and this subsection will apply.



 Stellenbosch Historical Area

HERITAGE AREA OVERLAY ZONE

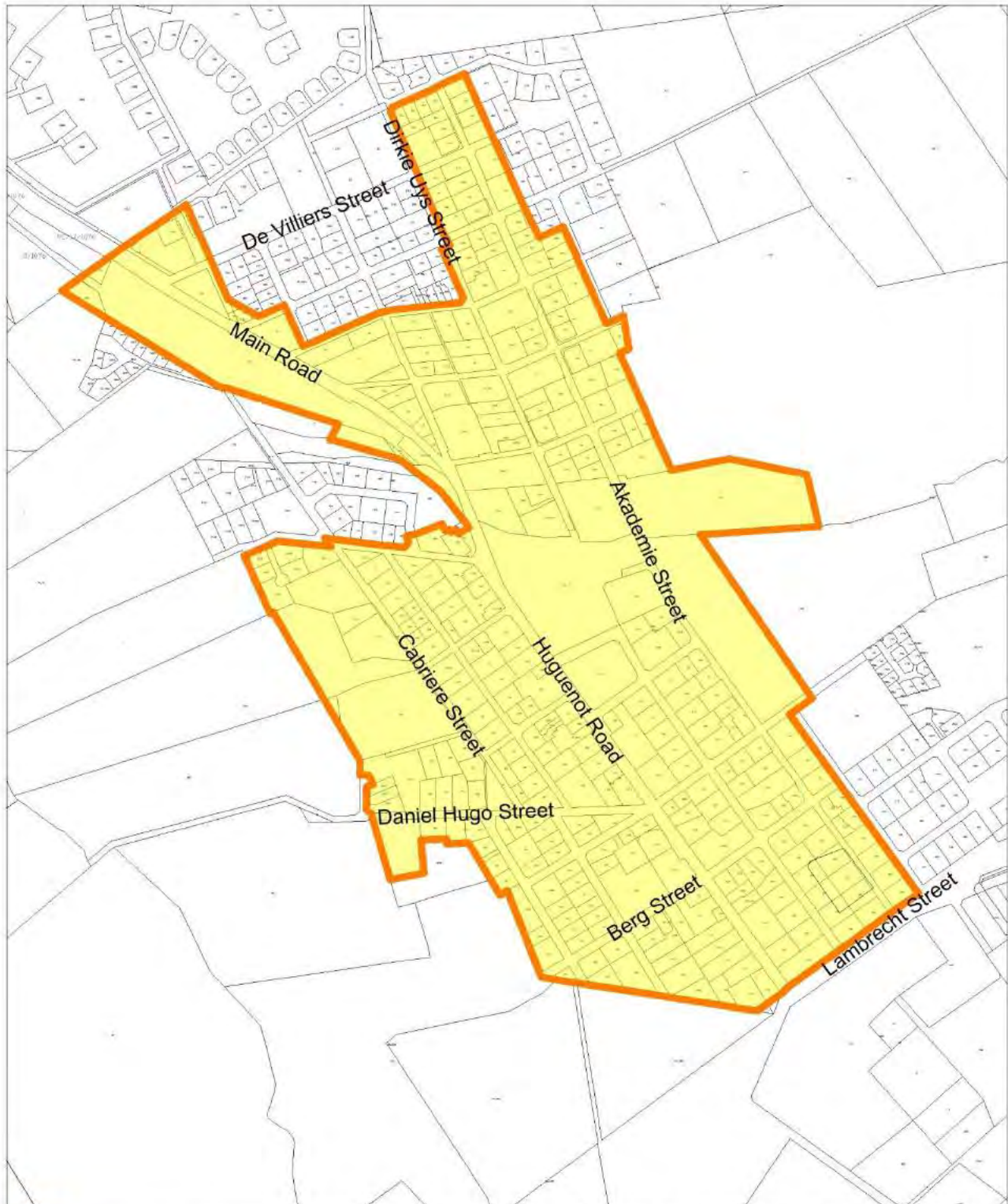
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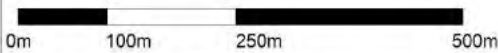


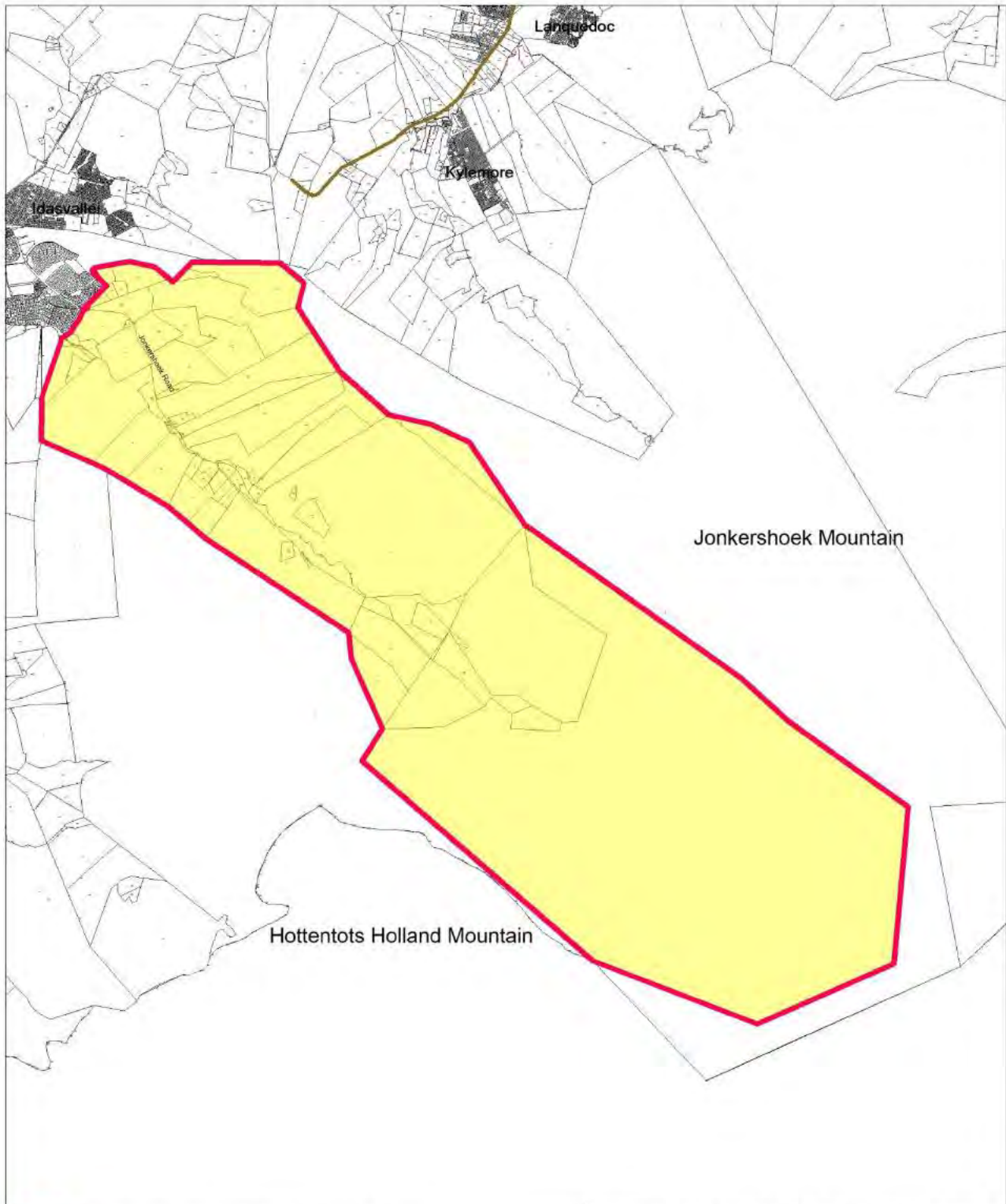


 Franschhoek Historical Area

HERITAGE AREA OVERLAY ZONE

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DATE: OCTOBER 2016





 Jonkershoek Valley Historical Area



HERITAGE AREA OVERLAY ZONE

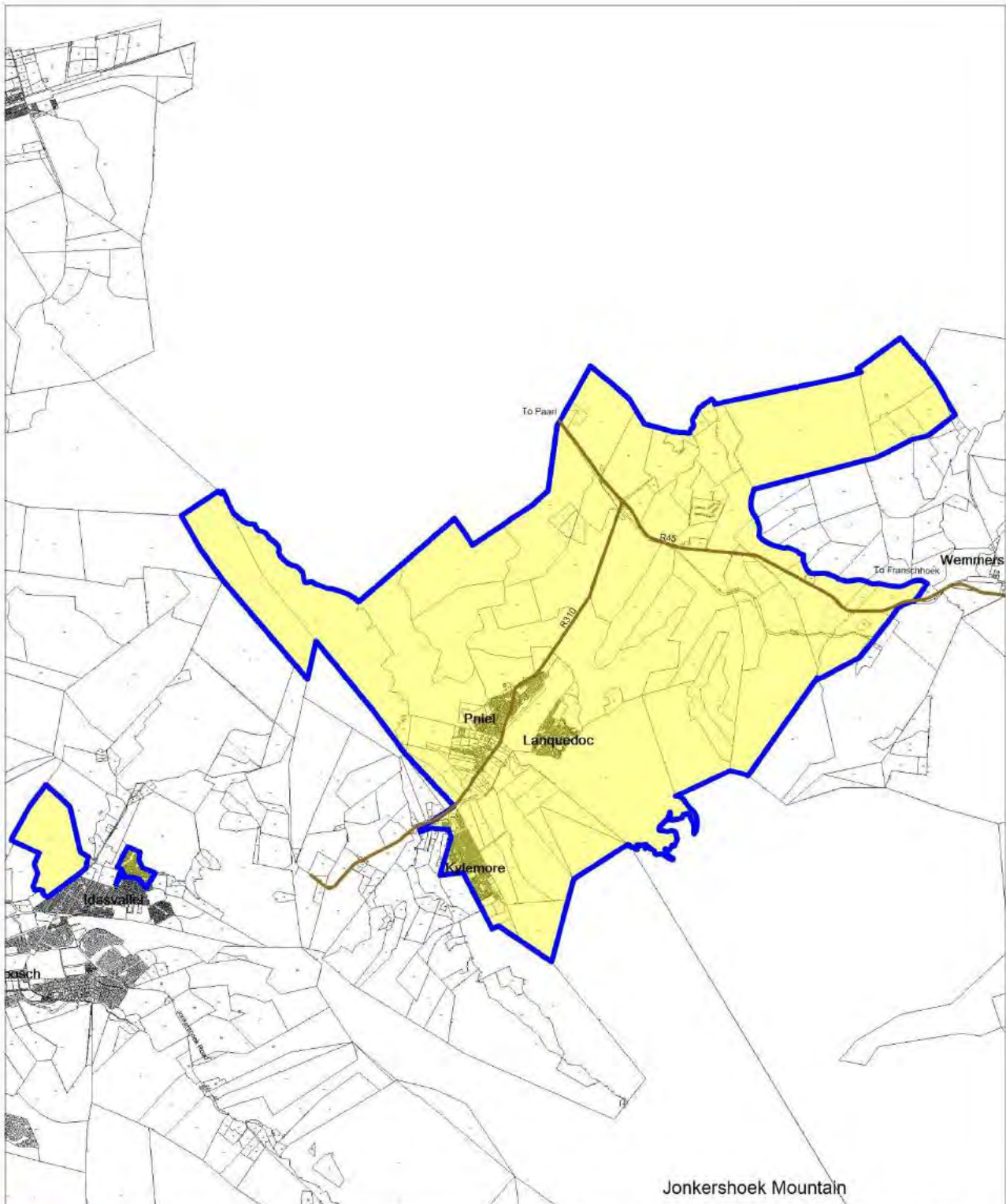
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 Dwars River Valley Historical Area

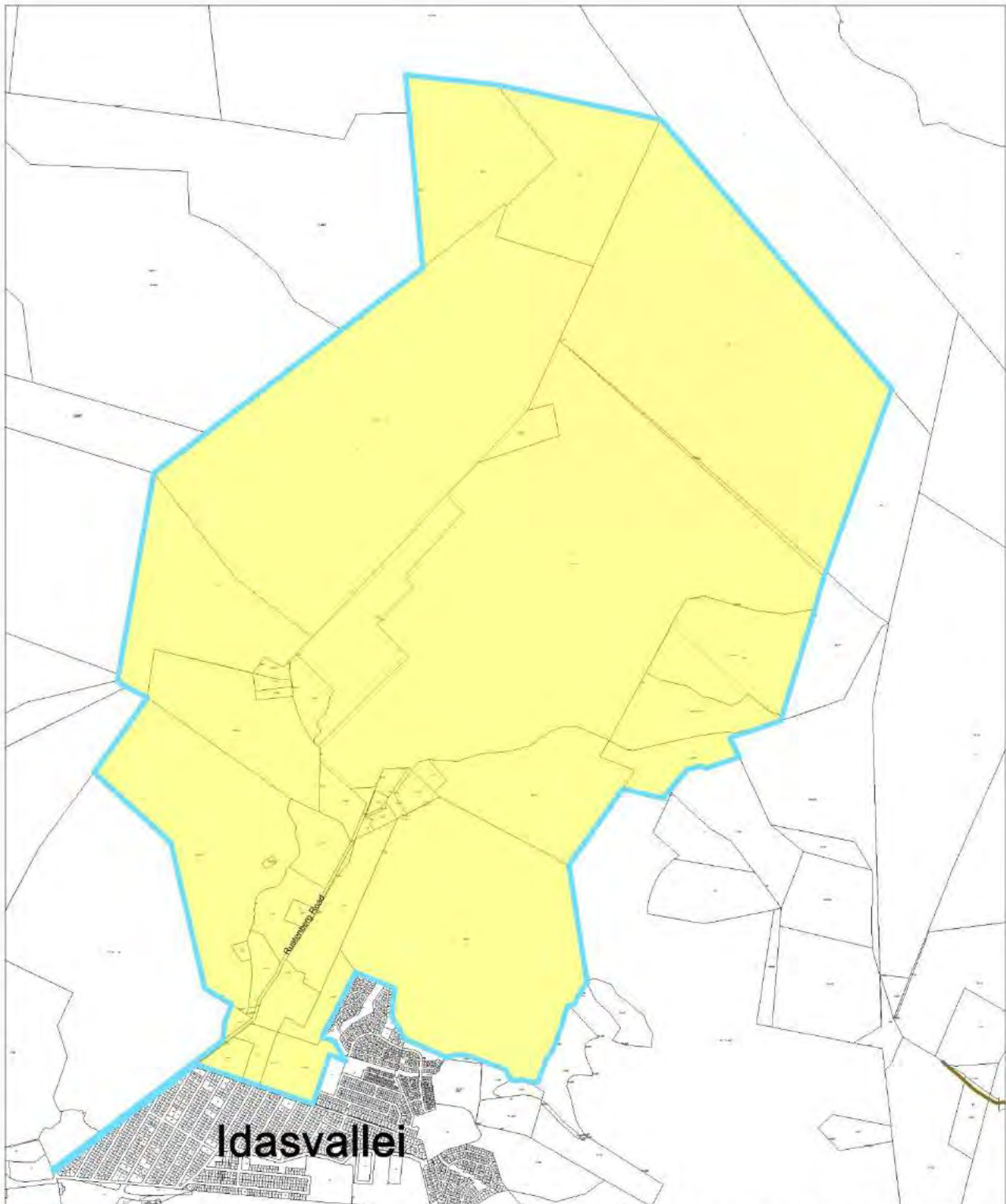
HERITAGE AREA OVERLAY ZONE


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DATE: OCTOBER 2016




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 Ida's Valley Historical Area

HERITAGE AREA OVERLAY ZONE

MAP NO: HAO5
DATE: OCTOBER 2016



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CHAPTER 26: SCENIC ROUTES OVERLAY ZONE

249. Zone name and designation on map

- (1) The Scenic Routes Overlay Zone shall be depicted on one of three maps numbers SRO. Rural Scenic routes will be identified by a code preceding with RSR and must be indicated on the zoning map with an individual transparent colour band adjacent and on the side of the road to which it applies. Urban Scenic Routes shall be referred to by the code (USR) and must be indicated on the zoning map in dark yellow and light yellow lines.

**250. Purpose of the zone**











- (1) The purpose of this overlay zone is to protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors.
- (2) To this end, control will be exercised over buildings and structures, including fences, gates and gatehouses, berms, access roads, parking, poly-tunnels, signage and telecommunication structures immediately abutting these roads.
- (3) The rural scenic routes aim to preserve the unique rural visual character and qualities of the area whilst balancing this with the needs of working farms.
- (4) The urban scenic routes aim to provide a mechanism to mitigate the impact of new developments on the architectural aesthetic of the particular settlement, with particular reference of how development interacts and interface with the road.
- (5) A balance must be sought to allow agricultural activities to proceed unencumbered to ensure agricultural economic viability.
- (6) The aim of this zone is to provide an additional mechanism through which the Municipality can manage and mitigate new development in a sensitive and balanced manner and whereby the Municipality may impose measures and conditions with which to mitigate the adverse impact on scenic resources.
- (7) The objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a severe and proven adverse impact on defined scenic resources.

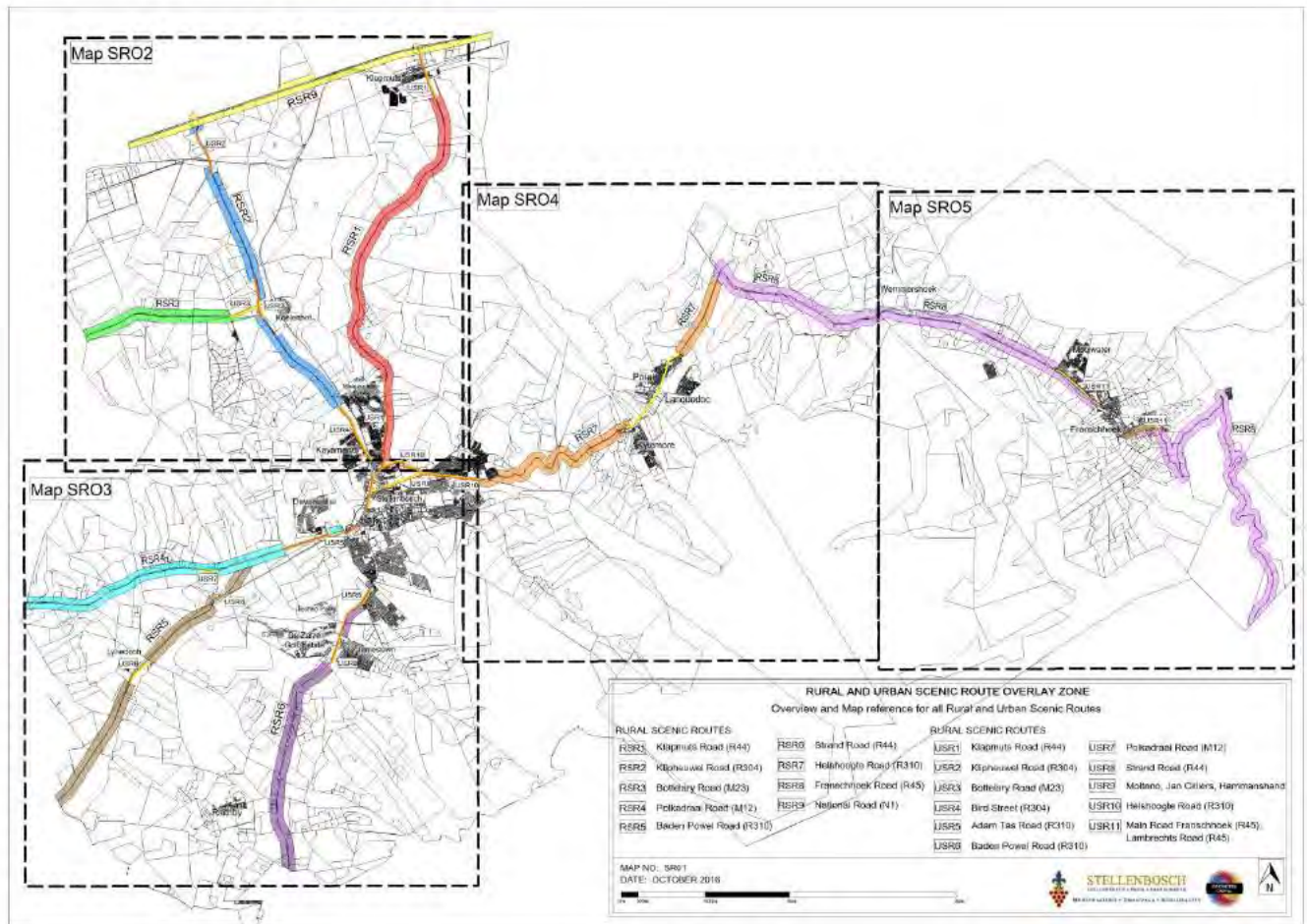
251. Areas designated as scenic routes

- (1) The Municipality has designated Rural Scenic Routes or Urban Scenic Routes in accordance with this Scheme.
- (2) All routes are depicted on SRO1 as well as more detailed on SRO2, SRO3, or SRO4 and are recorded in Table C.
- (3) Rural Scenic Routes fall outside the urban edge and Urban Scenic Routes are located inside the urban edge.
- (4) Upon adjustment of the urban edge when a new Spatial Development Framework is adopted by the council of the Municipality of Stellenbosch, the designation of Rural or Urban Scenic Routes shall be amended and the maps shall be updated accordingly.
- (5) Unless otherwise stated or indicated on the plans, the demarcated Rural Scenic Routes area of control consist of 200 meters either side of the road, measured from the centre line of the tarred road surface. The maps clearly indicate where a Rural Scenic Route area of control applies to one side of the road only.
- (6) Unless otherwise stated or indicated on the plans, the demarcated Urban Scenic Route shall apply to the erven directly adjacent to and on both sides of the roads indicated in Table C where these routes are

inside the urban edge. The maps clearly indicate where an Urban Scenic Route area of control applies to one side of the road only.

- (7) Should there be any dispute about the extent of the applicability of Rural or Urban Scenic Routes area of control, the Municipality will determine the final extent and its determination is final.

TABLE C: SCENIC ROUTE OVERLAY ZONES			
Rural Scenic Route No	Route Name and description	Detail Map no	Colour on map
RSR1	Klapmuts Road (R44)	Map SRO2	
RSR2	Klipheuwel Road (R304)	Map SRO2	
RSR3	Bottelary Road (M23)	Map SRO2	
RSR4	Polkadraai Road (M12)	Map SRO3	
RSR5	Baden Powell Road (R310)	Map SRO3	
RSR6	Strand Road (R44)	Map SRO3	
RSR7	Helshoogte Road (R310)	Map SRO4	
RSR8	Franschhoek Road, Lambrechts Road (R45)	Map SRO4	
RSR9	National Road N1	Map SRO2	
Urban Scenic Route No	Route Name and description	Map no	Colour on map
USR1	Klapmuts Road (R44)	Map SRO2	
USR2	Klipheuwel Road (R304)	Map SRO2	
USR3	Bottelary Road (M23)	Map SRO2	
USR4	Bird Street (R304)	Map SRO2	
USR5	Adam Tas Road (R310)	Map SRO3	
USR6	Baden Powel Road (R310)	Map SRO3	
USR7	Polkadraai Road (M12)	Map SRO3	
USR8	Strand Road (R44)	Map SRO3	
USR9	Molteno, Jan Cilliers, Hammandshand Rds	Map SRO3	
USR10	Helshoogte Road (R310)	Map SRO2/3/4	
USR11	Main Road, Franschhoek (R45), Lambrechts Road (R45)	Map SRO4	



252. General parameters applicable to all scenic routes

- (1) The Municipality’s permission will be required for any new building and/or structure to be constructed within the demarcated Scenic Routes area which may include, but are not limited to, the following:
 - (a) all buildings and structures;
 - (b) greenhouse or poly-tunnels;
 - (c) refuse rooms;
 - (d) solid boundary walls, solid fencing, gatehouses or berms;
 - (e) parking lots and access roads;
 - (f) telecommunication structures;
 - (g) signage;
 - (h) removal, felling, lopping, topping or otherwise damaging any mature tree (other than removal of dangerous branches, or bona fide agricultural pruning or orchards);
 - (i) alteration or removal of any historical landscape features including mature hedges and avenues of mature trees.

253. Site development plan

- (1) A site development plan may be required by the Municipality for any development in this zone.

254. Visual impact assessment

- (1) A visual impact assessment may be required by the Municipality for any development in this zone.

255. Consideration of applications in terms of this chapter

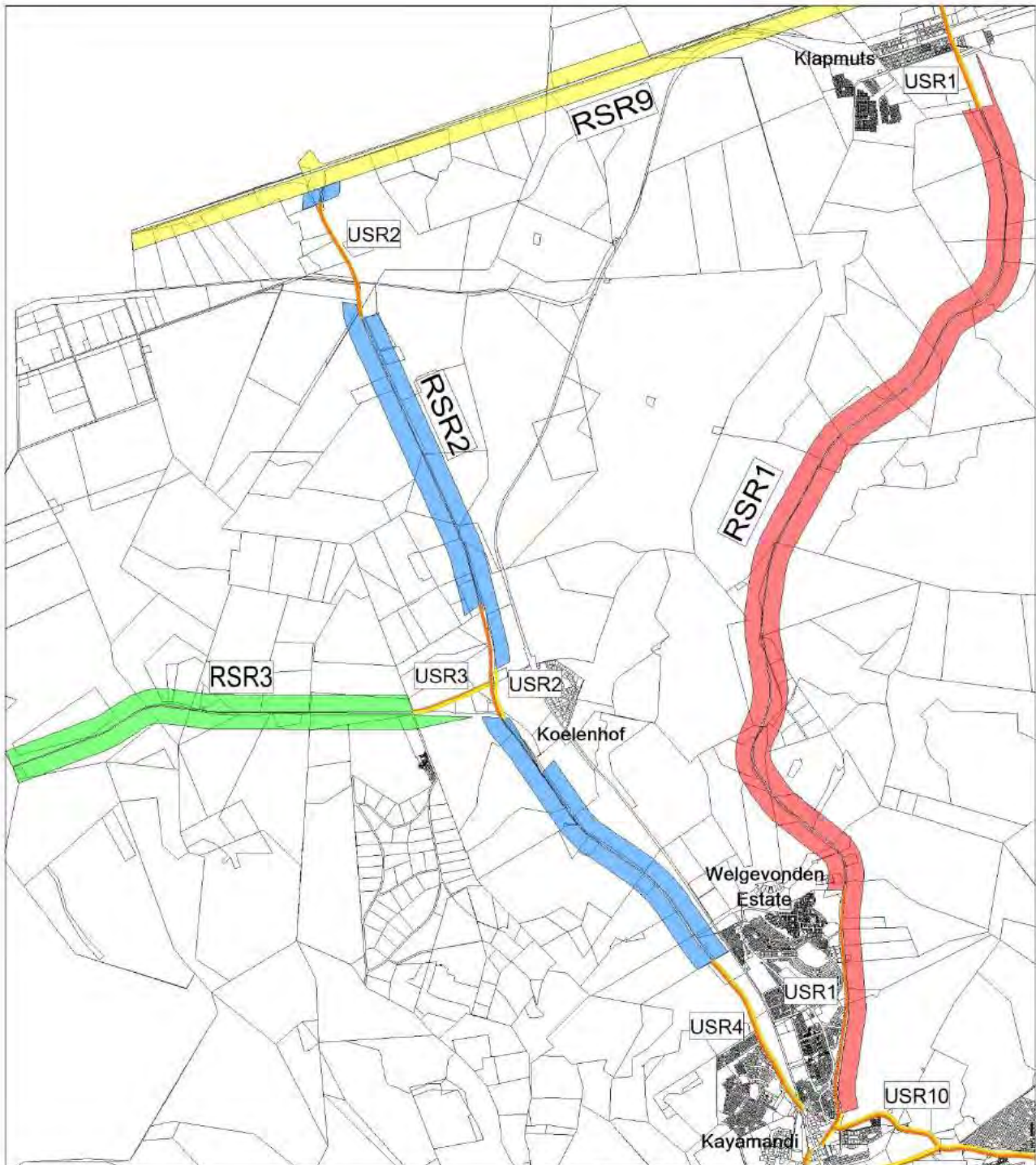
- (1) When considering an application for permission in terms of this chapter, the Municipality shall consider the visual impact of the development proposal and shall impose conditions which mitigate the visual impact, including positioning, landscaping and screening of the building.
- (2) Where an application is to develop in accordance with existing development rights, the Municipality shall endeavour to permit such development in accordance with existing rights with or without sufficient mitigatory measures to address the visual impact of the proposed development.
- (3) Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.
- (4) In considering applications in terms of this chapter, the Municipality may consider any or all of the following:
 - (a) building height, mass and positioning of the building and/or structure;
 - (b) design, façade and composition;
 - (c) parking;
 - (d) material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public;
 - (e) outdoor lighting;
 - (f) landscaping and grading.
- (5) When granting its permission the Municipality may do so subject to conditions it deems necessary to mitigate impact or to protect and promote the visual environment and scenic quality of the area in general.
- (6) The Municipality may adopt by ordinary resolution, rules or more detailed policy guidelines to provide a more detailed guide for decision-making in terms of this Overlay Zone.

256. Signage

- (1) All signs or billboards must comply with the approved Stellenbosch Municipality Advertising Signage Policy or by-law if adopted and in considering an application for signage the Municipality will also consider the impact on the visual environment and scenic quality of the area.

257. Activities exempted

- (1) The following activities and structures are exempt from applying for permission in terms of this section:
 - (a) general maintenance of existing buildings and structures;
 - (b) replacement of an existing fence with a new fence which is visually permeable painted wire or steel palisade;
 - (c) agricultural shade netting provided the fabric is visually permeable.



SCENIC ROUTES OVERLAY 2

RURAL SCENIC ROUTES

- RSR1 Klapmuts Road (R44)
- RSR2 Klipheuwel Road (R304)
- RSR3 Bottelary Road (M23)
- RSR9 National Road (N1)

URBAN SCENIC ROUTES

- USR1 Klapmuts Road (R44)
- USR2 Klipheuwel Road (R304)
- USR3 Bottelary Road (M23)
- USR4 Bird Street (R304)
- USR10 Helshoogte Road (R310)

SCENIC ROUTE OVERLAY ZONE

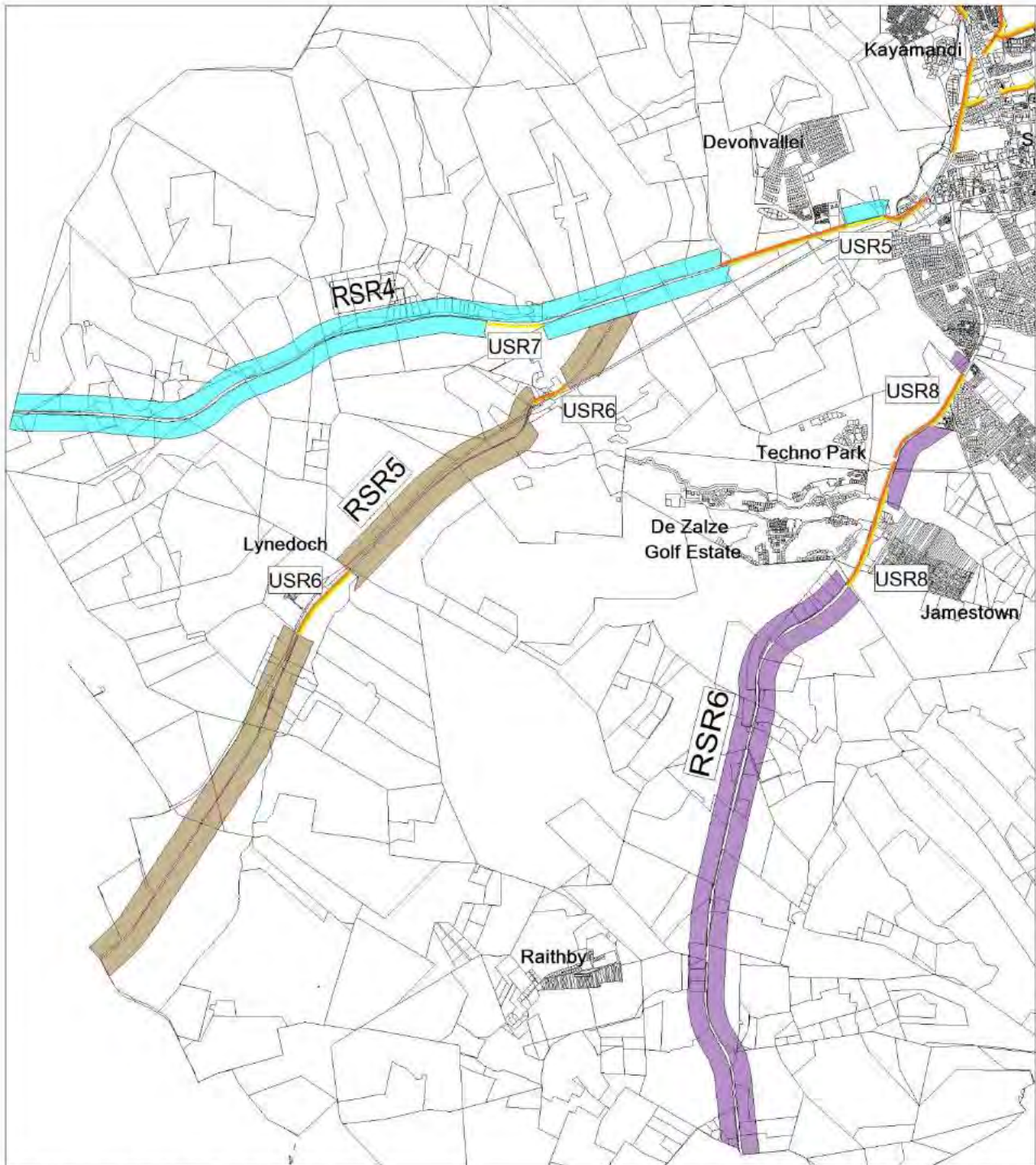
MAP NO: SRO2
DATE: OCTOBER 2016



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SCENIC ROUTES OVERLAY 3

RURAL SCENIC ROUTES

- RSR4** Polkadraai (M12)
- RSR5** Baden Powel Road (R310)
- RSR6** Strand Road (R44)

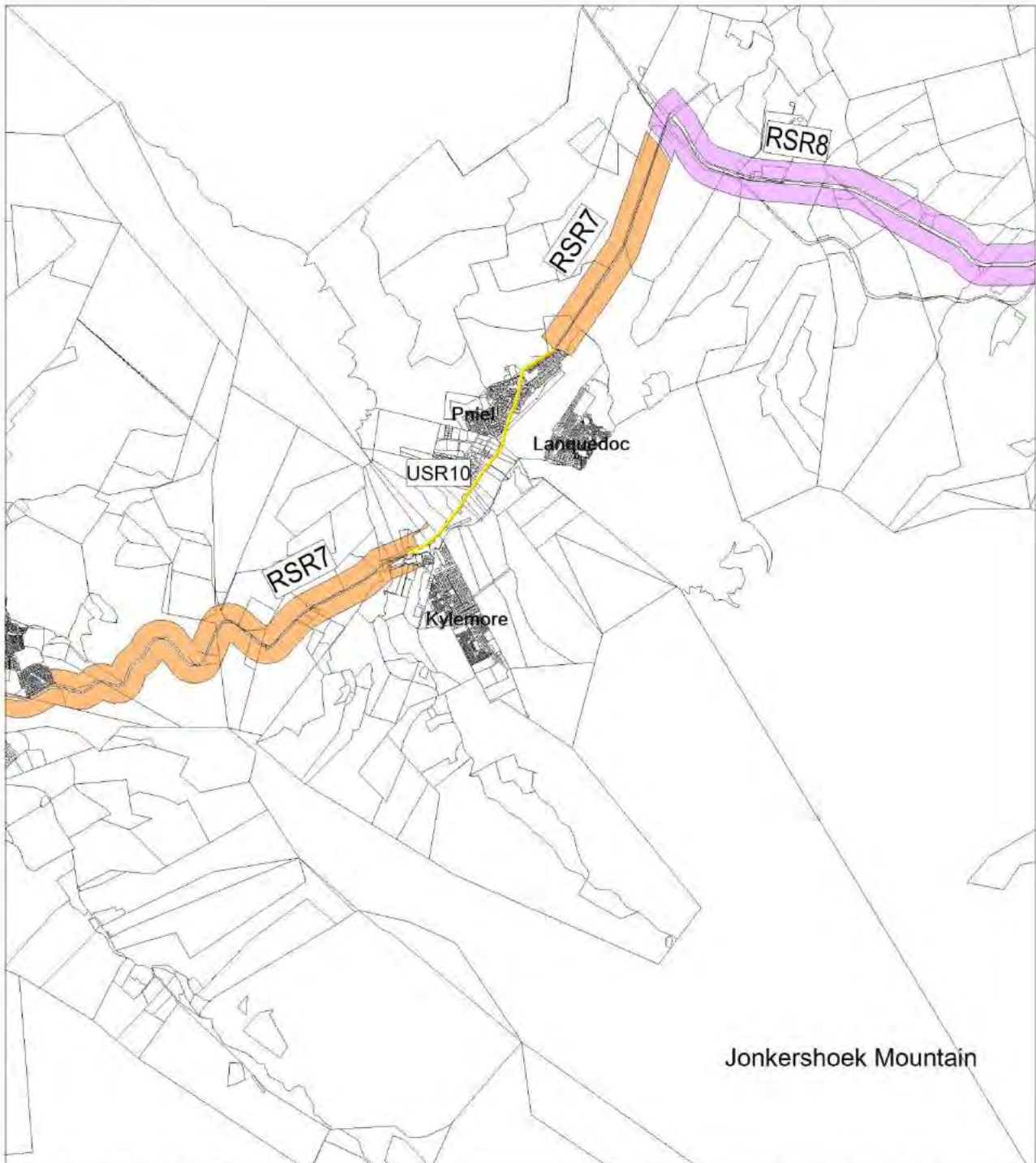
URBAN SCENIC ROUTES

- USR5** Adam Tas Road (R310)
- USR6** Baden Powel Road (R310)
- USR7** Polkadraai Road (M12)
- USR8** Strand Road (R44)
- USR9** Molteno, Jan Cilliers, Hammanshand
- USR10** Helshoogte Road (R310)

SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO3
DATE: OCTOBER 2016





SCENIC ROUTES OVERLAY 4

RURAL SCENIC ROUTES

- RSR7 Helshoogte Road (R310)
- RSR8 Franschoek Road (R45)

URBAN SCENIC ROUTES

- USR10 Helshoogte Road (R310)

SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO4
DATE: OCTOBER 2016



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SCENIC ROUTES OVERLAY 5

RURAL SCENIC ROUTES

RSR8 Franschoek Road (R45)

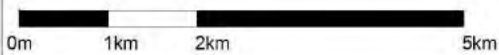
URBAN SCENIC ROUTES

USR10 Helshoogte Road (R310)

USR11 Main Road Franschoek (R45), Lambrechts Road (R45)

SCENIC ROUTE OVERLA ZONE

MAP NO: SRO5
DATE: OCTOBER 2016



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CHAPTER 27: LOCAL AREA OVERLAY ZONES

258. 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 particular zone. The area to which the Local Area Overlay Zone applies shall be indicated by a unique coloured dotted outline with a transparent fill in the same colour.

259. Purpose of the zone

- (1) The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.

260. Areas designated as local area overlay zones

- (1) The 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	

261. Areas declared as local overlay zone areas and specific provisions

- (1) The **Techno Park Local Area Overlay Area** is indicated on Map No. LAO1 and the parameters in this subsection will apply as indicated.
 - (a) the purpose of the Techno Park Local Overlay Zone is to retain the development parameters applicable to this area, as they appeared in the Stellenbosch Zoning Scheme.
 - (b) the following parameters completely replace all the development rules set out in the General Business Use Zone and shall apply to all the properties or portion of properties falling within the boundaries of the Techno Park Local Area Overlay Zone as depicted on Map No. LAO1.
 - (c) the following land uses are allowed in this zone:

Primary Uses	Additional Uses	Consent Uses (application required)
i. Laboratories, offices and other facilities for research, development, design, testing and consultation by any individual, corporation, partnership, business association or any other type of organization, whether public or private. ii. Production and assembly of prototype products but only on a scale necessary for the completion of research in connection with the product. iii. Pilot plants, in which planned processes or products are investigated, tested and assembled with a view to production elsewhere.	i. Professional and related business services directly associated with and primarily geared towards activities referred to in paragraphs (i) and (iii) of the primary uses, for example, banking facilities, personal services, post office, day-care centre, sports and health facilities, food services and training centres. ii. Conference centres and administrative offices needed for the running of the Techno Park. iii. Facilities for light manufacturing and/or the assembly of products that require a high level of skills in the high-technology sector	i. Any other usage, which is incidental to the aforementioned character of the Techno Park

	result in regular liaison with the research and design personnel and require mainly highly skilled personnel. iv. Incidental operations required for the maintenance of the facilities referred to in paragraphs (i) to (iii) of the primary or additional uses, such as maintenance workshops, power plants and effluent treatment.	
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(d) The following development parameters apply to all buildings in this zone unless otherwise indicated:

Building type	Street building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	none	none	Max Erf coverage: 75% Max Building coverage : Erven >3000m ² =30% Erven < 3000m ² = 40%	2 Storeys With consent: 3 storeys

- (e) Erf coverage in this zone refers to the gross erf area and is measured by including all improvements such as parking areas and buildings;
- (f) Building coverage in this zone refers to the gross erf area and is measured by only including the footprint of buildings;
- (g) Additional height or storeys may be approved with the Municipality’s permission;
- (h) Parking shall be provided at four bays per 100m² Gross Leasable Area of the building;
- (i) The Municipality shall retain the right to lay down directives pertaining to the aesthetic appearance of buildings and the use of materials, textures and colours for the exterior finishing which factors may affect the appearance of the Techno Park;
- (j) The following restrictions apply to address issues of nuisance and safety:
 - (i) 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 erf in the environment;
 - (ii) no business shall be allowed 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 Techno Park;
 - (iii) the storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the erf upon which such equipment or processes occur, shall not be allowed;
 - (iv) Except with the permission of the Municipality, the storage of explosives shall not be allowed in the Techno Park;
- (k) These rules of development shall be supplemented by a development plan with development guidelines specifically prepared for the Techno Park, which shall be binding on all developers in the discretion of the Municipality.

CHAPTER 28: LOCAL ECONOMIC OVERLAY ZONE

262. Zone name and designation on map



- (1) The Local Economic Overlay Zone may be referred to by the code (LEO) and must be indicated on the zoning map in Magenta outline.

263. Purpose of the zone

- (1) The purpose of the Local Economic Overlay Zone is to:
 - (a) permit an increased mix of land uses in low-income areas to stimulate local economic activity;
 - (b) to apply less stringent land use management and building development management provisions;
 - (c) to allow for a greater flexibility regarding accommodation of lodgers in order to address the housing need.

264. Areas designated as Local Economic Overlay areas

- (1) The Municipality may designate an area a Local Economic Overlay Zone. The area shall be depicted on a map and the area shall be recorded in Table E.

TABLE E: HERITAGE PROTECTION OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
LEO1	Reserved for future demarcation: study or SDF	

- (2) An area may be designated as a Local Economic overlay zone once it is identified as such in the Spatial Development Framework of the Municipality or after the completion of a study to identify the extent and boundaries based on appropriate criteria.

265. Parameters applicable to Conventional Residential zone properties in this overlay zone

- (1) Notwithstanding the provisions of the base zone, the following land uses will be permitted on properties that are zoned Conventional Residential zone (SR) in the demarcated area:

Primary Uses	Additional Uses (SDP not required)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house • Group housing • Guesthouse • Restaurant • Second dwelling • Shop • Shelter (if NBR is deactivated) 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home daycare centre • Home occupation practice • House shop • Lodging establishment • Other social, educational, religious, occupational or business purposes • Private road 	<ul style="list-style-type: none"> • Boarding house • Business premises • Community residential building • Daycare centre • Extramural facility • Flats • House tavern • Place of education • Place of worship • Welfare institution

- (2) The Municipality may, by special permission in terms of the National Building Regulations and Standards Act (Act 103 of 1977), also demarcate certain areas where shelters will be permitted as a primary right.
- (3) Additional uses are only permitted in a dwelling house and second dwelling house and in group houses only with the prior permission of the property owners' association.
- (4) With the exception of a second dwelling, only one additional use per property is permitted.

- (5) Insofar as it is applicable, the development parameters of the Less Formal Residential Zone apply to dwelling houses, group houses and second dwellings.

266. Parameters for additional uses in this zone

- (1) Notwithstanding the uses listed in section 265(1) as additional uses, an occupant of a dwelling house, second dwelling or shelter may use the property for any social, educational, religious, occupational or business purposes, provided it is not a consent use as set out in section 265 (1) or prohibited in terms of subsection (9). Such use is subject to the parameters set out in this section.
- (2) A site development plan shall not be required for additional uses in this zone.
- (3) The operator of an additional use activity shall reside on the property from which the additional use activity is conducted and the dominant use of the property must remain the operator's residence.
- (4) Apart from a second dwelling and lodging establishment combined, only one other additional use may be conducted from the property at any given time.
- (5) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use on condition that all other parameters are adhered to. If the additional use is conducted from the same dwelling in which the operator resides, a family (other than the operator's family) may be accommodated in the other dwelling unit on the property.
- (6) The nature of any alterations to the dwelling house must be such that the building can at any time revert to its use as a normal dwelling house.
- (7) The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.
- (8) The activity may not cause a public nuisance.
- (9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted. In the sole opinion of the Municipality, additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public street or an excessive increase in the number and frequency of visitors to the property so as to be a nuisance.
- (10) Apart from the provisions of section 33 (1) (a), the land use shall not involve the regular parking or storage of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the activity or for remuneration.
- (11) All relevant safety, health and fire regulations shall be complied with.
- (12) An affected party may lodge a complaint in the event that an activity is causing a disturbance, affects their health, welfare or safety, or is not complying with the conditions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law if the conditions in the scheme are not adhered to. The Municipality may also order that the activity be ceased in the event that it causes a public nuisance or interferes with the health, welfare or rights of a neighbour (particularly with regards to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.
- (13) For a Lodging establishment, no more than four bedrooms on the property (or a maximum of four people per property) may be utilised for the activity over and above a family permitted in a dwelling house and second family permitted in the second dwelling house. These rooms may be separate rooms or outbuildings or may be inter-leading with the main dwelling house, provided that suitable ablution facilities, which are either communal or individual) are provided.

- (14) The maximum floor area for a Home occupation practice or other social, educational, religious, occupational or business purposes (including associated storage) shall be no more than 30% of the floor area of the buildings on the site up to a maximum of 50m²;
- (15) A Home daycare centre may not accommodate more than six children (including any children of the resident family who also attend the facility);
- (16) For a House shop in this zone, the following further parameters shall apply:
 - (a) the serving counter of the house shop must be set back at least 1,5 meters from the street boundary to allow sufficient space for customers and the pavement may not be obstructed with any goods or clients;
 - (b) the activity should be of such a limited nature that the operator shall employ no more than two persons;
 - (c) the hours of operation shall be limited between 07:00 to 21:00 Mondays to Saturdays (including public holidays) and 8:00 to 13:00 on Sundays;
 - (d) the maximum floor area for a house shop (including storage but excluding a toilet) shall not exceed the lesser of 30% of the floor area of the buildings on the site or 50m²;
 - (e) the following shall not be permitted in a house shop: sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, games machines, video games, pool tables or the sale of alcoholic beverages.
- (17) The Municipality may grant permission in terms of this Scheme for an activity which deviates from the parameters in this subsection provided that the facility shall not in any instance exceed 40% of the floor area of the buildings on the site.

267. Building parameters and Parking

- (1) The building parameters and parking ratios for Less Formal Residential Zone will apply.

268. Repeal

- (1) The by-laws and zoning schemes listed in schedule 1 are repealed.

269. Short title and commencement

- (1) This by-law is called the Stellenbosch Municipality Zoning Scheme By-law.
- (2) This by-law comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

Zoning Schemes Repealed by adoption of new scheme	
Stellenbosch Zoning Scheme	Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Franschhoek Zoning Scheme	Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Section 8 Zoning Scheme	Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Kayamandi Town Planning Scheme	Black Communities Development Act, 1984 (Act 4 of 1984)
By-Laws repealed in terms of MSA 32 of 2000	
By-law related to the control of Boundary Walls and Fences	Municipal Systems Act (No 32 of 2000)

1. SUMMARY OF BASE ZONES

1.1 Conventional Residential Zone

CR

<u>Primary uses</u>		<u>Additional use (SDP)</u>		<u>Consent use (Application)</u>	
<ul style="list-style-type: none"> Dwelling house 		<ul style="list-style-type: none"> Bed and breakfast establishment Home daycare centre Home occupation practice Lodging establishment Second dwelling Private road 		<ul style="list-style-type: none"> Boarding house Extramural facility Group housing Guesthouse House shop 	
<u>Other land use related parameters</u>					
<ul style="list-style-type: none"> Max 1 dwelling house and one 2nd dwelling One family per dwelling house or 2nd dwelling Max one additional use (other than 2nd dwelling) per property Operator of additional use must reside on property 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> B&B: max 3 bedrooms with max 2 people in each room (total 6 people per property) Lodging: max 3 bedrooms with max 3 people per property Home daycare: max 6 children Home occupation practice: smallest of 50m² 30% of floor area Municipality may permit deviations from conditions or threshold Municipality may issue compliance notice or call for activity to cease if nuisance Additional uses (excl 2nd dwelling) SDP required 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Guest house & boarding house only in dwelling house or 2nd dwelling –able to revert back Max 8 bedrooms Group housing density max 25 u/ha 	
<p>Parking:</p> <ul style="list-style-type: none"> 1 Bedroom house: 1 Bay 2 or more bedrooms : 2 Bays 2nd dwelling : 1 Bay 					
<u>Erf area</u>	<u>Street building line</u>	<u>Common building line</u>	<u>Coverage</u>	<u>Height</u>	<u>Other building parameters</u>
Up to 250m ²	2m	1m	70%	2 storeys	<p>Building lines: Carports 0m on street & common boundary Garages 1m on street & 0m on common boundary Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks</p> <p>Other Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 2,1m & 50% visually permeable; common boundary max 2,5m</p> <p>Development Charges: All intensification of land use including 2nd dwellings, additional uses and consent uses in accordance with policy</p>
251m ² to 500m ²	3m	1m	The greater of 175 m ² or 60%	2 storeys	
500m ² to 1500m ²	4m	1m	The greater of 300 m ² or 50%	2 storeys	
Greater than 1500m ²	4m	2m	The greater of 750m ² or 40%	2 storeys	

1.2 Less Formal Residential Zone

LFR

Primary uses		Additional use (SDP not required)		Consent use (Application)	
<ul style="list-style-type: none"> Dwelling house Group housing Second dwelling Shelter 		<ul style="list-style-type: none"> Bed and breakfast establishment Home daycare centre Home occupation practice House shop Lodging establishment Other social, educational, religious, occupational or business purposes Private road 		<ul style="list-style-type: none"> Boarding house Business premises Community residential building Daycare centre Extramural facility Flats Guesthouse House tavern Place of education Place of worship Welfare institution 	
<p>Parking:</p> <ul style="list-style-type: none"> 1 Bay/ dwelling house 2nd dwelling: Nil 					
Other land use related parameters					
<ul style="list-style-type: none"> Where no subdivision for township has been approved, more than one land permitted Max 1 dwelling house and one 2nd dwelling where township subdivision has occurred Incremental structures for future permitted One family per dwelling house or 2nd dwelling Max one additional use (other than 2nd dwelling & lodging) per property Operator of additional use must reside on property Municipality may demarcate blocks where no subdivision has occurred Municipality to determine appropriate density for group housing Shelters do not have to comply with NBR Council may issue and instruction to address safety, public health and fire risks 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> Any social, business, educational, religious or occupational activity from the operator's home B&B: max 3 bedrooms with max 2 people in each room (total 6 people per property) Lodging: max 4 bedrooms with max 4 people per property Home daycare: max 6 children Home occupation practice: smallest of 50m² 30% of floor area House shop: Counter set back 1,5m from street No noxious trade, risk activity, fireworks, flammable materials, gambling or vending machines, video games, pool tables or sale of liquor Municipality may permit deviations from conditions or threshold Municipality may issue compliance notice or call for activity to cease if nuisance Additional uses (excl 2nd dwelling) SDP <u>not</u> required 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Guest house & boarding house only in dwelling house or 2nd dwelling –able to revert back Max 8 bedrooms Group housing density max 25 u/ha 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
Shelters	1m	1m	80%	2 storeys	<p>Building lines: Carports 0m on street & common boundary Garages 1m on street & 0m on common boundary Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks</p> <p>Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 2,1 & 50% visually permeable; common boundary max 2,5m</p> <p>Development Charges: All intensification of land use including 2nd dwellings, additional uses and consent uses in accordance with policy</p>
All other buildings	0m on one boundary	1m on all other boundaries	80%	3 storeys	

1.3 Multi-unit Residential Zone

MR

Primary uses		Additional use (SDP)		Consent use (Application)		
<ul style="list-style-type: none"> Boarding house Dwelling house Flats Group housing Guesthouse Retirement village Second dwelling house Tourist accommodation Private road 		<ul style="list-style-type: none"> Bed and breakfast establishment Home daycare centre Home occupation practice Lodging establishment 		<ul style="list-style-type: none"> Community residential building Conference facility (associated with a guesthouse) Place of indoor recreation Renewable energy structure Rooftop base telecommunication station Welfare institution 		
Other land use related parameters						
<ul style="list-style-type: none"> GR erf smaller than 1000m²: use rights and development parameters of SR zone applies Additional uses require owners association permission Guest house, boarding house from dwelling or purpose built building No conference facilities or wellness centres at guesthouse without council's permission Number of rooms not limited, but parking to be complied with. 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> Same parameters as in SR SDP required for additional uses 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Roof top antennae: Max 3m 		
		<p>Parking: All flats except LFR 1 & 2 Bedroom: 1,5 Bays per unit 3 bedrooms: 1,75 Bays per unit 4 or more bedrooms: 2 Bays per unit Group houses: 2 Bays per unit</p>				
Erf area	Street building line	Common building line	Coverage	Height	Floor Area	Other building parameters
Dwelling houses + 2 nd dwellings + erven <1000m ²	Same as SR					<p>Building lines: Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services</p> <p>NBR may require greater setbacks</p> <p>Parking (see table A below)</p> <p>Density Group housing: 50 units per ha</p> <p>Outdoor space Group housing: 25m² but may relax</p> <p>Boundary walls: street max 2,1m & 50% visually permeable; common boundary max 2,5m</p> <p>Development Charges: All intensification of land use including 2nd dwellings, additional uses and consent uses and Group housing exceeding 20u/ha</p>
Group housing, retirement village	External : 3m Internal: 0m	External : 3m Internal: 0m	50%	2 storeys	n/a	
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5 m Second floor: 6m	50%	4 storeys	75%	
All other buildings	All levels 4,5m	Ground floor: 0m First floor: 4,5 m Second floor: 6m	50%	3 storeys	75%	

1.4 Local Business Zone

LB

<u>Primary uses</u>		<u>Additional use (SDP)</u>		<u>Consent use (Application)</u>	
<ul style="list-style-type: none"> Business premises Clinic Flats Medical consulting rooms Public parking area Private road 		<ul style="list-style-type: none"> Informal trading (no SDP if demarcated) Occasional Use Outdoor market 		<ul style="list-style-type: none"> Backpackers establishment Boarding house Commercial gymnasium Community residential building Conference facility Daycare centre Extramural facility Filling station Guesthouse Hotel Liquor store Parking garage Place of education Place of entertainment Renewable energy structure Rooftop base telecommunication station Welfare institution 	
<p>Parking:</p> <ul style="list-style-type: none"> Business: 4 bays/100m² GLA Medical rooms: 6 bays/100m² GLA 					
<u>Other land use related parameters</u>					
<ul style="list-style-type: none"> More than one use permitted per erf Goods which are sold on the premises may also be made or packaged on the premises. May also have a workshop where appliances and devices are repaired. Not to exceed 25% of shop area. Flats not permitted on Ground Floor. 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> SDP required for additional uses 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Guest house, hotel, boarding house, backpackers with consent Converted dwelling or purpose built building May include conference and wellness centre with Municipality's permission Roof top antennae: Max 3m 	
<u>Erf area</u>	<u>Street building line</u>	<u>Common building line</u>	<u>Coverage</u>	<u>Height</u>	<u>Other building parameters</u>
Guest house Hotels Backpackers Boarding house	All levels 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	3 storeys	<p>Building lines: Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks 3m building line between other non-business/industrial zones.</p> <p>Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 3m & 50% visually permeable; common boundary max 3m Council may prescribe lower wall if high wall is undesirable</p> <p>Refuse areas: Council may require</p> <p>Development Charges: All intensification of land use including 2nd dwellings, additional uses and consent uses, consolidation, all new development.</p>
All other buildings	2m	1m	75%	3 Storeys	

1.5 Mixed Use Zone

MU

Primary uses	Additional use (SDP)	Consent use (Application)	
<ul style="list-style-type: none"> Backpacker establishment Boarding house Business premises Clinic Community residential building Extramural facility Flats Guesthouse Hotel Plant nursery Public institution Public parking area Welfare institution Private road 	<ul style="list-style-type: none"> Outdoor trading and dining (no SDP if demarcated) Occasional use Outdoor market 	<ul style="list-style-type: none"> Adult Entertainment Builders yard Commercial gymnasium Conference facility Daycare Events Filling station Freestanding base telecommunication station Funeral parlour Gambling place Helicopter landing pad Hospital 	<ul style="list-style-type: none"> Liquor Store Motor vehicle fitment centre Motor showroom Parking garage Place of assembly Place of education Place of entertainment Place of indoor recreation Renewable energy structure Rooftop base telecommunication station Tertiary educational institution Warehouse

Other land use related parameters		
<ul style="list-style-type: none"> More than one use permitted per erf Goods which are sold on the premises may also be made or packaged on the premises. May also have a workshop where appliances and devices are repaired. Not to exceed 25% of shop area. Flats not permitted on Ground Floor. Guest house and hotel may include ancillary facilities 	<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> SDP required for additional uses 	<p>Consent use parameters:</p> <ul style="list-style-type: none"> Roof top antennae: Max 3m

Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
Business premises	0m	0m	85%	6 storeys	<p>Building lines: Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks 3m building line between other non-business/industrial zones.</p> <p>Active street interface: on ground level facing street</p> <p>Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 3m & 50% visually permeable; common boundary max 3m Council may prescribe lower wall if high wall is undesirable</p> <p>Refuse areas: Council may require</p> <p>Development Charges: All intensification of land use including 2nd dwellings, additional uses and consent uses, consolidation, all new development.</p>
Filling station	3m	3m	85%	2 storeys	
All other buildings	4,5m	4,5m	85%	6 storeys	
Guest house Hotels Backpackers Boarding house	All levels 4,5m	Ground floor : 4,5m First floor: 4,5 m Second floor: 6m	50%	6 storeys	

1.6 Industrial Zone



Primary uses	Additional use (SDP)	Consent use (Application)	
<ul style="list-style-type: none"> • Builders yard • Filling station • Funeral parlour • Industry • Motor vehicle fitment centre • Motor vehicle repair centre • Motor showroom • Plant nursery • Service station • Warehouse • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Outdoor trading and dining (no SDP if demarcated) • Occasional use • Shop 	<ul style="list-style-type: none"> • Abattoir • Adult entertainment business • Brick works • Business premises • Crematorium • Freestanding base telecommunication station • Gambling place • Helicopter landing pad 	<ul style="list-style-type: none"> • Mining • Noxious industry • Parking garage • Place of entertainment • Renewable energy structure • Scrap yard • Shipping container site • Transport purposes (goods)

Other land use related parameters		
<ul style="list-style-type: none"> • More than one use permitted per erf • Restricted Industry : one power driven unit max 4kW and total on site max 23kW • Shop smallest of 25% of floor area or 120m². • Point of sale (goods manufactured on premises) smallest of 25% or 120m² • Employee housing max 75m² 	<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> • SDP required for additional uses • Roof top antennae: Max 3m 	<p>Consent use parameters:</p> <ul style="list-style-type: none"> • Freestanding base telecommunication station building: 1 Storey; mast max 30 meters

Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
All buildings	3m	0m 3m if abutting another zone	75% coverage	4 storeys	<p>Building lines: Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks 3m building line between other non-business/industrial zones.</p> <p>Active street interface: on ground level facing street</p> <p>Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 3m; common boundary max 3m Council may prescribe lower wall if high wall is undesirable</p> <p>Refuse areas: Council may require</p> <p>Development Charges: All intensification of land use including, additional uses and consent uses, consolidation, all new development.</p>
Employee housing	3m	0m	75m ² floor area		
Chimneys, smoke stacks, lifts, communication towers				May exceed height limit	

1.7 Education Zone

E

Primary uses		Additional use (SDP)		Consent use (Application)	
<ul style="list-style-type: none"> Daycare centre Extramural facility Hostel Place of education Place of indoor recreation Place of sport and recreation Public institution Tertiary educational institution Private road 		<ul style="list-style-type: none"> Dwelling house Employee housing Outdoor trading and dining (no SDP if demarcated) Occasional use (no SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Boarding house Freestanding base telecommunication station Place of assembly Renewable energy structure Rooftop base telecommunication station 	
Other land use related parameters					
<ul style="list-style-type: none"> More than one use permitted per erf Same parameters as in SR for dwelling house Employee housing max 75m² No more than two dwelling units (one Dwelling, one employee housing) unless approved by Municipality 		<p>Parameters for permitted additional uses: SDP required for additional uses</p>		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
Tertiary educational institution	5m	5m	50%	4 storeys	<p>Building lines: Proclaimed road: 5m street building lines Council may impose greater setbacks to protect services NBR may require greater setbacks</p> <p>Parking (see table A below)</p> <p>Window openings: within 1m of common boundary less than 5m² area. non-opening (S37)</p> <p>Boundary walls: street max 3m; common boundary max 3m Council may prescribe lower wall or permeability if high wall is undesirable</p> <p>Refuse areas: Council may require</p> <p>Development Charges: All intensification of land use including, additional uses and consent uses, consolidation, all new development.</p>
Tertiary institution hostels	5m	5m	25%	4 storeys	
All other	5m	5m	50%	3 storeys	

1.8 Community Zone

C

Primary uses		Additional use (SDP)		Consent use (Application)	
<ul style="list-style-type: none"> Clinic Community residential building Daycare centre Extramural facility Medical consulting rooms Place of assembly Place of education Place of indoor recreation Place of sport and recreation Place of worship Public institution Welfare institution Private road 		<ul style="list-style-type: none"> Dwelling house Employee housing Occasional use (no SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Events Freestanding base telecommunication station Helicopter landing pad Hospital Renewable energy structure Rooftop base telecommunication station Tertiary educational institution 	
Other land use related parameters					
<ul style="list-style-type: none"> More than one use permitted per erf Same parameters as in SR for dwelling house Employee housing max 75m² No more than two dwelling units (one Dwelling, one employee housing) unless approved by Municipality 		<p>Parameters for permitted additional uses: SDP required for additional uses</p>		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
All Buildings	5m	5m	50%	3 storeys	<p>Same as Education Zone Church steeples or similar features may be higher</p>

1.9 Utility Services Zone

US

Primary uses		Additional use (SDP)		Consent use (Application)	
<ul style="list-style-type: none"> Authority use Parking garage Public parking Public road Utility services Private road Rooftop base telecommunication station 		<ul style="list-style-type: none"> Employee housing Outdoor trading and dining (no SDP if demarcated) Occasional use (no SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Freestanding base telecommunication station Helicopter landing pad Outdoor market Renewable energy structure Transport purposes (passengers) 	
Other land use related parameters					
<ul style="list-style-type: none"> More than one use permitted per erf Same parameters as in SR for dwelling house No more than two dwelling units (one Dwelling, one employee housing) unless approved by Municipality Roof top antennae: Max 3m 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> SDP required for additional uses Employee housing max 75m² No more than one employee housing unit unless approved by Municipality 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
All buildings (other than listed below)	5m	5m	20%	2 storeys	<p>Boundary Walls and fences: Max 2,1m high</p> <p>Development Charges: all intensification of use</p>
Wind turbine	1,5 times height of structure	1,5 times height of structure		200m	
Photovoltaic structure	1,5 times height of structure	1,5 times height of structure		8,5m	
Buildings associated with Renewable energy installation	5m	5m		1 storey	
Rooftop mast	5m	5m		3m	
Free standing mast	1,5 times height of structure	1,5 times height of structure		15m	
Freestanding base telecommunication building	5m	5m		1 storey	
Employee housing	5m	5m	75m ²	2 storeys	

1.10 Transport Facilities Zone

TF

Primary uses		Additional use (SDP)		Consent use (Application)	
<ul style="list-style-type: none"> Filling station Private road Public parking area Transport purposes (goods) Transport purposes (passengers) 		<ul style="list-style-type: none"> Outdoor trading and dining (No SDP if demarcated) Occasional use (no SDF if Events By-law approval issued) Outdoor market Rooftop base telecommunication station 		<ul style="list-style-type: none"> Airfield Employee housing Freestanding base telecommunication station Helicopter landing pad Parking garage Renewable energy structure Shipping container site 	
Other land use related parameters					
<ul style="list-style-type: none"> More than one use permitted per erf 		<p>Parameters for permitted additional uses:</p> <ul style="list-style-type: none"> SDP required for additional uses Roof top antennae: Max 3m 		<p>Consent use parameters:</p> <ul style="list-style-type: none"> Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters
All Buildings	5m	5m	50% or as restricted in SDP	3 storeys	<p>Boundary Walls and fences: Max 2,1m high fence; masonry wall max 1m</p> <p>Development Charges: all intensification of use</p>

1.11 Public Roads and Parking Zone

PR

Primary uses		Additional use (SDP)			Consent use (Application)	
<ul style="list-style-type: none"> Public parking area Public road Utility service 		<ul style="list-style-type: none"> Rooftop base telecommunication station Outdoor trading and dining (no SDP if demarcated) Occasional Use (no SDP if Events By-law approval issued) 			<ul style="list-style-type: none"> Events Freestanding base telecommunication station Outdoor market Parking garage Transport purposes (passengers) 	
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters	
All Buildings	5m	5m	50% or as restricted in SDP	3 storeys	Sidewalks may not be obstructed Boundary Walls and fences: Max 2,1m high fence; masonry wall max 1m Development Charges: all intensification of use	

1.12 Public Open Space Zone

POS

Primary uses		Additional use (SDP)		Consent use (Application)		
<ul style="list-style-type: none"> Open space Natural environment Private road 		<ul style="list-style-type: none"> Outdoor trading and dining (no SDP if demarcated) Occasional use (no SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Camping site Cemetery Employee housing Events Freestanding base telecommunication station 		
<ul style="list-style-type: none"> Outdoor market Place of indoor recreation Place of sport and recreation Rooftop base telecommunication station Tourist accommodation Tourist facilities 						
Other land use related parameters						
<ul style="list-style-type: none"> More than one use permitted per erf 		Parameters for permitted additional uses: <ul style="list-style-type: none"> SDP required for additional uses 		Consent use parameters: <ul style="list-style-type: none"> Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 		
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters	
All Buildings	5m	5m	20% or as restricted in SDP	1 storey	Boundary Walls and fences: Max 2,1m high fence, 1m max masonry wall Development Charges: all intensification of use	

1.13 Private Open Space Zone

PrOS

Primary uses		Additional use (SDP)		Consent use (Application)		
<ul style="list-style-type: none"> Open space Natural environment Private road 		<ul style="list-style-type: none"> Occasional uses (no SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Camping site Cemetery Events Freestanding base telecommunication station Helicopter landing pad Outdoor trading and dining Outdoor market 		
<ul style="list-style-type: none"> Place of assembly Place of indoor recreation Place of sport and recreation Rooftop base telecommunication station Tourist facilities Tourist accommodation 						
Other land use related parameters						
<ul style="list-style-type: none"> More than one use permitted per erf 		Parameters for permitted additional uses: <ul style="list-style-type: none"> SDP required for additional uses 		Consent use parameters: <ul style="list-style-type: none"> Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 		
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters	
All Buildings	5m	5m	20% or as restricted in SDP	1 storey	Boundary Walls and fences: Max 2,1m high fence, Masonry wall max 1m Development Charges: all intensification of use	

AR

1.14 Agriculture and Rural Zone

Primary uses	Additional use (SDP)	Consent use (Application)					
<ul style="list-style-type: none"> Agricultural buildings Agriculture Dwelling house Forestry Natural environment Private road Poly-tunnels (<2000m²) Second dwelling 	<ul style="list-style-type: none"> Agricultural buildings (>2000m²) Agricultural industry (<2000m²) Bed and breakfast establishment Employee housing (one unit, no SDP) Farm stall Guesthouse Home daycare centre Home occupation practice Poly-tunnels (<2000m² and <5000m²) Rooftop base telecommunication station Tourist accommodation Tourist facilities 	<ul style="list-style-type: none"> Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry (>2000m²) Conference facility (associated with a guesthouse or hotel) Daycare centre Employee housing (> 1unit) Events Freestanding base telecommunication station Guesthouse (exceeding threshold) Helicopter landing pad 	<ul style="list-style-type: none"> Hotel Intensive feed farming Kennel Occasional use Outdoor market Outdoor trading and dining Place of sport and recreation Plant nursery Poly-tunnels (>5000m²) Renewable energy structure Service trade Tourist accommodation (exceeding threshold) Tourist facilities (exceeding threshold) 				
Other land use related parameters							
<ul style="list-style-type: none"> Agricultural Industry: 50% of produce to come from farm, or group of farms Agri industry must remain subservient to agricultural activity on farm One dwelling house and one Second dwelling permitted on a farm land unit One employee unit of 75m² 		Parameters for permitted additional uses: <ul style="list-style-type: none"> SDP required for additional uses B&B, tourist accommodation, guest house, lodging combined may not exceed 7 bedrooms (14 People per farm unit) Must be undertaken from existing approved buildings on farm May not build new dwelling/2nd/additional dwelling/employee housing unless these are converted back form guest accommodation. Tourist facility: max 250m² as additional right, more requires consent. 		Consent use parameters: <ul style="list-style-type: none"> Additional dwelling units with consent at ratio of one unit per 10ha for farms exceeding 10 ha. Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters Further employee units with consent provided Council is satisfied it is bona fide 			
Building type	BUILDING LINES (m) Street & common boundaries (incl. ROW servitudes)	HEIGHT (Storeys)	PRIMARY USE Maximum <u>Floor area</u> Threshold	ADDITIONAL USE (SDP) Maximum <u>Floor Area</u> Threshold	CONSENT USE Maximum <u>Floor area</u>		
Accommodation and dwellings in this zone							
Dwelling house and Second dwelling-house (including outbuildings and garages)	5m	2 storeys	500m ² each				
Additional dwelling houses (including outbuildings and garages): Max 4 dwelling units (1/10ha)	5m	1 storey			120m ² each		
Employee housing unit	5m	1 storey	75m ²		As approved by municipality		
Tourist accommodation, Guesthouse, Bed & Breakfast	In existing approved dwelling (as per above)		Max 7 bedrooms	As approved by municipality			
Tourist facilities							
Tourist Facilities Overall Max limit.	5m	1 storey		250m ²	As approved by municipality		
-Shop in tourist facility (incl farm stall) sub-limit				120m ²			
-Manufacture and craft workshop sub-limit				50m ²			
Other Agricultural buildings							
Agricultural buildings	5m	3 storeys	No overall limit on farm property	Any-one building > 2000m ²			
Agricultural Industry	5m	3 storeys		2000m ²	>2000m ²		
Poly-tunnels Including shade netting	5m	1 storey	2000m ²	>2000m ² and <5000m ²	>5000m ²		

1.15 Natural Environment Zone

NE

Primary uses		Additional use (SDP)		Consent use (Application)			
<ul style="list-style-type: none"> Natural environment Open space 		<ul style="list-style-type: none"> Occasional uses (No SDP if Events By-law approval issued) 		<ul style="list-style-type: none"> Airstrip Camping site Employee housing Events Forestry Freestanding base telecommunication station Guesthouse 		<ul style="list-style-type: none"> Helicopter landing pad Outdoor market Place of assembly Place of sport and recreation Private road Rooftop base telecommunication station Tourist Accommodation Tourist facilities 	
Other land use related parameters							
<ul style="list-style-type: none"> More than one use permitted per erf 		<u>Parameters for permitted additional uses:</u> <ul style="list-style-type: none"> SDP required for additional uses 		<u>Consent use parameters:</u> <ul style="list-style-type: none"> Roof top antennae: Max 3m Freestanding base telecommunication station building: 1 Storey; mast max 30 meters 			
Erf area	Street building line	Common building line	Coverage	Height	Other building parameters		
All Buildings	5m	5m	20% or as restricted in SDP	1 storey	<u>Boundary Walls and fences:</u> Max 2,1m high fence; masonry wall max 1m <u>Development Charges:</u> all intensification of use		

1.16 Limited Use Zone

LU

Primary uses	Additional use (SDP)	Consent use (Application)
<ul style="list-style-type: none"> Limited to existing lawful uses at commencement date 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None

TABLE A: OFF-STREET PARKING REQUIREMENTS		
Land Use Category	Normal parking	Additional parking reserved for visitors
Residential		
Backpackers establishment	1 bay/ bedroom	
Bed and breakfast establishment (add to dwelling)	1 bay/guest bedroom	
Boarding House	1 bay/ bedroom	
Community Residential building: orphanage and old age home	0,3 bay/ bedroom	
Dwelling house in all zones except LFR : 1 bedroom 2 or more bedrooms	1 bay/ dwelling house 2 bays/ dwelling house	
Dwelling house in LFR Zone	1 bay/ dwelling house	
Flats in all zones except LFR: 1 & 2 bedroom units 3 bedroom units 4 or more bedroom units	1 bay/ dwelling unit 1,25 bays /dwelling unit 1,5 bays / dwelling unit	0,5 bay/dwelling unit 0,5 bay/dwelling unit 0,5 bay/dwelling unit
Flats in LFR Zone:	1 bay/ dwelling unit	0,25 bay/unit
Group house:	1 bay /group house	1 bay/unit
Guesthouse	1 bay/ bedroom/suite	
Hostel	0,6 bay per bedroom for Tertiary Institution, Nil for schools	
Hotel	1 bay/ bedroom or suite plus additional parking for as required for additional facilities accessed by non-guests as required elsewhere in the scheme (e.g. office, restaurant, conference, wellness centre etc.)	
Lodging establishment (add to dwelling)	1 bay/ bedroom	
Second dwelling house: all zones except LFR	1 bay/ second dwelling	
Second dwelling house in LFR zone	Nil	
Business and office		
Business premises: including Liquor store, Funeral parlour, Adult entertainment and similar	4 bays/100m ² Gross Leasable Area	
Commercial gymnasium	6 bays/100m ² Gross Leasable Area	
Conference facility	0,25 bay/seat	
Filling Station	4 bays/100m ² Gross Leasable Area	
Motor showroom: Light Vehicles	3 bays/100m ² Gross Leasable Area	
Motor showroom: Medium and Heavy Vehicles	1 bay/ 100m ² Gross Leasable Area with a min of 6 bays plus 1/bay/800m ² Gross Leasable Area for heavy vehicles (min 1 bay)	
Motor Vehicle fitment centre, repair centre	4 bays per service bay plus 4 bays/100m ² Gross Leasable Area: Min 8 bays	
Offices	4 bays/100m ² Gross Leasable Area	
Place of entertainment Cinemas and theatres	-General -in shopping centre -standalone	4 bays/100m ² Gross Leasable Area 0,1 bay/ seat 0,25 bay/seat
Plant nursery	1 bay/100m ² Gross Leasable Area (total indoor and outdoor sales area)	
Restaurants	6 bays/100m ² Gross Leasable Area	
Service station	4 bays /service bay plus 2 bays/100m ² Gross Leasable Area	
Shops (including supermarkets and centres): up to and including 1000m ² >1000 up to 15 000m ² More than 15 000m ²	4 bays/100m ² Gross Leasable Area 6 bays/100m ² Gross Leasable Area 6 bays/100m ² Gross Leasable Area	
Industrial		
Industry	1,5 bays/100m ² Gross Leasable Area	
Warehouse, Abattoir, Brickworks, Builders yard	1 bay/100m ² Gross Leasable Area	
Scrap yard	1 bay/100m ² Gross Leasable Area	
Community facilities and medical		
Medical Consulting rooms	6 bays/100m ² Gross Leasable Area	
Clinics and Hospitals	1 bay/bed plus 3 bays/consulting room	
Daycare Centre	1 bay/classroom or office	
Extramural facility	1 bay/4 students	
Place of Education Primary and secondary schools	1 bay/classroom	
Tertiary Educational Institution Colleges University	1 bay/lecture room 1 bay/lecture room	0,25 bay/ student 0,4 bay /student
Place of worship Church Mosque	0,4 bay/seat or 40 bays/100m ² of seating and aisle area 25 bays/100m ² of net prayer area	
Place of assembly	0,25 bay/seat or 20 bays/100m ² GLA	
Place of indoor recreation	0,25 bay/seat	
Place of sport and recreation	0,25 bay/seat	
Public institution (e.g. library, museum)	2 bays/100m ² Gross Leasable Area	
Welfare institution	2 bays/100m ² Gross Leasable Area	
Libraries and museums	2 bays/100m ² Gross Leasable Area	

2. SUMMARY OF OVERLAY ZONES

2.1 Subdivisional overlay zone



To rezone land for purposes of future subdivision.

2.2 Heritage overlay Zones

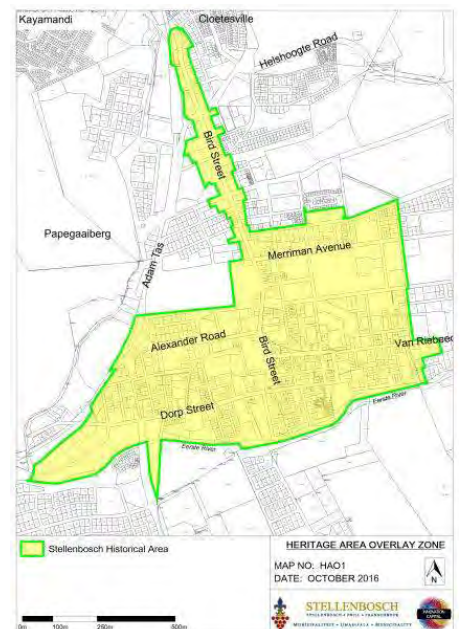
TABLE B: HERITAGE PROTECTION OVERLAY ZONES		
Number and Map Reference	Description of Area	Colour on map
HAO1	Stellenbosch Historical Area	
HAO2	Franschhoek Historical Area	
HAO3	Jonkershoek Valley Historical Area	
HAO4	Dwars River Valley Historical Area	
HAO5	Ida's Vallei Historical Area	

2.2.1 Provides for the following:

- Consent application for any new development in demarcated areas;
- Purpose is to mitigate impact of development on heritage resources and to protect historical areas and cultural landscapes;
- May prescribe more detail development requirements (i.e. materials, parameters & other requirements etc.);
- Provides for Heritage Advisory Committee to advise the Municipality.

2.2.2 Stellenbosch Historical Area:

- Consent required for development;
- Max 10 meters in height;
- Protection of trees;
- May prescribe other building lines to protect trees and heritage character (above and below ground);
- Prescribe materials, fencing, colours etc.;
- Notwithstanding base zones: Consent uses: Motor showrooms, public parking garages and parking areas, plant nurseries, supermarkets and shopping centres require consent.



2.2.3 Franschhoek Historical Area

- Consent required for development;
- Max 8,5 meters height;
- Prescribe certain materials and finishes;
- Boundary wall max 1m;
- Notwithstanding base zones: Consent uses: Motor showrooms, public parking garages and parking areas, plant nurseries, supermarkets and shopping centres require consent.



2.2.4 Jonkershoek Valley Historical Area

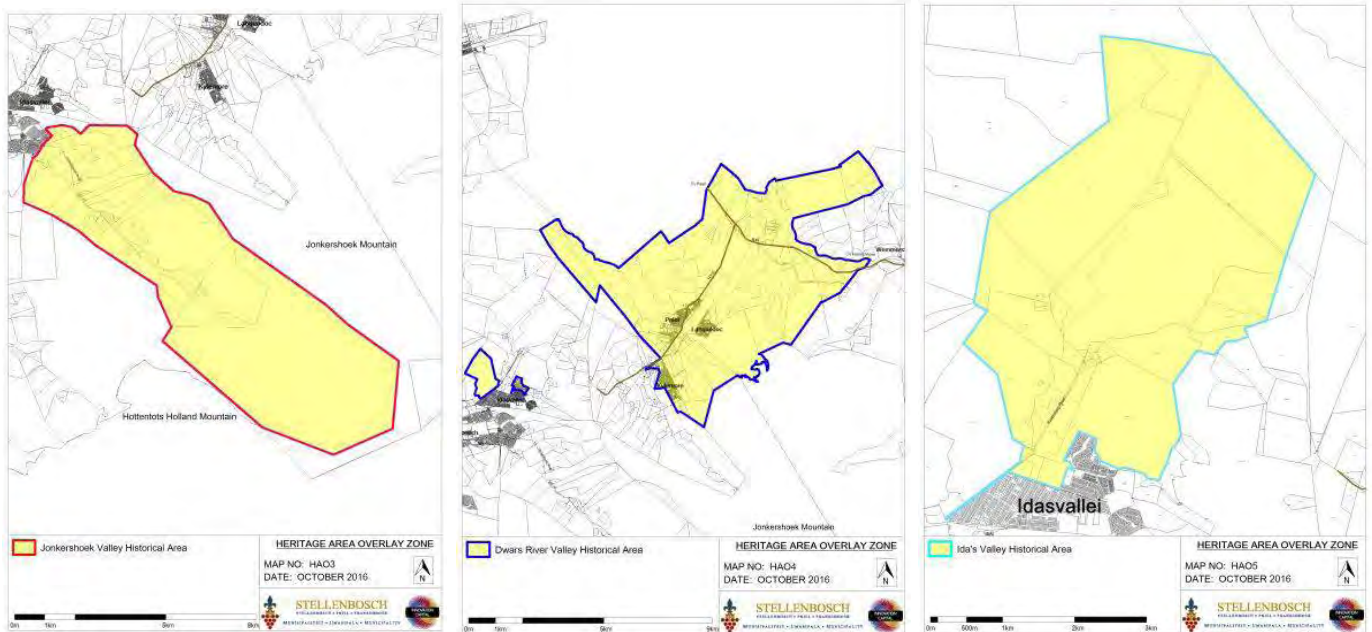
- Consent required for development.

2.2.5 Dwars River Valley Historical Area

- Consent required for development.

2.2.6 Ida’s Valley Historical Area

- Consent required for development.



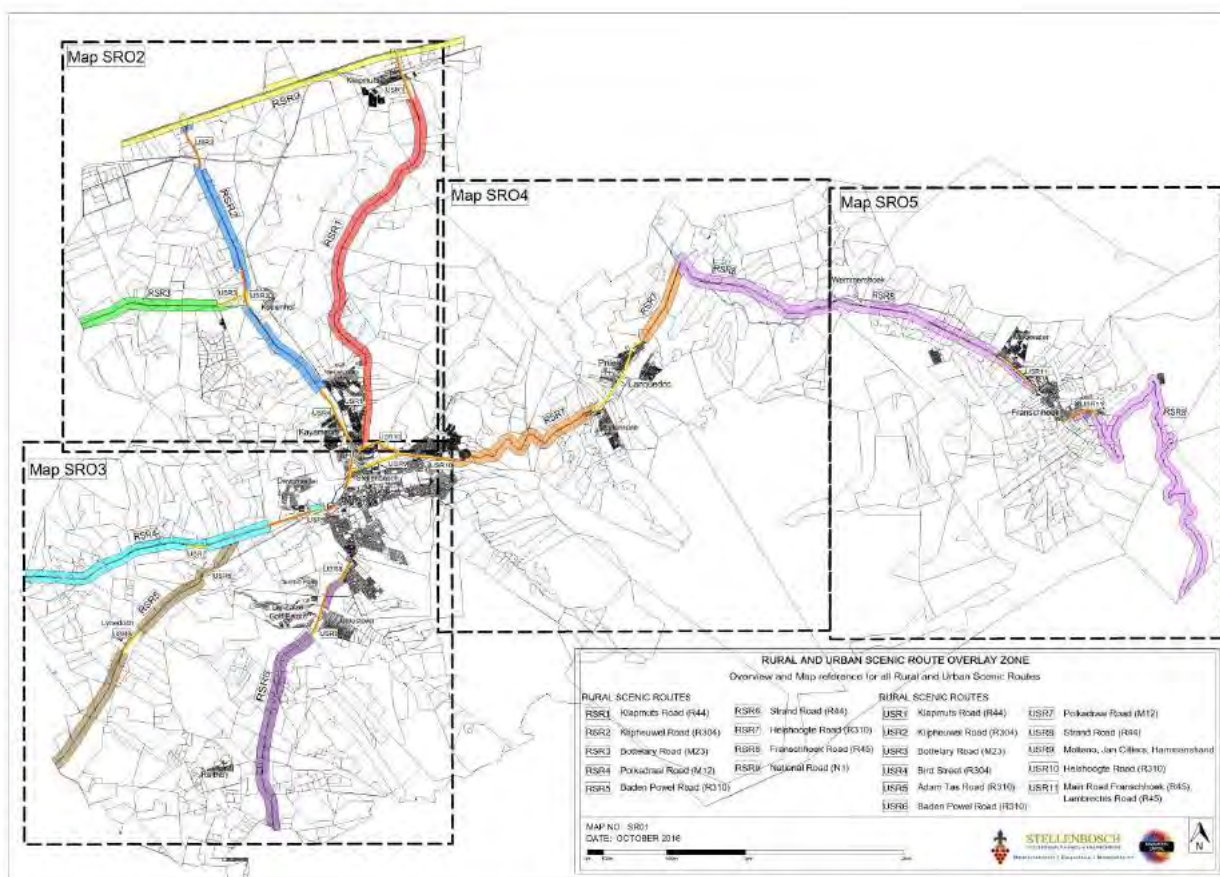
2.3 Scenic route overlay zones

- Urban and Rural scenic overlay zones;
- Purpose is to protect rural and scenic resources and visual amenity along certain routes;
- Mitigate impacts through positioning, screening and use of compatible materials and finishes;
- Consent must be applied for if development falls within the controlled area;
- VIA may be requested.

Apply to properties abutting Urban Scenic route.

Apply to development within 200m of Rural Scenic route.

Note: Heritage Overlay areas generally not included in SR OLZ because consent is already required in terms of that overlay zone.



2.4 Local Area overlay zones

- Special parameters for certain areas;
- More areas can be demarcated over time.

Number and Map Reference	Description of Area	Colour on map
LAO1	Techno Park Local Area Overlay Zone	

2.5 Local Economic overlay zones

- To provide for greater range of economic activities as primary, additional and consent uses in previously disadvantaged areas;
- To apply less stringent building parameters notwithstanding the base zone, which would permit ‘shelters’ to be constructed in this zone. This can only be introduced once the Minister approved an application from the Municipality for the NBR to not apply in the area;
- To allow additional lodgers than is permitted in Conventional Residential Zone.

No zones have been demarcated. It is proposed that the SDF revision or a separate study identify the suitable areas for this Overlay Zone.

Primary uses	Additional use (SDP not required)	Consent use (Application)
<ul style="list-style-type: none"> • Dwelling house • Group housing • Guesthouse • Restaurant • Second dwelling • Shop • Shelter (if NBR is deactivated) <p><u>Building Parameters and Parking:</u> <u>Same as LFR Zone</u></p> <ul style="list-style-type: none"> • 1 Bay/ dwelling house • 2nd dwelling: Nil 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home daycare centre • Home occupation practice • House shop • Lodging establishment • Other social, educational, religious, occupational or business purposes • Private road 	<ul style="list-style-type: none"> • Boarding house • Business premises • Community residential building • Daycare centre • Extramural facility • Flats • House tavern • Place of education • Place of worship • Welfare institution

3. CONVERSION OF ZONING MAPS

The present zoning of property (which is based on existing 4 zoning schemes) will inform the conversion of the old zoning maps to one integrated zoning map which will be implemented at the same time as the new scheme. The conversions take place based as far as possible on the closest match that current zoning rights have with the proposed new zones. Where this is not possible to implement, the municipality has allocated zoning which matches closest the present legal land use. The tables below set out how the zones will be converted.

[insert tables once planner have approved]

4. Abbreviations

SDP	Site Development Plan
GLA	Gross Leasable Area
NBR	National Building Regulations and Standards Act
LFR/Z	Less Formal Residential Zone
DC	Development Charges for bulk engineering infrastructure
u/ha	Units per hectare

- (o) determine the purpose, desired impact and structure of the land use management scheme to apply in that municipal area; and
- (p) include an implementation plan comprising of—
 - (i) sectoral requirements, including budgets and resources for implementation; 5
 - (ii) necessary amendments to a land use scheme;
 - (iii) specification of institutional arrangements necessary for implementation;
 - (iv) specification of implementation targets, including dates and monitoring indicators; and
 - (v) specification, where necessary, of any arrangements for partnerships in the implementation process. 10

Part F

Status of spatial development frameworks

Status of spatial development frameworks

22. (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework. 15

(2) Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework. 20

(3) Where a provincial spatial development framework is inconsistent with a municipal spatial development framework, the Premier must, in accordance with the Intergovernmental Relations Framework Act, take the necessary steps, including the provision of technical assistance, to support the revision of those spatial development frameworks in order to ensure consistency between the two. 25

CHAPTER 5

LAND USE MANAGEMENT

30

Role of executive authority

23. (1) (a) The executive authority of a municipality must, in the development, preparation and adoption or amendment by such municipality of its land use scheme, subject to the provisions of this Act, provide general policy and other guidance.

(b) The executive authority must, in providing such guidance as referred to in paragraph (a), monitor and, to the extent provided for in this Act and other laws on the administration of the municipal sphere of government, oversee such responsibilities as it may designate to officials of such municipality and non-officials in the implementation of this Act. 35

(2) Subject to section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), a municipality, in the performance of its duties in terms of this Chapter must allow the participation of a traditional council. 40

Land use scheme

24. (1) A municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act. 45

(2) A land use scheme adopted in terms of subsection (1) must—

- (a) include appropriate categories of land use zoning and regulations for the entire municipal area, including areas not previously subject to a land use scheme;
 - (b) take cognisance of any environmental management instrument adopted by the relevant environmental management authority, and must comply with environmental legislation; 5
 - (c) include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme;
 - (d) include provisions to promote the inclusion of affordable housing in residential land development; 10
 - (e) include land use and development incentives to promote the effective implementation of the spatial development framework and other development policies;
 - (f) include land use and development provisions specifically to promote the effective implementation of national and provincial policies; and 15
 - (g) give effect to municipal spatial development frameworks and integrated development plans.
- (3) A land use scheme may include provisions relating to—
- (a) the use and development of land only with the written consent of the municipality; 20
 - (b) specific requirements regarding any special zones identified to address the development priorities of the municipality; and
 - (c) the variation of conditions of a land use scheme other than a variation which may materially alter or affect conditions relating to the use, size and scale of buildings and the intensity or density of land use. 25
- (4) The local municipalities within a district municipality may by agreement request the district municipality to prepare a land use scheme applicable to the municipal areas of the constituent local municipalities within that district municipality.

Purpose and content of land use scheme 30

25. (1) A land use scheme must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the municipal area to which it relates in order to promote—
- (a) economic growth;
 - (b) social inclusion; 35
 - (c) efficient land development; and
 - (d) minimal impact on public health, the environment and natural resources.
- (2) A land use scheme must include—
- (a) scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone; 40
 - (b) a map indicating the zoning of the municipal area into land use zones; and
 - (c) a register of all amendments to such land use scheme.

Legal effect of land use scheme

26. (1) An adopted and approved land use scheme—
- (a) has the force of law, and all land owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme; 45
 - (b) replaces all existing schemes within the municipal area to which the land use scheme applies; and
 - (c) provides for land use and development rights. 50
- (2) Land may be used only for the purposes permitted—
- (a) by a land use scheme;

(b) by a town planning scheme, until such scheme is replaced by a land use scheme; or

(c) in terms of subsection (3).

(3) Where no town planning or land use scheme applies to a piece of land, before a land use scheme is approved in terms of this Act such land may be used only for the purposes listed in Schedule 2 to this Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of this Act. 5

(4) A permitted land use may, despite any other law to the contrary, be changed with the approval of a Municipal Planning Tribunal in terms of this Act.

(5) A municipality may, after public consultation, amend its land use scheme if the amendment is— 10

(a) in the public interest;

(b) to advance, or is in the interest of, a disadvantaged community; and

(c) in order to further the vision and development goals of the municipality.

(6) A land use scheme developed and approved in terms of this Act must address and resolve any conflict with an existing scheme not repealed or replaced by the new land use scheme. 15

Review and monitoring of land use scheme

27. (1) A municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework, and must do so at least every five years. 20

(2) Where the boundaries of a municipal area are altered—

(a) the affected municipalities must, in consultation with each other, amend their respective land use schemes accordingly; and

(b) until the necessary amendments are effected, the provisions of the land use scheme remain in force in the areas to which they applied before the boundaries were altered, but the new municipality must assume responsibility for their enforcement. 25

(3) Every municipality must, within a time prescribed by or in terms of provincial legislation, submit its approved land use scheme to the Premier for purposes of monitoring the performance of the municipalities. 30

Amendment of land use scheme and rezoning

28. (1) A municipality may amend its land use scheme by rezoning any land considered necessary by the municipality to achieve the development goals and objectives of the municipal spatial development framework. 35

(2) Where a municipality intends to amend its land use scheme in terms of subsection (1), a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representations on, object to and appeal the decision.

(3) The Minister must, after consultation with the competent authorities, provide further guidance to provinces and municipalities to achieve national norms and standards relating to land use changes. 40

(4) Despite sections 35 and 41, any change to the land use scheme of a municipality affecting the scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone in terms of section 25(2)(a) may only be authorised by the Municipal Council. 45

Consultation with other land development authorities

29. (1) A municipality must consult any organ of state responsible for administering legislation relating to any aspect of an activity that also requires approval in terms of this Act in order to coordinate activities and give effect to the respective requirements of such legislation, and to avoid duplication. 50

(2) A municipality, in giving effect to Chapter 3 of the Constitution, may, after consultation with the organ of state contemplated in subsection (1), enter into a written

agreement with that organ of state to avoid duplication in the submission of information or the carrying out of a process relating to any aspect of an activity that also requires authorisation under this Act.

(3) After a municipality has concluded an agreement contemplated in subsection (2), the relevant Municipal Planning Tribunal may take account of any process authorised under the legislation covered by that agreement as adequate for meeting the requirements of this Act. 5

Alignment of authorisations

30. (1) Where an activity requiring authorisation in terms of this Act is also regulated in terms of another law, the relevant municipality and the organ of state empowered to authorise the activity in terms of the other law may exercise their respective powers jointly by issuing— 10

- (a) separate authorisations; or
- (b) an integrated authorisation.

(2) An integrated authorisation contemplated in subsection (1)(b) may be issued only if— 15

- (a) the relevant provisions of all applicable legislation have been complied with; and
- (b) the integrated authorisation specifies the—
 - (i) provisions in terms of which it has been issued; and 20
 - (ii) relevant authorities that have issued it.

(3) The relevant municipality may regard an authorisation in terms of any other legislation that meets all the requirements set out in this Act or in provincial legislation as an authorisation in terms of this Act.

Record of amendments to land use scheme 25

31. (1) The municipality must keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme.

(2) The written record referred to in subsection (1) must be accessible to members of the public during normal office hours at the municipality's publicly accessible office. 30

Enforcement of land use scheme

32. (1) A municipality may pass by-laws aimed at enforcing its land use scheme.

(2) A municipality may apply to a court for an order—

- (a) interdicting any person from using land in contravention of its land use scheme; 35
- (b) authorising the demolition of any structure erected on land in contravention of its land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or
- (c) directing any other appropriate preventative or remedial measure. 40

(3) A municipality— 40

- (a) may designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme; and
- (b) must issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act. 45

(4) When an inspector contemplated in subsection (3) performs any function of an inspector in terms of this Act, the inspector—

- (a) must on request produce his or her written designation or appointment; and
- (b) may not be a person having a direct or indirect personal or private interest in the matter to be investigated. 50

(5) An inspector contemplated in subsection (3) may, subject to subsection (8)—

- (a) enter any land at any reasonable time without previous notice for the purpose of ascertaining an issue required to ensure compliance with this Act;
- (b) question any person who is or was on or in such land, either alone or in the presence of any other person, on any matter to which this Act relates;
- (c) require from any person who has control over or custody of a book, record or other document on or in such land, to produce to the inspector forthwith, or at such time and place as may be determined by the inspector, such book, record or other document; 5
- (d) examine any such book, record or other document or make a copy thereof or an extract therefrom; 10
- (e) require from such a person an explanation of any entry in such book, record or other document;
- (f) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof; 15
- (g) seize any book, record or other document or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this Act or the common law: Provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure; and 20
- (h) direct any person to appear before him or her at such time and place as may be determined by the inspector and question such person either alone or in the presence of any other person on any matter to which this Act relates. 25
- (6) When an investigator enters any land in terms of subsection (5), a person who controls or manages the land must at all times provide such facilities as are reasonably required by the inspector to enable him or her to perform his or her functions effectively and safely under this Act.
- (7) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document as contemplated in subsection (4)(f) or (g), he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized. 30
- (8) An inspection of a private dwelling may only be carried out by an inspector when authorised in terms of a warrant issued by a competent court. 35
- (9) An inspector may, where necessary, be accompanied by a police official or any other person reasonably required to assist him or her in conducting the inspection.
- (10) An inspector may issue a compliance notice in the prescribed form to the person who controls or manages the land or the owner or person in control of a private dwelling if a provision of this Act has not been complied with. 40
- (11) A compliance notice remains in force until the relevant provision of the Act has been complied with and the inspector has issued a compliance certificate in respect of that notice.
- (12) An inspector who enters and searches any land or private dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy. 45

- (b) the spatial development framework specifies the relevant legislation in terms of which it is approved and any authority that approved it.

CHAPTER IV

MUNICIPAL DEVELOPMENT MANAGEMENT

Part 1:

5

Zoning schemes

Zoning scheme for municipal area

22. (1) Every local municipality and metropolitan municipality must adopt a single zoning scheme for its whole municipal area, providing for at least the matters referred to in section 24. 10

(2) When a municipality adopts its zoning scheme, the municipality must comply with this Act and the further minimum requirements as may be prescribed for zoning schemes.

(3) A municipality must review its zoning scheme at least every 10 years.

(4) Amendments arising from a review of a zoning scheme must be approved in accordance with section 25. 15

Purpose of zoning schemes

23. The purpose of a zoning scheme is to at least—

- (a) make provision for orderly development and the welfare of the community; and 20
- (b) determine use rights and development parameters, with due consideration of the principles referred to in Chapter VI.

Contents of zoning schemes

24. A zoning scheme must make provision for at least—

- (a) the zoning of land; 25
- (b) the coming into operation of new zonings if new zonings are provided for in the zoning scheme;
- (c) the keeping of a register to record departures, non-conforming land uses contemplated in section 29(1)(c)(i) and consent uses; and
- (d) the approval of a zoning map to record the following: 30
 - (i) the zoning of land units and references to records in the register; and
 - (ii) rezonings and amendments to references to the register, where a land use planning application is approved by the municipality or where a use right has lapsed.

Compilation or amendment of zoning schemes 35

25. A municipality must compile or amend its zoning scheme by—

- (a) establishing an intergovernmental steering committee to compile a draft zoning scheme or a draft amendment of a zoning scheme; or
- (b) following the procedure set out in section 27.

Intergovernmental steering committee 40

26. (1) If a municipality establishes an intergovernmental steering committee referred to in section 25(a), the committee must consist of at least—

- (a) the municipal manager or a municipal employee designated by the municipal manager; and
- (b) representatives of— 45
 - (i) the municipality, nominated by the municipal manager;
 - (ii) the relevant district municipality, nominated by its municipal manager; and
 - (iii) the Department, nominated by the Head of Department.

(2) The members of the intergovernmental steering committee must be persons appointed by virtue of their qualifications and experience in, and knowledge of, land use planning.

(3) The intergovernmental steering committee—

- (a) is chaired by the municipal manager or the municipal employee designated by the municipal manager in terms of subsection (1) (a), as the case may be; 5
- (b) determines its own procedures, which must provide for at least a quorum and decision-making; and
- (c) may appoint subcommittees and assign tasks to such subcommittees.

(4) The members contemplated in subsection (1) (b)(iii) must submit written provincial comments to the municipality on a draft zoning scheme or draft amendment of a zoning scheme during the compilation process thereof. 10

Procedure without intergovernmental steering committee

27. (1) If an intergovernmental steering committee contemplated in section 26 is not established, the municipality— 15

- (a) must submit a draft zoning scheme or draft amendment of a zoning scheme, excluding the register and zoning map, to the Provincial Minister for written comment; and
- (b) may not adopt its zoning scheme or approve an amendment thereof until— 20
 - (i) the municipality has received and considered the comments referred to in subsection (2); or
 - (ii) the end of the period referred to in subsection (2) and if no comments were received from the Provincial Minister during that period.

(2) The Provincial Minister must, within 60 days of receiving a draft zoning scheme or draft amendment of a zoning scheme in terms of subsection (1) (a), submit written comments thereon to the municipality. 25

(3) The period referred to in subsection (2) may be extended with the concurrence of the municipality.

Submission of zoning schemes

28. A municipality must, within 30 days of approval of a zoning scheme or amendment thereof, submit the following to the Premier: 30

- (a) a written notice of the decision to adopt or amend the zoning scheme;
- (b) the adopted or amended zoning scheme, excluding the register and zoning map; and
- (c) a report setting out the response of the municipality to the comments submitted in terms of section 26(4) or 27(2). 35

Coming into operation of zoning schemes

29. (1) A municipality must make provision for appropriate measures to regulate—

- (a) the coming into operation of a zoning scheme approved in accordance with this Act and of subsequent reviews and amendments thereof; 40
- (b) the transition, in accordance with section 34, from—
 - (i) a zoning scheme in force in terms of section 33 to a zoning scheme adopted in accordance with this Act; and
 - (ii) a zoning scheme adopted in accordance with this Act to subsequent reviews and amendments thereof; and 45
- (c) non-conforming land use, by providing that—
 - (i) land that is being utilised lawfully in terms of an existing zoning scheme for a purpose that does not comply with a proposed zoning scheme may continue to be utilised for that purpose when the new zoning scheme comes into operation; and 50
 - (ii) a land use application must be made for the alteration or extension of buildings or structures on land referred to in subparagraph (i).

(2) A municipality must publish its decision to approve a zoning scheme map in the *Provincial Gazette*.

Permitted utilisation of land

30. No person may utilise or develop land unless the utilisation or land development is permitted in terms of a zoning scheme or an approval consistent with this Act and applicable by-laws.

Records of zoning schemes 5

31. Each municipality must keep its zoning scheme updated and make the updated zoning scheme accessible to the public.

Continuation of zoning schemes

32. If land situated in the municipal area of a municipality is incorporated into the municipal area of another municipality, a zoning scheme in respect of that land remains in force in the municipal area to which it applied before the incorporation until amended by the receiving municipality. 10

Part 2:

Existing town planning and zoning schemes

Existing town planning and zoning schemes 15

33. (1) Despite the repeal of the Ordinance by section 77—

- (a) a zoning scheme, including a zoning map, register and scheme regulations in existence in terms of section 7, 8, 8A, 9, 10 or 12 of the Ordinance immediately before the commencement of this Act, remains in force, and sections 2, 7 to 14, 39 to 41, 46 and 47 of the Ordinance apply to that zoning scheme, as if not repealed, unless those provisions are inconsistent with this Act or an applicable by-law; and 20
- (b) a use right and a lawful zoning in terms of that zoning scheme remains in force until amended in terms of an applicable by-law.

(2) Despite the repeal of Provincial Notice 733/1989 by section 77— 25

- (a) a town planning scheme in existence in terms of that notice immediately before the commencement of this Act remains in force and the relevant provisions of Provincial Notice 733/1989 and Government Notice R.1897/1986 apply to that town planning scheme, as if not repealed, unless those provisions are inconsistent with this Act or an applicable by-law; and 30
- (b) a use right and a lawful zoning in terms of that town planning scheme remains in force until amended in terms of an applicable by-law.

(3) A land use application submitted after the commencement of this Act and that pertains to a use right that remains in force in terms of subsection (1) (b) or (2) (b) must be considered and processed by a municipality in accordance with this Act and in terms of applicable by-laws. 35

(4) Upon the coming into operation of a zoning scheme contemplated in section 22, a zoning scheme or town planning scheme referred to in subsection (1) or (2) lapses.

Part 3:

Zonings and other use rights 40

Use rights

34. (1) A municipality must, when adopting a zoning scheme in accordance with this Act or on receipt of an application referred to in subsection (5), determine a zoning or a deemed zoning—

- (a) for land zoned or deemed to be zoned in terms of a zoning scheme or town planning scheme in force in terms of section 33 for— 45
 - (i) state or other authority purposes;
 - (ii) a purpose or reservation without development parameters; or
 - (iii) a purpose for which the land is not being utilised; and
- (b) for land referred to in section 8 of the Ordinance and which is not deemed to be zoned by virtue of a determination under section 14(1) of the Ordinance. 50



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



LAND USE MANAGEMENT

To: Municipal Manager

From: Manager: Land Use Management
Directorate: Planning and Economic Development

Date: 21 September 2015

Re: COMMENCEMENT OF PREPARATION OF A ZONING SCHEME FOR
STELLENBOSCH IN TERMS OF THE LAND USE PLANNING ACT
No 3 of 2014

In 2010, the Land Use Planning Department embarked on a process to prepare a new Integrated Stellenbosch Zoning Scheme (ISZS) in terms of the applicable planning legislation at that time (Land Use Planning Ordinance no 15 of 1985). This process culminated in the completion of a draft zoning scheme which was advertised for public comment on two occasions, after which comments were incorporated. The Council requested official comment from the Western Cape Provincial Government, who provided their comment and input, which was also incorporated into the draft document.

Subsequent to this, a new suite of national, provincial and municipal planning laws were recently promulgated, namely the Spatial Planning and Land Use Management Act, no 16 2013 (SPLUMA), the Land Use Planning Act, no 3 of 2014 (LUPA) and the Municipal Planning Bylaw (August 2015). In terms of this new legislation (most notably LUPA), the Municipality must adopt a new zoning scheme for its whole municipal area within 5 years.

It is this Department's intention to review the current Draft Integrated Zoning Scheme (Draft 9) with the view of bringing it in line with the most legislation and incorporating the principles as set out in LUPA. This process will include aligning it with Council's spatial planning policies. Once completed, the final draft will again be advertised for public comment. At the conclusion of this process it is intended for the scheme to be adopted as a Municipal Bylaw in terms of the Municipal Systems Act, no 33 of 2000.

The new zoning scheme will replace the existing zoning schemes:

- Stellenbosch Zoning Scheme Regulations
- Franschhoek Zoning Scheme Regulations



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LAND USE MANAGEMENT

- Kayamandi Town Planning Regulations
- General Scheme Regulations adopted in terms of Section 8 of the Land Use Planning Ordinance (for all areas outside Stellenbosch, Franschhoek, Kayamandi or Pniel)
- Introduce new zoning scheme applicable to Pniel.

The Stellenbosch Municipality appointed @Planning who will be responsible for the project.

LUPA sets out certain procedures with respect to the preparation of a new scheme. It allows, either for the establishment of an intergovernmental steering committee, or for a process without such a committee. The municipality must decide which process to follow.

Section 26 of the LUPA indicates that if an intergovernmental steering committee (IGSC) is established, it must be chaired by the Municipal Manager or delegated official, and must be attended by at least the District Municipality and the Western Cape Government. The committee will establish its own rules and sub-committees, a quorum and procedures for voting must be determined, and members of the committee must submit written comment during the compilation process.

However, section 27 of LUPA makes provision for the preparation of a scheme without the above committee, in which case the Western Cape Government will have 60 days to comment on the draft scheme.

The Department is recommending that the process in terms of section 27 be followed, meaning that an intergovernmental steering committee is **not** established, for the following reasons:

- The preparation of the scheme is already far advanced with several rounds of participation already concluded and comments already received from the WCG;
- This current process therefore is a continuation of a process already commenced under previous legislation and establishing a committee at this late stage of the process may be counterproductive;
- WCG was invited to all working group meetings of the previous process and was substantially involved throughout the preparation process. This informal working arrangement can be continued and will be of much more practical value at this late stage;



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LAND USE MANAGEMENT

- An IGSC will have a significant programme and financial implications for the project and it was not included in the tender.

The purpose of this memorandum is for the Municipal Manager to confirm this decision not to establish an intergovernmental steering committee in terms of section 26 of the Land Use Planning Act (no 3 of 2014) for the Stellenbosch Zoning Scheme process. Western Cape Government will be afforded 60 days to comment at the conclusion of this process in terms of section 27 of the Act.

Your response in writing will enable the Department to inform the WCG accordingly.

H. Dednam
Hedré Dednam

Manager: Land Use Management

Decision not to establish an ISC is confirmed in terms of Delegation 328 following the decision by Council to prepare an IZS.

[Signature] 25/09/2015



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MEMORANDUM

Supply Chain Management

TO/AAN : BID ADJUDICATION COMMITTEE

RE/INSAKE : STELLENBOSCH (WC024) MUNICIPALITY DEVELOPMENT MANAGEMENT SCHEME PROMULGATION

FILE /LEER NO : 6/1/1

BID NR:/BOD NO : B/SM 66/15

1. PURPOSE

To obtain approval in terms of Regulations 29 (1) (a) and (b) (i) of the Municipal Supply Chain Management Regulations and paragraph 2.4 of the Stellenbosch Municipal Supply Chain Management Policy for the appointment of a service provider for the conversion of the draft Stellenbosch Municipality Integrated Zoning Scheme Regulations (IZS) in order to compile, translate and finalise the Stellenbosch (WC024) Municipality Development Management Scheme for adoption in terms of the Spatial planning and land use management Act 2013, Act 16 of 2013 (SPLUMA).

2. BACKGROUND

The Stellenbosch Municipality must develop and promulgate a land use scheme that must give effect to, and be consistent with the municipal spatial development framework. The land use scheme must determine the use and development of land within the municipal area to which it relates in order to promote:

- (a) economic growth;
- (b) social inclusion;
- (c) efficient land development; and
- (d) minimal impact on public health, the environment and natural resources.

This land use scheme must comprise of the following:

- (a) scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone;
- (b) a map indicating the zoning of the municipal area into land use zones; and
- (c) a register of all amendments to such land use scheme.

3. DISCUSSION

The bid was advertised on 6 December 2014 on the municipal website, notice board, Cape Argus and in the "Die Burger", based on the 80/20 points system. Closing time and date for bid submissions were 12:00 on 12 January 2015. Date of final submission of technical report and bid documents to the SCM offices was 31 March 2015. Extension of validity was requested and hence received from the bidders.

4. DOCUMENT COLLECTION

4.1 Document collection and bid submissions are depicted as follows.

NO	BIDDERS	COLLECTED DOCUMENTS	SUBMITTED BIDS
1	WJ Steyn t/a Praktiplan	√	√
2	Urban Dynamics Western Cape (Pty) Ltd	√	√
3	At Planning Town and Regional Planning Services cc	√	√

4.2 On the closing date 3 offers were received and were subsequently opened in public.

NO	BIDDERS	Amount (Including VAT)
1	WJ Steyn t/a Praktiplan	R516,414.30*
2	Urban Dynamics Western Cape (Pty) Ltd	R957,600.00
3	At Planning Town and Regional Planning Services cc	R632,016.00

* Indicates Non-VAT vendor. VAT was added for evaluation purposes.

5. SUPPLY MANAGEMENT COMPLIANCE CHECK

No	BIDDERS	MBD2- VALID TAX CLEARANCE CERTIFICATE	MBD4- DECLARA TION OF INTEREST	MBD8- PAST SCM PRACTICE S	MBD9- INDEPEN DENT BID PROPOSAL DETERMINATION
1	WJ Steyn t/a Praktiplan	YES	YES	YES	YES
2	Urban Dynamics Western Cape (Pty) Ltd	YES	YES	YES	YES
3	At Planning Town and Regional Planning Services cc	YES	YES	YES	YES

6. BID RESPONSIVENESS

6.1 Introduction

The bid technical evaluation and report was prepared by H Dednam (Manager: Land Use Management), C Charles (Senior Town Planner) and R Fooy (Senior Town Planner) who examined the bids in terms of its compliance with the stipulated technical requirements.

The Functionality Proposal was evaluated on the criteria below, to determine whether the project proposal is practical and useful. The minimum score for Functionality was 70% to be further evaluated. The components and scoring of functionality were:

No	Functionality / Quality criteria	Project team composition	Zoning scheme / administrative experience	Work program method and statement of understanding of project scope	Maximum score for quality
	Max points	25	60	15	100
1	WJ Steyn t/a Praktiplan	18	37	12	67
2	Urban Dynamics Western Cape (Pty) Ltd	25	40	12	77
3	At Planning Town and Regional Planning Services cc	24	40	15	79

It was concluded by the 3 independent technical evaluators that 2 bidders are capable and experienced enough to undertake and successfully complete this project.

Refer to Annexure A for the Technical report that will address any technical enquiries.

6.2 PROPOSALS NOT CONSIDERED FOR FURTHER EVALUATION DUE TO THE FOLLOWING REASONS (LEGISLATION APPLICABLE AND NON-RESPONSIVENESS)

NO	BIDDERS	REASONS
1	WJ Steyn t/a Praktiplan	Non-complaint. They did not score the required minimum points for Functionality.

7. EVALUATION

7.1 SPECIFICATION COMMITTEE

The specifications committee consisted of C Alexander (Planning and Development) and T Rhode (SCM Senior Accountant), who were responsible for the development and compilation of the specification.

SCM Regulation 27 (1): "A bid specification committee must compile the specifications for the procurement of goods or services by the municipality."

SCM Regulation 27 (2) (g): "Specifications must be approved by the accounting officer prior to the publication of the invitation for bids – Relevant power has been delegated to the Head: Supply Chain Management in terms of the approved System of Delegations for SCM."

7.2 EVALUATION COMMITTEE

The evaluation committee consisted of Jeanette Williams (SCM Practitioner), Theo Rhode (Senior Accountant SCM) and C Charles (Senior Town Planner), who examined the bids in terms of its compliance with the stipulated bid and submission requirements.

The procedure for the evaluation of responsive tenders is **Method 2 (Financial Offer and Preference)**. The offers were evaluated in terms of Section 2 of the PPPFA of 2000, utilizing the 80/20 points system.

No	Bidders	TENDER		TENDER EVALUATION POINTS		
		Total Amount (VAT incl.)	BBBEE STATUS Level	PRICE (80)	PREFE-RENCE (20)	TOTAL POINTS (100)
2	Urban Dynamics Western Cape (Pty) Ltd	R957,600.00	3	38.79	16	54.79
3	At Planning Town and Regional Planning Services cc	R632,016.00	Non-compliant (2)	80.00	0	80.00

8. FINANCIAL IMPLICATIONS

The recommended envisaged expenditure amounts to R632,016.00 (VAT included) and this will be financed as clearly depicted in below mentioned table for Financial year 2014/2015. Provision are made in 2015/2016 Financial year for the rest.

Vote number	Description	Budget Available	Original budget 2014/2015
1/2200/0928	CONSULTING AND PLANNING FEES	R2,526,261.52	R3,157,000.00

J. Williams

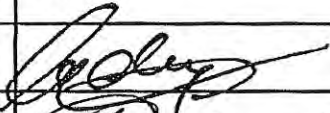

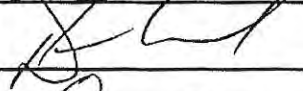

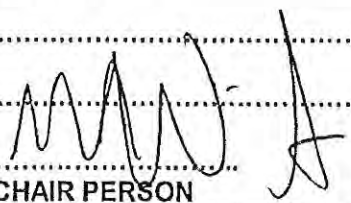
CHAIRPERSON: BID EVALUATION COMMITTEE

22.04.2015

DATE

9. RECOMMENDATION

9.1 That the offer of At Planning Town and Regional Planning Services cc for R632,016.00 (VAT included) be accepted and approved for the conversion of the draft Stellenbosch Municipality Integrated Zoning Scheme Regulations (IZS) for 16 months, as they scored the highest points. They completed their MBD4, MBD8, MBD9 and attached both a valid Tax Clearance Certificate and a copy of their municipal account. The detail of the proposed bidder was also verified to be not listed on either National Treasury's Register for Tender Defaulters or the Database of Restricted Suppliers.

RECOMMENDATION APPROVED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE		
Name	Signature	Date
L.M. MONGEWA		29.4.2015
P.A. CHIVETI		24.4.2015
DUPRÉ LOUBTHARD		20/04/2015
A. ... N... ..		24/4/15
Comments		
		
CHAIR PERSON		24/4/15 DATE



NOTICE OF COMMENCEMENT OF PREPARATION OF AN INTEGRATED ZONING SCHEME FOR STELLENBOSCH MUNICIPALITY IN TERMS OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

BACKGROUND

In 2010 Stellenbosch Municipality embarked on a process to prepare a new Integrated Stellenbosch Zoning Scheme (ISZS) in terms of the applicable planning legislation at that time (Land Use Planning Ordinance no 15 of 1985). This process culminated in the completion of a draft zoning scheme which was advertised for public comment, after which comments were received and incorporated.

However, since 2013 a new suite of national, provincial and municipal planning laws were promulgated, namely the Spatial Planning and Land Use Management Act, no 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act, no 3 of 2014 (LUPA) and the Municipal Planning Bylaw (September 2015). In terms of this new legislation (most notably LUPA), the Municipality must adopt a single zoning scheme for its entire municipal area within 5 years.

PROPOSED

It is the municipality's intention to review the current Draft Integrated Zoning Scheme and align it with both SPLUMA and LUPA planning principles. This process will also ensure that the scheme incorporates Council's relevant spatial policies and the approved Spatial Development Framework. Once completed, the final draft will once again be advertised for public comment. At the conclusion of this process it is intended for the scheme to be adopted as a Municipal Planning Bylaw as allowed by the Municipal Systems Act, 2000 (Act 33 of 2000).

The new zoning scheme will replace the existing schemes. The following old schemes will be repealed:

- Stellenbosch Zoning Scheme Regulations
- Franschhoek Zoning Scheme Regulations
- Kayamandi Town Planning Regulations
- General Scheme Regulations adopted in terms of Section 8 of the Land Use Planning Ordinance (for all areas outside Stellenbosch, Franschhoek, Kayamandi or Pniel)

The following area will also be included in the new scheme:

- Pniel (formerly Transformation of Certain Rural Areas Act, 1998 (Act No. 94 of 1998))

INVITATION

Stellenbosch Municipality invites ***all interested and affected parties (I&AP's) to register their interest should they wish to be notified in future of opportunities to comment on this bylaw.*** All parties who have already commented in writing on the previous rounds of advertising of the zoning scheme will remain on the I&AP list.

To register as an Interested and Affected Party, please send your information and contact details to:

The Director Planning and Economic Development, Attention: The Manager: Land Use Management (H Dednam); Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599; fax 021 886 6899 or email to Jacques.Jansenvanrensborg@stellenbosch.gov.za on/before **23 November 2015.**

Any enquiries can be forwarded to Jacques Jansen van Rensburg by email as stipulated above or by dialling telephone 021 808 8673.

Please note, further written notices will only be distributed to registered I&AP's and published in the local media.

**Acting Municipal Manager
Stellenbosch Municipality
Notice No P41/15**

Enquiries/Navrae	J Jansen van Rensburg
Our ref/Ons verw	1/2/1/2
Date/Datum	2015-10-21
Ext/Uitbr	021 808 8673

REGISTERED MAIL

Sir/Madam

NOTICE OF COMMENCEMENT OF PREPARATION OF AN INTEGRATED ZONING SCHEME FOR STELLENBOSCH MUNICIPALITY IN TERMS OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

KENNISGEWING VIR AANVANG VAN DIE OPSTEL VAN 'N GEÏNTERGREEDE SONERINGSKEMA VIR STELLENBOSCH MUNISIPALITEIT INGEVOLGE DIE WES-KAAPSE WET OP GRONDGEBRUIKBEPLANNING, 2014 (WET 3 VAN 2014)

Notice is hereby given that the Stellenbosch Municipality is advertising its intent to commence with the preparation of an Integrated Zoning Scheme for Stellenbosch Municipality in terms of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014). A copy of this advertisement is attached hereto for your attention. Your attention is drawn to the invitation in the attached notice, of which the closing date is **23 November 2015**.

To register as an Interested and Affected Party, please send your information and contact details to: The Director Planning and Economic Development, Attention: The Manager: Land Use Management (H Dednam); Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599; fax 021 886 6899 or email to Jacques.Jansenvanrensburg@stellenbosch.gov.za on/before **23 November 2015**.

Any enquiries can be forwarded to Jacques Jansen van Rensburg by email as stipulated above or by dialling telephone 021 808 8673. **Please note, further written notices will only be distributed to registered I&AP's and published in the local media.**

Kennis geskied hiermee dat die Stellenbosch Munisipaliteit die aanvang van die opstel van 'n Geïntegreerde Soneringskema vir Stellenbosch Munisipaliteit ingevolge die Wes-Kaapse Wet Op Grondgebruikbeplanning, 2014 (Wet 3 Van 2014) tans adverteer. 'n Afskrif van die advertensie is hierby aangeheg vir u aandag. U aandag word spesifiek op die uitnodiging in die aangehegte kennisgewing gevestig, waarvan die sluitingsdatum **23 November 2015** is.

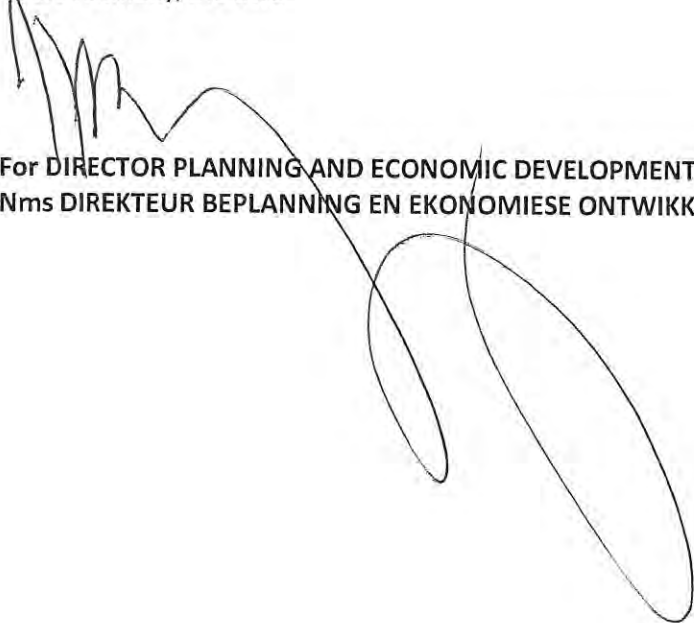
-2 -

Om as 'n Geïnteresseerde en Belanghebbende Party te registreer, stuur asseblief u inligting en kontakbesonderhede aan: Die Direkteur: Beplanning en Ekonomiese Ontwikkeling, Vir Aandag Die Bestuurder: Grondgebruikbestuur (H Dednam); Stellenbosch Munisipaliteit, Posbus 17,

Stellenbosch, 7599; faks 021 886 6899 of epos aan Jacques.Jansenvanrensburg@stellenbosch.gov.za teen/voor **23 November 2015**.

Enige navrae kan aan Jacques Jansen van Rensburg by die bogemelde epos of telefonies by telefoonnommer 021 808 8673 gerig word. **Let asseblief daarop dat geskrewe kennisgewings voortaan slegs aan *geregistreerde* G&BP'e versprei en in die plaaslike media gepubliseer sal word.**

Yours faithfully/Die uwe

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, extending from the left towards the right.

**For DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT
Nms DIREKTEUR BEPLANNING EN EKONOMIESE ONTWIKKELING**

Munisipaliteit Stellenbosch Municipality
 Posbus / P O Box 17
 STELLENBOSCH
 7500

REGISTERED MAIL IZS NOTICES REF..1/2/1/2

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 Franschhoek
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 Chairperson WK Spotswood
 Suite # 200
 Private Bag X4
 Die Boord
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Chairperson: Friends of Stellenbosch Mountain
 32 Blenheim Road
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 Stellenbosch
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Stellenbosch Interest Group
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Evan Knox Davies
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Stellenbosch
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H Jonker
Rhodestraat-Suid 31
Kleingeluk
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Simonswyk Subcommittee
C/O 2181
20 Kommandeurs Avenue
Simonswyk
Stellenbosch
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Posbus 161
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Kleingeluk Homeowners Association
PC Crous Fax 021 8875849

M Pritchett
Haygrove Tunnels South Africa
P O Box 498
Grabouw
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Stellenbosch
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R K Chambers
P O Box 136
Koelenhof
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Munisipaliteit Stellenbosch Municipality
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Tim Spencer Town Planning
P O Box 31532
Tokai
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Idas Valley
Stellenbosch
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Seedling Grower Association of SA
P O Box 1555
Suider-Paarl
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Universiteitsoord
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Dr PJ Pieterse
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Privaatsak X1
Matieland
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Dennis Moss Partnership
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Stellenbosch
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Hannes Van Zyl
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Trudie Blanckenberg
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AE Kruger & P Kruger
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Parow- East
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Breede Vallei Municipality
Private Bag X3049
Worcester
Western Cape
6849

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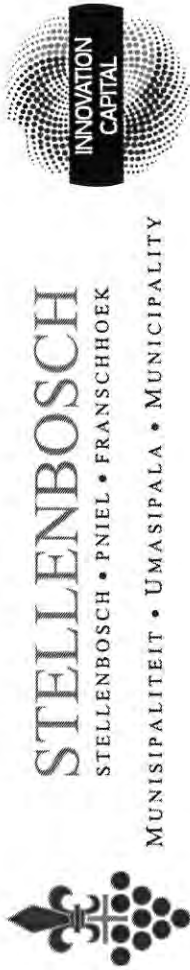
Theewaterskloof Municipality
P O Box 24
Caledon
7230

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Cape Winelands District Municipality
P.O. Box 100
STELLENBOSCH
7599

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26 OCT 2015
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REGISTRATION AS INTERESTED AND AFFECTED PARTY: STELLENBOSCH MUNICIPALITY

Name & Surname	Organization	Contact Numbers	Email	(Postal) Address
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Angelika van der Merwe	Stellenbosse Landbougenootskap Stellenbosch Plaaswerker Forum	Tel: 021 886 4867/ 021 886 5050 Fax: 021 883 8965 Cell: 084 515 5990	stlandbo@mweb.co.za farm@meerlust.co.za	Doornbosch Centre PO Box 204 Stellenbosch 7599
Annette Geertsema	Department: Agriculture, forestry & fisheries	Tel: 012 319 7678 Fax: 012 329 5938	AnnetteS@daff.gov.za agriland@nda.agric.za	Directorate Land Use and Soil Management, Private Bag Private Bag x120 Pretoria 0001
Barry Blount	Diesel & Munns Inc.	Tel: 021 852 3800	planning@dieselandmunns.co.za	PO Box 475



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The Chairman Bill Spotswood	Blaauwklippen Valley Security Forum	Tel: 021 880 2893	Suite 200 Private Bag x4 Die Boord 7613
Billy Bourbon-Leftley	Morelig	Tel: 082 880 1473	/
Bongumusa Ndwandwe/ Erna van Zyl	Department: Rural Development and Land Reform	Tel: 021 409 0361 Tel: 021 409 0342	PSSC:WC SPLUM Private Bag X 9159 Cape Town 8001
Clifford Heys	TV3 Architects and Town Planners	Tel: 021 861 3800 Fax: 021 882 8025	97 Dorp Street First Floor La Gratitude Office Building



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François Knight	Agri Informatics	Tel: 021 975 3603 Fax: 086 621 1333 Cell: 082 658 7776	PO Box 3544 7551 Durbanville



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Hans Hugo/ Dr Nelis Vermeulen	Simonswyk Sub- committee (part of Ward 7)	/	hans.hugo1887@gmail.com / vermeulenc@cput.ac.za	/
Hedwig Crooijmans- Lemmer	Hedwig Crooijmans- Lemmer (Urban Designer)	Cell: 082 439 6289	hedwig@iafrica.com	10 Canterbury Lane Paradyskloof
Jacques Volschenk	Dennis Moss Partnership	Tel: 021 887 0124 Fax: 021 886 5393	jacques@dmp.co.za	17 Market Street Stellenbosch 7600
Jan H Momberg	SBV	/	info@stellenboschrates.org	PO Box 399 Stellenbosch 7599



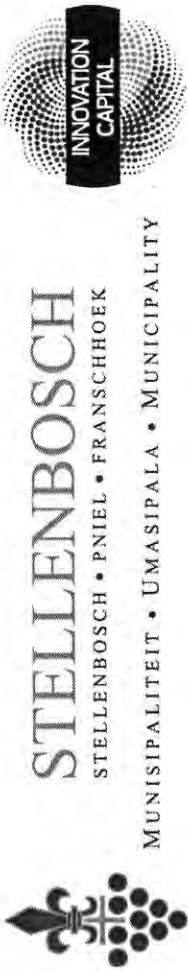
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Leslie Zetler	Limberlost (Pty) Ltd Company Registration: 2006/004629/07	Tel: 021 881 3854 Fax: 021 881 3015	info@limberlost.co.za	PO Box 46 Lynedoch 7603/ Limberlost Farm Annandale Rd Lynedoch 7603
Leslie Zetler	Limberlost Property Holding (Pty) Ltd Company Registration: 2006/011606/07	Tel: 021 881 3854 Fax: 021 881 3015	info@limberlost.co.za	PO Box 46 Lynedoch 7603/ Limberlost Farm Annandale Rd Lynedoch 7603
Leslie Zetler	Five Zets Properties (Pty) Ltd Company registration: 2013/0807424/07	Tel: 021 881 3854 Fax: 021 881 3015	info@limberlost.co.za	PO Box 46 Lynedoch 7603/ Limberlost Farm Annandale Rd Lynedoch 7603
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WF van Aswegen	Kleingeluk Home Owners Association	/	exco@kleingeluk.info fwva@sun.ac.za	/
William Bourbon- Leftley	Morelig	Cell: 082 880 1473	morelig1@telkomsa.net	/

7.4	FINANCIAL SERVICES: [CLLR S PETERS]
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NONE

7.5	HUMAN SETTLEMENTS: [CLLR PW BISCOBE]
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NONE

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
-----	--------------------------------------

NONE

7.7	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.8	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE