Adam Tas Corridor Overlay Zone

(To be incorporated in Chapter 27 of the SM Zoning

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

263. Zone name and designation on map

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

264. Purpose of the zone and incorporation of land

(1) The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.

(2) The Municipality may demarcate new Local Area Overlay areas or amend existing areas by amending the Scheme in terms of Planning Law, but land cannot be rezoned by an owner for incorporation into or exclusion from this overlay zone.

265. Areas designated as local area overlay zones

(1) 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	
LAO2	Adam Tas Corridor Local Area Overlay zone	TBC

267. Areas declared as local overlay zone areas and specific provisions

Subsections 1-39 deal with the Adam Tas Corridor Local Area Overlay zone.

(1) The Adam Tas Corridor Local Overlay Area is indicated on Map LAO2 and the parameters in this subsection will apply as indicated.

(2) The purpose of the Adam Tas Corridor Overlay zone is to enable the development of the area in a manner which provides for:

(a) A vibrant, compact, and efficient urban district as part of Stellenbosch town, respectful of the environment and history.

(b) Increased access to livelihood opportunities for ordinary citizens and different income groups.

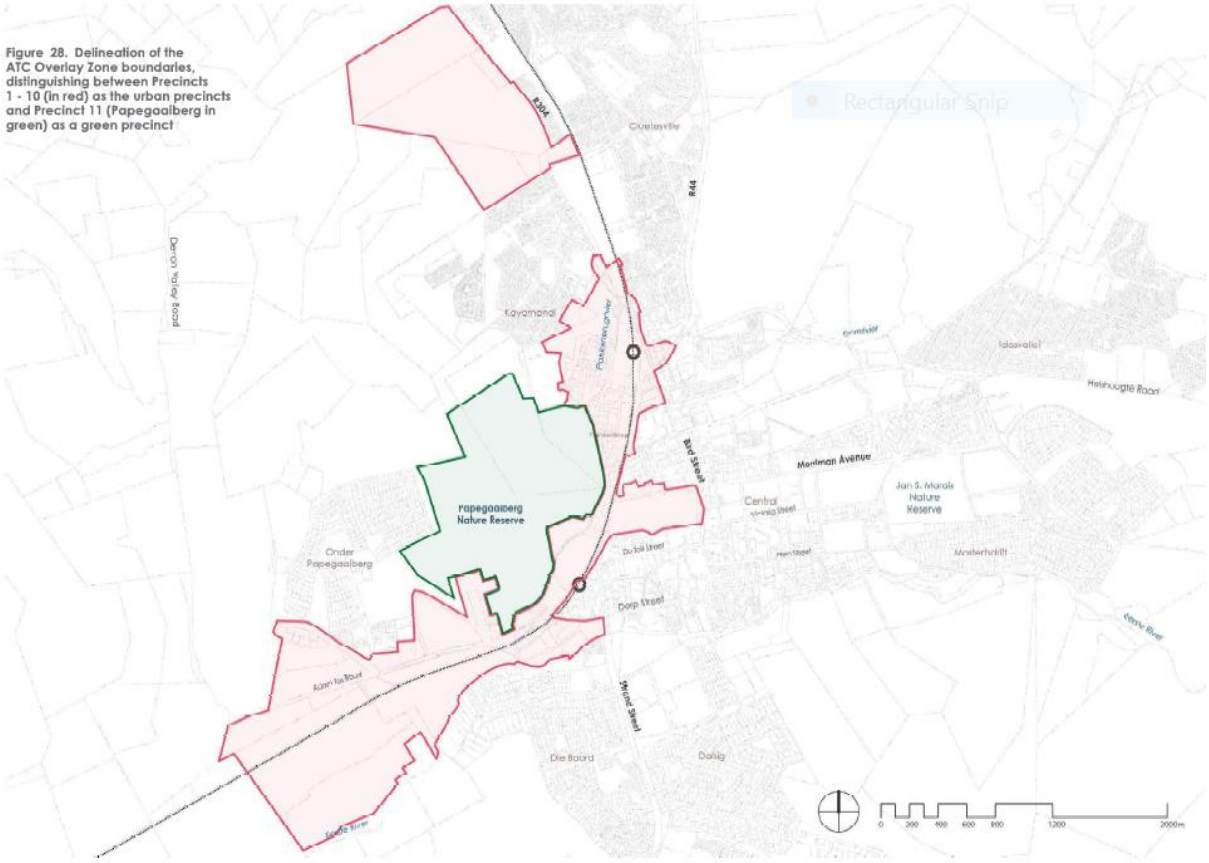
(c) Inclusionary Housing.

(d) Seamless spatial and socio-economic integration with surrounding areas.

(e) Financial sustainability.

(f) Pro-active partnership, shared responsibility, and a clear differentiation of roles between landowners, government, and other stakeholders.

(g) A clear development process with speedy decision-making.



(3) Unless otherwise indicated, the development parameters set out in this Chapter replace all the development rules set out in the various use zones applicable to the area and shall apply to all the properties or portion of properties falling within the boundaries of the Adam Tas Corridor Local Area Overlay zone as depicted on Map LAO2 above.

(4) The Municipality's overall intent for the Adam Tas Corridor Overlay Area is stated in the Adam Tas Corridor Local Spatial Development Framework, prepared in

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

(5) Core components of the Adam Tas Corridor Local Spatial Development Framework which informs the development parameters in this Chapter, its extent and distribution across the area, take-up, phasing, and form, are the:

(a) Development Principles.

(b) Policy framework.

(c) Area-wide Development Framework, including the identification of precincts, a mix of uses (including the compulsory provision of inclusionary housing), and development yields permitted.

(d) Area-wide Services Framework, including the progressive extent of development permitted with respect to bulk infrastructure provision/ investment triggered by such development.

(e) Area-wide Development Guidelines.

(f) The hierarchical process of plan preparation and approval - the "package of plans" - is required for precincts and parts of precincts which follows the focus and format of the Development Framework in subsection (6) below.

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

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

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

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

(8) At the discretion of the Municipality, and subject to meeting the overall intent for the Adam Tas Corridor Overlay Area, floor area associated with the preservation of historic buildings, historic structures, and inclusionary housing, may be excluded from the overall floor area permitted.

(9) With cognisance to the general purpose of a specific building or structure, its specific location and built environment context - including the general townscape, historic features, view lines, and the amenity of adjoining development - no building or structure in the Adam Tas Corridor Overlay Area shall exceed a height of six (6) storeys.

(10) The following land uses are permitted in the Adam Tas Corridor Local Area Overlay zone:

PRIMARY USES (Applicable to the ATC Overlay Zone)		**CONSENT USES** (Applicable to the ATC Overlay Zone and current Base Zones – no consent use application required)	
Ancillary uses	Rooftop base tele-communication station	Natural environment/ Nature area	Public and private open space
Adult entertainment business	Employee housing	Occasional use	Public parking area
Apartment/flat	Shopping centre	Office	Public place
Builder's yard	Escort agency	Outdoor sport	Public road
Authority use	Transport purposes (goods)	Parking bay/parking garage	Railway use
Filling station/service station	Extramural facility	Place of assembly	Restaurant
Backpacker establishment	Warehouse	Place of education	Service trade
Freestanding base telecommunication station	Function venue/place of entertainment/ tourist facilities	Place of entertainment	Shop
Business premises	Parking garage	Plant nursery	Tertiary educational institution
Funeral parlour	Heritage resource	Postal agency	Training centre
Church/place of worship	Hostel	Private outdoor space	Transport purposes (passengers)
Gambling place	Hotel	Private road	Utility installation
Clinic	Indoor sport	Proclaimed road	Wellness centre
Helicopter landing pad	Industry	Professional service	Welfare institution
Clubhouse	Liquor store	Public institution	
Hospital	Loading bay		
Commercial gymnasium	Market		
Motor vehicle fitment centre	Medical consulting rooms		
Commercial services	Museum		
Motor vehicle repair centre			
Community residential building			
Motor showroom			
Commune			
Old age home			
Conference facility			
Renewable energy installation			
Day care centre			

Note to table: The ATC overlay zone establishes an additional layer of inherent primary and consent use rights as listed in above Table to facilitate development. The consent uses, listed in the Table above, may also be applied to the existing use rights of the base zonings and uptake of these rights, also does not require the submission of a consent use application. An overlay zone does not automatically change the base zone of the properties to which it relates, and the existing use rights of the base zone will remain applicable and in force up until the use rights of the overlay zone is exercised. The use rights of the overlay zone may be exercised in accordance with the approval of a site development plan and/ or a building plan, after satisfying any related performance criteria like development parameters, infrastructure requirements and the payment of development charges.

(11) The Municipality will follow a package of plans approach as the basis for approvals in respect of the Adam Tas Corridor Overlay Zone.

(12) The package of plans consists of the following components, listed in a hierarchy from higher-order to lower-order plans:

a) Contextual Framework.

b) Development Framework.

c) Precinct Plan.

d) Subdivision Plans.

e) Site Development Plans.

f) Building Plans.

(13) The Municipality will issue detailed specifications related to the focus, subject matter, and format of components of the package of plans for the Adam Tas Corridor Overlay Area from time to time.

(14) General provisions of the package of plans are that:

a) Lower-order plans must follow higher-order plans.

b) The Municipality may deem the description of the Adam Tas Corridor Overlay Area contained in the approved Municipal Spatial Development Framework as the Contextual Framework for the area.

c) The Municipality may deem the description and associated development parameters of the Adam Tas Corridor Overlay Area contained in the approved Adam Tas Local Corridor Local Spatial Development Framework as the area-wide Development Framework for the area.

d) Bulk allocated to a Precinct Plan area remains "floating" across the precinct - within the overall intent for the Adam Tas Corridor Overlay Area as stated in the Adam Tas Corridor Local Spatial Development Framework and area-wide Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.

e) Unless otherwise stated in this Chapter, no development may commence on site unless the necessary hierarchy of plans has been submitted and approved by the Municipality.

f) A specific plan - at any level in the hierarchy - shall only lapse if replaced by a new approved plan.

g) The Municipality is the approving authority of any level of plan and may require amendments of plans under preparation to address reasonable concerns related to the overall vision, strategic goals, and planning of the area.

(15) Upon approval of a Precinct Plan for each of the precincts constituting the Adam Tas Corridor Overlay Area, and with cognisance to the development guidelines contained in the Adam Tas Corridor Local Spatial Development and the area-wide Development Framework for the area, the Municipality shall impose conditions of approval which will specify additional development parameters for the precinct, including, but not limited to:

a) Site coverage, height, and massing of buildings.

b) The relationship between buildings, streets, and spaces.

c) The management of environmental resources.

d) The provision of Inclusionary Housing.

e) The general response to, incorporation, and management of aspects of heritage and culture.

f) Parking, and access.

g) Engineering services provision.

(16) The application and calculation of Development Charges (DCs) for the enhanced rights as per subsection (6) for these developments, will be subject to the Stellenbosch Municipality's DC Policy and DC Tariffs, as approved annually by Council.

(17) Road reserve widths for public roads that include non-motorized transport, pedestrian walkways, cycle routes and public transport routes within the Adam Tas Corridor will be a minimum of 16m wide. The development of traffic impact assessments and the Adam Tas Transport Study will propose and inform on road reserve widths.

(18) Final Road Reserve widths will be determined by the Municipality's Infrastructure Services in collaboration with the Planning Department.

(19) Non-motorized transport and public transport in the overlay zone must be promoted.

(20) The Adam Tas Transport Study currently underway will inform and provide guidance to the Municipality on all transport-related aspects which must be taken into account in the preparation of all precinct plans.

(21) The new residential or mixed-use development which includes 20 dwelling units or more, must contain a minimum of 30% of the total units to be targeted at affordable housing on-site (also referred to as inclusionary housing units), falling within the affordability thresholds for rental or ownership.

(22) These inclusionary housing units must be provided on-site as part of the market-related development i.e., in the same building or on the same land parcel and should be spread throughout the development as indicated on the approved precinct site development plan.

(23) Residents of the inclusionary housing units must have indiscriminate access to all entrances and amenities of the development; and -

a) The inclusionary housing units are not intended for community residential buildings, communes, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and exclude any of the land uses associated with transient guests (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)

b) The target market for beneficiation should benefit employed households (excl. students) earning stable incomes that fall within the affordability threshold as defined in subsection (24) below.

(24) The inclusionary housing units will be reserved for qualifying recipients with a total combined annual gross monthly household income from R3 500 to R27 200 (Financial Services Charter Measure, 2022 rates (updated yearly)).

a) Monthly rent or repayments may not be more than 30% of the total monthly household income for renters and 30-35% for homeowners;

b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by Stats SA.

(25) The conditions of affordable housing which relate to the inclusionary housing units must be in place for not less than 30 years using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development, or until repealed by a Council resolution.

a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition, as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.

b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and that the units as allocated remain available to the intended income group; or

c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.

d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction takes place.

(26) The developer or managing agent (HOA or Body Corporate) must provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually. The entities should also ensure that the affordability preservation and any other requirements as agreed in the inclusionary housing agreements as part of the planning permission are stipulated in the constitution of these bodies.

(27) If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

(28) In addressing parking, landowners should consider:

a) The intent expressed in the Adam Tas Corridor Local Development Framework and area-wide Development Framework is to pursue an environment prioritising public and non-motorised transport.

b) The reality of having to accommodate parking – serving Stellenbosch town and the Adam Tas Corridor Overlay Area – while expecting to progress towards lower private motor vehicle dependence and use over time; this, in turn, requires innovative transitory arrangements, including the provision of parking in a form that allows for easy conversion to other uses in the future.

c) Centralised parking facilities, delinking the provision of parking from the specific entity served.

(29) With cognisance to the intent expressed in the development guidelines contained in the Adam Tas Corridor Local Spatial Development Framework, its core components, and the development parameters contained in this Chapter, it is anticipated that the Municipality, landowners, and other stakeholders will enter into formal agreements from time to time to further inform the manner in which the overall development intent for the Adam Tas Corridor Overlay Area is to be achieved and to affirm the varied commitments and responsibilities of landowners and stakeholders. These agreements may include inter alia:

a) Shared responsibility related to the provision of infrastructure services and the phasing of infrastructure, including the extent and use of development contributions.

b) Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).

c) Shared responsibility related to the formation and operation of institutional arrangements established in support of the Adam Tas Corridor Overlay Area.

d) Landowner and shared responsibility related to the provision of inclusionary housing.

e) Shared responsibility related to undertaking environmental remediation work.

f) Shared responsibility related to the provision and operation of public facilities.

(30) To enable the coordination demanded to achieve the stated overall intent for the Adam Tas Corridor Overlay Area between landowners, the Municipality, and other stakeholders. The Municipality and landowners will establish and maintain dedicated Institutional Mechanisms to support the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Adam Tas Corridor Local Spatial Development

Framework and contained in this Chapter.

(31) The Institutional mechanism referred to in subsection (29) above will be established within three (3) months after the proclamation of the Adam Tas Overlay Zone and according to a structure with Terms of Reference as approved by the Council. The Institutional Mechanism will include the establishment of a Project Management Unit ("PMU") that will assist the Municipality with the implementation of the Adam Tas Corridor.

(32) The purpose, composition and functioning of the Institutional Mechanism will be described in the Terms of Reference as approved by the Council and may be amended from time to time.

(33) Public participation related to the Adam Tas Corridor Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning By- law, 2015 shall occur:

a) Prior to the adoption of the Adam Tas Corridor Local Spatial Development Framework and establishment of the Adam Tas Corridor Local Area Overlay zone.

b) At the review of the Adam Tas Corridor Local Spatial Development Framework (and resultant- if demanded through the review- amendment of the Overlay zone).

c) When a departure from the provisions of the Adam Tas Corridor Local Area Overlay zone is applied for.

(34) As part of the dedicated Institutional Mechanisms contemplated in subsections (29-33) above, detailed arrangements will be agreed to related to addressing possible disputes between landowners, their agents, and proponents of individual development projects in the Adam Tas Corridor Overlay Area.

(35) The Municipality may consider lead projects to commence development of the Adam Tas Corridor Overlay Area - prior to completion and adoption of Precinct Plans - if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future roll-out of development in the area.

(36) Lead projects - taken together- should encompass a balanced package of interventions and reflect the future of the area as a vibrant, mixed-use living and working environment serving a range of interests and income groups.

(37) No application for building plan approval in terms of the National Building Regulations and Building Standards Act 103 of 1977 (as amended) or a lead project shall be granted by the Municipality unless a Site Development Plan has first been approved.

(38) As it is expected that the development of the Adam Tas Corridor Overlay Area will take place over a lengthy period, the Municipality may consider interim uses for parts of the area, ensuring fruitful use of existing land and building resources, meeting community needs, and assisting in project learning.

(39) In considering interim uses other than that permitted in terms of the base zoning of the Adam Tas Corridor Overlay Area, the Municipality may require the submission of a Site Development Plan for approval.

(40) To address issues of nuisance and safety the following restrictions apply to the Adam Tas Corridor Overlay Area:

a. No building shall be used for the manufacture, storage, distribution, or sale of any product or item which increases the fire hazard to any other improvement or property in the environment.

b. No business shall be permitted which constitutes a nuisance by the emission of smoke, gases, and effluvia, which could reasonably be expected to be injurious to products or persons in the Adam Tas Corridor Overlay Area.

c. The storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted.

d. The storage of explosives shall not be permitted in the Adam Tas Corridor Overlay Area.