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LAND USE MANAGEMENT

Information Guideline on Land Use Rights for

HOUSE SHOPS

November 2024

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LAND USE MANAGEMENT

The **LAND USE MANAGEMENT (LUM)** Office forms part of the **Development Management Department** in the **Directorate Planning and Economic Development** (PED). We are responsible for land use management and must ensure that land is developed in a desirable and sustainable way by upholding the Stellenbosch Municipality: **Land Use Planning Bylaw** and the Stellenbosch Municipality: **Zoning Scheme Bylaw** as well as any related town planning and land use management policies and guidelines to ensure a quality living environment with opportunities that addresses the needs and aspirations of all the communities.

BUSINESS LICENSE APPLICATIONS

A business license is required in terms of the Business Act of 1991 to operate a business such as a spaza shop or house shop. Business license applications are administered by the **ECONOMIC DEVELOPMENT DEPARTMENT** in the **Directorate Planning and Economic Development** (PED). Carmen Saville must be contacted for collection and submission of application forms on the **2nd Floor NPK Building** Cnr Plein and Ryneveld Street, Stellenbosch or on 021 808 8151 or Carmen.Saville@stellenbosch.gov.za. For general inquiries about house shops, this office can be contacted.

Before deciding on an application, the department must have proof that the land use rights to operate a spaza shop or house shop has been obtained. The Zoning Scheme By-law regulates land use rights, permissions and development parameters and is binding on every landowner, and every user of land. Every property in the Municipal area is assigned a zoning that allows for specific land use rights. As part of your business license application, you are required to provide proof that the appropriate land use rights for a home shop have been obtained and therefore a zoning certificate must be attached. The purpose of a zoning certificate is to provide proof of the land use rights approved on the property/land unit. Such proof may also be a copy of the land use approval letter.

It is important to know that the zoning certificate will only indicate the zoning of the property and will not give you the rights to operate a house shop.

THE ZONING SCHEME

The Zoning Scheme Bylaw define a "house shop" as follows:

"house shop" (huiswinkel) means the use of a portion of a dwelling house, second dwelling and/or outbuildings as a shop for the sale of everyday convenience products, provided that:

a) the scale of any one building so used shall not exceed that of a normal dwelling house which would ordinarily accommodate one family; and

b) the primary use of the land unit shall remain the residence of the proprietor of the establishment and his or her family if applicable, and

c) the proprietor of the establishment shall be the resident during the period when the activity is undertaken, although he/she may be absent for holidays for periods not exceeding 30 consecutive days during which the activity may be conducted by an employee;

and "spaza shop" has a corresponding meaning.

"**proprietor**" (eienaar) in relation to establishments for home occupation, home lodging, home day care, bed- and breakfast, house shop, house tavern or any other business means the natural person who ultimately benefits from the enterprise; also see "operator"

"**operator**" (operateur) in the context of any business other than a home enterprise, is the person who is the owner of the business or the appointed manager responsible for the day-to-day management of the enterprise.

No person may commence, continue, or cause the commencement or continuation of, land development including operating a house shop, without the approval of the Municipality. The **landowner** or his or her agent may apply to the Municipality to acquire the land use right to operate a house shop.

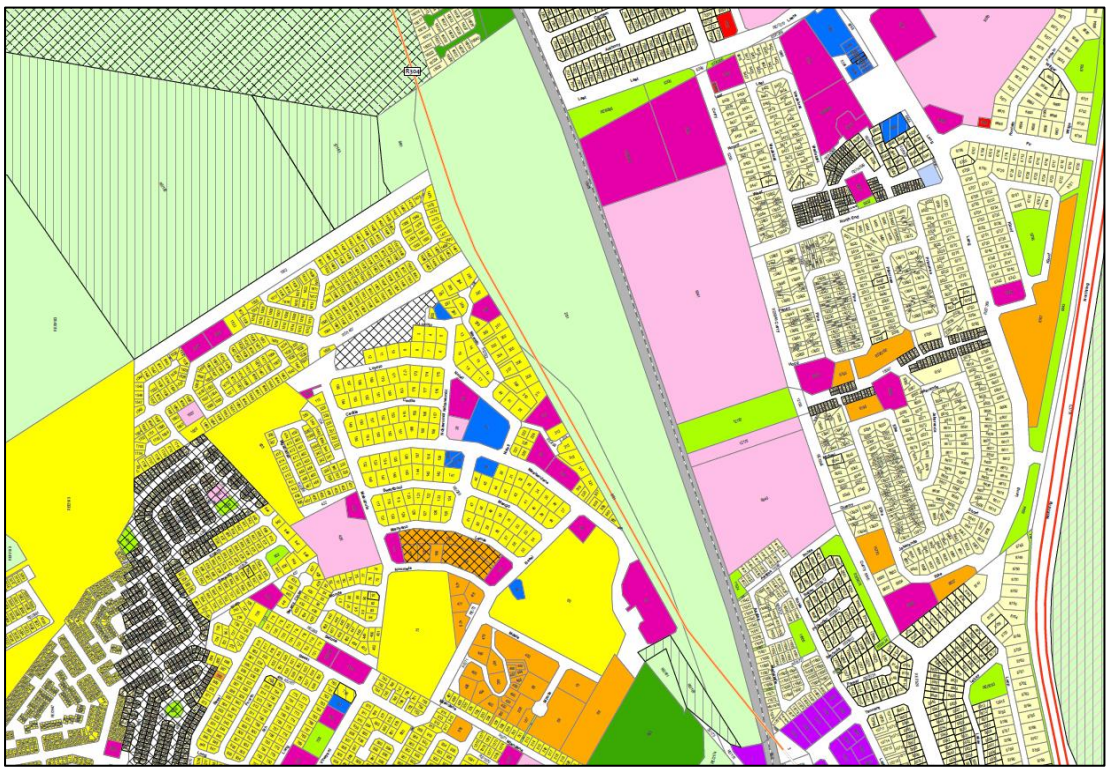
The **Zoning Scheme Map** indicates the base zoning of properties. The different zones are depicted in different colours. Take note of the different areas for Conventional Residential & Less Formal Residential zones in the maps below.

Operating a house shop in the **Less Formal Residential Zone** is a primary right. A consent use approval is required to operate a house shop in the **Conventional Residential Zone**.

Maps are included below for ease of reference. For more detail on specific properties, the Public GIS Viewer can be consulted on the link provided Citymaps Public GIS Viewer OR https://experience.arcgis.com/experience/b22e3950771444e48542edaf4a1afdce/page/Main-Map/



Kayamandi & Cloetesville



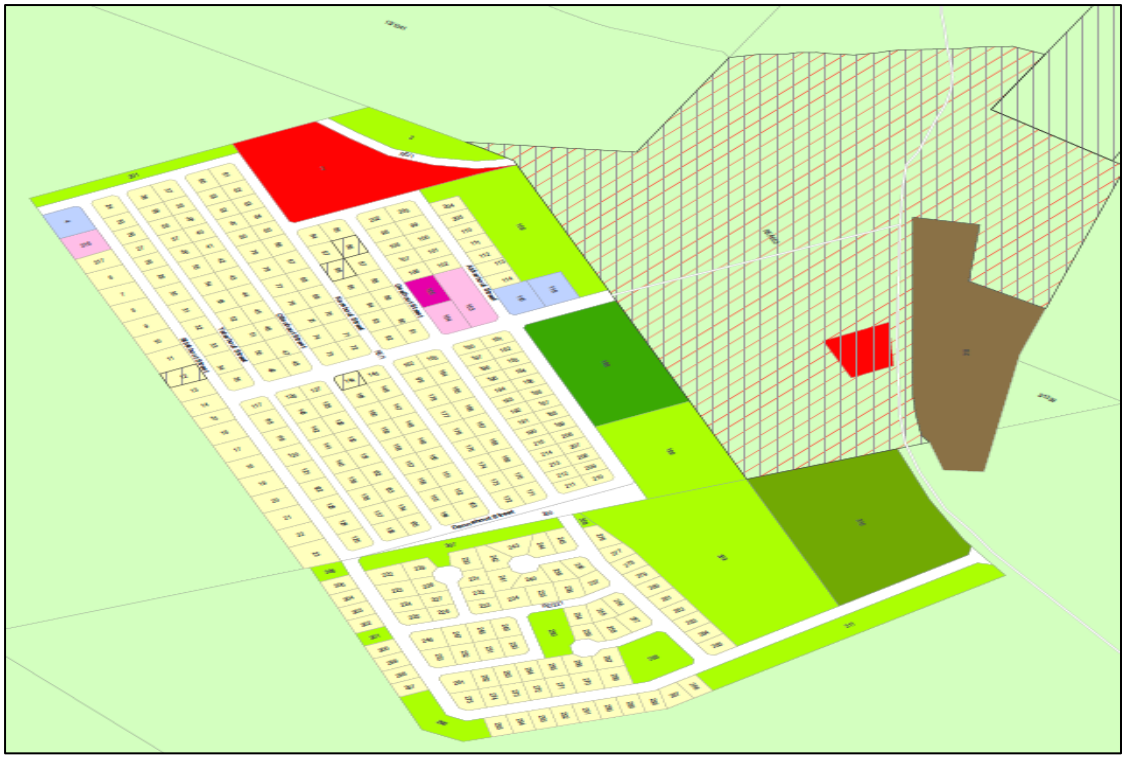
Idasvalley



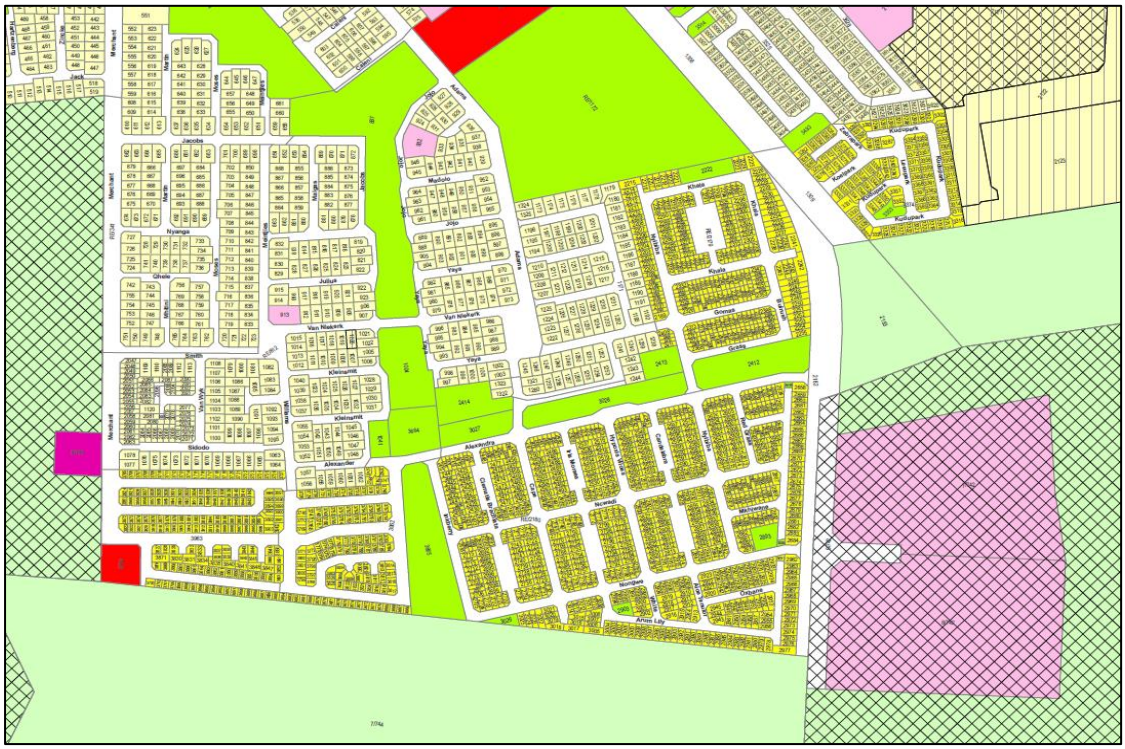
Kylemore



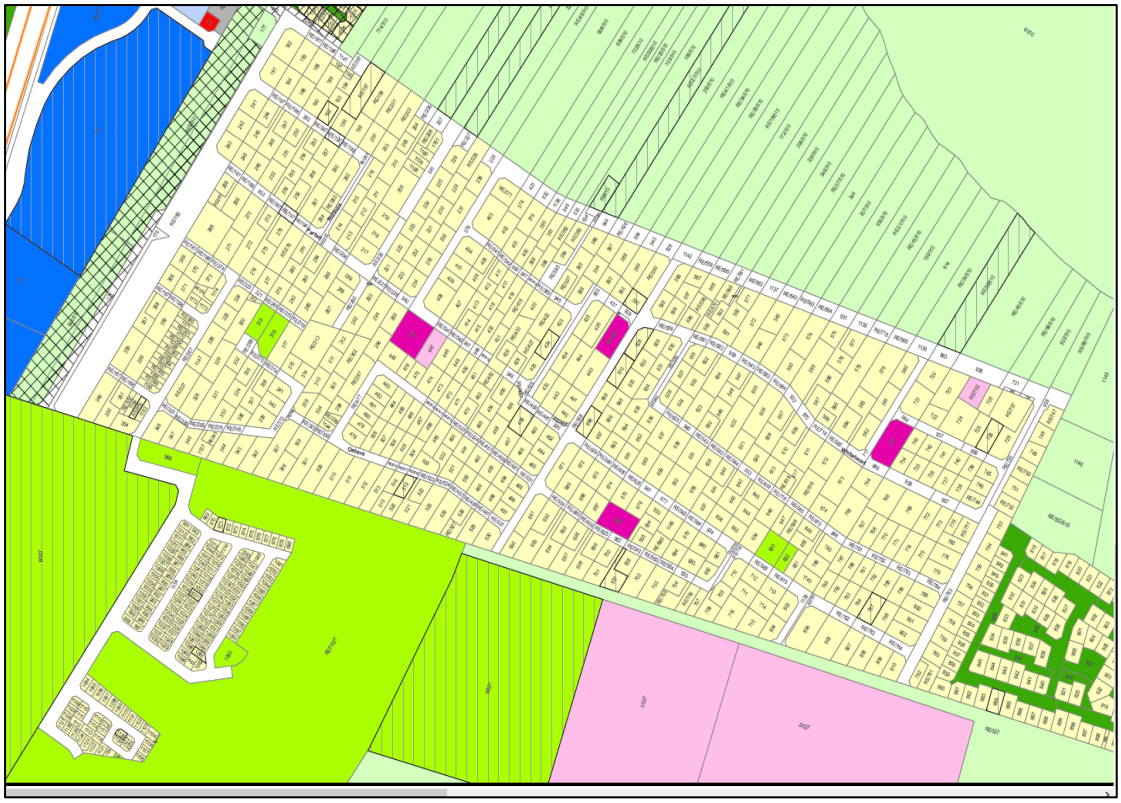
La Motte



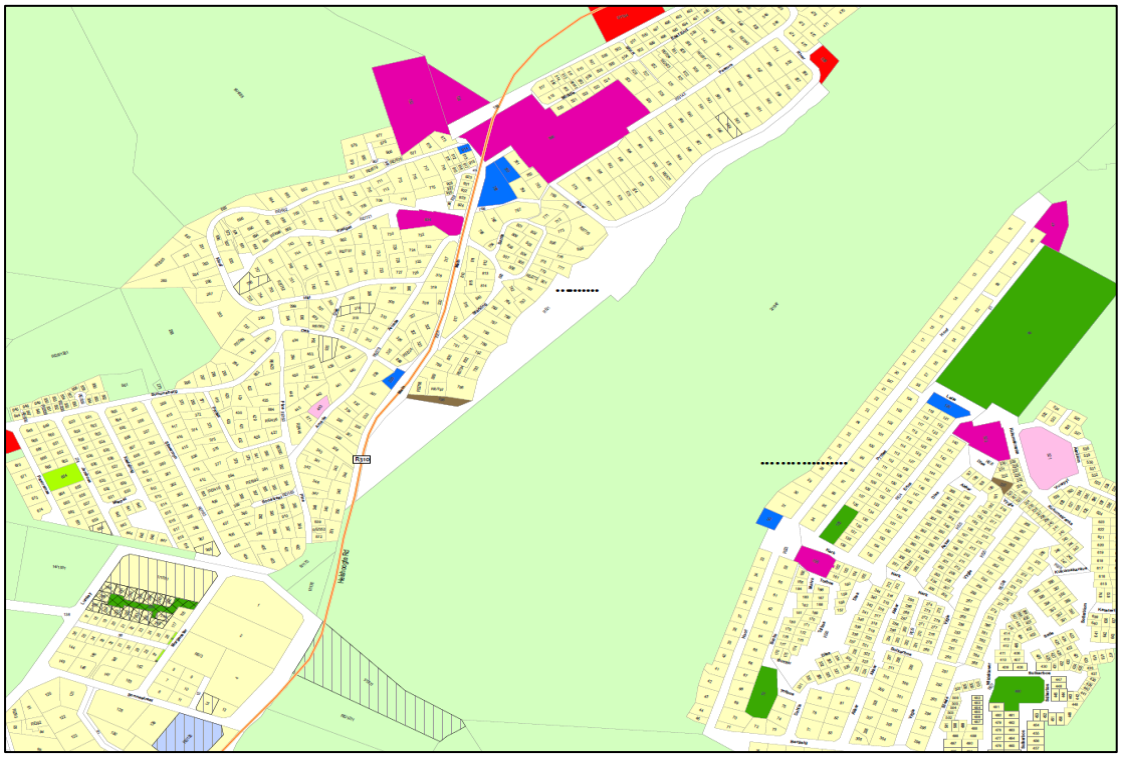
Klapmuts



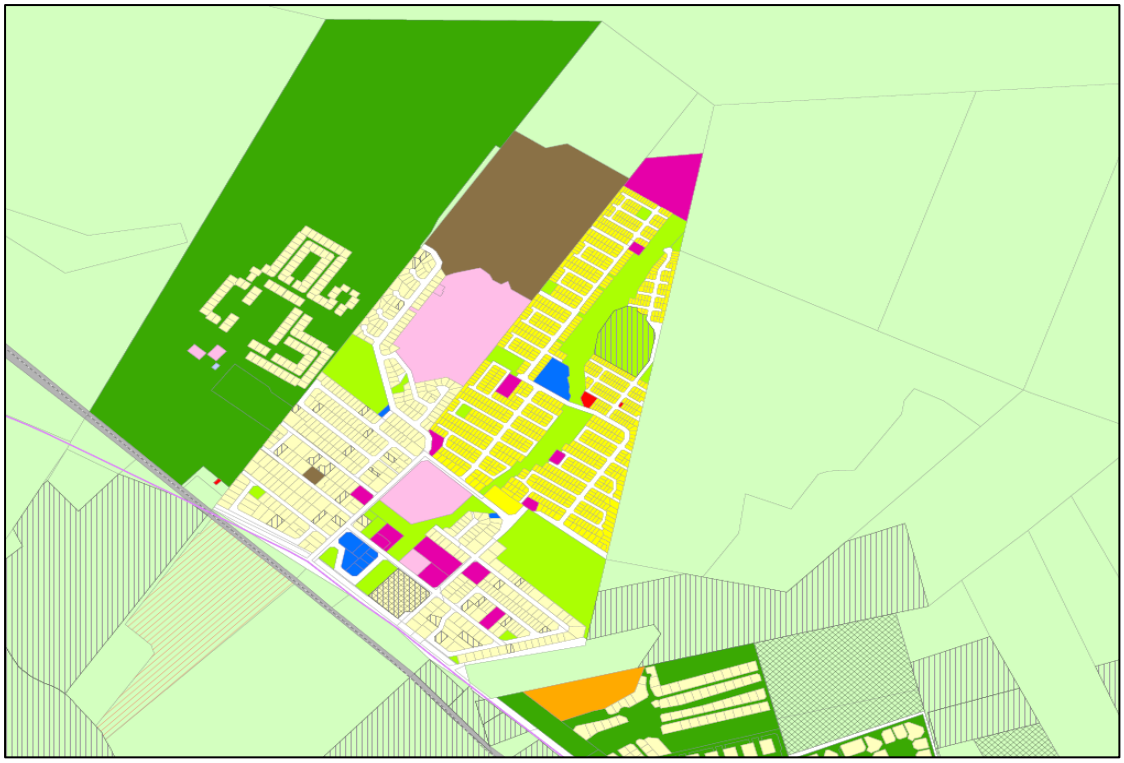
Jamestown



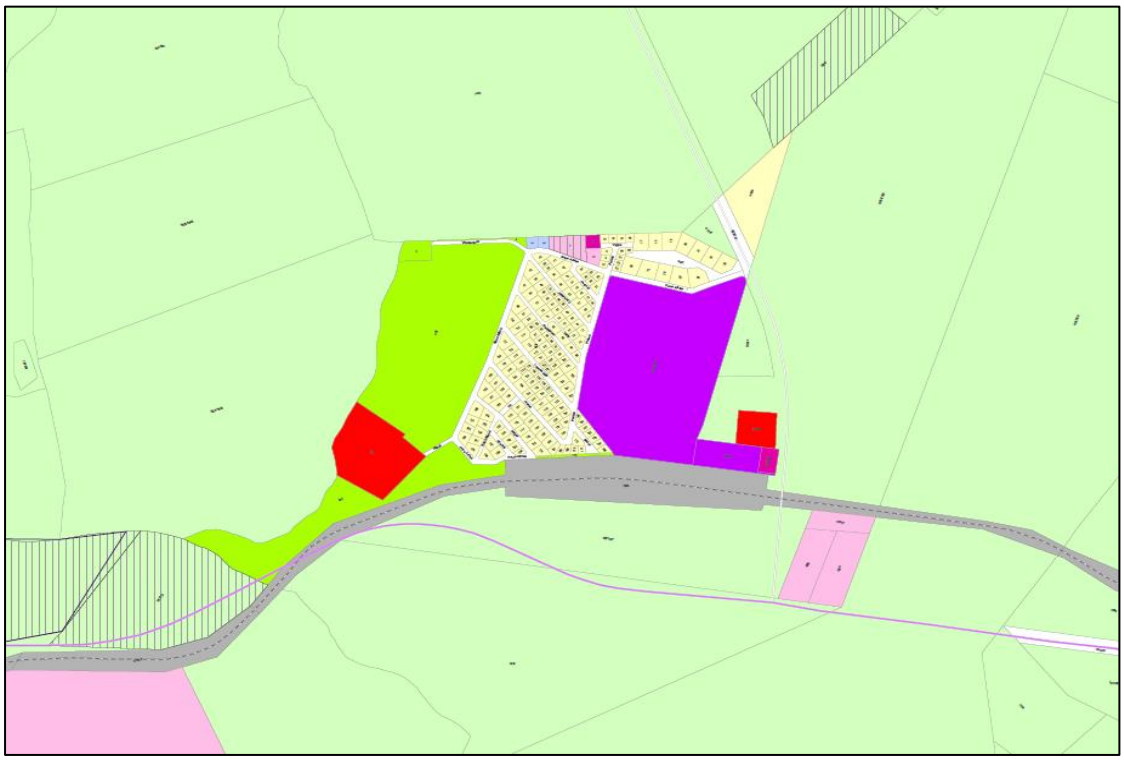
Pniel, Johannesdal & Lanquedoc



Mooiwater, Groendal



Wemmershoek



HOUSESHOPS IN LESS FORMAL RESIDENTIAL ZONE

Operating a house shop in the **Less Formal Residential Zone** is a primary right.

LESS FORMAL RESIDENTIAL ZONE		
Primary Use	**Additional Use**	**Consent Use**
House Shop		

The purpose of this zone is to make provision for:

- the use of land for informal and/or subsidised housing, as well as group housing where more than one dwelling house may be permitted on the same cadastral land unit;
- settlement of people in an informal manner for emergency purposes;
- incremental upgrading of informal settlements;
- 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;
- the stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas;
- the Municipality to take the necessary steps needed to exempt the National Building Regulations from applying in this zone.

Section 66(17) of the Zoning Scheme Bylaw stipulates that for a house shop in this zone, the following parameters shall apply:

a) the serving counter of the house shop shall be set back at least 1,5 meters from the street boundary or street as defined by the Municipality if no subdivision has taken place, to allow enough 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 proprietor 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 08:00 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.

A house shop must comply with the following conditions in Section 66 of the Zoning Scheme Bylaw.

1. A technical approval is not required for a house shop in a dwelling house or second dwelling house in this zone provided that all the applicable parameters in this section are complied with. Any deviation from these parameters requires a technical approval application to be submitted.
2. The proprietor of an additional use activity shall reside on the land unit from which the additional use activity is conducted, and the dominant use of the property shall remain the proprietor's residence.
3. Apart from a second dwelling and home lodging combined, no more than one of the following uses may be conducted from the land unit at any given time: home day care, home occupation, bed and breakfast and house shop.
4. A proprietor of home business 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 home business use is conducted from the same dwelling in which the proprietor resides, a family, other than the proprietor's family, may be accommodated in the other dwelling unit on the land unit.
5. The nature of any alterations to accommodate an additional use to the dwelling house shall be such that the building can at any time revert to its use as a normal dwelling house.
6. The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.
7. The additional use 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, home business 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 road or an excessive increase in the number and frequency of visitors to the property so as to be a nuisance.
9. 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 additional use activity or for remuneration.
10. No more than one vehicle not exceeding 3500kg may be used in connection with the activity and may be stored on the land unit.
11. All relevant safety, health and fire regulations shall be complied with.

HOUSESHOPS IN CONVENTIONAL RESIDENTIAL ZONE

A consent use approval is required to operate a house shop in the **Conventional Residential Zone**.

CONVENTIONAL RESIDENTIAL ZONE		
Primary Use	**Additional Use**	**Consent Use**
Dwelling House		**House Shop**

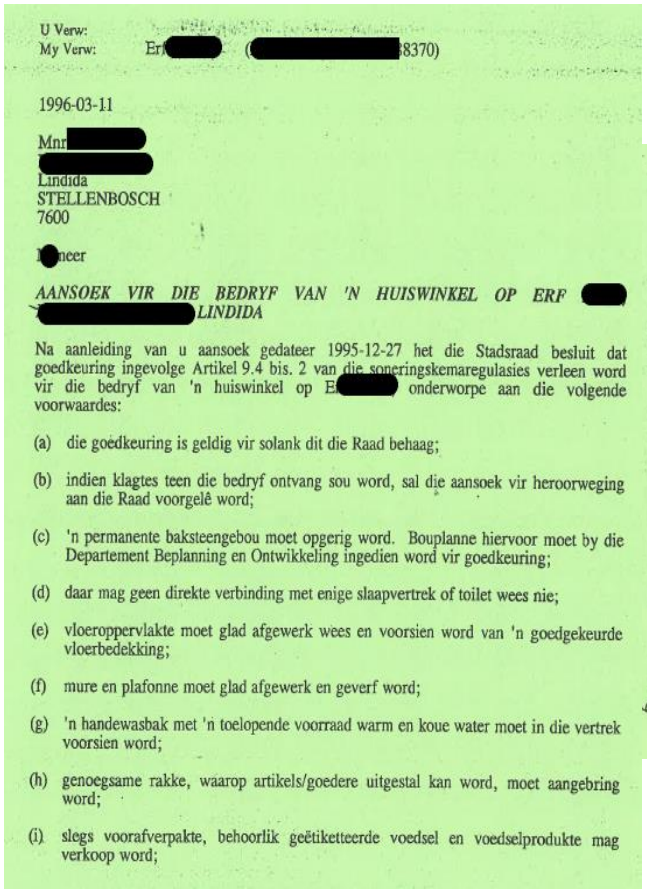
The purpose of this zone is to make provision for:

- The use of land for the purposes of predominantly single dwelling houses;
- 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;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses; and

- Moderate densification through additional dwellings of with a similar built form and character.

A land use application for a consent use is a prescribed statutory process which may require public participation and may be subject to appeals. A land use application must therefore be launched timeously to be finalised prior to operating a house shop. Refer to the section below on Land Use Applications for more details on the application process to be followed to obtain the land use rights to operate a house shop.

If a land use approval has been granted in the past, the owner of the land should be in position of a decision letter. If the landowner has a copy of such a letter, it may be attached to the business license application as proof of the land use right to operate a house shop. Examples of such letters issued by the Municipality is included as reference.



U Verw:
My Verw: Er[redacted] ([redacted]8370)

1996-03-11

Mnr[redacted]
[redacted]
Lindida
STELLENBOSCH
7600

[redacted]neer

AANSOEK VIR DIE BEDRYF VAN 'N HUISWINKEL OP ERF [redacted] LINDIDA

Na aanleiding van u aansoek gedateer 1995-12-27 het die Stadsraad besluit dat goedkeuring ingevolge Artikel 9.4 bis. 2 van die soneringskemaregulasies verleen word vir die bedryf van 'n huiswinkel op E[redacted] onderworpe aan die volgende voorwaardes:

(a) die goedkeuring is geldig vir solank dit die Raad behaag;

(b) indien klagtes teen die bedryf ontvang sou word, sal die aansoek vir heroorweging aan die Raad voorgelê word;

(c) 'n permanente baksteengebou moet opgerig word. Bouplanne hiervoor moet by die Departement Beplanning en Ontwikkeling ingedien word vir goedkeuring;

(d) daar mag geen direkte verbinding met enige slaapvertrek of toilet wees nie;

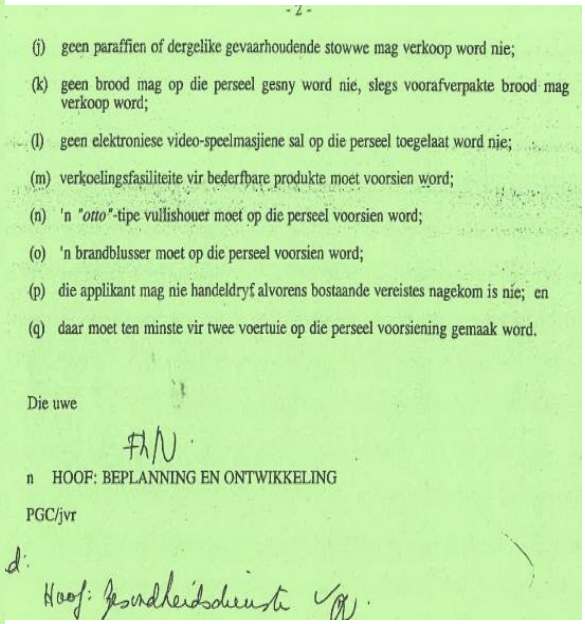
(e) vloeroppervlakte moet glad afgewerk wees en voorsien word van 'n goedgekeurde vloerbedekking;

(f) mure en plafonne moet glad afgewerk en geverf word;

(g) 'n handewasbak met 'n toelopende voorraad warm en koue water moet in die vertrek voorsien word;

(h) genoegsame rakke, waarop artikels/goedere uitgestal kan word, moet aangebring word;

(i) slegs voorafverpakte, behoorlik geëtiketteerde voedsel en voedselprodukte mag verkoop word;



-2-

(j) geen paraffien of dergelike gevaarhoudende stowwe mag verkoop word nie;

(k) geen brood mag op die perseel gesny word nie, slegs voorafverpakte brood mag verkoop word;

(l) geen elektroniese video-speelmasjiene sal op die perseel toegelaat word nie;

(m) verkoelingsfasiliteite vir bederfbare produkte moet voorsien word;

(n) 'n *"otto"*-tipe vullishouer moet op die perseel voorsien word;

(o) 'n brandblusser moet op die perseel voorsien word;

(p) die applikant mag nie handeldryf alvorens bostaande vereistes nagekom is nie; en

(q) daar moet ten minste vir twee voertuie op die perseel voorsiening gemaak word.

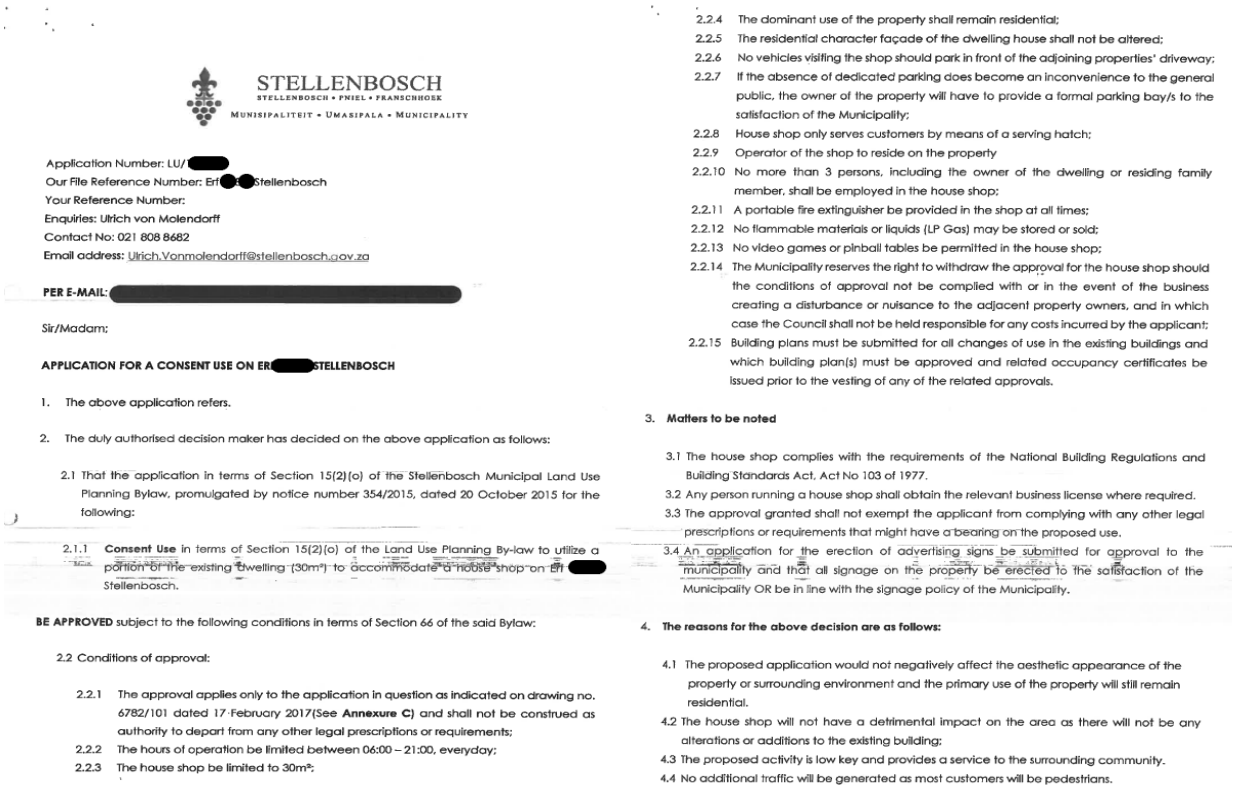
Die uwe

FH/N

n HOOF: BEPLANNING EN ONTWIKKELING

PGC/jvr

d: Hoof: Gesondheidsdienste vgl.



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Application Number: LU/[redacted]
Our File Reference Number: Erf[redacted]Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir/Madam:

APPLICATION FOR A CONSENT USE ON ER[redacted]STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
   2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the following:
   2.1.1 **Consent Use** in terms of Section 15(2)(o) of the Land Use Planning By-law to utilize a portion of the existing dwelling (30m²) to accommodate a house shop on Erf [redacted] Stellenbosch.

BE APPROVED subject to the following conditions in terms of Section 66 of the said Bylaw:

2.2 Conditions of approval:

2.2.1 The approval applies only to the application in question as indicated on drawing no. 6782/101 dated 17 February 2017(See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements;
2.2.2 The hours of operation be limited between 06:00 – 21:00, everyday;
2.2.3 The house shop be limited to 30m²;
2.2.4 The dominant use of the property shall remain residential;
2.2.5 The residential character façade of the dwelling house shall not be altered;
2.2.6 No vehicles visiting the shop should park in front of the adjoining properties' driveway;
2.2.7 If the absence of dedicated parking does become an inconvenience to the general public, the owner of the property will have to provide a formal parking bay/s to the satisfaction of the Municipality;
2.2.8 House shop only serves customers by means of a serving hatch;
2.2.9 Operator of the shop to reside on the property
2.2.10 No more than 3 persons, including the owner of the dwelling or residing family member, shall be employed in the house shop;
2.2.11 A portable fire extinguisher be provided in the shop at all times;
2.2.12 No flammable materials or liquids (LP Gas) may be stored or sold;
2.2.13 No video games or pinball tables be permitted in the house shop;
2.2.14 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners, and in which case the Council shall not be held responsible for any costs incurred by the applicant;
2.2.15 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

3. **Matters to be noted**

3.1 The house shop complies with the requirements of the National Building Regulations and Building Standards Act, Act No 103 of 1977.
3.2 Any person running a house shop shall obtain the relevant business license where required.
3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
3.4 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.

4. **The reasons for the above decision are as follows:**

4.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential.
4.2 The house shop will not have a detrimental impact on the area as there will not be any alterations or additions to the existing building;
4.3 The proposed activity is low key and provides a service to the surrounding community.
4.4 No additional traffic will be generated as most customers will be pedestrians.

ZONING CERTIFICATES

The LUM Office can be contacted for a zoning certificate to confirm the zoning category and land use rights of a property. The **Zoning Certificate Request** form is available on the Planning Portal at Land Use Planning Application Forms – Stellenbosch Municipality / https://stellenbosch.gov.za/land-use-planning-forms/?cp_133=2

Annecke Hardouin can be contacted for a hard copy of the application form and for the submission therefore on the **1st Floor NPK Building** Cnr Plein and Ryneveld Street, Stellenbosch or on 021 808 8606 or landuse.enquiries@stellenbosch.gov.za. The application fee of R580 (2024/25) is payable on receipt of an invoice and reference number. The average timeframe for the issuing of certificates is 2-3 weeks, depending on the complexity of the development history of the property.

It is important to know that the zoning certificate will only indicate the zoning of the property and will not give you the rights to operate a house shop.

LAND USE APPLICATIONS

The **Land Use Application** form is available on the Planning Portal at https://stellenbosch.gov.za/land-use-planning-forms/. For the submission of your first application, you need to register first on the AFLA Portal. We recommend that the AFLA Portal is used with the Google Chrome web browser. An application for a consent use must be submitted along with the required information on the Town Planning Application Management System (TPAMS) at https://citymaps.stellenbosch.gov.za/aflaportal/home.

Hard copies of the application form can be obtained from the LUM Office on the **1st Floor NPK Building** Cnr Plein and Ryneveld Street, Stellenbosch. The complete application form along with the required information can be submitted via email to landuse.applications@stellenbosch.gov.za or in hard copy to the LUM Office should you not be able to submit it electronically on the AFLA Portal or via email.

The applicable fee of R220 for a consent use (2024/25) is payable at the cashier and proof of payment must be attached to the application. The process for land use applications is prescribed by legislation which may require public participation and is subject to an appeal period. Such an application must therefore be submitted in good time. The average timeframe for the finalisation of consent use applications is 3-6 months, depending on the complexity of the application.

For more information on Land Use Management and related function, services and application processes refer to the LUM Client Service Charter available at the Planning Portal at https://stellenbosch.gov.za/download/land-use-management-client-charter/.

CONTACT DETAILS

Planning Portal – Stellenbosch Municipality	**https://www.stellenbosch.gov.za/planning-portal/**
Manager: Land Use Management	Chrizelle.Kriel@stellenbosch.gov.za 021 – 808 8660
Customer Care	021 – 808 8606
For **any general enquiries** relating to land use management or town planning and the processing / status of applications and a request for a zoning certificate	landuse.enquiries@stellenbosch.gov.za 021- 808 8606
For the **submission of pre-application scrutiny forms and requests** for an exemption certificate	landuse.applications@stellenbosch.gov.za 021 – 808 8690
For the submission of **land use complaints** or any related enquiries	zoning.violations@stellenbosch.gov.za 021 – 808 8688
For the submission of all land use management applications	https://citymaps.stellenbosch.gov.za/aflaportal/home For the submission of your first application, you need to Register first. We recommend that the AFLA Portal is used with the Google Chrome web browser.

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