STELLENBOSCH MUNICIPALITY
Final Draft Zoning Scheme Bylaw 2026

To regulate and control municipal zoning.

PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the executive authority and right to administer local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS Part B of Schedule 4 to the Constitution lists municipal planning as a local government matter;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS Parliament has enacted the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Provincial Legislature has enacted the Land Use Planning Act (Act 3 of 2014), which among other things set out development principles which apply to all organs of state responsible for the implementation of legislation regulating the use and development of land;

NOW THEREFORE Stellenbosch Municipality has adopted this By-law.

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GENERAL

CHAPTER 1
INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) has the meaning assigned to it in that Act and——

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

"antenna" means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

"**accommodation room**" means a single functional room that primarily serves as an accommodation space in an establishment for tourist-, lodger- or student accommodation with essential amenities that may include an integrated seating and/ or working space with desk, beverage preparation station and an en-suite bathroom, but does not include a kitchen or kitchenette.

"**accommodation suite**" means a suite that does not constitute a dwelling unit and serves as an accommodation space in an establishment for tourist-, lodger- or student accommodation that is more suited for families and / or longer stays and may include versatile and separate living and sleeping areas with added features like a kitchenette that permits self-catering.

"alteration" means any action changing or amending the structure, appearance or physical properties of a building or land, whether by way of structural or other works, or a change of the use of that land;

"applicant" means a person who makes application in terms of the Planning By-law;

"atrium" means a covered courtyard that—
(a) comprises a void within a building that extends for one or more floors in height that contains a floor and roof or ceiling; and
(b) does not contain floors that penetrate into the void;

"balcony" means a floor projecting outside a building at a level higher than that of the ground floor, enclosed only by low walls or railings or by containing walls of rooms abutting the projecting floor, and may include a roof over the projecting floor and pillars supporting the roof;

"bar" refer to definition of pub;

"base zone" means the zone that determines the lawful land use and development parameters for a land unit in terms of this zoning scheme, before the application of any overlay zone;

"basement" means that portion of a building with a ceiling level which does not protrude more than one metre at any point above natural ground level excluding excavations

required for access purposes and may not include any habitable space, in which case it will not be regarded as a basement;

"beverage preparation station" means a limited counter area of no more than 0,9m² and may be equipped with a preparation bowl with maximum diameter of 30cm and a mini fridge with maximum capacity of 100 Liters but excludes any facilities and equipment for the preparation of food or dishwashing amenities.

"boundary" in relation to a land unit means one or more of the cadastral lines separating the land unit from another land unit or from a road reserve;

"boundary wall" means any wall, fence or enclosing structure erected on or directly next to a cadastral property boundary, including entrance gates and doors;

"building" without in any way limiting its ordinary meaning, includes—

(a) any structure, whether roofed or not, of a temporary or permanent nature and irrespective of the materials used in the erection thereof;
(b) an external stair, step or landing of a building and any gallery, canopy, balcony, stoep, verandah, terrace, porch or similar feature of a building;
(c) a wall or railing enclosing any feature referred to in paragraph *(b)*;
(d) any swimming pool, reservoir, bridge or subsurface structure or any other structure connected therewith; and
(e) any other portion of a building;

"building line" 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 completely or partially prohibited;

"cadastral line" means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor-General and registered in the Deeds Office;

"canopy" means a cantilevered or suspended roof, slab or covering projecting from the wall of a building, excluding the floor of a balcony;

"caravan" means a vehicle that has been equipped or converted for living and sleeping purposes and that can readily be moved;

"carport" means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

"carriageway crossing", in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to a road;

"clubhouse" means a building or portion of a building in relation to a sports and recreation centre for the specific use of people who are members of an organized activity, sport or any association to meet with the intention of socialising and may also include a lounge, restrooms, change rooms, ablution facilities, hall, restaurant which serves members, and may include a pub and a subservient shop which is associated with and limited to the particular sport;

"commercial", in relation to a use right, means a use right for the express purpose of making a profit with no or limited social or charitable objectives;

"common boundary", in relation to a property, means a boundary common with the adjoining property other than a street boundary;

"Council" means the municipal council of the Municipality;

"coverage" means the total area of a land unit that is covered by roofed buildings, expressed as either a percentage of the total erf area of the land unit, or as the footprint of the total size of roofed buildings in square meters, and includes—

(a) stairs, steps, landings, except entrance landings and steps, galleries, passages and similar features, whether internal or external; and

(b) canopies, verandas, porches, balconies, terraces and similar features provided that the following portions of buildings must be disregarded in the calculation of coverage, namely—

(i) stoeps less than 0,5m above natural ground level, entrance steps and landings;

(ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of the building;

(iii) eaves not projecting more than 1,0 metres from the wall of the building; and

(iv) a basement, provided that the basement ceiling does not project above the ground level;

"deemed zoning" means the zoning of a land unit which the Municipality deems it to have in circumstances where no formal zoning determination or rezoning was previously done;

"dominant use" means the predominant or major lawful use of a property, and may consist of primary uses, consent uses or other lawful uses permitted on the property;

"dwelling unit" means a self-contained, inter-leading group of rooms —

(a) with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used with a dwelling unit;

(b) with adequately scaled communal areas that are normally associated with the living accommodation of a functional family;

(c) does not include a cluster of predominantly sleeping rooms with limited communal areas normally associated with accommodation for communal or hostel living;

~~*(d)* does not include tourist accommodation or accommodation used as part of a hotel.~~

"eave" means a portion of a roof projecting beyond the face of a building, including any gutters;

"earth bank" means land that is shaped to hold back earth or loose rock;

"ecosystem" means a self-sustaining and self-regulating community of organisms and the interaction between the organisms with one another and with their environment;

"encroachment agreement" means an agreement between an owner and the Municipality relating to the projection of portions of a building or structure from the owner's property onto or over the Municipality's property;

"entrance steps and landings" means steps and landings to a building, including any low walls and railings, if the steps and landings are not within the main containing walls of the building;

"environmental management plan" means a plan that documents the management of site preparation, construction or operations affecting an environmental resource or an environmentally significant place, its environmental values or management requirements, or both;

"erection" in relation to a building or structure includes—

(a) the construction of a new building or structure;
(b) the alteration or conversion of, or addition to, a building or structure;
(c) the re-construction of a building or structure which has completely or partially been demolished; and
(d) includes any site clearing, site preparation, site levelling, excavations and any other preparatory work in connection with the erection of a building or structure.

"family" means—

~~*(a)*~~ one or more individuals occupying a dwelling who are related through marriage, ~~or common law~~ co-habitation, blood relationship, legal adoption, or legal guardianship and who are maintaining one common household and are supporting each other financially and otherwise. ~~and no more than 2 unrelated people; or~~

~~*(b)* a group of not more than 2 unrelated persons, including domestic workers, students or lodgers;~~

"floor" means the inner, lower surface of a room, garage or basement, and includes a terrace or atrium to which the occupants of a building have access;

"floor factor" means the factor, expressed as a proportion of 1, which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; being the maximum floor space as a proportion of the total erf area, and which is also referred to as "bulk";

"floor space", in relation to any building, means the total area of all floors which are covered by a slab, roof or projection; provided that—

(a) any area, including a basement, which is reserved solely for parking or loading of vehicles is excluded;
(b) external entrance steps and landings, a canopy, a stoep and an area required for external fire escapes are excluded;
(c) a projection, including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 metre beyond the exterior wall or similar support, is excluded;
(d) any uncovered internal courtyard, light well or other uncovered shaft which has an area in excess of 10 m² is excluded;
(e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard,

external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, is excluded;

(f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 metres in width, is excluded;

(g) subject to paragraph *(h)*, any stairs, stairwells and atriums that are covered by a roof are included;

(h) in the case of multi-level buildings, any stairwells, lift wells, light wells or other wells, and any atrium, are only counted once; and provided further that—

(i) floor space is measured from the outer face of the exterior walls or similar supports of the multi-level building; and

(ii) the total floor space is the sum of the floor space of all the levels of the multi-level building, including that of any basement;

"gate house" means a roofed structure located at the entrance to a property used for the purpose to control access to the property;

"garage" means a building for the storage of one or more motor vehicles, but does not include a motor repair garage or service station;

"GLA" means gross leasable area being the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walkways, lift shafts, service ducts, interior parking and loading bays;

"greenhouse" means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing of plants or hastening growth of plants under controlled environmental conditions;

"gross density" means a measure of the number of dwelling units in a specified area, and is calculated as follows:

$$\text{Gross dwelling density (units per hectare)} = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of specified area in hectares;}}$$

"group housing site" means one or more land units on which a group housing scheme or retirement resort may be erected;

"hazardous substance" has the same meaning as "grouped hazardous substance" as defined in section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

"height" of a structure means a vertical dimension of the structure from the natural ground level to the wall plate or, in the case of a pitched roof, the ridge of the roof or the highest point of a building, measured in metres, provided that—

(a) the height of a structure does not include chimneys, flues, masts or antennae;

(b) elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plant and equipment on top of a building are included when determining the height of a structure; and

(c) the general provisions regarding these aspects in this By-law also apply;

"kitchen" means a room or part of a room equipped for preparing and cooking meals, and excludes any food and drink preparation area or facilities in a recreation room or

entertainment area of a dwelling unit with a primary kitchen and which does not create a separate self-contained dwelling unit;

"kitchenette" means a small counter area of no more than 1,8m² as part of a living area equipped for food and beverage preparation, which may include one dishwashing sink, basic cooking appliances that is not fixed, and a refrigerator, but does not include any other fixed kitchen - and washing appliances.

"land development plan" means a dimensional plan drawn to scale that spatially illustrates the physical characteristics of the subject land and the proposed location, site layout, nature and scale of the use rights and associated development parameters of the proposed land use and land development application that is being pursued.

"Land Use Planning Act" means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

"landscaping" means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property;

"loading bay" means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the Municipality;

"lodger" means a person receiving furnished or unfurnished bedroom accommodation against payment of a charge or a fee on a month-to-month basis or for periods exceeding 30 days. and

(a) "lodging" as an activity has a similar meaning,
(b) "lodger accommodation" refers to all accommodation types used by lodgers; and
(c) a lodger is not a student.

"maximum floor space" means the total floor space that is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit that is situated within a particular zone; provided that, where the land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit is the total of the maximum floor space for each zoned portion of the land unit;

"micro residential unit" means a self-contained interleading group of rooms or a single room, including santitary and cooking facilities, that is for rental only and used for affordable living accommodation.

"mineral" means a substance, whether in solid, liquid or gaseous form, occurring naturally in or on the earth or under water and which was formed by or subjected to a geological process, and includes sand, stone, rock, gravel, clay, soil and any material occurring in residue stockpiles or in residue deposits, but excludes—

(a) water, other than water taken from land or sea for the extraction of any mineral from such water;
(b) petroleum; and
(c) peat;

"motor vehicle" means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but excludes a vehicle moving exclusively on rails;

"Municipality" means the Municipality of Stellenbosch established by Establishment Notice No. 479 in Provincial Gazette of 22 December 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes—

(a) the Council;
(b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-law;
(c) the Municipal Planning Tribunal, authorised or delegated to perform a function or exercise a power in terms of this By-law;
(d) the Municipal Manager; and
(e) any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

"National Building Regulations" means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

"natural ground level" means—

(a) the level of the land in its unmodified state; or
(b) when altered with the Municipality's approval for the purpose of development, the Municipality may approve such altered ground level as the natural ground level, subject to Section 21;

"non-conforming use" means an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with this zoning scheme;

"occupant" means any person who occupies a land unit;

"occupational health and safety law" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or municipal by-laws governing occupational health and safety, whichever is applicable;

"outbuilding" means a structure, whether attached or separate from the main building that is normally ancillary and subservient to the main building on a land unit, and includes a building designed to be used for the garaging of motor vehicles or the storage of goods, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling, a recreation room or any other habitable space.

"overlay zone" means a category of zoning that applies to land or land units in addition to the base zoning and that—

(a) stipulates development parameters or use rights that may be more or less restrictive; and
(b) may include provisions and development parameters relating to—
    (i) primary or consent uses;
    (ii) subdivision and subdivisional areas;
    (iii) development incentives;
    (iv) density limitations;
    (v) urban form or urban renewal;

(vi) heritage and environmental protection;
(vii) management of urban growth;
(viii) scenic routes;
(ix) any other purpose as set out in this zoning scheme;

"package of plans" means the hierarchy of plans specified in terms of this By-law;

"parapet" means a low projection, wall or moulding that finishes the uppermost edge of a building with a flat or low pitched roof;

"parking bay" means an area clearly outlined and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport that is accessible for easy and safe vehicle movement;

"pergola" means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure and of which the area in the horizontal projection of its solid portions does not exceed 25% of the total area thereof;

"Planning By-law" means the Land Use Planning By-law adopted and enforced by the Municipality.

"planning law" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Land Use Planning Act, Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Planning By-law or succeeding legislation governing land use planning in the Western Cape, whichever is applicable;
"plaza" means an urban open space or square, primarily designed for outdoor use by pedestrians;

"policy plan" means a policy adopted by the Municipality, structure plan, spatial development framework or other policy plan approved in terms of planning law;

"porch" means a roof (not being the floor of a balcony) projecting from the outside of a building above a doorway, and forming a covered entrance to the building, and includes any paved area underneath the roof, and any low walls or railings enclosing that paved area, and any pillars supporting the roof;

"porte cochères" means a covered entrance large enough for vehicles to pass through, typically opening into a courtyard or a porch where vehicles stop for passengers to get out of the vehicle;

"precinct plan" means a plan, approved by the Municipality, as envisaged in this By-law as a component of a package of plans;

"previous zoning scheme" means a zoning scheme or town planning scheme referred to in section 33(1) or (2) of the Land Use Planning Act;

"primary use" in relation to property means any land use specified in this By-law as a primary use, being a use that is permitted within a zoning without the need to obtain the Municipality's approval;

"property" means land together with any improvements or buildings on the land;

"provincial road" means a road that is under the jurisdiction of the provincial roads authority;

"pub" means an establishment for the sale of predominantly alcoholic beverages, and sometimes also food, to be consumed on the premises and is also known as a tavern or bar; but excludes a night club;

"public nuisance" means any act, omission or condition that is offensive in the opinion of the Municipality, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or that adversely affects the safety of the public, having regard to the reasonableness of the activities in question in the area concerned, and the impacts that result from these activities;

"recreational activities" means physical or passive leisure or adventure activities that is not regulated and undertaken by individuals or groups for personal enjoyment and satisfaction, relaxation, or amusement, and includes any ancillary and associated facilities required for the purpose of recreational activities, including paths and trails, waterbodies, outdoor courses and parks and changing rooms, but does not include an activity associated with either an indoor or outdoor sporting facility, inclusive of any exercise or training equipment, restaurants, club houses, and shops.

"recreation room" means a room that is part of or separate from the main dwelling and is ancillary and subservient to the main building, but is not an outbuilding, and is used primarily for recreation purposes like a playroom, games room, indoor swimming pool, hobby room or a home gym, or for entertainment purposes like a braai room and where food and drinks may be prepared, but excludes a kitchen or any sleeping accommodation;

"refuse room" means a defined screened refuse receptacle from where refuse is collected, usually on a weekly basis;

"registered land surveyor" means a professional land surveyor, registered in terms of the Geomatics Profession Act, 2013 (Act 19 of 2013);

"retaining structure" means a wall or structure constructed to hold back earth or loose rock;

"road" includes a proclaimed road, public street or a private ~~road~~ street,

"road reserve" means the designated area of land that contains a public street or private ~~road~~ street and (including the road and associated verge) and that may be defined by cadastral boundaries;

"satellite dish antenna" means apparatus fixed to a structure or mounted permanently on the ground and that is capable of receiving or transmitting communications from a satellite;

"scenic routes" means a road ~~public street~~ designated as a scenic drive by the Municipality in recognition of the high visual amenity alongside that road ~~public street~~, including background vistas of a mountain, open country, or a town;

"service yard" means a defined screened area providing utility services including washing line facilities for, amongst others, general residential developments;

"shipping or transport container" means a large, weatherproof container used for the transport of goods by sea, rail or road and that is usually stored in the open when not in use;

"sign" means:

(a) any visible or audible representation of a sign, symbol, sign-writing, mural, graphic design, signboard, billboard, screen, blind, boarding or other device by means of which an advertisement or notice is physically displayed; and
(b) which is visible or audible from any public place and which is intended to promote any news headlines, business, product, service, brand, person, function, meeting, election or candidate in an election, event or activity, and "advertising" shall have a similar meaning, and
(c) includes any advertisement, object, structure or device that is in itself an advertisement or is used to display an advertisement.

"site development plan" means a dimensional plan drawn to scale to spatially illustrate the implementation of the existing or approved use rights attached to the subject land, compliance to any associated development parameters, as well as conditions of approval attached to a land use and land development approval.

"spatial development framework" refers to a provincial spatial development framework, a provincial regional spatial development framework, or a municipal spatial development framework or municipal local spatial development framework;

"sporting activities" means physical activities which are normally regulated and competitive in nature and requires professional facilities and/ or equipment as well as skills levels with detailed training and intensive exercise and is usually undertaken in an indoor or outdoor sporting facility.

"stoep" means an uncovered paved area or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor of the building, and includes any low walls or railings enclosing the paved areas or floors;

"storm water" means water resulting from natural processes, the precipitation or accumulation of the water, and includes groundwater and spring water ordinarily conveyed by the storm water system, ~~as well as sea water within estuaries~~, but excludes water in a drinking-water or waste-water reticulation system;

"storm water system" means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use or disposal of storm water;

"street boundary" means the boundary between a land unit and a public street or private ~~road~~ street;

"street centreline setback" means the line delimiting the area measured from the centre line of a particular public street, within which no building or other structure, including a boundary fence, may be erected;

"structure" without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, post, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure and irrespective of the material of such structure;

"student" means a person who is enrolled in pursuing an education programme and receiving full time tuition and who is formally engaged in studying at a university, technicon, college, or other tertiary institution or place of higher education and who are not formally and/ or permanently engaged in gainful employment, and "student accommodation" refers to all accommodation types used by students.

"tavern" refer definition of pub

"temporary structure" means a non-permanent structure constructed purely on a temporary basis for a specific period and purpose, which shall require building plan approval where applicable and which shall be demolished after the period and/ or purpose for which it was erected, has ended.

"terrace" means an area to which occupants of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above that portion;

"top of the roof", for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where the parapet extends above the roof;

"total floor space" of a building means the sum of the floor space of all the levels of a particular building, including basements;

"tourist" means a person who travels to and visit a destination for holiday, leisure, business, recreation, exploration, adventure, sightseeing, sport or such other related purposes, and

(a) "*tourism*" as an activity has a similar meaning, and
(b) "tourist accommodation" refers to all accommodation types used by transient guest for tourism.

"transient guest" means a tourist receiving accommodation against payment of a charge or a fee for a bed, a furnished bedroom, suite or dwelling unit on a day-to-day or short term rental basis for less than 30 days.

"used" in addition to its ordinary meaning, includes "designated or intended to be used";

"verandah" means a covered area (not being an area that is part of a yard or parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor of the building, and includes both the covered area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing the covered area or floor;

"wall plate" means the lowest point of a longitudinal member, bar, rafter, beam, truss, bracket, pillar, post, structure or any other similar device that supports a roof, as determined by the Municipality;

"youth hostel" means a place providing affordable accommodation, aimed mainly at young tourists;

"zoning" includes base zoning and overlay zoning;

"zoning scheme" means a land use scheme as defined in section 1 of the Spatial Planning and Land Use Management Act and includes the components referred to in section 4 of this By-Law.

Rules of Interpretation

2.(1) After the commencement of this Scheme, any words in this Scheme, annotations used on the zoning map and register, words or expressions used in planning reports or 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.

(2) 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.

(3) The 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.

(4) Headings only serve to clarify the purpose of a section and may not be used to interpret the meaning of any provision contained therein.

(5) The masculine gender includes the feminine and agender, and vice versa, the singular includes the plural, unless otherwise indicated by the context.

(6) If there is any conflict between the English version and any other translation, the English version will prevail.

(7) 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.

(8) 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.

(9) The terms "must" and "shall" are mandatory, and the term "may" is discretionary.

(10) Where this scheme prescribes use rights which are different from other legislation, inclusive of any restrictive condition registered against the title deed of land, the most restrictive parameters shall be complied with.

(11) The competent authority's interpretation of any provision or wording shall prevail unless the contrary is proven.

CHAPTER 2
ZONING SCHEME, USE ZONES AND USES

Application of zoning scheme

3. (1) The zoning scheme applies to the entire Stellenbosch municipal area (WC024).

(2) This by-law binds every owner, and every user of land including the state.

(3) All land within the Municipal area is zoned in accordance with this Scheme, and at least one of the use zones set out in this Scheme applies to a land unit, for the purposes of controlling land use and buildings on the land.

Purpose of zoning scheme

4. The purpose of the zoning scheme is to—
(a) give effect to the municipal spatial development framework;
(b) make provision for orderly development and the welfare of the community; and
(c) determine use rights and development parameters, with due consideration of the principles referred to in the Land Use Planning Act.

Components of zoning scheme

5. The zoning scheme consists of the following components:
(a) this By-law;
(b) the zoning scheme map; and
(c) the register.

Use zones

6.(1) The municipal area is divided into the use zones referred to in column 1 of the table set out in Schedule 1.

(2) The objective of each use zone is set out in column 1 of the table set out in Schedule 1 and serves the purpose to contextualise the type of use zone and not to regulate its application.

(3) The description of the primary and consent uses applicable to each use zone is set out in Schedule 2.

(4) The location, boundaries and extent of each use zone is depicted on the zoning scheme map.

(5) The primary and consent uses applicable to each use zone are subject to the development parameters specified for the land use applicable to each use zone as set out in Schedule 2.

Zoning scheme map

7.(1) The zoning scheme map depicts—
(a) the zoning of land in accordance with the use zone in which the land is located; and
(b) overlay zones, if applicable to the land.

(2) The official version of the zoning scheme map must be kept on record at the Municipality in an electronic format and must be made available to the public.

(3) The official version of the zoning scheme map as approved together with this By-law must be put on record. ~~certified by the Municipal Manager.~~

(4) The official version of the zoning scheme map depicts the status of the current zoning classification of land in the Municipality and may only be amended as provided for in this By-law and the Planning By-law.

(5) The official version of the zoning scheme map is incorporated in and made part of this By-law and publication of this By-law in the *Provincial Gazette* constitutes notice of the approval of the zoning scheme map.

(6) The Municipality must update the zoning scheme map within a reasonable time after use rights have been granted or have lapsed.

~~(7) The Municipality may keep the zoning scheme map in an electronic format.~~

~~(8) The Municipality may provide an extract of the zoning scheme map to members of the public on payment of a fee determined by the Municipality in terms of the Municipality's tariff policy.~~

Transition to new use zones and savings

8. (1) Upon the date of commencement of this By-law, land that is zoned in terms of the previous zoning scheme is translated or reclassified to one of the use zones referred to in Schedule 4.
(2) Table 1 in Schedule 4, Zoning Transition Table, summarises the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law.
(3) Despite the translation or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law—
(a) any condition of approval or validity period that is applicable to a land unit in terms of the previous zoning scheme applicable immediately before the coming into effect of this By-law, remains applicable and in so far as it determines development parameters that are different from the development parameters applicable in terms of this By-law, it is not to be considered an offence but a lawful non-conforming use;
(b) the Municipality must record any condition of approval referred to in paragraph *(a)* in the register together with any applicable validity period applicable to the zoning in terms of the previous zoning scheme;

(c) a zoning approved in terms of the previous zoning scheme that has been exercised within its validity period, cannot lapse, and is translated or reclassified as determined in this By-law;

(d) a zoning approved in terms of the previous zoning scheme that has not been exercised, lapses after the expiry of the validity period applicable to that zoning in terms of the previous zoning schemes;

(e) in the event of the lapsing of a zoning as contemplated in paragraph *(d)*, the land unit reverts back to the use zone applicable to it in terms of the previous zoning scheme, before it was rezoned and is translated or reclassified as determined in Schedule 4.

(f) a building plan application that was formally submitted and accepted –

(i) immediately before the coming into effect of this By-law and which is still being processed; or

(ii) on or after the date of coming into effect of this By-law with the purpose to act on an approval in terms of a previous planning law,

must be assessed in accordance with that approval provided that such building plan application is submitted within 24 months after commencement of this zoning scheme, or within the validity period of said application, whichever is the later date.

(g) any rezoning, ~~or~~ consent use or additional use application which was submitted prior to the date of coming into effect of this By-law, must be finalized in terms of the previous zoning scheme, and thereafter is translated or reclassified as determined in Schedule 4 and subject to subsection (3), or as determined by the municipality.

(h) The transition or reclassification of the use zones used in the previous zoning scheme to the use zones used in this By-law, will be limited to the extent that such development rights associated with the use zone were exercised and vested in accordance with an approved site development plan and/ or building plan, and no development rights of the former use zone which were not so exercised, inclusive of development rights permitted as associated development parameters, will continue to prevail over the new use zone as former latent development rights.

(i) The transition from the previous zoning scheme and land use rights so obtained may not be interpreted in conjunction with the provisions of this By-law to result therein that additional unjustified land use rights accrue to the subject property.

Rectification of errors on zoning scheme map

9.(1) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the owner of an affected land unit may submit an application to the Municipality to correct the error.

(2) An owner contemplated in subsection (1) must apply to the Municipality in the form determined by the Municipality and must—

(a) submit written proof of the lawful land use rights; and

(b) indicate the correct zoning that should be allocated.

(3) The onus of proving that the zoning is incorrectly indicated on the zoning scheme map is on the owner.

(4) The owner is exempted from paying application fees.

(5) If the zoning of a land unit is incorrectly indicated on the zoning scheme map, the Municipality must amend the zoning scheme map to reflect the correct zoning.

(6) If the correct zoning of a land unit cannot be ascertained from the information submitted to the Municipality or the records of the Municipality, the zoning must be determined in terms of the Planning By-law and the zoning as determined must be recorded on the zoning scheme map.

(7) In the event that any person identifies an error on the zoning map; the Municipality must—
(a) inform the owner of the affected land unit of the error;
(b) investigate and indicate the correct zoning that should be allocated;
(c) follow a public participation process;
(d) submit an amended zoning scheme map to Council for adoption; and
(e) amend the zoning register and map accordingly.

Zoning scheme register

10. The Municipality—
(a) must record all departures, consent uses or other permissions granted and non-conforming uses in the register;
(b) may keep the register from the date of commencement of the zoning scheme in an electronic format; and
(c) must make the register available to members of the public for viewing.

Primary uses

11.(1) Primary uses of land permitted in each use zone, are listed in the corresponding part of column 2 of the table set out in Schedule 1.

(2) Primary uses may be implemented without the Municipality's consent, but subject to any legal requirement to submit and obtain prior approval for a site development plan and/ or building plan for the buildings or structures associated with the primary uses,

Consent uses

12.(1) Consent uses of land permitted in each use zone, are listed in the corresponding part of column 3 of the table set out in Schedule 1.

(2) A consent use may only be implemented with the Municipality's prior consent in terms of the Planning By-law and is also, where applicable, subject to any legal requirement to submit and obtain prior approval for a site development plan and/ or building plan for the buildings or structures associated with the consent use.

Temporary departures ~~for specific occasions~~

13.(1) The Municipality must record the relevant information relating to a temporary departure ~~for occasional uses~~ applicable to a land unit in the register.

(2) Approval of a use right as a temporary departure ~~for an occasional use~~ in terms of the Planning By-law must at least be subject to the development parameters applicable to the use right as stipulated in this By-law.

Non-conforming uses

14.(1) A non-conforming use does not constitute an offence in terms of this By-law.

(2) A non-conforming use may continue as long as it remains otherwise lawful.

(3) No additions or extensions to a non-conforming use is permitted.

Deemed zoning of closed public places

15. The zoning of land that was previously a public street or public open space, vested in or owned by the Municipality and that is closed, is determined as follows:

(a) if the land is transferred to an abutting land owner, that portion of the land falls in the same zone as that of the abutting land belonging to the abutting owner; or

(b) the Municipality must determine which zoning applies to the land if—

(i) the land is transferred to an abutting land owner and that owner owns abutting properties falling into more than one zone; or

(ii) in any other case not provided for in this section.

Split Zonings and Spot Zonings

16. (1) If more than one base zone applies to a land unit, the zoning shall be represented either as:

(a) a split zoning along a demarcated line on the land unit; or

(b) a spot zoning in accordance with a demarcated area of the land unit.

(2) In the event that a surveyor diagram indicating the extent of the split or spot zone is not available in the Municipality's records, the extent to which the split or spot zoning applies to a land unit shall be determined by the Municipality, taking into account the original application for the split or spot zoning, and/or the legal utilisation of the land, whichever is appropriate.

Status of a Zoning Certificates

17. (1) The purpose of a zoning certificate is to portray the administrative record of the land use rights attached to a property.

(2) A zoning certificate is not a mechanism to change the legitimate land use rights and any error contained in a zoning certificate will not vest any illegitimate land uses.

CHAPTER 3
OVERLAY ZONES

Purpose and status of overlay zones

18.(1) The Municipality may adopt, review or amend overlay zones for specific areas in the Municipality in accordance with section 19 to—

(a) give expression, in a planning context, to the local needs and values of the communities concerned; and

(b) promote particular types of development, urban form, landscape character, environmental features or heritage values.

(2) The Municipality must determine use rights and/ or development parameters for each area of an overlay zone.

(3) The use rights and/ or development parameters of an overlay zone may be more restrictive or more permissive than the use rights and/ or development parameters applicable to the underlying base zoning of the land concerned.

(4) If the development parameters of the base zone are replaced with alternative development parameter in the overlay zone, and –

(a) the overlay zone specifies more restrictive development parameters; the more restrictive development parameters of the overlay zone prevail.

(b) the overlay zone specifies more permissive development parameters; the more permissive development parameters of the overlay zone apply in accordance with the provisions or with any other mechanism determined in the overlay zone and which may include satisfying any related performance criteria.

(5) An overlay zone does not change the base zone of the properties to which it relates, but an overlay zone may establish an additional layer of inherent use rights to facilitate development, and which use rights may be exercised in accordance with the approval of a site development plan and/ or a building plan, or in accordance with any other mechanism determined in the overlay zone and subject to satisfying any related performance criteria like development parameters, infrastructure requirements and the payment of development charges.

(6) If an overlay zone establishes an additional layer of inherent use rights to facilitate development, the use rights of the base zone will remain applicable and in force up until the use rights of the overlay zone is exercised.

Procedures for establishing, reviewing or amending overlay zones

19. An overlay zone is adopted, reviewed or amended by the Municipality as an amendment of this By-law in accordance with sections 12 and 13 of the Municipal Systems Act and section 25 of the Land Use Planning Act.

CHAPTER 4
DISTANCES, LEVELS AND BOUNDARIES

Measuring distances and levels

20. The following provisions apply with regard to the method of measuring distances and levels:

(a) when reference is made or implied to the distance between boundaries or between a building and a boundary, this distance must be measured in the following manner:

(i) the boundary or boundaries and all points of the building must be projected onto a horizontal plane, and all measurements must be made in the plane; and

(ii) the distance between a point on a building and a boundary must be measured at right angles to the erf boundary;

(b) when reference is made to a portion of a boundary opposite a building, that portion must be defined by drawing lines in a manner described in paragraph *(a)* from points on the building, at right angles to the boundary;

(c) when reference is made to natural ground level or of a roof wall plate, parapet or other things, the level must be calculated in accordance with recognised geometric principles; and

(d) when the levels involved are so irregular that calculation in accordance with the principles in paragraphs *(a)* to *(c)* is impractical or leads to a result that is not in accordance with the intent of the zoning scheme, the Municipality must determine the level.

(e) If the verification of information is necessary to determine compliance with distances or levels in terms of this scheme, the Municipality may at any time require an applicant or owner to appoint a registered land surveyor, at the owner/applicant's cost, to provide the subject information.

Determination of natural ground level

21.(1) The Municipality may request the submission of a registered land surveyor's certificate to determine the natural ground level before any construction activities may commence.

(2) Where the level of the land has been altered with the approval of the municipality—

(a) any grading for the purpose of development must connect evenly with the existing levels of abutting land units; and

(b) the municipality may approve the altered ground level to be the natural ground level.

(3) Where it is not possible to determine the natural ground level due to irregularities or disturbances of the land, the Municipality may—

(a) determine the natural ground level from measurements supplied on a building plan;

(b) deem a level to be the natural ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the Municipality; or

(c) require the owner or applicant to commission a registered surveyor at the cost of the owner or applicant to measure levels of the ground or interpolate levels, in

order to provide the Municipality with sufficient information to determine the natural ground level for the purpose of administering this By-law.

(4) Where a building site is elevated, filled or extended with excavated or any other material, the natural ground level is not altered unless approved by the Municipality in which case the Municipality must define a ground level for the purposes of administering the height restriction of the building.

(5) Where the natural ground level of a building site is lowered due to excavations, the excavated ground level will serve as the natural ground level for the purpose of administering the height restriction of the building, unless approved by the Municipality in which case the Municipality must define a ground level for the purposes of administering the height restriction of the building.

Determining boundaries of use zones

22. If uncertainty exists as to the boundaries of use zones, the following parameters apply in the order listed:

(a) boundaries shown as following or approximately following any public street or road must be construed as following the street cadastral boundary;

(b) boundaries shown as following or approximately following any land unit boundary must be construed as following that boundary;

(c) boundaries shown as following or approximately following natural features must be construed as following those features; and

(d) in the event of further uncertainty as to the boundaries of a use zone, the Municipality must make a determination.

CHAPTER 5
ENFORCEMENT

Offences, penalties and enforcement of By-law

23.(1) Subject to section 14, no person may erect any building or structure or any part thereof—

(a) except for a purpose permitted by this By-law and only in accordance with the applicable development parameters; or

(b) without first obtaining approval from the Municipality in terms of the Planning By-law.

(2) A use not reflected as a primary or consent use for a particular use zone is not permitted in the use zone concerned, unless approved in terms of the Planning By-Law.

(3) A person who contravenes this section and sections 24 to 69 is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(4) A Municipality must enforce the zoning scheme through the measures for enforcement provided for in the Planning By-law.

(5) If the unauthorised utilisation of land arises from a land use and land development application which was approved as a result of the misrepresentation of the application or which application was pursued in bad faith to obtain unwarranted approvals to pursue the development of land for the purpose to conduct any unlawful land use activities, the Municipality may—

(a) apply to the court for an order—

(i) restraining that person from continuing the unlawful utilisation of the land;

(ii) directing that person to, without the payment of compensation—

(aa) demolish, remove or alter any building, structure or work erected or constructed to pursue the unlawful land use activities fully erected or constructed; or

(bb) rehabilitate the land concerned;

CHAPTER 6
LAND USE RIGHTS

This part contains provisions on the interpretation and application of land use rights.

Development parameters applicable to use rights

24.(1) The land use descriptions and development parameters applicable to each primary and consent use right depicted in the table in Schedule 1 are described in Schedule 2.

(2) Development parameters are applicable to use rights only and, notwithstanding the zoning of an erf, a specific use right has the development parameters as listed in Schedule 2, provided that the Municipality may grant a departure from the development parameters in terms of the Planning By-law.

(3) The land use descriptions in Schedule 2 defines the explicit nature of types of land use activities that are permitted and may not be interpreted to include any implicit types of land use activities, nor should the omission of reference to any type of land use activity be interpreted as to being permitted.

(4) All land uses and buildings shall comply with the prescribed development parameters set for the particular land use 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 and includes that the unintended deviations from the following development parameters are condoned:

(a) a deviation from a prescribed building line that does not exceed 200mm;

(b) a deviation from the height restriction that does not exceed 200mm;

(c) a deviation from the prescribed coverage that does not exceed 1%

(5) Consent uses listed in Column 3 of Schedule 1 is subject to the following conditions:

(a) when a consent use is granted by the Municipality in a particular zone, the applicable land use must either be supplementary to the primary use right allowed under the particular zone or, in the sole discretion of the Municipality, be closely associated with the primary use of the property and insofar as it does not impact materially on the character of the primary use.; and

(b) when land is intended to be utilised exclusively for a consent use in a particular zone and the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.

(6) No departure from the land use descriptions or definitions may be granted by the Municipality.

(7) Despite subsections (1) and (2) and the scope of development rights attached to a land use desciption and the associated prescibed development parameters, the Municipality may qualify any approval granted for land use and land development to restrict the nature of any land use or limit the extent of any development.

(8) Despite subsections (1) and (2), the Municipality may determine any additional condition of approval in respect of a use right for a specific property as may be required in terms of any other applicable legislation.

(9) Where this scheme prescribes development parameters which are different from other legislation, inclusive of any restrictive condition registered against the title deed of land, the most restrictive parameters shall be complied with.

(10) When a property is subject to an additional building line restrictions in terms of a prevailing overlay zone, the most restrictive parameters shall be complied with.

Architectural design guidelines and development parameters

25.(1) Development parameters contained in any architectural design guidelines or similar, must comply with the development parameters prescribed in the zoning scheme or as may have been approved in terms of due process in an associated land use and land development application.

(2) If the development parameters of architectural design guidelines are less restrictive than the development parameters of the zoning scheme, the development parameters of the zoning scheme will prevail.

(3) If the development parameters of architectural design guidelines were purposefully approved in terms of a land use and land development decision prior to the adoption of this zoning scheme, and to serve as the development parameters in lieu of the development parameters of the zoning scheme, the development parameters of the architectural design guidelines will prevail.

(4) Where purpose made development parameters, which differs from the applicable development parameters of the zoning scheme, is adopted as part of the approval of a new development, those development parameters will substitute the prescribed development parameters of this zoning scheme and any deviation from such adopted purpose made development parameters will constitute an application for a permanent departure.

Change in zoning and the continuation of land use rights.

26. (1) When a decision is taken in accordance with the Planning By-law and this bylaw to rezone land to a new zoning, the following provisions will apply to the associated use rights:

(a) Where it is justifiable and desirable under the circumstances, the decision to rezone the property may include a condition to determine that the former zoning and associated land use rights must cease to continue within a stipulated period.

(b) If a rezoning decision does not explicitly restrain the continuation of the former zoning and associated land use rights, the former land use rights will remain valid for the duration of the period until the new land use rights has been vested, or alternatively for the duration of the period for which the rezoning remains valid, whichever occurs first.

(c) The continuation of the former zoning and associated land use rights may only continue insofar as it is accommodated in existing structures and infrastructure, and no new structures and / or associated infrastructure may be erected, added, or upgraded to facilitate the exercise of the former zoning and associated land use rights.

(d) When the rezoning does not vest and has accordingly lapsed, the zoning of the land will revert to the former land use rights if the former land use was not restrained by a condition of approval and the subject land use rights continue to be exercised after the rezoning, unless as determined by the municipality.

(e) If a condition attached to a decision to rezone the property restrained the continued use of the subject land in accordance with its former zoning, and the rezoning does not vest, the zoning of the land will not automatically revert to the former zoning and will forthwith be zoned Undetermined and will be subject to a new land use and land development application to determine its zoning.

Rezoning or repurpose of existing building structure for new land uses.

27.(1) If a property with an existing authorised building structure is rezoned to another zoning, or if an existing building is repurposed for another land use in accordance with such approval, a new building plan must be submitted to indicate the new uses of the subject building structure in accordance with the new zoning and uses, irrespective if any internal structural changes will be required or not.

(2) Building plan approval must be obtained prior to any structural changes to the existing building structure and prior to the vesting of the new land uses.

(3) Existing building that have fallen into disuse and on such basis, as may be permitted, have been repurposed for land uses other than its original intent, may not be demolished and relocated.

Evasion of intent of the scheme

28. The Municipality may refuse to accept and process any land use and land development application in terms of the Planning By-law or the Zoning Scheme By-law if in its opinion the subject application constitutes an evasion of the intent of the zoning scheme or any of its provisions through:

(a) the misrepresentation of the supporting information or the nature of the land use and land development application that is being pursued and/ or

(b) the facilitation of succeeding unwarranted land use rights through an incremental approach to land use and land development applications, and/ or.
(c) any ensuing unwarranted land use and land development application that arises from a material misrepresentation of any preceding land use and land development application that was approved.

CHAPTER 7
DEVELOPMENT OF LAND

This part contains provisions on requirements that may apply to applications for the development of land.

Land development plans

29. (1) When a land use and land development application is submitted for consideration, the application must include an appropriately scaled land development plan.

(2) A land development plan serves in the purpose to spatially illustrate the physical characteristics of the subject land and the proposed location, site layout, nature and scale of the use rights and associated development parameters of the proposed land use and land development application that is being pursued.

(3) When an application is submitted to rezone land or obtain any additional use rights, the land development plan may also be proposed to serve in the purpose to be adopted as a site development plan for the implementation of the approved use rights insofar it is adequate to satisfactorily address the implementation of the subject use rights being pursued.

(4) The Municipality may require the following information to be depicted on a land development plan:
(a) existing bio-physical characteristics of the property;
(b) existing and proposed cadastral boundaries;
(c) the layout of the property, indicating the use of different portions of the property;
(d) the massing, position, use and extent of buildings;
(e) sketch plans and elevations of proposed structures, including information about their external appearance;
(f) cross-sections of the site and buildings on site;
(g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
(h) measures of access control to parking areas and reservation of parking areas;
(i) the position and extent of private, public and communal space;
(j) typical details of fencing or walls around the perimeter of the land unit and within the property;
(k) electricity supply and external lighting proposals;
(l) provisions for the supply of water, management of storm water, and disposal of sewage and refuse;
(m) external signage details;

(n) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
(o) the phasing of a development;
(p) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
(q) statistical information about the extent of the proposed development, floor area allocations and parking supply;
(r) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
(s) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
(t) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings;
(u) illustrates compliance to universal access requirements of the proposed development;
(v) any other details as may reasonably be required by the Municipality.

(5) The Municipality may require that the area covered by a land development plan must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact.

(6) The Municipality may determine the extent of the area covered by a land development plan.

(7) The Municipality may require amendments of detail to the land development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

(8) The following provisions apply with regard to land development plans:
(a) the property must be developed generally in accordance with an approved land development plan and any site development plan must be generally in accordance with any approved land development plan;
(b) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(c) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development;
(d) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a land development plan, the extent of which must be determined by the Municipality, depending on the size of the development.

Site development plans

30. (1) An applicant must submit a site development plan to the Municipality if it is required in terms of this zoning scheme and must be approved before any site preparation or development on the relevant land unit may commence.

(2) The purpose of a site development plan is to spatially illustrate the implementation of the existing or approved use rights attached to the subject land, compliance to any associated development parameters, as well as conditions of approval attached to a land use and land development approval.

(3) A site development plan does not confer any use rights in addition to the existing or approved use rights attached to the subject land.

(4) If land use rights have not been approved in terms of due process, any error of a reference or representation of such land use activity or development parameter on an approved site development plan does not equate to any approval to permit such land use activity or departure from the development parameter.

(5) When a site development plan is a requirement to develop land, it must be submitted, and approval must be obtained prior to commencement of any site preparation or the approval of any building plan application in pursuance of the development of the subject land.

(6) When an application is submitted to rezone land or obtain any additional use rights, the site development plan may be submitted together with the land use and land development application insofar as it is adequate to satisfactorily address the implementation of the subject use rights being pursued.

(7) When an application is considered to rezone land or to obtain any additional use rights, a land development plan that is submitted as part of the application may be approved as the site development plan for the implementation of the approved use rights insofar as it is adequate to satisfactorily address the implementation of the subject use rights being granted.

(8) In addition to the zones that specifically require a site development plan, the Municipality may require a site development plan for any development and specifically in respect of the following development types:
(a) shopping centres or shopping complexes;
(b) business or office park developments;
(c) industrial park developments;
(d) developments in conservation areas;
(e) developments that will be sectionalised;
(f) incremental residential developments; and
(g) major developments where there are concerns relating to urban form, heritage, traffic, the environment or planning.

(9) The Municipality may require any of the information required in the land development plan in 29(4), and which must include any qualifications or conditions attached to a land use and land development approval, to be depicted on a site development plan.

(10) The Municipality may require that the area covered by a site development plan must extend beyond the site under consideration if, in its opinion, the development will have a wider impact.

(11) The Municipality may determine the extent of the area covered by a site development plan.

(12) The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services, universal access or similar concerns.

(13) The following provisions apply with regard to site development plans:

(a) the property must be developed generally in accordance with an approved site development plan;

(e) if the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;

(f) if the Municipality considers it necessary, a storm water impact assessment or storm water management plan or both may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development;

(g) if the Municipality considers it necessary, a visual impact assessment, which may include a landscape character analysis, may be required in conjunction with a site development plan, the extent of which must be determined by the Municipality, depending on the size of the development; and

(h) a site development plan may serve to determine any additional development parameters which are more restrictive than the prevailing development parameters applicable to the land use by means of conditions of such approval, and any application for amendment must comply with the Municipality's requirements for the amendments.

Construction environmental management plans

31. (1) A construction environmental management plan:

(a) may be required by the Municipality together with a building plan for its approval in the event that construction activities may, in the opinion of the Municipality, have an impact on:

(i) the natural and/or built environment or neighbours;

(ii) on-site or adjacent trees or vegetation requiring protection during the site preparation or construction phase;

(iii) heritage resources which require protection during the site preparation or construction phase;

(iv) natural freshwater resources such as rivers, streams or wetlands;

(v) 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 the 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 plan.

(5) The Municipality may approve the construction environmental management plan with or without conditions.

(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.

Aesthetics and Visual impact assessments

32.(1) A visual impact assessment may be required by the Municipality when an application is submitted in terms of the Planning by-law or the development of land is pursued in accordance with the prevailing use rights by means of a building plan application.

(2) A visual impact assessment shall 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) A visual impact assessment shall address 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 visual impact assessment and may request 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) recommendation of mitigatory measures.

(5) Any franchise or formula bussinesses, restuarants or fast food outlets are not entiteled to standardised building designs, siganage and colour schemes which are foreign and will be detrinmental to the aestitics of the receiving environment and may only be applied insofar as may be prescibed and approved by the municiplaity.

Traffic studies

33. (1) The Municipality may require that a traffic study be undertaken for a land use and land development application in terms of the Planning By-law or this zoning scheme.

Development charges in terms of this scheme

34,(1) The calculation of development charges and whether or not a development charge is payable, shall be subject to the municipality's policy adopted in this regard.

(2) Where the full extent of the primary development rights attached to a property has not been taken up, and the full development charge imposed by the municipality has not been paid, the outstanding imposed development charges will be applicable when the remainder of such extent of permissible development rights is exercised, and any credit for development charges will only amount to the charges already paid or the extent of the legal historic development of the property in terms of which the service demand has already been accounted for in the bulk service networks, whichever is applicable. The onus of proof for the payment of any development charge in the past is on the developer.

(3) If the provisions in this zoning scheme provides for intensified or additional primary development rights, a development charge is payable if such intensified or additional primary development rights are implemented, which development charge shall be calculated to the extent that the intensified or additional primary rights are being taken up when the building plan is submitted and shall be paid prior to the approval of said building plan which takes up such additional rights or part thereof.

(4) Where an application is made in terms of planning law, or where application is made for additional use rights or permissions in terms of the scheme, the municipality may impose a condition related to development charges payable where said approval leads to the intensification of land use beyond the extent of the primary rights which was originally approved on the property.

(5) Unless alternative agreement is reached in writing between the owner and the Municipality, no building plan shall be approved for any property where an outstanding development charge is payable.

Decommissioning of various installations and land uses

35.(1) The owners of facilities such as a greenhouse, 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.

CHAPTER 8
GENERAL PROVISIONS

This part contains general provisions and parameters that apply to all zones or to specific zones as may be provided for.

Encroachment of building lines

36.(1) Despite the building line requirements set out in Section 24, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:

(a) boundary walls, screen walls, fences and -gates; subject to applicable height restrictions, excluding where any such wall will result in infilling higher than 0,5 metres above natural ground level;

(b) open and uncovered stoeps that are less than 500 millimetres in height from the natural level of the ground;

(c) entrance steps, landings and entrance porches, excluding *porte cochères;*

(d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;

(e) eaves and awnings projecting no more than 1 metre from the wall of a building;

(f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 millimetres from the wall of a building;

(g) swimming pools not closer than 1 metre from any boundary;

(h) a basement, provided that no part of such a basement projects above natural ground level;

(i) a refuse room required by the Municipality in terms of this By-law;

(j) water storage tanks not exceeding the height of the boundary wall.

(3) No fireplace, including an enclosed fireplace, excluding the back of a chimney breast not encroaching more than 500 millimetres, may encroach on any side or rear building line, excluding where the neighbouring property is zoned for public open space.

(2) For the purposes of determining street boundaries, a street centreline setback and site access requirements, the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles may be regarded as a common boundary.

(3) 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, provided that all such structures are accurately 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.

Panhandle properties

37.(1) No buildings shall be constructed on the panhandle portion of a property, except with the permission of the Municipality, taking into consideration that the panhandle shall provide vehicular and/or pedestrian access 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 shall be:
(a) not less than 4 meters wide for its entire length;
(b) disregarded for the purposes of calculating coverage;
(c) disregarded for the purpose of calculating minimum erf size requirements for subdivision.
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Linear infrastructure

38.(1) Engineering services of a linear nature such as telecommunication, electrical transmission lines and pipelines or canals for the transportation of liquids and gasses may be permitted by the Municipality or an organ of state to traverse a land unit, as may be reasonably required by the Municipality or an organ of state in accordance with and subject to expropriation laws, other applicable laws and the registration of the necessary servitudes.

(2) Associated in-line facilities such as pump stations, and electrical substations, not exceeding an area of 4 meters x 5 meters may also be permitted in any use zone.

(3) All other buildings, installations, facilities, processing or generating plants, substations, pump stations or any other structures required for the provision of engineering services, shall require to be zoned Utility Services Zone or as permitted by the scheme.

(4) No buildings, except buildings associated with the particular service, may be constructed over municipal engineering services unless the Municipality has granted permission.

Street centreline setback

39.(1) The portion of a land unit falling within a street centreline setback area is excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the Municipality free of charge.

(2) In such case, the portion must be included for the purpose of determining coverage or maximum floor space on a land unit.

Steep slopes and ridgelines

40.(1) Unless the permission of the Municipality has been obtained:
(a) no new buildings or structures outside the urban edge are permitted on slopes steeper than 1:4;

(b) 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.

(2) The Municipality may grant permission in terms of subsection (1) only 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.

Earth banks and retaining structures

41. Unless the prior approval 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 0,5 metres above natural ground level, provided that where the raising takes place, the height must still be measured from natural ground level, excluding infill for a driveway;

(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 metres above natural 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 natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

Boundary walls and fences

42.(1) In the absence of an approved site development plan, architectural guidelines or relevant policy, the following development parameters apply to boundary walls and fences:

(a) **Height**

(i) The maximum height on a street boundary will be 1,8m.

(ii) The maximum height on a common boundary will be 2,1 metres.

(iii) The maximum height for industrial properties will be 3 metres.

(iv) The maximum height for boundary walls on agricultural zoned properties will be 1,2 metres werf walls with an entrance gate of 1,8 meters.

(v) Any part of an internal privacy wall that is not a boundary wall, will be subject to the same height restrictions of a boundary wall insofar as the portion of that wall falls within the applicable building line restriction.

(b) **Permeability**

(i) 50% of a residential street boundary wall must be permeable; and

(ii) 80% of a street boundary wall in other areas, excluding industrial areas, must be permeable.

(2) No person shall erect a boundary wall or fence on any boundary of any erf without applying and obtaining prior building plan approval, which building plan must clearly indicate the position, dimensions and materials of the proposed boundary wall or fence.

(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.

(4) Additional security precautions such as spikes, electrical fencing/wiring, and such like, are not included in the total height measurement provided such features shall remain visually permeable in nature and shall not exceed 0,5m in height.

(5) The exterior finish of a boundary wall shall be adequately maintained and shall be in keeping with surrounding buildings and structures including walls facing adjacent properties and neighbours, to the Municipality's satisfaction.

(6) No vibracrete or face-brick shall be permitted along a street boundary without the permission of the Municipality.

(7) The Municipality may instruct an owner to repair a wall which has fallen in disrepair, or which has not been adequately finished to their satisfaction.

(8) Should an owner be denied access to a neighbour's property on the other side to finish off a boundary wall, or do any repair work or maintenance, 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.

(9) Two owners may agree to erect a shared boundary wall along a common boundary, in which case the wall may straddle a common boundary and both owners will share the ownership, cost and maintenance thereof. If an existing boundary wall straddles a common boundary, it will be deemed that both owners implicitly agreed to shared ownership and cost of maintenance of said wall. When a new boundary wall is to be erected, and in the absence of such agreement, the wall shall be erected inside a common boundary, and shall belong to the owner on whose land it is erected.

(10) The Municipality may grant a departure from ~~waiver to~~ any of the provisions or parameters of this section if in its opinion the specific site's conditions are such that the granting of the departure ~~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 departure ~~a waiver~~, the Municipality shall have due regard to the built form that may result if abutting neighbours request similar departures ~~a waivers~~ as well as the impact such departure ~~waiver~~ may have on traffic safety (both pedestrian and vehicular).

(11) 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 this section, deem one or more street boundaries to be common boundaries to ensure that a property can be walled sufficiently to provide for privacy, provided that at least one boundary shall remain subject to the visual permeability requirements for a street boundary.

Door and window openings and roof eaves

43.(1) No door, or no 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.

(2) No eave or gutter may protrude over a common boundary.

Equipment on top building or affixed to roofs or attached to building

44.(1) Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 1,5 metres above the roof surface, measured perpendicularly from that surface, and may not protrude the ridge of the roof with more than 0,5 meters;

(2) No elevator motor rooms, satellite dishes, ventilation shafts, water tanks, air conditioning plants or other equipment on top of a flat roofed building may, subject to the definition of "height", exceed a height of 2 metres above the wall plate. All such features will where possible 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 satisfaction of the Municipality.

Parapet walls

45. Parapet walls are restricted to 500 millimetres in height above the finished roof level immediately contiguous to the parapet.

Chimneys

46. Chimneys may not extend higher than 1 metre above the highest point of the roof of a dwelling house or dwelling unit.

Screening

47. The Municipality may require screening in accordance with the following provisions:

(a) any part of a land unit that is used for the storage or loading of goods must be enclosed with a suitable wall or landscape screening or both; and

(b) any external utility service or equipment that is required for a building must be appropriately screened from view from a public street, and the screening must be integrated with the building in respect of materials, colour, shape and size.

(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.

(d) 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.

Shipping containers, wendy houses and tented structures

48.(1) The use of shipping containers, wendy houses, tented and other similar informal structures for permanent habitation or 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 and shall be compliant with the development rules of the particular zone and subject to the approval of building plans.

Rooftop base telecommunication stations and satellite dish antenna systems

49.(1) A rooftop base telecommunication station may not extend more than 3 metres in height above the building that it is attached to without the prior approval of the Municipality.

(2) No rooftop base telecommunication station or transmission tower granted as a consent use in terms of this By-law may be modified or have its radio-frequency emissions altered without prior written approval from the Municipality.

(3) The following provisions apply with regard to decommissioned antennae or rooftop base telecommunication stations:
(a) the owner or operator must remove all decommissioned infrastructure;
(b) if the site has been disturbed, the owner or operator must rehabilitate the site to its original state or to a state acceptable to the Municipality; and
(c) if the owner or operator fails to comply with paragraphs *(a)* or *(b)*, the Municipality may remove that infrastructure, and rehabilitate the site at the expense of the owner or operator.

(4) Any satellite dish antenna with a diameter in excess of 1,5 metres must be placed in a position that minimises the visual impact on the surrounding area, to the satisfaction of the Municipality.

(5) 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.

Parking of vehicles in residential zones

50.(1) A motor vehicle of an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit may be parked on the property where the occupant resides, provided that—
(a) there is adequate space on the property concerned;
(b) no more than one commercial vehicle per dwelling unit may be parked on the property;
(c) the gross weight of any such commercial vehicle may not exceed 3 500 kg;
(d) no goods or passengers may be loaded or offloaded at the residential property

(2) No area visible from a public street shall be used for the outdoor storage of inoperable vehicles.

Mobile homes and caravans

51.(1) A recreation vehicle, including a mobile home or caravan, may not be used for permanent habitation without the approval of the Municipality, unless the zoning lawfully allows the permanent habitation.

(2) The following additional development parameters apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:
(a) the mobile home or caravan must be sited on a foundation slab and properly anchored;

(b) solid perimeter skirting, of material and colour complementary to the mobile home or caravan, must be provided from the bottom of the mobile home to the ground surface;
(c) the roof and exterior siding of the mobile home or caravan must be of a non-reflective material; and
(d) any structural additions must be of materials which, in the opinion of the Municipality, are compatible with the mobile home or caravan.

Leasing of dwelling units

52.(1) Nothing in this scheme shall be construed as prohibiting the leasing of a dwelling unit to a family, as defined, with the purpose of that family becoming permanent residents.

(2) Nothing in this scheme prohibits a permanent occupant, during their absence on a short-term basis, to lease their entire dwelling unit to transient guests for a total period of not exceeding 30 days per annum and a maximum of three different occasions in each calendar year.

(3) In the event that the period or occasions in (2) are exceeded, a relevant permission for tourist accommodation must be obtained.

Maintenance of property

53. Property must be properly maintained by the owner or occupier and may not—
(a) be left in a neglected or offensive state, as may be determined by the Municipality;
(b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble or other waste material, as may be determined by the Municipality;
(c) contain an accumulation of motor wrecks or unroadworthy vehicles or used motor parts, unless these are permitted in terms of the primary or consent use applicable in terms of this zoning scheme; and
(d) contain outdoor storage of building material, appliances or similar items unless these—
(i) are permitted in terms of the primary or consent use in terms of this zoning scheme;
(ii) are temporarily being stored for the purpose of construction in accordance with a valid building plan approval; or
(iii) are being stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

Utilisation of outbuildings

54.(1) Outbuildings may only be used for purposes as defined and the specific purpose of any outbuilding must be indicated on the building plan application submitted for approval.

(2) No outbuilding may be utilised for any purpose other than the intended purpose submitted in the building plans and approved by the Municipality, and an outbuilding may not be utilised until the main buildings are completed or occupied, unless approved by the Municipality.

Hobbies in single and general residential zones

55. When exercising a hobby in all single and general residential zones, the dominant use of the dwelling house or dwelling unit must be for the living accommodation of a single family, provided that—

(a) no portion of the dwelling, may be used for the purposes of a noxious trade, risk activity or sale of alcoholic beverages;

(b) in addition to paragraph *(a)*, the following uses are not classified as hobbies:

(i) activities conforming to the definition of a shop;
(ii) animal care centres;
(iii) butcheries;
(iv) coal and wood merchants;
(v) escort agencies or adult entertainment;
(vi) fishmongers;
(vii) hospitals or clinics;
(viii) house shops;
(ix) taverns;
(x) manufacturing of concrete products;
(xi) motor vehicle repairs;
(xii) panel beating or spray painting;
(xiii) parcel delivery services;
(xiv) places of entertainment;
(xv) places of instruction
(xvi) shooting ranges or shooting instructions;
(xvii) taxi businesses;
(xviii) tow-in services;
(xix) transport contractors;
(xx) undertakers;
(xxi) vehicle rental agencies; and
(xxii) any other activity that in the opinion of the Municipality does not fit in the particular environment or is of a nature that it must be located on a suitably zoned premises;

(c) no goods may publicly be displayed and no external evidence of the hobby may be visible from the street;

(d) no advertising may be displayed;

(e) any public exhibition of hobby items or activities on the residential property must:

(i) be preceded by a written consent from the Municipality; and
(ii) during the public exhibition, temporary parking must be provided on the land unit in accordance with the parking requirements of this By-law and appropriate traffic regulating measures must be put in place;

(f) an activity associated with a hobby may not occupy more than 25% of the total floor area of the dwelling on the property or 60 m², whichever is more restrictive, including storage;

(g) the Municipality may restrict the operating hours relating to the hobby, if the activity proves to be a nuisance to residents in the area; and

(h) any new structure, or alteration to the existing dwelling or outbuilding, must conform to the residential character of the area concerned.

Animals kept for commercial purposes

56. Animals may be kept for commercial purposes only on a land unit zoned Agricultural Zone I and Agricultural Zone II, except in the case of a Pet Shop where permitted.

Hazardous substances

57.(1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless the owner has submitted a risk management and prevention plan and the Municipality has approved the plan.

(2) The Municipality's approval in terms of subsection (1) above does not exempt the owner from applying for permission in terms of other applicable legislation.

CHAPTER 9
PARKING AND LOADING

Off-street parking requirements

58.(1) If parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, parking must be provided at a minimum ratio in accordance with the table entitled "Minimum off-street parking requirements".

(2) The Municipality must determine off-street parking requirements for land uses not stipulated in the table "Minimum off-street parking requirements".

(3) The column in the table titled "Minimum off-street parking requirements" and with heading "Normal Areas" refers to standard requirements that apply to areas where public transport is not being specifically promoted.

(4) The column with heading "PT1 Areas" refers to areas where the use of public transport is to be promoted, but where the Municipality considers the provision of public transport to be inadequate.

(5) The column with heading "PT2 Areas" refers to areas where the use of public transport is to be promoted and the Municipality considers the provision of public transport sufficient enough to justify the reduced parking requirements .

(6) Areas initially determined to be PT1 Areas may be changed to PT2 Areas once the Municipality is satisfied that the provision of public transport is adequate.

(7) If an area has not been specifically identified by the Municipality as a PT1 or PT2 area, then the parking requirements for Normal areas apply.

(8) Off-street parking space must be provided—
(a) on the property for which parking is required;

(b) subject to the Municipality's approval, in public parking facilities available in the vicinity; or

(c) in accordance with the table below;

(9) Areas designated as "PT1" or "PT2" areas must be indicated on the zoning scheme map or as part of an overlay zone for such purpose.

(10) Additional PT areas with alternative parking provisions may be created and implemented by means of an overlay zone.

Minimum off-street parking requirements

Land Use		Normal Areas	PT1 Areas	PT2 Areas
Dwelling house		2 bays per dwelling Erven <350m²: 1 bay per dwelling Erven < 100m²: Nil per dwelling	1 bay per dwelling	1 bay per dwelling
Group housing/Town Housing		2 bays per dwelling unit 0.25 bays/unit for visitors	1 bay per dwelling unit 0.25 bays/unit for visitors	1 bay per dwelling unit 0.25 bays/unit for visitors
Retirement resort	Dwelling unit	2 bays per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors
	Home for the aged	0,5 bays per bedroom	0,3 bays per bedroom	0,2 bays per bedroom
	Frail Care	0,5 bays per bed	0,3 bays per bed	0,2 bays per bed
Orphanage		0,5 bays per bedroom	0,3 bays per bedroom	0,2 bays per bedroom
Flats	Up to 1-bedroom Units	1 bay per dwelling 0.25 bays/unit for visitors	0.75 bays per dwelling 0.25 bays/unit for visitors	0.5 bays per dwelling 0.25 bays/unit for visitors
	2 Bedroom Units	1.25 bays per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors	0.75 bays per dwelling 0.25 bays/unit for visitors
	3 Bedroom Units	1.5 bays per dwelling 0.5 bays/unit for visitors	1.25 bay per dwelling 0.25 bays/unit for visitors	1 bay per dwelling 0.25 bays/unit for visitors
	4 and more bedroom Units	1.75 bays per dwelling 0.5 bays/unit for visitors	1.5 bays per dwelling 0.25 bays/unit for visitors	1.25 bay per dwelling 0.25 bays/unit for visitors
Second dwelling		1 additional bay	1 additional bay	Nil
Commune, student home, Home Lodging, Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment, Boarding Hostel.		1 bay per bedroom 2 bays per owner's home / manager's flat (where applicable) 1 bay for visitors/ employees	0,75 bay per bedroom	0,5 bay per bedroom
Home care facility		1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)	1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)	1 bay / 2 beds or part thereof (e.g. 2 bays per 3 beds)
Backpackers Lodge		1 bay /3 beds 2 bays / owner's home / manager's flat 1 bay /visitors/ employees	1 bay per 3 beds	0,5 bay per 3 beds
Hotel (excluding other facilities, specific ratios apply to each use)		1.25 bays/bedroom	1 bay per bedroom	0.75 bays per bedroom

Land Use		Normal Areas	PT1 Areas	PT2 Areas
Hospital (general and private)		1 bay per bed 3 bays per consulting room	1 bay per bed 2 bays per consulting room	1 bay per bed 1 bay / consulting room
Frail care facility		1 bay per bed	1 bay per bed	0,5 bay per bed
Clinic/Medical consulting rooms		4 bays per consulting room	3 bays per consulting room	2 bays per consulting room
Funeral parlour		1 bay per 4 seats 4 bays per 100 m² office GLA	0,75 bay per 4 seats 2 bays / 100 m² office GLA	0,5 bays per 4 seats 1 bay / 100 m² office GLA
Shops / Liquor store / Restaurant / Supermarket	Neighbourhood shop	4 bays per 100 m² GLA	2 bays per 100 m² GLA	1 bay per 100 m² GLA
	High intensity area e.g.: CBD, corridors, supermarket,	6 bays per 100 m² GLA	4 bays per 100 m² GLA	2 bays per 100 m² GLA
Big box retail / Shopping centres		6/100m² as determined by Council	5/100m² as determined by Council	4/100m² as determined by Council
Offices		4 bays per 100 m² GLA	3 bays per 100 m² GLA	2 bay per 100 m² GLA
Home occupation		2 bays per 60 m² GLA	2 bays per 60 m² GLA	2 bays per 60 m² GLA
House shop / tavern/bar		1 bay per 25 m² GLA	1 bay per 25 m² GLA	1 bay per 25 m² GLA
Industry / Light industry / Warehouse / Scrap yard/ Builder's yard / Noxious trade / Risk activity		2 bays per 100 m² GLA	1.5 bays per 100 m² GLA	1 bay per 100 m² GLA
Industrial hive / Service trade		4 bays per 100 m² GLA	3 bays per 100 m² GLA	1.5 bays per 100 m² GLA
Storage facility		1 bay per 100m² GLA	1 bay per 100m² GLA	1 bay per 100m² GLA
Service station/ Motor repair garage/ Motor vehicle sales or Vehicle hire premises		4 per repair bay Minimum of 8 bays Plus 4 bays per 100 m² GLA	3 per repair bay Minimum of 6 bays Plus 3 bays per 100 m² GLA	2 per repair bay Minimum of 4 bays Plus 2 bays per 100 m² GLA
Open air motor vehicle sales		4 bays per 100 m² GLA	3 bays per 100 m² GLA	2 bays per 100 m² GLA
Place of assembly/Place of worship/ Place of Entertainment/ Place of leisure/Gambling place		1 bay per 8 seats	1 bay per 8 seats	1 bay per 15 seats
Motor fitment centre		2 bays per service bay	2 bays per service bay	1 bay per service bay
Sport stadium		1 bay per 4 seats or persons	0.75 bays per 4 seats or persons	0,5 bays per 4 seats or persons
Gymnasium, health club (not part of a shopping centre)		10 bays per 100m² GLA	8 bays per 100m² GLA	6 bays per 100m² GLA
Schools		1.5 bay per classroom/office plus stop & drop facility	1.25 bays per classroom/ office plus stop & drop facility	1 bay per classroom/ office plus stop & drop facility
Crèche		1 bay per 10 children plus 1 stop & drop facility	1 bay per 10 children plus 1 stop & drop facility	1 bay per 10 children plus 1 stop & drop facility
Library, Museum		2 bays per 100m² GLA	1,5 bays per 100m² GLA	1,25 bays per 100m² GLA
Place of instruction (other than schools/day care centre/ crèche)		1.5 bay per classroom/office plus 1 per 6 students	1.25 bay / classroom/office 1 per 10 students	1 bay classroom/office per 20 students
Conference facility		8 bays per 10 seats	6 bays per 10 seats	4 bays per 10 seats

Land Use	Normal Areas	PT1 Areas	PT2 Areas
Indoor and Outdoor Sport Facility & Sport and Recreation Centre	As determined and approved in SDP	As determined and approved in SDP	As determined and approved in SDP

Alternative parking supply

59.(1) As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Municipality—

(a) acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or

(b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.

(2) The cost of registration of the notarial tie or servitude referred to in paragraph (1)*(b)* must be borne by the owner.

Combined parking requirements

60. If two or more uses combine to share a common parking area, the Municipality may approve parking requirements that provide less than the quantum of the parking required for individual uses provided that—

(a) the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and

(b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.

Parking: Visitors

61.(1) The following parameters shall apply to visitors' parking required in terms of this Scheme:

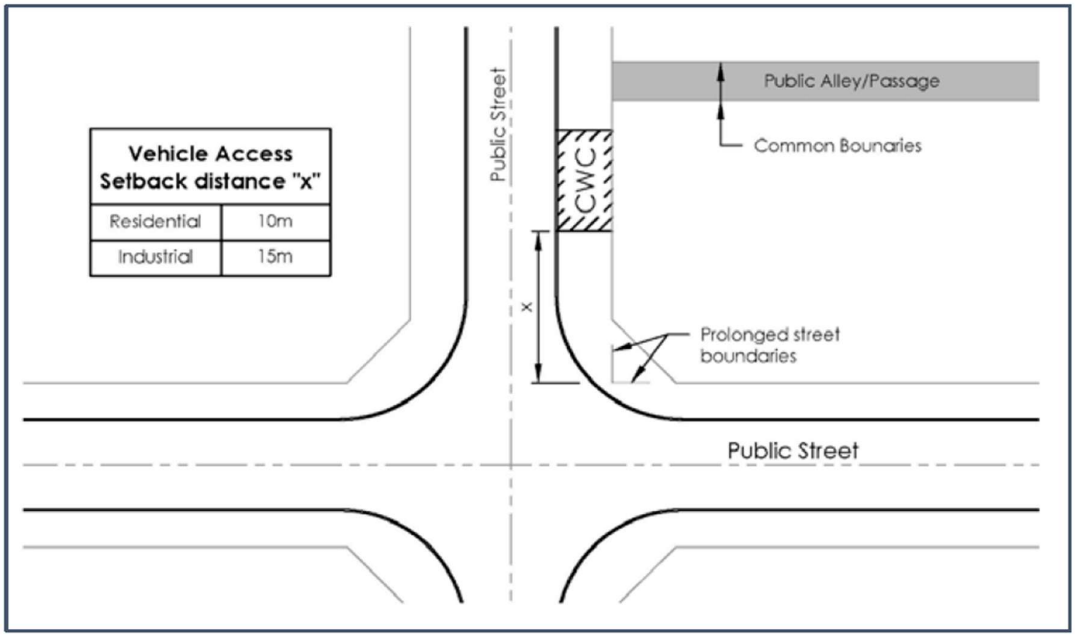
(a) visitors' parking as required by this Scheme shall be clearly demarcated, readily visible, and accessible to visitors with suitable signage to direct visitors to such parking;

(b) visitors' parking shall not be alienated for exclusive use nor shall it be leased or allocated for the exclusive use of particular persons, other than visitors.

Site access and exits

62.(1) The Municipality may require compliance with standard municipal or provincial access spacing guidelines.

(2) No access may be closer than 10 metres from an intersection as defined by the prolongation of street boundaries, except for industrial-zoned properties, where the distance must be 15 metres.



(3) The Municipality may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.

(4) Vehicle entrances and exit ways to and from a property must conform to the following requirements:

(a) motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site;

(b) despite paragraph *(a)*, where the total length of any street boundary of a site exceeds 30 metres in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 metres to each other;

(c) the minimum and maximum widths of motor vehicle carriageway crossings must be in accordance with the table, titled "Width of motor vehicle carriageway crossings"; and

(d) the minimum width of a panhandle access may not be less than 4 metres wide.

Width of motor vehicle carriageway crossings

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 metres	4,0 metres
Combined entrance and exit way	5,0 metres	8,0 metres

Parking layout requirements

63.(1) The following parking layout requirements apply unless otherwise stated in this zoning scheme:

(a) parking layout configurations, minimum dimensions and ramps to a parking area must be in accordance with this zoning scheme or an approved site development plan;

(b) the layout of any parking area, except for parking in Single Residential Zone I and Single Residential Zone II, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;

(c) a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays;

(d) visitor parking bays must be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;

(e) parking areas must be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;

(f) parking areas must be constructed and maintained in a state suitable for the parking and movement of vehicles;

(g) control of access to and reservation of parking bays or areas is not permitted unless written approval has been obtained from the Municipality, either through an approved site development plan or other written approval; and

(h) despite paragraphs *(a)* to *(g)*, the Municipality may lay down more restrictive requirements related to parking, site access or motor vehicle carriageway crossing, if it considers this to be necessary from a pedestrian or traffic safety point of view.

(2) The Municipality may require an applicant to submit a parking layout plan indicating—

(a) the way in which it is proposed that motor vehicles park;

(b) the means of entrance and exit from parking areas;

(c) landscaping proposals; and

(d) construction details.

Parking for physically disabled

64.(1) The Municipality may require parking suitable for use by persons with physical disabilities to be provided on any land unit in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.

(2) In any parking facility serving the public, parking for persons with physical disabilities must be provided in accordance with the table entitled "Physically disabled accessible parking".

Physically disabled accessible parking

Total no of parking bays	Required number of bays accessible to the physically disabled
1–50	1
51–100	2
101–150	3
151–200	4
For every additional 100 bays	1 additional parking bay

(3) Parking for the physically disabled must comply with the following requirements:
(a) parking bays must be a minimum of 3,7 metres in width and 5 metres in length;
(b) parking and access aisles must be level;
(c) parking bays must be located as near as possible to accessible building or site entrances, and must be located to provide convenient access to kerb ramps;
(d) each parking bay reserved for physically disabled persons must be marked on the parking surface with the international symbol for disabled accessibility;
(e) additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the Municipality; and
(f) if five or fewer parking bays are provided, at least one bay must be 4 metres wide and marked to provide a parking bay of 2,5 metres with an access aisle of 1,5 metres, but the bay need not be reserved exclusively for persons with physical disabilities.

(4) Parking for persons with physical disabilities must count towards fulfilling off-street parking requirements.

Motorcycle and bicycle parking spaces

65.(1) The Municipality may require that parking be provided for motorcycles and bicycles.

(2) For every 4 motorcycle and 6 bicycle parking spaces provided, a credit of 1 parking bay may be given towards applicable parking requirements, provided that—
(a) the total credit may not exceed 10% of the parking bays required;
(b) the minimum dimension for a motorcycle space is 2,2 metres in length and 1 metre in width; and
(c) the minimum dimension for a bicycle space is 2 metres in length and 0,6 metres in width.

(3) Signage, bollards and racks or other devices for storing bicycles and enabling motorcyclists to make use of the motorcycle and bicycle parking spaces must be installed.

Loading requirements

66.(1) Unless the Municipality grants approval to waive this requirement, loading bays must be provided in accordance with the table entitled "Minimum off-street loading bay requirements".

(2) The Municipality may determine off-street loading requirements for uses not stipulated in the table.

(3) The following minimum requirements apply to loading bays:

(a) a loading bay must measure not less than 4,5 metres x 10 metres for perpendicular loading, and 2,5 metres x 12 metres for parallel loading;

(b) no carriageway crossing to be accessed by loading vehicles may be less than 3 metres in width, and no combined entrance and exit way may be less than 6 metres in width; and

(c) covered loading areas must have a minimum headroom of 3,7 metres.

Minimum off-street loading bay requirements

Land use	Floor area (m²)	Number of loading bays
Offices	0–5 000 5 001–15 000 15 001–30 000 Every additional 30 000 or part thereof	0 1 2 1 additional bay
Business premises other than offices, supermarket, industry	0–1 000 1 001–2 500 2 501–5 000 5 001–10 000 Every additional 10 000 or part thereof	0 1 2 3 1 additional bay
Supermarket	0–500 501–1 000 1 001 and greater	1 2 3 x requirements for business premises other than offices, supermarket, industry

CHAPTER 10
REFUSE ROOMS AND SERVICE YARDS

Refuse rooms

67. The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property and require the refuse receptacle to—

(a) be of sufficient size to accommodate the refuse generated from the property for a period as may be specified;

(b) be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;

(c) be designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and

(d) to comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, recycling, safety or aesthetics.

Service yards

68.(1) The Municipality may require the owner to install a screened area providing utility services, including washing lines, for residential developments.

(2) The utility services must—

(a) be designed in a manner that is architecturally compatible with the other structures on the property and in the case of refuse bins must be screened from public view; and

(b) comply with any other conditions or standard requirements that the Municipality may impose relating to access, health, pollution control, safety or aesthetics.

SCHEDULE 1

USE ZONES TABLE

1	2	3
Zoning	**Primary use**	**Consent use**
AGRICULTURAL ZONES		
Agricultural Zone I (AZI)		
The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.	**Primary use** • Agriculture	**Consent uses** • Abattoir • Additional dwelling units • Agricultural building > 2000m² or cumulative floor space of individual buildings >2000m² • Agricultural industry (>2000m²) • Airfield • Animal care centre • Aqua-culture • Camping site • Crèche • Farm shop • Farm grave yard • Freestanding base telecommunication station • Function venue • Guest house • Helicopter landing pad • Home care facility • Home lodging • Intensive Animal Farming • Market • Off-road trail • Plant nursery • Quarry • Renewable energy infrastructure on dedicated structure or carport • Self-catering use of Agricultural Worker Accommodation • Shooting range • Tourist facility • Utility service

1 Zoning	2 Primary use	3 Consent use
Agricultural Zone II (AZII)		
The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated smallholding area.	**Primary use** • Smallholding	**Consent uses** • Additional dwelling unit (one) • Animal care centre • Aqua-culture • Commune • Farm shop • Freestanding base telecommunication station • Guest house • Home care facility • Home lodging • Intensive animal farming • Intensive horticulture • Plant nursery • Quarry • Renewable energy infrastructure on dedicated structure or carport. • Rooftop base telecommunication station • ~~Second dwelling (>60m²)~~ • Self-catering use of Agricultural Worker Accommodation • Tourist facility • Utility service
Agricultural Zone III (AZIII)		
The purpose of this zone is to support the government's rural land development programme and provide for the establishment of worker accommodation outside conventional towns.	**Primary use** • Agri-village	**Consent uses** • Commune • Freestanding base telecommunication station • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station

1	2	3
Zoning	**Primary use**	**Consent use**
SINGLE RESIDENTIAL ZONES		
Single Residential Zone I (SRZI)		
The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.	**Primary use** • Dwelling house	**Consent uses** • Commune • Crèche • Guest house • Halfway house • Home care facility • Home lodging • House shop • Renewable energy infrastructure on dedicated structure or carport • Second dwelling (>60m²) • Self-catering use of the dwelling house. • Student home use of a dwelling unit

1	2	3
Zoning	**Primary use**	**Consent use**
Single Residential Zone II (SRZII)		
The objective of this zone is to provide for upgrading and incremental housing from informal settlements to formal settlements and also to allow formal as well as informal housing types on a single erf. In recognition of the realities of poor and marginalised communities, development management provisions are not restrictive and local employment generation is encouraged within this zone.	**Primary uses** • Dwelling house • Shelter	**Consent uses** • Commune • Crèche • Halfway house • Home care facility • Home lodging • House shop • Transitional relocation area • Small scale rental apartments • Renewable energy infrastructure on dedicated structure or carport • Second dwelling unit (>60m²) • Self-catering use of the dwelling house. • Student home use of a dwelling unit
GENERAL RESIDENTIAL ZONES		
General Residential Zone I (GRZI)		
The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the inter-relationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces.	**Primary use** • Group housing	**Consent uses** • Commune • Flats • Home lodging • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Self-catering use of a dwelling unit. • Student home use of a dwelling unit

1	2	3
Zoning	**Primary use**	**Consent use**
General Residential Zone II (GRZII)		
The objective of this zone is to encourage residential development of a greater density than for General Residential Zone I, while retaining the emphasis on design coordination and a modest scale in terms of height. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities. Town housing may be located in and around central business areas, near high density nodes and along activity axis including railway lines and main traffic routes, where flats are often found.	**Primary use** • Town housing	**Consent uses** • Commune • Flats • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Self-catering use of a dwelling unit. • Student home use of a dwelling unit
General Residential Zone III (GRZIII)		
The objective of this zone is to promote higher density residential development. The dominant use within this zone must be residential, but limited mixed-use development is possible with the Municipality's consent. This zone has particular location requirements, including proximity to transport and amenities, and should not be randomly located without due consideration of the availability of open space and community facilities.	**Primary use** • Flats	**Consent uses** • Backpackers' lodge • Boarding house • Commune • Convenience shop • Renewable energy infrastructure on dedicated structure or carport • Retirement resort • Rooftop base telecommunication station • Self-catering use of a dwelling unit. • Student home use of a dwelling unit.

1	2	3
Zoning	**Primary use**	**Consent use**
General Residential Zone IV (GRZIV)		
The objective of this zone is to provide a temporary residence for transient guests in an appropriately scaled establishment that may include a small conference/ training facility that also caters for business meetings and where lodging and meals are provided.	**Primary use** • Guest lodge	**Consent uses** • Backpackers' lodge • Camping site • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Tourist facility • Wellness centre
General Residential Zone V (GRZV)		
The objective of this zone is to provide a temporary residence for transient guests, where lodging and meals are provided, and may include a restaurant and conference facilities. Outside towns it should only be considered in identified tourism areas or within resorts.	**Primary use** • Hotel	**Consent uses** • Aparthotel • Backpackers' lodge • Gambling place • Renewable energy infrastructure on dedicated structure or carport. • Rooftop base telecommunication station • Shop
General Residential Zone VI (GRZVI)		
The objective of this zone is to provide for residence that is dedicated for student lodging with communal facilities and limited ancillary uses.	**Primary use** • Boarding Hostel	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport. • Rooftop base telecommunication station

1	2	3
Zoning	**Primary use**	**Consent use**
BUSINESS ZONES		
Business Zone I (BZI)		
The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth.	**Primary use** • Business premises	**Consent uses** • Adult entertainment • Adult services • Adult shop • Data centre • Flats (on ground floor) • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Indoor sport facility • Motor repair garage • Open air motor vehicle display • Outdoor sport facility • Place of entertainment • Place of instruction • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Self-catering use of a flat. • Student home use of a flat. • Transport use • Warehouse

1	2	3
Zoning	**Primary use**	**Consent use**
Business Zone II (BZII)		
The objective of this zone is to provide for the retail sale of goods and services to the public.	**Primary use** • Shop	**Consent uses** • Adult shop • Animal hospital • Conference facility • Dwelling house • Flats (on ground floor) • Freestanding base telecommunication station • Liquor store • Open air motor vehicle display • Place of assembly • Place of instruction • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Rooftop base telecommunication station • Self-catering use of a flat. • Student home use of a flat. • Service station • Supermarket

1	2	3
Zoning	**Primary use**	**Consent use**
Business Zone III (BZIII)		
The objective of this zone is to provide for low intensity commercial and mixed-use development that serves local neighbourhood needs for convenience goods and personal services. The development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.	**Primary use** • Neighbourhood shop	**Consent uses** • Animal hospital • Dwelling house • Liquor store • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Self-catering use of a flat. • Student home use of a flat. • Service trade • Supermarket
Business Zone IV (BZIV)		
The objective of this zone is to provide an intermediate zone that may, if required, act as a buffer or interface between high- and medium-intensity business zones, and residential zones. Retail activities are limited to those which are ancillary to the dominant permitted uses, namely offices In order to protect the amenity of adjacent residential areas, appropriate levels of landscaping and environmental management are required.	**Primary use** • Offices	**Consent uses** • Dwelling house • Flats • Institution • Place of assembly • Place of instruction • Place of leisure • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Rooftop base telecommunication station • Shop • Supermarket

1	2	3
Zoning	**Primary use**	**Consent use**
Business Zone V (BZV)		
The objective of this zone is to provide for large-scale regional retail facilities that exceed the floor area of shops and supermarkets aimed at the local market in general. These facilities may offer a diverse range of products under one roof and supply products to individuals as well as wholesale trade. These facilities may be developed as a power centre. Specific consideration should be given to the locality and placement of these facilities with consideration of their regional significance and accessibility as well as possible impact on existing nodal areas.	**Primary use** • Big box retail	**Consent uses** • Indoor sport facility • Outdoor sport facility • Place of entertainment • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Shop • Warehouse
Business Zone VI (BZVI)		
The objective of this zone is to provide opportunities in urban areas for service stations, motor repair garages and associated facilities that have specific vehicle access requirements and potential negative impacts on adjoining areas.	**Primary use** • Service station	**Consent uses** • Motor repair garage • Open air vehicle display • Renewable energy infrastructure on dedicated structure or carport • Shop • Truck stop • Truck stop accommodation

1	2	3
Zoning	**Primary use**	**Consent use**
INDUSTRIAL ZONES		
Industrial Zone 1 (IZI)		
The objective of this zone is to accommodate industry uses and service trades that may be carried out without nuisance to other properties or the general public. These uses may be located next to business uses and in close proximity to residential areas, and do not present a potential negative impact on the character or amenity of such areas.	**Primary use** • Light industry	**Consent uses** • Adult entertainment • Adult services • Adult shop • Aqua-culture • Caretaker's quarters • Convenience shop • Freestanding base telecommunication station • Liquor store • Office • Place of entertainment • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Truck stop • Truck stop accommodation

1	2	3
Zoning	**Primary use**	**Consent use**
Industrial Zone II (IZII)		
The objective of this zone is to accommodate all forms of industry, except noxious trade and risk activity, in order to promote the manufacturing sector of the economy. Some allowance is made for non-industrial activities, but these should not compromise the general use of the area zoned for industry. It is accepted that the intensive nature of the industrial activity or the scale of the operation could generate some negative impact on adjacent properties.	**Primary use** • Industry	**Consent uses** • Abattoir • Adult entertainment • Adult services • Aqua-culture • Container site • Convenience shop • Crematorium • Helicopter landing pad • Indoor sport facility • Liquor store • Office • Place of entertainment • Place of leisure • Place of worship • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Scrap yard • Truck stop • Truck stop accommodation
Industrial Zone III (IZIII)		
The objective of this zone is to provide for industries that are noxious in respect of smell, product, waste or other objectionable consequence of their operation, or carry a high risk in the event of fire or accident. While other uses are permitted with consent, the Municipality must ensure there is sufficient capacity for noxious trade in the limited areas suitable for this zone. A noxious trade should not be located close to residential areas.	**Primary use** • Noxious trade	**Consent uses** • Container site • Convenience shop • Helicopter landing pad • Industry • Liquor store • Motor repair garage • Renewable energy infrastructure on dedicated structure or carport • Scrap yard • Service station • Transport use

1	2	3
Zoning	**Primary use**	**Consent use**
Industrial Zone IV (IZIV)		
The objective of this zone is to provide for the use of land for the extraction of minerals and raw materials and, to a limited extent, associated business operations. This zone is intended for operations of a more permanent nature as opposed to temporary, short-term mining or prospecting activities.	**Primary use** • Mine	**Consent uses** • Industry • Renewable energy infrastructure on dedicated structure or carport
COMMUNITY ZONES		
Community Zone I (CZI)		
The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses.	**Primary use** • Place of instruction	**Consent uses** • Conference facility • Freestanding base telecommunication station • Institution • Place of assembly • External use of any facilities for recreational or commercial purposes (pre-school or school) • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station
Community Zone II (CZII)		
The objective of this zone is to provide for places where communities can congregate and worship according to the custom of their specific faith or religion.	**Primary use** • Place of worship	**Consent uses** • Cemetery • Institution • Place of instruction • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Wall of remembrance

1	2	3
Zoning	**Primary use**	**Consent use**
Community Zone III (CZIII)		
The objective of this zone is to provide for a wide range of health facilities.	**Primary use** • Institution	**Consent uses** • Correctional facility • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station
RESORT ZONE		
Resort Zone (RZ)		
The objective of this zone is to promote tourist and holiday facilities in areas with special environmental or recreational attributes, and to encourage general public access to these facilities. At the same time, care should be exercised to minimise potential negative impacts of development on fragile environments. The guiding principle should be that a resort must not detract from the amenity that attracted the holiday facilities in the first place, nor should it cause a public nuisance for other people living and working in the vicinity. This zone should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas.	**Primary use** • Tourist accommodation establishment	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Gambling place • Hotel • Indoor sport facility • Off-road trail • Outdoor sport facility • Place of leisure • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Tourist facility • Wellness centre

1 Zoning	2 Primary use	3 Consent use
OPEN SPACE ZONES		
OPEN SPACE ZONE I (OSZI)		
The objective of this zone is to provide for active and passive recreational areas on public land, in order to promote recreation, and enhance the aesthetic appearance of an area.	**Primary use** • Public open space	**Consent uses** • Air and underground rights • Cemetery • Environmental facilities • Informal trading • Market • Renewable energy infrastructure on dedicated structure or carport • Tourist facility • Urban agriculture • Utility service
OPEN SPACE ZONE II (OSZII)		
The objective of this zone is to provide for private active and passive recreational areas, in order to promote recreation and enhance the aesthetic appearance of an area.	**Primary use** • Private open space	**Consent uses** • Cemetery • Tuck shop • Environmental facilities • Function venue • Informal trading • Market • Plant nursery • Renewable energy infrastructure on dedicated structure or carport • Restaurant • Sports and recreation centre • Tourist facility • Urban agriculture • Utility service • Wellness centre

1	2	3
Zoning	**Primary use**	**Consent use**
OPEN SPACE ZONE III (OSZIII)		
The objective of this zone is to provide for the conservation of natural resources in areas that have not been proclaimed as nature areas (non-statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.	**Primary use** • Nature conservation area	**Consent uses** • Conference facilities • Environmental facilities • Freestanding base telecommunication station • Function venue • Harvesting of natural resources • Off-road trail • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Tourist accommodation establishment • Tourist facility • Tuck shop • Utility service • Wellness centre
OPEN SPACE ZONE IV (OSZIV)		
The objective of this zone is to provide for the conservation of natural resources in areas that have been proclaimed as nature areas (statutory conservation), in order to sustain flora and fauna and protect areas of undeveloped landscape including woodlands, ridges, wetlands and the coastline. A range of consent uses is provided to supplement and support the main objective of this zone.	**Primary use** • Nature reserve	**Consent uses** • Conference facility • Freestanding base telecommunication station • Function venue • Off-road trail • Renewable energy infrastructure on dedicated structure or carport • Rooftop base telecommunication station • Tourist accommodation establishment • Tourist facility • Tuck shop • Utility service • Wellness centre

1	2	3
Zoning	**Primary use**	**Consent use**
TRANSPORT ZONES		
TRANSPORT ZONE I (TZI)		
The objective of this zone is to reserve land for transportation systems, excluding public streets, but including all other transport undertakings.	**Primary use** • Transport use	**Consent uses** • Air and underground rights • Airfield • Airport • Business premises • Conference facility • Container site • Freestanding base telecommunication station • Helicopter landing pad • Hotel • Industry • Informal trading • Market • Motor repair garage • Outdoor ~~trading and~~ dining • Renewable energy infrastructure on dedicated structure or carport • Service station • Warehouse
TRANSPORT ZONE II (TZII)		
The objective of this zone is to provide for public streets, whether constructed or still to be constructed, as well as infrastructure associated with public streets. Provision is also made for the temporary use of the land unit for other purposes as may be approved by the Municipality.	**Primary use** • Public street	**Consent uses** • Air and underground rights • Market • Multiple parking garage • Outdoor ~~trading and~~ dining • Renewable energy infrastructure on dedicated structure or carport

1	2	3
Zoning	**Primary use**	**Consent use**
TRANSPORT ZONE III (TZIII)		
The objective of this zone is to provide private ~~road~~ street that is privately owned and does not vest in the Municipality or any other organ of state, for the passage or parking of motor vehicles.	**Primary use** • Private ~~road~~ street	**Consent uses** • Outdoor dining • Renewable energy infrastructure on dedicated structure or carport
UTILITY ZONE		
UTILITY ZONE (UZ)		
The objective of this zone is to reserve land for uses that do not fall into another zoning category and that is normally undertaken by national, provincial and municipal government agencies including utility services and substations. Some flexibility for the use of land and development parameters is provided.	**Primary use** • Utility service	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport

1	2	3
Zoning	**Primary use**	**Consent use**
AUTHORITY ZONE		
AUTHORITY ZONE (AZ)		
	Primary use • Authority use	**Consent uses** • Renewable energy infrastructure on dedicated structure or carport
UNDETERMINED ZONE		
UNDETERMINED ZONE (UNZ)		
The objective of this zone is to enable the Municipality to defer a decision regarding a specific land use and development management provisions until the circumstances affecting the land unit have been properly investigated; or until the owner of the land makes an application for rezoning; or a zoning determination is made by the Municipality. The objective of this zone is furthermore to create a zone to which land could revert back to when rights under current zonings, other than Single Residential Zone I, were not exercised, especially in cases where changes in the planning context occurred since the current zoning was granted.	**Primary use** • None	**Consent uses** • None

RECORD OF AMENDMENTS

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SCHEDULE 2

LAND USE DESCRIPTIONS AND DEVELOPMENT PARAMETERS

"abattoir"

Land use description: "*abattoir*" is a place where animals are commercially slaughtered and prepared for distribution to butchery shops and food markets but does not include the processing of any animal products.

Development parameters:
The development parameters applicable to "industry" apply, as well as those applicable to "agricultural industry" when an abattoir is located on a farm.

"additional dwelling unit"

Land use description: "*additional dwelling unit*" is a dwelling unit that may be erected on an agricultural land unit with the approval of a consent use by the Municipality, in addition to a primary dwelling house or agricultural worker accommodation for *bona fide* agricultural workers, or both, provided that—

(a) additional dwelling units can be allowed at a ratio of one additional dwelling unit per 10 ha, calculated on the basis of all additional dwelling units on the agricultural land unit, up to a maximum of five (5) additional dwelling units per agricultural land unit; with the exception of one additional unit that can be allowed in all cases ~~as a consent use~~, irrespective of the size of the agricultural land unit;

(b) the first additional dwelling unit does not require a consent use application and will be approved per site plan that must in all instances be submitted together with the required building plan application;

(c) no alienation of additional dwelling units will be permitted whether by cadastral subdivision or sectional title.

(d) an additional dwelling unit may be used as a self-catering unit for tourist accommodation;

(e) Any reference to an alternative structure such as, but not limited to, chalets, eco-pods, eco-domes, or permanent tented structures will be regarded as additional dwelling units.

Development parameters:
The development parameters applicable to "agriculture" apply, together with the following additional development parameters for "additional dwelling units". Additional dwelling units may be erected with the consent of Municipality provided that—

(a) the total floor space of an additional dwelling unit including the floor space in all ancillary buildings to the additional dwelling, may not exceed 175 m², with the exception of one of the permitted additional dwelling units which total floor space, inclusive of all ancillary buildings to the subject additional dwelling unit, may not exceed 300m²;

(b) an additional dwelling unit must be constructed in a style that is similar to the architecture of the main dwelling house, unless otherwise permitted by the Municipality;

(c) an additional dwelling unit that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(d) an additional dwelling unit that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling

house; provided that both units may have a ground floor, or one unit may be on the ground floor and the other unit above and;

(e) the development of new additional dwelling units may not result in any adverse impact on viable agricultural land, resources or activities and should be located and clustered together with existing compound of agricultural buildings.

"adult entertainment"

Land use description: "*adult entertainment*"—

(a) means the use of property for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed; and

(b) does not include adult services or an adult shop.

Development parameters:

The development parameters applicable to ~~"business premises"~~ primary land use apply.

"adult services"

Land use description: "*adult services*"—

(a) means the use of property for massage parlours or escort agencies where sexually orientated personal services are provided, unless the services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or an adult shop.

Development parameters:

The development parameters applicable to ~~"business premises"~~ primary land use apply.

"adult shop"

Land use description: "*adult shop*"—

(a) means the use of property exclusively for the retail sale of pornographic, sexually explicit or erotic material, whether or not the material is displayed for sale, unless the material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; and

(b) does not include adult entertainment or adult services.

Development parameters:

The development parameters applicable to ~~"business premises"~~ primary land use apply.

"agricultural building"

Land use description: "agricultural building" means any building or structures normally erected and/or used in direct connection with and ancillary to the reasonable and normal farming operations on a farm, and:

(a) includes amongst others packing sheds, implement stores, produce storage, farm office, staff facilities, and/or cold stores;

(b) excludes abattoirs, agricultural industry buildings, and agricultural worker accommodation,

(c) an agricultural building may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) Agricultural buildings may, subject to prior approval of an associated site development plan, be erected on a property provided that where the coverage of any single building exceeds 2000m² a consent use approval shall be required.
(ii) If the development of separate agricultural buildings is simultaneously pursued and which agricultural buildings will result in a cumulative coverage that exceeds 2000 m², a consent use application shall be required.
(iii) The Municipality may require information related to the need for the agricultural buildings to confirm the scale of the agricultural buildings is commensurate with the farming activities on the land unit concerned.
(iv) Should agricultural buildings on one land unit serve a farm which consists of more than one land unit, the Municipality may, in their sole opinion, require that land units be notarially tied to prevent the separate sale thereof, before approving the building plan on a specific land unit.
(v) An agricultural building may not be converted to any non-agricultural use such as tourist facilities within 3 ~~5~~ years following its completed erection and the issuing of the associated certificate of occupancy, except in instances where a lesser portion, that does not exceed 20% of the subject agricultural building, is used for a tourist facility.
(vi) When the need arise for an agricultural building following the conversion of an existing agricultural building to a non-agricultural use such as tourist facilities, a new agricultural building may not be erected to replace such former agricultural building within 3 ~~5~~ years from date of the approved building plan and the issuing of the associated certificate of occupancy for such conversion, and the former agricultural building must be converted back to its original use to prioritized the agricultural use.

"agricultural industry"

Land use description: "*agricultural industry*"—

(a) means an enterprise for the processing of agricultural products of which the majority of the products is sourced from that land unit and if not produced on that land unit, then from the land units farmed by the owners of the enterprise with a minority of the products sourced from the surrounding or nearby farms;
(b) includes a dairy, distillery, micro- brewery, the bottling of water from a natural source on the farming unit, a sawmill and a winery;
(c) may include ancillary uses such as storage, staff facilities, and/ or administrative offices;
(d) does not include an abattoir; and
(e) may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

Development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) Agricultural industry buildings may, subject to prior approval of an associated site development plan, be erected on a property provided that the coverage of the agricultural industry building, inclusive of all roofed structures associated with the agricultural industry, does not exceed 2000m².
(ii) Agricultural industry buildings where coverage exceeds 2000 m² shall require a consent use approval.
(iii) The Municipality may require information about produce, yields and production capacity and any other relevant information to confirm the scale of the proposed building is commensurate with the farming activities on the land unit concerned.

(iv) The agricultural industry shall remain subservient to the agricultural activities on the farm or farm enterprise.

(w) Other farm owners in the surrounding area may also supply produce to the agricultural industry provided that the land use description is generally complied with.

(vi) Any agricultural industry that is not situated on the same agricultural unit(s) where the products are grown/produced, may require that such agricultural unit(s) be notarially tied to the land unit where the products are sourced.

(vii) An agricultural industry may not be subdivided, alienated via a registered lease, or sectionalised.

(viii) A building erected for the purpose of an agricultural industry may not be converted to any non-agricultural use such as tourist facilities within 3 ~~5~~ years following its completed erection and the issuing of the associated certificate of occupancy, except in instances where a lesser portion that does not exceed 20% of such agricultural industry building is used for a tourist facility which are directly associated with the agricultural industry.

"**agricultural worker accommodation"**

Land use description: *"agricultural worker accommodation"* means –

(a) accommodation provided for *bona fide* agricultural workers;

(b) includes accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the *bona fide* agricultural activities on the land unit; and

(c) may not be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

The development parameters applicable to "agriculture" apply with the following additional development parameters:

(a) Agricultural worker accommodation may only be provided as approved in terms of a site development plan.

(b) the number of units must be reasonably connected to the *bona fide* agricultural activities on the land unit; and

(c) the units must be clustered relative to the farming activities and other agricultural buildings.

(d) Where associated with an agricultural worker accommodation unit, agricultural worker accommodation may only be used for the accommodation of one family as defined.

(e) One of the occupants of each of the agricultural worker accommodation units shall be permanently employed in connection with the farming activities on the land unit concerned.

(f) Each agricultural worker accommodation unit may not exceed a total floor area of 120 m^2, including all outbuildings.

(g) If agricultural worker accommodation units are required which exceed a total floor area of 120 m^2, including all outbuildings, the subject worker accommodation unit will be regarded as and counted as an ~~provision of~~ additional dwelling unit~~s will apply~~.

(h) Existing agricultural worker accommodation which have been built prior to the commencement of this zoning scheme bylaw, and are no longer required for its intended purpose and are still fit for occupancy and not dilapidated, may, with the consent of the Municipality as provided, be used as a self-catering unit.

(i) Agricultural worker accommodation which have been permitted to be used as a self-catering unit may not be enlarged, relocated or altered in any way which

would not permit it to be reverted to its original use as agricultural worker accommodation.

(j) A consent use to permit that agricultural working accommodation be used as a self-catering unit may not be granted within 5 years following the completed erection and the issuing of the associated certificate of occupancy for the subject agricultural worker accommodation unit.

(k) Where former agricultural worker accommodation was permitted to be used as a self-catering unit in accordance with a consent use, no new agricultural worker accommodation units will be permitted, and if required, the consent use for the self-catering unit will be withdrawn and the subject dwelling units must revert for such use as agricultural worker accommodation.

"agriculture"

Land use description: "*agriculture*" means the cultivation of land for raising crops and other plants, including plantations, fungi and algae, the keeping and breeding of animals, birds or bees, game farming, or natural veld, and—

(a) includes—

(i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms;

(ii) harvesting of natural resources limited to living organisms for delivery to the market;

(iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including one dwelling house, bona fide agricultural worker accommodation and rooftop base telecommunication stations;

(iv) one additional dwelling unit as provided for in the land use description of "additional dwelling unit";

~~(iv)~~(v) linear infrastructure;

(vi) agricultural industry <2000m²;

(vii) intensive horticulture; and

(b) does not include aquaculture; an abattoir, a farm shop, intensive animal farming, an animal care centre, any mining activity, utility services and renewable energy infrastructure for commercial purposes.

(c) Portions of buildings or land in this zone may not be alienated via a registered lease, or sectionalised.

Development parameters:

The following development parameters apply:

(a) **Building lines**

(i) 10 metres from any boundary in respect of properties smaller than 2 hectares;

(ii) 20 metres from any boundary in respect of properties smaller than 4 hectares; and

(iii) 30 metres from any boundary in respect of properties larger than 4 hectares.

(iv) all additions to existing building structures which were permitted in terms of former applicable zoning scheme building lines, and which will not further increase the encroachment on a neighbouring property boundary, will on

the sole discretion of the Municipality be exempted from a departure application.

(b) **Height**

(i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(ii) Agricultural buildings and agricultural industry buildings other than dwelling houses may not exceed a height of 15 metres to the top of the roof.

(iii) Earth banks and retaining structures that are in the opinion of Municipality associated with *bona fide* agricultural activities are exempt from the general provisions in this regard in this By-law.

(c) **Site development plan**

(i) For any development in this zone, as well as any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval.

(ii) 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 site development plan shall be submitted for a farm or farm enterprise.

(d) **Farm shop, resort shop**

Where a farm shop and a resort shop are operated from the same property the combined floor area of the farm shop and resort shop may not exceed 100m².

(e) **Agricultural Industry**

In addition to the above parameters the following apply:

(i) the agricultural industry does not exceed a coverage and/ or total floor area of 2 000m²; and

(ii) the parking requirements for "industry" apply.

(f) **Non-Agricultural uses**

(i) The cumulative coverage and/ or total floor space of all non-agricultural uses such as uses associated with tourism, but excluding additional dwelling units, may not exceed the lessor limit of 5% or to a maximum of 2000m² of the size of the farm unit.

(ii) Any non-agricultural uses must remain subservient to the agricultural use and be associated with and complementary to the existing nature and scale of the present farming activities.

"agri-village"

Land use description: "agri-village" means a private settlement of restricted size, established and managed by a legal institution that is situated within an agricultural area and where residence is restricted to bona fide agricultural workers and their dependents of the farms involved in the development. Security of tenure does not include right of ownership but can include a Trust or Communal Property Association. The development of agri-villages represents a partnership between farmer, agricultural worker and state.

Development parameters:

(a) The Municipality must require a site development plan for an agri-village.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"air and underground rights"

Land use description: "*air and underground rights*" means any use right that may be approved by the Municipality for the development of a defined space above or below a public street, open space, railway line or any other land utilised for transport purposes.

Development parameters:

(a) The Municipality must require a site development plan for air and underground rights.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

(d) The Municipality may approve a consent use for air or underground rights if—

(i) the consent use does not compromise the intended primary use of the land;

(ii) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the Municipality;

(iii) a servitude in respect of the air or underground rights is registered over the land concerned; and

(iv) the Municipality is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of the street, road or parking.

"airfield"

Land use description: "*airfield*" means runways and associated buildings for the take-off and landing of light aircraft.

Development parameters:

(a) The Municipality must require a site development plan for an airfield.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"airport"

Land use description: "*airport*" means a complex comprising aircraft runways and associated buildings for the take-off and landing of civilian aircraft and facilities for the handling and storage of air freight and includes land uses ancillary to airports, and includes—

(a) a restaurant;

(b) a clubhouse

Development parameters:

The development parameters applicable to "transport use" and "business premises" apply, provided that a site development plan must be submitted to the Municipality for its approval.

"animal care centre"

Land use description: "*animal care centre*" means a place for the care of pets and animals, operated on either a commercial or a welfare basis, and includes—

(a) boarding kennels;
(b) animal clinic and
(c) pet training centres.

Development parameters:
The development parameters applicable to "agriculture" apply.

"animal clinic"

Land use description: "*animal clinic*" means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products but does not include overnight facilities.

Development parameters:
Development parameters applicable to primary land use applies.

"animal hospital"

Land use description: "*animal hospital*" means land and buildings used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products with overnight facilities for animals.

Development parameters:
Development parameters applicable to the primary land use applies.

"aparthotel"

Land use description: "*aparthotel*" means a property used as temporary residence for transient guests in a licenced establishment that blends furnished accommodation suites with the services, amenities and convenience of a hotel and —

(a) includes—
(i) restaurants;
(ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as an aparthotel;
(iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
(iv) a wellness centre;
(v) a boarding house;
(vi) a tuck shop; and
(vii) dwelling units not exceeding 60m² to a maximum of 10% of the accommodation units provided or 6 dwelling units in total, whichever is the lessor number.
(viii) ancillary services for the exclusive use of the aparthotel residents, like barber shops, hairdressing salons, flower shops, indoor and outdoor sport facilities; and

(b) does not include—
(i) a liquor store,
(ii) a backpackers' lodge; and
(iii) a dwelling house.

Development parameters:
The Development parameters applicable to "hotel" apply.

"aqua-culture"

Land use description: *aqua-culture"* means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies.

Development parameters:
The development parameters applicable to "agriculture" apply.

"authority use"

Land use description: *"authority use"* means a use which is practised by or on behalf of an organ of state and that cannot be classified or defined under other uses in this zoning scheme, and includes a use practised by—

(a) the national government, including a military centre or installation, police station or correctional facility;
(b) the provincial government, including a road station or road camp;
(c) the Municipality, including a fire service or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies; and
(d) a foreign government including an embassy or consulate, but does not include a dwelling house when the dominant use is for living accommodation of foreign diplomatic personnel.

Development parameters:
The development parameters and additional provisions as approved by the Municipality according to the site development plan apply to every site, use and type of building.

"backpackers' lodge"

Land use description: *"backpackers' lodge"* means a building where affordable accommodation is provided for backpacker tourist per bed and not per bedroom, and includes the services ordinarily related to such accommodation, including the provision of meals or the use of communal facilities, and includes a youth hostel.

Development parameters:
The development parameters applicable to "guest lodge" apply.

"bed and breakfast establishment"

Land use description: ***"****bed and breakfast establishment"* means a dwelling house, second dwelling or additional dwelling unit—

(a) in which the owner or occupant of the dwelling supplies accommodation rooms and meals for compensation to transient guests who have permanent residence elsewhere; and
(b) provided that the dominant use, structure and design of the dwelling house concerned remains for the living accommodation of a single family.

Development parameters:
The development parameters applicable to "dwelling house", "second dwelling" and "additional dwelling unit" apply.
The following further parameters apply:

(a) no more than two rooms per land unit may be used for bedroom accommodation for paying guest, and no more than four paying guest per land unit may be supplied with accommodation or meals at any time;

(b) the requirement in paragraph *(a)* is also applicable where a land unit contains both a bed and breakfast establishment and rooms that are available for letting to lodgers;

(c) the owner of a bed and breakfast establishment must live on the property and inform the Municipality in writing before the establishment opens for business;

(d) a register of guests must be kept, and completed when rooms are let;

(e) any new structure or alteration to the property related to its use as a "bed and breakfast establishment" must be compatible with the residential character of the area, particularly with regard to the streetscape or rural character on a farm, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;

(f) no more than three employees may be employed in activities related to the bed and breakfast establishment;

(g) no alcoholic beverages may be served except to resident guests for consumption on the premises;

(h) guest rooms may not be converted to, or used as, separate self-catering dwelling units;

(i) meals may only be supplied to guests who are accommodated on the property, employees, and the family residing in the dwelling;

(j) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(k) no weddings, receptions, conferences, training or similar activities are permitted in a bed and breakfast establishment;

(l) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and

(m) on-site parking must be provided in accordance with the provisions of this By-law; provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the bed and breakfast establishment does not have enough parking.

"big box retail"

Land use description: "*big box retail*" means large buildings with footprints larger than 2 000 m² per enterprise, where the nature of the retail business is typified by attracting customers with low prices or large selections or both low prices and large selections, with large floor space and high volume sales, and may include a restaurant that is ancillary to the main use.

Development parameters:

(a) **Coverage**

Coverage must be in accordance with the site development plan approved by the Municipality.

(b) **Floor factor**

The maximum floor factor is 2.

(c) **Height**

(i) The highest point of a building may not exceed 10 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 10 metres.
(ii) Side and rear building lines are 0 metres or at least 10 metres if the site abuts any single residential zone or general residential zone.
(iii) The general building line encroachments in this By-law apply.

(e) **Parking, access and loading space**
Parking, access and loading space must be provided on the land unit in accordance with this By-law.

(f) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"boarding hostel"

Land use description: *"boarding hostel"* means a place which provides accommodation in accommodation suites, -rooms or dormitories for students attending a place of instruction and is managed by or on behalf of the particular educational institution with which it is associated, or may be owned and managed by a private institution for such purpose, and:
(a) may includes communal facilities directly associated with the main use;
(b) and may include a dwelling unit for a resident boarding hostel supervisor;
(c) no accommodation unit may be alienated via a registered lease or sectionalised.

Development parameters:
Development parameters applicable to "place of instruction" apply, or as may be determined by the Municipality if developed privately.

"boarding house"

Land use description: *"boarding house"* means a building where lodging is provided by a resident owner or manager, and includes ancillary communal cooking, dining and other communal facilities for the use of lodgers, together with outbuildings that are normally used in connection with a boarding house and—
(a) includes a building in which accommodation rooms are rented for residential purposes, and
(b) does not include a hotel, guest house of guest lodge, dwelling house, second dwelling, home for the aged, a residential facility for handicapped persons or orphans, backpackers' lodge or group house.

Development parameters:
(a) **Coverage**
The maximum coverage is 60%.
(b) **Floor factor**
The floor factor may not exceed 1.
(c) **Height**
(i) The highest point of a building may not exceed 15 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4,5 metres.
(iii) The general building line encroachments in this By-law apply.
(e) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(f) **Screening**
The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**

(i) Every boarding house must have access on the land unit to an outdoor living area that may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided.

(iii) The outdoor living area(s) must be of reasonable proportions and location, to the satisfaction of the Municipality, to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(i) **Service yard**
A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"builder's yard"

Land use description: "*builder's yard"* means a property used for the storage of material and equipment that—

(a) is required for or is normally used for construction work;

(b) was obtained from demolitions of structures or excavations of ground; or

(c) is necessary for, or is normally used for land development, including storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes.

Development parameters:
The development parameters applicable to "industry" apply.

"business premises"

Land use description: "*business premises*" means a property from which business is conducted and—

(a) includes a shop, big box retail, supermarket, restaurant, liquor store, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, place of leisure, institution, hotel, hospital, animal hospital, conference facility, rooftop base telecommunication station, and multiple parking garage;

(b) includes also the following land uses above ground floor:

(i) flats;
(ii) caretaker's quarters;
(iii) backpackers' lodge;
(iv) youth hostel;
(v) boarding houses; and

(c) does not include a place of entertainment, gambling place, motor repair garage, industry, noxious trade, risk activity, adult entertainment.

Development parameters:
The following development parameters apply:

(a) **Coverage**

The maximum coverage for all buildings on a land unit is 100%.

(b) **Street centre line setback**

The Municipality may require a street centre line setback, in which case all buildings or structures on a land unit must be set back at least 8 metres from the centre line of the abutting public street or streets.

(c) **Floor factor**

The maximum floor factor on the land unit is 3, but may be departed from if item *(h)* of these development parameters is complied with.

(d) **Height**

(i) The highest point of a building may not exceed 15 metres to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building line**

(i) The street building line is 0 metres.

(ii) Side and rear building lines are 0 metres, provided that the Municipality may lay down common building lines in the interest of public health and safety or in order to enforce any other law or right.

(iii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 millimetres beyond the street boundary.

(f) **Hotel floor space concession**

Where it is proposed to erect a hotel of at least 30 bedrooms in terms of this use right, the development parameters applicable to "hotel" apply.

(g) **Canopy or balcony projection**

The Municipality may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:

(i) the canopy or balcony may not project closer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy or balcony projection may be less than 2,8 metres above the pavement;

(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and

(iv) the owner must enter into an encroachment agreement with the Municipality.

(h) **Public pedestrian footway along street boundary**

If the owner provides on the land unit a public pedestrian footway that is accessible to the public at all times of at least 3 metres wide, next to a building situated alongside the street boundary, with a pavement that ties in with the street pavement, then, in recognition of the urban design contribution to the street environment, the floor factor of the building may be increased by twice the area of the public pedestrian footway. Canopies for the pavement may be permitted subject to the required building plan approval.

(i) **Street corners**

The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walkthrough covered arcades, plazas or other elements.

(j) **Parking and access**

(i) Parking and access must be provided on a land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 59(1).

(ii) Except with the approval of the Municipality, no parking bays at ground floor level on a land unit, either outside or within a building, may be located closer than 10 metres to a street boundary in order to enhance amenity at street level.

(k) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**

The Municipality may require screening in accordance with this By-law.

(m) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"camping site"

Land use description: "*camping site*" means land set aside for camping where tents may be erected or caravans or motorhomes may be parked and are used for short term accommodation by transient guests for holiday or recreational purposes and may include ancillary facilities for use by guests including facilities for outdoor food preparation, resort shop, road access for vehicles, picnic facilities, raised platforms on which to set up tents or caravans, ablution facilities, communal scullery and laundry facilities and waste disposal facilities, and does not include permanent tents or caravans.

Development parameters:

The development parameters applicable to "tourist accommodation establishment" apply, provided that a site development plan must be submitted to the Municipality for its approval.

"caretaker's quarters"

Land use description: "*caretaker's quarters*" means a building or part of a building of not more than 60 m² in total floor area, including sanitary and cooking facilities used for the accommodation of a caretaker employed at an industrial site or business premises where the operation requires that somebody is on the land unit at all hours.

Development parameters:

As determined by the Municipality.

"**cemetery"**

Land use description: "*cemetery*" means a place for the burial of human or domestic animal remains, and—

(a) includes—

(i) ancillary buildings including an office and chapel;

(ii) a "garden of remembrance" or a "wall of remembrance"; and

(b) does not include a crematorium.

Development parameters:

The development parameters applicable to "public open space" apply in the case of publicly owned land, and the parameters applicable to "private open space" apply in the case of land in private ownership.

"clinic"

Land use description: *"clinic"* means a place that has limited facilities and an emphasis on outpatients for the diagnosis and treatment of human illness or the improvement of human health provided that—

(a) a clinic may contain live-in facilities for no more than 20 persons, including patients and staff; and

(b) a clinic may include medical consulting rooms, operating theatres, an outpatients centre, and a wellness centre with ancillary uses.

Development parameters:

The development parameters applicable to "place of instruction" apply.

"commune"

Land use description: "*commune*" means that the entire dwelling unit is rented out for the accommodation of lodgers and where the owner does not reside on the property, and -

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

(b) no dwelling unit may be developed or altered purposefully to serve as a commune, in which case the establishment will be regarded as a "boarding house" ~~or "boarding hostel";~~

(c) at least one communal bathroom, kitchen and lounge/eating area shall be provided for lodgers on each property;

(d) separate kitchen facilities may not be installed in any rooms in contravention of the permitted number of dwelling units in the zone.

Development parameters:

(i) In addition to the development parameters associated with the applicable dwelling unit, parking must be provided on a ratio of 1 parking bay per bedroom.

(ii) A consent use approval for a commune will be subject to a period for 5 years, which may on application, be extended for further consecutive terms of 5 years.

(iii) A consent use for a commune will only be attached to the owner or occupant of the dwelling unit and will lapse upon transfer to any new owner or new occupant of the dwelling unit.

(iv) If a dwelling unit is located within a housing scheme which is subject to an owner's association or body corporate, the constitution of the subject housing scheme must specifically permit that dwelling units in the housing scheme may be used as a commune, and the written permission from the subject owner's association or body corporate must be obtained and submitted with an application for such consent use. If the owners' association or body corporate is not functioning, the written permission of all the owners within the housing scheme must be obtained.

"conference facility"

Land use description: "*conference facility*" means a place where information is presented and ideas or information exchanged among groups of people or delegates, and includes the supply of meals to delegates.

Development parameters:

The development parameters applicable to "business premises".

"container site"

Land use description: *"container site"* means property used for the storage of shipping or transport containers.

Development parameters:
The development parameters applicable to "industry" apply.

"convenience shop"

Land use description: *"convenience shop"* means a small retail concern that is open long hours and that typically stocks a range of everyday items including groceries, snack foods, candy, toiletries, soft drinks, tobacco products, newspapers and magazines.

Development parameters:
(a) The development parameters applicable to "service station" apply.
(b) When approved as a consent use in another zone, the development parameters applicable to "shop" apply.

"correctional facility"

Land use description: *"correctional facility"* means a place where persons are housed and trained on instruction of a court of law and includes a reformatory, place of detention; industrial school and prison.

Development parameters:
Development parameters applicable to "authority use" apply.

"crèche"

Land use description: *"crèche"* means the use of a portion of a dwelling house, second dwelling unit or additional dwelling unit by the occupant to provide day care, pre-school, play group or after-school care services for children.

Development parameters:
(a) The services provided must primarily be day care and educational, and not medical services.
(b) The services may not operate outside the hours 6:00 to 18:00.
(c) The dominant use of the dwelling house must remain for the living accommodation of a single family.
(d) Not more than 20 children may be registered at a time, or on the property at any time.
(e) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;
(f) Parking and access must be provided in accordance with this By-law.
(g) A Crèche provided on a property zoned for Agriculture Zone 1 may only enrol children residing on that farm and the immediate surrounding farms.

"crematorium"

Land use description: *"crematorium"* means a place for incinerating corpses in a furnace, and includes—
(a) ancillary facilities such as a chapel and offices; and
(b) a "garden of remembrance" or a "wall of remembrance".

Development parameters:
Development parameters applicable to "industry" apply.

"data centre"

Land use description: "data centre" means a building, a dedicated space within a building, or a group of buildings used to house a large group of networked computer servers, computer systems, storage devices and associated components, and is used by organizations for their information technology operations related to the remote storage, processing, or distribution of large amounts of electronic data and applications.

Development parameters:
Development parameters applicable to the associated land use apply or as determined by the Municipality.

"dwelling house"

Land use description: "*dwelling house*" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:

(a) a storeroom and garaging;
(b) a second dwelling ~~or additional dwelling, as may be permitted by the associated land use,~~ with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling ~~or additional dwelling~~ is larger than 60m²;
(c) a recreation room;
(d) renewable energy infrastructure for household purposes, irrespective of whether it feeds into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures, excluding car ports.
(e) home occupation, which may also be conducted from an approved second dwelling unit;
(f) letting to a maximum of two lodgers or students in accommodation rooms or suites, which total number will include accommodation of a domestic worker, and only insofar as any required additional parking is provided on-site;
(g) a bed and breakfast establishment; and
(h) home child care.
(i) Domestic worker accommodation, which may not constitute a seperate self-contained dwelling unit, in which case it will be deemed as the second dwelling unit.

Development parameters:

(a) **Height**
  (i) The height of a dwelling house may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.
  (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(b) **Coverage and building lines**
  (i) Building lines are at least the distance indicated in the table entitled "Coverage and building lines" from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m²	75%	1 metre	1 metre	1,5 metres
Greater than 250 m², but not exceeding 500 m²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m², but not exceeding 1 000 m²	50%	4 metres	2 metres	2 metres
Greater than 1 000 m²	500 m² or 40%, whichever is greater	5 metres	3 metres	3 metres

(ii) The general building line encroachments in this By-law apply.

(iii) In the event that the Municipality permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone I, an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

(c) **Single Residential Zone II**

In the case of a "dwelling house" in Single Residential Zone II, the development parameters pertaining to coverage, height and building lines of "shelter" apply.

(d) **Window and door placement**

Any portion of a building that contains an external window or door facing onto a common boundary must—

(i) be set back at least 1,5 metres from the boundary; and

(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

(e) **Garages, carports and outbuildings**

(i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage, carport or outbuilding do not—

(aa) extend higher than 3,5 metres to the top of the roof;

(bb) contain more than a double garage façade; and

(cc) exceed a length and width of 6,5 metres.

(ii) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport—

(aa) is not higher than 3,5 metres to the top of the roof;

(bb) does not contain more than a double garage façade; and

(cc) does not exceed a length and width of 6,5 metres.

(iii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

(f) **Parking and access**

(i) Parking and access must be provided on the land unit in accordance with this By-law.

(ii) Where a dwelling unit is occupied by unrelated persons as defined in paragraph *(b)* of the definition of "family" in section 1, provision must be made for parking in accordance with the parking requirements for a boarding house.

(g) **Garaging**

Garaging for up to four vehicles is permitted.

"environmental facilities"

Land use description: "*environmental facilities*" means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site and may include hiking trails, but does not include tourist facilities or tourist accommodation.

Development parameters:

The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning and the specific circumstances including adherence with an approved environmental management plan, where applicable.

"events"

~~**Land use description:** "events" means sporting, entertainment, recreational, educational, religious, cultural, exhibition or similar activity, that is accessible to the general public and is hosted either at a specific place or along a specified route, and which is of a temporary nature, and which can occur on a specific day or on consecutive days for a limited period, but excludes activities associated with a function venue, a market, outdoor trading, tourist facilities, and does not include any activities under "occasional use."~~

~~**Development parameters**~~

~~(a) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event, unless otherwise stipulated, subject to the following requirements:~~

~~(i) obtaining an event permit from the Municipality prior to the event;~~

~~(ii) adherence to the conditions attached to an event permit;~~

~~(iii) compliance to the applicable provisions for linear events or place bound events in (b) and (c);~~

~~(iv) The development parameters set out in the applicable base zone remain applicable to any land unit subject to any variation through permissions as provided for by this land use activity.~~

~~(v) Purpose-built tracks, buildings, and infrastructure to be used for events requires land use approval for the facility or amenity as contemplated in Section 15 of the Stellenbosch Municipal Land Use Planning By-law.~~

~~(vi) Any event occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality.~~

~~(vii) Any event may involve the construction of temporary structures to facilitate the hosting of such event, which temporary structures shall require building plan approval and shall be demolished on completion of the event for which it was erected.~~

(viii) Commercial services at the same venue that are not directly associated with the event, and which is not an event-related activity shall require prior land use approval for such activity.

(ix) Any event that involves amplified sound, whether it be for music, entertainment, public announcements or otherwise, shall be subject to compliance with the Western Cape Noise Control Regulations and the Policy on Noise Control.

(b) **Linear events** means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles, and are permitted as follows:

(i) An unlimited number of linear events shall be permitted in the following zones:

aa. Community zone I, II & III;
bb. Transport zone;
cc. Transport zone II; and
dd. Open Space zone I.

(ii) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:

aa. Community zone I;
bb. Open Space zone II;
cc. Agriculture Zone I; and
dd. Open Space zone III & IV.

(iii) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (ii).

(iv) A linear event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:

aa. a maximum of 3 consecutive days; and
bb. a cumulative number of 12 days in a calendar year.

(v) A linear event occurring on a property with a zoning stipulated in subsections (ii)(cc) and (ii)(dd):

(aa) must make use of existing routes, farm tracks and infrastructure;
(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and
(cc) may not involve any motorized vehicles.

(ix) A linear event occurring on a property with a zoning stipulated in subsection (ii)(aa) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

(c) A **Place-bound event** means an event that takes place at a specific venue, or on a specific property, and are permitted as follows:

(i) An unlimited number of place-bound events shall be permitted in the following zones:

aa. Community zone I;
bb. Transport zone;
cc. Transport zone II zone; and

~~dd. Open Space zone I.~~

~~(ii) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:~~

~~aa. Community zone I;~~

~~bb. Open Space zone II; and~~

~~cc. Agriculture zone I.~~

~~(iii) A place-bound event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:~~

~~aa. a maximum of 3 consecutive days; and~~

~~bb. a cumulative number of 12 days in a calendar year.~~

~~(iv) Notwithstanding subsection (ii), a place-bound event occurring on a property with a zoning stipulated in subsection (ii)(cc) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.~~

~~(v) A place-bound event occurring on a property with a zoning stipulated in subsections (ii)(bb) and (ii)(cc):~~

~~(aa) must make use of existing facilities, amenities, and infrastructure; and~~

~~(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.~~

~~(vi) A place-bound event occurring on a property with a zoning stipulated in subsection (ii)(aa) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.~~

~~(vii) All place-bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the event permit.~~

~~(d) The Municipality may order that an event be ceased if, in the sole opinion of the Municipality, the event:~~

~~(i) is not compliant with the provisions stipulated in this chapter; or~~

~~(ii) causes a public nuisance; or~~

~~(iii) impacts on the health, welfare, or safety of other properties in the surrounding area particularly regarding noise or traffic; or~~

~~(iv) causes damage or poses a potential risk to existing environmental, agricultural or heritage resources.~~

~~(e) No event can be both a "linear event" and a "place-bound event", and the Municipality has the sole discretion to determine the specific type of an event as contemplated in this chapter.~~

Land use description: "events" means any sporting, recreational, entertainment, including live entertainment or event acts, any educational, cultural or religious event, any business event including marketing, public relations and promotional events, or exhibition events, any charitable event, including any conference, organizational event or community event and any similar event or activity hosted at a stadium, public place, venue or along a route or within its precinct that is accessible to the general public and is hosted either at a specific place or along a specified route, and which is of a temporary nature, and which can occur on a specific day or on consecutive days for a limited period, but excludes activities associated with a function venue, a market, outdoor dining, informal trading and tourist facility.

Development parameters

a. The hosting of an event is subject to the requirements of the applicable Municipal By-Law that govern events.

b) All events are subject to the following requirements:
   (i) obtaining an event permit or event permit exemption from the Municipality prior to the event;
   (ii) adherence to the conditions attached to any event permit with reference to traffic and parking requirements, waste management and ablution facilities, or any other requirements deemed necessary by the Municipality and to the satisfaction of the relevant departments;
   (iii) compliance to the applicable provisions for linear events or place bound events in (e) and (f);
   (iv) The development parameters set out in the applicable base zone remain applicable to any land unit subject to any variation through permissions as provided for the land use activity by this section.
   (v) Purpose-built tracks, buildings, and infrastructure permanently built to be used for events requires land use approval for the facility or amenity as contemplated in Section 15 of the Stellenbosch Municipal Land Use Planning By-law.
   (vi) Any event may involve the construction of temporary structures to facilitate the hosting of such event, which temporary structures shall require building plan approval and shall be demolished on completion of the event for which it was erected.
   (vii) Commercial services at the same venue that are not directly associated with the event, and which is not an event-related activity shall require prior land use approval for such activity.
   (viii) Any event that involves amplified sound, whether it be for music, entertainment, public announcements or otherwise, shall be subject to compliance with the Western Cape Noise Control Regulations and the Policy on Noise Control.

c) An unlimited number of events shall be permitted in facilities with an approved land use right permitting a "place of assembly" or "sport and recreation centre".

d) A maximum of 12 events per calendar year can be hosted on an individual property, irrespective of the event being a linear event or place-bound event, unless otherwise stipulated.

e) **Linear events** means an event along a route taken from a starting point to a destination during which the event takes the form of either a recreational activity or a procession, and which may traverse a single property or a number of properties, and includes marathon, trail running, cycling and mountain biking (including E-bikes) events, but excludes the use of motorized vehicles, and are permitted as follows:
   (i) An unlimited number of linear events shall be permitted in the following zones:
      (aa) Transport zone I and II and III;
      (bb) Open Space zone I.
   (ii) An unlimited number of linear events shall be permitted in the following zones, provided that the total number of people involved in the event, including any support staff or spectators are limited to the capacity of the venue or do not exceed 1000 people, whichever is the lesser:
      (aa) Community zone I and II and III;
      (bb) Open Space zone II;
      (cc) Agriculture Zone I and II; and
      (dd) Open Space zone III and IV.

(iii) For a linear event involving more than 1000 people, including any support staff or spectators associated with such event, a maximum number of 12 events per calendar year shall be permitted on a property with a zoning stipulated in subsection (ii).

(iv) A linear event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:

(aa) a maximum of 3 consecutive days; and

(bb) a cumulative number of 12 days in a calendar year.

(v) A linear event occurring on a property with a zoning stipulated in subsections (ii)(cc) and (ii)(dd):

(aa) must make use of existing routes, farm tracks and infrastructure;

(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality; and

(cc) may not involve any motorized vehicles.

(ix) A linear event occurring on a property with a zoning stipulated in subsection (ii)(aa) does not include ancillary events typically associated with the primary uses thereon such as any school related functions.

f) A **Place-bound event** means an event that takes place at a specific venue, or on a specific property, and are permitted as follows:

(i) An unlimited number of place-bound events shall be permitted in the following zones:

(aa) Community zone I and II and III;

(bb) Transport zone I and II and III;

(cc) Authority zone; and

(dd) Open Space zone I.

(ii) A maximum of 12 place-bound events per calendar year shall be permitted on a property in the following zones:

(aa) Open Space zone II and III and IV;

(bb) Resort Zone; and

(cc) Agriculture zone I and II.

(iii) A place-bound event occurring on a property with a zoning stipulated in subsection (ii) may not exceed:

(aa) a maximum of 3 consecutive days; and

(bb) a cumulative number of 12 days in a calendar year.

(iv) A place-bound event occurring on a property with a zoning stipulated in subsection (ii)(bb) and (ii)(cc) that involves any amplified music such as an outdoor music concert, rave or festival, shall not be permitted to extend beyond 18h00.

(v) A place-bound event occurring on a property with a zoning stipulated in subsection (ii):

(aa) must make use of existing facilities, amenities, and infrastructure; and

(bb) must include the provision of sufficient on-site parking for all vehicles associated with the event, or to the satisfaction of the Municipality.

(vi) All place bound events, regardless of the base zoning of the property on which such event takes place, shall not continue past 22h00 without prior written permission as part of the event permit.

"factory"

Land use description: *"factory"* means property containing an industrial assembly plant used for the manufacture of goods.

Development parameters:
The development parameters applicable to "industry" apply.

"factory shop"

Land use description: *"factory shop"* means property used for the retail sale of goods that are completely or predominantly manufactured in a factory on the property concerned and may include a shop.

Development parameters:
The development parameters applicable to "industry" apply.
The occupant of an industry may operate a factory shop provided that—

(a) the total floor space devoted to the sale of goods may not exceed 10% of the total floor space of all the buildings on the land unit; and

(b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

"farm graveyard"

Land use description: *"farm graveyard"* means a place for the burial of human or domestic animal remains situated on a property zoned "Agricultural Zone I", which is managed by the land owner where only the land owner's family members and farm workers formerly employed by the land owner may be buried, and- includes

(a) A garden of remembrance; and

(b) does not include a crematorium.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such farm graveyard.

"farm shop"

Land use description: *"farm shop"* means a building or structure not exceeding 100 m² in floor space located on a farm and from where the farmer sells predominantly produce grown on the farm and may include other goods to the general public, including storage facilities for the shop.

Development parameters:
The development parameters applicable to "agriculture" apply.

"filming"

Land use description: *"filming"* will have a similar meaning as defined in any policy or by-law for filming and means the recording of images, moving or still, whether on film or by video tape, electronically or by any other means, but excludes the video recording of a wedding ceremony or other private celebration or event for the purpose of making a video record thereof, for its participants, or the recording of current affairs or news for immediate release and which is of a temporary nature, and which can occur on a specific day or on consecutive days for a limited period, and does not include any activities under "events".

Development parameters:

(a) The primary right of a residential property must be maintained for residential use with filming to be done in association with the dwelling.

(b) Film shoots are subject to the following requirements:

(i) obtaining a filming permit from the Municipality prior to the film shoot;
(ii) adherence to the conditions attached to a filming permit;
(iii) the development parameters set out in the applicable base zone remain applicable to any land unit subject to any variation through permissions as provided for by this land use activity;
(v) purpose-built sets, buildings, and infrastructure to be used for film shoots requires land use approval for the facility or amenity as contemplated in Section 15 of the Stellenbosch Municipal Land Use Planning By-law;
(vi) any film shoot occurring on a property that takes direct access from a proclaimed road shall provide effective traffic control for safe access off such road to the on-site parking area, to the satisfaction of the Municipality;
(vii) any film shoot may involve the construction of temporary structures to facilitate the shoot, which temporary structures shall require building plan approval and shall be demolished on completion of the film shoot for which it was erected;
(viii) commercial services at the same venue that are not directly associated with the film shoot, and which is not a film shoot related activity shall require prior land use approval for such activity;
(ix) any film shoot that involves amplified sound, whether it be for music, entertainment, public announcements or otherwise, shall be subject to compliance with the Western Cape Noise Control Regulations and the Policy on Noise Control.

"flats"

Land use description: *"flats"* means a building containing three or more dwelling units of which at least one does not have a ground floor, together with such outbuildings, open space and private ~~roads~~ streets as are ordinarily associated with flats.

Development parameters:

(a) **Coverage**
The maximum coverage is 60%.

(b) **Floor factor**
The floor factor may not exceed 1.

(c) **Height**
(i) The highest point of a building may not exceed 15 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4,5 metres.

(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**

Parking and access must be provided in accordance with this By-law.

(f) **Screening**

The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval.

(h) **Institution, place of instruction and place of assembly**

The development parameters that apply to "institution", "place of instruction" and "place of assembly" apply to this use; provided that where the institution, place of instruction or place of assembly is situated within a building which is also used for flats or a boarding house, then the coverage, height and building line requirements for the flats or boarding house apply.

(i) **Open space**

(i) Every block of flats must have access on the land unit to an outdoor living area, including private or communal open space, but excludes roads, service yards and parking areas.

(ii) A functional outdoor living area of at least 10% of the total erf area must be provided and the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by residents, and may include open courtyards within the complex.

(j) **Service yard**

A service yard must be provided on the land unit in accordance with this By-law.

(k) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Flats as a consent use in a group housing scheme**

The following conditions apply to flats as a consent use right in this zone:

(i) the flats must form an integrated part of a group housing site and must comply with the development parameters for "group housing";

(ii) the total floor space of flats may not exceed 40% of the total floor space of all buildings on the group housing site; and

(iii) the open space requirement for dwelling units in a group housing site applies.

(m) **Letting to unrelated persons**

Each dwelling unit is permitted a maximum of one lodger or student and only insofar as any required additional parking is provided on-site;

"freestanding base telecommunication station"

Land use description: *"freestanding base telecommunication station"* means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include access roads to the structure.

Development parameters:

(i) The development parameters applicable to "utility service" apply.

(ii) Any applicable Municipal policy and / or guidelines that includes provisions on freestanding base telecommunication stations must be addressed and considered in any associated land use application.

"function venue"

Land use description: "*function venue*" means a building, ~~or~~ structure or demarcated open area used for private celebratory functions such as weddings, birthdays, office parties, school farewell or similar occasions on what is mainly a rural property.

Development parameters:

(i) Development parameters applicable to "agriculture" apply on a rural property, together with the limitation that any function venue in a rural area, including all components of the venue, including outside entertainment areas, but excluding parking, may not exceed a total floor space of 500 m².

(ii) The parking requirements applicable to Shops in Section 58 must be applied as a guideline for the provision of parking and as approved in accordance with the site development plan.

"funeral parlour"

Land use description: "*funeral parlour*" means property where the dead are prepared for burial or cremation and—

(a) includes facilities for ancillary administrative and religious functions; and

(b) does not include a crematorium.

Development parameters:

The development parameters applicable to "shop" and "industry" apply.

"gambling place"

Land use description: "*gambling place*" 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 payout gambling machines.

Development parameters:

The following development parameters apply:

(a) The development parameters applicable to "business premises" apply.

(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"garden of remembrance"

Land use description: "*garden of remembrance*" is a section of a cemetery or crematorium set aside for the erection of memorial plaques or structures, placing or scattering of ashes.

Development parameters:

The development parameters applicable to "cemetery" and "crematorium" apply.

"group housing"

Land use description: "*group housing*" and "*group housing scheme*" means a group of separate or linked dwelling units where—

(a) every dwelling unit has a ground floor;

(b) the units may be cadastrally subdivided;

(c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and

(d) the units are integrated with communal private open spaces, private ~~roads~~ streets and parking.

Development parameters:

(a) **Design principles**

All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.

(b) **Density**

The maximum gross density on a group housing site is 35 dwelling units per hectare.

(c) **Height**

(i) The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Open space**

Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles, but excludes roads, service yards and parking areas.

(e) **Coverage and building lines**

(i) Building lines, in the case of any present cadastral boundaries, are at least the distance indicated in the table entitled "Coverage and building lines" from the relevant erf boundary:

Coverage and building lines

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m²	75%	1 metre	1 metre	1,5 metres
Greater than 250 m², but not exceeding 500 m²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m², but not exceeding 1 000 m²	50%	4 metres	2 metres	2 metres
Greater than 1 000 m²	500 m² or 40%, whichever is greater	5 metres	3 metres	3 metres

(ii) Irrespective of erf size, a street boundary building line of 3 metres applies where the group housing site abuts an external public street;

(ii) Irrespective of erf size, side and rear boundary building lines are 1,5 metres along the perimeter of the group housing site;

(iii) The general building line encroachments in this By-law apply; and

(iv) In the event that the Municipality ~~may~~ permit a relaxation of the lateral and/or rear building lines, an adequate means of access, at least 1 metre wide, must be provided from a street to every un-built open portion of the property.

(e) **Window and door placement**

Any portion of a building that contains an external window or door facing onto a common boundary must—

(i) be set back at least 1,5 metres from the boundary; and

(ii) the portion of building to be set back from the boundary must include the door or window, together with the additional length of wall that is required to make up a total minimum length of 3 metres.

(f) **Garages, carports and outbuildings**

(i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage and carport do not—

(aa) extend higher than 3,5 metres to the top of the roof;

(bb) contain more than a double garage façade; and

(cc) exceed a length and width of 6,5 metres.

(ii) A garage may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(iii) A carport is permitted within the street boundary building line, provided the carport —

(aa) is not higher than 3,5 metres to the top of the roof;

(bb) does not contain more than a double carport façade; and

(cc) does not exceed a length and width of 6,5 metres.

(iv) Despite subparagraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case.

(g) **Parking and access**

Parking and access must be provided in accordance with the requirements of this By-law.

(h) **Site development plan**

A site development plan of the proposed group housing scheme must be submitted to the Municipality for its approval, and, if approved, the development of the group housing site must be in accordance with the approved site development plan.

(f) **Service yard**

Service yard(s) must be provided on the land unit in accordance with this By-law.

(g) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(h) **Letting to unrelated persons**

Each dwelling unit is permitted a maximum of one lodger or student and only insofar as any required additional parking is provided on-site;

"guest house"

Land use description: *"guest house"* means a dwelling house, second dwelling or additional dwelling unit that is used for the purpose of supplying accommodation rooms and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests), and—

(a) includes business meetings or training sessions by and for guests on the property for up to 12 persons; and

(b) does not include agricultural workers' accommodation.

Development parameters:

The development parameters applicable to "dwelling house", "second dwelling" and "additional dwelling unit" apply.

The following further parameters apply:

(a) the Municipality may require a site development plan to be submitted for a proposed guest house and the guest house may not open for business until the plan is approved;

(b) the owner or manager of a proposed guest house establishment must live on the property and must have consent use approval from the Municipality before the guest house establishment may open for business;
(c) a register of guests must be kept and completed when rooms are let;
(d) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential or rural character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit concerned;
(e) no more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests may be supplied with accommodation or meals at any time;
(f) no alcoholic beverages may be served except to resident guests for consumption on the premises;
(g) guest rooms may not be converted to, or used as, separate self-catering dwelling units;
(h) meals may only be supplied to guests who have accommodation on the property, employees, and the family residing in the dwelling;
(i) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;
(j) no weddings, receptions, conferences, or any similar activities are permitted in a guest house;
(k) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out; and
(l) on-site parking must be provided in accordance with the provisions of this By-law, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking.

"guest lodge"

Land use description: "*guest lodge*" means an appropriately scaled establishment that provides temporary residence in accommodation rooms and meals for transient guests and—
(a) includes a small conference or training facility and also caters for business meetings,
(b) Includes indoor and outdoor sport facilities for the exclusive use of guest; and
(b) does not include a restaurant or backpackers' lodge.

Development parameters:

(a) **Coverage**
The maximum coverage is 60%.

(b) **Floor factor**
The floor factor may not exceed 1.

(c) **Height**
(i) The highest point of a building may not exceed 8,5 metres from natural ground level to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 4,5 metres.
(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(f) **Screening**
The Municipality may require screening in accordance with this By-law.

(g) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

(h) **Open space**

(i) Every guest lodge must have access to an outdoor living area on the land unit, and the outdoor living area may include private or communal open space, but excludes roads, service yards and parking areas.

(ii) An outdoor living area of at least 10% of the total erf area must be provided; the outdoor living area(s) must be of reasonable proportions and location to allow for leisure or recreational use by guests, and may include open courtyards within the complex.

(i) **Service yard**
A service yard must be provided on the land unit in accordance with this By-law.

(j) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(k) A register of guests must be kept, and completed when rooms are let.

(l) No more than 20 rooms per land unit may be used for bedroom accommodation for paying guests, and no more than 40 paying guests may be supplied with accommodation or meals at any time.

(m) No alcoholic beverages may be served except to resident guests for consumption on the premises.

(n) Guest rooms may not be converted to, or used as, separate self-catering dwelling units.

(o) Meals may only be supplied to guests who have accommodation on the property, employees, and the family residing in the guest lodge.

(p) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area.

"halfway house"

Land use description: *"halfway house"* means a facility that provides temporary accommodation for persons who have completed a formal treatment programme for substance abuse, or have been released from a correctional facility, but does not include inpatient treatment or similar facilities.

Development parameters:
The development parameters applicable to "dwelling house" apply.

"harvesting of natural resources"

Land use description: "*harvesting of natural resources*" means the gathering of flora or fauna or fungi (living organisms) within a conservation-worthy area, for sale or use by a person or agency other than a recognised environmental agency, provided that the harvesting—

(a) is sustainable;

(b) does not deplete the resources below acceptable levels;

(c) is not detrimental to the ecosystem; and

(d) is in accordance with any applicable law.

Development parameters:
The development parameters applicable to "agriculture" apply.

"helicopter landing pad"

Land use description: "*helicopter landing pad*" means any portion of land, building, structure or part thereof demarcated for the purposes of landing or take-off of helicopters or vertical lift-off aircraft.

Development parameters:
As determined by the Municipality.

"home care facility"

Land use description: "*home care facility*" means the use of a dwelling house, second dwelling, additional dwelling or a portion thereof to provide permanent or temporary accommodation and care for children in cluster foster care, children or adults in temporary respite care, the retired, or elderly persons in need of frail care, or people in need of health care to recuperate from a medical condition or procedure, provided that —

(a) the scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family;
(b) the primary use of the property shall remain a residence for the operator;
(c) no more than 6 persons and three bedrooms be used for such facility; and
(d) the operator of the enterprise shall permanently reside on the property.

Development parameters:

(a) The development parameters applicable to the primary use apply.
(b) The Municipality must require a site development plan for a home care facility.
(c) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

"home child care"

Land use description: "*home child care*" means the use of a portion of a dwelling house, second dwelling or additional dwelling by the occupant to provide day care, after school care or instruction for a limited number of infants or children.

Development parameters:

(a) The dominant use of the property must be for accommodation of a single family.
(b) The owner of the home child care activity must live on the property.
(c) Any new structure or alteration to the property to accommodate an additional use right must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, outbuilding, or shelter concerned.
(d) No more than 3 employees may be engaged by the owner for the home child care activity.
(e) No more than 6 children may be enrolled at the home child care facility at a time.
(f) The home child care services must primarily be day care or educational, not medical.
(g) The home child care services may not operate outside the hours 6:00 to 18:00 from Monday to Friday, and from 8:00 to 13:00 on Saturday. No home child care services are permitted on public holidays or Sundays.

(h) Areas for indoor play space and outdoor play space must be provided in accordance with any health requirement or a policy plan as might be approved by the Municipality from time to time, and outdoor play space must be fenced off from any public street or neighbouring property by a 1,8 metre-high fence or wall.

(i) In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

(j) At least one off-street parking bay must be provided, plus one additional parking bay which is suitable for drop off and collection of children. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, the home child care service does not have enough parking for its operations.

"home for the aged"

Land use description: *"home for the aged"* means a building where permanent lodging is provided, with or without meals, to persons who are 50 years of age or older and–

(a) includes–
- (i) outbuildings as are normally used therewith; and
- (ii) a frail care facility; and

(b) does not include –
- (i) a dwelling house;
- (ii) a hotel;
- (iii) a bed and breakfast establishment; or
- (iv) flats.

Development parameters:

The development parameters applicable to "boarding house", apply.

"home lodging"

Land use description: "home lodging" means the provision of leased furnished or unfurnished ~~bedroom~~ accommodation rooms for lodgers in a dwelling house, second dwelling unit or additional dwelling unit, and -

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

(b) the primary use of the land unit shall remain the permanent residence of the owner of the establishment;

(c) includes the services ordinarily related to such accommodation, including the provision of meals or the use of communal facilities;

(d) no dwelling unit may be developed or altered purposefully to serve in the purpose to provide home lodging and may not exceed the normal scale associated with the subject dwelling unit and must be able to revert for the use of a family;

(e) at least one communal bathroom and lounge/eating area shall be provided for lodgers on each property; and

(f) no separate kitchen facilities may be installed in any rooms in contravention of the permitted number of dwelling units in the zone.

Development parameters:

In addition to the development parameters associated with the applicable dwelling unit, the following additional development parameter applies:

(a) Apart from the normal parking requirements, additional parking must be provided on a ratio of 1 parking bay per bedroom.

"home occupation"

Land use description: *"home occupation"* means the practising of an occupation or the conducting of an enterprise by one or more occupants who reside on the property, provided that the dominant use of the property concerned must remain for the living accommodation of the occupants and home occupation does not include a house shop.

Development parameters

(a) The dominant use of the property must be for accommodation of a single family.

(b) The proprietor of the home occupation concerned must live on the property.

(c) Any new structure or alteration to the property to accommodate a home occupation must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house or second dwelling ~~or outbuilding~~ concerned.

(d) Not more than three employees may be engaged by the occupant in the home occupation concerned.

(e) No home occupation may include a noxious trade, risk activity, adult entertainment, adult services, adult shop, sale of alcoholic beverages (excluding online sales), motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builder's yard, welding works or joinery.

(f) No goods for sale may be publicly displayed and no external evidence of the home occupation may be visible from a public street, except for an advertising sign in accordance with paragraph *(g)*.

(g) In the absence of an approval for an outdoor advertising sign in terms of the provisions of any approved Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2 m² in area.

(h) A "place of instruction" may be operated as a home occupation, provided that no more than six students may be accommodated at any given time.

(i) No activities that constitute or are likely to constitute a source of public nuisance, or generate waste material that may be harmful to the area or requires special waste removal processes, may be carried out.

(j) Off-street parking must be provided at a ratio of 1 parking bay per 25 m² area used for home occupation. The Municipality may at any stage require additional on-site parking where, in the opinion of the Municipality, there is not enough parking for the home occupation concerned.

(k) The total area used for all home occupation activity on a land unit, including storage, may not consist of more than 25% of the total floor area of the dwelling units on the land unit or 60 m², whichever is smaller.

(l) The storage of all goods and equipment connected with the home occupation concerned must be inside a building or screened from neighbours and the public street.

(m) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle may exceed 3 500 kg in gross weight.

(n) The hours of operation of a home occupation may not extend beyond 8:00 to 18:00 from Monday to Friday, and 8:00 to 13:00 on Saturday. No home occupation operations are permitted on public holidays or Sundays.

(o) The Municipality may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(p) When "home occupation" is approved as a consent use right in any zone, the development parameters of "home occupation" apply over and above the development parameters of the relevant land use allowed as a primary right in the zone.

(q) In order to exercise the consent use right under paragraph *(p)*, the owner must obtain the written consent, where applicable, of the relevant owners' association or Body Corporate, or all the owners within a housing scheme if the owners' association or Body Corporate is not functioning.

"hospital"

Land use description: *"hospital"* means a place for the diagnosis and treatment of human illness, with integrated facilities including operating theatres and live-in accommodation for patients and may include—

(a) a clinic;
(b) medical consulting rooms;
(c) a pharmacy;
(d) a subservient restaurant; and
(e) a shop.

Development parameters:

The development parameters applicable to "place of instruction" apply.

"hotel"

Land use description: *"hotel"* means a property used as a temporary residence for transient guests in a licenced establishment where accommodation rooms and meals are provided, and—

(a) includes—
  (i) restaurants;
  (ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;
  (iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
  (iv) a wellness centre;
  ~~(v) a boarding house;~~
  (vi) a tuck shop;
  (vii) ancillary services for the exclusive use of hotel residents, like barber shops, hairdressing salons, flower shops, indoor and outdoor sport facilities; and

(b) does not include—
  (i) a liquor store;
  (ii) a backpackers' lodge;
  (iii) a dwelling house, and
  (iv) a dwelling unit.

Development parameters:

The development parameters applicable to "business premises" apply with the following concession:

(a) Where it is proposed to erect a hotel of at least 30 bedrooms within this zone, the following portions of the hotel must be disregarded when calculating the total floor space of the building:
  (i) rooms that are used by residents and visitors as dining rooms, banqueting rooms, bars, restaurants, ballrooms, rooms for games and

sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;

(ii) public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;

(iii) barber shops, hairdressing salons, florists and similar enterprises within the hotel for the exclusive use of hotel residents;

(iv) offices forming part of the hotel premises, used solely for the administration and management of the hotel;

(v) kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;

(vi) storerooms appurtenant to the hotel; and

(vii) staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all kitchens, dining rooms, recreation rooms, laundries and other similar rooms for the exclusive use of staff.

(b) If, in the opinion of the Municipality, a room is primarily for the use of persons other than hotel residents, staff or visitors, the room must be included in the floor space calculation of the building notwithstanding that it may be referred to in paragraph *(a)* (i) to (vii), and any rooms that are not specifically referred to in paragraph *(a)* (i) to (vii) must also be included in the floor space calculation of the building.

"house shop"

Land use description: "*house shop*" means the conducting of a retail trade from a dwelling house, second dwelling, or shelter by one or more occupants who must also be the owner(s) and operator of the house shop and who must also reside on the property, provided that the dominant use of the property must remain for the living accommodation of the occupants.

Development parameters:

(a) Development parameters applicable to "dwelling house", "second dwelling" and "shelter" apply.

(b) On-site parking must be provided in accordance with the provisions of this By-law.

(c) Any new structure or alteration to the property to accommodate the "house shop" must be reconcilable with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the "dwelling house", "second dwelling" or "shelter".

(d) ~~In the absence of a Municipal policy or by-law on house shops,.~~ The total area used for a house shop, inclusive of storage area, must be indicated on a site development plan and shall not exceed 25 m² or 50% of the total floor space of the dwelling units on the land unit, whichever is smaller.

(e) In the absence of ~~a Municipal policy or by-law on house shops, and in the absence of~~ any conditions of approval regarding operating hours, the operating hours of any house shop are restricted from 6h00 up to 20h00.

(f) Excluding the owner, occupier or related family member residing on the property, no more than two additional persons may be employed in the house shop.

"indoor sport facility"

Land use description: "*indoor sport facility*" means any roofed facility, structure or building for the purpose of active sporting activities or physical exercise, whether organised or on an individual basis, and that takes place indoors and includes ancillary

facilities required for such activities such as sport courts, exercise or training equipment, and change rooms, and may include a tuck shop, but does not include stadiums, restaurants, club houses, and shops.

Development parameters:

(a) The Municipality must require a site development plan for an indoor sports facility.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

"industrial hive"

Land use description: "*industrial hive*" means a complex of uniformly designed buildings, containing a mix of retail and manufacturing activities arranged in an orderly manner around common spaces including—

(a) common parking and access;
(b) light industry;
(c) service trade;
(d) storage facilities;
(e) service station;
(f) restaurant; and
(g) open air motor vehicle display.

Development parameters

The development parameters applicable to "light industry" apply.

"industry"

Land use description: "*industry*" means a property used as a factory and in which an article or part of the 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, chilled, frozen or stored in cold storage; including offices, caretaker's quarters, factory shop or other uses that are subservient and ancillary to the use of the property as a factory; and—

(a) includes—
  (i) an industrial hive;
  (ii) builder's yard;
  (iii) brick making
  (iv) data centre
  (v) freestanding base telecommunication station
  (vi) funeral parlour;
  (v) service station;
  (vi) transport usage;
  (vii) rooftop base telecommunication station; and
  (ix) warehouse and agricultural industry; and

(b) does not include a noxious trade, scrap yard or risk activity.

Development parameters:

(a) **Floor factor and coverage**
  (i) The floor factor may not exceed 1,5.
  (ii) The maximum coverage is 75%.

(b) **Height**

(i) The highest point of a building may not exceed 18 metres to the top of the roof.

(ii) The highest point of a stack of shipping or transport containers stored outside a building may not exceed 15 metres above average ground level.

(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(c) **Street boundary building line**

The street boundary building line is 5 metres, with a street centreline setback of at least 8 metres.

(d) **Side and rear boundary building lines**

Side and rear boundary building lines are 0 metres, provided that the Municipality may impose down side and rear building lines of up to 3 metres in the interest of public health and/or safety.

(e) **Boundary walls**

Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 3 metre-high wall to be erected, to the satisfaction of the Municipality, along the common boundary.

(f) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(g) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(h) **Screening**

The Municipality may require screening in accordance with this By-law.

(i) **Hazardous substances**

Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Industrial hive**

The same development management provisions that apply to an industrial hive under "light industry" apply to an industrial hive in this zone.

(k) **Site development plan**

The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

(l) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

"informal trading"

Land use description: *"informal trading"* means the legal selling of products in areas demarcated by the Municipality specifically for these purposes, including markets and other areas demarcated in accordance with the Municipality's informal trading Policy or By-law.

Development parameters:
As determined by the Municipality.

"institution"

Land use description: *"institution"*—

(a) means a property used as a facility that renders services to the community including—
- (i) hospital;
- (ii) clinic;
- (iii) home for the aged, retired, indigent or handicapped, frail care facility;
- (iv) a social facility including a counselling centre, orphanage and rehabilitation centre;
- (v) ancillary accommodation, administrative, tuck shop, health care, training and support services and facilities; and

(b) does not include a correctional facility.

Development parameters:
Development parameters applicable to "place of instruction" apply.

"intensive animal farming"

Land use description: *"intensive animal farming"*—

(a) means the breeding, feeding and keeping, on an intensive basis, of animals or poultry mainly confined to buildings, or structures;

(b) Includes feeding lots, stud farming and a riding school, and

(c) does not include the breeding, feeding and keeping of wildlife.

Development parameters:
Development parameters applicable to "agriculture" apply.

"intensive horticulture"

Land use description: *"intensive horticulture"* means the cultivation of plants, algae and fungi on an intensive scale, including—

(a) the cultivation of plants algae and fungi under a roof or in greenhouses, which structures may include any structure constructed of wood, metal or plastic frames and covered with roof sheeting, polyethylene, shade netting, or other similar material and is used to protect crops or enhance the climate for agricultural crops, which may include plants, vegetables, fruit and flowers; mushrooms and seedlings; and

(b) the sale of self-produced plants on a property.

Development parameters:
The development parameters applicable to "agriculture" apply with the following additional development parameters:

(i) roofed structures associated with intensive horticulture are permitted provided that it is indicated and approved by the Municipality on an overall site development plan;

(ii) roofed structures associated with intensive horticulture, irrespective of its extent, may require mitigation measures such as repositioning, screening and any other measures to address concerns of adverse impacts on visual, cultural and heritage amenity.

"light industry"

Land use description: *"light industry"*—

(a) means an industry, not being a hazardous or offensive industry or involving use of hazardous or offensive storage establishment, and where the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;

(b) involves manufacturing that is less capital-intensive and requires less machinery than other types of manufacturing; and

(c) includes—

(i) the manufacturing of consumer products, including electronics and clothing;
(ii) warehouse;
(iii) industrial hive;
(iv) service trade;
(v) service station;
(vi) restaurant;
(vii) tuck shop; and
(vii) open air motor vehicle display.

Development parameters

(a) **Floor factor**
The maximum floor factor on the land unit is 1,5.

(b) **Coverage**
The maximum coverage for all buildings on a land unit is 75%.

(c) **Height**

(i) No building may exceed a height of sixteen metres.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street building line**
The street building line is at least 5 metres.

(e) **Side building line**
The side building line is at least 3 metres when the property abuts a property with a different zoning.

(f) **Rear building line**
The rear building line is at least 3 metres when the property abuts a property with a different zoning.

(g) **Boundary walls**
Where a land unit has a common boundary with another land unit that is not zoned for industrial purposes, the Municipality may require a 3 metre-high wall to be erected to the satisfaction of the Municipality, along the common boundary.

(h) **Parking and access**
Parking and access must be provided in accordance with this By-law.

(i) **Loading bays**
Loading bays must be provided in accordance with this By-law.

(j) **Screening**
The Municipality may require screening in accordance with this By-law.

(k) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

(l) **Hazardous substances**
No activity which includes storage of on-site hazardous substances may be permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(m) **Site development plan**
A site development plan must be submitted to the Municipality for its approval.

(n) **Industrial hive**
The following additional development parameters apply for an industrial hive, namely:

(i) the design principles which are reflected in the definition of "industrial hive" must be closely followed and implemented;

(ii) special attention must be given to aesthetics, architectural coordination, urban design and landscaping; and

(iii) the Municipality may impose conditions specifying limits on the mix of retail and manufacturing activities, and the industrial hive may not allocate more than 50% of the total floor space to retail activities, shops or associated uses.

"liquor store"

Land use description: "*liquor store*" means an establishment where the dominant use is the retail sale of alcoholic beverages, for consumption off the property.

Development parameters:
The development parameters applicable to "shop" apply.

"market"

Land use Description: "*market*" means a place in a suitable environment where a variety of goods such as locally produced handmade arts and crafts, clothing, plants, household goods and/or second-hand goods, and/ or fresh produce, prepared speciality food, and beverages, are sold from temporary or permanent booths, tables and/or stands in an outdoors and/or indoors setting on a daily basis, or during specific days or at regular intervals, and may include outdoor dining and seating, outdoor recreational activities, family entertainment like live performances and a children's play area.

Development parameters:
The development parameters applicable to the land uses of the base zone applies, together with the following additional parameters:

(a) a market activity must be compliant with any provisions of any related approved Municipal By-law.

(b) a market activity must be applied for and considered in accordance with the provisions of any related approved Municipal Policy.

(b) the Municipality may qualify the extent in size and nature of the market in terms of what may be sold or not sold, and what activities may take place or not, and the frequency and hours of the market.

(c) the Municipality may stipulate conditions with regard to the layout, building design, open space, landscaping, parking, access and environmental management; and

(d) the development must occur in accordance with an approved site development plan.

"medical consulting rooms"

Land use description: "*medical consulting rooms*" means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical-related consultation, where the office is not attached to a hospital or clinic.

Development parameters:
The development parameters applicable to "office" apply.

"mine"

Land use description: "*mine*" means mine as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes extracting gas for market production purposes.

Development parameters:
The following development management provisions apply:

(a) the owner must comply with national and provincial statutory requirements applicable to mining;

(b) any application to rezone land to Industrial Zone IV must contain an explanation of the measures that will be implemented to address safety and environmental concerns that may be imposed as conditions of approval by the Municipality, including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation; and

(c) a site development plan must be submitted to the Municipality for its approval.

"mobile home"

Land use description: "*mobile home*" means a transportable structure that is designed so that it can be used as a permanent dwelling and that has the necessary service connections for a permanent dwelling.

Development parameters:
As determined by the Municipality.

"motor repair garage"

Land use description: "*motor repair garage*" means a commercial enterprise where motor vehicles are provided with fuel or major services including engine overhauling, spray-painting, panel beating, black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station.

Development parameters:
The development parameters applicable to "shop" apply. The following additional development parameters apply:

(a) a site development plan must be submitted to the Municipality for its approval;

(b) any part of the property of a motor repair garage that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed with a solid screen wall at least 2 metres high, or contained in a building; and

(c) any motor repair garage that supplies fuel must comply with the following access requirements:

(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;

(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted;

(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than:

(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;

(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;

(cc) 10 metres from the corner of an intersection not described in items *(aa)* and *(bb)*, if the intersection is not splayed, or 5 metres from the point where the splay meets the road boundary if the intersection is splayed; and

(dd) 1,5 metres from a side boundary; and

(v) no fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"multiple parking garage"

Land use description: "*multiple parking garage*" means a place, excluding a road, street and on-site parking associated with a primary or consent use, that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building.

Development parameters

Development parameters applicable to "business premises" apply.

"nature conservation area"

Land use description: "*nature conservation area*" means the use and management of land with the objective of preserving the natural biophysical characteristics of that land, including the fauna and flora, but does not include tourist facilities, tourist accommodation or agriculture.

Development parameters:

(a) The Municipality may require an environmental conservation plan to be submitted for its approval.

(b) The Municipality must determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular

circumstances of the property and, where applicable, in accordance with an approved environmental management plan.

(c) One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.

(d) When a consent use to provide tourist facilities in a "nature conservation area" is approved, it is subject to conditions imposed by the Municipality with regard to layout, landscaping and building design.

(e) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, services and internal roads.

"nature reserve"

Land use description: "*nature reserve*" means a national park or some other nature area that is owned by an organ of state or remains in private ownership and has been declared as a nature reserve or has a similar status in terms of legislation; it consists of an area that is utilised as a game park or reserve for fauna and flora in their natural habitat and—

(a) includes environmental facilities and worker accommodation; and

(b) does not include accommodation facilities for tourists.

Development parameters:

(a) An environmental management plan must submitted to the Municipality, SANParks or CapeNature for their approval or to all of them for approval.

(b) SANParks or CapeNature or both must, in consultation with the Municipality, determine the land use restrictions and the development parameters for the property based on the objectives of this zoning, the particular circumstances of the property, and in accordance with an approved environmental management plan.

(c) When consent uses to provide tourist facilities or tourist accommodation in a "nature reserve" are approved, conditions must be imposed with regard to density, layout, landscaping, and building design.

(d) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.

"neighbourhood shop"

Land use description: "*neighbourhood shop*" means a property used for the retail sale, principally, of convenience goods and the ancillary sale of alcoholic beverages to the public and providing service almost exclusively to the inhabitants of a specific neighbourhood and its surrounding area, and—

(a) includes laundrette, hair salon, flats above ground floor, medical practitioner consulting room, clinic, animal clinic; and

(b) does not include a liquor store; shop, supermarket; service trade; or office.

Development parameters

The development parameters applicable to "shop" apply.

Despite the zero side and rear building lines, a 3 metre side or rear building line applies where a land unit zoned Business Zone III abuts on a residential zone.

"noxious trade"

Land use description: "*noxious trade*" means an industry that is offensive, poisonous or a potentially harmful use or activity that, because of the fumes, emissions, smell, vibration, noise, waste products, nature of material used, processes employed, or other cause, is

considered by the Municipality to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area and includes—

(a) an abattoir;
(b) a crematorium;
(c) rooftop base telecommunication station; and
(d) freestanding base telecommunication station.

Development parameters

The following development parameters apply:

(a) **Floor factor**

The maximum floor factor on the land unit is 2.

(b) **Coverage**

The maximum coverage for all buildings on the land unit is 75%.

(c) **Height**

(i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zone.
(ii) Buildings not used for noxious trade, risk activity or manufacturing purposes may not exceed a height of 18 metres to the top of the roof.
(iii) The general provisions regarding earth banks and retaining structures in this By-law apply.
(iv) The highest point of shipping or transport containers, when stored or stacked outside a building connected with a noxious trade, may not exceed 15 metres above average ground level.

(d) **Building lines**

(i) The street boundary building line is at least 5 metres.
(ii) The side and rear boundary building lines are at least 5 metres.

(e) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**

The Municipality may require screening on the land unit in accordance with this By-law.

(h) **Boundary walls**

Where a land unit has a common boundary with another land unit that is not zoned Industrial Zone II or Industrial Zone III, the Municipality may require a 3 metre-high wall, of the quality and with finishings to the satisfaction of the Municipality, to be erected along the common boundary..

(i) **Hazardous substances**

Despite the fact that an activity constitutes a primary use right in terms of this zone, no activity or use that includes the on-site storage of hazardous substances is permitted unless a risk management and prevention plan has been submitted to the Municipality for its approval. The risk management and prevention plan must include guidelines approved by the Municipality to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences of any dangerous event involving the hazardous substances.

(j) **Refuse room**

A refuse room must be provided on the land unit in accordance with this By-law.

(k) **Site development plan**
The Municipality may require a site development plan to be submitted for its approval.

~~**"occasional use"**~~

~~**Land use description:** *"occasional use"* means a temporary departure granted by the Municipality for a specific occasion including—~~
~~*(a)* craft markets and outdoor trading;~~
~~*(b)* film shoots;~~
~~*(c)* builder's yards;~~
~~*(d)* construction camp, plant and material yard;~~
~~*(e)* seasonal camping sites; and~~
~~*(f)* other outdoor occasions.~~

~~**Development parameters:**~~
~~The following development parameters apply:~~
~~*(a)* the applicant must provide parking and toilet facilities to the satisfaction of the Municipality.~~
~~*(b)* the temporary activities may not extend for a continuous period of more than 30 days;~~
~~*(c)* despite paragraph *(b)*, the Municipality may determine a longer period for a builder's yard, construction camp, plant and material yard; and~~
~~*(d)* the Municipality may withdraw the approval by written notice to the applicant if any condition of approval is not complied with or if, in the opinion of the Municipality, the occasional use concerned creates a public nuisance.~~
~~*(e)* An application for occasional use shall be accompanied by the necessary information, including a site development plan, and as may be prescribed, and the municipality may request any relevant information, studies and management plans to enable them to decide on the matter.~~
~~*(f)* Recurring occasional uses will be regarded as a full-time activity and an appropriate land use application should then be pursued to allow the subject use on a permanent basis.~~
~~*(g)* An occasional use does not exempt any owner or event organiser from compliance with any other law.~~

"office"

Land use description: *"office"* means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes—
(a) medical consulting rooms;
(b) a clinic; and
(c) a tuck shop.

Development parameters
The following development parameters apply:
(a) **Floor factor**
The floor factor may not exceed 1.
(b) **Coverage**
Coverage may not exceed 60%
(c) **Street centre line setback**
The municipality may require that all buildings or structures on the land unit are set back at least 6,5 metres from the centre line of the abutting street or streets.

(d) **Height**

(i) The highest point of a building may not exceed 11 metres from average ground level to the top of the roof.

(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(e) **Building lines**

(i) The street building line is at least 5 metres.

(ii) The side and rear building lines are at least 3 metres.

(iii) Despite subparagraph (ii), the side building lines for properties smaller than 650 m² must be 0 metres for the first 12 metres measured perpendicular from street boundary; 0 metres for 60% of total remaining linear distance along all side and rear boundaries around the land unit; and 3 metres for the remainder.

(iv) The general building line encroachments in this By-law apply.

(f) **Garages and carports**

(i) A garage or carport is permitted within the common boundary building line provided the garage or carport—

(aa) does not exceed 3,5 metres to the top of the roof; and

(bb) does not contain more than a double garage façade with a maximum width of 6,5 metres.

(ii) For land units exceeding 650 m², a garage or carport may not be closer than 5 metres from the street boundary, notwithstanding the street building line.

(g) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under section 43.(1).

(h) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(i) **Screening**

The Municipality may require screening in accordance with this By-law.

(j) **Canopy or balcony projection**

Canopy and balcony projections for "business premises" apply.

(k) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

"off-road trail"

Land use description: "*off-road trail*" means a series of roads, tracks and routes designed for recreational use and—

(a) includes buildings and facilities normally required for the administration and maintenance of the trail; and

(b) does not include tourist accommodation or tourist facilities.

Development parameters:

The development parameters applicable to "agriculture" apply.

"open air motor vehicle display"

Land use description: "*open air motor vehicle display*" means the display of motor vehicles for the purpose of trading under open air where the open air area does not form part of a covered showroom and where shade cloth may not be construed as a permanent method of covering.

Development parameters:
The development parameters of "shop", apply.

"outdoor advertising"

Land use description: "*outdoor advertising*" means the act or process of using any sign for notifying, warning, informing, making known or any other act of transferring information in a visible or audible manner and that takes place out of doors, whether such outdoor advertising sign is attached to an existing authorised structure or any other purpose built or dedicated structure for such purpose.

Development parameters: In the absence of an approval for an outdoor advertising sign in terms of the provisions of any approved Municipal policy or by-law on outdoor advertising and signage, no outdoor advertising sign may be displayed in any zone other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 0,2m² in area.

"outdoor dining"

Land use description: "outdoor dining" means dining outdoors on sidewalks or a portion of public street with tables, chairs, and other furnishings for the purpose of selling, offering for sale, and serving food and beverages in an area set up directly outside and abutting the confines of a property with any use rights associated with outdoor dining.

Development parameters

Outdoor dining shall be permitted as a primary use right on a property zoned public street, subject to the following conditions:

(a) The owner of the property must obtain Municipal approval and secure a lease agreement with the Municipality for the street area to be used for outdoor dining as required in accordance with a Municipal policy or By-law on Outdoor Dining.

(b) The outdoor dining area must be compliant with any provisions of any approved Municipal Policy or By-law on Outdoor Dining and be compliant with any conditions attached to the Municipal Approval and lease agreement for the subject outdoor dining activity.

~~*(b)* An outdoor dining activity must be applied for and considered in accordance with the provisions of any related approved Municipal Policy.~~

(c) ~~The location of the outdoor dining area must be directly abutting the confines of a property with use rights associated with outdoor dining.~~

(d) The provision of an unobstructed walkway of at least 1,5m for pedestrian use and in the event that the 1.5m is not adjacent to the street, a further area of at least 0.8m must be provided adjacent to the street verge that would permit the unobstructed opening of car doors.

(e) That no permanent or temporary structures, inclusive of any awnings, any enclosures or screening, decking, railing, trellis, or roofing be erected without the prior written consent of council, which permission must also be supported with the subsequent approval of a site ~~development~~ plan, and where required, a building plan for the subject structures, and inclusive of the approval from the Heritage Advisory Committee where applicable.

(f) No signs may be displayed on the sidewalk or against the building if not indicated and approved on the site ~~development~~ plan.

~~(g) All umbrellas used in the lease area must permit a head clearance height of at least 2.2m~~ Note = included in policy ~~and any such ambarellas must be neutral in colour with no bright colours being permitted and may not contain any signage or branding, either in text or symbols.~~

~~(h) The owner of the property that wants to conduct outdoor dining must make an application and obtain approval with a written lease agreement with the Municipality for the street area to be used for outdoor dining.~~

~~(i) An application for a lease agreement to conduct outdoor dining must be accompanied with a site development plan and be approved prior to the operationalisation of the outdoor dining activity, which site development plan must address, but which are not necessarily limited to, the following requirements:~~

~~(i) Compliance to all specified provisions in the development parameters.~~

~~(ii) Demarcation of the lease area relative to its abutting context with the street, the applicant's property, and neighbouring properties.~~

~~(ii) The accurate location of all existing infrastructure, landscaping features and street furniture.~~

~~(iv) The layout of all furniture and features that will be used for the outdoor dining activity.~~

(g) In the event that the outdoor dining activity is in contravention with the terms or conditions of the Municipal approval, lease agreement and/ or does not comply with any of the development parameters~~, or any other permission or does not comply with the terms of the lease agreement, the lease agreement may be cancelled, and~~ the land use activity must be ceased.

"outdoor sport facility"

Land use description: "*outdoor sport facility*" means any formalised facility or open air structures for the purpose of active sporting activities or physical exercise, whether organised or on an individual basis, and that takes place outdoors and includes ancillary facilities required for such activities such as sports fields, - courses and - courts, skate board parks, bicycle parks and pump tracks, outdoor equipment for sport, exercise or training, and change rooms, and may include a tuck shop, but does not include stadiums, restaurants, club houses, shops.

Development parameters:

(a) The Municipality must require a site development plan for an outdoor sports facility.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"place of assembly"

Land use description: "*place of assembly*"—

(a) means a place that has a civic function to serve the social and community needs of an area, may attract people in relatively large numbers and is not used predominantly for a commercial enterprise;

(b) includes a civic hall, and

(c) does not include a place of entertainment, place of leisure, or conference facility.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"place of entertainment"

Land use description: "*place of entertainment*" means a place used predominantly for commercial entertainment and may include a bar, stage for live music, one or more dance floor areas, a DJ booth, and which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including—

(a) a nightclub;
(b) disco;
(c) dance club;
(d) club; and
(e) a place of leisure
(f) amusement park/ centre;

Development parameters:

The following development parameters apply:

(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"place of instruction":

Land use description: "*place of instruction*"—

(a) means a place for education or training at pre-school, school or post-school levels;
(b) includes a crèche, nursery school, primary school, secondary school, college, tertiary institutions, university or research institute;
(c) includes facilities for ancillary uses including—
  (i) a boarding hostel,
  (ii) a tuck shop
  (iii) sports and recreation facilities and centre,
  (iv) a civic facility for the promotion of knowledge to the community including—
    (aa) place of worship,
    (bb) place of instruction in sport where the main objective is instruction rather than participation of the public as competitors, spectators or for recreational use;
(c) The external use of any facilities associated with a pre-school or school, may only be used by bodies or the public for recreational and/ or for commercial purposes if permitted as a consent use.
(d) does not include a reformatory or a conference facility.

Development parameters:

(a) **Floor factor**
The maximum floor factor is 1,2.
(b) **Coverage**
The maximum coverage is 60%.
(c) **Height**
  (i) The highest point of a building to the top of the roof may not exceed 12 metres, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
  (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Building lines**
(i) The street building line is at least 5 metres.
(ii) Side and rear building lines are at least 5 metres.
(iii) The general building line encroachments in this By-law apply.

(e) **Parking and access**
Parking and access must be provided on the land unit in accordance with this By-law.

(f) **Loading bays**
Loading bays must be provided on the land unit in accordance with this By-law.

(g) **Screening**
The Municipality may require screening in accordance with this By-law.

(h) **Noise mitigation**
The Municipality may require the owner to install noise mitigation measures if excessive noise is created or likely to be created.

(i) **Refuse room**
A refuse room must be provided on the land unit in accordance with this By-law.

"place of leisure"

Land use description: "*place of leisure*" means a place used predominantly for commercial leisure activities that may attract relatively large numbers of people, but does not generate excessive noise, including—
(a) a cinema;
(b) theatre;
(c) gymnasium;
(d) pool room;
(e) pub; and
(f) a sports and recreation centre.

Development parameters:
The following development parameters apply:
(a) As determined by the Municipality.
(b) The Municipality may require a site development plan to be submitted for its approval in accordance with this By-law.

"place of worship"

Land use description: "*place of worship*"—
(a) means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;
(b) includes ancillary uses such as a religious leader's and/ or caretakers dwelling, office, crèche, function hall, or place for religious instruction;
(c) may include a subservient coffee shop; and
(d) does not include a funeral parlour, cemetery or crematorium,

Development parameters:
Development parameters applicable to "place of instruction" apply.

"plant nursery"

Land use description: "*plant nursery*" means a property used for one or more of the following uses as a commercial enterprise:
(a) cultivation of plants;
(b) sale or hiring of plants;

(c) sale or hiring of gardening products and gardening equipment,
(d) provision of landscaping services; and
(d) may include a subservient coffee shop.

Development parameters:
Development parameters applicable to "agriculture" apply.

"private open space"

Land use description: "*private open space*"—
(a) means land not designated as public open space and that is used primarily as a private site for active or passive sport and recreational activities and amenities, or as a park or garden to create a desired landscape;
(a) includes indoor and outdoor sport facilities, ancillary buildings, infrastructure, and public land that is or will be leased on a long term basis; and
(b) does not include shops, restaurants and gymnasiums.

Development parameters:
The following development parameters apply:
(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use and, if applicable, a consent use.

"private parking"

Land use description: "*private parking*" means property reserved exclusively for parking purposes and that is not normally accessible to the general public.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for such private parking.

"private ~~road~~ street"

Land use description: "*private ~~road~~ street*"—
(a) means privately owned land designated as a private ~~road~~ street that provides vehicle access to a separate cadastral property or properties;
(b) includes services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room;
(c) may include areas for private parking and
(d) does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private ~~roads~~ streets for the purpose of this zoning scheme.

Development parameters:
As determined by the Municipality.

"prospecting"

Land use description: "*prospecting*" means the first stage of physical search for minerals, fossils, precious metals or mineral specimens and may be granted as a temporary departure from this By-law by the Municipality since it does not constitute a primary or consent ~~or occasional~~ use right in terms of this By-law.

Development parameters:
As determined by the Municipality.

"public open space"

Land use description: "*public open space*"—
(a) means land, with or without access control—
(i) owned by the Municipality or other organ of state;
(ii) not leased out by the Municipality or that other authority on a long-term basis,
(ii) set aside for the public as an open space for recreation or outdoor sport and designated as public open space; and
(b) includes a park, playground, public or urban square, ~~picnic area~~; public garden, nature area and ancillary buildings and infrastructure.

Development parameters:
The following development parameters apply:
(a) the Municipality must require a site development plan to be submitted for its approval; and
(b) the site development plan as approved by the Municipality constitutes the development parameters for a primary use, if applicable, and a consent use.

"public parking"

Land use description: "*public parking*" means property that is accessible to the general public for parking purposes with or without a fee and/or access control.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public parking.

"public street"

Land use description: "*public street*" means any land, owned by or vesting in the Municipality, indicated on an approved plan, diagram or map as having been set aside as a public thorough way for vehicles and pedestrians and includes—
(a) open public parking areas;
(b) sidewalks;
(c) those parts of a public place that are travelled parts;
(d) informal trading; and
(e) appropriate and necessary street furniture and infrastructure, including reticulation networks that does not present any threat to the safety or obstruct or inhibit free movement of pedestrians.

Development parameters:
A site development plan must be submitted to the Municipality for its approval. The site development plan as approved constitutes the development parameters for the public street.

"quarry"

Land use description: "*quarry*" means a place from which dimension stone, rock, construction aggregate, riprap, sand, gravel or slate is excavated from the ground. A quarry is a type of open-pit mine that produces building materials and dimension stone.

Development parameters:

(a) Development parameters applicable to "agriculture" together with additional parameters determined by the Municipality apply.

(b) If a quarry is approved as a consent use in Agricultural Zone I, the consent may only be granted for the number of years equal to the expected lifetime of the ~~quarry~~ mining permit concerned.

(c) The owner must comply with national and provincial statutory requirements applicable to mining.

(d) Any application ~~to rezone land to Industrial Zone IV~~ for a quarry must set out the measures that will be implemented to address safety and environmental concerns including—

(i) control of drainage, sedimentation and erosion;
(ii) preservation of surface and substance water;
(iii) preservation of topsoil;
(iv) provision for restoration and the re-use of the site;
(v) provision for noise and visual buffering;
(vi) accommodation of heavy traffic and vehicles on roadways; and
(vii) a phased programme for rehabilitation.

(e) The Municipality may impose the measures to address safety and environmental concerns as conditions of approval.

(f) A site development plan must be submitted to the Municipality for its approval.

"rehabilitation centre"

Land use description: *"rehabilitation centre"* means a facility providing treatment for substance abuse.

Development parameters:

Development parameters applicable to "place of instruction" apply.

"renewable energy infrastructure"

Land use description: "*renewable energy infrastructure*"—

(a) means any wind turbine, solar energy generating apparatus, including solar photo-voltaic and concentrated solar thermal, hydro turbines or bio mass facility or any grouping thereof, that captures and converts wind, solar radiation or bio mass into energy for commercial use and/ or gain irrespective of whether it feeds into any electrical grid or not; and

(b) includes any appurtenant structure necessary for, or directly associated with, generation of renewable energy, or any test facility or structure that may lead to the generation of energy on a commercial basis, excluding electrical grid connections; and

(c) which, when restricted to photo-voltaic systems:

(i) are permitted on all properties zoned for residential use and primarily for the purpose of household consumption, but which may include excess generation to feed into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures, excluding car ports;

(ii) are permitted on all properties not zoned for residential purposes and to serve primarily in the energy needs of the authorised land uses, irrespective if it is for the purpose of commercial use, but which may also include excess generation to feed into any electricity grid for commercial gain, insofar as such structure/s is accommodated on the roofs of existing approved

building structures which are directly related to the bona fide permitted uses of the subject property, excluding any carports;

(iii) are not permitted on any purpose build structure, inclusive of any carport, without a consent use approval as provided for and subject to the impact of such photo-voltaic system and associated structures on the productive, heritage, and scenic landscape.

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Development parameters:

The development parameters applicable to the base sone applies in all instances, together with the following additional parameters:

(a) **Height**

(i) The maximum height of a renewable energy infrastructure is technology dependent.

(ii) The height of buildings may not exceed 8,5 metres from natural ground level to the top of the roof.

(b) **Setback**

In the case of a wind turbine the setback is—

(i) a distance equal to 1,5 times the overall blade tip height of the turbine, measured from the nearest residential, commercial or critical agricultural structures including animal housing, outbuildings, store rooms, excluding structures such as water troughs, feed dispensers, and windmills;

(ii) a distance of 100m from the cadastral boundary of the land unit, unless the renewable energy infrastructure straddles two or more cadastral boundaries, in which case no setback applies;

(iii) a distance of 100m from any public road or private or public right of way, unless it provides access to the turbine;

(iv) a distance of 100m from any electrical infrastructure; and

(v) a distance of 1000m from towns, settlements or urban areas.

(c) **Site development plan**

(i) A site development plan must be submitted to the Municipality for its approval.

(ii) The site must be surveyed and the exact delineation of the construction footprint must be shown in the site development plan.

(iii) To the extent necessary, any relevant measures contained in these regulations must be incorporated into the site development plan submitted to the Municipality for approval.

(d) **Land clearing, soil erosion and habitat impact**

(i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy infrastructure as regulated by applicable environmental legislation.

(ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.

(iii) All land cleared that does not form part of the footprint of a renewable energy infrastructure must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the Municipality.

(iv) Constructing or operating the renewable energy infrastructure may not cause soil erosion, and any high-risk erosion areas must be rehabilitated by the operator, to the satisfaction of the Municipality.

(v) The applicant must prove, to the satisfaction of the Municipality, that planning for the renewable energy infrastructure concerned has taken into account and mitigated the risk of all impacts on, and necessary distances that should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines.

(vi) The applicant must provide exact coordinates relevant to land clearing, soil erosion and habitat impact to assist the Municipality to evaluate the risk of possible negative environmental impacts of the renewable energy infrastructure concerned.

(e) **Noise, air quality and nuisance**

The renewable energy infrastructure may not exceed a noise limit of 45 dB(A) during the night and 55 dB(A) during the day at the nearest dwelling.

(f) **Finishing, colour and design**

(i) A wind turbine structure must be treated with a neutral, non-reflective exterior colour and designed to blend in with the surrounding natural environment, to the satisfaction of the Municipality.

(ii) A solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact, as required by the Municipality.

(g) **Appurtenant structures**

(i) All appurtenant structures to a renewable energy infrastructure prescribed by the Municipality concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements are subject to applicable by-laws.

(ii) Appurtenant structures, including equipment shelters, storage facilities, transformers and sub-stations must be architecturally compatible with the receiving environment as required by the Municipality, and contained within a renewable energy infrastructure site development plan submitted for approval by the Municipality.

(iii) Appurtenant structures may only be used for the storage of equipment or other uses directly related to the operation of the particular facility that they are associated with.

(iv) Appurtenant structures must be screened from view by indigenous vegetation or be joined and clustered to minimise adverse visual impacts.

(h) **Lighting**

(i) A renewable energy infrastructure or any part of such a structure may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.

(ii) A renewable energy infrastructure must comply with the lighting air safety requirements of the South African Civil Aviation Authority in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

(i) **Signage and advertising**

Signs on renewable energy infrastructures must comply with the laws regulating signage and be limited to signage necessary to—

(i) identify the operator;

(ii) provide 24-hour emergency contact numbers; and

(iii) provide warning of any dangers associated with the structure.

No commercial advertising, including advertising for the provider or operator, may be displayed on any renewable energy infrastructure.

(j) **Maintenance**

The owner is responsible for maintaining a renewable energy infrastructure in good condition, including any access road, unless deemed a public way, and for paying the cost of repairing any damage resulting from construction or operation. Maintenance includes—

(i) painting;
(ii) structural repairs;
(iii) rehabilitation measures; and
(iv) the upkeep of security and safety measures.

(k) **Modification**

Any modification to a renewable energy infrastructure, excluding inconsequential *in situ* technical improvements, made after approval and that is not in accordance with the approval and conditions of approval, requires authorisation from the Municipality within the parameters of these regulations by means of—

(i) the amendment of approved conditions;
(ii) a new consent use approval;
(iii) amendment of the approved site development plan; or
(iv) amendment of the approved building plan.

(l) **Decommissioning**

(i) Any renewable energy structure and associated infrastructure that has reached the end of its productive life or has been abandoned, including buildings, cables and roads, must be removed by the owner.

(ii) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.

(iii) When a renewable energy structure is scheduled to be decommissioned or operations have been discontinued or it has been abandoned, the land owner must notify the Municipality within 30 days after the operation ceased, and of plans for removal of the structure and infrastructure referred to in subparagraph (i).

(iv) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of discontinued operation, or as agreed upon by the Municipality after submission of a plan for decommissioning. The Municipality may grant an extension of the deadline for removing the structure and its parts. The land must then be rehabilitated by the owner, to the satisfaction of the Municipality, to the condition prescribed in the approved environmental management plan and the approved decommissioning plan.

(v) Decommissioning must include—

(aa) the removal of all renewable energy structures and appurtenant structures, including equipment, bases, foundations, security barriers and transmission lines directly related to the renewable energy;

(bb) disposal of all solid and hazardous waste in accordance with provincial and local waste disposal regulations; and

(cc) the stabilisation and re-vegetation of the site with indigenous vegetation to minimise erosion.

(vi) The Municipality may, in order to minimise erosion and disruption to natural vegetation and habitats, grant permission to the owner to depart from the decommissioning plan in respect of removing landscaping, underground foundations or other underground components, provided these do not cause any pollution.

(vii) Before the construction of the renewable energy structure commences, the owner must make financial provision or an alternative reasonable arrangement, to the satisfaction of the Municipality, for protection against failure by the owner to comply with the obligations in terms of this By-law and in the event of the owner being unable to fulfil the necessary financial obligations for the rehabilitation or management of the negative environmental impact of decommissioning or of abandonment.

(viii) If the owner fails to remove the structure or its parts in accordance with the requirements of these regulations within 150 days of abandonment or the date of decommissioning or an approved extension date, the Municipality may enter the property and remove the structure and its parts, and recover all removal costs incurred from the owner.

(ix) If the owner fails to meet the requirements of subitem (i), the Municipality may, after written notice to the owner, use all or part of the financial provision or other provision referred to in subitem (vii) to rehabilitate or manage the negative environmental impact concerned, or to remove the facility.

"resort shop"

Land use description: *"resort shop"* means a shop that provides for the daily needs of transient guest of a holiday resort or camping site.

Development parameters:
The floor space of a resort shop may not exceed 100 m².

"restaurant"

Land use description: *"restaurant"* means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

Development parameters:
Development parameters applicable to "business premises" apply.

"retirement resort"

Land use description: *"retirement resort"* means flats, group housing or town housing that conforms to the following additional conditions:

(a) each dwelling unit must be occupied by a retiree or pensioner or by a family of which at least one member is a retiree or pensioner; and

(b) a full spectrum of frail care and other facilities reasonably associated with a retirement resort may be provided at a retirement resort.

Development parameters:
Development parameters applicable to the primary use apply.

"riding school"

Land use description: *"riding school"* means a place or undertaking for the leasing of horses and riding instructions against payment, and includes the care and stabling of the horses.

Development parameters:
Development parameters as applicable to "agriculture" apply.

"risk activity"

Land use description: "*risk activity*" means an undertaking where the material handled or the process carried out is liable to cause extremely rapid combustion, give rise to poisonous fumes, or cause explosion, and includes major hazardous installations and activities involving dangerous and hazardous substances that are controlled in terms of national legislation.

Development parameters:
Development parameters applicable to "agriculture" apply.

"rooftop base telecommunication station"

Land use description: "*rooftop base telecommunication station*" 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.

Development parameters:
The general provisions of section 49 of this By-law apply.

"scrap yard"

Land use description: "*scrap yard*" means a property that is utilised for one or more of the following purposes:

(a) storing, depositing or collecting of junk, scrap material or articles that have value depending mainly or entirely on the material used during their manufacture;
(b) the dismantling of second-hand vehicles or machines to recover components or material; and
(c) the storage or sale of second-hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles suited to being left in the open.

Development parameters:
Development parameters applicable to "industry" apply.

"second dwelling"

Land use description: "*second dwelling*" means another dwelling that may, in terms of this By-law, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that–

(a) a second dwelling may only be erected in a use zone where provision has been made in column 2 of the table set out in Schedule 1 for a second dwelling as a consent use; and
(b) the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately;
(c) a second dwelling unit may be used as a self-catering unit for tourist accommodation, or for the letting to a maximum of 2 lodgers or students, but only insofar as any required additional parking is provided on-site.

Development parameters:

The development parameters applicable to "dwelling house" apply, together with the following additional parameters:

(a) the total floor space of a second dwelling may not exceed 150 m² including the floor space of all ancillary buildings;

(b) a second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house;

(c) a second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof;

(d) a second dwelling that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;

(e) the existence of a second dwelling may not in itself be sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units; and

(f) the construction of a second dwelling is subject to the Municipality's municipal services department certifying that adequate services network capacity is available to serve the needs of the second dwelling.

"self-catering unit"

Land use description: "self-catering unit" means a furnished second dwelling unit, additional dwelling unit or any other dwelling unit where permitted as a consent use as may be provided, that is rented out to transient guest for short term accommodation on a self-catering basis and where the owner or occupier of the property does not reside on the property and rooms are not rented out separately.

Development parameters:

In addition to the prevailing development parameters, the following further parameters apply:

(a) the Municipality may require that a site development plan be submitted;

(b) a register of transient guest of the self-catering unit must be kept;

(c) any new structure or alteration to the property related to its use as a self-catering unit must be compatible with the residential character of the area, particularly with regards to the streetscape, and must be capable of reverting to its use as a dwelling unit.

(d) in the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1 m² in area;

(e) no weddings, receptions, conferences, training or any similar activities are permitted in a self-catering unit;

(f) no activities that constitute, or are likely to constitute, a source of public nuisance may be carried out;

(g) on-site parking must be provided in accordance with the provisions of this By-law.

(h) the number of self-catering units on any land unit as a single enterprise may not constitute a scale associated with a "tourist accommodation establishment", in which instance the appropriate use right must be obtained;

(i) A consent use approval for the self-catering use of any dwelling unit other than for Agricultural Worker Accommodation, will lapse after 5 years from the date of approval, which consent may on application be extended for further consecutive terms of 5 years.

(j) A consent use for the self-catering use of any dwelling unit other than for Agricultural Worker Accommodation, will only be attached to the owner or occupant of the dwelling unit at the time of approval and will lapse upon transfer of ownership or occupation of the dwelling unit.

(k) If a dwelling unit is located within a housing scheme which is subject to an owner's association or body corporate, the constitution of the subject housing scheme must specifically permit that dwelling units in the housing scheme may be used for self-catering use, and the written permission from the subject owner's association or body corporate must be obtained and submitted with an application for such consent use. If the owners' association or body corporate is not functioning, the written permission of all the owners within the housing scheme must be obtained.

"service station"

Land use description: *"service station"* means property for the retail supply of fuel, and—

(a) may include uses including washing of vehicles, a convenience shop and a restaurant; and

(b) does not include spray-painting, panel beating, motor repair garage, open air motor vehicle display or truck stop.

Development parameters:

The development parameters applicable to "shop" apply. The following additional development parameters apply:

(a) A site development plan must be submitted to the Municipality for its approval. The site development plan must at least address matters pertaining to vehicle access, risk management of fuel pumps and fuel storage areas, screening and minimising any visual intrusion or operational disturbance with adjoining properties.

(b) Any part of the property of a service station that is used for the repair of motor vehicles, the storage of inoperable motor vehicles or parts of motor vehicles, empty containers including oil drums and packing cases, or any other scrap, must be enclosed by a solid screen wall at least 2 metres high, or contained within a building.

(c) Any service station must comply with the following access requirements:

(i) the width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, may not exceed 8 metres;

(ii) a wall, at least 100 millimetres thick and 350 millimetres high, must be erected on the street boundary between different motor vehicle carriageway crossings, and the wall must continue along the boundary unless the property is otherwise enclosed;

(iii) the motor vehicle carriageway crossings must be limited to two per site unless the total length of a street boundary exceeds 30 metres, in which case one additional motor vehicle carriageway crossing may be permitted; and

(iv) at the point where it crosses the street boundary, a motor vehicle carriageway crossing may not be closer than—

(aa) 30 metres to the intersection of a provincial road and with any other road of a similar status;

(bb) 30 metres to the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;

(cc) 10 metres from the corner of an intersection not referred to in subitems *(aa)* or *(bb)* if such intersection is not splayed, or

5 metres from the point where the splay meets the road boundary if such intersection is splayed; and

(dd) 1,5 metres from a side boundary.

(d) No fuel pump may be erected so that the base or island on which the pump stands is less than 3,5 metres from the nearest street boundary.

"service trade"

Land use description: "*service trade*" means an enterprise—

(a) primarily involved in the rendering of a service for the local community including the repair of household appliances or the supply of household services;

(b) not likely to be a source of disturbance to surrounding properties;

(c) that employs at most 10 people;

(d) not likely, in the event of fire, to cause extremely rapid combustion, give rise to poisonous fumes or cause explosions;

(e) that includes laundry, bakery, dairy depot, and similar types of uses; and

(f) that does not include an abattoir, brick-making site, builder's yard, sewage works, service station, open air motor vehicle display or motor repair garage, or storage or warehousing.

Development parameters

The development parameters applicable to "shop" apply.

"shelter"

Land use description: "*shelter*" means a unit of accommodation, intended for human occupation with outbuildings as are ordinarily used with a dwelling unit, constructed of any material whatsoever, even though the material may not comply with the standards of durability intended by the National Building Regulations, and includes—

(a) renewable energy infrastructure for household purposes, irrespective of whether it feeds into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures, excluding car ports;

(f) home occupation;

(g) a bed and breakfast establishment; and

(h) home child care.

Development parameters:

(a) It is the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter.

(b) The Municipality may instruct any occupant or owner of a shelter to take action to remedy a public safety, health or fire risk.

(c) The dominant use of the unit must remain residential.

(d) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in a shelter.

(e) No activities may be carried out in a shelter that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.

(f) The Municipality may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

(g) **Coverage**

There is no restriction on coverage insofar as the building lines are complied with.

(h) **Height**
A shelter structure may not exceed a height of 6 meters.

(i) **Building lines**
(i) Side building lines are at least 1 metre on one side or 1,5 metres in the case where the shelter has windows or doors.
(ii) If a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
(iii) The street building line is 1 metre, if required by the Municipality.

"shooting range"

Land use description: "*shooting range*" means an enclosed indoor facility or demarcated outdoor area designed, built or constructed and utilised by a person as a firing range with targets for the usual, regular, and primary activity of controlled firearm practice, shooting competitions, or firearm training on a commercial basis, and—

(a) may be restricted to certain types of arms, handguns or rifles, or can specialize in certain shooting sports;
(b) must be constructed or designed in such a way, or where the improvements, size, geography, and vegetation of the area are such that any misdirected shot, that can reasonably be expected to be fired towards the targets, would not reasonably be expected to leave the range or otherwise pose a threat to live or property; and
(c) may include ancillary activities, buildings and structures.

Development parameters:
(a) The Municipality must require a site development plan for a shooting range.
(b) The site development plan as approved by the Municipality constitutes the development parameters.
(c) The provisions for a site development plan in this By-law apply.

"shop"

Land use description: "*shop*" means property used for the retail sale of goods and services to the public, and—
(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic, animal clinic and the sale of motor vehicles; and
(b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

Development parameters:
The following development parameters apply:

(a) **Floor factor**
The maximum floor factor on the land unit is 1.

(b) **Coverage**
The maximum coverage of all buildings on a land unit is 75%.

(c) **Height**
(i) The maximum height of a building is 12 metres to the top of the roof.
(ii) The general provisions regarding earth banks and retaining structures in this By-law apply.

(d) **Street centreline setback**

The Municipality may require a street centreline setback, in which case all buildings or structures on the land unit must be set back 8 metres from the centre line of the abutting public street or streets.

(e) **Street boundary building line**

The street boundary building line is 0 metres, subject to the following conditions:

(i) the street centreline setback restriction in subparagraph *(d)*;

(ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 millimetres beyond the street boundary; and

(iii) for service stations, the street boundary building line is 5 metres subject to the general building line encroachments in this By-law.

(f) **Side and rear boundary building lines**

The side and rear boundary building lines are 0 metres.

(g) **Canopy projection**

The Municipality may approve a canopy projection over the street boundary in accordance with the following conditions:

(i) the canopy may not project nearer than 500 millimetres to a vertical plane through the kerb line or proposed kerb line;

(ii) no portion of a canopy projection may be less than 2,8 metres above the pavement;

(iii) the Municipality may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and

(iv) the owner must enter into an encroachment agreement with the Municipality in the case of a canopy projection.

(h) **Street corners**

(i) The Municipality may require the owner of a building to be situated at a public street corner, and where the Municipality considers the street corner to be significant, to incorporate in the building, architectural features that focus visual interest on the corner and emphasise the importance of pedestrian movement around the corner. The architectural features may include building cut-offs, walk-through covered arcades, plazas or other elements.

(j) **Parking and access**

Parking and access must be provided on the land unit in accordance with this By-law, except in a case where the Municipality has approved alternative parking supply under subsection 42.(1).

(k) **Loading**

Loading bays must be provided on the land unit in accordance with this By-law.

(l) **Screening**

The Municipality may require screening in accordance with this By-law.

(m) **Repair or manufacturing concern in a shop**

The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.

(n) **Refuse room**

The Municipality may require a refuse room to be provided on the land unit in accordance with this By-law.

(o) When a shop is approved as a consent use in Business Zone V, the total floor space of the shop or shops may not exceed 5% of the floor space of the building.

"smallholding"

Land use description: *"smallholding"* means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place.

Development parameters:

Development parameters applicable to "agriculture" apply, except that the following building lines apply:

(a) **Building Lines**

(i) 10 metres from any boundary in respect of properties smaller than 2 hectares;

(ii) 20 metres from any boundary in respect of properties smaller than 4 hectares; and

(iii) 30 metres from any boundary in respect of properties larger than 4 hectares.

(b) **Coverage**

(i) The floor area of the dwelling house may not exceed 500m²;

(ii) The cumulative coverage and/ or total floor area of all building structures, excluding the dwelling house and second dwelling unit, may not exceed the limit of 5% of the size of the land unit or to a maximum of 2000m², whichever is the lessor amount.

"small scale rental apartments"

Land use description: "*small scale rental apartments*" means a building containing two or more purpose built micro residential units that may not be sectionalised to provide in the need of affordable rental units and improve living conditions, and:

(a) with the exclusion of one dwelling house, may only be permitted where no second dwelling or shelters has been developed;

(b) includes renewable energy infrastructure for household purposes, irrespective of whether it feeds into any electricity grid, and insofar such structure/s is accommodated on the roof of existing permitted building structures.

(c) includes home occupation;

Development parameters:

(a) Small scale rental apartments can be permitted as provided for as a consent use or in spatially targeted areas depicted in an associated overlay zone.

(b) Small scale rental apartments can only be permitted where sufficient service infrastructure capacity is available.

(c) Despite the prevailing development parameters, a small scale rental apartment development must comply with the building and fire safety regulations.

(d) The dominant use of the property must remain residential.

(e) No noxious trade, risk activity, adult entertainment, adult services or adult shop is permitted in any small-scale rental apartments.

(f) No activities may be carried out in any unit that constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity that results in the generation of dust, fumes, smoke, or waste material that could be detrimental to health, or requires special waste removal processes.

(g) **Height**

(i) The height of a small scale rental housing building may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(h) **Coverage**
  (i) The maximum coverage of all buildings on a land unit is 80%.

(i) **Building lines**
  (i) Side building lines are 1 metre on each side.
  (ii) Rear building line is 1,5 metres, but if a midblock sewage system is present, a rear building line of up to 2 metres may be required by the Municipality.
  (iii) The street building line is 1 metre.

(j) **Parking and access**
  (i) Parking and access must be provided on the land unit as may be required and in accordance with an approved site development plan.

"sports and recreation centre"

Land use description: *"sports and recreation centre"* means an outdoor and/ or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse, gymnasium, ablution facilities, training facilities, stores, and related administrative buildings.

Development parameters:

(a) The Municipality must require a site development plan for a sports and recreation centre.

(b) The site development plan as approved by the Municipality constitutes the development parameters.

(c) The provisions for a site development plan in this By-law apply.

"student home"

Land use description: "*student home*" means that the entire dwelling unit is rented out for the accommodation of students in accommodation rooms and where the owner or a manager does not reside on the property, and -

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

(b) no dwelling unit may be developed or altered purposefully to serve as student accommodation, in which case the establishment will be regarded as a "boarding hostel";

(c) at least one communal bathroom, kitchen and lounge/eating area shall be provided for students on each property;

(d) separate kitchenettes or kitchen facilities may not be installed in any rooms in contravention of the permitted number of dwelling units in the zone, .

Development parameters:

(i) In addition to the development parameters associated with the applicable dwelling unit, parking must be provided on a ratio of 1 parking bay per bedroom.

(ii) A consent use approval for a student home will be subject to a period for 5 years, which may on application, be extended for further consecutive terms of 5 years.

(iii) A consent use for a student home of any dwelling unit will only be attached to the owner or occupant of the dwelling unit and will lapse upon transfer to any new owner or new occupant of the dwelling unit.

(iv) If a dwelling unit is located within a housing scheme which is subject to an owner's association or body corporate, the constitution of the subject housing scheme

must specifically permit that dwelling units in the housing scheme may be used as a student home, and the written permission from the subject owner's association or body corporate must be obtained and submitted with an application for such consent use. If the owners' association or body corporate is not functioning, the written permission of all the owners within the housing scheme must be obtained.

"supermarket"

Land use description: *"supermarket"* means a shop having a total floor space in excess of 400 m², where a range of goods, including foodstuff and household goods, is offered for sale on a predominantly self-service basis.

Development parameters:
Development parameters applicable to "shop" apply.

"telecommunication infrastructure"

Land use description: *"telecommunication infrastructure"*—

(a) means any part of the infrastructure of a telecommunication network for radio or wireless communication;
(b) includes voice, data and video telecommunications, including antennae, any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red);
(c) includes ancillary structures needed for the operation of telecommunication infrastructure; and
(d) does not include fibre optic installations and point-to-point copper (cable) installation and rooftop base telecommunication stations.

Development parameters:
As determined by the Municipality.

"tourist accommodation establishment"

Land use description: *"tourist accommodation establishment"* means a harmoniously designed and built tourist development, used by transient guest for tourism purposes, whether in private or public ownership, that—

(a) consists of a single enterprise that provides overnight accommodation by means of short-term rental or time sharing only;
(b) may include the provision of a camping site, caravan park, chalets or mobile home park, resort shop, private or public roads;
(c) does not include a hotel or wellness centre; and
(d) no building or part of a building of a tourist accommodation establishment may be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

(a) When land is rezoned to Resort Zone, the Municipality must impose conditions with regard to density, layout, landscaping, and building design.
(b) A site development plan must be submitted to the Municipality for its approval, clearly indicating the position of all structures, stands, services and internal roads.
(c) Provided that if a hotel or wellness centre is approved as a consent use within Resort Zone the following additional conditions apply:
    (i) rooms may not be alienated by means of sectional title;
    (ii) the hotel may not accommodate more than 50% of the number of accommodation units;

(iii) the architectural design of the hotel or wellness centre must conform to that of the rest of the resort; and

(iv) the maximum height for the hotel or wellness centre is 6 metres to the wall plate in all cases and 8,5 metres to the top of the roof in the case of a pitched roof.

"tourist facilities"

Land use Description: "*tourist facilities*" means the provision of a variety of facilities, amenities and activities which are associated with the attributes and attractions of the primary use rights and locational context of the hosting property and is aimed at tourists and visitors and -

(a) Includes, wine/ beer/ liquor tasting and sales, markets, restaurants, coffee shop and bakery, lecture rooms, conference facilities, mountain bike trails, cycle and hiking trails, picnic and recreational activities and facilities, coffee roastery, charcuterie; restrooms;

(b) does not include any sport activities and facilities, shops, an off-road trail, a function venue, place of entertainment, hotel, wellness centre, or tourist accommodation;

(c) the tourist facility that is permitted on a land unit will be limited to the qualified type of tourist facility and the scope thereof in accordance with the associated approval; and

(d) no building or part of a building of a tourist facility may be subdivided, alienated via a registered lease, or sectionalised.

Development parameters:

(i) Development parameters applicable to the land use rights apply, together with the site development plan and any conditions of approval by the Municipality shall constitute the development rules for the tourist facilities and activities and any expansion, alteration or relocation will require a fresh land use and land development application.

(ii) The total floor area of all buildings which are used as tourist facilities shall not exceed 250m^2 for the entire land unit, and the total designated outdoor area not covered by any roof which are used together with the buildings for the tourist facilities, shall not exceed 100m^2, which excludes all types of trails or unroofed and expansive outdoor recreational activities.

(iii) Tourist facilities on properties zoned for agricultural use may only be undertaken from a farm where the primary use of the property is *bona fide* agriculture and where the proposed activity is subservient to the primary agricultural land use on the farm.

(iv) Tourist facilities on properties zoned for agricultural use which require buildings to operate from, must be undertaken from existing approved buildings on the property which are no longer utilised for their original purpose, provided that the Municipality may consider new buildings if they do not adversely impact on the viability of the farm or the rural character.

(v) The parking requirements applicable to place of assembly in Section 58 must be applied as a guideline for the provision of parking and as approved in accordance with the site development plan.

(vi) Parking areas associated with any tourist facilities may not be covered by any carports or similar structures.

"town housing"

Land use description: "*town housing*" means a row or group of linked or attached dwelling units, planned, designed and built as a harmonious architectural entity where every dwelling unit has a ground floor and dwelling units may be cadastrally subdivided.

Development parameters:

The development parameters of "group housing" apply, provided that:

(a) **Density**
The maximum gross density on a town housing site is 60 dwelling units/hectare.

(b) **Open space**
The open space requirements for group housing do not apply to town housing.

(c) **Coverage**
The maximum coverage for all buildings on a land unit is 60%.

(d) **Height**
The height of dwelling units may not exceed 6 metres to the wall plate in all cases, and 8,5 metres to the ridge of the roof in the case of a pitched roof.

(e) **Letting to unrelated persons**
Each dwelling unit is permitted a maximum of one lodger or student and only insofar as any required additional parking is provided on-site.

"transitional relocation area"

Land use description: "*transitional relocation area*" means a designated property or area provided on a proactive or reactive basis to relocate and accommodate persons affected by emergencies or in need in temporary shelters with communal basic services on a temporary basis –

(a) to return to their original place of residence once the emergency has subsided, or

(b) as an interim measure to relocate to formal housing opportunities when available, or

(c) for the eventual in-situ upgrading to more formal dwelling units.

Development parameters:

(a) The Municipality may require a site development plan to be submitted for its approval, indicating the position of stands or shelters, structures, services, access and internal roads.

(b) Development parameters as determined by the Municipality.

"transport use"

Land use description: "*transport use*" means the use of land, a building or structure for the operation of a service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline and—

(a) includes the use of that land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, and a transport undertaking;

(b) includes a public-private undertaking including a railway station, bus depot, multiple parking garage, taxi rank, public transport interchange, rooftop base telecommunication station, harbour and ancillary purposes; and

(c) does not include an airport, airfield; or helicopter landing pad.

Development parameters:

Development parameters applicable to "business premises" apply.

"truck stop"

Land use description: "*truck stop*" means a facility with direct access from a freeway, inner city road or major transport route that—

(a) provides a range of rest, service and fuelling facilities for heavy duty, long haul vehicles and trucks: and

(b) does not include accommodation.

Development parameters:

Development parameters are determined by the Municipality by means of conditions of approval for a truck stop as a consent use, provided that—

(a) the Municipality must require a site development plan to be submitted for its approval; and

(b) the site development plan must at least address matters pertaining to vehicle access, placement of overnight parking and ablution facilities or rest rooms, screening and minimising any visual intrusion or operational disturbance to adjoining properties.

"truck stop accommodation"

Land use description: "*truck stop accommodation*" means overnight accommodation by means of short term rental that specifically caters for the needs of truck drivers and may include accommodation rooms, ablution facilities, basic food preparation facilities and communal areas for relaxation and is ancillary to a truck stop.

Development parameters:

(a) The Municipality must require a site development plan to be submitted for its approval.

(b) The height of the accommodation facility may not exceed 6,5 metres to the top of the roof.

"tuck shop"

Land use description: "*tuck shop*" means a small retail concern that stocks a range of snacks, food, candy, soft drinks, and warm beverages and serves the needs of the public who frequent the premises or the persons associated with a specific business, institution, premises or activity.

Development parameters:

(a) A tuck shop may not exceed 25m².

(b) May include an external seating area not exceeding 25m².

(c) The Municipality may require a site development plan to be submitted for its approval.

"urban agriculture"

Land use description: "*urban agriculture*" means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden by an occupant is not regarded as urban agriculture for the purpose of this By-law.

Development parameters:

(a) The extent and nature of the activity will remain compatible with the primary land uses.

(b) The use of pesticides, fertilisers, equipment, machinery and trucks must not cause a nuisance or health risk, in which instance the Municipality may require the activity to cease.
(c) All other development parameters as determined by the Municipality.

"utility service"

Land use description: "*utility service*" means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban and rural development and—

(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, solid waste and recycling facility and road maintenance depot, rooftop base telecommunication station and freestanding base telecommunication station, ~~data centre~~; and
(b) does not include renewable energy infrastructure or transport use; and
(c) provided that a road is not regarded as a utility service.

Development parameters:
As determined by the Municipality.

"wall of remembrance"

Land use description: "*wall of remembrance*" is a wall in a cemetery or crematorium provided for the placement of inscribed tablets commemorating deceased persons.

Development parameters:
Development parameters applicable to "cemetery" and "crematorium" apply.

"warehouse"

Land use description: "*warehouse*" means a building used primarily for the storage of goods, except for goods that are offensive or dangerous and—

(a) includes property used for business of a predominantly wholesale nature, and
(b) does not include property used for business of a predominantly retail nature.

Development parameters:
Development parameters applicable to "industry" apply.

"wellness centre"

Land use description: "*wellness centre*" means a business that provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments including massages, rehabilitation, exercise programmes, diet, instruction on wellness, life coaching, and facials and includes—

(a) facilities like saunas, pools, steam rooms, gymnasiums, treatment rooms, relaxation areas and whirlpools; and
(b) the provision of meals to guests.

Development parameters:
Development parameters applicable to "tourist accommodation establishment" apply.

"winery"

Land use description: "*winery*" means a place where wine is made, and may include a distillery, but excludes a selling point to the general public and wine-tasting area.

Development parameters:
Development parameters applicable to "agriculture" apply.

SCHEDULE 3

OVERLAY ZONES APPROVED IN TERMS OF SECTION 16

1. SUBDIVISIONAL AREA OVERLAY ZONE

1.1. General purpose of Subdivisional Area Overlay Zone

The subdivisional area overlay (SAO) zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.

1.2. Use of the property

1.2.1 Land zoned as a subdivisional area may be subdivided as contemplated in the Planning By-law.

1.3. Development parameters

1.3.1 When the municipality approves a subdivisional area overlay zone, it must impose conditions making provision for at least—

(a) density requirements;
(b) main land uses and the extent of the uses; and
(c) a detailed phasing plan or a framework including—
  (i) main transport routes;
  (ii) main land uses;
  (iii) bulk infrastructure;
  (iv) requirements of organs of state;
  (v) public open space requirements; and
  (vi) physical development constraints.

2. SPECIAL PLANNING AREA OVERLAY ZONE

2.1. General purpose of special planning area overlay zone

The general purpose of the special planning overlay zone is to provide for a package of plans mechanism to plan and manage the development of large or strategic urban development areas with a greater degree of flexibility. The package of plans mechanism is a phased process of negotiation, planning and approvals, where appropriate levels of planning detail are approved together with conditions for those approvals.

A special planning area overlay zone is generally created in respect of an application that involves a mixed use development proposal or where the development does not generally comply with the development parameters of the applicable land uses of this zoning scheme.

2.2. Use of the property

2.2.1 Primary uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.
2.2.2 Consent uses are as stipulated in the conditions of approval imposed in terms of the Planning By-Law.

2.3. Development parameters

2.3.1 The Municipality must require a package of plans as set out in section 2.3.4 of Schedule 3 to be submitted for areas zoned as special planning area overlay zones.
2.3.2 The applicant must, during pre-application discussions with the Municipality, ascertain whether a package of plans procedure has to be followed.
2.3.3 The development parameters of the lowest order package of plans as contemplated in section 2.3.2 of Schedule 3 and as approved by the Municipality are the development parameters of the special planning overlay zone applicable to the property concerned.
2.3.4 The package of plans consists of all of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plan:

(a) **Contextual framework**

(i) The contextual framework lays down broad land use policy for the development and the surrounding area.
(ii) It may include principles or heads of agreement summarising the general obligations of the Municipality and the developer in relation to the development.
(iii) The contextual framework may be prepared by the Municipality, or by a land owner or development agency under supervision of the Municipality, and may not be in conflict with a spatial development framework or structure plan approved by the Municipality.

(b) **Development framework**

(i) The development framework must identify overall policy, broad goals, and principles for development within the development.
(ii) The development framework must identify the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits to development within the development, including but not limited to density and floor space.

(c) **Precinct plans**

(i) Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements.
(ii) There may be several precinct plans that make up a development area.
(iii) A precinct plan must describe in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.

(d) **Subdivision plans**

(i) Subdivision plans, if required, must be processed in terms of planning law to establish new cadastral boundaries and to facilitate the transfer of land units.

(ii) Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of section 16.2 apply to such plans.

(e) **Site development plans**

(i) Site development plans depict more detailed design and development provisions for one or more land units within a development.

(ii) These provisions may include details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement.

(iii) A site development plan may be required before or after a subdivision plan, and must provide for the information as required for a site development plan in terms of this By-law.

(f) **Building plans**

(i) Building plans contain detailed specifications as required by the National Building Regulations.

(ii) Building work may only commence once building plans have been approved by the Municipality.

2.3.5 The Municipality may require all or only some of the components of the package of plans to be applied in respect of a particular development.

2.3.6 The Municipality may require that the area covered by a contextual framework must extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the Municipality may determine the extent of that area.

2.3.7 In approving a special planning area overlay zone, the Municipality must determine the total floor space or density permitted within the development as a condition of approval.

2.3.8 The allocation of floor space must take into account the carrying capacity of internal and external infrastructure including roads and utility services, and any urban design principles approved by the Municipality as part of a rezoning or contextual framework.

2.3.9 The approved floor space may remain as "floating floor space" assigned to the overall development for later allocation, or may be assigned to particular precincts when a precinct plan is approved; and in either case must be allocated to individual subdivisions or site development plans.

2.3.10 When a special planning area overlay zone and a package of plans is required in terms of this By-law, the relevant components must be submitted to the Municipality for its approval before any development on a land unit can commence, provided that—

(a) the development may not be refused if it is consistent with the development parameters of a base zone, overlay zone, or condition of approval; and

(b) the Municipality may require amendments to the detail of the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

2.3.11 The general provisions contained in this By-law apply with regard to site development plans.

3. URBAN AND RURAL CONSERVATION OVERLAY ZONE

3.1 General purpose of Urban and Rural Conservation Overlay Zone

3.1.1 The Urban and Rural Conservation Overlay Zone may be referred to by the code (HAO) and shall be indicated on the zoning map in a unique colour outline for each area with fine horizontal hatching in the same colour.

3.1.2 The purpose of the Urban and Rural Conservation Overlay Zone is to guide development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value.

3.1.3 The aim of this zone is to provide an additional mechanism through which the Municipality can manage sensitive areas, regardless of the base zone, where new development can be undertaken in a manner which is sensitive to the receiving environment, and also balanced, given the municipality's developmental objectives.

3.1.4 The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to mitigate the potential adverse impact of development on the receiving environment.

3.1.5 Other than when specific limitations are imposed by virtue of a provision contained in an overlay zone 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 or specific environmental resources.

3.2 Areas designated as Urban and Rural Conservation Overlay Zones

3.2.1 The council of the Stellenbosch Municipality may designate an area as Urban or Rural Conservation Overlay Zone. The area shall be depicted on a map and the area shall be recorded in Table A.

TABLE A: URBAN AND RURAL CONSERVATION OVERLAY ZONES

Number and Map Reference	Description of Area	Colour on map
URCO1	Stellenbosch Urban Conservation Area	
URCO2	Franschhoek Urban Conservation Area	
URCO3	Jonkershoek Valley Rural Conservation Area	
URCO4	Dwars River Valley Rural Conservation Area	
URCO5	Ida's Vallei Rural Conservation Area	

3.2.2 An area may be designated as an Urban or Rural Conservation Overlay Zone based on its exceptional historic interest, architectural significance, environmental or other conservation worthy aesthetic or landscape, after the completion of a suitable study to identify the extent and boundaries based on appropriate criteria.

3.2.3 The Municipality may demarcate new 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.

3.3 Applications in Urban and Rural Conservation Overlay Zones

3.3.1 In an Urban Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this scheme :

(a) addition of any new building or structure, including a boundary wall, gate posts, entrance gate, security or refuse structure;

(b) external demolition or alteration or renovation to an existing building or structure which may, in the municipality's opinion alter the character of the area, including, but not limited to, boundary walls, fences, stoeps, windows, roof details, existing chimneys;

(c) removal, felling, lopping, topping or otherwise damaging of any mature tree (other than removal of dangerous branches or bona fide pruning) which is visible from a public road in the area;

(d) alteration or removal of any significant landscape feature which contributes to the character of the area, including mature hedges and rows of mature plantings which are visible from a public road in the area;

(e) the removal of any garden space for paving or parking, where such space is visible from a public road;

(f) 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 which are in or adjacent to a public road in the area;

(g) the erection of any signage which may be visible from any public road or public open space;

(h) 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 road or public open space. .

3.3.2 In a Rural Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this scheme :

(a) addition of any new building or structure, including any boundary wall, gate posts, security or refuse structure which is visible from a public road;

(b) external demolition or alteration to an existing building or structure which is visible from a public road;

(c) removal, felling, lopping, topping or otherwise damaging of any mature tree (other than removal of dangerous branches or bona fide pruning) which is visible from a public road in the area;

(d) alteration or removal of any significant landscape feature which contributes to the character of the area, including mature hedges and rows of mature plantings which are visible from a public road in the area;

(e) the removal of any garden space for paving or parking, where such space is visible from a public road;

(f) installation of general area lighting against buildings or on masts which is visible from a public road or from a distance, and which is regarded by the municipality to be potentially obtrusive.

3.3.3 The following activities are exempt from applying for permission:

(a) internal alteration to buildings or structures;

(b) external 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 which are not visible from a public road.
(g) alien vegetation clearing in accordance with an alien clearing plan submitted by the owner of the land to the Municipality for information purposes;
(h) pruning and felling of trees in bona fide orchards in the Agricultural and Rural Zone.

3.3.4 Applications for permission in terms of sections 00(a) and (b) 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.
3.3.5 Where a proposal is either adjacent to or on a property which is listed in the Municipality's heritage register, the Municipal Manager may require that the application be accompanied by a report prepared by a heritage practitioner registered with Heritage Western Cape which evaluates the possible impact of the proposal on the heritage asset.

3.4 Land uses and development parameters in Urban and Rural Conservation Overlay Zones

3.4.1 The base zone applicable to a property will continue to apply to properties within this overlay zone.
3.4.2 The primary, additional and consent land uses set out in the applicable base zone remain applicable, unless varied in the area-specific provisions listed under each Urban or Rural Conservation Overlay Zone.
3.4.3 All the development parameters included in the base zone remain applicable, unless a specific parameter is varied in the area-specific provisions listed under each Urban or Rural Conservation Overlay Zone.

3.5 Area specific parameters and decision making criteria

3.5.1 The Municipality may prepare and adopt, after following due process, area-specific development parameters and rules for a particular Urban or Rural Conservation Overlay Zone which shall be contained in this Scheme and which may only be deviated from, with the permission of the Municipality.
3.5.2 The Municipality may adopt a Conservation Overlay Policy, in which the character forming elements and decision making criteria for each area is set out, and these will guide decision making on an application in terms of this chapter.
3.5.3 Where a designated area is not included in the Conservation Overlay Policy, the Municipality shall assess the application against the general purpose of this overlay zone.

3.6 Advisory committee

3.6.1 The Municipality shall establish a Conservation Advisory Committee, which may consist of various sub-committees for different overlay zone areas, to make recommendations on the planning application in Urban and Rural Conservation Overlay Zones.

3.6.2 The Municipality shall by ordinary resolution prescribe rules and procedures for such committee.
3.6.3 Upon receipt of an application for permission in terms of this chapter, the Municipal Manger will refer the application to the committee for a recommendation.
3.6.4 The committee shall consider the application and submit their recommendation within the period prescribed by Planning By-law.
3.6.5 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 the Conservation Overlay Policy.
3.6.6 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.

3.7 Consideration of applications in terms of this chapter

3.7.1 When considering an application for permission in terms of this chapter, the Municipality shall only grant its approval for the activity if it is satisfied that the activity will not be detrimental to the character of the area, or the streetscape;
3.7.2 The Municipality shall also take into consideration the recommendations by the Advisory Committee and shall be bound by the decisions by national and/or provincial heritage or environmental authorities, if applicable.
3.7.3 When granting its permission, the Municipality may do so subject to conditions it deems necessary to protect and promote the, which may include (but are not limited to):
(a) requiring an alternative position of the building on the property which has less impact on the receiving environment;
(b) setting a maximum development envelope (including the height) for a portion of the site or the whole site, which may be more or less restrictive than the building envelope permitted in the base zone. in cases where such a restrictive envelope is justified to protect important conservation worthy 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 screening of parking and the maximum number of parking bays which may be provided.

3.8 Site development plan

3.8.1 A site development plan may be required by the Municipality for any development in this zone.

3.9 Provisions applicable to specific Urban and Rural Conservation Overlay Zones

3.9.1 The provisions of this subsection shall apply to the Stellenbosch Urban Conservation Area, as defined on Map No. URCO1:

(a) buildings may not exceed a height of 10 meters (measured from existing ground level to top of roof or top of parapet), which limit is applicable only to the first 15 meters measured from a public road;

(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 mature 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 mature trees within the abutting public road;

(d) face brick may not be visible from the public road;

(e) no pre-cast concrete walls of any kind, no barbed wire fencing or flat pressed industrial steel fences may be used which are visible from a public road;

(f) water tanks, solar panels, antennae and such similar attachments may not be visible from a public road;

(g) the Municipality may waive or reduce the parking and/or loading requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the character of the area;

(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 be a consent use application and may only be refused if in the opinion of the Municipality it will have a detrimental impact on the character of the street or area:
- (i) motor showrooms, public parking areas and parking garages;
- (ii) plant nurseries
- (iii) supermarkets, shopping centres.

(j) The Municipality may also impose conditions on how buildings and land use activities should be positioned in relation to the public road or a public open space to mitigate negative impact.

(k) Notwithstanding the requirements 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.

3.9.2 The provisions of this subsection shall apply to the Franschhoek Urban Conservation Area, as defined on Map No. URCO2:

(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 Inverted Box Rib (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); slate;
(vii) steel or aluminium windows or doors on any elevation visible from the street;
(viii) unpainted wooden windows;
(ix) pre-cast concrete fences;
(x) exposed concrete of any kind.

(c) no boundary wall may exceed 1 meter.

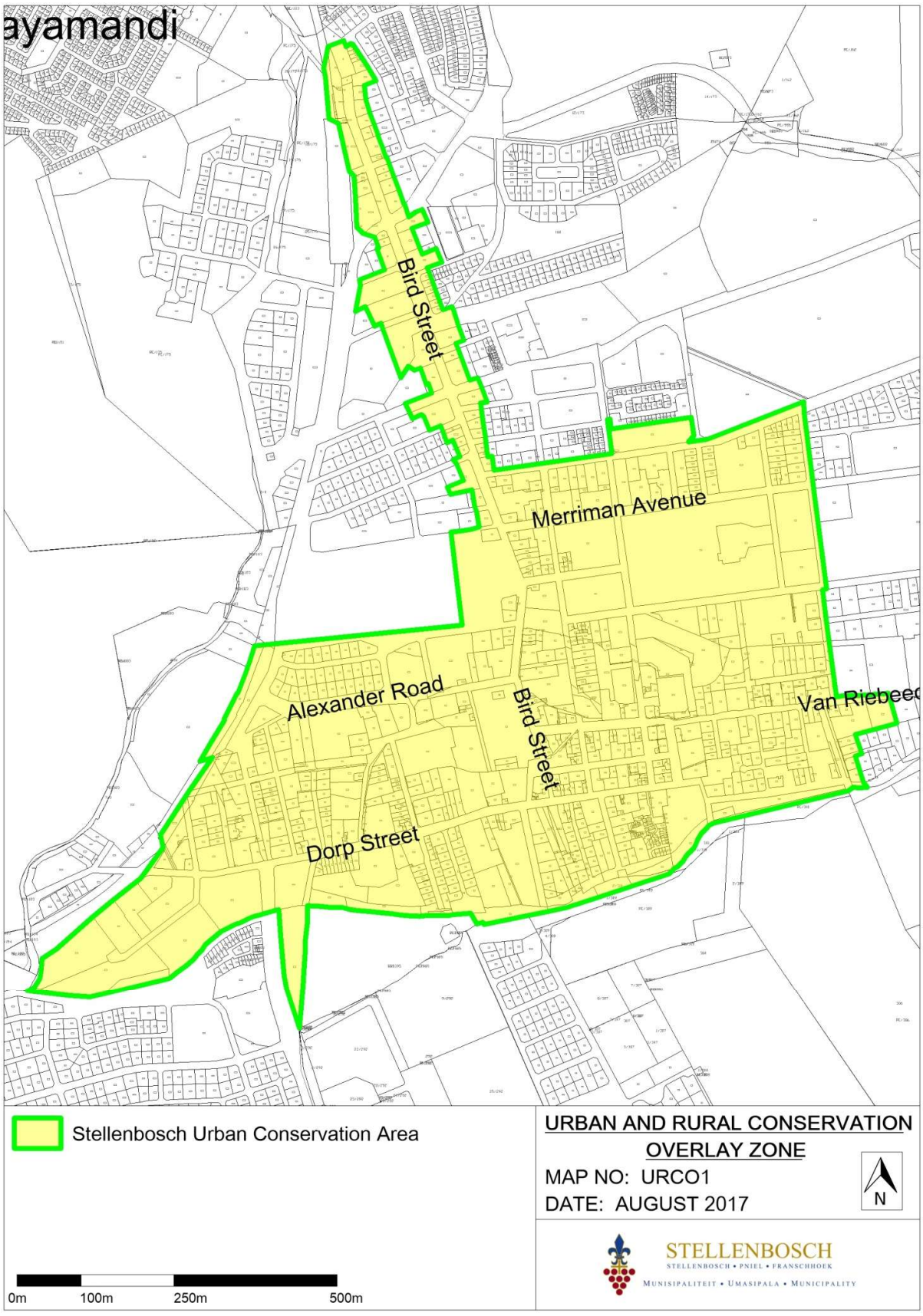
(d) no roof pitch to any part of a building except a lean-to section attached to the main building shall have a roof pitch of less than 30 degrees;

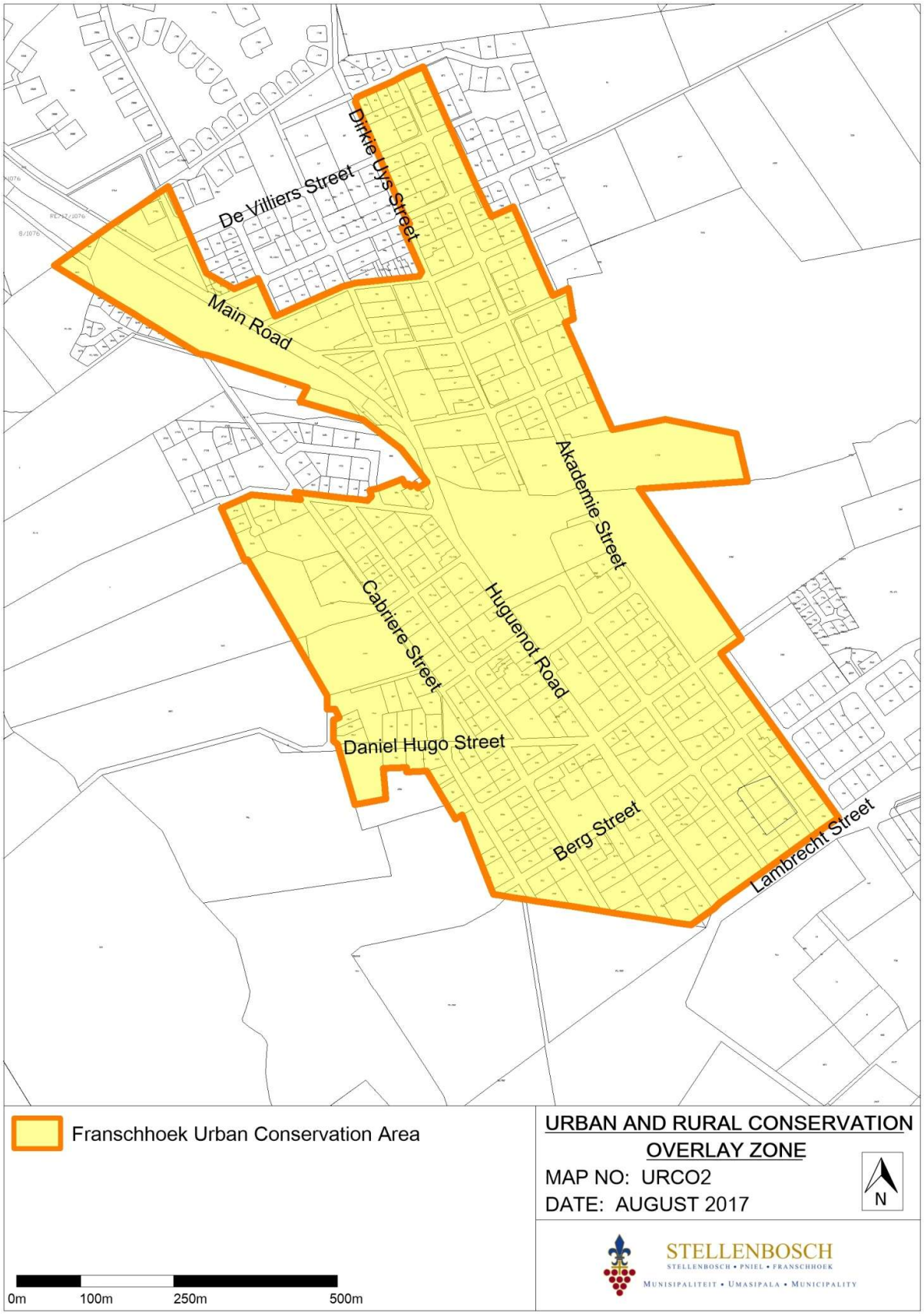
(e) the Municipality may waive or reduce the parking and/or loading requirements as set out in the zoning scheme if it is of the opinion that the provision of parking will be detrimental to the character of the area;

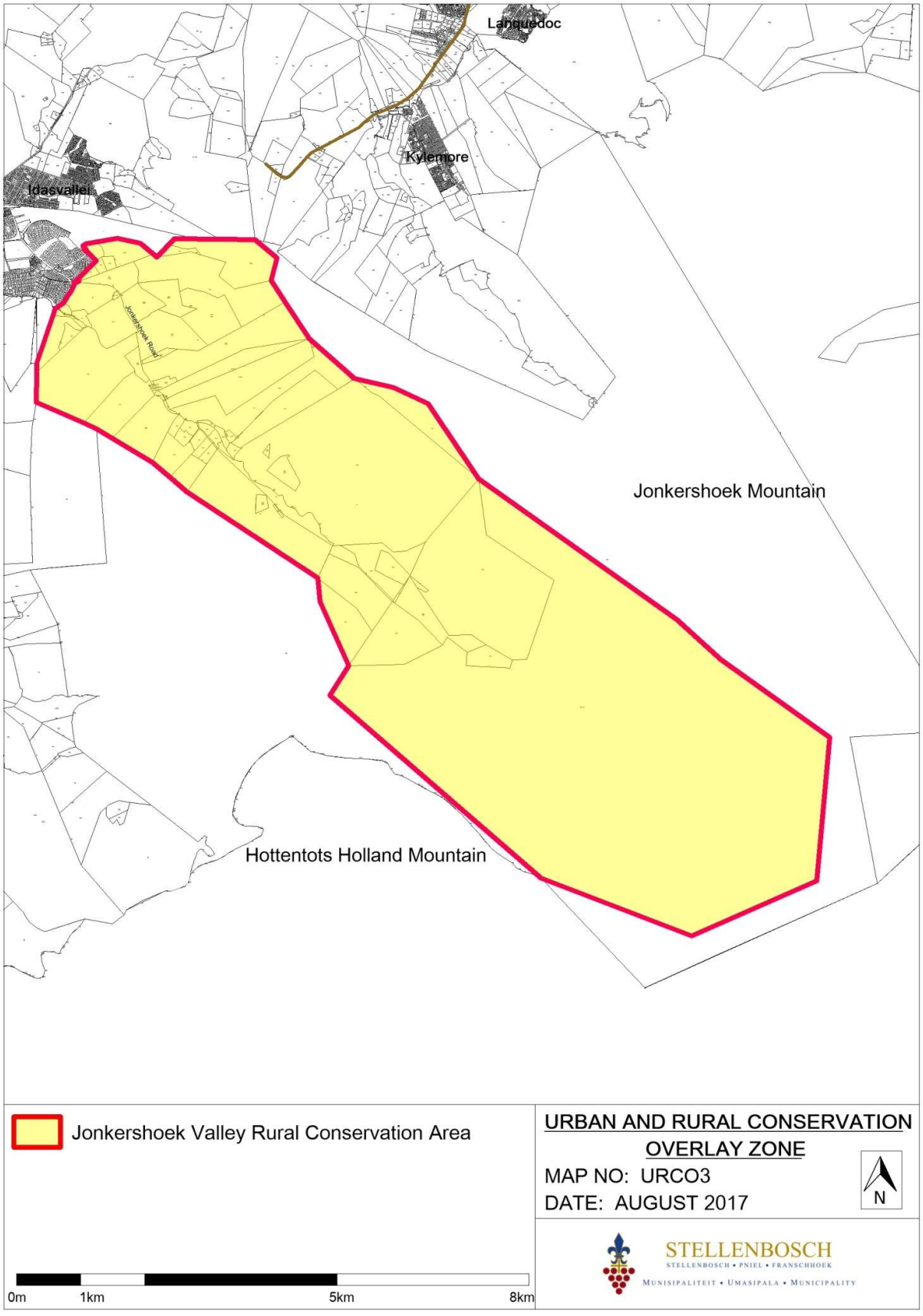
(f) the following colours shall be used unless otherwise approved by the Municipality:
(i) plastered walls shall be white or off-white;
(ii) outside woodwork, if painted, shall be green, blue, brown, grey or white;
(iii) piping and guttering shall be painted the same colour as the background;
(iv) roofing shall be red oxide, black or various shades of grey. Stoep roofs may be painted in red and white or green and white stripes (one colour per corrugated sheet).

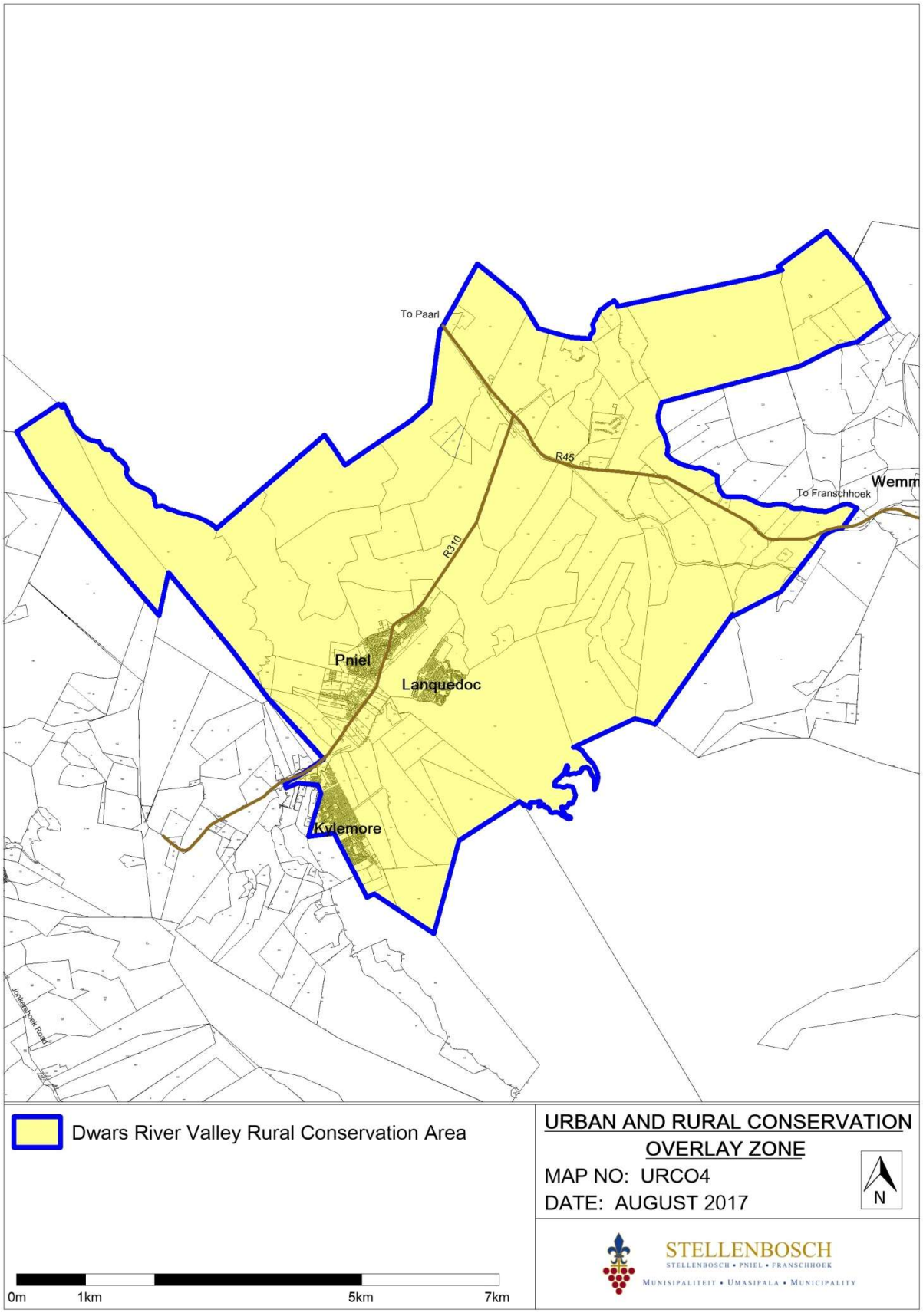
(g) notwithstanding the permitted land uses in the base zone, the following land uses shall require the Municipality's further consent and may be only refused if in the opinion of the Municipality it may have a detrimental impact on the conservation character of the area.
(i) motor showrooms, public parking areas and parking garages;
(ii) plant nurseries,
(iii) supermarkets, shopping centre.

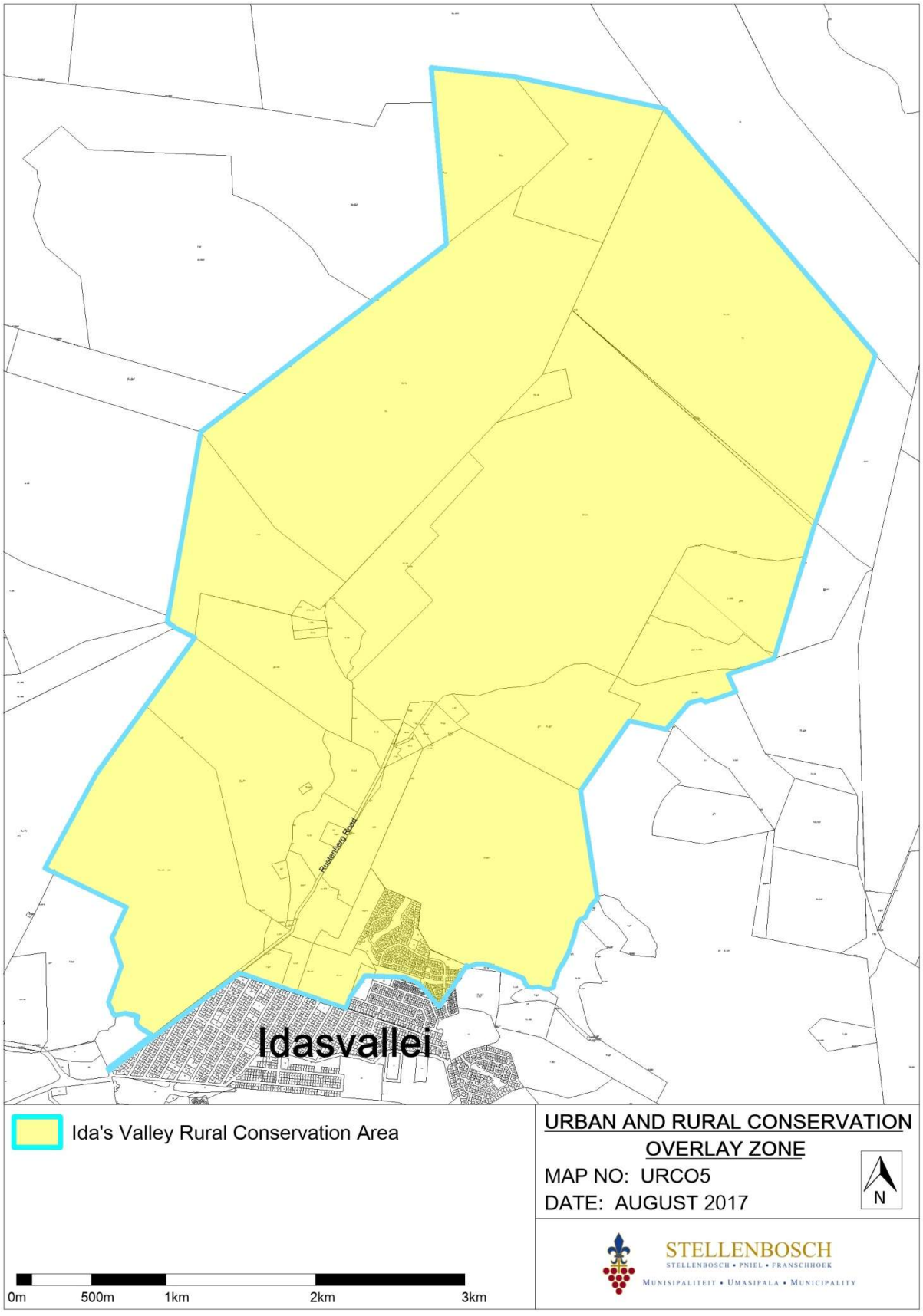
(h) The Municipality may also impose conditions on how buildings should be positioned in relation to the public road and open space to mitigate negative impact.


ayamandi
Bird Street
Merriman Avenue
Alexander Road
Bird Street
Van Riebeec
Dorp Street
Stellenbosch Urban Conservation Area
URBAN AND RURAL CONSERVATION
OVERLAY ZONE
MAP NO: URCO1
DATE: AUGUST 2017
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
0m
100m
250m
500m


De Villiers Street
Dirkie Uys Street
Main Road
Akademie Street
Huguenot Road
Cabriere Street
Daniel Hugo Street
Berg Street
Lambrecht Street
Franschhoek Urban Conservation Area
0m
100m
250m
500m
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO2
DATE: AUGUST 2017
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY


Languedoc
Kylemore
Idasvallei
Jonkershoek Road
Jonkershoek Mountain
Hottentots Holland Mountain
Jonkershoek Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO3
DATE: AUGUST 2017
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
0m
1km
5km
8km


To Paarl
R45
To Franschhoek
Wemm
R310
Pniel
Lanquedoc
Kylemore
Dwars River Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO4
DATE: AUGUST 2017
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
0m
1km
5km
7km


Idasvallei
Ruiterberg Road
Ida's Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO5
DATE: AUGUST 2017
N
0m
500m
1km
2km
3km
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

4. SCENIC ROUTES OVERLAY ZONE

4.1 Zone name and designation on map

4.1.1 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 shall 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 shall be indicated on the zoning map in dark yellow and light yellow lines.

4.2 Purpose of the zone

4.2.1 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.

4.2.2 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.

4.2.3 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.

4.2.4 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.

4.2.5 A balance must be sought to allow agricultural activities to proceed unencumbered to ensure agricultural economic viability.

4.2.6 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.

4.2.7 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.

4.3 Areas designated as scenic routes

4.3.1 The Municipality has designated Rural Scenic Routes or Urban Scenic Routes in accordance with this Scheme.

4.3.2 All routes are depicted on SRO1 as well as more detailed on SRO2, SRO3, or SRO4 and are recorded in Table C.

4.3.3 Rural Scenic Routes fall outside the urban edge and Urban Scenic Routes are located inside the urban edge.

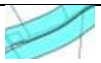
4.3.4 Upon adjustment of the urban edge when a new Spatial Development Framework is adopted by the council of the Municipality of Stellenbosch, the designation of Rural or Urban Scenic Routes shall be amended and the maps shall be updated accordingly.

4.3.5 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.

4.3.6 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.

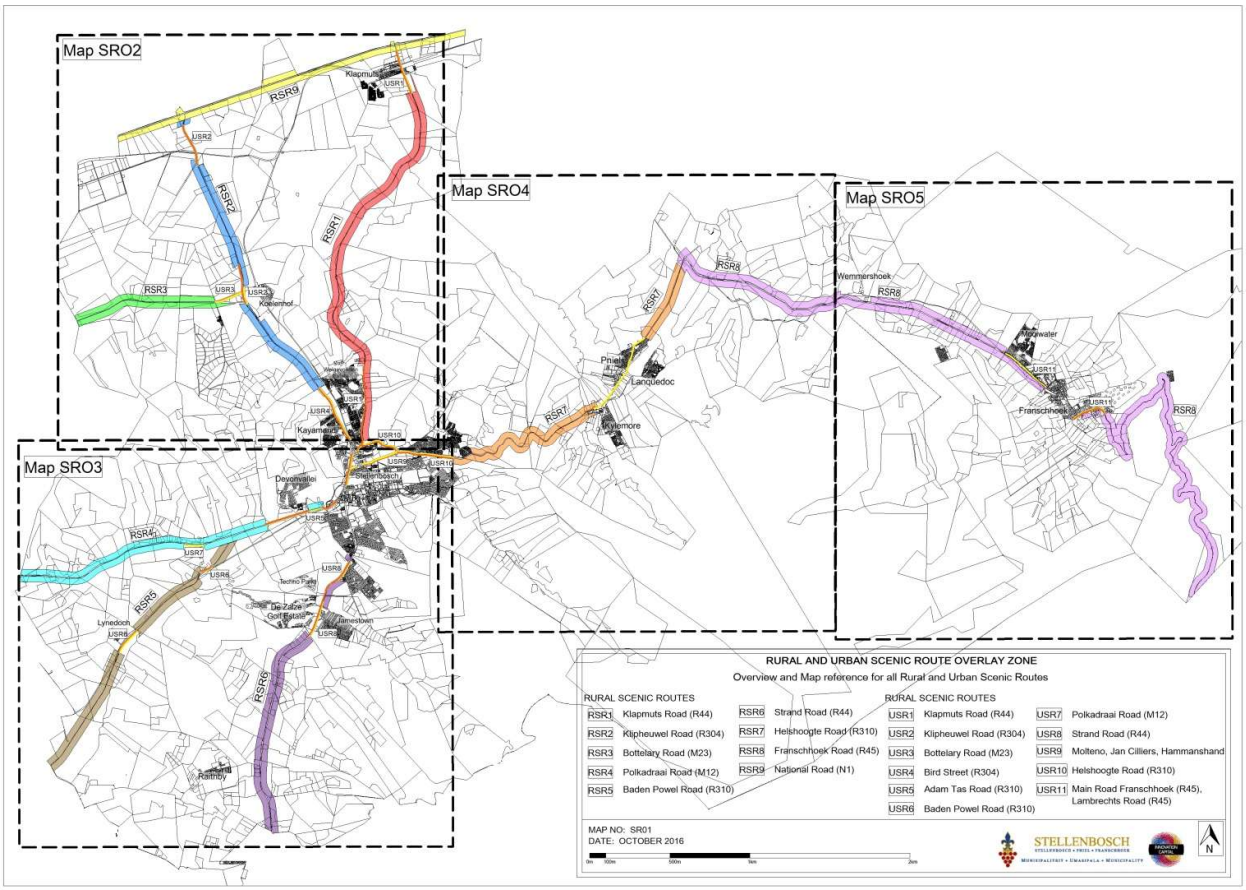
4.3.7 Should there be any dispute about the extent of the applicability of Rural or Urban Scenic Routes area of control, the Municipality will determine the final extent and its determination is final.

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	

4.4 General parameters applicable to all scenic routes

4.4.1 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) masonry boundary walls, 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.



4.5 Development parameters

4.5.1 A building line of 30m shall apply on all Rural Scenic Routes, which may be relaxed by the municipality if they are satisfied that purpose of the scenic route is adhered to . ( )

4.6 Site development plan

4.6.1 A site development plan may be required by the Municipality for any development in this zone.

4.7 Visual impact assessment

4.7.1 A visual impact assessment may be required by the Municipality for any development in this zone.

4.8 Consideration of applications in terms of this chapter

4.8.1 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.

4.8.2 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.

4.8.3 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.

4.8.4 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.

4.8.5 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.

4.8.6 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.

4.9 Signage

4.9.1 All signs or billboards shall 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.

4.10 Activities exempted

4.10.1 The following activities and structures are exempt from applying for permission in terms of this section:

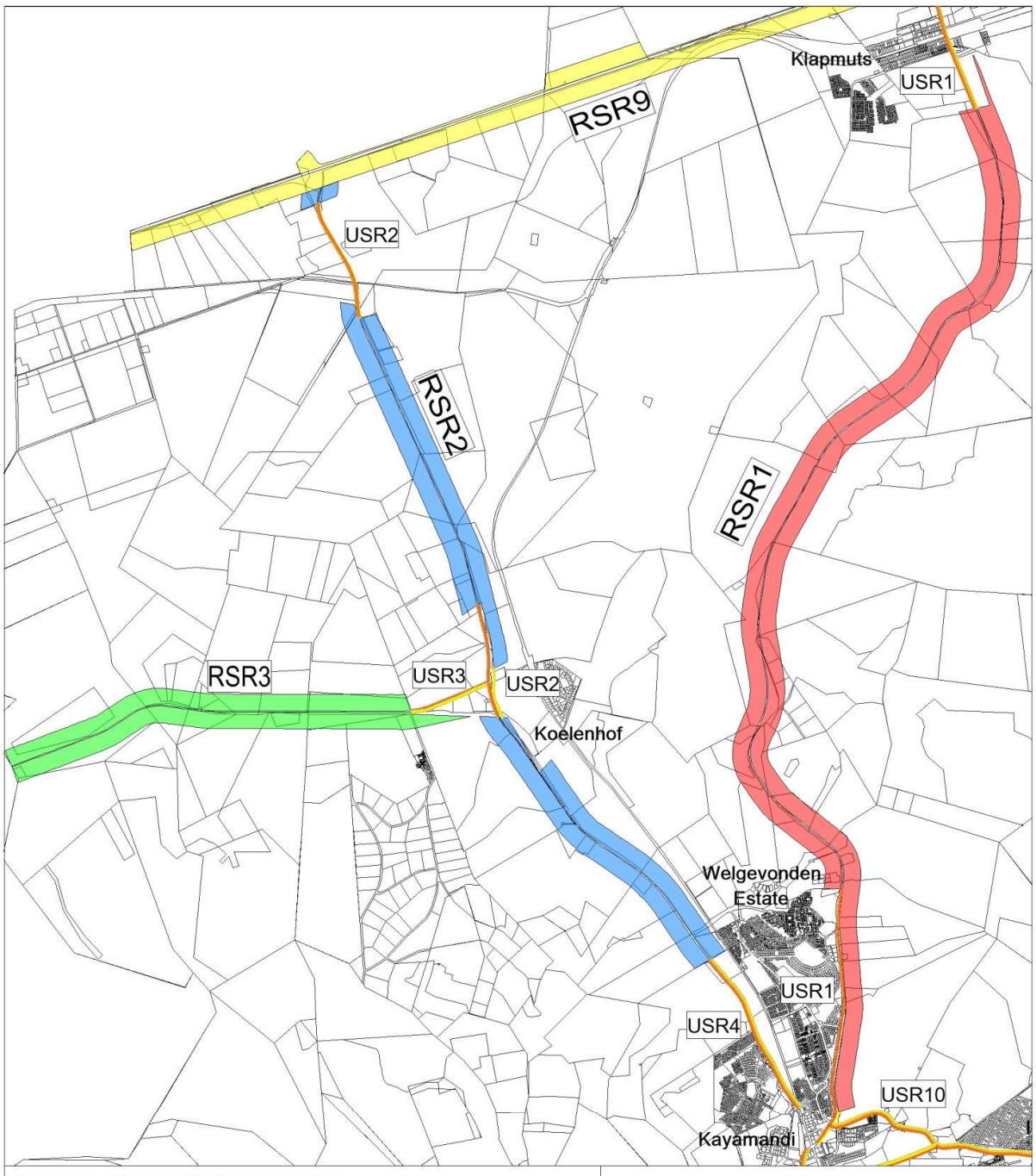
(a) general maintenance of existing buildings and structures;

(b) replacement of an existing fence with a new fence which is visually permeable painted wire or steel palisade;

(c) new fencing which does not contain solid piers or solid sections;

(d) agricultural shade netting provided the fabric is visually permeable.

4.10.2 The Council may approve additional activities which are exempt from applying in terms of this section, and once approved, will be deemed to form part of this section of the scheme.



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)

0m 1km 2km 5km

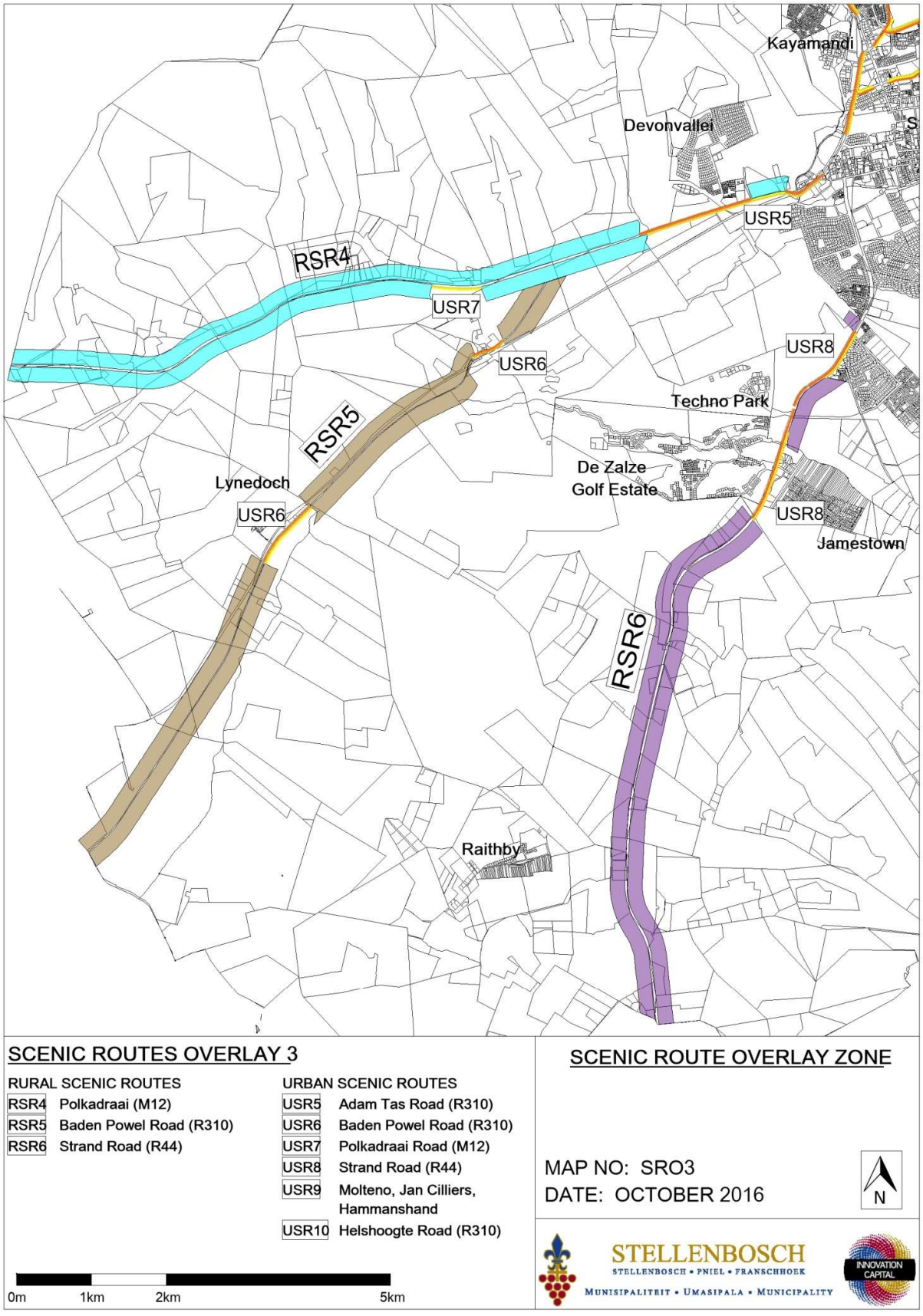
SCENIC ROUTE OVERLAY ZONE

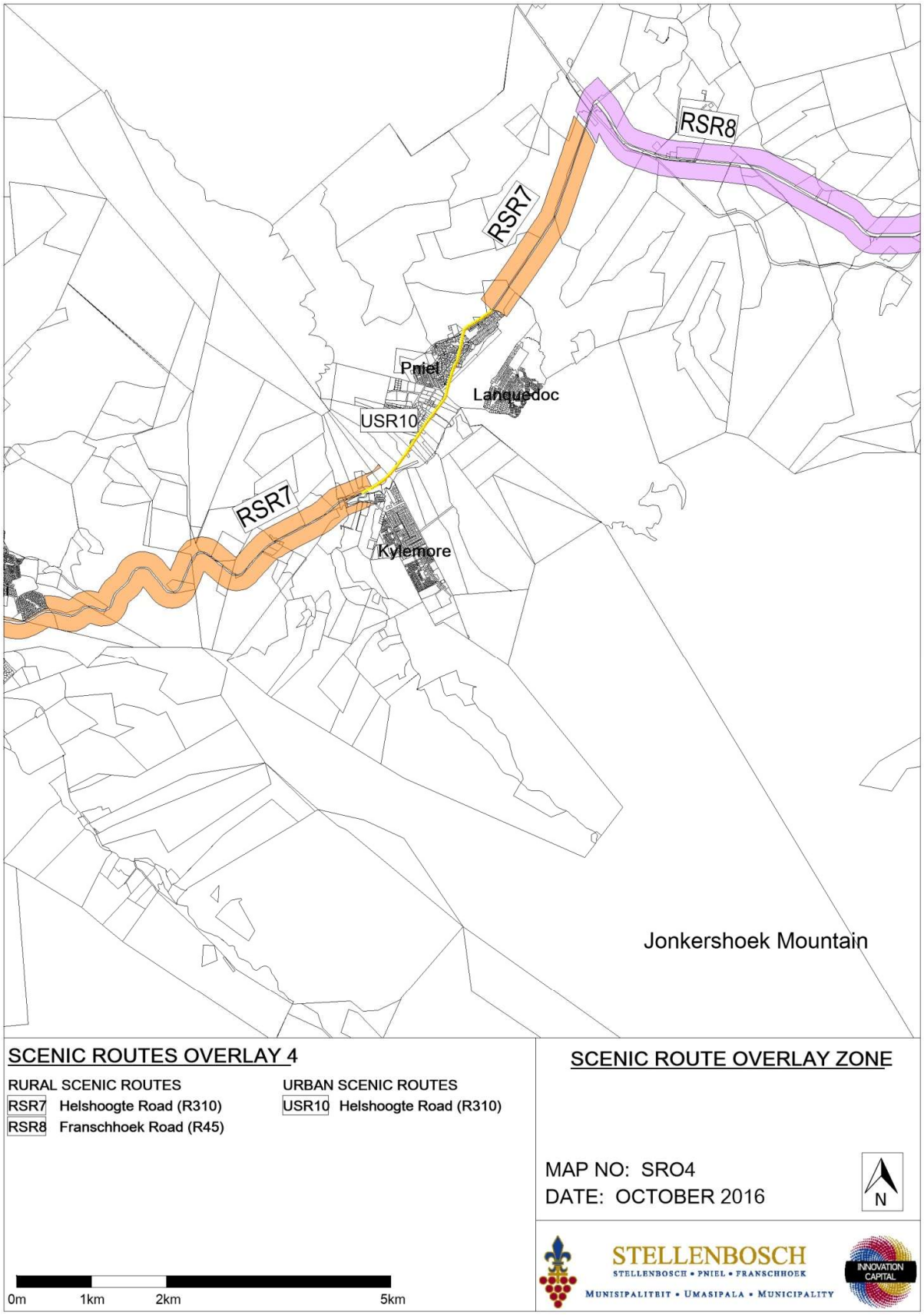
MAP NO: SRO2
DATE: OCTOBER 2016

N

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INNOVATION CAPITAL


Kayamandi
Devonvallei
S
USR5
RSR4
USR7
USR6
USR8
Techno Park
RSR5
De Zalze
Golf Estate
Lynedoch
USR6
USR8
Jamestown
RSR6
Raithby
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)
0m 1km 2km 5km
SCENIC ROUTE OVERLAY ZONE
MAP NO: SRO3
DATE: OCTOBER 2016
N
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RSR8
RSR7
Pniel
Lanquedoc
USR10
RSR7
Kylemore
Jonkershoek Mountain
SCENIC ROUTES OVERLAY 4
RURAL SCENIC ROUTES
RSR7 Helshoogte Road (R310)
RSR8 Franschhoek Road (R45)
URBAN SCENIC ROUTES
USR10 Helshoogte Road (R310)
0m 1km 2km 5km
SCENIC ROUTE OVERLAY ZONE
MAP NO: SRO4
DATE: OCTOBER 2016
N
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INNOVATION CAPITAL



SCENIC ROUTES OVERLAY 5

RURAL SCENIC ROUTES

RSR8 Franschhoek Road (R45)

URBAN SCENIC ROUTES

USR10 Helshoogte Road (R310)

USR11 Main Road Franschhoek (R45), Lambrechts Road (R45)

0m 1km 2km 5km

SCENIC ROUTE OVERLA ZONE

MAP NO: SRO5

DATE: OCTOBER 2016

N

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INNOVATION CAPITAL

5. LOCAL AREA OVERLAY ZONE: TECHNOPARK

5.1 Zone name and designation on map



5.1.1 The Local Area Overlay Zone shall be depicted on a map and shall be referred to by the code (LAO1) 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.

5.2 Purpose of the zone

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

5.3 Areas designated as local area overlay zones

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	

5.4 Areas declared as local overlay zone areas and specific provisions

5.4.1 The Techno Park Local Area Overlay Area is indicated on Map No. LAO1 and the parameters in this subsection will apply as indicated.

5.4.2 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.

5.4.3 The development parameters set out in this overlay zone replace all the development rules set out in the base 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.

5.4.4 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	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	i. Any other usage, which is incidental to the aforementioned character of the Techno Park

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.	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 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.	

(a) 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

(b) Coverage which includes building coverage plus all other built upon areas including all improvements such as parking areas, vehicular circulation and buildings may not exceed 75% of the area of the land unit.

(c) Permission in terms of the scheme may be granted by the Municipality for additional height or storeys after being applied for by the owner.

(d) Parking shall be provided at four bays per 100m^2 Gross Leasable Area of the building;

(e) 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;

(f) 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;

(g) 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.

6. LOCAL AREA OVERLAY ZONE: ADAM TAS CORRIDOR

6.1 Zone name and designation on map

6.1.1 The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO2) 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.

6.2 Purpose of the zone and incorporation of land

6.2.1 The purpose of the local area overlay zones is to provide more detailed development parameters for a specified local area.
6.2.2 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.

6.3 Areas designated as local area overlay zones

6.3.1 Municipality has designated the areas listed in Table A as Local Area Overlay zones.

TABLE A: LOCAL AREA OVERLAY ZONES		
Number and Map Reference	**Description of Area**	**Colour on map**
LAO2	Adam Tas Corridor Local Area Overlay Zone	TBC

6.4 Areas declared as local overlay zone areas and specific provisions

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

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

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

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

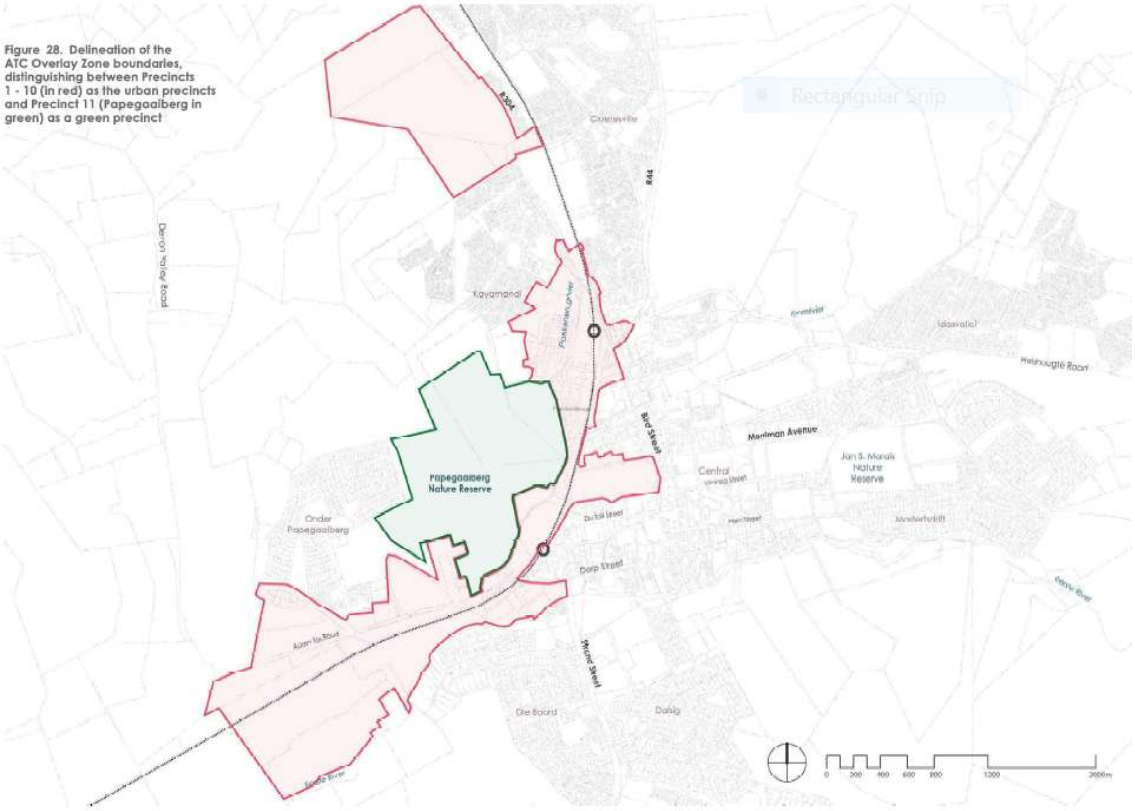


Figure 28. Delineation of the ATC Overlay Zone boundaries, distinguishing between Precincts 1 - 10 (in red) as the urban precincts and Precinct 11 (Papegaaiberg in green) as a green precinct

6.4.3 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.

6.4.4 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.

6.4.5 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, 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.
The hierarchical process of plan preparation and approval - the "package of plans" - required for precincts and parts of precincts following below the Development Framework and the focus and format of each.

6.4.6 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	-	-	-	-	-	-

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

Area	Residential		Mixed use residential		Mixed use commercial/retail		Light industry		Sporting facilities		Public facilities		TOTAL	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
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 Papegaaiberg	-	-	-	-	-	-	-	-	-	-	-	-		

6.4.8 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 overall floor area permitted.

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

6.4.10 The approved precinct plan for each designated precinct will determine the permitted land uses and extent of such development rights and any qualifications thereof in terms of development parameters, which development rights will be established and may be implemented by means of any required subdivisions and the approval of site development plans for the respective land units, which site development plan must be aligned and in compliance with the approved precinct plan. All pursuant building plan applications must be aligned with and in compliance with the associated approved site development plan.

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

6.4.12 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.

6.4.13 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.

6.4.14 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 over-all intent for the Adam Tas Corridor Overlay Area as stated in the Adam Tas Corridor Local Spatial Development Framework and area-wide Development Framework - and shall be allocated to a specific development area through the mechanism of a Site Development Plan.
e) Unless otherwise stated in this Chapter, no development may commence on site unless the necessary hierarchy of plans have been submitted and approved by the Municipality.
f) A specific plan - at any level in the hierarchy - shall only lapsed if replaced by a new approved plan.
g) The Municipality is the approving authority of any level of plan and may require amendments of plans under preparation to address reasonable concerns related to the overall vision, strategic goals, and planning of the area.

6.4.15 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.

6.4.16 The application and calculation of Development Charges (DCs) for the enhanced rights as per 266(6) for these developments, will be subject to the Stellenbosch Municipality's DC Policy and DC Tariffs, as approved annually by Council.

6.4.17 Road reserve widths for public roads that includes 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.

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

6.4.19 Non-motorized transport and public transport in the overlay zone must be promoted.

6.4.20 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.

6.4,21 The new residential or mixed-use development which include 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.

6.4.22 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.

6.4.23 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 excludes any of the land uses associated with transient guest (i.e., home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)

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

6.4.24 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.

6.4.25 The conditions of affordable housing which relates 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 the units as allocated remains available to the intended income group; or

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

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

6.4.26 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.

6.4.27 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.

6.4.28 In addressing parking, landowners should consider:

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

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

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

6.4.29 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.

6.4.30 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 arrangements to support the Municipality in exercising its responsibility in managing the uptake and implementation of development parameters envisaged in the Adam Tas Corridor Local Spatial Development Framework and contained in this Chapter.

6.4.31 The Institutional mechanism referred to 6.4.29 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 Council. The institutional mechanism will include the establishment of a Project Management Unit ("PMU") who will assist the Municipality with the implementation of the ATC.

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

6.4.33 Public participation related to the Adam Tas Corridor Overlay Area as contemplated in the Stellenbosch Municipality Land Use Planning By- law, 2023 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.

6.4.34 As part of the dedicated institutional arrangements contemplated 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.

6.4.35 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.

6.4.36 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.

6.4.37 No application for building plan approval in terms of the National Building Act for a lead project shall be granted by the Municipality unless a Site Development Plan has first been approved.

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

6.4.39 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 submission of a Site Development Plan for approval.

6.4.40 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.

SCHEDULE 4

ZONING TRANSITION TABLE

ZONING SCHEME BY-LAW, 2019		ZONING SCHEME BY-LAW, 2026	
Zoning	**Primary Use**	**Zoning**	**Primary Use**
RESIDENTIAL			
Conventional Residential Zone	• Dwelling house	Single Residential Zone I	• Dwelling house
Less Formal Residential Zone	• Dwelling house	Single Residential Zone II	• Dwelling house • Shelter
	• Group housing	General Residential Zone I	• Group housing
	• Private road	Transport Zone III	• Private street
Multi-Unit Residential Zone	• Dwelling house	Single Residential Zone I	• Dwelling house
	• Semi-detached or row houses	General Residential Zone II	• Town housing
	• Flats	General Residential Zone III	• Flats
	• Group housing	General Residential Zone I	• Group housing
	• Hostel	General Residential Zone VI	• Boarding hostel
	• Private road	Transport Zone III	• Private street
BUSINESS			
Local Business Zone	• Business premises	Business Zone II	• Shop
		Business Zone III	• Neighbourhood shop
	• Public parking area	Transport Zone II	• Public street
	• Private road	Transport Zone III	• Private street
Mixed-Use Zone	• Business premises	Business Zone I	• Business premises
		Business Zone II	• Shop
		Business Zone III	• Neighbourhood shop
		Business Zone IV	• Offices
	• Community residential building	Community Zone III	• Institution
	• Hostel	General Residential Zone VI	• Boarding hostel
	• Hotel	General Residential Zone V	• Hotel
	• Public parking area	Transport Zone II	• Public street
	• Private road	Transport Zone III	• Private street
	• Tourist accommodation establishment	General Residential Zone IV	• Guest lodge
	• Welfare institution	Community Zone III	• Institution
INDUSTRIAL			
Industrial Zone	• Builder's yard	Industrial Zone II	• Industry

	• Filling station	Industrial Zone II	• Industry
	• Funeral parlour	Industrial Zone II	• Industry
	• Industry	Industrial Zone I	• Light Industry
		Industrial Zone II	• Industry
		Industrial Zone III	• Noxious trade
		Industrial Zone IV	• Mine
	• Private road	Transport Zone III	• Private street
EDUCATION			
Education Zone	• Day care centre	Community Zone I	• Place of instruction
	• Extramural facility	Community Zone I	• Place of instruction
	• Place of education	Community Zone I	• Place of instruction
	• Tertiary educational institution	Community Zone I	• Place of instruction
	• Public institution	Community Zone I	• Place of instruction
	• Private road	Transport Zone III	• Private street
COMMUNITY			
Community Zone	• Clinic	Community Zone III	• Institution
	• Community residential building	Community Zone III	• Institution
	• Day care centre	Community Zone I	• Place of instruction
	• Extramural facility	Community Zone I	• Place of instruction
	• Indoor sport	Open Space Zone II	• Private open space
	• Medical consulting rooms	Community Zone III	• Institution
	• Outdoor sport	Open Space Zone II	• Private open space
	• Place of assembly	Community Zone I	• Place of instruction
	• Place of education	Community Zone I	• Place of instruction
	• Place of worship	Community Zone Ii	• Place of worship
	• Public institution	Community Zone I	• Place of instruction
	• Welfare institution	Community Zone III	• Institution
	• Private road	Transport Zone III	• Private street
UTILITY			
Utility Services Zone	• Authority use	Authority Zone	• Authority use
	• Parking garage	Transport Zone I	• Transport use
	• Public parking area	Transport Zone II	• Public street
	• Public road	Transport Zone II	• Public street
	• Utility services	Utility Zone	• Utility service
	• Private road	Transport Zone III	• Private street
TRANSPORT			
Transport Facilities Zone	• Filling station	Business Zone VI	• Service station
	• Private road	Transport Zone III	• Private street
	• Public parking area	Transport Zone II	• Public street
	• Transport purposes	Transport Zone I	• Transport use
PUBLIC ROADS AND PARKING			
Public Roads and Parking Zone	• Public parking area	Transport Zone II	• Public street
	• Public road	Transport Zone II	• Public street
	• Utility service	Utility Zone	• Utility service

OPEN SPACE			
Public Open Space Zone	• Open space	Open Space Zone I	• Public open space
	• Natural environment	Open Space Zone III	• Nature conservation area
		Open Space Zone IV	• Nature reserve
	• Private road	Transport Zone III	• Private street
Private Open Space Zone	• Open space	Open Space Zone II	• Private open space
	• Natural environment	Open Space Zone III	• Nature conservation area
		Open Space Zone IV	• Nature reserve
	• Private road	Transport Zone III	• Private street
AGRICULTURE			
Agriculture and Rural Zone	• Agriculture	Agricultural Zone I	• Agriculture
		Agricultural Zone II	• Smallholding
NATURAL ENVIRONMENT ZONE			
Natural Environment Zone	• Natural environment	Open Space Zone III	• Nature conservation area
		Open Space Zone IV	• Nature reserve
LIMITED USE ZONE			
Limited Use Zone	• Dwelling house and/or limited to existing lawful uses at commencement date.	• The most appropriate zoning will be allocated on a case-by-case basis.	

To note: The transitional tables serve as a principle to be applied, but actual land use rights need to be verified and recorded in the zoning register and map. Any zoning and associated land use rights derived from the transitional tables may be qualified in nature and scope of the subject land use rights in accordance with any land use and land development approval attached to the subject property. Where needed and appropriate, an independent manual determination of the appropriate zoning and associated land use rights will be undertaken. With the transition from the former to this new zoning scheme bylaw, the principle will also apply in all instances that lawful land use rights that have been exercised and vested, will continue to exist and will not be restricted, and that no unjustified new land use rights will accrue to any property as a result of the transition from the former to this new zoning scheme bylaw.

SCHEDULE 5
GENERAL

1. Repeal

The Stellenbosch Municipality: Zoning Schee By-law, 2019 zoning scheme by-law is hereby repealed on the date on which this By-law comes into operation.

2. Short title and commencement

2.1 This By-law is called the Stellenbosch Municipality: Zoning Scheme By-law, 2026.

2.2 This By-law shall come into operation on the date of publication.