8.2 OFFICE OF THE MUNICIPAL MANAGER

8.2.1 ADOPTION OF THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019

Collaborator No: 644098
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IDP KPA Ref No: D534
Meeting Date: 29 May 2019

1. SUBJECT: ADOPTION OF THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019

2. PURPOSE OF REPORT

To submit the Stellenbosch Municipal Zoning Scheme By-Law, 2019 for adoption by Council.

INTRODUCTION

The same report served on the Agenda of the Council meeting of 31st of October 2018. However, it was withdrawn by the Speaker.

In the meantime an Information session was held with the ward Councilors on the 29th of November 2018 to explain the proposed Stellenbosch Municipality Zoning Scheme By-Law, 2018 and give opportunity for clarification on the document.

During December 2018, the Executive Mayor was approached by a delegation of the Stellenbosch Agricultural Society to discuss the proposals in the document with regards to the definition of “Agricultural Industry”. A meeting was scheduled with the administration on 4 April 2019. The minutes are attached as ANNEXURE G.

The main concern was the requirement in the above mentioned definition that in order for an Agricultural Industry to be approved, 50% of the produce should be produced on the farm. If not, a Land Use Application to Rezone had to be submitted.

However, it was proposed to take the respective requirement out of the definition and incorporate it as part of the development parameters in the Agriculture and Rural Zone. This will give the opportunity to submit a Departure application for the administration to assess, instead of a Rezoning. The document was amended accordingly.

2.1 To report back to Council on the public participation on the Draft Integrated Zoning Scheme By-law (Version 11) after Council authorised the Municipal Manager through Council Resolution 8.10 dated 30/08/2017, attached as ANNEXURE A, to embark on a second round of public participation;

2.2 To obtain approval from Council to adopt the Stellenbosch Municipality Zoning Scheme By-law, (Version 12), attached as ANNEXURE B in accordance with Section 156(2) of the Constitution read with Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000), Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), as well as Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

2.3 And to adopt the Zoning Maps numbered Map 01 to Map 25, dated October 2018 attached as ANNEXURE C and captured on the Municipality’s GIS as the zoning maps adopted at the commencement of the Scheme in terms of Section 4(1) of the newly approved Stellenbosch Municipality Zoning Scheme.
2.4 To obtain approval from Council, for the proclamation of the Stellenbosch Zoning Scheme By-law, 2019 to be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) and Section 13(a) of the Municipal Systems Act, 2000 (Act 32 of 2000) for implementation on the 2nd of January 2019;

2.5 To obtain approval from Council to publish the decision to approve the zoning maps in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA);

2.6 To obtain approval for the Administration to notify the Premier in terms of Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) that the Stellenbosch Municipality Zoning Scheme was approved and to forward the relevant documentation as prescribed in LUPA to the Premier (Copy of the approved zoning scheme, together with the comments and responses document, attached as ANNEXURE F);

2.7 For Council to take cognisance that the additional Delegations for the implementation of the Stellenbosch Zoning Scheme By-Law, 2019, will be submitted to Council for approval accordingly;

2.8 To obtain permission from Council to embark on a tender process, in terms of the Municipal Finance Management Act to undertake a Zoning Audit in order to finalise the Zoning Scheme Register, according to the newly adopted Zoning Categories pertaining to this report. Distributed with this item is an extract of the current zoning register, attached as ANNEXURE D.

3. DELEGATED AUTHORITY FOR DECISION BY THE MUNICIPAL COUNCIL OF STELLENBOSCH

The adoption of the Stellenbosch Municipality Zoning Scheme By-law, 2019 is legally mandated by the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), the Spatial Planning and Land Use Planning Act, 2013 (Act 16 of 2013) (SPLUMA) and the Stellenbosch Municipal Land Use Planning By-Law (2015) (the By-Law).

4. EXECUTIVE SUMMARY

Council resolved as follows:

11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10 RESOLVED (majority vote with abstentions)

(a) that Council authorises the Municipal Manager to:

   (i) proceed with re-advertising of the Draft IZS By-Law Annexure B for a period of 60 days; and

   (ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and

(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.
The Draft Integrated Zoning Scheme By-law (Version 11) was published for comments in the local newspapers on the 19th of October 2017 with the closing date for comments on the 20th of December 2017. Attached as ANNEXURE E, is the template for the invitation for comments as well as a copy of registered addresses of interested and affected parties to whom the invitations were sent. Certain external Departments were also informed of the opportunity to provide comments.

The following documents were made available for inspection and comment at the Municipal Building, Plein Street and all libraries in Stellenbosch as well as on the planning portal, municipal website:

- The updated Version 11 document of the Final Draft Stellenbosch Municipality Integrated Zoning Scheme By-law dated August 2017;
- The Public Participation report which indicates how the interested and affected organisation’s comments were incorporated; and
- The Zoning Register and the Zoning Maps which have been converted and aligned with the Final Draft Integrated Zoning Scheme By-law (Version 11).

Following the aforementioned public participation process, written comments and inputs were received. Attached as ANNEXURE F is a summary of the comments with the Department’s response.

Based on the comments received, the Department Land Use Management finalised the Stellenbosch Municipality Zoning Scheme By-law, 2019 (Version 12), and the Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018).

Council should note that when the new Zoning Scheme By-Law is affected as per Government Gazette notice, the following existing Zoning Scheme Regulations and any related amendments will be repealed in terms of Section 33(4) of the Land Use Planning Act, 2014:

- LUPO Section 8 Scheme Regulations in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- Stellenbosch Zoning Scheme regulations, July 1996, in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- Franschhoek Town Planning Scheme Regulations in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- Kayamandi Town Planning Scheme, 1985 in terms of the Black Communities Development Act, 1984; and

After adoption by Council, the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (Version 12) and the decision to adopt the Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018) must be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (LUPA).

Additional delegations in respect of new decisions and actions arising from the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (Version 12) will supplement the Systems of Delegations approved by Council on the 24th of June 2015 and will be submitted to Council accordingly.
The main principle in compiling the Zoning Maps was that zoning in terms of the new Stellenbosch Municipality Zoning Scheme By-law 2019 (SMZS) (Version 12) was allocated to property based on the closest matching equivalent zoning in the repealed scheme. Where a matching zone did not exist in the new SMZS, zoning was manually allocated based on the lawful land use and the intent of the purpose of each zone in the scheme. Where a lawful land use was undertaken or approved prior to the adoption of the new SMZS, and that use is now only permitted as a consent use, such consent is deemed to have been granted in terms of the new SMZS.

The existing zoning rights of a property therefore forms the basis on which the new zoning rights are allocated. No properties are rezoned through the adoption of the new SMZS. The Zoning conversion table, which sets out the basis on which the zonings were converted or manually allocated, is attached as Schedule 2 of the By-Law (pages 139 – 141).

The new SMZS in Section 5 makes provision for the correction of errors on the Zoning Map. The Land Use Department will investigate any complaint/enquiry from the public regarding the conversion / switch over from the existing zoning categories to the new zoning categories to ensure that the correct zoning is allocated based on the principles set out in this report and in Schedule 2. Where necessary, a zoning map correction as provided for in Section 5 of the Zoning Scheme By-Law will also be carried out to the satisfaction of the involved parties and this could be confirmed by issuing a Zoning Certificate upon request.

Updating the Zoning Maps and current Zoning Register is an ongoing process as changes in land uses occur through land use application approvals.

Although the Zoning Maps are displayed according to the newly adopted Zoning Categories, the zonings are based on the 2012 data and more recent approvals of rezonings and subdivisions have not been captured on the Municipality’s GIS maps, due to a variety of reasons. It is for this reason that the Municipality is required to undertake a zoning audit of each and every property in the WC024 area to update the zoning data on the GIS database to ensure more recently registered cadastral properties included in the database and that each property’s zoning is indeed correctly captured in accordance with its approval. The result will ensure that the cadastral base is updated and that each property is allocated the correct zoning or land use approval.

This information can also be used when the municipal valuation process is updated. All the information needs to be captured in a new Zoning Register, which will be submitted to Council for approval. In order to obtain these results, the Administration will need to embark on a new tender process for the zoning audit.

5. RECOMMENDATIONS

(a) that Council adopts the Stellenbosch Municipality Zoning Scheme By-law, 2019 (Version 12), attached as ANNEXURE B in accordance with Section 156(2) of the Constitution read with Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000), Section 24(1) of the Spatial Planning and Land Use Management Act, 2013, (Act 16 of 2013) as well as Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);

(b) that Council approves the Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018) attached as ANNEXURE C in terms of Section 4 of the newly approved Stellenbosch Municipality Zoning Scheme By-law;
(c) that Council approves the proclamation of the Stellenbosch Municipality Zoning Scheme By-law, 2019 to be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (LUPA) for implementation and consents to the publication of its decision to approve the zoning maps at the same time;

(d) that the following existing Zoning Scheme Regulations and any related amendments be repealed with implementation, in terms of Section 33(4) of the Land Use Planning Act, 2014:

- LUPO Section 8 Scheme Regulations in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

- Stellenbosch Zoning Scheme regulations, July 1996, in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

- Franschhoek Town Planning Scheme Regulations in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

- Kayamandi Town Planning Scheme, 1985 in terms of the Black Communities Development Act, 1984;

- The Stellenbosch Municipality By-Law relating to the control of Boundary Walls and Fences, October 2009 in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), and

- Relevant policies adopted by Council.

(e) that consent is granted from Council to embark on a tender process, in terms of the Municipal Finance Management Act to undertake a Zoning Audit in order to finalise the Zoning Scheme Register, according to the newly adopted Zoning Categories pertaining to this report;

(f) that the Zoning Scheme Register, after finalisation, be submitted to Council for approval whereafter it be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) to be implemented with the already approved Stellenbosch Zoning Scheme By-Law, 2019;

(g) that the additional delegations in respect of new decisions and actions arising from the implementation of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 be submitted to Council for approval accordingly;

(h) that Council authorises the Administration to notify the Premier in terms of Section 28 of the Western Cape Land Use Planning Act, 2014 (LUPA) that the Stellenbosch Municipality Zoning Scheme was approved and to forward documentation as prescribed in LUPA to the Premier; and

(i) that Council takes cognisance of the outcome of the meeting held with the Agricultural Society of Stellenbosch on the 4th of April 2019, attached as ANNEXURE G and the proposed amendments incorporated (as explained in 6.2 Discussion (6.2.3) of this report and Page 61-62 of the Public Participation Report attached as ANNEXURE F) and reference to ANNEXURE H (track changes) in the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (Version 12), attached as ANNEXURE B.
6. DISCUSSION / CONTENTS

6.1 Background

Council resolved on 2017-08-30 per ITEM 8.10:

(a) To authorise the Municipal Manager to:

(i) proceed with public participation of the Draft Integrated Zoning Scheme By-Law (Version 11) for a period of 60 days and;

(ii) to advertise the Version 11 document in the press and interested and affected parties whom commented and participated in the draft version 10.3a document for public participation, and

(b) that the Draft Integrated Zoning Scheme By-Law be resubmitted to Council after the public participation process for final consideration.

Stellenbosch Municipality implemented the new planning dispensation on the 1st of December 2015 through Provincial Gazette Notice 7539 by repealing the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO). All applications submitted since the 1st of December 2015 have to be submitted in terms of the Land Use Planning By-Law (2015) which is aligned with the new planning dispensation (LUPA and SPLUMA).

Furthermore Council is mandated by both National and Provincial Legislation (SPLUMA and LUPA) to adopt a single zoning scheme by-law for its entire municipal area. The zoning scheme is a municipal law which allocates development rights to properties. It is therefore the rules which tell a land owner how they may use land, and how they may develop it.

A zoning scheme consists of three components which include:

- The document (Zoning Scheme By-Law) which describes how land may be used and developed. This provides for the zoning of land and the adoption of new zones. It should therefore provide for the different zones which determine how land may be used (e.g. residential, commercial, industrial, open space, etc.). It also contains development parameters which determine how land may be developed (e.g. building lines, height, coverage, parking etc.);

- Secondly a Zoning Register to record all planning applications approved by the municipality; and

- Zoning map which records the zoning of land (and all rezonings) on a map.

The purpose of a zoning scheme is to ensure the orderly development of an area and aims to promote and enable the implementation of the municipality's development vision. It must also be consistent with the National and Provincial Planning Legislation and development principles set out in SPLUMA and LUPA which include:

- Spatial justice - ability to redress imbalances of the past;
- Spatial sustainability - ability to address environmental, community, heritage and economic issues effectively;
- Spatial resilience - ability to respond to change and threats;
- Spatial efficiency - ability to choose the most efficient development options; and
- Good administration - ability to put effective and predictable processes in place.
Section 24 of SPLUMA stipulates various requirements for a Land Use Management Scheme, amongst others, it must give effect to the municipality’s adopted Spatial Development Framework and other policies, as well as Provincial and National Policies, contain provisions to promote affordable housing and take cognisance of any adopted environmental management instrument.

Currently Stellenbosch Municipality has four Zoning Schemes Regulations which regulate the entire Municipal Area (WC024) with each one having different provisions applying to different areas. Some of these zoning schemes date back as far as the 1980s and have become outdated in a fast changing and developing municipality. The four existing zoning schemes include:

- Stellenbosch Zoning Scheme Regulations promulgated in 1996;
- Franschhoek Zoning Scheme Regulations promulgated in 1985;
- Kayamandi Zoning Scheme Regulations promulgated after 1985; and
- Section 8 Zoning Scheme Regulations promulgated in 1988.

Council authorised that the Land Use Planning Department proceed with the preparation of a new Zoning Scheme for Stellenbosch Municipality. During December 2014 a bid was advertised based on the 80/20 points system which closed on 12 January 2015. Through the Supply Chain Management process a tender was awarded to @Planning Town Planning consultants (B/SM 66/15) on the 24 April 2015 to proceed with the completion of the drafting of a Zoning Scheme for the entire Stellenbosch Municipal Area (WC024) in line with SPLUMA and LUPA. Work officially commenced on 02 September 2015. The draft Stellenbosch Municipality Zoning Scheme (Version 10.3a) was compiled, consisting of 16 new base zones and 4 new types of overlay zones, which were presented for public participation for a period of 90 days during 2016.

After considering the inputs received from interested and affected parties during the public participation process, the Land Use Department updated the Draft Integrated Zoning Scheme document from version 10.3a to Version 11 to include the considerations and recommendations submitted during the public participation. In response, Council authorised the Administration (Council Resolution 2017-08-30 per ITEM 8.10) to proceed with a second round of public participation (Version 11) for a period of 60 days which was advertised extensively (See ANNEXURE F for the full public participation report which also sets out the history of the zoning scheme prior to the adoption of SPLUMA and LUPA).

Based on the latest comments received, the Department Land Use Management finalised the Stellenbosch Municipality Zoning Scheme By-law, 2018 (Version 12), as well as the ancillary Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018) by incorporating comments into the scheme and maps.

6.2 Discussion

6.2.1 Legislative requirements

Chapter 5 of SPLUMA, with specific reference to Section 24 requires that each Municipality must, after public consultation, adopt and approve a single land use scheme for its entire municipal area. Chapter 5 inter alia includes:

- Role of the Executive Authority (section 23);
- Land Use Scheme (Section 24);
- Purpose and Content of a Land Use Scheme (Section 25);
- Legal effect of a land Use Scheme (Section 26), and
- Review and monitoring of a Land Use Scheme (Section 27).
In terms of LUPA Section 2, Municipalities are responsible for land use planning in their respective municipal areas under their jurisdiction. A Municipality must regulate the development, adoption, amendment and review of a zoning scheme for the municipal area. LUPA Section 22 requires that every local municipality must adopt a single zoning scheme for its municipal area and must comply with Chapter 4 part 1. Chapter 4 inter alia includes:

- The purpose of the zoning scheme (Section 22);
- Contents of zoning schemes (Section 24);
- Compilation or amendment of a zoning scheme (Section 25);
- Intergovernmental Steering Committee (Section 26);
- Procedure without an Intergovernmental Steering Committee (Section 27), and
- Submission of zoning schemes (Section 28).

6.2.2 Public participation conducted during November 2017 and December 2017

Under mentioned is a brief summary of the dates of the public participation process since 2015:

Commencement – Announce Commencement of the Project and invited I&AP to register of the interest, before 23 November 2015, to be notified in future of opportunities to comment.

- 2015-10-22 Eikestad Nuus
- 2015-10-22 Paarl Post
- 2015-10-26 Registered Mail Slips
- Notice placed on SM website
- Notice placed on SM Twitter

Round 1: Final Draft 10.3a advertised – closing date for comment 01 March 2017

- 26-10-2016: Council Minutes – Go ahead to advertise
- 02-11-2016: Councilors notified per e-mail correspondence
- 02-11-2016: Registered Mail letters
- 03-11-2016: Paarl Post
- 03-11-2016: Eikestad Nuus
- 16-11-2016: Stellenbosch Municipality placed notice on SM Twitter account
- 18-11-2016: Provincial Gazette
- 01-12-2016: Franschhoek Tatler
- 22-11-2016: Open day @ Stellenbosch Library Hall
- 31-01-2017: Boland Gazette
- 02-02-2017: Eikestad Nuus
- 02-02-2017: Paarl Post

Round 2: Final Draft 11 advertised – closing date for comment 20 December 2017

- 09-10-2017 registered letters to Interested and Affected Parties who commented on Version 10.3a;
- 19-10-2017 Eikestad Nuus, Paarl Post, Boland Gazette;
- Notice and a hardcopy of the Version 11 was distributed to all the libraries of Stellenbosch WC024;
- Notice on the municipal website with all downloadable documents;
- Notice to the Provincial Minister in terms of Section 27 of LUPA; and relevant state departments.

As stated in the background of this report the full public participation report is herewith attached as **ANNEXURE F** after advertising the Draft Integrated Zoning Scheme (Version 11) by means of:

- Notices in the local press (Eikestad Nuus, Boland Gazette and Paarl Post);
- Notice and a hardcopy of the Version 11 was distributed to the libraries of Stellenbosch; Jamestown, Franschhoek, Klapmuts, Idasvallei, Cloetesville, Kayamandi and Pniel;
- Notice on the municipal website with all downloadable documents;
- Letters to Interested and Affected Parties who commented on Version 10.3a;
- Notice to the Provincial Minister in terms of Section 27 of LUPA; and relevant state departments whom included by example the Department of Heritage, National Department of Agriculture, etc.

(Note: During the first public comment period in 2016, one Open House day had also been conducted during November 2016 which gave members of the public an opportunity to engage with the project team and ask questions pertaining to the draft IZS (Version 10.3a) for public engagement.)

6.2.3 Summary of inputs received during public participation and key recommendations to Version 11 of the Draft IZS:

In terms of section 27 of LUPA, the draft scheme must be circulated to the Provincial Minister in the event that an Intergovernmental Steering Committee (ISC) was not established to prepare the scheme. Due to the advanced stage of the Stellenbosch Scheme at the commencement of work in 2015, and due to the fact that all government departments were previously involved and commented before on previous drafts, an ISC was not established. Consequently a draft scheme was submitted to the Provincial Minister and a number of other Government Departments for comment in 2016 and again in 2017.

Several departments commented and their comments were incorporated or responded to in the “Comments and response” document in **ANNEXURE F**. The Minister’s response dated 2017-03-23 supports the adoption of the draft scheme. Further departmental responses and the Minister’s response received during the second round of notification were positive and constructively suggested improvements which were incorporated.

Below is a summary of the main themes that were raised by the public during the final public participation process.

- Student accommodation in the town centre of Stellenbosch will have a negative impact on the character of the town;
- Increasing coverage and height in the town centre of Stellenbosch will adversely affect the historical character of the town and height should be limited to 10 meters throughout;

- Proposals for 50% coverage must be modelled so that the impact can be assessed;

- Support is expressed for the measures to better manage the short-term letting of residential dwelling units;

- A 30m building line should apply to roads in the rural area;

- Compilers of the scheme have lost sight of the “Smart City” principles of promoting a mix of land uses, compact building design, a range of housing options, walkable neighbourhoods, preserving of farm land, open space and critical environmental areas;

- The scheme does not add value to heritage conservation and further heritage conservation areas should be demarcated;

- Support is expressed for the Urban and Rural Conservation overlay zone areas;

- The parameters of Utility Zone is too restrictive and building lines should be 1m and coverage 75%;

- Several parties commented on the definition of Agricultural Industry and they do not agree that the definition should require that at least 50% of the produce in an agricultural industry should be produced on the farm enterprise on which the industry is located. It is held forward that this is not feasible since producers need to import product from other areas to increase viability of the agricultural industry facilities;

- Employee housing on farms must be unrestricted and a primary right;

- Some commentators suggest that polytunnels be a primary right up to 5000m² and a consent use when it exceeds 5000m². Others commented that it should be unrestricted because farming is a primary right on land zoned agriculture;

- The Scenic Route Overlay Zone will add significant burden to the municipality’s administration and clarity is sought who will approve the exemptions;

- The University of Stellenbosch requested the incorporation of a University Overlay Zone to address issues of NMT, parking ratios, student transport, services contributions and so forth;

- A number of detailed comments were made and corrections pointed out in the Zoning Scheme By-Law document out which are detailed in the ANNEXURE F.

- Several De Zalze owners and the Home Owners Association commented on the conversion of zoning from Resort Zone II to the new Scheme;
Some owners and organisations submitted comment on the zoning of certain properties in the Zoning Map. Where errors were discovered on the map (either due to the incorrect original zoning, or the incorrect conversion thereof) these errors were corrected, as detailed in ANNEXURE F.

Some of the comments received in the second round of public participation were the same or similar to what was submitted in the first round of advertising.

Below is a summary of the response to the points raised above:

- In order to promote true mixed use in the town centre accommodation for students cannot be excluded. Accommodating all residents including students within walking distance promotes a vibrant town, reduces car dependency;

- The scheme currently allows 50% coverage and the floor area is also the same as per the existing scheme. The current scheme only imposes a 10m height on the 15m from a street and allows up to five storeys. The draft scheme was amended by inserting a height limited of 5 storeys (as opposed to 6 storeys) into the Stellenbosch Urban Conservation Overlay Zone, thereby maintaining the status quo with respect to the maximum envelope permitted by the current scheme.

- The 50% coverage proposals were indeed modelled in the original work undertaken prior to 2015;

- A 30m building line is an issue that was raised and addressed before. Scenic Route Overlay Zone protects important routes where character of the area should be protected.

- With regards to “Smart City” principles it is the opinion of the department that the commentator is not correct: each of the zones in the new scheme has a greater basket of primary and consent uses, than what was permitted in previous schemes, thereby promoting a greater mix of land uses, compact building design is promoted by appropriately increasing densities, infill (e.g. 2nd dwellings), a range of housing options (various formal and informal housing options and additional dwellings), walkable neighbourhoods (by compacting residential development and increasing mix of land uses, requiring active street interface and regulating visual permeable boundary walls), preserving of farm land (by e.g. preventing residential and industrial intrusion, and allowing only limited alternative agri-tourism) and protecting urban and rural heritage conservation areas and scenic routes;

- The scheme identifies areas for heritage conservation which have been enacted in previous schemes, or demarcated in terms of other laws (e.g. the National Heritage Resources Act, cultural landscapes, as well as in studies which have served before the Municipality at some previous time). The Scheme is policy based and thus only incorporates areas which have been identified in approved policies or demarcated areas (as is required in terms of section 24 of SPLUMA). It is acknowledged that the Municipality is in the process of undertaking more heritage studies, and once these have been duly considered by the Municipality, they should be incorporated into the scheme as Overlay areas. This can indeed take place since provision is made in the scheme for future areas to be determined. It is noted that support was expressed by a number of parties and organisations for the proposed Urban and Rural Conservation overlay zone areas;
Utility Zone parameters are incorporated to protect adjacent neighbours from the potential adverse impact these uses could have on neighbours and the character of the area;

This matter was comprehensively responded to in the first round of comment. Currently agricultural processing on farms can only be applied for via a rezoning, and it is a requirement that the facility may only process produce on the farm itself and may not import any produce at all. The SMZS (Version 12) proposes that Agricultural Industry up to 2000m² development area (including all surrounding vehicular circulation space and parking) may be conducted with technical approved as an additional use, and should the development area exceed 2000m² a consent use is required, provided that at least 50% of all produce is grown on the farming land unit. This is a significant relaxation of the current regulation. The Department is of the opinion that if more than 50% of produce is imported to the farm, the industry should be located in an industrial area in one of the urban areas, not on agricultural zoned land. If the proposed limitations are not adhered to, agricultural land will be at significant risk of being used for industrial processing.

After deliberations with the Stellenbosch Agricultural Society, it is proposed to amend the above mentioned condition by deleting it from the definition, but including it in the Zoning parameters in order to make provision for a Departure Application instead of a Rezoning application, where applicable.

The Municipality must implement measures to protect the agricultural assets from undesirable urban development, hence the provision that employee housing on farms can only be constructed with technical approval as an additional use, once an owner has confirmed it as bona fide employee housing and retains it as such. Due to the high land value in the area, farmers have in the past used the provision allowing the construction of employee housing as a primary right to obtain building plan approval for dwellings, only to then convert them to other land uses. This practice poses a serious threat to the agricultural integrity, protection of agricultural land and has a detrimental impact on towns by exacerbating traffic congestion (more cars driving into towns) and service delivery (either failure to do so, or expensive infrastructure);

Polytunnels and crop covers are structures which require the submission of building plans. Agriculture on open land is indeed a primary right and it significantly contributes to the agricultural landscape qualities which generate tourism (another important economic sector in the Municipality). The Municipality has an obligation to assess the potential impact of structures and regulate accordingly, hence the proposals that polytunnels exceeding 5000m² must require the Municipality’s consent, which would allow adverse impacts (such as stormwater drainage, visual impact, heritage impact etc. to be mitigated);

The Scenic Route Overlay Zone has its origin in the approved SDF which requires protection of certain key strategic scenic routes. Certain additional categories of activities can be exempted by the Council, in which case an application is not required. The Department will put internal procedures in place for owners who want to undertake activities to confirm their exemption with the department;

The University did not submit any specific proposals for the creation of an Overlay Zone. Once they have developed their proposals and submitted it to the Municipality, an appropriate overlay zone can be created in future. At the moment insufficient information has been presented to the department on what the Overlay Zone should contain, to incorporate it into the scheme at this stage;
- A number of detailed comments and corrections were incorporated into the Zoning Scheme By-Law document out which are detailed in the ANNEXURE F;

- With regards to comments from De Zalze owners and the Home Owners Association the Department met with the appointed representative of the Owners Association and evaluated the proposals in detail. Agreement was largely reached with regards to the manual allocation of zoning in De Zalze;

- Some owners and organisations submitted comments on the zoning of certain properties in the Zoning Map. Where errors were discovered on the map (either due to the incorrect original zoning, or the incorrect conversion thereof) these errors were corrected, as detailed in ANNEXURE C.

After considering the comments received during the public participation period, the draft document (Version 11) was updated by incorporating the points raised and in response developed the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (Version 12), where the department was in support of the comment. The Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018) were also updated where there was agreement with the input.

6.3 Financial Implications

There will be financial implications should the recommendations as set out in 5.8 of this report be approved. This will be with regards to the tender process in terms of the Supply Chain Management Policy in order to undertake a Zoning Audit for the WC024 area.

6.4 Legal Implications

By adopting the SMZS the Council will comply with the provisions of SPLUMA, 2013 and LUPA, 2014 which requires that a Municipality prepares and adopts a new zoning scheme within five years of the promulgation of these aforementioned laws. The scheme is also consistent with the Stellenbosch Land Use Planning By-Law, October 2015 and will be an integral part of the Municipality’s land use management system and legal framework.

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

This item is to report back to Council on the public participation of the Draft Integrated Zoning Scheme By-Law (Version 11) after Council authorised the Municipal Manager through Council Resolution 2017-08-30 per ITEM 8.10, attached as ANNEXURE A, to commence with a second round of public participation.

6.7 Risk Implications

The report has no risk implications for the Municipality, should the recommendations as set out in the report be accepted.
ANNEXURES

ANNEXURE A: Council Resolution 8.10 dated 30/08/2017;

ANNEXURE B: Stellenbosch Municipality Zoning Scheme By-law, 2019 (Version 12);

ANNEXURE C: Zoning Scheme Maps, (Map01 to Map25, dated October 2018;

ANNEXURE D: Extract of the current zoning register;

ANNEXURE E: The template for the invitation for comments as well as a copy of registered addresses of interested and affected parties to whom the invitation was sent; and

ANNEXURE F: Summary of inputs received during public participation and key recommendations.

ANNEXURE G: Minutes of the meeting with the Agricultural Society of SB, dated 4 April 2019

ANNEXURE H: Track changes that informed the amended Stellenbosch Municipality Zoning Scheme By-Law dated 2019 (Version 12)

FOR FURTHER DETAILS CONTACT:

<table>
<thead>
<tr>
<th>NAME</th>
<th>Hedre Dednam</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITION</td>
<td>Manager : Land Use Management</td>
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<tr>
<td>DIRECTORATE</td>
<td>Planning and Economic Development</td>
</tr>
<tr>
<td>CONTACT NUMBERS</td>
<td>021 808 8674</td>
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<td><a href="mailto:hedre.dednam@stellenbosch.gov.za">hedre.dednam@stellenbosch.gov.za</a></td>
</tr>
<tr>
<td>REPORT DATE</td>
<td>15 April 2019</td>
</tr>
</tbody>
</table>

DIRECTORATE PLANNING AND ECONOMIC DEVELOPMENT SERVICES

The contents of this report have been discussed with the Portfolio Committee Chairperson and the Councillor acknowledges that she read the report.
ANNEXURE A

COUNCIL RESOLUTION 8.10 DATED 30/08/2017
8.9 STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2017-2020)

(SEE ITEM 7.5.1 ABOVE)

8.10 FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)

1. PURPOSE OF REPORT

1.1. To report back to Council on the public participation conducted during November 2016 – March 2017 on the Draft Integrated Zoning Scheme By-law (10.3a) after Council authorised the Municipal Manager through Council Resolution 7.3.2 dated 2016-10-26; and

1.2. To obtain approval from Council to commence to re-advertise the amended Draft Integrated Zoning Scheme By-law (version 11 attached as ANNEXURE B); the draft Converted Zoning Maps (based on the May 2017 draft registered layer) and zoning register for Stellenbosch Municipality (WC024) which contains the proposals made during the public participation process.

The second round of advertising will be legally mandated by the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act No 3 of 2014 (LUPA), the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) and the Stellenbosch Municipal Land Use Planning By-Law (2015) (the By-law).

2. BACKGROUND

Stellenbosch Municipality implemented the above new planning dispensation on the 01 December 2015 through Provincial Gazette Notice 7539 by repealing the Land Use Planning Ordinance, Nr 15 of 1985 (LUPO).

All applications submitted since 01 December 2015 have to be submitted in terms of the Land Use Planning By-law (2015) which is aligned with the new planning dispensation (LUPA and SPLUMA).

With the enactment of the new planning dispensation, Council is mandated by both National and Provincial legislation (SPLUMA and LUPA) to adopt a single zoning scheme by-law for its entire municipal area.

The zoning scheme is a municipal law which allocates development rights to properties. It therefore contains the rules which tell a land owner how they may use land, and how they may develop it.
RESOLVED (majority vote with abstentions)

(a) that Council authorises the Municipal Manager to:

(i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and

(ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and

(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.
ANNEXURE B

STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, (VERSION 12)
STELLENBOSCH MUNICIPALITY
ZONING SCHEME BY-LAW, 2019

(DRAFT FOR COUNCIL ADOPTION - 2)
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CHAPTER 1: DEFINITIONS

1. Definitions

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

“abattoir” (abattoir) means a place where livestock or poultry is slaughtered and may include the preparation of meat for distribution to shops;

“additional use” (bykomende gebruiksreg) means a land use that is exercised in addition to the primary right on the land unit, and which remains subservient to the primary use and which is specified in the land use table of this Scheme as an additional use which may approved by the Municipality after a technical evaluation, provided it complies with the parameters and thresholds in the Scheme;

“additional dwelling unit” (addisionele wooneenheid) means a dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land an in Agricultural and Rural zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality’s consent approval on land units exceeding 20 ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10 ha exceeding 20 ha;

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

“agricultural building” (Iandbou gebou) means any building normally erected and/or used in direct connection with and ancillary to the farming operations on a land unit, and includes amongst others packing sheds, implement stores, produce storage, a farm office, staff facilities, and/or cold stores, but excludes abattoirs, poltunnels, agricultural industry buildings, employee housing and/or any of the defined additional or consent uses in the Agriculture and Rural zone;

“agricultural industry” (Iandbou nywerheid) is an industry for the processing of fresh agricultural products, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, wine cellar, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility;

---

1 To clarify, refer these examples: On farms up to 20 ha, a main dwelling and second dwelling is permitted as primary rights. On farms exceeding 20 ha the Municipality may grant additional dwellings as consent use, to a maximum of an additional four over and above the main dwelling and second dwelling houses. The permitted number of additional dwellings may never exceed four, and must be calculated at the ration of one unit per 10 ha exceeding 20 ha. Thus, if the farm measures 32 ha one additional dwelling can be applied for as a consent use. On a 70-ha farm a maximum of four additional dwelling units may be applied for.
“agriculture” (landbou) means the cultivation of land for crops and/or plants, the keeping and/or breeding of animals, livestock, game, bees, birds, whether or not in the open or in enclosures, and/or the breeding of water fauna and/or flora in artificially constructed dams or natural waterways, and includes a riding school, generating compost for own use on the land unit or farm, but excludes intensive feed farming or any other additional or consent uses in the Agriculture and Rural zone;

“airfield” (vliegveld) means a place where aircraft land and take off and includes ancillary uses such as hangars, a reception area, a baggage area, shops, restaurants, refuelling areas and/or warehouses and is the same as “airport”;

“airstrip” (landingstrook) means the place where light aircraft land and excludes any ancillary buildings as mentioned in the definition of “airfield”;

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

“ancillary uses” (ondergeskikte gebruike) means a land use, building, structure and/or activity which is, in the sole opinion of the Municipality, directly related and necessary for the operation of the lawful, dominant use, and shall remain subservient to the dominant use of the land unit;

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

“apartment” (woonestel) see “flats”;

“authority use” (owerheidsgebruik) means a use which is undertaken or a service rendered by or on behalf of a public authority and of which the activity is such that it cannot be classified or defined under other uses in this Scheme such as military training facilities, police stations, reformatories, jails, fire services and/or weigh bridges, and includes ancillary uses;

“backpacker establishment” (jeughostel) is a hotel, accommodating transient guests in dormitory style bedrooms where more than two people share a bedroom and usually also has communal bathrooms. Double and single rooms may also be included with or without en-suite bathrooms. The facility may include any of the following: serving of meals, self-catering kitchen, communal lounge and/or ancillary facilities; see also “hotel”;

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

“basement storey” (kelderverdieping) means any storey or division of a storey with a ceiling level which protrudes less than 1 meter at any point above existing ground level;

“base zone” (basis sone) means the zone that determines the lawful land use and development parameters for a land unit before the application of additional parameters or rules contained in an overlay zone;
“bed and breakfast establishment” (B&B) (bed-en-ontbytonderneming) means the use of furnished bedrooms in a dwelling house, second dwelling and/or outbuilding, to supply accommodation for compensation to transient guests provided that the accommodation shall be hosted by a permanent resident, with or without his or her family, who resides on the land unit; and

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

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

iii) the proprietor of the establishment shall ordinarily be resident during the period when the guests are accommodated;

iv) may not be licensed to sell alcohol;

v) meals are not required to be served by the establishment but may be served to resident guests only;

vi) guests may share the kitchen of the dwelling unit for self-catering; or

vii) one dwelling unit may be rented out on a self-catering basis if one dwelling unit on the property is used by guests and another dwelling unit on the same land unit is occupied by the proprietor and/or his or her family as a permanent residence;

viii) meeting facilities and a wellness centre may not be provided;

“berm” (keerwal) means an artificial ridge, raised embankment, or elevated land, typically constructed of soil where the top of the ridge is more than 1m above existing ground level, with the purpose of a visual, sound and/or other barrier between two areas;

“boarder” (loseerder) means a person receiving accommodation against payment for home lodging in a dwelling unit, a commune or hostel, where the accommodation is provided on a month-to-month basis for periods of at least 30 days, but may be longer, and where such accommodation could be regarded as the residence of the boarder for that period; also see “home lodging”, “commune”, “hostel”;

“boundary” (grens) in relation to a land unit, means a cadastral line separating one land unit from another land unit or a road;

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

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

“brickworks” (steenmakery) means a place where bricks and tiles are manufactured and/or baked and may include the mining of clay and ancillary buildings;

“builder’s yard” (bouerswerf) means a place which is used for the storage, sale and/or rental of excavation and building construction equipment and material, whether for public or private purposes, and includes ancillary uses;

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

i) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof;

ii) any roofed structure, including hothouses, wendy houses or outbuildings;

iii) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, veranda, porch or similar feature of a building;

iv) any walls or railings enclosing any feature referred to in (ii);
v) any wall, swimming bath, swimming pool, tank, reservoir or bridge or any other structure connected therewith;

vi) any fuel pump or any tank used in connection therewith;

vii) a basement;

“building line” (boulyn) means an imaginary line on a land unit, which defines a distance from a public or private road or common boundary, within which the erection of buildings or structures are prohibited. The following structures or buildings are excluded from adhering to building lines:

i) fences, boundary walls, retaining walls, screen walls which are not on a boundary or is perpendicular to a boundary;

ii) stoeps, entrance steps, stairs and/or landings, which are at ground level, external to the building, and not covered by a roof;

iii) pergolas;

iv) eaves and sunscreen features not projecting more than 1 meter from the external wall of the building;

v) on common boundaries only, a basement where the whole of the basement ceiling is below existing ground level;

vi) all services and tanks which are underground;

vii) on common boundaries only, uncovered drying yards, any structures, tanks and/or sheds no higher than 2,1 meters;

viii) refuse rooms which are required by the Municipality and located to the Municipality’s satisfaction;

ix) rainwater harvesting tanks and/or grey water recycling tanks, provided they do not exceed the height of the boundary wall immediately abutting such tanks, or are suitably screened to the satisfaction of the Municipality;

x) gatehouses which do not exceed one storey in height and which do not exceed a floor area of 10m²;

“bulk” (massa) see “floor area”;

“business premises” (besigheidsperseel) means a place from which business is conducted and may consist of a wide range of commercial, professional and/or retail uses such as, but not limited to shops, offices, conference facilities, wellness centres, banks, postal agencies, professional services, liquor stores, conference facilities, beauty salons, restaurants, supermarkets, shopping centres, stand-alone medical consulting rooms, motor showrooms, but excludes any land use which is an additional or consent use in that zone or for which the Municipality’s permission in terms of the Scheme is required in that zone;

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

“camping site” (kampeerterrein) means a place which is rented out on a short-term basis to transient guests where tents may be erected, or caravans and/or mobile homes be parked, for holiday or recreational purposes, and includes ablution, cooking, braai and/or other ancillary facilities, and is the same as a caravan park;

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

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

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

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

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

“clubhouse” (klubhuis) in relation to a sports facility or a place of assembly means a building or portion of a building specifically set aside where people who are normally members of an organized activity, sport or association meet with the intention of socialising and may also include a lounge, restrooms, change rooms, ablution facilities, hall, restaurant which serves members, and may include, a pro-shop which is associated with the particular sport, or a pub with the permission of the Municipality granted in terms of the Scheme;

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

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

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

“communal outdoor space” (gemeenskaplike buiteruimte) means outdoor space in a group housing development or flats intended for recreational use by all the occupants in the development, and may be a play area, garden, park, paved area, swimming pool and/or braai facilities or any such similar outdoor space, but excludes private roads, parking and service yards;

“community residential building” (gemeenskapsresidensiële gebou) means a building where accommodation is provided in rooms or dormitories for welfare purposes, such as a home for handicapped, orphaned, mentally disabled, indigent and/or aged persons, night shelters, partial care facilities, rehabilitation facilities and may include ancillary uses such as, but not limited to, offices, medical, frail care and/or employee housing;

“commune” (kommune) means the use of the entire dwelling house, a second dwelling if one is built on the same land unit or dwelling unit in flats for the accommodation of boarders. A dwelling unit is used for a commune if the dwelling house, second dwelling or dwelling unit in flats is not occupied by a family as defined. The accommodation may be rented to boarders furnished or unfurnished. In the case of a dwelling house or second dwelling, the scale of any one building may not exceed that of a dwelling house which would ordinarily accommodate one family and must be able to revert to a dwelling house. Boarders may make use of the dwelling unit’s kitchen facilities and separate kitchens may not be installed for each room in contravention of the permitted number of dwelling units in the zone. At least one communal bathroom, kitchen and lounge/eating area shall be provided for boarders on in each dwelling unit on the land unit;

“conference facility” (konferensie fasiliteit) means a place which has as its primary purpose the holding of conferences, meetings, trade and/or commerce related exhibitions, and may also supply meals for delegates, and is different from meeting rooms which are subservient to another activity;

“consent use” (vergunningsgebruik) means a use right that may be undertaken in a specified zone, only with consent of the Municipality, as a result of an application made in terms of Planning Law;
“construction environmental management plan” (konstruksie-omgewingsbestuursplan) means an operational plan which organises and coordinates construction activities with the aim to minimise the impact of said construction on the receiving environment, and may include mitigation, rehabilitation and/or monitoring measures to the Municipality’s satisfaction;

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

i) eaves or sunscreens projecting up to 1 meter from the outside wall;
ii) stoeps, external stairs, steps, landings, driveways, paved areas or pergolas, all of which shall not be covered by a roof;
iii) verandas (which are roofed) which form part of a building of historical significance which remain open to the elements on the front or long side, or new verandas which may be required by the Municipality in areas of historical significance;
iv) those portions of the basement where the ceiling level is below existing ground level;

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

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

“development charge” (ontwikkelings-fooi) as defined in the Municipality’s Development Charges Policy, is a once-off infrastructure access fee levied by the Municipality on an applicant, developer or landowner in terms of its relevant statutory powers, in respect land development application which will result in an intensification of land use which in turn leads to an increase in the use of or need for municipal bulk engineering services infrastructure;

“development parameters” (ontwikkelings parameters) means provisions or restrictions contained in the zoning scheme which sets out the permissible extent for the development of buildings or the conditions and/or requirements for use of land for a particular purpose, and may be departed from by making an application in terms of Planning By-law; “parameters” and development rules have a similar meaning;

“domestic accommodation unit” (huishulpwooneenheid) means a unit of accommodation not exceeding 30m² which is ancillary to a dwelling house, and which consists of at least a bedroom and bathroom, and may also include a kitchen counter area not exceeding 3 meters x 0,6 meters which may contain a separate sink, and is for the accommodation of one person only;

“dwelling house” (woonhuis) means a building containing only one dwelling unit, together with the customary outbuildings usually associated with such a unit, for example, garage, storeroom, laundry, garden shed, no more than one domestic accommodation unit and/or a hothouse;

“dwelling unit” (wooneenheid) means a self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments;

“eaves” (dak-oorhang) means a portion of a roof projecting beyond the face of a building, including any gutters;
“employee housing” (werknemersbehuising) means a dwelling unit provided for employees by an employer which is ancillary to the primary activity on the land unit, and may be accommodation for labourers, caretakers and/or supervisory staff, provided that the employee housing unit is for the accommodation of one family only, is located on the same land unit on which the employment activity takes place, is occupied by at least one bona fide employee and may not be sold separately;

“engineering services” (ingenieursdienste) means linear infrastructure for the provision of municipal services such as water, sewerage, electricity, stormwater drainage systems, and/or other similar types of services such as telecommunication cables and includes all related structures and equipment installed in-line for example mini-substations, manholes and/or pump stations, and may also be privately owned services which perform the same function;

"erf" (erf) means the same as “land unit”; also see “property”;

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

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

“existing building” (bestaande gebou) depending on the context in which it is being used, means a building for which, at the commencement of this Scheme, construction has been completed, or which was lawfully under construction at the time of commencement, or which still has to be constructed, but for which a building plan is already approved in terms of a former Scheme;

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

i) in its unmodified state, before any building has been erected and before its level has been altered in any manner, or

ii) in a state which has been graded, with the Municipality’s prior permission, for the purposes of subdivision and/or installation of engineering services for development, or

iii) as determined by the Municipality if in its opinion it is not possible to determine existing levels of ground due to irregularities or disturbances of land; provided that in instances where ground levels have been modified to such an extent that it no longer resembles natural ground level, the Municipality may rely on contours on plans which have been prepared by an official municipal or government agency prior to the commencement of the zoning scheme, and the Municipality may require the owner of land or an applicant to engage a registered land surveyor, to measure the existing ground levels and indicate these on a plan or application submitted in terms of the Scheme;

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

"factory" (fabriek) see “industry”;

“family” (gesin) means:

i) one person maintaining a common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such person, or

ii) two or more persons who are married in one civil union, maintaining one common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such persons, or

iii) no more than two unrelated and independent persons (with no dependents) who earn or receive independent income and who maintain a common household;
“farm” (plaas) means an agricultural enterprise which is conducted from one or more land units which are zoned Agricultural and Rural zone and used for agricultural purposes, and in the case of more than one land unit, the term “farm” refers to one agricultural enterprise that is conducted from a group of land units, located in the same geographical area and that are owned by the same registered owner; and when used as an adjective, means the activities and business of agriculture;

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

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

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

i) any area, including a basement, which is reserved solely for circulation, parking or loading of vehicles which are ordinarily associated with and which serves the land use on the property, provided that a commercial parking garage which provides additional parking in excess of the parking required by the Scheme for land use on the property is not excluded;

ii) parking which is provided for one property on another property provided that the two properties are notarially tied;

iii) any unroofed area required for fire escapes regardless of the number of storeys, and which is open to the air and external to the main façade of the building and used solely for emergency purposes;

iv) a projection including a projection of eaves, a canopy or a projection which acts as a sunscreen or an architectural feature which protrudes less than 1 meter from the face of the building;

v) any unroofed internal courtyard, light well or other uncovered shaft; and any stairs, stairwells, lift wells and atriums that are covered by a roof shall only be counted once at ground floor;

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

“freestanding base telecommunication station” (losstaande selfoon basisstasie) means a freestanding support structure or mast anchored to land or a building and which accommodates telecommunication infrastructure for the transmitting and/or receiving of electronic communication signals and may include a base station building and/or access road to such facility;

“function venue” (funksielokaal), see “place of entertainment” and “tourist Facilities”;

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

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

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

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

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

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

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

“group housing scheme” (groepsbehuising-skema) means a group of separate and/or linked dwelling units accessed via a communal private road with one or more shared entrance, where the development is planned and designed as a harmonious architectural entity which may have a low, medium or high-density character, where dwelling units may be on one cadastral entity, cadastrally subdivided or sold separately through sectional title and may include ancillary uses such as a gate house, refuse room, owners’ association maintenance building, private open space and/or private roads;

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

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

“guest house” (gaste huis) means the use of furnished bedrooms or suites in a dwelling house and/or second dwelling, for the accommodation of transient guests, where accommodation is rented out on an individual room-by-room basis, where no proprietor is required to live on the property as a permanent resident, and where no self-catering facilities are provided, subject to the following:

i) in the zones where this Scheme permits a dwelling house or second dwelling house but not flats or hotel, the scale of any one building may not exceed that of a dwelling house or second dwelling house which would ordinarily accommodate one family and must be able to revert back to a dwelling house when no longer used for a guest house;

ii) up to one meeting room and one room for beauty treatments per land unit may be provided on properties which are zoned other than Conventional Residential zone, provided that the facilities may only serve resident guests of that specific land unit, and may not be used by residents of the same enterprise who reside on different land units;

iii) at least one communal bathroom shall be provided to guests, but rooms may be an en-suite;

iv) one kitchen per dwelling unit will be retained from which the establishment may serve meals to guests who are resident on that same land unit;

v) it is not compulsory for the establishment to have staff present on a 24-hour basis, but the operation may include such staff;

vi) a guest house premises may be licensed to sell liquor for consumption on the property in a Local Business zone, Mixed-use Zone, Agriculture and Rural Zone, and Open Space Zone. In any other zones, a consent use application must first be approved before such a license may be issued;
vii) a guest house may not include a shop for sale of alcohol for off-site consumption;

viii) alcohol may only be served to resident guests and the facility may not include a pub;

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

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

“height” (hoogte) of a building:

i) when measured in storeys, means the number of storeys in a building, and any habitable space in the roof or storey, which is not a basement, shall be counted as a storey;

ii) when measured in meters, means the vertical dimension from a specified level to another specified level, provided that chimneys, flues, masts and antennae shall not be included for the purpose measuring a building height in meters;

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

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

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

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

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

iii) the proprietor of the centre shall be resident during the period when the activity is undertaken.

“home lodging” (tuislosies) means the leasing of furnished or unfurnished bedrooms in a dwelling house, second dwelling house and/or outbuilding to supply accommodation for compensation to boarders provided that:

i) the enterprise shall be owned and managed by a permanent resident on the land unit; and

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

iii) the primary use of the land unit shall remain the permanent residence of the proprietor of the establishment;

iv) Meals are not required to be served by the establishment but may be served to resident boarders only;

v) Boarders may share the kitchen of the dwelling with the proprietor for self-catering, or one dwelling unit on the property may be rented out for the accommodation on a self-catering basis provided that the other dwelling unit on the same land unit is occupied by the proprietor as a permanent residence;
"home occupation practice" (tuis-beroepsbeoefening-praktyk) means the use of a portion of a dwelling house, second dwelling and/or outbuildings, for artistic, social, religious, professional services or occupational purposes, including inter alia professional and administrative offices, manufacturing and repairing of goods, the sale of goods which are manufactured on the land unit, services of a personal nature such as a hairdresser, tutor or beautician, but excludes a shop, warehouse, industrial, noxious industrial or any other uses which, in terms of the Municipality's policy are likely to cause a nuisance, have a detrimental impact on or affect any person's health, safety, or welfare or have a detrimental impact on the amenity and aesthetic appearance of the residential environment, provided that:

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

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

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

"hospital" (hospitaal) means a place for the diagnosis and/or treatment of human medical conditions, and includes wards with overnight facilities for patients and operating theatres, and includes associated facilities such as associated medical consulting rooms, a pharmacy, pathologist laboratories, trauma and emergency units and/or ancillary uses;

"hostel" (kos huis) means the use of an entire building, portion or group of buildings, for the accommodation of boarders, which exceeds the scale and extent of a commune where the rooms (or beds) are let out individually to persons on a month to month basis or for longer terms. The building shall contain at least one communal kitchen, one communal bathroom and one communal lounge/dining area. Meals are not required to be served, but if meals are offered, it may only be served to boarders who are resident on that same land unit. Communal facilities may only serve resident boarders of that specific land unit, and may not be used by residents of the same establishment who reside on a different land unit unless approved by the Municipality. It is compulsory for the hostel establishment to have at least one staff member present on the land unit on a full-time basis, who shall either be employed to reside on the premises or be employed in shifts by the owners of the establishment to be present on the land unit on a 24-hour basis, and may be a residential head, hostel manager, security person, caretaker or some other similar designation. The hostel may be associated with a place of education or tertiary educational institution whether on the same land unit or not, but could also be a privately-owned enterprise and may include ancillary facilities;

"hotel" (hotel) means the use of an entire building, a portion of a building, or a group of buildings on the same land unit for the accommodation of transient guests in furnished bedrooms or suites, where the activity or buildings exceeds the scale and extent of a guest house, and where:

i) meals may be served to resident guests or the public;

ii) associated restaurants, shops, conference- and entertainment facilities, wellness centre and/or sport facilities which serve the guests and public may only be permitted as a primary right on properties which are zoned Mixed-use zone or a similar zone where those type of facilities would ordinarily be permitted as primary right. In a zone where a specific type of ancillary facility is not a primary right, any facilities which are ancillary to a hotel may be applied for as a consent use, and new activities or expansion of such ancillary facilities will also require prior approval of a consent use application;

iii) hotel premises may be licensed to sell liquor for consumption on the land unit in the Local Business zone, Mixed-use zone, Agriculture and Rural zone and Open Space zone. In any other zone a consent use application must first be approved by the Municipality before such a license may be issued. A hotel shall not include a shop for sale of alcohol for off-site consumption;

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It is compulsory for the hotel establishment to have at least one staff member present on the property on a full-time basis, which means a staff member shall either be employed to reside on the premises or be employed in shifts by the owners/proprietor to be present on the property on a 24-hour basis, and may be a security person, concierge, caretaker, receptionist or manager or some other similar designation. A **backpacker’s establishment** is also a “hotel”;

“**hothouse**” (kweekhuis) means a structure with the sides and/or roof made primarily of a transparent material such as glass, perspex or plastic, for the purpose of cultivating plants under controlled environmental conditions on a residential land unit for domestic purposes, and has the same meaning as “**greenhouse**”, but excludes polytunnels which are used for agricultural purposes;

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

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

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

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

and “**spaza shop**” has a corresponding meaning;

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

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

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

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

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

“**indoor sport**” (binnemuurse sport) means a place which is primarily used for any form of physical exercise, sport activity or other type of indoor recreation, taking place under a roofed structure, and may include ancillary uses such as a shop or restaurant which serves the primary activity but excludes a commercial gymnasium and multi-tiered stands for seated observers (also see “**place of assembly**”);

“**industry**” (nywerheid) means a place, which in the Municipality’s opinion, is used for a factory and in which a product and/or article, or part thereof is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted, spray-painted, polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, bottled, chilled, brewed, distilled, fermented, frozen and/or stored, and includes any activity which is ancillary and subservient to the aforementioned activities mentioned for example an office, employee housing, point of sale, but does not include a noxious industry;
“intensive feed farming” (intensiewe voerboerdery) means the breeding and/or keeping of animals and/or poultry on an intensive scale, where animals are kept in pens, structures or buildings and fed on externally sourced feed, with little or no provision for natural grazing;

“interleading rooms” (intertoeganklike kamers) means rooms linked by an internal passage and/or doorway, within one dwelling unit;

“internal engineering services” (interne ingenieursdienste) see “engineering services”;

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

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

“land unit” (grondeenheid) means a measured and surveyed portion of land identified by a unique number in the Surveyor-General’s office, the title of which is capable of being registered separately in the Deeds Office, and, in this Scheme, where a servitude area or lease area has been registered over that land unit, provisions of this Scheme apply to the whole land unit as if it is one entity;

“LFR zone” (MFB sone) means Less Formal Residential zone (Minder-Formale Behuising sone);

“linked” (geskakel) in relation to the definition of group housing and tourist accommodation, means to be connected by means of a shared wall or garage;

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

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

“market” (mark) is a place where a variety of goods and/or food such as fresh produce, prepared food, beverages, arts, crafts, clothing, plants, household goods and/or second hand goods are offered for sale to people who gather at the venue during the appointed market hours to purchase said goods, and can take place daily, or more typically take place at regular weekly intervals, but may also be less frequent. The trading area consist of booths, tables and/or stands in an outdoors and/or indoors setting, and may include the use of temporary structures or permanent structures, in the case where shops are permitted in the zone. Outdoor trading of shops and restaurants are also included in this activity. Food and beverages, including alcoholic beverages if the necessary license is obtained, may also be served for on-site consumption. Other leisure and recreational activities such as live performances may accompany the market;

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

“mining” (mynbou) means prospecting for and/or extracting, excavating, mining and/or quarrying of raw materials from the ground including gravel, sand, stone, and may include a crushing plant and/or ancillary buildings;

“motor vehicle fitment centre” (motortoerusting dienssentrum) means a commercial enterprise where motor vehicles are fitted with exhausts, shock absorbers, radios, batteries and/or tyres, but excludes the commercial refuelling of vehicles, servicing, and/or repairs such as engine overhauling, spray painting, panel beating;
“motor vehicle repair centre” (motorwerkswinkel) means a commercial enterprise where motor vehicles are repaired and serviced and may include activities such as engine overhauling, spray painting, panel beating, a blacksmith, exhaust fitment, shock absorber fitment and/or body work, but excludes the commercial refuelling of vehicles;

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

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

“Municipality” (Munisipaliteit) means the Municipality of Stellenbosch established in terms of section 12 of the Local Government Municipal Structures Act 1998 (Act 117 of 1998) and includes, where the context so determines, the Council, and other authorised political structure or office bearer, the Tribunal, the Municipal Manager, or an authorised employee who has been duly authorised by the Council to administer this Scheme;

“Municipal Manager” (Munisipale Bestuurder) means the Municipal Manager of the Municipality of Stellenbosch, appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) or a municipal official duly authorised to act on his or her behalf;

“Municipal Planning By-law” (Munisipale Beplanningsverordening) means the Stellenbosch Land Use Planning By-law adopted by the Municipality in 2015, as amended from time to time, and means the same as “Planning By-law”; 

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

“National Building Regulations” (Nasionale Bouregulasies) means the National Building Regulations and Building Standards Act (Act 103 of 1977);

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

“nature area” (natuurgebied) means a national park or provincial nature reserve other area proclaimed in terms of the National Environmental Management: Protected Areas Act 2003 (Act 57 of 2003) or other similar legislation aimed at the conservation of the natural environment;

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

“notify” (kennisgee) means the serving of a notice (or causing a notice to be served) as contemplated in the Planning By-law;

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

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

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

“occasional use” (geleentheidsgebruik) is the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property2, either as a once-off, or on an intermittent basis or at regular intervals;

“occupant” (okkupeerder) can be a registered owner of a land unit or a tenant with a lease agreement, who physically inhabits, resides or occupies a property or conducts an activity from the land unit with the registered owner’s permission;

“occupational practice” (tuisberoepsbeoefening-praktyk) see “home occupation practice”;

“office” (kantoor) means a place or building used for administrative or commercial purposes, such as banks, lending agencies, stock exchanges, insurance offices, estate agents, professional services and/or similar undertaking, where no goods, materials or merchandise is displayed and/or sold, and includes any ancillary uses;

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

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2 If the type of land use is permitted in the base zone (or approved as an additional use or consent use) and the scale of the event is in accordance with capacities on an approved building plan, then the event is not an occasional use, but a permitted use.
"open space" (ophuimte) means land which may be public or privately owned and which is set aside for open
space, such as a park, garden, vegetable garden, square, landscaped areas, natural areas, river or stream;

"operator" (operateur) in the context of any of the home enterprises which may be conducted from a dwelling
house or second dwelling house, is the proprietor, who is the natural person who ultimately benefits from the
enterprise, and who are required by this Scheme to be a permanent resident on the land unit, with or without
their family and shall host, manage and/or deliver the service to guests, clients or customers; however nothing in
this definition prevents an operator to entrust the operation to an employee for a limited duration of absence,
such as annual leave, provided the definition of permanent resident is complied with;

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

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

"outdoor sport" (buitelug sport) means the use of land for active recreational or sporting activities that takes
place outdoors and may include ancillary buildings and structures, which are subservient to the main activities,
and may be skateboard parks, running paths, outdoor sports courts, outdoor gymnasiums, sports fields, golf
courses, and associated change rooms, and may furthermore include a club-house, but excludes sports stadiums
and indoor sport;

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

"owner" (eienaar) in relation to land, means the person or entity in whose name a land unit is registered in a
deeds registry, and may include the holder of a registered servitude right, usufruct or registered long-term lease,
executor of an estate, or any successor in title; “land unit” in this context has the same meaning as “erf”,
“property” and “farm”;

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

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

“parking garage” (parkeergarage) means a building in which parking facilities for motor vehicles are provided on
a commercial basis as the dominant use of that building, and where the parking does not serve the other land
uses found on that particular land unit;
“permanent resident” (permanentele inwoner) is a person who intends to use a dwelling unit for living accommodation of him/herself with or without a family for at least 75% of the days of a calendar year (or proportionately for that part of the year that after date of occupation) and who has been resident in that dwelling for at least 60 consecutive days. A permanent resident may be an owner or a lessee, and the Municipality may request documentary proof of permanent residency in that property, such as a utility account, lease contract, TV license, bank statements or any other proof of permanent residence which in the Municipality’s sole opinion confirms the property as being the person’s permanent residence. A person may only have one permanent residence, and “permanent residence” has a corresponding meaning;

“permission in terms of the Scheme” (toestemming ingevoeg van die skema) means an activity or development which may only be undertaken with the Municipality’s written approval and requires an application in terms of Planning Law;

“place of assembly” (vergaderplek) means any place or activity where large number of people congregate to hold meetings, participate in and spectate or observe performances and may include, for example a community hall, indoor sports arena, public swimming pool, sport events spaces, general purpose halls, sports stadiums or any other similar large congregation spaces and includes ancillary uses.

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

“place of entertainment” (vermaaklikheidsplek) is an indoor and/or outdoor place which is used predominantly for commercial entertainment, performances, music and/or revelry where patrons may participate in the activities or observe performances or gather for entertainment purposes, including the erection of temporary structures such as tents or marquees. The use may be approved as a permanent use on the premises or as a one-off or repeating occasional use. The venue may be licensed for on-site consumption of alcohol. Examples of a permanent place of entertainment include night clubs, pubs, cinemas, theatres, function venues and examples of occasional use as a place of entertainment include music festivals, circuses, food and wine shows;

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

“place of worship” (bedehuis) means a place where religious ceremonies are attended by a congregation on a regular basis, such as a chapel, church, mosque, synagogue, temple or other place utilised primarily for practicing religion, and includes any ancillary uses including a dwelling house for a religious leader on the same land unit and a wall of remembrance;

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

“Planning By-law” (Beplanningsverordening) means the Stellenbosch Municipal Land Use Planning By-law, 2015;

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“plant nursery” (kwekery) means a place where plants or flowers are cultivated on an intensive scale in the open, under a roof, or in polytunnels, and/or where plants and other associated gardening equipment and materials are sold, and includes ancillary uses;

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

“polytunnel” (kweektonnel) is a structure constructed of wood, metal or plastic frames and covered with 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, and for the purposes of this Scheme, also include agricultural shade netting and/or plastic ground covers;

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

“Premier” (Premier) refers to the Premier of the Western Cape Province;

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

“private open space” (privaat oopruimte) means land set aside for open space which is in private ownership;

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

“private road” (privaatpad) means the same as private street, and is privately-owned land, and which may be on the same land unit as the land uses it serves, or may be a separate cadastral entity, or a right of way servitude, that is reserved for the passage of motor vehicles, pedestrian and/or cycle traffic, and it may include a security gatehouse, refuse room and parking bays;

“proclaimed road” (geproklameerde pad) means a road proclaimed in terms of the Provincial Roads Ordinance (No 19 of 1976) or any subsequent Act that may come into operation in its place;

“professional services” (professionele dienste) means service rendered by people who have received tertiary training in arts, sciences or business, are specially trained and qualified to perform their work which often require them to be registered with a legally recognised professional council, governing body or institute, such as, but not limited to, architects, lawyers, accountants, auditors, estate agents, engineers, doctors, dentists, psychologists, town planners and veterinarians;

“property” (eiendom) means one erf or land unit together with all buildings and structures on the land and can also refer to a portion of a land unit;

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3 The Western Cape Transport Infrastructure Act 2013, (Act 1 of 2013) was published, but has not yet been enacted.
“proprietor” (eienaar) in relation to establishments for home occupation, home lodging, home day care, bed-and-breakfast, house shop, house tavern or any other business means the natural person who ultimately benefits from the enterprise; also see “operator”;

“pub” (kroeg) means a place of entertainment which is licensed for the sale of alcoholic beverages that may be consumed on-site only and may include the serving of meals, and means the same as “tavern” or “shebeen”;

“public institution” (publieke inrigting) means a facility which provides non-commercial services to the general public, such as a public museum, public library, public art gallery, community centre, and includes ancillary uses;

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

“public open space” (publieke oopruimte) means any land set aside for open space of which the ownership vests in the Municipality;

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

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

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

“public street” (openbare straat) see “public road”;

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

“recuperation centre” (herstelsentrum) see “welfare institution”;

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

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

“regulations” (regulasies) means regulations proclaimed by the competent authority in terms of a relevant act;
“renewable energy installation” (hernubare energie instealasie) means any wind turbine or solar voltaic structure, installation or plant, which captures and converts wind energy or solar radiation energy into electricity and is erected for commercial use and/or gain irrespective of whether it feeds into the national electricity grid or not, and includes any test facility, ancillary use, building and/or structure, which may be used in connection with the generation of energy on a commercial basis;

“resident” (inwoner) see “occupant”;

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

“retirement village” (aftree-oord) means a group housing scheme which is used for an old age home with ancillary uses where each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person and may include flats as part of the integrated group housing development, and where a full spectrum of associated health care and recreational facilities subject to the Municipality’s permission;

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

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

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

“scrap yard” (skrootwerf) is a place which is utilised for one or more of the following purposes:
   i) storing, depositing and/or collecting of junk, scrap material or articles whether for resale, recycling or disposal;
   ii) the dismantling of second hand vehicles or machines to recover components or materials;
   iii) the storing and/or sale of second hand parts, poles, steel, wire, timber yards, tyres, bricks, containers or other articles which are stored in the open;
and may include a refuse transfer station, a point of sale and/or ancillary uses;

“second dwelling” (tweede woning) means a dwelling unit, together with its customary outbuildings, which is erected on a land unit on which a dwelling house already exists provided that the second dwelling:
   i) may be attached to or separated from the main dwelling;
   ii) is built of similar material and architectural style as the dwelling house on the property;
   but excludes domestic accommodation unit;

“service station” (diensstasie) means a property where motor vehicles are repaired and/or serviced and where fuel is sold, and may include ancillary uses, a car wash and/or shop, but excludes panel beating and spray painting;

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

“servitude” (serwituut) in the context of this Scheme, is a right that is registered in the title deed and depicted on a diagram, in favour of one person over the immovable property of another person, allowing the holder of the servitude to use or develop the land for a specified purpose; and is not a restrictive condition imposed at the time of approval of a development, unless specifically stipulated as being a servitude in said condition;

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

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

“shipping container site” (skeepsvrughouerperseel) means land used for the storage, cleaning and/or packing of shipping containers and may include ancillary uses;

“shop” (winkel) means a place for the operation of a retail business where goods are displayed to clients and/or sold, including all associated storage of goods sold on the premises, provided that said storage areas may not exceed 25% of the total floor area of the shop, and includes areas inside a building, or outside, permanent structures which are open to the elements, and may also include a market;

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

“site” (terrein) means, in the context of an area of land, means a portion of a land unit, the whole land unit or more than one land unit affected by a development or land use activity;

“site development plan” (SDP) (terreinontwikkelingsplan) (TOP) means a plan which illustrates the overall proposed development sufficiently to allow the Municipality to enable a decision to be made when it accompanies an application, and to assist with the approval of a building plan, and the plan may serve as the development parameters of an approved consent use or additional use;

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

“spatial development framework” (SDF) (ruimtelike ontwikkelingsraamwerk) (ROR) means the Municipality’s spatial development framework approved in terms of Planning Law;

“split zoning” (verdeelde sonering) refers to the zoning of a land unit where more than one zone has been allocated to the same land unit allowing different primary rights on different portions of the land unit. The split zoning may be allocated horizontally (applicable to a specific area of land) or vertically (applicable to specific portions of buildings above or below ground). An application for a split zone in terms of this Scheme shall either be accompanied by a diagram prepared by a registered land surveyor indicating coordinates of the area to be rezoned and the zoning map shall bear an icon indicating that a split zoning has been allocated to the land unit, or such diagram shall be required to be submitted with the building plan, in order to validate the split zone and for the approval not to lapse;

“stoep” (stoep) means a paved area or projecting floor outside and immediately adjoining a building, uncovered by a roof, at or below the level of the ground floor and includes any low walls and railings that enclose such area;
"storey" (verdieping) means a single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. One storey shall not exceed 4 meters, therefore if a maximum of one storey is permitted, the height of the one storey building may not exceed 4 meters measured from finished floor level to ceiling; if two storeys are permitted, the two-storey building shall not exceed 8 meters measured from finished ground floor level to ceiling of the first floor, and so forth;

“street boundary” (straatgrens) means the cadastral boundary, as surveyed and/or proclaimed, between a land unit and the adjoining public road, and in the event that no cadastral boundary for a public road exists, the statutory width of the road, as determined by the applicable legislation or the appropriate authority shall be regarded as the street boundary line for the purposes of determining a building line;

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

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

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

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

“tavern” (taverne) see “pub”;

“technical approval” (tegniese goedkeuring) means an activity or development which may only be conducted with the written approval of the Municipality and requires an application following the procedures set out in this Scheme;

“techno park” (tegno park) means a technology or science park development where enterprises associated with research, development, design and related activities in the high-technology sector are accommodated in a park-type work environment;

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

“top of the roof” (toppunt van die dak) for the purpose of height control means the apex of the roof in the case of a pitched roof or the top of the parapet where a parapet extends above the roof, but excluding chimneys;
“tourist accommodation establishment” (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;

ii) may consist of self-catering units;

iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;

iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:

a) additional facilities for day visitors;

b) wellness centres and meeting rooms which serve resident guests;

c) camping sites with ancillary facilities;

d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used;

“tourist” (toeris) means a person who travels to a destination which is not home for leisure, business, recreation, sport or other purposes, and for the purposes of this Scheme also includes traveller, holiday-maker, voyager, visitor, sightseer, day visitor;

“tourist dwelling unit” (toerisme-wooneenheid) means the use of a furnished dwelling house and/or second dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodation of transient guests and where accommodation is only provided on a self-catering basis, provided that if more than 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterprise it is deemed to be a tourist accommodation establishment;

“tourist facilities” (toerisme fasiliteite) describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer’s markets, farm deli’s, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;

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

“transient guest” (tydelike gas) means a person receiving accommodation against payment in a furnished bedroom or suite in a bed and breakfast establishment, guest house, tourist dwelling, hotel or tourist accommodation establishment, where the accommodation is provided on a day-to-day or short-term basis, often quoted on a daily or weekly price;
“transport purposes (goods)” (vervoerdoeleinde) (goedere) means the use of land for the delivery of a public or private transport service to transport anything other than people including goods, livestock, materials and plants, by road, rail, or pipeline, and includes all ancillary uses which normally would be associated with the transport function, such as sheds, stores, maintenance workshops, warehouses and offices, but excludes an airport, heliport or airstrip;

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

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

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

“urban edge” (stadsgrens) means the demarcated line which in an approved spatial development framework, defines the outer limits of urban areas and separates urban areas from rural areas and in the absence of an urban edge, the outer edge of urban development of a settlement will be regarded as the urban edge;

“use right” (gebruiksreg) in relation to land means the right to utilise land in accordance with its zoning, including any approved departure, consent use, additional use, permission granted in terms of the Scheme, building plan and lawful non-conforming use right or non-conforming building approved on a building plan;

“utility installation” (nutsinstallasie) means engineering infrastructure which is not linear in nature and which is required for generation, processing, maintenance, storage and construction of bulk and other municipal services such as water, sewerage, electricity, roads, gas, or solid waste and includes dams, water purification, electricity generation-, sewerage plants, gas or energy storage facilities, large electrical substations, solid waste disposal sites, recycling facilities, road maintenance depots or any other such similar infrastructure sites which serve the Municipality or any other similar type service providers who provides such functions to the Municipality as a whole, or to certain suburbs or areas in the Municipality;

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

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

“wall of remembrance” (herinneringsmuur) means a wall with cavities for the storage of human ashes in a cemetery or place of worship;

“wall-plate” (muurplaat) means the lowest longitudinal member, truss, or bracket supporting a roof;
“warehouse” (pakhuis) means a place used for the storage of goods, a building or structure in which storage units are rented out on an individual basis and/or where goods are received in bulk and dispatched again to purchasers without being re-packaged and/or processed (e.g. dispatched where sales occur over internet), and may include a point of sale and ancillary uses;

“wellness centre” (gesondheidsentrum) means a business where health and beauty treatments are offered, and, with the Municipality’s permission in terms of the Scheme may include live-in accommodation for patrons, but may not involve medical treatment, surgery or post-operative recuperation or care and “hydro/spa” has a similar meaning;

“welfare institution” (welsynsinrigting) means a place where career guidance, counselling, recuperation or rehabilitation for bona fide medical, psychological or post-surgical conditions is provided, and includes ancillary offices and residential accommodation associated with the aforementioned;

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

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

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

“zoning” (sonering), when used as a noun, means a category of permissible land uses and associated parameters governing the development of land.
CHAPTER 2: APPLICATION AND JURISDICTION

2. Area of jurisdiction and application of this By-law

(1) As from the date of the notice of adoption published in the Provincial Gazette, this Scheme applies to all land in the Stellenbosch Municipal area (WC024) including state land.

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

3. Composition of Zoning Scheme

(1) The Zoning Scheme consists of this By-law, the Zoning Register kept by the Municipality to record decisions and any zoning maps that have been prepared in accordance with section 4.

4. Compilation of the Zoning Map

(1) At the commencement of this Scheme the zoning maps approved by the Municipality will comprise the zoning maps which form part of this Scheme.

(2) In determining the zoning which is allocated to each property, the following shall be taken account of:
   (a) the zoning maps which formed part of the former zoning schemes;
   (b) the approved land use rights and any rezoning;
   (c) the existing lawful use of land, and
   (d) the conversion table in Schedule B which sets out the rules for converting zoning from a former scheme to the new Scheme.

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

5. Errors on the zoning map

(1) Should zoning have been wrongly allocated on the zoning map or wrongly converted from a repealed zoning scheme, or if the Municipality failed to accurately capture the lawful zoning of a property for whatever reason, the owner of the land unit may submit to the Municipality a request to correct the zoning map. The owner shall submit documentary proof of the lawful property rights, upon which the Municipality will make a determination and amend the zoning map accordingly should an error be confirmed.

(2) Except when capturing a duly approved rezoning as is required by the Municipal Planning By-law, the Municipality may, of its own accord, correct the zoning map should an error come to its attention. In such an event, the Municipality will inform the owner of the land unit accordingly of its intention to correct the zoning map and invite comments from the owner, to be submitted within 30 days. Once all information including the owner’s comments has been considered, the zoning map shall be amended if necessary to reflect the correct zoning of the property.
6. Rules of interpretation

(1) The following rules of interpretation shall apply to this Scheme:

(a) 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;

(b) in conditions of approval imposed prior to the commencement of this Scheme, terms describing land use, shall, for the purposes of interpretation, retain their meaning as was effective under the previous legislation, unless the interpretation in this Scheme does not materially change the meaning. For all other aspects, the meaning of this Scheme shall prevail;

(c) interpretation of words not defined in this Scheme will have the meanings assigned to them in the “new Shorter Oxford English Dictionary” published by Oxford University Press, except where a different meaning in the Municipality’s opinion is clear from the context;

(d) headings may be used for purposes of clarifying the meaning of a section, should the meaning be unclear from the context;

(e) the masculine gender includes the feminine gender, and vice versa, the singular includes the plural, unless otherwise indicated by the context;

(f) if there is any conflict between the English version and any other translation, the English version will prevail;

(g) whenever reference is made to a law, ordinance, by-law or regulation, the reference applies to all substitutions, amendments, and additions of the said law, ordinance, by-law or regulation;

(h) whenever reference is made to the use of a building, the reference applies also to the erection of a building, to the use of part of the building and to the use of the land unit or part thereof, whether a building is erected or not;

(i) the terms “must” and “shall” are mandatory, and the term “may” is not mandatory;

(j) the competent authority’s interpretation shall prevail unless the contrary is proven.

7. Other legislation and by-laws

(1) Where this Scheme conflicts with national or provincial legislation, a court must prefer a reasonable interpretation that avoids conflict over any alternative interpretation that results in conflict.

(2) Where this Scheme prescribes parameters or conditions which differ from other legislation or by-laws, the most restrictive parameters shall be complied with.

(3) When there is conflict between this Scheme and any other by-law, this Scheme prevails in respect of municipal matters.

8. Transitional arrangements and existing schemes

(1) Any application in terms of the Planning Law or in terms of a former zoning scheme submitted prior to the implementation of this Scheme and which is still in process at the date of commencement of this Scheme, will be assessed and finalised within the provisions of such former zoning scheme, unless the applicant has informed the Municipality in writing of the withdrawal of the application.
(2) A building plan will be assessed and finalised in accordance with the land use restrictions or provisions of the applicable zone in the former zoning scheme, where:

(a) A building plan application has been formally submitted before commencement of this Scheme, and did not contravene the provisions of the former zoning scheme at the time of submission, or

(b) A building plan application is formally submitted after commencement of this Scheme with the express purpose to act on a valid approval granted for any application in terms of Planning Law or any other application in terms of a former zoning scheme, provided that such building plan application is submitted within 30 months after commencement of this Scheme, or within the validity period of said application, whichever is the later date.

(3) Buildings constructed lawfully and in accordance with an approved building plan, which has been approved in terms of a former scheme, will not be contravening this Scheme but will be a lawful non-conforming use.

(4) Where a land use, at the commencement of this Scheme, was lawfully commenced and it is now a consent use in terms of this Scheme, consent will be deemed to have been granted, provided that the floor area of the activity may not expand without a further consent use application being approved by the Municipality.

(5) Where a land use, at the commencement of this Scheme, has lawfully commenced and, although it has been a primary or consent use in terms of a former scheme, it is no longer permitted in that zone in this Scheme, it is a lawful non-conforming right, and it remains a lawful land use, until the activity ceases, at which time the use may not continue or restart again without the required application. The activity may not be altered, expanded or changed unless the property is rezoned to a zone which would permit the activity and alterations to be approved.

(6) Where a rezoning application has been approved prior to commencement of this Scheme but has not yet been acted on, or where a rezoning has been approved as contemplated in this section within the provisions of a former zoning scheme after the commencement of this Scheme, the affected land unit/s in such approval shall be deemed to be allocated with a corresponding zone in accordance with this Scheme as determined by the Municipality in accordance with Schedule B, once an approval is acted on.

(7) Where the provisions pertaining to maximum floor area, height or parking of this Scheme are more onerous or restrictive than a former scheme, the owner may, for a period not exceeding five years from the date of commencement of the Scheme, continue to implement the particular more permissive parameter or parameters of a former scheme to any building plan or application in terms of this Scheme. In all other respects, the provisions of this Scheme will prevail.

9. Deemed zoning

(1) Any portion of land designated on an approved General Plan or Surveyor General Diagram as ‘public place’ and which vests in the Municipality and which in the Municipality’s opinion serves the function of open space shall be deemed to be zoned as Public Open Space zone. This does not include land shown as ‘private open space’ on a diagram or general plan.

(2) Any portion of land indicated on an approved General Plan or Surveyor General Diagram as ‘public place’ or ‘public road’, and which in the Municipality’s opinion serves the function of a public road, public parking, proclaimed road or is reserved under any other law for public street or road, or widening or improvement of an existing public street, including roads proclaimed in terms of the Roads Ordinance, 1976 (Ordinance 19 of 1976) (unless specifically excluded) shall be deemed to be zoned Public Roads and Parking zone. This does not apply to land shown as ‘private road’ on a diagram or general plan.

(3) Where the proclamation of land zoned ‘Public Open Space zone’ or ‘Public Roads and Parking zone’ is changed due to the amendment, cancellation or withdrawal of an unconfirmed subdivision plan, the Municipality shall determine the appropriate zoning for such land unit and the land shall be deemed to be zoned accordingly.
(4) Where a portion of land zoned ‘Public Open Space zone’ or ‘Public Roads and Parking zone’ on a confirmed Diagram or General Plan is no longer required for such purposes it shall be closed and rezoned in accordance with Planning Law.

(5) All land used for a railway line, train station or land subject to the provisions of section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) is deemed to be zoned Transport Facilities zone, and the following shall apply:
   (a) where an agreement has been entered into between the Municipality and the South African Transport Services or any of its divisions or its successors in title in terms of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) or preceding legislation, provisions and conditions contained within such agreement shall prevail over the Transport Facilities zone; and
   (b) where land owned by the South African Transport Services or any of its divisions has been lawfully rezoned for any other use, such land will retain its zoning and shall be allocated the corresponding zoning in terms of this Scheme on the Municipality’s zoning map, and all provisions of this Scheme shall apply.

(6) All land which, at the commencement of this Scheme has been lawfully occupied by utility installations shall be deemed to be zoned Utility Services zone.

(7) Should the zoning map not reflect the correct zoning of a property according to this section, the zoning map shall be amended forthwith by the Municipality to reflect the correct zoning once the matter comes to its attention.

10. Evasion of intent of the scheme

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

11. Methodology of measuring and rounding off

(1) The Municipality may require an applicant or owner to appoint a registered surveyor, at the owner/applicant’s cost, to supply and verify information necessary for the Municipality to make decisions about compliance with distances or levels in terms of this Scheme. This information may be required at any stage of the application, building plan submission or construction process, or prior to an occupation certificate being issued in terms of the National Building Regulations.

(2) The distance between a building and a land unit boundary shall be measured along the shortest distance between a point on the building and the boundary measured on the same horizontal plane.

(3) Where reference is made to the land unit boundary opposite a point or building, that portion of the boundary is defined by drawing lines from the point on the building at right angles to the boundary.

(4) Where reference is made to the existing ground level or the natural level of ground such level shall be calculated in accordance with recognised geometric principles.

(5) Where it is not possible to measure a height, distance or level due to irregularities which make the application of geometric principles impractical or inconsistent with the intent of the Scheme, the Municipality shall determine the distance, level or height for purposes of administering the Scheme, taking into consideration the overall intent of the Scheme.
(6) If a calculation of a requirement results in a fraction, and where such a fraction applies to a number of whole units which cannot be provided in fractions e.g. dwelling units, parking bays, bedrooms, then the result of the calculation will be rounded up or down as follows: when the calculation results in a fraction which is less than 0,5 the number shall be rounded down, and where the fraction is 0,5 or more, the number shall be rounded up.
CHAPTER 4: APPLICATIONS AND SUBMISSIONS IN TERMS OF THE SCHEME

12. Permission in terms of the Scheme

(1) An application for permission in terms of this Scheme is an application in terms of the Planning By-law and shall follow the application process prescribed in the Planning By-law.

(2) As stipulated in Planning Law, in the case of any application for permission in terms of the Scheme, the Municipality may determine the extent to which an application requires to be made known depending on the type of application, scale of the proposals and the extent to which the proposal materially and adversely affects the public interest or the rights of any person.

(3) Subject to sub-section (2) notification may include notice in the media, and/or notice sent to an affected party or person and/or display of a site notice, or the Municipality may exempt an application from notification.

13. Technical approval

(1) Technical approval is an application in terms of this Scheme and shall follow the application process set out in this Scheme.

(2) An application for technical approval is exempt from public notification, but an application may be circulated to internal municipal branches and external government departments for comment.

(3) Where a number of days are indicated in this Scheme within which a decision must be made, or a comment be submitted, it means consecutive calendar days exclusive of public holidays. If the closing date of such a period falls on a weekend or public holiday, the next working day become the day on which the action is to be concluded.

(4) Any land use indicated in the land use table of a zone as an additional use shall require a technical approval in writing from the Municipality prior to the commencement of such activity.

(5) The purpose of a technical approval is to afford the Municipality an opportunity to assess the application against all parameters of this Scheme, as well as technical requirements imposed in terms of other laws, and to evaluate the spatial configuration of proposals to ensure impacts on external parties are minimised through design.

(6) The owner or duly authorised proprietor or permanent resident, as the case may be, or their duly authorised agent, shall submit an application to the Municipality for technical approval, which shall be made on the prescribed form and shall be accompanied by a site development plan, application fees, and necessary information, indicating the following:

(a) any information related to the activity as prescribed in the application form;
(b) area and extent of the property to be used for the additional use and for the primary use;
(c) proposals for any new buildings or structures, which may include plans, landscaping, boundary wall treatment, elevations, facades, engineering services and any other relevant information;
(d) parking and access, in accordance with the requirements of this Scheme;
(e) description of proposed activity, hours of operation and number of people to be employed, or any other relevant information as required by the Municipality;
(f) confirmation of compliance with any other parameters contained in this Scheme, or any policy the Municipality may have approved in respect of the type of additional use.

(7) Upon receipt of an additional use application, the Municipality shall:

(a) forthwith circulate the application to internal branches and/or external government departments, which shall comment within 21 days on said application;
(b) within 30 days request any additional information it may need to evaluate the application, and
(c) within 60 days from the date of submission or the date when the last information is submitted by the applicant, decide on the application.

(8) Upon receipt of a complete application together with all additional information required, the Municipality shall:

(a) calculate any development charges, if applicable;
(b) scrutinise the plan for compliance with the development parameters in the Scheme;
(c) scrutinise the plan for compliance with the Municipality’s technical requirements, by-laws and policies such as, but not limited to, access requirements, circulation, refuse removal;
(d) assess the plan in terms of positioning of buildings on the property, visual screening and in the case of areas outside the urban edge, protection of the heritage and cultural landscape if applicable;
(e) require amendments to the plan, or impose any other technical conditions related to the land use, or implementation of the plan, to ensure good order, safety, and health, and ensure that the character of the area is maintained;
(f) approve the additional use application if it complies with applicable law and all technical requirements, subject to the imposition of conditions required in the opinion of the Municipality which may include development charges, and inform the applicant of the decision;
(g) if the proposed additional use as set out in the application does not comply with the parameters in the Scheme, the requirements or policies of the Municipality, or with any other law, the application may be refused, and the applicant shall be informed of the reasons for the refusal;
(h) should any one of the thresholds as set out in the relevant zone be exceeded by the intended operator, the provisions of this section shall not apply, and a consent use application shall be required in terms of Planning Law.

(9) The Municipality shall only refuse an application for additional use in terms of this section in the following cases:

(a) if the proposal does not comply with development parameters of the Scheme, or
(b) does not comply with applicable law, or
(c) does not comply with council adopted technical guidelines, or
(d) if insufficient bulk engineering services are available to accommodate the land use, or
(e) if insufficient information is provided in the application to assess its compliance with this Scheme, policies or any other relevant law.

(10) An additional use application may be submitted and dealt with simultaneously with other applications in terms of Planning Law.

(11) The activity may not commence until the Municipality has granted approval of the additional use in writing, all conditions are met, and all development charges have been paid.

(12) Should the Municipality not decide within the prescribed 60 days or such other longer period as may apply in terms of this sub-section (8 c), the applicant may appeal in terms of the Planning By-law as-if a decision was not made within the prescribed periods in terms of the planning By-law, and the same appeal process of the Planning By-law shall be followed.

(13) There is no right of appeal by the applicant against the refusal of an additional use in terms of Planning Law, and there is no right of appeal for external interested parties unless the activity approved is not compliant with the parameters as set out in this Scheme.

14. Subdivision of land

(1) The Municipality shall not grant a new subdivision unless it is satisfied that, for each land unit created, there is adequate and lawful means of:
(a) access to and from a public road, which may include access via an appropriately registered right of way servitude;
(b) water supply, if required;
(c) sewerage disposal, if required for the land use; and
(d) any other engineering services which are deemed a requirement for the intended use, to the Municipality’s satisfaction.

(2) When the Municipality grants an approval for subdivision of a land unit containing one or more existing approved buildings or structures, the Municipality’s approval is deemed to have been granted for any departure which may arise out of the subdivision, without having to identify each departure individually, provided that all structures are adequately shown on a plan and any new structures or buildings constructed after the confirmation of said subdivision, shall comply with the parameters of the Scheme.

(3) At the same time as applying for a subdivision, the applicant may submit a site development plan to the Municipality for the buildings to be developed for the intended development on the subdivided portions. Upon approval of such a subdivision application and its accompanying site development plan, the Municipality’s approval is deemed to have been granted for all internal departures which may arise out of the subdivision without having to identify each departure individually, provided that all parameters which have an external impact or apply to external boundaries shall either be complied with or an application is made for a departure.

(4) An application for the subdivision of any land zoned Agriculture shall be accompanied by a site development plan to indicate how farm buildings and uses are to be divided.

(5) After granting a subdivision permitting two or more adjoining land units with attached dwelling units to be held under separate title, the departures on the common boundary relating to common building lines will deem to have been granted. The owners of such land units shall always:
(a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure that is common to the adjoining land units or attached dwelling units;
(b) maintain every part of such wall, roof, pipe, gutter, wiring, or other structure which is on or traverses such land units or attached dwelling units;
(c) permit access to such land units or dwelling units for the purposes of maintaining, repairing, renewing or altering of any wall, roof, pipe, gutter, wiring or any other structure;
(d) not make any alterations to or demolish any part of the buildings erected on such land units, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings, without the technical approval of the Municipality.

(6) If a property that has been granted a temporary departure or consent use right is subdivided, the Municipality may:
(a) revoke the consent use right or temporary departure approval if the original conditions of approval cannot be satisfied after subdivision, or
(b) apply the approval and the conditions relating thereto to only one of the subdivided portions; or
(c) may amend conditions, as determined by the Municipality when approving the subdivision.

(7) Upon approval of a subdivision the Municipality shall impose conditions relating to the creation of an owners’ association to take ownership of any communal land, such as, but not limited to a private road, private open space or any communal private services) to which owners of all units in the subdivision have access or have a responsibility to maintain. Should a subdivision be approved where private open space, private communal services or private road is created, and the Municipality fails to duly impose conditions for the creation of an owners’ association, the developer shall in any event create the required owners’ association to take ownership and maintenance responsibilities of communal land and services.
(8) All new subdivisions are to take into consideration the Stellenbosch Design Guidelines and Minimum Standards for Civil Engineering Services and Electricity Services directives, as issued by the relevant department and amended from time to time.

(9) Development charges may be imposed as a condition of approval on any subdivision where the subdivision creates additional development potential.

15. Consolidation of land

(1) When two or more individual land units are consolidated, building lines, coverage and other provisions which previously applied to individual land units, shall not remain in force over those former land units, but the provisions of this Scheme shall apply to the consolidated land unit.

(2) The Municipality may refuse an application for consolidation, or impose additional development rules where an application to consolidate will:
   (a) substantially alter the character of the area, with negative consequences, as a direct result of the size of the consolidated land unit, or
   (b) lead to an increased floor area, larger massing of the building structure, increased height or a reduction of space between built elements.

(3) The additional development rules referred to above may:
   (a) relate to the massing, spacing and position of buildings on the consolidated land unit,
   (b) be more restrictive than the development rules that would normally apply to the consolidated land unit in terms of this Scheme, and
   (c) be more restrictive than the development rules that would normally apply to the consolidated land unit in terms of this Scheme.

(4) Where consolidation of erven results in intensification of land use, the Municipality may levy additional development charges on the property.

16. Site development plan

(1) A site development plan:
   (a) may be required by the Municipality to accompany any application in terms of the Planning By-law;
   (b) may be required by the Municipality to accompany any application for a permission in terms of this Scheme or any application for a technical approval;
   (c) shall be submitted prior to engaging in an additional use, except where indicated in the zone that it is not required;
   (d) shall be submitted as an application for technical approval, prior to or at the same time as the submission of a building plan, where so required by this Scheme.

(2) The Municipality may, upon application by the owner, approve an amendment to a site development plan and the same application process applicable to the original application shall apply to an application to amend the site development plan, provided that notification may be waived if the amendment does not have a material adverse impact on any other person or the public.

(3) The Municipality may, prior to approving a site development plan, request adjustments to the plan to ensure compliance with the provisions and intent of the Scheme or any other legal requirement, policy or technical requirement of the Municipality and may impose conditions which relate to the implementation and construction related to the site development plan.

(4) To this end, the Municipality may determine what information is relevant for an application type, may adopt guidelines in this regard to assist applicants, and may request some, or all of the information below, or any relevant additional information it deems necessary:
   (a) existing contours, rivers or streams and trees or landscaping on the site;
(b) existing orchards, vineyards, grazing or any other existing agricultural land use;
(c) existing critical bio-diversity areas, natural veld or other vegetated areas; the position, extent and use of existing buildings, and other features, including an indication of what is to be retained and demolished/removed;
(d) the position, use and extent of all proposed new buildings;
(e) elevations and cross sections of the new development;
(f) the details of proposed vehicle access, roads, parking areas and pedestrian footpaths;
(g) details of proposed fencing or walls around the perimeter of the land unit;
(h) provisions for the disposal of stormwater, sewage and refuse which result from the proposals;
(i) provisions for water supply;
(j) external lighting proposals;
(k) external signage proposals;
(l) the position and extent of proposed private, public and communal space, general landscaping proposals including trees to be preserved, removed or planted, paving, and measures for stabilising outdoor areas where applicable;
(m) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
(n) all relevant information about the extent of the proposed development, floor area allocations and parking supply to illustrate compliance with the development parameters of this Scheme;
(o) the Municipality shall indicate upon request by an applicant whether site development plans may be un-scaled, hand drawn, drawn on an aerial photo or whether plans must be dimensioned and to scale, as determined by the complexity of the application and the need for scaled drawings to inform the particular application at hand, for example scaled drawings may be required to determine extent of departures in certain instances;
(p) the proposed phasing of the development;
(q) any other details as may reasonably be required by the Municipality.

(5) The Municipality may also accept, solely in their own discretion and to their own satisfaction, illustrations and drawings of proposals which are drawn by hand, which may not necessarily be drawn to-scale, especially in cases where accuracy and scale is of lesser importance.

17. Construction environmental management plans

(1) A construction environmental management plan:
(a) may be required by the Municipality to be submitted as an application for technical approval together with a building plan if construction activities may have an impact on, in the opinion of the Municipality:
(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; or
(v) 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 suspensive condition to be complied with 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 or imposed as a suspensive condition.

(3) The construction environmental management plan and building plan may be submitted simultaneously for the Municipality’s consideration and the construction environment plan shall be approved prior to or simultaneously with the building plan.

(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 and its execution.

(5) After considering the construction environmental management plan, the Municipality shall either:
   (a) approve the construction environmental management plan, with or without conditions; or
   (b) require amendments to the environmental management plan to be re-submitted; or
   (c) refuse the plan.

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

18. Visual impact assessments

(1) A visual impact assessment:
   (a) shall be submitted as an application for technical approval where this Scheme specifies such an assessment to be submitted;
   (b) may be required to accompany an application in terms of the Planning By-law;
   (c) may be imposed as a suspensive condition when the Municipality considers an application in terms of the Planning By-law, to be complied with prior to which a building plan will not be approved.

(2) A visual impact assessment shall be undertaken by a suitably qualified specialist to the Municipality’s satisfaction and shall contain enough 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 assess all relevant aspects of the proposed development, including, but not limited to building height, bulk and the siting of the building and/or structure, proposed design, façade and composition, material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of such building or structure visible to the public, such as parking, outdoor lighting, landscaping, signage and grading.

(4) The Municipality may determine what information is relevant to a visual impact assessment and may request all or any of the following information:
   (a) description of the affected environment;
   (b) identification and response to issues;
   (c) identification of alternatives;
   (d) identification of opportunities and constraints;
   (e) prediction of and assessing of impacts;
   (f) recommended mitigatory measures.

(5) A visual impact assessment may inform either a planning application or a building plan and the Municipality shall either decide on the planning application, in which case appropriate conditions may be imposed, should the application be approved or will decide on the building plan which must incorporate the recommendations of the visual impact assessment.

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4 Usually an Environmental Control Officer
19. **Conditions of approval**

(1) The Municipality may impose conditions when approving any application for permission in terms of this Scheme or technical approval.

20. **Development charges in terms of this Scheme**

(1) The calculation of development charges and whether a development charge is payable, shall be subject to the Municipality’s adopted policy.

(2) Where the provisions in a particular zone identifies that a development charge is payable for intensified primary development rights which came into operation as a result of this Scheme, and where the owner intends to develop according to such intensified rights, such development charge shall be calculated when the building plan is submitted and shall be paid prior to the approval of said building plan.

(3) Where an application is made in terms of Planning Law, or where application is made for technical approval in terms of this Scheme, the Municipality may impose a condition related to development charges payable where said approval leads to the intensification of land use beyond the primary rights which has been originally approved on the land unit.

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

(5) If the Municipality fails to calculate a development charge at the appropriate approval stages as set out in this section, it is deemed that there are no charges related to that development.

21. **Lapsing of approval**

(1) The provisions with regards to the lapsing of approvals of the applicable Planning Law\(^5\) shall apply to any application in terms of this Scheme, unless the Municipality imposes a condition for a more restricted period within which to utilise the land in accordance with the approval.

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\(^5\) Currently in section 43 of Spatial Planning and Land Use Management Act the maximum period within which an approval shall lapse is five years (together with any extensions).
CHAPTER 5: DEVELOPMENT PARAMETERS APPLICABLE TO ALL ZONES

22. Access requirements

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

23. Boundary walls and fences

(1) No person shall erect a boundary wall on any boundary of any land unit without submitting building plans in accordance with this Scheme and the National Building Regulations, clearly indicating the position of the land unit, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the proposed wall.

(2) 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 land unit immediately adjacent to such wall or fence to the top of the wall or fence, excluding additional security measured described in subsection (3).

(3) 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 and shall not exceed 0,5 meters in height.

(4) 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. No vibacrete or face-brick walls shall be permitted along a street boundary.

(5) 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.

(6) Should an owner be denied access to a neighbour’s property to finish off a boundary wall on the other side, 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 with the requirements of this section.

(7) 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 and in the case of an existing boundary wall which straddles a common boundary it will be deemed that both owners agree to shared ownership and cost of maintenance of said wall.

(8) 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.

(9) The Municipality’s delegated official may grant a waiver to any of the provisions of this section if in his/her opinion the specific site’s conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, the Municipality shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on the traffic safety of both pedestrian and vehicles.

(10) In the event that a land unit is a corner property, or is abutted by more than one road, the Municipality may, for the purposes of applying this section, deem one or more street boundaries to be common boundaries to ensure that a land unit 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.

(11) The requirements pertaining to height and visual permeability of boundary walls and fences stipulated in each zone also applies, over and above these general requirements.
24. Decommissioning of various installations and land uses

(1) The owners of structures such as polytunnels, renewable energy infrastructure, telecommunication antennae, masts and other kinds of infrastructure, and owners of land where noxious industry and mining has been undertaken, shall be responsible for the rehabilitation, decommissioning and prevention of 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 structure or activity is abandoned or, if the owner fails to rehabilitate and decommission the structure and/or site 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 structure and may recover such or any related additional costs from the owner.

25. Door and window openings and roof eaves

(1) Unless servitudes have been registered on an abutting land unit in favour of the subject property, no door, or window which opens, is permitted in a wall facing a common boundary where such wall is erected closer than 1 meter to the common boundary. Windows which cannot open, or glass bricks may be permitted in walls within 1 meter of the common boundary but in any event not closer than 0,5 meters from the common boundary. This provision is subject to the applicable building and fire regulations which may impose more restrictive requirements.

(2) Unless servitudes have been registered on an abutting land unit in favour of the subject property, no eave or gutter may protrude over a common boundary.

(3) No door or window, including garage doors and gates, may open over a common or street boundary.

26. Engineering services

(1) Engineering services of a linear nature such as pipelines, cables or open channels related to water, stormwater, electricity and telecommunication, but excluding public roads, may be installed in any use zone, and shall be to the satisfaction of the Municipality.

(2) In-line structures and buildings required for the operation of the linear infrastructure, such as pump stations and electrical substations, may also be installed in any use zone, on condition that the area of such structures, including any associated parking and circulation space does not exceed not an area of 4 meters x 5 meters.

(3) All other structures, buildings, installations, facilities, processing or generating plants, substations, pump stations required for the provision of engineering services which exceed an area of 4 meters x 5 meters, shall require to be zoned or rezoned, as the case may be, to Utility Services zone or as permitted by the Scheme.

(4) If the services mentioned in subsection (1) above are newly installed municipal services, the necessary servitudes in favour of the Municipality shall be registered if the land is not in municipal ownership.
(5) If the services mentioned in subsection (1) above are newly installed private services, the necessary servitudes in favour of the private entity shall be registered where necessary upon conclusion of the required applications in terms of Planning Law.

(6) No buildings, except buildings associated with the service, may be constructed over municipal engineering services unless the Municipality has granted technical approval.

(7) No rainwater may be discharged onto an abutting neighbour’s property directly from a roof or gutter, unless such neighbour has granted consent in writing, and an application is approved for a suitable servitude to be registered.

27. Equipment on top of or attached to building

(1) On a pitched roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof of a building may not at any point be more than 2 metres above the roof surface, measured perpendicularly from that surface.

(2) On a flat roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof or any other features such as elevator motor rooms, ventilation shafts, water tanks, air conditioning plants or other equipment on top of the roof may not exceed a height of 2 metres above the wall plate. In addition, all such features will be set back from the edge of the roof so as not to be visible from the public road and/or shall be screened to the Municipality’s satisfaction.

28. Leasing of dwelling units

(1) Notwithstanding any other provision in this Scheme the leasing of a dwelling unit as a permanent residence to a family is not prohibited by this Scheme.

(2) Nothing in this Scheme prohibits an owner, occupant or lessee, during their absence on a short-term basis, to lease their entire house to transient guests on a self-catering basis, provided this may not exceed 30 days in each calendar year for the property.

(3) Should rental on a short-term basis to transient guests exceed 30 calendar days per year in any dwelling unit, the relevant application for a guest house or tourist dwelling unit, as the case may be, shall be required.

29. Mobile homes and caravans

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

30. Occasional use events

(1) One occasional use event within a 12-month period is permitted on a land unit in any use zone, on condition that:
   (a) the activity will not involve amplified sound;
   (b) all vehicles associated with the event shall park on the property;
   (c) the number of people who attend such an event may not exceed the number of on-site parking bays times four or 500 people, whichever is the lesser;
   (d) adequate portable ablution facilities are provided on the property;
   (e) the event will not commence during peak traffic hour, as determined by the Municipality, and the event will not commence before 09:00 or continue past 22:00.
(2) Occasional use events which do not comply with the conditions in subsection (1), or which occur intermittently or is recurring, shall require a consent use application in any use zone.

(3) When considering an application for a consent use in terms of subsection (2) the Municipality may:
   (a) grant its approval for a series of occasional use events on specified dates or days, or for a specified period or duration, and shall impose conditions which will manage the impact and frequency of occasional uses, including imposing a maximum limit on the number of people who may attend or be involved in such an occasional use; or
   (b) may approve a maximum number of events over a specified period which can be held at the owner’s later decision; or
   (c) approve only one event at a time.

(4) The Municipality may grant a consent use for an occasional use without serving notice if it is satisfied that the impacts of such use especially, but not limited to traffic, parking and noise, will not extend beyond the boundary of the land unit.

(5) Where the Municipality believes the occasional use is likely to have an impact beyond the boundaries of the land unit, and in all instances where it involves outdoor amplified sound, an application for a consent use shall be made and will be subject to notification in terms of Planning Law.

(6) All occasional uses require events permits as set out in the Municipality’s Events By-law and said events permit shall only be issued in terms of that by-law if the event is a permitted land use in terms of this Zoning Scheme By-law or if the required land use application has been approved.

(7) An application for occasional use shall be accompanied by the necessary information, including a site development plan, as prescribed in the Municipality’s application form for occasional use, and the Municipality may request any relevant information, studies and management plans to enable them to decide on the matter.

(8) Recurring occasional uses may not take place for more than 5 days per month. Should this threshold be exceeded the activity is considered a full-time activity and a rezoning to the appropriate base zone should be considered to allow the said use on a permanent basis.

(9) The Municipality may impose any conditions it deems necessary to mitigate the impact of the activity including (but not limited to) conditions relating to the duration and frequency of the occasional use, erection and removal of temporary structures, cleansing, hours of operation, traffic management, and any other matter which may be necessary.

(10) The operator of an event and the owner of the land unit, shall be jointly responsible for adherence to all conditions of approval including also making adequate arrangement for all electrical, ablution, water, safety, health and other facilities which may be required by the activity, as well as to obtain all other permits and permissions which may be required in this regard.

(11) When approving a recurring occasional use, the Municipality shall ensure that such use does not adversely impact on the primary use rights of the property or the owners’ ability to continue to exercise the primary uses for which the property shall be used.

(12) A land unit, when not used for an occasional use, shall be used for at least one of the primary or consent uses on a permanent basis, and an additional use can never be the only land use on a land unit.

(13) Making an application in terms of this Scheme does not exempt any owner or event organiser from compliance with any other law.6

6 Stellenbosch has an approved events by-law, and all events as defined in that by-law requires the necessary events permit application, notwithstanding that it may be permitted in terms of this Scheme. Over and above that, noise regulations may also require additional permit applications, and the erection of any temporary structures may require building plan approval.
31. Outdoor storage of vehicles and other goods

(1) The following provisions shall apply in all zones for the outdoor storage of vehicles:
   (a) motor vehicles, such as bakkies, taxis and mini-bus taxis, owned by the occupant of a dwelling unit, and used for commercial activities conducted away from the dwelling unit, may be parked on the land unit concerned, provided that:
      (i) no more than one commercial vehicle per residential land unit shall be parked on the land unit;
      (ii) the gross weight of any such commercial vehicle shall not exceed 3500kg;
      (iii) no goods or passengers may be loaded or offloaded at the residential property on a regular basis.
   (b) no area visible from a public road shall be used for the outdoor storage of inoperable vehicles;

(2) The following provisions shall apply in all zones for the outdoor storage of goods:
   (a) no area visible from a public road shall be used for the outdoor storage of building material, appliances, boats, rubbish, rubble, garden refuse or similar items except:
      (i) when being temporarily stored for the purpose of construction in accordance with a valid building plan approval; or
      (ii) in conjunction with a yard or garage sale with a duration of not more than two consecutive days; or
      (iii) with the Municipality’s permission in terms of the Scheme.

32. Panhandle properties

(1) No buildings shall be constructed on the panhandle portion of a land unit, except with the permission of the Municipality in terms of the Scheme, taking into consideration that the panhandle shall provide vehicular and/or pedestrian access to a land unit.

(2) Common boundary building lines apply to the portion of the land unit which does not form part of the panhandle.

(3) The panhandle portion of a panhandle property shall be:
   (a) not less than 3,5 meters wide for its entire length;
   (b) disregarded for the purposes of calculating coverage.

33. Parking

(1) Off-street parking requirements for any new development are set out in Table A and shall apply to all new development approved after the commencement of this Scheme.

(2) The parking standard in Table A applies to the land use as indicated in the table, notwithstanding the base zone, unless otherwise indicated.

(3) Off-street parking shall be provided:
   (a) on the same land unit where the land use is located for which the parking is required; or
   (b) in a public parking facility to be provided by the developer near the site, subject to the Municipality’s approval and subject further to any conditions it may impose together with such approval; or
   (c) on another land unit, in which case the land on which such parking is provided shall be notarially tied with the subject land unit in accordance with this Scheme.
<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Normal parking</th>
<th>Additional parking reserved for visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed- and breakfast (additional to dwelling)</td>
<td>1 bay/guest bedroom</td>
<td></td>
</tr>
<tr>
<td>Commune</td>
<td>1 bay/bedroom</td>
<td></td>
</tr>
<tr>
<td>Community Residential building: orphanage and old age home</td>
<td>0,3 bay/bedroom</td>
<td></td>
</tr>
<tr>
<td>Dwelling house in all zones except LFR:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1 bay/dwelling house</td>
<td></td>
</tr>
<tr>
<td>2 or more bedrooms</td>
<td>2 bays/dwelling house</td>
<td></td>
</tr>
<tr>
<td>Dwelling house in LFR Zone</td>
<td>1 bay/dwelling house</td>
<td></td>
</tr>
<tr>
<td>Flats in all zones except LFR:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1- &amp; 2-bedroom units</td>
<td>1 bay/dwelling unit</td>
<td>0,5 bay/dwelling unit</td>
</tr>
<tr>
<td>3-bedroom units</td>
<td>1,25 bays/dwelling unit</td>
<td>0,5 bay/dwelling unit</td>
</tr>
<tr>
<td>4 or more-bedroom units</td>
<td>1,5 bays/dwelling unit</td>
<td>0,5 bay/dwelling unit</td>
</tr>
<tr>
<td>Flats in LFR Zone:</td>
<td>1 bay/dwelling unit</td>
<td>0,25 bay/unit</td>
</tr>
<tr>
<td>Group house:</td>
<td>1 bay/group house</td>
<td>1 bay/unit</td>
</tr>
<tr>
<td>Guest house</td>
<td>1 bay/bedroom or suite</td>
<td></td>
</tr>
<tr>
<td>Home lodging (additional to dwelling unit)</td>
<td>1 bay/boarder bedroom</td>
<td></td>
</tr>
<tr>
<td>Hostel</td>
<td>1 bay/bedroom for private hostels; 0,6 bay per bedroom for tertiary institution; nil for schools</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>0,7 bay/bedroom or suite plus, additional parking for additional facilities accessed by non-guests at the corresponding ratio for the particular land use as set out in this table.</td>
<td></td>
</tr>
<tr>
<td>Backpackers</td>
<td>To be determined by Council based on occupancy and location</td>
<td></td>
</tr>
<tr>
<td>Second dwelling house: all zones except LFR</td>
<td>1 bay/second dwelling</td>
<td></td>
</tr>
<tr>
<td>Second dwelling house in LFR zone</td>
<td>nil</td>
<td></td>
</tr>
<tr>
<td>Tourist accommodation establishment</td>
<td>To Municipality’s satisfaction - between 0,7 bays per bedroom and 1 bay per self-catering unit</td>
<td></td>
</tr>
<tr>
<td>Business and office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business premises: including liquor store, funeral parlour, adult entertainment and similar</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Commercial gymnasium</td>
<td>6 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Conference facility</td>
<td>0,25 bay/seat</td>
<td></td>
</tr>
<tr>
<td>Filling Station</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Motor showroom: Light Vehicles</td>
<td>3 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Motor showroom: Medium and Heavy Vehicles</td>
<td>1 bay/100m² gross leasable area with a min of 6 bays plus 1/bay/800m² gross leasable area for heavy vehicles (min 1 bay)</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle fitment centre, repair centre</td>
<td>4 bays per service bay plus 4 bays/100m² gross leasable area: Min 8 bays</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Place of entertainment - general</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Cinemas and theatres - in shopping centre - stand-alone</td>
<td>0,1 bay/seat</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>4 bays/service bay plus 2 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Shops (including supermarkets and centres):</td>
<td>4 bays/100m² gross leasable area</td>
<td>6 bays/100m² gross leasable area</td>
</tr>
<tr>
<td>up to and including 1000m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;1000m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td>1 bay/100m² gross leasable area (total indoor and outdoor sales area)</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>4 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>4 bays/service bay plus 2 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Shops (including supermarkets and centres):</td>
<td>4 bays/100m² gross leasable area</td>
<td>6 bays/100m² gross leasable area</td>
</tr>
<tr>
<td>up to and including 1000m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;1000m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>1,5 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Warehouse, abattoir, brickworks, builders’ yard</td>
<td>1 bay/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Scrap yard</td>
<td>1 bay/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Community facilities and medical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical consulting rooms</td>
<td>6 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Clinics and Hospitals</td>
<td>1 bay/bed plus 3 bays/consulting room</td>
<td></td>
</tr>
<tr>
<td>Day care centre</td>
<td>1 bay/classroom or office</td>
<td></td>
</tr>
<tr>
<td>Extramural facility</td>
<td>1 bay/4 students</td>
<td></td>
</tr>
<tr>
<td>Place of Education</td>
<td>1 bay/classroom</td>
<td></td>
</tr>
</tbody>
</table>
TABLE A: OFF-STREET PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Normal parking</th>
<th>Additional parking reserved for visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tertiary educational institution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>colleges</td>
<td>1 bay/lecture room</td>
<td>0,25 bay/student</td>
</tr>
<tr>
<td>university</td>
<td>1 bay/lecture room</td>
<td>0,4 bay/student</td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church</td>
<td>0,4 bay/seat or 40 bays/100m² of seating and aisle area</td>
<td>25 bays/100m² of net prayer area</td>
</tr>
<tr>
<td>Mosque</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place of assembly; indoor sport</td>
<td>0,25 bay/seat or 20 bays/100m² gross leasable area</td>
<td>25 bays/100m² of gross leasable area</td>
</tr>
<tr>
<td>Outdoor sport</td>
<td>0,25 bay/seat, player or occupant</td>
<td></td>
</tr>
<tr>
<td>Public institution (e.g. library, museum)</td>
<td>2 bays/100m² gross leasable area</td>
<td></td>
</tr>
<tr>
<td>Welfare institution, libraries and museums</td>
<td>2 bays/100m² gross leasable area</td>
<td></td>
</tr>
</tbody>
</table>

(4) Where an addition is made to an existing building, or where an existing building or its use is altered so as to require additional parking or loading, only the additional parking required by that particular addition or altered land use shall be required to be provided.

(5) Should the Municipality approve a departure from minimum parking requirement in terms of this Scheme, it may impose a condition which requires payment of a levy in lieu of the shortfall of the number of bays, on the basis that public parking or roads may be utilised for parking of vehicles connected to the activity. The Municipality shall adopt a policy in this regard, setting out the circumstances under which such levy may be charged, as well as the method of calculation, and a levy may only be charged in accordance with said approved policy.

(6) Parking on a land unit shall only be for land uses which are lawfully permitted on the land unit or part thereof. Apart from the provision in section 31(1)(a), no business vehicles may be parked on land which is not zoned in a manner which permits, with technical approval or consent use, if required that specific land use.

(7) The size and layout of all parking bays, parking areas and circulation space shall be to the Municipality’s satisfaction and shall be dimensioned on a site development plan or building plan.

(8) Except in the case of dwelling houses, tandem parking bays count as one bay.

(9) Parking areas shall be constructed, adequately signposted, demarcated and maintained to the Municipality’s satisfaction.

(10) Parking layout, circulation and dimensions shall be to the Municipality’s satisfaction. Minimum parking bay dimensions are 2,5 meters wide by 5-meter-long unless otherwise approved by the Municipality. The Municipality may require that bays are wider to ensure they are accessible especially in cases where they are adjacent to solid walls and support columns or where narrow aisle widths require wider bays.

(11) All parking bays shall remain accessible for use as parking and may not be otherwise used or encroached upon.

(12) When approving a rezoning, consent use or departure application in terms of the Planning By-law, the Municipality may impose conditions which require more parking than stipulated in this section and may also impose parking requirements for land uses not stipulated in Table A.

(13) Where two or more land uses on the same land unit combine to share a common parking area, parking requirements may be reduced with the Municipality’s technical approval and an applicant for a building plan may submit a motivation prepared by a suitably qualified person in support of shared parking together with such building plan. Approval of reduced parking on this basis is solely at the Municipality’s discretion.

(14) Shared parking may never be allocated or rented to specific users or tenants and shall at all times be available on a first-come-first-serve basis.
34. Parking: disabled and universal access

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

35. Parking: visitors

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

36. Parking: motorcycle, bicycle and other non-motorised transport provision

(1) The Municipality may adopt a policy to compel land owners to provide for non-motorised transport parking.
(2) The dimensions, position and layout of these parking bays shall be to the Municipality’s satisfaction.
(3) An owner may of their own accord provide unlimited bicycle and/or motorcycle bays over and above the normal vehicle parking bay requirement set out in section 33 Table A (page 42). The Municipality may agree that an owner may provide bicycle and/or motorcycle bays in lieu of parking bays in which case the Municipality shall determine the maximum number of parking bays which may be replaced by bicycle and/or motorcycle bays and all such parking shall be to the Municipality’s satisfaction.
(4) Should motorcycle or bicycle parking be provided in lieu of normal parking, the following shall apply:
   (a) four motorcycle spaces shall count towards one parking bay; or
   (b) six bicycle spaces shall count towards one parking bay.
(5) These bays shall be clearly marked, easily accessible to users and allow bicycles to be locked.
(6) Should an owner not provide the required bicycle and/or motorcycle bays or cease to make such facilities available to users as required by the Municipality, the normal parking requirements applicable to the development shall be complied with.
(7) The Municipality may request that an owner provide for bicycle routes or pedestrian pavements adjacent to a development at his cost as part of the developer’s responsibility when a land unit is redeveloped.

37. Parking: loading bays

(1) Loading bays shall be provided on-site at the following ratio:
   (a) for shops, supermarkets and shopping centres 1 loading bay/500m² gross leasable area;
   (b) in the Industrial zone, all loading of goods shall take place on the premises and the owner shall supply enough loading space to ensure this requirement is met. The minimum requirement for loading shall be 1 bay per 250m² gross leasable area, plus 1 bay for every 1000m² gross leasable area thereafter.

38. Rainwater, greywater, recycling and renewable energy

(1) The Municipality may adopt a policy regarding rainwater harvesting, greywater recycling, waste recycling, renewable energy use for domestic, business, industrial and agricultural uses, and any other such similar sustainable practices.
(2) This may include demarcating different areas where such measures will or will not apply and shall consider the economic feasibility and practical application of newly built versus retrospectively fitting such measures, before imposing these conditions.

(3) These may include:
   (a) the installation of rainwater and/or greywater recycling in new buildings or major refurbishments where building plans are approved after the commencement of this Scheme;
   (b) that water conservation measures and technologies be indicated on building plans approved after the commencement of this Scheme;
   (c) the installation of photovoltaic panels or other appropriate renewable energy technologies for heating and/or reducing electrical demand where building plans are approved after the commencement of this Scheme;
   (d) any other initiatives or programmes which may promote sustainable use of resources and services.

39. Retaining walls, earth banks or raising ground level

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

40. Satellite dish antennae

(1) Satellite dish antennas of 1,5 metres in diameter and smaller and used solely for the purposes of television reception or telecommunication, do not require the Municipality’s approval and are excluded from height restrictions.

(2) Any satellite dish antenna with a diameter in excess of 1,5 metres shall be placed in a position that minimises the visual and other impacts on the surrounding area and shall comply with building parameters in the zone and requires an application for permission in terms of the Scheme.

41. Screening

(1) The Municipality may require screening in accordance with the following provisions:
   (a) any part of a land unit which is used for the storage or loading of goods should be enclosed with a suitable wall, landscaping and/or screening;
   (b) any external utility service or equipment which is required for a building should be appropriately screened from view from a public road or common boundary;
   (c) any building, structure or wall may require screening by means of landscaping, planting or other screening measures to soften the visual impact of the structure.
(2) The Municipality may require at its discretion, or upon request from an abutting affected landowner, that a common boundary wall or other suitable screen or fence be erected in instances where business or industrial zoned properties abut residential, community, open space, or any other use zone and have an adverse impact on the adjacent property.

(3) Should the Municipality request such a wall, fence or screen on a common boundary, it will seek the abutting owner’s comment. The wall or screen shall be erected by the owner of said business or industrial zoned land unit at his cost.

42. Shipping containers, wendy houses and tented structures

(1) The use of shipping containers, wendy houses, tented and other similar informal structures for permanent habitation and occupation, or any other use including storage, is not permitted in a position where the said structure is visible from a public road or public open space unless permission of the Municipality has been obtained in terms of the Scheme 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 building plans are required to be submitted.

43. Steep slopes and ridgelines

(1) Unless the permission of the Municipality has been obtained in terms of the Scheme:
   (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.

44. Traffic studies

(1) The Municipality may require that the following traffic studies accompany an application in terms of Planning Law or this Scheme:
   (a) when less than 50 additional peak hour single direction trips traveling in the peak direction are generated, no study is required;
   (b) when between 50 and 150 additional peak hour single direction trips traveling in the peak direction are generated, then a traffic impact statement may be required by the Municipality;
   (c) when 150 or more additional peak hour single direction trips traveling in the peak direction are generated, then a traffic impact assessment may be required by the Municipality.

(2) The Municipality may waive the need for a traffic study or may demand such a study to be undertaken notwithstanding that a development may generate less trips, based on the sensitivity of the receiving environment with regards to traffic.

45. Urban horticulture

(1) Small scale urban horticulture is permitted in any use zone, provided that the extent and nature of the activity will remain compatible with the land uses which are the primary uses in that zone.

(2) The use of pesticides, fertilisers, equipment, machinery and trucks must take account of the abutting land uses surrounding it and must not cause a nuisance or health risk. Should the activity pose a health risk or cause undue public nuisance, the Municipality shall issue a compliance notice, impose conditions, or require the activity to cease.
46. Use zones, land use categories and split zones

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

(2) If more than one base zone is allocated to a land unit it shall be referred to as a split zoning. For past approvals of split zones, should a survey diagram not be available in the Municipality’s records indicating the extent of the respective zones, the extent to which the split zoning applies to a land unit shall be determined by the Municipality in their sole opinion, taking into account the original application for the split zoning, and/or the legal utilisation of the land, whichever is appropriate.

(3) A land use listed in the primary use column may be conducted as primary right, and no application is required in terms of Planning Law or this Scheme, other than the legal requirement to submit a building plan in terms of the National Building Regulations.

(4) A land use listed in the additional use column may be conducted once technical approval has been granted and a site development plan approved by the Municipality and may only be conducted as an additional subsidiary use to the primary land use.

(5) A land use listed under the consent use column may only be conducted once the Municipality’s consent has been obtained.

(6) All buildings and land uses shall comply with the development parameters set out within the zone as well as the definitions and general development parameters set out in this Scheme; unless an approval where permitted, or a departure from the development parameters, has been granted.
CHAPTER 7: CONVENTIONAL RESIDENTIAL ZONE

47. Zone name and designation on map

(1) The Conventional Residential zone may be referred to by the code (CR) and shall be indicated on the zoning map in pale yellow (Colour code 255,255,191).

48. Purpose of the zone

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

49. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (not exceeding threshold in this chapter and subject to technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dwelling house</td>
<td>• Bed and breakfast establishment • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use (one event/year) • Private road</td>
<td>• Commune • Extramural facility • Group housing • Guest house • House shop • Occasional use (&gt;one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter</td>
</tr>
</tbody>
</table>

(2) Additional uses are only permitted in a dwelling house and second dwelling house once technical approval is granted by the Municipality.

(3) Additional uses are only permitted in group houses only once the owners’ association has granted permission and thereafter the Municipality has granted a technical approval.

(4) Except for a second dwelling, only one additional use per land unit is permitted.

(5) A second dwelling and group housing units may be registered separately by sectional title.

50. Dwelling houses and second dwelling houses in this zone

(1) No more than two dwelling units (one dwelling house which may also include one domestic accommodation unit, and one second dwelling) shall be permitted on any land unit in this zone, unless the land is developed for group housing.

(2) Each dwelling unit in this zone shall only be occupied by a family as defined, and/or be utilised for a single additional use or consent use in accordance with the provisions of this chapter of the Scheme or any conditions of approval.
51. Additional uses in a dwelling house or second dwelling house

(1) A technical approval of an additional use in a dwelling house or second dwelling house shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.

(2) The operator of an additional use activity shall reside on the land unit from which the additional use activity is conducted, and the dominant use of the land unit shall remain the operator’s residence.

(3) Apart from a second dwelling, only one additional use may be conducted on any property at any given time.

(4) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use. If the additional use is conducted from the same dwelling in which the operator resides, a family, other than the operator’s family, may reside in the other dwelling unit on the land unit.

(5) The nature of any alterations to the dwelling house or second dwelling to accommodate additional use shall be such that the building can at any time revert to its use as a dwelling house or second dwelling, and additional uses, other than a second dwelling, may not be reflected on a building plan.

(6) The residential character of the façade of the dwelling house or second dwelling shall be retained to the satisfaction of the Municipality.

(7) No goods, material or equipment in connection with the additional use shall be displayed or be visible from a public road. Any such goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling house, second dwelling or its normal outbuildings.

(8) The additional use may not cause a public nuisance.

(9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted as an additional use in this zone.

(10) Additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public road or an excessive increase in the number and frequency of visitors to the land unit so as to be a nuisance, in the sole opinion of the Municipality.

(11) No advertising sign may be displayed other than a single non-illuminated sign which does not project over a public road and which does not exceed 0.5m².

(12) No more than one vehicle not exceeding 3500kg may be used in connection with the additional use and may be stored on the land unit.

(13) An affected party may lodge a complaint if an additional use is causing a disturbance, affects their health, welfare or safety, or does not comply with the provisions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law if the conditions in the Scheme are not adhered to. The Municipality may also order that the activity be ceased if it causes a public nuisance or interferes with the health, welfare or rights of a neighbour (particularly with regard to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.

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(Draft for Council Adoption - 2)
(14) For a bed and breakfast establishment or home lodging in this zone, the following further parameters shall apply, together with the provisions in subsections (1) to (13):

- (a) for a bed and breakfast establishment no more than three bedrooms on the land unit, with a maximum of two persons per bedroom totalling six people per land unit, may be utilised;
- (b) for home lodging no more than three bedrooms on the land unit, with a maximum of three persons per land unit, may be utilised;
- (c) a bed and breakfast establishment or Home lodging may not be conducted from a land unit where independent persons reside as defined in paragraph iii) of the definition of family;
- (d) no more than two additional full-time persons may be employed in connection with home lodging or a bed and breakfast.

(15) For a home day care centre in this zone, the following further parameters shall apply together with the provisions in subsections (1) to (13):

- (a) the home day care centre may not accommodate more than six children (including any children of the resident family who also attend the facility);
- (b) the hours of operation shall be limited to between 07:00 to 18:00 Mondays to Fridays;
- (c) no more than one person may be employed full time for a home day care centre of up to six children;
- (d) at least one flush toilet shall be provided on the premises.

(16) For a home occupation practice in this zone, the following further parameters shall apply together with the provisions in subsections (1) to (13):

- (a) the activity should be of such a limited nature that the operator shall employ no more than two persons;
- (b) the hours of operation shall be limited to between 07:30 to 18:00 Mondays to Saturdays;
- (c) the maximum floor area for a home occupation practice (including storage) shall be no more than 30% of the floor area of the buildings on the land unit up to a maximum of 50m².

52. Occasional use

(1) A once-off occasional use may only take place with the Municipality’s technical approval.

(2) Notwithstanding the provisions of section 30, attendance of an approved occasional use shall not exceed 100 persons, whilst all other parameters in section 30 shall apply.

(3) The Municipality may waive the on-site parking requirement provided that enough parking is available elsewhere, to the Municipality’s satisfaction.

53. Guest houses and communes in this zone

(1) A guest house or commune in this zone may only be established if a consent use is approved by the Municipality.

(2) A guest house or commune in this zone shall only be conducted from a dwelling house, and/or a second dwelling house and the total extent of buildings on the land unit shall not exceed the scale of a dwelling house and/or second dwelling together with its normal outbuildings and shall be capable of reverting back to normal use as a dwelling house.

(3) Upon granting a consent use, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for accommodation, provided that the number of bedrooms shall not exceed eight bedrooms and parking shall be provided in accordance with section 33. If enough parking cannot be accommodated for the number of proposed rooms, the Municipality shall limit the number of bedrooms which may be used for the accommodation to be commensurate with the parking that can be provided on the land unit.
4. The site development plan as approved by the Municipality with the consent use application shall constitute the development rules for the consent use and any expansion to or alteration in the land use will require a further consent use application.

5. Landscaping shall be provided to the Municipality’s satisfaction which may include provisions, for the screening of parking areas to ensure visual impacts are mitigated.

6. A guest house in this zone may not contain a meeting room, wellness centre or beauty treatment rooms.

7. Meals and beverages may only be served to bona fide guests who reside at the guest house or commune.

8. The Municipality may impose any conditions required to mitigate the potential impact of a guest house or commune on adjoining properties and the area.

54. Group housing in this zone

1. Group housing in this zone may only be established if a consent use is approved by the Municipality.

2. Group housing developments shall be controlled by architectural guidelines or typical unit plans and elevations.

3. More than one group housing unit may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.

4. The Municipality shall determine the appropriate density for group housing in this zone and development exceeding 25 dwelling units per hectare shall require a rezoning to Multi-Unit Residential zone.

55. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Area of land unit</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 250m²</td>
<td>2m</td>
<td>1m (see 2(e) below)</td>
<td>70%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>251m² to 500m²</td>
<td>3m</td>
<td>1m</td>
<td>The greater of 175m² or 60%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>501m² to 1500m²</td>
<td>4m</td>
<td>2,5m (see 2(c) below)</td>
<td>The greater of 300m² or 50%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>Greater than 1500m³</td>
<td>4m</td>
<td>2,5m (see 2(c) below)</td>
<td>The greater of 750m² or 40%</td>
<td>2 storeys</td>
</tr>
</tbody>
</table>

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

a) carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundary;

b) garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property other than the adjacent public or private road;

c) the common boundary building lines for buildings and structures on the ground floor shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land units of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. Such relaxation may not be closer than 1 meter from the common boundary. If the proponent is unable to obtain the neighbour’s written permission for any reason whatsoever, an application for departure may be duly submitted to and considered by the Municipality;
(d) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;

(e) in respect of land units of 250m² or less, the building line on one of the common boundaries shall be 0 meter, provided no stormwater run-off shall be permitted directly from the building roof onto the neighbouring property other than the abutting public or private road;

(f) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(g) notwithstanding the building lines in this section, the Municipality may require a common boundary building line and/or servitude for the protection of any municipal services provided along land unit boundaries;

(h) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(i) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

(3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

56. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:
   (a) on a street boundary: no more than 1,8 meters high;
   (b) on a common boundary: no more than 2,1 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

57. Site development plan

(1) An additional use application accompanied by a site development plan shall be submitted for all additional uses apart from a second dwelling, and shall be submitted in terms of section 13 of this Scheme prior to the commencement of an additional use activity on the site.

(2) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

58. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 8: LESS FORMAL RESIDENTIAL ZONE

59. Zone name and designation on map

(1) The Less Formal Residential zone may be referred to by the code (LFR) and shall be indicated on the zoning map in yellow (Colour code 255,255,3).

60. Purpose of the zone

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

61. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dwelling house</td>
<td>• Additional uses exceeding threshold in this chapter</td>
<td>• Business premises</td>
</tr>
<tr>
<td>• Group housing</td>
<td></td>
<td>• Community residential building</td>
</tr>
<tr>
<td>• Second dwelling</td>
<td></td>
<td>• Commune</td>
</tr>
<tr>
<td>• Shelter</td>
<td></td>
<td>• Day care centre</td>
</tr>
<tr>
<td>• Bed and breakfast establishment</td>
<td></td>
<td>• Extramural facility</td>
</tr>
<tr>
<td>• Home day care centre</td>
<td></td>
<td>• Flats</td>
</tr>
<tr>
<td>• Home occupation practice</td>
<td></td>
<td>• Guest house</td>
</tr>
<tr>
<td>• House shop</td>
<td></td>
<td>• Hostel</td>
</tr>
<tr>
<td>• Home lodging</td>
<td></td>
<td>• House tavern</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td>• Other social, educational, religious, occupational or business purposes</td>
<td></td>
<td>• Place of education</td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td>• Place of worship</td>
</tr>
</tbody>
</table>

(2) Notwithstanding that land uses are expressed in the singular, multiple land uses and more than one building or structure for the same land use are permitted on the same cadastral entity in areas where no subdivision has been approved to establish a formal township, but where the land is used as-if it is divided into different units. In such cases, ‘land unit’ in this zone refers to a portion of land used by one occupant or family as-if it was subdivided.
(3) In group houses, home day care, house shop, religious or other social gatherings or any other additional use that requires a technical approval, may only be conducted with the prior permission of the owners’ association.

(4) Second dwellings, group housing units and flats may be registered separately by sectional title.

62. **Dwelling houses, second dwellings in already subdivided developments**

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

(2) A dwelling house, second dwelling or outbuildings may also be a shelter, or partially walled and/or partially roofed structure, which may contain formal water, electricity and sewer supply connections or sanitary fixtures, which are linked to engineering services.

(3) Each dwelling unit shall only be occupied by a family as defined and/or be utilised for an additional and/or consent use as permitted in this zone.

(4) A second dwelling which is to be registered via sectional title shall have its own dedicated parking which is accessible from a public road and not tandem with parking for another dwelling unit.

63. **Dwelling houses, second dwelling houses and shelters where no development subdivision has been approved**

(1) In areas where a subdivision plan has not been approved by the Municipality and where no cadastral defined erven exist, the Municipality may demarcate and approve an overall block layout for a predetermined area on a site development plan which takes account of future movement routes and emergency access lanes and other required land uses.

(2) Within these demarcated blocks, occupiers may be permitted by the Municipality to erect dwelling houses, second dwellings and shelters on an ad hoc basis or according to pre-determined positions, if so indicated on the site development plan.

(3) The Municipality may install engineering services to service structures.

(4) The Municipality may require structures and shelters to be moved when they are erected within areas indicated for circulation, access, services or for fire safety purposes.

64. **Group housing in this zone**

(1) More than one group house unit may be constructed on a cadastral entity and these may be subdivided or sectionalised at the same time or at a later stage to provide for incremental development.

(2) Group housing developments shall be controlled by architectural guidelines or typical unit plans and elevations.

(3) The Municipality shall determine the appropriate density for such development and shall impose conditions in this regard where necessary.

65. **Shelters in this zone**

(1) Shelters shall not be approved on a building plan and shelters shall not be required to comply with the National Building Regulations and Standards Act 1977 (Act 103 of 1977).

(2) It shall be the sole responsibility of the owner or occupant of a shelter to ensure the structural stability, safety and fire resistance of a shelter.

(3) The Municipality may prepare guidelines regarding aspects such as improving structural stability, safety, fire resistance and avoiding of flooding and advise owners or occupants of shelters in this regard.
(4) The Municipality may instruct an owner of a shelter to rectify a public health, safety and fire risk and such owner shall rectify such risk forthwith upon receiving such compliance notice.

66. Bed and breakfast, home lodging, home occupation practice, home day care and house shop

(1) A technical approval is not required for bed and breakfast, home lodging, home occupation practice, home day care or house shop in a dwelling house or second dwelling house in this zone provided that all the applicable parameters in this section are complied with. Any deviation from these parameters requires a technical approval application to be submitted.

(2) Notwithstanding the consent uses listed in section 61, an occupant of a dwelling house, second dwelling or shelter may use the property for any social, educational, religious, occupational or business purposes provided it is not a consent use as listed in section 61, or prohibited in subsection (9). Such use is subject to the parameters set out in this section.

(3) The proprietor of an additional use activity shall reside on the land unit from which the additional use activity is conducted, and the dominant use of the property shall remain the proprietor’s residence.

(4) Apart from a second dwelling and home lodging combined, no more than one of the following uses may be conducted from the land unit at any given time: home day care, home occupation, bed and breakfast and house shop.

(5) A proprietor of home business use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use on condition that all other parameters are adhered to. If the home business use is conducted from the same dwelling in which the proprietor resides, a family, other than the proprietor’s family, may be accommodated in the other dwelling unit on the land unit.

(6) The nature of any alterations to accommodate an additional use to the dwelling house shall be such that the building can at any time revert to its use as a normal dwelling house.

(7) The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.

(8) The additional use activity may not cause a public nuisance.

(9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted. In the sole opinion of the Municipality, home business uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public road or an excessive increase in the number and frequency of visitors to the property so as to be a nuisance.

(10) Apart from the provisions of section 31(1)(a), the land use shall not involve the regular parking or storage of any vehicle on the land unit if the vehicle concerned is used for loading goods, materials or passengers in connection with the additional use activity or for remuneration.

(11) No more than one vehicle not exceeding 3500kg may be used in connection with the activity and may be stored on the land unit.

(12) All relevant safety, health and fire regulations shall be complied with.

(13) For a bed and breakfast establishment, no more than four bedrooms on the land unit, with a maximum of two persons per bedroom, may be utilised for the activity. These rooms may be separate shelters or outbuildings or may be inter-leading with the main dwelling house, provided that suitable ablution facilities, which are either communal or individual) are provided.
(14) For a home lodging, no more than four bedrooms on the land unit, or a maximum of four people per land unit may be utilised for the activity. These rooms may be separate shelters or outbuildings or may be inter-leading with the main dwelling house, provided that suitable ablution facilities, either communal or individual, are provided.

(15) The maximum floor area for a home occupation practice or other social, educational, religious, occupational or business purposes (including associated storage) shall be no more than 30% of the floor area of the buildings on the land unit up to a maximum of 50m².

(16) A home day care centre may not accommodate more than six children, including any children of the resident family who also attend the facility.

(17) For a house shop in this zone, the following further parameters shall apply together with the conditions in subsections (1) to (12):

(a) the serving counter of the house shop shall be set back at least 1,5 meters from the street boundary or street as defined by the Municipality if no subdivision has taken place, to allow enough space for customers and the pavement may not be obstructed with any goods or clients;

(b) the activity should be of such a limited nature that the proprietor shall employ no more than two persons;

(c) the hours of operation shall be limited between 07:00 to 21:00 Mondays to Saturdays, including public holidays and 08:00 to 13:00 on Sundays;

(d) the maximum floor area for a house shop, including storage but excluding a toilet) shall not exceed the lesser of 30% of the floor area of the buildings on the site or 50m²;

(e) the following shall not be permitted in a house shop: sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, games machines, video games, pool tables or the sale of alcoholic beverages.

(18) Any party adversely affected by an additional use may lodge a complaint if an activity is causing a nuisance, or affects their health, welfare or safety, or does not comply with the conditions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law. The Municipality may also order that the activity be ceased if it causes a nuisance or interferes with the health, welfare, safety or rights of a neighbour (particularly with regards to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.

67. Occasional use

(1) Notwithstanding section 30, of occasional use in this zone, attendance shall not exceed 100 persons.

(2) The Municipality may waive the on-site parking requirement provided that sufficient parking is available elsewhere, to the Municipality’s satisfaction.

68. Guest houses and communes in this zone

(1) A guest house or commune in this zone may only be conducted if a consent use is approved by the Municipality.

(2) A guest house or commune in this zone shall only be conducted from a dwelling house and (if applicable) a second dwelling house and the total extent of buildings on the land unit shall not exceed the scale of a dwelling house and/or second dwelling together with its normal outbuildings and shall be capable of revert back to normal use as a dwelling house.

(3) Upon granting consent, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for accommodation, provided that the number of bedrooms to be used for the facility shall not exceed eight bedrooms and parking shall be provided to the Municipality’s satisfaction.
4. The site development plan as approved by the Municipality shall constitute the development rules for the consent use and any expansion to or alteration in the land use will require a further permission in terms of this Scheme.

5. The Municipality may require the planting of trees or other landscaping to its satisfaction when approving a consent use application.

6. A guest house in this zone may not contain a meeting room or beauty treatment room.

7. Meals and beverages may only be served to bona fide guests who reside at the guest house or commune.

69. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelters</td>
<td>1m</td>
<td>1m</td>
<td>80%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>All other buildings</td>
<td>1m</td>
<td>0m on one boundary 1m on all other boundaries</td>
<td>80%</td>
<td>3 storeys</td>
</tr>
</tbody>
</table>

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

(a) Carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundaries;

(b) Garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be directly discharged from the roof of the building onto the neighbouring property other than onto the adjacent public or private road;

(c) Projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;

(d) For that portion of the building which the building is located on the common boundary no stormwater run-off shall be permitted to be discharged directly from the building roof onto the neighbouring property other than onto a public or private road;

(e) A balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(f) Where a shelter is constructed against or next to a solid wall which sufficiently addresses fire safety issues to the Municipality’s satisfaction, the common boundary building line may be reduced to 0 meter;

(g) Notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;

(h) Notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road; and

(i) Notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

3. The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.
70. Areas identified as fire breaks and roads

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

71. Engineering services and infrastructure

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

72. Boundary walls and fences

(1) The general development parameters relating to boundary walls and fences in section 23 do not apply in this zone.

73. Site development plan

(1) A site development plan shall not be required for additional uses in this zone, provided that the Municipality may request the submission of a plan in the event of a complaint being received.

(2) The Municipality or an owner may prepare a site development plan for the incremental upgrade of an informal area and this site development plan may serve as a guide for the incremental construction and installation of structures, shelters, buildings, roads, engineering services, fire breaks and the like, until a formal subdivision plan is approved.

(3) A site development plan may be required for a consent use application and, once approved, shall serve as the development parameters for such use.

74. Approval of building plans

(1) In the event of emergency housing, informal settlements or incremental upgrade areas where a subdivision plan for the formal subdivision into a township has not yet been approved, the Municipality may approve building plans for buildings in terms of the National Building Regulations, provided that the Municipality is satisfied that:

(a) the person constructing the building has permission of the owner of the land; and

(b) the proposed building is acceptable as a permanent structure both in terms of position and land use, taking into consideration any plans to incrementally upgrade the area.

75. Development charges in this zone

(1) The Municipality may impose development charges for any approval, including additional uses, in this zone.
CHAPTER 9: MULTI-UNIT RESIDENTIAL ZONE

76. Zone name and designation on map

(1) The Multi-unit Residential zone may be referred to by the code MUR and shall be indicated on the zoning map in orange (Colour code 255,171,3).

77. Purpose of the zone

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

78. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses in dwelling house 2nd dwelling and other dwelling units (not exceeding threshold in this chapter and subject to technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Commune</td>
<td>• Bed and breakfast establishment</td>
<td>• Community residential building</td>
</tr>
<tr>
<td>• Dwelling house</td>
<td>• Home day care centre</td>
<td>• Guest house (meeting &amp; beauty treatment room)</td>
</tr>
<tr>
<td>• Flats</td>
<td>• Home occupation practice</td>
<td>• Occasional use (&gt;one/year)</td>
</tr>
<tr>
<td>• Group housing</td>
<td>• Home lodging</td>
<td>• Renewable energy structure</td>
</tr>
<tr>
<td>• Guest house</td>
<td>• Occasional use (one event/year)</td>
<td>• Rooftop base telecommunication station</td>
</tr>
<tr>
<td>• Hostel</td>
<td></td>
<td>• Tourist accommodation establishment</td>
</tr>
<tr>
<td>• Retirement village</td>
<td></td>
<td>• Welfare institution</td>
</tr>
<tr>
<td>• Second dwelling house</td>
<td></td>
<td>• Additional uses exceeding parameters in this chapter</td>
</tr>
<tr>
<td>• Tourist dwelling unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) Where a land unit is zoned Multi-unit Residential zone is smaller than 1000m², the use rights and development parameters prescribed for Conventional Residential zone shall be applicable to such land unit, unless the Municipality’s permission is granted in terms of this Scheme for other primary, consent or additional uses.

(3) Additional uses are only permitted in a dwelling house and second dwelling house once a technical approval is granted by the Municipality, and the same parameters prescribed in Conventional Residential zone shall be applicable to such land uses.

(4) Additional uses are only permitted in group houses and retirement village dwelling units once the owners’ association, body corporate or governing body has granted permission and thereafter the Municipality has granted a technical approval and the same parameters prescribed in Conventional Residential zone shall be applicable to such land uses.
Additional uses are not permitted in flats, hostels, communes, guest houses or tourist dwelling units.

Group housing units, flats, retirement villages and second dwellings in this zone may be separately registered by sectional title.

79. Guest houses, communes and hostels in this zone

(1) A guest house or commune may only be undertaken from dwelling house and/or second dwelling house.

(2) In this zone, a guest house may also include one meeting room and one beauty treatment room, which may only be for bona fide guests who reside at the guest house, if approved as a consent use.

(3) The number of bedrooms in a guest house, commune or hostel in this zone shall be determined by the overall building parameters in this zone and the available on-site parking in accordance with the parking requirements in Section 33.

(4) Meals and beverages may only be served to bona fide guests who reside at the guest house.

80. Group housing and retirement village in this zone

(1) Group housing developments shall be controlled by architectural guidelines or typical unit plans and elevations.

(2) More than one group housing unit may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.

(3) The Municipality shall determine the appropriate density for such development but shall have regard to the high-density nature of this zone whereby densities of at least 25 dwelling units per hectare should be aimed for.

(4) Unless otherwise specified in the conditions of approval, the maximum density of a group housing development and retirement village shall be 50 dwelling units per hectare, provided that the Municipality may grant permission for a development to exceed this density upon assessing a departure application.

81. Occasional use

(1) A once-off occasional use may only be approved with the Municipality’s technical approval.

(2) Notwithstanding section 30, for an occasional use approved as an additional use in this zone, the attendance shall not exceed 100 persons.

(3) The Municipality may waive the on-site parking requirement provided that enough parking is available elsewhere, to the Municipality’s satisfaction.

82. Rooftop base telecommunication station

(1) A rooftop base telecommunication station in this zone may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting its consent.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting its consent.

(4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent use application.
83. Building development parameters in this zone

(1) For a dwelling house and second dwelling house, development parameters as contained in the Conventional Residential zone of this Scheme shall apply.

(2) The following building lines, coverage, height and floor area shall apply to buildings, other than those mentioned in subsection(1), within this zone, as follows:

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

(3) The following additional parameters apply in respect of building lines:
   (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;
   (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;
   (c) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;
   (d) access ramps to basements may exceed the building line;
   (e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
   (f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
   (g) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations, may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

(4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

84. Density of development and maximum floor space

(1) When approving a rezoning to this zone for group housing, the Municipality shall impose a condition stipulating the maximum density (units/ha) for the particular erf or development.
85. Outdoor space, service yards and refuse areas

(1) Outdoor space including private outdoor space in a group housing development or retirement village shall be provided at a rate of at least 25m² per dwelling unit. This outdoor space may be provided in any combination of private and/or communal open space, provided that each dwelling unit has a private outdoor space measuring at least 2 meters x 5 meters. The Municipality may, at its discretion, relax this provision if motivation is submitted why sufficient public open space and recreational opportunities exist in close proximity or elsewhere in the vicinity.

(2) On land units used for flats and hostels, communal outdoor space shall be provided at a rate of at least 20% of the area of the land unit and shall be landscaped to the Municipality’s satisfaction and reserved for recreation purposes for residents. The Municipality may, at its discretion, relax this provision provided that enough landscaping is provided on site to address streetscape interface concerns and sufficient outdoor or open space is available elsewhere for recreation purposes.

(3) A service yard shall be provided to the Municipality’s satisfaction for each building and shall be enclosed by a wall of no more than 2.1 meters high.

(4) If required by the Municipality, an enclosed refuse area shall be provided in a position accessible from a public road complying with the Municipality’s requirements.

86. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:
   (a) on a street boundary: no more than 1.8 meters high;
   (b) on a common boundary: no more than 2.1 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

87. Site development plan

(1) An application for an additional use together with a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity on the site.

(2) The Municipality shall require a site development plan to be submitted for approval prior to the submission of a building plan to ensure compliance with all technical requirements for new construction, or conversion of an existing building to the following uses: group housing, retirement village, or hostel.

(3) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

88. Construction environmental management plan

(1) The Municipality may require that a construction environmental management plan is submitted prior to building plan approval for the construction of new flats, group housing, hostels, retirement villages or private roads, or any of the consent uses.

89. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
(2) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.

(3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(4) The Municipality shall consider additional development charges in at least the following instances where building plans for primary rights are submitted:

(a) any new development where a group housing or retirement village scheme exceeds the density per hectare as indicated below for the various former scheme areas:
   (i) 20 units per hectare in former Stellenbosch scheme area and former Section 8 scheme area;
   (ii) 30 units per hectare in former Franschhoek scheme area.

(b) any new development where the total floor area exceeds the following:
   (i) in former Stellenbosch and Franschhoek scheme areas:
      • 40% for erven up to 1499m² (factor of 0.4)
      • 50% for erven up to 1749m² (factor of 0.5)
      • 60% for erven up to 1999m² (factor of 0.6)
   (ii) in former Section 8 areas:
      • 100% of the land unit (factor of 1.0)

(c) where consolidation is undertaken which results in a greater floor area threshold applying than set out above for the original land unit size.

(d) any new development where a direct or indirect limitation applied on the development potential of the land unit by a condition of approval or the provisions of the former zoning scheme.
90. **Zone name and designation on map**

(1) The Local Business zone may be referred to by the code (LB) and shall be indicated on the zoning map in pale blue (Colour code 191,210,255).

91. **Purpose of the zone**

(1) The purpose of this zone is to make provision for:

(a) low-density commercial uses that are compatible with and located within residential areas;

(b) non-residential land uses that provide for the convenience of and service to the surrounding residential community;

(c) non-residential uses that will not have an adverse impact on the surrounding residential environment;

(d) a clustering of community, residential and mixed land uses that are compatible with the surrounding residential environment and which enables residents to walk to facilities;

(e) a mix of land uses that can co-exist without negatively impacting on each other.

92. **Land use within this zone**

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Business premises (including a shop, market, restaurant, office)</td>
<td>• Tourist dwelling unit (in flat)</td>
<td>• Commercial gymnasium</td>
</tr>
<tr>
<td>• Clinic</td>
<td>• Commune (in flat)</td>
<td>• Community residential building</td>
</tr>
<tr>
<td>• Flats</td>
<td></td>
<td>• Conference facility</td>
</tr>
<tr>
<td>• Medical consulting rooms</td>
<td></td>
<td>• Day care centre</td>
</tr>
<tr>
<td>• Public parking area</td>
<td></td>
<td>• Extramural facility</td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td>• Filling station</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Guest house</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hostel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Liquor store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Occasional use (more than one)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Parking garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of entertainment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Renewable energy structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Rooftop base telecommunication station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist accommodation establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Welfare institution</td>
</tr>
</tbody>
</table>

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

(3) Should a land unit in this zone have an existing dwelling house built on it, additional uses as set out in Conventional Residential zone may be conducted from such dwelling house as if they were primary rights, provided that the parameters as set out in the Conventional Residential zone are adhered to.

(4) Portions of a property in this zone may be registered separately by sectional title.
93. Business premises in this zone

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

(2) Such manufacturing and/or packaging shall remain subservient to the main retail activity on the premises and the area used for manufacturing and packaging products shall not exceed 75% of the area of the shop to a maximum of 250m² per shop.

(3) A business premises may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are repaired and serviced provided that the area of such workshop may not exceed 50m² of the area of the shop.

94. Flats in this zone

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

95. Guest houses, hotels, and hostels in this zone

(1) In this zone, a guest house may also include a meeting room and beauty treatment room, which may only be used by bona fide guests who reside at the guest house.

(2) The number of bedrooms for a guest house, hostel or hotel shall be determined by the available on-site parking in accordance with the parking requirements in section 33.

96. Rooftop base telecommunication station

(1) A rooftop base telecommunication station in this zone may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting its consent.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting its consent.

(4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent use application.

97. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guest house, hostel, hotel, tourist accommodation</td>
<td>All levels 4,5m</td>
<td>Ground floor: 4,5m</td>
<td>50%</td>
<td>3 storeys</td>
</tr>
<tr>
<td></td>
<td></td>
<td>First floor: 4,5m</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second floor: 6m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other buildings</td>
<td>2m</td>
<td>1m</td>
<td>75%</td>
<td>3 storeys</td>
</tr>
</tbody>
</table>

(Draft for Council Adoption - 2)
The following additional parameters apply in respect of building lines:

(a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 meters along a street boundary, but may not exceed the property boundary unless a servitude is registered in favour thereof over the adjacent property, or in the case of a public road, an encroachment agreement has been concluded with the Municipality;

(b) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(c) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;

(d) access ramps to basements may exceed the building line;

(e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;

(f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(g) where a land unit zoned local business abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3-meter building line shall apply to such common boundary. This building line shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land units of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. If the proponent is unable to obtain the neighbour’s written permission for any reason whatsoever, an application for a departure may be lodged;

(j) except where underground engineering services, or the presence of mature trees which are conservation-worthy prevent it, a basement is permitted 0 meters from the common boundary on condition it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level shall comply with the building lines as set out in this section; and

(k) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

The façade of a building facing a public road shall present an active interface on ground level to the public road, which may include entrance doors and windows, shop fronts, pedestrian access, landscaping, street furniture, lighting, stoeps and windows, to the Municipality’s satisfaction. In order to achieve this, the Municipality may relax the street building lines above, subject to the approval of a site development plan.

The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

98. Boundary walls and fences

The height of any wall or fence shall be as follows:

(a) on a street boundary: no more than 1,8 meters high;

(b) on a common boundary: no more than 3 meters high.

On a street boundary at least 50% of the area of the boundary wall, including gates shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

The general development parameters relating to boundary walls and fences in section 23 shall also apply.
99. Refuse areas

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

100. Site development plan

(1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to a building plan and shall include a parking layout and landscape plan.

(2) An additional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity on the site.

(3) A site development plan may be required for a consent use application and shall serve as the development parameters for such use, once approved.

101. Environmental management plan

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

102. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.

(2) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.

(3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(4) The Municipality shall consider additional development charges in at least the following instances where building plans for primary rights are submitted:

(a) any development which exceeds the previously approved development extent or land use on a land unit which was zoned “Restricted Business”, “Specific Business” or “Minor Business” in the former Stellenbosch or Franschhoek schemes;

(b) any development where the floor area exceeds 150% of the area of the land unit (factor of 1.5);

(c) any development where consolidation is undertaken which results in the intensification of land use which is greater than that applicable on the individual erven; and

(d) any new development where a direct or indirect limitation applied on the development potential of the land unit by virtue of a condition of approval or the provisions of the former zoning scheme.
CHAPTER 11: MIXED-USE ZONE

103. Zone name and designation on map

(1) The Mixed-use zone may be referred to by the code (MU) and shall be indicated on the zoning map in blue (Colour code 3,113,255).

104. Purpose of the zone

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

105. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Commune</td>
<td>None</td>
<td>• Adult Entertainment</td>
</tr>
<tr>
<td>• Business premises (including shops, markets, restaurants, office)</td>
<td></td>
<td>• Builders yard</td>
</tr>
<tr>
<td>• Clinic</td>
<td></td>
<td>• Commercial gymnasium</td>
</tr>
<tr>
<td>• Community residential building</td>
<td></td>
<td>• Conference facility</td>
</tr>
<tr>
<td>• Extramural facility</td>
<td></td>
<td>• Day care</td>
</tr>
<tr>
<td>• Flats</td>
<td></td>
<td>• Filling station</td>
</tr>
<tr>
<td>• Guest house</td>
<td></td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Hostel</td>
<td></td>
<td>• Funeral parlour</td>
</tr>
<tr>
<td>• Hotel</td>
<td></td>
<td>• Gambling place</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td>• Plant nursery</td>
<td></td>
<td>• Hospital</td>
</tr>
<tr>
<td>• Public institution</td>
<td></td>
<td>• Indoor sport</td>
</tr>
<tr>
<td>• Public parking area</td>
<td></td>
<td>• Liquor Store</td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td>• Motor vehicle fitment centre</td>
</tr>
<tr>
<td>• Tourist dwelling unit</td>
<td></td>
<td>• Motor showroom</td>
</tr>
<tr>
<td>• Tourist accommodation establishment</td>
<td></td>
<td>• Occasional use (&gt; one event/year)</td>
</tr>
<tr>
<td>• Welfare institution</td>
<td></td>
<td>• Parking garage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of entertainment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Renewable energy structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Rooftop base telecommunication station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tertiary educational institution</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Warehouse</td>
</tr>
</tbody>
</table>

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

(3) Should a land unit in this zone have an existing dwelling house built on it, additional uses as set out in Conventional Residential zone may be conducted from such dwelling house as if they were primary rights, provided that the parameters as set out in the Conventional Residential zone are adhered to.
Portions of the property in this zone may be registered separately by sectional title.

106. Flats in this zone

(1) No flats shall be permitted at ground floor except with the permission of the Municipality in terms of the Scheme.

107. Business premises in this zone

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

(2) Such manufacturing and/or packaging shall remain subservient to the main retail activity on the premises and the area used for manufacturing and packaging products shall not exceed 75% of the area of the shop to a maximum of 250m\(^2\) per shop.

(3) A business premises may include a workshop on a portion of the premises where household appliances, electronic devices, clothes and household goods are repaired and serviced, provided that the area of such workshop may not exceed 50m\(^2\) of the area of the shop.

108. Guest houses, hotels, hostels and, communes in this zone

(1) The number of rooms is not limited in this zone and shall be determined based on the permitted development envelope and the ability to accommodate the number of required parking bays on the site, to the Municipality’s satisfaction.

109. Rooftop base telecommunication station

(1) A rooftop base telecommunication station in this zone may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to, unless otherwise approved by the Municipality when granting its consent.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting its consent.

(4) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent use application.

110. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business premises</td>
<td>0m</td>
<td>0m</td>
<td>85%</td>
<td>6 storeys</td>
</tr>
<tr>
<td>Filling station</td>
<td>3m</td>
<td>3m</td>
<td>85%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>Guest house, hostel, hotel, tourist accommodation</td>
<td>All levels 4,5m</td>
<td>Ground floor: 4,5m</td>
<td>50%</td>
<td>6 storeys</td>
</tr>
<tr>
<td></td>
<td></td>
<td>First floor: 4,5m</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second floor: 6m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other buildings</td>
<td>4,5m</td>
<td>4,5m</td>
<td>85%</td>
<td>6 storeys</td>
</tr>
</tbody>
</table>
The following additional parameters apply in respect of building lines:

(a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 meter along a street boundary but may not exceed the land unit boundary unless a servitude is registered in favour thereof over the adjacent property, or in the case of a public road, an encroachment agreement has been entered into with the Municipality;

(b) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(c) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;

(d) access ramps to basements may exceed the building line;

(e) no stormwater run-off shall be discharged off a building roof directly onto the neighbouring property unless it is a public or private road;

(f) should a building be a combined building consisting of portions where different building lines or parameters apply, each portion of the building shall, according to its use, comply with the applicable parameters or development rules;

(g) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;

(h) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(i) where a land unit zoned general business abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3 meter building line shall apply to such common boundary. This building line shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land unit of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. If the proponent is unable to obtain the neighbour’s written permission for any reason whatsoever, an application for a departure may be lodged;

(j) except where underground engineering services, or the presence of mature trees which are conservation worthy prevent it, a basement is permitted 0 meters from the common boundary on condition that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level shall comply with the building lines as set out in this section;

(k) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations, may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

The façade of a building facing a public road shall present an active interface on ground level to the public road, which may include entrance doors, windows, shop fronts, pedestrian access, landscaping, street furniture, lighting, stoeps and windows, to the Municipality’s satisfaction. In order to achieve this, the Municipality may relax the street building lines above, subject to the approval of a site development plan, if so required.

The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

111. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:

(a) on a street boundary: no more than 1,8 meters high;
(b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

112. **Refuse areas**

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

113. **Site development plan**

(1) A site development plan may be required by the Municipality for any new development to be submitted and shall be approved prior to a building plan submission and shall include a parking layout and landscape plan.

(2) A site development plan may be required for a consent use application and shall serve as the development parameters for such use, once approved.

114. **Construction environmental management plan**

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

115. **Development charges in this zone**

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.

(2) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.

(3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(4) The Municipality shall consider additional development charges in at least the following instances where building plans for primary rights are submitted:

(a) any new development where the total floor area exceeds the following:

(i) in former Franschhoek scheme area:
   - 255% of the area of the land unit (coverage of 85% on 3 floors) for business related buildings;
   - 150% (coverage of 50% on 3 floors) for flats and any other residential buildings;

(ii) in former Section 8 scheme areas:
   - 300% of the area of the land unit (floor factor of 3.0) for business related buildings;
   - 100% of the area of the land unit (floor factor of 1.0) for flats and any other residential buildings;

(iii) in former Stellenbosch scheme areas:
   - 425% of the area of the land unit (coverage of 85% on 5 floors) for business related buildings;
   - 185% of the area of the land unit (coverage of 85% on ground and 50% on 2 more floors) for flats and any other residential buildings (excluding hotel and guest house);
   - 285% (coverage of 85% on ground and 50% on 4 more floors) for hotels and guest house.

(b) any new development where a direct or indirect limitation applied on the development potential of the land unit in terms of a condition of approval or the provisions of the former zoning scheme.
CHAPTER 12: INDUSTRIAL ZONE

116. Zone name and designation on map

(1) The Industrial zone may be referred to by the code (I) and shall be indicated on the zoning map in purple (Colour code 198,3,255).

117. Purpose of the zone

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

118. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses which may be applied for</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Builder’s yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Filling station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Funeral parlour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Motor vehicle fitment centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Motor vehicle repair centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Motor showroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Plant nursery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Service station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Warehouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rooftop base telecommunication station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Employee housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Shop (including market)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Abattoir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Adult entertainment business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Brickworks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Business premises</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Crematorium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Freestanding base telecommunication station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Gambling place</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Helicopter landing pad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Mining</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Noxious industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Occasional use (&gt; one event/year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Parking garage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Place of entertainment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Renewable energy structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Scrap yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Shipping container site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Transport purposes (goods)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(3) Portions of the property in this zone may be registered separately by sectional title.

119. Restricted industry on certain properties in this zone

(1) The properties designated General Industrial (Restricted) and recorded as such in the zoning register (previously zoned Light Industrial zone in Stellenbosch) are subject to the following additional restrictive development parameters due to their previous zoning as light industry:
   (a) any single power-driven unit or tool used on the land unit may not exceed a capacity of 4 kW;
   (b) all power-driven units or tools on the land unit together may not exceed 23 kW.
(2) The Municipality may grant technical approval for deviation from the above restriction on condition that sufficient electrical bulk services are available for the proposed activity, that any electrical bulk contributions are paid if required and the applicant has provided sufficient detail of the proposed enterprise when making the application to ensure the proposal will remain a light industry which does not cause a disturbance to neighbours with regards to the scale of the enterprise and the noise from machinery, emissions such as fumes, smoke, smells, pollution and physical external appearance, size and frequency of delivery vehicles.

120. Shops and point of sale in this zone

(1) The primary purpose of shops in this zone is to serve the surrounding workforce and goods for sale shall therefore be limited to convenience goods such as foodstuffs, take away food, groceries, household cleaning agents and toiletries.

(2) The floor area of a shop shall not exceed 25% of the floor area of the building or 120m² whichever is the lesser.

(3) The primary purpose of a point of sale is to provide an area where goods which are manufactured on the premises are sold to clients or the general public.

(4) The floor area for a point of sale shall not exceed 25% of the floor area of the building or 120m² whichever is the lesser.

(5) The trading area of markets in this zone may not exceed 120m².

121. Employee housing in this zone

(1) No more than one employee housing unit shall be permitted on any land unit, except with permission granted by the Municipality for enterprises where it is necessary for the operational functioning of the industry to have additional employees accommodated on the land unit.

(2) The floor area of an employee housing unit floor shall not exceed 75m².

(3) The dwelling unit shall only be occupied by one family as defined.

(4) One of the occupants shall be employed in connection with the main activity on the land unit.

122. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is a permitted use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to, unless permission is granted by the Municipality in terms of the Scheme.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting its consent.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station, excluding the masts may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

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

123. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage/Floor area</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>3m</td>
<td>0m</td>
<td>75% coverage</td>
<td>4 storeys</td>
</tr>
<tr>
<td>Employee housing</td>
<td>3m</td>
<td>0m</td>
<td>75m² floor area</td>
<td></td>
</tr>
</tbody>
</table>

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;

(b) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(c) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;

(d) access ramps to basements may exceed the building line;

(e) for that portion of a building which is closer than 1 meter to the common boundary, such portion of the building shall not exceed one storey in height and no stormwater run-off shall be permitted to run onto the neighbouring property except for a public or private road;

(f) should a building be a combined building consisting of portions where different building lines or parameters apply, each portion of the building shall comply with the applicable parameters or development rules;

(g) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;

(h) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(i) where a land unit zoned general industrial abuts a land unit zoned for any other zone except one of the business or industrial zones, a 3 meter building line shall apply to such common boundary. This building line shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land units of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. If the proponent is unable to obtain the neighbour’s written permission for any reason whatsoever, an application for departure may be lodged unless relaxed with the permission of the abutting landowner;

(j) except where underground engineering services, or the presence of mature trees which are conservation-worthy prevent it, a basement is permitted 0 meters from the common boundary on condition that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level shall comply with the building lines as set out in this section;
(k) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.

(3) Chimneys, smoke stacks, lifts, telecommunication towers and antennae may exceed the maximum height prescribed in this zone.

(4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

124. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:

(a) on a street boundary: no more than 3 meters high;
(b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

125. Refuse areas

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

126. Site development plan

(1) A site development plan may be required by the Municipality for any new service station or filling station development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.

(2) An occasional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an occasional use activity on the site.

(3) An application for an additional use together with a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity on the site.

(4) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

127. Construction environmental management plan

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

128. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.

(2) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.
(3) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(4) The Municipality shall consider charging development charges in at least the following instances where building plans for primary rights are submitted:

(a) any new development where the total floor area exceeds the following:
   (i) in former Franschhoek and Stellenbosch scheme areas:
   • 225% of the area of the land unit (coverage of 75% on 3 floors);
   (ii) in former Section 8 scheme areas:
   • 150% of the area of the land unit (floor factor of 1.5);

(b) any new development where a direct or indirect limitation applied on the development potential of the property by a condition of approval or the provisions of the former zoning scheme.
CHAPTER 13: EDUCATION ZONE

129. Zone name and designation on map

(1) The Education zone may be referred to by the code (E) and shall be indicated on the zoning map in dusty pink (Colour code 255,191,232).

130. Purpose of the zone

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

131. Land uses within this zone

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

<table>
<thead>
<tr>
<th>Primary uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Day care centre</td>
<td>• Dwelling house</td>
<td>• Clinic</td>
</tr>
<tr>
<td>• Extramural facility</td>
<td>• Employee housing</td>
<td>• Freestanding base</td>
</tr>
<tr>
<td>• Hostel</td>
<td>• Place of worship</td>
<td>• Telecommunication station</td>
</tr>
<tr>
<td>• Indoor sport</td>
<td></td>
<td>• Occasional Use (&gt;one event/year)</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Place of assembly</td>
</tr>
<tr>
<td>• Outdoor sport</td>
<td></td>
<td>• Renewable energy structure</td>
</tr>
<tr>
<td>• Place of education</td>
<td></td>
<td>• Rooftop base telecommunication station</td>
</tr>
<tr>
<td>• Public institution</td>
<td></td>
<td>• Welfare institution</td>
</tr>
<tr>
<td>• Tertiary educational institution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.
(3) Portions of the property in this zone may not be registered separately by sectional title.

132. Dwelling house and employee housing in this zone

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

133. Place of worship in this zone

(1) A place of worship may only be conducted from a school hall or such other large gathering space which is usually ancillary to the place of education.
(2) Only one religious service may be conducted at any time on one land unit and no more than two services per week may be conducted from a land unit.

(3) The services may not commence before 8:00 am in the mornings and may not continue past 21:00 pm in the evenings and may also not take place during school hours or during any school events, sports days or school activities.

(4) The maximum number of occupants which may be permitted during a service shall be determined by the number of on-site parking bays, at a rate of 1 bay for every 2,25 seats, and the maximum number of occupants shall be indicated on the site development plan.

(5) When considering the site development plan, the Municipality may also approve parking on sports fields, provided the applicant shall include a layout of such parking on the site development plan indicating the number of cars that can be accommodated in such overflow parking, and the Municipality shall be satisfied that the parking is accessible from a public road. Signage shall be provided prior to services to direct patrons to parking.

134. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting its consent.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting its consent.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany a consent use application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

135. Building development parameters for this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
<th>Floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tertiary educational institution</td>
<td>5m</td>
<td>5m</td>
<td>50%</td>
<td>5 storeys</td>
<td>n/a</td>
</tr>
<tr>
<td>Tertiary institution hostels</td>
<td>5m</td>
<td>5m</td>
<td>25%</td>
<td>5 storeys</td>
<td>75%</td>
</tr>
<tr>
<td>All other buildings</td>
<td>5m</td>
<td>5m</td>
<td>50%</td>
<td>3 storeys</td>
<td>n/a</td>
</tr>
</tbody>
</table>

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;
(b) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(c) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;

(d) access ramps to basements may exceed the building line;

(e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line as determined by the Municipality for the protection of any municipal services provided along land unit boundaries;

(f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(g) except where underground engineering services or roots of conservation-worthy trees prevent it, a basement is permitted 0 meters from the common boundaries on condition that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level shall comply with the building lines as set out in this section.

(3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

136. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:

(a) on a street boundary: no more than 3 meters high;

(b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

137. Refuse areas

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

138. Site development plan

(1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to a building plan approval and shall include a parking layout and landscape plan.

(2) An occasional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an occasional use activity.

(3) An application for additional use together with a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity.

(4) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

139. Construction Environmental management plan

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

(1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.

(2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 14: COMMUNITY ZONE

141. Zone name and designation on map

(1) The Community zone may be referred to by the code (C) and shall be indicated on the zoning map in pink (Colour code 230,0,169).

142. Purpose of the zone

(1) The purpose of this zone is to make provision for:
  (a) buildings which are used for a wide range of community and welfare purposes including places of education for pre-primary, primary and secondary school levels;
  (b) tertiary educational facilities such as colleges and universities; and
  (c) permitted uses shall include ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with such facilities.

143. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clinic</td>
<td>• Dwelling house</td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Community residential building</td>
<td>• Employee housing</td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td>• Day care centre</td>
<td></td>
<td>• Hospital</td>
</tr>
<tr>
<td>• Extramural facility</td>
<td></td>
<td>• Hostel</td>
</tr>
<tr>
<td>• Indoor sport</td>
<td></td>
<td>• Market</td>
</tr>
<tr>
<td>• Medical consulting rooms</td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td>• Outdoor sport</td>
<td></td>
<td>• Renewable energy structure</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Rooftop base telecommunication station</td>
</tr>
<tr>
<td>• Place of assembly</td>
<td></td>
<td>• Tertiary educational institution</td>
</tr>
<tr>
<td>• Place of education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Place of worship</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Public institution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Welfare institution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(3) Portions of the property in this zone may not be registered separately by sectional title.

144. Dwelling house and employee housing in this zone

(1) The development parameters in Conventional Residential zone apply to a dwelling house in this zone.

(2) No more than one dwelling house plus one employee housing unit shall be permitted on a land unit, except with technical approval granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the land unit.

(3) The floor area of an employee housing unit shall not exceed 75m².

(4) A dwelling house and employee housing unit shall only be occupied by a family as defined and one of the occupants shall be employed in connection with the main activity on the land unit or the house shall be ancillary to the primary use on the land unit.
145. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

146. Development parameters for buildings in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>5m</td>
<td>5m</td>
<td>50%</td>
<td>3 storeys</td>
</tr>
</tbody>
</table>

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;

(b) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;

(c) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;

(d) access ramps to basements may exceed the building line;

(e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;

(f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;

(g) except where underground engineering services or conservation-worthy trees prevent it, a basement is permitted 0 meters from the common boundaries on condition that it is wholly under existing ground level. Any portion of a basement which protrudes above existing ground level shall comply with the building lines as set out in this section.

(3) Church steeples and similar architectural features may exceed the maximum height in this zone, to the satisfaction of the Municipality.
147. Boundary walls and fences parameters

(1) The height of any wall or fence shall be as follows:
   (a) on a street boundary: no more than 3 meters high;
   (b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

148. Refuse areas

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

149. Site development plan

(1) A site development plan may be required by the Municipality for any new development to be submitted and approved prior to building plan approval and shall include a parking layout and landscape plan.

(2) A site development plan shall not be required for a dwelling house as an additional use in this zone but may be required for employee housing if more than one dwelling unit is proposed on a land unit.

(3) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

150. Construction environmental management plan

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

151. Development charges in this zone

(1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.

(2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 15: UTILITY SERVICES ZONE

152. Zone name and designation on map

(1) The Utility Service zone may be referred to by the code (US) and shall be indicated on the zoning map in red (Colour code 255,3,3).

153. Purpose of the zone

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

154. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (Application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Authority use</td>
<td>• Employee housing</td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Parking garage</td>
<td>• Market</td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td>• Public parking</td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td>• Public road</td>
<td></td>
<td>• Renewable energy installation</td>
</tr>
<tr>
<td>• Utility services</td>
<td></td>
<td>• Transport purposes (passengers)</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rooftop base telecommunication station</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

155. Employee housing in this zone

(1) No more than one employee housing unit shall be permitted on any land unit, except with the technical approval granted by the Municipality where it is necessary for the operational functioning of the facility to have additional employees accommodated on the land unit.

(2) The floor area of an employee housing unit floor shall not exceed 75m$^2$.

(3) An employee housing unit shall only be occupied by one family as defined.

(4) One of the occupants of an employee housing unit shall be employed in connection with the main activity on the land unit.

156. Rooftop- and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.
(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

157. Renewable energy installations

(1) A renewable energy installation may only be erected if a consent use is approved by the Municipality.

(2) A maximum height of 200 meters for a wind turbine is permitted, measured from the existing ground level of the footprint of each structure to the highest tip of the blade. The maximum height of a structure for solar photovoltaic panels will be technology dependent but shall not exceed 8,5 meters unless an alternative height is approved by the Municipality when granting its consent.

(3) The maximum height of associated buildings is one storey.

(4) The setback from common and street boundaries, as well as from residential, commercial or agricultural buildings or any public or private road or registered right of way, shall be a distance equal to 1.5 times the height of the structures.

(5) Setback boundaries do not apply to common boundaries which are internal to the development. These setbacks are for safety purposes and may not be deviated or departed from.

(6) A site development plan shall be submitted for approval prior to building plan approval and additional conditions may be imposed by the Municipality upon such approval.

(7) The extent of the application area shall be surveyed and coordinates of the exact location of turbines or solar infrastructure and all associated buildings and lay down areas shall be indicated on the site development plan.

(8) In order to provide for rehabilitation, decommissioning and potential damage to the environment, the owner of the facility shall, prior to the commencement of construction, make financial provision, to the satisfaction of the competent authority, in order to fulfil any obligations emanating in this regard.

(9) If the owner fails, as contemplated above to rehabilitate and decommission the facility or to restore damage to the environment or when the facility is abandoned, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate, decommission, or manage the negative environmental impact in question or to remove the facility.

(10) The Insolvency Act, 1936 (Act no. 24 of 1936), does not apply to any form of financial provision and all amounts arising from the provision provided for in subsection (7).

(11) A renewable energy structure shall be considered abandoned in the event that the facility fails to continuously operate for one year, or when part or all of the structure is confirmed as a hazard unless the owner can prove otherwise.
158. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings (other than listed below)</td>
<td>5m</td>
<td>5m</td>
<td>20%</td>
<td>2 storeys</td>
</tr>
<tr>
<td>Wind turbine</td>
<td>1,5 times height of structure</td>
<td>1,5 times height of structure</td>
<td></td>
<td>200m</td>
</tr>
<tr>
<td>Photovoltaic structure</td>
<td>1,5 times height of structure</td>
<td>1,5 times height of structure</td>
<td></td>
<td>8,5m</td>
</tr>
<tr>
<td>Buildings associated with a renewable energy installation</td>
<td>5m</td>
<td>5m</td>
<td></td>
<td>1 storey</td>
</tr>
<tr>
<td>Rooftop mast</td>
<td>5m</td>
<td>5m</td>
<td></td>
<td>3m</td>
</tr>
<tr>
<td>Free standing mast</td>
<td>1,5 times height of structure</td>
<td>1,5 times height of structure</td>
<td></td>
<td>15m</td>
</tr>
<tr>
<td>Freestanding base telecommunication building</td>
<td>5m</td>
<td>5m</td>
<td></td>
<td>1 storey</td>
</tr>
<tr>
<td>Employee housing</td>
<td>5m</td>
<td>5m</td>
<td>75m²</td>
<td>2 storeys</td>
</tr>
</tbody>
</table>

(2) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

159. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:
   (a) on a street boundary: no more than 3 meters high;
   (b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

160. Site development plan

(1) A site development plan may be required by the Municipality for any primary use on the site.

(2) An occasional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an occasional use activity.

(3) An application for additional use together with a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity.

(4) If trading areas in this zone are demarcated in terms of the Municipality’s Informal Trading Policy or By-law, a site development plan is not required for this activity.

(5) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a site development plan does not have to be submitted in terms of the Scheme for that event.
(6) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

161. Construction environmental management plan

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

162. Development charges in this zone

(1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation because of this Scheme.

(2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 16: TRANSPORT FACILITIES ZONE

163. Zone name and designation on map

(1) The Transport Facilities zone may be referred to by the code (TF) and shall be indicated on the zoning map in light grey (Colour code 179,179,179).

164. Purpose of the zone

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

165. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Filling station</td>
<td>• Market</td>
<td>• Airfield</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td>• Restaurant</td>
<td>• Business</td>
</tr>
<tr>
<td>• Private road</td>
<td>• Rooftop base telecommunication station</td>
<td>• Employee housing</td>
</tr>
<tr>
<td>• Public parking area</td>
<td>• Shop</td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Transport purposes (goods)</td>
<td></td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td>• Transport purposes (passengers)</td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
</tbody>
</table>
<pre><code>                                                             |                                                                 | • Parking garage                   |
                                                             |                                                                 | • Renewable energy structure       |
                                                             |                                                                 | • Shipping container site          |
</code></pre>

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

166. Market, restaurants and shops in this zone

(1) Markets, restaurants and shops in this zone shall be ancillary to a transport facility which serves passengers.
(2) The total floor area of shops, restaurants and market stalls shall not exceed 25% of the floor area of the buildings which serve as station or transport interchange.
(3) The Municipality may partially or completely waive the on-site parking requirement for shops and markets if they are satisfied that the shops serve the commuting public. However, loading bays may be required in accordance with this Scheme.

167. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.
(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.
(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public roads, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

168. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>5m</td>
<td>5m</td>
<td>50% or as restricted in SDP</td>
<td>3 storeys</td>
</tr>
</tbody>
</table>

169. Boundary walls and fences

(1) The height of any wall or fence shall be as follows:

(a) on a street boundary: no more than 3 meters high;

(b) on a common boundary: no more than 3 meters high.

(2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality’s satisfaction.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3.5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

170. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) An occasional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an occasional use activity.

(3) An application for additional use together with a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity.

(4) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

171. Construction environmental management plan

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

(1) The Municipality shall, prior to approval of a building plan for a primary right, determine whether the building to be approved constitutes an increase in development rights which is greater than the rights which existed in the former scheme, and should this be found to be the case, require that a development charge in accordance with section 20 of this Scheme.

(2) The Municipality shall at least consider imposing development charges in the following instances:
   (a) any new development or expansion of business-related ancillary uses to passenger transport uses;
   (b) any new petrol filling stations or expansion of existing filling stations;
   (c) any new development where a direct or indirect limitation applied on the development potential of the land unit by a condition of approval or the provisions of the former zoning scheme.
CHAPTER 17: PUBLIC ROADS AND PARKING ZONE

173. Zone name and designation on map

(1) The Public Roads and Parking zone may be referred to by the code (PR) and shall be indicated on the zoning map in white (Colour code 255,255,255).

174. Purpose of the zone

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

175. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Public parking area</td>
<td>• Rooftop base telecommunication station</td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Public road</td>
<td>• Market</td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td>• Utility service</td>
<td></td>
<td>• Parking garage</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Transport purposes (passengers)</td>
</tr>
</tbody>
</table>

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

(3) The Municipality may indicate new proposed roads, widening and closing of roads for information purposes on the zoning map by means of a different annotation on the zoning map.

(4) The original zoning of the properties affected by road widening or a new road will remain in place until the new road or widening has been proclaimed in terms of the relevant legislation and the required rezoning has become effective.

(5) In the event of a road closure, the zoning of the closed road portion will be deemed or rezoned as provided for in section 9 of this Scheme.

176. Rooftop- and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted if a consent use is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

177. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns) may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

178. Sidewalks

(1) Pedestrian sidewalks may not be obstructed by sign boards or any other object which may impede the flow of pedestrians. If objects cause such obstruction the Municipality shall issue a compliance notice and the owner shall comply with such notice forthwith by removing the object or objects.

(2) Should an owner not comply with the notice, the Municipality may rectify the matter at the owner’s expense.

(3) The Municipality may allow sidewalks to be used for an occasional use, and on a more permanent basis for outdoor dining and trading, provided that the flow for pedestrians are not impeded by these uses and that the proprietor has entered into the required agreements with the Municipality.

179. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) An additional use application accompanied by a site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an additional use activity.

(3) If trading areas in this zone are demarcated in terms of the Municipality’s Informal Trading Policy or By-law, or an Outdoor Trading or Dining application has been approved in terms of the relevant Policy, an additional use application is not required for this activity.

(4) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

180. Construction environmental management plan

(1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.
CHAPTER 18: PUBLIC OPEN SPACE ZONE

181. Zone name and designation on map

(1) The Public Open Space zone may be referred to by the code (POS) and shall be indicated on the zoning map in bright green (Colour code 171, 255, 3).

182. Purpose of the zone

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

183. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Open space</td>
<td>• Rooftop base telecommunication station</td>
<td>• Camping site</td>
</tr>
<tr>
<td>• Natural environment</td>
<td></td>
<td>• Cemetery</td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td>• Employee housing</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Indoor sport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Market</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Outdoor sport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist accommodation establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist facilities</td>
</tr>
</tbody>
</table>

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

184. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting technical approval.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
(5) The height of any structures and buildings associated with a freestanding base telecommunication station, excluding the masts, may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

185. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>5m</td>
<td>5m</td>
<td>20% or as restricted in SDP</td>
<td>1 storey</td>
</tr>
</tbody>
</table>

186. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

187. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) If trading areas in this zone are demarcated in terms of the Municipality’s Informal Trading Policy or By-law, a consent use application and site development plan is not required for this activity.

(3) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

188. Construction environmental management plan

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

189. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 19: PRIVATE OPEN SPACE ZONE

190. Zone name and designation on map

(1) The Private Open Space zone may be referred to by the code (PrOS) and shall be indicated on the zoning map in forest green (Colour code 58,169,3).

191. Purpose of the zone

(1) The purpose of this zone is to make provision for land which is in private ownership and which is intended to be used for:

(a) active or passive private recreational and private amenity purposes; or
(b) creating a desired townscape, or visual open space for residents; or
(c) serving as open space which also accommodates riverine corridors and other similar natural features; or
(d) serving as open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

192. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Open space</td>
<td>• Rooftop base telecommunication station</td>
<td>• Camping site</td>
</tr>
<tr>
<td>• Natural environment</td>
<td></td>
<td>• Cemetery</td>
</tr>
<tr>
<td>• Occasional use (one event/year)</td>
<td></td>
<td>• Freestanding base telecommunication station</td>
</tr>
<tr>
<td>• Private road</td>
<td></td>
<td>• Guest house</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Indoor sport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Occasional use (&gt;one event/year)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Outdoor sport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Place of assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist dwelling unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist accommodation establishment</td>
</tr>
</tbody>
</table>

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

193. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be conducted if a consent use is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached unless otherwise approved by the Municipality when granting a technical approval.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.
(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when a granting consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

194. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>5m</td>
<td>5m</td>
<td>20% or as restricted in SDP</td>
<td>1 storey</td>
</tr>
</tbody>
</table>

195. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade, painted charcoal, black or dark green, may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

196. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity.

(3) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

197. Construction environmental management plan

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

198. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 20: AGRICULTURE AND RURAL ZONE

199. Zone name and designation on map

(1) The Agriculture and Rural zone may be referred to by the code (AR) and shall be indicated on the zoning map in pale green (Colour code 211,255,191).

200. Purpose of the zone

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

201. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (not exceeding threshold in this chapter and subject to technical approval)</th>
<th>Consent Uses (Application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural building (≤2000m²)</td>
<td>Agricultural building (&gt;2000m²)</td>
<td>Abattoir</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Agricultural industry (&lt;2000m²)</td>
<td>Additional dwelling units (max 4)</td>
</tr>
<tr>
<td>Dwelling house</td>
<td>Bed and breakfast establishment</td>
<td>Airfield</td>
</tr>
<tr>
<td>Forestry</td>
<td>Employee housing (≤2000m²)</td>
<td>Airstrip</td>
</tr>
<tr>
<td>Natural environment</td>
<td>Guest house</td>
<td>Agricultural industry (≥2000m²)</td>
</tr>
<tr>
<td>Occasional use (one event/year)</td>
<td>Home day care centre</td>
<td>Camping site</td>
</tr>
<tr>
<td>Private road</td>
<td>Home occupation practice</td>
<td>Day care centre</td>
</tr>
<tr>
<td>Polytunnel (≤2000m²)</td>
<td>Polytunnel (≥2001m² and ≤5000m²)</td>
<td>Freestanding base telecommunication station</td>
</tr>
<tr>
<td>Second dwelling</td>
<td>Rooftop base telecommunication station</td>
<td>Helicopter landing pad</td>
</tr>
<tr>
<td>Employee housing (one unit)</td>
<td>Tourist dwelling units</td>
<td>Intensive feed farming</td>
</tr>
<tr>
<td></td>
<td>Tourist facility (existing buildings)</td>
<td>Kennel</td>
</tr>
</tbody>
</table>

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.
(3) After the commencement of this Scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, a site development plan shall be submitted in accordance with section 216 for a land unit.

(4) A technical approval for an additional use shall not be issued in terms of section 13(8)(f) unless all the applicable parameters for that use in the relevant section is complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.

(5) Portions of buildings or land in this zone may not be registered separately by sectional title.

202. Agricultural buildings

(1) Agricultural buildings which are directly related to the agricultural activities on a land unit may be erected, provided that where the coverage of any one building exceeds 2000m², an application for technical approval for an additional use shall be made in terms of section 13.

(2) The number of agricultural buildings on a land unit is not limited provided that all buildings are reasonably connected to the main farming activity.

(3) 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.

203. Agricultural industry

(1) At least 50% of the produce used in an agricultural industry shall be grown or produced on the particular farm on which the agricultural industry is located.

(2) Where the total area used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space for the activity, is less than 2000m², agricultural industry buildings may be erected provided that the Municipality has granted an application for technical approval for an additional use in terms of section 13.

(3) A consent use application is required where the total area used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space exceeds 2000m².

(4) The Municipality may require information about produce, yields and production capacity to confirm the scale of the proposed building is commensurate with the farming activities on the land unit or farm concerned.

(5) The agricultural industry shall remain subservient to the agricultural activities on the land unit or farm.

(6) Other farm owners in the surrounding area may supply produce to the agricultural industry provided that the definition is complied with.

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

(8) Should agricultural industry 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.

204. Dwelling house, second dwelling and additional dwellings

(1) One dwelling house and one second dwelling shall be permitted on any land unit as a primary right.

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7 It should be noted that NEMA requires a basic assessment for agricultural industries of 2000m² or more in extent which are located outside industrial areas (refer Regulations 327 Reg 8 April 2017).
(2) On land units exceeding 20ha in size, the Municipality may grant its consent for additional dwelling units at a rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of four additional dwelling units, as set out in the definitions. This parameter may not be deviated or departed from.

(3) Each dwelling house, second dwelling or additional dwelling unit may be occupied by no more than one family as defined or may be used in a manner permitted as additional uses or consent uses if approved by the Municipality, and the same conditions as set out in Chapter 7 for bed and breakfast establishment, home day care centre and home occupation practice shall apply.

(4) The maximum building development parameters are indicated in section (7): a main dwelling and second dwelling may not exceed a coverage of 600m$^2$ each whilst any additional dwelling is limited to a coverage of 120m$^2$ each. Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family.

205. Employee housing unit

(1) One employee housing dwelling unit shall be permitted on a land unit as a primary right.

(2) The Municipality may grant its further technical approval for additional employee housing units, provided that it is satisfied that the owner has provided sufficient proof that the additional employee housing units are for bona fide employees associated with activities on the land unit.

(3) An employee housing unit may only be used for the accommodation of one family as defined, unless another use thereof has been approved by the Municipality.

(4) One of the occupants of each of the employee housing units shall be permanently employed in connection with the farming activities on the farm concerned.

(5) The maximum building development parameters are indicated in section (7): each employee housing unit may not exceed a coverage of 120 m$^2$. Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family.

(6) Construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses, unless the Municipality is satisfied that such approval will not result in creeping development footprint which exceed the overall development extent intended for a land unit or will lead to an erosion of agriculture as the primary land use on the property.

(7) Should employee housing 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.

206. Home occupation and home day care as additional uses

(1) A home occupation or home day care establishment may only be conducted from the approved main dwelling house or the second dwelling on the land unit and the proprietor shall reside in a main dwelling or second dwelling on the land unit. The same parameters as set out in section 51 shall apply to a home occupation or home day care establishment in this zone.
207. Bed and breakfast, guest house, tourist dwelling unit as additional use in this zone

(1) The total number of guest bedrooms in a bed and breakfast, guest house and tourist dwelling unit as a combined additional use on a land unit may not exceed 7 bedrooms or 14 people\(^8\) in total per land unit.

(2) A bed and breakfast establishment may only be conducted from the approved main house or the second dwelling where the proprietor shall reside in either of these two buildings. The same parameters as section 51 shall apply to a bed and breakfast in this zone, except the maximum number of rooms permitted is subject to the overall threshold for guest accommodation in this zone.

(3) A guest house and/or tourist dwelling unit accommodation, when conducted as additional uses, may only be conducted from one or more approved dwelling units on the land unit.

(4) Guest accommodation, when conducted as additional uses, may only be undertaken as an additional use on a land unit where the primary use of the property remains cultivation, keeping of animals or any other bona fide agricultural or natural environment use, unless otherwise approved by the Municipality. The guest accommodation shall always remain subservient to the primary agricultural activities and shall not interfere with the agricultural or natural environment land uses on the property. If the land unit ceases to be used for agricultural or natural environment activities, the Municipality may instruct the owner to also cease the guest accommodation activity.

(5) A guest house, bed and breakfast, or tourist dwelling unit in this zone may not include meeting or beauty treatment rooms or a wellness centre unless the Municipality’s consent has been obtained for these land uses.

(6) The Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, tourist dwelling unit or bed and breakfast, provided that these activities shall remain confined to the approved dwelling units on the land unit and the number of additional dwellings may not exceed the number permitted by means of the definition of “additional dwellings”.

(7) When approving such an application the Municipality shall impose a restriction on the number of bedrooms which may be used in connection with the activity and any future expansions or alterations will require further consent.

208. Tourist accommodation and hotel in this zone

(1) When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.

(2) A tourist accommodation establishment or hotel is a consent use in this zone.

(3) When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements set out in section 213.

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\(^8\) Note: “Less than 15 people” per land unit is the threshold set in National Environmental Management Act (NEMA) regulations for all guest accommodation facilities outside the urban edge below which basic assessment is not required (unless within 5km of a proclaimed national park). It is regarded as an appropriate general threshold for guest accommodation permitted as an additional use right on a farm land unit since the impact (from a land use management perspective) is regarded to be small and the activity will not have an adverse impact on agricultural activities, when curtailed to existing buildings. It should however be noted that guest accommodation outside the urban edge, but within protected areas, within 10km of a national park or world heritage site, or 5km from any other protected area or from the core of a biosphere reserve triggers a NEMA basic assessment.
209. Tourist facilities in this zone

(1) The parameters in this section shall apply to all tourist facilities on a land unit which are conducted as an additional use in this zone.

(2) A technical approval for additional uses shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.

(3) Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm.

(4) Tourist facilities which are additional uses, and which require buildings to operate from, may only be undertaken from existing approved buildings on the land unit which are no longer utilised for their original purpose, provided the Municipality may approve internal alterations and minor additions to these buildings within the parameters of this Scheme. Building plans must be submitted and approved prior to converting existing buildings to tourist facilities.

(5) New buildings for tourist facilities require a consent use application in terms of Planning Law.

(6) The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) as an additional use, including the area which is used for manufacturing as envisaged in subsection (8), shall not exceed 250m² for the entire land unit, of which:

(a) the total coverage of buildings plus external use areas of all shops in a tourist facility as provided for in subsection (7) may not exceed a total of 120m² and this is a sub-limit of the overall limit for tourist facilities;

(b) the coverage plus external use areas used for the making and manufacturing of products as provided for in subsection (8) may not exceed a total of 50m² and this is a sub-limit of the overall limit for tourist facilities. This sub-limit may not be exceeded through application for consent use, nor may it be departed from;

(c) the total land area for market stalls may not exceed 120m² and this is a sub-limit of the overall limit for tourist facilities.

(7) Shops in a tourist facility, which may include a market, farm stall, farm shop, point of sale, deli, may sell goods which are produced or grown on the farm, or goods from elsewhere, provided that at least 50% of the floor space of the shop shall be dedicated to the display and sale of goods produced or grown on the farm.

(8) Tourist facilities may include an area for the brewing or manufacturing of beverages, cooking or baking of food, making of arts, craft, clothing or articles, where the raw materials used in such activity is not necessarily grown or farmed on the land unit concerned, provided the following conditions are adhered:

(a) the activity shall be undertaken or managed by the owner of the farm or one of their relatives, or a full-time employee of the farm or one of their relatives;

(b) such goods may be sold in the tourist facility on the property, or elsewhere.

(7) The site development plan together with any conditions as approved by the Municipality shall constitute the development rules for the activity and any expansion, alteration or relocation will require a further application in terms of this Scheme.

(8) The Municipality may impose any conditions required to mitigate the potential impact.

(9) Tourist facilities may not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, or the presence of people hindering agriculture e.g. during spraying season, nor may the tourist activities have an adverse impact on any bona fide agricultural activities on the farm itself or on neighbouring properties.
(10) The Municipality may, at any time after the commencement of the activity impose additional conditions to mitigate adverse impacts or it may instruct the owner that the activity shall cease, and the Municipality shall issue a compliance notice in accordance with the Municipal Planning By-law.

(11) Tourist facilities which exceed the maximum thresholds or any of the conditions or provisions in this section shall require a consent use application, unless the specifically prohibited in this section, and the Municipality may only grant such consent if it is satisfied that the objectives of the Agriculture and Rural zone will not be undermined by such approval.

210. Polytunnels in this zone

(1) For polytunnels, which for the purposes of this section also include agricultural shade netting, the following provisions apply: -
   (a) up to 2000m² coverage per land unit are permitted as a primary use provided that it is indicated on an overall site development plan for the farm submitted to the Municipality in accordance with section 216 prior to erection thereof;
   (b) between 2001m² and 5000m² coverage per land unit is permitted with the technical approval of the Municipality, subject to a more detailed and location-specific site development plan, as may be required by the Municipality;
   (c) exceeding 5000m² coverage on a land unit requires a consent use application to be submitted and approved by the Municipality.

(2) When assessing an application for technical approval or consent use for polytunnels, the Municipality shall take cognisance of the importance of agriculture and food security and strive to approve applications forthwith if proposals address concerns of adverse impacts on visual, cultural and heritage amenity and addresses all technical requirements.

(3) The Municipality may require proposals to be amended, in the form of repositioning, screening and any other measures which may address negative adverse impacts.

(4) The Municipality may also impose measures and conditions related to decommissioning as set out in section 24 of this Scheme.

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

(1) The Municipality may grant a departure in this zone to use land for the purposes of mining on a temporary basis.

(2) Notwithstanding section 18(1)(b) of the Stellenbosch Land Use Planning By-law, the period for which a mine may operate shall be linked to the life expectancy of the mine and may exceed a period of 5 years.

(3) The Municipality shall impose conditions relating to the period of validity, other operational requirements, as well as future rehabilitation of the mine after closure, as provided for in section 24 of this Scheme.

212. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if consent use is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.

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9 It must be noted that The National Heritage Resources Act (no 25 of 1999) requires a NID to be submitted for any activity that will change the character of a site exceeding 5000m² in area.
(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

213. Consent uses in Agriculture and Rural Zone

(1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.

(2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture.

(3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.

(4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, tourist accommodation establishment and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.

(5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.

(6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.

(7) As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.

(8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.

(9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm’s site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.
214. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m) Street &amp; common boundaries (incl. ROW servitudes)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SDP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation and dwellings in this zone</td>
<td>5m</td>
<td>2 storeys</td>
<td>600m² each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling house and second dwelling-house (excluding outbuildings, carport or garage)</td>
<td>5m</td>
<td>2 storeys</td>
<td>600m² each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional dwelling houses (excluding outbuildings, carport or garage): Max 4 dwelling units (1 unit/10ha for land units larger than 20ha)</td>
<td>5m</td>
<td>1 storey</td>
<td>120m² each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guest house, bed &amp; breakfast &amp; tourist dwelling units: in existing approved dwellings</td>
<td>In existing approved dwelling houses (as per above)</td>
<td>Max 7 bedrooms</td>
<td>As approved by Municipality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist facilities</td>
<td>5m</td>
<td>1 storey</td>
<td>250m²</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
<tr>
<td>-Shop in tourist facility sub-limit</td>
<td></td>
<td></td>
<td>120m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Manufacture and craft workshop sub-limit</td>
<td></td>
<td></td>
<td>50m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Agricultural buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee housing unit (excluding outbuildings, carport or garage)</td>
<td>5m</td>
<td>1 storey</td>
<td>120m²</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
<tr>
<td>Agricultural buildings</td>
<td>5m</td>
<td>3 storeys</td>
<td>No overall limit on land unit</td>
<td>Any one building &gt; 2000m²</td>
<td></td>
</tr>
<tr>
<td>Agricultural industry, including outdoor parking and loading areas</td>
<td>5m</td>
<td>3 storeys</td>
<td>n/a</td>
<td>&lt;2000m²</td>
<td>≥2000m²</td>
</tr>
<tr>
<td>Polytunnels; including shade netting</td>
<td>5m</td>
<td>1 storey</td>
<td>≤2000m²</td>
<td>≤2001m² to 5000m²</td>
<td>&gt;5000m²</td>
</tr>
</tbody>
</table>

(2) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

215. Boundary walls and fences parameters

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.
(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.
(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

216. Site development plan

(1) A site development plan shall be required by the Municipality for any new development or change of land uses in existing buildings in this zone.
(2) An owner of land zoned Agriculture and Rural may submit a site development plan for a farm, as described in subsection (2) even if no new development is intended, at any time after the commencement of this Scheme, and shall do so prior to, or at the same time as, an application is submitted in terms of this Scheme or when a building plan for new buildings is submitted to the Municipality, or when an existing building is converted to another use.

(3) The purpose of the farm site development plan submitted in terms of subsection (1) and (2) is to indicate all existing buildings and their land uses, cultivated areas, grazing areas, uncultivated areas, dams, rivers, natural veld and critical biodiversity areas on a plan to provide an overview of the extent of land use activities on the land unit, and to enable the Municipality to evaluate the compliance of any new land use or building proposals.

(4) Any existing activity which is indicated on the overall farm site development plan shall be clearly marked as either an existing primary use, a non-conforming land use/building or previously approved consent use or departure, as the case may be, and the proof of such approval or lawfulness (application number, building plan number or letter of approval, or any other relevant documentary proof) may be requested by the Municipality and must then be supplied by the applicant.

(5) The plan may also show future intended activities which shall be clearly marked as future primary, additional or consent uses. The plan can either be accompanied by the necessary planning application for the additional or consent uses, or these shall be clearly marked as un-approved uses for future application.

(6) None of the future activities which require approval in terms of this Scheme are approved by their inclusion on this plan until the relevant planning application is concluded.

(7) The plan may be updated and amended by the owner from time to time, when the need arises, and shall be updated each time a new building plan or application in terms of Planning Law or this Scheme is submitted.

(8) The farm site development plan does not require notification to neighbours, unless it accompanies an application in terms of Planning Law, in which case the required procedures will apply.

(9) An amended farm site development plan shall accompany any application for an additional or consent use indicating the extent and location of the proposed activity in relation to the overall farm land uses.

(10) Apart from the farm site development plan the Municipality shall also require a more detailed site development plan for the specific additional use or consent use which will serve as the development parameters for the approved use, once approved.

(11) An approved overall farm site development plan shall not lapse unless replaced by a new farm site development plan.

217. Construction environmental management plan

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

218. Engineering services

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

(1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.

(2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 21: NATURAL ENVIRONMENT ZONE

220. Zone name and designation on map
(3) The Natural Environment zone may be referred to by the code (NE) and shall be indicated on the zoning map in olive green (Colour code 113,169,3).

221. Purpose of the zone
(1) The purpose of this zone is to make provision for the following:
   (a) the use of land or an area for preservation of the natural environment or for conservation purposes;
   (b) protection of the natural environment whether or not the land has been proclaimed for conservation purposes in terms of the relevant legislation;
   (c) the sustainable utilisation of these areas by the controlled provision of holiday accommodation and tourist facilities.

222. Land Use within this zone
(1) The following land uses are permitted in this zone:

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Natural environment</td>
<td>• Dwelling house</td>
<td>• Employee housing</td>
</tr>
<tr>
<td></td>
<td>• Rooftop base telecommunication station</td>
<td>• Forestry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Freestanding base</td>
</tr>
<tr>
<td></td>
<td></td>
<td>telecommunication station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Guest house</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Helicopter landing pad</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Occasional use</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Private road</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist accommodation establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tourist facilities</td>
</tr>
</tbody>
</table>

(2) Portions of property in this zone may not be registered separately by sectional title.
(3) Any combination of the above-mentioned uses may be permitted on a land unit.
(4) Only one dwelling house together with its outbuildings may be constructed per land unit.

223. Rooftop and freestanding base telecommunication stations
(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.
(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.
(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.
(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.
(5) The height of any structures and buildings associated with a freestanding base telecommunication station, excluding the masts, may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany an application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

224. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All tourist and residential buildings</td>
<td>5m</td>
<td>5m</td>
<td>120m² or 0,5% of land unit whichever is the greater</td>
<td>1 storey</td>
</tr>
<tr>
<td>All buildings</td>
<td>5m</td>
<td>5m</td>
<td>Restricted in SDP</td>
<td>Restricted in SDP</td>
</tr>
</tbody>
</table>

225. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall apply.

226. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity.

(3) If a use is an occasional use as defined, and an events permit is issued in terms of the Municipality’s events permit, a site development plan does not have to be submitted in terms of the Scheme for that event.

(4) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

227. Construction environmental management plan

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

228. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
CHAPTER 22: LIMITED USE ZONE

229. Zone name and designation on map

(1) The Limited Use zone may be referred to by the code (LU) and shall be indicated on the zoning map in brown (Colour code 138,113,70).

230. Purpose of the zone

(1) The purpose of this zone is to make provision for the following:
   (a) a transitional mechanism to provide an appropriate zone for properties previously zoned ‘undetermined’ or other abolished zones in previous schemes;
   (b) to allow existing non-conforming land-uses which do not fit into a zone in this Scheme to continue within the approved parameters, without granting significant other rights which may be inappropriate in the particular area;
   (c) for existing lawful land uses to continue, provided that no new land uses (other than the right to build a dwelling house) shall be permitted and properties shall be rezoned to the appropriate use zone in order to permit new land uses.

(2) The intention is to not permit new rezoning to this zone and to phase it out over time.

231. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses</th>
<th>Consent Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Dwelling house and/or</td>
<td>• None</td>
<td>• None</td>
</tr>
<tr>
<td>• Limited to existing lawful uses at commencement date</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) No alteration to an existing land use or an existing building shall be permitted other than to a dwelling house or as provided for below.

(3) No more than one dwelling house is permitted on a land unit.

(4) Development parameters and conditions of approval approved prior to the commencement of this Scheme overrides any development parameters permitted in terms of this zone.

(5) The same parameters as prescribed in Conventional Residential zone shall be applicable to dwelling houses in this zone provided that no dwelling in this zone may exceed a coverage of 300m² and one storey unless the Municipality grants permission in terms of the Scheme for a dwelling that exceed these additional parameters.

(6) The Municipality may approve minor internal alterations to existing buildings and may also approve additions to buildings and structures provided that the additions may not exceed 10% of the existing floor area; and the land use shall remain the same.

(7) No rezoning to Limited Use zone shall be permitted after the commencement date and should additional uses or development rights be sought over and above what is permitted in this zone, a rezoning application to an appropriate use zone in terms of this Scheme shall be lodged.

(8) Portions of property in this zone may not be registered separately by sectional title.
232. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.
(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2.1 meters.
(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3.5 meters for a maximum distance of 10 meters on both sides of the entrance gate.
(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

233. Destruction of existing building

(1) Buildings which have by accident been partially or completely destroyed may be reconstructed in accordance with lawful development rights which existed at the commencement date, provided that building plans for such reconstruction are approved within 12 months from the date of the accidental destruction.
CHAPTER 23: GENERAL PROVISIONS FOR OVERLAY ZONES

234. Procedures for establishing overlay zones

(1) The Municipality may adopt, amend or withdraw an overlay zone for a particular area, land unit or the municipal area as a whole.

(2) Where a new type of overlay zone is envisaged, the provisions for such overlay zone shall be adopted by Council the procedures set out in sections 12 and 13 of the Municipal Systems Act (Act 32 of 2000) and the Planning By-law to establish such overlay zone.

(3) Where the type of overlay zone has already been created by inclusion in the Scheme one of two processes can be followed to incorporate new areas or properties into the overlay zone, depending on the provisions of the specific overlay zone:

   (a) the Municipality may demarcate new overlay zone areas or amend the map of existing areas by means of amending the Scheme in accordance with the provisions of Planning Law; or

   (b) a land unit can be rezoned to include it into a specific overlay zone, following the procedures for rezoning as set out in Planning Law.

(4) When establishing a new type of overlay zone, the provisions of the overlay zone shall indicate which of these two methods must be followed for future amendments of the overlay zone area.

235. Requirements for overlay zones

(1) When adopting, amending or withdrawing an overlay zone for an area, land unit, or the municipal area as a whole, the following shall be considered, where applicable:

   (a) the development principles contained in Planning Law;

   (b) the vision, principles, policies and provisions set out in the Municipality’s Spatial Development Framework;

   (c) any policy plan which has been approved by the Municipality after following due process of public consultation.

236. Identification, numbering and mapping of overlay zones

(1) The Municipality shall approve a distinctive name and number for each overlay zone when adopting such overlay zone.

(2) The Municipality shall indicate the land unit(s) or area to which the provisions of an overlay zone apply on the zoning map and the name and number of the applicable zone shall be clearly indicated on the zoning map.

237. Status of overlay zones

(1) An overlay zone does not change the underlying zoning of the properties to which it relates but may vary the development parameters relating to these properties.

(2) The development parameters of an overlay zone may be more restrictive or more permissive than the development parameters applicable to the underlying base zoning of the land concerned.
(3) The development parameters of the base zone remain applicable unless it is replaced with an alternative development parameter in the particular overlay zone. In those instances where an overlay zone specifies a more restrictive development parameter, the overlay zone prevails. In an instance where an overlay zone specifies a more permissive development parameter the more permissive rule in the overlay zone replaces the parameter in the base zone. In instances where the overlay zone does not alter or explicitly abolish an applicable development parameter, the base zone parameters will continue to apply.

(4) The provisions of an overlay zone do not in any way override any obligations which arise out of National and Provincial Legislation.
CHAPTER 24: SUBDIVISIONAL AREA OVERLAY ZONE

238. Zone name and designation on map

(1) The Subdivision Area Overlay zone may be referred to by the code (SAO) and shall be indicated on the zoning map as black hatching, retaining the colour of the base zone before the land was rezoned to subdivisional area.

239. Purpose of the zone

(1) This overlay zone designates land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved.

240. Land use within this zone

(1) Notwithstanding the conditions imposed when rezoning land to Subdivisional Area, a property may continue to be used for the purposes set out in the base zone prior to rezoning until the rezoning approval is being acted on and the subdivision or portions thereof have been confirmed.

(2) Upon confirmation of the subdivision the permitted primary, additional or consent uses as permitted by the applicable new base zones as approved in the rezoning application, shall apply to the confirmed land units unless the conditions of approval stipulate additional restrictions.

241. Designation of land and development parameters

(1) An owner shall apply to rezone land to this Overlay zone in accordance with Planning Law if it is proposed to subdivide and develop land where more than one new zoning will be allocated to the land units falling inside the development area after subdivision and where subdivision will create additional rights (for example residential subdivision).

(2) When land to be subdivided for new development will not require allocation of more than one new zoning rezoning to this overlay zone is not required.

(3) Upon approval of an application to rezone land to Subdivisional Area, the Municipality shall impose conditions of rezoning which will specify at least the following information:

(a) the permitted mix of land uses and zoning;
(b) the permitted density in the case of residential development;
(c) the permitted floor area in the case of business, industrial and other significant land uses;
(d) the approximate ratio of open space and public road, if required by the development;
(e) any departures from the development rules which may be required by the intended development;
(f) provisions for the supply of external and internal municipal engineering services and development charges;
(g) any other conditions the Municipality deems fit to inform the intended subdivision of land including, but not limited to, environmental, heritage, landscaping, parking and access parameters.

(4) Land zoned as subdivisional area may be subdivided as contemplated by Planning By-law in accordance with the conditions imposed.

(5) A plan of subdivision shall be submitted for approval in terms of the Planning By-law for land which is zoned Subdivisional Area Overlay zone; and:

(a) the plan of subdivision shall indicate the zoning of each of the proposed land units in accordance with the zones of the Scheme;
(b) the plan of subdivision shall not require to be advertised in the event that the subdivision plan conforms to all the conditions of approval and is generally in accordance with the proposed development framework indicated in the original application for rezoning to Subdivisional Area Overlay zone;

(c) it may identify land parcels (superblocks) which may be further subdivided in future and identify these as Subdivisional Area Overlay zoned land units;

(d) the development may be phased and if so indicated on the plan of subdivision, the remainder of land which is set aside for subsequent phases may be indicated as Subdivisional Area on the subdivision plan. In this case, the application shall clearly indicate which portion of development rights have been taken up by the development and which development rights remain available for allocation to subsequent phases.

242. Updating of the zoning map

(1) The Municipality shall in every instance where a subdivision requires a change of zoning to more than one new zone, rezone land in terms of the Planning By-law to Subdivisional Area Overlay zone. The land unit(s) rezoned as Subdivisional Area shall be indicated accordingly on the zoning map.

(2) Upon confirmation of the subdivision or part thereof, the said subdivision or part thereof shall be allocated the appropriate base zones on the zoning map, replacing the Subdivisional Overlay zone designation.
243. Zone name and designation on map

(1) The Urban and Rural Conservation Overlay zone may be referred to by the code (URCO) and shall be indicated on the zoning map in a unique colour outline for each area yellow fill.

244. Purpose of the zone

(1) The purpose of the Urban and Rural Conservation Overlay zone is to control development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value.

(2) Given the Municipality’s developmental objectives, 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 balanced with the need for sensitive development in certain receiving environments.

(3) The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to avoid potential adverse impact of development on the receiving environment and mitigate them where they cannot be avoided.

(4) Other than when specific limitations are imposed by virtue of a provision contained in an overlay zone which reduces the development parameters, 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 significant adverse impact on heritage resources or environmental resources.

245. Areas designated as Urban and Rural Conservation Overlay Zones

(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 B.

<table>
<thead>
<tr>
<th>Number and Map Reference</th>
<th>Description of Area</th>
<th>Colour on map</th>
</tr>
</thead>
<tbody>
<tr>
<td>URCO1</td>
<td>Stellenbosch Urban Conservation Area</td>
<td></td>
</tr>
<tr>
<td>URCO2</td>
<td>Franschhoek Urban Conservation Area</td>
<td></td>
</tr>
<tr>
<td>URCO3</td>
<td>Jonkershoek Valley Rural Conservation Area</td>
<td></td>
</tr>
<tr>
<td>URCO4</td>
<td>Dwars River Valley Rural Conservation Area</td>
<td></td>
</tr>
<tr>
<td>URCO5</td>
<td>Ida’s Vallei Rural Conservation Area</td>
<td></td>
</tr>
</tbody>
</table>

(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) 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.
246. Applications in Urban and Rural Conservation Overlay Zones

(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 are 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;
   (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.

(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 are 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) The following activities are exempt from applying for permission in terms of the Scheme:
   (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 aerals and satellite dishes, solar panels, solar geysers that 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.

(4) Applications for permission in terms of sections 246(1)(a) and (b) shall be submitted only by a registered architect or town planner, together with all information and plans the Municipal Manager may deem necessary to inform the decision.

(5) Where a proposal is either adjacent to or on a land unit 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 suitably qualified heritage practitioner which evaluates the possible impact of the proposal on the heritage asset.

247. Land uses and development parameters in Urban and Rural Conservation Overlay Zones

(1) The base zone applicable to a land unit will continue to apply to properties within this overlay zone.

(2) The primary, additional and consent uses, and development parameters 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) The overlay zone does not grant additional development rights beyond what is specifically provided for in the area-specific provisions listed under each Urban or Rural Conservation Overlay zone.

248. Area specific parameters and decision-making criteria

(1) The Municipality may prepare and adopt, after following due process, area-specific development parameters and rules for an 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 in terms of the Scheme.

(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) 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.

249. Advisory committee

(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 planning applications in Urban and Rural Conservation Overlay zones.

(2) The committee shall be established within 3 months of commencement of the Scheme.

(3) The Municipality shall by ordinary resolution prescribe rules and procedures for such committee.

(4) 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.

(5) The committee shall consider the application and submit their recommendation within the period prescribed by Planning By-law.
(6) The committee may formulate recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve compliance with the Conservation Overlay Policy.

(7) 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.

250. Consideration of applications in terms of this Chapter

(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.

(2) The Municipality shall also take into consideration the recommendations by the Advisory Committee and shall be bound by the decisions of national and/or provincial heritage or environmental authorities, if applicable.

(3) When granting its permission, the Municipality may do so subject to conditions it deems necessary to achieve the purpose of this zone, which may include, but are not limited to:

(a) requiring an alternative position of the building addition or alteration on the land unit which has less impact on the receiving environment;

(b) setting a maximum development envelope (including the height) for a portion of the land unit or the whole land unit, 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 road reserve and also the position of historical buildings along the road. 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 land unit, including screening of parking and the maximum number of parking bays which may be provided.

251. Site development plan

(1) A site development plan may be required by the Municipality for any development in this zone.

252. Provisions applicable to specific Urban and Rural Conservation Overlay Zones

(1) The provisions of this subsection shall apply to the Stellenbosch Urban Conservation Area, as defined on Map URCO1:

(a) buildings may not exceed a height of 10 meter, 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) on the balance of the land unit (outside the 15 meters measured from a public road) the height of a building may not exceed 5 storeys or the maximum number of storeys permitted in the base zone, whichever is the lowest;

(c) the Municipality may withhold its permission if any increase in height of a structure would, in the opinion of the Municipality, interfere with the growth of any mature tree within the road reserve, or if it would necessitate the undesirable pruning or removal of that tree or its branches;

(d) 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;

(e) face brick may not be visible from a public road;

(f) 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;

(g) water tanks, solar panels, antennae and such similar attachments may not be visible from a public road;

(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 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 of section 22 related to parking ratios, the Municipality may waive or reduce parking ratios and/or loading requirements on a land unit in this overlay zone 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.

The provisions of this subsection shall apply to the **Franschhoek Urban Conservation Area**, as defined on Map 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 specific written permission;

(b) none of the materials listed below may be used, unless otherwise approved by the Municipality on the site development plan:
   (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);
   (vii) slate;
(viii) steel or aluminium windows or doors on any elevation visible from the public road;
(ix) unpainted wooden windows;
(x) pre-cast concrete fences;
(xi) exposed concrete of any kind.

(c) no boundary wall may exceed 1 meter.
(d) no roof pitch to any part of a building except a lean-to section attached to the main building shall have a roof pitch of less than 30 degrees;
(e) the Municipality may waive or reduce the parking and/or loading requirements as set out in the Scheme if it believes 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 approval of a consent use and may be 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.
CHAPTER 26: SCENIC ROUTE OVERLAY ZONE

253. Zone name and designation on map

(1) The Scenic Route Overlay zone shall be depicted on maps numbered SRO1 to SRO5. 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.

254. Purpose of the zone

(1) The purpose of this overlay zone is to protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors.
(2) To this end, control will be exercised over buildings and structures, including fences, gates and gatehouses, berms, access roads, parking, polytunnels, signage and telecommunication structures immediately abutting these roads.
(3) The rural scenic routes aim to preserve the unique rural visual character and qualities of the area whilst balancing this with the needs of working farms.
(4) The urban scenic routes aim to provide a mechanism to mitigate the impact of new developments on the architectural aesthetic of the settlement, with particular reference of how development interacts and interface with the road.
(5) A balance must be sought to allow agricultural activities to proceed to ensure agricultural economic viability whilst having regard for visual amenity.
(6) The aim of this zone is to provide an additional mechanism through which the Municipality can manage and mitigate new development in a sensitive and balanced manner and whereby the Municipality may impose measures and conditions with which to mitigate the adverse impact on scenic resources.
(7) The objective of this zone is not to reduce existing development rights or to hinder development within existing development parameters unless such development has a severe and proven adverse impact on defined scenic resources.

255. Areas designated as scenic routes

(1) The Municipality has designated Rural Scenic Routes or Urban Scenic Routes in accordance with this Scheme.
(2) All routes are depicted on map SRO1, and in more detail on maps SRO2, SRO3, SRO4, or SRO5 and are recorded in Table C.
(3) Rural Scenic Routes fall outside the urban edge and Urban Scenic Routes are located inside the urban edge.
(4) Upon adjustment of the urban edge when a new Spatial Development Framework is adopted by the council of the Municipality of Stellenbosch, the designation of Rural or Urban Scenic Routes shall be amended and the maps shall be updated accordingly.
(5) Unless otherwise stated or indicated on the plans, the demarcated Rural Scenic Routes area of control consist of 200 meters either side of the road, measured from the centre line of the tarred road surface. The maps clearly indicate where a Rural Scenic Route area of control applies to one side of the road only.
(6) Unless otherwise stated or indicated on the plans, the demarcated Urban Scenic Route shall apply to the erven directly adjacent to and on both sides of the roads indicated in Table C where these routes are inside the urban edge. The maps clearly indicate where an Urban Scenic Route area of control applies to one side of the road only.

(7) 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.

(8) 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>
<thead>
<tr>
<th>TABLE C: SCENIC ROUTE OVERLAY ZONES</th>
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<tbody>
<tr>
<td>Rural Scenic Route No</td>
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</tr>
<tr>
<td>RSR1</td>
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<table>
<thead>
<tr>
<th>Urban Scenic Route No</th>
<th>Route Name and Description</th>
<th>Detail Map No</th>
<th>Colour on map</th>
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</thead>
<tbody>
<tr>
<td>USR1</td>
<td>Klapmuts Road (R44)</td>
<td>Map SRO2</td>
<td></td>
</tr>
<tr>
<td>USR2</td>
<td>Klipheuwel Road (R304)</td>
<td>Map SRO2</td>
<td></td>
</tr>
<tr>
<td>USR3</td>
<td>Bottelary Road (M23)</td>
<td>Map SRO2</td>
<td></td>
</tr>
<tr>
<td>USR4</td>
<td>Bird Street (R304)</td>
<td>Map SRO2</td>
<td></td>
</tr>
<tr>
<td>USR5</td>
<td>Adam Tas Road (R310)</td>
<td>Map SRO3</td>
<td></td>
</tr>
<tr>
<td>USR6</td>
<td>Baden Powel Road (R310)</td>
<td>Map SRO3</td>
<td></td>
</tr>
<tr>
<td>USR7</td>
<td>Polkadraai Road (M12)</td>
<td>Map SRO3</td>
<td></td>
</tr>
<tr>
<td>USR8</td>
<td>Strand Road (R44)</td>
<td>Map SRO3</td>
<td></td>
</tr>
<tr>
<td>USR9</td>
<td>Molteno, Jan Cilliers, Hammandshand Roads</td>
<td>Map SRO3</td>
<td></td>
</tr>
<tr>
<td>USR10</td>
<td>Helshoogte Road (R310)</td>
<td>Map SRO2/3/4/5</td>
<td></td>
</tr>
<tr>
<td>USR11</td>
<td>Main, Franschhoek (R45), Lambrechts Roads (R45)</td>
<td>Map SRO4/5</td>
<td></td>
</tr>
</tbody>
</table>

256. General parameters applicable to all scenic routes

(1) In a Scenic Route Overlay zone area, the undermentioned activities may not commence without the Municipality’s permission in terms of the Scheme:

(a) addition of any new buildings and structures;
(b) addition of any new greenhouse or polytunnels;
(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.
257. Development parameters

(1) A building line of 30 meters 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.

258. Site development plan

(1) A site development plan may be required by the Municipality for any development in this zone.

259. Visual impact assessment

(1) A visual impact assessment may be required by the Municipality for any development in this zone.

260. Consideration of applications in terms of this chapter

(1) When considering an application for permission in terms of this Chapter, the Municipality shall consider the visual impact of the development proposal and shall impose conditions to mitigate the visual impact, including positioning, landscaping and screening of development.

(2) Where an application is made for development in accordance with existing development rights, the Municipality shall endeavour to permit such development in accordance with existing rights but may require mitigatory measures to address the visual impact of the proposed development.

(3) Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.
(4) When 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 of the building/structure;
   (c) parking, layout, position, including screening and landscaping provisions;
   (d) material, colour, texture, architectural treatment and appearance of the outer elements as well as any element of a building or structure visible to the public;
   (e) outdoor lighting;
   (f) landscaping and grading.

(5) When granting its permission, the Municipality may do so subject to conditions it deems necessary to mitigate impact or to protect and promote the visual environment and scenic quality of the area in general.

(6) The Municipality may adopt by ordinary resolution, rules or more detailed policy guidelines to provide a more detailed guide for decision-making in terms of this Overlay zone.

261. Signage

(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.

262. Activities exempted

(1) The following activities and structures are exempt from applying for permission in terms of this section:
   (a) general maintenance of existing buildings and structures;
   (b) replacement of an existing fence with a new fence which is visually permeable painted wire or steel palisade;
   (c) new fencing which does not contain solid piers or solid sections;
   (d) agricultural shade netting provided the fabric is visually permeable.

(2) The Council may amend this list of excepted activities or 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 ROUTE OVERLAY ZONE

MAP NO: SRO3
DATE: OCTOBER 2016

URBAN SCENIC ROUTES
USR5  Adam Tas Road (R310)
USR6  Baden Powell Road (R310)
USR7  Polkadraai Road (M12)
USR8  Strand Road (R44)
USR9  Montefio, Jan Cilliers,
      Hammanskraal
USR10 Helshoogte Road (R310)

RURAL SCENIC ROUTES
RSR4  Polkadraai (M12)
RSR3  Baden Powell Road (R310)
RSR4  Strand Road (R44)

SCENIC ROUTES OVERLAY 3

ssi 1km 2km 5km

Draft for Council Adoption - 2
CHAPTER 26: SCENIC ROUTE OVERLAY ZONE

SCENIC ROUTE OVERLAY ZONE

MAP NO: SRO4
DATE: OCTOBER 2016

SCENIC ROUTES OVERLAY 4

RURAL SCENIC ROUTES
- RSR7 Heishoogte Road (R310)
- RSR8 Franschhoek Road (R45)

URBAN SCENIC ROUTES
- USR10 Heishoogte Road (R310)
CHAPTER 27: LOCAL AREA OVERLAY ZONES

263. Zone name and designation on map

(1) The Local Area Overlay zone shall be depicted on a map and shall be referred to by the code (LAO) followed by a number designating the particular 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 (Colour code 35,142,35).

264. Purpose of the zone and incorporation of land

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

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

265. Areas designated as local area overlay zones

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

<table>
<thead>
<tr>
<th>Number and Map Reference</th>
<th>Description of Area</th>
<th>Colour on map</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAO1</td>
<td>Techno Park Local Area Overlay zone</td>
<td></td>
</tr>
</tbody>
</table>

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

(1) The Techno Park Local Area Overlay Area is indicated on Map LAO1 and the parameters in this subsection will apply as indicated.

(2) The purpose of the Techno Park Local Overlay zone is to retain the development parameters applicable to this area, as they applied in terms of the former Stellenbosch Zoning Scheme.

(3) The development parameters set out in this Chapter replace all the development rules set out in the General Business Use zone and shall apply to all the properties or portion of properties falling within the boundaries of the Techno Park Local Area Overlay zone as depicted on Map LAO1.

(4) The following land uses are permitted in this zone:

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses</th>
<th>Consent Uses (application required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Laboratories, offices and other facilities for research, development,</td>
<td>i. Professional and related business services directly associated with and primarily geared towards</td>
<td></td>
</tr>
<tr>
<td>design, testing and consultation by any individual, corporation,</td>
<td>activities referred to in paragraphs (i) and (iii) of the primary uses, for example, banking</td>
<td></td>
</tr>
<tr>
<td>partnership, business association or any other type of organization,</td>
<td>facilities, personal services, post office, day care centre, sports and health facilities,</td>
<td></td>
</tr>
<tr>
<td>whether public or private.</td>
<td>food services and training centres.</td>
<td></td>
</tr>
<tr>
<td>ii. Production and assembly of prototype products but only on a scale</td>
<td>i. Conference centres and administrative offices needed for the running of the Techno Park.</td>
<td></td>
</tr>
<tr>
<td>necessary for the completion of research in connection with the product.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Draft for Council Adoption - 2)
iii. Pilot plants, in which planned processes or products are investigated, tested and assembled with a view to production elsewhere.

iii. Facilities for light manufacturing and/or the assembly of products that require a high level of skills in the high-technology sector and 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:

<table>
<thead>
<tr>
<th>Building type</th>
<th>Street boundary building lines (m)</th>
<th>Common boundary building lines (m)</th>
<th>Coverage</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings</td>
<td>none</td>
<td>none</td>
<td>Erven &gt;3000m²=30% Erven &lt; 3000m² = 40%</td>
<td>2 Storeys With permission: 3 storeys</td>
</tr>
</tbody>
</table>

(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 100m² 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 property in the environment;
   (ii) 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 Techno Park;
   (iii) 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;
   (iv) except with the technical approval of the Municipality, the storage of explosives shall not be permitted 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 at the discretion of the Municipality.
CHAPTER 28: LOCAL ECONOMIC OVERLAY ZONE

267. Zone name and designation on map

(1) The Local Economic Overlay zone shall be depicted on a map and shall be referred to by the code (LEO) followed by a number designating the particular zone. The area to which the Local Economic Overlay zone applies shall be indicated on the zoning map by a magenta coloured dotted outline with a transparent fill in the same colour (Colour code 255,0,255).

268. Purpose of the zone

(1) The purpose of the Local Economic Overlay zone is to:
   (a) permit an increased mix of land uses in low-income areas to stimulate local economic activity;
   (b) to apply less stringent land use management and building development management provisions;
   (c) to allow for a greater flexibility regarding accommodation of lodgers in order to address the housing need.

269. Areas designated as Local Economic Overlay areas

(1) The Municipality may designate areas as Local Economic Overlay zone areas. These areas shall be depicted on a map and the areas shall be recorded in Table E.

<table>
<thead>
<tr>
<th>Number and Map Reference</th>
<th>Description of Area</th>
<th>Colour on map</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEO1</td>
<td>Reserved for future demarcation: study or SDF</td>
<td></td>
</tr>
<tr>
<td>LEO2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) An area may be designated as a Local Economic Overlay zone once it is identified as such in the spatial development framework of the Municipality or after the completion of a study to identify the extent and boundaries based on appropriate criteria.

(3) The Municipality may demarcate new Local Economic 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.

270. Parameters applicable to Conventional Residential zone properties in this overlay zone

(1) Notwithstanding the provisions of the base zone, the following land uses will be permitted on properties that are zoned Conventional Residential zone (CR) in the demarcated area:
### Primary Uses

- Commune
- Dwelling house
- Group housing
- Guest house
- Restaurant
- Second dwelling
- Shop
- Shelter (if NBR is deactivated)
- Bed and breakfast establishment
- Home day care centre
- Home occupation practice
- House shop
- Home lodging
- Occasional use (one event/year)
- Other social, educational, religious, occupational or business purposes

### Additional Uses (technical approval)

- Market
- Private road

### Consent Uses (application required)

- Hostel
- Business premises
- Community residential building
- Day care centre
- Extramural facility
- Flats
- House tavern
- Occasional use >one event/year
- Place of education
- Place of worship
- Welfare institution

(2) The Municipality may, by special permission in terms of the National Building Regulations, also demarcate certain areas where shelters will be permitted as a primary right.

(3) Insofar as it is applicable, the development parameters of the Less Formal Residential zone apply to dwelling houses, group houses and second dwellings and all businesses conducted from dwellings.

#### 271. Building parameters and parking

(1) The building parameters and parking ratios for Less Formal Residential zone will apply.
CHAPTER 29: GENERAL

272. Repeal

(1) The by-laws and zoning schemes listed in Schedule 1 are repealed.

273. Enforcement

(1) Enforcement of this Scheme will be in accordance with the provisions in Planning Law.

274. Short title and commencement

(1) This By-law is called the Stellenbosch Municipality Zoning Scheme By-law.
(2) This By-law comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

<table>
<thead>
<tr>
<th>Zoning Schemes Repealed by adoption of new scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stellenbosch Zoning Scheme</td>
</tr>
<tr>
<td>Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)</td>
</tr>
<tr>
<td>Franschhoek Zoning Scheme</td>
</tr>
<tr>
<td>Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)</td>
</tr>
<tr>
<td>Section 8 Zoning Scheme</td>
</tr>
<tr>
<td>Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)</td>
</tr>
<tr>
<td>Kayamandi Town Planning Scheme</td>
</tr>
<tr>
<td>Black Communities Development Act, 1984 (Act 4 of 1984)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>By-laws repealed in terms of MSA 32 of 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>By-law related to the control of Boundary Walls and Fences</td>
</tr>
<tr>
<td>Municipal Systems Act (No 32 of 2000)</td>
</tr>
</tbody>
</table>

SCHEDULE 2

Conversion of zoning on repealed zoning maps

(1) In the column on the left the zoning of the former zoning scheme is indicated.
(2) In the column on the right the proposed new zoning in terms of this Scheme is indicated.
(3) In cases where a suitable corresponding zone does not exist in the New Scheme, the zoning was converted based on the lawful existing land use.

<table>
<thead>
<tr>
<th>STELLENBOSCH Former Stellenbosch Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Residential</td>
<td>Conventional Residential Zone</td>
</tr>
<tr>
<td>Less Formal Residential</td>
<td>Less Formal Residential Zone</td>
</tr>
<tr>
<td>Group Housing</td>
<td>Conventional Residential Zone + “deemed consent for Group Housing”</td>
</tr>
<tr>
<td>General Residential</td>
<td>Multi-unit Residential Zone</td>
</tr>
<tr>
<td>General Business</td>
<td>Mixed-use Zone</td>
</tr>
<tr>
<td>Specific Business</td>
<td>Local Business Zone</td>
</tr>
<tr>
<td>Restricted Business</td>
<td>Local Business Zone</td>
</tr>
<tr>
<td>University</td>
<td>Education Zone</td>
</tr>
<tr>
<td>Institution</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Educational Institution</td>
<td>Education Zone</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Agriculture and Rural Zone</td>
</tr>
<tr>
<td>Local Authority Government</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Public Open Space</td>
<td>Public Open Space Zone</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>Private Open Space Zone</td>
</tr>
<tr>
<td>Special Business</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>Industrial Zone + “deemed Restricted Industry”</td>
</tr>
</tbody>
</table>
### STELLENBOSCH

<table>
<thead>
<tr>
<th>Former Stellenbosch Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Industrial</td>
<td>Industrial Zone</td>
</tr>
<tr>
<td>Noxious Industrial</td>
<td>Industrial Zone + “deemed consent for Noxious Industry”</td>
</tr>
<tr>
<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Special Zone</td>
<td>Local Business Zone (+ Technopark Local Area Overlay Zone)</td>
</tr>
<tr>
<td>Wine Industry</td>
<td>Industrial Zone (inside urban edge)</td>
</tr>
<tr>
<td></td>
<td>Agriculture and Rural Zone + “deemed consent for Agriculture Industry (wine)” (outside urban edge)</td>
</tr>
</tbody>
</table>

### FRANSCHHOEK

<table>
<thead>
<tr>
<th>Former Franschhoek Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Residential</td>
<td>Conventional Residential Zone</td>
</tr>
<tr>
<td>Less Formal Residential</td>
<td>Less Formal Residential Zone</td>
</tr>
<tr>
<td>Group Housing</td>
<td>Conventional Residential Zone + “deemed consent for Group Housing”</td>
</tr>
<tr>
<td>General Residential</td>
<td>Multi-unit Residential Zone</td>
</tr>
<tr>
<td>General Business</td>
<td>Mixed-use Zone</td>
</tr>
<tr>
<td>Specific Business</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Minor Business</td>
<td>Local Business Zone</td>
</tr>
<tr>
<td>Cemetery Purpose</td>
<td>Private Open Space Zone</td>
</tr>
<tr>
<td>Educational Purpose, Education</td>
<td>Education Zone</td>
</tr>
<tr>
<td>Institution</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Public Worship</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Agriculture and Rural Zone</td>
</tr>
<tr>
<td>Local Authority Purpose</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Government Purpose</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Public Open Space</td>
<td>Public Open Space Zone</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>Private Open Space Zone</td>
</tr>
<tr>
<td>Special Business</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Factories</td>
<td>Industrial Zone</td>
</tr>
<tr>
<td>Noxious Industrial</td>
<td>Industrial Zone + “deemed consent for Noxious Industry”</td>
</tr>
<tr>
<td>Railway Purpose</td>
<td>Transport Facility Zone</td>
</tr>
<tr>
<td>Proposed new street</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Existing Streets</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Public Parking Purpose</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Private Parking</td>
<td>Mixed-use Zone</td>
</tr>
<tr>
<td>Pedestrian Mall</td>
<td>Mixed-use Zone</td>
</tr>
</tbody>
</table>

### LAND USE PLANNING ORDINANCE SECTION 8 SCHEME

<table>
<thead>
<tr>
<th>Former Section 8 Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zone I</td>
<td>Conventional Residential Zone</td>
</tr>
<tr>
<td>Less formal Residential</td>
<td>Less Formal Residential Zone</td>
</tr>
<tr>
<td>Residential Zone II</td>
<td>Conventional Residential Zone + “deemed consent for Group Housing”</td>
</tr>
<tr>
<td>Residential Zone III</td>
<td>Conventional Residential Zone + “deemed consent for Group Housing”</td>
</tr>
<tr>
<td>Residential Zone IV</td>
<td>Multi-unit Residential Zone</td>
</tr>
<tr>
<td>Residential Zone V</td>
<td>Multi-unit Residential Zone (inside urban edge) with deemed consent for approved consent uses Agriculture and Rural Zone + “deemed consent for tourist accommodation/guest house/hotel (based on lawful land use)” (outside urban edge)</td>
</tr>
</tbody>
</table>
### LAND USE PLANNING ORDINANCE SECTION 8 SCHEME

<table>
<thead>
<tr>
<th>Former Section 8 Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Zone I</td>
<td>Mixed-use Zone</td>
</tr>
<tr>
<td>Business Zone II</td>
<td>Local Business Zone</td>
</tr>
<tr>
<td>Business Zone III</td>
<td>Local Business Zone</td>
</tr>
<tr>
<td>Business Zone IV</td>
<td>Mixed-use Zone + “deemed consent for Warehouse”</td>
</tr>
<tr>
<td>Business Zone V</td>
<td>Local Business Zone + “deemed consent for Petrol Filling Station”</td>
</tr>
<tr>
<td>Institutional I</td>
<td>Education Zone</td>
</tr>
<tr>
<td>Institutional II</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Institutional III</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Agriculture Zone I</td>
<td>Agriculture and Rural Zone</td>
</tr>
<tr>
<td>Agriculture Zone II</td>
<td>Agriculture and Rural Zone with deemed consent for approved uses</td>
</tr>
<tr>
<td>Authority Zone</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Open Space I</td>
<td>Public Open Space Zone</td>
</tr>
<tr>
<td>Open Space II</td>
<td>Private Open Space Zone</td>
</tr>
<tr>
<td>Open Space III</td>
<td>Natural Environment Zone</td>
</tr>
<tr>
<td>Industrial Zone I</td>
<td>Industrial Zone</td>
</tr>
<tr>
<td>Industrial Zone II</td>
<td>Industrial Zone + “deemed consent for Noxious Industry”</td>
</tr>
<tr>
<td>Resort Zone I</td>
<td>Outside Urban Edge: Agriculture and Rural Zone + “deemed consent for Tourist Accommodation/Hotel/Guest house (based on lawful land use)”</td>
</tr>
<tr>
<td>Resort Zone II</td>
<td>Inside Urban Edge: Manual allocation: appropriate residential zone with deemed consent to allow the type of accommodation</td>
</tr>
<tr>
<td>Transport Zone I</td>
<td>Transport Facility Zone</td>
</tr>
<tr>
<td>Transport Zone II</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Transport Zone III</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Special Zone</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Industrial Zone III (mining)</td>
<td>Agriculture and Rural Zone + “deemed departure for Mine”</td>
</tr>
</tbody>
</table>

### KAYAMANDI

<table>
<thead>
<tr>
<th>Former Kayamandi Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential I</td>
<td>Less Formal Residential Zone</td>
</tr>
<tr>
<td>Residential II</td>
<td>Multi-unit Residential Zone</td>
</tr>
<tr>
<td>Business</td>
<td>Mixed-use Zone</td>
</tr>
<tr>
<td>Institutional I</td>
<td>Education Zone</td>
</tr>
<tr>
<td>Institutional II</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Institutional III</td>
<td>Community Zone</td>
</tr>
<tr>
<td>Open space I</td>
<td>Public Open Space Zone</td>
</tr>
<tr>
<td>Open space II (public)</td>
<td>Public Open Space Zone</td>
</tr>
<tr>
<td>Open space II (private)</td>
<td>Public Open Space Zone</td>
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<td>Services</td>
<td>Utility Zone</td>
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<tr>
<td>Industrial</td>
<td>Industrial Zone</td>
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<tr>
<td>Streets</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Parking</td>
<td>Public Roads and Parking Zone</td>
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<tr>
<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Special</td>
<td>Manual allocation based on lawful land use</td>
</tr>
</tbody>
</table>
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ZONING SCHEME MAPS, (MAP01 TO MAP25, DATED OCTOBER 2018)
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<table>
<thead>
<tr>
<th>APPL NO</th>
<th>FILE REF</th>
<th>EXPLANATORY</th>
<th>AREA</th>
<th>EP</th>
<th>EXISTING</th>
<th>ZONE</th>
<th>NON ZONE</th>
<th>ADDRESS</th>
<th>TEMPORARY</th>
<th>PERMANENT</th>
<th>TERRITORIAL</th>
<th>SPECIAL</th>
<th>REMOVAL</th>
<th>OTHER</th>
<th>COMMISSIONER</th>
<th>FILE REF</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1232/19</td>
<td>E1-1232/19</td>
<td>Goulburn Street, Goulburn</td>
<td>257.4 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
<td>Same as above</td>
<td>Same as above</td>
<td>Goulburn Street, Goulburn</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>2307-06-01</td>
<td>1972.09.15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2345/19</td>
<td>E1-2345/19</td>
<td>Goulburn Street, Goulburn</td>
<td>320 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
<td>Same as above</td>
<td>Same as above</td>
<td>Goulburn Street, Goulburn</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>2307-06-01</td>
<td>1972.09.15</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6789/19</td>
<td>E1-6789/19</td>
<td>Goulburn Street, Goulburn</td>
<td>450 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
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<td>Same as above</td>
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<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
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<td>2307-06-01</td>
<td>1972.09.15</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1011/19</td>
<td>E1-1011/19</td>
<td>Goulburn Street, Goulburn</td>
<td>675 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
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<td>Same as above</td>
<td>Goulburn Street, Goulburn</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>2307-06-01</td>
<td>1972.09.15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1234/19</td>
<td>E1-1234/19</td>
<td>Goulburn Street, Goulburn</td>
<td>820 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
<td>Same as above</td>
<td>Same as above</td>
<td>Goulburn Street, Goulburn</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>2307-06-01</td>
<td>1972.09.15</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5678/19</td>
<td>E1-5678/19</td>
<td>Goulburn Street, Goulburn</td>
<td>1020 m²</td>
<td>Residential</td>
<td>Single Dwelling</td>
<td>Same as above</td>
<td>Same as above</td>
<td>Goulburn Street, Goulburn</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>Relegation of the Zoning to L-222</td>
<td>Same as above</td>
<td>2307-06-01</td>
<td>1972.09.15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ANNEXURE E

THE TEMPLATE FOR THE INVITATION FOR COMMENTS AS WELL AS A COPY OF REGISTERED ADDRESSES OF INTERESTED AND AFFECTED PARTIES TO WHOM THE INVITATION WAS SENT
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our File Reference Number: 1/2/1/2
Enquiries: Jacques Jansen van Rensburg
Contact No: 021 808 8673
Email address: jacques.jansenvanrensburg@stellenbosch.gov.za
Date: 05 October 2017

REGISTERED MAIL

To Whom It May Concern

Dear Interested and Affected party member/organisation and State Department,

OPPORTUNITY TO COMMENT ON THE FINAL DRAFT VERSION 11 STELLENBOSCH MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW 2017

1. As an interested and Affected Party member/organisation or state department whom have participated in the previous round of public participation you are informed that a Final Draft Stellenbosch Municipality Integrated Zoning Scheme By-law (VERSION 11) is advertised for comment.

2. The following documents are made available for inspection and comment:
   b) The Public Participation report which indicates how your organisation comments were incorporated; and
   c) The Zoning Register and the Zoning Maps1 which have been converted and aligned with the Final Draft Integrated Zoning Scheme By-law (Version 11).

3. The above mentioned documents/maps and register are available for inspection at the Stellenbosch Municipal library located in Plein Street, Stellenbosch and the Municipal website (www.stellenbosch.gov.za/planning).

4. Written comments may be forwarded in writing no later than 20 December 2017 to The Manager: Land Use Management by either Post (Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599); fax (021 886 6899) or e-mail (Jacques.JansenvanRensburg@stellenbosch.gov.za).

Yours faithfully,

For MUNICIPAL MANAGER

1 Kindly note that the zoning register and zoning maps displayed are based on 2012 data. The Municipality are in the process to update the maps and register which will be correctly displayed as updates occur.
OPPORTUNITY FOR COMMENT ON THE FINAL DRAFT
VERSION 11 STELLENBOSCH MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW 2017

The Final Draft Stellenbosch Municipality Integrated Zoning Scheme By-law (VERSION 11) is herewith for the last time advertised for public comment after incorporating the comments received during the municipality previous round of public participation conducted during November 2016 - March 2017.

The following documents are made available for inspection and comment:
2. The Public Participation report which indicates how and where earlier comments were incorporated, and
3. The Zoning Register and the Zoning Maps\(^1\) which have been converted and aligned with the Final Draft Integrated Zoning Scheme By-law (Version 11).

The abovementioned By-law, documents, maps and register are available for inspection at the Stellenbosch Municipal Library located in Plain Street, Stellenbosch and the Municipal website (www.stellenbosch.gov.za/planning).

Interested members of the public are invited to comment in terms of Section 17 of the Municipal Systems Act, No 32 of 2000 by no later than 20 December 2017 in writing by completing the provided comment form which will be made available on the municipal website and forward comments to The Manager: Land Use Management by either Post: (Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599); alternatively via fax (021 886 6899) or e-mail to Jacques.JansenvanRensburg@stellenbosch.gov.za Further enquiries or people who cannot comment in writing may approach Mr Jacques Jansen van Rensburg on Tel 021 808 8673 for assistance to have their comments or input recorded.

Ms Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Notice No. P 14/17

KENNISGEWING VAN GELEENTHEID OM COMMENTAAR TE LEWER OP DIE FINALE KONSEP WEERGawe 11 VAN DIE STELLENBOSCH MUNICIPALITEIT SE GÉINTGREERDE SONERINGSKEMA VERORDENING 2017

Die Finale Konsep van die nuwe Stellenbosch Munisipaliteit Geïntegreerde Soneringskema Verordening (Weergawe 11), word hiermee vir die laaste keer vir openbare kommentaar geadvertiseer nadat die Munisipaliteit die kommentare verwerk het gedurende die vorige openbare deelname periode tydens November 2016 – Maart 2017.

Die volgende dokumente word beskikbaar gestel vir inspeksie en kommentaar:
1. Die Finale Konsep Stellenbosch Munisipaliteit Geïntegreerde Soneringskema Verordening (Weergawe 11);
2. Die Openbare deelname verslag wat aandui hoe vorige kommentaar inkorporer is; en
3. Die Soneringsregister en Soneringskaarte\(^2\) wat omgeskakel en belyn is met die Finale Konsep Stellenbosch Munisipaliteit Geïntegreerde Soneringskema Verordening (Weergawe 11).

Bogenoemde Verordening, dokumente, kaarte en register word beskikbaar gemaak vir inspeksie en kommentaar by die Stellenbosch Munisipale biblioteek, Plain Street ensook die munisipale webstelle (www.stellenbosch.gov.za/planning).

Geïnteresseerde lede van die publiek word genooi ingevolge ingevoegde Artikel 17 van die Wet op Munisipale Stelsels, Nr 32 van 2000 om kommentaar te lewer in skrif deur die kommentaar vorm te voltooi wat verskaf word op die munisipale webstelle en te versend teen 20 December 2017, aan: Die Bestuurder: Grondgebruikbestuur deur midden van pos (Stellenbosch Munisipaliteit, Postbus 17, Stellenbosch, 7599); alternatief faks (021 886 6899) of per e-pos versend word na Jacques.JansenvanRensburg@stellenbosch.gov.za Verdere navrae of persone wat nie in staat is om skriftelike kommentaar te lewer nie, kan Mnr Jacques Jansen van Rensburg telefoon skakel by Tel: 021 808 8673 om hulp te verleen om hul insesie op skrif te stel.

Me Geraldine Mettler
Munisipale Bestuurder
Stellenbosch Munisipaliteit
Kennisgewing No. P 14/17

---
\(^1\) Itally note that the zoning register and zoning maps displayed are based on 2012 data. The Municipality is in the process to update this register and register and maps with more recent data/inputs, which will be reflected in due course as decisions are captured. Provision is made in scheme for correction of errors in the register and map which may be affected due to adoption by Council.

\(^2\) Oftewel kenmerk is tydens die soneringsregistrasie en soneringskaart is verdunde word vanaf 2013 totlig. Die munisipaliteit is nou besig met 'n proses om die soneringsregistrasie en karpe op te dateer met die genevel /karte gebruik. Die skildervorsing word deur middel van orale die boustale skryfing. Die boustale manifest sluit betrekking aan waarschuwings op die kaarte en in die register is nie onsigtig deur die Ruimervolg.
ANNEXURE F

SUMMARY OF INPUTS RECEIVED DURING PUBLIC PARTICIPATION AND KEY RECOMMENDATIONS.
STELLENBOSCH ZONING SCHEME BY-LAW

PUBLIC PARTICIPATION REPORT:
SUMMARY OF COMMENTS AND RESPONSE
(2016-2019)

(Last Updated: February 2019)
# Public Participation Report: Summary of Comments and Response (Final Report)

## 1. Introduction

1.1 Overview of the consultation process

1.2 Involvement of DEADP in the process

1.3 Purpose of this report

## 2. First Round Public Comment Under LUPA (Stage 8 in Table 1)

2.1 Overview

2.2 Comments received

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2.4 Western Cape C Road Network Management (PRE) comments

2.5 Heritage Western Cape comments (HWC)

2.6 Western Cape Department of Agriculture (WCDA) comments

2.7 Western Cape Education Department (WCED) comments

2.8 Cape Nature comments

2.9 Eskom comments

2.10 Department of Rural Development & Land Reform comments

2.11 Association Heritage Practitioners (APHP) comments

2.12 Stellenbosch Heritage Survey (consultant to Municipality) (SHS) comments

2.13 Franschhoek Trust and Ratepayers Association (FTRA) comments

2.14 Friends of Stellenbosch Mountains (FSM) comments

2.15 Stellenbosch Agricultural Society (Stell Agri Soc) (Emile van der Merwe) comments

2.16 Stellenbosch Heritage Foundation (SHF) (P Carstens) comments

2.17 Stellenbosch Interest Group (SIG) (Berta Hayes) comments

2.18 Stellenbosch Ratepayers Association (SRA) (Andre Pelser) comments

2.19 Anthill

2.20 Kleingeluk Home Owners Association: Mr van Aswegen

2.21 Simonswyk Wyk 7: Mr Hugo

2.22 TV3 Architects and Planners

2.23 University of Stellenbosch (US) - F Swart

2.24 Warren Petterson Planning

2.25 Limberlost Property Holdings (Pty) Ltd - L Zetler

2.26 National Pride Trading 566 (Pty) Ltd - L Zetler

2.27 Wine Routes Manager – Elmarie Rabe

2.28 Trudie Blankenberg

2.29 Piet Claassen

2.30 Peter Mons

2.31 Welgevonden Estate

2.32 Devon Valley Farmers Association – G Swart

2.33 Sendzul Family Trust

2.34 Devon Park Interest Group – S Kumschick

2.35 Marius Snyman – Onderpapegaaiberg

2.36 Raymond Bouma (Architect)

2.37 Mike Rayneke

2.38 Headland -Claus Mischker

2.39 Kleine Zalze Farm

2.40 Stephen Townsend

2.41 Dr S van der Berg

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---

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STELLENBOSCH ZONING SCHEME
PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
APRIL 2019

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1. INTRODUCTION

1.1 Overview of the consultation process

This project has a long history and has been ongoing for ±12 years. The table below gives an overview of the consultation process followed during this time.

<table>
<thead>
<tr>
<th>Date/Period Advertised</th>
<th>Stage of project + Comments received</th>
<th>Documents advertised &amp; outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 June 2006</td>
<td>Stage 1: Commencement of Integrated Zoning Scheme in terms of LUPO</td>
<td>Public notice published and notices sent informing public that project is commencing and inviting parties to register as I&amp;AP’s.</td>
</tr>
<tr>
<td>25 November 2010 (30 Days)</td>
<td>Stage 2 (@P became consultant) 2 comments received</td>
<td>Public notice published and notices sent of Phase 2 Background Report and request for comment. Issues, problem statement, research and current zoning.</td>
</tr>
<tr>
<td>6 July 2012 (90 Days)</td>
<td>Stage 3: Draft zoning regulations 24 Comments received</td>
<td>Public notice published, and notices sent of Draft 7 Zoning Scheme Regulations including Overlay Zones &amp; converted Zoning Maps for public comment. Included 8 Public Workshops.</td>
</tr>
<tr>
<td>28 May 2013</td>
<td>Additional public input 1 comment received</td>
<td>Additional input received from public outside comment period.</td>
</tr>
</tbody>
</table>

**Final output after this phase:**
Draft 9 Zoning Scheme Regulations
Overlay Zones
GIS Zoning Maps - existing zoning and converted zoning maps
Methodology report dated 30 November 2013 including public comment summary & response

<table>
<thead>
<tr>
<th>Date/Period Advertised</th>
<th>Stage of project + Comments received</th>
<th>Documents advertised &amp; outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 October 2015</td>
<td>Stage 5: Commencement of Scheme in terms of LUPA (new appointment)</td>
<td>Public notice published, and notices sent that project is commencing in terms of LUPA and inviting parties to register as I&amp;AP’s and submit issues.</td>
</tr>
<tr>
<td>2 September 2016</td>
<td>Stage 7: Internal workshop with senior managers of all Municipal Departments (2-day workshop)</td>
<td>Workshop and written comment from all internal Departments.</td>
</tr>
<tr>
<td>3 November 2016 (120 days)</td>
<td>Stage 8: Draft Zoning Scheme By-law 47 comments received</td>
<td>Public notice published, and notices sent: Draft 10.3a By-law including Overlay Zones and Zoning Maps for public comment. 1 Open House day.</td>
</tr>
<tr>
<td>October 2017 (60 days)</td>
<td>Stage 9: Draft Zoning Scheme By-law 29 Comments received</td>
<td>Public notice published, and notices sent: Draft 11 By-law including Overlay Zones and Zoning Maps for public comment.</td>
</tr>
</tbody>
</table>

Table 1: Overview of Consultation Process: Stellenbosch Zoning Scheme
1.2 Involvement of DEADP in the process

During the period 2006 to 2013, the work was undertaken in terms of the Land Use Planning Ordinance (No. 15 of 1985) (LUPO). During that period the Provincial Department of Environmental Affairs and Development Planning (DEADP) attended the monthly internal working group meetings and several internal departmental workshops while the Scheme was being drafted. DEADP also provided in depth comment on the draft that was advertised at that time, and this comment was incorporated into the final version (Draft 9).

In 2015, after the new Western Cape Land Use Planning Act came into operation, the Municipality decided that they will proceed with the finalisation of the draft scheme in accordance with the newly published Western Cape Land Use Planning Act (No. 3 of 2014) (LUPA). In terms of this Act, the Municipality must either establish an Intergovernmental Steering Committee on which DEADP will serve, or they can proceed without such a committee, provided then that DEADP be given 2 months to comment on the draft scheme (see sections 25 to 27 of LUPA).

Due to the advanced stage of the work and the comprehensive input received from DEADP up to that point, it was decided to proceed with the finalisation of the Scheme without establishing an Intergovernmental Steering Committee. The procedures in section 27 of LUPA were thus duly followed.

DEADP was notified and given an opportunity to comment in terms of section 27 of LUPA on 31 October 2016. Officials from Western Cape Government attended the Open House meeting and written comment was received from the following departments:

- Western Cape Road Network Management - dated 12 December 2016;
- Western Cape Education Department - dated 3 March 2017;
- Western Cape Agriculture - dated 7 March 2017;
- Heritage Western Cape - dated 17 March 2017;
- Cape Nature - dated 1 March 2017 and 21 March 2017;
- Department Environmental Affairs and Development Planning (DEADP) - dated 23 March 2017.

DEADP submitted further comment on 25 January 2018, which were also incorporated. Western Cape Road Network Management and Cape Nature also submitted additional comments which are summarised further in this document.

The requirements of LUPA has thus been fulfilled in this regard.

1.3 Purpose of this report

The purpose of this report is to summarise the comments that were received from commenting parties and to provide a detailed response on the comment. The response clearly indicates where the draft By-law was amended to incorporate the input received.
2. FIRST ROUND PUBLIC COMMENT UNDER LUPA (STAGE 8 in Table 1)

2.1 Overview

The Stellenbosch Zoning Scheme (SZS) was advertised for public comment between 1 November 2016 and 1 March 2017. An Open House meeting was also held on 22 November 2016. Forty-seven (47) letters and/or emails containing comment were received.

The document below summarises the written comments received during this period. The text summarises more general comments whilst the table below summarises section-specific comments and input. An initial draft response or action is provided at this early stage for discussion in our internal meeting early in June 2017. Once this meeting is concluded, the comments (as agreed to) will be incorporated into the final draft of the document.

2.2 Comments received

2.3 Department of Environmental Affairs and Development Planning (DEADP) comments

DEADP concludes that the Scheme is compliant with SPLUMA¹ and LUPA. The department is satisfied that the Scheme is a credible and detailed land use scheme.

Telephonic discussion with Kobus Munro clarified issue around Development Charges (DC) and document amended accordingly. The Scheme makes provision for DC in cases where primary rights are intensified (or where new rights are acquired via an application).

Response: Overall support for the Scheme is noted. All comments were incorporated. Refer to table for detailed comments & response.

2.4 Western Cape C Road Network Management (PRE) comments

PRE supports the new Zoning Scheme. Concern raised about additional rights conferred by Scheme and reserves right to call for traffic studies in cases where Provincial Roads are affected.

Response: Support and comment noted. Refer to table for detailed comments & how comments were incorporated.

2.5 Heritage Western Cape comments (HWC)

HWC indicates that Heritage Areas must be established and administered in terms of the NHRA and not in terms of town planning schemes. HWC is currently in the process of drafting regulations in this regard.

Response: Noted. In terms of planning law, the Municipality’s zoning scheme and land use management decisions must take cognisance of heritage matters, but it is acknowledged that the role of the Municipality and that of Heritage Western Cape is indeed different. The Municipality will therefore designate Urban and Rural Conservation Overlay Zones (no longer called Heritage Areas Overlay Zones), which would allow an integrated approach towards protection of sensitive environments, specifically with the focus on managing development whilst protecting the character of areas. All references to linkages with the NHRA is removed, since the By-law will perform a different function from the NHRA. The change in name will make this distinction clear and ensure there can be no confusion between the By-law Conservation Zones and NHRA Heritage Areas.

¹ In this interim document well known planning related acronyms have not all been written out.
2.6 Western Cape Department of Agriculture (WCDA) comments

A number of detailed comments were made by Mr. C van der Walt.

Response: All comments were incorporated where possible. Refer to table for detailed comments response.

2.7 Western Cape Education Department (WCED) comments

Publicly owned school sites should convert to “Community Zone”, not “Education Zone” so that more land uses can be undertaken for fundraising.

Response: Comment incorporated: Place of Worship now included as a primary right (restricted to school hall) and clinic as a consent. Additional conditions incorporated to limit impacts, including on-site parking.

2.8 Cape Nature comments

Supports the new Scheme in principle.

All Section 23 National Environmental Management: Protected Areas Act (NEM:PAA) (Act 57 of 2003) reserves (including declared Provincial, Municipal and private nature reserves excluding mountain catchment areas) should convert to Natural Environment Zone. Consent uses in NE zone should be more limiting, for example outdoor market and sport & recreation should be allowed in other zones, not here. 20% coverage is too much. Proposal: 0.5% for residential and tourism facilities is the norm which is acceptable in conservation areas and should be adopted.

Controlling, lopping and felling of trees in all heritage areas (especially Jonkershoek) may be problematic (e.g. alien clearing). Municipality to re-consider provisions in this regard in areas where alien-clearing plans are in place.

Cape Nature supports proposal for critical biodiversity areas (CBA's) to be indicated on farm SDPs.

Construction Environmental Management Plans should also be required in cases where there may be an impact on freshwater resources.

Response: Although there is merit in the proposal made by Cape Nature (and others) to zone all declared nature reserves Natural Environment Zone, SM is of the opinion that here isn’t an automatic link between zoning and protected area status. In some instances, it may be more appropriate for a protected area to be zoned ‘public open space’ or ‘private open space’ or ‘agriculture’. There are also many areas that are protected, (under stewardship agreements for example) which are farmed, and automatic deeming will take their rights away. If Cape Nature wants to rezone the nature reserves in their ownership, they should make the necessary application in this regard as per the requirements of SPLUMA and LUPA to rezone the land.

DEADP also confirmed that this process should not be used for rezonings.

Reduced coverage and less consent uses was incorporated.

Comment about Heritage Areas (now called Urban and Rural Conservation Areas) have been incorporated. Comment about CEMP’s incorporated.
2.9 Eskom comments

It is understood that all existing Eskom substations will convert to Authority Zone and that Eskom’s rights are therefore not affected.

Linear infrastructure should be included in engineering services and therefore not affected by zoning and also exempted from application and advertising.

Eskom requests that electricity substations be exempt from building lines.

**Response:** Valuable comments were made that led to a revision of the definition of ‘engineering services’ to refer only to linear services and this is permitted in all use zones. New definition inserted for larger facilities (utility installations) which would include all large substations and energy generation plants. A clause was inserted in ‘Deemed zoning’ section to ensure all lawful installations are deemed to be zoned Authority Use Zone (notwithstanding the current zoning).

Substations must comply with building lines especially in (sensitive historical) towns since they can have an adverse impact on streetscape. Any departures will be assessed as per usual and allows the Municipality to impose conditions to mitigate adverse impact.

2.10 Department of Rural Development & Land Reform comments

Zoning maps are not up to date with latest decisions/rezonings.

**Response:** Noted and agreed there is a significant backlog. Back-capturing of decisions is an ongoing process which the Municipality is currently undertaking.

2.11 Association Heritage Practitioners (APHP) comments

APHP delivered detailed comments on what should be included in Heritage Overlay Zones. It suggests detailed wording for certain paragraphs. It suggests that the Scheme should have three clauses dealing with Heritage.

It firstly proposes that a section be included which requires the Municipality’s consent for building work in Conservation Areas (CA’s). It then states that each area so demarcated should include the following:

i) Character statement  
ii) Character forming elements  
iii) List of decision-making criteria for the area

An example of the above was provided which was prepared for Paarl. This example consisted of ±9 pages which will then have to be repeated for each heritage Overlay Area.

The second Heritage clause suggested would deal with Grade II and IIIA buildings structures and landscape elements. It states that this section will only become operational once the Municipality acquires competency from HWC.

The third Heritage clause that is suggested would deal with Grade IIIB buildings structures and landscape elements (whether or not they are located in a heritage area) the aim is not to regulate internal alterations, but to ensure the proposals take account of the heritage context and provide sufficient information and research for decisions.

**Response:** The Municipality wishes to at this stage only implement the existing “special area” parameters which all parties are familiar with, until they have completed all heritage studies. The Scheme makes provision to adopt new conservation areas as well as detailed guidelines as suggested by the writer.
2.12 Stellenbosch Heritage Survey (consultant to Municipality) (SHS) comments

The Consultants were commissioned to undertake a study to identify additional Heritage Areas in rural areas of the Municipality, which are being considered by SAHRA and HWC and once approved, should be incorporated.

More detailed rural development guidelines must be developed (and will be as part of this study) and a mechanism must be incorporated in the Scheme whereby these can be adopted and incorporated/annexed to the Scheme.

Supports Clause 241(3) (HAO does not reduce rights unless there is severe and proven adverse impact on resource).

Response: Support noted. Scheme makes provision for Council to adopt guidelines for specific Urban or Rural Conservation Overlay Zone areas which can inform decisions (see S243 old numbers).

2.13 Franschhoek Trust and Ratepayers Association (FTRA) comments

Detailed comments were included by editing the original text, the content of which was too detailed for individual inclusion in this summary document.

The Trust is concerned about residential dwellings being rented out in their totality for self-catering tourist accommodation short-term letting of the entire dwelling should therefore be restricted, as is done in other big cities in the world.

Response: Many valuable comments were made that were incorporated. The issue of tourist accommodation and short-term rentals was substantially reviewed. New land use categories, revised definitions and significant revision of parameters and in which zones it is permitted or could be applied for. It is agreed that “short term” rental of dwelling houses in their entirety on an ongoing basis is detrimental and this has been addressed in the scheme. Refer to table for other detailed comments & response.

2.14 Friends of Stellenbosch Mountains (FSM) comments

Supports the Scheme, however have the following comments:

Water Overlay Zone and Biodiversity Overlay Zone is required. NEMA requires mapping of Critical Biodiversity Areas. The SDF must include them by law. Likewise, the Scheme must address biodiversity in its own right.

Split zoning must be created for biodiversity or water resources and the Municipality must designate these at the time of implementing the Scheme.

Including Natural Environment in Agricultural Zone leaves biodiversity areas with no protection. Existing farms which have more than 75% biodiversity area must therefore convert to Natural Environment Zone rather than Agricultural Zone.

Current protected areas should convert to Natural Environment Zone, not Agriculture Zone.

“Accommodation” as a purpose should be removed from Natural Environment Zone and should be more strictly controlled and should not impact on conservation. Other consent uses must also be removed.
Response: NEMA adequately controls & protects water resources and CBA’s and zoning control is not also required. Farm SDPs will require mapping for CBA’s to assist with land use management where necessary.

Other valuable comments were incorporated, e.g. declared protected areas should convert to NE zone. More restrictive parameters were introduced for NE zone. See responses in table below.

2.15 Stellenbosch Agricultural Society (Stell Agri Soc) (Emile van der Merwe) comments

The parameters of the Agricultural Zone are too restrictive and will adversely limit bona-fide agricultural activities, thereby negatively impacting on agriculture. Many detailed comments made which were included in the in table below. In this regard comment was made on a number of detailed section related points.

Response: Stellenbosch Agricultural Society gave valuable input, some of the points were incorporated. See comments and responses in table. Some comments were addressed via the more general revision of tourist accommodation. Not all proposals agreed with through—refer to table below for summary of comments and response.

2.16 Stellenbosch Heritage Foundation (SHF) (P Carstens) comments

The revised document is an improvement on the previous draft that was advertised. The extended HOA area for Stellenbosch is supported. A number of detailed comments were made related to lodging, student accommodation, building lines, height, and scenic routes.

A number of detailed comments were made which are included in the table below.

Response: Student & tourist accommodation is a topic which was extensively reviewed in the light of comments received from various parties. Some other points were also addressed (e.g. building lines). For a summary of all points and responses, refer to the table below.

2.17 Stellenbosch Interest Group (SIG) (Berta Hayes) comments

The group submitted a letter summarising their comments which have been incorporated in the table below. The group also provided an edited version of the By-law document.

Response: Comments were summarised in the table below according to the section in the Scheme they related to and the responses (and where amendments were made) are recorded in the response’s column. Student accommodation/boarding houses and tourist accommodation were reviewed extensively. The by-law edited version provided by SRA input was reviewed and amendments were incorporated where SM considered the amendments appropriate.

2.18 Stellenbosch Ratepayers Association (SRA) (Andre Pelser) comments

The SRA gave extensive and comprehensive input, which raised many valid points, and which have been incorporated or addressed in the final draft. General comments were made in a comment letter, relating to student accommodation (boarding houses), adult entertainment, boundary walls, parking basements (impact on trees), building lines, parking and many other more detailed topics. The Association also submitted an edited version of the By-law.
Response: Comments were summarised in the table below according to the section in the Scheme they related to and the responses (and where amendments were made) are recorded in the response’s column. Student accommodation/boarding houses and tourist accommodation were reviewed extensively. The By-law edited version provided by SRA input was reviewed and amendments were incorporated where SM considered the amendments appropriate.

2.19 Anthill

In relation to Agricultural Industries: Currently retailers require a range of produce that comes from different farming areas. It makes sense to allow agricultural processing and packaging on one’s own farm, but the 50% own produce requirement will force producers out of the market or make them uncompetitive.

Response: According to national and provincial legislation viable agricultural land should be protected for agricultural production. An unchecked proliferation of industries throughout the agricultural area will in the long run not only erode valuable agricultural assets, but also destroy the cultural landscape of Stellenbosch and its surrounding areas. If a facility processes more than 50% produce which is not produced on the farm, the facility in essence becomes a bona fide ‘factory’ which should be located in one of the industrial areas within urban settlements. Farms in the Stellenbosch Municipal area are not that remote so as to prevent produce (produced on other farms) to be transported to urban centres for processing, as opposed to a proliferation of decentralized factories on farms. Decentralizing industrial activities has a host of other negative impacts for the Municipality, and although it may be cheaper for the producers to locate on a farm (due to cheap cost of land), the indirect costs to decentralize are much higher (housing for workers, engineering services, transportation of workers, transportation of other goods used in the production process, negative impact on cultural landscape, thus indirect impact on tourism, less economic activity in towns etc.). It is recommended that this input not be incorporated and the 50% threshold be incorporated into the definitions so that it cannot be departed from.

2.20 Kleingeluk Home Owners Association: Mr van Aswegen

Supports the current definition of family which limits unrelated households to 2 people only.

Currently Group Housing schemes do not comply with the definition (in respect of the communal private road access for example).

Response: This is a valid concern raised and requires a general remedy, since it applies to more than just group housing developments. Section 8 (Transitional arrangements) was updated to clarify that that developments which are according to an approved building plan remain lawful, even if conflicting with the new Scheme parameters.

2.21 Simonswyk Wyk 7: Mr Hugo

Supports the Scheme in principle. Student accommodation raised as a major issue. No student houses be allowed in CRZ

Supports that in CRZ up to two students are supported in dwellings where the owner/resident resides permanently.

Response: Student accommodation issue was revised, but above comments are not incorporated. The Scheme proposes that communes (for lodgers) may be a consent application, and up to 3 lodgers be allowed per family but subject to technical approval from the Municipality.
2.22 TV3 Architects and Planners

The writers write on behalf of certain land owners in Klapmuts and motivate that the existing residential zoning of certain erven in Klapmuts must be changed to Industrial and Mixed Use because there is no take-up for residential development.

Response: The preparation of a zoning scheme cannot be used to rezone land from one zone to another. The owners should apply for a rezoning in terms of the Municipal Planning By-law.

2.23 University of Stellenbosch (US) - F Swart

Parking & NMT: Parking requirements in Table A for the University is inconsistent with the University’s policy to decentralize parking (remove cars from campus). An Overlay Zone is required to address this, and the US is already far advanced with a strategic plan in this regard that is being prepared with the Municipality’s input.

Response: The Municipality supports an approach which would encourage less vehicle trips and greater use of bicycles and other NMT. The Scheme enables the Municipality to adopt the suggested Overlay Zone in the future once the content thereof has been agreed to and the Municipality encourages the US to formally present these proposals to the Municipality. The SM awaits the proposals from the University. The SM will however not hold back the approval of the Scheme for such a proposal.

2.24 Warren Petterson Planning

Input is made by a telecommunications infrastructure specialist consultant who proposes amendments to allow rooftop masts with consent in CRZ, LFRZ and LUZ. He proposes masts up to 15m tall to be inserted as consent uses in MURZ, LBZ and LUZ.

Response: Residential areas are simply not the place for such infrastructure, whether it is a rooftop installation or freestanding mast, and that technological alternatives should provide/extend cellphone reception/data transmission services into residential areas. Local Business is mostly located in residential areas and thus also not acceptable in these areas. It should be noted that allowing for a land use as a consent application does not imply automatic approval. Desirability must be assessed (or even adopt more stringent policy).

2.25 Limberlost Property Holdings (Pty) Ltd – L Zetler

A number of specific issues were raised pertaining to certain definitions and sections in the scheme, which were addressed via specific amendments.

Response: Some of the comments were already adequately addressed or incorporated in the Scheme, other inputs were addressed or not agreed with. Refer to the table below for detailed comment and response/amendments.

2.26 National Pride Trading 566 (Pty) Ltd – L Zetler

Same comment and owner as Limberlost.

2.27 Wine Routes Manager– Elmarie Rabe

Same comment and owner as Stellenbosch Agri Society.
2.28 Trudie Blanckenberg

Comment on the extent of home occupation that should be limited in scale. She supports the limit of 50m² and is of the opinion that no further room should be left to allow for home industries which expand beyond 50m².

**Response:** It is agreed that expanded facilities should be discouraged. However, there may be limited instances (especially on large properties) where an expanded facility may be appropriate, which is why it is proposed to make provision for a consent application, where neighbours will be given an opportunity to comment.

2.29 Piet Claassen

Objects to common building lines which are reduced in CRZ.

**Response:** Common boundary building lines amended to previous scheme setbacks with possibility of neighbours consenting to a relaxation, in which case it is deemed to have been granted.

2.30 Peter Mons

A number of specific issues were raised pertaining to certain definitions and sections in the Scheme, which were addressed via specific amendments.

**Response:** Refer to comment & response included in table below.

2.31 Welgevonden Estate

No comment on by-law. Map Conversions: How will the IZS influence the Welgevonden Estate’s zoning conversions? How will it impact on the estate’s governance document?

**Response:** The new Scheme should have no impact on Estate’s governance document since the property owner’s association has a separate Constitution which is a separate legal contract owners enter into when they purchase. The area will convert to Private Open Space and CRZ and consent will be deemed to have been granted for Group Housing given that a group housing development was approved (refer to transitional arrangements). SM to check this.

2.32 Devon Valley Farmers Association – G Swart

Approximately 60 farms are part of the association and have done much to address issues in the Valley over the years. The community here wants to retain the unspoilt rural character of the area. Containing light pollution is mentioned as being important. However, the worker community also requires upliftment and empowerment, and much can be done to improve their accommodation situation, community facilities and adult education. The farms wish to remain Agriculture/Rural zoned.

**Response:** All properties which are currently zoned Agriculture will convert to the Agriculture and Rural Zone. It is clearly stated in the zone that it is the purpose to ensure that land be retained and preserved for agriculture and that the rural character of the area is to be retained.

A variety community uses can be applied for without rezoning that would allow upliftment of rural community (e.g. places of instruction, employee housing, clinic) provided they are related to the employees on a farm.
2.33 Sendzul Family Trust

Erf 757 Franschhoek is currently zoned for group housing. The draft map shows that it is converting to Conventional Residential Zone. We wish to maintain the current zoning.

**Response: Action:** There is no Group Housing Zone in the current zoning scheme. Group Housing developments can either be zoned CRZ or MURZ depending on the densities of current development. In most instances conversion was to CRZ. Section 8 (Transitional arrangements) preserve rights for existing development to be lawful and to continue unchanged.

2.34 Devon Park Interest Group – S Kumschick

A number of comments are made about the conversion of specific land units, the creation of new roads and the closure of certain roads for construction and delivery vehicles.

**Response:** The individual comments are listed in the table below, and responses are included. The creation of a new Scheme cannot create (rezone) new roads or close roads. A separate application is required in terms of planning law.

2.35 Marius Snyman – Onderpaapegaiaiberg

This comment raises similar comments as Devon Park Interest Group.

2.36 Raymond Bouma (Architect)

The writer objects to the provisions of the Stellenbosch Heritage Area Overlay zone. Comments were made more specifically about height limits and proposed materials and finishes.

**Response:** Refer to the table below for detail comments and response.

2.37 Mike Reyneke

Objected to reduced building liens in CRZ (erven larger than 750m²) and suggested 2,5m and relaxation with neighbour’s consent.

**Response:** Amended building lines to 2,5m on 750m² erven and introduced mechanism for neighbours to relax building line: See comment and responses table.

2.38 Headland - Claus Mischker

The split zoning on Farm 74/9 is not indicated in the correct position where the actual land use is located on the farm.

**Response:** Split zoning on the zoning map is an annotation on the map and is not necessarily a graphic representation of the actual size or location of the approved activity since this information is not available in shapefiles and will require surveyed areas.

2.39 Kleine Zalze Farm

Submitted same comment as Stellenbosch Agricultural Association and the Stellenbosch Wine route regarding agriculture zone.

KZ obtained a legal opinion which confirmed that existing rights cannot be reduced or taken away. They request that the Municipality agrees that this principle will be applied throughout in the preparation of the Scheme.
**Response:** In the transitional arrangements it is clearly stated that land uses which are lawfully exercised at the commencement of the Scheme will remain in place and are lawful non-conforming uses.

2.40 Stephen Townsend

Requested a meeting to discuss the APHP’s comment.

**Response:** A meeting was held on 14-08-2017 which assisted greatly in clarifying the difference between NHRA Heritage areas and the By-law Urban and Rural Conservation Overlay Zones and Dr Townsend’s valuable input has been incorporated.

2.41 Dr S van der Berg

Objected against the setting up of a particular Circus in the Stellenbosch on municipal land due to perceived animal cruelty. Mr. Lombard responded that the Scheme will give proper consideration to the definition of various land uses.

**Response:** Neither the leasing of municipal land nor prevention of animal cruelty is mandated to be addressed in the Zoning Scheme. These concerns must be addressed through other legislation and processes.

2.42 A Marais

Objected against cell phone masts in all areas of the town, on the grounds that it is a contravention of the constitutional rights because it is not safe. A number of documents are attached in corroboration of this claim.

**Response:** The national legislation makes provision for the installation of telecommunication infrastructure and a municipal by-law may not contravene a national law. The Municipality is managing the land use as much as possible by making this a consent application in many of the zones.
3. INTERNAL MUNICIPAL BRANCH COMMENTS

3.1 Finance

Mr. Wüst enquired how the Zoning Scheme addressed backyard shacks and the Municipality’s policies to address the housing shortage in the municipal area through providing other housing solutions (e.g. mechanisms to formalise back-yard shacks). Mr. Wüst’s queries were responded as part of the internal engagement process and he indicated that he was satisfied his concerns are addressed. He did ask for a meeting with the planning officials to discuss the practicalities of finance, service connections, billing and building regulations.

Response: The department’s concerns are addressed insofar as land use management issues are concerned. The other issues raised by him fall outside the scope of this project and can be pursued by the Land Use Management Department outside the scope of this project.

3.2 Legal advisor – Mervin Williams

Some section specific comments & responses included in table below.

Provision should be made in areas such as Kayamandi, Cloetesville, Ida’s Vallei etc. for more than one dwelling to be erected on a property for emergency housing, to enable the Municipality to accommodate disasters and eviction applications. This could possibly be done by means of an overlay zone.

Response: The Municipal Planning By-law contains measures to speed up housing delivery in cases of disasters and emergencies (in all use zones and anywhere in the municipal area). The Zoning Scheme therefore does not also have to provide the same measures.

3.3 Land Use Management – Becky Hillyer

Position paper on outdoor markets/events/tourist activities/occasional use highlights some of the confusing points, overlaps and unclarity.

Response: Outdoor markets/ outdoor trading/ events/occasional use/informal trading/ outdoor dining and trading reviewed to simplify and not duplicate.

Position paper prepared about breweries to highlight the need to allow smaller breweries (which are not industrial in nature) to be in business areas and tourist areas. It is proposed to specifically make provision for breweries of different sizes and introduce definitions.

Response: The Zoning Scheme is not a Euclidean scheme which lists specific land uses. It supports an approach of general definition of uses that would group a wide range of activities with similar characteristics. Therefore, rather than identifying breweries, wineries, distilleries, bakeries, coffee roasteries etc. as a finite list of activities, it refers to the activity of ‘manufacturing of food and beverages”, which would by definition include everything listed, and more. This way the Scheme remains more current when new trends evolve over time.

Small scale manufacturing to a limited scale was already accommodated in LBZ, MUZ and ARZ. So-called Brew-pubs can therefore be accommodated in the Scheme. The proposals for Nano and Micro breweries are however not supported because the scale of the impact (transport, water, sewer and other waste products) are too great for LBZ, MUZ and ARZ.
3.4 Planning and LED portfolio committee – J Serdyn

Commented that ‘notification’ is required for all additional uses in Conventional Residential Zone.

The additional uses are very small scale ‘home industries’ which allows residents to generate a modest income from their homes (at a small scale) from activities which are compatible with the residential character of the area. It adds a huge cost to require an application which is advertised and will create a huge additional admin burden to treat these minor uses as full applications. All larger or higher impact activities require full participation. The proposal is in line with SPLUMA and LUPA objectives and also how all schemes are currently dealing with these kind of uses.

3.5 Ward 21 Councillor

Raised issue around Guest accommodation/boarding house/AirBnB/hostel are issues raised.

Response: there seems to be an overlap and confusion between terms and the proposals and terminology was simplified. The Councillor’s concern around Airbnb (converting the whole house or flat to short term rental) was taken into consideration and has informed the amendments throughout the Scheme.

3.6 Land Use Management – J van Rensburg

Residential zoning must include provision for a “loft”.

Response: A second storey is permitted and if it is in a roof space, it will still count as a second storey.

Replace “Municipality” where it appears in the Scheme with various different department names or other titles of people who should make the decisions.

Response: Delegations must be made by Council in a separate delegation’s schedule, not in the Scheme.

3.7 Land Use Management – Dupre Lombard

Check “and” which in most cases should be “or”.

Response: Noted and attended to.
4. FIRST ROUND COMMENT: DETAILED TABLE

In the table below, we have summarised comments which relate to specific clauses in the scheme. The response to the comment is also indicated.

The terms used in the responses relate to the current version 10.3. These terms may well change if certain comments are incorporated. The comments were summarised and arranged in the order of the sections of the scheme.

<table>
<thead>
<tr>
<th>COMMENT:</th>
<th>WHO COMMENTED</th>
<th>RESPONSE:</th>
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<tbody>
<tr>
<td>(Note: Section numbers in this table refer to the Draft 10.3 numbers in the advertised document. The numbers have changed in Draft 11 due to amendments that were incorporated.)</td>
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<table>
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<tr>
<th>Definitions:</th>
<th>WHO COMMENTED</th>
<th>RESPONSE:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Additional dwelling unit</strong> suggests a max of 4, one every 10ha should be added to definition.</td>
<td>DEADP</td>
<td>Amended – inserted into definition.</td>
</tr>
<tr>
<td><strong>Aquaculture</strong>: should be included in definition of agriculture instead of a different definition.</td>
<td>DEADP</td>
<td>Agriculture amended to include aquaculture.</td>
</tr>
<tr>
<td>Insert new definitions for: “Accounting Officer”, Authorised Official, Municipal Manager and various others and refer to departments instead of using “municipality”.</td>
<td>J Van Rensburg SM</td>
<td>This should rather be included in delegations, which can easily be altered by Council and does not require cumbersome process of amending by-law. Accounting Officer is a defined term in tax law, and it is not clear why this should be included in the scheme.</td>
</tr>
<tr>
<td><strong>Agricultural building</strong>: definition should refer to “farming unit”. Also include “farm office”, “staff facilities”, in-house training facilities.</td>
<td>P Mons</td>
<td>A definition for “farming enterprise” was added to distinguish between one farm (one land unit) a collection of land units run as one enterprise. Added “and includes farm office and staff facilities” in definition. SM and Dept Agri is concerned that listing in-house training as an example in the definition will open the floodgates for schools on farms. If a land use is clearly ancillary to the farming activities, the definition does provide for it.</td>
</tr>
<tr>
<td><strong>Agricultural industry</strong>: the 50% produce limit is impractical and cannot be measured and must be removed.</td>
<td>P Mons</td>
<td>In the past it was required that 100% produce must be produced on the farm unit. Relaxing this to at least 50% already takes account of the reality. SM is of the opinion that if more than 50% produce is farmed elsewhere, there is no reason why the factory needs to be on a farm. It may just as well locate inside town. Many positive outcomes for towns and protects agri-areas against unchecked industrial development. Dept Agri also does not support the suggestion.</td>
</tr>
<tr>
<td><strong>Ancillary uses</strong>: update all definitions to include ancillary (not only in some).</td>
<td>@P</td>
<td>Definitions updated where needed throughout.</td>
</tr>
<tr>
<td><strong>Camping</strong>: “short term” should be better defined.</td>
<td>DEADP</td>
<td>Short term is defined in definition of ‘transient guests’ and this term is used throughout.</td>
</tr>
<tr>
<td>Comment</td>
<td>Source</td>
<td>Response</td>
</tr>
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</tr>
<tr>
<td>No definition for circus.</td>
<td>R Hillyer -SM</td>
<td>The IZS uses more generic definitions. Circus is a “place of entertainment” which can be either in a permanent position/building/structure on appropriately zoned land (with or without consent depending on the zoning), or an occasional use (once-off permitted in any use zone once a year) or recurring occasional use (approved as a consent in any use zone).</td>
</tr>
<tr>
<td>Bylaw adoption notice— refer to section 13 of MSA</td>
<td>DEADP</td>
<td>Noted.</td>
</tr>
<tr>
<td>Boarding house: definition questioned – it does not accord with the definition in the Afrikaans dictionary.</td>
<td>SRA</td>
<td>The terms and provisions have been substantially reviewed to address the many concerns.</td>
</tr>
<tr>
<td>Business premises definition may need to include brewpubs.</td>
<td>R Hillyer -SM</td>
<td>Definition is more generic, and provision is made in business zones for small scale production as ancillary to the business activity itself, which is the same as the concept of a “brewpub”. Otherwise the list of other similar but different activities will become very long e.g. bakery shop, cheese making shop etc.</td>
</tr>
<tr>
<td>Farm Stall: definition should state that it sells “primarily products grown on the farm unit (not 100% farm products). Should provision not also be made for indoor markets? (in winter – can take place in sheds etc. and has economic benefit).</td>
<td>P Mons</td>
<td>Definition of ‘tourist facilities’ was re-worked, and farm stall included in the definition. It is no longer seen as a separate land use category.</td>
</tr>
<tr>
<td>“filling station” or services station: definition should include one shop.</td>
<td>Limberlost</td>
<td>The definition does include a shop.</td>
</tr>
<tr>
<td>“Noxious industry” burning of coal should not be regarded as a noxious industry.</td>
<td>Limberlost</td>
<td>There is much protocol around controlling the burning of coal to reduce greenhouse gas emissions and this is not general practice at the moment. SM to deem whether a specific activity constitutes a noxious industry if it becomes necessary to do so. The definition lists examples which could be ruled to be noxious industry or not.</td>
</tr>
<tr>
<td>“owner” should include someone with usufruct.</td>
<td>SM Legal (M Williams)</td>
<td>Agreed – definition amended.</td>
</tr>
<tr>
<td>Outdoor market: the practice is that outdoor markets do take place regularly e.g. every Saturday or every first Sunday. The definition should be amended to allow for this.</td>
<td>P Mons</td>
<td>The provisions in the scheme was revised to take this into consideration. Recurring weekly markets (on land not zoned for business) will be considered to be a recurring occasional use, for which consent can be applied for in the relevant zones. In ARZ it may be undertaken as a tourist activity provided it conforms to the overall threshold for tourist activities and other related conditions. Markets which do not conform to the limited scale may apply for consent. Must remain subservient to primary use of agriculture.</td>
</tr>
<tr>
<td>Outdoor market: should allow for permanent structures.</td>
<td>R Hillyard - SM</td>
<td>Markets can be indoor and outdoor. The parameters of the zone will determine if permanent structures can be approved or not. Permanent structures are possible where buildings can be built, or where business is permitted.</td>
</tr>
<tr>
<td>Comment</td>
<td>Author</td>
<td>Response</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Proclaimed Road (Ord 19 of 1976) repealed by WC Transport Infrastructure Act.</td>
<td>DEADP</td>
<td>The act is not yet operational and until such time the Roads Ordinance is in place. New act also inserted for future clarity.</td>
</tr>
<tr>
<td><strong>Servitude:</strong> consider excluding “restrictive title conditions”</td>
<td>DEADP</td>
<td>Agreed – definition amended.</td>
</tr>
<tr>
<td><strong>Shop:</strong> why is liquor store excluded from shop?</td>
<td>DEADP</td>
<td>Amended.</td>
</tr>
<tr>
<td><strong>Tourist accommodation:</strong> only self-catering. Should it not be other kinds as well?</td>
<td>P Mons</td>
<td>Definition and treatment of tourist accommodation amended throughout the scheme – see detailed section.</td>
</tr>
<tr>
<td><strong>Tourist facilities:</strong> this includes function venue, which is not defined. Also does not include ‘farmers market”, which should be included as an activity.</td>
<td>P Mons</td>
<td>Definition and treatment of tourist accommodation amended throughout the scheme – see detailed section.</td>
</tr>
<tr>
<td><strong>Tourist facility</strong> should be defined to include beer sales tasting and sales and include restaurants to brew and make their own beers. Maximum floor space for beer brewing on farms should be 500m²</td>
<td>R Hillyer -SM</td>
<td>Definitions should remain generic – see other comments elsewhere.</td>
</tr>
<tr>
<td><strong>“Welfare centre” not encouraged on farms</strong></td>
<td>WC Agri</td>
<td>It is realised that there is a concern that a wellness centre (which is usually a spa-treatment facility) could be used to motivate for medical retreats. Definition clarifies this now.</td>
</tr>
<tr>
<td><strong>Other General comments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 8 scheme now applies to Pniel.</td>
<td>DEADP</td>
<td>Noted and amended.</td>
</tr>
<tr>
<td>The scheme must indicate that previous buildings and previous approvals granted will not be impacted by this scheme.</td>
<td>Stell Agr Soc</td>
<td>Section (8) dealing with Transitional arrangements was amended to clarify this.</td>
</tr>
<tr>
<td>Boundary walls: visual permeability supported. Street boundary walls should be no higher than 1.8m and electric fencing on streets should not be permitted. No facebrick or vibacrete to be allowed on streets.</td>
<td>SRA</td>
<td>Boundary wall provisions amended to simplify the provisions. Agreed that 1.8m on street is appropriate height and amended throughout. Preventing electric fencing on streets would be open to challenge – people have a right to a secure environment. No facebrick or vibacrete on street boundaries were included.</td>
</tr>
<tr>
<td>Norms should be included for provision of Open Space.</td>
<td>SRA</td>
<td>In MURZ a requirement for private outdoor space is indeed provided. Norms for bigger developments (for which subdivision applications are required) are set in the CSIR Guidelines, which should be taken into account by the SM when assessing subdivision applications in terms of the by-law. Not appropriate to include these kind of norms that can vary greatly (depending on surroundings and other external factors) in a zoning scheme by-law.</td>
</tr>
<tr>
<td>Basement parking will have adverse impact on ability to plant trees –this is a concern.</td>
<td>SRA</td>
<td>In definition of building lines, it is stated that a basement shall comply to the street building line in the particular zone. In most zones, street building lines are between 2 and 5m, which allows adequately for tree planting long streets. In historical areas trees are along pavements.</td>
</tr>
<tr>
<td>Landscaping must be required for all development.</td>
<td>SHF</td>
<td>Provisions are included throughout the scheme where landscaping is considered to play an important role in addressing possible impacts.</td>
</tr>
<tr>
<td>Include all abbreviations into definitions.</td>
<td>SRA</td>
<td>Noted. Incorporated.</td>
</tr>
<tr>
<td>Comments related to specific sections or chapters</td>
<td>SRA</td>
<td>Amended throughout.</td>
</tr>
<tr>
<td>------------------------------------------------</td>
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<td>----------------------</td>
</tr>
<tr>
<td>Use only ‘shall’ (not ‘must’) and only ‘may’ (not can).</td>
<td>Devon Park Interest group</td>
<td>The zoning scheme cannot introduce specific road closures. The appropriate legal process must be followed.</td>
</tr>
<tr>
<td>Devon Valley entrance road should be kept clear of construction and deliver vehicles.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments related to specific sections or chapters</th>
<th>DEADP</th>
<th>Agree amended.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4(1) “may” should be “must”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7(1) Severing provision: legal advisor to pronounce on this and consistency with Constitution.</td>
<td></td>
<td>Sections removed.</td>
</tr>
<tr>
<td>9(6) “are” deemed (not “is”).</td>
<td></td>
<td>( \text{Agreed – amended.} )</td>
</tr>
<tr>
<td>10(1) Evasion of intent of the scheme: building plans are approved in terms of NBR and DEADP thinks that a scheme cannot place additional criteria for building plan approval.</td>
<td></td>
<td>Amended to exclude references to NBR</td>
</tr>
<tr>
<td>13(2) will the Municipality be able to comply with the timeframes mentioned for additional uses?</td>
<td></td>
<td>SM supports these time frames.</td>
</tr>
<tr>
<td>13(3) why should a development charge by payable on primary rights? DEADP is of the opinion that DC’s can only be charged on new rights and not on existing rights.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14(3) Additional uses should not be exempt from public participation because the neighbourhood and street has a right to be informed.</td>
<td>J Serdyn (SM portfolio committee chair)</td>
<td>The additional uses are very small scale ‘home industries’ which allows residents to generate a modest income from their homes (at a small scale) from activities which are compatible with the residential character of the area. It adds a huge cost to require an application which is advertised and will create a huge additional admin burden to treat these minor uses as full applications. All larger or higher impact activities require full participation. The proposal is in line with SPLUMA and LUPA objectives and also how all schemes are currently dealing with these kind of uses.</td>
</tr>
<tr>
<td>14(1) Occasional Use too onerous and missing the purpose or reason for introducing it.</td>
<td></td>
<td>Occasional uses revised and simplified.</td>
</tr>
<tr>
<td>15 Subdivision: why not mention DCs in subdivision?</td>
<td>DEADP</td>
<td>Inserted, (although it is planning application and conditions can be imposed i.to by-law).</td>
</tr>
</tbody>
</table>
### STELLENBOSCH ZONING SCHEME

**PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)**  
**APRIL 2019**

<p>| 15 | No mention made of agricultural subdivisions and norms. | WC Agri | The size of viable farm units often depends on a variety of factors including farming technology and produce. It is therefore impossible to set a subdivision size norm in a scheme and each case must be evaluated on merit. Agri subdivisions are currently also subject to ministerial (agriculture) approval and this does not appear to change in the latest draft out for comment. Also, there are no norms indicated in the SDF which can inform the Scheme. Whether applications may be approved or not and what norms should apply, should first be explored in the SDF and can only then be incorporated into legislation if appropriate. |
| 15(3) | “may” should be “must”. | WC Agri | Amended to take farms into consideration. |
| 16 | Consolidations should require SM approval. | SIG | The new LUPA and planning by-law already requires an application. Scheme therefore does not have to also state that it is an application. |
| 16(4) | Consolidation cannot cause additional rights, why then a DC charge? | DEADP | In the case of Stellenbosch and Franschoek consolidation can indeed lead to additional rights if compared to existing scheme having a sliding scale of FAR. The comparison is against rights in (existing) repealed schemes, not the new, increased bulk of new scheme. |
| 19(1)(c) | Visual impact vs building plan: DEADP believes a zoning scheme cannot impose additional provisions which must be complied with prior to the approval of a building plan | DEADP | Now technical permission which can be submitted prior to or together with building plan. |
| 20 | SDP and conditions: An SDP is not an instrument which can attract new conditions. | DEADP | Now technical permission. |
| 21 | Development charges: must be linked to external engineering services to be consistent with SPLUMA. 21(2) and (3) does not make sense. | DEADP | Clarified with Province and SM engineers and updated throughout. |
| 21(4) | On what grounds will DCs be charged? WCG does not agree with this. | DEADP | Clarified with Province and SM engineers and updated throughout. |
| 22(2) | Notices: Check for consistency with LUPA and PAJA | DEADP | Removed from final draft. |
| 24(1) | &quot;Limiting period” rather refer to “specific period&quot;. | DEADP | Amended as suggested. |
| 25(5) | method of calculating value of parking must be provided. | P Mons | Clause inserted for SM to adopt a policy which must determine calculation. |
| 25 Table A: | all dwellings except LFR must require 2 parking bays. | P Mons | Not agreed – not consistent with car-free towns in SDF. |
| 25 Table A: | Hotel: parking ratio is too high especially when guests travel by bus. Can this be relaxed? | DEADP | Agreed: Existing scheme requires 0,7 bays per room, and this was incorporated. |
| 25 More parking bays should be provided in the historical core since there is not enough parking there. Following proposed: Offices/business 8 bays /100m² GLA Flats more than 2 bedrooms: at least 2 bays Group houses 2 bays Hostel 1.25 bays /bedroom Student flats 1 bay/bedroom University: inadequate | SIG | SM does not agree with the proposed increase in parking and this is contrary to the SDF which proposes a move to a less car-based environment. Providing more parking encourages more vehicles into the historical core, causes more congestion, requires more roads, instead of redirecting people to walk or use NMT. |</p>
<table>
<thead>
<tr>
<th>Refer to edited table of proposals.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Restaurant parking ratios can be reduced, since mostly used outside peak.</td>
<td>SRA</td>
</tr>
<tr>
<td>25 Student parking should be 1 bay per bedroom.</td>
<td>SRA</td>
</tr>
<tr>
<td>25(10) 2m width of parking bay must be 2,5m.</td>
<td>P Mons</td>
</tr>
<tr>
<td>25(13) at least require a servitude to protect this arrangement (referring to shared parking).</td>
<td>DEADP</td>
</tr>
<tr>
<td>29(3) Thresholds for TIA/TIS: allow Municipality discretion to relax this.</td>
<td>DEADP</td>
</tr>
<tr>
<td>29: suggested that provincial guidelines rather be used to decide whether traffic studies are required.</td>
<td>PRE</td>
</tr>
<tr>
<td>30(1)(a) Loading bays – does it apply to single shops as well?</td>
<td>DEADP</td>
</tr>
<tr>
<td>32 Allowing SM to refuse a building plan if Engineering Services are not available is highly contestable if building is within current applicable building parameters. SPLUMA places obligation on SM to provide services. Consider another way of dealing with this</td>
<td>DEADP</td>
</tr>
<tr>
<td>33(1)(c) Outdoor storage of building rubble, vehicles boats etc.: this will be impractical</td>
<td>DEADP</td>
</tr>
<tr>
<td>37(1) Panhandles: is a max width not also needed?</td>
<td>DEADP</td>
</tr>
<tr>
<td>38(1) Boundary walls: is this not also controlled in the National Building regulations?</td>
<td>DEADP</td>
</tr>
<tr>
<td>38(5) natural stone finish should be included since it can be attractive.</td>
<td>P Mons</td>
</tr>
<tr>
<td>38(7) State of walls: in whose opinion.</td>
<td>DEADP</td>
</tr>
<tr>
<td>40(2) Steep slopes – what type of application would this be?</td>
<td>DEADP</td>
</tr>
<tr>
<td>43 what about single wind turbines on residential properties for own use? Or to supply into grid?</td>
<td>DEADP</td>
</tr>
<tr>
<td>47(2) Urban Horticulture: why will and not must?</td>
<td>DEADP</td>
</tr>
<tr>
<td>51 Why not include ROW servitude.</td>
<td>DEADP</td>
</tr>
<tr>
<td>51 Create new land use called “self-catering” which must be a consent use in CR.</td>
<td>FTRA</td>
</tr>
<tr>
<td>51 Move home daycare to be a consent use.</td>
<td>FTRA</td>
</tr>
<tr>
<td>Comment Number</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td>51</td>
<td>Student lodging should not be permitted in CRZ</td>
</tr>
<tr>
<td>53</td>
<td>Boarding houses must not be permitted with consent in CRZ – only with consent in MURZ</td>
</tr>
<tr>
<td>53 (10)</td>
<td>Not already catered for in section 33? (parking of commercial vehicles on res property)</td>
</tr>
<tr>
<td>53 (13)</td>
<td>The Municipality should bring in a permit system for all lodgers/ students/ tourist accommodation concerns to control them.</td>
</tr>
<tr>
<td>53 (13)</td>
<td>Up to 3 Lodgers with a family is supported</td>
</tr>
<tr>
<td>53 (13)a</td>
<td>Provision should be made for at least 4 to 5 rooms depending on the size of the property. Number of people should be increased to 2 per room. This will make it feasible</td>
</tr>
<tr>
<td>53 (13)b</td>
<td>Threshold for lodgers/guests should be increased to 10 bedrooms depending on size of the property. This will make it feasible, encourage densification and make more cheap accommodation available close to the CBD. Provision should be made for application for exemption form parking requirements.</td>
</tr>
<tr>
<td>53 (15)</td>
<td>Provision should not be made to increase the extent of home occupations beyond 30% or 50m² since this will lead to significant erosion of the residential character of single res areas.</td>
</tr>
<tr>
<td>53 (14)</td>
<td>Home daycare should be increased to 15 children to make it more feasible and affordable.</td>
</tr>
<tr>
<td>54(3)</td>
<td>Max number of bedrooms in boarding house should be increased to be 20, depending on the size of the property. Definition of boarding house should also be amended in line with this.</td>
</tr>
<tr>
<td>Paragraph</td>
<td>Commenter</td>
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<table>
<thead>
<tr>
<th>No.</th>
<th>Comment</th>
<th>Author</th>
<th>Response</th>
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<tbody>
<tr>
<td>78.</td>
<td>More zones should be created since too many different land uses are included in MUR. Student lodging/accommodation is not supported in this zone/CBD/Historical areas.</td>
<td>SHF/SRA</td>
<td>SM does not differentiate between student and other types of lodging establishments (for say working people) – they will not exclude people from accommodation based on enrolment at an educational institution. MURZ (which is for higher density type residential development) is an appropriate zone for all types of lodging, whether students or not. No amendment.</td>
</tr>
<tr>
<td>80</td>
<td>Is there not a conflict between (3) which sets density at 25du/ha and (4) which is 50du/ha?</td>
<td>P Mons</td>
<td>Correct. It was the intention to set 25du/ha as the minimum density in this zone, not the maximum. Amended.</td>
</tr>
<tr>
<td>82</td>
<td>Proposed 6 storeys in MURZ and increased coverage is not supported.</td>
<td>SRA</td>
<td>The By-law does not propose 6 storeys in MURZ. The proposal has always been for 3 to 4 storeys – refer to table in scheme. Coverage of 50% is universally accepted coverage and allows sufficient space to accommodate parking and landscaping. Smaller footplates mean less parking can be provided inside a building.</td>
</tr>
<tr>
<td>104</td>
<td>Object to free standing base telecommunication masts, as well as rooftop masts in the business area (section 104) on the grounds that it is not safe from a health point of view. The Constitution guarantees a right to a healthy environment. The objector attached extensive documentation which according to them confirms the health risks.</td>
<td>A Marais</td>
<td>Rooftop antennae are consent uses in MUZ and therefore are not permitted as of right. This infrastructure is necessary for economic development of the town and the objector can object to specific applications in future if certain specific cases affect them. Telecoms permitted by government.</td>
</tr>
<tr>
<td>104</td>
<td>Student accommodation in MUZ or historical centre is not supported, and dwelling units must be reserved for families.</td>
<td>SHF/SRA</td>
<td>SM does not differentiate between student and other types of lodging establishments – they will not exclude people from accommodation based on enrolment at an educational institution. MURZ (which is for higher density type mixed use development) is an appropriate zone for all types of lodging, whether students or not. No amendment.</td>
</tr>
<tr>
<td>104</td>
<td>Boarding house/accommodation establishment should not be permitted in MUZ. Student accommodation not supported in historical core.</td>
<td>SIG</td>
<td>See comment above.</td>
</tr>
<tr>
<td>104</td>
<td>Adult entertainment should not be permitted in residential areas or in business zones and a different zone should be created especially for this use.</td>
<td>SRA</td>
<td>The MUZ is the highest intensity greatest mix of business and entertainment related land uses and the scheme does not support a Euclidean (single function zone) approach. Adult entertainment is a consent use in MUZ (and not provided for in any residential zone or neighbourhood zone). It is thus not permitted as a primary right in the areas and the Municipality can adopt policy on where such activities may be approved with its consent.</td>
</tr>
<tr>
<td>109(9)</td>
<td>This is high bulk. Can this be serviced?</td>
<td>DEADP</td>
<td>It is in line with SDF to densify. That is why the scheme allows DC’s to be charged for additional rights created in the scheme (one additional storey).</td>
</tr>
<tr>
<td>Comment Number</td>
<td>Comment</td>
<td>Suggestion</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td>109</td>
<td>6 storeys are too high in MUZ since it will have a detrimental impact on rural landscape. Max 4 storeys in MUZ supported.</td>
<td>SHF</td>
<td>MUZ is typically appropriate in towns where higher densities are required by the SDF, whilst Local Business Zone (max 3 storeys) is appropriate for rural areas. No amendment.</td>
</tr>
<tr>
<td>133</td>
<td>The existing height limit in University Zone is 5 storeys. Reduction to 4 storeys severe reduction in the existing rights.</td>
<td>University Stellenbosch</td>
<td>Agreed this is an oversight. Height for tertiary buildings amended to 5 storeys.</td>
</tr>
<tr>
<td>199</td>
<td>Alternative uses which can improve economic viability of very small agriculturally unviable land units that are zoned AR should not be excluded by strict rules and restrictions.</td>
<td>P Mons</td>
<td>Exceptions can be dealt with via departures.</td>
</tr>
<tr>
<td>200</td>
<td>Consider adding ‘composting-own use’ to Additional uses SDP.</td>
<td>WC Agri</td>
<td>Definition amended.</td>
</tr>
<tr>
<td>200</td>
<td>Check polytunnels &gt; sign.</td>
<td>WC Agri</td>
<td>Corrected.</td>
</tr>
<tr>
<td>200</td>
<td>Consent uses: it is suggested that a maximum threshold for all consent uses be introduced so that the overall objective to preserve agricultural use is still achieved (i.e. to prevent multiple consents to be applied for).</td>
<td>WC Agri</td>
<td>This must be evaluated for each case. A section was however introduced which requires that certain consent uses must remain secondary to Agriculture.</td>
</tr>
<tr>
<td>200</td>
<td>Reduction in number of dwellings on farms and limit on size of main dwelling is questioned.</td>
<td>SRA</td>
<td>The number of dwellings a farmer can erect has not been reduced. However, employee housing is more tightly controlled because this is abused for student and other types of accommodation outside the urban edge and often not occupied by workers on a farm. Size of main dwellings and employee housing was increased to incorporate the comments from various parties.</td>
</tr>
<tr>
<td>200</td>
<td>Limit of 4 additional dwelling units is arbitrary and should be amended or provision made for it to be increased. (also provided for)</td>
<td>P Mons</td>
<td>The limit is not arbitrary but originates from the existing section 8 scheme rights which allows 1 dwelling house, a second dwelling house and up to 4 additional houses. The proposed scheme retains these existing rights. The Municipality specifically identified the proliferation of dwelling accommodation on farms (as lifestyle accommodation) as a problem, which contributes to traffic congestion and expensive service delivery and unsustainable sprawl. Allowing more dwellings on farms are contrary to the policy of densification, intensification and development in concentrated urban nodes as set out in the SDF.</td>
</tr>
<tr>
<td>200</td>
<td>A farm stall which only sells produce produced on the farm is uneconomical</td>
<td>Limberlost</td>
<td>It is recognised that the old-style farm stalls are no longer viable and probably outdated. This land use has now been incorporated under tourist facilities and must conform to the overall parameters and thresholds. Existing lawfully approved farmstalls may continue.</td>
</tr>
<tr>
<td>203(2))</td>
<td>Indoor farmers market should be incorporated.</td>
<td>P Mons</td>
<td>Substantially reviewed. Refer to definition of markets and tourist facilities.</td>
</tr>
<tr>
<td>200(3)</td>
<td>Amend farm to farming unit.</td>
<td>P Mons</td>
<td>Distinction was made between one farm land unit (farm) and a group of farm land units owned by one owner and run as one enterprise (farm enterprise).</td>
</tr>
</tbody>
</table>
### 201(3) Agri industry: recommends that it should only be 50% of produce on the farm (leave out 'group of farms').

| WC Agri | Some commentators in the industry does not want any restrictions with regards to 'on-the-farm' produce. SM feels that a mid-way compromise will ensure that most of the current operations which happen in any way, can be accommodated. Balance must be struck between ensuring viable entities for farmers to be involved with the processing of their own produce and ensuring towns' economies are protected and agricultural land is protected from other uses. |

| 201 | It is suggested that a clause be inserted about conversion of existing agri buildings to agri industry and limiting further knock on. |

| WC Agri | Cannot take right away for primary rights. A clause was inserted to address scale of consent uses & conversion of buildings. |

| 201 | Recommended that the number of agri buildings should not be limited provided reasonably connected to main farming activity. Approval should only be for those buildings exceeding 2000m², not smaller buildings. |

| Stell Agr Soc | Agreed to both points, amended and clause inserted to clarify. |

| 202(3) | 50% limit: Farmers bring in crops from other areas to pack and sort on their farm when the produce is out of season on their own farm and this ensures through the year operation and employment. It is not feasible to only have a facility to process or pack when a season in this particular region is short. |

| Limberlost | Farmers and Department of Agriculture present two opposing views on this point and SM proposes a compromise of at least 50% on-the-farm enterprise. Unchecked industrial development on farms cannot be accommodated as requested by farmers. |

| 203(3) | 50% limit is difficult to implement & measure, not the reality out there. |

| P Mons | See above. |

| 203(2) | Limiting the number of dwellings based on farm size will (or to 1/10ha) not allow labour intensive farms to accommodate their workers. |

| Limberlost | Workers accommodation is not linked to farm size. The only criterion is that the owner must satisfy the Municipality that the houses are indeed required for workers. |

| 203(4) | While it may be the intention to accommodate family members in additional dwellings these are often rented out to people who want a rural lifestyle. |

| P Mons | Provision was amended. One family per dwelling house permitted. It does not state all houses must be occupied by the same family. |

| 203(4) | Insert "or paying transient guests" at end of sentence. |

| WC Agri | Clarified and amended. |

| 203(4) | The point contradicts Point 199. Farm owners should be able to use houses as part of diversified income stream. |

| Limberlost | Clarified and amended. |

| 203(5) | 120m² limitation is nonsensical because residents may want a larger house. |

| Limberlost | This is what Department Agriculture will support and larger additional houses will have negative impact by becoming lifestyle accommodation units rather than serving agriculture. |

| 203(5) | 500m² floor area is not appropriate for main dwelling houses on farms and many existing farm houses exceed this. |

| P Mons | Amended – threshold now refers to coverage (not floor area as before). Therefore, up to 1000m² floor area now permitted as main and second dwellings which is regarded to be ample provision. |

| 203 | Four additional dwellings too limiting. Proposal: A third dwelling for every farm plus one further dwelling for each 10ha |

<p>| Stell Agr Soc | SM remains concerned that excessive residential on farms will erode agriculture. Big potential for abuse in SM municipal area. Present Sec 8 scheme rights retained. No amendment. |</p>
<table>
<thead>
<tr>
<th>Page</th>
<th>Comment</th>
<th>Entity</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>203</td>
<td>Additional dwellings should be 2 storeys with 120m² coverage.</td>
<td>Stell Agr Soc</td>
<td>SM concerned about scale and impact in cultural landscape. Two storeys is also not typical scale of subsidiary dwellings in rural landscape. No amendment.</td>
</tr>
<tr>
<td>204</td>
<td>Farm owners must be free to &quot;build to rent&quot; as long as it does not impact agriculture.</td>
<td>Limberlost</td>
<td>Refer to above points.</td>
</tr>
<tr>
<td>204(1) and (2)</td>
<td>There should be no limit on employee housing.</td>
<td>Stell Agr Soc</td>
<td>SM remains concerned about new dwellings being constructed under the pretext that it is employee housing and then being increasingly used for student, short term guests or other non-agri uses. The concerns raised about allowing bona fide employees to be accommodated close to work is acknowledged, and zone was amended: one employee house is now a primary right; and additional employee housing an additional use application for technical approval (not consent as before). Employee Housing coverage increased to 120m² per dwelling unit (as opposed to 75m²).</td>
</tr>
<tr>
<td>206(2)</td>
<td>Use of only existing buildings for tourist facilities is unnecessarily limiting. It will disable tourism growth.</td>
<td>P Mons</td>
<td>The proliferation of non-agricultural buildings remains a concern of both SM environment and Dept Agri. New buildings require a consent use application.</td>
</tr>
<tr>
<td>206</td>
<td>Tourist accommodation, B&amp;B/guest house parameters are contradictory with definitions.</td>
<td>Stell Agr Soc</td>
<td>Definitions and section was substantially revised throughout scheme.</td>
</tr>
<tr>
<td>206</td>
<td>Tighter controls required for tourist accommodation in agriculture.</td>
<td>FTRA</td>
<td>Definitions and section was substantially revised throughout scheme.</td>
</tr>
<tr>
<td>206(3)</td>
<td>Limit of 7 rooms or 14 persons may be too limiting on big farms</td>
<td>P Mons</td>
<td>This is the threshold for primary rights (no application). Larger enterprises on larger farms must make application and motivate so that desirability and impact can be assessed.</td>
</tr>
<tr>
<td>206(4)</td>
<td>The principle of agricultural activities being the primary right may not always be achievable. E.g. mountain areas.</td>
<td>P Mons</td>
<td>Exceptions can be managed via a consent application.</td>
</tr>
<tr>
<td>206(6)</td>
<td>The size of workers housing should not be limited to 75m² – workers should be entitled to accommodation large enough for them.</td>
<td>Limberlost</td>
<td>This threshold was amended to 120m² per unit.</td>
</tr>
<tr>
<td>206 (4)</td>
<td>Use ‘keeping of animals’ instead of grazing.</td>
<td>WC agri</td>
<td>Incorporated.</td>
</tr>
<tr>
<td>211</td>
<td>How was height for agri buildings and agri industry determined? Visual impacts?</td>
<td>WC Agri</td>
<td>Height proposed is related to the type of use and visual impact. Building in rural areas should not be taller than 12 meters otherwise they can have a significant impact on the cultural landscape.</td>
</tr>
<tr>
<td>207(3)</td>
<td>Allowing tourist facilities only in existing buildings may be inappropriate on properties with no existing buildings.</td>
<td>P Mons</td>
<td>The aim of the clause is to limit the proliferation of non-agricultural buildings in the rural landscape. Exceptions such as those mentioned can be dealt with via consent application.</td>
</tr>
<tr>
<td>207(3)</td>
<td>Limiting tourist facilities to existing buildings no longer being used is not practical – agri-tourism is a big economic driver and this point does not make sense at all, given overall objectives.</td>
<td>Limberlost</td>
<td>See above.</td>
</tr>
<tr>
<td>Comment</td>
<td>Response</td>
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</tr>
<tr>
<td><strong>207 (4)(5)(6)</strong> Tourist facilities should not be limited to 250m² because this will stifle agri-tourism.</td>
<td>Limberlost 250m² is the threshold for a primary right on each and every farm (with no application). Larger enterprises must make application and motivate so that desirability and impact can be assessed.</td>
<td></td>
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</tr>
<tr>
<td><strong>207 (4)(5)(6)</strong> These parameters are too restrictive. Many existing tourist facilities far exceed this. It is noted that application can be made when the limitations are exceeded.</td>
<td>P Mons 250m² is the threshold for a primary right on each and every farm (with no application). Larger enterprises must make application and motivate so that desirability and impact can be assessed.</td>
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</tr>
<tr>
<td><strong>207</strong> Tourist facilities should be limited to 250m² coverage (not floor area) and should not be limited to one storey.</td>
<td>Stell Agri Soc Building development parameter table amended so that all areas refer to coverage, not floor area. SM remains concerned about scale of buildings in rural landscape and as a norm do not want to allow 2 storeys as a primary right. The scale of tourist facilities on each farm is also problematic and 500m² constitutes a large conversion of existing buildings away from agriculture (which is problematic). In exceptional cases where it is desirable to have 2 stores, a departure can always be applied for, and where more tourist facilities are desirable, a consent can be applied for.</td>
<td></td>
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<tr>
<td><strong>208</strong> Polytunnels – this is a bona fide right in agricultural zone and not subject to any heritage regulations. It is necessary for agriculture to be undertaken. A complete study should be undertaken by the Municipality on this issue before the scheme is finalised. The upper limit for polytunnels should be 3ha rather than 5000m².</td>
<td>Limberlost Balance between agriculture and preservation of cultural landscape must be achieved and in the scheme a mechanism is created to manage the land use, its impacts with the express intent to mitigate impact rather than to refuse. Unchecked polytunnels will have serious detrimental impact in future on other land uses (e.g. heritage, cultural landscape, tourism, economic activity).</td>
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<tr>
<td><strong>208</strong> There should be no limit on polytunnels since this is primary farm right and has direct impact on food security.</td>
<td>Stell Agri Soc See above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>211</strong> Main dwelling houses should not be limited in size, 2nd dwellings should be 500m² coverage.</td>
<td>Stell Agri Soc Amended to 500m² coverage for both main and 2nd dwelling (as opposed to 500m² floor area).</td>
<td></td>
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</tr>
<tr>
<td><strong>211</strong> Existing 30m building line in ARZ should be retained to protect rural character. 5m common building line supported.</td>
<td>SIG A 30m building line inserted along scenic routes to accommodate this comment. (All buildings within 200 m rigger an application in any case).</td>
<td></td>
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</tr>
<tr>
<td><strong>241</strong> Support for the clause that HPOZ does not reduce rights unless there is proven severe adverse impact on Heritage Resources.</td>
<td>Stellenbosch Heritage Survey Consultants Noted – note name change of zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>241</strong> The bar is set too high to restrict development rights in HPOZ.</td>
<td>FTRA Do not agree – see response from consultants above on the same clause.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>241</strong> The extended HAO for Stellenbosch is supported. However, a provision should be included to allow the Municipality to further limit development rights if development will have an ‘adverse impact on character’.</td>
<td>Stell Her Foundation Such a clause was included in section 241 (see comment above).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>244</strong> Concern that establishment of Committee is optional</td>
<td>FTRA That was not the intent. Section was amended to make it compulsory and also to allow sub-committees for different areas.</td>
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<tr>
<td><strong>247</strong></td>
<td>Lodging establishments and adult entertainment should not be permitted in historical areas and apartments should be reserved for families only</td>
<td>SHF</td>
<td>SM does not agree with this opinion. The historical area is also the CBD area where the greatest mix of land uses should be promoted.</td>
</tr>
<tr>
<td><strong>248</strong></td>
<td>The 10m height restriction in the HAOZ should only apply to the first 15m from the street. to limit height throughout reduces existing rights significantly and is objected to.</td>
<td>R Bouma</td>
<td>Agreed, scheme amended to retain the status quo.</td>
</tr>
<tr>
<td><strong>248</strong></td>
<td>Limiting the finishes and colour scheme in the Heritage area is not appropriate because the area has different architectural styles (from Victorian to Cape Dutch).</td>
<td>R Bouma</td>
<td>The finishes and colours referred to here originated from the existing special areas in the existing schemes. All these parameters are preserved (untill more recent heritage studies are concluded). In the absence of a study indicating the contrary, these provisions are retained. The Municipality may grant departures where appropriate or may amend these in due course.</td>
</tr>
<tr>
<td><strong>250</strong></td>
<td>Scenic routes will generate many applications and will create additional and unnecessary administrative burden.</td>
<td>Stell Agri Soc</td>
<td>Agreed: A clause inserted in Exemptions section to allow Council to approve additional exemptions to ensure small and insignificant structures do not clog up the system.</td>
</tr>
<tr>
<td><strong>250</strong></td>
<td>Access routes and tourist routes must be protected.</td>
<td>SHF</td>
<td>This is exactly the purpose of the Scenic Route Overlay Zone.</td>
</tr>
<tr>
<td><strong>Zoning Map:</strong> must be implemented as part of scheme. Include in Gazette notice &amp; Council Decision.</td>
<td>DEADP</td>
<td>Noted – this is the intention.</td>
<td></td>
</tr>
<tr>
<td><strong>Zoning Maps:</strong> appears to be not up to date.</td>
<td>SRA</td>
<td>Noted. Back-capturing process is currently underway.</td>
<td></td>
</tr>
<tr>
<td><strong>Open Space on Zoning Map:</strong> Some POS properties are shown white. Erf 8315 is indicated as Private Open Space, but it is in fact a Public Open Space.</td>
<td>Kleingeluk</td>
<td>It is confirmed that this is indeed Private Open space and on the converted maps there is no zoning reflected. The Open Space layer’s conversions were not correctly displayed. This will be corrected in the final version.</td>
<td></td>
</tr>
<tr>
<td><strong>Welgevonden Estate:</strong> wants to not have any changes to its governance of the estate.</td>
<td>Welgevonden Estate</td>
<td>The Estate’s Constitution and design guidelines will remain unaltered.</td>
<td></td>
</tr>
<tr>
<td><strong>Erf 757</strong> Franschhoek.</td>
<td>Sendzul</td>
<td>The Group Housing zone has been eliminated. The property was previously zoned Group housing. The most appropriate conversion given the surrounding context is Conventional Residential Zone, with deemed consent for Group housing. The conversion as shown on the plan is therefore correct.</td>
<td></td>
</tr>
<tr>
<td>Questions zoning of following erven: Farm 183/57 is shown ARZ but must be IZ 183/58 and plot 12328: Public open space at bottom of Tarentaal Road and Kelkiewys Street must be retained. Road must be moved.</td>
<td>Devon Park Interest group</td>
<td>It can be confirmed that 187/57 and 58 are both indeed zoned Industrial Zone in the new Scheme. This zoning was not correctly displayed on the map to a layering issue in the GIS, and parent erf zoning was printed instead of the correct zoning. This should be corrected on the final map. Erf 12328 is shown on the converted maps to be zoned as Public Open Space and is thus correct. The comment about the road is not clear and any proposal to change the configuration of a public street is subject to the required road closures and rezoning.</td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>Participant</td>
<td>Response</td>
<td></td>
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</tr>
<tr>
<td>Flamingo Park is shown as a road but is currently used as a park. Farms 183/36 and 183/23 - what kind of industrial are these zoned for? Is Hamerkop mixed use supposed to be a café/shop?</td>
<td>Marius Snyman</td>
<td>Refer to images below. Flamingo Park forms part of the street cadastral entity and has never been zoned for open space, but zoned street. Cape Mapper website confirms there is no erf for the park. We could not locate farms 36/183 or 23/183, and suspect a typing error was made in the objection. If portions 26 and 32 was meant, it can be confirmed it is zoned Industrial Zone. There appears to be conditions of rezoning which the owner must obtain from SM. Erf 4492 in the original scheme was zoned General Business and as a result of the conversion rules has automatically converted to Mixed Use Zone, which would allow a shop. Conversion to be re-confirmed with SM.</td>
<td></td>
</tr>
<tr>
<td>Split zoning not correctly drawn.</td>
<td>C Mischker</td>
<td><strong>Action:</strong> A note to be inserted in the legend of the map as follows: &quot;Split zoning, departures, consents and temporary departures are depicted by means of a notional icon, which bears no connection with the size, location or type of activity. For further information of the split zone, its extent and location, the relevant planning file must be consulted.&quot;</td>
<td></td>
</tr>
</tbody>
</table>
5. SECOND ROUND OF PUBLIC COMMENT (STAGE 9 in PP Table)

5.1 Overview

The Draft 11 of the Stellenbosch Zoning Scheme (SZS) was advertised for public comment in October 2017 and there was 60 days for comment.

The document below summarises the written comments received during this period.

5.2 Comments received

5.3 Dr. B van Geems - De Zalze owner

Properties which are currently zoned Resort Zone II are converted to Conventional Residential Zone. This poses problems because owners who purchased their properties as holiday housing can no longer make use thereof in that way. Definition of family should be amended to allow for co-habitation, and the Resort Zone II should be retained. Definition of leasing should be broadened. Agriculture zoning should be retained where it previously existed in the Estate.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. The dwelling houses in De Zalze will indeed convert to Conventional Residential Zone as per this agreement.

5.4 De Zalze Lodge – W. Burger

Erven 571; 567, 196, 197, 198, 200, 201, 203, 204, 205, 206, 207: Currently zoned as Resort Zone II.

On Erf 571 a consent use was approved for a guest house. The current development on this erf does not utilise the full development potential on the erf. Limited Use Zone will deprive owners of their right to develop the property further. De Zalze Lodge has been operating as a hotel for many years from these above properties, including hotel rooms for transient guests, conferencing, functions, wellness centre, spa, gym etc. and the conversion to Limited Use Zone will extinguish these current rights and the potential to expand this in future.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.5 De Zalze Winelands Golf Estate – E. Watson

Representing the HOA including ±400 private home owners, Winelands Golf Lodges and De Zalze Lodge.

The HOA queries the conversion of a number of erven. The details are set out below in the summary under the zoning map in the table. The HOA requested a further opportunity to comment on the revised converted zoning map.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.
5.6 Winelands Golf Lodges – L. Vlok

Winelands Golf Lodges (postal address: 92 De Zalze Estate) should be zoned Mixed Use and not Conventional Residential since the land use is a hotel.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.7 The Farm House - De Zalze – A. Bicker Caarten

Erf 553 De Zalze: Current zoning is Resort II. Land use comprises tourist facilities, hotel, resort shop (under consent approval) and a group of 4 dwellings (some historical) which owners intend to create further “resort facilities such as a spa”. The owners feel they have an existing right for these additional future (not yet exercised) land uses and a conversion to Conventional Residential zone will deprive them of their existing rights which would have been a primary right under Resort II.

Erf 4 must be zoned Agriculture zone.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.8 Kleine Zalze – K. Basson

Raises the following issues:

- Non-conforming uses - how will municipality issue liquor/business license clearances?
- Employee housing must be a primary right, not a technical approval;
- Additional dwelling units must be permitted on farms smaller than 20ha to draw young employees;
- Agricultural industry should not be limited to 50% on-farm produce - several reasons given by the commentator why it will benefit the economy to allow any kind of industry where produce from all over is processed. Existing wineries should be used (and grown) rather than a proliferation of smaller wineries. Retaining the 50% limit will lead to a loss of employment and transplanting of job opportunities;
- Suggestions are made to make provision for including multi-year contracts to allow for larger agricultural industries,
- Comments also relate to specific erven listed in the table below.

Also mentions two maps - WC24 and IZS Map 9. Attached previous approvals & approved subdivision plan to provide proof of zoning.

Response: Zoning certificates will confirm Non-conforming use rights if the owner requests it and supplies the necessary information.

Employee housing is often used as a loophole to get buildings approved that then gets converted to other land uses such as tourist accommodation, student lodging and other tourist facilities. The cumulative impact of this practice has an adverse impact on agriculture and must therefore be managed appropriately. Technical approval means the Municipality can ask proof of on-farm employment.
The Municipality is not supportive of allowing unchecked additional residential accommodation on farms exceeding what is currently permitted in terms of current schemes, unless it is specifically to promote agriculture (i.e., for the farm owner and bona fide workers) or promote limited agri-tourism as per the scheme. Un-checked residential development on farms is known to have an adverse impact on delivery of municipal services, long term viability of agriculture and traffic. The more residential units are allowed (collectively) in rural areas, the greater the Municipal bulk services network will become, and the greater traffic congestion will get inside towns because people travel from farms to town with cars to work there. Servicing low density rural development is not sustainable.

**Definition of Agricultural Industry:** With regards to the 50% on-farm produce requirement for Agricultural Industry: The department reiterates previous comments in this regard in previous rounds of comment. Current regulations require 100% on-farm produce to be used in an agricultural industry on the farm. The revised definition in the proposed scheme is therefore a huge compromise to recognise existing reality in respect of on-farm Agricultural Industry. However, to allow 100% of produce to be imported from other areas would give carte blanch to industrial activities on farms. This will have a serious detrimental impact on farming, tourism and the urban economy and will also undermine the established industrial areas in towns. It should be noted that Agricultural Industry is currently either a rezoning or consent use in the various schemes applicable in the Municipal area and the proposals in the Scheme is therefore significantly more permissive than the current status quo.

The Department of Agriculture furthermore is opposed to the approach suggested by this commentator and others. The Department has agreed to the approach contained in the scheme. However, to allow a greater percentage of produce to be imported will in all likelihood incur their objection to the Scheme. The Municipality is also concerned about the scale of agricultural industry buildings and therefore have now introduced a different threshold to agri-industry for technical approval, namely maximum land area of 2000m² which includes building footprint, parking, loading, storage and vehicular circulation areas. Agricultural Industry exceeding 2000m² will require consent.

Specifically in relation to the properties owned by Mr. Basson, namely erven 214 and 563 (which will now, after conversion be zoned Industrial zone (see table for reasons)) the limitations as set in the definition of agri-industry will not apply since the wine cellar and wine storage facility in this instance is regarded as pure industrial use.

See comment in table below relating to specific erven and reasons for revised zoning conversion.

**5.9 De Canha Incorporated: for Cova Da Iria Trust – D. De Canha**

Erf 7576 Stellenbosch: The proposed new scheme will have the effect of limiting the height of all buildings facing Bird Street to 10m. This is an objection to the scheme because it will limit the development potential of Erf 7576 and “deprive the current building and development rights” as per the current scheme and “infringe on existing rights”.

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**STELLENBOSCH ZONING SCHEME**

**PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)**

**APRIL 2019**
**Response:** The property falls inside the new URCO (where a 10m height limit applies to buildings within the first 15m form a street). The property did not fall inside the to-be-repealed Special Area in the Stellenbosch Scheme. The property is currently zoned Single Residential Zone (SR). (see extract from the current zoning map) and this zone only permits a maximum height of 8 meters. The claim of the owner that they will be deprived of development rights is therefore not correct, because buildings may currently not exceed 8 meters on the property.

### 5.10 Stellenbosch Heritage Foundation – P.G. Carstens

The proposed Scheme and zones are not suitable for Stellenbosch to protect its character and beauty. Student accommodation in the town impacts negatively on the character and pushes out working people. The impact of an increase in height of buildings and the doubling of coverage will change the character of the town irreversibly. Minimum requirements for a dwelling unit should be set in the Scheme to ensure all units can in future be occupied by families rather than bachelors, so as to prevent a “Hillbrow” situation.

In the historical area the height should be limited to 10m throughout, this limit should not apply to the first 15m from a street.

The Scheme should retain the provision that the Municipality may declare certain sites “special areas”.

Proposals must be modelled before the scheme is taken into use to test the 50% coverage.

**Response:** The issue about student housing and its impact on the character of the town was already raised and addressed in the previous round of comments. This proposal is therefore not supported.

With regards to **minimum dwelling unit sizes**: The National Building Regulations prescribe minimum sizes for dwelling units and it is not appropriate for the zoning scheme to prescribe different sizes.

With regards to **coverage**: the statement is not correct. The Scheme currently allows 50% coverage for residential buildings (25% for buildings and 25% for covered parking). The new Scheme’s maximum permitted floor area is similar to the old scheme’s maximum floor area and on a whole, the envelope will therefore not be significantly different from the existing.

**Height in historical area**: Introducing a 10m height limit throughout the entire Stellenbosch URCO historical core was objected to in the previous round of advertising since it extinguished existing rights. This proposal is therefore not supported.

It is however supported to reduce the maximum height to 5 storeys inside the Stellenbosch URCO. It should be noted that for the first 15m from a street, height is limited to 10m (as per the existing provisions in the Stellenbosch Special Area). This revision therefore now maintains the status quo in respect of height in the Stellenbosch town centre area.

With regards to **modelling of proposed envelopes**: Building envelopes were indeed modelled in the Methodology Report that was completed in Stage 4 (refer to table in par 1.1 above).
5.11 Stellenbosch Interest Group (SIG) – P. Botha

SIG requested a workshop to motivate their proposals.

The Municipality must protect the character of the historic core and the views to surrounding mountains. For this reason, permissible height should not be increased. The 5-storey height limit (outside the 10m height limit) must therefore be retained for business and 3 storeys for General Residential, since historic buildings will be overshadowed by 4-storey buildings.

A 30m building line should apply to all roads in the rural area (A&R zone), not just scenic routes.

Further detailed comments are summarised in the table below.

Response: An Open house meeting was held in the round of notification. Workshops at this advanced stage of completion of the Scheme are not envisaged.

Height in Historical Area: It is agreed that the height in the Stellenbosch URCO should not be increased from what is presently permitted. The Scheme was thus amended by limiting height in the URCO to maximum 5 storeys and maximum 10m height for the first 15m from a street. This is exactly the same height limit that currently applies in the existing Special Area for the historical core.

30m building lines are not accepted by the department as it is too restrictive. To protect rural character the Municipality should designate additional routes as scenic routes in the SDF which can then inform future revision of the scheme.

5.12 Stellenbosch Ratepayers Association – A. Pelser

The SRA requests a workshop before the scheme be promulgated to address issues in this letter.

The SRA is concerned that the scheme does not address Stellenbosch specific environment. It raises concern about student accommodation in the town and the housing cycle is disrupted which forces normal young working people out of town. Multi-unit Housing and Mixed-Use zones must have sub-zones and be more prescriptive of the permitted land uses and building form. Increased coverage and height are not supported and should be modelled.

Height in historic core should be limited to 10m throughout.

Compilers of the Scheme has lost sight of the principles of Smart Cities and the scheme, in the opinion of the ratepayers do not promote a mix of land uses, compact building design, a range of housing options, walkable neighbourhoods, preserve farmland, open space and critical environmental areas, etc.

Further language editing is suggested.

This is not an integrated scheme, but an entirely new Scheme and the word “Integrated” should therefore be omitted from the official title.

Response: An Open house meeting was held in previous rounds of engagement. Workshops at this late stage of completion of the Scheme are not envisaged.

The student accommodation issue was already addressed in previous comments and these proposals (to ban it in town centre) cannot be entertained. No amendment.

10m height limit in URCO: See comment in 5.10 above
The drafters of the Scheme do not agree with the comment that the Scheme does not support Smart City development. Densification, compact building design, variety of housing options (as opposed to banning certain housing options as proposed by this commentator) is exactly what is achieved by this Scheme and is in line with Smart City principles.

Extensive language editing has been undertaken since this comment was received.

We agree with the comment that this is a new Zoning Scheme and not in “integrated” scheme. The Scheme and maps have been updated accordingly.

5.13 University Stellenbosch: Geography Department – R. Ronaldson

The Stellenbosch Zoning Scheme does not add value to heritage conservation, and the Municipality has not paid enough attention to the demarcation of heritage conservation areas and the question is asked why more was not done to incorporate other areas worthy of heritage conservation into the scheme. At least 10 additional areas should be demarcated. The writer then proceeds to notionally indicate these areas with varying degrees of detail.

Response: The Scheme as it is currently drafted incorporates and enables current adopted Council policies and demarcated heritage areas with respect to heritage conservation which were in place at the time of drafting the scheme (as is required in terms of section 24 of SPLUMA). It can however not be expected to incorporate studies which are still underway, or unadopted and unofficial opinions or inputs.

In recent years, significant new work has commenced with several new heritage studies underway (both in urban and rural areas). This work has however not yet been through a formal process of consideration and adoption by the various authorities and the Stellenbosch Municipal Council. The department agrees that further work is required in respect of heritage conservation and that the scheme can, in future, incorporate the findings of the new studies, once they are adopted as Council policy. Adequate information was however not available at the time of drafting the scheme in 2016 to incorporate findings of these studies.

The scheme makes provision for new additional Urban Conservation areas to be established once the studies are complete and the studies have been adopted as policy by the Municipality.

5.14 Eskom - O. Peters

The parameters of Utility Services zone are too restrictive for substation sites and common building lines of 1m is proposed whilst coverage should be increased to 75%.

Response: The proposed amendment cannot be supported due to the wide range of erf sizes and variety of locations which are zoned “Utility Services zone”. It should be appreciated that Utility Services zoned erven comprise large depots and other infrastructure sites where the proposed parameters will be highly unsuitable. In cases where ESKOM applies for rezoning for new substations, the rezoning and necessary departure can be applied for as one application and can be assessed on merit. However existing erven zoned for Utility Services should not be allowed to develop according to the proposed parameters merely to suit one potential user’s future requirements (which can be dealt with on its own merit by means of an application). As pointed in the comment from Minister Bredell, utility services installations can have a significant adverse impact and the Scheme should adequately manage this potential undesirable effect.
5.15 Stellenbosch Wine Routes - E. van der Merwe

Association is not in favour of 50% restriction in for Agricultural Industry (on-farm produce). Wine cellars play important part in wine tourism. To locate a wine cellar in the industrial areas will require transportation of staff and produce to towns. Definitions should at least allow farms under lease agreement to be regarded as part of the “on-farm” content.

Response: see comment above in par 5.8.

5.16 E. van der Merwe

Transitional arrangements: preserving rights. Questioning how zoning certificates will be issued for liquor and business licences.

Employee housing on farms must be primary right and unrestricted.

Polytunnels: It is proposed that it be a primary right up to 5000m² (links with NHRA) and technical approval use when it exceeds 5000m². It is suggested that it not be a consent when it exceeds 5000m² because farming is currently a primary right.

Additional dwellings: it is proposed that 1 dwelling unit to be allowed for farms ranging 1-20ha and 4 units/ha for farms larger than 20ha. Current version excludes all farms greater than 20ha.

Agricultural Industry: 50% on-farm produce limit is too restrictive and similar reasons provided as in KZ and Stellenbosch Wine Routes comment.

Scenic routes: It is felt this provision will add significantly to the workload of the municipality. Clarity is sought on the who will approve exemptions.

Response: See comment above in Par 5.8. [This comment is similar to Kleine Zalze (KZ) and it appears that this consultant also advised KZ.]

Polytunnels: Farming on open land is indeed a primary right; the building of structures however is regulated through the national building regulations and may also be further managed through zoning schemes amongst others to mitigate adverse impacts on other sectors of the economy, and through zoning schemes, the Municipality may create mechanisms to manage those impacts. The extent to which polytunnels can change the cultural, environmental and historical landscape is so severe and its resultant impact on the economy, environment, heritage and water runoff can be detrimental and require mitigation, which means that management of the extent to which these structures may be erected, and mitigation of their impact are warranted.

Balance between agriculture (and food production) and preservation of cultural landscape must be achieved and in the scheme a mechanism is created to manage the land use and its impacts with the express intent to mitigate impact rather than to refuse applications. Unchecked polytunnels will have serious detrimental impact in future on other land uses (e.g. heritage, cultural landscape, tourism, economic activity).

Scenic routes exempt activities: these activities do not require an application and thus will not require “approval”. Planning officials can advise owners if an activity is exempt.

5.17 T. Blankenberg

The Scheme does not contain an enforcement clause.
**Response:** DEADP confirmed that enforcement takes place in terms of the Municipal Planning By-law (MPBL) and thus does not also have to be incorporated into the Scheme. However, to make the relationship between the MPBL and the Scheme clear, a clause was inserted to this effect.

### 5.18 Cape Nature - R. Smart

The amendments to the Scheme to accommodate previous comments are noted, supported and appreciated.

The term “Urban and Rural Conservation Areas” could be confusing since the term “conservation” is generally associated with bio-diversity conservation. It is suggested to select a different word.

**Response:** The name of the Overlay Zone was discussed, and it was felt this is the most descriptive term. The use of the term “heritage area” caused confusion in the past since ‘Heritage Areas’ are declared in terms of the National Heritage Resourced Act.

### 5.19 Franschhoek Heritage and Ratepayers Association (FHRA) – A. Killian

Supports that short-term letting for more than 30 days per year require application for consent in CR zone. Suggests that a statement on how these applications will be decided will be helpful.

A number of detailed comments are made on certain sections relating to specific wording. These are all summarised in the table below.

**Response:** It is recommended that the Municipality prepares a short-term accommodation policy which can inform the decisions for consent use applications. This does not have to be addressed in the By-law. The FHRA’s support and input is noted.

### 5.20 Friends of Stellenbosch Mountains (FSM) - L. Silberbauer

FSM is pleasantly surprised by the addition of the new Urban and Rural Conservation Overlay Zone. This is the first opportunity that the FSM has to comment on these proposals.

Comments are made on specific sections, which are included in the table below.

**Response:** The Urban and Rural Conservation Overlay Zones are not new - they were previously included in the Scheme as Heritage Overlay Zones and the provisions are exactly the same. The only significant change between Version 10(3)(a) and Version 11 is the change in name of the Overlay Zone, and this was only done to avoid confusion between the National Heritage Resources Act, where Heritage Areas have a particular meaning in terms of that Act (and require a certain procedure for demarcation) which is different from the zoning scheme overlay zone areas.

### 5.21 H.C. Eggers

Comment on the zoning of particular properties - summarised in table below.

**Response:** Responses are in the table below.

### 5.22 Western Cape Provincial Department of Transport – H. Thompson

If any of the residential zones lead to automatic higher densities the department may have concerns in certain locations. Will there be an opportunity to comment on such instances when a development is submitted?
When technical approval is sought for certain high impact uses, the department wishes to retain an opportunity to comment when such uses generate high traffic volumes and gain access of a Provincial Main Road, since it may impact road safety.

**Response:** Residential zone densities: It is hereby confirmed that the permitted floor area factor in General Residential use zones range between 0.4 (for small erven) and 0.75 (for erven > 2000m²) depending on erf size. In the new Scheme the maximum floor area permitted is 75% of the area of the erf, and properties less than 1000m² in size are limited to Conventional Residential Zone notwithstanding that they may be zoned Multi-unit Residential Zone. There is therefore only a moderate increase in rights on smaller properties and no increase on larger sites. The proposals are therefore unlikely to have a significant increase in trips.

**Technical approval circulation:** Clause 13(5) has been amended to make provision for circulation to external departments where they are affected. However, it should be noted that these departments will have to comment within the prescribed time of 21 days, should they have any comment on the proposal.

### 5.23 Abland – T. Potgieter

The writer gives background to the previous numerous planning applications made in the past on Farm 468/128 (Welmoed) which includes service trade, tourist facilities, 5-year temporary departure for warehousing and departures from the building line. The property will convert to the Agriculture and Rural Zone in terms of the new Scheme (it is currently zoned Agriculture in terms of the Section 8 Scheme).

It is proposed that an Overlay Zone be created which can apply to this particular property which would allow a number of additional uses as primary uses, as follows: Industry, restaurant, service trade, warehouse and tourist facilities, over and above the current permitted primary uses in Agriculture and Rural Zone. It is then proposed that this Overlay Zone apply to the Welmoed farm.

**Response:** The transitional arrangements in the Scheme ensures that all approvals granted, and all lawful land uses can continue for as long as they remain lawful. Thus, a consent, departure, temporary departure or other approval previously granted in terms of a previous scheme may continue as a lawful land use, and a temporary departure may continue for as long as it may be lawful. Once it lapses, a new application in terms of the new planning law will be required.

The commentator is proposing a “mini” zoning to accommodate the basket and variety of land uses currently conducted on this farm. The purpose of this Scheme is to simplify the land use management system, not to make it more complicated by introducing mini zones for individual properties into the scheme to suit each and every individual erf and application. The scheme allows for split zones, and the appropriate way forward would be to rezone the various portions of the farm according to the land uses conducted thereon. Thus, if the land use is industrial, mixed use or local business use, the appropriate rezoning should be undertaken, as the case may be to each of these zones. It would be inappropriate to create a “pseudo”-agriculture zone just to circumvent rezoning out of agriculture when land is no longer being used for that purpose.

We do not support the creation of the proposed Overlay Zone, since it would open the door to all other agricultural properties to rezone parts or all of their farm to non-agricultural uses.

### 5.24 Department of Rural Development and Land Reform – E. van Zyl

Section 24(2) of the Spatial Planning and Land Use Management Act No. 16 of 2013 requires that provisions be made for the inclusion of incentives to promote the implementation of the SDF of Stellenbosch. Has the Municipality included any incentives in the IZS?
Response: Yes, a detailed analysis was made of the Provincial and Municipal SDF and other Council policies and how these policies could be facilitated in the Scheme. The following examples are pertinent:

1) Densification: Incremental densification is enabled by allowing two dwelling units on each residential property where only one dwelling unit was previously permitted. The incentive in this case is that no further consent or departure application is required to construct a second dwelling. Smaller second dwelling units can provide a range of affordable accommodation throughout the municipal area.

2) Diversify and strengthen rural economy: A limited extent of additional land uses catering for tourists are permitted as a primary right to promote agri-tourism and diversify the rural economy. This not only creates a greater diversity of jobs, but also diversify farm income, which in turns has a beneficial impact on the sustainability of agriculture. The incentive is a much less onerous application procedure (technical approval as opposed to consent which requires advertising and can be appealed).

3) Revitalising and strengthening of the urban space economy are achieved by enlarging the basket of permitted primary rights in the Mixed-Use and all other zones. Liberating property owners from unnecessary application procedures where appropriate, is a huge incentive to encourage more residential and other land uses especially in the mixed-use business areas.

4) Greywater recycling and rainwater harvesting is promoted in the MSDF and provision is made in the Scheme for the Municipality to adopt provisions proactively in certain areas.

5) Tourism on farms is promoted according to the MSDF - see comment 2 above.

5.25 Tech Stel SRA on behalf of Technopark (G. Swart)

The Technopark takes note of the Local Area Overlay Zone which preserves the Technopark development parameters.

It is the aim of the Technopark to reconceptualise itself into a work/live/play space in an innovative environment.

In pursuit of the above objective it is proposed that the zoning of LAO1 must include a mix of residential land uses, including flats, group housing, and a variety of tourist accommodation forms. It is also proposed that a large variety of the land uses proposed in Local Business Zone also be included in the LAO1 permitted land use column.

Response: Should the Technopark wish to acquire the additional land use rights set out in their comment, an application should be duly lodged in terms of the scheme. Refer to section 266(4) that was inserted to allow such future application process to change the applicable development parameters. The process of approving a new scheme cannot be used to create significant addition use rights on property where it was specifically by virtue of an approval that was granted. The municipality must have an opportunity to obtain comment form all interested and affected parties and assess the potential impact of the proposed land use changes (especially on traffic and services) before land use rights are changed significantly.

5.26 Airbnb

Occasionally sharing a home to travellers brings huge benefits to residents and local businesses, creating a new form of tourism. Home sharing is an important contribution to the economy and allows hosts to pay for the upkeep of their properties. AirBnB therefore has a positive impact on the local economy. The benefits of the “sharing economy” is also pointed out. It is proposed that a new definition be introduced for “home sharing” and that a distinction be made with “professional renters”.

It is not clear whether home owners may rent out their properties on an ad-hoc basis on platforms such as AirBnb and clarification is sought in this regard.
Response: The Scheme allows for “home sharing” as a primary right (therefore no application required, and allowed for 365 days per year), as follows, provided that the owner of the establishment resides permanently on the premises:

- Up to 3 bedrooms (maximum 6 people) may be accommodated in a dwelling house or second dwelling (called a ‘bed& breakfast establishment’ in the scheme).

An owner or permanent resident may also rent out his/her entire home for a period of 30 days per year (presumably when going away of holiday), provided it remains their normal permanent residence. Note: An owner may also rent out a dwelling unit on long term leases (which is not Airbnb’s business model, which is short term letting to tourists). “Home Sharing” as described by Airbnb is therefore possible without an application for up to 3 bedrooms and consent is required for more than 3 bedrooms or 6 people.

Any other use of a dwelling house or second dwelling house or an apartment (dwelling unit) to accommodate transient guests would be classified as a “guesthouse” or “tourist dwelling unit” (depending on whether it is a dwelling house or flat, and rented out as a whole on a self-catering basis or in rooms) and will require the approval of the Municipality in certain zones, and may be conducted as a primary right in other zones.

5.27 J. Sendizul

Comment on the zoning of particular properties - summarised in table below.

Response: Responses are in the table below.

5.28 C. Heys on behalf of Eikestad Mall

Comment on the building lines of Mixed-Use Zone - summarised in table below.

Response: Responses are in the table below.

5.29 University of Stellenbosch

The University feels strongly that a unique zone should be created for it and suggest an Overlay Zone which should address issues such as development rules, NMT routes, specific parking provision tailored to the University, services provision and services contributions and heritage issues.

Limiting the height of tertiary buildings to 3 or 4 storeys will reduce the current rights.

Response: This comment has been addressed before. The notion of an Overlay Zone is supported. However, in the absence of any proposals or a plan, the Overlay Zone cannot simply be “created out of thin air” by the Municipality’s planners or the appointed drafters of the scheme. As soon as the University is in a position to share their plans and proposals with the Municipality, the Municipality is receptive to introducing the suggested overlay zone after due public comment process is followed as is required in planning law. The mechanism is created in the Scheme to create new Local Area Overlay Zones in subsequent reviews of the Scheme.

The comment about height was addressed in the Draft 11 revision which now allows for 5 storeys for tertiary educational buildings and hostels (see S135). No rights are thus adversely affected, and all present rights are retained unaltered.

5.30 DEADP – A. Bredell

Detailed comments are made about roads and electrical substations.
Throughout the Scheme provision is made for “permission in terms of the scheme”. The intention of this application type is for it to be a fast-tracked decision process which does not have to follow the full process in terms of the Stellenbosch Municipal Planning By-Law (SMPBL) (thus a shortened decision-making process of a technical nature). As the SMPBL now reads, “permission in terms of the scheme” is a full planning application where decision can only be made by MPT (or a delegated official) and which is subject to appeal processes. The Municipality is urged to consider amending the SMPBL so that “permissions in terms of the scheme” is an application process entirely made under the scheme, which allows for short quick technical decisions which can be resolved without long delays and appeals.

Creation of overlay zones: it is recommended that a clear distinction is made between the creation of a new Overlay Zone (when the zone parameters are created or changed and the first-time designation of areas on a map) and when a property (or group of properties) is added to an existing Overlay Zone area.

DEADP recommends that the first instance can only occur by means of a decision of Council (MSA/LUPA process to amend by-law and scheme). In the second instance it possible for an owner to apply to have the Overlay Zone apply to his individual property (e.g. Subdivisional Overlay Zone area). It is suggested that in the second instance the Scheme should specifically enable the adding of new properties or areas to an Overlay Zone by means of a rezoning approved by MPT. The Scheme should explicitly state which instance applies to a zone.

Comments on engineering services included in table below.

**Response:** Application types: There are various possible application types, namely: Consent use is an application made in terms of the Municipal Planning Bylaw and minimum procedures are also prescribed in SPLUMA and LUPA. Objectors may appeal in terms of the MPBL if they are dissatisfied with an outcome. Permission in terms of the scheme is an application type described only the MPBL. The procedures in the bylaw must be followed, which means an objector may also appeal if dissatisfied with the outcome. Technical approval is an application in terms of the scheme. Procedures a prescribed in the scheme. Technical approval means the municipality must be technically satisfied that all legal and technical standards and requirements are met (either stipulated in the scheme, other laws or other municipal policies and guidelines. Technical approval applications cannot be appealed.

Overlay Zones: The recommendation is supported, and the necessary amendments have been included to distinguish when the Municipality demarcates Overlay Zone areas, and when an owner can apply to rezone to an Overlay Zone.

Comments on services addressed in table below.

**5.31 T. Walters**

The guesthouse definition is confusing because the definition limits it to the accommodation of one family by stating that a dwelling house may only be occupied by a family, whilst in the body of the scheme it permits up to 8 bedrooms. Also, the Scheme limits a guest house to a dwelling house or second dwelling, whilst there are many larger guest houses in practice.
Response: This Scheme allows for a different scale and size guest house (where no resident operator required on site is required), depending on the zone in which the land use is taking place. In Conventional Residential Zone, where the buildings can now comprise both a dwelling house and a second dwelling, the limitation of 8 bedrooms per property is in recognition of the concern that without limitation, large guest houses, which are completely out of character with the Conventional Residential area, could lead to a significant impact (cars as well as constant movement of people at all hours). The reference to a building which allows for the ordinary occupancy by a family is not confusing, since each property could be ordinarily occupied by two families (one in the main dwelling and one in the second dwelling). A main house with five bedrooms and a second dwelling with three bedrooms can be converted to a guest house with the Municipality’s consent, but it can still revert back to a dwelling house and second dwelling house able to be occupied by one family each.

Should a larger guest house be envisaged, (for example a dwelling house with 7 bedrooms and a second dwelling of 5 bedrooms would be possible on some larger properties) a departure application will be required where the impact of the proposal can be assessed. The Municipality must remain satisfied that in the context of the property, the dwellings can in future revert back to use of a dwelling house.

With regards to the concern that there are a number of current guest houses which exceed the above threshold, we can confirm that that all existing lawfully approved and lawfully conducted guest houses will continue to be lawful in terms of the transitional arrangements, even if they do not conform to the Scheme.

Any expansion to these guest houses will however have to comply with the parameters in the scheme, or alternatively consent or departure required as the case may be, depending on the zone.
In the table below, we have summarised comments which relate to specific clauses in the scheme. The response to the comment is also indicated.

<table>
<thead>
<tr>
<th>COMMENT:</th>
<th>COMMENTED BY</th>
<th>RESPONSE:</th>
</tr>
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<tbody>
<tr>
<td>Definitions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building: include all tanks (not just fuel tanks). Put stoep in apostrophes</td>
<td>DRD</td>
<td>Amended.</td>
</tr>
<tr>
<td>Adult entertainment: remove words “massage parlour and replace with “related or ancillary uses”</td>
<td>DRD</td>
<td>Not supported. This is a common word used in the industry and clarifies the meaning of the definition.</td>
</tr>
<tr>
<td>Authority Use: is government offices included or not?</td>
<td>DRD</td>
<td>Yes, if the land use on the property is lawfully consist only of office use, and it is inside the urban area, it should be converted to either Mixed Use or Local Business zone (provided that it was previously zoned Authority, Business or Special Business).</td>
</tr>
<tr>
<td>Grammar - Base zone, ground level - check punctuation (22) and p9 Spacing of bed and breakfast establishment (P2)</td>
<td>DRD</td>
<td>Amended.</td>
</tr>
<tr>
<td>Definition of a family questioned and does not make provision for modern extended families. Must provide for polygamy &amp; traditional marriages</td>
<td>Van Geems</td>
<td>Definition updated to make provision.</td>
</tr>
<tr>
<td>Agricultural industry: 50% ratio for local produce is impractical and does not take cognisance of the present reality.</td>
<td>Basson</td>
<td>No supported. Reasons in 5.8 above.</td>
</tr>
<tr>
<td>Home lodging/bed and breakfast: suggested that the proprietor of a guest house/B&amp;B/Lodging establishment is required to reside on the premises, not necessarily the owner. Also refer to permanent resident on P10. This will allow for a person to own more than one guest house</td>
<td>DRD</td>
<td>Amended. The proprietor of the activity must reside on the land unit. The objective is to make provision to conduct limited scale economic activity from residential dwellings (in CR zone) of the person who lives there. It can be the registered owner of the house, or the long-term tenant of the house who resides there permanently. However, it is not the intention to allow someone to run significant business enterprises from residential areas by having their employees reside there.</td>
</tr>
<tr>
<td>Scale of home industry should be defined</td>
<td>DRD</td>
<td>It is defined in the parameters in the body of the scheme (refer to the zones) limited to the lesser of 50m² or 30% of floor area of buildings on land unit.</td>
</tr>
<tr>
<td>Semi-detached house definition required</td>
<td>SIG</td>
<td>Not required. Normal meaning applies.</td>
</tr>
<tr>
<td>Row House definition required</td>
<td>SIG</td>
<td>Not required. Normal meaning applies.</td>
</tr>
<tr>
<td>Tourist facility definition required</td>
<td>SIG</td>
<td>Is defined.</td>
</tr>
<tr>
<td>Basement storey - no basement should protrude above the ground level because the interface with the street is disturbed</td>
<td>SIG</td>
<td>Basements protruding above ground allows for natural ventilation. It also means a basement can be provided on a sloping site. A basement which protrudes above ground level must comply with the building line. In the town centres for Stellenbosch and Franschhoek, any structure, including the basement, requires the municipality’s permission (URCO zone) and thus street interface issues can be addressed.</td>
</tr>
<tr>
<td>Pub and tavern - address the use of outdoor areas which can cause nuisance (Pg. 18)</td>
<td>DRD</td>
<td>Pub/Tavern is a “place of entertainment” which is not a primary right in the scheme - only permitted as a consent use. Thus, Municipality can prescribe conditions and completely control outdoor entertainment areas.</td>
</tr>
<tr>
<td>Comment</td>
<td>Author</td>
<td>Response</td>
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<tr>
<td>The Municipality there has adequate control to mitigate impacts.</td>
<td></td>
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</tr>
<tr>
<td>Not necessary - governed by appropriate other laws and zoned Transport zone on the zoning map.</td>
<td>DRD</td>
<td></td>
</tr>
<tr>
<td>It is included in the definition of “community residential building” and is a primary use in Community zone.</td>
<td>DRD</td>
<td></td>
</tr>
<tr>
<td>Section specific comment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Accepts that all existing rights are respected by means of section 8. What does that do to the present “subdivisional area” and different zonings already approved?</td>
<td>Basson</td>
<td>Existing approvals remain valid - it has no impact. Only if the approval lapses will the zoning revert (deemed) and the conversion rules will be used to guide the deemed zoning.</td>
</tr>
<tr>
<td>8. How will SM issue liquor/business licenses clearance if there is a lawful non-conforming use?</td>
<td>Basson</td>
<td>Refer to response in 5.8.</td>
</tr>
<tr>
<td>13.(3) May be circulated to branches should read “must”</td>
<td>SIG</td>
<td>We do not agree with this suggestion. Circulation to branches (and which branches to circulate to) will only be required when the nature of the application requires the input of a particular branch in the municipality or external department. Circulation is thus discretionary.</td>
</tr>
<tr>
<td>22(9) Boundary wall clause, dealing with corner sites, should be deleted and municipality must consider an application</td>
<td>SIG</td>
<td>The Municipality does not agree with this proposal. This can be dealt with technically. It is recommended that guidelines be prepared to guide decisions in this regard.</td>
</tr>
<tr>
<td>26(1) Roads can be read into the definition of engineering services, yet it is clear that it is not intended for roads to be permitted as a primary right in all use zones. The confusion should be clarified</td>
<td>DEADP</td>
<td>Amended by excluding roads from this section.</td>
</tr>
<tr>
<td>26 When would electrical substations along the linear engineering service require rezoning and when is it part of the primary right? This needs clarification. Mini-substations are mentioned. But sometimes sub-stations can be substation in size. 26(3) it is not clear if this clause means “deemed to be zoned Utility zone” or to be rezoned to Utility zone. DEADP urges that large substations must undergo an approval process and must not be a primary right in all use zones.</td>
<td>DEADP</td>
<td>The Municipality agrees that large substations are not part of the linear engineering service and must undergo an application (rezoning to Utility if it is not appropriately zoned). The section was amended to clarify this intention.</td>
</tr>
<tr>
<td>28 It is a constitutional right to lease a property, which is not the same as short term letting (such as on AirBnB). This must be made possible in the scheme</td>
<td>Van Geems</td>
<td>The long-term leasing of a dwelling to a family is indeed allowed in terms of the scheme. Section 28 is amended to clarify this intention.</td>
</tr>
<tr>
<td>28 Allow for long term lease of dwellings, provided it does not establish a guest house or tourist dwelling unit. The clause as worded is not clear.</td>
<td>DRD</td>
<td>See comment above.</td>
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<tr>
<td><strong>33</strong> Insert a ratio for other ancillary hotel uses. Specify parking for day care for 6 children where there are no classrooms. Include compulsory loading area at day care centres.</td>
<td><strong>DRD</strong></td>
<td>Hotel parking requirements amended to clarified. Parking for Home day care: Not supported due to the small scale of the activity.</td>
</tr>
</tbody>
</table>
| **33** Off-street parking requirements not sufficient. Following is proposed  
• 1 bay per bedroom for students  
• 6 bays /100m² office  
• 6 bays/100 m² for entertainment | **SIG** | The department does not support increase in parking ratios since car dependency must be reduced, and other modes of transport (NMT) promoted. More parking bays promotes car dependency. |
| **49(1)** Communes in CR should not be considered in this zone because they drive families out. Rezonings should be submitted. Communes should move to the consent column. | **SIG** | Commune is indeed a consent use in CR zone, not a primary right.  
It is acknowledged that communes in the town of Stellenbosch may be an issue and the Municipality must therefore, when granting consent, give due consideration to the potential impact such approval may have.  
But there are many other residential areas where it is desirable to allow communes enable the housing crisis to be addressed. Providing for communes with the Municipality’s consent allows flexibility to address the housing crises in differing ways in different areas, without placing an undue burden on poor communities especially, to conduct expensive and time-consuming rezoning procedures. **It is recommended** that the Municipality develop and adopt a residential accommodation policy (which also addresses area specific indicators where communes may be approved) to inform where communes will be considered with their consent it can also include different parameters for different areas. |
<p>| <strong>49(4)</strong> Public notice must be served for applications for consent use (e.g. guest houses) in this zone in terms of section 46 of the SMPLU By-law because it can have a material impact. | <strong>FHRA</strong> | All consent use applications (regardless of which zone they are in) are subject to the public notification procedures requirements of the MPBL and process for serving notice as set out in the MPBL. The Scheme does not have to address this. |
| <strong>51</strong> Land use in CR zone does not provide for already approved holiday housing. this creates problems with holiday homes which are converted to CR -the holiday makers who are accommodated in these houses may not necessarily comply with the definition of family | <strong>Van Geems</strong> | All existing approvals remain valid and lawful land uses may continue even if contrary to the new Scheme (refer to Transitional arrangements in Scheme). |
| <strong>51(11)</strong> Proposes that a height limit be introduced to vehicles being allowed to park in residential areas (apart from the already included 3500kg limit) | <strong>FHRA</strong> | The Department does not support this amendment at this late stage in the process since it may trigger more advertising. The limit of the weight of the vehicle is a recognised way for limiting vehicles to light commercial vehicles. |
| <strong>51(13)(b)</strong> Must remain 4 people, not to be reduced to 3 people | <strong>SRA</strong> | This has been debated before in full Council, where it was agreed that 3 rooms or 3 persons would be accepted. The department does not support this amendment at this late stage in the process since it may trigger further advertising. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Comment</th>
<th>Department's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>56(2)</td>
<td>Street boundary wall permeability: 50% of length of wall does not make sense and condition should be clarified</td>
<td>SRA</td>
</tr>
<tr>
<td>60(1)(f)</td>
<td>Exemption from NBR may put the municipality at risk. Alternative incremental approaches should be considered</td>
<td>DRD</td>
</tr>
<tr>
<td>83(2)</td>
<td>Flats should be limited to 3 storeys, not 4. The floor factor and coverage increase is too excessive and will change character in old residential areas in the historic core.</td>
<td>SIG</td>
</tr>
<tr>
<td>83(3)(b)</td>
<td>Electrical substations, refuse rooms etc. should not be permitted 0m on the boundary due to their detrimental impact on streetscape</td>
<td>SIG</td>
</tr>
<tr>
<td>84(2)</td>
<td>Should be deleted</td>
<td>SIG</td>
</tr>
<tr>
<td>105(1)</td>
<td>Commune, which is primarily student housing, should be removed from the table. SIG has repeatedly made this comment and pointed out why it is not desirable.</td>
<td>SIG</td>
</tr>
<tr>
<td>110(1)</td>
<td>Buildings in historic core should not exceed current height of 5 storeys. Residential buildings in the historic core should be limited to 3 storeys (including communes)</td>
<td>SIG</td>
</tr>
<tr>
<td>110</td>
<td>Building lines for hotels are indicated to be 4.5 and 6m whereas the present building lines in General Business Zone in the Stellenbosch scheme is 0m. The proposed building lines in the scheme are not compatible with the historical settlement pattern in the town centre and will have a serious detrimental impact on historical buildings and streetscapes</td>
<td>Heys</td>
</tr>
<tr>
<td>110(2)c</td>
<td>Should be deleted</td>
<td>SIG</td>
</tr>
<tr>
<td>Procedure</td>
<td>Comment</td>
<td>Response</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>121(2)</td>
<td>Employee Housing should be 120m² and not 75m²</td>
<td>SRA</td>
</tr>
<tr>
<td>183 and 192</td>
<td>Consider making occasional use an application and not a primary right</td>
<td>DRD</td>
</tr>
<tr>
<td>192</td>
<td>Private Open Space Zone (PrOZ): does not include provision for sporting facilities and activities -this is an error since golf course is included in this zone</td>
<td>De Zalze HOA</td>
</tr>
<tr>
<td>201</td>
<td>Tourism activities seem to be provided for in agricultural industry and tourist accommodation is a consent. What mechanism must be used to apply for restaurants and function venues on farms?</td>
<td>DRD</td>
</tr>
<tr>
<td>201(1)</td>
<td>Polytunnels &lt;2000m² should require technical approval and &gt;2000m² should require consent due to visual impact</td>
<td>SIG</td>
</tr>
<tr>
<td>201(2)</td>
<td>“land unit” to be replaced with “farm”</td>
<td>SIG</td>
</tr>
<tr>
<td>209(10)</td>
<td>what is “baking of arts”?</td>
<td>SIG</td>
</tr>
<tr>
<td>201(1b) &amp; (c)</td>
<td>Polytunnels comment</td>
<td>SIG</td>
</tr>
<tr>
<td>203</td>
<td>it does not specify how the 50% on-farm produce should be calculated.</td>
<td>SIG</td>
</tr>
<tr>
<td>Concern about size of agricultural industry buildings where 50% on-farm produce limit is exceeded. This should not be a permitted additional use.</td>
<td>Basson</td>
<td>Already responded to in 1st round. 2 dwellings (main dwelling house and second dwelling house) plus one employee house is permitted on 20ha farm as a primary right. Additional employee houses can be applied for as a technical approval (no limit to the number of employee houses which can be approved, provided they continue to be used as employee houses). Additional dwelling houses can also be applied for if the land unit exceeds 20ha (one for each 10 ha up to 4 additional dwellings). However, if existing approved employee houses are converted to other land uses, the municipality shall refuse further houses to be built, since it is then used as a mechanism to roll out unchecked urban development under the guise of employee housing. Sufficient provision is thus made in scheme to accommodate housing for employees on farms. Also see other related comments in this document.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>204. Additional dwellings in agriculture: must be permitted to assist farmers to draw people to work on farms - especially when farms are smaller than 20ha.</td>
<td>Basson</td>
<td>See response above. The suggestion that a percentage of area of agriculture should inform the number of units permitted is arbitrary and would require assessment in any event. This can all be taken into account in the technical assessment of an additional use application.</td>
</tr>
<tr>
<td>205. Agriculture Zone: Employee housing that is subservient must be a primary right. The percentage agricultural use could form criteria for decision.</td>
<td>Basson</td>
<td>The department does not support this amendment at this late stage in the process since it may trigger further advertising. The proposed parameter is unresearched and arbitrary. It recommended that this be considered in future reviews, if it is identified as a problem area.</td>
</tr>
<tr>
<td>207(4) There is a concern that the agricultural land use could be diminished to only be a token amount. It is recommended that at a percentage be inserted (80% of the area of the land unit) which must remain agriculture</td>
<td>FHRA</td>
<td>See comment above and 5.16</td>
</tr>
<tr>
<td>210 Polytunnels should be prohibited in Heritage Overlay Zones because they have severe impact on cultural landscapes. Only high value cash crops are farmed in tunnels and these do not contribute to food security</td>
<td>FHRA</td>
<td>The department does not support this amendment, especially at this late stage in the process since it may trigger further advertising. To Note: large parts of the Municipality currently have a 5m building line on farms in terms of the to-be-repealed scheme. In terms of the new Scheme, 30m building line on scenic routes are proposed which ensures visual impact from important routes are mitigated, and 5 meters on all other roads. Within 200m of scenic routes permission for new buildings are also required, further allowing the municipality to mitigate visual impact. The Scheme therefore sufficiently addresses this concern.</td>
</tr>
<tr>
<td>213(9) When converting approved dwelling units on farm, intention to replace them should be shown on SDP – this clause should be deleted because it will be abused.</td>
<td>SIG</td>
<td>Agreed. Amended accordingly.</td>
</tr>
<tr>
<td>214(1) 5m building line is unacceptable: existing 30 meters should be maintained</td>
<td>SIG</td>
<td></td>
</tr>
<tr>
<td>Clause</td>
<td>Comment</td>
<td>Signature</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>215(1)</td>
<td>“including” entrance structure and columns should be “excluding”</td>
<td>SIG</td>
</tr>
<tr>
<td>215(3)</td>
<td>2.5 meters 2.1 meters for a maximum distance of 10 meters 5 meters on both sides of the entrance gate.</td>
<td>SIG</td>
</tr>
<tr>
<td>216(1)</td>
<td>An owner of land zoned A&amp;R zone may submit a SDP for a farm.... Should read “must”</td>
<td>SIG</td>
</tr>
<tr>
<td>224(1)</td>
<td>30m building line to be maintained</td>
<td>SIG</td>
</tr>
<tr>
<td>225(1)</td>
<td>“including” should be “excluding” and (3)2.5 meters 2.1 meters for a maximum distance of 10 meters 5 meters on both</td>
<td>SIG</td>
</tr>
<tr>
<td>231</td>
<td>Limited Use Zone does not make allowance for holiday housing, is a transitional zone to be phased out and does not permit alterations to buildings, which would otherwise have been possible in Resort Zone II.</td>
<td>Van Geems</td>
</tr>
<tr>
<td>Compare erf, farm and land unit definitions and - Farm can consist of more than one land unit</td>
<td>SIG</td>
<td>Updated to create consistency: Land unit=cadastral erf/farm land unit including the servitudes on it; Property= land unit + all building and improvements; Farm= refers to the farm enterprise and may consist of one or more land units; Site= the portion of land that is the subject of the development, and can be the whole land unit, portion of a land unit, or more than one land unit.</td>
</tr>
<tr>
<td>More areas should be included in the scheme for heritage protection. Several new areas are proposed</td>
<td>SIG</td>
<td>Refer to previous response regarding more heritage areas: must be underpinned by studies and adopted Council policy and approved by Heritage. This can be taken further in future amendments to scheme. Will also be affected by proclamation of NHRA Heritage Areas. At present it is the aim to retain the status quo with current “special areas” and other declared areas.</td>
</tr>
<tr>
<td>243</td>
<td>Coding should not be HAO</td>
<td>FSM</td>
</tr>
<tr>
<td>Clause</td>
<td>Suggestion</td>
<td>Response</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>244(3)</td>
<td>Suggests the following wording: “The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to prevent potential adverse impacts of development on the receiving environment and mitigate them where they cannot be avoided.”</td>
<td>Agreed. Amended.</td>
</tr>
<tr>
<td>244(4)</td>
<td>The objective of URCO is not to hinder development unless it has proven adverse impact on heritage or environmental resource. FHRA suggests “proven” should be replaced by “likely to have” because the level of proof is not defined (proven beyond reasonable doubt or on balance of probability - two different standards). The two words “severe” and “proven” sets the bar too high and will not allow protection of heritage/environmental resources. It is also suggested that the words “listed Heritage resources or specific environmental resource” must be replaced to align with the stated aim &amp; purpose in in S241(1).</td>
<td>FHRA+</td>
</tr>
<tr>
<td>244 (4)</td>
<td>Change “development envelope” to “Development Parameter”. Omit the words “proven” this is legally untenable. Suggests that another clause be inserted as follows: The overlay zone itself does not grant any additional rights beyond those in Section 247.</td>
<td>FSM</td>
</tr>
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<td></td>
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<tr>
<td>245</td>
<td>The organisation proposes a Stellenbosch Mountain Rural Conservation Overlay Zone and provides motivation for the area to be included and why it should be demarcated</td>
<td>FSM</td>
</tr>
<tr>
<td>246</td>
<td>Advisory committee: timeline must be set within which the committee must be established. Rules for the committee must be advertised for comment before being adopted.</td>
<td>FHRA</td>
</tr>
<tr>
<td>Section</td>
<td>Comment</td>
<td>Respondent</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>250(3)</td>
<td>Words are omitted after &quot;protect and promote&quot;</td>
<td>SIG</td>
</tr>
<tr>
<td>252(1)(a)</td>
<td>Proposed to insert 5 storey height limit into Stellenbosch UCA</td>
<td>SIG</td>
</tr>
<tr>
<td>252</td>
<td>Limit student accommodation in Stellenbosch UCA</td>
<td>SIG</td>
</tr>
<tr>
<td>252(j)</td>
<td>Proposes that financial contributions be made to parking if not provided on the property</td>
<td>SIG</td>
</tr>
<tr>
<td>252</td>
<td>Additional clause proposed to prohibit electrical substations and refuse storage on street boundary</td>
<td>SIG</td>
</tr>
<tr>
<td>255.</td>
<td>Scenic routes identified in the Heritage study should be included</td>
<td>SIG</td>
</tr>
</tbody>
</table>

**Zoning Map Comments:**

De Zalze Agriculture Zoning should be retained

Van Geems

It was decided that due to De Zalze falling inside the Urban Edge, Resort Zone II inside the urban edge should be allocated zoning according to the lawfully approved land use. The most restrictive zone will be selected where the dominant approved land use can be conducted, either as a consent or primary use, having regard to the original approval, its conditions, and intent of the scheme.

- Resort Zone II (inside urban edge): manual allocation based on lawful land use (dwellings convert to Conventional Residential, Agriculture II converts to Industrial Zone);
- Open Space Zone II with deemed consent of the golf course. (Private Open Space allows outdoor sport which includes golf course as a consent use);
- The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.

Refer to approved zoning plan for de Zalze (2006) - also for Golf Estate

Van Geems

The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.

Erven 571; 567, 196, 197, 198, 200, 201, 203, 204, 205, 206, 207: De Zalze Currently zoned as Resort Zone II and used as a hotel (lodge) with significant ancillary facilities such as wellness centre, conferencing and functions

W Burger

The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.

Erven 196-207: Now allocated Multi-use Residential zone (deemed consent for tourist accommodation establishment)
Erf 567: Private Open Space (allows hotel as consent use)
Erf 571 (split zoning): Multi-use Residential Zone (deemed consent for tourist accommodation establishment) and Private Open Space Zone.
<table>
<thead>
<tr>
<th>Comment on zoning of specific erven:</th>
<th>Kleine Zalze (K Basson)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erf 214 is currently zoned Agriculture II (winery and Tourist Facilities).</td>
<td>The Municipality met with a consultant who represented De Zalze Home Owners Association who provided input on zoning of various properties in the Estate. Subsequent to that input, the Municipality’s planners further checked the approved zoning of the erven at the hand of the input provided by Mr Basson and against the approved subdivision plan dated 15/05/2008 (where zoning is reflected) and confirmed the current and converted zoning as follows:</td>
</tr>
<tr>
<td>Erf 563 is currently zoned Agriculture II: (storage and tourist facility)</td>
<td>Erf 214 currently zoned Agriculture Zone II (for Winery) and consent for tourist facilities. There is no agricultural land use on the property. The property is located inside the Urban Edge. In accordance with the conversion rules the property thus converts to Industrial Zone (Winery) plus deemed consent for tourist business.</td>
</tr>
<tr>
<td>Erf 572: Agri II Consent for Restaurant</td>
<td>Erf 563 currently zoned Agriculture Zone II (for Wine storage) and consent for tourist facilities. There is no agricultural land use on the property. The property is located inside the Urban Edge. In accordance with the conversion rules the property thus converts to Industrial Zone (Wine storage) plus deemed consent for tourist business.</td>
</tr>
<tr>
<td>Erf 573: Currently zoned Residential Zone V: Guest house. Can wellness centre &amp; conference facility be conducted in this zone? Clarification sought</td>
<td>Erf 572: currently zoned Agriculture Zone II (consent for restaurant). There is no agricultural land use on the property and is used exclusively for a restaurant. The property is located inside the Urban Edge.</td>
</tr>
<tr>
<td>Erven 580, 581, 582: Currently zoned Resort Zone: lodges</td>
<td>The parameters of A&amp;R zone is more restrictive than what the present zoning permits and should be lifted.</td>
</tr>
</tbody>
</table>
In accordance with the conversion rules the most limiting zoning in the new Scheme that would permit a restaurant is Local Business Zone. This is therefore the correct conversion.

**Erf 573:** Multi-use Residential Zone (deemed consent for tourist accommodation establishment).

**Erven 580-582:** Conventional Residential Zone (deemed consent for guest house & tourist dwelling unit).

### Summary of Comments and Response

<table>
<thead>
<tr>
<th>Comment</th>
<th>Responsible Party</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The original approval allowed for accommodation inside the 3 “business nodes” to be used for short term accommodation, while the houses were not for short term accommodation (but could be used for holiday accommodation)</td>
<td>Kleine Zalze (K Basson)</td>
<td>It is not clear from the information provided which erven this comment refers to. SM allocated zoning manually to De Zalze erven after liaison with DZ consultant.</td>
</tr>
</tbody>
</table>
| Erven 4, 11 577 and 579 should convert to Agriculture zone              | Kleine Zalze (K Basson)   | The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.  
**Erf 11:** Land use is Agriculture: Thus, converted to Agriculture and Rural Zone. |
| Residential Villas are residential land use and clarity is sought on the proposed Limited Use Zone | De Zalze HOA               | Dwelling houses previously zoned Resort Zone II (inside Urban Edge) now converts manually to Conventional Housing inside urban edge. All previous land uses explicitly approved by the municipality remain valid. |
| Erf 5 (now erven 553, 554 and erf 5) -Conservation buildings on the site. Limited use zone means no further additional buildings can be built | De Zalze HOA               | The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.  
**Erf 2, Re/Erf 5, 553 & 554:** Part of farm. Agriculture and Rural Zone (deemed guest house, tourist dwelling unit and tourist facilities as additional use rights). |
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Municipality Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erf 557 Winelands Golf Lodges</td>
<td>Zoned Resort II and consist of sectional title units and consent for hotel. The Private Open Space Zone is not suitable.</td>
<td>The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning. Erf 557: Multi-unit Residential Zone (deemed consent for tourist accommodation establishment)</td>
<td></td>
</tr>
<tr>
<td>Erf 558: HOA offices and parking. Is currently zoned Resort II. On converted map it is Private Open Space, which is not the land use</td>
<td></td>
<td>The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning. Erf 558: Limited Use Zone (limited to current office and parking) (see plan extract above)</td>
<td></td>
</tr>
<tr>
<td>Erf 569: now subdivided with a private home on it - still shown as Private Open Space</td>
<td></td>
<td>The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning. Erf 569: Conventional Residential Zone.</td>
<td></td>
</tr>
<tr>
<td>Erven 214, 563, 572, 573 (old erf 38): The land use here is offices, restaurant, winery, conference, garden, farm house. This site is converted to Multi-use Residential which does not accord with the land use</td>
<td></td>
<td>The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning. Dealt with above.</td>
<td></td>
</tr>
<tr>
<td>Golf Course De Zalze: Currently is zoned Private Open space</td>
<td></td>
<td>The conversion to Private Open Space (deemed consent for golf course) is correct.</td>
<td></td>
</tr>
<tr>
<td>Erf 296: accommodates the Golf Clubhouse, restaurant, pro shop, function venue, parking &amp; barn. Currently it is zoned Resort II but on converted map it is Private Open Space which does not fit the zoning</td>
<td>De Zalze HOA</td>
<td>The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 296: Private Open Space (deemed consent for outdoor sport and its ancillary facilities)</td>
<td></td>
</tr>
<tr>
<td>What do the rectangular block represent on the map?</td>
<td>De Zalze HOA</td>
<td>Split zones are shown in a coloured block. If the colour is the same as the base zone, it means a split zone was approved in the past (and conditions may still apply to the activity or the activity is now deemed to have been granted with consent), but due to the conversion process there no longer is a split zone.</td>
<td></td>
</tr>
<tr>
<td>DE Zalze Golf Lodges - owner feels it should be zoned Mixed Use, not CR.</td>
<td>Vlok</td>
<td>The writer did not provide an erf number. We are assuming that the De Zalze Golf Lodges is on the same property as the Winelands Golf Lodges (Erf 557). If this is the property, the following comment applies. Mixed Use Zone is not the most restrictive zone which would allow the tourist accommodation establishment and will confer significant additional rights which is not appropriate. The correct manual allocation is Multi-unit Residential with deemed consent for a tourist accommodation establishment. The Municipality engaged with De Zalze’s consultant and resolved the manual allocation of zoning.</td>
<td></td>
</tr>
<tr>
<td>Pick&amp; Pay parking areas should be coloured white; Church of England (HV Banhok &amp; Andringa: parking also shown as POS and should be street; Erf 1352 should not be mixed use; MAP 3-POS is shown in blue and should be green; Simonsrust business is indicated in dark blue where it should be light blue.</td>
<td>SIG</td>
<td>Erven 2498, 2499, 2500 &amp; 2502 (PnP parking area): Ownership: Municipal; Land use: public parking. Zoning now Public Street and Parking Zone Erf 2539 &amp; 2540 (Church of England): Properties both owned by SM. Agree with comment - both must convert to Public Roads &amp; Parking Zone in accordance with manual allocation rules. Zoning map updated. Erf 1352: Repealed zoning was General Business. In accordance with zoning conversion table must convert to Mixed-Use zone. Conversion therefore correct.</td>
<td></td>
</tr>
</tbody>
</table>
### Zoning of Farm 366, 368/2 and Farm 369 and 369/O, 369/C, 369/F, 369/W, 369/6, 369(s) 369/T and 369/U must not be Agricultural & Rural Zone but must be converted to Limited Use Zone in order for only existing lawful land uses to be continued.

**FSM**

In old zoning map: Agriculture Zone

Thus, conversion to A&R Zone correct and consistent with Conversion Rules. Cannot arbitrarily expunge existing rights.

**Revised zoning map (Rural 1)**

### The statement in the previous response that declared nature areas may not be rezoned to Conservation Zone but must take its zoning from the existing zoning is rejected as being “arbitrary and unacceptable”.

**FSM**

DEADP has warned against the expungement of existing rights when preparing new schemes and Cape Nature accepted this response and will seek to follow the appropriate process, where necessary, to rezone the land.

FSM therefore has no locus standi to object against the agreed process with relevant affected departments who are the land owners or custodians.

**Revised zoning map (Rural 1)**

### Erf 9995 (Gihon St Stellenbosch) is shown as Open Space but must be zoned Residential.

**HC Eggers**

**Erf 9995:** The zoning is now correctly shown as Conventional Housing (deemed consent of group housing).

**Erf 10001 & 9964:** On old Zoning Map it is shown as Public Open Space. On SG diagrams this is shown as Public Place. Therefore, proposed zoning of Public Open Space is correct.
| Erf 9956: Erf 9956 are roads (Pison, Tigres Streets and Gihon Circle) Should be Private Road. Erf 7647 is Wildebosch Road and is zoned Unknown. Also, Public Open Spaces along that road. (Blaauklippen & Paradyskloof rds) Erf 16527 (unbuilt extension of Wildebosch Rd) is not on zoning register and should be zoned POS | Erf 9956: Was Local Authority – Existing Street and is indicated as public street on General Plan. Conversion to Public Road & Parking Zone therefore correct. See map below Erf 7647: Was Local Authority – Existing Street. Should be Public Roads and Parking Zone (conversion table). Indicated correctly on new zoning map. The Authority zoned property directly adjacent to road is now Utility Zone in line with the land use (substation) (red). Erf 16527: On the old map, Erf 16527 was shown as 373/3. In the zoning register this erf was Local Authority – Existing Street. Therefore, the zoning is correctly converted to Public Roads & Parking Zone in accordance with the conversion table. The erf number has been updated on the revised map. | Erf 757 Franschhoek is currently zoned for group housing and will be zoned Conventional Residential in the new scheme. The owners wish to maintain their current zoning. Sendzul | The Group Residential Zone has been eliminated from the scheme. Therefore, the appropriate and correct zoning is indeed Conventional Residential zone with deemed consent for Group Housing. The conversion is therefore correct. The land use rights are similar, and owners will not be affected by this change in the zoning allocated to their properties. Group housing developments already approved and developed will continue to be subject to the same rules instituted by the Property Owners Associations. |
7. COUNCILLOR & OTHER INPUT

7.1 Overview

The final scheme was presented to a special Council meeting on 29/11/2018. The consultant for the municipality presented the document, after which Councillors were given an opportunity to ask questions about the content of the scheme. Questions relating to planning principles were addressed at the meeting and Councillors were given an opportunity to also submit written comments and detailed queries afterwards.

Written comments were from one Councillor.

7.2 S. Schäfer. Councillor 03/12/2018

Section 28 dealing with Leasing of dwelling units must be reworded so that dwelling houses which are occupied part of the time be residents (e.g. Franschhoek "swallows) may not be used for short term accommodation while their owners are away.

Farm shops: It is suggested that 50% of the farm shop’s floor area must carry produce produced on the farm.

Wine cellars: TA concern is raised that the definition of “agricultural industry” will result in a number of wine cellars not complying with the definition. The Councillor agrees that it is not desirable to allow agricultural processing industries on farms unlimited opportunity to import produce from everywhere. The Councillor asked if existing operations which operate in contravention of this definition will be allowed to continue and still be legal.

Accommodation Establishment is not defined. Why use the terms “tourist” and “transient guest” and “traveller”. Can this not be simplified.

Response:

Section 28: Wording revised to clarify the intention. It is agreed that short term accommodation as described above is not desired.

Farm shops: it is agreed that a more specific measurement must be included in the scheme and the Councillor’s suggestion was incorporated

Wine Cellars: Any wine cellar falling inside the (to be repealed) Stellenbosch Zoning Scheme area and which was zoned as a Wine Industry, will be allowed to continue its current operations. The scheme has a general clause that allows lawful non-conforming land uses to continue (8(4) and 8(5).

This definition will however be applied to all new agricultural industries which are applied for once this scheme becomes operational.

The term used in the scheme is “Tourist accommodation establishment” and it is indeed defined. The term “tourist” is used throughout to describe activities which are related to tourist or guests (therefore not boarders or students or permanent residents.
7.3 Meeting 24/01/2019: Councillor E Groenewald

A meeting was held attended by the Planning Portfolio Committee Chair, the project leader, and lead consultant. The purpose of the meeting was for the Councillor to ask questions of clarity about the scheme and for the drafting team to respond and to provide clarity where required. The Councillor prepared detailed queries about a large number of sections in the Scheme, which were all clarified to the Councillors satisfaction. Minutes of the meeting was prepared and are available for perusal.

The Councillor raised the query of Mr Basson of Kleine Zalze in respect of the agricultural industry definition. AT undertook to once again research the approved land uses and zoning on the properties and then consider whether the split zone allocated to these properties are indeed correct.

**Response:** Subsequent to the meeting it was confirmed that the Kleine Zalze Wine Cellar and Storage facility is located on land that is exclusively used for these purposes. There is no agricultural activity on these properties. The allocated split zone in the historical zoning maps were therefore incorrectly captured, which led to the incorrect conversion of zoning.

It was confirmed that the entire Kleine Zalze Wine Cellar and storage facility is zoned Agriculture zone II. It was further confirmed that urban development portion of De Zalze estate now falls inside the urban edge and thus, based on the conversion rules, the properties should convert, in their entirety to Industrial Zone (wine cellar and wine storage) with deemed consent for the approved tourist facilities. The Municipality’s GIS branch was duly advised to amend the converted zoning maps. The query regarding agricultural industry definition and the 50% on-farm produce therefore does not apply to the Kleine Zalze Wine Cellar (unless other conditions of rezoning apply, which we were unaware of at the time of preparing this response, in which case such conditions remain in force).

7.4 Meeting 04/04/2019: Stellenbosch Agricultural Society and other Agricultural Stakeholders

A meeting was held attended by the Planning Portfolio Committee Chair, Councillor Groenewald, the department and consultants, DEADP in an advisory capacity and various interested and affected parties in the agricultural sector. The purpose of the meeting was to engage on matters of concern to the industry in relation to the proposed Stellenbosch Zoning Scheme.

The industry indicated that the current scheme is seem as a huge improvement to the regulations that are currently in place. There are however a few detailed points of concern that they wish to raise. Various presentations were held and certain points were raised with regards to the issues the industry wanted to have addressed in the scheme. These include the following.

- **Definition of a farm:** revised definition is now in order. Concern raised that “farm enterprise” as not defined.
- **Definition of Agricultural Industry** must be amended to eliminate the limitation that 50% of produce must come from the farm on which the Agri-industry is located. This was discussed at length and the industry realises that it is important to control the local produce content to ensure all farms do not have unlimited industries on them. It was suggested that it should be retained as a parameter if the definition is amended and the I&AP’s indicated they were happy with this proposal sing it would address their concern.
- **Proposed that coverage for dwelling house and second dwelling house** must be increased to and double storey dwelling houses must be discouraged.
• Proposed that garage and outbuilding be excluded from coverage for employee housing (as is the case for dwelling house and second dwelling house). There is a discrepancy between the text and the table, and this needs to be corrected.

• Concern about the terminology using the word “industry” which has too much of an industrial connotation.

It was agreed the Municipality will consider the input and discussion and consider which proposals to incorporate into the final draft.

Response: The Scheme was amended to incorporate the comments, as follows

• The term “farm enterprise” was eliminated from the text and replaced with the word “farm” since the definition of farm includes either a farming enterprise conducted from one land unit, or one that is conducted from more than one land. Wherever the term ‘farm enterprise’ was used in the text, it is now replaced with the term ‘farm’.

• The 50% on-farm produce requirement was removed from the definition and inserted in the development parameters of the Agriculture & Rural Zone (refer to amended section 203). The 50% limit can now be departed from.

• The department does not support an increase in coverage for dwelling houses. 500m² coverage for two dwelling houses per farm as a primary right is already a significant amount of construction for the purposes of residential accommodation on farms. Visual impact can be dealt with through the provisions dealing with steep slopes and ridgelines, whereby a visual impact study can be undertaken if double storeys are proposed. If larger dwelling footprints are envisaged the Municipality would like to the opportunity to assess a departure.

• Agreed that there must be consistency on whether outbuildings and garages are included or excluded from the coverage. It was agreed that it will be consistently excluded, but the structures must be ordinarily associated with a dwelling house for a single family. Tables and text were updated in this regard.

Note: as part of the review it became apparent that various thresholds in the text and tables were not consistent. Especially where a threshold refers back to other legislation it was necessary to ensure that the precise same threshold is used as in other law. In this regard, Consent for Agricultural Industry will thus be required if the area for the facility equals 2000m² or more (same threshold as in NEMA regulation for triggering a Basic Assessment). Similarly, the threshold for Consent for Polytunnels is when the structure exceeds 5000m² (same threshold as section 38 NHRA for requiring the submission of Notification of intent to develop).

7.5 Meeting 14/05/2019: Executive Mayor: Adv. Gesie van Deventer and Municipal Manager: Geraldine Mettler

A meeting was held, attended by the Land Use Manager, the Executive Mayor and the Municipal Manager where the Land Use Manager gave feedback on the amendments done after the meeting with the Agricultural Society, which took place on 04/04/2019. The Executive Mayor supported the amendments, however added a further comment that the size of the primary dwelling on an agricultural property, as proposed in the scheme, should be 600m² and not 500m². She further added that the reason for her comment is that the owner of a farm needs to take aspects such as life style and security into account, therefore need more floor area.

Response: The LUM was instructed that the floor size of the dwelling should be amended from 500m² to 600m². This was done accordingly, please note that the 600m² will be applicable to the second dwelling as well.
8. COMMENTS WERE RECEIVED FROM THE FOLLOWING PARTIES:

### 8.1 Advertising 2016

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<thead>
<tr>
<th>No.</th>
<th>Organization 1</th>
<th>Name</th>
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<th>Address</th>
<th>Email</th>
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<tr>
<td>1</td>
<td>Department of Environmental Affairs and Development Planning</td>
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<td>2</td>
<td>Department of Transport and Public Works</td>
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</tr>
<tr>
<td>3</td>
<td>Department Rural Development and Land Reform</td>
<td>Tommie Bolton</td>
<td>021 409 0439</td>
<td>Mr T Bolton PSSC: WC SPLUM, Private Bag X9159, Cape Town, 8001</td>
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</tr>
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<td>Heritage Western Cape</td>
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</tr>
<tr>
<td>5</td>
<td>Department of Agriculture Western Cape Government</td>
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<td>Western Cape Department of Education</td>
<td>Mr Gerrit Coetzee, Melodie Campbell</td>
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<td>Mr Gerrit Coetzee Director: Physical Planning and Property Management Private Bag X9114, Cape Town,8000</td>
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<tr>
<td>7</td>
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<td>8</td>
<td>Cape Nature</td>
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<td>9</td>
<td>Cape Winelands Professional Practices in Association (CWPPA)</td>
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<td>Anthill</td>
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<td>12</td>
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<td>14</td>
<td>Kleingeluk Homeowners Association</td>
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<td>Simonswyk Subcommittee</td>
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<td>18</td>
<td>Stellenbosch Interest Group</td>
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<td>Limberlost Pty Ltd</td>
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<td>Stellenbosch Wine Routes</td>
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<td>Kleine Zalze</td>
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<td>Dr. Barbara van Geems</td>
<td>Not provided</td>
<td>Erf 139, De Zalze</td>
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<td>2.</td>
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<td>021 880 0740</td>
<td>Klein Zale Farm R44 (Strand Road), Stellenbosch, 7613</td>
<td><a href="mailto:reservations@dezalzelodge.co.za">reservations@dezalzelodge.co.za</a></td>
</tr>
<tr>
<td>3.</td>
<td>De Zalze Winelands Golf Estate</td>
<td>Elke Watson</td>
<td>021 880 2708</td>
<td>P. O Box 338, Stellenbosch, 7599</td>
<td><a href="mailto:eco@dezalzeestate.com">eco@dezalzeestate.com</a></td>
</tr>
<tr>
<td>4.</td>
<td>De Zalze Golf Lodge</td>
<td>Le Roux Vlok</td>
<td>082 872 3866</td>
<td>98 De Zalze Estate, Stellenbosch, 7600</td>
<td><a href="mailto:debler@cybersmart.co.za">debler@cybersmart.co.za</a></td>
</tr>
<tr>
<td>5.</td>
<td>Not provided</td>
<td>Anne Bickercaarten</td>
<td>083 700 1240</td>
<td>The Farm House, Erf 553, De Zalze Estate</td>
<td><a href="mailto:Annebc37@gmail.com">Annebc37@gmail.com</a></td>
</tr>
<tr>
<td>6.</td>
<td>Kleine Zalze Stellenbosch</td>
<td>Kobus Basson</td>
<td>021 880 0717</td>
<td>De Zalze Wines, Strand Road (R44), Stellenbosch 7600</td>
<td><a href="mailto:quality@kleinezalze.co.za">quality@kleinezalze.co.za</a></td>
</tr>
<tr>
<td>7.</td>
<td>De Canha Incorporated</td>
<td>Daniel De Canha</td>
<td>021 880 865</td>
<td>21 Robbertsz Street, Brandwacht, Stellenbosch</td>
<td><a href="mailto:ddecanha@yahoo.com">ddecanha@yahoo.com</a></td>
</tr>
<tr>
<td>8.</td>
<td>Not provided</td>
<td>Anne Bickercaarten</td>
<td>083 700 1240</td>
<td>The Farm House, Erf 553, De Zalze Estate</td>
<td><a href="mailto:Annebc37@gmail.com">Annebc37@gmail.com</a></td>
</tr>
<tr>
<td>9.</td>
<td>Stellenbosch Ratepayers Association</td>
<td>Andre Pelser</td>
<td>Not provided</td>
<td>PO Box 399 Stellenbosch, 7599</td>
<td><a href="mailto:info@stellenboschratepayers.org">info@stellenboschratepayers.org</a></td>
</tr>
<tr>
<td>10.</td>
<td>Stellenbosch University</td>
<td>Ronnie Donaldson</td>
<td>021 880 3882</td>
<td>34 Van Der Stel Street, Stellenbosch, 7600</td>
<td><a href="mailto:Rdonaldson@sun.ac.za">Rdonaldson@sun.ac.za</a></td>
</tr>
<tr>
<td>11.</td>
<td>Eskom</td>
<td>Owen Peters</td>
<td>021 880 3817</td>
<td>Distribution Division – Western Region (Land Development)</td>
<td><a href="mailto:Owen.peters@eskom.co.za">Owen.peters@eskom.co.za</a></td>
</tr>
<tr>
<td>12.</td>
<td>De Zalze Winelands Golf Estate</td>
<td>Elke Watson</td>
<td>021 880 2708</td>
<td>P. O Box 338, Stellenbosch, 7599</td>
<td><a href="mailto:eco@dezalzeestate.com">eco@dezalzeestate.com</a></td>
</tr>
<tr>
<td>13.</td>
<td>Stellenbosch Wine Routes</td>
<td>Elmarie Rabe</td>
<td>021 880 865</td>
<td>21 Robbertsz Street, Brandwacht, Stellenbosch</td>
<td><a href="mailto:ddecanha@yahoo.com">ddecanha@yahoo.com</a></td>
</tr>
<tr>
<td>14.</td>
<td>Franschhoek Heritage &amp; Ratepayers Association</td>
<td>Antoin Killian</td>
<td>083 441 8280</td>
<td>The Garden House, 29 De Wet Street, Franschhoek, 7690</td>
<td><a href="mailto:Franschoek.trust@gmail.com">Franschoek.trust@gmail.com</a></td>
</tr>
<tr>
<td>15.</td>
<td>Friends of Stellenbosch Mountain</td>
<td>Hans Eggers</td>
<td>021 880 4203</td>
<td>32 Blenheim Road, Die Boord, 7613</td>
<td><a href="mailto:lewissc@web.co.za">lewissc@web.co.za</a></td>
</tr>
<tr>
<td>16.</td>
<td>TV3 Architects and Town Planners</td>
<td>Tys Walters</td>
<td>083 441 7003</td>
<td>90 Dorp Street, Cape Town, 80001</td>
<td><a href="mailto:tys@tv3.co.za">tys@tv3.co.za</a></td>
</tr>
<tr>
<td>17.</td>
<td>TV3 Architects and Town Planners</td>
<td>Tys Walters</td>
<td>083 441 7003</td>
<td>90 Dorp Street, Cape Town, 80001</td>
<td><a href="mailto:tys@tv3.co.za">tys@tv3.co.za</a></td>
</tr>
<tr>
<td>18.</td>
<td>Urban Dynamics Western Cape</td>
<td>Gerhard Swart</td>
<td>021 948 1545</td>
<td>Private Bag x5014 Stellenbosch 7599</td>
<td><a href="mailto:rsmart@capenature.co.za">rsmart@capenature.co.za</a></td>
</tr>
<tr>
<td>19.</td>
<td>Department of Rural and Land Reform</td>
<td>Erna van Zyl</td>
<td>012 312 9866</td>
<td>Private Bag X 833, Pretoria, 001, 224 Helen Joseph Street, Pretoria</td>
<td>Not provided</td>
</tr>
<tr>
<td>20.</td>
<td>Department of Environmental Affairs and Development Planning</td>
<td>Minister A. Bredell</td>
<td>021 843 3615/0218433800</td>
<td>1 Dorp Street, Cape Town, 8001</td>
<td>Not provided</td>
</tr>
<tr>
<td>21.</td>
<td>Department of Transport and Public Works</td>
<td>Harry Thompson</td>
<td>021 843 4669</td>
<td>90 Dorp Street, Cape Town, 80001</td>
<td><a href="mailto:Harry.thompson@westerncape.gov.za">Harry.thompson@westerncape.gov.za</a></td>
</tr>
<tr>
<td>22.</td>
<td>Department of Rural and Land Reform</td>
<td>Erna van Zyl</td>
<td>012 312 9866</td>
<td>Private Bag X 833, Pretoria, 001, 224 Helen Joseph Street, Pretoria</td>
<td>Not provided</td>
</tr>
<tr>
<td>23.</td>
<td>Abland</td>
<td>T. Potgieter</td>
<td>082 902 2841</td>
<td>BOX 67663, Bryanston, 2021</td>
<td><a href="mailto:Tinus.potgieter@abland.co.za">Tinus.potgieter@abland.co.za</a></td>
</tr>
<tr>
<td>24.</td>
<td>Airbnb UK Limited</td>
<td>Sofia Gkiousou</td>
<td>+44 (0) 777 54 44 971</td>
<td>Compton Courtyard, 40 Compton Street, London, EC1V OBD</td>
<td><a href="mailto:Sofia.gkiousou@airbnb.com">Sofia.gkiousou@airbnb.com</a></td>
</tr>
<tr>
<td>25.</td>
<td>The Sendzul Family Trust</td>
<td>Jonathan Sendzul</td>
<td>082 491 1508</td>
<td>PO Box 82, Franschoek, 7690</td>
<td><a href="mailto:Jonathan.sendzul@gmail.com">Jonathan.sendzul@gmail.com</a></td>
</tr>
<tr>
<td>26.</td>
<td>TV3 Architects and Town Planners</td>
<td>Clifford Heys</td>
<td>083 309 9770/021 861 3800</td>
<td>La Gratitude Offices, 97 Dorp Street, Stellenbosch, 7600</td>
<td><a href="mailto:Clifford@tv3.co.za">Clifford@tv3.co.za</a></td>
</tr>
<tr>
<td>27.</td>
<td>University of Stellenbosch</td>
<td>Francois Swart</td>
<td>021 808 4630/021 808 4834</td>
<td>Private Bag Xi, Matieland, 7602, South Africa</td>
<td>Not Provided</td>
</tr>
<tr>
<td>28.</td>
<td>Department of Environmental Affairs and Development Planning</td>
<td>Minister A. Bredell</td>
<td>021 843 3615/0218433800</td>
<td>1 Dorp Street, Cape Town, 8001</td>
<td>Not provided</td>
</tr>
<tr>
<td>29.</td>
<td>TV3 Architects and Town Planners (late submission)</td>
<td>Tys Walters</td>
<td>083 441 7003</td>
<td>La Gratitude Offices, 97 Dorp Street, Stellenbosch, 7600</td>
<td><a href="mailto:tys@tv3.co.za">tys@tv3.co.za</a></td>
</tr>
</tbody>
</table>
ANNEXURE G:
Minutes of the meeting with the Agricultural Society of SB, dated 4 April 2019
**Planning and Economic Development: Land Use Planning**

**BRIEF SUMMARY OF MINUTES OF THE MEETING WITH REGARDS TO COMMENTS ON THE DRAFT INTEGRATED ZONING SCHEME FROM THE STELENBOSCH AGRICULTURAL SOCIETY: 04-04-2019 at 09h30**

Planning Boardroom, 3rd Floor, Eikestad Mall, Andringa Street, Stellenbosch

<table>
<thead>
<tr>
<th>1.1</th>
<th>INTRODUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2</td>
<td>WELCOMING: COUNCILLOR GROENEWALD, PED PORTFOLIO COUNCILLOR</td>
</tr>
<tr>
<td>1.3</td>
<td>MATTERS FOR DISCUSSION-BRIEF SUMMARY-RECORDING OF THE MEETING IS AVAILABLE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.3.1 Agri Status:</strong></td>
<td></td>
</tr>
</tbody>
</table>
- Christo Conradie from Vinpro made a presentation on the status of the Wine sector in Stellenbosch. The presentation is available on record.
- Kobus Basson added by indicating that the wine community intends to work with the municipality and is constantly promoting “being proudly from the Stellenbosch/ Franschhoek region”, and intends to keep this status. He further expressed the concerns for the Wine farmers, which are indicated in the presentation from Emile vd Merwe.
- The importance to protect the primary producers, being essential for the existence of the Wine sector, was explained. |
| **1.3.2 Definition of Farm:** | Emile vd Merwe made a presentation on a few points of concern in the draft Integrated Zoning Scheme (IZS) to discuss with the administration. The presentation is attached. It entails:
• **Definition of a farm/ land unit,** thereafter the “geographic location” was discussed, seeing the wine cellars also import across municipal boundaries, |
<table>
<thead>
<tr>
<th>1.3.3</th>
<th>Definition of Agricultural Industry:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Definition of Agricultural Industry:</strong></td>
</tr>
<tr>
<td></td>
<td>- The point was raised that many wine cellars import more than 50% of their produce, therefore the definition, as it is described in the draft IZS cannot be adhered to.</td>
</tr>
<tr>
<td></td>
<td>- The concern was raised that if an owner needs to rezone to &quot;Industrial&quot;, because it imports more 50% of its produce, there might be a chance that it cannot be supported, because of many reasons such as being outside of the urban edge, not in line with Dept of Agriculture's requirements, etc.</td>
</tr>
<tr>
<td></td>
<td>- Another concern was that the &quot;industrial&quot; connotation might bring forth a negative perception and a harsh meaning for the wine tourism sector. Maybe the wording &quot;processing&quot; should be considered.</td>
</tr>
<tr>
<td></td>
<td>- After deliberation it was proposed to take the &quot;50%&quot; out of the definition and include it as part of the parameters in the Agricultural and Rural zone. This will make it possible to accept a Land Use Application for a Departure, which can then be assessed by the Municipality.</td>
</tr>
<tr>
<td></td>
<td>- It was also mentioned that the draft IZS will not take away, neither legalize illegal land uses. But that each and every property’s zoning will be converted according to the conversion zone in the draft IZS, based on the existing approved land use rights for that property.</td>
</tr>
<tr>
<td></td>
<td>- Therefore, if an owner is not sure about the existing rights on its property, he/she can apply for a Zoning Certificate.</td>
</tr>
<tr>
<td></td>
<td>- It was also mentioned that there might be errors on the draft Zoning Maps, however, the process make provision that it be rectified as and when it comes to the attention of a property owner, subject to verification of the latest Land Use Approval on the property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.3.4</th>
<th>The restriction of coverage on main dwellings:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>It was mentioned that the restriction on floor area of the main dwelling on a farm, as indicated in the draft IZS, might force the owner to erect two storeys, which might have a negative visual impact.</strong></td>
</tr>
<tr>
<td></td>
<td>- With regards to the above, the administration to re-consider the restriction on floor area/ coverage versus the restriction on storeys.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.3.5</th>
<th>Restriction on employee housing/ second dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>It was mentioned that the floor area restriction as proposed, will make it very small if a garage is to be included.</strong></td>
</tr>
<tr>
<td></td>
<td>- With regards to the above, the administration to re-consider the most practical floor area.</td>
</tr>
</tbody>
</table>
|   | Other: | - Attention was drawn to the definition of a “farm enterprise” and the description of “owner”, for the administration to look at.  
- General discussion took place on the draft IZS, such as the explanation of the purpose of the document being a “toolbox”, the benefits of one document for the whole WC024, having lesser zoning categories instead of 94 and to streamline processes.  
- Jeanerette Momberg raised her concern that she was unsatisfied with the municipality who took so long before meeting with them. The administration apologized for it. |
|---|---|---|
|   | Conclusion: | - Councilor Groenewald closed the meeting and thanked the representatives of the Agricultural Society and Wine Route sector for making the time to meet with the municipality, taking into account the busy time of the year for the wine farmers.  
- The administration will convene, re-consider the issues raised and submit to Council for consideration and adoption of the final Stellenbosch Zoning Scheme By-Law. |
|   |   | The meeting adjourned at 13:00 where after refreshments were served. |
PURPOSE/OBJECTIVES

• To protect and strengthen the farming operations in the Stellenbosch Area
• To maintain and protect the existing rights and to avoid multiple spot zonings in the rural area (Industrial and business zonings)
• To ensure the agricultural economic viability and off-set points for the primary producers within the Stellenbosch area
• To ensure and sustain the multiplier economic linkages associated with the wine industry
• To attract and encourage investment in the agricultural sector and wine industry
• To avoid the proliferation of the rural landscape by allowing a number of small scale cellars that is not economic viable
• To promote the economy of scale and comparative advantage associated with the Stellenbosch Wine and Tourism Industry
Definition of farm

- Includes land units (erf) same meaning – agree to By-Law proposal
### 204. Dwelling house, second dwelling and additional dwellings

**EXISTING PROPOSAL IN TERMS OF BY-LAW**

(4) The maximum building development parameters are indicated in section (7): a main dwelling and second dwelling may not exceed a coverage (excluding outbuildings and garages) of 500m² each whilst any additional dwelling is limited to a coverage of 120m² each.

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m)</th>
<th>STREET &amp; common boundaries (incl. ROW encroachments)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SOP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling house and second dwelling-house (including outbuildings and garages)</td>
<td>5m</td>
<td>2 storeys</td>
<td>$500m² each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional dwelling houses (including outbuildings and garages): Max 4 dwelling units (1 unit/10ha for land units larger than 20ha)</td>
<td>5m</td>
<td>1 storey</td>
<td></td>
<td>120m² each</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m)</th>
<th>STREET &amp; common boundaries (incl. ROW encroachments)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SOP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guest house, bed &amp; breakfast &amp; tourist dwelling units: in existing approved dwellings</td>
<td>In existing approved dwelling houses (as per above)</td>
<td></td>
<td></td>
<td>Max 7 bedrooms</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
</tbody>
</table>

**Tourist facilities**

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m)</th>
<th>STREET &amp; common boundaries (incl. ROW encroachments)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SOP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourist facilities: overall max limit including outdoor area used but excluding parking</td>
<td>5m</td>
<td>1 storey</td>
<td></td>
<td>250m²</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
<tr>
<td>Shop in tourist facility sub-limit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Agricultural buildings**

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m)</th>
<th>STREET &amp; common boundaries (incl. ROW encroachments)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SOP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee housing unit</td>
<td>5m</td>
<td>1 storey</td>
<td>120m²</td>
<td>As approved by Municipality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural buildings</td>
<td>5m</td>
<td>3 storeys</td>
<td>2000m²</td>
<td>&gt;2000m² &amp; &lt;5000m²</td>
<td>&gt;5000m²</td>
<td></td>
</tr>
<tr>
<td>Agricultural industry, including outdoor parking and housing areas</td>
<td>5m</td>
<td>3 storeys</td>
<td>2000m²</td>
<td>&gt;2000m² &amp; &lt;5000m²</td>
<td>&gt;5000m²</td>
<td></td>
</tr>
<tr>
<td>Polytunnels, including shade netting</td>
<td>5m</td>
<td>1 storey</td>
<td>2000m²</td>
<td>&gt;2000m² &amp; &lt;5000m²</td>
<td>&gt;5000m²</td>
<td></td>
</tr>
</tbody>
</table>
ISSUES TO BE ADDRESSED

• DEFINITION OF FARM
• 50% COVERAGE RESTRICTION ON PRIMARY FARM DWELLING
• RESTRICTION ON EMPLOYEE HOUSING
• 50% RESTRICTION PART OF DEFINITION OF AGRICULTURAL INDUSTRY
PROPOSAL

SECOND DWELLING
COVERAGE (500M² - EXCLUDING GARAGE AND OUTBUILDING AS PER PARAGRAPH 204(4))

Table 214 (1) and Para 204 (4) differs in respect of garage and outbuilding (coverage calculation)

PRIMARY DWELLING
1000M² COVERAGE IN RESPECT OF SINGLE STOREY DWELLINGS AND 500M² COVERAGE IN RESPECT OF DOUBLE STOREY DWELLINGS (EXCLUDING GARAGE AND OUTBUILDING)

EMPLOYEE HOUSING – 120M² (EXCLUDING GARAGE)
Drakenstein Municipality

“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 winery, dairy, distillery, the bottling of water, a saw mill; and
(c) does not include an abattoir.

City of Cape Town

“agricultural industry” means an enterprise for the processing of agricultural products on or close to the land unit where these agricultural products are grown, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products; and includes a winery and distillery, but does not include a service trade or abattoir;

Stellenbosch Municipality

“agricultural industry” (landbou nywerheid) is an industry for the processing of fresh agricultural products of which at least 50% is grown or produced on the particular land unit or farm enterprise on which the building is located, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm enterprise, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, wine cellar, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility;

NOTE: NO DEFINITION PROVIDED IN TERMS OF BY-LAW FOR FARM ENTERPRISE – THIS SHOULD INCLUDE A PARTNERSHIP AND JOINT VENTURE
50% IMPOSED AS PART OF DEFINITION
PLANNING SAFEGUARDS (ADDITIONAL USE AND CONSENT USE)

13. Technical approval

(2) An application for technical approval is exempt from public notification, but an application may be circulated to internal municipal branches and external government departments for comment.

(4) Any land use indicated in the land use table of a zone as an additional use shall require a technical approval in writing from the Municipality prior to the commencement of such activity.

(5) The purpose of a technical approval is to afford the Municipality an opportunity to assess the application against all parameters of this Scheme, as well as technical requirements imposed in terms of other laws, and to evaluate the spatial configuration of proposals to ensure impacts on external parties are minimised through design.

(6) The owner or duly authorised proprietor or permanent resident, as the case may be, or their duly authorised agent, shall submit an application to the Municipality for technical approval, which shall be made on the prescribed form and shall be accompanied by a site development plan, application fees, and necessary information, indicating the following:

(a) any information related to the activity as prescribed in the application form;
(b) area and extent of the property to be used for the additional use and for the primary use;
(c) proposals for any new buildings or structures, which may include plans, landscaping, boundary wall treatment, elevations, facades, engineering services and any other relevant information;
(d) parking and access, in accordance with the requirements of this Scheme;
(e) description of proposed activity, hours of operation and number of people to be employed, or any other relevant information as required by the Municipality;
(f) confirmation of compliance with any other parameters contained in this Scheme, or any policy the Municipality may have approved in respect of the type of additional use.

REGULATION 203(3)

The Municipality may require information about produce, yields and production capacity to confirm the scale of the proposed building is commensurate with the farming activities on the land unit concerned.
The omission of the 50% restriction will not:
- Have any associated negative impact on the desirability of the proposal
- Give a carte blanch to industrial activities on a farm since the utilisation of the buildings will be determined by the land use, percentage under production and other safeguards since technical approval is required for both additional and consent uses
- Promote farming, tourism and urban economy
- Undermine the existing industrial zones

It is furthermore noted that the Industrial Zone which apparently contemplated for winery facilities which do not comply with the 50% rule does not permit the important business activities which are typically operated as part of existing wineries, namely tasting rooms, wine sales, functions, farm kitchens/restaurants, all of which are critical to the business of such wineries and form the backbone of the agr-tourisms within the Winelands area.
INDUSTRIAL ZONE

118. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (technical approval)</th>
<th>Consent Uses which may be applied for</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Builder’s yard</td>
<td>• Employee housing</td>
<td>• Abattoir</td>
</tr>
<tr>
<td>• Filling station</td>
<td>• Shop (including market)</td>
<td>• Adult entertainment business</td>
</tr>
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<td>• Renewable energy structure</td>
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<td>• Scrap yard</td>
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<td></td>
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<td>• Shipping container site</td>
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<td>• Transport purposes (goods)</td>
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### Planning and Economic Development

**MEETING:** Comments on draft of Integrated Zoning Scheme

**DATE:** 03 April 2019, 09:30am - 13:00.

**VENUE:** Boardroom

<table>
<thead>
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<th>TEL NO</th>
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</tbody>
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ANNEXURE H

Track changes that informed the amended Stellenbosch Municipality Zoning Scheme

By-law dated 2019 (Version 12)
CHAPTER 1: DEFINITIONS

1. Definitions

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

“abattoir” (abattoir) means a place where livestock or poultry is slaughtered and may include the preparation of meat for distribution to shops;

“additional use” (bykomende gebruikreg) means a land use that is exercised in addition to the primary right on the land unit, and which remains subservient to the primary use and which is specified in the land use table of this Scheme as an additional use which may approved by the Municipality after a technical evaluation, provided it complies with the parameters and thresholds in the Scheme;

“additional dwelling unit” (addisionele wooneenheid) means a dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land an in Agricultural and Rural zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality’s consent use approval on land units exceeding 20 ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10 ha exceeding 20 ha;

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

“agricultural building” (landbou gebou) means any building normally erected and/or used in direct connection with and ancillary to the farming operations on a land unit, and includes amongst others packing sheds, implement stores, produce storage, a farm office, staff facilities, and/or cold stores, but excludes abattoirs, polytunnels, agricultural industry buildings, employee housing and/or any of the defined additional or consent uses in the Agriculture and Rural zone;

“agricultural industry” (landbou nywerheid) is an industry for the processing of fresh agricultural products of which at least 50% is grown or produced on the particular land unit or farm enterprise on which the building is located, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm enterprise, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, wine cellar, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility;

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1 To clarify, refer these examples: On farms up to 20 ha, a main dwelling and second dwelling is permitted as primary rights. On farms exceeding 20 ha the Municipality may grant additional dwellings as consent use, to a maximum of four per and above the main dwelling and second dwelling. The permitted number of additional dwellings may never exceed four, and must be calculated at the ratio of one unit per 10 ha exceeding 20 ha. Thus, if the farm measures 32 ha one additional dwelling can be applied for as a consent use. On a 70-ha farm a maximum of four additional dwelling units may be applied for.
“agriculture” (landbou) means the cultivation of land for crops and/or plants, the keeping and/or breeding of animals, livestock, game, bees, birds, whether or not in the open or in enclosures, and/or the breeding of water fauna and/or flora in artificially constructed dams or natural waterways, and includes a riding school, generating compost for own use on the land unit or farm-enterprise, but excludes intensive feed farming or any other additional or consent uses in the Agriculture and Rural zone;

“airfield” (vliegveld) means a place where aircraft land and take off and includes ancillary uses such as hangars, a reception area, a baggage area, shops, restaurants, refuelling areas and/or warehouses and is the same as “airport”;

“airstrip” (landingstrook) means the place where light aircraft land and excludes any ancillary buildings as mentioned in the definition of “airfield”;

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

“ancillary uses” (ondergeskikte gebruike) means a land use, building, structure and/or activity which is, in the sole opinion of the Municipality, directly related and necessary for the operation of the lawful, dominant use, and shall remain subservient to the dominant use of the land unit;

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

“apartment” (woonstel) see “flats”;

“authority use” (owerheidsgebruik) means a use which is undertaken or a service rendered by or on behalf of a public authority and of which the activity is such that it cannot be classified or defined under other uses in this Scheme such as military training facilities, police stations, reformatories, jails, fire services and/or weigh bridges, and includes ancillary uses;

“backpacker establishment” (jeughostel) is a hotel, accommodating transient guests in dormitory style bedrooms where more than two people share a bedroom and usually also has communal bathrooms. Double and single rooms may also be included with or without en-suite bathrooms. The facility may include any of the following: serving of meals, self-catering kitchen, communal lounge and/or ancillary facilities; see also “hotel”;

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

“basement storey” (kelderverdieping) means any storey or division of a storey with a ceiling level which protrudes less than 1 meter at any point above existing ground level;

“base zone” (basis sone) means the zone that determines the lawful land use and development parameters for a land unit before the application of additional parameters or rules contained in an overlay zone;
(5) If the services mentioned in subsection (1) above are newly installed private services, the necessary servitudes in favour of the private entity shall be registered where necessary upon conclusion of the required applications in terms of Planning Law.

(6) No buildings, except buildings associated with the service, may be constructed over municipal engineering services unless the Municipality has granted technical approval.

(7) No rainwater may be discharged onto an abutting neighbour’s property directly from a roof or gutter, unless such neighbour has granted consent in writing, and an application is approved for a suitable servitude to be registered.

27. Equipment on top of or attached to building

(1) On a pitched roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof of a building may not at any point be more than 2 metres above the roof surface, measured perpendicularly from that surface.

(2) On a flat roof, external geysers, solar panels, or other equipment or infrastructure affixed to the roof or any other features such as elevator motor rooms, ventilation shafts, water tanks, air conditioning plants or other equipment on top of the roof may not exceed a height of 2 metres above the wall plate. In addition, all such features will be set back from the edge of the roof so as not to be visible from the public road and/or shall be screened to the Municipality’s satisfaction.

28. Leasing of dwelling units

(1) Notwithstanding any other provision in this Scheme the leasing of a dwelling unit as a permanent residence to a family is not prohibited by this Scheme.

(2) Nothing in this Scheme prohibits an permanent resident owner, occupant or lessee, during their absence on a short-term basis, to lease their entire house to transient guests on a self-catering basis, provided this may not exceed 30 days in each calendar year for the property.

(3) Should rental on a short-term basis to transient guests exceed 30 calendar days per year in any dwelling unit, the relevant application for a guest house or tourist dwelling unit, as the case may be, shall be required.

29. Mobile homes and caravans

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

30. Occasional use events

(1) One occasional use event within a 12-month period is permitted on a land unit in any use zone, on condition that:
   (a) the activity will not involve amplified sound;
   (b) all vehicles associated with the event shall park on the property;
   (c) the number of people who attend such an event may not exceed the number of on-site parking bays times four or 500 people, whichever is the lesser;
   (d) adequate portable ablution facilities are provided on the property;
   (e) the event will not commence during peak traffic hour, as determined by the Municipality, and the event will not commence before 09:00 or continue past 22:00.
CHAPTER 20: AGRICULTURE AND RURAL ZONE

199. Zone name and designation on map

(1) The Agriculture and Rural zone may be referred to by the code (AR) and shall be indicated on the zoning map in pale green (Colour code 211,255,191).

200. Purpose of the zone

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

201. Land use within this zone

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

<table>
<thead>
<tr>
<th>Primary Uses</th>
<th>Additional Uses (not exceeding threshold in this chapter and subject to technical approval)</th>
<th>Consent Uses (Application required)</th>
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<tr>
<td>• Agricultural building (&lt;2000m²)</td>
<td>• Agricultural building (&gt;2000m²)</td>
<td>• Abattoir</td>
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<tr>
<td>• Agriculture</td>
<td>• Agricultural industry (&lt;2000m²)</td>
<td>• Additional dwelling units (max 4)</td>
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<td>• Dwelling house</td>
<td>• Bed and breakfast establishment</td>
<td>• Airfield</td>
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<tr>
<td>• Forestry</td>
<td>• Employee housing (exceeding one unit)</td>
<td>• Airstrip</td>
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<tr>
<td>• Natural environment</td>
<td>• Guest house</td>
<td>• Agricultural industry (&gt;2000m²)</td>
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<tr>
<td>• Occasional use (one event/year)</td>
<td>• Home day care centre</td>
<td>• Camping site</td>
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<tr>
<td>• Private road</td>
<td>• Home occupation practice</td>
<td>• Day care centre</td>
</tr>
<tr>
<td>• Polytunnel (&lt;2000m²)</td>
<td>• Polytunnel (&gt;2000m² and ≤5000m²)</td>
<td>• Freestanding base telecommunication station</td>
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<td>• Rooftop base telecommunication station</td>
<td>• Helicopter landing pad</td>
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<td>• Employee housing (one unit)</td>
<td>• Tourist dwelling units</td>
<td>• Intensive feed farming</td>
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<td>• Tourist facility (existing buildings)</td>
<td>• Kennel</td>
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<td>• Plant nursery</td>
<td>• Market</td>
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<td></td>
<td>• Polytunnel (&gt;5000m²)</td>
<td>• Occasional use (&gt; one event/year)</td>
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<td>• Renewable energy structure</td>
<td>• Plant nursery</td>
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<td></td>
<td>• Service trade</td>
<td>• Polytunnel (&gt;5000m²)</td>
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<td></td>
<td>• Tourist accommodation establishment</td>
<td>• Renewable energy structure</td>
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<tr>
<td></td>
<td>• Tourist facility (new buildings or exceeding threshold)</td>
<td>• Service trade</td>
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<tr>
<td></td>
<td>• Any additional use exceeding the threshold set out in this chapter</td>
<td>• Tourist accommodation establishment</td>
</tr>
</tbody>
</table>

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.
(3) After the commencement of this Scheme, and prior to the erection of any new buildings or alterations to existing buildings or the conversion of any existing buildings to a new land use, a site development plan shall be submitted in accordance with section 216 for a land unit.

(4) A technical approval for an additional use shall not be issued in terms of section 13(8)(f) unless all the applicable parameters for that use in the relevant section is complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.

(5) Portions of buildings or land in this zone may not be registered separately by sectional title.

202. Agricultural buildings

(1) Agricultural buildings which are directly related to the agricultural activities on a land unit may be erected, provided that where the coverage of any one building exceeds 2000m², an application for technical approval for an additional use shall be made in terms of section 13.

(2) The number of agricultural buildings on a land unit is not limited provided that all buildings are reasonably connected to the main farming activity.

(3) Should agricultural buildings on one land unit serve a farm enterprise 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.

203. Agricultural industry

(1) At least 50% of the produce used in an agricultural industry shall be grown or produced on the particular farm on which the agricultural industry is located.

(2) Where the total area on any land unit used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space for the activity, does not exceed is less than an area of 2000m², agricultural industry buildings may be erected provided that the Municipality has granted an application for technical approval for an additional use in terms of section 13.

(3) A consent use application is required where the total area on any land unit used for the agricultural industry on a land unit, including all storage, parking, loading and associated circulation space exceeds an area of 2000m².

(4) The Municipality may require information about produce, yields and production capacity to confirm the scale of the proposed building is commensurate with the farming activities on the land unit or farm concerned.

(5) The agricultural industry shall remain subservient to the agricultural activities on the land unit or farm.

(6) Other farm owners in the surrounding area may supply produce to the agricultural industry provided that the definition is complied with.

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

(8) Should agricultural industry buildings on one land unit serve a farm enterprise 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.

204. Dwelling house, second dwelling and additional dwellings

(1) One dwelling house and one second dwelling shall be permitted on any land unit as a primary right.

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2 It should be noted that NEMA requires a basic assessment for agricultural industries exceeding of 2000m² or more in extent which are located outside industrial areas [Refer Regulations 327 Reg 8 April 2017].

4 Note the definition of Agricultural Industry, it is required that 50% of produce processed should be farmed on the farm, or group of farms belonging to the same owner. Because this is in the definition, it cannot be departed from. In the event that a farmer wants to establish a facility which cannot achieve to this requirement, the necessary rezoning to Industrial Zone should be applied for.
(2) Un land units exceeding 20ha in size, the Municipality may grant its consent for additional dwelling units at a rate of one additional dwelling unit per every 10ha exceeding the 20ha threshold, up to a maximum of four additional dwelling units, as set out in the definitions. This parameter may not be deviated or departed from.

(3) Each dwelling house, second dwelling or additional dwelling unit may be occupied by no more than one family as defined or may be used in a manner permitted as additional uses or consent uses if approved by the Municipality, and the same conditions as set out in Chapter 7 for bed and breakfast establishment, home day care centre and home occupation practice shall apply.

(4) The maximum building development parameters are indicated in section (7): a main dwelling and second dwelling may not exceed a coverage (excluding outbuildings and garages) of 600m² each whilst any additional dwelling is limited to a coverage of 120m² each. Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family.

205. Employee housing unit

(1) One employee housing dwelling unit shall be permitted on a land unit as a primary right.

(2) The Municipality may grant its further technical approval for additional employee housing units, provided that it is satisfied that the owner has provided sufficient proof that the additional employee housing units are for bona fide employees associated with activities on the land unit.

(3) An employee housing unit may only be used for the accommodation of one family as defined, unless another use thereof has been approved by the Municipality.

(4) One of the occupants of each of the employee housing units shall be permanently employed in connection with the farming activities on the farm concerned.

(5) The maximum building development parameters are indicated in section (7): each employee housing unit may not exceed a coverage of 120 m². Coverage excludes garage, carport or outbuildings which are ordinarily associated to a dwelling house for one family.

(6) Construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses, unless the Municipality is satisfied that such approval will not result in creeping development footprint which exceed the overall development extent intended for a land unit or will lead to an erosion of agriculture as the primary land use on the property.

(7) Should employee housing on one land unit serve a farm enterprise 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.

206. Home occupation and home day care as additional uses

(1) A home occupation or home day care establishment may only be conducted from the approved main dwelling house or the second dwelling on the land unit and the proprietor shall reside in a main dwelling or second dwelling on the land unit. The same parameters as set out in section 51 shall apply to a home occupation or home day care establishment in this zone.
207. Bed and breakfast, guest house, tourist dwelling unit as additional use in this zone

(1) The total number of guest bedrooms in a bed and breakfast, guest house and tourist dwelling unit as a combined additional use on a land unit may not exceed 7 bedrooms or 14 people\(^9\) in total per land unit.

(2) A bed and breakfast establishment may only be conducted from the approved main house or the second dwelling where the proprietor shall reside in either of these two buildings. The same parameters as section 51 shall apply to a bed and breakfast in this zone, except the maximum number of rooms permitted is subject to the overall threshold for guest accommodation in this zone.

(3) A guest house and/or tourist dwelling unit accommodation, when conducted as additional uses, may only be conducted from one or more approved dwelling units on the land unit.

(4) Guest accommodation, when conducted as additional uses, may only be undertaken as an additional use on a land unit where the primary use of the property remains cultivation, keeping of animals or any other bona fide agricultural or natural environment use, unless otherwise approved by the Municipality. The guest accommodation shall always remain subservient to the primary agricultural activities and shall not interfere with the agricultural or natural environment land uses on the property. If the land unit ceases to be used for agricultural or natural environment activities, the Municipality may instruct the owner to also cease the guest accommodation activity.

(5) A guest house, bed and breakfast, or tourist dwelling unit in this zone may not include meeting or beauty treatment rooms or a wellness centre unless the Municipality’s consent has been obtained for these land uses.

(6) The Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, tourist dwelling unit or bed and breakfast, provided that these activities shall remain confined to the approved dwelling units on the land unit and the number of additional dwellings may not exceed the number permitted by means of the definition of “additional dwellings”.

(7) When approving such an application the Municipality shall impose a restriction on the number of bedrooms which may be used in connection with the activity and any future expansions or alterations will require further consent.

208. Tourist accommodation and hotel in this zone

(1) When the number or scale of buildings, in which accommodation for tourists transient guests is provided, exceed the maximum number and scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.

(2) A tourist accommodation establishment or hotel is a consent use in this zone.

(3) When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements set out in section 213.

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

(1) The parameters in this section shall apply to all tourist facilities on a land unit which are conducted as an additional use in this zone.

(2) A technical approval for additional uses shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.

(3) Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is *bona fide* agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm.

(4) Tourist facilities which are additional uses, and which require buildings to operate from, may only be undertaken from existing approved buildings on the land unit which are no longer utilised for their original purpose, provided the Municipality may approve internal alterations and minor additions to these buildings within the parameters of this Scheme. Building plans must be submitted and approved prior to converting existing buildings to tourist facilities.

(5) New buildings for tourist facilities require a consent use application in terms of Planning Law.

(6) The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) as an additional use, including the area which is used for manufacturing as envisaged in subsection (8), shall not exceed 250m² for the entire land unit, of which:
   
   (a) the total coverage of buildings plus external use areas of all shops in a tourist facility as provided for in subsection (7) may not exceed a total of 120m² and this is a sub-limit of the overall limit for tourist facilities;

   (b) the coverage plus external use areas used for the making and manufacturing of products as provided for in subsection (8) may not exceed a total of 50m² and this is a sub-limit of the overall limit for tourist facilities. This sub-limit may not be exceeded through application for consent use, nor may it be departed from;

   (c) the total land area for market stalls may not exceed 120m² and this is a sub-limit of the overall limit for tourist facilities.

(7) Shops in a tourist facility, which may include a market, farm stall, farm shop, point of sale, deli, may sell goods which are produced or grown on the farm, or goods from elsewhere, provided that at least 50% of the floor space of the shop shall be dedicated to the display and sale of goods sold from a shop on the land unit shall be made, produced or grown on the farm.

(8) Tourist facilities may include an area for the brewing or manufacturing of beverages, cooking or baking of food, making of arts, craft, clothing or articles, where the raw materials used in such activity is not necessarily grown or farmed on the land unit concerned, provided the following conditions are adhered:
   
   (a) the activity shall be undertaken or managed by the owner of the farm or one of their relatives, or a full-time employee of the farm or one of their relatives;

   (b) such goods may be sold in the tourist facility on the property, or elsewhere.

(7) The site development plan together with any conditions as approved by the Municipality shall constitute the development rules for the activity and any expansion, alteration or relocation will require a further application in terms of this Scheme.

(8) The Municipality may impose any conditions required to mitigate the potential impact.

(9) Tourist facilities may not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, or the presence of people hindering agriculture e.g. during spraying season, nor may the tourist activities have an adverse impact on any *bona fide* agricultural activities on the farm itself or on neighbouring properties.
(10) The Municipality may, at any time after the commencement of the activity impose additional conditions to mitigate adverse impacts or it may instruct the owner that the activity shall cease, and the Municipality shall issue a compliance notice in accordance with the Municipal Planning By-law.

(11) Tourist facilities which exceed the maximum thresholds or any of the conditions or provisions in this section shall require a consent use application, unless the specifically prohibited in this section, and the Municipality may only grant such consent if it is satisfied that the objectives of the Agriculture and Rural zone will not be undermined by such approval.

210. Polytunnels in this zone

(1) For polytunnels, which for the purposes of this section also include agricultural shade netting, the following provisions apply:
   (a) up to 2000m² coverage per land unit are permitted as a primary use provided that it is indicated on an overall site development plan for the farm submitted to the Municipality in accordance with section 216 prior to erection thereof;
   (b) between 2001m² and 5000m² coverage per land unit is permitted with the technical approval of the Municipality, subject to a more detailed and location-specific site development plan, as may be required by the Municipality;
   (c) exceeding 5000m² coverage on a land unit requires a consent use application to be submitted and approved by the Municipality.

(2) When assessing an application for technical approval or consent use for polytunnels, the Municipality shall take cognisance of the importance of agriculture and food security and strive to approve applications forthwith if proposals address concerns of adverse impacts on visual, cultural and heritage amenity and addresses all technical requirements.

(3) The Municipality may require proposals to be amended, in the form of repositioning, screening and any other measures which may address negative adverse impacts.

(4) The Municipality may also impose measures and conditions related to decommissioning as set out in section 24 of this Scheme.

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

(1) The Municipality may grant a departure in this zone to use land for the purposes of mining on a temporary basis.

(2) Notwithstanding section 18(1)(b) of the Stellenbosch Land Use Planning By-law, the period for which a mine may operate shall be linked to the life expectancy of the mine and may exceed a period of 5 years.

(3) The Municipality shall impose conditions relating to the period of validity, other operational requirements, as well as future rehabilitation of the mine after closure, as provided for in section 24 of this Scheme.

212. rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if consent use is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting a technical approval.

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10 It must be noted that The National Heritage Resources Act (no 25 of 1999) requires a NID to be submitted for any activity that will change the character of a site exceeding 5000m² in area.
(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting a technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station (excluding the masts) may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

213. Consent uses in Agriculture and Rural Zone

(1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.

(2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture.

(3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.

(4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, tourist accommodation establishment and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.

(5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.

(6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.

(7) As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.

(8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.

(9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm's site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.
214. Building development parameters in this zone

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

<table>
<thead>
<tr>
<th>Building type</th>
<th>BUILDING LINES (m) Street &amp; common boundaries (incl. ROW servitudes)</th>
<th>HEIGHT (Storeys)</th>
<th>PRIMARY USE Maximum Coverage Threshold</th>
<th>ADDITIONAL USE (SDP) Maximum Coverage Threshold</th>
<th>CONSENT USE Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation and dwellings in this zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling house and second dwelling-house (excluding outbuildings, carport or garages)</td>
<td>5m</td>
<td>2 storeys</td>
<td>500m² each 600m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional dwelling houses (excluding outbuildings, carport or garages): Max 4 dwelling units (1 unit/10ha for land units larger than 20ha)</td>
<td>5m</td>
<td>1 storey</td>
<td>120m² each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guest house, bed &amp; breakfast &amp; tourist dwelling units: in existing approved dwellings</td>
<td>in existing approved dwelling houses (as per above)</td>
<td>Max 7 bedrooms</td>
<td>As approved by Municipality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist facilities: overall max limit including outdoor areas used but excluding parking.</td>
<td>5m</td>
<td>1 storey</td>
<td>250m²</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
<tr>
<td>-Shop in tourist facility sub-limit</td>
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<td></td>
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<tr>
<td>-Manufacture and craft workshop sub-limit</td>
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<tr>
<td>Other Agricultural buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee housing unit (excluding outbuildings, carport or garage)</td>
<td>5m</td>
<td>1 storey</td>
<td>120m²</td>
<td>As approved by Municipality</td>
<td></td>
</tr>
<tr>
<td>Agricultural buildings</td>
<td>5m</td>
<td>3 storeys</td>
<td>No overall limit on land unit</td>
<td>Any one building &gt; 2000m²</td>
<td></td>
</tr>
<tr>
<td>Agricultural industry, including outdoor parking and loading areas</td>
<td>5m</td>
<td>3 storeys</td>
<td>n/a</td>
<td>≤ 2000m²</td>
<td>≥ 2000m²</td>
</tr>
<tr>
<td>Polytunnels; including shade netting</td>
<td>5m</td>
<td>1 storey</td>
<td>≤ 2000m²</td>
<td>≥ 2000m² &amp; ≤ 5000m²</td>
<td>&gt;5000m²</td>
</tr>
</tbody>
</table>

(2) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

215. Boundary walls and fences parameters

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

216. Site development plan

(1) A site development plan shall be required by the Municipality for any new development or change of land uses in existing buildings in this zone.
(2) An owner of land zoned Agriculture and Rural may submit a site development plan for a farm, as described in subsection (2) even if no new development is intended, at any time after the commencement of this Scheme, and shall do so prior to, or at the same time as, an application is submitted in terms of this Scheme or when a building plan for new buildings is submitted to the Municipality, or when an existing building is converted to another use.

(3) The purpose of the farm site development plan submitted in terms of subsection (1) and (2) is to indicate all existing buildings and their land uses, cultivated areas, grazing areas, uncultivated areas, dams, rivers, natural veld and critical biodiversity areas on a plan to provide an overview of the extent of land use activities on the land unit, and to enable the Municipality to evaluate the compliance of any new land use or building proposals.

(4) Any existing activity which is indicated on the overall farm site development plan shall be clearly marked as either an existing primary use, a non-conforming land use/building or previously approved consent use or departure, as the case may be, and the proof of such approval or lawfulness (application number, building plan number or letter of approval, or any other relevant documentary proof) may be requested by the Municipality and must then be supplied by the applicant.

(5) The plan may also show future intended activities which shall be clearly marked as future primary, additional or consent uses. The plan can either be accompanied by the necessary planning application for the additional or consent uses, or these shall be clearly marked as un-approved uses for future application.

(6) None of the future activities which require approval in terms of this Scheme are approved by their inclusion on this plan until the relevant planning application is concluded.

(7) The plan may be updated and amended by the owner from time to time, when the need arises, and shall be updated each time a new building plan or application in terms of Planning Law or this Scheme is submitted.

(8) The farm site development plan does not require notification to neighbours, unless it accompanies an application in terms of Planning Law, in which case the required procedures will apply.

(9) An amended farm site development plan shall accompany any application for an additional or consent use indicating the extent and location of the proposed activity in relation to the overall farm land uses.

(10) Apart from the farm site development plan the Municipality shall also require a more detailed site development plan for the specific additional use or consent use which will serve as the development parameters for the approved use, once approved.

(11) An approved overall farm site development plan shall not lapse unless replaced by a new farm site development plan.

217. Construction environmental management plan

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

218. Engineering services

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

(1) A development charge is payable in terms of section 20 in instances where a building plan is submitted to utilise intensified primary development rights which came into operation as a result of this Scheme.

(2) The Municipality shall, prior to approval of such a building plan, determine the extent of such additional rights and calculate the required levy, which shall be paid by the land owner prior to the approval of said building plan.

(3) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.
(b) on the balance of the land unit (outside the 15 meters measured from a public road) the height of a building may not exceed 5 storeys, or the maximum number of storeys permitted in the base zone, whichever is the lowest;

(c) the Municipality may withhold its permission if any increase in height of a structure would, in the opinion of the Municipality, interfere with the growth of any mature tree within the road reserve, or if it would necessitate the undesirable pruning or removal of that tree or its branches;

(d) 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;

(e) face brick may not be visible from a public road;

(f) 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;

(g) water tanks, solar panels, antennae and such similar attachments may not be visible from a public road;

(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 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 of section 22 related to parking ratios, the Municipality may waive or reduce parking ratios and/or loading requirements on a land unit in this overlay zone or may impose a requirement for the provision of non-motorised transport provision in lieu of the provision of parking. Such alternative requirements shall be agreed to in writing and shall be deemed to be alternative development parameters applicable to the property.

(2) The provisions of this subsection shall apply to the Franschhoek Urban Conservation Area, as defined on Map URC02:

(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 specific written permission;

(b) none of the materials listed below may be used, unless otherwise approved by the Municipality on the site development plan:
   (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);
   (vii) slate;
## LAND USE PLANNING ORDINANCE SECTION 8 SCHEME

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<td>Business Zone II</td>
<td>Local Business Zone</td>
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<tr>
<td>Business Zone III</td>
<td>Local Business Zone</td>
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<tr>
<td>Business Zone IV</td>
<td>Mixed-use Zone + “deemed consent for Warehouse”</td>
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<tr>
<td>Business Zone V</td>
<td>Local Business Zone + “deemed consent for Petrol Filling Station”</td>
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<td>Institutional I</td>
<td>Education Zone</td>
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<td>Institutional II</td>
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<td>Institutional III</td>
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<td>Agriculture Zone I</td>
<td>Agriculture and Rural Zone</td>
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<td>Agriculture Zone II</td>
<td>Agriculture and Rural Zone with deemed consent for approved uses</td>
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<tr>
<td>Authority Zone</td>
<td>Manual allocation based on lawful land use</td>
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<td>Open Space I</td>
<td>Public Open Space Zone</td>
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<td>Open Space II</td>
<td>Private Open Space Zone</td>
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<td>Open Space III</td>
<td>Natural Environment Zone</td>
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<tr>
<td>Industrial Zone I</td>
<td>Industrial Zone</td>
</tr>
<tr>
<td>Industrial Zone II</td>
<td>Industrial Zone + “deemed consent for Noxious Industry”</td>
</tr>
<tr>
<td>Resort Zone I</td>
<td><strong>Outside Urban Edge</strong>: Agriculture and Rural Zone + “deemed consent for Tourist Accommodation/Hotel/Guest house (based on lawful land use)”  <strong>Inside Urban Edge</strong>: Manual allocation: appropriate residential zone with deemed consent to allow the type of accommodation</td>
</tr>
<tr>
<td>Resort Zone II</td>
<td>Outside urban edge: Limited Use Zone</td>
</tr>
<tr>
<td></td>
<td>Inside urban edge: Manual allocation based on lawful land use, which can include deemed consent for lawful approved land uses. <em>If previous planning approvals allowed only a specific land use, the approval is limited to that approved land use and deemed to be a condition. To change to a land use which is different from the approval, an application must be made to amend an approval condition.</em></td>
</tr>
<tr>
<td>Transport Zone I</td>
<td>Transport Facility Zone</td>
</tr>
<tr>
<td>Transport Zone II</td>
<td>Public Roads and Parking Zone</td>
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<td>Transport Zone III</td>
<td>Public Roads and Parking Zone</td>
</tr>
<tr>
<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Special Zone</td>
<td>Manual allocation based on lawful land use</td>
</tr>
<tr>
<td>Industrial Zone III (mining)</td>
<td>Agriculture and Rural Zone + “deemed departure for Mine”</td>
</tr>
</tbody>
</table>

## KAYAMANDI

<table>
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<tr>
<th>Former Kayamandi Scheme Zones</th>
<th>Stellenbosch Municipality Zoning Scheme 2017</th>
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<tbody>
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<td>Less Formal Residential Zone</td>
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<tr>
<td>Residential II</td>
<td>Multi-unit Residential Zone</td>
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<tr>
<td>Business</td>
<td>Mixed-use Zone</td>
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<tr>
<td>Institutional I</td>
<td>Education Zone</td>
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<td>Institutional II</td>
<td>Community Zone</td>
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<tr>
<td>Institutional III</td>
<td>Community Zone</td>
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<tr>
<td>Open space I</td>
<td>Public Open Space Zone</td>
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<tr>
<td>Open space II (public)</td>
<td>Public Open Space Zone</td>
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<tr>
<td>Open space II (private)</td>
<td>Public Open Space Zone</td>
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<td>Services</td>
<td>Utility Zone</td>
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<td>Industrial</td>
<td>Industrial Zone</td>
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<td>Public Roads and Parking Zone</td>
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<tr>
<td>Parking</td>
<td>Public Roads and Parking Zone</td>
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<td>Undetermined</td>
<td>Limited Use Zone</td>
</tr>
<tr>
<td>Special</td>
<td>Manual allocation based on lawful land use</td>
</tr>
</tbody>
</table>