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INHOUD

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Bladsy

Plaaslike Owerheid

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STELLENBOSCH MUNICIPALITY

ZONING SCHEME BY-LAW 2019

IMPLEMENTATION DATE: 1 NOVEMBER 2019

Adopted by Resolution 8.2.1, May 2019 of the Municipal Council of Stellenbosch

The Municipality of Stellenbosch hereby publishes the Stellenbosch Municipality Zoning Scheme By-Law 2019 and accompanying Zoning Scheme Maps (Map 01 to 25 dated Oct 2018) as set out below in terms of Section 156 of the Constitution of the Republic of South Africa, 1996, the Municipal Systems Act 2000 (Act 32 of 2000), and the Western Cape Land Use Planning Act 2014 (Act 3 of 2014). The Stellenbosch Municipality, enacts as follows:

The Afrikaans version of this By-Law will be available in future. In the event of an inconsistency between the English and Afrikaans version, the English text shall prevail.

Notice No. P24/19

MUNICIPAL MANAGER

27 September 2019 58188

STELLENBOSCH MUNISIPALITEIT

SONERINGSKEMA VERORDENING 2019

IMPLEMENTERINGS DATUM: 1 NOVEMBER 2019

Aangeneem deur Resolusie 8.2.1, Mei 2019 van die Munisipale Raad van Stellenbosch

Die Munisipaliteit van Stellenbosch publiseer hiermee die Stellenbosch Munisipaliteit Soneringskema Verordening 2019 en gepaardgaande Soneringskemakaarte (Kaarte 01 tot 25 gedateer Oktober 2018) uiteengesit hieronder in terme van Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, die Munisipale Stelsels Wet 2000 (Wet 32 van 2000) en die Wes-Kaapse Grondgebruik Beplannings Wet 2014 (Wet 3 van 2014). Die Stellenbosch Munisipaliteit bepaal soos volg:

Die afrikaans weergawe van hierdie Verordening sal beskikbaar wees in die toekoms. In die geval van teenstrydigheid tussen Engels en Afrikaans weergawe, sal die Engelse weergawe aanvaar word.

Kennisgewing Nr P24/19

MUNISIPALE BESTUURDER

27 September 2019 58188

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STELLENBOSCH MUNICPALITY ZONING SCHEME BY-LAW, 2019

(ADOPTED BY COUNCIL 29 MAY 2019)

Effective 1 November 2019

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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 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[1];

"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, 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'' (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;

"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 $10m^2$;

"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"**;

"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 gimnasium) is a place where people pay to make use of specialized equipment to exercise and may include swimming pools, changing facilities, the sale of refreshments for users of the facility, 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'' (dekking) means the total area of a land unit that may be covered by buildings with a roof, expressed in square meters or as a percentage of the area of the land unit. 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 30m^2 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 passages, toilets, kitchens, entrance lobbies, lift shafts, stairwells, service ducts, service areas and vertical penetration of floors and also excludes all spaces which are used by the same staff who work elsewhere in the building, for example staff changing rooms, staff canteens and recreational areas used exclusively for staff;

"ground level" (grondvlak), see **"existing ground level"**;

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

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

''group housing scheme'' (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'' (groepsbehuisingsperseel) 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'' (koshuis) 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, care taker 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;

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" (huistaverne) 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 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 property[2], 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" (tuis beroepsbeoefening-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;

[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" (oopruimte) 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 skate board 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" (permanente 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 last 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 ingevoge 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 once-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;

"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[3];

"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;

[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-selfoonbasisstasie) 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” (skeepsvraghouer) 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” (skeepsvraghouerperseel) 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" (tegnopark) 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" (tersiêre 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)'' (vervoerdoeleindes) (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)'' (vervoerdoeleindes) (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.

CHAPTER 3: GENERAL ADMINISTRATION

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[4] 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.

[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.

[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 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 A: OFF-STREET PARKING REQUIREMENTS		
Land Use Category	**Normal parking**	**Additional parking reserved for visitors**
Residential		
Bed- and breakfast (additional to dwelling)	1 bay/guest bedroom	
Commune	1 bay/bedroom	
Community Residential building: orphanage and old age home	0,3 bay/bedroom	
Dwelling house in all zones except LFR: 1 bedroom 2 or more bedrooms	 1 bay/dwelling house 2 bays/dwelling house	
Dwelling house in LFR Zone	1 bay/dwelling house	
Flats in all zones except LFR: 1- & 2-bedroom units 3-bedroom units 4 or more-bedroom units	 1 bay/dwelling unit 1,25 bays/dwelling unit 1,5 bays/dwelling unit	 0,5 bay/dwelling unit 0,5 bay/dwelling unit 0,5 bay/dwelling unit
Flats in LFR Zone:	1 bay/dwelling unit	0,25 bay/unit
Group house:	1 bay/group house	1 bay/unit
Guest house	1 bay/bedroom or suite	
Home lodging (additional to dwelling unit)	1 bay/boarder bedroom	
Hostel	1 bay/bedroom for private hostels; 0,6 bay per bedroom for tertiary institution; nil for schools	
Hotel	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.	
Backpackers	To be determined by Council based on occupancy and location	
Second dwelling house: all zones except LFR	1 bay/second dwelling	
Second dwelling house in LFR zone	nil	
Tourist accommodation establishment	To Municipality's satisfaction - between 0,7 bays per bedroom and 1 bay per self-catering unit	
Business and office		
Business premises: including liquor store, funeral parlour, adult entertainment and similar	4 bays/100m^2 gross leasable area	
Commercial gymnasium	6 bays/100m^2 gross leasable area	
Conference facility	0,25 bay/seat	
Filling Station	4 bays/100m^2 gross leasable area	
Motor showroom: Light Vehicles	3 bays/100m^2 gross leasable area	
Motor showroom: Medium and Heavy Vehicles	1 bay/100m^2 gross leasable area with a min of 6 bays plus 1/bay/800m^2 gross leasable area for heavy vehicles (min 1 bay)	
Motor vehicle fitment centre, repair centre	4 bays per service bay plus 4 bays/100m^2 gross leasable area: Min 8 bays	
Offices	4 bays/100m^2 gross leasable area	
Place of entertainment **-general** **Cinemas and theatres** **-in shopping centre** **-stand-alone**	4 bays/100m^2 gross leasable area 0,1 bay/seat 0,25 bay/seat	
Plant nursery	1 bay/100m^2 gross leasable area (total indoor and outdoor sales area)	
Restaurant	4 bays/100m^2 gross leasable area	
Service station	4 bays /service bay plus 2 bays/100m^2 gross leasable area	
Shops (including supermarkets and centres): up to and including 1000m^2 >1000m^2	 4 bays/100m^2 gross leasable area 6 bays/100m^2 gross leasable area	
Industrial		
Industry	1,5 bays/100m^2 gross leasable area	
Warehouse, abattoir, brickworks, builders' yard	1 bay/100m^2 gross leasable area	
Scrap yard	1 bay/100m^2 gross leasable area	
Community facilities and medical		
Medical consulting rooms	6 bays/100m^2 gross leasable area	
Clinics and Hospitals	1 bay/bed plus 3 bays/consulting room	
Day care centre	1 bay/classroom or office	
Extramural facility	1 bay/4 students	
Place of Education	1 bay/classroom	

TABLE A: OFF-STREET PARKING REQUIREMENTS		
Land Use Category	**Normal parking**	**Additional parking reserved for visitors**
Tertiary educational institution colleges university	 1 bay/lecture room 1 bay/lecture room	 0,25 bay/student 0,4 bay /student
Place of worship Church Mosque	 0,4 bay/seat or 40 bays/100m² of seating and aisle area 25 bays/100m2 of net prayer area	
Place of assembly; indoor sport	0,25 bay/seat or 20 bays/100m² gross leasable area	
Outdoor sport	0,25 bay/seat, player or occupant	
Public institution (e.g. library, museum)	2 bays/100m² gross leasable area	
Welfare institution, libraries and museums	2 bays/100m² gross leasable area	

(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/500m^2 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 250m^2 gross leasable area, plus 1 bay for every 1000m^2 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.

CHAPTER 6: BASE ZONES

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:

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

(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.

(3) A second dwelling unit shall not contain a domestic accommodation unit, except with the technical approval of the Municipality.

(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.

(5) Aviaries and/or hothouses ancillary to a dwelling house in this zone shall not exceed 15m² in total, and if both are constructed on the land unit the maximum in total is 15m² and shall comply with building lines.

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 0,5m^2.

(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.

(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:

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

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

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

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Dwelling house • Group housing • Second dwelling • Shelter • 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 • Private road	• Additional uses exceeding threshold in this chapter	• Business premises • Community residential building • Commune • Day care centre • Extramural facility • Flats • Guest house • Hostel • House tavern • Occasional use (>one event/year) • Place of education • Place of worship • Tourist dwelling unit • Welfare institution

(2) Notwithstanding that land uses are expressed in the singular, multiple land uses and more than one building or structure for the same land use are permitted on the same cadastral entity in areas where no subdivision has been approved to establish a formal township, 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 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 cadastrally defined erven exist, the Municipality may demarcate and approve an overall block layout for a predetermined area on a site development plan which takes account of future movement routes and emergency access lanes and other required land uses.

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

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

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

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 <u>bed and breakfast establishment</u>, 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 50m^2;

(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 reverting back to normal use as a dwelling house.

(3) Upon granting consent, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for 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:

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

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

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

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

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

(2) Where a land unit is zoned Multi-unit Residential zone is smaller than 1000m^2, 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.

(5) Additional uses are not permitted in flats, hostels, communes, guest houses or tourist dwelling units.

(6) 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:

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

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the 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 25m^2 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 1499m^2 (factor of 0.4)
- 50% for erven op to 1749m^2 (factor of 0.5)
- 60% for erven up to 1999m^2 (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.

CHAPTER 10: LOCAL BUSINESS ZONE

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:

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

(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 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.

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:

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

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

(a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 meters along a street boundary, but may not exceed the property boundary unless a servitude is registered in favour thereof over the adjacent property, or in the case of a public road, an encroachment agreement has been 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.

(3) 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.

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

98. 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.

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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Commune • Business premises (including shops, markets, restaurants, office) • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Occasional use (one event/year) • Plant nursery • Public institution • Public parking area • Private road • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution	None	• Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Day care • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Indoor sport • Liquor Store • Motor vehicle fitment centre • Motor showroom • Occasional use (> one event/year) • Parking garage • Place of assembly • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

(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 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:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Business premises	0m	0m	85%	6 storeys
Filling station	3m	3m	85%	2 storeys
Guest house, hostel, hotel, tourist accommodation	All levels 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	6 storeys
All other buildings	4,5m	4,5m	85%	6 storeys

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

(a) projecting eaves may exceed the common building line by at most 1 meter and a covered external pedestrian walkway may project up to 2 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.

(3) 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.

(4) 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:

Primary Uses	Additional Uses (technical approval)	Consent Uses which may be applied for
• Builder's yard • Filling station • Funeral parlour • Industry • Motor vehicle fitment centre • Motor vehicle repair centre • Motor showroom • Occasional use (one event/year) • Plant nursery • Service station • Warehouse • Private road • Rooftop base telecommunication station	• Employee housing • Shop (including market)	• Abattoir • Adult entertainment business • Brickworks • Business premises • Crematorium • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Mining • Noxious industry • Occasional use (> one event/year) • Parking garage • Place of entertainment • Renewable energy structure • Scrap yard • Shipping container site • Transport purposes (goods)

(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 120m^2 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 120m^2 whichever is the lesser.

(5) The trading area of markets in this zone may not exceed 120m^2.

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 75m^2.

(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:

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

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the 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:

Primary uses	Additional Uses (technical approval)	Consent Uses (application required)
• Day care centre • Extramural facility • Hostel • Indoor sport • Occasional use (one event/year) • Outdoor sport • Place of education • Public institution • Tertiary educational institution • Private road	• Dwelling house • Employee housing • Place of worship	• Clinic • Freestanding base telecommunication station • Occasional Use (>one event/year) • Place of assembly • Renewable energy structure • Rooftop base telecommunication station • Welfare institution

(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 <u>not</u> 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 75m^2.

(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;

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

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the 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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Clinic • Community residential building • Day care centre • Extramural facility • Indoor sport • Medical consulting rooms • Outdoor sport • Occasional use (one event/year) • Place of assembly • Place of education • Place of worship • Public institution • Welfare institution • Private road	• Dwelling house • Employee housing	• Freestanding base telecommunication station • Helicopter landing pad • Hospital • Hostel • Market • Occasional use (>one event/year) • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution

(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 <u>not</u> 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 $75m^2$.

(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:

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

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

(a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the 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.

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

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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (Application required)
• Authority use • Parking garage • Public parking • Public road • Utility services • Occasional use (one event/year) • Private road • Rooftop base telecommunication station	• Employee housing • Market	• Freestanding base telecommunication station • Helicopter landing pad • Occasional use (>one event/year) • Renewable energy installation • Transport purposes (passengers)

(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:

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

(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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Filling station • Occasional use (one event/year) • Private road • Public parking area • Transport purposes (goods) • Transport purposes (passengers)	• Market • Restaurant • Rooftop base telecommunication station • Shop	• Airfield • Business • Employee housing • Freestanding base telecommunication station • Helicopter landing pad • Occasional use (>one event/year) • Parking garage • Renewable energy structure • Shipping container site

(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 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.

168. Building development parameters in this zone

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

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

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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Public parking area • Public road • Utility service • Occasional use (one event/year)	• Rooftop base telecommunication station • Market	• Freestanding base telecommunication station • Occasional use (>one event /year) • Parking garage • Transport purposes (passengers)

(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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Open space • Natural environment • Private road • Occasional use (one event/ year)	• Rooftop base telecommunication station	• Camping site • Cemetery • Employee housing • Freestanding base telecommunication station • Indoor sport • Market • Occasional use (>one event/year) • Outdoor sport • Tourist accommodation establishment • Tourist facilities

(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:

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

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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Open space • Natural environment • Occasional use (one event/year) • Private road	• Rooftop base telecommunication station	• Camping site • Cemetery • Freestanding base telecommunication station • Guest house • Helicopter landing pad • Hotel • Indoor sport • Occasional use (>one event/year) • Outdoor sport • Place of assembly • Tourist dwelling unit • Tourist facilities • Tourist accommodation establishment

(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:

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

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:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
• Agricultural building (≤2000m^2) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (≤2000m²) • Second dwelling • Employee housing (one unit)	• Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (≥2001m² and ≤5000m²) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings)	• Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (≥2000m²) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polytunnel (>5000m²) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

(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 2000m^2, 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 2000m^2 [7], 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 2000m^2.

(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.

[7] It should be noted that NEMA requires a basic assessment for agricultural industries of **2000m^2 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.

[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 250m^2 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 120m^2 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 50m^2 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 120m^2 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 2000m^2 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 2001m^2 and 5000m^2 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 5000m^2 [9]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.

[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 5000m^2 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:

Building type	BUILDING LINES (m) Street & common boundaries (incl. ROW servitudes)	HEIGHT (Storeys)	PRIMARY USE Maximum Coverage Threshold	ADDITIONAL USE (SDP) Maximum Coverage Threshold	CONSENT USE Maximum Coverage
Accommodation and dwellings in this zone					
Dwelling house and second dwelling-house (excluding outbuildings, carport or garage)	5m	2 storeys	600m² each		
Additional dwelling houses (excluding outbuildings, carport or garage): Max 4 dwelling units (1 unit/10ha for land units larger than 20ha)	5m	1 storey			120m² each
Guest house, bed & breakfast & tourist dwelling units: in existing approved dwellings	In existing approved dwelling houses (as per above)			Max 7 bedrooms	As approved by Municipality
Tourist facilities					
Tourist facilities: overall max limit including outdoor areas used but excluding parking.	5m	1 storey		250m²	As approved by Municipality
-Shop in tourist facility sub-limit				120m²	
-Manufacture and craft workshop sub-limit				50m²	
Other Agricultural buildings					
Employee housing unit (excluding outbuildings, carport or garage)	5m	1 storey	120m²	As approved by Municipality	
Agricultural buildings	5m	3 storeys	No overall limit on land unit	Any one building > 2000m²	
Agricultural industry, including outdoor parking and loading areas	5m	3 storeys	n/a	<2000m²	≥2000m²
Polytunnels; including shade netting	5m	1 storey	≤2000m²	≤2001m² to 5000m²	>5000m²

(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:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Natural environment	• Dwelling house • Rooftop base telecommunication station	• Employee housing • Forestry • Freestanding base telecommunication station • Guest house • Helicopter landing pad • Occasional use • Private road • Tourist accommodation establishment • Tourist facilities

(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:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
All tourist and residential buildings	5m	5m	120m^2 or 0,5% of land unit whichever is the greater	1 storey
All buildings	5m	5m	Restricted in SDP	Restricted in SDP

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 intension 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:

Primary Uses	Additional Uses	Consent Uses
• Dwelling house and/or • Limited to existing lawful uses at commencement date	• None	• None

(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 300m^2 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.

CHAPTER 25: URBAN AND RURAL CONSERVATION OVERLAY ZONE

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 B: URBAN AND RURAL CONSERVATION OVERLAY ZONES		
Number and Map Reference	**Description of Area**	**Colour on map**
URCO1	Stellenbosch Urban Conservation Area	
URCO2	Franschhoek Urban Conservation Area	
URCO3	Jonkershoek Valley Rural Conservation Area	
URCO4	Dwars River Valley Rural Conservation Area	
URCO5	Ida's Vallei Rural Conservation Area	

(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 aerials 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.

(2) 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.

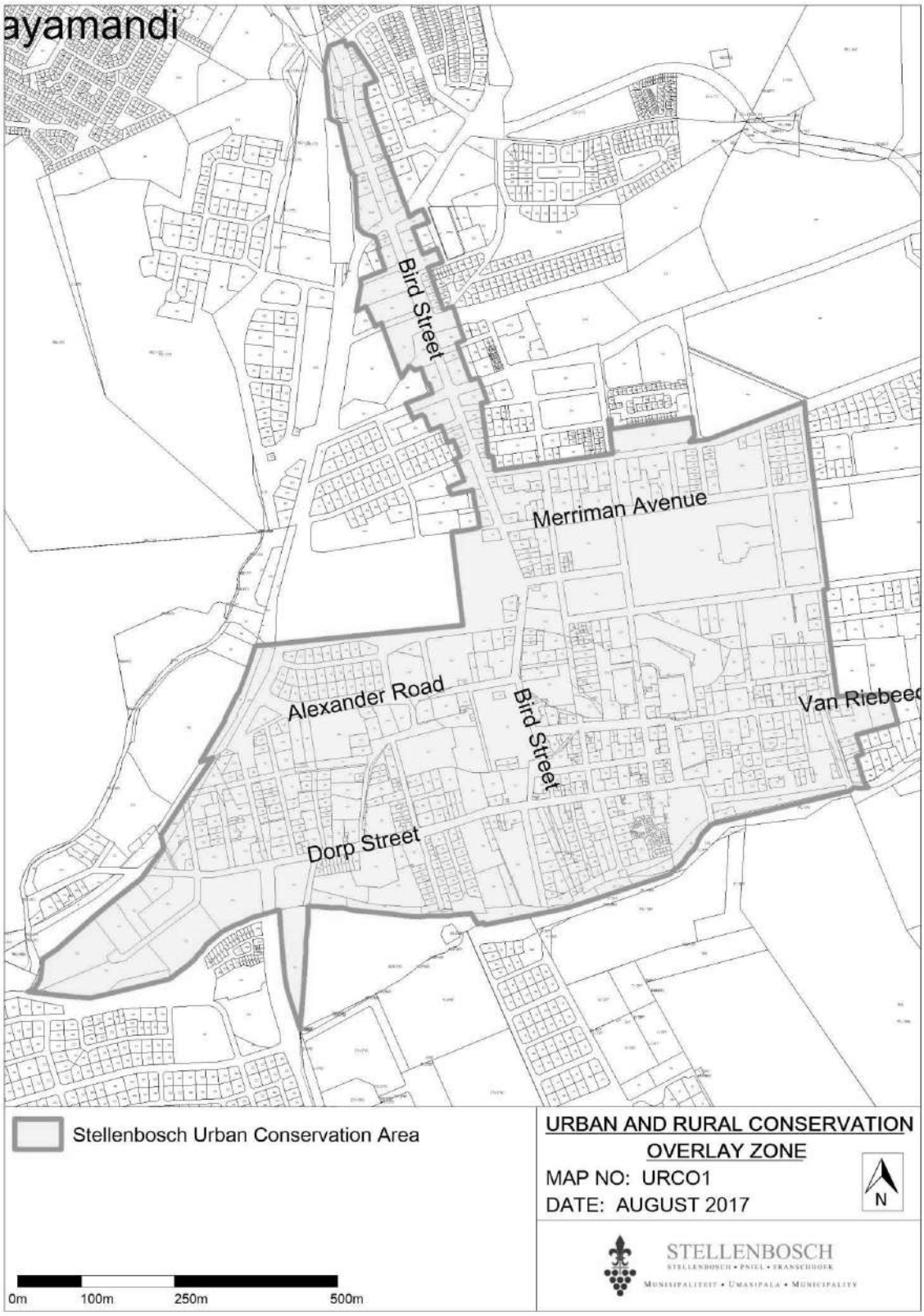
(d) no roof pitch to any part of a building except a lean-to section attached to the main building shall have a roof pitch of less than 30 degrees;

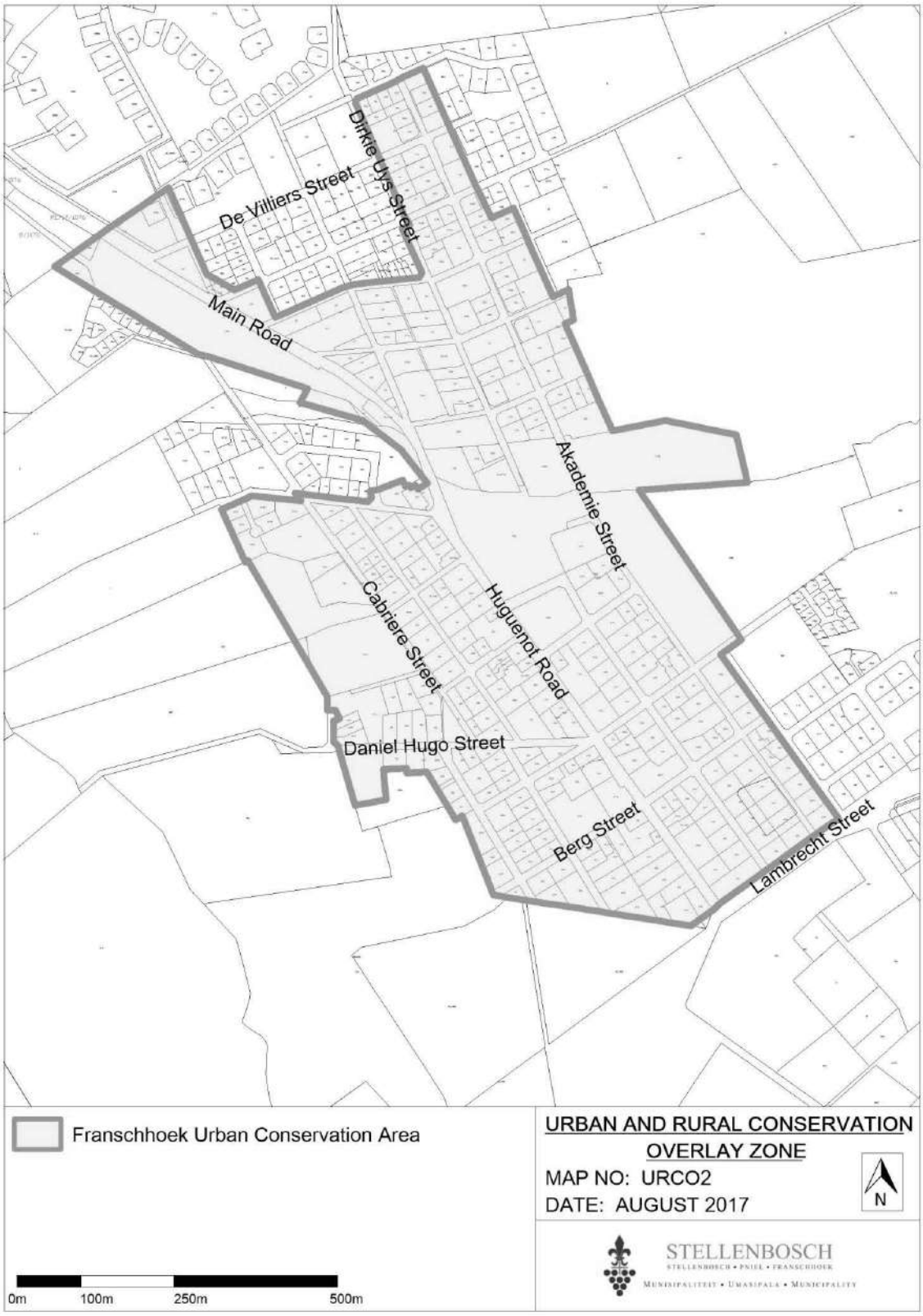
(e) the Municipality may waive or reduce the parking and/or loading requirements as set out in the Scheme if it believes the provision of parking will be detrimental to the character of the area;

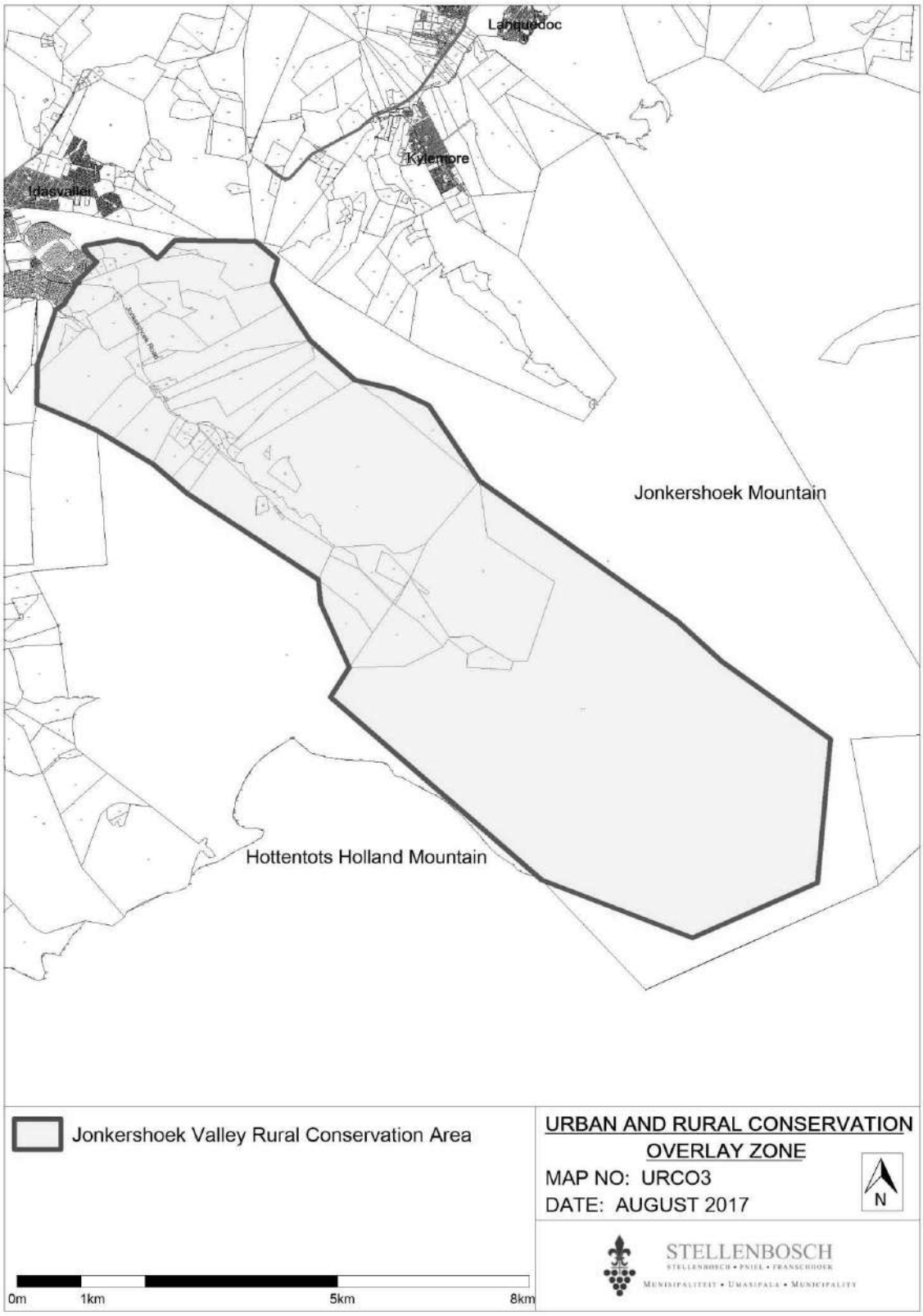
(f) the following colours shall be used unless otherwise approved by the Municipality:
(i) plastered walls shall be white or off-white;
(ii) outside woodwork, if painted, shall be green, blue, brown, grey or white;
(iii) piping and guttering shall be painted the same colour as the background;
(iv) roofing 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.


ayamandi
Bird Street
Merriman Avenue
Alexander Road
Bird Street
Van Riebeec
Dorp Street
Stellenbosch Urban Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO1
DATE: AUGUST 2017
N
STELLENBOSCH
0m
100m
250m
500m


Dirkie Uys Street
De Villiers Street
Main Road
Akademie Street
Huguenot Road
Cabriere Street
Daniel Hugo Street
Berg Street
Lambrecht Street
Franschhoek Urban Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO2
DATE: AUGUST 2017
N
STELLENBOSCH
0m
100m
250m
500m


Languedoc
Kylemore
Idasvallei
Jonkershoek Mountain
Hottentots Holland Mountain
Jonkershoek Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO3
DATE: AUGUST 2017
N
STELLENBOSCH
0m
1km
5km
8km

To Paarl
R45
R310
To Franschhoek
Pniel
Lanquedoc
Kylemore
Dwars River Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO4
DATE: AUGUST 2017
N
STELLENBOSCH
0m
1km
5km
7km

Idasvallei
Ida's Valley Rural Conservation Area
URBAN AND RURAL CONSERVATION OVERLAY ZONE
MAP NO: URCO5
DATE: AUGUST 2017
N
STELLENBOSCH
0m
500m
1km
2km
3km

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.

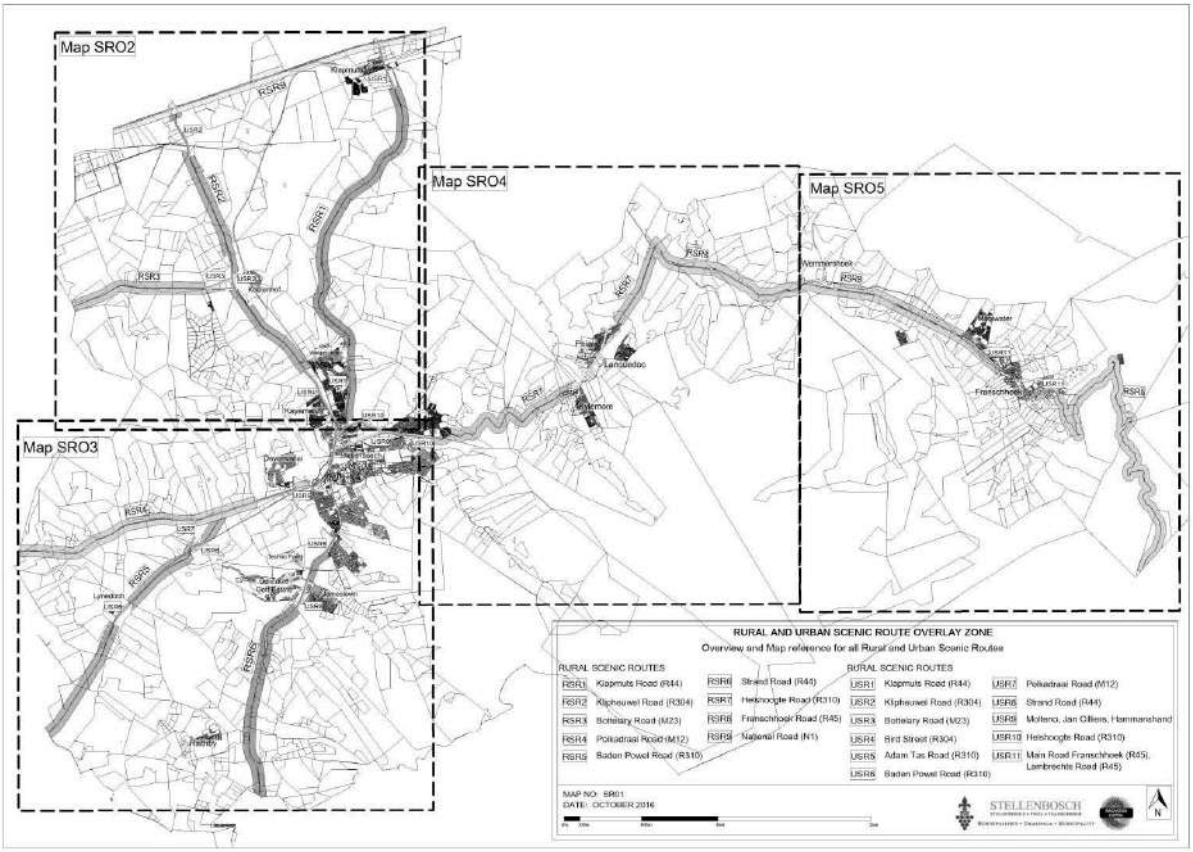
(8) Should there be any dispute about the extent of the applicability of Rural or Urban Scenic Routes area of control, the Municipality will determine the final extent and its determination is final.

TABLE C: SCENIC ROUTE OVERLAY ZONES			
Rural Scenic Route No	**Route Name and Description**	**Detail Map No**	**Colour on map**
RSR1	Klapmuts Road (R44)	Map SRO2	
RSR2	Klipheuwel Road (R304)	Map SRO2	
RSR3	Bottelary Road (M23)	Map SRO2	
RSR4	Polkadraai Road (M12)	Map SRO3	
RSR5	Baden Powell Road (R310)	Map SRO3	
RSR6	Strand Road (R44)	Map SRO3	
RSR7	Helshoogte Road (R310)	Map SRO4	
RSR8	Franschhoek Road, Lambrechts Road (R45)	Map SRO4/5	
RSR9	National Road N1	Map SRO2	
Urban Scenic Route No	**Route Name and Description**	**Detail Map No**	**Colour on map**
USR1	Klapmuts Road (R44)	Map SRO2	
USR2	Klipheuwel Road (R304)	Map SRO2	
USR3	Bottelary Road (M23)	Map SRO2	
USR4	Bird Street (R304)	Map SRO2	
USR5	Adam Tas Road (R310)	Map SRO3	
USR6	Baden Powel Road (R310)	Map SRO3	
USR7	Polkadraai Road (M12)	Map SRO3	
USR8	Strand Road (R44)	Map SRO3	
USR9	Molteno, Jan Cilliers, Hammandshand Roads	Map SRO3	
USR10	Helshoogte Road (R310)	Map SRO2/3/4/5	
USR11	Main, Franschhoek (R45), Lambrechts Roads (R45)	Map SRO4/5	

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.

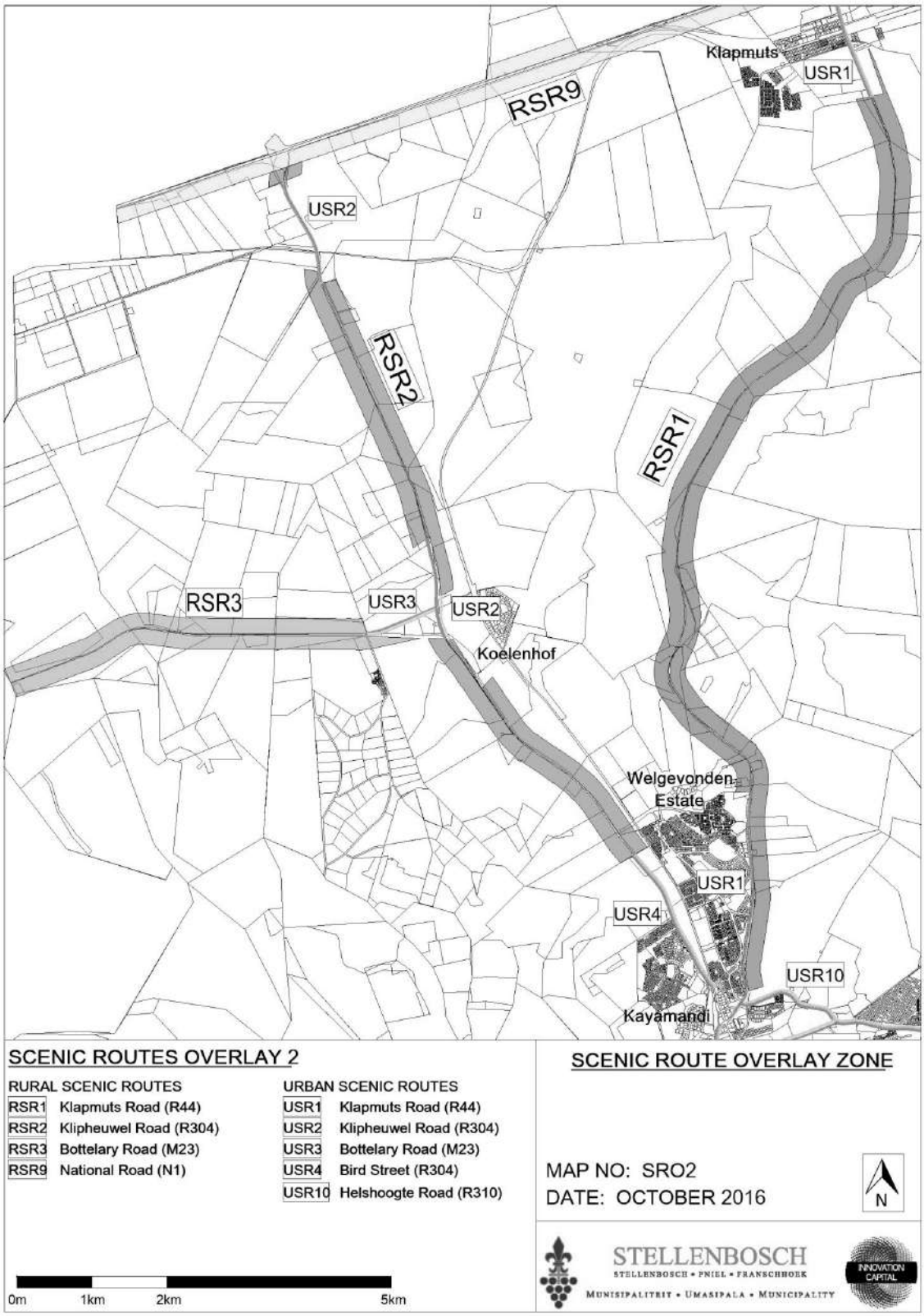
261. Signage

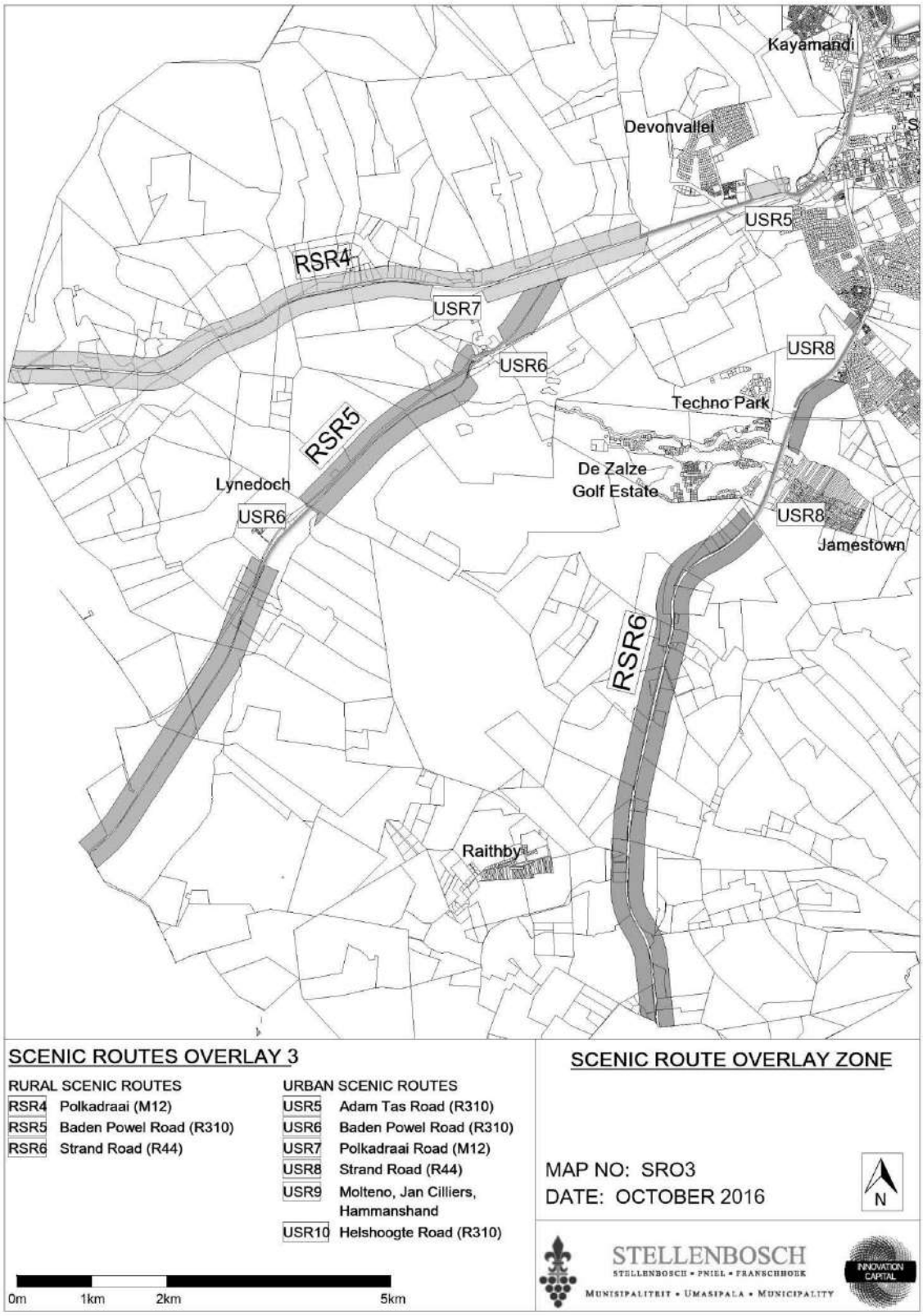
(1) All signs or billboards shall comply with the approved Stellenbosch Municipality Advertising Signage Policy or by-law if adopted and in considering an application for signage the Municipality will also consider the impact on the visual environment and scenic quality of the area.

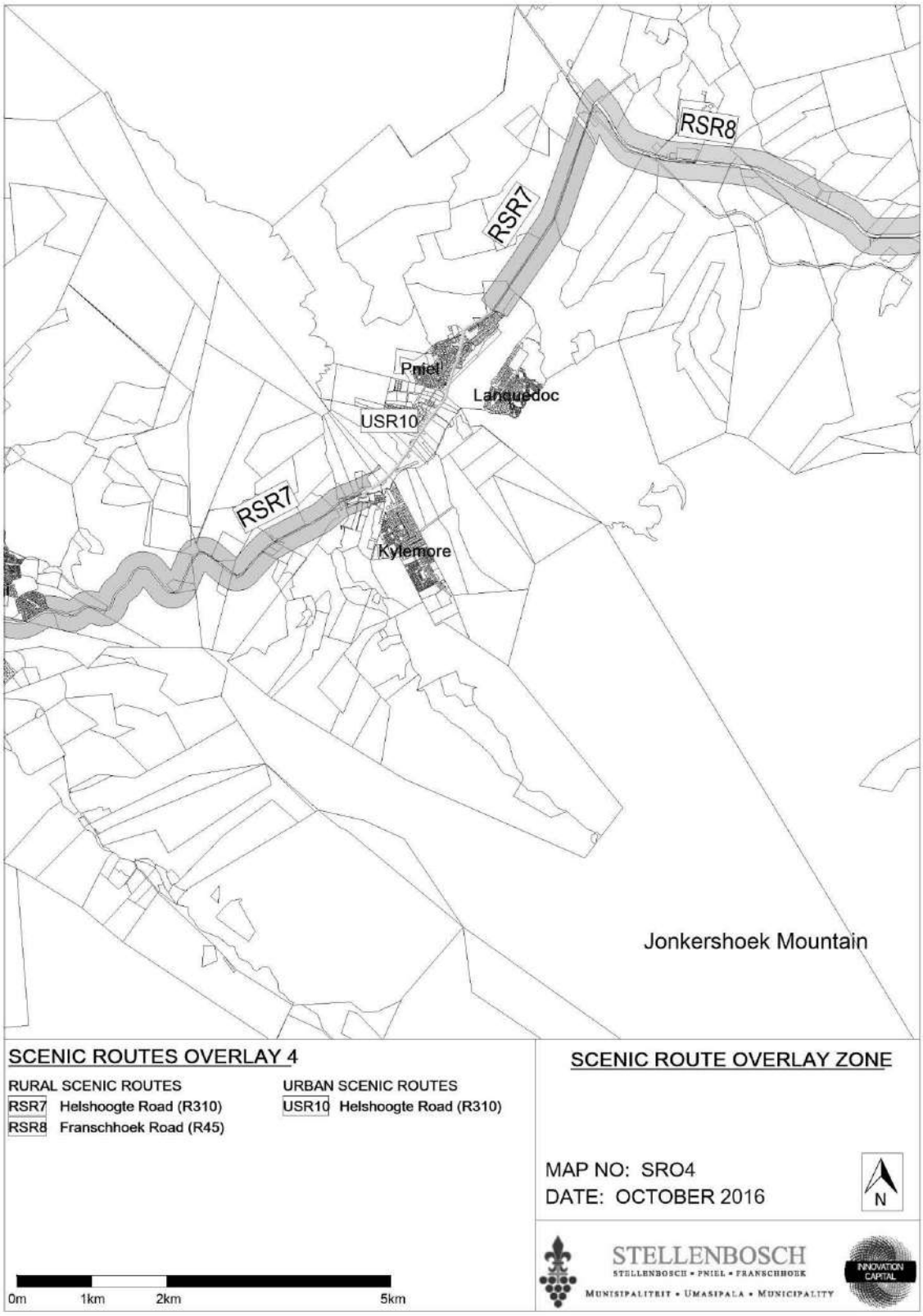
262. Activities exempted

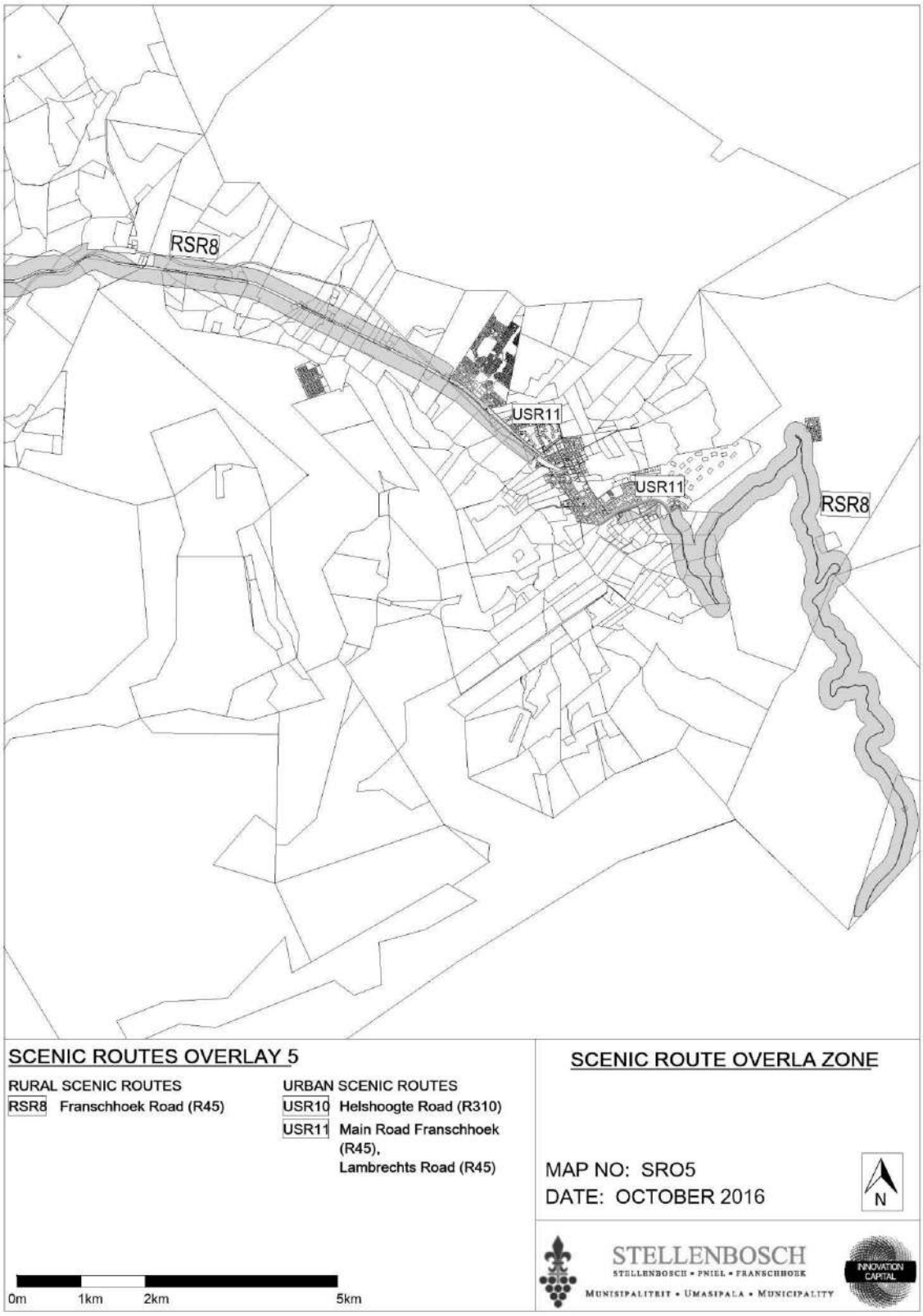
(1) The following activities and structures are exempt from applying for permission in terms of this section:
   (a) general maintenance of existing buildings and structures;
   (b) replacement of an existing fence with a new fence which is visually permeable painted wire or steel palisade;
   (c) new 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.


Klapmuts
USR1
RSR9
USR2
RSR2
RSR1
RSR3
USR3
USR2
Koelenhof
Welgevonden Estate
USR1
USR4
USR10
Kayamandi
SCENIC ROUTES OVERLAY 2
RURAL SCENIC ROUTES
RSR1 Klapmuts Road (R44)
RSR2 Klipheuwel Road (R304)
RSR3 Bottelary Road (M23)
RSR9 National Road (N1)
URBAN SCENIC ROUTES
USR1 Klapmuts Road (R44)
USR2 Klipheuwel Road (R304)
USR3 Bottelary Road (M23)
USR4 Bird Street (R304)
USR10 Helshoogte Road (R310)
0m 1km 2km 5km
SCENIC ROUTE OVERLAY ZONE
MAP NO: SRO2
DATE: OCTOBER 2016
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
INNOVATION CAPITAL


Kayamandi
Devonvallei
USR5
RSR4
USR7
USR6
USR8
Techno Park
RSR5
De Zalze
Golf Estate
Lynedoch
USR6
USR8
Jamestown
RSR6
Raithby
SCENIC ROUTES OVERLAY 3
RURAL SCENIC ROUTES
RSR4 Polkadraai (M12)
RSR5 Baden Powel Road (R310)
RSR6 Strand Road (R44)
URBAN SCENIC ROUTES
USR5 Adam Tas Road (R310)
USR6 Baden Powel Road (R310)
USR7 Polkadraai Road (M12)
USR8 Strand Road (R44)
USR9 Molteno, Jan Cilliers, Hammanshand
USR10 Helshoogte Road (R310)
0m 1km 2km 5km
SCENIC ROUTE OVERLAY ZONE
MAP NO: SRO3
DATE: OCTOBER 2016
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
INNOVATION CAPITAL


RSR8
RSR7
Pniel
Lanquedoc
USR10
RSR7
Kylemore
Jonkershoek Mountain
SCENIC ROUTES OVERLAY 4
RURAL SCENIC ROUTES
RSR7 Helshoogte Road (R310)
RSR8 Franschhoek Road (R45)
URBAN SCENIC ROUTES
USR10 Helshoogte Road (R310)
0m 1km 2km 5km
SCENIC ROUTE OVERLAY ZONE
MAP NO: SRO4
DATE: OCTOBER 2016
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
INNOVATION CAPITAL


RSR8
USR11
USR11
RSR8
SCENIC ROUTES OVERLAY 5
RURAL SCENIC ROUTES
RSR8 Franschhoek Road (R45)
URBAN SCENIC ROUTES
USR10 Helshoogte Road (R310)
USR11 Main Road Franschhoek (R45), Lambrechts Road (R45)
0m 1km 2km 5km
SCENIC ROUTE OVERLA ZONE
MAP NO: SRO5
DATE: OCTOBER 2016
N
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY
INNOVATION CAPITAL

CHAPTER 27: LOCAL AREA OVERLAY ZONES

263. Zone name and designation on map

LAO

(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 D: LOCAL AREA OVERLAY ZONES		
Number and Map Reference	**Description of Area**	**Colour on map**
LAO1	Techno Park Local Area Overlay zone	

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:

Primary Uses	Additional Uses	Consent Uses (application required)
i. Laboratories, offices and other facilities for research, development, design, testing and consultation by any individual, corporation, partnership, business association or any other type of organization, whether public or private. ii. Production and assembly of prototype products but only on a scale necessary for the completion of research in connection with the product.	i. Professional and related business services directly associated with and primarily geared towards activities referred to in paragraphs (i) and (iii) of the primary uses, for example, banking facilities, personal services, post office, day care centre, sports and health facilities, food services and training centres. ii. Conference centres and administrative offices needed for the running of the Techno Park.	i. Any other usage, which is incidental to the aforementioned character of the Techno Park

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:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	none	none	Erven >3000m^2=30% Erven < 3000m^2 = 40%	2 Storeys With permission: 3 storeys

(b) Coverage which includes building coverage plus all other built upon areas including all improvements such as parking areas, vehicular circulation and buildings may not exceed 75% of the area of the land unit;

(c) Permission in terms of the Scheme may be granted by the Municipality for additional height or storeys after being applied for by the owner;

(d) Parking shall be provided at four bays per 100m^2 gross leasable area of the building;

(e) The Municipality shall retain the right to lay down directives pertaining to the aesthetic appearance of buildings and the use of materials, textures and colours for the exterior finishing which factors may affect the appearance of the Techno Park;

(f) The following restrictions apply to address issues of nuisance and safety:

(i) no building shall be used for the manufacture, storage, distribution, or sale of any product or item, which increases the fire hazard to any other improvement or 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;

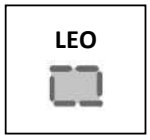
(iii) the storage of material or the use of equipment or research processes, which may cause vibrations beyond the boundaries of the land unit upon which such equipment or processes occur, shall not be permitted;

(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 E: LOCAL ECONOMIC OVERLAY ZONES		
Number and Map Reference	**Description of Area**	**Colour on map**
LEO1	Reserved for future demarcation: study or SDF	
LEO2		

(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	Additional Uses (technical approval)	Consent Uses (application required)
• 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	• Market • Private road	• 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

Zoning Schemes Repealed by adoption of new scheme	
Stellenbosch Zoning Scheme	Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Franschhoek Zoning Scheme	Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Section 8 Zoning Scheme	Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Kayamandi Town Planning Scheme	Black Communities Development Act, 1984 (Act 4 of 1984)
By-Laws repealed in terms of MSA 32 of 2000	
By-law related to the control of Boundary Walls and Fences	Municipal Systems Act (No 32 of 2000)

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.

STELLENBOSCH	
Former Stellenbosch Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
Single Residential	Conventional Residential Zone
Less Formal Residential	Less Formal Residential Zone
Group Housing	Conventional Residential Zone + “deemed consent for Group Housing”
General Residential	Multi-unit Residential Zone
General Business	Mixed-use Zone
Specific Business	Local Business Zone
Restricted Business	Local Business Zone
University	Education Zone
Institution	Community Zone
Educational Institution	Education Zone
Place of Worship	Community Zone
Agriculture	Agriculture and Rural Zone
Local Authority Government	Manual allocation based on lawful land use
Public Open Space	Public Open Space Zone
Private Open Space	Private Open Space Zone
Special Business	Manual allocation based on lawful land use
Light Industrial	Industrial Zone + “deemed Restricted Industry”

STELLENBOSCH	
Former Stellenbosch Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
General Industrial	Industrial Zone
Noxious Industrial	Industrial Zone + "deemed consent for Noxious Industry"
Undetermined	Limited Use Zone
Special Zone	Local Business Zone (+ Technopark Local Area Overlay Zone)
Wine Industry	Industrial Zone (inside urban edge) Agriculture and Rural Zone + "deemed consent for Agriculture Industry (wine)" (outside urban edge)

FRANSCHHOEK	
Former Franschhoek Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
Single Residential	Conventional Residential Zone
Less Formal Residential	Less Formal Residential Zone
Group Housing	Conventional Residential Zone + "deemed consent for Group Housing"
General Residential	Multi-unit Residential Zone
General Business	Mixed-use Zone
Specific Business	Manual allocation based on lawful land use
Minor Business	Local Business Zone
Cemetery Purpose	Private Open Space Zone
Educational Purpose, Education	Education Zone
Institution	Community Zone
Public Worship	Community Zone
Agriculture	Agriculture and Rural Zone
Local Authority Purpose	Manual allocation based on lawful land use
Government Purpose	Manual allocation based on lawful land use
Public Open Space	Public Open Space Zone
Private Open Space	Private Open Space Zone
Special Business	Manual allocation based on lawful land use
Light Industrial	Manual allocation based on lawful land use
Factories	Industrial Zone
Noxious Industrial	Industrial Zone + "deemed consent for Noxious Industry"
Railway Purpose	Transport Facility Zone
Proposed new street	Public Roads and Parking Zone
Existing Streets	Public Roads and Parking Zone
Public Parking Purpose	Public Roads and Parking Zone
Undetermined	Limited Use Zone
Private Parking	Mixed-use Zone
Pedestrian Mall	Mixed-use Zone

LAND USE PLANNING ORDINANCE SECTION 8 SCHEME	
Former Section 8 Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
Residential Zone I	Conventional Residential Zone
Less formal Residential	Less Formal Residential Zone
Residential Zone II	Conventional Residential Zone + "deemed consent for Group Housing"
Residential Zone III	Conventional Residential Zone + "deemed consent for Group Housing"
Residential Zone IV	Multi-unit Residential Zone
Residential Zone V	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)

LAND USE PLANNING ORDINANCE SECTION 8 SCHEME	
Former Section 8 Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
Business Zone I	Mixed-use Zone
Business Zone II	Local Business Zone
Business Zone III	Local Business Zone
Business Zone IV	Mixed-use Zone + "deemed consent for Warehouse"
Business Zone V	Local Business Zone + "deemed consent for Petrol Filling Station"
Institutional I	Education Zone
Institutional II	Community Zone
Institutional III	Community Zone
Agriculture Zone I	Agriculture and Rural Zone
Agriculture Zone II	Agriculture and Rural Zone with deemed consent for approved uses
Authority Zone	Manual allocation based on lawful land use
Open Space I	Public Open Space Zone
Open Space II	Private Open Space Zone
Open Space III	Natural Environment Zone
Industrial Zone I	Industrial Zone
Industrial Zone II	Industrial Zone + "deemed consent for Noxious Industry"
Resort Zone I	Outside Urban Edge: Agriculture and Rural Zone + "deemed consent for Tourist Accommodation/Hotel/Guest house (based on lawful land use)" Inside Urban Edge: Manual allocation: appropriate residential zone with deemed consent to allow the type of accommodation
Resort Zone II	Outside urban edge: Limited Use Zone Inside urban edge: Manual allocation based on lawful land use, which can include deemed consent for lawful approved land uses. 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.
Transport Zone I	Transport Facility Zone
Transport Zone II	Public Roads and Parking Zone
Transport Zone III	Public Roads and Parking Zone
Undetermined	Limited Use Zone
Special Zone	Manual allocation based on lawful land use
Industrial Zone III (mining)	Agriculture and Rural Zone + "deemed departure for Mine"

KAYAMANDI	
Former Kayamandi Scheme Zones	**Stellenbosch Municipality Zoning Scheme 2019**
Residential I	Less Formal Residential Zone
Residential II	Multi-unit Residential Zone
Business	Mixed-use Zone
Institutional I	Education Zone
Institutional II	Community Zone
Institutional III	Community Zone
Open space I	Public Open Space Zone
Open space II (public)	Public Open Space Zone
Open space II (private)	Public Open Space Zone
Services	Utility Zone
Industrial	Industrial Zone
Streets	Public Roads and Parking Zone
Parking	Public Roads and Parking Zone
Undetermined	Limited Use Zone
Special	Manual allocation based on lawful land use

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