The new Stellenbosch Zoning Scheme By-law is being prepared against the background of the following planning legislation and policies:

- Municipal Systems Act (No. 32 of 2000) (MSA)
- National Spatial Planning and Land Use Management Act (No. 16 of 2013) (SPLUMA)
- Western Cape Land Use Planning Act (No. 3 of 2014) (LUPA)
- Stellenbosch Municipal Land Use Planning By-law (adopted in October 2015)

The normative principles in the new planning legislation must also be incorporated. These are:

- **Spatial justice**: ability to redress imbalances of the past;
- **Spatial sustainability**: ability to address environmental, community, heritage and economic issues effectively;
- **Spatial resilience**: ability to respond to change and threats;
- **Spatial efficiency**: ability to choose the most efficient development options; and
- **Good administration**: ability to put effective and predictable processes in place.

The new planning laws require that the municipality prepare one zoning scheme which applies to the whole municipal area. The new laws require that a new scheme must provide a mechanism to implement the Municipality’s own Spatial Development Framework (SDF), and must be based on the adopted policies of the Municipality. The SDF is the policy document which guides municipal decision making, whilst the zoning scheme by-law contains the development rules for properties.

### 3. WHAT IS A ZONING SCHEME

#### 3.1 Various Components of a Zoning Scheme

The zoning scheme is a municipal law which allocates development rights to properties. It is therefore the rules which tell a landowner how they may use land and how they may develop it. A zoning scheme consists of the following components:

- **Zoning By-law**: which provides for the zoning of land and the adoption of new zones. It should therefore provide for the different zones which determine how land may be used (e.g. residential, commercial, industrial, open space, etc.). It also contains development parameters which determine how land may be developed (e.g. building lines, height, coverage, parking etc.);
- **Zoning Register**: is a record of all planning applications approved by the municipality;
- **Zoning map**: records the zoning of land (and all rezonings) on a map.

#### 3.2 Purpose of a Zoning Scheme

The purpose of a zoning scheme can be summarised as follows:

- It allocates land use and development rights to land parcels;
- It is a legal tool used to allow certain development in certain places and prevent certain development in other locations, thereby guiding urban growth and development form;
- It aims to also address health and welfare issues, manage development related risks, whilst also providing the municipality with a tool to plan the provision of services, infrastructure and public and private transport to support future development;
- More specifically, zoning schemes identify the location where land uses may develop and the scale of building envelopes permitted to develop in those locations;
- The By-law describes a set of land use rights which are applicable to a particular parcel of land (or group of land parcels) as identified on the zoning map and defines which uses may be undertaken by the owner as a primary right (no planning permission required);
- The By-law also sets out which uses may possibly be allowed once the municipality has evaluated an application for a consent use and allows the municipality to impose conditions to manage the conduct of that particular land use;
It aims to strategically protect valuable land resources (e.g., agriculture, heritage and natural environment areas) whilst allowing development to take place more freely in areas where development will have less impact (such as urban areas);

It aims to give certainty to developers and land owners as to what development may take place, and what may not;

Zoning schemes may also introduce special areas (such as heritage areas or local areas) commonly referred to as “Overlay Zones” within which alternative development rules apply.

3.3 What does a zoning scheme NOT do:

A zoning scheme is intended to be a strategic development management tool whereby the municipality can manage development aspects of the built environment for the whole municipal area and all its people. Therefore it -

- Does not duplicate other laws, such as health regulations, national environmental or heritage laws, the National Building Regulations or other municipal by-laws;
- Does not provide tax incentives or allocate funding for development;
- Is not a policy which guides decision making;
- Is not an implementation plan, development programme, or a plan of action;
- Is not a general development handbook covering all aspects of building development or the built environment, such as engineering services design or architectural design;
- Does not protect businesses from trade competition;
- Does not guarantee that certain development will indeed take place. It permits certain uses in certain areas, or it controls whether an application for a certain use may be made or not, but it does not ensure that that particular development certainly will happen – that is up to the owner what development is undertaken within the parameters of the scheme;
- Does not resolve private disputes between land owners, nor does it provide architectural guidelines or prescriptions for what buildings should look like. It does not guarantee that neighbourhoods or surroundings will not change;
- Is less concerned with regulating the private space and is more concerned with how development responds to and impacts on the public space or neighbours in general. It does not aim to control every aspect of a neighbourhood or every nuisance.

4. EXISTING ZONING SCHEMES REPEALED

There are 4 zoning schemes that are currently applicable in the municipality that will be repealed when the new scheme is adopted. These schemes are old and outdated and no longer reflect the new normative planning regime that has been put in place by the latest planning laws. These schemes are: Stellenbosch Zoning Scheme, Franschhoek Zoning Scheme, Section 8 Zoning Scheme and Kayamandi Zoning Scheme.

The above schemes contain approximately 96 different zones which apply throughout the municipal area. Once the new scheme is adopted, the existing schemes will fall away. The new scheme contains 16 base zones and 4 overlay zones.

SUMMARY OF THE NEW STELLENBOSCH MUNICIPALITY ZONING SCHEME

5. BASE ZONES

5.1 Conventional Residential Zone (CR)

All properties currently zoned Single Residential Zone, or similar zones convert to the Conventional Residential Zone. (Yellow)

The zone provides for the following:

- Predominantly single residential dwelling houses of a low to medium density character;
- To protect the amenity of established residential areas;
- To allow for limited densification through second dwellings;
- Residents may operate one home enterprises from their dwelling house (B&B, Lodging, occupation; day care) provided they do not affect the amenity of the neighbourhood and comply with thresholds and conditions in the scheme which limit the scale and impact of the activities;
- Student housing (boarding houses) and other guest accommodation are limited (as consent applications) so that neighbours can be consulted and suitable conditions imposed where appropriate; and
- Low density group housing (where groups of houses with uniform architectural character are developed) can only be undertaken with consent, and should be compatible with the surroundings.

5.2 Less Formal Residential Zone (LFR)

All properties currently zoned Informal Residential Zone or developed under Less Formal Township Establishment Act (No. 113 of 1993) or similar zones (eg in Kayamandi) convert to the Less Formal Residential Zone. (Pale Yellow)

The zone provides for the following:

- Incremental housing developments, which may start with provision of services and over time upgrade to more formalised residential dwellings;
- A zone in which emergency housing projects can be undertaken;
- Residential areas which allows a greater mix of business land uses in the residential areas;
- An increased mix of residential, community and small business opportunities in residential areas in order to enable the informal economy and small businesses to start up with minimum red tape.

5.3 Multi-Unit Residential Zone (MR)

All properties currently zoned General Residential Zone or similar zones will convert to the Multi-unit Residential Zone. (Orange)

The zone provides for the following:

- To allow a greater mix of residential accommodation options with medium to high density;
- To allow a range of housing options which includes group housing, row houses, semidetached units and flats;
- To allow for a range of other accommodation options such as student accommodation, guest houses and community residential buildings and retirement homes.

Notwithstanding that properties may be zoned Multi-unit Residential Zone, if they are smaller than 1000m², they only have development rights similar to Conventional Residential Zone.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 storeys</td>
<td>from 70% on &lt;250m² to 40% 1500m²</td>
<td>From 2m to 4m (Size dependent)</td>
<td>1 or 2m (Size dependent)</td>
<td></td>
</tr>
</tbody>
</table>
5.4 Local Business Zone (LB)
Properties currently zoned Restricted or Minor Business Zone, or similar zones intended to allow business of a lower order scale, should be converted to Local Business Zone. (Pale Blue)
The zone provides for the following:
- To allow a limited range of business and other community orientated land uses as primary rights at local neighbourhood nodes;
- To further provide for a wider range of consent uses if the municipality is satisfied that it will be compatible with the surrounding neighbourhood and that impact can be suitably addressed through conditions.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 storeys</td>
<td>50%-75%</td>
<td>2m to 4.5m</td>
<td>1 to 4.5m</td>
<td></td>
</tr>
</tbody>
</table>

5.5 Mixed Use Zone (MU)
Properties currently zoned General Business Zone, or similar zones intended to allow business of a higher order scale, will be converted to Mixed Use Zone. (Blue)
The zone provides for the following:
- To ensure a vibrant mix of compatible land uses which will allow the highest density development and is intended for all Central Business areas and other higher order development nodes;
- To make provision for a variety of high density business, residential and community uses which can co-exist in close proximity without adverse impacts, as primary rights;
- To provide for a further greater mix of land uses (granted as consent uses) which may also be desirable in these areas. Consent application allow conditions to be imposed to mitigate impacts;
- Limited manufacturing & repairs are permitted inside businesses subject to thresholds (eg bakeries, coffee roasteries, appliance repairs, etc.), and
- Tourist accommodation and student type accommodation is also permitted in the zone.

<table>
<thead>
<tr>
<th>Height</th>
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</tr>
</thead>
<tbody>
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<td>50%-75%</td>
<td>2m to 4.5m</td>
<td>1 to 4.5m</td>
<td></td>
</tr>
</tbody>
</table>

5.6 Industrial Zone (I)
Properties currently zoned Light Industrial, Industrial and Noxious Industrial Zones, or similar zones, will be converted to Industrial Zone.
All land currently zoned Noxious Industry will be recorded so that consent is deemed to have been granted. (Purple)
The zone provides for the following:
- To allow for a wide variety of industrial uses and those activities which may have an adverse impact on neighbourhoods with regards to scale, noise, emissions, fumes, traffic etc. which can be located in one area and not affect the amenity of other areas;
- High impact activities (risk and noxious industries) can only be undertaken with a consent application.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 storeys</td>
<td>75%</td>
<td>3m</td>
<td>0m or 3m</td>
<td></td>
</tr>
</tbody>
</table>

5.7 Education zone (E)
All properties currently zoned for schools or university will convert to this zone.
The zone permits all educational facilities including Early Childhood Development centers (ECD's or daycare centers), Primary, Secondary and Tertiary education facilities. Hostels and sporting facilities are also provided for in this zone. (Pale pink)

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools 3 storeys; Tertiary 4 storeys</td>
<td>25% to 50%</td>
<td>5m</td>
<td>5m</td>
<td></td>
</tr>
</tbody>
</table>

5.8 Community zone (C)
All properties currently zoned for Institution, Public Worship, Clinics and Hospitals will convert to this zone. The zone permits a wide mix of public and community facilities to enable clustering of these facilities in line with the policies. Education facilities can also be developed in this zone.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 storeys</td>
<td>50%</td>
<td>5m</td>
<td>5m</td>
<td></td>
</tr>
</tbody>
</table>

5.9 Utility Services zone (U)
Certain properties currently zoned for Government or municipal purposes will convert to this zone if the current land use is compatible with the objectives of this zone. (Red)
The zone permits a wide range of land uses related to authority use, engineering and utility services and infrastructure. Other transport related developments and renewable energy developments can be undertaken with consent.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street line</th>
<th>Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 storeys</td>
<td>20% or SDP</td>
<td>5m</td>
<td>5m</td>
<td></td>
</tr>
</tbody>
</table>

6.10 Transport Facility zone (TF)
All properties currently zoned for Transport purposes, including train stations, railway lines, bus and taxi ranks will convert to this zone. (Pale grey)
The zone permits a wide range of passenger- and goods transport related land uses.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>3 storeys</td>
<td>50% or SDP</td>
<td>5m</td>
<td>5m</td>
<td></td>
</tr>
</tbody>
</table>

5.11 Public Roads and Parking zone (PR)
All properties currently zoned for public roads and parking will convert to this zone. (White)
Over and above the normal roads and parking function, provision is also made for outdoor trading and dining (which also includes informal trading) subject to municipal policies and bylaws.
Outdoor events and regular markets require the municipality’s consent.

5.12 Public Open Space zone (POS)
All properties currently zoned for Public Open Space or similar zones will convert to this zone. (Dark green) Purpose of this zone is to provide for any open space land which vests with the Municipality in terms of legislation and which is intended:
• For active and passive recreation use and public open space amenity;
• To create a desirable open space amenity for residents;
• Serve as riverine or other similar natural features corridors;
• For open space within which other municipal services can be conveyed on a natural landscape setting;
• To also permit as an additional use outdoor trading and dining (which also includes informal trading) subject to municipal policies and bylaws;
• For a number of other activities (such as camping, outdoor events, sport and recreation, tourist accommodation and tourist facilities) which can be applied for as a consent use.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 storeys</td>
<td>20% or SDP</td>
<td>5m</td>
<td>5m</td>
</tr>
</tbody>
</table>

5.13 Private Open Space zone (PrOS)

All properties currently zoned for Private Open Space or similar zones will convert to this zone. (Lime green)

The purpose of this zone is to provide for open space in private ownership or where open spaces are provided and maintained by property owners associations rather than the municipality. A number of other activities (such as camping, outdoor events, sport and recreation, tourist accommodation and tourist facilities) can be applied for as a consent use.

<table>
<thead>
<tr>
<th>Height</th>
<th>Coverage</th>
<th>Street Building line</th>
<th>Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 storeys</td>
<td>20% or SDP</td>
<td>5m</td>
<td>5m</td>
</tr>
</tbody>
</table>

5.14 Agricultural and Rural zone

All properties currently zoned Agriculture or Agriculture Industry or similar zones will convert to this zone. (Pale green) For existing approved Agricultural Industries, consent will deemed to have been granted and recorded accordingly in the GIS deemed zoning register.

The zone provides for the following:
• To ensure conservation and appropriate use of current agricultural land and to enable bona fide agricultural activities to continue to ensure food production,
• To preserve the rural landscape and biodiversity areas;
• To protect agricultural activities from being impeded and eroded by non-agricultural land uses on farms;
• To enable certain small scale compatible complementary agricultural industry and tourist related uses as additional uses to further augment the rural economy, subject to it remaining subservient to agriculture, and further to subject certain thresholds to limit the scale and possible adverse impact on agriculture as the primary land use;
• A wide range of consent uses which may be considered by the municipality, subject always to the retention of agriculture as the primary land use. Any additional use which exceeds the thresholds as set out in the scheme is subject to the municipality’s consent, where provided for;
• Outdoor events are only permitted with the municipality’s consent. An owner may apply for permission to hold a certain number of events on an annual basis;
• Limited additional dwelling houses and tourist accommodation are intended to accommodate family, multiple owners or friends or generate additional revenue for a bona fide farmer and may not be subdivided or separately sold via sectional title;
• Farm Site Development Plan (SDP) required before new uses and buildings are approved.

<table>
<thead>
<tr>
<th>Building</th>
<th>Height</th>
<th>Floor area Thresholds for uses</th>
<th>Street &amp; Common Building line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Buildings</td>
<td>3 storeys</td>
<td>No overall limit; One building &gt;2000m2 SDP</td>
<td>5m</td>
</tr>
<tr>
<td>Poly tunnels</td>
<td>1 storey</td>
<td>&gt;2000m2 SDP &gt;500m2 Consent</td>
<td>5m</td>
</tr>
<tr>
<td>Agricultural Industry</td>
<td>3 storey</td>
<td>&lt;2000m2 SDP &gt;2000m3 Consent</td>
<td>5m</td>
</tr>
<tr>
<td>Dwelling + 2nd dwelling</td>
<td>2 storey</td>
<td>500m2 each</td>
<td>5m</td>
</tr>
<tr>
<td>Additional dwellings consent; max 4 @ 1/10ha</td>
<td>1 storey</td>
<td>120m2 each</td>
<td>5m</td>
</tr>
</tbody>
</table>

5.15 Natural Environment zone

All properties currently zoned Open Space 3 or similar zones will convert to this zone. (Olive green)
The zone provides for the following
• Provide for the preservation of natural environment or conservation areas, whether or not the land has been proclaimed for conservation purposes;
• Allow tourist accommodation and tourist facilities with consent.

Land can be in public or private ownership, may not be subdivided or separately sold via sectional title.

5.16 Limited Use Zone

All properties currently zoned Undetermined and Resort Zone II or similar zones will convert to this zone.

Purpose of this zone is to provide a transitional mechanism for zones for which no similar or suitable zoning is retained in the existing scheme. Existing lawful land uses may continue, but no further expansion is permitted. It is intended that this zone be progressively phased out, and no rezonings to this zone may be undertaken.

INVITATION TO SUBMIT WRITTEN COMMENT

Accordingly, in terms of Section 17 of the Local Government: Municipal Systems Act, Act 32 of 2000, the Stellenbosch Municipality invites all interested and affected parties (I&AP’s) to comment on the Draft Stellenbosch Municipality Zoning Scheme By-law. Comments, recommendations and input must be submitted no later than 1 March 2017.

Comment to be submitted to The Manager, Land Use Management; Stellenbosch Municipality PO Box 17, Stellenbosch, 7599; fax 021 886 6899 or email Jacques.Jansenvanrensburg@stellenbosch.gov.za

People who cannot read or write, the disabled, or people from disadvantaged groups who are unable to submit written comments, may approach Jacques van Rensburg on Tel 021 808 8673 for assistance to have their comments or input recorded.

The draft By-law is available for viewing at municipal libraries or the Stellenbosch or Franschoek Municipal offices or can be downloaded from the website http://stellenbosch.gov.za/planning

ABOUT THIS LEAFLET:
This leaflet contains a very brief summary of the objectives and process that was followed in preparing the Stellenbosch Municipality Zoning Scheme By-law, as well as a brief summary of the zones. The purpose is for it to assist the public in gaining a general understanding of the project. Although every care has been taken to ensure the accuracy of this pamphlet, the draft By-Law document will prevail over this summary and I&AP’s who are interested in the details of a particular zone or issue, are advised to refer to the full draft By-law document rather than relying on this
6. OVERLAY ZONES

Overlay zones apply to a specified area and provide additional aspects of development to be managed, regardless of the base zone. Development parameters can also be more, or less restrictive than in the base zone. In the Stellenbosch Municipality Zoning Scheme the following overlay zones have been included:

6.1 Heritage Area Overlay Zones

There are Heritage Area Overlay Zones for Stellenbosch CBD area, Franschhoek CBD, Jonkershoek Valley, Dwars River Valley and Ida’s Valley. The overlay zones are either based on previous special areas and heritage studies (Stellenbosch, Franschhoek & Jonkershoek) or areas demarcated Cultural Landscapes in terms of the National Heritage Resources Act. The Overlay Zone enables the municipality to evaluate new construction or development proposals as a consent application.

- The purpose is to mitigate the impact of new development on the heritage resources and historical character of the area
- When granting consent, the municipality may prescribe more detailed development requirements (i.e. materials, parameters & other requirements etc.); and
- Provides for Heritage Advisory Committee to advise the Municipality.

Stellenbosch Historical Area: height is limited to 10 meters
Franschhoek Historical Area: height is limited to 8.5m

6.2 Scenic Route Overlay zones

Various important Rural and Urban Scenic Routes are proclaimed in the scheme in line with the requirements of the Spatial Development Framework. The Rural Scenic Route applies 200m either side of the road. The Urban Scenic Route applies to properties abutting the road.

This Overlay Zone enables the municipality to evaluate the construction of buildings and structures adjacent to these routes with the view to mitigating the visual impact of such development on the rural and cultural landscape. The municipality may influence position of buildings or structures or may require other measures, such as adequate screening and landscaping. Refer to the scheme document for detailed plans.

6.3 Local Area Overlay Zones

The Local Area Overlay Zones mechanism allows the municipality to identify certain areas where different development parameters can apply over and above the parameters in the base zone.

Currently only one such area is included in the scheme, namely Technopark. The Technopark was originally approved as a special area with specific design, building and land use restrictions. The area is constrained with respect to services and parking and therefore the original special area parameters are preserved as a Local Overlay Zone.

The municipality may, in future, through adoption of policy or the SDF, identify other areas where additional or different land development parameters should apply, in which case, such areas can, after consultation of the appropriate legal process, can be demarcated as a local overlay zone area in terms of the scheme.

6.4 Local Economic Overlay Zone

Provision has been made for a Local Economic Overlay Zone. The purpose is to allow a greater diversity for small businesses and increased informality in certain residential areas. To allow informal structures, the municipality must first officially apply to the authorised Minister to deactivate the National Building Regulations in that particular area. No areas are currently demarcated for this zone in terms of the Scheme, however demarcation of areas can take place once the SDF has identified the areas which are to be designated. Rezonings to this zone can also be undertaken upon application.