



SPE 189
26/02

REPORT TO: ALL SUBCOUNCILS

1. ITEM NUMBER : 01SUB29/05/2019

2. SUBJECT

AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

WYSIGINGS AAN DIE STAD KAAPSTAD: VERORDENING OP MUNISIPALE BEPLANNING, 2015 (MPBL)

IZILUNGISO KUMTHETHO KAMASIPALA WOCWANGCISO WESIXEKO SASEKAPA, WANGO-2015 (MPBL)

[LSU: G1837]

3. PURPOSE

To make Subcouncil aware of the current public participation process on proposed amendments to the City of Cape Town Municipal Planning By-law, 2015.

4. FOR DECISION BY

This report is for notification purposes only.

5. EXECUTIVE SUMMARY

A new suite of planning legislation has been adopted and implemented since 1 July 2015, namely:

- the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA);
- the Western Cape Land Use Planning Act, 2014 (Act no. 3 of 2014) (LUPA); and
- the City of Cape Town Municipal Planning By-law, 2015 (MPBL) (the MPBL was approved by Council on 25 March 2015 and amended by Council on 26 May 2016, 26 October 2016 and 29 March 2017) (the

MPBL includes the City of Cape Town Development Management Scheme (DMS) as schedule 3).

As part of the annual review of the MPBL and political leadership and executive management direction, certain amendments to the MPBL are now proposed.

6. RECOMMENDATIONS

It is recommended that:

- (a) The subcouncil note the advertising of the proposed amendments to the City of Cape Town Municipal Planning By-Law, 2015 (MPBL).

AANBEVELINGS

Daar word aanbeveel dat:

- (a) Die subraad kennis neem van die advertering van die voorgestelde wysigings aan die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (MPBL).

[LSU: G2507]

IZINDULULO

Kundululwe ukuba:

- (a) Ibhungana maliqwalasele ukubhengezwa kweziphakamiso zezilungiso kuMthetho kaMasipla weSixeko saseKapa ongezoCwangciso (MPBL) wango-2015.

[LSU: G4518]

7. DISCUSSION/CONTENTS

Background

A new suite of planning legislation has been adopted and implemented since 1 July 2015, namely:

- the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA);
- the Western Cape Land Use Planning Act, 2014 (Act no. 3 of 2014) (LUPA); and
- the City of Cape Town Municipal Planning By-law, 2015 (MPBL) (the MPBL was approved by Council on 25 March 2015 and amended by Council on 26 May 2016, 26 October 2016 and 29 March 2017) (the

MPBL includes the City of Cape Town Development Management Scheme (DMS) as schedule 3).

As part of the annual review of the MPBL and political leadership and executive management direction, certain amendments to the MPBL are now proposed.

Contents of proposed amendments

The proposed amendments to the MPBL (which also include proposed amendments to the Development Management Scheme (DMS) are attached as Annexure A. Motivations to the amendments are provided below.

The strategic intent of the amendments, if applicable, is also provided (e.g. linkage to TOD).

The proposed amendments to the MPBL have *inter alia* the overarching goal of achieving and enhancing the strategic guiding principles as contained in the City's Integrated Development Plan, namely:

- Resilience; Sustainability; Transformation of the built environment through transit-oriented development (TOD); Governance reform; Customer-centricity; and a Transversal approach.

It is to be noted that amendments have been categorised into similar types specific to the MPBL and DMS ("#" indicates amendment number in Annexure A, where the proposed amendment is detailed; "Section" indicates the section in the MPBL which is affected and "Item" indicates the item in the DMS which is affected):

- **General clarifications and improvements to certain definitions and sections:**

| # | Section | Motivation for amendment |
|----|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 1 Definitions | Correcting the intent and consistency of the specific definitions. |
| 2 | 38 General lapsing provision | To ensure consistency of lapsing provision timeframes throughout the MPBL. |
| 3 | 42 Types of applications | Terminology and referencing rationalization. Correction to accommodate all possible application types. |
| 11 | 78(2) Duties of an applicant | Correction of wording. |
| 12 | 79(5) Notice of an application | An exemption of an application from a public notification process is not legally possible. To avoid any possible misinterpretation subsection is to be deleted. |

| # | Section | Motivation for amendment |
|----|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | 84(5) Notice of no objection | Correction of wording. |
| 15 | 95 Access to information about an application | Clarification of the intent of the section and the importance of having information available for transparency purposes. |
| 16 | 99 Criteria for deciding application | Terminology rationalization and streamlining the process of how and when criteria must be taken into account when deciding on an application. |
| 17 | 105(4) Effective date of decision | Sub-section is deemed not to be practical to exercise. |
| 19 | 109 Procedure for appeal | Clarifying the intent of the specific subsections. |
| 20 | New 113A Further notifications | Provision of options to streamline communication with relevant stakeholders. |
| 21 | 120(3) Functioning of the Municipal Planning Tribunal | Clarifying and simplifying the intent of the specific subsection. |
| 23 | 137 Transfer certificate | Clarifying the intent of the specific subsections. |
| 25 | 142 Savings and transitional provisions | To clarify general transitional arrangements whenever an amendment by-law is introduced. |

- The addition of provisions to clarify what would happen with applications that conflict with restrictive conditions or servitudes:

| # | Section | Motivation for amendment |
|---|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | New 49A Application for the use or development of land that would conflict with a restrictive condition or a servitude | The amendment clarifies when, when not and in terms of what legislation the City may grant or not grant an application in terms of the MPBL for a use or development of land that would conflict with a restrictive condition or servitude. |

- The addition of provisions to clarify the relationship between the concept 'certificate of registered title' and what would be required in terms of transferring a land unit which arose out of approved subdivision:

| # | Section | Motivation for amendment |
|---|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | 54 Transfer of land unit arising out of approved subdivision | The amendment clarifies that the City regards a 'certificate of registered title' in terms of the Deeds Registries Act to be subject to the same provisions and approval from the City for transferring of a land unit. |

- The addition of further exemptions from the requirement to obtain approval for subdivision and consolidations:

| # | Section | Motivation for amendment |
|------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6(a) | 67(1) Exemption of certain subdivisions and consolidations from the need for approval | Section 67 of the MPBL currently lists scenario's which is exempted from requiring a subdivision or consolidation approval. Three more scenarios are proposed to be added, as the City believes that they do qualify for exemption status due to their low impact. |
| 6(b) | 67(5) Exemption of certain subdivisions and consolidations from the need for approval | Terminology rationalisation and general clarification of intent. |

- Improved 'emergency housing' provisions:

| # | Section | Motivation for amendment |
|-------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7; 24 | 68 Emergency Housing 140 Exemption | The current 'emergency housing' provisions in the MPBL is deemed to be too vague and not practical to respond to efficiently in an emergency. The proposal is to make the section clearer and more applicable to genuine emergency situations. |

• **Amendment to information required for an application:**

| # | Section | Motivation for amendment |
|------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8(a) | 71(1) Information required | General clarification to when a conveyancer certificate is required with an application and what information it must contain. |
| 8(b) | 71(1) Information required | Deletion of the requirement that 'street furniture' must be indicated on a subdivision plan, as this is deemed to be impractical, especially for large scale developments. |

• **Amendment of criteria of when to refuse to accept an application:**

| # | Section | Motivation for amendment |
|---|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 | 73 Refusal to accept an application | The amendment is to ensure that no application is being refused to be accepted due to missing information, which is not technically required for the evaluation of the application. |

• **Amendment of the process after acceptance of an application:**

| # | Section | Motivation for amendment |
|----|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | 74 Acceptance of applications and call of additional information | The amendment is widening the methods of acknowledging the receipt of an application. The stamping thereof is considered to outdated in the current environment and more progressive options are available. |

• **Inserting the requirement that an objection and appeal in terms of the MPBL must be accompanied by a prescribed form so as to streamline the process**

| # | Section | Motivation for amendment |
|--------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14; 18 | 90 Objection to an application 108 Appeal | It is proposed that an objection and appeal in terms of the MPBL must be accompanied by a standardised prescribed form. The intention of such a form is to guide a person submitting the objection or appeal, to |

| | | |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | ensure better clarity and a better understanding of formal requirements for an objection or appeal in terms of the MPBL and to ensure that all relevant information is provided. |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- **Minor departures from subzonings:**

| # | Section | Motivation for amendment |
|--------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16(d); 29 | 99 Criteria for deciding application Item 9(2) Subzonings | After motivations from private consultants the City intends to allow minor departures from subzonings without the necessity to rezone, this without negatively affecting the intention behind subzonings. |

- **Addition to administrative penalty provisions:**

| # | Section | Motivation for amendment |
|----|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22 | 130 Rectification of contraventions | The City intends to prescribe certain contraventions, which is of such a minor nature, not to be subject to a costly and administratively lengthy process. Such prescriptions will be subject to a further participation process. |

Amendments specific to the DMS include ("#" indicates amendment number in Annexure A, where the proposed amendment is detailed; "Item" indicates the item in the DMS which is affected):

- **New height determination method:**

| # | Item | Motivation for amendment |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(a); (b); (g); (j); (m); (w); (ll); 27; 31; 33(a)- (d); (f); 37(a); 41; 44(a),(b), | 1 Definitions 20 Zoning summary table Development rules for : 22 Single residential zoning 1; 27 Single residential zoning 2; | The method of measuring height has always been a contentious issue, especially on sites with steep slopes. Key complaints associated with this issue relate, but are not limited to views, privacy, sunlight, scale, etc. It is also of concern to land owners that they cannot design their own structures with certainty, as the maximum height of neighbouring development can be affected by design, excavation and |

| | | |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(d),(e), (f); 48; 50; 52; 54; 55(a)- (d); 56(a)- (d); 57; 58; 61; 68; 70; 85(a)</p> | <p>35 General residential subzone 1; 41 General residential ; 47 Community Zoning 1 : Local; 49 Community Zoning 2 : Regional; 51 Local Business 1 : Intermediate business; 53 Second dwelling; 56 Local Business 2 : local business; 60 general business subzones 1 - 7; 64 Mixed Use subzonings 1 - 3; 68 General Industry subzonings 1-2; 75 Risk Industry; 83 Transport Zoning 1; 109 Agricultural; 113 Rural; 176 Local area Overlay Harfield Village;</p> | <p>development rule interpretation.</p> <p>The development industry has also raised concerns that the DMS development rules regulating the measurement of height is complex and should be reviewed with the objective that it should be simplified. To give effect to the above concerns a study was conducted to:</p> <ul style="list-style-type: none"> • analyze all concepts and definitions in the DMS relating to the measurement of height, to understand its impact and implications, inclusive of possible unintended consequences on the build environment; • remove ambiguities in the DMS as well as a review thereof in an effort to simplify height measurement. <p>The result of this study informed the proposed amendments to height measurements and can be summarized as follows:</p> <ul style="list-style-type: none"> • It is proposed to add a new method of determination of height to the existing definition of existing ground level which will comprise map to be approved by the City. These maps will be used as the baseline for height calculation. If an owner either raised or lowers the level of the land then the baseline maps will still be used to determine permissible height of structures. • Height will no longer be measured from a hypothetical base level or an average ground level, but will now be measured from all points above the existing ground level, which can be seen as a 'parallel' plane to the existing ground level. This creates an identifiable envelope within which to build. |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- **General clarifications and improvements to certain definitions/ items and new definitions / items:**

| # | Item | Motivation for amendment |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 26(f); (h); (k); (l); (q); (x); (y); (z); (ee); (ff); (hh); 34; 36(c); 42(b); 73 | 1 Definitions 23 Home occupation 39 Development rules for a dwelling house outside a group housing scheme 122 Street centreline setback | Correcting the intent and consistency of the specific definitions / item or adding new definitions to assist clarification. |
| 86(a) | 185 Local Area Overlay (Specific provisions: whole of the CBD area) | Clarifying the intent of the specific item and sub-items. |
| 26(gg); 39 | 29 Shelter | Clarifying the intent of the specific item and sub-items. |

- **Development rules applicable to certain erven sizes in SR1:**

| # | Item | Motivation for amendment |
|---------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 33(c); (e); (f); (g); (h) | 22 Development rules SR1 | A recent study by the City has identified where a large number of departures are being approved in certain erf size categories in the SR1 zoning. Amendments are being proposed to eliminate the need for certain departures, without compromising the intended City form. |

- **Development rules applicable to an approved consent use:**

| # | Item | Motivation for amendment |
|----|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 28 | 7 Development rules applicable to an approved consent use | Correcting and simplifying which development rules are applicable when a consent use is approved. |

- Making provision for 'transient accommodation' in a dwelling unit:

| # | Item | Motivation for amendment |
|-----------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(i); (ii); | 1 Definitions | The concept of short-term letting from a dwelling unit is currently not catered for in the DMS. The proposed amendment is to give effect thereto and to ensure provision of this use. |

- Height measurement exclusions:

| # | Item | Motivation for amendment |
|-------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(o) | 1 Definitions | The current maximum allowed horizontal measurement of a lift shaft as an exclusion is deemed to be impractical. Increased width 0,5m, after obtaining technical input thereto. |

- The provision of minor freestanding and rooftop base telecommunication infrastructure as a use:

| # | Item | Motivation for amendment |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(u); (v); (kk); 31; 32(b); 36(b); 40; 47; 49; 59; 60; 62; 64; 65; 66; 67 | 1 Definitions 20 Zoning Summary Table Use of the property: 21 Single Residential Zoning 1; 26 Single Residential Zoning 2; 34 General Residential Zoning 1; 46 Community Zoning 1; 48 Community Zoning 2; 80 Utility Zoning; | Minor freestanding and rooftop base telecommunication infrastructure is introduced to the DMS and included as a use category in certain zonings. This type of infrastructure is generally accepted to be more common currently and also does not have a major negative impact on the surroundings, as it is usually attached to current infrastructure. The use is included in the City's Telecommunication Mast Infrastructure policy. The policy proposes that it be included into the DMS. |

| | | |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| | <p>82 Transport Zoning 1;</p> <p>87 Transport Zoning 2;</p> <p>97 Open Space Zoning 1 : Environmental conservation</p> <p>99 Open Space Zoning 2 : Public open space;</p> <p>104 Open Space Zoning 3: Special open space;</p> <p>108 Agricultural Zoning</p> | |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

- **The introduction of a new zoning category – Transport Zoning 3: Toll Road:**

| # | Item | Motivation for amendment |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(aa); (bb); (ii); 31; 63 | <p>1 Definitions;</p> <p>20 Zoning summary table;</p> <p>New 92A and B Transport Zoning 3: Toll Road (TR3)</p> | <p>Any type of activity which can be exercised from a property can potentially be defined as a land use. When a land use is defined in the DMS it is to regulate the potential impact of such a land use.</p> <p>The City regards 'toll roads' as a land use which can have potential effects on its surroundings and the residents of a particular area and therefore wishes to regulate such use.</p> <p>It is proposed to create a new zoning category which will cater for 'toll roads'. Any such use will therefore have to comply with this category and will allow the City to evaluate potential impacts. This is within the City's mandate to control Municipal Planning.</p> |

- **Providing further flexibility to allowed land uses in the GR2-6 subzonings:**

| # | Item | Motivation for amendment |
|---------------|--------------------------------------------|-----------------------------------------------------------------------------------------------|
| 43; 44(c); | 41 General residential subzonings 2 – 6 | Current restrictions in the subject sub-items prevent certain land uses when the land unit is |

| | | |
|----|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 46 | Development rules for flats, boarding houses and hotels | <p>located next to a road reserve which is less than 9m.</p> <p>The proposal is to make an application possible to allow such uses where there is specific merit.</p> |
|----|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- Redrafting the provisions of the "Small and Micro Enterprise Overlay Zoning" in the DMS

| # | Item | Motivation for amendment |
|-------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(p); (t); (dd); 80(f) | 1 (insertion of new definitions); 158B, C and D | <p>The MPBL was amended in 2016 to include a new "Small and Micro Enterprise Overlay Zoning" (SMEO Overlay). The purpose of which was mainly to make provision for the development of small and micro enterprises within the Single Residential (SR) 1 and 2 zonings in city blocks along selected activity routes / streets and structuring routes identified in the Local Spatial Development Frameworks and the District Spatial Development Frameworks.</p> <p>This amendment only created the holding overlay zoning and erven to be subject to the overlay has not been designated.</p> <p>On review of this SMEO mechanism in accordance with the new customer centric and job creation focus of the City, it has been amended to be applicable city-wide. More permissive land uses have also been introduced along with the linkage to public transport, as properties to be subject to this new overlay is to be easily accessible to scheduled road and rail public transport routes.</p> <p>The new proposed overlay ("Scheduled Public Transport Accessibility Overlay Zoning") will strongly support the City's Transit Oriented Development and related strategies and policies. More trip attractors and bio-directional flows in relevant places in the City will be created, which will not only support the realisation of more effective public transport</p> |

| | | |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>systems but also contribute to a denser more functional City.</p> <p>The intensification of all types of land uses, as well as a better mix of land uses are supported by the City. The proposal is twofold:</p> <ol style="list-style-type: none"> 1. to remove the SMEO Overlay and create a "Scheduled Public Transport Accessibility Overlay Zoning (SPTAO)"; and 2. a further component and phase will be the approval of a map by the City, depicting the high and low intensity properties, as defined, that will be subject to the SPTAO overlay. |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- The inclusion of a "third dwelling" as an additional use right in the following zoning categories:

- Single Residential Zoning 1: Conventional Housing (SR 1); and
- Single Residential Zoning 2: Incremental Housing (SR2):

| # | Item | Motivation for amendment |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(c); (d); (n); (r); (s); 31; 32(a); 35; 36(a); 37(b); 38; 79(e); 85(b); (c) | <p>1 Definitions;</p> <p>21 Use of the property;</p> <p>25B Third dwelling;</p> <p>26 Use of the property;</p> <p>27 Development rules;</p> <p>28 House shop;</p> <p>54 House shop;</p> <p>158A Third dwelling overlay zoning;</p> <p>176 Specific provisions</p> | <p>Densification is viewed as a necessary step to promote the longer-term sustainability of Cape Town's valuable natural, urban and rural environments.</p> <p>Densification can contribute to the creation of good-quality, efficient and sustainable urban environments in a number of ways, including the following:</p> <ul style="list-style-type: none"> • densification reduces the consumption of valuable / non-renewable resources; • densification supports the development of a viable public transport system; • densification makes the city more equitable; • densification facilitates economic |

| | | |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>opportunities and supports service provision;</p> <ul style="list-style-type: none"> • densification improves housing patterns and choice of house type; • densification contributes to urban place-making and improves safety. <p>Controlled incremental densification methods are promoted citywide.</p> <p>The proposed addition of a "third dwelling" as an additional use right in the SR1 and 2 zonings should, when the conditions of the additional use right are met, greatly assist in these goals.</p> |
|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- **Current provisions in the DMS for a second dwelling to be moved to a more appropriate space in the DMS, to improve the readability of the document; and**

deletion of the requirement that the second dwelling must be in a similar architectural style as the main dwelling:

| # | Item | Motivation for amendment |
|-------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32; 35; 36(a); 42(a); 45; 51; 53; 69; 71; 81 | 21; 25A (new item); 39; 42; 50; 53; 111; 116 and 158E | <p>Conditions linked to second dwellings as a land use is moved from item 53 to a new item 25A in Single Residential Zoning 1, to improve the readability of the document.</p> <p>The requirement that the second dwelling shall be constructed in a style that is similar to the architecture of the main dwelling is removed, as this is not deemed as a practical and viable requirement.</p> <p>The assessment of building plans will evaluate any potential derogatory impacts on the surrounding area.</p> |

- **Further exemptions to building line encroachments:**

| # | Item | Motivation for amendment |
|----|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 72 | 121 General provisions: Encroachment of building lines | Further clarity and additional scenarios are proposed, which the City regards as of a minor impact. |

- **Redefining and including current uses which can be defined as 'recreational vehicles and watercraft':**

| # | Item | Motivation for amendment |
|---------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(cc); 74 | 129 General provisions: Mobile homes and caravans | The current provisions relating to 'mobile homes and caravans' are being broadened to a bigger newly defined category 'recreational vehicles and watercraft'. This will ensure more adaptability to the reality of what can be provided by these type of land uses. |

- **Introducing 'boundary walls' into the DMS for regulation purposes:**

| # | Item | Motivation for amendment |
|-------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26(e); (o); (mm); 75 | 1 Definitions; New 136B General provisions | <p>The City currently only has a policy which guides boundary walls and fences.</p> <p>To become clearer and more concise on the subject it is proposed that the regulation of boundary walls be included as part of the DMS provisions. This will ensure more clarity, guidance and control on the subject to property owners and the City, thereby creating a more conducive environment for the provision and control over boundary walls.</p> |

- **Amended parking requirements for certain land use:**

| # | Item | Motivation for amendment |
|----|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 76 | 138 Alternative parking supply | The City's Transport Impact Assessment & Development Control department conducted an independent study to review the current parking requirements, by using real examples. This amendment therefore suggests amended |

| | | |
|--|--|-----------------------------------------------------------------------------------------------------------------------------|
| | | requirements, to ensure more relevance, alignment and promotion of transit orientated development in the City of Cape Town. |
|--|--|-----------------------------------------------------------------------------------------------------------------------------|

- **Refining certain site access and exit provisions:**

| # | Item | Motivation for amendment |
|----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 77 | 140 Site access and exits | More clarity is provided to the intent of these provisions. Certain dimensions are also amended to ensure alignment with the reality. |

- **Refining and amending certain parking layout provisions:**

| # | Item | Motivation for amendment |
|----|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 78 | 141 Parking layout requirements | This amendment is broadening the scope of possible provision of certain parking layout requirements, to ensure more scope for innovation and making development possible. |

- **Refining and amending the motorcycle and bicycle parking space provisions:**

| # | Item | Motivation for amendment |
|----|-------------------------------------------|--------------------------------------------------------------------------------------|
| 79 | 143 Motorcycle and bicycle parking spaces | More flexibility is proposed, to accommodate growth in non-motorized transportation. |

- **Clarifying competent authority in Koeberg Restriction Area Overlay Zoning:**

| # | Item | Motivation for amendment |
|-----------|------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 80(a)-(d) | 158 Specific provisions: Koeberg Restriction Area Overlay Zoning | Clarifying that the City is the competent authority in the specific sub-sections. |

- **Addition/amendment of Heritage Protection Overlay Zoning general and specific provisions; Land deemed as a heritage area in accordance with the National Heritage Resources Act:**

| # | Item | Motivation for amendment |
|----|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30 | 18 Land deemed as a heritage area | Clause to be deleted as the City does not currently have the legal competency to deem heritage areas in terms of the National Heritage Resource Act. This clause can be re-introduced when this delegation is given to the City at a later stage. |
| 83 | 163 Specific provisions : Heritage Protection Overlay Zoning | Reference to heritage management plan is omitted as the process and procedures for its approval are not yet in place. |
| 84 | 167 Specific provisions : Environmental Management Overlay Zoning | Reference to an environmental site- or activity-management plan is omitted as the process and procedures for its approval are not yet in place. |

ANNEXURES

Annexure A: Draft City of Cape Town Municipal Planning Amendment By-law, 2019

Annexure B: Public participation advert

FOR FURTHER DETAILS CONTACT :

| | |
|------------------------|----------------------------------|
| NAME | Schalk de Jager |
| CONTACT NUMBERS | 021 400 7580 |
| E-MAIL ADDRESS | schalk.dejager@capetown.gov.za |
| DIRECTORATE | Spatial Planning and Environment |
| FILE REF NO | 1/1/3/2/65 Vol 5 |


ACTING EXECUTIVE DIRECTOR
 Osman Asmal

Comment:

NAME

DATE

26/7/2019



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

[Handwritten signature of Mr W van der Westhuizen]

Mr W van der Westhuizen
SUBCOUNCIL 1 MANAGER

DATE

7 March 2019

Comment: _____

[Handwritten signature of Cllr C Clayton]

Cllr C Clayton
SUBCOUNCIL 1 CHAIRPERSON

Date

07/03/19