

Annexure A: Proposed amendments to the MPBL

ANNEXURE A

**CITY OF CAPE TOWN
MUNICIPAL PLANNING
AMENDMENT BY-LAW, 2016**

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MUNICIPAL PLANNING AMENDMENT BY-LAW, 2016**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Substitution of the Preamble of the City of Cape Town: Municipal Planning By-law, 2015

1. The City of Cape Town: Municipal Planning By-law, 2015 (hereinafter referred to as the principal By-law) is hereby amended by the substitution for the Preamble of the following Preamble:

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

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

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

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

WHEREAS section 2(2) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) permits other legislation to prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner consistent with the provisions of that Act, and the City intends through this By-Law to prescribe such a mechanism, measure, institution and system;

WHEREAS the City intends to regulate and control municipal planning matters within the geographical area of the City.

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town as follows:."

Amendment of section 5 of the City of Cape Town: Municipal Planning By-law, 2015

2. Section 5 of the principle By-law is hereby amended by the substitution of subsection (2) with the following subsection:

"(2) Sections 4(2) and 6 apply to amendments to the municipal spatial development framework as a result of comments received **[by]** from the Provincial Minister responsible for local government as contemplated in section 32 or 33 of the Municipal Systems Act."

Amendment of section 7 of the City of Cape Town: Municipal Planning By-law, 2015

3. Section 7 of the principle By-law is hereby amended by the insertion, after the words "Provincial Minister", of the following words:

"responsible for local government".

Amendment of section 13 of the City of Cape Town: Municipal Planning By-law, 2015

4. Section 13 of the principle By-law is hereby amended –

- (a) by the deletion of subsection (2); and
 (b) by the substitution of subsection (3) with the following subsection:

"[Upon completion of the consultation process and the adopted process, t] The Department must provide a written report that must at least –"

Substitution of section 15 of the City of Cape Town: Municipal Planning By-law, 2015

5. The following section is hereby substituted for section 15 of the principal By-law:

"15 Publication of the adopted or amended district spatial development framework or local spatial development framework

"Within 30 days of adopting or amending a district spatial development framework or a local spatial development framework, the City must publish the adopted or amended district spatial development framework or local spatial development framework **[in accordance with section 19.] on the City's website.**"

Amendment of section 36 of the City of Cape Town: Municipal Planning By-law, 2015

6. Section 36 of the City of Cape Town Municipal Planning By-Law, 2015, is hereby amended by –

- (a) the substitution of subsection (1) with the following subsection –

"(1) Save where land is deemed to be zoned as contemplated in the development management scheme, the City may determine a zoning for land which does not have a zoning on its own initiative or on application by an owner."

- (b) the substitution of subsection (4) with the following subsection –

"(4) The City must amend the zoning map [must be amended] as soon as practicable to reflect the zoning determined **[and deemed to be the zoning of] [or** the land."

Amendment of section 38 of the City of Cape Town: Municipal Planning By-law, 2015

7. Section 38 of the principal By-Law is hereby amended by the substitution for subsection (1) of the following subsection –

"(1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses two years after the effective date of decision –"

Amendment of section 42 of the City of Cape Town: Municipal Planning By-law, 2015

8. Section 42 of the principal By-Law is hereby amended by -

- (a) the deletion of paragraph (p); and
- (b) the substitution of paragraph (t) with the following paragraph:

"(t) [any other application provided for in this By-law] permission for the reconstruction of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6);".

Amendment of section 44 of the City of Cape Town: Municipal Planning By-law, 2015

9. Section 44 of the principal By-Law is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to section 35(2) of the Land Use Planning Act and Chapter 7 of this By-Law, the City may on its own initiative, rezone land which it does not own to give effect to approved spatial development frameworks and other City policies or for the purpose contemplated in section 36(7).".

Amendment of section 54 of the City of Cape Town: Municipal Planning By-law, 2015

10. Section 54 of the principal By-Law is hereby amended by -

- (a) the substitution for the words preceding paragraph (a) of subsection 1 of the following words:

"(1) No person may obtain transfer of a land unit arising out of an approved subdivision or **[the relevant]** phase of a subdivision approved by the City unless -";

- (b) the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) the engineering services required by the conditions of approval contemplated in section 52(4) and any other applicable legislation in respect of the area or the **[relevant]** approved phase of a subdivision on the approved general plan or diagram have been completely installed;"

- (c) the substitution for paragraph (c) of subsection 1 of the following paragraph:

"(c) all other conditions of subdivision or the conditions relating to the **[relevant]** approved phase of a subdivision on the approved general plan or diagram and all conditions precedent to the transfer of the land unit have been met, and";

- (d) the substitution for sub-paragraph (iii) of paragraph (d) of subsection 1 of the following sub-paragraph:

"(iii) all land designated in terms of the conditions of approval to be transferred to the owners' association including private roads and private open space, arising from the subdivision or **[relevant]** approved phase of a subdivision have been, or together with the transfer of the first land unit, will be transferred to the association, without compensation."; and

(e) the substitution for subsection 3 of the following subsection:

"(3) Where an owners' association is required, an applicant is guilty of an offence if the first land unit arising from a subdivision or **[relevant] an approved phase of a subdivision** is transferred without all common property, including private roads and private open spaces originating from that subdivision, being transferred to the owners' association, and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3)."

Amendment of section 55 of the City of Cape Town: Municipal Planning By-law, 2015

11. Section 55 of the principal By-Law is hereby amended by the substitution for subsection (2) of the following subsection –

"(2) Upon compliance with subsection (1), the subdivision or phase of a subdivision **[phased part thereof]** is confirmed."

Substitution of section 56 of the City of Cape Town: Municipal Planning By-law, 2015

12. The following section is hereby substituted for section 56 of the principal By-Law:

"(1) An approval of a subdivision or an approved phase of subdivision **[of a phased portion thereof]** lapses if the requirements of section 55(1) are not met.

(2) If only a portion of the general plan complies with sections 54(1)(b) and 54(1)(c), the approval for the subdivision or **[phased portion]** an approved phase of subdivision lapses.

(3) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the period to comply with section 55(1).

(4) If an approval of a subdivision or **[a phased portion thereof]** an approved phase of subdivision lapses –

- (a) the zoning applicable to the land prior to the granting of the approval of the rezoning to subdivisional area applies;
- (b) the City must –
 - (i) amend the zoning map and, where applicable, the zoning register accordingly; and
 - (ii) notify the Surveyor-General accordingly;
- (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the lapsing."

Amendment of section 62 of the City of Cape Town: Municipal Planning By-law, 2015

13. Section 62 of the principal By-Law, 2015 is hereby amended by the substitution of paragraph (v) of subsection 1 with the following paragraph:

"(v) the matters in **[subsection]** section 61(5);"

Amendment of section 67 of the City of Cape Town: Municipal Planning By-law, 2015

14. Section 67 of the principal By-Law is hereby amended by-

- (a) The insertion of the word "or" after (g)(i)
- (b) the insertion of the following subparagraphs after subparagraph (iii) of paragraph (g) of subsection (1):

"(iv) the imposition of height restrictions; or
(v) the granting of a right of habitation, private right of way or usufruct; or
(vi) bore-hole or waterpipe."

(c) the insertion of the following paragraphs after paragraph (h) of subsection 1 (h):

"(i) a consolidation of land required in terms of a condition of approval imposed in terms of the Ordinance prior to this By-Law coming into force;

(j) the consolidation of land units where an existing building constructed in terms of approved building plans and in accordance with such plans straddled the boundaries of two or more contiguous land units prior to the commencement of this By-law."

Amendment of section 70 of the City of Cape Town: Municipal Planning By-law, 2015

15. Section 70 of the principal By-Law is hereby amended by the substitution for paragraph (i) of subsection 1 of the following paragraph –

"(i) consideration of whether a package of plans approach, as contemplated in item 136 of schedule 3 of this By-Law, is to be followed."

Amendment of section 71 of the City of Cape Town: Municipal Planning By-law, 2015

16. Section 71 of the principal By-Law, 2015 is hereby amended by –

(a) the substitution for paragraph (d) of subsection 1 of the following paragraph:

"(d) if [pre-consultation] pre-application consultation has taken place, the record of the [pre-consultation] pre-application consultation proceedings; and

(b) by the substitution for paragraph (i) of subsection 1 of the following paragraph:

"(i) the information required in the [pre-consultation] pre-application consultation;"

Amendment of section 79 of the City of Cape Town: Municipal Planning By-law, 2015

17. Section 79 of the principal By-Law is hereby amended by the substitution of subsection 3 with the following subsection:

"(3) The City may, in addition to the methods contemplated in subsection (2), require the applicant to display a site notice which must –

- [(i)] (a)** be laminated and of a size of at least 60 cm by 42 cm;
- [(ii)] (b)** be displayed on every boundary of the land unit or units concerned which abut a street or at any other conspicuous place on the unit or units which the public is likely to see;
- [(iii)] (c)** be displayed for a period and from a date set by the City Manager, which may not be less than 30 days; and
- [(iv)] (d)** be replaced if it is damaged or removed during the notification period."

Amendment of section 81 of the City of Cape Town: Municipal Planning By-law, 2015

18. Section 81 of the principal By-Law, 2015 is hereby amended by the substitution for subsection 1 of the following subsection –

"(1) The City Manager must cause notice to be given in the media of the City's intention to consider an application listed in section 43 **[and 44]** of the Land Use Planning Act."

Amendment of section B2 of the City of Cape Town: Municipal Planning By-law, 2015

19. Section 82 of the principal By-Law is hereby amended –

- (a) by the deletion of subsection 1(g); and
- (b) by the insertion after subsection 1 of the following subsection:

“(1A) The City may cause notice to be served as contemplated in subsections (3) and (4) of the City’s intention to consider any other category of application contemplated in section 42.”.

Amendment of section 99 of the City of Cape Town: Municipal Planning By-law, 2015

20. Section 99 of the principal By-Law is hereby amended by the substitution of subsection (3) with the following subsection:

“(3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable –

- (a) **[economic impact]** socio-economic impact;
- (b) **[social impact;]**
- (c) **[scale of the capital investment;]**
- (d) compatibility with surrounding uses;
- (e) impact on the external engineering services;
- (f) impact on safety, health and wellbeing of the surrounding community;
- (g) impact on heritage;
- (h) impact on the biophysical environment;
- (i) traffic impacts, parking, access and other transport related considerations; and
- (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.”.

Amendment of section 120 of the City of Cape Town: Municipal Planning By-law, 2015

21. Section 120 of the principal By-Law, 2015 is hereby amended –

(a) by the substitution for subsection (8) of the following subsection:

“(8) A quorum for a meeting of a panel of the Municipal Planning Tribunal is the **[greater of a]** simple majority of its designated members **[and three]**.”;

(b) by the substitution of subsection 11 with the following subsection:

“(11) A person seeking permission contemplated in subsection (10) must submit the request to the Municipal Planning Tribunal in writing at least **[seven]** five days before the meeting in question, or closer to the meeting if good cause is shown, and must provide adequate reasons for the request.”.

Substitution of section 121 of the City of Cape Town: Municipal Planning By-law, 2015

22. The following section is substituted for section 121 of the principal By-Law:

- "[(1) The Mayor may recommend to the Municipal Council to establish an advisory panel to consider and recommend to the appeal authority on an appeal.
- (2) The advisory panel contemplated in subsection (1) may be established in terms of another law.
- (3) The advisory panel may request any person to make oral submissions on any aspect of an application and must do so if it appears that the issues for determination of the appeal cannot be adequately determined on the documentation before the appeal authority in the absence of the parties.
- (4) An advisory panel must apply the criteria for deciding applications contemplated in section 99.]
- (1) The Mayor may appoint an appeal advisory panel, including a chairperson to consider and advise or make recommendations to the Appeal Authority on an appeal or on categories of applications which are appealed.
- (2) Municipal Councillors may be appointed to the appeal advisory panel.
- (3) A member of the appeal advisory panel must recuse themselves if they or any of their spouses, partners or family members -
(a) has an interest in an appeal; or
(b) was involved in any way in the decision that is being appealed.
- (4) The chairperson of the appeal advisory panel must decide when and where the appeal advisory panel must meet.
- (5) An appeal advisory panel –
(a) may determine its own procedures; and
(b) must apply the criteria contemplated in section 99.
- (6) The quorum for a meeting of the appeal advisory panel is a simple majority of its appointed members.
- (7) The Mayor may dissolve the appeal advisory panel at any time."

Amendment of section 129 of the City of Cape Town: Municipal Planning By-law, 2015

23. Section 129 of the principal By-Law, 2015 is hereby amended –

(a) by the insertion, after subsection (1) of the following subsection:

"(1A) The Municipal Planning Tribunal may, where any person has contravened this By-law, –

- (a) decide to impose an administrative penalty; and
(b) determine the amount of the penalty."

(b) by the substitution for paragraphs (a) and (b) of subsection (7), of the following paragraphs:

- "(a) for building work in contravention of this By-Law – may not be **[less than 10% and not]** more than 100% of the value of the building, construction and engineering work unlawfully carried out, as determined by the City;
- (b) for land use in contravention of this By-Law – may not be **[less than 10% and not]** more than 100% of the municipal valuation of the area that is used unlawfully, as determined by the City; and"

Amendment of section 136 of the City of Cape Town: Municipal Planning By-law, 2015

24. Section 136 of the principal By-Law is hereby amended by the substitution for subsection (10) of the following subsection:

"(10) A person **[or]** who alters or amends or displays a street name without the City's approval is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3)."

Amendment of section 142 of the City of Cape Town: Municipal Planning By-law, 2015

25. Section 142 of the principal By-Law is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) (a) An owner whose land on 1 March 2013 was zoned as General Business: Subzone GB3 to GB7 or Mixed Use Subzone MU2 and MU3 may, until 28 February 2023, elect to be regulated by the zoning provisions of either the development management scheme or the zoning scheme in operation on 28 February 2013.

(b) An application for a permanent departure from the provisions of the zoning scheme in operation on 28 February 2013 is not permitted."

AMENDMENT OF SCHEDULE 3: CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

Amendment of Item 1 of Schedule 3: City of Cape Town Development Management Scheme

26. Item 1 of the City of Cape Town Development Management Scheme set out in schedule 3 to the principal By-law, hereinafter referred to as Schedule 3, is hereby amended –

(a) by the substitution for the definition of "base level" of the following definition:

"base level" of a building means an imaginary plane drawn horizontally at the average ground level of the building, or vertical division of the building; **[, is at the bottom of the ground floor and is directly above or on top of the ceiling of any basement;]**;

(b) by the substitution for the definition of "basement" of the following definition:

"basement" means that space in a building between a floor and ceiling, including such floor or ceiling, which **[is not intended as habitable space and which is] protrudes not more than 1,5m above any point on the existing ground level. [completely below the existing ground level and remains underground, except that it may include vehicular access from a road, provided that such access may only be obtained at a downward or level angle;]**;

(c) by the insertion after the definition of "farm shop" of the following definition:

"filming" means the preparation of a property for the recording of sound and images as well as the recording of sound and images, moving or still, whether on film or by video tape, electronically or by any other means, but excludes the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes, or the recording of current affairs or news for immediate release.";

(d) by the substitution for the definition of "floor space" of the following definition:

"floor space" in relation to any building means the area of a floor which is covered by a slab, roof or projection; provided that:

- (a) any **[area, including a] basement or part of a basement not intended as habitable space; [which is reserved solely for parking or loading of vehicles]** shall be excluded;
- ~~(aA) any area which is reserved solely for parking or loading of vehicles shall be excluded;~~
- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (bA) passages, access ways and fire escapes not wider than 1,5m, provided that they connect directly from the fire escape, vertical circulation to the entrance doors or both, shall be excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 m beyond the exterior wall or similar support, shall be excluded;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;

- (g) subject to subsection (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once; and provided further that: floor space 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 space shall be the sum of the floor space of all the levels, including that of basements;"

- (e) by the substitution of definition for "ground floor" of the following definition:

"'ground floor' means the lowest floor of a building that is not a basement **[and is positioned on the base level of a building or vertical division;]**;"

- (f) by the substitution for the definition of "height" of the following definition:

"'height' of a building means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning, measured in metres; provided that –

- (a) chimneys (maximum horizontal dimension of 1,5m),
 (b) flues (maximum horizontal dimension of 1m),
 (c) lift shafts (maximum horizontal dimension of 2,5 and maximum vertical dimension of 2m per lift shaft),
 (d) masts, and
 (e) antennas **[satellite dishes not exceeding 1,5m in diameter and external geysers with associated equipment not protruding more than 1,5m above the top of the roof]** shall not be counted for the purposes of height control;"

- (g) by the substitution for the definition of "home occupation" of the following definition:

"'home occupation' means the practising of an occupation or the conducting of an enterprise from a land unit, dwelling house, second dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property and includes the sale of alcoholic beverages via internet or any other electronic means provided no alcoholic beverage is stored, received or despatched from the property;"

- (h) by the insertion after the definition of "public street" of the following definition:

"'recycling centre' means a property which is used for the temporary storing, sorting, depositing or collection of paper, plastics, glass, cans, textiles or similar solid waste materials for recycling purposes, but does not include a scrapyards;"

- (i) by the insertion after the definition of "registered surveyor" of the following definition:

"'renewable energy structure' means any apparatus or similar device, or grouping thereof, designed to capture and convert solar radiation into energy for commercial gain, irrespective of whether it feeds into an electricity grid or not, and includes any test facility or structure which may lead to the generation of energy on a commercial basis, but does not include wind turbine infrastructure;"

- (j) by the substitution for the definition of "sale of alcoholic beverages" of the following definition:
- "sale of alcoholic beverages'** beverages' means the sale or offering for sale to the public of drinks capable of producing intoxication in a consumer and which may be kept, displayed or consumed on the premises;";
- (k) by the insertion after the definition of "terrace" of the following definition:
- "third dwelling'** means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house and a second dwelling have already been approved or lawfully erected;";
- (l) by the substitution for the definition of "vertical division" of the following definition:
- "vertical division'** of a building means a portion of the building bounded by any combination of external [and/or] and internal walls, with or without openings, which portion is, by design, clearly identifiable as a logical vertical component from other portions of the building [, provided that any opening in an internal wall separating divisions may not exceed 3 m or a third of its horizontal width, whichever is the greatest;]. The City may deem that a building is divided into vertical divisions, where every such division shall have a separate base level for the purpose of administering this development management scheme;";
- (m) by the insertion after the definition of "vertical division" of the following definition:
- "veterinary practice'** means a building or part of a building used by a registered veterinary surgeon for medical examinations or surgical procedures on animals, and may include the sale of animal food and related accessories;";

Amendment of Item 3 of Schedule 3: City of Cape Town Development Management Scheme

27. Item 3 of Schedule 3 is hereby amended -

(a) by the substitution of the heading and sentence preceding paragraph (a) of item 3, of the following heading and sentence:

"3 Methods of measuring distances, heights and levels or the requirement to round up or down

The following provisions apply with regard to measuring distances, levels or height or the requirement to round up or down:"; and

(b) by the insertion after paragraph (f) of item 3, as follows:

"(g) If it is necessary to determine the number of parking bays, or any other development rule for a land use that can only be complied with in terms of a whole number, it may be necessary to either round up or down the calculation. In such case a measure of 0.5 and above will be rounded up to the next whole number and if less than 0.5 will be rounded down to the next whole number, with the exception that a minimum unit requirement will be 1 (one), except if otherwise stated."

Amendment of Item 7 of Schedule 3: City of Cape Town Development Management Scheme

28. Item 7 of Schedule 3 is hereby amended -

(a) by the substitution for the heading of item 7, of the following heading:

"7 **[Conditions]** Development rules applicable to an approved consent use";

(b) by the substitution for sub-item (1), of the following sub-item:

"(1) When a consent use is approved, the following **[general conditions]** shall apply:

- (a) If such consent use as listed in a specific zoning is a primary use in another zoning, it shall be subject to the most restrictive development rules operating either in such other zoning or in that zoning;
- (b) If such consent use as listed in a zoning is not a primary use in another zoning, it shall be subject to the development rules in that zoning;
- (c) The consent use shall be subject to any development rule imposed as a condition in the approval; **[Notwithstanding (a) and (b) above, a consent use for a second dwelling in the Single Residential 1 Zoning is subject to the development rules in that zoning.]**".

Amendment of Item 15 of Schedule 3: City of Cape Town: Development Management Scheme

29. Item 15 of Schedule 3 is hereby amended by the substitution for sub-item (2), of the following sub-item:

"(2) **[All special uses so approved shall be listed in Annexure A.]** A special use which has been classified and permitted in a zoning with the approval of the City, must be published in the Provincial Gazette.".

Substitution of Heading after Item 15 in Schedule 3: City of Cape Town: Development Management Scheme

30. The heading after item 15 in Schedule 3 is hereby substituted, with the following heading:

"Part 4: Deemed zoning or determined zoning".

Amendment of Item 16 of Schedule 3: City of Cape Town: Development Management Scheme

31. Item 16 of Schedule 3 is hereby amended by the substitution of sub-item (8) of the following sub-item:

"(8) Where any portion of land (other than land referred to in sub-item **[(4)]** **[7]**) which was previously a public street or public open space vested in or owned by the City, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zoning and subzoning, including any conditions of approval, if any, as that of the abutting land belonging to such owner provided that:";

Amendment of Item 20 of Schedule 3: City of Cape Town: Development Management Scheme

32. Item 20 of Schedule 3 is hereby amended by the substitution of Table A: Summary of the zonings and development rules, with the following table:

"Table A: Summary of the zonings and development rules

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1) PRIMARY USES Dwelling house, private road and additional use rights ADDITIONAL USE RIGHTS <u>Second dwelling</u> , Home occupation or bed and breakfast establishment or home child care CONSENT USES <u>Second dwelling</u> , [utility services, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, [and] halfway house and <u>veterinary practice</u>	>2 000	N/a	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment and home child care
	>1 000 up to 2 000	N/a	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m		
	>650 up to 1 000	N/a	1 500 m ²	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
		Refer to item 22(a)	Refer to item 22(b)	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		
SINGLE RESIDENTIAL ZONING 2: INCREMENTAL HOUSING (SR2) PRIMARY USES Dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights ADDITIONAL USE RIGHTS Shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose subject to conditions CONSENT USES Group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure, halfway house and <u>veterinary practice</u>		1,0	N/a	6,0 m dwelling units; 8,0 m other buildings	8,0 m dwelling units; 10,0 m other buildings	Formal township: 1,0 m No formal township: 1,0 m	Formal township: 0,0 m for 60% and 1,0 m for remainder; 2,5 m between shelters and other buildings No formal township: 3,0 m on perimeter; 2,5 m between shelters and other buildings	N/a	Parking and access House shop Shelter Informal trading Land constructed as or identified for roads Land used as or identified for firebreaks Approval of building plans
		Refer to item 27(a)	Refer to item 27(b)	Refer to item 27(b)	Refer to item 27(b)	Refer to item 27(c) & 27(d)	Refer to item 27(c) & 27(d)		

GENERAL RESIDENTIAL ZONING	SUB-ZONING	DENSITY	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
GENERAL RESIDENTIAL SUBZONING 1: GROUP HOUSING (GR1) PRIMARY USES Dwelling house, group housing, private road, open space and additional use rights ADDITIONAL USE RIGHTS Flats and home occupation, subject to restriction CONSENT USES Utility services, home child care and rooftop base telecommunication station	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m external public street 0,0 m internal road Garages 5,0 m from kerb	3,0 m external boundaries 0,0 m internal boundaries	N/a	Design principles Open space Parking and access Site development plan Flats and home occupation as additional use right Dwelling house outside group scheme
				Refer to item 35(c)	Refer to item 35(c)	Refer to item 35(e) & 35(f)	Refer to item 35(e) & 35(f)		
GENERAL RESIDENTIAL SUBZONINGS (GR2-GR6) PRIMARY USES Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space CONSENT USES Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, [and] rooftop base telecommunication station and veterinary practice	GR2	1,0	60%	To top of roof		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Parking and access Screening Wind mitigation
				15,0 m					
	GR3	1,0	60%	20,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Dwelling house and second dwelling Group housing
				24,0 m					
	GR4	1,5	60%	24,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Institution, place of instruction and place of assembly
				35,0 m					
GR5	2,5	60%	35,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m	Shop	
			50,0 m						
GR6	5,0	60%	50,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m		
		Refer to item 41(b)	Refer to item 41(a)	Refer to item 41(c)		Refer to item 41(e)	Refer to item 41(e)	Refer to item 41(d)	

COMMUNITY ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To top of roof	Street boundary	Common boundaries		
<p>COMMUNITY ZONING 1: LOCAL (CO1)</p> <p>PRIMARY USES Place of instruction, place of worship, clinic, rooftop base telecommunication station, [and] open space <u>and filming</u></p> <p>CONSENT USES Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, [and] urban agriculture <u>and veterinary practice</u></p>	<p>0,8</p> <p>Refer to item 47(a)</p>	<p>60%</p> <p>Refer to item 47(b)</p>	<p>12,0 m</p> <p>Refer to item 47(c)</p>	<p>5,0 m</p> <p>Refer to item 47(d)</p>	<p>5,0 m</p> <p>Refer to item 47(e)</p>	<p>N/a</p>	<p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Noise mitigation</p>
<p>COMMUNITY ZONING 2: REGIONAL (CO2)</p> <p>PRIMARY USES Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, [and] open space <u>and filming</u></p> <p>CONSENT USES Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, [and] urban agriculture <u>and veterinary practice</u></p>	<p>2,0</p> <p>Refer to item 49(a)</p>	<p>60%</p> <p>Refer to item 49(b)</p>	<p>18,0 m</p> <p>Refer to item 49(c)</p>	<p>5,0 m</p> <p>Refer to item 49(d)</p>	<p>5,0 m</p> <p>Refer to item 49(e)</p>	<p>N/a</p>	<p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Noise mitigation</p>

LOCAL BUSINESS ZONING	LAND UNIT AREA (m ²)	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
LOCAL BUSINESS ZONING 1: INTERMEDIATE BUSINESS (LB1)	>1 000	1,0	N/a	9,0 m	11,0 m	3,5 m	3,0 m	N/a	Garages and carports
PRIMARY USES Office, dwelling house, boarding house, utility services, flats and additional use rights	>650 up to 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Parking and access
ADDITIONAL USE RIGHTS Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care	>350 up to 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Loading Screening
CONSENT USES Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, [and] half way house and <u>veterinary practice</u>	>200 up to 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Home occupation, bed & breakfast establishment and home child care Second dwelling
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		House shop
		Refer to item 51(a)		Refer to item 51(b)	Refer to item 51(b)	Refer to item 51(c)	Refer to item 51(c)		
LOCAL BUSINESS ZONING 2: LOCAL BUSINESS (LB2)		1,0	75%	To top of roof					
PRIMARY USES Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, [and] open space and <u>veterinary practice</u>		Refer to item 56(a)	Refer to item 56(b)	12,0 m		0,0 m		8,0 m	Canopy projection Street corners Parking and access Loading Screening
CONSENT USES Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage				Refer to item 56(c)		Refer to item 56(e) & 56(f)		Refer to item 56(d)	Service station and motor repair garage Informal trading

GENERAL BUSINESS AND MIXED USE ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL BUSINESS SUBZONINGS (GB1-GB7) PRIMARY USES Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, [and] open space, <u>veterinary practice and filming</u> CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station	GB1	1,5	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Residential incentive in respect of GB7
	GB2	2,0	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Hotel floor space concession
	GB3	2,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Canopy or balcony projection
	GB4	3,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Public pedestrian footway along street boundary
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Street corners
	GB6	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m	0,0 m	8,0 m	Parking and access
	GB7	12,0	100%	60,0 m	0,0 m up to 38,0 m height; ½ (H-38 m) above 38,0 m	0,0 m	8,0 m	Loading Screening Wind mitigation
		Refer to item 60(c)	Refer to item 60(a)	Refer to item 60(d)	Refer to item 60(e)	Refer to item 60(e)	Refer to item 60(b)	Service station and motor repair garage Informal trading
MIXED-USE SUBZONINGS (MU1-MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, [and] open space <u>and filming</u> CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, [and] motor repair garage, <u>veterinary practice and recycling centre</u>	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m		8,0 m	Screening Service station and motor repair garage Informal trading
		Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(c)		Refer to item 64(b)	

INDUSTRIAL ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL INDUSTRY SUBZONINGS (GI1-GI2)	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	N/a	Boundary walls
	GI 2	4,0	75%	18,0 m, but no restriction in respect of manufacturing buildings	5,0 m	3,0 m		Parking and access Loading Screening Hazardous substances Service station and motor repair garage Factory shop Adult shop Informal trading
PRIMARY USES Industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, [and] additional use rights, <u>veterinary practice and filming</u>		Refer to item 68(a)	Refer to item 68(a)	Refer to item 68(b)	Refer to item 68(c)	Refer to item 68(d)		
ADDITIONAL USE RIGHTS Factory shop and adult shop								
CONSENT USES Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aquaculture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site								
RISK INDUSTRY ZONING (RI)		2,0	75%	18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings	5,0 m	5,0 m	N/a	Parking and access Loading Screening Boundary walls
	PRIMARY USE Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, [and] additional use rights <u>and filming</u>	Refer to item 75(a)	Refer to item 75(b)	Refer to item 75(c)	Refer to item 75(d)	Refer to item 75(d)		Hazardous substances Service station and motor repair garage Factory shop Informal trading
ADDITIONAL USE RIGHTS Factory shop								
CONSENT USE Shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use, [and] multiple parking garage <u>and recycling centre</u>								

UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
UTILITY ZONING (UT) PRIMARY USES Utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station CONSENT USES Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad	As determined by a site development plan (Refer to item 81)						
TRANSPORT ZONING 1: TRANSPORT USE (TR1) PRIMARY USES Transport use, multiple parking garage, utility service, warehouse, rooftop base telecommunication station and container site CONSENT USES Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights	2,0 Refer to item 83(a)	75% Refer to item 83(b)	15,0 m for stacked shipping containers 18,0 m for any other building Refer to item 83(c)	0,0 m Refer to item 83(d)	3,0 m Refer to item 83(d)	N/a	Parking and access Service station and motor repair garage Informal trading Air and underground rights
TRANSPORT ZONING 2: PUBLIC ROAD AND PUBLIC PARKING (TR2) PRIMARY USES Public street, public road and utility service CONSENT USES Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights	As determined by a site development plan (Refer to item 88)						Deemed zoning Construction and deposit of materials Air and underground rights Proposed public street, street widening and street closure Informal trading
NATIONAL PORT ZONING (NPZ) PRIMARY USES Land uses as set out in an approved Port development framework plan CONSENT USES None	As determined by an approved Port development framework plan (Refer to item 95)						Deemed zoning Deemed zoning of land transferred to National Ports Authority

OPEN SPACE ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<p>OPEN SPACE ZONING 1: ENVIRONMENTAL CONSERVATION (OS1)</p> <p>PRIMARY USES Environmental conservation use</p> <p>CONSENT USES Harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies</p>				As determined by a site development plan (Refer to item 98)			
<p>OPEN SPACE ZONING 2: PUBLIC OPEN SPACE (OS2)</p> <p>PRIMARY USES Public open space and environmental conservation use</p> <p>CONSENT USES Environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights</p>				As determined by a site development plan (Refer to item 100)		<p>Deemed zoning</p> <p>Construction and deposit of material</p> <p>Air and underground rights</p> <p>Informal trading</p>	
<p>OPEN SPACE ZONING 3: SPECIAL OPEN SPACE (OS3)</p> <p>PRIMARY USES Open space, private road and environmental conservation use</p> <p>CONSENT USES Environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources</p>				As determined by a site development plan (Refer to item 105)		<p>Approval of consent uses</p> <p>Informal trading</p>	

AGRICULTURAL, RURAL AND LIMITED USE ZONINGS	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
AGRICULTURAL ZONING (AG) PRIMARY USES Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care CONSENT USES Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, [and] agriculture industry, <u>veterinary practice and renewable energy structure</u>	1 500 m ² for all dwelling units 100 m ² for farm shop Refer to item 109(a)	N/a	9,0 m for dwelling house Refer to item 109(d)	11,0 m for dwelling house 12,0 m for agricultural buildings other than dwelling house Refer to item 109(d)	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m Refer to item 109(b)	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m Refer to item 109(b)	N/a	Parking Minimum subdivision size Agricultural industry Second dwelling and additional dwelling units
RURAL ZONING (RU) PRIMARY USES Dwelling house, agriculture and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care CONSENT USES Guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, [and] agricultural industry and <u>veterinary practice</u>	1 500 m ² for all buildings 100 m ² for farm shop Refer to item 113(a)	40%	9,0 m Refer to item 113(e)	11,0 m Refer to item 113(e)	10,0 m Refer to item 113(c)	5,0 m Refer to item 113(c)	N/a	Parking Minimum subdivision size Agricultural industry Second dwelling
LIMITED USE ZONING (LU) PRIMARY USES Only existing lawful uses CONSENT USES None	Refer to item 118							No rezoning Reconstruction of destroyed property

End of Table A:”.

Amendment of Item 21 of Schedule 3: City of Cape Town Development Management Scheme

33. Item 21 of Schedule 3 is hereby amended –

(a) by the substitution for sub-item (b) of the following sub-item –

"(b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling and home child care, subject to the following conditions:

- (i) Except for a second dwelling, only [Only] one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained;
- (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
- (iii) The proprietor of the activity concerned shall live on the property;
- (iv) The conditions stipulated in items 23, 24, **[or] 25 or 53** (whichever is applicable) shall be adhered to;
- (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned; and
- (vi) No more than three employees shall be engaged by the occupant in the activity concerned.";

(b) by the substitution of sub-item (c) with the following sub-item:

"(c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture **[, second dwelling], veterinary practice** and halfway house.".

Amendment of Item 22 of Schedule 3: City of Cape Town Development Management Scheme

34. Item 22 of Schedule 3 is hereby amended –

(a) by the substitution for sub-paragraph (i) of paragraph (f), of the following sub-paragraph:

"(i) A garage, carport and outbuilding are permitted within the common boundary line or on the common property boundary; provided that the garage, **[and]** carport and outbuilding do not -
 (aa) extend higher than 3,5 m from base level to top of roof;
 (bb) contain more than a double garage façade; and
 (cc) exceed a width of 6, 5 m."; and

(b) by the substitution for sub-paragraph (iv) of paragraph (f), as follows:

"(iv) Notwithstanding paragraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the City, compliance with the street boundary building line will not be practical due to the **[steep slopes] steepness** of the ground between the road and the property concerned. The City will determine the street boundary building line in such a case.".

Substitution of Item 26 of Schedule 3: City of Cape Town Development Management Scheme

35. Item 26 of Schedule 3 is hereby amended by the substitution for sub-item (1) of the following sub-item:

"(1) The following use restrictions apply to property in this zoning:

- (a) Primary uses are dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights as specified in paragraph (b).
- (b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose excluding the sale of alcoholic beverages, provided that:
 - (i) The dominant use of the unit shall remain residential;
 - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
 - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
 - (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
 - (v) The development rules stipulated in items 23, 24, 25, 28, 29 and 30, whichever is applicable, shall be adhered to.
- (c) Consent uses are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house.
- (d) Multiple uses and buildings where no formal township exists."

Amendment of Item 40 of Schedule 3: City of Cape Town Development Management Scheme

36. Item 40 of Schedule 3 is hereby amended by the substitution for sub-item (b) of the following sub-item:

- (b) "Consent uses subject to paragraph (c) are utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shops, hotel, conference facility, **[and]** rooftop base telecommunication station and veterinary practice."

Substitution of Item 42 of Schedule 3: City of Cape Town Development Management Scheme

37. The following item is hereby substituted for item 42 of Schedule 3:

"The provisions of item 21(b) and 22 apply to a dwelling in this zoning. The provisions of item 21(b), 22 and 53 apply to a second dwelling in this zoning. [The additional use rights, consent uses and development rules for dwelling house in Single Residential Zoning 1 and second dwelling in Local Business Zoning 1 respectively shall apply to a dwelling house and second dwelling in this zoning.]"

Substitution of Item 46 of Schedule 3: City of Cape Town Development Management Scheme

38. The following item is hereby substituted for item 46 of Schedule 3:

"The following use restrictions apply to property in this zoning:

- (a) Primary uses are place of instruction, place of worship, clinic, rooftop base telecommunication station, filming and open space.
- (b) Consent uses are institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, veterinary practice and urban agriculture."

Substitution of Item 48 of Schedule 3: City of Cape Town Development Management Scheme

39. The following item is hereby substituted for item 48 of Schedule 3:

"The following use restrictions apply to property in this zoning:

- (a) Primary uses are institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, filming and open space.
- (b) Consent uses are boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, veterinary practice and urban agriculture."

Amendment of Item 50 of Schedule 3: City of Cape Town Development Management Scheme

40. Item 50 of Schedule 3 is hereby amended by the substitution for sub-item (c), of the following sub-item:

"(c) Consent uses are place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house."

Amendment of Item 53 of Schedule 3: City of Cape Town Development Management Scheme

41. Item 53 of Schedule 3 is hereby amended by the deletion of paragraph (g).

Amendment of Item 55 of Schedule 3: City of Cape Town Development Management Scheme

42. Item 55 of Schedule 3 is hereby amended by the substitution for sub-item (a), of the following sub-item:

"(a) Primary uses are shop, office, dwelling house, second dwelling, boarding house, bed and breakfast establishment, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, veterinary practice and open space."

Amendment of Item 59 of Schedule 3: City of Cape Town Development Management Scheme

43. Item 59 of Schedule 3 is hereby amended by the substitution for sub-item (a), of the following sub-item:

"(a) Primary uses are business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, filming, veterinary practice and open space."

Substitution of Item 63 of Schedule 3: City of Cape Town Development Management Scheme

44. The following item is hereby substituted for item 63 of Schedule 3:

"The following use restrictions apply to property in this zoning:

- (a) Primary uses are business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, filming and open space.
- (b) Consent uses are adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, recycling centre, veterinary practice and motor repair garage."

Amendment of Item 67 of Schedule 3: City of Cape Town Development Management Scheme

45. Item 67 of Schedule 3 is hereby amended by the substitution for sub-item (a), of the following sub-item:

"(a) Primary uses are industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, filming, veterinary practice and additional use rights as listed in paragraph (b)."

Amendment of Item 74 of Schedule 3: City of Cape Town Development Management Scheme

46. Item 74 of Schedule 3 is hereby amended –

(a) by the substitution for sub-item (a), of the following sub-item:

"(a) Primary uses are noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, filming and additional use rights as listed in paragraph (b).";

(b) by the substitution for sub-item (c) of the as following sub-item:

"(c) Consent uses are shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, wind turbine infrastructure, helicopter landing pad, container site, transport use, recycling centre and multiple parking garage."

Amendment Item 108 of Schedule 3: City of Cape Town Development Management Scheme

47. Item 108 of Schedule 3 is hereby amended by the substitution for sub-item (c) of the following sub-item:

"(c) Consent uses are additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, renewable energy structure, veterinary practice and agricultural industry."

Insertion of Item 111A into Schedule 3: City of Cape Town Development Management Scheme

48. Schedule 3 is hereby amended by the insertion, after Item 111, of the following item:

"111A Renewable energy structures

The City may approve a consent use application for a renewable energy structure; provided that –

- (a) A site development plan must be submitted to the City for approval.
- (b) The site development plan as approved by the City constitutes the development rules for a renewable energy structure and the provisions for a site development plan in item 123 apply.
- (c) Decommissioning is done in accordance with the following requirements;
 - (i) Any renewable energy structure which is decommissioned or abandoned must be removed by the owner.
 - (ii) When a renewable energy structure is scheduled to be decommissioned, the owner must notify the City.
 - (iii) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of being decommissioned or abandoned.
- (d) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years."

Amendment of Item 112 of Schedule 3: City of Cape Town Development Management Scheme

49. Item 112 of Schedule 3 is hereby amended by the substitution for sub-item (c), of the following sub-item:

"(c) Consent uses are guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, veterinary practice and agricultural industry."

Amendment of Item 121 of Schedule 3: City of Cape Town Development Management Scheme

50. Item 121 of Schedule 3 is hereby amended –

(a) by the insertion, after subparagraph (x) of sub-item (a) of the following subparagraph:

"(xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level."; and

(b) by the substitution for sub-item (2) of the following sub-item:

"(2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City and to which sub-item (1)(a)(i) is also applicable."

Amendment of Item 123 of Schedule 3: City of Cape Town Development Management Scheme

51. Item 123 of Schedule 3 is hereby amended by the insertion, after sub-item 7, of the following sub-items:

"(8) A site development plan will only lapse if replaced by another site development plan.

(9) An approval granted for a component of a package of plans referred to in sub-item (4) (a) to (c) does not lapse."

Insertion of Item 136A into Schedule 3: City of Cape Town Development Management Scheme

52. The following item is hereby inserted after Item 136 of Schedule 3:

"136A Outbuildings

Except with the consent of the City, no person shall use or occupy an outbuilding before the erection of the building to which it is an outbuilding."

Substitution of Item 138 of Schedule 3: City of Cape Town Development Management Scheme

53. Item 138 is hereby amended by the substitution for the table entitled "Minimum off-street parking requirements", of the following table:

"Minimum off-street parking requirements

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit	<u>Nil</u> [1 bay per 2 nd dwelling unit]
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	<u>Nil</u> [0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors]
Flats	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	<u>Nil</u> [0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors]
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
Boarding house, guest house	1,25 bays per bedroom	0,75 bays per bedroom	<u>Nil</u> [0,5 bays per bedroom]
Backpackers lodge	1 bay per 6 beds	1 bay per 8 beds	<u>Nil</u> [1 bay per 10 beds]
Hotel	0,75 bays per bedroom, plus 20 bays if licensed	0,75 bays per bedroom, plus 20 bays if licensed	<u>Nil</u> [0,5 bays per bedroom, plus 10 bays if licensed]
Retirement home, orphanage	0,5 bays per bedroom	0,3 bays per bedroom	<u>Nil</u> [0,2 bays per bedroom]
Crèche	1 bay per 10 children, plus stop & drop facility	1 bay per 10 children	<u>Nil</u> [1 bay per 30 children]
School	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom and office, plus stop & drop facility	<u>Nil</u> [1 bay per classroom, plus stop & drop facility]

Land use	Standard areas	PT1 areas	PT2 areas
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom and office	0,4 bays per student, plus 1 bay per classroom and office	<u>Nil</u> [1 bay per classroom and office]
Library, museum	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	<u>Nil</u> [1 bay per 100 m ² GLA]
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m ² floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m ² floor space = 1 person	<u>Nil</u> [1 bay per 10 seats or persons, calculated at 1,4 m ² floor space = 1 person]
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	<u>Nil</u> [3 bays per 40 seats or persons (or as per transport management plan)]
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	<u>Nil</u> [1 bay per 15 seats or persons]
Gymnasium, health club	10 bays per 100 m ² GLA	8 bays per 100 m ² GLA	<u>Nil</u> [6 bays per 100 m ² GLA]
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	<u>Nil</u> [1 bay per bed]
Clinic, medical consulting rooms, <u>veterinary practice</u>	4 bays per consulting room	3 bays per consulting room	<u>Nil</u> [2 bays per consulting room]
Shops (excluding supermarket)	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA	<u>Nil</u> [1 bay per 100 m ² GLA]
Supermarket, shopping centre	6 bays per 100 m ² GLA	4 bays per 100 m ² GLA	<u>Nil</u> [2 bays per 100 m ² GLA]
Restaurant	2 bays per 25 m ² GLA	1 bay per 25 m ² GLA	<u>Nil</u> [1 bay per 25 m ² GLA]
Offices	4 bays per 100 m ² GLA	2,5 bays per 100 m ² GLA	<u>Nil</u> [1 bay per 100 m ² GLA]
Conference centre	6 bays per 10 seats	4 bays per 10 seats	<u>Nil</u> [2 bays per 10 seats]
Motor showroom	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA	<u>Nil</u> [3 bays per 100 m ² GLA]

Land use	Standard areas	PT1 areas	PT2 areas
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	Nil [4 bays per service bay]
Motor fitment centre	2 bays per service bay	2 bays per service bay	Nil [1 bay per service bay]
Industry	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	Nil [1 bay per 100 m ² GLA]
Warehouse, storage building	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA	Nil [1 bay per 100 m ² GLA]

Amendment of Item 140 of Schedule 3: City of Cape Town Development Management Scheme

54. Item 140 of Schedule 3 is hereby amended by the insertion, after sub-item (2) (c), as follows:
"(d) A combined carriageway crossing allows for both entrance and exit, whereas a single carriageway crossing only allows for an entrance or an exit. Direct access to a garage, carport or parking space, or combination thereof, is a combined access."

Amendment of Item 148 of Schedule 3: City of Cape Town Development Management Scheme

55. Item 148 of Schedule 3 is hereby amended by the substitution for paragraph (a) of sub-item (1), of the following paragraph:
 "(a) the development principles contained in the SPLUMA, the [Ordinance] LUPA and this By-Law;"

Insertion of Items 158A to F into Schedule 3: City of Cape Town Development Management Scheme

56. Schedule 3 is hereby amended by the insertion, after Item 158, of the following Items:

"158A Third Dwelling Overlay Zoning

- (1) In an area designated to have a third dwelling overlay zoning the following provisions apply to land units with a SR1 or SR2 zoning.
- (2) A third dwelling is a primary use on properties with a SR1 or SR2 zoning.
- (3) In accordance with development rules applied to Third Dwelling Overlay Zoning, the following is applicable:
 - (a) A 1m street boundary building line on land units up to and including 350m² in extent.
 - (b) Zero parking requirements for the third dwelling use.
- (4) General requirements in regards to Third Dwelling Overlay Zoning include the following:
 - (a) The construction of a third dwelling shall be subject to the City's municipal services departments certifying that capacity is available on the services network in the specific area.
 - (b) The existence or approval of a third dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units.
 - (c) A third dwelling shall be constructed in a style that is similar to the architecture of the main and second dwelling.

Part 3: Small and Micro Enterprise Overlay Zoning (SMEO)

(Items 158B – 158D)

158B Use of property: Small and Micro Enterprise Overlay Zoning

- (1) In this overlay zoning, one or both of the following intensity provisions can be designated to an area or land unit:
 - (a) medium intensity area; or
 - (b) low intensity area.
- (2) In an area or land unit designated to have a medium intensity overlay zoning the following additional primary uses are permitted in the SR1 and SR2 base zones:
Restaurant, office, guest house, service trade, place of instruction, place of worship and business premises.
- (3) In an area or land unit designated to have a low intensity overlay zoning the following additional primary uses in the SR1 and SR2 base zones are permitted:
Restaurant, office, guest house, place of instruction and house shop.

158C Development rules: Small and Micro Enterprise Overlay Zoning

- (1) The following rules are applicable to an area or land unit with an SR1 or SR2 zoning designated to have a medium intensity overlay zoning:
 - (a) floor factor of 1.5 but may not be greater than 1500m²
 - (b) at least a third of the floor space of all buildings and structures shall be used for residential purposes.
- (2) The following development rule is applicable to an area or land unit with an SR1 zoning designated to have a medium intensity overlay zoning:
 - (a) zero street building line.
- (3) The City may impose development rules in order to minimise any potential nuisance to surrounding neighbours or general public as part of designating an area or land unit to have this overlay zoning.
- (4) Any development rules in terms of an approved medium intensity overlay zoning that exceed, or are more restrictive than, the limitations of a base zoning shall be deemed to be approved departures from the provisions of the base zone.

158D General provisions: Small and Micro Enterprise Overlay Zoning

The following provisions apply:

- (1) Medium intensity areas or land units are directly adjacent to identified activity routes or streets and structuring routes.
- (2) Low intensity areas or land units are directly adjacent to identified activity routes or streets and structuring routes or directly adjacent to a medium intensity zone (i.e. it does not have to be along an activity route or street or structuring route).
- (3) Parking requirements apply as per the PT2 area requirement provided for in item 138 and access requirements apply as provided for in item 140.
- (4) The City's municipal services departments must certify that capacity is available on the services network in the specific area, for the additional primary uses."

Part 4: Extensive Residential Use Overlay Zoning

(Items 158E – 158F)

158E General provisions: Extensive Residential Use Overlay Zoning

Use of property

- (1) Primary uses are dwelling house and private road.
- (2) Additional use rights are second dwelling, subject to item 53.

- (3) Consent uses are home occupation, bed and breakfast establishment, home child care, utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture and halfway house."

158F Specific provisions: Extensive Residential Use Overlay Zoning

- (1) No subdivision of land shall be permitted with an erf size of less than 4000 square metres.

Amendment of Item 188 of Schedule 3: City of Cape Town Development Management Scheme

57. Item 188 of Schedule 3 is hereby amended by the substitution for sub-item (3), of the following sub-item:

"(3) The following provisions apply to the Bakoven, Clifton and Glen Beach Bungalow area as depicted on Plan LAO/ [4] 5(i):".

Amendment of Item 189 of Schedule 3: City of Cape Town Development Management Scheme

58. Item 189 of Schedule 3 is hereby amended by the substitution for sub-item (1), of the following sub-item:

"(1) The provisions in this item shall apply to the Clifton area on the lower side of Victoria Road, as depicted on Plan LAO/5 [(iii)] (ii).".

Short title

59. This By-law is called the City of Cape Town: Municipal Planning Amendment By-law, 2016.

Annexure B: Summary of comments and responses

No in file	Category	From	Date	Summary of comment received (Note - Every submission has been considered in full)	Response	Amendment
1	Definitions	Geoff Underwood	16-Nov-15	<p data-bbox="882 240 994 261">Floor Space</p> <p data-bbox="882 296 1406 619">The proposed amendment no longer exempts parking or loading from floor space, unless this is in a basement. This will have far reaching negative implications because it will dramatically reduce the saleable or rentable bulk in a development. While the City may want to encourage developers to reduce parking over the longer term, it should be careful about how it does this. Areas for parking and loading should not be classified as floor space, because such areas of themselves do not generate peak hour trips or requirements for electricity, water, sewerage etc. Areas for parking and loading should be excluded from being measured as floor space. There will be a major outcry from the property industry if this is not the case.</p> <p data-bbox="882 691 1406 959">It is desirable to exclude from floor space a part of a basement that is used for building infrastructure such as cooler rooms, generator rooms etc. There may however be questions about what the word habitable means in the proposed amendment. Does this exclude storage areas, a building supervisor's office, staff toilets, etc. since these are not lived in spaces? I believe that these should form part of floor space. I therefore recommend that the word habitable is excluded and rather you add exclusions relating to building infrastructure such as cooler rooms and generator rooms.</p> <p data-bbox="882 1023 949 1043">Height</p> <p data-bbox="882 1078 1406 1198">The inclusion of the lift shafts (and presumably lift motor rooms) in height exemptions will open the possibility for unattractive protrusions on top of buildings. These lift shafts and motor rooms are structures, often the equivalent of a storey in height, and can look very unattractive.</p> <p data-bbox="882 1254 1084 1278">Special Planning Area</p>	<p data-bbox="1429 296 1944 368">Noted. Any unhabitable space is still exempted as per the proposed amended definition. Parking will continue to be exempted.</p> <p data-bbox="1429 691 1944 783">Agreed. Building infrastructure will form part of space that is not habitable. A basement was excluded previously from floorspace. It is now possible to include habitable space where living areas are below ground.</p> <p data-bbox="1429 1078 1944 1118">Agreed. Lift shafts that will not be counted for height control will be limited.</p>	<p data-bbox="1951 296 1984 317">Yes</p> <p data-bbox="1951 1078 1984 1099">Yes</p>
a						
b						
c						

2	Filming	Michael Braaks	10-Dec-15	<p>I believe that an overlay zone should be provided to declare, and define the extent of a Special Planning Area. Although the SPA exists and mechanisms, including the package of plans process exist in the MPBL, there are at present no provisions to designate an area as a SPA.</p>	<p>Noted. May be considered at a future review opportunity.</p>	
o				<p>Our neighbour's house is being increasingly used for filming. Just about all of the proposed laws are being broken, including timing, participant numbers, vehicles, etc. To have this huge inconvenience (noise, blocked roads, lights, etc) occurring 5 days a month is crazy and not acceptable. This effectively means that for two months out of every year we will be subjected to this! Please reduce to 2 days per months with an additional limitation of 10 days per year.</p>	<p>1) Noted. Several comments and objections related to the filming proposals were received during the formal public participation period and were considered holistically.</p>	Yes
3	Second and Third Dwelling	Tany Heher	10-Dec-15	<p>52 (Item 53) Allowing second dwelling and 65 (158A Specific provisions: Third Dwelling Overlay Zoning) - supported. Densification of the city is vital for its future development.</p>	<p>Noted and agreed. Currently it is proposed to only create the mechanism for third dwellings. Any area to be subject to third dwellings will have to be designated in future and will be subject to further public participation processes.</p>	
a						
4	Filming; 2nd Dwellings; 3rd Dwellings	Paddy Milner	14-Dec-15	<p>Opposing filming for several reasons</p>	<p>See Responses provided at 2.</p>	
a				<p>Second dwellings opposed. This proposal could result in serious densification in quiet neighbourhoods by those wishing to purchase build extra dwelling and move on, leaving the neighbourhood worse off.</p>	<p>Not agreed. For the City to achieve density targets and to ensure optimal use of service infrastructure, where available, this is deemed to be a critical amendment to the DMS to achieve a denser and more compact City. This principle is also promoted by the Integrated Human Settlement Framework (IHSF), the Integrated Public Transport Network (IPTN) and related strategies. The additional use rights need to comply with rules.</p>	
b						

c				<p>Opposing 3rd dwellings. Single residential zoning is a key constraint on a free for all and my understanding is aimed at protecting the character of neighbourhoods. One puts a large investment into a residence and the character of a neighbourhood has a major impact on the decision making at the time of investment. Allowing this proposal to be approved will go against the citizens and residents desire for investing safely in known character within a neighbourhood.</p>	<p>Not agreed. For the City to achieve density targets and to ensure optimal use of service infrastructure, where available, this is deemed to be a critical amendment to the DMS to achieve a denser and more compact City. This principle is also promoted by the Integrated Human Settlement Framework (IHSF), the Integrated Public Transport Network (IPTN) and related strategies. Currently it is proposed to only create the mechanism for third dwellings. Any area to be subject to third dwellings will have to be designated in future and will be subject to further public participation processes.</p>
5	2nd Dwellings; 3rd Dwellings; Accessibility of documents	Glynn Smith	14-Dec-15	<p>The proposal introduces the right to construct a second dwelling on a property in single residential 1 zoning, without the current requirement that owners/neighbours who share a common boundary be given notice and give their written consent/approval. (This has previously been a consent use, requiring input from neighbours and approval by the City.)</p>	<p>See Response 4b.</p>
a				<p>The proposal would create an overlay zoning scheme to provide for third dwellings on a single private property – without the need to notify and get approval from owners of adjoining properties – even in land units with single residential zoning. The proposal seeks to give the City authority to move forward, though no details of what is intended are provided in this document. The lack of clarity and specifics in the amendment make it virtually impossible to evaluate this proposed amendment and could have significant densification implications for Constantia Hills.</p>	<p>See Response 4c.</p>
b				<p>Proposed amendment #4 The City proposes to substitute a less formal requirement for making land use and spatial planning documents accessible to the public, giving City officials latitude to make a final decision as to where and how to publish adapted frameworks (in addition to the City's website, which is still required).</p>	<p>The purpose of the amendment is to provide better and easier accessible information to the public. It is not more restrictive than what is currently contained in section 19 of the MPBL.</p>
c				<p>See 4 b and c</p>	<p>See Responses 4b and c.</p>
6	2nd Dwellings; 3rd Dwellings;	Tony Jordan	14-Dec-15		

7	Public participation	Rasalind Bush	14-Dec-15		
a				As a ratepayer for the past 32 years in Constantia Hills, directly affected by Cape Town City by laws, I strongly object to the proposed substantive changes to city planning by laws going ahead without more thorough democratic consultation with ratepayers by city council. I therefore request an extension of time to comment on the by laws and that this be facilitated through the city's website.	Noted. Public participation processes were conducted as per formal requirements and the City ensured that the proposals were distributed as widely as it could feasibly be done.
8	Filming; 2nd Dwellings; 3rd Dwellings; Accessibility of documents	Philippa Clemo	14-Dec-15		
a				Opposing filming. This proposed new by-law is against the public interest, because it will penalise ratepayers but benefit the City and the owners of a few residential properties. It will allow commercial activity, with up to 15 people and vehicles, on certain properties for 13 hours per day for 5 days of the month, including before 8am and after 5pm. Only direct neighbours will be allowed to comment, whereas the entire street will be impacted.	See Response 2.
b				Opposing 2nd dwelling.	See Response 4b.
c				Opposing 3rd dwelling. The proposal would create an overlay zoning scheme to provide for third dwellings on a single private property – without the need to notify and get approval from owners of adjoining properties - even in land units with single residential zoning. The proposal seeks to give the City authority to move forward, though no details of what is intended are provided in this document. The lack of clarity and specifics in the amendment make it virtually impossible to evaluate this proposed amendment and could have significant densification implications for Constantia Hills.	See Response 4c.

	d				Proposed amendment #4 The City proposes to substitute a less formal requirement for making land use and spatial planning documents accessible to the public, giving City officials latitude to make a final decision as to where and how to publish adopted frameworks (in addition to the City's website, which is still required).	See Reponse 5c.
9		Filming; 2nd Dwelling; 3rd Dwelling; Accessibility of documents	Dave and Maggie	15-Dec-15		
	a				Opposing filming for several reasons.	See Reponse 2.
	b				See 5a.	See Reponse 4b.
	c				See 5b.	See Response 4c.
	d				See 5c.	See Response 5c.
10		TR1 and 2; Parking, loading and infrastructure	Rahul Jobanputra (City TCT)	15-Dec-15		
	a				With reference to the proposed amendments to the MPBL, please accept this mail as notification that TCT would like to reserve and discuss its position and through this came to a citywide agreement on the following areas of the MPBL:	Noted.
					- Chapter 2, Div. II: Zoning categories, specifically in reference to zoning TR1 & TR2 and the city's approved Comprehensive Integrated Transport Plan	Noted. Not included as part of the proposed amendments.
					- Chapter 15: Parking, Loading and Infrastructure – with reference to PT1 and PT2 zones	Noted. Not included as part of the proposed amendments.
11		By-law amendments general; parking; filming:	Wynberg Residents and Ratepayers Association (WRRRA)	15-Dec-15		
	a				Section 13: deletion of subsection 2 and substitution of subsection 3. The consultation process needs to be defined and public participation be included as part of the process.	Noted. The proposed amendment is to improve clarification of the section.

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Section 71: substitutions of paragraph (d) and paragraph (i) of subsection 1. The records of pre-application consultations should absolutely be provided, not substituted by "information required in pre-application consultations", whereas that material should be provided in addition.

Noted. The proposed amendment is to improve clarification and correctness of the section.

Section 99: amendment by substitution of paragraphs (a) – (c) of subsection 3. The wording retained for 3(a) should be "socio-economic impact"; otherwise, "economic impact", which is the new item (a), and "scale of capital investment", which is the new item (c) are effectively weighed up against "social impact", which is the new item (b).

Noted. The proposed amendment is to improve clarification and practicality of implementing the section.

Section 120(8): substitution of subsection (8). We query the addition of "and three" to the wording, i.e. "[8] A quorum for a meeting of a panel of the Municipal Planning Tribunal is the [greater of a] simple majority of its designated members [and three]."

Noted. The proposed amendment is to improve clarification and practicality of implementing the section. The words "and three" are omitted, not inserted.

Section 121: the deletion of subsections 1–4 and the insertion of subsections 1–8.

We are opposed to the Mayor being given the right to dissolve the appeal panel at any time – this is extremely problematic, as the Municipal Council should be the overriding authority, not the Mayor.

The Appeal Panel should have its procedures defined, not be permitted to define its own procedures.

Noted, not agreed. The Mayor is the appeal authority in terms of applicable law.

Item 3(f): insertion of paragraph about parking. For determining the required parking bays, rounding up should be used exclusively. Rounding down should not be permitted in order to ensure adequate parking.

Noted. Not agreed. The proposal as is is the most practical to implement and is a tested method of determining the amount whole numbers.

Item 25A: insertion of paragraphs about filming. Only the City and owners of properties used by film companies will benefit, whereas ratepayers will be penalised. The City and the few property owners will get income from charging the film companies. However, this will not be the case for other ratepayers. Indeed, other ratepayers will not be compensated for having to deal with:

See Response 2.

Additional commercial activity for 13 hours a day on five days per month, which equates to 40% of the working month, and includes activity before 8 am and after 5 pm.

				<p>Additional vehicles (3 x 3.5 ton trucks) parked in the street outside, which will cause extreme problems in the narrow streets of Wynberg. In addition, vehicles belonging to the 15 people who will be allowed to be employed on a residential property will clog up the streets.</p> <p>Residential properties that may well end up unoccupied and used exclusively for filming, as the owners would make more money than (e.g.) renting out to tenants. And empty residential properties inevitably lead to Furthermore, no provision is made for nearby property owners to prevent these activities and the accompanying noise and disruption, which will extend beyond the properties next door to where the filming is taking place.</p>	
12	2nd Dwellings: 3rd Dwellings	ERM (City)	15-Dec-15	<p>The proposed by-law does not meet the requirements of the Promotion of Administrative Justice Act 2 of 2000, which says that government decisions must be 'lawful, procedurally fair and reasonable'. The proposed by-law is not reasonable because it is not in the public good and benefits a select few in the film industry. Furthermore, this process is not procedurally fair because we are unable to submit comments via the City's website, which states that "the answer to question 2 cannot be longer than 1024 characters".</p>	See Response 2.
a				<p>The Energy & Climate Change Unit strongly support the proposal to have a second dwelling as of right in all single residential zoning 1 areas. We also support the creation of a new overlay zoning mechanism for third dwellings too. Several reasons provided.</p>	Noted.
13	Filming	M Ranzoszek	15-Dec-15	<p>Constantia is primarily a residential area and filming in the public areas or private residences is disruptive to the nature of the neighbourhood. Allowing filming to take place on a property for five calendar days per month, be it consecutive or occasional is excessive. It should be limited to two calendar days per month.</p>	See Response 2.
o					
14	Filming	Yvanne Leibman Attorney and Heritage Practitioner	15-Dec-15		

15	General; Filming	Barbarossa Residents Group	15-Dec-15	The submission deals with the filming proposal and several reasons are being given why it is opposed.	See Response 2.	Yes.
a				Your point 22 (page 6): b) (1) and (8) – much power is put in the hands of the Mayor, thus seeming to circumvent the checks and balances of the Council. This does not seem to be consistent with democratic principles.	Noted. Legislation does however provide appeal powers to the Executive Mayor.	
a				Your point 23 (page 6): b) (a) – this removal of a minimum fine, does it indicate a weakening of the City's resolve to make Enforcement meaningful, rather than as derisory as it is at present, where offenders only pay small fines and carry on with their breaking of by-laws?	The amendment is proposed to cater for the scenarios where it is not advisable to enforce a 10% penalty. E.g. in the case of Early Childhood Development Centres which does not necessarily have the financial resources.	
b				Your point 27 h) (page 9): A small comment, but perhaps bio-digesters could be included in the renewable energy structure category?	Noted, but this is not considered to be a land use.	
c				Your point 27 j) (page 9): Does the introduction of the concept of a 'third dwelling' in a Single Residential Zone not make a mockery of such a zone? Why have zones like SR1 at all, when a three-apartment block could be constructed there, as might be permitted in the General Residential Zone?	See Response 4c.	
d				Your point 31 (c) (page 10): Does this substitution not weaken the strictures of SR1 zoning, taking away its development rules and merely offering "... any development rule ..." which is vague and subject to the arbitrary whim of any official?	Noted. Not agreed. All consent uses will still be applicable to any development rule in that zoning, together with any further conditions imposed by the decision-maker.	
e				Your point 46 (page 12): Should this be item 22 of the City of Cape Town DMS?	Noted. Corrected.	
f				Your point 48 (page 13):	See Response 2.	
g						

These over-generous provisions for filming hold the probability of loss of residential amenities for surrounding homes in residential areas, as well as other unforeseen consequences.

- Five calendar days per month every month amounts to one quarter of the working year, which is a long period of disturbance.

- In fact, a 13-hour day is far longer than a normal working day, so this period of disturbance could actually constitute closer to 40% of the working year.

- Houses and other structures in residential areas that continually produce such rich revenue for their owners are likely to become uninhabited, with these results:

- loss of security for the surrounding homes especially at night
- loss of good residential stock at a time when the City appears to be very concerned about providing more residential accommodation
- de facto rezoning to business premises

- It is naïve to assume that because filming itself only starts from 7 a.m. (which is early enough) – preparations do not commence from around 5 a.m. with equipment vehicles, catering vehicles and the like arriving to set up for the crews. Thus the potential for disturbance is great.

- Did the City not in the past forbid any one particular house to be used more than once a year for filming? Surely this provided a fairer balance between encouraging the film industry – and destroying residential amenities?

Your point 58 (8) and point 59 (11) – (page 15):

In the past, did the City not place a time limit during which an approved site development plan had to be brought to fruition? If we understand these items correctly, they could result in uncertainty prevailing in affected areas for years. Is this wise?

Your point 66 (page 16):

Noted. This is to allow for phased development when necessary.

				<p>The suggestion of overlay zones for 'medium intensity areas' and 'low intensity areas' for 'small to medium enterprises' holds the potential for rapid degrading of residential areas if applied insensitively, indiscriminately or merely pro-actively. It is naïve to assume that insisting that a third of floor space be retained for residential use will actually keep the property compatible with its residential neighbours. The same goes for waiving the requirement to place 'business' parking on the erf in question itself. Instead the City should seek to retain as much residential stock as it can, in line with its avowed aim to densify the residential areas of the City.</p>	<p>Noted. The introduction of a "Small to Medium Enterprise Overlay Zoning" will allow relevant areas: 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; to promote the "high street" concept in areas that qualify as such; and to introduce required development initiatives to support economic development in such areas. Land units subject to this proposed overlay will only be designated in the future and another public participation process will be followed to do this.</p>
16	<p>Filming</p> <p>a</p>	<p>Gordan's Bay Residents Association</p>	<p>15-Dec-15</p>	<p>The amendment to Chapter 3, Spatial Planning, Item 25A, Filming we believe will be against public interest and will penalise ratepayers in our town for the following reasons:</p> <ul style="list-style-type: none"> - It allows three vehicles with a gross weight of up to 3500 kgs gross weight <p>It further allows up to fifteen people on the property during filming, but is silent on the real possibility of allowing fifteen accompanying cars to be parked outside the venue</p> <p>Gordan's Bay is a small town with narrow streets and limited on street parking.</p> <ul style="list-style-type: none"> - The impact of a filming event envisaged in this by-law will therefore impact not only the immediate neighbours, but will create a nuisance and unsafe traffic situation for a whole neighbourhood. <p>We therefore cannot accept that consent from only the immediate neighbours is sufficient to allow a filming event to be approved and request that, depending on the circumstances, broader consent has to be sought. Alternatively clearer restrictions on the number of vehicles allowed at the filming site should be specified.</p>	<p>See Response 2.</p>
17	<p>Filming</p>	<p>Commercial Producers Association of South Africa</p>			

18	a	Enquiries	PJ Lerm	15-Dec-15	See submission. See Reponse 2.	See Response 2.
	c				New proposals are proposed in this submission.	Noted. To be considered in a next round of amendments.
19		General	SAACPP (South African Association of Consulting Professional Planners)	15-Dec-15		
	a				The submission from the South African Association of Consulting Professional Planners (SAACPP) commented on all the individual amendments proposed. Most of the amendments by the City are supported.	Suggestions that are supported by the City include the amendments to the proposals linked to: floor space; height; veterinary practice; section 22(f)(iv)).
20		Public Participation	Landsdowne Civic; Observatory Civic; Schaapkraal Civic; Latus River Civic; Penlyn Civic	15-Dec-15		
	a				We believe the time period afforded to communities to make meaningful input to the Bylaw was too short. We believe the period for comments should be extended.	Noted. See Response 7a.
	b				We believe that the proper consultative process for inviting comments on the MPBL would be to run workshops that build capacity in communities to engage with the By law in a meaningful way. The current process of putting out notices and complex text material is not sufficient for the average person to engage with the revisions or with the content of the By-law. It reduces participation to a very passive process and favours those who are already familiar with the bylaw and who are more likely to extract further advantage. In other words, unless the City invests resources in proper training and awareness, this consultative call will aggravate inequities in knowledge and power across the city in relation to planning matters.	Noted. See Response 7a.
					We therefore recommend that a) The date for submissions be extended to 28 February 2016	Noted. See Response 7a.

21	Public participation; Access to info; MPT: General	Observatory Civic Association	15-Dec-15	<p>b) The City should fund and implement a rigorous process of community capacity building to engage with the bylaw and its amendments as part of this process.</p> <p>c) We believe that local Civic Associations should be instrumental in facilitating such capacity building and would welcome the City's taking up this offer.</p>	<p>The submission is noted in its totality. See Response 7a with regards to the Public Participation process. The specific comments are responded to below as per the number of the comment in the submission:</p>
a				<p>The submission from the Observatory Civic Association objects to the public participation process, access to information and the lack of public input into the Municipal Planning Tribunals. Further specific comments on the proposals are also put forward.</p>	<p>1) Noted.</p> <p>2) Noted. It cannot be regarded in the same way as a rezoning, as it merely is providing to zoning to a property which is currently not zoned.</p> <p>3) Noted. A prescribed process will be followed in such cases.</p> <p>4) Noted. Not agreed.</p> <p>5) Noted.</p> <p>6) Noted. The Mayor is the appeal authority in terms of legislation.</p> <p>7) Noted. See Response 15b.</p> <p>8) Noted. This is required in terms of law.</p> <p>9) The comments to the definitions are noted.</p>
22	Development management; requirements for an application; special provisions for application	SAGI (South African Geomatics Institute)	15-Dec-15		

Paragraph 6 of the Notice refers to Section 38, for the substitution of subsection 1 with the following subsection: "(1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses two years after the effective date of the decision"

SAGI proposes to amend the two years to five years, or in accordance with a time period referred to in the approval. This would fall in line with a subdivision approval, which is normally granted for the five year period, and is made subject to various conditions of approval, which could take more than two years to enact.

Noted. Most approvals are in fact for 5 years.

Paragraph 7 of the Notice refers to Section 42, by the insertion of the following paragraph after paragraph (s): paragraph (t) "permission for the reconstruction of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6)"

Noted.

At the beginning of section 37, the definition of non-conforming use is given in paragraph (1): means the use of land or a building or part thereof for a purpose and in a manner which does not comply with the zoning scheme.

It is thus suggested that this proposed amendment could easily be incorporated into 42(n), with a simple reference to section 36 for zoning, and section 37 for non-conforming use. This would then act as a "catch-all", and would not require a separate application type.

With regard to section 42(s), it is proposed to remove reference to "[3]" from section 67(3), and simply to refer to section 67. The reason given for this proposed change is that, in terms of section 53, the Surveyor-General cannot accept a diagram or general plan without proof of the subdivision approval, or that the subdivision is exempt from the approval requirement. If a general exemption is not an application type, how will the City accept a diagram to be endorsed, and keep track of that? The alternative would be to amend section 53, and to state that proof is not required by the S-G for exempted subdivisions or servitudes, and tie that to the published list of exempted subdivisions and servitudes.

Noted. Exemptions only means no application is required. The diagrams must still be correct and accurate. The City must still endorse for example that a subdivision is still valid etc.

a

b

	c			Paragraph 13 of the Notice refers to Section 67, by the insertion of the following sub-paragraphs after sub-section 1 (g) (iii): "(iv) the imposition of height restrictions; (v) the granting of a right of habitation, private right-of-way or usufruct; (vi) barehole or water pipe."	
				SAGI WC, in conjunction with the S-G, proposed various exemptions, some of which have been included in the proposed amendments above. Those that have not been included are as follows: "servitude for nature area/conservation purposes; servitude for parking; servitude for a dam/reservoir; servitude of encroachment [the one listed in 1 (g) (ii) is only for an encroachment into a road reserve]; servitude for engineering services [other than for the state or a service provider, as referred to in 1 (g) (1)]; servitude for restraint of alienation; servitude for landscaping; servitude for a building restriction area; subdivisions for water supply, electricity supply, waste water, storm water and electronic communication systems	Noted. The exemptions will be done through another process.
23	a	Public Participation	GCTCA (Greater Cape Town Civic Alliance)	With regard to the proposed insertions relating to consolidation of land per 1 (h) (i) and (ii), it is suggested that a further category of consolidation of agricultural land be inserted as (iii).	Noted. Not agreed.
				See 20. Support their submission.	See Responses to submission 20.
24	a	General	Lansdowne Civic Association	The submission includes comments to public participation, access to information and specific comments to the proposals. Some of the comments correlates with the comments submitted in 21 above.	The comments are noted. With specific reference to the objection related to development levies which will be applicable to a second dwelling: this will need to be addressed in the applicable policy. By moving the use to another category do not change the requirement that services must be available.
25	a	General	Penlyn Civic Association	The submission includes comments to public participation, access to information and specific comments to the proposals. Some of the comments correlates with the comments submitted in 21 above.	Noted.

26	Filming	Madden	15-Dec-15		Opposing filming amendment.	Noted. See Response 2.
27	General	SCEA	15-Dec-15		The submission from SCEA is noted. Certain elements of the submission are not directly related to the proposed amendments.	The submission is noted in its totality.
28	General	Ryan Thwaites	17-Dec-15		The City's proposed planning bylaw amendments have potentially negative consequences for our community. These amendments need to be thought out again, sent back to the drawing board or completely scrapped.	Noted.
29	General	Western Cape Government	17-Dec-15		The submission from WCG is noted.	The comments from WCG has been noted and incorporated where relevant. The fact that WCG has no concerns from a Provincial Planning Perspective is also noted.
30	Filming	SG Fuller			The submission is opposing filming.	Noted. See Response 2.
31	Definitions	Dave Hirschman	30-Dec-15		The maximum height for a building above base level is given in the Table on page 102 of the Cape Town Municipal By-Law, 2015. However, the assumption is that the roof is pitched, using a standard truss. No other common roof form is catered for, such as a flat roof with surrounding parapet walls. For this type of roof - whether concrete or some other construction - I presume wallplate level would be to underside of roof slab? If so, in my opinion, the height definitions in the table on page 102 should at least be amended as follows: Maximum height above base level: To wallplate / underside of roof slab To ridge of roof / top of parapet walls	Noted. To be considered for a future amendment. These aspects are already catered for in the DMS.
32	Filming	Keith McAlister	11-Jan-16		Opposing filming.	Noted. See Response 2.

33	Filming	Peter Grobbelaar	12-Jan-16		
a				Opposing filming.	Noted. See Reponse 2.
34	Filming	Mike Frost	12-Jan-16		
a				Opposing filming.	Noted. See Reponse 2.
35	Filming; 2nd Dwellings; 3rd Dwellinas	Pierre Du Preez	12-Jan-16		
a				Opposing filming, 2 and 3rd dwellings.	Noted. See Responses 2, 4b and 4c.
36	Filming	Julion Leibman	12-Jan-16		
o				Opposing filming.	Noted. See Response 2.
37	General	Mark Wellard	12-Jan-16		
a				Objects in general. No specific details provided.	Noted.
38	Filming	Lindy Lewis	12-Jan-16		
a				Opposing filming.	Noted. See Response 2.
39	Filming	Raseanne Turner	12-Jan-16		
a				Opposing filming.	Noted. See Response 2.
40	Filming	Ryan Thwaitz			
				Opposing filming.	Noted. See Response 2.
41	Filming	Clare Gibban			
a				Opposing filming.	Noted. See Response 2.
42		Anton Raubenheimer			
				No detail provided.	
43	General; Filming	Constantia Property Owners Ass			
a				The submissions from the Constantia Property Owners Association deals with specific comments to the proposed amendments as well as comments towards the filming proposal.	Noted. Responses below as per the point number in the submission: 1) Noted. 2) The amendment is a correction to terminology in this section. 3) Noted.

44	a	Filming	Gordon Collender				4) Noted. The Mayor is the appeal authority in terms of legislation. 5) Noted. See Response 4c. 6) Noted. See Response 2.
						Opposing filming.	Noted. See Response 2.
45	a	Filming	Margaret Ashtan			In view of the fact that my previous objection did not get to you and was returned and that today is the 15th January, I wish to lodge an objection against filming as the film companies are not sticking to the present regulations and in this road alone concurrent filming from two neighbouring properties (as an example) took place for far too long a time and was inconvenient to residents.	Noted. See Response 2.
46		Filming	Clr Brunette			Submission includes comments on the proposed inclusion of filming as a land use.	Noted. See response 2.
47		Filming	Robert Rowand			Opposing filming.	Noted. See Response 2.
48		3rd Dwelling; Filming;	Dominic Rooney			Objects to third dwelling, Filming	Noted. See Response 2 and 4c.
49		Baselevel; basement; floorspace; veterinary practice; second dwelling; Bishopscourt Local Area	Marcelle Stapelberg; Andre Stapelberg	15-Dec-15		The submission includes general concerns as well as the below listed items.	General concerns are noted. Does not form part of the amendments proposed.

a

Baselevel: By deleting the last section (in bold and italics) the definition becomes more open to interpretation and should only be contemplated if section (a) of the definition for "average ground level" is deleted also, i.e. "average ground level" means the average of the highest and lowest existing ground levels immediately abutting the external elevational plane or wall cutting into the ground of a building or vertical division of a building, and the City may: "(a) determine the average ground level from measurements supplied on a building plan". In the interest of public harmony all base levels should be determined by an independent surveyor, with an attached certificate much like a conveyance must attach a conveyancing certificate .

Noted. The proposal as is is to simplify measuring methods and not to provide more rights.

b

Amendment to basement definition will increase artificial heights of buildings.

Noted. Not agreed.

c

Floorspace - Habitation of basement without such habitation affecting overall floorspace allocation.

Noted. It is proposed that habitable space in a basement forms part of floor space calculations.

d

Veterinary practices should not be allowed in SR1 zonings.

Noted. It will only be allowed when a consent use application has been approved, as per the current amendment proposal.

e

Allowing second dwellings without the consent from neighbours will lead to uncontrollable densification.

Noted. See Response 4b.

f

Bishops Court is ideally located to create a mixed uses area much like Sandton in Gauteng. The development of small up-market office buildings, coffee shops and chic restaurants and up market commercial activity would alleviate the congestion experienced on all the Southern Suburb outgoing roads and would assist the city in its attempts to bring services and work opportunities closer to people and to reduce and minimise urban sprawl. The area has the right infrastructure and location. The sizes of the properties lend themselves to subdivisions and the city could obtain a higher tax base by densifying this area. The question must be asked why the City is in a frenzy to densify much smaller areas where the properties are already tiny (like Green Point and Sea Point) and eager to allow the erection of second dwellings in all areas without consent, while at the same time preventing densification or mixed use rights in this area which so lends itself to urban development.

Noted. Intention is to retain character of the area.

50	Veterinary practice	Stephen Townsend	4-Jan-15	Noting the necessary inclusion of 'veterinary practice' into MPBL. Use should be included into GR Zanes as well.	Noted. Agreed.	Yes.
51	Bishopscourt	Biff Lewis	15-Dec-15	<p>1. Attached please find the following statistics on Bishopscourt & included Hen & Chicken Estate overlay proposal that our firm put together. You can draw your conclusions from that as you wish.</p> <p>2. An acre is 4047sqm. Some of the title deeds refer to an acre as the limit.</p> <p>3. The Title Deeds of the Hen & Chicken Estate and the Bishopscourt are not compatible</p> <p>4. The choosing of part of the Hen & Chicken Estate is selective and should rather be excluded from the study area. Some areas have been excluded where it could be argued that they should be included</p> <p>5. Bishopscourt has always had a range of erf sizes, as can be seen from the statistics on the original General Plans.</p> <p>6. There are already 39% of erven below 4000sqm. Is this not significant</p> <p>7. Every subdivision should be considered on its merits</p> <p>8. 9% of properties are between 6000 - 8000sqm which means that nearly 10% of the study area may not be able to subdivide in the future</p> <p>9. There has been a tendency over the last 50 years for smaller more compact properties to evolve because of mainly maintenance & security issues.</p> <p>10. The value of an erf does not equate necessarily to its size</p> <p>11. Architectural qualities of houses also come into the planning equation.</p>	<p>Comments are noted, but Bishopscourt is an identified section of Hen and Chicken Estate and have a distinct character that should be retained.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. There still will be a range.</p> <p>Noted.</p> <p>This is a proposed overlay zoning, departure can still be applied for.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	

12. Have the City's requirements for more properties of high quality been considered in this area or is this purely driven by the Home-owners themselves?

Noted.

13. Has any engineering/services criteria been brought to the planning table in regard to how many units of housing is ideal for Bishopscourt?

Noted.

14. I am pleased that Bishopscourt now may be considered as a Residential Zone and not a Rural or Agricultural one as this has been in the past.

Noted.

15. The City's policy of double dwelling for the City should be made applicable which will give private owners more flexibility.

Agreed.

16. It seems as though there is a strong movement away from Title Deed conditions and that City planning is better served by the City Planners. Will we see a blanket removal of all single dwelling clauses like we saw for racial conditions?

Agreed. Future investigation.

17. Surely precedent is a strong argument to say that as 20% of the erven are below 3500sqm that that should be a suggested limit for size criteria

Noted.

18. Why 4000sqm? – is there any empirical study on this size as compared to say London or Sydney or other parts of the world where exclusive suburbs can be compared for erf size?

Noted.

19. Is it fair to restrict some owners who have invested in their properties with a further view to possibly developing them later, by imposing the blanket criteria of 4000sqm on them now?

Noted.

20. Surely advertising to the surrounding owners with a site development proposal is a better way of controlling development than some proposal that might become outdated in time.

Noted.

21. The City seems keen to densify its communities, does this proposal not fly in the face of the City's densification policies?

Densification are promoted in appropriate areas of the City.

22. The Title Deeds talk of the possibility of Hotels – will this thought/vision now be curtailed?

Title deeds do not give land use rights, the MPBL must still be complied with.

23. The current zoning permits rooftop base telecommunication stations. – will this be rectified?

No, SR1 uses only.

				<p>Various chapters, including the one on Special approvals for certain applications, continue to concern us.</p> <p>The City's undue powers of discretion would seem to be at the root of it.</p> <p>This serious flaw permeates the bylaw and its proposed amendments.</p> <p>Amongst the instances is the City's giving itself the right to change Municipal spatial development frameworks without substantive public participation.</p> <p>We further find it intolerable that the city has given itself the right to rezone a property which it does not own, and to alter title deed restrictions on its own initiative.. The City claiming such discretion without a very clear undertaking as to proper, honest public participation goes against the intention of the Constitution.</p> <p>The surveying of public open space in order to consolidate it with adjoining land still is flawed by lack of public participation.</p> <p>We do so want land use management to be conducted in an honourable fashion so that we might be proud of our City.</p> <p>In conclusion, we should like to emphasise that we find your closing date for comment, namely mid-December - extremely difficult - You know full well that this time of year is difficult for folks to participate in public comment. Please desist from using this kind of an avoidance technique to discourage public participation.</p>	<p>Comments are noted.</p> <p>There will still be public participation .</p>
53	a Filming	WJ Kerr		<p>Objects to filming be inserted as an additional use right.</p>	<p>Noted. See Reponse 2.</p>
54	a Filming	DM and CA Brasens		<p>Opposing filming.</p>	<p>Noted. See Response 2.</p>
55	Filming	Robert Rowand			

56	a Filming	Jenny Stock		I wish to register my objection to the proposed amendments to the City of Cape Town Development Management Scheme, a schedule of the Municipal Planning by-law, 2015. Your proposed amendments will effectively result in residential neighbourhoods becoming commercial districts, to which I object as a resident in Constantia.	Noted. See Response 2.	
56	a Filming	Jenny Stock		I would like to register my objection to the proposed amendments to the MPBL that seek to allow for additional usage rights applicable to properties zoned for Single Residential Use (SR1) and include the activity of "filming" as an additional activity. I feel that the impact this would have on a residential neighbourhood is unacceptable in terms of traffic and parking congestion, noise and disturbance. At the very least, I would expect a limit on the number of vehicles and personnel that would be allowed on site without special permission. No more than 20 people and 4 vehicles is what seems reasonable.	Noted. See Response 2.	
57	a Filming	Erhart and Ingalill Kastin		My wife and I hereby wish to voice our objection, in the strongest possible terms, and add our names to those who have already objected to the filming activities in the greater Constantia area, as these detract from the quiet, rural character which is a hallmark of, and has fortunately been preserved in at least parts of the area under consideration. In addition, they present an unsightly and unnecessary street and traffic hazard.	Noted. See Response 2.	
58	Filming	Robert Gad	19-Jan-16	Support the proposed amendments related to filming.	Noted.	

Annexure C:
Minutes: approval to commence with the
amendments to the MPBL process

MINUTES

OF A MEETING OF THE EXECUTIVE MAYOR AND MEMBERS OF THE MAYORAL COMMITTEE OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON TUESDAY, 20 OCTOBER 2015 AT 12:00

PRESENT

Executive Mayor P de Lille (Chairperson)
Cllr G Bloor
Cllr X Limberg
Cllr S Little
Cllr S Mamkeli
Cllr E Sonnenberg
Cllr B van Minnen
Cllr J van der Merwe
Ald. B Walker

LEAVE/APOLOGIES

Ald. I Neilson
Cllr B Herron
Ald. JP Smith

VISITING COUNCILLORS

Ald. D Smit (Speaker)
Ald. A Seritslev (Chief Whip)

EXECUTIVE MANAGEMENT TEAM

Mr A Ebrahim (City Manager)
Mr R Bosman (ED: Safety & Security)
Dr I Bromfield (ED: Human Settlements)
Mr J Hugo (ED: Energy, Environmental & Spatial Planning)
Mr K Jacoby (Chief Financial Officer)
Dr G Kaiser (ED: Utility Services)
Dr Z Mahlangu (ED: Health)
Ms L Mtwazi (ED: Community Services)
Mr G Ras (ED: Corporate Services & Compliance)
Mr E Sass (Acting ED: Social Development & Early Childhood Development)

OTHER OFFICIALS

Mr V Botto
Mr B Coetzee
Ms J De Waal
Ms G Jeffries
Ms G Kenhardt

Ms J le Roux
Ms S Mosdell
Ms J Naidoo
Mr A Vorster

PUBLIC AND PRESS

Ms M Barnard (Die Burger)
Mr A de Klerk (Times Media)

11 Members of the public were also in attendance.

INTERPRETER

None

EXECUTIVE COMMITTEE SERVICES

Ms R Razack
Ms J Guild
Mr G Josephs

MC 32/10/15 AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

RESOLVED that authorisation be granted to proceed with the process to amend the City of Cape Town Municipal Planning By-Law, 2015 (MPBL).

ACTION: S DE JAGER; J VAN SCHALKWYK; J HUGO

Annexure D: Newspaper advertisements

SÊ JOU SÊ! VOORGESTELDE WYSIGINGS AAN DIE STAD KAAPSTAD SE VERORDENING OP MUNISIPALE BEPLANNING, 2015 (VMB)

Die Stad Kaapstad se Verordening op Munisipale Beplanning, 2015 (VMB) het op 1 Julie 2015 in werking getree. As deel van die jaarlikse hersiening van die VMB, word verskeie verbeterings/wysigings aan die VMB nou voorgestel.

Die voorgestelde verbeterings/wysigings val in die volgende breë kategorieë:

- Regstelling van geringe foute en weglatings wat nie voorheen geïdentifiseer is nie;
- Verbetering van inhoud en omskrywings om interpretering te bevorder en die bedoeling van die VMB beter uit te druk;
- Wysiging aan die Ontwikkelingsbestuurskema (OBS) ('n bylae by die VMB) om beter grondgebruikbeheer te voorsien; en
- Instel van nuwe oordekkings en begrippe bin toepaslike meganismes te skep sodat die Stad voorsiening kan maak vir ontwikkelingsbeheer/aansporing waar dit vereis word. Dit sal die Stad in staat stel om beter aan behoeftes gehoor te gee en meganismes aan te wend om die Stad se strategiese doelwitte te implementeer.

Die voorgestelde wysigings is 'n pro-aktiewe inisiatief en spruit uit die strewe na toepaslike, moderne en duidelike beplanningswetgewing.

Ingevolge artikel 17 van die Plaaslike Regering: Wet op Munisipale Stelsels, Wet 32 van 2000, word die publiek en belanghebbende partye of groepe die geleentheid gebied om van 6 November 2015 tot 15 Desember 2015 kommentaar, aanbevelings en insette oor die voorgestelde wysigings aan die munisipaliteit te lewer.

Kommentaar, insette of aanbevelings kan as volg gelewer word:

- Faks: 021 400 2794 (vir aandag: VMB Wysigingsadministrateur)
- E-pos: lums@capetown.gov.za
- Skriftelike voorleggings: Departement Beplanning- en Bou-ontwikkelingsbestuur, Stad Kaapstad, Posbus 298, Kaapstad 8000 (vir aandag: VMB Wysigingsadministrateur)
- Aan lyn: www.capetown.gov.za/haveyoursay

Die Stad se eenheid vir openbare deelname sal mense wat nie kan lees of skryf nie, mense wat met gestremdheid leef en mense van benadeelde groepe wat nie in staat is om skriftelike kommentaar te lewer nie, help om hul kommentaar of insette op skrif te stel en aan die Stad voor te lê. Skakel die volgende persone:

Vir algemene openbare deelname:

Ruché Daniels by 021 400 1766 of ruche.daniels@capetown.gov.za

Vir benadeelde groepe:

Ntombizandile Mahlasela by 021 400 5501 of ntombizandile.mahlasela@capetown.gov.za

Die voorgestelde wysigings is vir besigtiging by www.capetown.gov.za/haveyoursay, subraadskantore, stadsbiblioteke en distriksbeplanningskantore beskikbaar.

Rig navrae aan Richard Walton by 021 400 7579 of richard.walton@capetown.gov.za.

7 Nov 15

ACHMAT EBRAHIM
STADSBESTUURDER
24/3/2015



CITY OF CAPE TOWN
ISIXEKO 5A5EKAPA
STAD KAAPSTAD

Maak vooruitgang moontlik. Tesame.



HAVE YOUR SAY! PROPOSED AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

The City of Cape Town Municipal Planning By-Law, 2015 (MPBL) came into force on 1 July 2015. As part of the annual review of the MPBL, several improvements/amendments to the MPBL are now proposed.

The proposed improvements/amendments fall within the following broad categories:

- Correction of minor errors and omissions, that were not previously identified;
- Improvement of content and definitions to aid interpretation and to better state the intention of the MPBL;
- Amendment to the Development Management Scheme (DMS) (a schedule to the MPBL) to provide improved land use control; and
- Introduction of new overlays and concepts, to create relevant mechanisms for the City to cater for development control/incentives in areas where such control/incentives are required. This will allow the City to be more responsive to such needs and provide mechanisms to implement the City's strategic objectives.

The proposed amendments are a response and pro-active initiative in pursuing relevant, modern and clear local planning legislation.

In terms of section 17 of the Local Government Municipal Systems Act, Act 32 of 2000, the public and interested parties or groups are given the opportunity to submit comment, recommendations or input on this proposal to the municipality from 6 November 2015 to 15 December 2015.

Comment, input or recommendations can be submitted by:

- Fax: 021 400 2794 (For attention: MPBL Amendments Administrator)
- E-mail: lums@capetown.gov.za
- Written submission: PBDM Department, City of Cape Town, PO Box 298, Cape Town 8000 (For attention: MPBL Amendments Administrator)
- Online: www.capetown.gov.za/haveyoursay

The City's Public Participation Unit will assist people who cannot read or write, people living with disabilities and people from disadvantaged groups who are unable to submit written comments, to have their comments or input recorded and submitted to the City. Contact the following persons:

For general public participation:

Ruché Daniels on 021 400 1766 or ruche.daniels@capetown.gov.za

For disadvantaged groups:

Ntombizandile Mahlasela on 400 5501 or
ntombizandile.mahlasela@capetown.gov.za

The proposed amendments will be available for viewing at www.capetown.gov.za/haveyoursay, subcouncil offices, City libraries and district planning offices.

Direct enquires to Richard Walton on 021 400 7579 or
richard.walton@capetown.gov.za.

7/8 Nov 15

ACHMAT EBRAHIM
CITY MANAGER
243/2015



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.