

Executive summary - Proposed amendments to the City of Cape Town Municipal Planning By-Law, 2015 (the by-law)

New planning legislation has been adopted and implemented in Cape Town since 1 July 2015, which included the City of Cape Town Municipal Planning By-law, 2015 (the by-law). The by-law also includes the City of Cape Town Development Management Scheme, which is the zoning scheme for the City.

As part of an annual review of the by-law and to give effect to City policies, strategies and the like, certain amendments are now proposed, to amongst other things, create more efficiency and in general a better planned City.

Some notable proposed amendments include:

- Improved efficiency for 'emergency housing' provision
- To streamline communication with relevant stakeholders during development applications using e-mail.
- Improved clarity allowing applications already accepted by the City to be finalized in terms of the by-law as it existed prior to a proposed amendment.
- Regulation of boundary walls in terms of the zoning scheme
- Revised method to calculate and determine the height of buildings
- Additional provisions to allow short term accommodation from a dwelling unit
- To permit minor freestanding and minor rooftop base telecommunication stations in certain zonings
- Third dwelling unit to be permitted as an extra additional use right on Single Residential zoned properties providing compliance with a set of conditions is met.
- Redrafted provisions for the Small and Micro Enterprise Overlay Zoning
- Additional provisions for owners to demonstrate compliance with conditions of subdivision approval prior to transfer of a land unit by a 'certificate of registered title'
- Inclusion of further exemptions from the requirement to obtain approval for subdivision and consolidations by the City
- Requirement that an objection and appeal in terms of the by-law must be accompanied by a prescribed form
- Improved decision making criteria in section 99 for land use applications
- Clarification on the procedure for circulating appeals submitted by objectors
- To allow the City Manager to prescribe a category of contravention of this By-law to which administrative penalty provisions do not apply
- The introduction of a new 'Toll Road' zoning category for which land would need to be zoned should a toll road be proposed
- Addition/amendment of Heritage Protection Overlay Zoning general and specific provisions

Other amendments are mostly administrative in nature or to clarify existing provisions.

The amendments are now in a phase where opportunity for public comment thereon is being obtained. After this, careful consideration of all comments will be given where after Council will make a final decision thereon.

ISishwankathelo seSigqeba: iSiphakamiso sezilungiso zoMthetho kaMasipala weSixeko saseKapa ongezocwangciso wango-2015 (umthetho kamasipala)

Kuye kwamkelwa kwaye kwamiselwa umthetho omtsha ongezocwangciso eKapa ukususela ngowo-1 kweyeKhala (Julayi) 2015 apho uquka uMthetho kaMasipala weSixeko saseKapa ongezocwangciso lukaMasipala wango-2015 (umthetho kamasipala). UMthetho kaMasipala kwakhona uqulathe iNkqubo engoLawulo loPhuhliso lweSixeko saseKapa apho uyinkqubo yezomiselo ngokutsha (ucando) komhlaba ojoliswa kwiSixeko.

Njengenxal'enye yophengululo lonyaka lomthetho kamasipala nokuqaliswa kokusetyenziswa kwemigaqo-inkqubo nezicwangciso-buchule zeSixeko nezilungiso ezithile kungokunje ziyaphakanyiswa, phakathi kwezinye izinto, kudalwe eyona ndlela isebenza ngakumbi nangokubanzi apho iSixeko sithi sicwangcise ngeyona ndlela ingcono.

Ezinye zeziphakamiso eziqwalaselweyo, ziquka:

- Uphuculo lentsebenzo ebonakalayo ngokujoliswe kubonelelo 'lwezindlu ngexesha likaxakeka'
- Ulungelelaniso lokucuthwa kwezonzibelelwano ukuba luquke abachaphazelekayo abafanelekileyo ngexesha lezicelo ezingophuhliso ngokuthi kusetyenziswe i-imeyile
- Uphuculo lwengcaciso ngokuthi kuvunyelwe izicelo ezisele zamkelwe siSixeko ukuba ziqukunyelwe ngokomthetho kamasipala njengoko uye wakhona ngaphambi kwesiphakamiso sezilungiso
- Ulawulo lamadonga ayimida/abiyileyo, ngokungqinelana nenkqubo yezomiselo ngokutsha
- Indlela ehlaziyiweyo ukuze kubalwe kwaye kuthatyathwe isigqibo ngokumalunga nobude bezakhiwo
- Ulongezelelo lwemimiselo ukuze kuvumeleke indawo yokuhlala ixesha elifutshane kwiyunithi yokuhlala
- Ukuba kuvumeleke izikhululo zezonzibelelwano ezingephi ezizimeleyo nezingephi ezincopho yophahla kwindawo zocando ngokutsha ezithile
- Kuvumeleke iyunithi yokuhlala yesithathu njengesongezelo esithe xhaxhe selungelo lokusebenzisa kwiipropati ezimiselwe ukuhlala usapho olunye, ngokuxhomekeke ekubeni kuthotyelwe uluhlu lwemiqathango ebekiweyo
- Imimiselo eyulwe ngokutsha ngokujoliswe kumiselo lomhlaba lezoshishino olusakhasayo nolusele lukhulile
- Imimiselo eyongeziweyo ejoliswe kubanini ukuze babonakalise ukuthobela imiqathango engokuphunyezwa kolwahlulwa-hlulo lomhlaba ngaphambi kokutshintshela (konikezelo) lweyunithi yomhlaba kusetyenziswa 'isatifiketi setayitile ebhalisiweyo'
- Kuqukwe ukhululelo oluthe xhaxhe olususela kwimfuno yokufumana isiphumezo solwahlulwa-hlulo lomhlaba nokudityaniswa kwawo siSixeko
- Imfuno/ummiselo wokuba isichaso nesibheni ngokomthetho kamasipala kufuneka zikhatshwe okanye zingeniswe kwifomu emiselweyo
- Uphuculo lommiselo wokuthatyathwa kwesigqibo, ngokujoliswe kwizicelo ezingokusetyenziswa komhlaba
- Ingcaciso kumgaqo ongokuhanjiswa/ongokugqithiswa kwezibheni ezingeniswe ngabachasi
- Ukuvumela uMphathi weSixeko ukuba enze ummiselo ojoliswa ekwaphuleni lo Mthetho kaMasipala apho ingasebenziyo imimiselo engesohlwayo sezolawulo
- Ukudalwa kommiselo omtsha 'ongeeNdlela ezirhafelwayo' apho umhlaba kokufuneka ucandwe ngokutsha xa kuye kwenziwa isiphakamiso seendlela ezirhafelwayo
- Ulongezelelo okanye ulungiso lwemimiselo ngokuphangaleleyo nengqalileyo engocando ngokutsha lwemimimda engokhuseleko lokusingqongileyo.

Ezinye izilungiso ubukhulu becala zezolawulo okanye zezokucacisa imimiselo esele imiselwe.

Izilungiso kungokunje zikwisigaba apho kuthi kufumaneka ithuba lokuvakaliswa kwezimvo luluntu. Emva koku ke kuyakuthi kuthathelwe ingqalelo ngocoselelo zonke izimvo emva koko iBhunga liyakuthi lenze isigqibo sokugqibela.

Beknopte opsomming – Voorgestelde wysigings aan die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (die verordening)

Beplanningswetgewing, insluitende die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015, is met ingang van 1 Julie 2015 in Kaapstad in werking gestel. Die verordening sluit ook die Stad Kaapstad se ontwikkelingsbestuurskema in, wat die soneringskema vir die stad is.

As deel van die jaarlikse hersiening van die verordening en om uitvoering aan Stadsbeleid, -strategieë ens. te gee, word sekere wysigings nou voorgestel, onder andere met die oog op groter doeltreffendheid en 'n beter beplande Stad in die algemeen.

Van die vernaamste voorgestelde wysigings sluit die volgende in:

- Groter doeltreffendheid in die voorsiening van 'noodbehuising'
- Vaartbelyning van kommunikasie met betrokke belanghebbendes gedurende ontwikkelingsaansoeke deur e-pos te gebruik
- Groter duidelikheid om toe te laat dat die aansoeke wat reeds deur die Stad aanvaar is, steeds ingevolge die verordening soos voor hierdie voorgestelde wysiging, afgehandel kan word
- Regulering van grensmure ingevolge die soneringskema
- Hersiene metode om die hoogte van geboue te bereken
- Bykomende bepalings om korttermynakkommodasie in 'n wooneenheid toe te laat
- Moontlikmaking van klein losstaande en klein dak-gemonteerde basistelekommunikasies in sekere sonerings
- Moontlikmaking dat 'n derde wooneenheid as 'n ekstra bykomende gebruiksreg op eiendomme wat as enkelresidensieel gesoneer is, toegelaat kan word op voorwaarde dat 'n stel voorwaardes nagekom word
- Herskryfte bepalings vir oorlegsonering vir klein en mikro-ondernemings
- Bykomende bepalings vir eienaars om nakoming van voorwaardes vir onderverdelingsgoedkeuring te toon voor die oordrag van 'n grondeenheid deur 'n 'sertifikaat van geregistreerde titel'
- Insluiting van verdere vrystellings van die vereistes om goedkeuring vir onderverdeling en konsolidering by die Stad te verkry
- Vereiste dat 'n beswaar en appèl ingevolge die verordening van 'n voorgeskrewe vorm vergesel moet word
- Beter besluitnemingskriteria in artikel 99 vir grondgebruikaansoeke
- Duidelikheid oor die prosedure vir sirkulering van appèlle wat deur beswaarmakers ingedien is
- Moontlikmaking dat die Stadsbestuurder 'n kategorie kan voorskryf vir oortreding van hierdie verordening waarop die bepaling van 'n administratiewe boete nie van toepassing is nie
- Invoeging van 'n nuwe tolpad-soneringskategorie waarvolgens grond gesoneer moet word indien 'n tolpad voorgestel word
- Byvoeging/wysiging van algemene en spesifieke bepalings oor erfenisbeskermingoorlegsonering

Ander wysigings is meestal administratief van aard en om bestaande bepalings duidelik te maak.

Die wysigings is nou in 'n fase waartydens die geleentheid vir openbare kommentaar daaroor gebied word. Daarna sal alle kommentaar sorgvuldig oorweeg word waarna die Raad 'n finale besluit hieroor sal neem.