



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

MUNICIPAL PLANNING SECOND AMENDMENT BY-LAW, 2016

**APPROVED BY COUNCIL : 26 OCTOBER 2016
C12/10/16**

**PROMULGATED 18 NOVEMBER 2016
PG 7703; LA 54233**

CITY OF CAPE TOWN
MUNICIPAL PLANNING SECOND 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.

To amend the City of Cape Town: Municipal Planning By-law, 2015 so as to provide for the improved control of City processes and to provide for connected matters.

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

Amendment of section 50 of the City of Cape Town: Municipal Planning By-law, 2015

1. Section 50 of the City of Cape Town: Municipal Planning By-Law, 2015 (hereinafter referred to as the principal By-law) is hereby amended -

(a) by the substitution for the heading of section 50 of the following heading:

"50 Consolidation and construction of buildings";

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

"(1) A person may not construct a building or structure that straddles the boundaries of two or more contiguous land units unless the owners of the contiguous land units have either taken legal steps to the City Manager's satisfaction, to ensure that such land units cannot be separately sold, leased, alienated or otherwise disposed of or the City has approved **[without the City's approval of]** the consolidation of the land units."; and

(c) by the substitution for subsection (4) of the following subsection:

"(4) No building plan may be approved **[submitted]** in terms of section 7 of the National Building Regulations and Building Standards Act in respect of a building or structure contemplated in subsection (1) **[may be approved]**, until -

(a) the consolidation or documentation arising out of the legal steps contemplated in subsection (1) has been registered; or

(b) a conveyancer provides written proof that the consolidation or the documentation arising out of the legal steps has been lodged with the Registrar of Deeds for registration."

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

2. Section 67 of the principal By-law is hereby amended by the insertion, after paragraph (j) of subsection (1), of the following paragraph:

"(k) the cession of land to the City for inclusion into a road reserve."

AMENDMENT OF SCHEDULE 3: CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME**Amendment of item 8 of Schedule 3: City of Cape Town Development Management Scheme**

3. Item 8 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 by the insertion of the following sub-item after sub-item (4):

"(5) If legal steps are taken as contemplated in section 50(1) of the By-law, the development rules applicable to the zoning of each land unit remains applicable."

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

4. Schedule 3 is hereby amended by the substitution for sub-item (3) of item 16, of the following sub-item:

"(3) Any public road and public street and any portion of land proclaimed or reserved under any law as public road or public street or the widening or improvement of any such existing public road or street or specified on a General Plan of a registered township, diagram or map as public road or public street, shall be deemed to be zoned as Transport Zoning 2: Public Street and Public Parking."

Short title

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

STAD KAAPSTAD
TWEEDE WYSIGINGSVERORDENING OP MUNISIPALE BEPLANNING, 2016

ALGEMENE VERKLARENDE AANTEKENING:

[] Woorde in vetdruk tussen blokhakies dui op skrappings uit bestaande bepalings.

_____ Woorde wat met 'n volstreep onderstreep is, dui op invoegings in bestaande bepalings.

Wysiging van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 om voorsiening te maak vir beter beheer oor Stadsprosesse en vir sake wat daarmee gepaard gaan.

Die Raad van die Stad Kaapstad VERORDEN hiermee soos volg:-

Wysiging van artikel 50 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

1. Artikel 50 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (hierna die hoofverordening genoem) word hiermee gewysig -

(a) deur die opskrif van artikel 50 met die volgende opskrif te vervang:

"50 Konsolidasie en oprigting van geboue";

(b) deur subartikel (1) met die volgende subartikel te vervang:

"(1) Geen persoon mag 'n gebou of struktuur oprig wat weerskante van die grens tussen twee of meer aanliggende grondeenhede staan nie tensy die eienaars van die aanliggende grondeenhede geregtelike stappe tot die Stadsbestuurder se tevredenheid gedoen het om toe te sien dat die betrokke grondeenhede nie afsonderlik verkoop, verhuur, vervreem of andersins daarvoor beskik kan word nie, of tensy die Stad goedkeuring verleen het vir **[sonder die Stad se goedkeuring van]** die konsolidasie van die grondeenhede **[nie]**"; en

(c) deur subartikel (4) met die volgende subartikel te vervang:

"(4) Geen bouplan mag **[wat]** ingevolge artikel 7 van die Wet op Nasionale Bouregulasies en Boustandaarde met betrekking tot 'n gebou of struktuur wat subartikel (1) beoog. **[ingedien word, mag]** goedgekeur word nie, voordat =

(a) die konsolidasie of die dokumentasie wat voortspruit uit die geregtelike stappe beoog in subartikel (1) geregistreer is; of

(b) 'n aktebesorger skriftelike bewys lewer dat die konsolidasie of die dokumentasie wat voortspruit uit die geregtelike stappe vir registrasie by die registrateur van aktes ingedien is **[nie]**."

Wysiging van artikel 67 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

2. Artikel 67 van die hoofverordening word hiermee gewysig deur die volgende paragraaf na paragraaf (j) van subartikel (1), in te voeg:

"(k) die sessie van grond aan die Stad vir insluiting by 'n padreserwe."

WYSIGING VAN BYLAE 3: STAD KAAPSTAD ONTWIKKELINGSBESTUURSKEMA**Wysiging van item 8 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema**

3. Item 8 van die Stad Kaapstad Ontwikkelingsbestuurskema wat in bylae 3 by die hoofverordening uiteengesit word (hierna bylae 3 genoem), word hiermee gewysig deur die volgende subitem na subitem (4) in te voeg:

"(5) Indien geregtelike stappe soos beoog in artikel 50(1) van die verordening gedoen word, bly die ontwikkelingsreëls wat op die sonering van elke grondeenheid van toepassing is, steeds geldig."

Wysiging van item 16 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

4. Bylae 3 word hiermee gewysig deur subitem (3) van item 16 met die volgende subitem te vervang:

"(3) Enige openbare pad en openbare straat en enige gedeelte grond wat ingevolge enige wet as openbare pad of openbare straat of vir die verbreding of verbetering van enige sodanige bestaande openbare pad of straat geproklameer of geormerk is, of wat op 'n algemene plan van 'n geregistreerde dorpsgebied, diagram of kaart as openbare pad of openbare straat aangetoon word, sal as vervoersonering 2: openbare pad en openbare parkering beskou word."

Kort titel

5. Hierdie verordening is bekend as die Stad Kaapstad: Tweede Wysigingsverordening op Munisipale Beplanning, 2016.

ISIXEKO SASEKAPA
UMTHETHO KAMASIPALA WEZILUNGISO ZESIBINI WOCWANGCISO LUKAMASIPALA
WESIXEKO SASEKAPA, 2016

INGCACISO-GABALALA:

- [] amagama akwizibiyeli ezisikwere angqindillili abonisa izinto ezicinyiweyo kwimithetho ekhoyo.
_____ amagama akrwelelwe umgca ngaphantsi abonisa izinto ezifakelweyo kwimithetho ekhoyo.
-

Ukwenza izilungiso kuMthetho weSixeko saseKapa: woCwangciso lukaMasipala ka-2015 ukuze kulungiselelwe ulawulo oluphuculiweyo lweenkqubo zeSixeko kunye nokulungiselela imiba ehambelana naleyo.

MAWUMISELWE liBhunga leSixeko saseKapa, ngolu hlobo lulandelayo:-

Ukwenza izilungiso kwicandelo 50 uMthetho weSixeko saseKapa: woCwangciso lukaMasipala, 2015

1. Icandelo 50 loMthetho weSixeko saseKapa: woCwangciso lukaMasipala, 2015 ekubhekiswe kuwo apha njengoMthetho-ngaangi kaMasipala) wenziwa izilungiso apha -

(a) ngokuthi kutshintshwe isihloko secandelo 50 ze kufakwe esi sihloko silandelayo:

"50 Uhlanganiso kunye nokwakhiwa kwezakhiwo";

(b) ngokuthi kutshintshwe icandelwana (1) ze kufakwe eli candelwana lilandelayo:

"(1) Umntu akanakwakha isakhiwo esingxabalaza kwimida yeeyunithi zemihlaba ezimbini nangaphezulu ngaphandle kokuba abanini bezo yunithi zemihlaba bathathe amanyathelo asemthethweni anelisa uMphathi weSixeko ukuqinisekisa ukuba ezo yunithi zemihlaba azinakwahlulwa xa zithengiswa, zirentiswa, zinikwa iimvume zobunini okanye kunikezwa ngazo okanye iSixeko sibe samkele [ngaphandle kwemvume yeSixeko] uhlanganiso lwezo yunithi zemihlaba."; yaye

(c) ngokuthi kutshintshwe icandelwana (4) ze kufakwe eli candelwana lilandelayo:

"(4) Akukho plani yasakhiwo inokwamkelwa [engeniswe] kulandelwa icandelo 7 leNational Building Regulations neBuilding Standards Act emalunga nolwakhiwo okanye isakhiwo esixelwe kwicandelwana (1) [eya kwamkelwa], de =

(a) uhlanganiso lwemihlaba okanye amaxwebhu amanyathelo omthetho axelwe kwicandelwana (1) lube lubhalisiwe; okanye

(b) igosa lonikezelo-propati linikeze ngobungqina obubhaliweyo bokuba uhlanganiso okanye amaxwebhu amanyathelo omthetho angenisiwe kwiRejistra yoBunini-Mhlaba ukuze lubhalisiwe.".

Ukwenza izilungiso kwicandelo 67 uMthetho weSixeko saseKapa: woCwangciso lukaMasipala, 2015

2. Icandelo 67 loMthetho-ngqangi lenziwa izilungiso ngokufakela emva komhlathi (j) wecandelwana (1), kwalo mhlathi ulandelayo:

"(k) unikezelo lomhlaba kwiSixeko ukuze ubandakanywe kumhlaba ongumda wendlela."

UKWENZIWA KWEZILUNGISO KWISHEDYULI 3: YENKQUBO YOLAWULO LOPHULISO YESIXEKO SASEKAPA

Ukwenziwa kwezilungiso kumba 8 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

3. Umba 8 weNkqubo yoLawulo loPhuhliso yeSixeko saseKapa echazwe kwiShedyuli 3 yoMthetho-ngqangi (ekubhekiswe kuyo apha njengeShedyuli 3), yenziwa izilungiso ngokufakelwa kwalo mbana ulandelayo emva kombana (4):

"(5) Ukuba amanyathelo omthetho athatyathiwe njengoko kuchaziwe kwicandelo 50(1) loMthetho kaMasipala, imithetho yophuhliso esetyenziswa kwimiba yokuzowuna kweyunithi yomhlaba ngamnye kusebenza yona."

Ukwenziwa kwezilungiso kumba 16 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

4. IShedyuli 3 yenziwa izilungiso ngokuthi kutshintshwe umbana (3) womba 16, walo mbana ulandelayo:

"(3) Nayiphi indlela kawonke-wonke nesitrato sikawonkewonke kunye nayiphi na inxalenye yomhlaba ebhengezwe phantsi kwawo nawuphi na umthetho njengendlela kawonke-wonke okanye isitrato sikawonkewonke okanye ukuvulwa okanye uphuculo lwaloo ndlela okanye isitrato sikawonke-wonke okanye echazwe kwiplani-gabalala ekwilokishi ebhalisiweyo, umzobo okanye imephu njengendlela kawonke-wonke okanye isitrato sikawonkewonke, iya kuthathwa njengezowunwe njengendawo ezizowunwe njengezisetenziselwa ezothutho 2: iSitrato sikawonkewonke neNdawo yokuPaka yoLuntu."

Isihloko esifutshane

5. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso zeSibini woCwangciso: woMasipala weSixeko saseKapa, 2016.