

147. SUBJECT: GUEST HOUSE POLICY
(Agenda p. 405)

RESOLVED:

That the guest house policy be approved and used to guide the guest house assessment and decision making process.

Approved by:-	
Housing & Land	21/11/2003
Executive Mayor	28/01/2004

GUEST HOUSE POLICY

1. INTRODUCTION

The Nelson Mandela Bay region is poised for growth. Contributing towards this scenario are the advent of the Coega IDZ, Ngqura deep water port and a number of other high profile projects such as the Madiba Bay Safari Park as well as others still in the planning stages such as the Mandela Statue and Conference Centre and Uitenhage Despatch Development Initiative.

As forerunner to this growth scenario, major sporting events recently held in the city have highlighted the need for an alternative to the more formalised type of overnight accommodation offered by conventional hotels. This demand is being met by the establishment of what is widely known as guest house or bed and breakfast facilities. This has resulted in regular applications to locate such facilities in particularly the Humewood and Summerstrand areas, but also other parts of the Metro.

The Housing and Land Committee consequently considered it necessary that a Guest House Policy be prepared and that a Task Team be established to formulate an appropriate policy to guide the guest house assessment and decision making process.

2. COMPOSITION OF THE TASK TEAM

The Task Team was initially made up of the following role players or their representatives:

- Nelson Mandela Bay Tourism (NMBT)
- Port Elizabeth Metro Bed and Breakfast Association (PEMBBA)
- Housing and Land Business Unit
- Economic Development Unit (EDU)
- Councillor L. Lowe

Following consideration of a progress report on 16 October 2003, the Housing and Land Committee resolved that the Task Team should include Councillors B. Ngoqo, N. P.

Didiza, E. Trent and a Councillor from the Economic Development, Tourism and Agriculture Committee (to be nominated). Councillor Ngoqo was nominated to serve as Chairperson of the Task Team.

3. TERMS OF REFERENCE

The terms of reference of the Task Team are to: -

- a) Review the criteria used in the assessment of guest house applications.
- b) Formulate an integrated policy on guest houses for the Metro.

The task team is to submit a draft policy to the Housing and Land Committee for consideration and adoption by the Executive Mayor.

4. PROCEDURE

4.1 Definition

Guest house and bed and breakfast establishments are defined in a variety of different ways. In view of this and the multiplicity of zoning schemes throughout the Metro, it is proposed for the purpose of this policy that the definition as contained in the Port Elizabeth Zoning Scheme regulations be used as a benchmark for discussion.

The Port Elizabeth Zoning Scheme defines a guest house as meaning *“a building which is used for human habitation, has not more than one kitchen and is occupied by the owner and in which persons are accommodated on a temporary basis.”*

For the purpose of this policy, the terms “guest house” and “bed and breakfast” establishments are viewed as having the same meaning. They represent a type of land use that is generally regarded as acceptable within residential areas.

4.2 Use zones within which guest houses are permitted

In the Port Elizabeth Zoning Scheme, guest houses are specifically permitted as a Primary use in the Residential 3 and Business 1 use zones, and as Consent uses in the Residential 1 and Residential 2 use zones. The scope within this zoning scheme for guest house and bed and breakfast establishments is therefore very accommodating.

The Metro area encompasses a multiplicity of zoning schemes. Where provision is made for guest houses in the various schemes, these are usually associated with erven that are zoned for residential purposes. However, certain of the zoning schemes, i.e. the Uitenhage scheme and schemes such as Lovemore Park, Area A and Section 8 General Zoning Scheme Regulations applicable to the former areas formerly administered by the erstwhile Western District Municipality make no provision for guesthouses. Until a consolidated and uniform zoning scheme is prepared for the entire Metropolitan area, individual schemes may need to be amended to include a “Special” use zone as an interim measure to accommodate, inter alia, guest house applications.

4.3 Demand

The principal types of demand for guest house accommodation are for tourism, business or commercial trips or for persons in transit to other destinations and who require convenient overnight accommodation.

Due to their proximity to the University and Technikon, another type of demand has emerged in the Summerstrand and Humewood areas for student accommodation. This demand has resulted in a number of residential property owners in these two areas to apply for Council's consent to operate a guest house and to accommodate such students on a permanent basis i.e. for the duration of the academic year.

Such actions are considered to be contrary to the spirit in which guesthouses have been allowed in residential areas and has been highlighted below as a problem area. It must be emphasised that the intent behind permitting guesthouses in residential areas was not that they should serve as hostels or student accommodation. Guesthouses are meant for the temporary accommodation of visitors and tourists. To regard this as encompassing the housing of students during their academic year would be going beyond what the guesthouse concession envisages.

4.4 Guesthouse variations

Applications for guest house permissions over the last few years have resulted in the following types of building variations being encountered.

- The utilization of bedrooms within an existing dwelling without extensions to the dwelling.
- An existing dwelling plus extensions attached to the dwelling.
- A separate, purpose built building on the property in the form of a second dwelling unit or guest suites.
- A purpose built facility on a vacant stand.

4.5 Issues

The Task Team identified the following main issues surrounding guest houses and has addressed them in the course of formulating the draft policy.

- a) Multiplicity of zoning schemes in the Metro (*Refer 5.1*)
- b) Proliferation of guest houses in neighbourhoods (*Refer 5.2 & 5.7*)
- c) Illegal guest houses (*Refer 5.3*)
- d) Seasonal accommodation usage (*Refer 5.3*)
- e) Guest houses vs B&B vs student accommodation (*Refer 5.3*)
- f) Need for standards regarding scale and size of guesthouses (*Refer 5.4 & 5.6*)

- g) Public restaurants attached to guest houses (*Refer 5.5*)
- h) Presence of guest house owner / proprietor (*Refer 5.8*)
- i) Delays with guest house approval process (*Refer 5.9*)

5. GUIDELINES FOR THE ASSESSMENT OF GUEST HOUSE APPLICATIONS

5.1 Zoning Schemes

Issue: There are schemes that do not yet cater for guest house accommodation

POLICY RECOMMENDATION

- a) Notwithstanding the multiplicity of zoning schemes within the Metro and until such time as a single integrated scheme for the entire Metro is formulated, the provisions of the existing zoning scheme applicable to the subject property shall continue to apply.
- b) However, Council's Guest House policy shall be used to guide the assessment of applications irrespective of the zoning scheme that may apply to the subject property under application.
- c) Schemes currently having no mechanism to accommodate guest houses, should be amended to include a "Special" use zone.

5.2 Proliferation

Issue: There has been a concern expressed that there are too many guest houses in given areas or streets.

POLICY RECOMMENDATION

- a) In terms of this policy and providing there are no specific over-riding issues, there should be a presumption in favour of guest house accommodation on erven that are appropriately zoned for this purpose.
- b) In order to monitor potential impact on municipal infrastructure, Council should monitor the number of guest houses in any given area.
- c) In areas of high demand and should Council deem it necessary to limit the numbers of guest houses, preference be given to applications on properties that are easily accessible to major roads and transportation routes as well as to tourist facilities.
- d) In order to limit adverse traffic impact along suburban streets, large guest houses should be located on corners or at major intersections.

5.3 Usage

Issue: There has been a concern expressed that guest houses are operating illegally (i.e. without Council's Consent) and/or are used, either temporarily or permanently for student accommodation purposes.

POLICY RECOMMENDATION

- a) In instances where a guest house is not a Primary use in terms of the applicable zoning scheme, those guest house / bed and breakfast establishments that are operating without Council's Consent should be identified and required to obtain the required approval. Failure to obtain the required approval should result in steps being taken to terminate the illegal use.
- b) Guest house / bed and breakfast accommodation should be seen as distinct from student accommodation.
- c) Where student or backpacker accommodation is proposed, an application for rezoning to an appropriate zoning is required so that the intention to cater for student or backpacker accommodation is clear from the start.

5.4 Appropriateness of building

Issue: There has been a concern expressed that guest houses are allowed to become too large in ordinary residential neighbourhoods and contribute to the invasion of privacy of neighbouring properties.

POLICY RECOMMENDATION

- a) In instances where a guest house use is not a primary use right, all guest houses shall be subject to Council's Consent irrespective of the number of bedrooms or guest suites required.
- b) The number of guest bedrooms or guest suites shall be limited to a maximum of six.
- b) However, should circumstances allow, Council may agree to an increase in the number of guest bedrooms or guest suites to twelve based on the number of bedrooms that the owner / proprietor occupies for his / her purposes. The number of recommended lettable bedrooms or guest suites may therefore increase if the number of rooms occupied by the owner decreases accordingly. At least one bedroom therefore should always be available for compulsory occupation by the owner / proprietor.
- c) Applications for guest house use rights shall furnish with their application information relating to the structures that exist on the subject property and which part(s) and the number of bedrooms that are intended for guest accommodation purposes.

- d) Council may grant its permission for a separate structure(s), apart from the main residence, to be used for overnight guest accommodation purposes provided that such structure(s) comply with the definition of a guest house as contained in this policy. Such structures should be appropriate and take into account the neighbouring properties.

5.5 Public restaurants attached to guest houses

Issue: Should public restaurants, whether licensed or un-licensed, be permitted as part of a guest house.

POLICY RECOMMENDATION

- a) Guest house approvals permit the provision of meals to overnight guests. This concession in no way implies that the provision of meals is open to the general public as a restaurant.
- b) Should a public restaurant facility be required as part of the guest house operation, the subject property will require a rezoning to permit this use.
- c) If approved, such restaurant use should be incidental to the primary guest house use.

5.6 Environmental and social impact considerations

Issue: Substantial increases in the number of guest houses may have a considerable impact on the character of an area affecting the amenity of neighbouring residential properties.

POLICY RECOMMENDATION

- a) In order to protect the amenity of the area, guest house approvals shall require the submission of a detailed site development plan which shall indicate the measures that are proposed to protect the amenity of the adjacent properties. Such measures may include, inter alia, the erection of 2,4m high boundary walls and landscaping to protect any adjacent properties.
- b) In all instances, the residential character and amenity of any existing or proposed buildings must be retained and fostered to further entrench the residential atmosphere of the area.

5.7 Traffic generation and parking.

Issue: Problems can occur if inadequate off street parking provision is made, and on busier roads, traffic circulation difficulties may arise through increased trip generation and greater on-street parking.

POLICY RECOMMENDATION

- a) In order not to impede traffic flow, all guest house approvals shall provide on-site parking calculated on the basis of at least one parking bay per bedroom or guest suite.
- b) All parking shall be clearly identified on the site development plan (SDP).
- c) At the time of submitting the application, applicants shall be required to indicate on-site parking arrangements.
- d) In order to ensure that on-site parking is provided, building plan clearance will not be provided until all on-site parking is physically constructed on-site and as indicated on the approved site development plan.

5.8 Owner / Proprietor

Issue: Should the owner be required to reside on the subject property.

POLICY RECOMMENDATION

- a) It is considered to be too restrictive to require the owner to reside on the subject property on which a guest house is being operated. Some control however is considered necessary and it is recommended that provision be made to allow as an alternative to the owner, the proprietor or manager to reside on the premises.

5.9 Delays with the approval process

Issue: Expressed concern regarding delays with the guesthouse approval process.

POLICY RECOMMENDATION

- a) In order to help overcome potential delays which are mostly caused due to insufficient information being provided in the application, an information brochure be prepared to clearly set out what information is required in an application for Councils Consent for a guest house and the procedure to be followed.

5.10 Transportation Development Levy

Issue: As traffic generators, guest houses above a certain size be required to contribute towards road improvement costs and to maintain road infrastructure.

POLICY RECOMMENDATION

- a) All applications for guest house use rights shall, where applicable (i.e. as within the PE Zoning Scheme area), be liable for the payment of a transportation development levy (TDL). For the purpose of calculating the amount payable, all bedrooms in excess of 4 will be subject to the levy.

5.11 **Advertising**

Issue: To control advertising signage.

POLICY

- a) All advertising to comply with Council's outdoor advertising policy.
- b) All details pertaining to the name (i.e. size, colour, orientation, position etc) to be displayed on the sign shall be depicted on the site development plan required as a condition of approval.

6. **STANDARD CONDITIONS OF APPROVAL**

It is recommended that the following standard set of conditions be applied to guest house approvals. These conditions may however require minor adaptation to suit the applicable application under consideration.

- a) The owner / proprietor / manager of the guesthouse residing on the property.
- b) A maximum of [*to be stipulated*] bedrooms shall be permitted to be used for the accommodation of overnight guests.
- c) The guest house shall not be used for student or backpacker accommodation.
- d) The guest house and its associated activities not adversely affecting the amenity of the surrounding area.
- e) All facilities, including the provision of meals, being for the exclusive use of overnight guests only.
- f) A transportation development levy in respect of related traffic accommodation costs.
- g) A site development plan indicating the measures that are proposed to minimise the impact of the proposed use on the adjacent properties being submitted for approval by the Business Unit Manager: Housing and Land prior to the submission of any building plans. Provided that, if considered necessary, the Business Unit Manager: Housing and Land in his sole discretion may at the time of assessing the site development plan require

the erection of a 2,4m high brick wall and landscaping on the rear and sides of the property to protect the amenity of the adjacent properties. The site development plan should also be sympathetic to the requirements of the disabled.

- h) In terms of the National Building Regulations and before the new use rights are exercised, building plans showing the use of the building and the layout of the parking area being submitted for approval by Council's Building Control Officer. Building plans will not be signed off until such time as all on-site parking has been physically provided in accordance with the approved building plan.
- i) Any outdoor advertising signs being submitted to the Business Unit Manager: Housing and Land for approval in terms of Council's outdoors advertising policy.
- j) On-site parking shall be provided on the basis of at least one parking bay per guest bedroom or guest suite.
- k) The approval shall be owner specific and in an event of sale the new property owner should be made aware of the conditions pertaining the approval.

*Prepared by the Town Planning Division
of the
Housing and Land Business Unit*