

## **BACKGROUND**

Various complaints lodged - pertaining to the contravention of municipality by-laws regulating the number of residential occupants permitted to lease a property within the residential suburb/s

## **QUESTIONS POSED**

As a consequence of the complaints lodged, the following question arises:

Are there any by-laws regulating the number of occupants permitted to rent a residential unit? ;

## **THE LAW**

The Nelson Mandela Bay Municipality currently does not have a By-Law that specifically deals with student accommodation, however, the municipality uses zoning Schemes Regulations for the management of land use and development rights in the city.

In terms of the Zoning Scheme, residential land is zoned/categorized into different zones depending on its primary use, namely:

- 7.1 Residential Zone 1 comprises a Dwelling unit (eg house);
- 7.2 Residential Zone 2 comprises of Group Housing (eg town house complex);
- 7.3 Residential Zone 3 comprises of General Residential (eg Block of Flats).

### **Residential Zone 1 (Dwelling Unit – Single Residential)**

A dwelling Unit is defined in terms of the regulations as a self-contained inter-leading group of rooms with no more than one kitchen used for human habitation and includes such outbuildings as are ordinarily used therewith and permits the letting on a permanent basis of part of the dwelling unit to not more than **4 persons**.

The primary objectives in respect of a residential zone 1, are as follows:

- (i) Use of land for single residential purposes;
- (ii) Protection of the quality and character of residential neighborhoods and the well-being of its citizens;
- (iii) Limit multiple use of buildings to minimize adverse impact on the residential environment;

Consent is required for the erection of;

- (i) An additional dwelling unit;
- (ii) Creche

- (iii) Guest House
- (iv) Home enterprise
- (v) Shelters
- (vi) Social facility
- (vii) Tavern

### Residential Zone 2 (Group Housing –Medium Density Residential)

Group Housing means a group of separate and/or linked dwelling units, designed, planned and built as a harmonious architectural entity and includes communal open space, public and/or private roadway, of which every dwelling unit has a ground floor and such dwelling units may be cadastrally subdivided.

The primary objectives in respect of group housing are as follows;

- (i) Medium Density Residential development up to a maximum density of 50 units per hectare;
- (ii) Use of land for the purpose of harmonious architectural designed development, sharing common areas such as roads and open space;
- (iii) Residential developments of a medium scale and limited height and it could be single, semi-detached, row or linked residential units, including retirement complexes
- (iv) Limited non-residential uses to protect the residential character.

Consent is required for the erection of;

- (i) Creche
- (ii) Guest House
- (iii) Home Enterprise
- (iv) Retirement Village
- (v) Social Facility
- (vi) Support Facility

### Residential Zone 3 (General Residential – High Density Residential)

A General Residential means a building for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house , backpackers facility, residential rooms , gust house, children’s home, hostel, group housing, flats, but excludes hotels and a retirement village.

The primary objectives in respect of a general residential zone are as follows:

- (i) High Density Residential Developments with a density of more than 30 units per hectare
- (ii) Residential developments of medium to large scale that can consist of multiple stories or levels
- (iii) Residential development in this category can include flats, boarding house, and hotels.

Consent is required for the erection of;

- (i) Hotel
- (ii) Place of Assembly
- (iii) Retirement Village
- (iv) Social Facility
- (v) Support Facility