

# **RULES AND REGULATIONS** **REGARDING HOME BUSINESSES**



## **PREAMBLE**

Admiral Island and Pelican Bay is a residential estate and the properties in our estate are all zoned as residential. It is therefore not allowed to operate a business from any of the properties in our estate. However, under certain conditions the Admiral Island and Pelican Bay Home Owners Association can give property owners consent to conduct a business from their property. The main condition is that this may under no circumstances compromise the quality of life and rights of other property owners. To ensure this the Admiral Island and Pelican Bay Home Owners Association uses this document which sets out the procedures and rules and regulations that have to be followed when applying for consent to conduct a business from a residential property on the estate.

## **1. Definition of a Home Business**

Home business means any of the following activities conducted on a residential erf:

1. The provision of services (professional or otherwise), where such service attracts two or more customers/clients per day or 20 (twenty) or more customers/clients per month to the particular Erf.
2. The keeping of a bed and breakfast establishment.
3. The keeping of a guest house.
4. The letting of portions of a house.
5. The letting of a house for periods of thirty days or less.

Subject to any statute or regulation that may apply, no person shall conduct a home business without:-

1. the necessary permission from the local authority;
2. written consent of the Excom of the AI&PB HOA;
3. a majority resolution by the Excom of the AI&PB HOA.

## **2. Procedure to obtain written consent**

- 1.1. Whenever written consent is required in terms of these rules, application for such consent is to be made in writing and the Excom is to be provided with:-
  - 1.1.1. full details of the applicant;
  - 1.1.2. full details of the nature and type of home business applied for the maximum number of customers or clients expected to visit the applicant per day or per month;
  - 1.1.3. letters of "no objection" from the owner of the erf;
  - 1.1.4. letters of "no objection" from applicant's neighbours (owners as well as residents) and other residents in the immediate vicinity of the applicant's erf who may be affected, which consent may not be unreasonably withheld;

# **RULES AND REGULATIONS**

## **REGARDING HOME BUSINESSES**



- 1.1.5. any consent that may be required from local, provincial, or national spheres of government;
- 1.1.6. Completed form "Application form Home Businesses".
- 1.1.7. A Clearance Certificate from the Managing Agent to prove that the levy payments are up to date.
- 1.2. The Excom may call upon the applicant to make verbal representations when the application is being considered by them.
- 1.3. Written consent shall not be granted to an applicant to conduct a home business where there is a likelihood as determined by the Excom in its sole discretion that:-
  - 1.3.1. any rule or local or state authority regulation will be contravened;
  - 1.3.2. the home business will cause a disturbance or nuisance;
  - 1.3.3. more than two permanent employees will be employed;
  - 1.3.4. the applicant will use vehicle(s) for which he does not have parking space;
  - 1.3.5. vehicular traffic may increase to such an extent that:-
    - 1.3.5.1. inconvenience may be caused to residents;
    - 1.3.5.2. the ambience of the estate may be affected;
    - 1.3.5.3. existing parking facilities will become inadequate;
- 1.4. Any written consent granted by the Excom in terms of these rules, or any other relaxation, indulgence, leniency or extension of times which the Excom may grant or shall to any person, shall not in any way prejudice the HOA or the Excom from exercising its rights, or enforcing these rules, in the future.
- 1.5. Written consent may be:-
  - 1.5.1. granted subject to such reasonable conditions as the Excom may impose;
  - 1.5.2. withdrawn by the Excom for good reason at any time.

## **2. Rules and regulations**

- 2.1.1. The following rules and regulations will be applicable:
- 2.2. Only one advertisement sign board shall be displayed on the property with the prior approval of the Excom. This advertisement sign board shall not have dimensions exceeding 460mm x 600mm, without written consent of the Excom.
- 2.3. No business activity which would cause aggravation or nuisance to other residents may be conducted.
- 2.4. The number of people working therein, are restricted to the owner and not more than two permanent employees, provided that the owner is present and lives on the property. Should the owner be a juristic person, then a resolution authorizing an individual, who is a member, beneficiary or shareholder to represent the juristic entity must be lodged at the estate office and the individual must reside on the property on a permanent basis. These restrictions are designed to limit the flow of people and traffic, and for various other reasons, not the least being security.

# **RULES AND REGULATIONS**

## **REGARDING HOME BUSINESSES**



- 2.5. The employee(s) of any owner, who has been granted consent for a business, shall park their vehicles on the property concerned.
- 2.6. All employee(s), invitees or visitors to an approved business shall comply with the Admiral Island and Pelican Bay access control procedures, and any directions of the trustees, management or security officers, in this regard.
- 2.7. The AI&PB HOA reserves the right to determine a fee to be paid towards the operations of the access control systems which are in place.
- 2.8. In the event of failure to comply with the above provisions and, in particular any criteria and condition specified by the HOA, the HOA will instruct the member or tenant to cease the enterprise operations within a specified time. Failure to comply with such instruction will result in legal action by the HOA.

### **3. SHORT TERM RENTALS**

- 3.1. Properties used as short-term rentals (less than 30 days) to holiday makers and others represent a particular challenge to estate management since the tenants of these properties have no vested interest in the rights of residents and other property owners. Members of the AI&PB HOA who use their properties for short term rentals are required to ensure that the tenants of their properties are properly informed of the estate policies and rules and informed that failure to comply with these rules may lead to steps being taken against the owner.
- 3.2. Short term rental properties are deemed to be home businesses in terms of these rules and written consent has to be obtained.
- 3.3. The AI&PB HOA Excom reserves the right to inspect the property at the time of registration to verify the information contained in the application.
- 3.4. No more than the applied for number of people as per the property's application will be allowed.
- 3.5. Owners or managing agents of short-term rental properties are required to inform the Estate Manager's office of expected arrivals at least 24 hours before the arrival of tenants. The following details are required-
  - 3.5.1. The address of the property being rented;
  - 3.5.2. The names and number of people expected;
  - 3.5.3. Vehicles registration details;
  - 3.5.4. Date of arrival and date of departure;
  - 3.5.5. If it is not possible to notify HOA 24 hours in advance, then the guard house must be contacted and the information provided – 022 7832195.
- 3.6. The development shall only be accommodated on a site that has sufficient area to allow for guest accommodation and car parking without adversely affecting the amenity of neighbouring residences.
- 3.7. All estate policies and rules apply to tenants of short-term rentals for the duration of their stay. A copy of the conduct rules is always to be prominently displayed in the property.

# **RULES AND REGULATIONS**

## **REGARDING HOME BUSINESSES**



- 3.8. All vehicles visiting including trailers must be parked within the boundaries of the property. Parking areas shall as far as possible not be visible from the street and shall be provided sensitively to neighbours.
- 3.9. Short term rental tenants may only receive visitors in the estate when reported to security.
- 3.10. Short term rental tenants may bring pets onto the estate provided that they abide by the existing rules regarding pets.
- 3.11. No live music, noisy entertainment and dance facilities shall be provided in the unit. Musical and other sounds that radiate from the premises shall not be audible beyond the property boundaries. No public functions or parties shall be allowed in the unit.
- 3.12. Tenants are required to respect the rights to privacy of residents and other property owners. In particular trespassing on private property is strictly forbidden.
- 3.13. Short term rental tenants are not allowed to be issued with access remotes or swipe cards. Upon arrival security will issue them with temporary access permits valid for the duration of their stay.
- 3.14. Persistent breaches of the rules may result in the HOA obtaining a court interdict for the permanent closure of the short-term business.

#### **4. GUESTHOUSES AND B&B**

- 4.1. For the purpose of these rules, a guesthouse means any building or buildings, offering accommodation facilities with or without meals to transient resident guests, which shall not have more than 6 guest rooms, and which is managed by the owner or host who resides on site or in a separate area within the property. It shall include bed & breakfast, rooming and lodging establishments. It can include a dining and conference facility for the exclusive use of resident guests but does not include any building mentioned in the Town Planning Scheme definitions of a "place of refreshment", "place of amusement", "social hall" and "adult premises".
- 4.2. Members of the AI&PB HOA acknowledge that the estate is a residential estate and that no guesthouse shall be operated in the estate without the explicit prior approval from the Local Authority.
- 4.3. Guesthouses operating in the estate without the prior approval of the Local Authority will be reported to the Local Authority for closure and deemed to be conducting a business operation in the estate without the approval of the HOA. The HOA reserves the right to obtain a court interdict against the continued operation of the guesthouse.
- 4.4. All guesthouses must be registered with the AI&PB HOA and operators shall submit a copy of the local Authority application together with the Local Authority approval in the required format to the HOA. Information to be submitted with an application for registration to the HOA:
  - 4.4.1. A detailed site plan shall be submitted indicating the allocation of the total floor area of the proposed guesthouse.
  - 4.4.2. The residential unit of the host/owner shall be indicated on the site plan and each guest room shall be numbered.

# **RULES AND REGULATIONS**

## **REGARDING HOME BUSINESSES**



- 4.4.3. All parking and landscaped areas shall be indicated on the site plan at a ratio of one parking space for every guest room and two parking spaces for the owner/host.
- 4.5. The development shall only be accommodated on a site that has sufficient area to allow for guest accommodation and car parking without adversely affecting the amenity of neighbouring residences.
- 4.6. The accommodation facility shall be operated by a single household/owner/manager who resides in a part of the property.
- 4.7. All facilities, functions and meals shall be for the sole use of registered overnight guests.
- 4.8. The proposed development shall have a residential character and shall be compatible with buildings in the immediate area.
- 4.9. Activities (excluding arrivals and departures) on the site should in general be confined to normal office hours.
- 4.10. Delivery areas should not be unsightly or noisy. All loading and off-loading activities shall take place on the unit.
- 4.11. Parking areas shall as far as possible not be visible from the street and shall be provided sensitively to neighbours.
- 4.12. No live music, noisy entertainment and dance facilities shall be provided in the unit. Musical and other sounds that radiate from the premises shall not be audible beyond the property boundaries. No public functions or parties shall be allowed in the unit.
- 4.13. The member shall be responsible for ensuring that all employees and guests shall be provided with a copy of the rules of the HOA, and shall be responsible for compliance therewith. The member acknowledges that he is responsible for the behaviour of guests, employees, contractors and subcontractors. In the event of breaches of the rules of the HOA, the member shall be held liable for such breaches.
- 4.14. Guesthouse owners with Local Authority approval and HOA registration may apply to the HOA to be issued with access cards according to the number of room types at their establishment against payment of the prescribed fee. One card per single room and a maximum of two cards per double room may be issued. Access cards must be strictly controlled by the member and may only be issued to registered overnight guests. Lost access cards must be reported to the HOA's security department immediately upon detection of the loss and may be replaced at the prescribed fee. Once issued, the cards are subject to ad hoc security audits by the HOA. Misuse of guest access cards will result in the forfeiture of the privilege.
- 4.15. Persistent breaches of the rules may result in the HOA obtaining a court interdict for the permanent closure of the guesthouse business.

# RULES AND REGULATIONS REGARDING HOME BUSINESSES



## Application form to conduct a Home Business

**Property Owner details:**

Name	
Address	
Town and Code	
Telephone	
Cell Phone	
E-mail	

**Type of Business:**

	Rooms	Guests	Parking	Pets
Bed and Breakfast				
Boarding House				
Letting of portion of the house				
Short term letting up to 30 days				
Other, please specify:				

**Required Documents**

Local Authority Approval Letter	
Plans with rooms and parking indicated	
Letter "no objection" from property owner	
Letter "no objection" from neighbours	
Letter "no objection" other affected parties	

**General remarks**

---



---



---



---



---

**RULES AND REGULATIONS**  
**REGARDING HOME BUSINESSES**



**PROPERTY OWNER**

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

in the presence of the undersigned witnesses

Witnesses:

- 1. \_\_\_\_\_
  
- 2. \_\_\_\_\_

**ADMIRAL ISLAND AND PELICAN BAY HOME OWNERS ASSOCIATION**

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

in the presence of the undersigned witnesses

Witnesses:

- 1. \_\_\_\_\_
  
- 2. \_\_\_\_\_