

SECTION 1. GENERAL PROVISIONS

Clause 1.1. TITLE AND ENACTMENT

- a) The regulations set forth herein shall be referred to as the Ezulwini Town Planning Scheme Development Scheme, 2014.
- b) The Development Scheme shall have effect as a “Scheme in the course of preparation” as of November 2014.
- c) The Scheme shall come into effect as an approved Scheme upon promulgation of a notice of approval in the Gazette.
- d) This Scheme shall apply to the Ezulwini Urban Area as from time to time declared under the Urban Government Act No. 8 of 1969.
- e) The Ezulwini Town Council shall be the local and responsible Authority for enforcing and carrying into effect the provisions of this Scheme.
- f) Any previously applicable planning Scheme regulations are hereby superseded.

Clause 1.2. INTERPRETATION AND APPLICATION

- a) In its interpretation and application, the provisions of this Scheme shall be held to be the minimum requirements in order to provide rational distribution of residence, business & commercial, industry, recreational / tourism activities. It should furthermore create conditions favourable to the protection of property, aesthetic design - as well as business, recreational, educational and cultural opportunities that will further the local economy and efficiency in the supply of public services.
- b) The Town Planning Scheme should therefore adhere to the following principles:
 - (i) **Healthy Living Environment:** Land uses such as Open Space Areas and Public Facilities (libraries, recreational areas, etc.) intent to ensure wholesome communities.
 - (ii) **Safety:** Certain Land Uses are harmful to public health and safety and should be positioned where it can be controlled. These include utility services - such as solid landfill areas, sewerage ponds, cemeteries, etc. Other land uses, such as light industrial uses could be a nuisance (noise,

pollution, etc.) and should be separated from sensitive areas, such as residential and recreational / tourism areas.

- (iii) **Conservation:** Certain environmentally sensitive and pristine areas, as well as historical buildings need to be conserved for future generations and at the same time provide relief from continual densification within the urban area.
 - (iv) **Order:** An effective land use arrangement ensures a harmonic, organised and logical urban setting. Non-compatible land uses should be separated, thus protecting residents, as well as property value.
 - (v) **Amenity & Convenience:** Provision and proximity of facilities and services are required to ensure the perception of safety, comfort and convenience within specifically residential areas.
 - (vi) **Efficiency and Economy:** Effective Land Use Management maximise the use of Infrastructure.
 - (vii) **General Welfare:** This applies to the various sectors and land uses within the jurisdiction area of the Ezulwini Town Council. Good land use management can benefit the whole community, should it be resident, entrepreneur or visitor, through the creation of a healthy and safe environment and by ensuring that adequate provision has been made for all the necessary services and facilities. The character of respective districts, suitability of each district for the uses permitted and stability of districts in terms of land values have to be considered during the land use management process
- c) Wherever the requirements of this Scheme are at variance with the requirements of any other adopted regulations, by-laws, deeds restrictions or covenants, the most restrictive or that imposing the highest standards, shall govern.
- d) In the case where the Zoning Map or Development Scheme is at variance or in disagreement with the Structure Plan Map or text, the Zoning Map(s) and/or Development Scheme shall govern.
- e) Any building and land shall be used and all buildings shall be erected, moved, altered, or enlarged in conformity with this Scheme.

- f) If any section or provision of this Scheme, or any boundary of any district on the Zoning Map(s) adopted under this Scheme, is decided by the courts to be invalid, that decision shall not affect the validity of the regulation and the Zoning Map(s) as a whole, or any part of the regulations or maps, other than the part determined to be invalid.

Clause 1.3. REVISION OF THE SCHEME

- a) The Scheme shall be reviewed at 5-year intervals, as provided for by the Town Planning Act of 1961 Section 21(4).

Clause 1.4. AMENDMENTS

- a) As provided in the Town Planning Act of 1961 (Section 21), the Scheme may from time to time be amended in any part or all of the provisions and the Zoning Map(s) adopted in the Scheme.
- b) Proposed amendments to the Scheme and application for Planned Unit Development proposals under Section 19 shall be submitted to the Ezulwini Town Council.
- c) Amendment to the Scheme or the Zoning Map(s) shall be in accordance with Section 19 of the Town Planning Act of 1961.
- d) The hearing notice shall include a general summary of the proposed amendment to the Scheme and the boundaries of any property included in the proposed amendment to the Zoning Map(s).
- e) A notice of the proposed amendment including a general summary of the proposal shall be noticeably displayed and maintained on the property involved twenty-one (21) days prior to the public hearing.
- f) The Ezulwini Town Council shall give additional notice of the hearing, as it shall deem feasible and practicable.

Clause 1.5. VARIANCES

- a) The Ezulwini Town Council may in specific cases authorize such *VARIANCE* from the provisions of this Scheme as will not be contrary to the public interest where,

owing to special conditions, a literal enforcement of the provisions would result in unnecessary hardship.

- b) A *VARIANCE* is authorized only for Building Height, Number of Stories, Setbacks, Plot Coverage, Floor Area Ratio and Parking Requirements.
- c) Under no circumstances shall the Town Council grant a *VARIANCE* to allow a use not permissible or any use expressly or by implication prohibited under the regulations of this Scheme in the district involved.
- d) No application for a *VARIANCE* shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule.
- e) A *VARIANCE* from the provisions of this Scheme shall not be granted by the Town Council unless and until a written Application (Application Form to be obtained from the Ezulwini Town Council) for a *VARIANCE* is submitted demonstrating:
 - (i) That special conditions and circumstances exist, which are peculiar to the land or building involved and which are not applicable to other lands or buildings in the same district;
 - (ii) That literal interpretation of the provisions of this Scheme would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Scheme;
 - (iii) That the special conditions and circumstances do not result from the actions of the applicant;
 - (iv) That granting the *VARIANCE* requested will not confer on the applicant any special privilege that is denied by this Scheme to other lands or buildings in the same district; and
 - (v) Neither a non-conforming use of neighbouring lands or buildings in the same district nor any permitted or non-conforming use of lands or buildings in other districts shall be considered grounds for the issuance of a *VARIANCE*.
- f) Where an application is made to the authority for a *VARIANCE*, it will not be granted until the following provisions are met:

- (i) A written application for a *VARIANCE* is submitted indicating the section of this Scheme under which the *VARIANCE* is sought and stating the grounds on which it is requested (Standard Application Forms and Requirements to be obtained from the Ezulwini Town Council);
 - (ii) After having ensured that the application meets the requirements of Section (i) the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *VARIANCE* has been submitted for approval, that copies of the application, plans and other relevant matters may be inspected at the Town Council Offices and that objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
 - (iii) A notice of the proposed *VARIANCE* including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant, on the property involved, for a period of twenty-one (21) days prior to the final day of which objections may be lodged as specified in Clause (g) below. (A Standard Advertisement Board should be obtained from the Ezulwini Town Council for this purpose);
 - (iv) The applicant is to give a Written Notice to Owners of Plots that to which the applicant relates and to such other persons as the Town Council shall deem to be affected.
 - (v) The applicant shall also submit an Affidavit (standard format to be obtained from the Ezulwini Town Council) declaring that the application was advertised in accordance with this Scheme
- g) Every owner or occupier of immovable property within the area on which this Scheme has effect or any other person having a sufficient interest therein shall have a right of objection to the *VARIANCE*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated in Section (f) above.
- h) Upon expiry of the period for lodging objections, the Town Council shall consider an application under this section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practice in Swaziland, if so desired by any person or body who submitted the objections.

- i) Not later than fourteen (14) days before its meeting under this section, the Town Council shall send, through the post, a notification to the applicant and the person who has made representations or objections of the date, time and place of the meeting, at which the application shall be considered.
- j) Notification of a meeting under Section (i) above shall inform the person or body in question that they may appear before the Town Council with their witness if any.
- k) The Town Council shall give additional notice of the application, as it shall deem feasible and necessary.
- l) The Town Council shall further ensure that the reasons set forth in the application justify the granting of the *VARIANCE* and that the *VARIANCE* is the minimum *VARIANCE* that will make possible the reasonable use of land or building.
- m) In granting any *VARIANCE*, the Town Council may prescribe appropriate conditions and safeguards in conformity with this Scheme, as it deems proper. Non-compliance with such conditions and safeguards - when made part of the terms under which the *VARIANCE* is granted - shall be deemed a violation and punishable under Section 22 of this Scheme.
- n) Failure to start construction or alteration within twenty-four (24) months of the date on which the *VARIANCE* is granted and to continue diligently until completion shall make the *VARIANCE* granted null and void, except where an extension of time has been granted in writing by the Town Council.

Clause 1.6. SPECIAL CONSENTS

- a) Uses may be permitted by *SPECIAL CONSENT*, where specified, which would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to its relationship and compatibility with the general neighbourhood would not be detrimental to public health, safety, order, comfort, convenience, prosperity, or general welfare of the district.
- b) The Town Council is empowered to hear and decide such *SPECIAL CONSENT(s)* as are specifically authorised by the provisions of this Scheme; to decide such questions as are involved in determining whether *SPECIAL CONSENT* should be granted; and to grant *SPECIAL CONSENT* with such conditions and safeguards as

are appropriate or to deny *SPECIAL CONSENT* when not in harmony with the purpose and intent of the Scheme.

- c) No application for a *SPECIAL CONSENT* shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule.
- d) Where an application is made to the Authority for a *SPECIAL CONSENT*, it will not be granted until the following provisions are met:
 - (i) A written application for a *SPECIAL CONSENT* is submitted indicating the section of this Scheme under which the *SPECIAL CONSENT* is sought and stating the grounds on which it is requested (Standard Application Forms and Requirements to be obtained from the Ezulwini Town Council);
 - (ii) After having ensured that the application meets the requirements of Section (i) the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *SPECIAL CONSENT* has been submitted for approval, that copies of the application, plans and other relevant matters may be inspected at the Town Council Offices and that objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
 - (iii) A notice of the proposed *SPECIAL CONSENT*, including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant on the property involved, for a period of twenty-one (21) days prior to the final day of which objections may be lodged as specified in Clause (e) below. (A Standard Advertisement Board to be obtained from the Ezulwini Town Council);
 - (iv) The applicant is to give a Written Notice to Owners of Plots that to which the applicant relates and to such other persons as the Town Council shall deem to be affected.
 - (v) The applicant shall also submit an Affidavit (standard format to be obtained from the Ezulwini Town Council), declaring that the application was advertised in accordance with this Scheme.

- e) Every owner or occupier of immovable property within the area on which this Scheme has effect, or other person having a sufficient interest therein shall have a right of objection to the *SPECIAL CONSENT*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated in Section (ii) above;
- f) Upon expiry of the period for lodging objections, the Town Council shall consider an application under this Section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practise in Swaziland, if so desired by any person or body submitting the objections;
- (i) Not later than fourteen (14) days before its meeting under this Section, the Town Council shall send, through the post, a notification to the applicant and any person who has made representations or objections of the date, time and place of the meeting at which the application shall be considered;
- (ii) Notification of a meeting under Section (i) above shall inform the person or body in question that they may appear before the Town Council with their witness, if any;
- (iii) The Town Council shall give additional notice of the application as it shall deem feasible and necessary;
- (iv) The Town Council shall ensure that it is empowered under the section of this Scheme described in the application, to grant the *SPECIAL CONSENT* and that the granting of the *SPECIAL CONSENT* will not adversely affect the public interest;
- (v) Before any *SPECIAL CONSENT* is issued, the Town Council shall certify compliance with the specific policy and/or by-law governing the individual *SPECIAL CONSENT* of which such policy and/or by-law provides guidelines in terms of Development Criteria; Special Requirements and/or Conditions; which amongst other include the following and elaborated on under Clause 25.10:
- 1) Ingress and Egress to property and proposed buildings thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or emergency;

- 2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise or odour effects of the *SPECIAL CONSENT* on adjoining properties and properties generally in the district;
 - 3) Refuse and service areas, with particular reference to the items in (1) and (2) above;
 - 4) Utilities, with reference to their provision, location and system capabilities;
 - 5) Screening and buffering with reference to necessity and type thereof;
 - 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with properties in the district;
 - 7) Required setbacks and other open spaces;
 - 8) General compatibility with adjacent properties and other properties in the district; and
 - 9) In determining the application for *SPECIAL CONSENT*, the Town Council shall take into account the sound town planning merits of the proposal and in particular, clear proof of public need for the *SPECIAL CONSENT* to be approved.
- g) In granting any *SPECIAL CONSENT*, the Town Council may prescribe additional conditions and safeguards in conformity with this Scheme. Non-compliance with such conditions and safeguards when made a part of the terms under which the *SPECIAL CONSENT* is granted shall be deemed a violation and punishable under Section 22 of this Scheme.
- h) The Town Council shall prescribe time limits within which the action for which the *SPECIAL CONSENT* is required shall be begun or be completed, or both. Failure to begin or complete, or both, such action within the limits set shall render the *SPECIAL CONSENT* void.
- i) A Renewal and/or Inspection Schedule will be provided at the time of granting the *SPECIAL CONSENT*, which will state the consent period of the specific Use.

- j) Upon change in Ownership, the previous owner shall notify the Town Council, as per the relevant Form provided by the Ezulwini Town Council for *Change in Ownership* and the new owner shall certify an affidavit stating that he/she acquainted him/herself with the conditions set as per the granting of the *SPECIAL CONSENT*.

Clause 1.7. REZONES

- a) Any application from either a public or private party to *REZONE* a piece of property shall be considered a Variation of an approved Scheme as described in the Town Planning Act, 1961. Any application for such Variation shall be submitted to the Town Council on forms as may be so designated (to be obtained from the Ezulwini Town Council) and shall then be submitted to the Minister and reviewed in accordance with the procedures outlined in Section 21 of the Town Planning Act. *REZONING* of a Property or Block of Properties shall only be forwarded to the Minister for his/her consideration where there is a proven public need for such *REZONING*.
- b) No application for a *REZONE* shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule.
- c) A *REZONE* from the provisions of this Scheme shall not be granted by the Town Council unless and until a written Application (Application Form to be obtained from the Ezulwini Town Council) for a *REZONE* is submitted demonstrating:
- (i) That there are proven grounds to *REZONE*, and that the proposed land use would be desirable given the broader context of the Ezulwini Urban Area;
 - (ii) That no special conditions and circumstances resulted from the actions of the applicant; and
 - (iii) Neither a non-conforming use of neighbouring lands or buildings in the same district, nor any permitted or non-conforming use of lands or buildings in other districts shall be considered grounds for the approval of a *REZONING*.
- d) Where an application is made to the authority for *REZONING*, it will not be granted until the following provisions are met:

- (i) A written application for a *REZONE* is submitted indicating the section of this Scheme under which the *REZONE* is sought and stating the grounds on which it is requested (Standard Application Forms and Requirements to be obtained from the Ezulwini Town Council);
 - (ii) After having ensured that the application meets the requirements of Section (i), the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *REZONING* has been submitted for approval, that copies of the application, plans and other relevant matters may be inspected at the Town Council Offices and that objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
 - (iii) A notice of the proposed *REZONING*, including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant, on the property involved, for a period of twenty-one (21) days prior to the final day of which objections may be lodged as specified in Clause (e) below. (A Standard Advertisement Board to be obtained from the Ezulwini Town Council);
 - (iv) The applicant is to give a Written Notice to Owners of Plots that to which the applicant relates and to such other persons as the Town Council shall deem to be affected.
 - (v) The applicant shall also submit an Affidavit (standard format to be obtained from the Ezulwini Town Council) declaring that the application was advertised in accordance with this Scheme.
- e) Every owner or occupier of immovable property within the area on which this Scheme has effect or other person having a sufficient interest therein shall have a right of objection to the *REZONING*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated in Section (d) above;
- f) Upon expiry of the period for lodging objections, the Town Council shall consider an application under this Section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practise in Swaziland, if so desired by any person or body submitting the objections;

- g) In determining the application for *REZONING*, the Town Council shall take into account the sound town planning merits of the proposal given the broader context of the Ezulwini Urban Area and in particular, clear proof of public/market need for the *REZONING* to be approved;
- h) The responsibility of providing the Town Council with the necessary information on need and development impact rests with the applicant; and
- i) The decision of the Town Council shall not take effect until the expiration of twenty-eight (28) days from the date on which the applicant, and the objectors, if any, are notified thereof, or until any appeal relating thereto lodged in terms of the section of the act has been disposed of. The Town Council shall forward its views on the application to the Minister for his/her consideration.

Clause 1.8. ZONING DISTRICTS

- a) For the purpose of this Scheme the Urban Area shall be divided into the following districts:
 - (i) Low Density Residential District..... (R-1)
 - (ii) Medium Density Residential District..... (R-2)
 - (iii) High Density Residential District (R-3)
 - (iv) High Density High Rise Residential District.....(R-4)
 - (v) Residential Upgrading District..... (R-5)
 - (vi) Rural Residential District..... (R-6)
 - (vii) Central Business District (C-1)
 - (viii) General Business District..... (C-2)
 - (ix) Neighbourhood Service Centres (C-3)
 - (x) Transitional District..... (C-4)
 - (xi) Light Industry District..... (IND)
 - (xii) Public Facility District (PF)
 - (xiii) Utility Services District..... (US)
 - (xiv) Royal Residence District (RR)
 - (xv) Active Open Space District (Recreational & Leisure) (O-1)
 - (xvi) Regulated Open Space District (Environmentally Sensitive) (O-2)
 - (xvii) Passive Open Space District (Conservation) (O-3)
- b) The districts shall be as shown, defined and bounded on the Zoning Map(s).

Clause 1.9. ZONING MAP

- a) The Zoning Map(s) of the Urban Area shall be drawn on the Surveyor General's 1:2500 Cadastral series maps.
- b) Each page of the Zoning Map(s) shall be certified as correct by the Minister. Amendments shall be entered and noted with the nature of the change be initialled and dated. Amendment of the Zoning Map(s) shall become effective upon notice of approval in the Gazette and after said entry has been made on said Map.
- c) *VARIANCES* and *SPECIAL CONSENTS* shall be entered and noted with the nature of the change, be initialled and dated by the Town Council Chairman. *VARIANCES* and *SPECIAL CONSENTS* become effective upon notice of approval in the Town Council's minutes.
- d) Regardless of the existence of purported copies of the Zoning Map(s), which may from time to time be published, the official Zoning Map(s) shall be located in the office of the Town Council, be the final authority as the current zoning status of land and water areas and buildings within the Urban Area.
- e) The Zoning Map(s) and all explanatory material on the map shall be incorporated by reference and made a part of this Scheme.
- f) In addition to the Zoning Map(s), a Summary Zoning Map(s) at a scale of 1:10,000 shall be prepared and published. The Summary Zoning Map(s) shall not be considered to supersede the Zoning Map(s), but shall be prepared for the purpose of guidance only.

Clause 1.10. ZONING DISTRICT BOUNDARIES

- a) Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map(s) or part thereof, the following rules shall apply:
 - (i) Boundaries indicated as approximately following the centre lines of right of ways shall be construed to follow such centre lines.
 - (ii) Boundaries indicated as approximately following plot lines shall be construed as following such plot lines.

- (iii) Boundaries indicated as approximately following urban area boundaries shall be construed as following urban area boundaries.
- (iv) Boundaries indicated as approximately following the centre lines of streams, rivers, or other bodies of water shall be construed to follow such centre lines.
- (v) Where the indicated boundaries are dimensioned on the Zoning Map(s), said dimensions shall determine the boundaries.
- (vi) In cases of disagreement or uncertainty existing as to the exact location of a boundary line, the Town Council shall determine the exact location of the boundary.
- (vii) Where a district boundary line divides a plot, which was in single ownership at the time of coming into effect of the Scheme, the Town Council may permit, as a *SPECIAL CONSENT*, the extension of the regulations for either portion of the plot not to exceed 15 metres beyond the district line into the remaining portion of the plot, except portions in the Open Space District.

Clause 1.11. DEFINITIONS

- a) For the purpose of this Scheme, certain terms and words are defined in this section. These definitions shall not be held to modify or effect in any way the legal interpretations of these terms or words where used in other regulations:
 - (i) Words used in the present tense include the future.
 - (ii) The singular includes the plural and the plural the singular.
 - (iii) The word 'building' includes the word 'structure'.
 - (iv) The word 'occupied' includes the words 'intended to be occupied'.
 - (v) The word 'used' includes the words 'arranged or intended to be used'.
 - (vi) The word 'plot' shall include the words 'lot', 'farm' and 'portion'.
 - (vii) The words 'building' and 'plot' shall include the words 'or parts thereof'.
 - (viii) The word 'shall' is mandatory and not directory.
 - (ix) The word 'person' shall include a corporation, partnership, etc., as well as an individual.

- b) When used in this Scheme the following terms and phrases shall have the meanings ascribed in accordance with the provisions of this section:

Ablution Facility is a sanitation facility containing a toilet, bath and/or shower and wash basin.

Accessory Building is a building located on the same plot as and ordinarily incidental and subordinate to the principal building.

Accessory Use is a use ordinarily incidental and subordinate to the principal use and located on the same plot with the principal use.

Act is the Town Planning Act of 1961.

Agricultural Land is a property not less than 2 hectares in extent and being used bona fide and exclusively for agricultural purposes, i.e. means arable, meadow or pasture land, nursery garden and land used for the purpose of breeding or keeping domestic animals and pets, and includes any buildings connected therewith. It shall not include land used as a park or for recreational purposes.

Alley is a right of way intended to be used for vehicular and/or pedestrian access primarily to the rear setback of two or more plots.

Alteration is any change or rearrangement in the structural parts or in the exit facilities of a building, except such change as may be required for its safety; or any additional enlargement whether by extending or by increasing in height, plot coverage or floor area; or the change in use from one district classification to another and shall include the words 'alter' and 'repair'.

Ancillary Building is an additional building that is normally incidental and subordinate to the main building on the same lot, and includes the term outbuilding.

Annexure means an annexure prescribing certain rights, obligations and conditions applicable to specific plots or land.

Attached Housing is multiple housing units that share one or more walls.

Area See Building Area; Section 1 - Page 16, Floor Area; Section 1 - Page 21, or Plot area; Section 1 - Page 26.

Bar is a place of refreshment which serves beverages and light meals. Alcoholic beverages include beer, liquor, and cocktails, for consumption on the premises. The selling of alcoholic beverages should be licensed under the Laws in Swaziland (Commerce and Trade Act 30/1964). Bars provide stools or chairs for their patrons along tables or raised counters. Bars that are part of hotels are also referred to as *long bars* or

hotel lounges. The term "bar" is derived from the specialized counter on which drinks are served and is a synecdoche applied to the whole of the drinking establishment. The "back bar" or "gantry" is a set of shelves of glasses and bottles behind that counter. In some bars, the gantry is elaborately decorated with woodwork, etched glass, mirrors, and lights. When food is served elsewhere in the establishment, it may also be ordered and eaten at the bar.

Basement is that portion of a storey entirely or partly below grade level, the ceiling of which is less than 1.5 metres above the average grade level of the area covered by the building.

Bed & Breakfast is a private home in which guests can be accommodated at night in not more than four (4) private bedrooms (which may or may not have private bathrooms) with the provision that the owner or manager lives in the house or on the property. The public areas of the house, such as kitchen and lounge have either limited access for guests, or are shared with the host family to some degree. The business may be run as a secondary occupation. Breakfast is included in the price (generally either continental or full-English). Other meals may be available by arrangement. No alcoholic beverages may be served in a Bed & Breakfast Establishment.

Block of Flats is a multi-storey building containing a number of flats.

Boarding Dormitory is a hall providing accommodation to a number of persons (usually more than four) with communal ablution facilities, and meals are usually communally provided for residents in a dining room.

Boarding House is a single or multi-storey building containing a number of Boarding Rooms in a multi-storey building, usually with a communal dining and sitting room. This is common at Institutional Facilities (staff and students).

Boarding Room is a habitable room, providing sleeping accommodation to one or more persons (usually not more than four) with internal or external (communal) ablution facilities and no kitchen, as meals are usually communally prepared for residents.

Bottle Store is a building used for the purpose of trade and/or sale of alcohol.

Building Area is the maximum horizontal projected area of a building at or above grade, excluding cornices, eaves, gutters, unenclosed porches, terraces, balconies, or steps.

Building Coverage is that portion of the plot area covered or occupied by the building area.

Building Height is the vertical distance measured from the average grade level of the area covered by the building to the highest point of the roof adjacent to the front wall for flat roofs, or the mean height between eaves and ridges for all other roofs.

Building is a structure fully or partly enclosed and isolated by exterior walls and roof.

Building Line is a line beyond which property owners have no legal or vested right to extend a building without special permission and approval.

Building, Main is the building in which is conducted the principal use of the plot on which it is located.

Business Premises is the use of a building and/or land as an office or for retail sales, which is ancillary to another use, but *excludes* a building for use as a repair garage, place of refreshment, industry, place of instruction or bottle store.

Builder's Yard is land or buildings used for the storage of material, vehicles, or equipment:

- Used or required for building operations.
- Resulting from demolition or excavation operations.
- Used or required for improvements to the land, such as materials for the making of streets, the installation of essential services, or used for any other construction work, whether for public or private purposes.
- Used for preparation of stored material.
- Sold either in a retail or wholesale capacity to the public.
- But does not include a builder's yard established for the temporary storage of such material in the vicinity of a construction site, or storage at a shop.

By-Laws are the by-laws or building regulations in force in the Ezulwini Urban Area.

Caravan is a vehicle, with or without its own motive power equipped for or used for living purposes and mounted on wheels or designed to be mounted and transported.

Caravan Park is land temporarily occupied by two or more caravans used for living purposes.

Carport is a structure not fully enclosed and used for the storage of one or more motor vehicles - (open sided or partly open sided vehicle shelter).

Carwash Area is an area that is informally used, next to a drainage line, stream or river, to wash vehicles.

Central Business District (CBD) is the area as defined by the Zoning Map(s).

Church is a building used for public Christian worship. See also Traditional Church, Mega Church and Home Church.

Clinic is a public, private, or specialised hospital, operating primarily on an outpatient basis.

Club is a building or plot used by an organisation or association for some common purpose such as, but not limited to, a fraternal, social, educational or recreational purpose, and could include Sport Bar / Pub, however shall not include the term Bar or Discothèque.

Consent means written permission.

Conservation Zone is a use district designated for the protection of environmentally sensitive habitats, for the preservation of existing scenic or indigenous habitat areas, and for the reclamation of environmentally degraded areas.

Community Centre/Hall is the non-profit use of land and buildings for social and community service activities, including human service agencies and programmes, professional counselling services and where the sale of alcoholic beverages on the premises be prohibited.

Convenience Store is an establishment used for the sale of convenience goods or basic day-to-day commodities (such as bread, milk, etc.).

Corridor is an activity spine, or corridors, are "linear areas" used to structure and organise space, as well as interlink areas and nodes to achieve integration. Corridors should not be only lines on the map, but must be accompanied by strategic economic interventions to ensure the success of such corridor developments. Corridors ultimately stimulate development and economic activity.

Council means the Ezulwini Town Council.

Crèche is a place of caretaking of children younger than 2 years (babies).

Cul-de-Sac is a street extending from an intersection with another street and terminating in a vehicular turn-about.

Development is any man made change to a plot, including but not limited to structures, streets and other paving, utilities, filling, grading or excavation.

Development Scheme is the regulatory document outlining physical planning regulations, including: definitions; use zones; development standards; parking standards; and mechanisms for altering the regulations set forth therein. The term “Development Scheme” and “Scheme” is interchangeable with the term “Town Planning Scheme”.

Discothèque is a place of entertainment, which serves both alcoholic and non-alcoholic beverages (may include a Bar) and light meals, in addition to providing a combination of live entertainment, music and dancing on a large dance floor area. Generally a disc jockey (also known as a DJ or deejay) is hired to select and play recorded music for the audience. It also includes the term night club, disco and nightspot. It does not include the term “club”.

District is a section of the urban area delineated on the Zoning Map(s) for which the regulations governing the use of land and the use, density, plot coverage and height of buildings are the same.

Drive-In / or Drive-Through Restaurant is an establishment used as a restaurant or place of refreshment where food and/or drink is served primarily to customers in vehicles either passing through or parked on the premises. This term may also include a pedestrian oriented take-away.

Driveway is a private right of way providing vehicular and or pedestrian access from a plot or a building on a plot, onto a public right of way.

Dwelling House, Cluster is a group of three or more *detached* single family dwelling houses, each with independent ground floor entry and a small garden.

Dwelling is a building used as residence for human habitation.

Dwelling, Detached House is a single-family dwelling having no party wall in common with another dwelling house / unit - also includes townhouse units.

Dwelling, House is a single-family dwelling with at least one bedroom, a kitchen and an internal ablution facility and may also include servant quarters (attached, semi-detached or detached).

Dwelling, Multiple is a building containing three or more dwelling units.

Dwelling, Single Family is a dwelling, used primarily for occupancy by one family, but may include attached servants quarters.

Dwelling, Semi-Detached House is a single-family dwelling, having one party wall in common with another dwelling house / unit.

Dwelling, Unit is a single-family dwelling with at least one bedroom, a kitchen and access to an internal (as part of the dwelling unit) or external (within the same building) ablution facility.

Duplex is any detached building or attached building or form of shelter used for human habitation as residence.

Enactment Date is the date on which the Ezulwini Town Planning Scheme would come into effect. (Date to be advised).

Existing Approval is the approval of a set of building plans before the Enactment date, where construction has not yet begun, and which will be allowed to abide with the terms of any previous Scheme. Existing Approval shall not exceed 12 months beyond the Enactment Date; if 12 months passes without commencement of construction, reapplication to the local town council for the approval of building plans will become necessary.

Existing Building is a building erected in conformity with plans approved by the Town Council and which is otherwise lawful and the erection of which was completed on or before the date of enactment; or in the opinion of the Town Council, begun a reasonable time before the date of enactment, but was completed thereafter; or completed in accordance with the terms of any permission granted by the Town Council before the date of enactment.

Existing Plot is a plot or subdivision registered or approved by the Town Council before the date of enactment.

Existing Use is any use that was lawfully in existence before the Enactment Date. Any change in use after the Enactment Date must conform with the most recently approved Scheme regulations.

Extension is an enlargement or addition to a building.

Family is an individual, or group of persons who live together as a residential unit.

Flat is a single-family dwelling-unit with at least one bedroom, a kitchen and access to an internal ablution facility. Flats usually do not have independent ground floor entries and are usually multi-storey with staircases, elevators and passageways.

Flood Plain is a relatively flat or low lying area adjoining a river, stream or watercourse, which is subject to partial or complete inundation or which is subject to the unusual and rapid accumulation of runoff waters from any source.

Floor Area is the sum of the area of several storeys of a building, as measured from the exterior faces of the enclosing walls, including verandas and garages, but excluding:

- Buildings or portions thereof without roofs.
- Below grade parking areas.
- Unclosed exterior mechanical equipment or rooftop mechanical / utility rooms or structures.
- The final floor to floor rise of rooftop fire stairs.
- Unroofed balconies and porches, provided that such shall not be enclosed in any other way than by parapet or handrail not more than 1.5m high or a wire mesh screen.

Floor Area Ratio (FAR) is the figure that expresses the total floor area as a multiple of the area of the plot. This figure is determined by dividing the collective floor area of all buildings on a plot by the area of that plot.

Garage is a building not exceeding sixty square metres (60m²) in area, used for the parking or storage of one or more motor vehicles and having no repair or service facilities.

Garage, Parking is a building over sixty square metres (60m²) in area used for the parking of motor vehicles without repair or service facilities. The term parking garage may include a parking garage accessory to the principal use, either for public or private use.

Garage, Repair is a building with facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, equipping or other motor vehicular maintenance or repair.

General Dealer shall be defined as per the nature of the business of the development in question (i.e. shop, wholesale, warehouse, bottle store, etc.) and shall not unconditionally be allowed in the appropriate zone as per its nature of business.

Ground Floor is a floor at ground level or the floor of the storey in which the principal entrance of a building is located.

Guest House is generally a private home, which has been converted (often with the supplement of a number of additional bedrooms) for the dedicated and exclusive use of guest accommodation with public areas that are for the exclusive use of the guests. The owner or manager either lives off-site or in an entirely separate unit on the property. A Guesthouse offers a wider range of services than a B&B, and usually caters for all meals. It includes the term *Cottage(s)*. A guesthouse is usually limited to 10 bedrooms. A Guesthouse could be licensed to serve Malt & Wine to stay in guests.

Habitable Room is a room used for human occupation, including work places, but excluding bathrooms, toilets, staircases, passageways, delineated entry halls, garages, lift cars, photography dark rooms, utility / mechanical rooms and rooms used exclusively as kitchens.

Home Church is used to describe an independent assembly of worshippers who gather in either a home or rented space. Sometimes this occurs because the group is small and financially restricted to rent or own a designated church building.

Home Industry is the use of a part of the dwelling-house for the making and selling of craft-work, which can include tailoring and woodwork, amongst other.

Home Occupation is the use of a dwelling for gainful employment, which is clearly incidental and subordinate to its use as a residence and where there is no stock in trade, repair of machinery and vehicle or goods are kept, sold or displayed upon the premises and does not interfere with the amenities of the neighbourhood in terms of noise, vibration, pollution and not be in contravention of health legislation. It includes the terms home industry, home vendor, home office and Spaza Shop.

Home Office is the use of a part of the dwelling-house for administrative purposes, which could be computer and printing related.

Home Vendor is the use of a part of the dwelling-house for purposes of storage and displaying of goods such as Plastic (Tupperware), Cosmetic Products and Jewellery.

Hostel is a single or multi-storey building containing a number of sleeping accommodation, with communal ablution facilities and no kitchen. Meals are usually not prepared for residents.

Hotel is any commercial establishment containing ten or more rooms providing temporal accommodation with internal ablution facilities, (excluding kitchen facilities) for transient persons (visitors); meals are generally provided in a communal dining room to both public and visitors and may have a restaurant. The term shall include Motels and Boutique Hotels.

Improvement is the physical change or additions to developed or undeveloped plots that may be necessary to produce usable or desirable plots, including but not limited to buildings, playfields, parks, utilities, filling, grading, excavation, streets and other paving.

Industry is the use of a building and/or land as a factory within the meaning of the Mines, Minerals, Works and Factories Act 1972 (Act 17 of 1972).

Industry, Noxious is an industry or land used for the trade or manufacture of goods, or that offers service, which causes any nuisance or health hazard in the form(s) of noises, vapours, dust, smells, waste liquids or solids emanating from the premises.

Institution is a welfare institution, hospital, nursing home, sanatorium or clinic, whether public or private and includes offices incidental thereto.

Loading Bay is an **off-street** area, provided for delivery vehicles when loading and unloading goods.

Loading Zone is an **on-street** parking space, provided for delivery vehicles when loading and unloading goods.

Local Authority is the Ezulwini Town Council.

Local Planning Authority is the authority / department responsible for Town Planning matters by way of authority granted or delegated by the Local Authority.

Lodging Facility is any building containing less than ten rooms, providing accommodation to transient persons with internal or external ablution facilities, excluding kitchen facilities, as meals are generally provided in a communal dining room. The term shall include a Bed & Breakfast Facility and Guesthouse.

Map is the Zoning Map(s) as amended from time to time.

Market is a public open space, covered area, or building with one or more stalls, where any member of the public is allowed to apply to rent such stalls to be used for the trade or sale of goods and/or services.

Mega Church is a large church having 500¹ or more churchgoers on average in weekend attendance.

Minister is the Minister of Housing and Urban Development, who is responsible for town planning related matters in Swaziland.

Mixed Use is a plot or building containing more than one use any one of which occupies more than 20 percent of the floor area.

Mosque is a place of worship for the Muslim faith.

Motor Vehicle Sales is a plot or building used for storage and display for sale of any motor vehicle or any type of caravan.

Motor City is an up market motor sales showroom with prominent street frontage, visibility and landscaping.

Non-Conforming Use is a use of land or buildings that was lawful prior to this Scheme being enacted or amended but which is prohibited, regulated or restricted under the provisions of this Scheme. Such non-conforming use includes, but not limited to, non-conforming signs.

Nursery, is a place used for the sales of plants and outdoor equipment, (also referred to as a Garden Centre).

¹ Rate adapted for Swaziland.

Occupier or Occupant is in relation to any building or land any person in actual occupation of such without regard to the title under which he occupies and includes the agent of the occupant who is absent from the area or whose address is unknown.

Office is a building or space used for administrative purposes and includes professional offices and financial institutions.

Office, Professional is a building used for administrative purposes and employing not more than 10 persons or requiring more than 6 parking spaces.

Open Space is land designated for use and/or benefit of the public and it includes conservation land and land dedicated for the preservation of sensitive habitats or species, parks, gardens, playgrounds, recreational parks or squares and buildings incidental thereto.

Open Space, Private is a private property where the right of access to the public is reserved by the owner or manager of such property, whether on condition of payment or otherwise.

Open Space, Public is a property held in the public trust by agency or branch of the Government, where the public is entitled or permitted to have access, whether on condition of payment or otherwise.

Owner is in relation to a building or land: the registered owner; the holder of a stand licence; any lessee under a registered lease; the person administering the estate of any person, either as executor, administrator, guardian or in any other capacity; any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein; or the duly authorized agent of an owner referred to above.

Outbuilding is an additional / second structure(s) on a property such as a garage, sheds etc., which in the opinion of the Town Council is reasonably required in connection with use of a dwelling unit or residential building on the same plot or site. Outbuildings may not be used for residential purposes unless otherwise specified by the Local Authority.

Panhandle is the narrow access portion by which the buildable area of a panhandle plot gains access.

Panhandle plot is a subdivision, which results in one or more of the portions created by such subdivision gaining access by means of a narrow access.

Park is an open-air recreational facility, which is not an accessory to any other use on the same or any other plot, but excludes sports stadiums.

Parking Facility See Garage, Parking or Parking Lot.

Parking Lot is an area provided for the accommodation or parking of motor vehicles on a plot for restricted access in connection with a particular use.

Parking Lot, Public is any plot which is used for the accommodation or parking of motor vehicles and is not accessory to any other use on the same or any other plot and contains parking spaces accessible to the general public either free or on a commercial basis.

Party Wall is a building wall constructed immediately adjacent to a side plot line and connected to a building on the adjoining plot.

Petrol Filling Station is a use, including any buildings on the plot, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and the sale; installation, or minor repair of tyres, batteries or other motor vehicular accessories. The term petrol filling station shall not include a repair garage.

Place of Instruction is a building used as a school, college, technical institution, lecture hall or other educational centre, crèche, monastery or convent.

Place of Public Worship is a building used as a church, chapel, oratory, synagogue or other place of public devotion and also a building for use as a place for religious instruction or an institute on the same plot, but shall not include dwellings.

Place of Refreshment is a restaurant, tea room / garden, coffee house, and the area for the retail sale of meals and refreshment, fresh produce, cold drinks, foodstuffs and/or reading matter; but excludes a hotel, club or bar whether in the same building as the place of refreshment or not.

Plot Area is the total horizontal area contained within the plot lines, excluding space within right of ways and panhandles, but including the area contained in any servitude.

Plot Consolidation is the act of joining two or more contiguous plots, held in the same ownership, previously separated by subdivision into a single plot by elimination of the common boundaries of such plots.

Plot Coverage is a figure expressing that portion of a plot lying within plot lines, which is occupied or which may be occupied under the provisions of this Scheme as building area.

Plot Frontage is that portion of the front plot line adjacent to a public right of way.

Plot Line is a line forming the boundary of a plot.

Precinct is an area within urban regions, which is defined according to a spatial logic and the functionality of an area. Precincts usually have an identity of their own with characteristics unique to the identity and uses found within that area.

Premises are buildings or establishments and any accessory structures, in addition to the plot upon which it is situated.

Pre-School is an educational facility that prepares toddlers to start school.

Property is any plot or piece of land, with or without structures, that is registered with the Deeds Office.

Public Stream is a watercourse of natural origin wherein water flows in ordinary seasons, whether or not such watercourse is dry during any period of the year, and whether or not its conformation has been changed by artificial means and includes swamps or marshes whether forming the source or found upon the course of or feeding such watercourse.

Recreational Building or Use is any establishment providing facilities for recreation, including but not limited to, picnicking, bicycling, tennis and similar activities.

Recreational Open Space is useable open space land designated for recreational purposes and does not include land designated for the protection of sensitive habitats or species.

Recreational Open Space, Active is any usable open space land designed specifically for participatory athletic recreational purposes, including but not limited to: sports fields and golf courses: and does not include land designated for the protection of sensitive habitats or species.

Recreational Open Space, Passive is any usable open space land designated, but not limited to: public parks, greenbelts, trails, and walkways: and may include land designated for the protection of sensitive habitats or species.

Refuse is any solid garbage, ashes, rubbish, commercial waste, dead animals or building waste.

Refuse Container is a receptacle for the temporary storage of refuse, including: bins, dumpsters, and other similar containers.

Rental Unit is a habitable room (attached or detached to the main Dwelling House), providing sleeping accommodation (in addition to a bathroom facility and kitchen) to one or more persons who are not members of the family of the owner and where the accommodation is not under the exclusive control of the occupants.

Repair is any construction, which replaces materials but does not change the height, number of stories, size or location of a building.

Restaurant is a place of business where food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria or other similar business, but shall not include a take away. In a restaurant, any facilities for take away shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises.

Retail Area is the area of business where goods are displayed to the public, and where transactions are conducted.

Retail is the sale of goods other than wholesale.

Right of Way is the total width of and land used, reserved or dedicated as a street, road, alley, sidewalk or utility servitude.

Road is any street, bridge, land or through-fare shown on the general plan of a township or other division of land or in respect of which the public has acquired a right of way.

Road, Distributor is a principal road or street in a network, which connects residential and commercial areas with other areas.

Rooming House is a residence used as a commercial establishment that provides overnight accommodation for one or more persons. The term shall include a lodging house, but not a club or hotel.

Rooming Unit is a portion of a larger building containing one or more habitable rooms for living or sleeping purposes: but not for the preparation or eating of meals.

Scheme is the Ezulwini Town Planning Scheme, 2014.

School Educational Service is a business college, trade school, art or dance school, or similar organisation offering training in a specific field.

School is any building operated, maintained or supported by the Ministry of Education and Training for educational purposes and such other community uses as deemed necessary and desirable. The term shall include all educational functions, the structures required to house them and all accessory uses normally incidental thereto, including but not restricted to athletic fields, gymnasiums, parking plots, playgrounds, stadiums and open space.

School, Private is any place of instruction, including an authorised home occupation, which receives children for nursery schools, kindergarten, elementary, secondary, or higher school instruction: having its own admission standards, usually for payment, and should be licensed and monitored by the Ministry of Education and Training.

School, Public is any building operated, maintained, or supported by the Ministry of Education and Training for instructional purposes and such other community uses deemed necessary and desirable. The term shall include all educational functions, the structures required to house them, and all accessory uses normally incidental thereto, including, but not restricted to: athletic fields, gymnasias, parking lots, playgrounds, stadium, teacher housing facilities and open space.

School, Vocational, is an institution offering training in a specific field - primarily to adults, such as: a business college, trade school, art or dance school, and other similar institutions.

Scrap Yard is any land or building used for the dismantling and/or storage of scrap metal, scrap vehicles, scrap machinery or any other scrap metal, whether such dismantling or storage is done for either the re-sale, re-using or disposal of such scrap.

Second Dwelling Unit is a single-family dwelling with at least one bedroom, a kitchen and access to an internal ablution facility with independent ground floor entry, however which are subordinate to the main dwelling house on the property. The use can also be described as a Granny Flat.

Semi-Detached refers to two housing units that share a common wall.

Servants Quarters is a dwelling unit for the convenience and/or accommodation of *bona fide* domestic servants.

Servitude is an area of land granted as a right of way by the owner thereof for the purpose of installation of public utilities, including but not limited to: sanitary sewer, water lines, electricity lines, telephone lines or stormwater drains, whether shown on a subdivision plan as set forth in subdivision regulations or otherwise.

Setback is the area between the plot line and the building line as legally mandated by the local zoning regulations, wherein property owners have no legal or vested right to extend or construct a building or structure without special permission and approval.

Setback Line is a line drawn parallel with the plot line and being a distance there from by the amount as required for the district in question.

Shop is a building used for the purpose of carrying on retail trade where the retail comprises at least 60% of the floor area and includes any other use on the same plot incidental and subordinate to the conduct of the retail trade thereon, and shall not include a bottle store.

Smallholding is a farm of small size. It could be a farm supporting a single family with a mixture of crops (subsistence farming) or in more affluent areas may be valued primarily for the rural lifestyle that it provides as owners do not live off the farm or earn their livelihood from it.

Social and Cultural Use is any building or land where persons congregate for social, recreational, entertainment, cultural or other communal, civic or public purposes, such as a public hall, theatre, cinema, music hall, sports stadium, art gallery, museum, public library or for purposes of exhibitions of trade or industry.

Spaza Shop is the use of a dwelling as a retail trade for convenience goods and it can be used as a communication room or as a means of access using telephones.

Sport Bar & Pub / Grill: Is a place of entertainment, where alcoholic and non-alcoholic beverages may be served in a Bar Area together with a light meal and where sports fans watch games on large-screen televisions.

Storey is that portion of a building between the surface of any floor and the next floor above. A partially below grade storey shall be counted in building height if its ceiling is over 1,5 metres above the average grade level of the area covered by the building.

Street Centre Line is a line midway between and parallel to the two street lines or as defined by the middle of the carriageway for streets having no defined right of way or street lines.

Street Frontage See Plot Frontage; Section 1 - Page 27.

Street is a right of way, designated on the Surveyor General's cadastral map series whether dedicated and opened or not, for the use of the Ezulwini Town Council.

Street Line is the line separating the right of way from abutting plots, which defines the edge of an existing or proposed right of way shown on any plan approved by the Town Council.

Street, Arterial is a principal street in a network, which provides vehicle access between residential, commercial and industrial areas of the Urban Area, as designated on the Structure Plan map.

Street, Collector is a street, which is part of a vehicle circulation network within a neighbourhood and which intersects with at least one arterial street.

Street, Local is any street, which does not qualify as an arterial or collector street.

Structure is anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, swimming pools, bridges and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment.

Subdivision is the division of a single plot into two or more plots, including changes in street lines or plot lines for the purpose, whether immediate or future, of transfer of ownership or of building development.

Substantial Improvement is any repair, reconstruction or improvement of a building the cost of which equals or exceeds 50 percent of the market value of the building either before the improvement or repair is started, or if the building has been damaged and is being restored before the damage occurred. For the purposes of this definition, 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure to comply with existing health, sanitary or safety regulations, which are solely necessary to assure safe living conditions.

Surgery is an office for doctors, dentists and associated technicians, but not including the care of patients except on an outpatient basis and not including hospital patient service.

Swimming Pool is a body of water of artificial construction, either indoors or outdoors, used for swimming or recreative bathing, together with buildings and equipment and being over 750mm in depth any place in the pool. Swimming pools shall be considered accessory buildings.

Take-a-Way is a place of refreshment devoted to the preparation and retail sale of ready to consume food or beverages for consumption off the premises and where the floor area allocated and used for customer queuing for carry out and on-premises consumption is greater than ten percent of the total floor area on any one storey which is accessible to the public.

Tea Garden is a place of business located in a natural environment where food and refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as an alfresco or open-air restaurant, but shall not include a take away.

Town Council is the Ezulwini Town Council and its authorized officers.

Townhouse, Complex is a building with three or more *attached* single family dwelling houses each with independent ground floor entry and a small garden.

Townhouse, Duplexes is double storey - single family dwelling houses part of a Townhouse Complex.

Townhouse, Simplexes is single storey - single family dwelling houses part of a Townhouse Complex.

Trash Container is a receptacle for the temporary storage of refuse, including bins, dumpsters and other similar containers.

Tuckshop is an informal building or kiosk used for the purpose of carrying on retail trade of convenience goods.

Unit is any detached building on a plot.

Urban Area is the Ezulwini Urban Area, as declared by the Local Government Act, 1995 and subsequent amendments thereto.

Urban Development Boundary is an area in which urban development is occurring and within which development should be guided and controlled.

Use is the principal purpose for which a plot and/or main building thereon is intended or for which it may be used, occupied or maintained.

Use, Change is any change of use of land or of a building from that of one district to another.

Use, Conditional is a use which is not appropriate to a particular district as a whole, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such case within the Scheme are present. Conditional uses are allowed or denied by the *SPECIAL CONSENT* of the Town Council.

Use, Permitted is a use, which would not be detrimental to public health, safety, order, comfort, convenience, appearance, prosperity or general welfare within any portion of a particular zoning district.

Variance is a relaxation of the terms of the zoning regulations where such relaxation will not be contrary to the public interest.

Warehouse is any building or land use where goods are stored. The term shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the plot, but may include ancillary office accommodation.

Wholesale is the use of buildings or land for the sale of goods to retail or service establishments, which in turn will sell them to consumers who will directly use the goods.

Zone is the Use Regulations as set out in Section 2 through to Section 18 of this Scheme and as defined on the Zoning Map(s).

Zero Lot Line is the placement of a building on a lot where one or more sides of the building are adjacent to a common property line and where no setback is recognised: and where no portion of the building overhangs any other private property, but may with consent of the local town council overhang a public right of way; and meets Fire and Emergency Service regulations for construction adjacent to a property line.

Zoning Map is a diagrammatic representation delineating the various use zones within the Town Council, in addition to other pertinent physical planning information, i.e., plot numbers, street names, etc.