

EZULWINI TOWN PLANNING SCHEME 2024



DEVELOPMENT CODE

Volume 4

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PREPARED BY: VIP PROPERTY PLANNING CONSULTANTS (PTY) LTD



TABLE OF CONTENT

TABLE OF CONTENT	1
SECTION 1: INTRODUCTION	11
1 GENERAL PURPOSE OF THE SCHEME	11
2 ENACTMENT AND TITLE	12
3 AREA OF CODE / CODE AREA	12
4 COMPOSITION OF THE CODE	12
5 COMPLIANCE OF THE CODE	13
6 RESPONSIBLE AUTHORITY	14
7 REVISION OF THE SCHEME	15
8 ABBREVIATIONS	15
SECTION 2: GENERAL PROVISIONS AND PLANNING PROCEDURES	17
9 GENERAL PROVISIONS	17
9.1 INTERPRETATION AND APPLICATION	17
10 PLANNING PROCEDURES	18
10.1 AMENDMENTS	18
10.2 VARIANCES	19
10.3 REZONINGS	21
10.4 SPECIAL CONSENTS	23
10.5 PLANNED UNIT DEVELOPMENT (PUD)	28
10.5.7 MIXED LAND USE	31
10.5.8 PARKING PROVISIONS	31
10.6 SUBDIVISION OF LAND	41
10.7 CONSOLIDATIONS OF LAND	43
10.8 ESTABLISHING A HUMAN SETTLEMENT	46
10.9 SECTIONAL TITLES APPLICATIONS	48
10.10 SUBMISSION OF PLANNING APPLICATIONS	50
SECTION 3: ADMINISTRATION, ENFORCEMENT AND APPEALS	51
11 GENERAL PROVISIONS	51
12 BUILDING APPLICATIONS	51



12.1	SUBMISSION AND NAMING CONVENTIONS.....	51
12.2	EXTERNAL APPEARANCE OF BUILDINGS.....	52
12.3	CERTIFICATE OF OCCUPANCY	53
12.4	CONSTRUCTION AND USE COMPLIANCE	54
12.5	BUILDING PERMITS.....	54
12.6	APPEALS	55
13.	ENFORCEMENT AND PENALTIES.....	56
14.	FEES	58
15.	EXTENSION OF URBAN BOUNDARIES.....	58
16.	GOVERNMENT DEVELOPMENT	59
17.	DEVELOPMENT POLICIES & BY-LAWS.....	59
	SECTION 4: USE OF LAND AND BUILDINGS.....	62
18.	USE OF LAND.....	62
18.1	LAND USE ZONING.....	62
18.2	ZONING MAP.....	62
18.3	LAND USE ZONES	63
18.4	LAND USE ZONE BOUNDARIES.....	64
19.	ERECTION AND USE OF BUILDINGS OR USE OF LAND.....	64
20.	EXISTING USE RIGHTS AND NON-CONFORMING USES.....	65
20.1	EXISTING USE RIGHTS.....	65
20.2	NON-CONFORMING USES.....	66
20.3	NON-CONFORMING BUILDINGS	67
20.4	NON-CONFORMING USES WITHIN BUILDINGS.....	68
21.	TEMPORARY USES	70
22.	USE OF PUBLIC PLACES	70
23.	PROHIBITED USES	70
	SECTION 5: DEVELOPMENT CONTROL – ACCESS, DENSITY, BUILDING LINES AND PARKING REQUIREMENTS	72
24.	PURPOSE	72
25.	ACCESS RESTRICTIONS AND ERECTION OF PHYSICAL BARRIERS	72

25.1	PANHANDLE PLOTS.....	74
25.2	FENCES, WALLS AND SCREENS	76
25.3	PUBLIC ACCESS TO BUILDINGS.....	77
26.	BUILDING LINES/SETBACKS	77
26.1	BUILDING LINES/SETBACKS SPECIFICALLY APPLICABLE TO CORNER PLOTS.....	78
27.	ANCILLARY BUILDINGS	79
28.	COVERAGE, HEIGHTS AND NUMBER OF UNITS	81
29.	PROVISION OF PARKING.....	82
29.1	MINIMUM PARKING AND LOADING REQUIREMENTS.....	84
29.2	PARKING SPACE DESIGN STANDARDS	89
29.3	LOADING BAY DESIGN STANDARDS	91
29.4	SPECIAL PARKING PROVISION AND DESIGN STANDARDS	91
29.5	LOCATION, ACCESSIBILITY, MAINTENANCE, AND OPERATING OF REQUIRED PARKING SPACE	92
29.6	PARKING AND STORAGE OF CERTAIN VEHICLES	94
SECTION 6: ZONINGS & SPECIAL CONDITIONS APPLICABLE TO SPECIFIC USES AND USE ZONES		96
30.	LOW DENSITY RESIDENTIAL (R-1)	96
30.1	PLANNING INTENTIONS	96
30.2	MINIMUM PLOT SIZE	96
30.3	USES PERMITTED	96
30.4	USE PROHIBITED	97
30.5	SPECIAL CONDITIONS.....	97
30.6	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE	97
31.	MEDIUM DENSITY RESIDENTIAL (R-2)	99
31.1	PLANNING INTENTIONS	99
31.2	MINIMUM PLOT SIZE	99
31.3	USES PERMITTED	99
31.5	USES PROHIBITED.....	101

31.6	SPECIAL CONDITIONS	101
31.7	DISTRICT DENSITY	101
31.8	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	101
32.	HIGH DENSITY RESIDENTIAL (R-3).....	103
32.1	PLANNING INTENTIONS	103
32.2	MINIMUM PLOT SIZE	103
32.3	USES PERMITTED	103
32.4	USES PROHIBITED.....	104
32.5	SPECIAL CONDITIONS	104
32.6	DISTRICT DENSITY	105
32.7	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	105
33.	HIGH DENSITY RESIDENTIAL UPGRADING (R 3U).....	107
33.1	PLANNING INTENTIONS	107
33.2	MINIMUM PLOT SIZE	108
33.3	USES PERMITTED	108
33.4	SPECIAL CONDITIONS	109
33.5	USES PROHIBITED.....	109
33.6	DISTRICT DENSITY	109
33.7	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	110
34.	HIGH DENSITY – HIGH RISE RESIDENTIAL DISTRICT USE REGULATIONS (R-4)	111
34.1	PLANNING INTENTIONS	111
34.2	MINIMUM PLOT SIZE	111
34.3	SPECIAL CONDITIONS	111
34.4	USES PERMITTED	112
34.5	USES PROHIBITED.....	112
34.6	DISTRICT DENSITY	112
34.7	UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND PLOT COVERAGE	113
34.8	OPEN SPACE	113



35.	AGRICULTURAL RESIDENTIAL DISTRICT USE REGULATIONS (AR).....	114
35.1	PLANNING INTENTIONS	114
35.2	MINIMUM PLOT SIZES.....	114
35.3	UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND LOT COVERAGE	114
35.4	USES PERMITTED	114
35.5	USES PROHIBITED.....	115
35.6	HEIGHT, SETBACKS, FLOOR AREA RATIO AND PLOT COVERAGE	115
36.	CENTRAL BUSINESS DISTRICT (C-1)	116
36.1	PLANNING INTENTIONS	116
36.2	MINIMUM PLOT SIZE	116
36.3	USES PERMITTED	116
36.4	USES PROHIBITED.....	118
36.5	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	118
37.	SECONDARY COMMERCIAL DISTRICT USE REGULATIONS (C-2)	120
37.1	PLANNING INTENTIONS	120
37.2	MINIMUM PLOT SIZE	120
37.3	USES PERMITTED	120
37.4	USES PROHIBITED.....	122
37.5	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	122
38.	NEIGHBOURHOOD COMMERCIAL USE REGULATIONS (C-3).....	123
38.1	PLANNING INTENTIONS	123
38.2	MINIMUM PLOT SIZE	123
38.3	USES PERMITTED	123
38.4	USES PROHIBITED.....	124
38.5	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	124
39.	SERVICE INDUSTRY DISTRICT USE REGULATIONS (I-1).....	125
39.1	PLANNING INTENTIONS	125
39.2	MINIMUM PLOT SIZE	125
39.3	USES PERMITTED.....	125

39.4	USES PROHIBITED.....	126
39.5	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	126
40.	ACTIVE OPEN SPACE DISTRICT USE REGULATIONS (OS-1)	128
40.1	PLANNING INTENTIONS	128
40.2	MINIMUM PLOT SIZE	128
40.3	USES PERMITTED.....	128
40.4	USES PROHIBITED.....	129
40.5	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	129
41.	REGULATED OPEN SPACE DISTRICT USE REGULATIONS (OS-2)	130
41.1	PLANNING INTENTIONS	130
41.2	USES PERMITTED.....	130
41.3	USES PROHIBITED.....	131
41.4	UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE ..	131
42.	PUBLIC FACILITIES USE REGULATIONS (PF).....	132
42.1	PLANNING INTENTIONS	132
42.2	USES PERMITTED.....	132
42.3	USES PROHIBITED.....	133
42.4	UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND LOT COVERAGE	133
43.	UTILITY SERVICES DISTRICT USE REGULATIONS (US)	135
43.1	PLANNING INTENTIONS	135
43.2	USES PERMITTED.....	135
43.3	USES PROHIBITED.....	136
44.	CULTURAL-HISTORICAL RESOURCES	136
45.	ROYAL RESIDENCE DISTRICT USE REGULATIONS (R-R).....	137
45.1	PLANNING INTENTIONS	137
45.2	USES PERMITTED.....	137
45.3	USES PROHIBITED.....	137
46.	FILLING STATION.....	138
46.1	DEVELOPMENT STANDARDS AND REQUIREMENTS.....	138

SECTION 7: MISCELLANEOUS PROVISIONS.....	141
47. SITE DEVELOPMENT PLANS	141
48. ROAD SPLAYS	142
49. PROJECTIONS INTO REQUIRED SETBACKS.....	142
50. LANDSCAPING	143
51. STORM WATER MANAGEMENT CONTROL MEASURES.....	144
51.1 PURPOSE AND GUIDING PRINCIPLES.....	144
51.2 APPLICABILITY OF CONTROL MEASURES.....	145
51.3 REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS	146
51.4 DESIGN AND IMPLEMENTATION GUIDELINES.....	147
51.5 MAINTENANCE AND ONGOING MANAGEMENT	148
51.6 ACTIONS TO AVOID	148
51.7 COMPLIANCE AND CORRECTIVE ACTION	149
52. VISIBILITY AT INTERSECTIONS	149
53. CORNER PLOTS	151
54. PROJECTIONS INTO REQUIRED SETBACKS.....	152
55. REFUSE STORAGE AND COLLECTION	153
56. DEPOSIT OF WASTE MATERIAL	154
57. ADVERTISEMENT SIGNS	154
57.1 GENERAL PROVISIONS	155
57.2 PROCEDURES	155
57.3 GENERAL REGULATIONS.....	156
57.4 SUPPLEMENTAL REGULATIONS	158
57.5 EXEMPTIONS.....	160
57.6 MAINTENANCE	161
57.7 DANGEROUS AND DEFECTIVE SIGNS.....	162
57.8 NON-CONFORMING SIGNS	162
57.9 TOURISM DIRECTIONAL SIGNAGE.....	163
58. KEEPING OF ANIMALS	164
59. FLOODPLAINS	165



60.	SCHEDULE 1	168
61.	SCHEDULE 2	184
62.	UNIT DENSITY FORMULA	193



NOTE TO THE USER
PLEASE READ BEFORE USING THE DEVELOPMENT CODE

The Development Code comprises *inter alia* of a system of legal requirements and regulations that apply to the use of land in order to achieve the desirable and harmonious development of the built environment.

Consequently, every property / plot falling within the declared urban area has been issued with a set of regulations to control development. These regulations are determined by the zoning of the property / plot, and are set-out in the Ezulwini Town Planning Scheme's Development Code. The Development Code determines such aspects as permissible land use, floor area, coverage, building lines, parking provisions etc. for a particular land use zone. As such, the zoning of a property / plot refers to the uses that can be legally operated on the zoned parcel of land; and how such uses may be provided for in terms of building height, lot coverage, and similar characteristics, or some combination of these.

In addition to zoning regulations, development is also controlled by conditions of title. These conditions are set out in the Title Deed of each property / plot, and can also restrict the way in which a property may be developed.

Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. Hence, in practice, zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community, or to expand or change it in a desired manner.

Any development of land that does not abide by the Development Code and other sets of regulations can result in prosecution in terms of the applicable Code and Town Planning Act of 1961.

Although prescriptive in nature, the Development Code does allow and provide for the change of zoning regulations and removal of other restrictive conditions. Thus, if a proposed development requires a change of the zoning regulations, this is possible; but requires an application and a formal town planning procedure.

All proposals to change the permitted use and development of land will be evaluated by the Ezulwini Town Council on the basis of a number of considerations. The most important of these is the Structure Plan and associated spatial development framework. This document provides a guideline as to what land use and development change will be acceptable, given the spatial vision for the Town.

The document has been drawn up with the involvement of various stakeholders. Generally, if a proposal is in accordance with the Structure Plan it is likely to be supported. If it is not in line with the Structure Plan, the Town Planning Department is unlikely to recommend the application for approval to Council.

The town planning procedure to be followed will be determined by the current zoning (land use rights) of the property / plot and the desired land use rights in the future. Provided the legal and technically complex nature of a Development Code, the following diagram and text provides a brief step-by-step explanation of how to use this Development Code when planning a new development on a property / plot. It is also advisable to contact a professional town planning consultant or other professionals such as an architect, surveyor or a lawyer.

SECTION 1: INTRODUCTION

1 GENERAL PURPOSE OF THE SCHEME

The purpose of this Development Code is to ensure the coordinated and harmonious development of the area of jurisdiction of the Ezulwini Urban Area, in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of the area as well as efficiency and economy of such development, whilst accommodating recognized customs and existing settlement patterns.

More specifically, this Development Code is based on, and strives to uphold the primary objectives required of every land use management system by the Swaziland National Development Plan, 2006, namely:

- (a) Accommodating desirable land uses;
- (b) Providing a framework with which to resolve conflict between different uses;
- (c) Promoting certainty of land uses;
- (d) Promoting the efficient use of land;
- (e) Promoting the efficient movement of persons and goods;
- (f) Promoting economic activity;
- (g) Protecting the amenity of adjacent land uses;
- (h) Protecting natural resources, including agricultural resources;
- (i) Protecting cultural resources and giving due consideration to the diversity of communities;
- (j) Protecting unique areas or features; and
- (k) The general management of land, including change of land use.

As such, the goals and objectives delineated by the Swaziland National Physical Development Plan, 2006, and those established in the Structure Plan have been detailed as regulatory conditions within this Code, thereby providing the Ezulwini Town

Council with the statutory powers to directly control and facilitate the use of land within the urban area.

Hence, no land or building may be used for any purpose or in any way other than permitted in this Code as may be amended from time to time, as provided for in Section 21 of the Town Planning Act, 1961, or any other authorising legislation.

2 ENACTMENT AND TITLE

- (a) The regulations set forth herein shall be cited as the Ezulwini Development Code, 2025.
- (b) The Code shall come into effect as an approved code upon promulgation of a Notice of Approval in the Government Gazette.
- (c) Any previously applicable development code regulations are hereby superseded upon adoption of this code by the Ezulwini Town Council .

3 AREA OF CODE / CODE AREA

- (a) This code shall apply to the Ezulwini Urban Area as declared under the Urban Government Act No. 8 of 1969, and as existing on the date of notification of the adoption of the Code, as indicated on the Zoning Map, which may be amended as prescribed in the Urban Government Act No. 8 of 1969; Section 21 of the Town Planning Act, 1961; or any other authorising legislation.

4 COMPOSITION OF THE CODE

The code consists of the following components as more fully described hereunder.

Scheme Clauses – Describing the contents, components, provisions and conditions.

Schedules – Containing information applicable to specific land and uses.

Zoning Map – Showing the properties in the area of the code and reflecting some of the provisions of the code visually.

5 COMPLIANCE OF THE CODE

This Development Code is formulated and implemented under the authority of the **Town Planning Act, 1961 (Act No. 12 of 1961)**, as amended, which provides the foundational legal framework for physical planning and development control in Eswatini.

(a) **Statutory Basis and Purpose**

This Code serves as an integral component of the relevant Town Planning Scheme prepared and adopted in accordance with the provisions of the Town Planning Act, 1961. Its primary purpose is to give effect to the coordinated and harmonious development of the area to which it applies, as mandated by **Section 8** of the Act.

(b) **Scope and Content in terms of the Town Planning Act, 1961**

In compliance with Section 8(2) of the Town Planning Act, 1961, which states that a Town Planning Scheme "shall contain such provisions as may be deemed necessary or expedient for regulating, restricting or prohibiting the development of the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made," this Development Code includes detailed provisions for:

- (i) **Land Use Zoning and Designation:** Defining the division of the area into specific zones for various purposes (e.g., residential, commercial, industrial, civic, agricultural, open space uses). This includes specifying permitted, conditional, and prohibited uses for each zone, consistent with the general objectives of a Town Planning Scheme under the Act.
- (ii) **Development Standards and Controls:** Establishing regulations for the dimensions, heights, design, spacing, grouping, siting, and external appearance of buildings, along with the provision of open spaces, parking standards, and other physical aspects of development. These controls align



- with the broad powers granted to a Town Planning Scheme to regulate development under the Act.
- (iii) **Planning Procedures and Administration:** Outlining general planning procedures, specific procedures for applications such as rezoning, special consents, and variances, and procedures for the subdivision of land and township development. Such procedural matters are consistent with the general powers granted to schemes under the Act to make provision for "any other matter necessary or desirable for the proper carrying into effect of the scheme."
 - (iv) **Supplementary Regulations:** Incorporating additional regulations to address specific planning objectives, including:
 - Urban design considerations to cater for community needs.
 - Provisions for mixed-use developments and Planned Unit Developments (PUDs).
 - Detailed requirements for off-street parking and loading.
 - Standards for advertisement signs.
 - Provisions for non-conforming uses and the management of contraventions.
 - Any other norms or standards necessary for the effective administration of land use management within the Scheme area, consistent with the broad scope provided by the Act for the comprehensive regulation of development.

6 RESPONSIBLE AUTHORITY

The Ezulwini Town Council shall be the local and responsible authority for enforcing and carrying into effect the provisions of this code.



7 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) or as and when the need arises, subject to granting of authority by the Town Planning Board.

8 ABBREVIATIONS

The following are general abbreviations used in the code:

- BA: Building Area – the maximum horizontal projected area in meters.
- BC: Building Coverage – the maximum coverage of buildings permitted as percentage of the area of the lot / property.
- BH: Building Height – the maximum height of building permitted in meters or storeys .
- BL: Building Line – a line indicating the extent of legal or vested rights.
- B&B: Bed and Breakfast.
- CBD: Central Business District.
- cm: Centimetre (a metric measurement).
- E: Emalangeneni (Local Currency)
- FA: Floor Area – the maximum floor area permitted in square meters.
- FAR: Floor Area Ratio – the maximum floor area ratio.
- l: Litre (a metric measurement).
- m: Meter (a metric measurement).
- m²: Meter Squared (a basic unit of area of the Metric System)
- mm: Millimetre (a metric measurement).
- ROW: Right of Way.
- SDP: Site Development Plan.

The following abbreviations are used for the land use zone expressions used in the Land Use Zone Schedule:

- C-1: Central Business District
- C-2: Secondary Commercial
- C-3: Neighbourhood Commercial



- I-1: Service Industry
- OS-1: Active Open Space
- OS-2: Regulated Open Space
- PF: Public Facility
- PUD: Planned Unit Development
- R-1: Low Density Residential
- R-2: Medium Density Residential
- R-3: High Density Residential
- R-3U: High Density Residential Upgrading
- R-4: High Density High Rise Residential
- R-R: Royal Residence
- US: Utility Service



SECTION 2: GENERAL PROVISIONS AND PLANNING PROCEDURES

9 GENERAL PROVISIONS

9.1 INTERPRETATION AND APPLICATION

- (a) In their interpretation and application, the provisions of this code shall be held to be the minimum requirements adopted for the promotion of public health, safety, convenience and general welfare for the following purposes: to provide rational distribution of residence, business, industry and use of land that will create conditions favourable to circulation, protection of property, aesthetic design, recreational, educational and cultural opportunities; and that will further economy and efficiency in the supply of public services.
- (b) The provisions set forth in this code and the Zoning Maps are designed with consideration of the following:
 - (i) The character of the respective land use zones;
 - (ii) The suitability of each land use zones for the uses permitted under this code; and
 - (iii) The encouragement of the stability of land use zones and of land values in those land use zones.
- (c) Wherever the requirements of this code are at variance with the requirements of any other adopted regulations, bye-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 Code are at variance or in disagreement with either the Structure Plan Map or text; the Zoning Map and/or Development Code shall govern.



- (e) Any building and land shall be used and all buildings shall be erected, moved, altered, or enlarged in conformity with this code.
- (f) If any section or provision of this code, or any boundary of any land use zone on the Zoning Maps adopted under this code, is decided by the courts to be invalid, that decision shall not affect the validity of the regulation and the Zoning Maps as a whole, or any part of the regulations or maps, other than the part determined to be invalid.

10 PLANNING PROCEDURES

10.1 AMENDMENTS

- (a) As provided in the Town Planning Act, 1961 Section 21, the code may from time to time be amended in any part or all of the provisions and the Zoning Maps adopted in the code.
- (b) Proposed amendments to the Code and application for Planned Unit Development (PUD) proposals under Section (2), Clause (10.5) shall be submitted to the Ezulwini Town Council .
- (c) Amendments to the Code or the Zoning Maps shall be in accordance with Section 21 of the Act.
- (d) The hearing notice shall include a general summary of the proposed amendment to the code and the boundaries of any property included in the proposed amendment to the Zoning Map.
- (e) A notice of the proposed amendment including a general summary of the proposal shall be visibly displayed and maintained on the property involved twenty one (21) days prior to the public hearing.



- (f) The Town Council shall give additional notice of the hearing as it shall deem feasible and practicable.

10.2 VARIANCES

- (a) The Town Council may, in specific cases, authorise variances from the provisions of the local development code in a manner that will not be contrary to the public interest where owing to special and unique conditions, a literal enforcement of the provisions would result in unnecessary hardship.
- (b) These variances will only be authorised for building height, storeys, floor area ratio, coverage, setbacks, and the size of open spaces. Under no circumstances will 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 Code.
- (c) A variance from the provisions of this code will not be granted by Council unless and until a written application for a variance is submitted, and it is satisfied that the application meets the requirements as set out in this Code.
- (d) Where application is made to the Town Council for variance, the Town Council shall:
 - (i) Require the applicant to publish at least once during each of two successive weeks, a notice in a newspaper circulating in the country to the effect that a request for variance has been submitted for consideration, that copies of the application, plans and other relevant matters may be inspected at the municipal offices and that objections to the application may be lodged with the Ezulwini Town Council at any time within twenty one (21) days of last publication of said notice.
 - (ii) Require the applicant to cause written notice to be given to owners of plots that to which the application relates and to such other persons as the authority shall deem to be affected.

- (iii) Require the applicant to produce a Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date.
 - (iv) Require a notice of the proposed variance including a general summary of the proposal to be displayed and maintained on the property involved twenty-one (21) days before the final day of which objections may be lodged. It shall be the responsibility of the applicant to displaying the all-weather notice (which is to be a minimum of 420 mm x 594 mm: ISO standard A2 and above 1 meter from the ground) in a visible location of the site proposed for variance, and to ensure that the notice remains displayed in this place until the time the Ezulwini Town Council approves with conditions or denies the variance application.
 - (v) After having ensured that the application meets the requirements indicated above, the Ezulwini Town Council will permit plans and other relevant materials to be inspected at the municipal offices, and that objections to the application may be lodged with the local authority at any time within twenty-one (21) days of the publication of the notice.
- (e) Every owner or occupier of immovable property within the municipal area where this code has an effect or other person that has a sufficient interest therein will have the right to object to the variance provided that his objection is done in writing, sets out the reasonable grounds of the objection and is lodged within the period as stated above.
- (f) Upon expiry of the period for lodging objections, the Ezulwini Town Council will consider an application for variance along with objections received and provide opportunities to the person or body to be heard in public or to be represented by a legal practitioner admitted in practice in Eswatini, if this is desired by the objectors.
- (g) The Ezulwini Town Council will send notice in writing not later than fourteen (14) days to the applicant and objector(s), notifying them of the time and place of the

meeting at which the application shall be considered. This notification will inform the person or body in question that they may appear before the Town Council with their witness if any. The Ezulwini Town Council will give additional notice of the application if this is deemed necessary or feasible.

- (h) In granting the variance, the Ezulwini Town Council will ensure that reasons are set forth to justify the granting of the variance and that the variance is the minimum possible for the reasonable use of the land or building. The Ezulwini Town Council may also prescribe appropriate conditions as it deems proper and non-compliance with these conditions and safeguards will be deemed a violation and punishable under legislation governing physical planning in Eswatini. Furthermore, failure to start construction or alteration within six (6) months of the date on which the variance is granted and to diligently continue until completion will make the variance granted null and void, except where an extension of time has been granted in writing by the Ezulwini Town Council .

10.3 REZONINGS

- (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 Ezulwini Town Council on forms as may be so designated and shall then be submitted to the Minister and reviewed in accordance with the procedures outlined in Section 21 of the Town Planning Act.
- (b) 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.
- (c) No application for a rezoning 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 Town Council for rezoning the Town Council shall:
- (i) Require the applicant to publish at least once during each of two successive weeks, a notice in a newspaper circulating in the country to the effect that a request for rezoning has been submitted for consideration, that copies of the application, plans and other relevant matters may be inspected at the municipal offices and that objections to the application may be lodged with the Ezulwini Town Council at any time within twenty one (21) days of last publication of said notice.
 - (ii) Require the applicant to cause written notice to be given to owners of plots to which the application relates and to such other persons as the authority shall deem to be affected.
 - (iii) Require the applicant to produce a Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date.
 - (iv) Require a notice of the proposed rezoning including a general summary of the proposal to be displayed and maintained on the property twenty-one (21) days before the final day of which objections may be lodged. It shall be the responsibility of the applicant to displaying the all-weather notice (which is to be a minimum of 420 mm x 594 mm: ISO standard A2 and above 1 meter from the ground) in a visible location on the site proposed for rezoning, and to ensure that the notice remains displayed in this place until the time the Ezulwini Town Council approves with conditions or denies the rezoning application.
 - (v) After having ensured that the application meets the requirements indicated above, the Ezulwini Town Council will permit plans and other relevant materials to be inspected at the municipal offices, and that objections to the application may be lodged with the local authority at any time within twenty-one (21) days of the publication of the notice.
 - (vi) Such notice shall:



1. Be at the cost of the applicant.
2. Contain particulars of the application.
3. State that any plans and other relevant materials may be inspected at the Municipal Offices and that objection(s) to the application may be lodged to the Town Council.
4. Any objections and or representations received in writing within twenty one (21) days after the date of the first advertisement will only be considered by the authority.
5. The applicant shall also submit an affidavit declaring that the application was advertised in accordance with this clause.
6. If any objections are received, the Town Council shall advise the applicant of the nature thereof and shall afford him/her an opportunity of making representations thereto.
7. The Town Council shall forward the received application to the Ministry of Housing and Urban Development for consideration, after reviewing it and expressed technical views on the application.
8. In reviewing the application for a rezoning the Minister responsible shall balance, the need for the proposed change of use against the likely impact of the development. The onus for providing necessary information on need and development impact shall rest with the applicant.

10.4 SPECIAL CONSENTS

10.4.1 GENERAL PROVISIONS FOR GRANTING OF SPECIAL CONSENT

- (a) Uses which are generally not deemed appropriate, but which, if controlled in regard to its relationship and compatibility with the general neighbourhood, would not be detrimental to public health, safety, order, amenity or comfort, convenience, prosperity or general welfare of the use zone, may be permitted by special consent. A special consent grant shall only apply to permanent structures or the erection of temporal structures (as described in the Building Act) within a plot. In this respect, the Ezulwini Town Council has the authority to:

- (i) Hear and decide such special consents as authorised by the provisions of this code;
 - (ii) Decide such questions as are involved in determining whether special consent should be granted; and
 - (iii) 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 code.
- (b) A special consent shall not be granted by the Town Council unless and until the following provisions are met:
 - (i) A written application for a special consent is submitted indicating the section of this code under which the special consent is sought and stating the grounds on which it is requested;
 - (ii) After having ensured that the application meets the requirements of sub-clause (10.4.1) (b) (iii) below, the Applicant shall cause to be published at least once during each of two successive weeks, a notice in a newspaper circulating in the country to the effect that a request for a special consent has been submitted for consideration, that copies of the application, plans and other relevant matters may be inspected at the municipal offices and that objections to the application may be lodged with the Ezulwini Town Council at any time within twenty one (21) days of last publication of said notice;
 - (iii) The Applicant shall conspicuously and visibly display an all-weather notice of the proposed special consent on the property involved. This notice, which must be a minimum of 420 mm x 594 mm (ISO standard A2) and placed above 1 meter from the ground, shall include a general summary of the proposal and be maintained for a period of twenty-one (21) days prior to the final day on which objections may be lodged, as specified in Clause (10.4.1) (b) (v).

- (iv) It shall be the sole responsibility of the Applicant to ensure that the aforementioned notice remains continuously displayed on the property for the entire twenty-one (21) day objection period following its initial display;
- (v) Every owner or occupier of immovable property within the area on which this Code 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 sub-clause (10.4.1) (b) (ii) above;
- (vi) The Applicant shall give written notice of the proposed development to the owners of adjoining or neighbouring properties, as well as to any other persons in close proximity to the site, where it would be reasonable to assume that the proposal may have an impact on their property or amenity. The Town Council may also require notification to be extended to other individuals or parties it considers to be affected by the proposed development.
- (vii) 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 Eswatini, if so desired by any person or body submitting the objections;
- (viii) Not later than fourteen (14) days before its meeting under this section, the Town Council shall send, notification in writing 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;
- (ix) Notification of a meeting under sub-clause (10.4.1) (b) (vii) above shall inform the person or body in question that they may appear before the Town Council with their witness, if any;
- (x) The Town Council shall give additional notice of the application as it shall deem feasible and necessary;

- (xi) The Town Council shall require the applicant to produce a Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date;
- (xii) The Town Council shall ensure that it is empowered under the section of this code described in the application, to grant the special consent and that the granting of the special consent will not adversely affect the public interest; and
- (xiii) Before any special consent is issued, the Town Council shall certify compliance with the specific rules governing individual special consent and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - 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 sub-clause (10.4.1) (b) (xii) 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 sub-clauses (9. 1) (b) 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; and
 - 8. General compatibility with adjacent properties and other property in the district.



- (c) In granting any special consent, the Town Council may prescribe additional conditions and safeguards in conformity with this code. 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 (3) of this Code.
- (d) The Town Council shall prescribe time limits within which the action for which the special consents is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the limits set shall void the special consent.

10.4.2 LAPSING OF A SPECIAL CONSENT

- (a) If the rights obtained by virtue of the grant by the authority of its special consent to the erection and use of a building or for the use of land are not exercised within twenty-four (24) months of the grant of consent or, the rights having been exercised or, the use permitted there under is interrupted for a continuous period of eighteen (18) months, the consent shall lapse, unless any condition upon which such consent was granted specifically provides otherwise in regarding the lapsing of such consent.
- (b) The period of validity of a consent granted by the authority to the erection and use of a building shall not extend beyond twenty four (24) months where-after the applicant shall make a written application for a special consent renewal period.
- (c) Notwithstanding the provisions of sub-clauses (10.4.2) (a) and (b) the authority may impose as a condition of its consent a period of validity other than that mentioned in the said paragraphs.



10.5 PLANNED UNIT DEVELOPMENT (PUD)

10.5.1 PLANNING INTENTIONS

The planned unit development (PUD) process is designed to facilitate the development of well-planned and compatible residential, institutional, commercial and mixed- use developments and community development projects or a combination of those developments and projects, within one subdivision or land parcel.

The PUD process shall encourage diversification in the use, size, type design and location of buildings and other structures, improved circulation and placing of facilities, and assurance of adequate standards for protection of public health, safety, welfare and convenience.

All uses permitted by this code may be considered by the Town Council in approving a PUD development. These must however be approved only after careful consideration of a PUD's impact on surrounding land use zones and developments. The uses permitted in an area designated, as a PUD will consist of only those uses that were included in the approved PUD for that site. All future developments on that site will conform to the requirements and conditions of the approved PUD.

Uses prohibited will include all those uses not included in the approved PUD. Any proposed development that does not conform to the requirements of the approved PUD may be submitted as a new PUD application for that particular site. This application will follow the regulations and procedures outlined in the PUD application process.

10.5.2 MINIMUM PLOT SIZE

- (a) A total area included within the proposed development, including area of public right of ways proposed to be closed, shall be as follows:
 - (i) A minimum of fifteen hundred square metres (1,500m²) for projects located in any commercial district.

- (ii) A minimum of ten thousand square metres (10,000m²) for projects located in any other district.
- (b) For a project located in any residential district when the Town Council finds that an application for a Planned Unit Development is of exceptional merit and in the best interest of the Municipality, then the Town Council may approve that Planned Unit Development in accordance with the requirements and procedures of this code, even though the application does not meet the area requirements of this section.
- (c) All of the property included in a Planned Unit Development shall be contiguous, provided that the property may be separated only by a public right of way.

10.5.3 USES PERMITTED

- (a) The uses permitted in an area designated PUD shall consist of only the uses allowed as per the approval of the latest PUD application for that particular area and approved PUDs result in specific rights being confirmed. All future developments and improvements of a designated PUD area shall conform to all requirements and conditions of the previous PUD application approval.

10.5.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.
- (b) Any proposed development that does not conform to the requirements of the previously approved PUD can be submitted as an entirely new PUD application and shall follow the regulations and procedures of Clause (10.5).

10.5.5 GENERAL PROVISIONS

- (a) The Planned Unit Development (PUD) process is designed to facilitate the development of well-planned residential, institutional, commercial and mixed-use

developments and community development projects or a combination of those developments and projects in any or several zoning districts.

- (b) Compatibility with municipal and neighbourhood goals, plans and programmes and sensitivity to environmental protection, shall be goals of the PUD process.
- (c) Sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities shall be the objectives of the PUD process.
- (d) The PUD process shall encourage diversification in the use, size, type, design and location of buildings and other structures, improved circulation and siting of facilities, and assurance of adequate standards for protection of public health, safety, welfare and convenience.
- (e) While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of these regulations, nor to result in action that is inconsistent with the Structure Plan.
- (f) Public interest in achieving stated goals in the Structure Plan will be served more fully through the PUD process, rather than through the application of conventional development. The possible advantages to landowners and developers afforded by these processes will be balanced by public benefit.
- (g) Natural or man-made features and resources on site, such as exquisite topography, trees and watercourses, will have the opportunity for preservation under application of the PUD Use District.

10.5.6 AREA REQUIREMENTS

- (a) A total area included within the proposed development, including area of public right of ways proposed to be closed, shall be as follows:
 - (i) A minimum of one thousand five hundred square metres (1500m²) for projects located in any commercial district.
 - (ii) A minimum of two thousand five hundred square metres (2 500m²) for projects located in any other district.
- (b) For a project located in any residential district when the Town Council finds that an application for a PUD is of exceptional merit and in the best interest of the municipality, then the Town Council may approve that planned unit development in accordance with the requirements and procedures of this Scheme, even though the application does not meet the area requirements of this section.
- (c) All of the property included in a planned unit development shall be contiguous, provided that the property may be separated only by a public right of way.

10.5.7 MIXED LAND USE

- (a) The various acceptable combinations of mixed land uses include:
 - (i) Commercial and Residential;
 - (ii) Commercial, Residential and Public Facility;
 - (iii) Commercial and Industrial.
- (b) Each land use combination and related conditional uses must be carefully considered by the Town Council.

10.5.8 PARKING PROVISIONS

- (a) In the case of mixed use, the parking spaces required will be the sum of the requirements for individual uses as calculated separately. Parking spaces for one



use shall not be considered as providing the required parking spaces for any other use.

- (b) All developments situated within this zone shall adhere to the parking provisions stipulated in Clause (29).

10.5.9 PROCEDURES

- (a) Any application for a PUD shall be submitted to the Town Council on forms as may be so designated.
- (b) No application for a PUD shall be processed until the application is complete as per Clause (20.3) and all required fees are paid in accordance with the applicable fee schedule.
- (c) Any application comprising residential uses which fall under the Human Settlements Authority Act shall, along with any associated commercial, industrial, institutional or other uses, be referred to the Human Settlements Authority and reviewed and approved through the procedures outlined in the Human Settlements Authority Act.
- (d) Any application for a PUD shall be accompanied by an application for a rezone as outlined in Section 2: Clause 10.3 of this Scheme and shall meet the following specifications:
 - (i) The application shall be submitted together with the complete application for the PUD.
 - (ii) The application shall read as: “Application to Rezone Property to the PUD District Use Regulation in Conjunction with the attached Application for PUD, reference number:_____”.



- (e) Provided that the application to rezone is approved by the Minister, with or without condition, the Town Council shall continue its review of the original application for a PUD as outlined in sections (h) – (s) below. If the application for rezone is denied by the Minister, the accompanied application for a PUD shall be denied by the Town Council on the grounds that the PUD will contain uses that are non-conforming with the existing zoning.
- (f) Before granting or denying the approval of any proposed PUD the Town Council shall hold a meeting on the proposed development.
- (g) Notice and objections of the meeting and PUD application shall be as per the variance procedure in Section 2: Clause 10.2 (f)-(g).
- (h) In addition to the specifications discussed in Section 2: Clause 10.2 (f), the notice shall describe generally the proposed development, including the name of all owners of the property involved; and the use, height, floor area and other significant aspects of the proposal. The notice shall also indicate the applicant's availability to discuss the proposed development with all interested and affected groups and individuals.
- (i) The Town Council shall further ensure that the reasons set forth in the application justify the approval of the planned unit development and that the proposed development is consistent with the goals and objectives of the PUD process.
- (j) In approving developments under the PUD process, as specified in this section, the Town Council shall have the option incentives, including increases in building heights, plot coverage and densities, to promote flexibility of development.
- (k) In approving increases of heights, densities or plot coverage the Town Council shall consider whether the application does the following:

- (i) Conflicts with the development plans and policies of the municipality;
 - (ii) Enhances the neighbourhood;
 - (iii) Provides present or future occupants of PUDs with a living or working environment and amenities superior to those that could be achieved by applying the other provisions of this Scheme.
- (l) The Town Council may approve an application for a PUD with or without conditions or disapprove the application.
- (m) If the Town Council chooses to approve the application for PUD, and in conjunction, an application to rezone to the PUD district was approved by the Minister then the relevant area will be officially rezoned to the PUD District and shall conform to the requirements of that district use regulation.
- (n) If the Town Council denies the application, the Town Council shall state and make known the reasons for denial to the applicant. The application may be modified and resubmitted following the procedures of this section.
- (o) In carrying out the purpose of this section, the Town Council may establish general guidelines and, in individual cases, set standards and conditions for height and size lesser or greater than the guidelines established for the affected districts in this section or elsewhere in this Scheme.
- (p) The Town Council shall also set appropriate time limits for benefits conferred under this section to individual applicants in order to ensure the construction of a proposed development in accordance with the conditions established.
- (q) Failure of an applicant to complete a proposed development as directed within the time limits set by the Town Council, or the regulations, shall result in the



termination of the benefits granted under the application and revert to the zoning controls applicable under previously existing regulations.

- (r) In approving any PUD 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 PUD is approved shall be deemed a violation and punishable under Section 3; Clause 13 of this Scheme.
- (s) If any buildings are proposed to be built as a part of an approved PUD, a separate building application shall be submitted to and approved by the Town Council before the actual building may commence.

10.5.10 FILING REQUIREMENTS

- (a) Each application for a PUD shall meet the requirements of this section before it will be accepted by the Town Council for processing.
- (b) The name, address and signature of each owner of property included in the area to be developed shall be included in the PUD application filed.
- (c) An application for approval of a PUD shall include the following:
 - (i) A completed application form.
 - (ii) A statement of the purposes and objectives of the project, including the proposed type of development, and a detailed statement as to the following:
 1. The relationship of the proposal to established municipal goals, plans and programmes.
 2. The benefits that would accrue, which would not be available under the existing controls.
 3. The manner in which the proposed development standards are designed to protect the public health, safety, welfare and convenience.

4. The contribution the project makes to environmental protection.
5. The contribution the project makes to the Municipality in terms of public facilities.
6. The impact the proposed project will have on surrounding uses, buildings and properties.
7. A locality plan showing the location of the proposed project, the existing zoning for the property, zoning of adjacent properties and any proposed change of zoning.
8. The existing topography of the development area, including the location of all major natural features.
9. A subdivision map, showing surveyed distances of property lines and bearings along with numerical designations of these new subdivisions.
10. A detailed site and development plan, indicating the proposed use, location, dimensions and height of each building, and the area of the total site. The plan shall also show the proposed drainage for the site, including the location of buildings, streets, sidewalks, water and sewer lines, stormwater inlets and basins, and connections to public water and sewer lines.
11. A circulation plan, including the location of all vehicular and pedestrian access ways, and the location and number of all off-street parking spaces and loading bays, including an indication of which spaces are designated for which use.
12. Tabulation of development data showing, where applicable, the following:
 - (a) The area and dimensions of each plot proposed for each building and the exact area of the total site.
 - (b) The plot coverage of each building on each plot and the total plot coverage for all buildings on the entire site.
 - (c) The floor area and floor area ratio for each building on each plot, including a breakdown for each use, and the total area and

floor area ratio for all buildings on the entire site including a breakdown for each use.

- (d) Estimated quantities of potable water required by the project and estimated quantities of sanitary sewage and stormwater to be generated, including the methods of calculating those quantities.
- (e) The project must be designed so that the existing or proposed utility services and facilities and other public improvements are adequate for the population densities and land proposed.
- (f) The names of all property owners of the proposed project and of the owners of all properties abutting the proposed project property.
- (g) A detailed landscaping and grading plan, showing all existing contour lines and landscaping to be retained, and all new contours, proposed finished grades, plantings and landscaping.
- (h) Typical floor plans and architectural elevations for each building, sections for each building and the project as a whole, and sections and elevations of the entire block within which the project is located.
- (i) A proposed schedule of implementation showing a construction schedule and timeline for the completion of the project, including a proposed final completion date for all construction and landscaping.
- (j) A brief financial synopsis and financing plan of the proposal in order to give assurance that the project will be completed as planned.
- (k) A plan for a provision, operation, and maintenance of common areas, as these will remain under the title of the project owner,

with this document being provided before any proposal is approved.

- (l) Any other information needed to understand the unique character and problems of developing the specific planned unit development project.

10.5.11 DEVELOPMENT GUIDELINES

- (a) For any project the height, densities, floor area ratio, plot coverage and setbacks of buildings shall be as determined by the Town Council in each case.
- (b) The heights specified in the following table shall be considered as guidelines only. The Town Council shall reserve the option to approve a height greater or lesser than the guideline indicated.
- (c) For a project located in any district, the floor area of all buildings shall be as determined by the Town Council in each case and shall be the aggregate of the floor area ratios, as specified in the following table, for the districts included within the project area.
- (d) The floor area ratios specified shall be considered as guidelines only. The Town Council shall reserve the option to approve a floor area ratio greater or lesser than the guidelines indicated.
- (e) The specific height and floor area ratio approved by the Town Council for a particular PUD shall depend upon the exact circumstances surrounding the application, including the location and physical characteristics of the property; the nature of surrounding properties, uses and buildings; and the design of the proposed project.



- (f) To exceed the guidelines indicated in Table 20 below, the applicant shall have the burden of demonstrating and justifying the public benefits and other meritorious aspects of the proposal that will result if the additional height or area is approved.
- (g) The plot coverage shall be as otherwise prescribed in these regulations, however, the Town Council shall have the option to approve a plot coverage greater than or lesser than the normal requirement, depending upon the exact circumstances of the particular project.
- (h) Setbacks shall normally be provided as otherwise prescribed in these regulations, however, the Town Council shall have the option to approve setbacks greater or lesser than the normal requirements, depending upon the exact circumstances of the particular project.
- (i) Off-street parking spaces and loading bays shall be normally provided as otherwise prescribed in these regulations, however, the Town Council shall have the option to reduce or increase the amount of parking and loading facilities, depending on the uses and the location of the project.
- (j) Notwithstanding the other prerogatives of the Town Council in approving uses in Planned Unit Developments, the Town Council shall reserve the option to approve any use that is permitted by this Scheme.

Table 1: Planned Unit Development Standards

Zoning District	Maximum Height	Floor Area Ratio
Residential R-1	12 metres	0.75
Residential R-2	8 metres	1.0
Residential R-3	12 metres	1.0
Residential R-3U	8 metres	1.0
Commercial C-1	96 metres	4.0
Commercial C-2	24 metres	2.1
Commercial C-3	8 metres	1.2
Industrial I-1	16 metres	1.0



10.6 SUBDIVISION OF LAND

10.6.1 GENERAL PROVISIONS FOR GRANTING OF SUBDIVISION

- (a) All plots shall be subdivided as set forth in this code.
- (b) Applications approved by the Town Council shall require the consent of the Minister prior to the subdivisions being registered and recorded.
- (c) Where uncertainty exists as to the boundaries of zones as shown on the Minimum Plot Size Map the rules governing land use zone boundaries shall apply.

10.6.2 GENERAL PROCEDURES IN APPLYING FOR SUBDIVISION

- (a) All applications shall include information as specified under Clause (10.6).
- (b) The Town Council may approve with or without conditions or refuse an application.
- (c) Where a plot is subdivided, the subdivision shall be effected in a manner that will not violate the provisions of this code for setbacks, other open spaces, minimum plot widths, minimum plot areas, floor area ratios, percentage of plot coverage, parking spaces or loading bays applicable to that plot or any plot created.
- (d) Any approved application shall be directed to the Minister for consent.
- (e) Disapproved applications shall state and make known the reasons for such refusal to the applicant.
- (f) Approved plans, with such modifications as required by the conditions of approval, shall be registered with the Surveyor General and recorded by the Registrar of Deeds within ninety (90) days of the Minister's consent.



- (g) Evidence that the subdivision has been registered and recorded shall be provided to the Town Council within fourteen (14) days of such actions.
- (h) Failure by the property owner to register and record an approved subdivision plan with the local authority within the prescribed period will constitute a contravention of this scheme, rendering the approval and consent null and void, unless a written extension has been granted by the Town Council.
- (i) No plot in any subdivision shall be sold, nor shall a permit to erect, alter or repair any building upon the land in a subdivision be issued and no building may be erected in a subdivision unless and until the plan of each subdivision has been approved and properly recorded in accordance with the services in connection therewith have been completed to the satisfaction of the Town Council.

10.6.3 SUBMISSION/FILING REQUIREMENTS

- (a) Every application for subdivision shall provide the following plans and information:
 - (i) All required plans and documentation submitted in triplicate;
 - (ii) Name, address and telephone number of owner and the person who has prepared the application;
 - (iii) Proof of ownership and /or authority to act on the plot owners behalf and the names of owners of all properties adjoining the proposed subdivision;
 - (iv) Intended use of the plots;
 - (v) Plot boundaries and dimensions with existing in black and the proposed subdivisions shown in red;
 - (vi) Exact location of all existing buildings;
 - (vii) Location, width and purpose of servitudes;
 - (viii) Existing and proposed streets and right of way names, widths and surfacing;
 - (ix) Utilities on and adjacent to the plot including the location and size of water lines and hydrants and sewer lines and locations and servitudes for electric



and telephone lines. If water and sewer main lines are not adjacent to the plot, indicate the direction and distance to the size of the nearest ones;

- (x) Natural features on the plot to include water courses, rock outcroppings, wooded areas, indigenous trees and isolated trees of 30 centimetres (cm) or more in diameter;
- (xi) Any planned or proposed public improvements;
- (xii) General information to include: North arrow, scale, notation of size for each plot proposed;
- (xiii) A Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date; and
- (xiv) Any other information Council may deem necessary to consider the application;
- (xv) The application must also clearly show all existing land uses and infrastructure on site.

10.6.4 SPECIFIC DEVELOPMENT GUIDELINES

- (a) The street frontage of any plot shall not be less than four (4) metres.

10.7 CONSOLIDATIONS OF LAND

10.7.1 GENERAL PROVISIONS FOR GRANTING OF CONSOLIDATION

- (a) All plots shall be consolidated as set forth in this code.
- (b) Applications approved by the Town Council shall require the consent of the Minister prior to the consolidation being registered and recorded.
- (c) The Minimum Plot Size Map and all explanatory material shall be incorporated by reference and made a part of this Code.



- (d) Where uncertainty exists as to the boundaries of zones as shown on the Minimum Plot Size map the rules governing land use zone boundaries shall apply.

10.7.2 GENERAL PROCEDURES IN APPLYING FOR CONSOLIDATION

- (a) Any application to consolidate any plot shall be submitted to the Town Council on forms as may be so designated.
- (b) Any application for the consolidation of land which falls under the requirements or regulations of the Human Settlements Authority Act shall be referred to the Human Settlements Authority.
- (c) All applications shall include information as specified under Clause (10.7).
- (d) The Town Council may approve with or without conditions or refuse an application.
- (e) Where a plot is consolidated, the consolidation shall be effected in a manner that will not violate the provisions of this code for setbacks, other open spaces, minimum plot widths, minimum plot areas, floor area ratios, percentage of plot coverage, parking spaces or loading bays applicable to that plot or any plot created.
- (f) Any approved application shall be directed to the Minister for consent.
- (g) Disapproved application shall state and make known the reasons for such refusal to the applicant.
- (h) Approved plans, with such modifications as required by the conditions of approval, shall be registered with the Surveyor General and recorded by the Registrar of Deeds within ninety (90) days of the Minister's consent.



- (i) Evidence that the consolidation has been registered and recorded shall be provided to the Town Council within fourteen (14) days of such actions.
- (j) Failure by the property owner to register and record an approved consolidation plan with the local authority within the prescribed period will constitute a contravention of this scheme, rendering the approval and consent null and void, unless a written extension has been granted by the Town Council.
- (k) No plot in any consolidation shall be sold, nor shall a permit to erect, alter or repair any building upon land in a consolidation be issued, and no building may be erected in a consolidation unless and until the plan of each consolidation has been approved and properly recorded in accordance with the services in connection therewith have been completed to the satisfaction of the Town Council.
- (l) After approval of any plot consolidation, the resulting plot shall be thereafter a single plot and may only be subdivided by following the procedures for subdivision under clause (10.6).

10.7.3 SUBMISSION/FILING REQUIREMENTS

- (a) Every application for consolidation shall provide the following plans and information:
 - (i) Proof of single ownership for all plots proposed for consolidation, confirmed through the provision of certified copies of the Title Deeds for each respective plot;
 - (ii) All plot lines to be removed to be noted dashed red lines;
 - (iii) All required plans and documentation submitted in triplicate;
 - (iv) Name, address and telephone number of owner and the person who has prepared the application;
 - (v) The names of owners of all properties adjoining the proposed subdivision;
 - (vi) Intended use of the plots;



- (vii) Exact location of all existing buildings;
- (viii) Location, width and purpose of servitudes;
- (ix) The application must also clearly show all existing land uses and infrastructure on site;
- (x) Existing and proposed streets and right of way names, widths and surfacing;
- (xi) Utilities on and adjacent to the plot including the location and size of water lines and hydrants and sewer lines and locations and servitudes for electric and telephone lines. If water and sewer main lines are not adjacent to the plot, indicate the direction and distance to the size of the nearest ones;
- (xii) Natural features on the plot to include water courses, rock outcroppings, wooded areas, indigenous trees and isolated trees of 30 centimetres (cm) or more in diameter;
- (xiii) Any planned or proposed public improvements;
- (xiv) General information to include: North arrow, scale, notation of size for each plot proposed;
- (xv) A Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date; and
- (xvi) Any other information Council may deem necessary to consider the application.

10.7.4 SPECIFIC DEVELOPMENT GUIDELINES

- (a) The street frontage of any plot shall not be less than four (4) metres.

10.8 ESTABLISHING A HUMAN SETTLEMENT

10.8.1 GENERAL PROVISIONS FOR ESTABLISHING A HUMAN SETTLEMENT

- (a) Any person who wishes to subdivide property into either:
 - (i) Five (5) or more plots, or

- (ii) Four (4) or fewer plots comprising either singly or collectively, residential uses of fifty (50) or more dwelling units;

Will need to obtain the approval of the Human Settlements Authority through the provisions set forth by the Human Settlements Act 1988 as amended in 1992 and as amended in future.

- (b) Applications forms are available from the Human Settlements Authority under the Ministry of Housing and Urban Development.

10.8.2 GENERAL PROCEDURES IN APPLYING FOR A HUMAN SETTLEMENT

- (a) Applicant informs Council in writing about their intention to subdivide five (5) or more plots or four (4) or fewer plots comprising either singly or collectively, residential uses of fifty (50) or more dwelling units.
- (b) The applicants letter in (a) above must be accompanied by valid rates clearance certificate of the affected property.
- (c) Council advises the applicant in writing on lodging an application with the Human Settlements Authority as the Human Settlement Authority Act, 1988 as amended in 1992 and as amended in future, considers that as a Human Settlement or a Township Development, hence the application has to be submitted to the Human Settlements Authority via the Local Authority.

10.8.3 SUBMISSION/FILING REQUIREMENTS

- (a) Council advises the Plot owner on the town planning requirements of the Plot including:
 - (i) The minimum permissible plot sizes.
 - (ii) If the zoning of the property permits the intended usage.



- (iii) Any other information deemed necessary by Council regarding the application.
- (b) Every application with the Human Settlements Authority shall follow the requirements of the Human Settlements Authority Act (1988).
- (c) Applicants are required to provide a Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date.

10.8.4 SPECIFIC DEVELOPMENT GUIDELINES

- (a) The street frontage of any plot shall not be less than four (4) metres.
- (b) The road sizes within the human settlement/township shall be a minimum of twelve (12) metres.

10.9 SECTIONAL TITLES APPLICATIONS

10.9.1 REQUIREMENTS FOR SECTIONAL TITLES APPLICATION

- (a) The applicant (property owner or their authorised agent) shall submit a written request to the Ezulwini Town Council informing Council of the intention to apply for sectional title registration and requesting the issuance of Council's approval letter as stipulated under the Sectional Titles Act, 2003.
- (b) The following documents must accompany the written request to Council:
 - (i) A complete set of approved building plans for the development or as-built drawings reflecting the actual constructed layout.
 - (ii) A letter or report signed and stamped by a registered structural engineer, certifying the structural integrity and stability of the building(s).

- (iii) A certificate issued by a registered land surveyor confirming:
 - a. That the building(s) in the proposed sectional scheme do not encroach onto adjacent plots, public roads, servitudes, or other restricted areas; and
 - b. That no structures from neighbouring properties encroach into the proposed sectional title scheme.
- (iv) Documentation demonstrating that each sectional unit proposed for registration is serviced by separate and independent connections for water and electricity supply.
- (v) Rates Clearance Certificate issued by the Ezulwini Town Council, confirming that all municipal rates and service charges relating to the property are paid in full and up to date.
- (vi) A copy of the title deed for the property or other proof confirming the applicant's legal ownership.
- (vii) A plan clearly indicating the proposed subdivision of the property into sectional units, including common property and access routes.
- (c) The Town Council reserves the right to inspect the property prior to issuing any approval.
- (d) The Town Council may request additional information or documentation as deemed necessary to ensure compliance with planning, safety, and land use regulations.
- (e) Upon satisfaction of all requirements, the Town Council shall issue a written approval letter to accompany the applicant's submission in accordance with the Sectional Titles Act, 2003.

10.10 SUBMISSION OF PLANNING APPLICATIONS

10.10.1 REQUIREMENTS FOR REGISTERED TOWN PLANNER

- (a) All spatial development plans and landuse applications submitted to the Ezulwini Town Council must be prepared and submitted by a registered Town Planner.
- (b) A registered Town Planner is defined as an individual who holds current certification or registration with a recognised professional body or authority in town planning, demonstrating compliance with the relevant legal and professional standards.
- (c) Applications that are not submitted by a registered Town Planner will be deemed incomplete and will not be processed by the Ezulwini Town Council.
- (d) The registered Town Planner must provide their registration details and credentials at the time of submission, along with any other required documentation as stipulated by the Town Council.
- (e) The Ezulwini Town Council reserves the right to verify the registration status and professional standing of the Town Planner as part of the application review process.
- (f) The aim of this requirement is to ensure that all planning applications are prepared in accordance with best practices and professional standards, thereby enhancing the quality and effectiveness of the planning review process.



SECTION 3: ADMINISTRATION, ENFORCEMENT AND APPEALS

11 GENERAL PROVISIONS

- (a) The Town Planning Department shall administer and enforce the provisions of this code. The Department may be provided with the assistance of such persons as the Town Engineer.
- (b) The Town Council shall adopt forms of application and establish the number of copies, the required supporting data to accompany each type of application and the time and manner of filing all applications. The Town Council may from time to time amend the forms and requirements of applications by posting a notice without amending the provisions of this code.
- (c) If the Town Planning Department shall find that any of the provisions of this Code are being violated, the Local Authority shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land or buildings; removal of illegal buildings or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this code or relevant legislation to ensure compliance with or to prevent violation of its provisions.

12 BUILDING APPLICATIONS

12.1 SUBMISSION AND NAMING CONVENTIONS

- (a) Building Application shall be submitted prior to the erection or structural alteration of a building as per the Building Act, 1968 (Act No. 34 of 1968), or as amended.
- (b) For any building application the Town Council shall confirm the correct name for the proposed development.



- (c) The building application shall be processed as per the confirmed name.

12.2 EXTERNAL APPEARANCE OF BUILDINGS

- (a) No building or proposal will be designed, constructed, left unfinished or sited so that its external appearance would disfigure or depreciate the visual amenities of the locality, or cause disruption in the pattern of development as instituted through the zoning regulations and as determined at the discretion of the Town Council.
- (b) In addition to plans submitted in terms of a formal building application as required by the by-laws, any person intending to erect a building in any zone will provide the Town Council with drawings, models (in the case of public buildings) or other satisfactory descriptions, along with an exterior materials list presenting details of the exterior appearance of any proposed structure, building or development as may be deemed necessary for full comprehension of the proposal by the Town Council. All building plans and drawings submitted to the Town Council shall be in accordance with the requirements of the Building Act, 1968 or as amended.
- (c) The Town Council will, within 30 days after submission of the materials mentioned above:
 - (i) Either approve the proposal in its entirety, or;
 - (ii) After inspecting the drawings or other descriptive materials and finding minor fault which is not in the best interest of the locality, conditionally approve the proposal with the request that revisions be made to bring the design to an acceptable level, and the plans to be resubmitted for final approval, or;
 - (iii) After inspecting the drawings or other descriptive materials and finding major fault which is not in the interest of the locality, reject the proposal with the request that it be redesigned entirely to bring the design to an acceptable level, and the plans to be resubmitted for final approval, or;

- (iv) Deny approval of the proposal completely.
- (d) The Town Council will notify the owner, or the owner's agent of its decision, and if it disapproves, denies, or requests revisions, furnish the reasons for its decision.

12.3 CERTIFICATE OF OCCUPANCY

- (a) A certificate of occupancy for the whole or part of a building or the use thereof shall be applied for upon completion of a new or altered building, before the change of a non-conforming building and shall follow the procedures outlined in Part I of the Building Act 1968 or as amended.
- (b) No building or use shall be occupied or used until a certificate of occupancy has been issued.
- (c) Such certificates shall show that the building and the use thereof conforms with the provisions of this Scheme and other regulations applying, and the Town Engineer shall attest to such conformance by his/ her signature on such certificate. A copy of the certificate of occupancy shall be retained by the Works and Maintenance Department:
 - (i) Under such rules and regulations as may be established by the Works and Maintenance Department, a temporary certificate of occupancy may be issued for part of a building;
 - (ii) The duration of any temporary certificate of occupancy issued for part of a building shall not exceed sixty (60) days, in accordance with the provisions of the Buildings Act, 1968;
 - (iii) Failure to obtain a certificate of occupancy shall be a violation and punishable under Clause 14 of this Code.



- (d) If the application is denied, the Works and Maintenance Department shall state and make known to the applicant the reasons for disapproval. The application may be modified to comply with the requirements of this Scheme and resubmitted.

12.4 CONSTRUCTION AND USE COMPLIANCE

- (a) Building use permits or certificates of occupancy issued based on plans and applications approved by the Works and Maintenance Department authorise only the use, arrangements and construction outlined in such approved plans and applications and no other use. Use, arrangement or construction at variance with that authorised shall be deemed a violation and punishable as provided by this section.
- (b) Any person who acts in a manner contradictory to this Scheme shall be in violation hereof. This Section specifically requires landowners, lessors, realtors, rental agents, property managers, tenants, residents, occupants and guests responsible to refrain from any act, conduct a business or use which constitutes a violation of this Scheme.

12.5 BUILDING PERMITS

- (a) A permit granted under this Act shall lapse if construction work has not started within 12 calendar months; or if building operations are abandoned for a period of 12 calendar months, as stipulated in Section 10(2) of the Building Act, 1968 (Act No. 34 of 1968) of Eswatini.
- (b) The Town Council may at any time during the period of validity of any such permission, upon giving three months notice in writing to the owner or occupier of the place where such advertisement is displayed, revoke such permission.



12.6 APPEALS

- (a) Any persons aggrieved with the decision made on a Building Application may, within fourteen (14) days after receipt of the notice of decision, make an appeal as per Section 21 of the Building Act, 1968 or as amended.
 - (i) In the case where the matter of appeal does not fall within the purview of the Buildings Appeal Tribunal (as established by Section 20 of the Building Act, 1986), such appeals shall be directed to the Minister in accordance with the relevant provisions of the Town Planning Act, 1961 (Act No. 45 of 1961), or as amended."
- (b) Any persons aggrieved with the decision made on a Rezoning, Variance, Special Consent, Subdivision, Consolidation or Planned Unit Development application may, within fourteen (14) days after receipt of the notice of decision, appeal:
 - (i) Against any decision of the Ezulwini Town Council, to the Town Planning Board;
 - (ii) Against any decision of the Town Planning Board on any matter, whether of a technical nature relating to the Development Code or its interpretation, or any other aspect of the Board's decision, shall be directed to the Minister responsible for Housing and Urban Development.
- (c) The Town Planning Board retains the responsibility for classifying whether an appeal is of a technical nature relating to the Development Code or its interpretation for internal record-keeping and ministerial guidance, though this classification does not alter the ultimate appeal destination.
- (d) In defending his/her appeal the applicant shall have the right to produce evidence that the decision of the Town Council was unreasonable.
- (e) In all cases the deciding authority may:
 - (i) Confirm the decision of the Town Council;



- (ii) Alter or reverse the decision of the Town Council if in his/her opinion such decision was unreasonable;
- (iii) Require the Town Council or the applicant to submit further information;
- (iv) Permit the applicant or cause any other person to give evidence or to produce documentation or information as he may require; and
- (v) Refer the application back to the Town Council for the taking of further evidence or further information generally in respect of any particular matter.

(f) No costs of appeal shall be allowable against the Town Council.

13. ENFORCEMENT AND PENALTIES

- (a) In the case of any building or land which is used or constructed in a manner which does not comply with the terms and conditions of approval, special consent or variance, the Ezulwini Town Council may revoke the approval or institute appropriate action or proceedings to prevent, restrain, correct or abate the building or land use, including action under Section 23 of the Town Planning Act, 1961.
- (b) Any person who contravenes the provisions of this Development Code or Town Planning Scheme shall be subject to the enforcement measures and penalties as provided for under the Town Planning Act, 1961 (Act No. 12 of 1961). This may include:
 - (i) **The imposition of fines:** Unless otherwise specified by an approved by-law, any contravention of this Code shall incur a fine not exceeding E1,000.00 (One Thousand Emalangeni) or an amount equivalent to the original building application fee, whichever is higher. In the case of a continuing offence, an additional fine not exceeding E100.00 (One Hundred Emalangeni) shall be levied for every day the contravention persists.

- (ii) **Demolition of Unauthorised Development:** In cases where any building or work has been constructed or carried out in contravention of the provisions of an approved Town Planning Scheme or this Development Code, the Town Council is empowered, as per Section 26 of the Town Planning Act, 1961, to take action for the removal or alteration of such building or work.
 - (iii) **Notice Periods for Demolition:** Before commencing any demolition or alteration work, the Town Council shall serve a written notice on the owner of the land and/or building, requiring them to remove or alter the contravening structure or work within a specified period, not less than twenty-eight (28) days, as outlined in Section 26(1) of the Town Planning Act, 1961. If the owner fails to comply with the notice within the stipulated period, the Town Council may, after obtaining a court order (where necessary), undertake the demolition or alteration work itself. Any expenses reasonably incurred by the Town Council in doing so shall be recoverable from the owner of the land and/or building, as a civil debt.
 - (iv) **Prohibition of Unauthorised Use:** Furthermore, where it appears that there has been an alteration in the use of any land or building that does not conform to or conflicts with the approved Town Planning Scheme or this Development Code, the Town Council may, in accordance with Section 11(3) of the Town Planning Act, 1961, prohibit such unauthorised use.
- (c) If the amenity of any land or locality is injured by the condition of any garden, curtilage, boundary wall, fence, hedge or the like, or the private garden, or condition of any building or parking area in the vicinity, the Town Council may serve notice to the owner or occupier of the land on which the injurious conditions exist. If, after twenty-eight (28) days after the notice was given, the offending party does not ensure compliance, the latter will be liable to legal action, fines, and or any other remedial action described within this Code.



- (d) All fines levied shall be paid over to the Town Council.
- (e) In case any building or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of any section enacted under this code, the Town Council may institute in the name of the Minister any appropriate action or proceedings to prevent, restrain, correct or abate such building or land use, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- (f) In case any land or building is used or constructed and does not comply with the terms or conditions of the approval, special consent or variance for such use or construction, the Town Council may revoke such approval, special consent or variance.

14. FEES

- (a) Fees in respect of any permit required or application and appeal filed under this code shall be set out in a fees bye-law determined and revised from time to time by the Town Council.
- (b) All fees shall be payable to and collected by the Town Council.

15. EXTENSION OF URBAN BOUNDARIES

- (a) When the urban area is extended, the area to be incorporated may be zoned as per the Scheme.
- (b) The area to be incorporated within the urban area must be described and gazetted in the prescribed area.



- (c) The extended area once declared, falls under the jurisdiction of this Scheme and all proposed development shall meet the Structure Plan and the Scheme requirements.

16. GOVERNMENT DEVELOPMENT

- (a) All government entities must meet the requirements of this Scheme.
- (b) Government developments shall not be exempted from application fees.
- (c) All Government developments shall comply with all applicable national legislation, including but not limited to the Town Planning Act, 1961, the Building Act, 1968, and any relevant environmental management legislation.
- (d) Where a Government development significantly impacts the community or involves changes requiring public consultation under the Town Planning Act, 1961, or other relevant legislation, the proposing Government entity shall facilitate and participate in the required public participation processes.

17. DEVELOPMENT POLICIES & BY-LAWS

- (a) The Local Authority may develop Policies, By-laws and specific Regulations to deal with detailed aspects regarding the establishment of various land uses throughout the Town of Ezulwini.
- (b) Such Policies, By-laws and Regulations will institute Development criteria in regard to various land uses and will be based on the following:
 - (i) Providing a comprehensible definition of the Land Use;
 - (ii) Providing a Problem Statement whereby the challenges faced by this type of Land Use will be established and documented;
 - (iii) Providing Suitability Criteria in determining suitable Locations, Distribution and Prevalence (occurrence, incidence, frequency) all of which could be

based either on population numbers, radius, economic attributes and/or environmental attributes, etc.

- (iv) Providing Requirements and Conditions that would ensure the most Effective, Efficient and Safe realisation of the Land Use;
 - (v) Establish Monitoring Procedures to ensure future control over the conduct of the activity;
 - (vi) Providing procedures and time-frames suitable for renewals of Permits, Consent Uses in regard that specific Land Use Activity.
- (c) Land Uses that may require such Policies, By-laws and Regulations with Development Criteria includes, but are not necessarily limited to the following:
- (i) Accommodation establishments including but not limited to Guesthouses, Hotels, Bed & Breakfast Facilities, Short-Term Rental Accommodation, and Lodges etc;
 - (ii) Places of Refreshment, Eateries including but not limited to Clubs, Bars, Sports Bars, Pubs; etc.
 - (iii) Shops including but not limited to Spaza Shops, General Dealers, Bottle Stores, etc.
 - (iv) Public and Utility Facilities including but not limited to Cemeteries, Open Spaces, etc;
 - (v) Places of Public Worship (churches, chapel, mosque, synagogue etc);
 - (vi) Place of Education and Caretaking including but not limited to Crèches, Pre-schools, Private Schools, Tertiary Institutions / Business Schools, etc;
 - (vii) Places of Amusement including but not limited to Museums, Cinemas, Discothèques, etc;
 - (viii) Industrial Type activity including but not limited to Petrol Filling Stations; Motor Cities, Warehousing, Laboratories, Building Material Sales Yards, Funeral Parlours, etc;
 - (ix) Informal Sector Activity including but not limited to Informal Trading & Car Washing;



- (x) Outdoor Advertising including but not limited to Billboards, Digital Displays, and Signage within public view;
- (xi) Home Office Establishment and other Home-Based Businesses;
- (xii) Street Naming and House Numbering Protocols;
- (xiii) Fines By-law (or Enforcement and Penalties By-law) outlining offences, contraventions, and the corresponding penalties, including fines, for non-compliance with the provisions of this Scheme, its associated by-laws, regulations, and any conditions of approval; and
- (xiv) Any Other Use not included in this list above, as the Town Council may deem necessary.



SECTION 4: USE OF LAND AND BUILDINGS

18. USE OF LAND

- (a) The land uses allowed on properties / lots are allocated by means of the zoning of land, the use of schedules, amendments, variances and special consents.

18.1 LAND USE ZONING

- (a) The land situated in the Code Area is zoned for the purposes set out and listed in the Land Use Schedule (**Schedule 1**), and the associated Zoning Map.

18.2 ZONING MAP

- (a) The Zoning Map of the Town Council shall be drawn on the Surveyor General's 1:2 500 cadastral series maps.
- (b) Each page of the Zoning Map shall be certified as correct by the Minister. Amendments shall be entered and noted with the nature of the change, and be initialed and dated.
- (c) Amendment of the Zoning Map shall become effective upon notice of approval in the Gazette and after said entry has been made on said Map.
- (d) No changes of any nature shall be made on a zoning map or matter shown thereon except in conformity with the procedures established in this code. Any unauthorised change of whatever kind by any person or body shall be considered a violation and punishable as provided under legislation governing physical planning in Eswatini.
- (f) Regardless of the existence of purported copies of the Zoning Map which may from time to time be published, the official Zoning Map shall be located in the office



of the Town Council and shall be the final authority in respect of the current zoning status of the land, water bodies and buildings in the Municipality.

- (g) The Zoning Map and all explanatory material on the map shall be incorporated by reference and made a part of this code.

18.3 LAND USE ZONES

- (a) For the purpose of this code the Town of Ezulwini shall be divided into the following land use zones:

(i) Agricultural Residential	(AR)
(ii) Central Business District	(C-1)
(iii) Secondary Commercial	(C-2)
(iv) Neighbourhood Commercial	(C-3)
(v) Service Industry	(I-1)
(vi) Active Open Space	(OS-1)
(vii) Regulated Open Space	(OS-2)
(viii) Public Facility	(PF)
(ix) Planned Unit Development	(PUD)
(x) Low Density Residential	(R-1)
(xi) Medium Density Residential	(R-2)
(xii) High Density Residential	(R-3)
(xiii) High Density High Rise Residential	(R-4)
(xiv) High Density Residential Upgrading	(R-3U)
(xv) Royal Residence	(R-R)
(xvi) Utility Services	(US)

- (b) The land use zones shall be as shown, defined, and bounded on the Zoning Map.

18.4 LAND USE ZONE BOUNDARIES

- (a) Where uncertainty exists as to the boundaries of use zones as shown on the Zoning Map or part thereof, the following rules shall apply:
- (i) Boundaries indicated as approximately following the centre lines or 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, 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; and
 - (vii) Where a use zone boundary line divides a plot which was in single ownership at the time of 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 fifteen (15) metres beyond the use zone line into the remaining portion of the plot, except portions in the Open Space use zone.

19. ERECTION AND USE OF BUILDINGS OR USE OF LAND

- (a) The purpose for which buildings may in each of the use zones specified in Schedule 1 (Land Use Schedule):
- (i) be erected and used (third column);
 - (ii) be erected and used only with the consent of the Ezulwini Town Council (fourth column); and
 - (iii) not be erected and used (fifth column).



For the purpose of this clause the expression “the erection and use of building” includes the use of land.

20. EXISTING USE RIGHTS AND NON-CONFORMING USES

20.1 EXISTING USE RIGHTS

- (a) It is not the intention of this Development Code or associated Town Planning Scheme to deprive property owners of their rights. However, existing uses, which are not in conformity with the provisions of this code, and are within the designated CBD should be discontinued, within twenty-four months (2 years), after the Scheme has come into effect.
- (b) All existing land uses and rights in existence before the adoption of this Code by the Minister may continue to be exercised, provided that in the case of non-conforming uses the provisions under Clause (19) will apply.
- (c) Thus, for this code and associated scheme, any development deemed to be an “existing use”, but which is not in conformity with the provisions of this code:
 - (i) Within the scheme area and outside of the designated CBD, development may continue to operate at its current level of usage for a period of five (5) calendar years only, from the operative date of this code save that within the five (5) years that the existing use right shall pertain:
 - 1. If the development ceases to operate for a continuous period of one (1) year, the existing use right shall fall away.
 - 2. The premises from which the existing use is being operated may not be extended by more than ten (10) percent of the existing floor area at the time of the operative date.



3. In the event of the premises being damaged through fire or other natural causes, it may only be rebuilt on the same floor plan as the original existing building.
4. The development shall cease to operate by the expiration of five (5) calendar years from the operative date or such extension of time as the Town Council may in writing authorize and subject to such conditions as specified by the Town Council, where upon the land shall revert to the zoned or reserved use as prescribed by this scheme.
5. The use is not considered to be environmentally detrimental to either the natural environment, or the amenity of the surrounding area, to which certain limitations may be imposed upon the landowners in order to protect the environment.
6. The Town Council may authorize by approving building plans drawn up to its satisfaction and lodged by an applicant, minor alterations to a building on a plot enjoying existing use rights: Provided that the alterations are internal to the building and do not alter its façade or represent extensions to the building of more ten (10) percent of the existing floor area at the time of the operative date.

20.2 NON-CONFORMING USES

- (a) Non-conforming uses are declared by this code to be incompatible and/or different from the permitted uses in the zones involved.
- (b) It shall be the intent of this code that non-conforming use shall not be enlarged upon, expanded or extended, nor shall they be used as a basis for adding other buildings or uses prohibited elsewhere in the same use zone.



- (c) No additional non-conforming building will be erected in connection with such non-conforming use of land.
- (d) Consistent with sub-clauses (20.1) (c) (i) (1), when a non-conforming use of a building and/or land is discontinued or abandoned for a continuous period of one (1) year, the building and/or land will not thereafter be used except in conformity with the regulations of the zone in which it is located.
- (f) Non-conforming uses will be regulated in the following categories:
 - (i) Non-conforming uses of land and associated buildings thereon;
 - (ii) Non-conforming buildings devoted to the conforming use; and
 - (iii) Non-conforming uses within a building, whether the building is conforming or non-conforming.

20.3 NON-CONFORMING BUILDINGS

- (a) The restrictions set forth in this section will apply to a non-conforming buildings devoted to a non-conforming use.
- (b) No non-conforming building may be physically enlarged or altered in a way which increases its non-conforming, however, ordinary repairs and alterations to the building, including structural alterations, shall be permitted.
- (c) Enlargement or additions may be made to buildings, provided that the following requirements shall be met:
 - (i) The building shall conform to plot coverage requirements;
 - (ii) The addition or enlargement itself shall conform to use and building requirements; and
 - (iii) The addition or enlargement itself shall not increase or extend the existing, non-conforming building, and shall not create any new non-conforming building use as part of a larger building.



- (d) Any enlargement, addition or alteration, which results in substantial improvement, shall comply with the provisions of this code.
- (e) If a non-conforming building is destroyed by a fire, collapse, explosion, or disaster, to an extent of more than fifty percent (50%) of the cost of reconstructing the entire building, the non-conforming building shall not be restored or reconstructed except in conformity with all the provisions and zones of this code.
- (f) If a casualty or disaster results in damage to an extent of more than fifty percent (50%) of the cost of reconstructing the entire building, and if the building is non-conforming only in respect to plot coverage or plot area, the building may be restored or reconstructed to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable plot coverage or plot area requirements.
- (e) If a casualty or disaster results in damage to an extent of fifty percent (50%) or less of the cost of reconstructing the entire building, the building may be restored or reconstructed to a more conforming condition, provided that the reconstruction or restoration will be started within 12 months of the date of the destruction and that it shall be continued diligently to completion.

20.4 NON-CONFORMING USES WITHIN BUILDINGS

- (a) The restrictions established in this section shall apply to non-conforming uses within buildings, whether the building is conforming or non-conforming.
- (b) No existing building devoted to a use not permitted by this code in the use zone in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the building to a use permitted in the zone in which it is located.

- (c) Ordinary repairs, alterations or rehabilitation may be made to a building devoted to a non-conforming use. Structural alteration shall not be allowed, except those required by other bye-laws or regulations.
- (d) A new building shall not be erected to house a non-conforming use.
- (e) A non-conforming use shall not be extended to portions of a building not devoted to that non-conforming use on the date of enactment or amendment of this code, or to another building.
- (f) Any building, or land or combination thereof, in or on which a non-conforming use is discontinued and superseded by a permitted use, shall thereafter conform to the regulations of the applicable use zone; and the non-conforming use may not thereafter be resumed.
- (g) If a building devoted to a non-conforming use is destroyed by fire, collapse, explosion or act of god to an extent of more than fifty percent (50%) of the cost of reconstructing the entire building, it shall not be restored or reconstructed except in conformity with all the provisions of this code.
- (h) If a building devoted to a non-conforming use is destroyed by fire, collapse, explosion or disaster to an extent of fifty percent (50%) or less of the cost of reconstructing the entire building, the building may be restored or reconstructed to its previous condition or to a more conforming condition, provided that the reconstruction or restoration shall be started within 12 months of the date of the destruction and that it shall be continued diligently to completion.



21. TEMPORARY USES

- (a) Notwithstanding anything to the contrary contained in this Code, the Ezulwini Town Council may, subject to compliance with Clause 10.4, consent to the temporary use of any land or building within any use zone, for any of the following:
 - (i) The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the Town Council necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.
 - (ii) The ad hoc use of land or buildings for concerts, fairs, circuses, bazaars or public gatherings.
 - (iii) The use of the land or buildings thereon for state or municipal purposes.
 - (iv) The erection of temporary housing in the event of a natural disasters.
- (b) Provided that any such consent shall be for a period not exceeding twelve (12) months which period may be extended by the Town Council for further periods not exceeding twelve (12) months subject thereto that the total of such periods shall not exceed two (2) years.

22. USE OF PUBLIC PLACES

- (a) Public places such as streets and parks shall only be used for purposes for which it is reserved and may with the approval of the Ezulwini Town Council , also be used for informal business purposes according to guidelines formulated by the Town Council in specified areas, but not in areas exclusively zoned and used for residential purposes.

23. PROHIBITED USES

- (a) No habitable vehicle or caravan will be used in any use zone as a permanent dwelling or for any trade or occupation, whether its wheels have been removed

and/or it has been placed on a foundation of any sort, without the express written permission of the Ezulwini Town Council.

- (b) Any use or activity which, by reason of its nature, operation, noise, vibration, smoke, dust, odour, effluent, light, traffic generation, or other characteristics, is demonstrably detrimental to the health, safety, comfort, or general welfare of the community or causes significant injurious affection to property values in the vicinity, save for where such impacts are an inherent and accepted characteristic of the designated zone and are mitigated to the maximum extent practicable.
- (c) The dumping, storage, or disposal of hazardous, toxic, or radioactive waste materials, except within facilities specifically licensed and designated for such purposes by relevant national authorities and located in zones where such activities are explicitly permitted and rigorously regulated.
- (d) Unless explicitly designated as a Permitted Use (third column) or a Consent Use (fourth column) within a specific Use Zone as defined in Schedule 1 (Land Use Schedule), any other use of land or erection of buildings or structures shall be deemed a prohibited use within that zone.
- (e) The storage of crude oil or any of its volatile products or other inflammable liquids in above-ground tanks will not be permitted unless such tanks are placed not less than eighteen meters (18m) from all plot lines, are less than one thousand eight hundred litres (1800l) in capacity and meet the requirements of the Urban Area (Inflammable Liquids and Substances) Regulations, 1962.
- (f) Within a utility servitude other than public utility buildings, there will be no buildings, including boundary fences or any other obstruction above or below the surface of the land. The provision will apply and be controlling in the event of a conflict with setbacks otherwise provided for herein.

SECTION 5: DEVELOPMENT CONTROL – ACCESS, DENSITY, BUILDING LINES AND PARKING REQUIREMENTS

24. PURPOSE

- (a) To set minimum development standards which serve to facilitate the development of cost-efficient and socially acceptable living environments. The standards are defined in terms of the planning elements with the greatest impact on the physical environment.

25. ACCESS RESTRICTIONS AND ERECTION OF PHYSICAL BARRIERS

- (a) Ingress to and egress from a property/plot, from or to a public street or road, shall be located and constructed to the satisfaction of the Ezulwini Town Council and as provided for by Clause (25).
- (b) The right of way (ROW) servitude is to be discouraged and roads must be used. If the authority should allow a ROW, then it must not constitute more than 10% of the area of the plot over which it passes. Table 2 indicates the recommended width of ROWs and access roads:

TABLE 2: STANDARDS FOR ROWs AND ACCESS ROADS

NUMBER OF PLOTS SERVED (1)	LENGTH (2)	MINIMUM WIDTH (3)
1	< / = 50m	6m
2 or less	< / = 50m	8m
3 or less	51 – 100m	8m
3 or more	51 – 100m	12m
3 or less	> / = 101m	12m
3 or more	> / = 101m	15m

Source: The Neighbourhood Planning and Design Guide (Red Book, 2000) Part II

- (c) Where a property/plot borders onto more than one street or road, the access to such property/plot is restricted to the lower order street (usually the narrower street): Provided that where it is not clear which street is the lower order street it will be at the discretion of the Town Council: Provided further that the Town Council may, on receipt of a written application, relax the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree.
- (d) Where two access points are permitted, they shall be designed as separate 'Entrance Only' and 'Exit Only' points to facilitate one-way internal circulation and minimize conflicting movements at the public road interface, with clear signage and road markings provided.
- (e) More than one vehicular access point from a single property onto a single public road frontage shall only be permitted where it can be demonstrated to the satisfaction of the Town Council that a single access point is insufficient or impractical for the safe and efficient operation of the proposed development, considering its size, intensity, or specific operational requirements.
- (f) Multiple access points onto the same street frontage shall be separated by a minimum distance, as determined by the Town Council's Engineering Department, taking into account the speed limit of the road, expected traffic volumes, and sight lines, but not less than 20 meters between the nearest edge of each driveway opening at the kerb line.
- (g) All access points shall adhere to prescribed design standards regarding width, turning radii, gradient, surfacing, stormwater management, and visibility splays at the intersection with the public road, as set out in the Town Council's Engineering Standards or By-laws.



- (h) Appropriate landscaping and visual screening shall be provided along the frontage between multiple access points to enhance aesthetics and clearly delineate the entrances and exits.
- (i) Ingress to and egress from a property/plot, from or onto a National Main Road, shall be subject to approval by the body to which the responsibility and control of national roads have been assigned in terms of the relevant legislation. If the Ezulwini Town Council has a record of the approval of any new or existing accesses, it shall be considered to be valid for sub-clauses 25 (b) and (c).

25.1 PANHANDLE PLOTS

- (a) All panhandles, which serve a single plot, shall have a minimum overall width of 6 metres. Within this 6-metre width, a utility servitude of at least 1.5 metres shall be accommodated, designated for stormwater drainage and all other essential services, including water, sewer, electricity, and telecommunications. The panhandle shall have a corresponding minimum street frontage of 6 metres, and its design must ensure adequate and safe access and maneuvering space for emergency vehicles and standard service vehicles.
- (b) A panhandle which serves only one plot shall be registered under the Title Deed of that same plot and is to be drawn and surveyed by the Surveyor General's Department as a bona fide part of that plot.
- (c) The registered owner of the panhandle shall pave the surface of the panhandle at his expense in accordance with the approved Site Development Plan (SDP) before or simultaneously with the erection of the main building on the plot and shall maintain the surface in a dust free condition.
- (d) The registered owner of the panhandle plot shall erect or provide screening, dense fencing, or solid walls along the boundaries as per the approved (SDP).



- (e) The gradient of any panhandle shall not exceed 1:8 (meaning a 1-meter vertical rise for every 8 meters of horizontal distance). This gradient limitation applies to the entire length of the panhandle access strip from the street frontage to the primary building line of the plot it serves.
- (f) No vehicle parking shall be permitted along the length of the panhandle and its terminus, unless delineated by demarcated parking spaces.
- (g) A panhandle serving more than one plot shall have a minimum overall width of 8 metres. This width shall typically accommodate a vehicular carriageway of approximately 6.0 metres (allowing for two-way traffic or sufficient space for passing) and a utility/drainage servitude of at least 2 metres for stormwater management and all other essential services, including water, sewer, electricity, and telecommunications. The panhandle shall have a corresponding minimum street frontage of 8 metres. The maximum length of any such multiple-plot panhandle shall not exceed 100 metres, and its design must ensure adequate and safe access and maneuvering space for emergency vehicles and standard service vehicles serving all plots.
- (h) The maintenance, repair, and upkeep of all panhandles, including the carriageway, verges, and any internal utility infrastructure not owned by a public utility service provider, shall be the responsibility of the owner(s) of the plots served by the panhandle. In the case of multiple plot panhandles, this responsibility shall be shared proportionately among the owners of the plots served, and the Town Council may require the establishment of an appropriate legal mechanism (e.g., a homeowners' association, servitude agreement, or similar binding arrangement) to ensure the ongoing collective maintenance of the panhandle. This aligns with the principles of infrastructure maintenance and public health as generally provided for under the Urban Government Act, 1969 (Act No. 8 of 1969), Section 67 (Duties of



a Council), which empowers Councils to ensure the maintenance of services and public works within their jurisdiction.

- (i) The same paving and screening requirements for a private panhandle shall be mandated for a multiple plot panhandle; to be provided by the developer of the multiple plots.

25.2 FENCES, WALLS AND SCREENS

- (a) No fence, gate, enclosure or screening abutting any public right of way, or in any front setback, will be constructed in whole or in part of barbed wire, razor wire, or similar material without written permission by the Ezulwini Town Council , which may impose conditions as it deems necessary. Refer to Local Government Act 8/1969 (3-1), Regulation 24 for further information.
- (b) As a condition of approval the Ezulwini Town Council may require any fence, gate, enclosure, or screening to be erected for any use as it deems necessary.
- (c) Any property, which is fenced or enclosed, the extent, material, design, height, position and maintenance of such will be to the satisfaction of the Ezulwini Town Council .
- (d) No fence, gate, enclosure or screening will be erected which will interfere with emergency access vehicles or personnel; or which will constitute a hazard or obstruction to street traffic or pedestrians along a public right of way.
- (e) Prior to the commencement of any construction work on a plot, all existing survey beacons defining the plot boundaries shall be clearly located and raised or prominently marked to ensure their visibility throughout the construction period.



- (f) Where the Ezulwini Town Council believes that, in the interests of public safety, the height and position of fences, walls and hedges adjacent to a public road should be altered, the Town Council has the right to serve notice on the owner of the land imposing restrictions in regard to the wall, fence or hedge.

25.3 PUBLIC ACCESS TO BUILDINGS

- (a) Every public building will be erected on a plot, which provides access for the elderly and disabled of at least one easily found access-way. In high density-residential, commercial, industrial and public use districts, access for the disabled will be provided to the satisfaction of the Town Council.
- (b) Access for the disabled of at least one easily found access-way is necessary. The minimum width of this access-way must be 1,3m and there should be no steps, doors or gates along this way. Ramps must be of a maximum length of 6m and a gradient of 1:12.
- (c) Access for fire fighting and rescue must be catered for in all commercial, industrial and public-use developments. Such access must include adequate space for fire-fighting appliances and the pitching of ladders. Advice from local fire-fighting agencies as to required facilities is necessary, particularly where multi-storey developments are concerned (i.e. where wet and dry rises, hoses and sufficient water flow/pressure are necessary).

26. BUILDING LINES/SETBACKS

- (a) No building or structure other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations being executed on the plot shall be erected within the area demarcated by the building line and the road or street line.



- (b) Any building line along an existing or proposed road or widening shall be measured from the road or street line.
- (c) Building lines applicable to any plot shall be as shown in Schedule 2.
- (d) All other uses not specified in Schedule 2 shall be provided to the satisfaction of the Town Council.
- (e) When multiple buildings containing permitted uses are erected on a single plot the buildings will be situated no closer than six meters (6m) apart, except in the case where at least one of the two buildings is a detached servant's quarter or an ancillary building where the required distance between them will be a minimum of three meters (3m).
- (f) No ancillary building of any kind will be erected or placed in any required front or side setback.
- (g) Only covered parking bays used in conjunction with a residential property may be permitted in the required rear setback at a distance no more than half of the required setback: Provided that the erection or placement thereof would neither cause the maximum plot coverage to be exceeded nor prevent the instillation of any required off-street parking. Any other ancillary building in the rear setback would require an application for variation.

26.1 BUILDING LINES/SETBACKS SPECIFICALLY APPLICABLE TO CORNER PLOTS

- (a) There will be four setbacks on a corner plot of which the position of such setbacks shall be consistent with the minimum building lines prescribed for a specific use zone as per Schedule 2 unless otherwise approved by the Town Council. There will be front and rear setbacks and the other two will be considered side setbacks.



- (b) The setback lines for a corner plot possessing frontage onto two public roads will be determined by the following standards:
 - (i) If there are developed plots immediately adjacent to your corner plot along both public roads, the plot's full front setback shall be consistent with the established building lines and full front setbacks of those adjacent developed plots.
 - (ii) If neither adjacent plot has been developed, the shorter of the two road frontages will be regarded as the front of the plot requiring the full front setback for your use zone.
 - (iii) The other road frontage (the one not designated as the primary front) will require a setback that is not less than half of the full front setback required for your use zone.
 - (iv) No front setback (whether full or reduced) shall be less than the minimum side setback required in the applicable use zone.
- (c) When erecting multiple buildings on a plot, which is to be subdivided, the subdivision will be permitted only if the existing buildings are positioned in accordance with the setback distances from the proposed plot lines, relative to the zone in which the plot is located and its requisite zoning regulations.
- (d) On a corner plot no ancillary building of any kind will be erected or placed in any required front setback.

27. ANCILLARY BUILDINGS

- (a) An ancillary building is a subordinate building, the use of which is incidental to and customarily associated with the main building or principal use on the same erf (plot of land). It cannot exist independently of the main building or use.
- (b) The types of ancillary buildings permitted in terms of this Scheme include, but are not limited to, the following:

- (i) Garages and carports for the parking of vehicles associated with the primary dwelling;
 - (ii) Guardhouses;
 - (iii) Braai and Entertainment Area;
 - (iv) Storage sheds or tool rooms for domestic use;
 - (v) Domestic staff accommodation, where permitted by the applicable zoning.
 - (vi) Garden shelters, greenhouses, or potting sheds;
 - (vii) Covered patios, gazebos, or pergolas for outdoor recreation;
 - (viii) Children's playhouses or other non-commercial play structures;
 - (ix) Pool houses, changing rooms, or ablution facilities associated with a swimming pool;
 - (x) Home workshops, provided they are used for non-commercial, domestic hobby purposes;
 - (xi) Laundry rooms, utility rooms, or other domestic service areas; and
 - (xii) Animal shelters such as kennels or chicken coops, subject to applicable health and nuisance regulations.
- (c) Any Ancillary building may be erected, where permitted in the zoning regulations, provided that the total area of all buildings on a plot does not exceed required floor area ratios and plot coverage percentage allowances.
- (d) No ancillary building of any kind shall be erected or placed in any required front or side setback, on a corner plot.
- (e) Garages on adjacent plots may have a common party wall centred on a mutual plot line if erected simultaneously on both plots and as one structure, and if construction of such meets all relevant fire Scheme regulations.



- (f) Any Ancillary Building used in conjunction with a residential property may be permitted in the required rear setback at a distance no more than half of the required setback.

28. COVERAGE, HEIGHTS AND NUMBER OF UNITS

- (a) Floor area and plot coverage percentages will be calculated using the total area of all buildings on a plot, regardless of whether the specific building is in the main building, or houses the main use on the plot.
- (b) Any ancillary building may be erected, where permitted in the zoning regulations: Provided that the total number and area of all buildings on a lot does not exceed the plot coverage percentage allowance, the Floor Area Ratio (FAR), and the units per plot permitted as indicated in Rows (7), (8) and (9) of Schedule 2 (Development Control) respectively for the applicable use zone. The Town Council may relax, alter or modify the provisions of the code where in the opinion of the Town Council such relaxation, alteration or modification is desirable.
- (c) No building may be erected to be higher than the height indicated in Row (6) of Schedule 2 (Development Control), directly under the applicable use zone: Provided that the Town Council may grant written consent to an increase in the number of storeys prescribed in any height zone if it is satisfied that sufficient proof is provided by the applicant that as a result of various considerations a greater height is necessary and desirable, and will not harm the amenity of the Code Area.
- (d) For the purposes of clause (28), a chimney, ornamental tower, or similar architectural feature and any building space which is needed for mechanical equipment shall not be taken into account.
- (e) All other uses not specified in Schedule 2 shall be provided to the satisfaction of the Ezulwini Town Council .



29. PROVISION OF PARKING

- (a) In all use zones, off-street parking and loading facilities must be provided for any building and land-use where required, when such is erected or put into use on or after the date of enactment of this code.
- (b) When the use of a building or plot is changed to another use which requires more parking spaces than required for the use existing immediately before the change or, if the building or plot is vacant, the building or plot will be provided with the additional parking required in the amount necessary to conform to this clause, Clause (25).
- (c) When the intensity of an existing building or plot is increased by addition of dwelling units, a floor area or seating capacity, parking spaces will be provided for the addition according to the following conditions:
 - (i) Parking spaces will not be required for the addition unless it increases the intensity of use of the building or plot by more than twenty five percent (25%);
 - (ii) Parking spaces for the addition need not exceed the amount of parking space, which would be required for the entire building or lot as proposed if newly constructed;
 - (iii) The determination of the increase of intensity of use will be based on the total increase in a building's floor area, or the number of dwelling units on the plot, on or after the date of enactment and irrespective of whether the total increase occurs at one time or successive stages.
- (d) In the case of a building or land-use for which this code now requires more spaces than were required when the plot was originally put into use, the following will be required:



- (i) If the existing number of parking spaces currently provided is less than or equal to the minimum number of parking spaces now required by these regulations, the number of parking spaces cannot be reduced, and;
 - (ii) If the existing number of parking spaces currently provided is more than the minimum number of parking spaces now required by the regulations, that number will not be reduced below the minimum number of spaces required by this Code, and;
 - (iii) If the use of a building or plot is changed to another use which requires more parking spaces than required for the use existing immediately before the change, or if the building is vacant, the plot will be provided with the additional required parking in the amount necessary to conform to Clause (25).
- (e) When calculating a building's total floor area, any space located within the building and used exclusively for parking spaces, loading bays, service/delivery loading spaces, and all vehicular access leading to these internal areas (like ramps and driveways) will be excluded.
- (f) In the case of mixed-use, the parking spaces required will be the sum of the requirements for individual uses as calculated separately. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- (g) Whenever calculations based on schedules established in this code result in a fractional value, any fraction under one-half will be disregarded, and any fraction of one-half or over will require one space.
- (h) The Ezulwini Town Council may impose conditions on any parking spaces or loading bays as to landscaping, screening, setbacks, fences, the location of entrances and exits, or any requirement it deems necessary to protect the

adjacent or nearby property or to lessen the visual impacts such as parking may impose on the character or image of the municipality. It may also impose other conditions as it is deemed necessary to assure the continued provision and maintenance of spaces.

- (i) The design, location, access, maintenance and operation of parking facilities will be to the satisfaction of the Ezulwini Town Council.
- (j) Every public building will be erected on a plot, which provides access for the elderly and disabled with at least one easily found access-way. In high density-residential, commercial, industrial and public use districts, access for the disabled will be provided to the satisfaction of the Ezulwini Town Council .
- (k) In addition to the general parking requirements, a minimum 2 dedicated parking bays for persons with disabilities shall be provided for every public building. The exact number of such accessible parking bays shall be calculated in accordance with the ratios and specifications set out in Table 3: Required Accessible Parking Bays. These bays shall be designed and located to ensure ease of access and egress for disabled persons.

29.1 MINIMUM PARKING AND LOADING REQUIREMENTS

- (a) Off-street parking will be provided for all uses in an amount equal or greater than the number specified in **Table 3: Required Parking Space Per Use** (Clause 29.1).
- (b) Any non-residential use must always provide a minimum of two parking spaces on site.
- (c) Each use within a mixed-use building will be required to provide parking spaces in accordance with the corresponding requirements of each use as specified in this code.

- (d) All developed plots will be provided with the required parking spaces as specified in this code.
- (e) Nothing contained in this code shall be construed to prohibit the establishment of parking spaces ancillary to buildings for which no required parking spaces are specified, or in an amount which exceeds that required by Table 3: Provided that each case complies with all other applicable provisions of this code.
- (f) All non-residential uses will provide a minimum of one loading bay of 6 metres (6m) in length or as specified by Table 4.
- (g) All buildings will be provided with on-site loading bays and all other necessary loading facilities either inside or outside a building as specified in this code.

TABLE 3: REQUIRED PARKING SPACE PER USE

RESIDENTIAL USES	
Use	Parking Requirement
Single-Family Dwelling	2 for each dwelling unit.
Multiple-Family Dwelling	2 for each dwelling unit.
Rooming House	1 for each two rooming units.
COMMERCIAL USES	
Places of Refreshment, Shops, Markets	1 per 20m ² of floor area.
Surgery, Bank, Service Industry	2 per 20m ² of floor area.
Offices	2 per 25m ² of floor area.
Hotels	1 per guest room plus requirements for other uses as listed in this table.
A minimum of two (2) accessible parking bays shall be provided for people with disabilities. In addition to the minimum requirement, one (1) accessible parking bay for people with disabilities shall be provided for every twenty (20) total parking spaces or part thereof.	
Motor vehicle sales yards, vehicle storage depots.	1 space per 20m ² of floor area plus one space for each stored unit.
INDUSTRIAL USES	
Petrol Filling Stations, Assembly and Manufacturing	1 per 100m ² of floor area.
Warehouse, Storage, Hardware and Wholesale	1 per 100m ² of floor area.
Repair Garages	1 per 10m ² of floor area.
INSTITUTIONAL USES	

Places of Public Assembly / Worship	2 for each 10 seats or 1 for each 25m ² of seating area whichever is greater.
Cinema, Auditoriums, Places of worship and Similar	2 for each 10 seats or 1 for each 25m ² of seating area whichever is greater.
Social and Cultural Uses:	
Clubs, Museum and Similar	1 for each 30m ² of floor area.
Sports Stadiums	1 for each 10 seats plus bus parking as per loading bay requirements.
A minimum of two (2) accessible parking bays shall be provided for people with disabilities. In addition to the minimum requirement, one (1) accessible parking bay for people with disabilities shall be provided for every twenty (20) total parking spaces or part thereof.	
ALL OTHER USES	1 space per 50m ² of floor area.

TABLE 4: REQUIRED LOADING BAYS PER USE

RESIDENTIAL USES	
Single-family Dwellings	None
Multiple Dwelling Units with 10 or more Dwelling Units	1 at 6m in length.
COMMERCIAL USES	
Places of refreshment, markets, shops, petrol filling stations:	
With up to 100m ² of floor area	1 at 6m in length
100m ² -500m ² of floor area	1 at 14m in length
500m ² -1000m ² of floor area	1 at 6m in length + 1 at 14m in length
Each additional 500m ² of floor area	1 at 14m in length
Labs, banks, financial and professional services, service industry uses.	1 at 6m in length
Offices, Hospitals:	

With up to 100m ² of floor area	1 at 6m in length
100m ² -1000m ² of floor area	1 at 14m in length
500m ² -3000m ² of floor area	1 at 14m in length
Each additional 1000m ² of floor area	1 at 6m in length
Hotels:	
With up to 50 rooms	1 at 6m in length
50-200 Rooms	1 at 14m in length
Each additional room	1 at 6m in length
Motor vehicle sales yards, vehicle storage depots	Per vehicle storage required
INDUSTRIAL USES	
Manufacturing, processing and assembly plants, factories:	
With up to 800m ² of floor area	1 at 14m in length
800m ² -2000m ² of floor area	1 at 14m in length
Each additional 2000m ² of floor area	1 at 14 in length
Warehouse, storage, wholesale:	
With up to 800m ² of floor area	1 at 14m in length
800m ² -2000m ² of floor area	1 at 14m in length
Each additional 2000m ² of floor area	1 at 14m in length
Repair Garages	1 at 14m in length
PUBLIC FACILITY USE	
Place of public assembly or worship	1 at 6m in length
Social and cultural uses e.g. museums, cinemas, auditoriums, libraries, and clubs.	1 at 6m in length
Sports Stadiums	1 bus loading space per 200 seats + 2 at 14m in length
All other uses as determined by the Ezulwini Town Council .	

29.2 PARKING SPACE DESIGN STANDARDS

- (a) Parking spaces to be provided shall adhere to the design standards provided by Tables 5 and 6 and Clause (29.2), unless otherwise required by the Ezulwini Town Council . Figures 4 and 5 in hereto, diagrammatically illustrate the parking design standards and requirements stipulated by Tables 3 and 4.
- (b) A required parking space shall be a minimum of two and one-half metres (2.5m) in width and five metres (5m) in length, exclusive of access drives, aisles, ramps, columns, office and/or work area, and shall be defined by white lines a minimum of ten centimetres wide.
- (c) A minimum of twenty five square metres (25m²) of gross parking area shall be provided for each required parking space, unless otherwise required by the Town Council.
- (d) All parking spaces shall have a minimum vertical clearance of two metres (2m) and shall be so designed that no vehicle or any part thereof shall project over any plot or building line.
- (e) The public right of ways as well as private walkways and driveways shall be protected from vehicular encroachment from all parking spaces by wheel bumper guards, curbs, guard rails or screening between the plot line and the perimeter of the parking area.
- (f) All building plans submitted for approval shall clearly indicate:
 - (i) The total calculated area dedicated to all parking spaces, including vehicular access, loading bays, and service/delivery loading spaces.
 - (ii) The designed turning radii and dimensions for all vehicular access ways, aisles, and circulation paths within the parking areas, demonstrating adequate maneuverability for the intended vehicle types.

TABLE 5: PARKING DIMENSIONS – NON INTERLOCKING

Parking Angle (1)	Stall Width (meters) (2)	Stall depth (meters) (3)	Aisle Width	
			2-Way (4)	1-Way (5)
90°	2,5m	5,0m	7,5m	7,5m
60°	2,5m	5,3m	5,4m	4,4m
45°	2,5m	5,0m	5,2m	4,2m

TABLE 6: PARKING DIMENSIONS – VEHICLES INTERLOCKING

Parking Angle (1)	Stall Width (meters) (2)	Stall depth (meters) (3)	Aisle Width	
			2-Way (4)	1-Way (5)
60°	2,5m	4,8m	5,4m	4,4m
45°	2,5m	4,2m	5,2m	4,2m

Figure 4

Stall Width And Depth For Different Parking Angles:

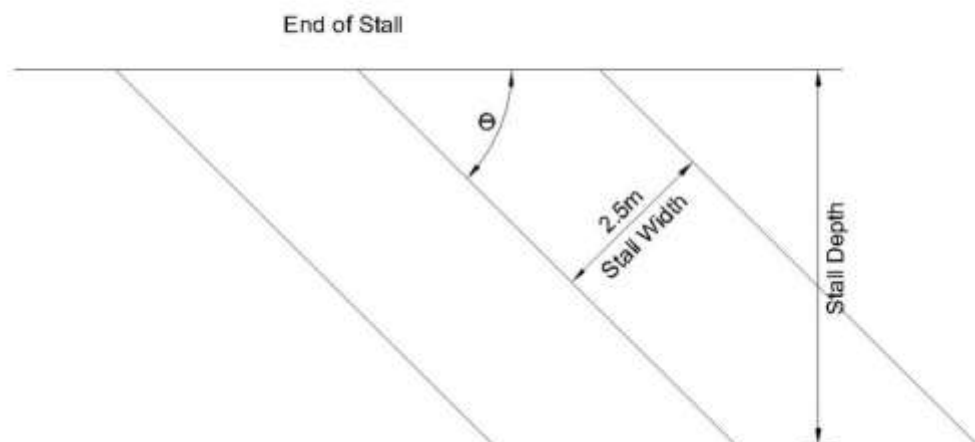
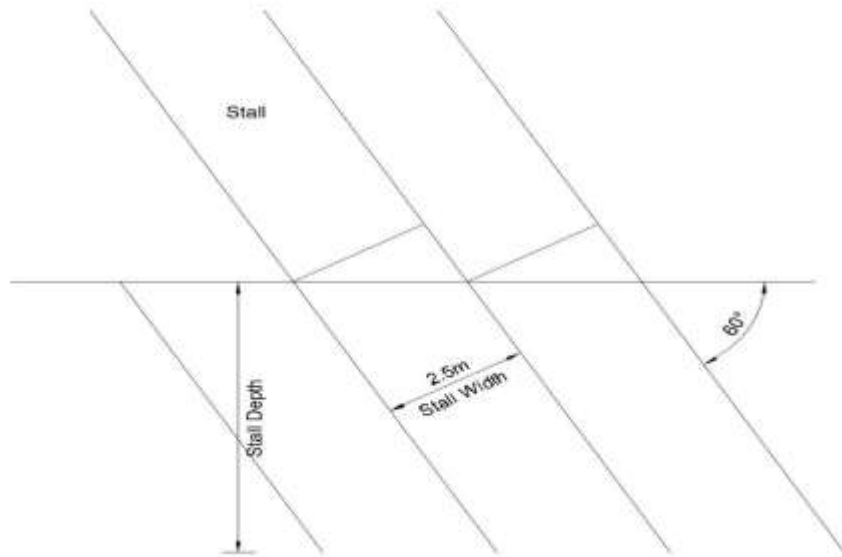


Figure 5

Stall Width And Depth For Different Parking Angles-Vehicle Interlocking



29.3 LOADING BAY DESIGN STANDARDS

- (a) All required loading bays shall be a minimum of three and one-half metres (3.5m) wide and have a minimum vertical clearance of four metres and thirty centimetres (4.3m), exclusive of access aisles, manoeuvring spaces and loading platforms.
- (b) The public right of ways as well as private walkways and driveways shall be protected from vehicular encroachment from all parking bays by wheel bumper guards, curbs, guard rails or screening between the plot line and the perimeter of the parking area.

29.4 SPECIAL PARKING PROVISION AND DESIGN STANDARDS

- (a) All parking lots, including government and public buildings, will provide parking for people with disabilities as established by Clause (29.4). These spaces may be included within the total spaces required.



- (b) A minimum of one (1) parking space for the disabled is required for every twenty (20) parking spaces provided in residential, commercial, civic and industrial land use zones.
- (c) A parking space for the disabled will be a minimum dimension of 3,8m (width) x 5m (length).
- (d) Parking spaces are to be located nearest to the main pedestrian access point from the parking area to the building or use served by the parking, and are to be designed so persons using wheelchairs or assisted walking are not compelled to pass behind parked cars.
- (e) Parking for the disabled will be identified in accordance with the International Symbol of Accessibility for the Disabled.

29.5 LOCATION, ACCESSIBILITY, MAINTENANCE, AND OPERATING OF REQUIRED PARKING SPACE

- (a) All parking spaces shall be located on the same plot with the building they are intended to serve, except as provided for below.
- (b) Required parking spaces shall not be located in the area between a building line and plot line except for the following reasons requiring the consent of the Town Council:
 - (i) Unusual topography, grades, shape, size or dimensions of the plot;
 - (ii) The lack of an alley or the lack of appropriate ingress through existing or proposed alleys or streets; or
 - (iii) The location of required parking spaces elsewhere on the same plot or on another plot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighbouring properties.

- (c) The parking spaces shall be located to furnish reasonable and convenient parking facilities for the occupants or guests of the building which they are designed to serve.
- (d) Required parking space for two or more uses occupying adjacent plots may be provided in a common parking facility, provided that the number of spaces is not less than the sum of the spaces required for each use individually.
- (e) Parking and loading facilities shall be designed so that each motor vehicle may proceed to and from the parking and/or loading space provided for it without requiring the moving of any other motor vehicle.
- (f) No parking facility shall be used in such a way as to interfere with its providing the required number of off-street parking spaces specified in this code.
- (g) Each parking space and loading bay shall be accessible at all times directly from improved right of ways which shall have a minimum width of four metres (4m) and be paved in compliance with the standards of the Town Council.
- (h) All entrances, exists, access aisles, ramps and driveways providing access to parking spaces and loading bays shall have the minimum vertical clearance as prescribed by Clauses (29.2) and (29.3).
- (i) A driveway which provides access to required parking spaces and loading bays shall meet the following standards:
 - (i) It shall have a maximum grade of twelve percent (12%), except with approval of the Town Engineer, a grade of not more than eighteen percent (18%) may be permitted, with a vertical transition at the plot line;



- (ii) A driveway serving a single-family dwelling or which otherwise serves only one parking space shall not be less than two metres (2m) in width; and
- (iii) A driveway serving any use other than a single-family dwelling or which serves more than one (1) parking space shall be:
 - 1. Not less than seven and one-half metres (7.5m) from a street intersection as measured from the intersection of the curb lines;
 - 2. Not less than three (3) metres in width if designed for one-way circulation or four and one-half metres (4.5m) if designed for two-way circulation; and
 - 3. Not more than seven and one-half metres (7.5m) in width.
- (j) The parking spaces and loading bays required by this code shall be provided and maintained so long as the building exists which the parking spaces and loading bays are intended to serve.
- (k) In the interest of maintaining a legible environment, all parking spaces, loading bays, aisles, driveways and walkways shall be constructed of a material which cannot be easily deformed or scattered. Cement, bitumen, brick, paving block or other similar material may be used, and such material shall meet the construction standards of the Town Council. In addition to the materials listed above, residential parking areas may also be surfaced with gravel or crushed stone.
- (l) Any lighting used to illuminate open parking facilities shall be so arranged that all direct rays of lighting are confined to the surface of the area devoted to parking.

29.6 PARKING AND STORAGE OF CERTAIN VEHICLES

- (a) In all districts, all junked, wrecked, stripped or inoperable motor vehicles or trailers and all motor vehicles without current registration plates displayed shall be parked or stored in a completely enclosed building unless the principal use of the property

on which such vehicles or trailers are located involves the repair, storage or disposal thereof.

- (b) In residential districts, commercial vehicles designed to carry more than 2 tons of weight and being used for the transport of goods, materials, or people, shall be prohibited to be parked or stored on the plot, except with written consent of the Ezulwini Town Council.
- (c) In all districts, no vehicle shall be parked or stored in any front, side, or rear yard setback, except in the bona fide surface parking space designated on the building application.

SECTION 6: ZONINGS & SPECIAL CONDITIONS APPLICABLE TO SPECIFIC USES AND USE ZONES

- (a) The provisions provide for by Section (6) should be read in conjunction with, and as supplementary to those provisions provide for by Sections (1 – 5) and (7).

30. LOW DENSITY RESIDENTIAL (R-1)

30.1 PLANNING INTENTIONS

This district is established for use as a low density single family residential zone. It is intended that this zone will maintain and reinforce the residential character of the existing neighborhoods and create an environment free of obtrusive uses. Only those uses that are necessary and ancillary to the single family residential use are permitted by special consent.

30.2 MINIMUM PLOT SIZE

- (a) The minimum plot size permitted in the low density residential district (R-1) is 1500m² per plot.

30.3 USES PERMITTED

- (a) Uses permitted shall include:
- (i) Single - Family Dwelling Units;
 - (ii) Detached or Semi-Detached Second Dwelling Units;
 - (iii) Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Guard HouseCarports, Detached Garages, Backyard Gardens, and Urban Agriculture.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Home Occupations (not more than 25% of the main residential structure);



- (ii) Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, Short Term Rentals)
- (iii) Crèches / Pre-Schools; and
- (iv) Any Ancillary Buildings which are ordinary used with the activities stated above.

30.4 USE PROHIBITED

- (a) Uses prohibited shall include all other uses.

30.5 SPECIAL CONDITIONS

- (a) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.

30.6 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) When a development does not have access to a waterborne sewerage reticulation network, the minimum plot size will be determined by the smallest permitted plot size as determined by relevant national regulatory authorities in order to accommodate an on-site septic tank or sewer treatment plant.
- (b) Detached or semi-detached second dwelling units may not be greater than 65% of the floor area of the main house.
- (c) The unit density, height, setbacks, floor area ratio and plot coverage shall be as specified in Table 6 below.


Table 7 Residential 1 Regulations (R-1)

Minimum Plot Size	Height & Stories		Setbacks (Min in metres)			Plot Coverage %	FAR	Units Per Plot/ Hectar
	Max Stories	Max Height	Front	Side	Rear	Max	Max	Max
1500 - 1999	2	8m	6	3	3	30%	0.6	2 units
2000 – 2499	3	12m	6	4	4	30%	0.75	3 units
=/>2500	3	12m	6	4	4	30%	0.75	3 units



31. MEDIUM DENSITY RESIDENTIAL (R-2)

31.1 PLANNING INTENTIONS

This district is established for medium density single family residential as well as medium density multi-family residential uses with the aim to encourage a variety of housing types, with relatively higher plot densities than is permitted in the lowest density areas (R-1), with the general aim of promoting the most efficient and economical use of land and services available.

31.2 MINIMUM PLOT SIZE

- (a) The minimum plot size permitted in the medium density residential district (R-2) is 1 000m² per plot.

31.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Single-Family Dwelling Unit;
 - (ii) Detached Single-Family Dwelling Units;
 - (iii) All Semi-Detached and attached housing types including Town Houses, Duplexes, Cluster Housing.
 - (iv) Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Guard House, Carports, Detached Garages, and Backyard Gardens.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
 - (i) Home Occupations;
 - (ii) Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, and Short Term Rentals); and
 - (iii) Crèches/Pre-Schools.



31.4 SPECIAL CONDITIONS

- (a) Duet-houses (two attached houses) can only be established on plots measuring 1000m² or more.
- (b) Multi-family developments such as Group-housing Complexes (detached single storey houses) and Townhouses (row of attached single or double storey houses) can only be established on plots measuring 1500m² or more.
- (c) In addition to item (ii) above, Recreational Open Space shall be provided at a rate of no less than 5% of the total plot area.
- (d) A designated on-site waste disposal and collection area, shall be provided within the development.
- (e) Communal laundry facilities shall be incorporated into the development design of properties with two (2) or more units, to adequately serve the needs of residents.
- (f) Where impervious surfaces are in place, developments shall incorporate suitable stormwater management controls designed to mitigate their impact and to manage runoff effectively. Such controls shall be designed in accordance with the standards and requirements of the Ezulwini Town Council, ensuring the protection of water quality and the prevention of downstream flooding or erosion.
- (g) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.



31.5 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

31.6 SPECIAL CONDITIONS

- (a) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.

31.7 DISTRICT DENSITY

- (a) The overall district density within this zone should be a maximum of 20 dwelling units per hectare.

31.8 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) When a development does not have access to a public sewer system, the Town Council shall have the right to limit the maximum number of dwellings allowed as it deems necessary to protect the health of the environment and its inhabitants.

Table 8: Residential 2 Regulations (R-2)

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Covera ge %	FAR	Units Per Plot/ Hectar
m ²	Max # Stories	Max Height	Front	Side	Rear	Max	Max	Max
Single Family House								
1000 – 1499	2	8m	4	3	3	50%	1.0	2 per plot
=/>1500	3	12m	5	3	3	40%	1.0	4 per plot
Duet Houses								
> 1000	2	8m	4	3	3	50%	1.0	4 per plot
Townhouse Complexes (Simplexes or Duplexes)								
=/>1500	2	8m	6	3	3	50%	1.0	20 per hectare

32. HIGH DENSITY RESIDENTIAL (R-3)

32.1 PLANNING INTENTIONS

This district is established predominantly for single family residential uses on *smaller individual plots* where higher densities can be effectively accommodated, and high density multi-family residential uses such as group-housing complexes. Plots under this zone should be provided with sufficient accessibility to the public transport network, public facilities and commercial centres. Only those uses that are necessary and ancillary to the residential use are permitted by special consent.

32.2 MINIMUM PLOT SIZE

- (a) The minimum plot size permitted in the high density residential district (R-3) is 1500m² per plot for multi-family residential developments such as townhouses. ; and 500m² for single family dwellings.

32.3 USES PERMITTED

- (a) Uses permitted by right shall include:
- (i) Town-Houses;
 - (ii) Duplexes;
 - (iii) Cluster Housing;
 - (iv) Flats;
 - (v) Residential Multiple Unit Types; and
 - (vi) Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Guard House, Carports, Detached Garages, and Backyard Gardens.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below:
- (ii) Crèches / Pre-Schools;
 - (iii) Home Schools;
 - (iv) Home Occupations;



- (v) Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses,, and Short Term Rentals)
- (vi) Place of Refreshment;
- (vii) Gymnasium; and
- (viii) Any ancillary buildings which are ordinary used with the activities stated above.

32.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

32.5 SPECIAL CONDITIONS

- (a) Recreational Open Space shall be provided at a rate of no less than 5% of the total plot area.
- (b) In any area designated as the R-3 District Use Regulation and not having access to a public sewer system, the Town Council shall have the right to limit the number of maximum dwellings as it deems necessary to protect the health and environment of the area and its inhabitants.
- (c) A designated on-site waste disposal and collection area, appropriately screened from public view, shall be provided within the development.
- (d) Communal laundry facilities shall be incorporated into the development design to adequately serve the needs of residents.
- (e) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.

32.6 DISTRICT DENSITY

The overall district density within this zone will be approximately 60 dwelling units per hectare.

32.7 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

The unit density, height, setbacks, floor area ratio and plot coverage shall be as specified in Table 9 and 10 below.

Table 9: Residential 3 Regulations (R-3) Single-Family Residential Units

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR	Units Per Plot/ Hectare
	Max # Stories	Max Height	Front	Side	Rear	Max	Max	Max
500 – 749	2	8m	4	3	3	30%	0.5	1 per plot
=/ > 750	2	8m	4	3	3	30%	0.6	2 per plot



Table 10: Residential 3 Regulations (R-3) Multi-Family Residential Units

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR	Units Per Plot/ Hectare
	Max # Stories	Max Height	Front	Side	Rear	Max	Max	Max
1500 – 1999	3	12m	4	3	3	40%	0.75	8 per plot
2000 - 2499	3	12m	4	3	3	50%	1.0	12 per plot
=/>2500	3	12m	4	3	3	30%	1.0	60 per hectare

33. HIGH DENSITY RESIDENTIAL UPGRADING (R 3U)

33.1 PLANNING INTENTIONS

This district's use regulations recognise the unique needs and special circumstances common to the informal settlement area that was already established and subsequently encompassed by the formal declaration of the Ezulwini Urban Area.

This area is associated with relatively high population densities, however mostly lacking any or very limited infrastructural services, which include a proper sanitation system and domestic water provision. The latter results in residents often utilising a single water source for both sanitation and domestic uses.

Since these areas lack proper plot and street layouts, there are no real distinction between private and public spaces, further resulting in it being challenging to apply development controls within the district, hence, haphazard development standards and activity taking place.

The above necessitates the upgrade of the informal settlement area through proper demarcation of individual plots, street and public spaces, together with the construction of minimum required infrastructural services, including sanitation and water provision options. Residents should be able to access public transport and facilities conveniently, with emphasis on pedestrian movement.

A diversity of uses and building standards are permitted to encourage home occupations and a variety of housing types, including incremental housing, to provide basic shelter and sanitation facilities. Home-occupations should be flexible thus encouraging entrepreneurship and economic livelihood of these residents.

This district's regulations recognize that certain areas are situated along the existing urban boundary, adjacent to lands under the authority of traditional governance. Due to

this unique location, the enforcement of urban controls in these specific areas may present challenges and could prove contentious. While these regulations may not be immediately or fully enforceable in such areas, their inclusion is deemed necessary should the Town boundaries expand in the future to formally incorporate more areas of this character. This foresight allows for a smooth transition and ensures a framework for sustainable urban development in newly incorporated areas.

33.2 MINIMUM PLOT SIZE

- (a) The minimum plot size permitted in the high density residential upgrading district (R-3U) is 250m² per plot.

33.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Detached Single-Family Dwellings;
 - (ii) Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Ablutionary Facilities, Carports, Detached Garages, and Backyard Gardens.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
 - (i) Crèches/ Pre- Schools;
 - (ii) Guesthouses;
 - (iii) Places of Refreshment;
 - (iv) Take-Aways;
 - (v) Shops;
 - (vi) Home Occupations; and
 - (vii) Spaza Shops;



33.4 SPECIAL CONDITIONS

- (a) Multi-family developments such as Group-housing Complexes (detached single storey houses) and Townhouses (row of attached single or double storey houses) can only be established on plots measuring 1400m² or more.
- (f) Recreational Open Space shall be provided at a rate of no less than 5% of the total plot area.
- (b) In the case of multi-family development, a designated on-site waste disposal and collection area, appropriately screened from public view, shall be provided within the development.
- (c) Subdivisions will not be permitted within the R3U zone.
- (d) A separate formalisation policy will be developed for the R3U zone. Any provisions contained within that policy—such as those relating to minimum plot size and special consent uses—will take precedence over the Scheme.
- (e) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.

33.5 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

33.6 DISTRICT DENSITY

- (a) The overall district density within this zone should be a maximum of 50 dwelling units per hectare.

33.7 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) The unit density, height, setbacks, Floor Area Ratio and plot coverage shall be as specified in Table 11 on the next page.
- (i) The aggregate width of side setbacks for plot areas less than 250m² shall not be less than 3 metres.
 - (ii) All walls within 2 metres of the plot boundary shall be solid brick / block work walls.
 - (iii) When a new residential development does not have access to a public sewer system, Council shall have the right to limit the maximum number of dwellings allowed as it deems necessary to protect the health of the environment and its inhabitants.

Table 11: Residential 3 Upgrading Regulations

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR	Units Per Plot/ Hectar
	Max # Stories	Max Height	Front	Side	Rear	Max	Max	Max
250 - 499	1	4m	2	2	2	50%	0.5	1 per plot
500 – 749	1	4m	2	2	2	50%	0.5	2 per plot
=/>750	2	8m	2	2	2	50%	1.0	2 per plot



34. HIGH DENSITY – HIGH RISE RESIDENTIAL DISTRICT USE REGULATIONS (R-4)

34.1 PLANNING INTENTIONS

This district is established predominantly for high density high rise multi-family residential uses and located adjacent to or in close proximity to primary movement and transportation corridors. These areas aim to provide formal housing options to those interested in renting or first-time home owners under the Sectional Title Act, (2003). Higher plot densities will further promote the most efficient and economical use of land and services available.

34.2 MINIMUM PLOT SIZE

- (a) The minimum plot size permitted in the High Density – High Rise Residential District should be no less than 1500m² per plot. Residential development in this district will have more than one unit per plot.

34.3 SPECIAL CONDITIONS

- (a) Recreational Open Space shall be provided at a rate of no less than 5% of the total plot area.
- (b) For developments where connection to a public waterborne sewerage reticulation network is not available, adequate provision for an on-site septic tank shall be made. The design, installation, and location of any such on-site wastewater management system must comply with all technical requirements and standards set forth by relevant national regulatory authorities, ensuring its safe and effective operation within the plot boundaries.
- (c) A designated on-site waste disposal and collection area, appropriately screened from public view, shall be provided within the development.



- (d) Communal laundry facilities shall be incorporated into the development design to adequately serve the needs of residents.

34.4 USES PERMITTED

- (a) Uses Permitted shall include:
- (i) Townhouse Complexes;
 - (ii) Flats; and
 - (iii) Ancillary Buildings, structures, or uses incidental to the main use of land permitted in this use zone: Ablutionary Facilities, Guardhouse, Car Ports, Detached Garages, Backyard gardens, and any other building or structure of a similar subordinate nature.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Hotels and Motels;
 - (ii) Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, and Short Term Rentals)
 - (iii) Administrative Offices;
 - (iv) Crèches / Pre-schools;
 - (v) Shops (at ground floor level); and
 - (vi) Any ancillary buildings which are ordinary used with the activities stated above.

34.5 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

34.6 DISTRICT DENSITY

- (a) The overall district density within this zone should be 120 dwelling units per hectare.

34.7 UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND PLOT COVERAGE

- (a) The unit density, height, setbacks, floor area ratio and plot coverage shall be as specified in Table 12 below.
- (b) Any building erected in this district shall have a minimum height of two stories where the second storey shall consist of a floor area equalling at least 50% of the floor area of the bottom storey.

Table 12: Residential 4 (R-4) Use Regulations

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR	Units Per Plot/Hectar
Min (m ²)	Max # Stories	Max Height	Front	Side	Rear	Max	Max	Max
Duplex Townhouse Complexes								
< 1500	2	8m	6	3	3	50%	1.0	80 per hectare
Blocks of Flats								
> 1500	3 min	12m	6	3	4	50%	3.0	120 per hectare
	10 max	40m						

34.8 OPEN SPACE

- (a) Recreational open space shall be provided at a rate of not less than 5% of the total plot area.

35. AGRICULTURAL RESIDENTIAL DISTRICT USE REGULATIONS (AR)

35.1 PLANNING INTENTIONS

This district is intended to contribute diversity of land use options the Ezulwini Town ,by providing an additional type of accommodation which is in the form of a transition between the “traditional rural lifestyle areas” to that of an “urban lifestyle”.

(a) Minimum level / standard of infrastructure:

1. Energy could be provided by means of candle light, gas, solar systems, batteries or electricity (where provided through bulk service);
2. Water provision by means of piped purified / domestic water systems;
3. Sanitation shall primarily be provided through connection to a public main sewer line, where available. In areas where such infrastructure is not accessible, sanitation may be provided by means of a septic tank and soak-away system, subject to approval by the relevant authority. Telecommunication is optional (depending on bulk-service supply and provision).
4. Vehicular access required.

35.2 MINIMUM PLOT SIZES

(a) The minimum permitted property size is 1 hectare.

35.3 UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND LOT COVERAGE

(a) The unit density, height, setbacks, floor area ratio and lot coverage shall be provided to the satisfaction of the local authority.

35.4 USES PERMITTED

(a) Uses Permitted shall include :

- (i) Single Family Dwellings Units;



- (ii) Agricultural Uses, limited to subsistence crop farming, nurseries, and gardens, as well as small-scale livestock farming, including the rearing of rabbits, poultry, and fish. Any such use involving the keeping of animals shall be established a minimum of 15 metres from any property boundary, and must comply with applicable health and environmental regulations.
 - (iii) Any ancillary building or structure ancillary to the agricultural use such as Storage, Maintenance and Operation Buildings.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Staff Quarters;
 - (ii) Storage Facilities;
 - (iii) Maintenance and Operation Buildings;
 - (iv) Workshops;
 - (v) Repair Garages;
 - (vi) Farm Equipment/ Vehicle Storage; and
 - (vii) Crèches and Pre-schools.

35.5 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

35.6 HEIGHT, SETBACKS, FLOOR AREA RATIO AND PLOT COVERAGE

- (a) The unit density, height, setbacks, floor area ratio and lot coverage shall be provided to the satisfaction of the local authority.



36. CENTRAL BUSINESS DISTRICT (C-1)

36.1 PLANNING INTENTIONS

This district is intended to recognize and strengthen the distinctive character of the inner core of the Central Business District, namely the Central Business District (CBD); which has the greatest volume of business, the fullest range of office functions, with the addition of a residential and entertainment components in the Town area.

Strict controls are enforced on the nature of land development and land use, so as to safeguard the economic value of previous investments and to maintain and enhance the climate for future investment. The highest intensity, density and height in terms of buildings, are to be encouraged through strict development control measures.

It is intended that visual coherence, identity and the quality of the built environment in the CBD be promoted. To maintain the quality of the built environment, careful attention must be given to the facades. To this end, dead frontage in new developments is to be avoided where possible, whilst ground floor space fronting onto streets and pedestrian ways devoted primarily to retail and service uses are to be encouraged.

Aspects such as sufficient parking, as well as ingress and egress from the properties should be controlled through measures - such as the provision of service lanes alongside the primary movement network, in order to ensure that the traffic flow and movement will not be negatively affected. On-site parking and provision of loading facilities are required in all new developments.

36.2 MINIMUM PLOT SIZE

- (a) The minimum permitted property size is 1 000m².

36.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Retail Businesses;



- (ii) Places of Refreshment;
 - (iii) Lodging Facilities (namely: Hotels and Motels);
 - (iv) Offices and Business Purpose;
 - (v) Public Facilities such as Museums;
 - (vi) Libraries;
 - (vii) Social Halls;
 - (viii) Gymnasium;
 - (ix) Cinemas;
 - (x) Government and Municipal Offices;
 - (xi) Public Parks;
 - (xii) Medical Facilities, including clinics, surgeries, dental practices, and hospitals;
 - (xiii) Conference Centres;
 - (xiv) Financial Institutions (e.g., Banks, Credit Unions, ATM facilities); and
 - (xv) Any ancillary buildings, Structures, or uses incidental to the main use of land permitted in this use zone: e.g. Parking Garages.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Other Lodging Facilities (e.g., Boarding Houses, Hostels, Serviced Apartments, Short-Term Rental Accommodation);
 - (ii) Mixed-Use Residential Units (e.g., Apartments and Offices);
 - (iii) Skills Training Centers;
 - (iv) Bottle Stores;
 - (v) Bars;
 - (vi) Clubs;
 - (vii) Discotheque;
 - (viii) Car Washes;
 - (ix) Filling Stations;



- (x) Handigas Filling Centre; and
 - (xi) Restaurant Liquor.
- (c) Notwithstanding other provisions in this Scheme, new structures may be developed from the ground up for uses under special consent, such as Car Washes, Filling Stations, Clubs, Discotheque, where such uses cannot be accommodated through the repurposing or modification of existing structures. The development of new structures for these uses shall be subject to approval by the relevant authorities and in accordance with applicable development regulations.

36.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

36.5 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) Any building erected in this district shall have a minimum height of two stories.
- (b) 90% plot coverage is permitted on condition that the parking, refuse and loading areas are contained within the entire plot;
- (c) The height, setbacks, floor area ratio and lot coverage shall be as specified in Table 13 below.
- (d) Notwithstanding the minimum building height requirement of two storeys within the Central Business District (CBD), ancillary buildings that are subordinate in use and size to the principal structure on the lot shall be exempt from this requirement. Such ancillary structures may be single-storey, provided they comply with all other applicable regulations and do not detract from the intended urban character of the CBD.



Table 13: Central Business District Use Regulations

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR
	Min (m ²)	Max Stories #	Max Height	Front	Side	Rear	Max
=/>1000		2 min 24 max	96m	6	2	2	90%



37. SECONDARY COMMERCIAL DISTRICT USE REGULATIONS (C-2)

37.1 PLANNING INTENTIONS

This district is intended to permit flexibility so that future growth can be accommodated as the Central Business District (CBD) and the highest land values expand.

This district allows for a combination of business and multi-family residential uses of a lower order than that of the Central Business District (CBD) however strategically located with the view to optimise land alongside the primary movement networks on both sides of the CBD, thus allowing for a gradual transition from lower intensity to higher intensity activity located within the central core / CBD.

Within this district, multi-family dwelling units may be developed above businesses to increase the rental housing stock, as well as alleviating the need for commuters to travel long distances into central commercial areas.

To maintain the quality of the built environment, careful attention must be given to the facades and the upgrading of the buildings and aspects such as sufficient parking as well as ingress and egress from the properties should be controlled through measures such as the provision of service lanes alongside the primary movement network, etc. to ensure that the traffic flow and movement not be negatively affected.

37.2 MINIMUM PLOT SIZE

- (a) The minimum permitted property size is 1000m²

37.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Retail Businesses;
 - (ii) Places of Refreshment;
 - (iii) Offices and Business Purposes;
 - (iv) Public Facilities such as Museums;



- (v) Libraries;
 - (vi) Cinemas
 - (vii) Conference Centres;
 - (viii) Financial Institutions (e.g., Banks, Credit Unions, ATM facilities);
 - (ix) and any ancillary buildings, structures, or uses ancillary to the main use of land permitted in this use zone: e.g. Open Parking Lots or Garages.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Other Lodging Facilities (e.g., Hotels and Motels, Guesthouses, Boarding Houses, Hostels, Serviced Apartments, Short-Term Rental Accommodation);
 - (ii) Skills Training Centers;
 - (iii) Mixed Use Projects Incorporating Residential Units
 - (iv) Clubs;
 - (v) Discotheques;
 - (vi) Bars;
 - (vii) Bottle Stores;
 - (viii) Petrol Filling Stations;
 - (ix) Parking Lots and Garages;
 - (x) Funeral Parlours;
 - (xi) Car Washes;
 - (xii) Medical Facilities, including clinics, surgeries, dental practices, and hospitals;
 - (xiii) Handigas Filling Centre; Community Centres or Social Halls;
 - (xiv) Restaurant Liquor;
 - (xv) Wholesale Outlets;
 - (xvi) Automotive Specialised Services;
 - (xvii) Driving School; and



(xviii) Skills Training Center.

(c) Notwithstanding other provisions in this scheme, new structures may be developed from the ground up for uses under special consent, such as Clinics, Petrol Filling Stations, Funeral Parlours and other similar uses, where such uses cannot be accommodated through the repurposing or modification of existing structures. The development of new structures for these uses shall be subject to approval by the relevant authorities and in accordance with applicable development regulations.

37.4 USES PROHIBITED

(a) Uses prohibited shall include all other uses.

37.5 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

(a) The height, setbacks, floor area ratio and lot coverage shall be as specified in Table 14 on the next.

Table 14: Secondary Commercial District Regulations (C-2)

Plot Sizes	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR
Min (m ²)	Max # Stories	Max Height	Front	Side	Rear	Max	Max
=/ > 1000	6	24m	6	2	2	70%	2.1



38. NEIGHBOURHOOD COMMERCIAL USE REGULATIONS (C-3)

38.1 PLANNING INTENTIONS

This district is intended to permit the development of a functional social and economic clusters within residential areas, that can accommodate low-scale commercial and public services commonly associated with such residential areas. The aim of this zone is to provide the day-to-day needs of communities positioned a distance away from the CBD.

38.2 MINIMUM PLOT SIZE

- (a) The minimum permitted property size is 1000m²

38.3 USES PERMITTED

- (a) Uses Permitted shall include:

- (i) Cafés and Coffee Shops;
- (ii) Restaurants; Take-Aways;
- (iii) Shops;
- (iv) Offices;
- (v) Market and Small Business Enterprise Zones;
- (vi) Post-Offices;
- (vii) Police Posts;
- (viii) Community Hall; and
- (ix) Ancillary Buildings, Structures, or uses incidental to the main use of land permitted in this use zone: e.g. Open Parking Lots or Garages.

- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):

- (i) Restaurant Liquor Licence Establishment;
- (ii) Filling Stations;
- (iii) Handigas Filling Centre;

- (iv) Bottle Stores;
- (v) Offices and Business Premises
- (vi) Block Yards;
- (vii) Car Washes; and
- (viii) Driving School.

38.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

38.5 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) The height, setbacks, floor area ratio and lot coverage shall be as specified in Table 15 on the next page.

Table 15: Neighbourhood Commercial District Regulations

Plot Area (m ²)	Units /Plots (max)	Height & Stories		Setbacks (Minimum in metres)			Plot Coverage %	FAR
		Max# stories	Max Height	Front	Side	Rear	Max	Max
1000 - 1499	3	3	12m	5	3	3	60%	1.2



39. SERVICE INDUSTRY DISTRICT USE REGULATIONS (I-1)

39.1 PLANNING INTENTIONS

This district is intended to form an area or zone that accommodates *soft* industrial services, which mainly takes place indoors (such as within warehouses), and can include activities such as Upholstering, Tailoring, Bathroom & Tile Warehouses, etc. Having some commercial component attached to this type of activity, requires them being to be in close proximity to other commercial zones, where the highest exposure is possible.

The district prohibits any activity that generates significant noise, air pollution, or high volumes of traffic, emphasizing a focus on less impactful industrial operations. Furthermore, all new developments within this zone are required to include off-street loading areas, parking facilities, and landscaping. These provisions are intended to maintain and safeguard the value and character of the area.

39.2 MINIMUM PLOT SIZE

- (a) The minimum permitted property size is 1000m²

39.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Petrol Filling Stations;
 - (ii) Warehouses;
 - (iii) Hardware Stores;
 - (iv) Storage Buildings;
 - (v) Places of Refreshment Ancillary to the principle use on the Plot;
 - (vi) Transport and Vehicle Storage Depots;
 - (vii) Recycling Depots;
 - (viii) Offices and Shops Ancillary to the Principle Use of the Plot;
 - (ix) Assembly and manufacturing of electronic devices, telecommunications equipment, and precision instruments;



- (x) Hardware and Specialised Retail Uses e.g. Building Materials, Garden Furniture and Materials;
 - (xi) Laboratories and Commercial Testing Facilities; and
 - (xii) Any Ancillary Building or Structure Ancillary to the Principle use of the Plot.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Bock Yard
 - (ii) Office Buildings;
 - (iii) Places of Refreshment Independent of another use;
 - (iv) Vehicle Auction Yards;
 - (v) Motor Vehicle Sales;
 - (vi) Car Washes;
 - (vii) Specialised Auto-Motive Services and Repair Garages;
 - (viii) Offices and Shops Ancillary to the Principle Use of the Plot; and
 - (ix) Funeral Parlours and Crematoria.
- (c) Notwithstanding other provisions in this Scheme, new structures may be developed from the ground up for uses under special consent, where such uses cannot be accommodated through the repurposing or modification of existing structures. The development of new structures for these uses shall be subject to approval by the relevant authorities and in accordance with applicable development regulations.

39.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

39.5 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) The height, setbacks, floor area ratio and plot coverage shall be as specified in Table 16 below.



Table 16: Service Industry District Regulations

Plot Sizes	Units /Plots (max	Height Stories &		Setbacks (Minimum metres) in			Plot Coverage %	FAR
Min (m²)		Max # Stories	Max Height	Front	Side	Rear	Max	Max
1000	N/A	4	16m	6	3	3	50%	1.0



40. ACTIVE OPEN SPACE DISTRICT USE REGULATIONS (OS-1)

40.1 PLANNING INTENTIONS

This district is intended to provide areas for recreational and leisure activities and provide greenbelts for relief from continual urban development, as well as buffer zones. This should be an area providing both playfields and picnicking areas convenient to residential and commercial areas and it should serve both the local visitor, as well as tourists.

Drainage lines within this district are to be protected from intensive development and encouraged to be developed for leisure purposes, such as walking trails alongside it. Controls are to be enforced to safeguard the integrity of the natural environment against pollution and degradation.

40.2 MINIMUM PLOT SIZE

- (a) The minimum permitted property size is 1000m²

40.3 USES PERMITTED

- (a) Uses Permitted shall include:
 - (i) Civic Centre;
 - (ii) Parks;
 - (iii) Playfields;
 - (iv) Gardens;
 - (v) Golf and Country clubs;
 - (vi) Recreation Areas;
 - (vii) Outdoor Gymnasium;
 - (viii) Swimming Pools;
 - (ix) Stadium and Other Related Sports Facilities;
 - (x) Outdoor Amphitheatres/Performance Spaces;
 - (xi) Bicycle/Walking Trail Networks;
 - (xii) Picnic and BBQ Facilities;
 - (xiii) Children's Adventure Playgrounds (Natural); and

- (xiv) Any Ancillary Building or Structure Ancillary to the principle use on the plot.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Caravan Parks;
 - (ii) Adventure Sports Facilities;
 - (iii) Outdoor Event Venues (Temporary/Seasonal); and
 - (iv) Specialised Gardens.

40.4 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

40.5 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) The unit density, height, floor area ratio and lot coverage shall be provided to the satisfaction of the Ezulwini Town Council .

Table 17: Active Open Space Regulations

Plot Sizes	Height & Stories		Setbacks Minimum in metres			Plot Coverage	FAR
Min (m ²)	Max # Stories	Max Height	Front	Side	Rear	Max	Max
500	1	4m	10	10	10	10%	0.1



41. REGULATED OPEN SPACE DISTRICT USE REGULATIONS (OS-2)

41.1 PLANNING INTENTIONS

This district is intended to provide minimal development, yet maintain open areas within, the protection of sensitive areas, such as drainage systems and wetlands within the urban area.

The river courses and wetlands are to be protected from intensive development and a minimum setback (30m) area along natural drainage systems should be enforced, thus providing a greenbelt for relief from continual development.

It should be an area for largely passive leisure with some regulated outdoor activities, such as picnic areas at identified points. Strict controls are to be enforced for a sustainable environment to safeguard environmental integrity.

No permanent buildings and structures, specifically in new developments, should be allowed within this zone, unless with the consent and to the satisfaction of the Relevant Authorities.

41.2 USES PERMITTED

(a) Uses Permitted shall include:

- (i) Landscaping;
- (ii) Walkways; and
- (iii) General maintenance of environmental sensitive areas such as clearing of grass and invasive species.

(b) Conditional uses permitted in consultation with the relevant environmental and planning authority will include the following:

- (i) Picnic Areas;
- (ii) Conservation of Special Areas;
- (iii) Eco-Tourism ;
- (iv) Bird-Watching View Points;

- (v) Walking, Jogging, and Cycling Trails;
- (vi) Service Roads/Access Tracks ;
- (vii) Underground Utilities;
- (viii) Stormwater Management (Naturalized);
- (ix) Bridges;
- (x) Transmission Lines;
- (xi) Pipelines; and
- (xii) Any ancillary buildings which are ordinarily used with the activities stated above.

41.3 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

41.4 UNIT DENSITY, HEIGHT, FLOOR AREA RATIO AND LOT COVERAGE

- (a) The unit density, height, floor area ratio and lot coverage shall be provided to the satisfaction of the Ezulwini Town Council .



42. PUBLIC FACILITIES USE REGULATIONS (PF)

42.1 PLANNING INTENTIONS

This district is intended to retain and reserve land for Institutional Buildings and amenities relating to Governmental Institutions - such as Ministerial Headquarters, Departments and Offices, Healthcare facilities, as well as Private Institutions, such as Places of Worship, Educational Facilities, etc.

As these facilities form important *landmarks*, as well as *public spaces* within the urban setting. Landscaping, aesthetic quality and identity are thus important elements to consider.

The use of hard and soft surfaces in the form of promenades, piazzas and the like is to be encouraged in all new public building developments. The open space associated with this use is desirable as they provide adequate space for parking areas, pedestrian movement and landscaping.

42.2 USES PERMITTED

(a) Uses Permitted shall include Government offices or buildings such as:

- (i) Office Buildings;
- (ii) Fire Stations;
- (iii) Town Halls;
- (iv) Libraries;
- (v) Museums and other Cultural or Institutional uses supported by National Government;
- (vi) Post Offices;
- (vii) Cemeteries;
- (viii) Markets and Small Business Enterprise Zones;
- (ix) Transport Facilities and Public Transport (bus or taxi) Shelters;
- (x) Parking Facilities;
- (xi) Places of Worship and Places of Public Assembly;
- (xii) Hospitals, and Clinics or related Public Health Uses;



- (xiii) Educational Facilities;
 - (xiv) Police Stations
 - (xv) Staff, Teacher or Student Housing;
 - (xvi) Athletic or Recreational Facilities, including: Gymnasium, Locker Rooms, Athletic Fields; and
 - (xvii) Any Ancillary Building, Office or Housing structure ancillary to the principle use on the plot.
- (b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):
- (i) Shops;
 - (ii) Workshops;
 - (iii) And Places of Refreshment ancillary to the principal use on the plot.

42.3 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

42.4 UNIT DENSITY, HEIGHT, SETBACKS, FLOOR AREA RATIO AND LOT COVERAGE

- (a) Given the mixed uses to be experienced in this zoning, the unit density, height, setbacks, floor area ratio and lot coverage shall be provided to the satisfaction of the Ezulwini Town Council .

Table 18: Public Facilities Regulations

Public Facilities	Plot Sizes	Height & Stories		Setbacks Minimum in metres			Plot Coverage	FAR
	Min (m ²)	Max # Stories	Max Height	Front	Side	Rear	Max	Max
Place of Worship	4000	4	16m	5	3	3	50%	0.7
Pre-School	2000	N/A	N/A	4	2	2	N/A	N/A
Primary School	N/A	N/A	N/A	5	3	3	N/A	N/A
High-School	N/A	N/A	N/A	5	3	3	N/A	NA

43. UTILITY SERVICES DISTRICT USE REGULATIONS (US)

43.1 PLANNING INTENTIONS

This district is intended to retain and reserve land for use by private or public utility organizations and institutions, focused at serving both the local urban and sub-regional area. As a result of its environmental sensitivity, regular environmental monitoring of the establishments within this zone should be conducted.

43.2 USES PERMITTED

(a) Uses Permitted shall include:

- (i) Electrical Plants;
- (ii) Sub-Stations;
- (iii) Waste Water Treatment;
- (iv) Communication Stations;
- (v) Reservoirs and Water Supply Channels;
- (vi) Solid Waste Disposal Sites;
- (vii) Municipal and Government Utility Service areas which may include servitude and right of way areas for channels, Pipes or Wiring, Storm Water Drainage Areas, Flood Control Areas, Roads, Railways, Airstrips;
- (viii) and all other ancillary uses, transportation and vehicle storage depots ancillary to the principle use on the plot.

(b) Conditional uses permitted by **Special Consent** shall include the uses listed below, of which the merit thereof shall be determined by the various Regulations, Policies and By-laws of the Relevant Authorities (as indicated previously):

- (i) Employee Housing Ancillary to the Principle Use on the Plot;
- (ii) Places of Refreshment Ancillary to the Principle Use on the Plot;
- (iii) Storage Warehouses,
- (iv) and Petrol Filling Stations Ancillary to the Principle Use on the Plot.

43.3 USES PROHIBITED

- (a) Uses prohibited shall include all other uses.

44. CULTURAL-HISTORICAL RESOURCES

- (a) No Changes will be permitted to the exterior of any designated cultural or historic resources, although normal maintenance and renovation is permitted, as determined by the relevant Authority.
- (b) Any substantial change to the exterior façade of any building within a Conservation Area must be approved by the relevant Authority.

45. ROYAL RESIDENCE DISTRICT USE REGULATIONS (R-R)

45.1 PLANNING INTENTIONS

This district is established for purposes of accommodating the official residence of the reigning monarch of Swaziland.

45.2 USES PERMITTED

- (a) Uses Permitted by Right, shall include:
 - (i) Royal Palace; and
 - (ii) Any ancillary uses to the Royal Palace as may deem fit by the monarch.

45.3 USES PROHIBITED

- (a) All other development shall be prohibited.

46. FILLING STATION

- (a) The location of petrol filling stations must conform to the regulations and Zoning Map of an approved Development Code and Town Planning Scheme, such location along a movement corridor or road, for ease of access and exit.
- (b) The placement must consider the need for protection against the spread of fire, heat from radiation, smoke, toxic or pollutive water and airborne emissions, and pressure from explosions.
- (c) A filling station development is defined as a retail place of business designed primarily for the purpose of fuelling motor vehicles with petroleum or other motor fuel and may include:
 - (i) Any pump or other apparatus on the property used in connection with the fuelling of motor vehicles;
 - (ii) Any ancillary building used for the retail of other petroleum products, motor vehicle parts, accessories, tyres and tubes;
 - (iii) Any building used for the lubricating or polishing of motor vehicles;
 - (iv) Any building used for the servicing and minor repair of motor vehicles but that does not include spray painting, panel beating, engine removal or dismantling;
 - (v) Engine tune-ups, tyre re-treading or remoulding;
 - (vi) Clutch and/or gearbox replacement and repairs when removal of an engine is necessary;
 - (vii) Automatic transmission repairs, and an auto exhaust workshop; and
 - (viii) A kiosk for the retail sale of a limited range of motor vehicle accessories and foodstuffs. The final range of items permitted to be sold from such a kiosk will be at the discretion of the municipality.

46.1 DEVELOPMENT STANDARDS AND REQUIREMENTS

- (a) Unless specified otherwise by an approved development plan, the following controls are applicable to the design and development of petrol filling stations:

- (i) Buildings shall be erected in accordance to the development controls stipulated in Schedule 2;
- (ii) A relaxation of set-backs may only be considered if the relevant authority is satisfied that appropriate attention has been given to providing for fire-fighting and rescue capacity, roof drainage, physical infrastructure provision, privacy, amenity, open space, aesthetics and other relevant considerations;
- (iii) Relaxed plot boundaries require that a building erected less than five meters (5m) from the boundary (but not on the boundary) will have an access passage that is of a minimum width required for maintenance, fire-fighting and rescue;
- (iv) No filling stations are permitted on the immediate intersection of two major national highways;
- (v) Advice must be sought from the relevant fire-fighting authority with regard to the minimum distance between petrol (or similar) dispensing pumps and other parts of the station;
- (vi) The maximum permitted total plot coverage shall be equal to the plot size reduced by the sum of outdoor areas for access, petrol or comparable dispensing, vehicle servicing, repairing or parking, loading and unloading, refuse, storage and any sanitary infrastructure;
- (vii) The maximum height of a building must be twelve meters (12m) or three (3) storeys, where the ground storey shall be counted as one of them. Access for the elderly and disabled of at least one (1) easily found access-way is necessary. The minimum width of this access-way must be 1,3m and there should be no steps, doors or gates along this way. Ramps must be of a maximum length of 6m and a gradient of 1:12 as per sub-clause (25.3) ;
- (viii) Adequate, un-obstructed access is required at every point where deemed appropriate by the Ezulwini Town Council . This access must include adequate space for fire-fighting appliances and the pitching of ladders. Advice from local fire-fighting agencies as to required on-site facilities is necessary, particularly where multi-storey developments are concerned (i.e.

where wet and dry rises, hoses and sufficient water flow/pressure is necessary) ;

- (ix) A minimum area for loading and unloading should be three and one-half meters (3.5 m) by nine meters (9m). Vehicles accessing these areas must have a clear and un-obstructed minimum width of four meters (4m). The design of the loading and unloading area must not compromise the safety of pedestrians or cyclists. Refer to sub-clauses (29.1) and (29.3) for general loading bay requirements and standards to be complied with, with the most restrictive, or that imposing the highest standards, taking precedent;
- (x) The maximum height of fences or solid walls should be 0,5m and should allow for ornamental landscaping and flowerbeds as stipulated by Clause 25.2;
- (xi) Adequate space for storage of refuse should be provided for as stipulated by clause 50. Furthermore, the design of storage spaces for refuse shall ensure ease of collection and that vermin, smells and spillages are prevented. Waste or refuse, which is poisonous, pollutive or unsightly, must be handled appropriately. Oil and other petroleum (or similar) products shall be separated from other waste to prevent their entry into a waterborne sewerage system or watercourse;
- (xii) Adequate segregated toilet facilities must be provided for unless the responsible authority is satisfied that an adequate facility is provided for nearby; and
- (xiii) Unless soil conditions dictate otherwise, septic tanks with soak-away facilities, conservancy tanks and Ventilated Improved Pit (VIP) latrines and similar installations shall be located at a minimum distance of five meters (5m) from any building.



SECTION 7: MISCELLANEOUS PROVISIONS

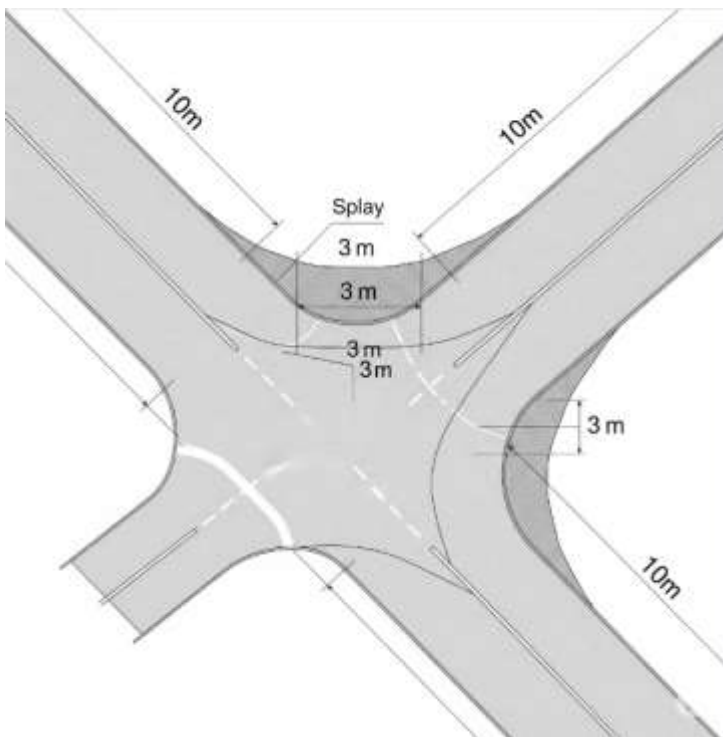
47. SITE DEVELOPMENT PLANS

- (a) A Site Development Plan (SDP) must be compiled to a scale of 1:500 or to any other scale as may be approved by the Local Authority before the submission of any building plan.
- (b) No building shall be erected on the plot until the Local Authority has approved such site development plan and the entire development on the plot shall be in accordance with the approved SDP.
- (c) Provided that with the written consent of the Local Authority, the plan may be amended from time to time.
- (d) Where site development plans are required as a result of any application or the development on public or environmentally sensitive land, a development plan should be prepared at an appropriate scale and should include:
 - (i) The sitting, height and coverage of buildings;
 - (ii) Open spaces, children's playgrounds and landscaping of the site;
 - (iii) Entrances and exits to the plot or site;
 - (iv) If the plot or site is to be subdivided, the proposed subdivision lines;
 - (v) Access to buildings and parking areas;
 - (vi) Building restriction areas;
 - (vii) Parking areas, and where required by the Town Council, circulation of vehicular and pedestrian traffic;
 - (viii) Elevation control of all buildings;
 - (ix) The grouping and phasing of the development(s); and
 - (x) Measures to control storm water runoff.

48. ROAD SPLAYS

- (a) Any public road that intersects with another public road shall accommodate the following splayed corners (refer to Figure 1 (Clause 48) and figure 2 and 3 (Clause for illustration):
- (i) $\leq 10\text{m}$ road and $\leq 10\text{m}$ road 3m x 3m splay.
 - (ii) $\leq 15\text{m}$ road and $\leq 10\text{-}15\text{m}$ road 5m x 5m splay.
 - (iii) two 15m+ roads 7m x 7m splay.

Figure 1: illustration of Road Slays



- (b) Where variations to the above standards are applied for, the resultant splays shall be to the satisfaction of the Ezulwini Town Council.

49. PROJECTIONS INTO REQUIRED SETBACKS

- (a) The projection of the following portions of a building into a required side setback, a distance no more than half the specified setback will be exempt from the requirements of its particular zone: Eaves, cornices and overhangs, chimneys and



chases, awnings and shading devices, bay windows not supported by a foundation, balconies, open fire stairways and other similar subsidiary projections.

- (b) A roofed, but un-enclosed projection in the nature of any entry, porch or portico, not more than one and one-half meters (1,5m) out from the wall of a building, will be exempt from the requirements of its particular zone when the building otherwise is in conformity.
- (c) A carport may be permitted over a driveway in a side yard setback if such structure is not more than one storey in height, and provided that no part of the carport is located less than 1m from the side plot line.
- (d) In no instance may a portion of a building project over a street or other public right of way used primarily by motor vehicle passage or parking.
- (e) The Ezulwini Town Council may impose conditions, as it deems necessary.

50. LANDSCAPING

- (a) All portions of a plot not used for the placement of buildings will be landscaped, surfaced or reserved for bona fide kitchen gardens, to the satisfaction of the Town Council within six months of a certificate of occupancy being issued.
- (b) No owner or occupier of any plot abutting a public right of way shall permit any vegetation, tree, or planting:
 - (i) To overhang or to extend to the street in such a manner as to cause an obstruction or extend onto the street in such a manner as to cause an obstruction or cause discomfort to the public.
 - (ii) To come into contact and or be likely to come into contact with any public utility beneath or over the street.



- (c) The Ezulwini Town Council may require the owner or the occupier of any plot upon which exists any contravention to this regulation, to remedy the situation.
- (d) All plot owners shall make provisions for the management of stormwater and the acceptance of runoff and stormwater from higher lying plots.
- (e) Plots of over 4,000m² or containing more than 10 dwelling units shall make provisions for stormwater attenuation to ensure that maximum runoff volume per hour after development does not exceed the runoff prior to development.
- (f) All commercial property developments shall be required to incorporate urban greening landscaping concepts into their design to the satisfaction of Council. This requirement applies broadly to commercial properties, specifically encompassing:
 - (i) **All new commercial building or structure developments**, regardless of their size or type (e.g., retail, office, industrial, hospitality).
 - (ii) **Major redevelopments of existing commercial properties**, including significant alterations to the building footprint, parking areas, or overall site layout, any expansion resulting in a substantial increase in Gross Leasable Area (GLA), or changes in land use to a commercial activity.
 - (iii) **Commercial components within mixed-use developments**, where greening should be integrated into the overall site design.

51. STORM WATER MANAGEMENT CONTROL MEASURES

51.1 PURPOSE AND GUIDING PRINCIPLES

- (a) These Stormwater Management Control Measures aim to guide effective stormwater management practices within the Ezulwini urban area to:
 - (i) Minimize the negative impacts of stormwater runoff on public and private property, natural drainage systems, wetlands, and the broader environment.

- (ii) Promote sustainable approaches to stormwater management, prioritising source control and on-site retention.
- (iii) Safeguard and improve the quality of water in receiving water bodies.
- (iv) Mitigate the risks of flooding and erosion.
- (v) Ensure that new developments and redevelopments contribute positively to, or at least do not worsen, existing stormwater challenges.
- (vi) Encourage the natural infiltration, temporary storage (detention/retention), and beneficial re-use of stormwater.

51.2 APPLICABILITY OF CONTROL MEASURES

- (a) These control measures should be applied to all new developments, significant redevelopments, land subdivisions, and any proposed changes to existing land uses where:
 - (i) The total impermeable surface area on the property will exceed 100m².
 - (ii) An increase in total impermeable surface area exceeding 25% of the present impermeable surface or 50m², whichever is greater.
 - (iii) The development site is located within identified flood lines or designated stormwater flow paths. Such areas are considered ecologically sensitive and potentially vulnerable, requiring careful consideration and management consistent with the principles of environmental management and the sustainable use of natural resources as enshrined in the Environment Management Act, 2002 (Act No. 5 of 2002). Development in such areas may be subject to a mandatory Environmental Impact Assessment (EIA) in terms of Section 32 of the Act to determine potential impacts and necessary mitigation measures, or may be prohibited where deemed environmentally unsound.
 - (iv) The site is located within or directly adjacent to sensitive environmental areas, including wetlands, riparian zones, and designated open spaces.

- (b) The Ezulwini Town Council may, as deemed necessary, require a detailed Stormwater Management Plan for any development or activity that has the potential to significantly impact stormwater runoff.

51.3 REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS

- (a) A comprehensive Stormwater Management Plan (SWMP) should be prepared and submitted to the Ezulwini Town Council for review and acceptance for all projects identified in Clause (51.2).
- (b) The SWMP should be developed by a qualified and registered engineer and should provide details including, but not limited to:
 - (i) A clear site plan showing existing contours, natural watercourses, wetlands, and pre-development drainage patterns.
 - (ii) Calculations for projected pre-development and post-development stormwater runoff characteristics (e.g., runoff coefficients, peak flow rates) for relevant design storm events (e.g., 1:2 year, 1:5 year, 1:10 year, 1:50 year, 1:100 year).
 - (iii) A description and design details of all proposed stormwater management measures and infrastructure.
 - (iv) Plans for erosion and sediment control during construction and for the long-term.
 - (v) A proposed schedule for the ongoing inspection and maintenance of all stormwater infrastructure.
 - (vi) Information on proposed stormwater discharge points and their potential impact on adjacent properties or natural systems.
- (c) The Stormwater Management Plan should demonstrate that the proposed development will, as far as practically possible, ensure that post-development peak stormwater discharge rates do not exceed pre-development peak discharge rates for the specified design storm events.

51.4 DESIGN AND IMPLEMENTATION GUIDELINES

- (a) All stormwater infrastructure should be designed in accordance with current best practices and relevant national and local guidelines (including but not limited to, the Eswatini Standard Building Regulations of 1969, specifically focusing on Part VI: Drainage and Sewerage, which provides fundamental requirements for how stormwater must be managed from individual properties and buildings).
- (b) Stormwater systems should be designed to safely convey stormwater from typical storm events (e.g., 1:50 year) without causing property damage, and to accommodate larger, less frequent events (e.g., 1:100 year) within designated flood routes without structural failure.
- (c) Natural drainage features and watercourses are vital assets and should be protected. A minimum buffer zone of 15 meters should be maintained from the edge of any natural watercourse, and 30 meters from the delineated boundary of any wetland, unless a specific environmental authorization allows for a deviation.
- (d) Robust erosion and sediment control measures are to be implemented during all construction phases and maintained until the site is fully stabilised, to prevent soil loss and protect water quality.
- (e) Discharge of stormwater should only be directed into the municipal stormwater system or a natural watercourse with prior agreement from the Ezulwini Town Council. Discharges should be managed to prevent erosion, flooding, or nuisance to neighbouring properties or the environment.
- (f) Developers are responsible for the costs associated with stormwater management infrastructure necessitated by their development, including any required upgrades to the existing public stormwater network.



51.5 MAINTENANCE AND ONGOING MANAGEMENT

- (a) Property owners are responsible for the ongoing inspection, operation, and maintenance of all stormwater management infrastructure located on their property, ensuring its continued effectiveness.
- (b) Where private stormwater facilities are critical to the overall municipal stormwater system, a formal maintenance agreement with the Town Council may be requested.
- (c) The Ezulwini Town Council may periodically inspect stormwater management facilities to ensure they are functioning as intended. Should maintenance issues be identified, the Town Council may issue guidance or a request for remedial action to the property owner.

51.6 ACTIONS TO AVOID

- (a) To protect stormwater systems and the environment, the following actions are prohibited within the Ezulwini urban area:
 - (i) Directing stormwater onto adjacent properties in a manner that causes nuisance, damage, or erosion.
 - (ii) Modifying, diverting, or obstructing any public or natural stormwater system.
 - (iii) Discharging pollutants, hazardous substances, or untreated wastewater into stormwater systems or natural watercourses.
 - (iv) Connecting wastewater or sewage lines to stormwater drainage systems.
 - (v) Placing fill, excavating, or constructing within designated stormwater servitudes, natural drainage lines, or flood lines without an accepted SWMP and necessary permits.

51.7 COMPLIANCE AND CORRECTIVE ACTION

- (a) Adherence to these control measures is expected for all relevant developments.
- (b) In instances of non-compliance, the Ezulwini Town Council may provide guidance or require corrective actions to be undertaken to rectify any identified issues.
- (c) Should any significant non-compliance with these Stormwater Management Control Measures occur, or if directives for corrective actions are not implemented within the specified timeframe, the Ezulwini Town Council reserves the right to take direct steps to rectify the situation, including undertaking necessary remedial works to ensure compliance and prevent further harm, impose fines, or take legal action prescribed in Clause 15 of this code.

52. VISIBILITY AT INTERSECTIONS

- (a) In the interest of public safety, the following shall apply:
 - (i) All intersections at corner plots as well as entrances and/or exits to new developments should have a splay, as determined by and approved by the Town Council (Works and Maintenance Department) when applying for township establishment and new developments (building plan applications) (Refer to Figures 2 and 3 below).
 - (ii) On any corner plot in any residential district nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between height of one (1,0) metres and three (3,0) metres above the grade of the intersecting streets within the area seven and a half (7,5) metres along the plot lines from the point of curb line intersection.
 - (iii) The Town Council shall require the owner or occupier of any plot upon which exists any structure, fence, or planting, which obstructs visibility at intersections, to remedy the situation as per the Local Government Act 8/1969.

Figure 2 Illustration of Splay at Intersections

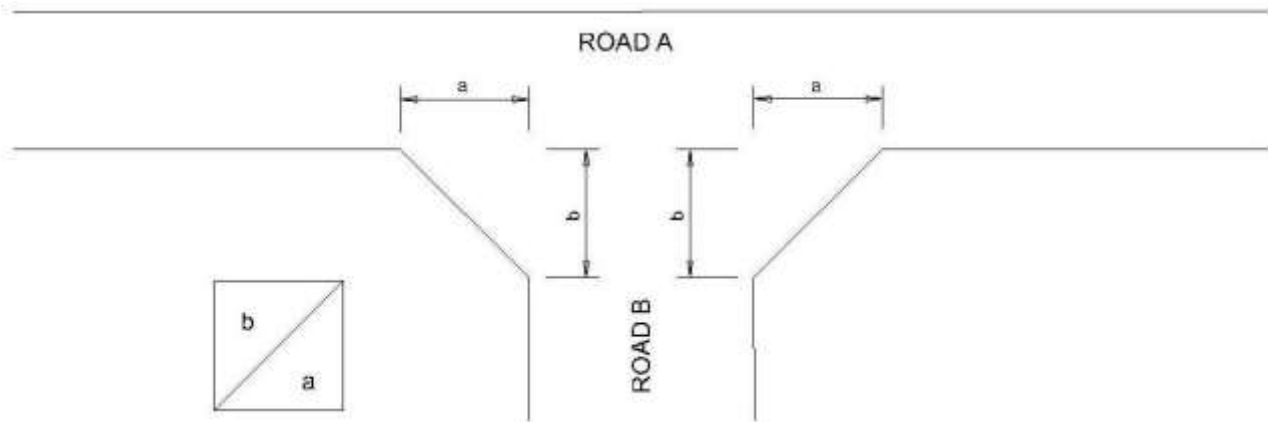


Figure 3 Standards for Splays

ROAD A	RESERVE WIDTH	ROAD B						
		10m	12m	16m	20m	25m	32m	40m
	10m	5 5	5 5	5 5	5 5	- -	- -	- -
	12m	5 5	5 5	5 5	5 5	5 15	- -	- -
	16m	5 5	5 5	5 5	5 5	5 15	5 15	5 20
	20m	5 5	5 5	5 5	5 5	5 15	5 15	5 20
	25m	- -	15 5	15 5	15 5	15 15	15 15	15 20
	32m	- -	- -	15 5	15 5	15 15	15 15	15 20
	40m	- -	- -	20 5	20 5	20 15	20 15	20 20

53. CORNER PLOTS

- (a) The setback lines for a corner plot possessing frontage on two public right of ways shall be determined by the following standards:
- That at least one front setback shall be provided the full depth required generally for the district in question.
 - That the second front setback shall be not less than one-half the full depth required generally for the district in question.
 - No front setback shall be less than a required side setback.
 - If the front of a plot is in question, the full front setback shall be consistent with other developments adjacent plots, if both adjacent plots provide a full front setback; the plot in question shall be consistent with these.

- (v) If no other adjacent plot has been developed the shorter of the two plot lines fronting the public right of ways shall be considered the front of the plot.
- (vi) Setbacks as stipulated above can be overruled by setbacks depicted on an approved Site Development Plan.

54. PROJECTIONS INTO REQUIRED SETBACKS

- (a) A roofed, but unenclosed projection in the nature of any entry or portico, not more than 1,2 metres out from the wall of a building, shall be exempt from the requirements of its particular district when the building otherwise is in conformity.
- (b) The projection of the following portions of a building into a required side setback, by a distance of no more than half of the specified setback, shall be exempt from the requirements of its particular zone: eaves, cornice, overhangs, chimneys foundation balconies, open fires stairways; and other similar subsidiary projection.
- (c) A carport may be permitted over a driveway in aside yard setback if such structure is not more than one storey in height, and provided that no part of the carport is located less than 1.0 meter from the side plot line.
- (d) The Ezulwini Town Council may permit the projection of a portion of a building over a pedestrian right of way where zero plot line regulations are in effect with the following conditions:
 - (i) Bay windows, which are less than 1 metre in depth, eaves, cornice, overhangs, awning and shading devices.
 - (ii) In no instance may a projection be positioned in any area measured vertically within 2,5 meters from the finished paved ground surface, or likewise interfere or obstruct pedestrian passage.
 - (iii) In no instant may a portion of a building project over a street or other public right of way used primarily by motor vehicle passage or parking.
 - (iv) The Municipal Authority may impose conditions, as it deems necessary.



55. REFUSE STORAGE AND COLLECTION

- (a) No building will be hereafter constructed without providing designated areas for the adequate storage of all refuse produced on-site by the occupants.
- (b) No building or use may be hereafter expanded without the provision of additional on-site refuse containers, or if such space is unavailable on the date of enactment, without agreement for off-site refuse storage.
- (c) The location, size and number of on-site refuse containers will be shown on the building permit application or site plans as part of the application for approval, and shall be made acceptable to the Town Engineer responsible for the Town Council. In determining the size, number and location of refuse containers to be used, the following criteria shall apply:
 - (i) The refuse containers and their sites shall be of a capacity, determined by the Community Services Department, which is adequate to contain all refuse generated by all of its users without requiring removal at times other than those regularly scheduled for the collection district in which the site is located; and
 - (ii) The location of refuse containers shall be compatible with the Town Council refuse pickup system serving the property. All containers shall be located in areas which provide for the safe operation of refuse collection vehicles. Where deemed necessary by the Works and Maintenance Department, adequate vehicle turn-around areas shall be provided on the site and to the greatest extent possible, refuse containers shall be located to possible, refuse containers shall be located to minimise the need for backing movements by said vehicles.
- (d) Two or more property owners may consolidate their refuse storage at a common site, provided the size and location of the site complies with all relevant provisions of clause 50 and other applicable municipal regulations.

56. DEPOSIT OF WASTE MATERIAL

- (a) The deposition of all material shall be in compliance with the Environmental Management Act, 2002, the Public Health Act, 1969, and all relevant Municipal Bye-Laws.
- (b) No person shall deposited or cause to be deposited on a public or private plot (whether occupied or not) any disused vehicle, scrap, metal, rubbish, building material, road material organic or inorganic waste, soil and litter, that may cause the degradation of a district, zone, or area without the written permission of the Ezulwini Town Council .
- (c) Where any waste has been deposited in contravention to the regulation, or where the owner of the property has deposited such material on one's own plot, or has allowed the deposit of such on one's plot in contravention to these regulations, the Ezulwini Town Council may by written notice require the owner of the plot or person responsible for the deposition of the waste to remove it within a specified period.
- (d) In cases where such person is unknown or cannot be found and there is no private owner, the Ezulwini Municipal Authority may be responsible to remove it and deposit it in a manner as mandated in the Local Government Act 8/1969 (3-1) r.31.
- (e) The Ezulwini Municipal Authority shall retain the power to remove any object which has been abandoned in any public place, or causes an obstruction to any public right of way as granted in the Local Government Act 8/1969 (3-100) r.32.
- (e) The Ezulwini Municipal Authority shall levy fines for the deposit of any material or litter on any plot if the person who deposited, or allowed such material to be deposited, is known; in an amount to be determined by the Municipal Authority.

57. ADVERTISEMENT SIGNS

57.1 GENERAL PROVISIONS

- (a) Advertisements shall only be displayed upon any land or building with the written permission of the Town Council as set forth in this Scheme.
- (b) Where provision is made in these regulations for advertisements of a specific description to be displayed without express permission but subject to specified conditions, then the display of such advertisements, so long as they comply with those conditions and so long as no notice has been issued under these regulations shall be permitted.
- (c) The requirements set forth in this Scheme shall be in addition to and not in substitution for any Building Regulations that may be in force from time to time. Every advertisement hoarding and sign shall be constructed and erected in compliance with such Building Regulations.
- (d) Wherever the requirements of this Scheme are at variance with the requirements of any other adopted regulations or by-laws, the most restrictive or that imposing the highest standards, shall be applied.

57.2 PROCEDURES

- (a) Where application is made to the Town Council for permission to display any advertisement, the Town Council may grant permission subject to the standard conditions only, or subject to the standard conditions and to such other conditions as it may deem fit, or may refuse to grant permission.
- (b) The powers conferred by this section with respect to the grant or refusal of permission for the display of advertisement or the revocation or modification of such permission shall be exercisable only in the interest of amenity and public safety.



- (c) When exercising such powers the Town Council shall:
 - (i) In the interest of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest, and when assessing the general characteristics of a locality the Town Council may disregard any advertisements therein being displayed at the time.
 - (ii) In the interest of public safety, have regard for the safety of persons who may use any road, and shall in particular consider whether any display is likely to obscure or hinder the ready interpretation of any road traffic sign but without prejudice to its power to have regard to any other material factor.
- (d) Application shall be submitted to the Town Council on forms as may be so designated.

57.3 GENERAL REGULATIONS

- (a) Any sign placed on private property shall require the written consent of the owner thereof.
- (b) Any sign projecting into or placed on public property shall require an annually renewable permit.
- (c) Any sign exceeding 2,000cm² per side in area shall require an annually renewable permit.
- (d) No sign shall be written onto or attached to a public utility pole, road sign, tree or other natural feature.
- (e) No sign may be placed in such a position that any part shall be nearer than 3,0 metres to any fire alarm, telephone or electric wire, other than to illuminate or

operate the sign or notice without first obtaining permission in writing of the authority having jurisdiction over the same.

- (f) No sign, except a cantilever sign, shall be attached to any support, which rests upon the pavement but shall be securely attached to a building or other satisfactory support.
- (g) No sign shall be erected within 30 centimetres of the curb line or 3,0 metres of the vehicular carriageway of a private or public right of way or motor vehicle parking area unless the minimum vertical distance between ground level and the bottom of the overhanging sign is at least 4,3 metres.
- (h) No advertisement, which is indecent or suggestive of indecency, or which is blasphemous or prejudicial to the public morals shall be displayed on any sign permitted under this Section.
- (i) No sign shall be erected at any location where it may interfere with or obstruct any authorised traffic sign, signal or device.
- (j) No sign, except an official sign, visible from a public right of way shall use the word "stop", "danger" or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- (k) No rotating beam, beacon or flashing lights or objects, which could distract motorists shall be allowed along public right of ways.
- (l) No sign shall extend over any pavement or private pedestrian walkway unless the minimum vertical distance between the ground and the bottom of the sign is 2,4 metres.



- (m) No sign attached to a building shall extend above the roof or parapet, except roof signs, of the building nor extend beyond the ends of a wall of any building to which it is attached.
- (n) No sign shall be displayed so that the highest point of the advertisement is higher than 6,0 metres above the surrounding ground level.
- (o) No wall sign shall exceed 25% coverage of the wall surface or be larger than 18m² in area whichever is less.
- (p) No sign shall be supported by an existing building, unless said building is adequate to support, without reducing the safety factors provided, all loads to which it may be subjected.

57.4 SUPPLEMENTAL REGULATIONS

- (a) No sign, except residential signs, shall be located closer than 15 metres to any place of worship or dwelling without the written permission of the Town Council.
- (b) No poster panel or bulletin board shall be erected except at locations as designated by the Municipality.
- (c) Directional Signs shall be erected in accordance with the following additional requirements:
 - (i) No signs shall exceed 7,200cm² in area.
 - (ii) Such sign shall not be situated more than 2,7 metres above the adjoining ground level and shall not project beyond the property boundaries.
- (d) Projecting Signs shall be erected in accordance with the following additional requirements:
 - (i) Not extend more than three metres beyond the face of any building.
 - (ii) Not exceed 2,0m² per side or a total of 4,0m² in area for all sides.

- (iii) Be approved by an architect or engineer where it weighs more than 115kgs.
- (e) Canopies and cantilever and ceiling signs erected over a portion of a pavement shall not be supported on supports, which rest on the pavement or street.
- (f) Roof Signs shall be erected in accordance with the following additional requirements:
 - (i) The structural framework of all signs shall be approved permanent materials.
 - (ii) The highest point of any sign shall be not more than 2,5 metres above the roof of any building or 6,0 metres above ground level, whichever is greater;
 - (iii) The structure of any sign, which exceeds 6,0m² on any one side shall be approved by an architect or engineer.
- (g) Contractor signs not exceeding 4,5m² in area or one in number shall be permitted in all zones during the progress of the construction and be removed upon completion or abandonment of the work.
- (h) Temporary signs shall be displayed in accordance with the following additional requirements:
 - (i) Every application shall be accompanied by a schedule giving in detail the location where all such advertisements are to be displayed, advertisements shall not exceed 40 in number, and any permit issued shall be deemed to authorise the placement of advertisements only in such positions as are in the aforementioned schedule, provided that any such situation may be varied by written permission.
 - (ii) No advertisement shall be exhibited for a period longer than four weeks prior to the actual performance of the public entertainment and every such advertisement shall be removed by the person to whom the permit was issued, within 48 hours after the said performance.

- (iii) Every such advertisement shall be so affixed to its support as to be easily removable there from. No such advertisement shall be affixed by means of pasting or other adhesive method.
- (i) The maximum number and types of signs allowed in each district shall be limited as follows:
 - (i) Residential district properties shall be allowed one residential sign positioned parallel to the street plot line for each street frontage.
 - (ii) Central Business District businesses shall be allowed one wall and one projected sign per street frontage, plus one freestanding or directory sign within a 200m radius of their premises.
 - (iii) Commercial District businesses shall be as per the Central Business District except a freestanding sign or directory sign may be placed within a 500m radius of the premises.
 - (iv) Industrial District businesses shall be allowed a maximum of three signs on their premises, plus advertisement on a directory sign at the estate's entrances.

57.5 EXEMPTIONS

- (a) The following signs shall be exempted from obtaining a permit subject to the following conditions:
 - (i) Functional advertisements of the Government, Town Council or statutory utilities.
 - (ii) Miscellaneous signs relating to premises on which they are displayed provided that:
 - a. Signs for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed do not exceed 2,000cm² in area.
 - b. Advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed is limited to one



sign not exceeding 2,500cm² in area in respect to each such person, partnership or company or in the case of premises with entrances on two different street frontages, one such sign at each of two such entrances.

- c. Signs relating to any institution of a religious, educational, cultural, recreational or similar character that do not exceed 1,0m² in area and are less than 1,5 metres above ground level.

(iii) Certain advertisements of a temporary nature provided that:

- a. Advertisements relating to the sale or letting of land that do not exceed 1,8m² in area and do not bear any pictorial matter may be displayed on the land or building being advertised.
- b. Advertisements announcing any local event of a religious, educational, cultural, social or recreational character not carried on for commercial purposes.
- c. Advertisements displayed on the exterior of any motor vehicle licensed under the Road Traffic Regulations.
- d. Signs for regulating traffic or similar devices, legal notices or warnings and street name signs.
- e. Signs in display windows including writing, representational painting or lettering directly on the surface of any window or door or other signs not affixed to the building exterior.
- f. Signs displayed for the direction of the public including signs, which identify rest rooms, freight entrances and such other similar directional signs not exceeding 1,600cm².

57.6 MAINTENANCE

- (a) Every sign shall be neatly posted in a good and workman-like manner and shall, while the said sign is in existence, be so maintained.



- (b) The owner, lessee or agent of the lands or the lands or premises upon which any sign or advertisement is located shall be responsible for the maintenance in a proper state of repair so that such sign or advertising device does not become unsightly or dangerous.

57.7 DANGEROUS AND DEFECTIVE SIGNS

- (a) Any sign, which in the opinion of the Town Council is in a defective condition or a state of disrepair shall be forthwith adequately repaired or removed by the owner.
- (b) Any sign, which in the opinion of the Town Council is a danger to surrounding property or persons, shall be repaired or removed without prior notice by the Town Council and the expenses involved in such an action will be charged to the owner of the sign.

57.8 NON-CONFORMING SIGNS

- (a) The Town Council may at any time serve on any person displaying an advertisement of any type a notice requiring application for permission for the continuance of such display to be made within a time, not being less than twenty-eight (28) days, specified in the notice.
- (b) If it appears that any advertisement has been displayed without permission as required by these regulations or any conditions subject to which such permission was granted have not been complied with, the Town Council may serve on the owner or occupier of the premises, where such advertisement has been displayed, a notice ordering the removal of such advertisement within seven (7) days of service of such notice.

57.9 TOURISM DIRECTIONAL SIGNAGE

- (a) This section outlines the control measures for tourism directional signage (brown boards) in Ezulwini, aiming to guide visitors effectively while maintaining visual order and safety.
- (b) Key Control Measures:
- (i) **Purpose:** These signs facilitate tourist navigation to approved attractions and services, promote local tourism, and ensure consistent, safe, and visually appealing directional guidance.
 - (ii) **Authority:** The Ezulwini Town Council, in collaboration with the Eswatini Tourism Authority (ETA) and relevant road authorities, exclusively manages the approval, placement, and overall regulation of all tourism brown boards.
 - (iii) **Eligibility:** To qualify, an establishment or attraction must be a legitimate, licensed, and publicly accessible tourism entity within or near Ezulwini, with adequate on-site access and compliance with all relevant regulations.
 - (iv) **Application & Process:** Applicants must submit a formal request to the Town Council including proof of eligibility, a proposed sign design (adhering to specified standards), and a location plan. The Town Council reviews applications, consulting relevant departments and authorities, with approval based on compliance and suitability.
 - (v) **Design & Placement:** Signs must strictly adhere to standardized design specifications (brown background, white text/symbols, specific dimensions) consistent with national guidelines. Placement prioritises road safety, visibility, and minimal visual clutter, with the Town Council determining final locations.
 - (vi) **Costs & Maintenance:** Applicants are responsible for all costs related to sign manufacture, installation, and ongoing maintenance. Signs must be kept in good condition, and failure to do so may result in removal at the owner's expense.

- (vii) **Removal:** The Ezulwini Town Council may remove signs if eligibility criteria are no longer met, maintenance is neglected, or the sign becomes non-compliant or a safety hazard.

58. KEEPING OF ANIMALS

- (a) No person shall keep any animal, which is a nuisance or an annoyance to persons residing in or passing by the property.
- (b) No person shall keep any domestic animal other than a dog, cat, bird, or rabbit unless a valid permit is obtained in terms of the provisions of the Urban Government Regulations of 1969 and the Public Health Act of 1969.
- (c) No person shall keep any cattle, horse, mule, donkey, sheep, pig, goat or other farm animal on any premises of lesser extent than 2.023 hectares, unless a stable or other suitable enclosure has been provided, or keep poultry on any premises which are:
 - (i) Situated at least 23 (twenty three) metres from any dwelling unit or property line.
 - (ii) Construction in conformity with the requirements of any law relating to building standards which may apply.
 - (iii) Provided with adequate supply of water, and, if required by the local Authority, with a tap to which a hose can be attached.
 - (iv) Maintained in a clean state; and manure utilised as fertiliser in a timely manner, or is removed off-site and deposited of.
- (d) No person shall keep more than 12 (twelve) head of live poultry on any premises of lesser extent than 0.405 hectares, unless such poultry are kept in a properly constructed and maintained fowl-house, runway, which:
 - (i) Situated at least 8 (eight) meter from any dwelling unit, and within all setback lines.



- (ii) Constructed in conformity with the requirements of any law relating to building standard which may apply.
 - (iii) Maintained in a clean place and free from vermin at all times. The fowl-hose is to be lime-washed at least once in every four months. Any fowl food is to be stored in vermin proof containers.
 - (iv) Manure is to be utilised as fertiliser in a timely manner, or be removed off-site and disposed of.
- (e) No person shall stake out, herd, or graze any animal or permit any animal to be grazed in any area of unfenced or public land within the Municipality, except if issued with a valid permit by the Local Authority.
- (f) No person shall permit an animal to be kept which is dangerous, ferocious, or suffering from communicable disease. No animal may be left unattended in the area of this scheme.
- (g) Any animal referred to above, which is found unattended or in an unfenced area may be seized or impounded and made subsequent to sale or destruction, or otherwise to be dealt with as may be deemed fit by the Town Council.

59. FLOODPLAINS

- (a) No development shall be permitted in a flood plain, except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by the Town Engineer.
- (b) Any development in a flood plain area that alters or moves the existing gradient or diverts potential water to an adjacent plot, on either side of a watercourse, will be fully offset by accompanying improvements approved by the Town Engineer responsible for the municipality.

- (c) Any building accessory to a main use listed below, will be so constructed that its ground floor level is situated at or above the 1:50 year flood profile protection level as determined by the town engineer responsible for the local municipality.


- (d) Uses and activities permitted in flood plains provided that they are in compliance with the provisions of the underlying use zone, and which are not prohibited by any other provisions of the National Legislation and Regulations, and provided that they do not require structures, fill or storage of materials and equipment are as follows:
 - (i) Public recreation uses and activities such as parks, sports fields, picnic grounds, golf courses, swimming areas, hiking and horseback riding trails, wildlife and nature preserves and similar uses;
 - (ii) Open spaces, gardens, play areas and yards accessory to residential uses; and
 - (iii) Agricultural uses.

- (e) Uses and activities permitted in flood plains by special consent of the Town Council, provided that they are in compliance with the provisions of the underlying use zone, and are not prohibited by any other section, do not require fill or storage of materials or equipment, and will cause no increase of water surface elevation are as follows:
 - (i) Utilities and public facilities and improvements such as streets, bridges, transmission lines, pipe lines, water and sewerage treatment plants, parking and loading areas and other similar or related uses;
 - (ii) Private, restricted or commercial recreational uses and activities such as parks, sports fields, picnic grounds, golf courses, swimming areas and horseback riding trials, wild life and nature reserves and similar uses.
 - (iii) Structures or buildings where the lowest habitable room in a storey is at or above the 1:50 year flood level.





- (f) Basements, which are comprised solely of parking areas and various building maintenance rooms, utility rooms or refuse areas, shall be permitted with the installation of the required floodwall protection.
- (g) Storage rooms and/or the storage of any equipment of value to the owner or occupant will not be allowed below the determined flood level.


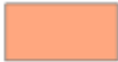
60. SCHEDULE 1

COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
USE ZONE	<i>Notation as shown on the Zoning Map.</i>	<i>Purposes for which buildings may be erected or used or land used – i.e. primary use rights</i>	<i>Purposes for which buildings may be erected or used or land used only with the consent of the Ezulwini Town Council – i.e. consent use rights.</i>	<i>Purposes for which buildings may not be erected or used or land used – i.e. prohibited use rights.</i>
R-1 1. Low Density Residential		Single-Family Dwellings; A Detached or Semi-Detached Second Dwelling unit; and Ancillary Buildings, structures or uses incidental to the main use of land permitted within this use zone, including but not limited to: Guard Houses,	Home Occupations (not more than 25% of the main residential structure); Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, Short Term Rentals) ;	Buildings and uses not in columns (3) and (4).




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		Carports, Detached Garages, and Backyard Gardens.	Crèches / Pre-Schools; and Ancillary Buildings which are ordinary used with the activities stated above.	
R-2 2.Medium Density Residential A		Single-Family Dwelling Units; Detached Single-Family Dwelling Units; All Semi-Detached and attached housing types including Town Houses, Duplexes, Cluster Housing; and Ancillary buildings, structures or uses incidental to the main use of land permitted within	Home Occupations; Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, and Short Term Rentals);Crèches/Pre-Schools; ; and Ancillary Buildings which are ordinary used with the	Buildings and uses not in columns (3) and (4).

COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		this use zone including: Guard Houses, Carports, Detached Garages, and Backyard Gardens.	activities stated above.	
R-3 3. High Density Residential A		<p>Town-Houses; Duplexes; Cluster Housing; Flats; Residential Multiple Unit Types; and</p> <p>Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Guard House, Carports, Detached Garages, and Backyard Gardens.</p>	<p>Crèches / Pre-Schools; Home Schools; Home Occupations; Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, and Short Term Rentals); Place of Refreshment; Gymnasium; and</p> <p>Ancillary buildings which are ordinary used with the activities stated above.</p>	Buildings and uses not in columns (3) and (4).

COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
R-3U 4. High Density Residential Upgrading.		Detached Single-Family Dwellings; and Ancillary buildings, structures or uses incidental to the main use of land permitted within this use zone including: Ablutionary Facilities, Carports, Detached Garages, and Backyard Gardens.	Pre-Schools, Guesthouses, Clinics and Medical Consulting Offices, Places of Refreshment, Take-Aways and Shops, Home Occupations, Spaza Shops; and Ancillary buildings which are ordinary used with the activities stated above.	Buildings and uses not in columns (3) and (4).
R-4		Townhouse Complexes; Flats;	Hotels and Motels;	Buildings and uses not




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
5. High Density – High Rise Residential		and Any ancillary buildings which are ordinary used with the activities stated above.	Lodging Facilities (namely: Bed and Breakfast Establishments, Guest Houses, Boarding House, and Short Term Rentals); Administrative Offices; Crèches / Pre-schools; Shops (at ground floor level); and Any ancillary buildings which are ordinary used with the activities stated above.	in columns (3) and (4).
C-1 6. Central Business District.		Retail Businesses; Places of Refreshment; Lodging Facilities (namely: Hotels and	Other Lodging Facilities (e.g., Boarding Houses, Hostels, Serviced	Buildings and uses not in columns (3) and (4).





COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>Motels); Offices and Business Purpose; Public Facilities such as Museums; Libraries; Social Halls; Gymnasium; Cinemas; Government and Municipal Offices; Public Parks; Medical Facilities, including clinics, surgeries, dental practices, and hospitals; Conference Centres; Financial Institutions (e.g., Banks, Credit Unions, ATM facilities); and</p> <p>Any ancillary buildings, Structures, or uses incidental to the main use of land permitted in this use zone: e.g. Parking Garages.</p>	<p>Apartments, Short-Term Rental Accommodation); Mixed-Use Residential Units (e.g., Apartments and Offices); Skills Training Centers; Bottle Stores; Bars; Clubs; Discotheque; Car Washes; Filling Stations; Handigas Filling Centre; Restaurant Liquor; and</p> <p>Any ancillary buildings which are ordinary used with the activities stated above.</p>	



COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
C-2 7. Secondary Commercial		Retail Businesses; Places of Refreshment; Offices and Business Purposes; Public Facilities such as Museums; Libraries; Cinemas; Conference Centres; Financial Institutions (e.g., Banks, Credit Unions, ATM facilities); and Ancillary buildings, structures, or uses incidental to the main use of land permitted in this use zone: e.g. Open Parking Lots or Garages.	Other Lodging Facilities (e.g., Hotels and Motels, Guesthouses, Boarding Houses, Hostels, Serviced Apartments, Short-Term Rental Accommodation); Skills Training Centers; Mixed Use Projects Incorporating Residential Units; Clubs; Discotheques; Bars; Bottle Stores; Petrol Filling Stations; Parking Lots and Garages; Funeral Parlours; Car Washes; Medical Facilities, including clinics,	Buildings and uses not in columns (3) and (4).




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
			<p>surgeries, dental practices, and hospitals; Handigas Filling Centre; Community Centres or Social Halls; Restaurant Liquor; Wholesale Outlets; Automotive Specialised Services; Driving School; and Skills Training Center; and</p> <p>Any ancillary buildings which are ordinary used with the activities stated above.</p>	
C-3 8. Neighbourhood		Cafés and Coffee Shops; Restaurants; Take-Aways;	Restaurant Liquor Licence Establishment; Filling	Buildings and uses not in columns (3) and (4).

COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
Commercial		Shops; Offices; Market and Small Business Enterprise Zones; Post-Offices; Police Posts; Community Hall; and Ancillary Buildings, Structures, or uses incidental to the main use of land permitted in this use zone: e.g. Open Parking Lots or Garages.	Stations; Handigas Filling Centre; Bottle Stores; Offices and Business Premises; Block Yards; Car Washes; Driving School; and Any ancillary buildings which are ordinary used with the activities stated above.	
I-1 9. Service Industry		Petrol Filling Stations; Warehouses; Hardware Stores; Storage Buildings; Places of Refreshment Ancillary to the principle use on the Plot; Transport and Vehicle Storage	Boat Yard; Office Buildings; Places of Refreshment Independent of another use; Vehicle Auction Yards; Motor Vehicle Sales; Car	Buildings and uses not in column (3) and (4) and permanent residential uses.




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>Depots; Recycling Depots; Offices and Shops Ancillary to the Principle Use of the Plot; Assembly and manufacturing of electronic devices, telecommunications equipment, and precision instruments; Hardware and Specialised Retail Uses e.g. Building Materials, Garden Furniture and Materials; Laboratories and Commercial Testing Facilities; and</p> <p>Any Ancillary Building or Structure Ancillary to the Principle use of the Plot.</p> <p>Ancillary building or structure</p>	<p>Washes; Specialised Auto-Motive Services and Repair Garages; Offices and Shops Ancillary to the Principle Use of the Plot; Funeral Parlours and Crematoria;</p> <p>Any ancillary buildings which are ordinary used with the activities stated above.</p>	



COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		incidental to the principle use of the plot.		
PF 11. Public Facility		Office Buildings; Fire Stations; Town Halls; Libraries; Museums and other Cultural or Institutional uses supported by National Government; Post Offices; Cemeteries; Markets and Small Business Enterprise Zones; Transport Facilities and Public Transport (bus or taxi) Shelters; Parking Facilities; Places of Worship and Places of Public Assembly; Hospitals, and Clinics or related Public Health Uses; Educational Facilities; Police Stations; Staff, Teacher or Student Housing;	Shops and Workshops, and Places of Refreshment ancillary to the principal use on the plot.	Buildings and uses not in columns (3) and (4).




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>Athletic or Recreational Facilities, including: Gymnasium, Locker Rooms, Athletic Fields; and</p> <p>Any Ancillary Building, Office or Housing structure ancillary to the principle use on the plot.</p>		
US 12. Utility Service		Electrical Plants; Sub-Station; Waste Water Treatment; Communication Stations; Reservoirs and Water Supply Channels; Solid Waste Disposal Sites; Municipal and Government Utility Service areas which may include servitude and right of way	Employee Housing Ancillary to the Principle Use on the Plot; Places of Refreshment Ancillary to the Principle Use on the Plot; Storage Warehouses, and Petrol Filling Stations Ancillary to the Principle Use on the	Residential and Commercial Uses.




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>areas for channels, Pipes or Wiring, Storm Water Drainage Areas, Flood Control Areas, Roads, Railways, Airstrips;</p> <p>and all other ancillary uses, transportation and vehicle storage depots ancillary to the principle use on the plot.</p>	Plot.	
AR 13. Agricultural Residential		Single Family Dwellings Units; Agricultural Uses, limited to subsistence crop farming, nurseries, and gardens, as well as small-scale livestock farming, including the rearing of rabbits, poultry, and fish. Any such use involving the	Staff Quarters; Storage Facilities; Maintenance and Operation Buildings; Workshops; Repair Garages; Farm Equipment/ Vehicle Storage; and Crèches and Pre-schools.	



COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>keeping of animals shall be established a minimum of 15 metres from any property boundary, and must comply with applicable health and environmental egulations.</p> <p>Any ancillary building or structure ancillary to the agricultural use such as Storage, Maintenance and Operation Buildings.</p>		
<p>OS- 1</p> <p>14. Active Open Space</p>		<p>Civic Centre; Parks; Playfields; Gardens; Golf and Country clubs; Recreation Areas; Outdoor Gymnasium; Swimming Pools; Stadium and</p>	<p>Caravan Parks; Adventure Sports Facilities; Outdoor Event Venues (Temporary/Seasonal);</p>	<p>Buildings and uses not in columns (3) and (4).</p>




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights
		<p>Other Related Sports Facilities; Outdoor Amphitheatres/ Performance Spaces; Bicycle/Walking Trail Networks; Picnic and BBQ Facilities; Children's Adventure Playgrounds Natural); and</p> <p>Any Ancillary Building or Structure Ancillary to the principle use on the plot.</p>	and Specialised Gardens.	
OS- 2 15. Regulated Open Space		Landscaping; Walkways; and General maintenance of environmental sensitive areas such as clearing of grass and invasive species.	Picnic Areas; Conservation of Special Areas; Eco-Tourism ; Bird-Watching View Points;	Buildings and uses not in columns (3) and (4).




COLUMN 1. Land Use Zone	COLUMN 2. Code	COLUMN 3. Primary Use Rights	COLUMN 4. Consent Use Rights	COLUMN 5. Prohibited use rights

*Clinics will not permit for patient admissions within residential townships.



61. SCHEDULE 2

USE (1)	ZONE	MINIMUM LOT SIZE (M ²)	PLOT AREA (M ²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
R-1  Low Density Residential		1500	1500 – 1999	4	3	3	2 storeys	30%	0.6	2 units
			2000-2499	5	4	4	3 storeys	30%	0.75	3 units
			=/ > 2500	5	4	4	3 storeys	30%	0.75	3 units




USE ZONE (1)	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
			BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
			Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
R-2  Medium Density Residential	1000	1000 - 1499	4	3	3	2 storeys	50	1.0	4 per plot
		=/>1500	5	3	3	3 storeys	40	1.0	20 per hectar
R-3	500	500 - 749	4	3	3	2 storeys	30	0.5	1 per plot





USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
 High Density Residential			1500 - 1999	4	3	3	3 storeys	40	0.7	8 per plot
			2000 - 2499	4	3	3	3 Storeys	50	1.0	12 per plot
			=/> 2500	4	3	3	3 storeys	30%	0.6	60 per hectare
R-3U* 	500		250 – 499	2	2	2	1 storey	50	0.5	2 per plot
			500 - 749	2	2	2	1 storey	50	0.5	2 per plot





USE ZONE (1)	MINIMUM LOT SIZE (M ²)	PLOT AREA (M ²)	DENSITY CONTROLS						
			BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
			Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
High Density residential Upgrading		=/>750	2	2	2	2 storey	30	1.0	2 per plot
R-4  High Density – High Rise Residential	1 500	=/>1500 Townhous e	6	3	3	Min - 3 storeys Max - 5 storeys	50	1.0	100 per hectare
		> 1500 Flats	6	3	4	Mini - 3 storeys Max - 10 storeys	50	3.0	120 per hectare




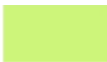
USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
C-1  Central Business District (CBD)		1000	N/A	6	0	2	Mini – 2 storeys Max – 24 storeys	90	4.0	N/A
C-2 		1000	N/A	6	0	2	6 storeys	70	2.1	N/A



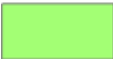

USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
Secondary Commercial										
C-3  Neighborhood Commercial		1000	1000 – =/> 1500	5	3	3	2 storeys	60	1.2	3 per plot
I-1 		1000	=/>1000	6	3	3	4 storeys	50	1.0	N/A



USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
Service Industry										
PF <div></div> Public Facility	Places of Worship 4000	=/> 4 000	5	3	3	-	50	07	N/A	
	Pre- School 2 000	=/> 2 000	3	2	2	-	-	-	N/A	
	Primary N/A	N/A	5	3	3	-	-	-	N/A	

USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
		High N/A	N/A	5	3	3	-	-	-	N/A
US  Utility Service		500	N/A	3	2	2	-	-	-	N/A
AR  Agricultural Residential		10 000	N/A	7	5	5	2 Storeys	N/A	N/A	N/A



USE (1)	ZONE	MINIMUM LOT SIZE (M²)	PLOT AREA (M²)	DENSITY CONTROLS						
				BUILDING LINE IN METERS			HEIGHT	COVER AGE	FLOOR AREA RATIO	UNITS/PLO T/HECTARE
				Front Setback s	Rear setbacks	side setback s	Max. Meters (m) Storeys	Percent age (Max. %)	Max. Ratio	(Max)
OS - 1  Active Open Space		500	=/> 500	10	10	10	1 Storey	10	0.1	N/A
OS – 2  Regulatd Open Space		N/A	N/A	-	-	-	-	-	-	N/A

* Please note that no further subdivisions shall be permitted on any R-3U zone due to the minimum plot size.

Note: All provisions relating to density controls for plots that fall below the minimum plot sizes will be subject to their description in the previous scheme where they are covered (Ezulwini Town Planning Scheme 2018).

62. UNIT DENSITY FORMULA

The following formula as associated examples are intended to guide property owners, and developers on how to calculate the number of units that are permissible on each individual plot within the Ezulwini Urban Area.

To use this formula, it is necessary that the following information is attained:

- (1) Determination of the zone the property of interest is classified under as per the latest Zoning Map;
- (2) Determination of the unit density within the zone;
- (3) Determination of the plot size of the property.

$$x = \frac{yz}{1Ha}$$

$$\text{Permissible units per plot} = \frac{(\text{unit density}) \times (\text{plot size})}{10\,000m^2}$$

Where:

x = Permissible Units Per Plot

y = Unit Density

z = Plot Size

1Ha = 10 000m²

APPLICATION OF DENSITY CONTROL EXAMPLE

R3 Density Control = 60 Units per hectare

Property Size = 3000 m²

$$X = \frac{yz}{1ha}$$

$$X = \frac{(Unit\ Density) * (Plot\ Size)}{1\ Hectare}$$

$$X = \frac{(60) * (3000)}{10\ 000}$$

$$X = \frac{180\ 000}{10\ 000}$$

$$X = \frac{18}{1}$$

Permissible Units = 18 Units

** The density control will only apply to instances where the plot size for a particular property falls outside of the prescribed perimeters outlined within the document (i.e. Schedule 2) and shall be applied at the discretion of the Town Council.