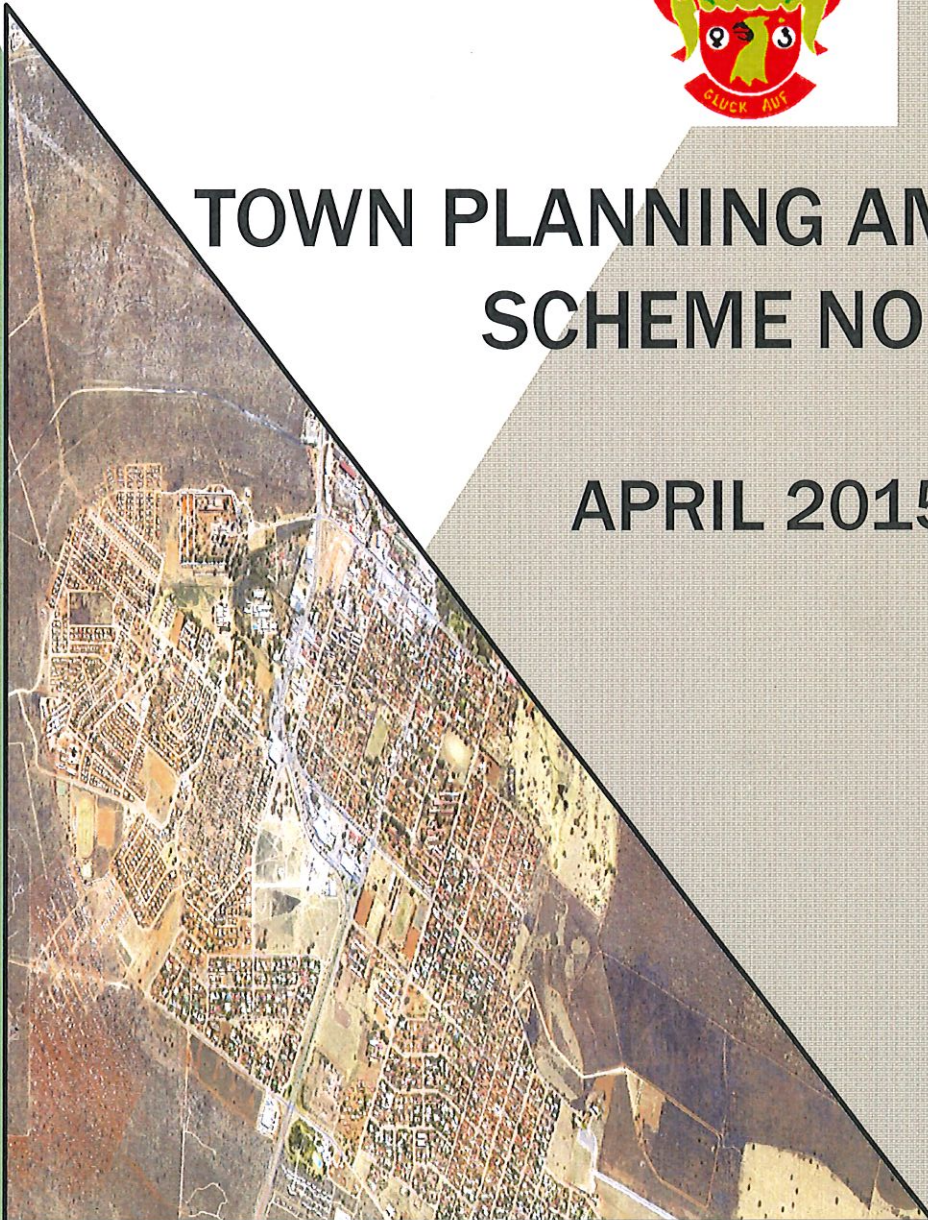


TSUMEB



TOWN PLANNING AMENDMENT SCHEME NO 12

APRIL 2015



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TSUMEB MUNICIPALITY

TOWN PLANNING AMENDMENT SCHEME NO. 12

It is hereby certified that the
as approved by the Minister of Urban and Rural Development in accordance with Section 26(1) of the Town Planning Ordinance (Ordinance 18 of 1954), read with Section 27(1) thereof is correct.


CHIEF: DIVISION PLANNING




DATE

GOVERNMENT GAZETTE

15 AUGUST 2018

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 187

2018

NOTICE OF APPROVAL OF TSUMEB TOWN PLANNING AMENDMENT SCHEME NO.12: TOWN PLANNING ORDINANCE, 1954

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No 18 of 1954), I give notice that I have under section 26(1) of that Ordinance read with section 27(1) thereof, approved the Tsumeb Town Planning Amendment Scheme No. 8 of the Tsumeb Municipality.

P. MUSHELENGE
MINISTER OF URBAN AND
RURAL DEVELOPMENT

WINDHOEK, 31 JULY 2018

PREPARED BY:

Stubenrauch
Planning Consultants 

PO Box 41404
Windhoek

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 187

2018

**NOTICE OF APPROVAL OF TSUMEB TOWN PLANNING AMENDMENT
SCHEME NO. 12: TOWN PLANNING ORDINANCE, 1954**

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that I have under subsection (1) of that section read with section 27(1) of that Ordinance, approved the Tsumeb Town Planning Amendment Scheme No. 12 of the Municipal Council of Tsumeb.

P. MUSHELENGA
MINISTER OF URBAN AND RURAL DEVELOPMENT

Windhoek, 31 July 2018

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 188

2018

**NOTICE OF APPROVAL OF WINDHOEK TOWN PLANNING AMENDMENT
SCHEME NO. 97: TOWN PLANNING ORDINANCE, 1954**

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that I have under subsection (1) of that section read with section 27(1) of that Ordinance, approved the Windhoek Town Planning Amendment Scheme No. 97 of the Municipal Council of Windhoek.

P. MUSHELENGA
MINISTER OF URBAN AND RURAL DEVELOPMENT

Windhoek, 31 July 2018

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 189

2018

**NOTICE OF APPROVAL OF OUTAPI TOWN PLANNING AMENDMENT
SCHEME NO. 5: TOWN PLANNING ORDINANCE, 1954**

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that I have under subsection (1) of that section read with section 27(1) of that Ordinance, approved the Outapi Town Planning Amendment Scheme No. 5 of the Town Council of Outapi.

P. MUSHELENGA
MINISTER OF URBAN AND RURAL DEVELOPMENT

Windhoek, 31 July 2018





Republic of Namibia

Ministry of Urban and Rural Development

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**Stubenrauch Planning Consultants cc
P O Box 11869
WINDHOEK**

Dear Mr. G. Stubenrauch

ITEM NO. 59/2018: TSUMEB: APPLICATION FOR APPROVAL OF THE TSUMEB TOWN PLANNING AMENDMENT SCHEME NO. 12

Reference is hereby made to your above-mentioned application:

Kindly be informed that the Namibia Planning Advisory Board has, during its meeting held on 31 May 2018, considered and recommended that the Tsumeb Town Planning Amendment Scheme No. 12 be approved in terms of Section 26(1) of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.

The Honorable Minister of Urban and Rural Development approved the Tsumeb Town Planning Amendment Scheme No. 12 on 1 July 2018.

Yours sincerely

T. Kamati

NAMPAB SECRETARIAT



All official correspondence must be addressed to the Permanent Secretary

TP

TSUMEB TOWN PLANNING AMENDMENT SCHEME NO.12

March 2015



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TSUMEB TOWN PLANNING AMENDMENT SCHEME NO. 12 REGULATIONS

PART 1

CLAUSE 1: INTERPRETATION OF TERMS

In terms scheme the following words and expressions have the respective meanings:

A

"ACCOMMODATION ESTABLISHMENTS" means any premises in or on which the business of providing accommodation with or without meals against payment to tourists is or is intended to be conducted within a municipal area as referred to in the definitions of 'accommodation establishment' in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

	TERM <i>(as per the Namibian Tourism Board Act, 2000 (Act 21 of 2000) and its Regulations as promulgated in the Government Gazette of 14 July 2004)</i>	NUMBER OF ROOMS
URBAN CONTEXT		
A	Backpackers hotel	At least 2 bedrooms
B	Bed and breakfast establishment	At least 2, but not more than 5 bedrooms
C	Guest house <i>(formerly referred to a Pension)</i>	At least 5 but not more than 10 bedrooms
D	Hotel pension	At least 10 but not more than 20 bedrooms
E	Hotel	At least 20 bedrooms
URBAN & TOWNLANDS CONTEXT		
F	Campsite	
G	Camping and caravan park	
H	Rest camp	At least 4 accommodation units
I	Self-catering accommodation establishment	
TOWNLANDS CONTEXT		
J	Guest farm	At least 5 bedrooms
K	Lodges	At least 5 bedrooms
L	Resorts	At least 40 bedrooms
M	Permanent tented camps and tented lodges	At least 4 accommodation units



"ADVERTISE/ADVERTISEMENT" refers to the advertisement procedure in terms of Clause 7 of this Scheme with regards to the notification and advertisement of a change of land use, rezoning and consent use.

"ADJACENT ERF OWNER" is the person registered in the Deeds registry as the owner of the land abutting on or sharing a common point of intersection with a certain property. The registered person also includes the liquidator of a company or legal representative acting with the authority conferred upon him by law.

"AGRICULTURAL BUILDING" means a building designed and/or used in connection with, and which would ordinarily be incidental to or reasonably necessary in connection with the use of the site as agricultural land and includes one main dwelling house and labourer and staff accommodation facilities, but not more than five dwelling units.

"AGRICULTURAL LAND/USE" means arable, meadow or pasture land, market gardens, poultry farms, pig farms or game farms, land used for bee keeping, nursery gardens, plantations and orchards, fish farm or similar uses, and may include one main dwelling unit and labourer and staff accommodation facilities, but not more than five dwelling units; but does not include:

- (a) land occupied as a park together with a house thereon; or
- (b) land used as a garden other than as aforesaid; or
- (c) land kept or reserved for the purpose of sports, athletics or recreation or used as a racecourse
- (d) An Agricultural Industry and feedlots, except with consent of Council.

Further provided that on agricultural land larger than 25 hectares activities such as hunting, drilling of boreholes, gathering of firewood and other activities incidental to normal agricultural practices may be permitted.

"AGRICULTURAL INDUSTRY" means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural product and includes inter alia, farm pack stores, but does not include service trade or the large scale processing of meat or any industry which is a noxious industry as defined in this Scheme.

AREA OF ERF The surveyed area of such erf, farm portion or part of the Townlands, taking into account any prescribed line and resurveyed areas, but excludes the area which:

- (a) has been encroached upon by the public by using such portion as a street or part of a street, and which in the opinion of the Council should continue to be used as a street or part of a street; or
- (b) is reserved for street purposes in terms of any other law; or
- (c) has been expropriated in terms of any law.



"AQUACULTURE" means the farming and ranching of aquatic organisms, including the development of infrastructure and facilities required for the farming and ranching of aquatic organisms for commercial purposes.

"AUTHORITY" refers to the Government of the Republic of Namibia at the given time as elected by the people of Namibia according to the Constitution of the Republic of Namibia.

B

"BACKPACKERS ACCOMMODATION" comprises a dormitory hostel or any other facility in which accommodation is provided primarily to backpackers. In the case of a facility other than a dormitory or hostel it has at least two bedrooms available for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"BASEMENT" means that portion of a building of which the finished floor level is at least two (2) metres below, and the ceiling not more than one (1) metre above, a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building.

"BED AND BREAKFAST ESTABLISHMENT" provides accommodation and meals to transient guest either within or on the premises of a private dwelling where the owner or any other person in charge of the establishment lives. It has at least two, but not more than five, bedrooms available for the accommodation of guests and provides at least breakfast to guests, either served or on a self-catering basis and meet the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended. The dominant use of the dwelling to remain single residential of nature.

"BETTERMENT FEE" Betterment is charged when changes in development potential are granted and an erf's value increases as per the Council's betterment fee policy; for example, when a residential site is granted a rezoning from "Residential" to "Business".

"BLOCK OF FLATS" means a building containing three or more dwelling units, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible, with the special consent of the Council, in a building approved for other purposes than flats.

"BOUNDARY WALL" means a wall erected directly on the inside of an erf boundary as indicated on a building plan approved by the Municipality of Tsumeb.

"BOTTLE STORE" means a shop in which mainly alcoholic beverages are sold to the retail trade for off-site consumption and includes an off-sales facility, which is under the same management as a hotel, but does not include a shebeen.

"BUILDING" means, in addition to the meaning assigned thereto in Section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992), any temporary or permanent structure or erection irrespective of its size or appearance, but does not include a caravan, mobile

home, or any other structure which, in the opinion of the Council may be injurious with respect to the general amenity and appearance of the neighbourhood or which may be of such nature that it may be of health or personal risk.

"BUILDING LINE" refers to an imaginary line on a piece of land, as prescribed by this scheme usually parallel to and at a specified distance from an Erf boundary, and between which boundary and the building line no buildings may be erected without the consent of the adjacent erf owner and Council.

"BUILDING YARD" means any land, together with ancillary and subordinate buildings on the same land, used for the storage of building materials or other similar used goods or preparation for resale of any used material.

"BULK FACTOR" is the ratio obtained when the total floor area of a building/s is divided by the total area of the site on which the building/s is/are erected.

"BUSINESS BUILDING" means a building used for business purposes and includes a shop, an office, an office, banks, restaurants, pet shop, professional practice and any other building designed for similar use, but does not include a place of assembly, a place of amusement, an institution, service station, industrial use, noxious industry and animal market.

"BUSINESS USE" means the use of land or buildings for retail buying or selling of commodities, merchandise, articles, or goods offered or kept for sale at retail or on a rental basis, and includes the storage of limited quantities of merchandise or goods on the premises, sufficient only to service the shop or shopping centre, inclusive of office use, but does not include any wholesale business or business supply use or the manufacturing or packaging of goods or produce.

"BUILDING RESTRICTED AREA": An area wherein no building, except that permitted by the scheme, may be erected.

C

"CAMPING SITE" means a property or part of property which is utilised for the erection of tents or the parking of caravans and includes ablution, cooking, barbecue and other facilities, which together with the amenity of the site, serve as features of attraction and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000).

"CAMPING AND CARAVAN PARK" comprises an area of land containing pitches for the parking of caravans, either those of guest or on-site caravans provided by the establishment for hire by guests, or containing pitches as well as camping site for the erection of tents, awnings or other temporary structures for guest camping without a caravan and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended and can include a kiosk.

"CAR WASH" means a place where vehicles are washed and cleaned and may include a

permanent or temporary structure erected to the satisfaction of Council. The Council may impose conditions to the use, e.g. the drainage of water.

"CEMETERY" refers to land, which is intended to be permanently set aside for and used for the purposes of the burial of human or animal remains and may include a crematorium

"COMPETENT AUTHORITY" means the Ministry of Regional and Local Government, Housing and Rural Development

"CONSENT USE" means the purposes as specified in Table B shown under columns 4, for which land may be used in addition to the primary rights with the consent of the Council, subject to the provision of Clause 7 thereof. Should a building be constructed, the building design should be in line with the Primary Use of the specific property. .

"CONSERVATION AREA" means an area of natural beauty, importance or sensitivity that in the opinion of the Council or Minister needs to be preserved.

"CONSTRUCTION" in respect of a building, boundary walls and fences means:

- a) The construction of a new building, boundary wall or fence;
- b) the alteration, subdivision, transformation or addition to a building, and
- c) the reconstruction or reparation of a building which has totally or partially been destroyed or demolished and construct has a corresponding meaning.

"CONVENTION CENTRE" means a large building or group of buildings designed for conventions, exhibitions, industrial shows and similar activities and can include conference rooms and a restaurant.

"COUNCIL" means the Municipal Council of Tsumeb.

"COVERAGE" means the total percentage of the erf covered by:

- a) a veranda, terrace, stairs of similar structure; and
- b) buildings measured over the outside wall and covered by a roof or projection, provided that the area covered by maximum eaves projection of the one (1) metre shall be excluded for the purpose of determining the maximum permissible coverage.

"CRÈCHE" means a building or land, excluding a hostel, which is maintained and used, whether for profit or not, for the admittance, protection and temporary or partial care of 15 or more children away from their parents, provided that the services are primarily day-care and educational and not medical and further provided that such a building is subject to registration in terms of the Child Care Act 74 (1983), as amended.

D

"DATE OF PROCLAMATION" means the date on which the Minister in terms of Section 26(2) of Ordinance 18 of 1954 (as amended) published the proclamation of **this** Scheme in the Government Gazette.

"DAY CARE CENTRE" means a building or land, excluding a hostel, which is maintained and used, whether for profit or not, for the admittance, protection and temporary or partial care of 15 or less children away from their parents, provided that such services are primarily day-care and educational and not medical, and further provided a building is subject to registration in terms of the Child Care Act 74 (1983), as amended.

"DENSITY ZONE" refers Table E and the Density Map included in this scheme restricting erven in terms of the minimum erf size permitted or number of dwelling units that may be erected on the erf, provided that on an erf zoned "Residential" or Informal Residential", the erection of more than one dwelling unit may only be erected with consent of the Council and subject to adherence of Clause 7 of the scheme.

"DEVELOPMENT PLAN" A plan drawn to a scale of 1:500 or such other scale as may be approved by the Local Authority and which reflects at least the following:

- (a) the positioning, height and coverage of all buildings;
- (b) open spaces, children's playgrounds, (if included in the proposed development) as well as a site embellishment and landscaping;
- (c) entrances and exits from the property and any proposed subdivision thereof;
- (d) subdivision lines if the property is to be subdivided;
- (e) accesses to buildings and parking areas;
- (f) building restriction area (if any), e.g. building lines;
- (g) parking areas and, where required by the Local Authority, motor and pedestrian traffic system;
- (h) aesthetic treatment of all elevations;
- (i) any other aspect which is considered necessary by the local authority in any particular situation; such as sewage plans, water and electricity reticulation.
- (j) 1:100 year flood line if applicable.

"DRIVE-IN CAFÉ" means any building or land used for a café or restaurant from which food and refreshments are served to patrons who remain seated in motor vehicles parked in the vicinity of such café or restaurant.

"DRIVING SCHOOL" means a registered business enterprise where learners are trained and equipped with the skills required to obtain a license permitting a person to drive a motorcycle or motor vehicle.

"DUPLEX FLATS" A suite of rooms forming a complete dwelling unit situated on two floors, having an internal staircase giving access to each upper floor, designed in a group of two or more such units, each having direct access to its own adjoining garden at ground level, with a vertical dividing line between dwelling units with a maximum height of two storeys.

"DWELLING UNIT" means a dwelling consisting of one primary unit with or without an outbuilding or an entertainment area, where **the primary unit consists of mutually adjacent interleading rooms with not more than one kitchen and with at least a bathroom**

with toilet facilities and where the primary unit is designed for occupation by a single household, and may, subject to the provisions of this scheme or any law or regulation, be with or without a supplementary dwelling unit. Not more than one building together with such outbuildings as are ordinarily used in connection therewith, shall be erected on any erf zoned "Residential" without Council approval and further provided that the density zoning as referred to in **Table E** be adhered to, the Council may with approval allow the erection of more than one dwelling unit per residential erf.

Further provided that in this context:

An "Outbuilding" means, rooms with a floor area not exceeding 120m² being separated or detached from the main building (or primary unit) and designed or destined to be used for one or more of the following purposes:

- (a) parking place (a maximum of four independent covered parking places to 80m² maximum);
- (b) servant's room (maximum 20m²);
- (c) a servant's bathroom;
- (d) a store for use in reasonable connection with the dwelling (limited to a maximum floor area of 25m²)

Such outbuilding being owned together with the said primary unit as a single indivisible property unit and which shall for the purpose of the scheme be considered an integral part of the dwelling unit with which it is owned.

An "Entertainment area" means a covered or roofed area which may be adjacent to the main building but without an internal connection (door) or physically detached from the main building with a total floor area not exceeding 60m² and designed or destined to be used for entertainment purposes only, and may include one toilet.

A "Supplementary Dwelling Unit" means a dwelling, designed for occupation by a single household, which shall not exceed half of the floor area of the main building (primary unit) or 100m², whichever is the lesser, which is auxiliary to the said primary unit and is owned therewith as a single indivisible property unit by one and the same owner and which shall, for the purpose of the scheme, be considered an integral part of the dwelling unit with which it is owned.

E

"ENGINEERING REPORT" as compiled by a professional and registered Namibian structural engineer on infrastructure for the provision of water, electricity, sewerage, stormwater disposal, streets, roads and pedestrian walkways, floodlines and buildings structures where required, or any other engineering issues as may be required by Council, further provided that such report certifies that the foundations and structure to be erected are suitable and sound and that the natural storm water run-off is not obstructed in any way which may be detrimental to the surrounding properties.

"ENDOWMENT" An endowment is charged to distribute in a fair manner, costs for the future provision of communal and bulk services over the various properties that stand to gain the benefit as per Section 19(5) of the Township and Division of Land Ordinance (Ordinance 11 of 1963) as amended. An endowment can be in the form of land, money or structures. Endowments can be charged for any public service, but are usually important for things such as roads, parks, institutional sites (schools, cemeteries, etc.), government offices, and service corridors.

"ENVIRONMENTAL IMPACT ASSESSMENT" means the process of identifying, predicting and evaluating the effects of proposed activities on the environment (natural and built), as determined by the Environmental Management Act (Act 7 of 2007) and can include:

- Information about the risks and consequences of the activity;
- Possible alternatives;
- Mitigation steps which can be taken to minimise the impact of the activity

"ERECTION" in relation to a building, boundary walls and fences includes:

- a) the erection of any new building, boundary wall or fence;
- b) the alteration, subdivision or conversion of, or addition to a building; and
- c) the re-erection or repair of a building which has been completely or partially destroyed or demolished, and "erect", has a corresponding meaning.

"ERF" Every piece of land in an approved township capable of being registered in the Deeds Registry and may include a servitude or lease right.

"EXISTING BUILDING" refers to a building erected before the material-date and also a building:

- a) erected in accordance with a contract concluded before the said date, or
- b) the erection of which was commenced before but completed after the said date in accordance with an approved plan, or
- c) erected, in accordance with any consent granted by the Council before the material date.

"EXISTING USE" In relation to any building or land, a continuous use of that building or land for any lawful purpose for which it was being used at the material date or, in the case of a new building erected before such date, and which was not being used at that date, a continuous use of such building for any purpose for which it was designed, or, where after the material date the Council has authorised the use of a building or land for any purpose, a continuous use of that building or land for the purpose authorised: Provided that the interruption of such existing use of a building or land for a period of eighteen consecutive months, after the material date shall be deemed a cessation of the continuous use.

F

"FARM STALL" means a building or structure, which does not exceed 80/100 m² in floor

space, including storage facilities, where a farmer sells products produced and processed on his property. If such farm stall is situated on a proclaimed road approval from Roads Authority is to be obtained.

"FLOOR AREA" means the total of all the floors and basements of all the buildings erected on an erf, measured across the external walls, provided that:

- a) any floor area, which included the basement floor area, used by the residents of the residential accommodation for purposes of parking shall be excluded for the purposes of determining the maximum or minimum floor area of the building, and
- b) the area of all balconies, veranda or staircases above the ground floor, when covered by a roof, slab or any other covering shall be included: Provided that where such balconies or veranda are provided for the benefit of, and which are freely accessible to the public and the occupants of the building, the area shall be excluded.

"FLOOR AREA RATIO" The ratio obtained when the floor area of a building/s is divided by the total area of the site on which the building/s is/are erected.

"FUNERAL PARLOUR AND CHAPEL" means a building designed for the reception of human corpses prior to burial or cremation and may include a chapel, but excludes a workshop for the manufacture of coffins and fittings.

G

"GAMBLING HOUSE" refers to a building or room which is exclusively used for entertainment and gambling purposes and which is registered in terms of the Gambling Act, Act 12 of 1995, as proclaimed in Government Gazette issue No. 1118; and includes a casino or a gambling house.

"GARAGE" means a building which is exclusively used for the storage of motor vehicles, and where no business, trade or service, whether for payment or not, is conducted, and excludes a supplementary dwelling unit.

"GENERAL INDUSTRIAL" means the building or land used where any person or persons perform work in connection with:

- a) The large scale manufacturing of any article or part of any article;
- b) The altering, repairing, renovating, testing, ornamenting, painting, polishing, finishing, cleaning dyeing, washing, or breaking up of any article;
- c) The sorting, assembling or packing(including washing or filling bottles or other containers) of articles;
- d) The construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
- e) The production and storage of gas in holder of more than five hundred cubic metre storage capacity.



"GOVERNMENT PURPOSE" means the exclusive use of any land or building within an area designated as such, for the functions and duties of the Government of the Republic of Namibia, but excludes the renting or use of such land or building, or part thereof, for commercial or non-government functions and includes uses such as military training centres; police stations; correctional institutions/jails; road camps, etc. Further provided that it will not be in conflict with the general purpose of the Town Planning Scheme and that building plans for any future development on such land will be submitted to Council, except in a case, where the confidentiality of the plans are protected by laws outside the jurisdiction of Council.

"GROUND FLOOR" means the lowest floor of a building not being a basement.

"GROUP HOUSE" means a dwelling unit which forms part of a group housing development.

"GROUP HOUSING" means a group of separate and/or linked dwelling units, planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way, of which every dwelling unit has a ground floor. Group housing includes terms like row house, town house, semi-detached house and retirement village.

"GUEST HOUSE" provides accommodation and at least breakfast facilities to guests. It comprises of at least five bedrooms, but not more than 10 bedrooms for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"GUEST FARM" means an establishment located on a farm or other rural area and within a natural environment where the owner or other person in control lives and comprises of at least 5 bedrooms for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

H

"HEIGHT" means the height of a building measured from the natural ground level of the erf or from above the basement floor level to the highest part of the roof.

"HERITAGE CONSENT" means the entering into of an agreement between the Council and the owner of a "heritage building" or "heritage use", in terms of which agreement the owner undertakes to preserve the building or certain specified features of the building, or the land, to the satisfaction of Council as *quid pro quo* for the granting of permission by Council to use such building or land for a "business building", provided that Council shall not enter into such agreement where it is expected that the use will have a detrimental effect on the neighbourhood.

"HERITAGE USE/BUILDING" means any building included in Table D, or land, which in the opinion of the Council should be preserved and protected in part or in whole, because of its contribution towards the heritage of Namibia and Heritage building has a corresponding meaning.

"HOLIDAY ACCOMMODATION/HOUSING" means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a caravan park, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and shall only be marketed by means of short term rental or time sharing, and may include a refreshment kiosk, but does not include a hotel or motel.

"HOME BASED BUSINESS" means a shop, practised from a dwelling unit (which is still primarily being used as a dwelling unit) by one or more occupants of the dwelling unit concerned or outbuilding, with consent of Council, within normal trading hours, of which the floor area is not more than 30m² but excludes a shebeen or gambling house; further provided that and where the visual signs of trading, including advertisement signs are kept at a minimum to the satisfaction of the Council.

"HOSPITALITY" refers to the zoning in which a hotel, holiday accommodation, tourist facilities and accommodation establishments, as defined in this scheme is permitted in the scheme area.

"HOTEL PENSION" A building designed and/or used as an accommodation establishment comprising at least 10, but not more than 20 bedrooms for accommodation of guests and complying with the requirements of the Advisory Board, as constituted by the Namibian Tourism Board Act, 2000 (Act 21 of 2000).

"HOTEL" means a building designed and/or used for the business of providing accommodation and meals for reward to transient guests and which complies with the provisions of the Namibian Tourism Board Act, 2000 (Act 21 of 2000) as amended and licensed under the Liquor Act, 1998 (Act No. 6 of 1998), as amended, but excludes any off-sales departments. Further provided that any establishment which is conducted as a hotel in respect of which an on-consumption liquor license for accommodation establishment is not held and which has existed before 2 December 1968 shall have at least 5 bedrooms.

I

"GENERAL INDUSTRY" means a building or land used where any person/s perform/s work in connection with:

- a) the large scale manufacturing of any article or part of any article;
- b) the altering, repairing, renovating, testing, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
- c) the sorting, assembling or packing (including washing or filling bottles or other containers) of articles;
- d) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof;
- e) the production and storage of gas in a holder of more than five hundred cubic metre storage capacity; or any other industrial use (noxious industries excluded) not included in the definition of a light industrial use: Provided that the provision of a dwelling unit and the sale of goods manufactured and produced on site or which are related to the

main use may be permitted with the consent of the Council, and Industrial building has a corresponding meaning.

Further provided that the provision of a caretaker unit/flat not exceeding 80m² and the sale of goods manufactured and produced on site or which are related to the main use may be permitted with Council approval.

"INFORMAL DWELLING UNIT" means a structure made from informal materials located within the "Informal Residential" zone, built from whatever materials such as wood, grass, corrugated iron etc, which does not comply with the standards for durability as prescribed by the Municipal Building Regulations, but which could be provided with water, sewerage and electricity services and which is designed for the accommodation of one or more families and may include traditional dwelling houses and group saving housing schemes, e.g. Shack Dwellers Federation.

"INFORMAL RESIDENTIAL" means any land located within the jurisdiction of the local authority, where a special dwelling units or temporary or permanent buildings are erected and occupied by more than one family and where no formal title has been obtained, but excludes any other use zone defined under Column 1 of Table B, inclusive of "Undetermined" and "Agricultural" land, further subject to conditions laid down by the Local Authority.

"INSTITUTIONAL BUILDING" means a building or portion of a building or land used or intended to be used as an old age home, crèche, day care centre, public or private school or hostel, community hall, religious or charitable institution and/or the administration thereof, and includes a HIV/AIDS centre, hospital, clinic or dispensary, whether private or public, used in connection therewith, but excludes:

- a) sanatorium or clinic for the treatment of infectious or contagious diseases, or
- b) premises for the detention of mentally disordered persons, or a mental hospital;
- c) a reform or rehabilitation centre.

Further provided that the provision of a dwelling unit may be permitted with Council approval.

K

"KIOSK" means a building or part of a building or a temporary structure, approved by Council, which will not exceed 100m² in floor space, including storage, and which can be located within a holiday accommodation, tourist facility, camping and caravan park or truck port development, where prepared meals or foodstuffs are sold to the public.

L

"LAND" also means land covered by water and any right in or on the land. Any reference to land is restricted to land within the area of jurisdiction of this Town Planning Scheme.

"LAND UNIT" means a portion of land registered or capable of being registered in a deeds registry and may include a servitude right or lease.

TP

"LIGHT INDUSTRIAL" means the use of land or a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, cartage and transport services and laboratories and may also include offices such as are usually ancillary to or reasonable necessary in connection with the main use. **Further provided that the** provision of a dwelling unit not exceeding 80m² and the sale of goods manufactured and produced on site or which are related to the main use may be permitted with the consent of the Council.

"LOCAL AUTHORITY" means the Municipal Council of Tsumeb and includes the Management Committee of that Council, or any official who is in the service of the Council and acting by virtue of any authority conferred on the Council in connection with this Town Planning Scheme and which was delegated to him in terms of the Local Authorities Act, (Act 23 of 1992) as amended, and any applicable regulations promulgated after that and the Council has a corresponding meaning.

"LOCAL AUTHORITY PURPOSES/USE" refer to those purposes that the Local Authority can and should give effect to in terms of Local Authorities Act, 1992 (Act 23 of 1992), as amended, or any other legislation, which empowers the Local Authority to act includes structures and land required to provide municipal services or the provision of market or SME structures, sewerage works, waste sites, substations, fire services etc.

LOCAL BUSINESS" means the use of land or building primarily for small scale retail buying or selling of goods, groceries, everyday items and may include offices or dwelling units but shall not include the office of a veterinarian, the manufacturing, repairing or assembly of goods, funeral parlours or any place of entertainment or a gambling house.

"LODGE" means an establishment other than tented lodges which is located in a rural area or other area within a natural environment where recreation facilities are offered and comprise of at least 5 bedrooms for accommodation of guests and has a dining room or restaurant for the serving of meals to guest and must comply with the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

M

"MAIN BUILDING" means the building erected on the site for the specific purpose for which the erf has been zoned on the map.

"MAP" means a scheme map as mentioned in Regulation 4 of the Town Planning Regulations, 1974, as amended by any approved amendment scheme.

"MATERIAL DATE" refers to the date on which the scheme comes into force, being the date of approval of the scheme by the Minister in terms of Clause 16 of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.

MAXIMUM FLOOR AREA RATIO" See Bulk Factor

TP

"METRE" is the standard international metre.

"MINIMUM BUILDING VALUE" unless otherwise so stated by Council the minimum building value will be in line with Clause 26 of this scheme.

"MINIMUM ERF SIZE" refers to an area indicated on the Density Map designating a portion of land for the purpose of indicating the restrictions imposed by this scheme on the erection of residential buildings and the use of land in terms of restrictions relating to density as per Table E. The minimum erf sizes for other land uses are regulated by the Control Measures under Part IV of this scheme.

"MINING" means an enterprise, which practices the extraction of raw materials, whether by means of surface, or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals, semi or precious stones as defined by The Minerals (Prospecting and Mining) Act, 1992 (Act.33 of 1992) as amended.

"MINISTER" means the Minister of the Ministry of Regional and Local Government Housing and Rural Development

"MOTOR VEHICLE" means any vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle, motor boat, a trailer or caravan but does not include a vehicle moving exclusively on rails.

"MUSEUM" refers to a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited for the general public.

N

"NATURAL GROUND LEVEL" means a level halfway between the highest and lowest point of the natural land unit.

"NATURE RESERVE" means a national park, or some other nature park or conservancy which consists of an area utilised as a game park or reserve for fauna and flora in their natural habitat and can include holiday accommodation/housing and a tourist facility with the consent of the Council further provided that the minimum property size of a Nature Reserve shall be 1 hectare.

"NOXIOUS INDUSTRY" means a building designed and/or used for the purpose of carrying on any noxious or offensive trade or occupation and, without prejudice to the generality of the foregoing, includes the following: Chemical works, paint works, breweries and distilleries, sugar mills and sugar refineries, manure, superphosphate- or fertiliser works; or premises used for the storing or mixing of manure, superphosphate or fertilisers, or the premises for the storing, drying, preserving or other treatment of bones, horns or hoofs, premises used for the storing, sorting or treatment of hides and skins, other than in a dry and inoffensive condition, abattoirs, glue or size factories, entrails scraping and tripe boiling works; soap or candle works, fat dripping works and any other similar works where meat, bones, blood, offal or other animal organic matter is handled, wool scouring or wool

washing works, rock lobster or fish processing works, fish pickling or rock lobster and fish canning trades, whaling stations, premises or trades used for the storing or handling and processing of material originating from fish, whales and seals, paper-mills or paper factories, charcoal manufacturing plants, wattle bark grinding or extract factories, destructors, depositing sites or other sites for the disposal processing of domestic refuse, trade refuse, street refuse, sewage or night-soil, lead melting works, oil refineries and other trades in connection with the processing of by-products or petroleum refining, paint and varnish works, quarries, asbestos cement-, bricks- and lime-works, metallurgical works, reduction and reprocessing works or any other works or trade which the Competent Authority may declare as such by notice in the Government Gazette: Provided that upon production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process to be used in the conduct of any of the said industries or factories listed above will eliminate nuisance or danger to health in neighbouring premises arising from:

- a) vapour or effluvia;
- b) liquid waste matters discharging from the premises, and if land treatment of such matters is proposed, the nature, slope and area of the land and its position in relation to buildings used for human habitation, streams or water courses;
- c) solid waste matters;

Provided that any activity as listed by the Environmental Management Act (Act 7 of 2007) and its regulations should first obtain environmental clearance from the Ministry of Environment and Tourism before the activity may commence. **Further provided that** the Council may consent to the erection and use of buildings for such industries in accordance with Table B, Zone K and L in the defined industrial zone.

"NURSERY" means a property or part of a property that is utilised for the sale of plants and gardening products and propagation, breeding and early cultivation of plants.

O

"OCCUPANT" In relation to any building, structure or land, means and includes: any person occupying such building, structure or land legally entitled to occupy it, and includes any person having the charge or management thereof, or the agent of any person absent from the area or whose whereabouts are unknown.

"OFFICE" means a room or set of rooms or a building, used for the performance of an administrative function/work and planning and may include a place for related subordinate draughting work, clerical or professional practice and may include for example, the post office, magistrate's office, a bank, a building society and insurance society, medical consulting rooms and dentistry.

"OLD AGE HOME" means group housing in a residential complex catering for the welfare and housing of the elderly and includes the health care and recreational facilities normally associated with caring for the elderly and can include a frail care centre.

"ORDINANCE" means the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) with any amendments thereof and including the regulations framed thereunder.

"OUTBUILDING" see definition of dwelling unit.

"OWNER" means the person registered in the Deeds Registry as the owner of the land and includes the liquidator of a company, closed corporation (cc), partnership, other collection of persons (i.e. Sectional Title) or a legal representative acting with the authority conferred upon him by law.

P

"PANEL BEATING" See "Noxious Industry".

"PARASTATAL ORGANISATION" mean any organisation instituted by law of the government, the purpose of which is to provide a service to the public, and can include transport and communication services, electricity and water supply authorities and other similar parastatal organisations, who will furthermore be obliged to submit building plans to the Council, for any new development or extensions to these services.

"PARKING GARAGE OR PARKING BAY" means a building or any land designed or adapted to be used for the purpose of parking, but does not include a building, any part of which is designed or adapted for use as a workshop for the repair of motor vehicles or the selling of petrol, oil and accessories.

"PERMANENT TENTED CAMPS AND TENTED LODGES" means an accommodation establishment which is located in a rural area or other area within a natural environment. It provides accommodation in permanent tents or other structures with walls of canvas or wood, reeds, grass or other natural material, and may include, in combination therewith, accommodation facilities in the form of camping sites or caravan pitches and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"PLACE OF ASSEMBLY" means any building or land where persons congregate for amusement for social, recreational or sporting purposes and can include:

- (a) a public hall, social hall, theatre, cinema, music hall, dance hall, exhibition hall;
- (b) a sports ground or amusement park, sports arena or similar amenities open to the public;
- (c) a billiard saloon or skating rink;
- (d) a non-residential club; and
- (e) any other place of assembly (including a funeral parlour) whether use for purposes of gain or not, which does not fall within the scope of the definitions of place of worship, place of instruction, or institutional building.

"PLACE OF AMUSEMENT" means any building or land where persons congregate for amusement or for social, recreational or sporting purposes and where an admission fee is generally levied and includes a night club and restaurant where entertainment is provided.

"PLACE OF ENTERTAINMENT" means any building or land where persons congregate for amusement or for social, recreational purpose and where an admission fee is generally levied and includes a night-club, restaurant where entertainment is provided, a theatre, a cinema, a dance hall, an amusement park, a sports centre, a billiard room, a skating rink or similar place, but excludes a casino and a gambling house.

"PLACE OF INSTRUCTION" means a , crèche, school, day care centre, collage, technical institute, university, academic lecture hall, research centre, a monastery, convent, public library, art gallery, museum and gymnasium, or any other building which is utilised for instruction purposes, and includes a hostel appertaining thereto, but does not include a building used or intended to be used wholly or principally as a certified reformatory, industrial school, , or a school for mentally handicapped children.

"PLACE OF WORSHIP" means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours together with any chapel forming part thereof.

"PRIMARY USE" Means the purpose for which land may be used and buildings may be erected or used for as shown in column 3 (Primary Use) of Table B.

"PRIVATE OPEN SPACE" means any land reserved in terms of this Scheme for use as private ground for the pursuit of sport, games, rest and recreation or as an ornamental garden or recreational resort to which the general public has no right of access and can include a refreshment kiosk.

"PROFESSIONAL PRACTICE" means a use that is normally and reasonably associated with professional people such as doctors, dentists, architects, engineers and town planners, where the rendering of a service from consulting rooms, as opposed to the carrying on of a business, is the most important distinguishing factor, but excludes clinics and medical centres.

"PUBLIC GARAGE/SERVICE STATION" means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, a restaurant, café or refreshment kiosk, spray painting, panel beating, black smithery or body work and includes a Service station, but excludes a shop.

"PUBLIC OPEN SPACE" means any land used or reserved in this Scheme for use by the public as an open space, park, garden, playground, recreation ground or square and may, in agreement with Council, be subject to long term lease and maintenance agreements, inclusive of access control, further provided that the use and development of public open space be subject to the provisions of the Local Authorities Act 1992 (Act 23 of 1992).

"REAR BOUNDARY" means any boundary of a site or erf (other than a street or side boundary), which does not intersect with a street boundary or does not border on an open space, provided that in the case of a panhandle erven Council shall determine which boundary is the rear boundary.

"REFRESHMENT KIOSK" means a building or part of a building or a temporary structure, approved by Council, which will not exceed 100m² in floor space, including storage, and which can be located within a holiday accommodation-, holiday housing-, or truck port development, where prepared meals or foodstuffs are sold to the public.

"REGULATIONS" means the regulations promulgated by the Minister of the Ministry of Regional and Local Government, Housing and Rural Development in terms of Section 49 of the Town Planning Ordinance (18 of 1954), as amended.

"RESIDENT OCCUPATION" means the practising of an occupation, a professional practice, or trade from a residential premise, with consent of Council and with regards to specifications of Clause 6.7 of this Scheme by a person in his/her home of which the dominant use shall remain residential of nature.

"RESIDENTIAL BUILDING" means a building (other than a dwelling unit, block of flats or hotel) used for human habitation, together with such outbuildings as are ordinarily used in connection therewith and includes tenements, residential clubs, and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "Place of Instruction" and "Institutional Building".

"RESIDENTIAL ESTATE" means lands under private ownership managed by a home owners association and includes a Nature Estate, Wildlife Estate, Equestrian Estate, Golf Estate and Retirement Village, with a density restriction for each estate as also prescribed under Table E and can, with consent of Council include a Resort. Further provided that:

- (a) **Nature Estate** means an estate as defined above of which the primary lifestyle theme is related to the residential estate of the natural environment and may include activities based on and land uses incidental to the primary theme, with a density of 1 unit per 1 ha.
- (b) **Equestrian Estate** means a residential estate as defined above of which the primary lifestyle theme is related to the keeping and riding of horses and may include activities and land uses based on and land uses incidental to the primary theme, with a density of 1 unit per 5 ha.
- (c) **Golf Estate** means a residential estate as defined above of which the primary lifestyle theme is related to the playing of golf and may include activities and land uses incidental to the primary theme, with a density of 1 unit per 5000m².



(d) **Wildlife Estate** means a residential estate as defined above of which the primary lifestyle theme is related to wildlife and may include activities and land uses incidental to the primary theme, with a density of 1 unit per 10 ha.

(e) **Retirement Village** means a residential estate as defined above of which the primary lifestyle theme is related to the housing of the elderly and may include activities and land uses incidental to the primary theme, with a density of 1:600m² and a minimum erf size of 1:450m².

"RESTAURANT" means any building or premises on which hot or cold meals on seated accommodation are provided to the public during the course of the day or evening, or in the case of a rest camp, caravan park, accommodation establishment, are provided to guests when lodging overnight at such undertakings.

"REST CAMP" provides accommodation to guests primarily in rooms, rondavels, bungalows or other accommodation units, and may include in combination therewith, accommodation facilities in the form of camping sites or caravan pitches and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"RESORT" means an establishment that offers tourism incorporating accommodation, food and beverage services and recreational facilities, and is located in a rural area or other area within a natural environment. Such an establishment can comprise of at least three types of accommodation establishment and must meet the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"RETAIL TRADE" The sale of goods or merchandise in relative small quantities to the public and includes trade other than the "wholesale trade", as defined in this scheme.

"ROAD" See "Street".

"RURAL RESIDENCE" means a dwelling on an area of agricultural land, where a density of 1 unit per 5 ha will apply, where the owner or occupant may conduct small scale agriculture with such outbuildings and ancillary buildings as are ordinarily used for such small scale agriculture.

S

"SAFARI UNDERTAKING" means the business, enterprises and activities which provide services and facilities and cater for, attract and meet the need of international and domestic tourist as defined by the Accommodation Establishment and Tourism Ordinance, 1973 (Ordinance 20 of 1973) as amended by Government Gazette No. 2264 of 2000.

"SCHEME" means Amendment Scheme of the Town Planning Scheme adopted by the Council in terms of Section 16 of Ordinance No. 18 of 1954, and as amended from time to

time.

"SCRAP YARD" means any land, together with ancillary and subordinate buildings on the same land, used for the storage of used cars or car parts, parts of used machinery, scrap metals, used pipes or other similar used goods or for the dismantling or breaking up of vehicles or machinery or any used waste material for re-cycling.

"SELF CATERING ACCOMMODATION ESTABLISHMENT" means accommodation that is provided on a self-catering basis in an accommodation unit being a house, flat, chalet or other residential unit and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000).

"SERVICE INDUSTRY" means a building or land which, in the opinion of the Council, is used as a small-scale industry, incidental to the needs of the local community and the retail trade and which in the opinion of the Council will not interfere with the amenities of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever but excludes an abattoir, petrol service station, sewerage works. This use also provides for one dwelling unit as primary use and can include staff accommodation with the approval of the Council, further provided that it:

- (a) is primarily geared towards service to the local community and the retail trade;
- (b) have a staff of maximum fifteen (15) persons;
- (c) will not interfere with the amenities of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever;
- (d) includes, as a guideline, one of the following related trades namely dry cleaner; laundrette; upholstery; plumber; electrical reparations; tailor; medical and dental laboratory; installation of tyres, number plates, name plates, exhaust systems, tow bars and other vehicle appliances ; photographic studio for the printing and development of photos; confectioner and catering service;
- (e) excludes a service station and a business building.

"SERVICE STATION" A building or part of a building used or designed or adapted for the sale of petrol, oil and other fuels and lubricants and accessories used in connection with motor vehicles and motorcycles, and includes an office and storeroom for use in connection therewith, together with facilities for the washing and servicing of motor vehicles, motor cycles, which do not require the attention of more than one qualified mechanic or other qualified artisans, and a tea room/ restaurant/ kiosk with rest rooms for both sexes, but excludes panel beating, spray painting and bodyworks.

"SHEBEEN" means a tavern or bar operated with special consent of Council as per Clause 7, and which has been licensed in accordance with the provisions of the Liquor Act (No. 6 of 1998, as amended) on a residential property, the license holder residing on the same

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