

2.5 COMMERCIAL 1 ZONE:

2.5.1 PREDOMINANT USES:

The predominant uses shall be :-

- (a) Shops for the retail sale of food, beverages, groceries, and other daily needs of the public, pharmaceutical goods, stationery, newspapers and periodicals and for the receipt and delivery only of articles to be cleaned, laundered or dyed, including any shop as aforesaid which is incorporated in a building in which any one or more of the following types of accommodation are also situated:-
  - (i) residential accommodation:
  - (ii) professional and commercial offices:
  - (iii) workrooms (including kitchens), provided that each such workroom shall be incidental to the shop of which it forms part and shall serve that shop only.
- (b) Accessory buildings for any of the foregoing uses.

2.5.2 CONDITIONAL USES:

The Conditional uses shall be:-

- (a) Shops for the retail sale of any goods except motor vehicles and boats including any shop as aforesaid which is incorporated in a building in which any one of the following types of accommodation are also situated:-
  - (i) residential accommodation:
  - (ii) professional and commercial offices:
  - (iii) workrooms (including kitchens), provided that each such workroom shall be incidental to the shop of which it forms part and shall serve that shop only.
- (b) Service Stations and Commercial garages.
- (c) Works of public utility not deemed to be predominant uses by virtue of Section 21 (9) of the Act.

2.5.2 (contd)

- (d) Accessory buildings for any of the foregoing uses.

2.5.3. REQUIREMENTS FOR PREDOMINANT USES IN COMMERCIAL 1 ZONE:

2.5.3.1 Shops:- No shop shall have a maximum gross floor area in excess of 500 square metres (5380 square feet)

- (a) Maximum site coverage, including accessory buildings where there is no residential accommodation 60%; provided that increased site coverage may be permitted if development takes place in accordance with an approved comprehensive scheme of development providing off-street parking, access and service lanes for the whole block. Maximum site coverage where there is residential accommodation 50%: In each case additional coverage may be permitted at the discretion of Council for structures complying with 2.5.3.2 (c) of this Ordinance.
- (b) Maximum height, 7.0 metres (23 feet):
- (c) Yards - Front - 3.0 metres (9.8 feet) but, where the provision of off street parking is insufficient or footpath widening is necessary, the front yard requirement shall be up to 7.0 metres (23 feet) as specified by the Council according to the need to provide for setting-back of kerb for on-street parking or for footpath widening:
  - Side - 5.0 metres (16.4 feet), where immediately adjoining a residential zone:
  - Rear - 6.0 metres (19.7 feet):
- (d) Parking - four spaces per 100 square metres (1076 square feet) gross floor space:
- (e) Where residential accommodation is combined with commercial uses, 150 square metres (1614 square feet) of open space per household unit shall be provided adjoining the residential part of the building and for the exclusive use of the occupants of that part of the building, and parking to the extent of one space

2.5.3.1 (contd)

- (f) Residential accommodation shall comply with the requirements of Chapter 4 of N.Z.S. 1900, and amendments thereto.

2.5.3.2 Accessory buildings for predominant uses:

- (a) Maximum height, 4.0 metres (13.1 feet):
- (b) Compliance with all relevant Acts, Regulations, Ordinances and By-laws:
- (c) Additional site coverage may be permitted by Council for a carport not exceeding 2.5 metres in height to be used exclusively for the garaging of vehicles registered as private motor vehicles or goods service vehicles not being heavy vehicles.

For normal requirements and exceptions as to yards, see 4.3 of Ordinance 4.

2.6 COMMERCIAL 2 ZONE:

2.6.1 PREDOMINANT USES:

The predominant uses shall be:

- (a) Administrative, professional, commercial offices, banks and exchanges, including such offices where residential accommodation is incorporated either in the same building or elsewhere on the site:
- (b) Libraries, museums, and other public buildings:
- (c) Churches, Sunday schools, and church halls, and other places of public and private worship:
- (d) Theatres, halls and other places of public and private assembly or entertainment.
- (e) Printing and publication of newspapers:
- (f) Accessory buildings for any of the predominant uses:
- (g) Licensed hotels, licensed tourist houses, licensed restaurants and chartered clubs;
- (h) Living quarters for a caretaker or other person whose employment requires that he live on the premises:
- (i) Apartment houses and motels of two or more storeys.

2.6.2 CONDITIONAL USES:

The conditional uses shall be:

- (a) Service stations, motor vehicle showrooms, and motor vehicle sales yards:
- (b) Commercial garages for running repairs to vehicles, where the floor space for garaging and repairing does not exceed 500 square metres and where there is combined with this use on the same site one or more of the following:-

2.6.2 (contd)

- (i) a service station
  - (ii) a motor vehicle showroom
  - (iii) a motor vehicle sales yard with a permanent office building having a floor area of at least 30 square metres:
- (c) Motels not permitted as a predominant use:
- (d) Service industries
- (e) Car parks and car parking buildings:
- (f) Works of public utility not deemed to be predominant uses by virtue of Section 21 (9) of the Act.
- (g) Accessory buildings for any of the foregoing uses:

2.6.3 REQUIREMENTS FOR PREDOMINANT USES IN THE COMMERCIAL 2 ZONE:

2.6.3.1 For predominant uses (a) to (i) inclusive:

- (a) Maximum site coverage 70% (including accessory buildings): Provided that additional site coverage may be permitted at the discretion of Council for structures complying with 2.6.3.2 (c) below.
- (b) Maximum height, 15.0 metres (49.2 feet)
- (c) Recession Plane - no building shall exceed the height defined by a plane set out at 50° from the middle line of the street, or 10.0 metres (32.8 feet) from the site frontage whichever is the lesser (see Appendix C):
- (d) Yards - Front - 3.0 metres (9.8 feet) reducible to 1.5 metres (4.9 feet) for not more than  $\frac{1}{3}$  of the frontage of each site, all such front yard space to be landscaped and maintained to the satisfaction of the Council:
- Side - where adjoining a residential zone, 5.0 metres (16.4 feet) plus  $\frac{2}{3}$  of height above 9.0 metres. (29.5 feet)

2.6.3.1 (contd)

Rear - where adjoining a residential zone, 5.0 metres (16.4 feet) plus 2/3 of height above 9.0 metres (29.5 feet)

- (e) Parking - Administrative, professional and commercial Offices: - 4 spaces per 100 square metres (1,076 square feet) of non residential floor space: plus 1 space for each residential unit.
- Newspaper publication - 2 spaces per 100 square metres (1,076 square feet) of floor space.
- Libraries, museums and other public buildings - 4 spaces per 100 square metres (1,076 square feet) of floor space plus 1 space per 2 staff.
- Churches, Sunday Schools, church halls, and other places of public and private worship: - 1 space per 10 seating accommodation
- Theatres and halls and other places of public or private assembly or entertainment - 1 space per 10 seating accommodation
- Chartered Clubs, licensed hotels, licensed motels, tourist houses - 10 spaces per 100 square metres (1,076 square feet) of bar space.
- Licensed Restaurants either separately or incorporated in a Licensed Motel or Tourist House - 1 space per 4 table patrons
- Caretakers accommodation - 1 space per household unit
- Apartment houses and motels - 1 space per unit for first 4 units plus 1.5 spaces per unit for every additional unit over 4.

2.6.3.1 (contd)

- (f) Residential accommodation shall comply with the requirements of Chapter 4 of N.Z.S. 1900 and amendments thereto.

2.6.3.2 Accessory Buildings:

- (a) Maximum height 4.0 metres (13.1 feet)
- (b) Compliance with all relevant Acts, Regulations, Ordinances and By-laws.
- (c) Additional site coverage may be permitted by Council for a carport not exceeding 2.5 metres in height to be used exclusively for the garaging of vehicles registered as private motor vehicles or good service vehicles not being heavy vehicles.

For normal requirements and exceptions as to yards see 4.3 of Ordinance 4.

2.7 COMMERCIAL 3 ZONE:

2.7.1 PREDOMINANT USES:

The predominant uses shall be -

- (a) Retail shops including those with - )
  - (i) An apartment house, meeting the )  
requirements of Chapter 4 of NZSS )  
1900, above ground floor level. )
  - (ii) Workrooms incidental to the shop of )  
which it forms part. )
- (b) Administrative, professional, commercial )  
offices, banks and exchanges, including )  
such offices where an apartment house, )  
meeting the requirements of Chapter )  
4 of NZSS 1900, is incorporated either in )  
the same building or elsewhere on the site )
- (c) Libraries, museums, and other public )  
buildings )
- (d) Churches, Sunday schools, church halls and )  
other places of public and private )  
worship )
- (e) Theatres, halls and other places of public )  
and private assembly or entertainment. )
- (f) Printing and publication of newspapers )
- (g) Licensed hotels, licensed tourist houses, )  
licensed restaurants and chartered clubs )
- (h) Living quarters for a caretaker or other )  
person whose employment requires that he )  
live on the premises. )
- (i) Accessory buildings for any of the fore- )  
going uses )

Provided that where any site fronts a designated shopping street the ground floor frontage shall be devoted to retail selling space (this includes banks or similar with display window type frontage.) See Appendix M for designated Shopping Streets.



2.7.2 CONDITIONAL USES:

- The conditional uses shall be - )  
)  
(a) Service stations, motor vehicle showrooms )  
and motor vehicle sales yards )  
)  
(b) Commercial garages for running repairs to )  
vehicles, where the floor space for )  
garaging and repairing does not exceed )  
500 square metres and where there is )  
combined with this use on the same site one )  
or more of the following - )  
)  
(i) A service station )  
)  
(ii) a motor vehicle showroom )  
)  
(iii) a motor vehicle sales yard with a )  
permanent office building having a )  
floor area of at least 30 square )  
metres. )  
)  
(c) Apartment houses and motels of two or more )  
storeys )  
)  
(d) Service industries )  
)  
(e) Car parks and car parking buildings )  
)  
(f) Works of public utility not deemed to be )  
predominant uses by virtue of Section 21 )  
(9) of the Act. )  
)  
(g) Accessory building for any of the fore- )  
going uses. )

Provided that none of these uses shall be permitted on a site having frontage to a designated shopping street. See Appendix 'M' for designated Shopping Streets.

2.7.3 REQUIREMENTS FOR PREDOMINANT USES IN COMMERCIAL 3 ZONE:

2.7.3.1 For predominant uses (a) to (h) inclusive.

- (a) Maximum site coverage, including accessory building
  - sites having frontage to a designated shopping street 100% subject to provision of off-street loading space and car parking where required.
  - other sites, 80% provided that in the latter case additional site coverage may be permitted at the discretion of Council for structures complying with 2.7.3.2 (c) below.
- (b) Maximum height - 15 metres
- (c) Recession plane - no building shall exceed the height defined by a plane set out at 50 from the middle line of the street or 10 metres from the site frontage whichever is the lesser (see Appendix C).
- (d) Parking - Chartered clubs - 4 parking spaces per 100 sq. m (1076 sq ft) of floor space.  
Apartment houses - 1 space per unit for the first 4 units plus 1.5 spaces per unit for every additional unit over 4.  
Caretakers Accommodation - 1 space per household unit.
- (e) Off-street Loading - see Clauses 5.4.1 and 5.4.2 of Ordinance 5.

2.7.3.2 Accessory Buildings

- (a) Maximum height - 4.0 metres
- (b) Compliance with all relevant Acts, Regulations, Ordinances and By-Laws.
- (c) Additional site coverage may be permitted by Council for a carport not exceeding 2.5 metres in height to be used exclusively for the garaging of vehicles registered as private motor vehicles or goods service vehicles not being heavy vehicles.

2.8 INDUSTRIAL 1 ZONE:

2.8.1 PREDOMINANT USES:

The predominant uses shall be:

- (a) Service industries and any other industry, except those specified in Appendices A and B
- (b) Warehousing for the storage and distribution of goods of a light nature.
- (c) Showrooms and offices associated with any of the above uses.
- (d) Service stations, commercial garages, and motor vehicle sales yards.
- (e) Living quarters for a caretaker or other person whose employment is such that he is required to live on the premises.
- (f) Veterinary clinics and other premises for the treatment of animals.
- (g) Places of assembly, gymnasiums and recreational facilities.
- (h) Accessory buildings for any of the foregoing uses.

2.8.2 CONDITIONAL USES:

The conditional uses shall be:

- (a) Any industry specified in Appendix B hereto if the process is so modified as to preclude objectionable aspects in relation to adjoining properties.
- (b) Retail shops, including such shops with residential accommodation not exceeding one household unit per shop in the same building as the shop.
- (c) Licensed Hotels or taverns.
- (d) Accessory buildings for any of the foregoing uses.
- (e) Works of public utility not deemed to be predominant uses by virtue of Section 21 (9) of the Act.
- (f) Funeral director's premises, including funeral chapels and associated car parking.

2.8.3 REQUIREMENTS FOR PREDOMINANT USES IN INDUSTRIAL 1 ZONE:

2.8.3.1 For predominant uses (a) to (g) inclusive.

- (a) The Council shall be satisfied that the design, materials and construction of buildings, and the design and layout of all yards and open spaces about the buildings will enhance and promote the amenities of the neighbourhood, and that the use will not be a nuisance to nearby properties or the owners or occupiers thereof or be an annoyance to such owners or occupiers because of smoke, fumes, noise or other objectionable elements.
- (b) Maximum site coverage, including accessory buildings-70% - Provided that additional site coverage may be permitted at the discretion of Council, for buildings complying with 2.8.3.2 (c) below.
- (c) Maximum height 9.0 metres.
- (d) Minimum yard requirements -
  - Front - 3 metres, such yard to be landscaped and maintained to the satisfaction of the Council provided that front yards may be decreased to 1.5 metres for not more than  $\frac{1}{3}$  of the frontage of each site where the building fronting such yard is office accommodation or showroom not exceeding 4 metres in height.
  - Side - 4.5 metres where adjoining a residential zone.
  - Rear - 6 metres where adjoining a residential zone.

2.8.3.1 (contd)

- (e) Parking - (Service Stations ) - 4 spaces for 100 square metres of floor  
(motor vehicle repair garage) space
- Motor Vehicle Showrooms - 1 space for every 2 employees.
- Warehousing and storage - 1 space per 100 square metres of floor  
space, or 1 for every 2 employees,  
which-ever is the greater.
- other industrial uses - 2 spaces for 100 square metres (1076 square  
feet) of floor space, or 1 for every 2  
employees, whichever is the greater.
- place of assembly uses - 1 space per 10 person capacity
- caretaker or other person's  
living quarters - 1 space per household unit.
- (f) Where living quarters are provided for a caretaker or other person, these shall
- (i) comply with Chapter 4 of N.Z.S. 1900 and amendments thereto.
- (ii) have 150 square metres of open space provided about these quarters for the  
exclusive use of the occupants of such accommodation.

2.8.3.2 Accessory buildings for predominant uses:

- (a) Maximum height of buildings, - 4 metres
- (b) Buildings shall comply with all relevant Acts, Regulations, Ordinances and By-laws.  
For normal requirements and exceptions as to yards see 4.3 of Ordinance 4.
- (c) Additional site coverage may be permitted by Council for a carport not exceeding  
2.5 metres in height to be used exclusively for the garaging of vehicles registered  
as private motor vehicles or goods service vehicles not being heavy vehicles.

2.9 INDUSTRIAL 2 ZONE

2.9.1 PREDOMINANT USES:

The predominant uses shall be:

- (a) Any industry, except those specified in Appendices A and B
- (b) Warehousing and bulk storage (excluding petrol and oil storage).
- (c) Showrooms and offices associated with any of the above predominant uses.
- (d) Service stations, commercial garages, motor vehicle showrooms and motor vehicle sales yards.
- (e) Living quarters for a caretaker or other person whose employment is such that he is required to live on the premises.
- (f) Veterinary clinics and other premises for the treatment of animals.
- (g) Places of assembly, gymnasiums and recreational facilities.
- (h) Accessory buildings for any of the foregoing uses.

2.9.2 CONDITIONAL USES:

The conditional uses shall be:

- (a) Any industry specified in Appendix B.
- (b) Any industry specified in Appendix A if the process is so modified as to preclude every element of noxiousness or danger in relation to adjacent properties and the surrounding neighbourhood.
- (c) Licensed hotels or taverns
- (d) Intensive commercial market gardening and glasshouses, with residential accommodation used exclusively with these uses.
- (e) Accessory buildings for any of the foregoing uses.

2.9.2 (contd)

- (f) Works of public utility not deemed to be predominant uses by virtue of Section 21 (9) of the Act.

2.9.3. REQUIREMENTS FOR PREDOMINANT USES IN INDUSTRIAL 2 ZONE:

2.9.3.1 For predominant uses (a) to (g) inclusive

- (a) The Council shall be satisfied that the use will not result in or cause any noise or the emission of any smoke, fumes, or other noxious matter which would be or be likely to become a nuisance or annoyance to nearby properties or the owners or occupiers thereof.
- (b) Maximum site coverage, including accessory buildings, 80% - Provided that additional site coverage may be permitted at the discretion of Council for buildings complying with 2.9.3.2 (c) below.
- (c) Maximum height-9 metres
- (d) Minimum yard requirements -
  - Front - 3 metres, such yard to be landscaped and maintained to the satisfaction of the Council provided that front yards may be decreased to 1.5 metres for not more than  $\frac{1}{3}$  of the frontage of each site where the building fronting such yard is office accommodation or showroom not exceeding 4 metres in height.
  - Side - 4.5 metres where adjoining a residential zone.
  - Rear - 6 metres where adjoining a residential zone.
- (e) Parking - (Service Stations ) - 4 spaces for 100 square metres of (Motor vehicle repair garages) floor space
  - Motor vehicle showrooms - 1 space for every 2 employees

2.9.3.1 (contd)

- (e) Parking - Warehousing and storage - 1 space per 100 square metres of floor space, or 1 for every 2 employees, whichever is the greater.
- other industrial uses - 2 spaces for 100 square metres (1076 square feet) of floor space, or 1 for every 2 employees, whichever is the greater.
- Place of assembly uses - 1 space per 10 person capacity

Caretaker or other person's living quarters - 1 space per household unit.

- (f) Where living quarters are provided for a caretaker or other person, these shall
- (i) comply with Chapter 4 of N.Z.S. 1900
- (ii) have 150 square metres of open space provided about these quarters for the exclusive use of the occupants of such accommodation.

2.9.3.2 Accessory buildings for predominant uses:

- (a) Maximum height of buildings - 4 metres
- (b) Buildings shall comply with all relevant Acts, Regulations, Ordinances and By-laws.
- For normal requirements and exceptions as to yards, see 4.3 of Ordinance 4.
- (c) Additional site coverage may be permitted by Council for a carport not exceeding 2.5 metres in height to be used exclusively for the garaging of vehicles registered as private motor vehicles or goods service vehicles not being heavy vehicles.



2.10 RIVER PROTECTION ZONE:

2.10.1 PREDOMINANT USES:

- (a) River protection works and river control works.
- (b) Parks, playgrounds and recreation grounds, but excluding buildings on these.
- (c) The cropping of land the grazing of stock.

The above uses shall be subject to compliance with the Bylaws of the Marlborough Catchment Board.

2.10.2 CONDITIONAL USES:

The conditional uses shall be:

- (a) Any use permitted in zones adjoining the River Protection Zone, subject to:-
  - (i) Approval of Marlborough Catchment Board, including any conditions relevant to river protection and river control which the Board may impose: and
  - (ii) Compliance with the Bylaws of the Board.

ORDINANCE 3 - SUBDIVISION OF LAND3.1 GENERAL:3.1.1 PRELIMINARY REQUIREMENTS:

Notwithstanding that a scheme of subdivision may comply with the requirements of the district scheme in respect of frontage and area, the Council shall not approve the scheme of subdivision if the site is not suitable or if the use proposed or the arrangement of sites or shape of any proposed site is not in conformity with the principles of town and country planning: provided that in determining whether a site is suitable, regard shall be had to the best use of the land and its economic servicing and development, to earthquake fault lines, and to liability to flooding, erosion and landslip, to stability of foundations, and to safety, health and amenities:

3.1.2 CONDITIONS OF APPROVAL:

The Council may approve in principle a scheme plan of subdivision subject to any conditions contained in the Code or any Act, Regulation or By-law with respect to levels, drainage, easements, services, dedication, amalgamations of titles, reserves, or any other conditions or restrictions. The principal plan for deposit may be approved by Council under Seal subject to such plan being received in the offices of the Blenheim Borough Council within 2 years from the date on which Council's approval in principle has been given to the scheme plan.

3.1.3 APPLICATIONS FOR APPROVAL:

Refer 1.4.2 of Ordinance 1 for applications for Approval.

3.1.4 PUBLIC UTILITIES:

The Council may after consultation with the authorities wishing to subdivide adopt standards of subdivision for public utilities other than those required for predominant uses in any zone, subject to the provisions of 2.1.8 of Ordinance 2.

3.1.5 BOUNDARY ADJUSTMENTS:

In any zone the requirements of this Ordinance 3 shall not apply to a subdivision if the Council is satisfied that the subdivision is intended solely for the adjustment of

3.1.5 (contd)

boundaries which will leave each of the adjusted allotments of substantially the same area as before.

3.1.6 PAYMENT OF CASH CONTRIBUTION IN LIEU OF PROVISION OF RECREATION RESERVE:

- (a) Where in the opinion of the Council it is undesirable or unnecessary to require the owner to make provision for the making of reserves for public recreation or enjoyment -
  - (i) the Council may in lieu thereof make it a condition of approval that the owner shall pay a sum of money to the Council within such time as it may specify; or
  - (ii) the Council and the owner may agree that instead of making such a payment the owner shall set aside from the land in the subdivision an area of land to be vested in the Corporation equal to the area that would otherwise be required to be set aside as reserves for public recreation or enjoyment.
- (b) Where in the opinion of the Council it is undesirable or unnecessary to require the owner to make provision for the making of reserves for public recreation or enjoyment to the full extent of the Council's usual requirements, the Council may in lieu thereof make it a condition of approval that the owner shall pay a sum of money to the Council within such time as it may specify in addition to setting aside a smaller area of land for reserves for public recreation or enjoyment.

3.1.7 PROVISION OF UNDERGROUND ELECTRIC POWER AND TELEPHONE RETICULATION:

Except where in any particular subdivision it would be unreasonable for this provision to apply, it shall be a condition of approval to any subdivision of land involving the construction of a new street or service land, that the subdivider shall provide underground electric power and telephone reticulation therein.

3.1.8 COPY OF PLAN OF SUBDIVISION:

A copy of every deposited plan shall be supplied to the Council, for its records, within one month of the plan being deposited.

3.1.9 AREA AND FRONTAGE REQUIREMENTS:

Subject to the other provisions of the Code, every subdivision of land shall be so designed as to provide sites that meet the Code requirements for predominant and conditional uses, and for the bulk and location of buildings, being requirements that apply in the relevant zone.

3.2 RESIDENTIAL ZONES:3.2.1 STANDARDS:

SECTION:	ZONE	STANDARD:	AREA:		DIMENSIONS:			
			MINIMUM:	AVERAGE:	MINIMUM FRONTAGE:	AVERAGE FRONTAGE:	MINIMUM DEPTH:	
Front	R1	Normal	650 sq m	N.A.	17m	20m	22m	650 sq m = 25.74 p 600 sq m = 23.84 p
	R2 )	Normal	500 sq m	600 sq m	16 m	17m	22m	500 sq m = 19.80 p
	R3 )	Reduced	400 sq m	N.A.	14 m	N.A	20m	400 sq m = 15.84 p
Corner	R1	Normal	650 sq m	N.A.	DIMENSIONS:			22 metres = 72' 2"
					MINIMUM WIDTH	MINIMUM DEPTH		20 metres = 65' 7"
				18m		18m	19 metres = 62' 4"	
	R2 )	Normal	650 sq m	N.A.	18m		18m	18 metres = 59' 0"
	R3 )	Reduced	500 sq m	N.A.	15m		18m	17 metres = 55' 9"
							16 metres = 52' 6"	
							15 metres = 49' 2"	
							14 metres = 45' 11"	
Rear	R1 ) R2 ) R3 )	Normal	650 sq m	N.A.	ACCESS STRIP			60 metres = 196' 10"
					LOTS SERVED	MINIMUM WIDTH	MAXIMUM LENGTH	
					1	3.5m		
	2	4m	60m *	6 " = 19' 8"				
	3	6m		4 " = 13' 1"				
R2 ) R3 )	Reduced	500 sq m	N.A.	1	3.5m	60m *	3.5 " = 11' 6"	

\* This shall not apply to a separate allotment on a deposited plan for which a certificate of title could have been obtained prior to 25 March 1970 where a greater length of access strip is necessary to the best use of the land.

3.2.2. "REDUCED STANDARD" SUBDIVISION

Subdivision of an allotment to the reduced standard shall be permitted subject to the following conditions:

- (a) The allotment is such that a separate certificate of title could have been issued for it prior to 25 March, 1970.
- (b) The area does not exceed 1400 square metres.
- (c) A new lot may be created to the reduced standard only if the siting of existing buildings of reasonable durability preclude compliance with the normal standard of subdivision.
- (d) Not more than 2 "reduced standard" sections will be created by the subdivision.

3.2.3. AVERAGE AREAS AND FRONTAGES:

- (a) The averaging of areas and frontages shall apply to subdivisions containing more than four residential allotments.
- (b) With subdivisions containing more than four residential allotments, average areas shall be calculated for front lots. Corner lots shall be excluded from the calculation. For calculation purposes every lot 760 square metres (30 perches) or over shall be treated as a 760 square metre (30 perch) lot. Surveyors shall supply an average area and frontage calculation schedule.

3.2.4 DESIGN OF LOTS AND MINIMUM AREAS:

- (a) A front lot with side boundaries diverging or opening out from the street may have a minimum frontage of 6 metres (20 feet) if the site width at a distance of 12 metres (39'4") from the street is not less than 17 metres (55'9").
- (b) A corner lot shall have a minimum frontage of 34 metres (110 feet) comprising two contiguous straight lines each not less than 15 metres (50 feet) in length, the included angle between to be not more than 135°.

3.2.4 (contd)

- (c) . . If a corner lot is included in any subdivision the corner must be rounded off to a radius of not less than 6 metres (19.7 feet)
- (d) A rear lot shall be one which does not meet the minimum requirements for a front or corner site and shall have an average width in any direction of 18 metres (59'0"). Where a rear lot adjoins a large permanent open space the minimum area and dimensions may be as for a front lot except that the area shall be not less than 550 square metres (22 perches) exclusive of access strip.

3.2.5 ACCESS STRIPS AND PRIVATE WAYS:

- (a) Where in the opinion of Council it would not be practical or economical to require a new street or service lane to be constructed the Council may allow a subdivision with up to 3 lots on one private way. All private ways shall as a minimum be subject to conditions (a) and (e) of appendix G and may be subject to the other conditions of that appendix at the discretion of Council.
- (b) The area of access strips shall be excluded from area and average width calculations for rear sections except as provided for in Appendix K.
- (c) The minimum width of an access strip or private way shall be increased where in the opinion of the Council it is desirable because of the number of household units likely to use such access strip or private way.
- (d) Where practicable the access strips comprising a private way shall be the same width.
- (e) A private way serving two or more rear lots may be reduced in width to not less than 3.5 metres (11'6") where it is impracticable to comply with the requirements for such lots provided that in the opinion of the Council sufficient provision for passing places for motor vehicles is made.

3.2.6 RESIDENTIAL SERVICE LANES:

Where an allotment having an area of less than 0.8 hectares (2 acres) for which a separate certificate of title could have been issued prior to 25 March 1970 is of such a configuration as makes it impracticable to lay off a new street Council may permit the creation of a maximum of 10 rear sections having frontage of 10 cm provided these access strips are contiguous with a service lane of not less than 5 m and not more than 8 m width excluding a turning area at or near the end of the lane. The service lane shall be constructed to provide a sealed carriageway not less than 4.8 metres wide, kerbed and channelled on one side, and a concrete footpath not less than 1.2 metres wide.

3.2.7 SEPARATE TITLES FOR APARTMENT HOUSES:

The Council may approve a subdivision making provision for separate titles for apartment houses provided that -

- (a) The developer shall submit to the Council for approval simultaneously both subdivisional and building plans for the development of the site.
- (b) The buildings shall be erected prior to subdivision taking place.
- (c) The common walls between proposed units shall be divided equally by the common vertical boundaries between proposed lots and party wall easements shall be created over the vertical fire walls and the buildings as a whole shall comply with the relevant Acts, Regulations, Ordinances and By-laws.
- (d) Adequate provision shall be made for all necessary easements such as those providing physical access, practicable access to parking spaces, clotheslines, front and rear entrances and utility services.
- (e) The issuing of separate titles would in the opinion of the Council be in the best interests of the occupants or residents.

3.2.7 Subdivision and Siting Standards for Apartment Houses - Front and Corner Sections Only:

LAYOUT	NO OF UNITS:	MINIMUM FRONTAGE:	AREA:	SIDE YARDS:	FRONT & REAR YARDS:
Party walls at right angles to street	2	11m	300 sq m	3m	As for apartment house
	3 or more	End units - 11 m Others - 8 m	End Units - 300 sq m Others - 200 sq m	end units 3m	in zone:
Party walls parallel to street	2	One 4m and other not less than 12m	200 sq m	2m and 3m if height less than 4m. Both 3m if height greater than 4m	front ) Front ) As for Unit ) Yard ) Apartment Rear ) Rear ) house in Unit ) Yard ) Zone:



3.3 COMMERCIAL ZONES:

(a) STANDARDS:

Commercial 1 and 3 zones -

Minimum area	250 sq.m	(9.9 perches)
Minimum depth	18 m	(59 feet)
Minimum frontage	6 m	(19.7 feet)

Commercial 2 zone -

Front lots -

Minimum area	500 sq.m	(19.8 perches)
Minimum frontage	12 m	(39.4 feet)

Rear Lots -

Minimum area (excluding access strip)	500 sq. m	(19.8 perches)
Minimum frontage	5 m	(16.4 feet)

Provided in the opinion of Council adequate provision has been made for car parking, loading and access and provided also all access obligations imposed by Ordinance 5 are complied with.

(b) If a corner lot is included in any subdivision the corner must be rounded off to a radius of not less than 5.5 metres (18 feet) or cut back 4 metres (13.1 feet) along each street line unless the Council considers that such rounding off or cut back is not required in any particular case.

(c) The Council may approve subdivisions to other standards subject to:-

- (i) Suitable buildings being designed and built to suit the proposed lots.
- (ii) Compliance with all requirements as to loading, parking and access contained in the Code.
- (iii) Compliance with relevant Acts, Regulations, Ordinances and Bylaws, with particular reference to fire partitions and party walls.
- (iv) All lots adjoining residential zones being capable of complying with side yard and rear yard requirements.

3.4

INDUSTRIAL ZONES:

(a) STANDARDS:

Front Lots -

Minimum area	750 sq. m	(29.5 perches)
Minimum frontage	15 m	(49.2 feet)

Rear lots -

Minimum area (excluding access strip)	750 sq. m	(29.5 perches)
Minimum frontage	4 m	(13.1 feet)

- (b) If a corner lot is included in any subdivision the corner must be rounded off to a radius of not less than 5.5 metres (18 feet) or cut back 4 metres along each street line unless the Council considers that such rounding off or cut back is not required in any particular case.
- (c) The Council may approve subdivisions to other standards subject to:-
- (i) Suitable buildings being designed and built to suit the proposed lots.
  - (ii) Compliance with all requirements as to loading, parking and access contained in the Code.
  - (iii) Compliance with all relevant Acts, Regulations, Ordinances and Bylaws, with particular reference to fire partitions and party walls.
  - (iv) All lots adjoining residential zones being capable of complying with side yard and rear yard requirements.

3.5

RIVER PROTECTION ZONE:

No further subdivision of land in the River Protection Zone shall be permitted. Where any land partly in the River Protection Zone is subdivided that portion within the zone shall remain as one allotment. This may be either a rear allotment having an access strip 5 metres wide to an existing legal street or it may be amalgamated in the same title as adjoining land partly or wholly in the same zone or it may be amalgamated with an allotment in an adjoining zone where the latter allotment complies with the District Scheme and otherwise qualifies for a separate Certificate of Title.

ORDINANCE 4

BUILDINGS - SITING, COVERAGE, HEIGHT, ALTERATIONS AND BUILDING LINES.

4.1 GENERAL AS TO USE OF SITES FOR BUILDINGS:

4.1.1 LAND TO BE SUITABLE FOR PROPOSED USE:

Notwithstanding conformity with the zoning requirements of these Ordinances, no building shall be altered, erected or placed, and no use shall be established or development commenced on any land which is not suitable for the use proposed; and for the purpose of determining whether any land is suitable for any particular use, regard shall be had to the best use of the land and its economic servicing and development, to earthquake fault lines, to liability to flooding, erosion, or landslip, to stability of foundations, to traffic likely to be generated by the proposed use and to safety, health and amenity.

4.1.2 STREET WIDENING OR REALIGNMENTS:

Where a new street or street widening is proposed any front yard requirement prescribed under the Code shall be measured as though the proposed street boundary were the front boundary.

4.1.3 AREAS AND COVERAGE GENERALLY:

The permitted minimum site areas and yard areas and the proportionate part of the land which is permitted to be covered by buildings shall be those specified in these Ordinances, and no person shall so reduce or diminish any site, or cause or permit any site to be so used, reduced or diminished, that the areas thereof that are not built over will be smaller than are prescribed by these Ordinances. The area of any access strip shall not be included in the calculation of site coverage for a rear site. Provided however, that this shall not apply to existing sites referred to in 4.1.4 below.

4.1.4 USE OF EXISTING SITES

A building may be erected on a site of any size that was in existence when the District Scheme became operative on 1st September, 1972, and is held in one or more certificates of title, or for which a separate certificate of title could be obtained without application to the Council for consent, subject to the building and its siting complying with all requirements of the District Scheme and the Council's bylaws. Provided further that this shall still apply should any such site be later reduced in size by the dedication to Council of land for street widening other than as a requirement of a subdivision.

4.1.5 RESIDENTIAL BUILDINGS ON REAR SITES:

- (a) Where more than one residential unit uses or has rights over the same access to a rear site or sites, the owners shall construct and maintain an adequate driveway or footpath or both, giving access to the site and buildings thereon, and the owners shall provide wherever reasonably necessary artificial light to illuminate the drive and footpath to the same standard as the street:
- (b) The area of an access strip shall not be included in the calculation of density for a rear site.

4.1.6 TEMPORARY BUILDINGS:

In any zone, there shall be permitted temporary offices, storage sheds, storage yards, builder's workshops and other similar buildings and uses which are required as an incidental to a building or construction project, but only for the duration of that project, and not for a period exceeding 12 months unless the consent of the Council to a longer period is obtained.

Other temporary uses for such purposes as carnivals, bazaars, public meetings and the like may be permitted for such periods and subjects to such conditions as the Council may determine.

## 4.1.6 (contd)

In any residential zone, Council may permit a temporary building for the purpose of constructing a boat, or caravan or other structure that may reasonably be associated with a spare time or retirement pursuit, and is not intended in any way as a commercial enterprise by the applicant. Permission may be granted only after production of specific written consent of adjoining owners or occupiers including apartment dwellers living on the site in question for such period and upon such terms and conditions as the Council may determine.

Any written consent offered shall contain enough information to clearly indicate that the owner or occupier consenting is fully aware of the proposal, its size, its construction and finish, and the length of time the applicant anticipates the temporary use to last.

4.2 RESIDENTIAL BUILDINGS ABOUT A PLACE:4.2.1 DEFINITION OF "PLACE":

For the purpose of this Ordinance the term "place" means an open unoccupied space not less than 40 feet in width and not less than that frontage to a public street, and permanently set apart as the principal means of access to two or more sites.

4.2.2 REQUIREMENTS FOR RESIDENTIAL BUILDINGS ABOUT A PLACE:

In the case of sites for residential buildings grouped about a place:-

- (a) Every site shall comply with the frontage and area requirements under Ordinances 3 and 4 hereof for sites on which residential buildings may be erected, as if the place were a street:
- (b) Every building shall comply with the provisions of Ordinance 4 hereof for the zone in which it is situated as to height and space about buildings as if the place were a street:

4.2.2 (contd)

- (c) Where independent street access to each of the building sites does not exist, the owner or owners thereof shall provide and maintain a paved driveway, of width, location, grade, and construction prescribed by the Council, to give vehicular and pedestrian access to each building site:
- (d) The owners shall provide wherever reasonably necessary artificial light sufficient to illuminate properly the drive and footpaths to the same standard as the street.

4.3 REQUIREMENTS AS TO YARDS:

4.3.1 NORMAL REQUIREMENTS:

- (a) Yards to be provided - except as expressly provided in or under this Scheme, front, side and rear yards shall be provided on each site in each zone, as required by the Code. The bulk and location requirements of each zone are specified in Ordinance 2.
- (b) Yards to remain unoccupied and unobstructed - except as expressly authorised under this Scheme, no person shall erect any building on any front yard, rear yard, or side yard, and all such yards shall be left unoccupied and unobstructed from the general ground level upwards, except for the projection of eaves of any building over any land but such eaves must not project more than 1.0 metres (3.28 feet) over any required yards.
- (c) Yards provided are to relate to one site only - no portion of a yard or other space provided to meet requirements in respect of one site shall be taken into account in computing the area of any yard or space provided to meet requirements in respect of any other site.

4.3.2 EXCEPTIONS TO NORMAL REQUIREMENTS:

- (a) When owner provides land for access way or service lane -- where land for a service lane, access way or other public purpose which will not result in the land being built upon, is provided at the rear and/or at the side of the site, the yard requirements and/or coverage requirements as the case may be, may be diminished correspondingly.
- (b) Rear sections served by service lanes as provided for in 3.2.6 of Ordinance 3 shall be deemed to be front sections for determining bulk and location requirements and the service lane shall be deemed to be the street for this purpose.

4.4 HEIGHTS OF BUILDINGS:4.4.1 RECESSION PLANES FOR CONTROLLING HEIGHTS OF BUILDINGS: (See appendix C)

At the street frontage of any site the term "recession plane" means the plane commencing at the middle line of the street and subtending an angle of fifty degrees ( $50^{\circ}$ ) with a horizontal plane passing through the nominal kerb level adjacent to the site. The recession plane shall extend the full length of the site and shall incline towards the site.

In any industrial or commercial zone the height of every building (including its parapet, cornice, roof ridge, or other solid element), or other structure or part thereof, shall be restricted so that every part thereof shall lie below the recession plane as above defined except as hereafter provided. In determining the width of a street and the middle line of a street with respect to a given site in an industrial or commercial zone, all streets more than 20.2 metres (66 feet) in width shall be considered to be 20.2 metres (66 feet) in width, and the middle line taken at 10.065 metres (33 feet) from the front boundary of the lot.

In the case of a corner site fronting streets of different widths, the middle line of the narrower street shall be deemed to lie at the same distance from the site as the middle line of the wider street for a distance of 30.4800 metres (100 feet) from the corner or the length of the frontage to the narrower street, whichever is the lesser.



In determining whether any building or structure or part thereof lies below the recession plane as above defined, the following shall not be taken into account:-

- (a) Lift wells, elevator and stair bulkheads, roof water tanks, and cooling towers (together with their enclosures); provided that the maximum dimension thereof parallel to the middle line of the street shall not exceed 6.1 metres (20 feet)
- (b) Chimneys and flues; provided that the maximum dimension thereof parallel to the street shall not exceed an aggregate of 4.575 metres (15 feet) for any 30.48 metres (100 feet) of frontage.
- (c) Spires, flagpoles, aerials and wire, chain, link, or other open or transparent fences.
- (d) A one storey structure located in a rear yard when permitted by the Ordinance for the zone, including any of the following:
  - (i) A basement or first floor used for accessory off-street parking spaces:
  - (ii) A ground floor used for retail or commercial purposes:
  - (iii) A one-storey detached accessory building:
  - (iv) A wall along a boundary of a site.

4.4.2 HEIGHT OF RESIDENTIAL BUILDINGS:

The maximum height of residential buildings and their accessory buildings shall be measured in accordance with the definition of height in Ordinance 1 at 1.3, provided that where adjoining sites are substantially different in level, where the building is not substantially parallel to the boundaries, or where the roof pitch exceeds 35°, the maximum height may be calculated by imposing a 55° recession plane from any point on the side boundaries.

4.5 BUILDINGS IN RELATION TO RIVER PROTECTION WORKS:4.5.1 BUILDINGS ADJACENT TO STREAMS AND WATERCOURSES:

Where the Scheme specifies streams and water courses which are subject to the by-law of the Marlborough Catchment Board, then no building or accessory building, fence or other structure shall be erected within 7.32 metres (24 feet) of any such streams or watercourse; provided that the Council may, with the consent of the Catchment Board, dispense with this restriction in accordance with Ordinance 1: at 1.4.3.

4.5.2 BUILDINGS ADJACENT TO STOPBANKS:

Where it is proposed that any building be erected adjacent to stopbanks, the application for such building shall be referred to the Marlborough Catchment Board for consideration and comment before Council grants approval.