

Chapter 15 INNER CITY COMMERCIAL ZONE – RULES

INTRODUCTION

This chapter contains rules managing land uses in the Inner City Commercial Zone. This zone is the principal retail area of the City and directly adjoins the Art Deco Quarter where the concentration of art deco buildings is found. The Inner City Commercial Zone also has a number of significant art deco buildings though not in the same concentration as that of the Art Deco Quarter. The provisions for this zone must also be read in conjunction with the Heritage chapter of this Plan.

The basic development elements are so similar between the two zones that, in relation to land uses the rules are the same.

All rules in this chapter apply throughout the Inner City Commercial Zone unless otherwise stated.

15.1 Summary of Inner City Commercial Zone Rules

The following is a quick reference guide that summarises the Inner City Commercial Zone Activity Table. It is intended to be a guide only and should not be used in place of the Inner City Commercial Zone Activity Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
Rule 15.2	Any land use not identified as a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity elsewhere in this Plan and that complies with all the relevant conditions.	Permitted	2
Rule 15.3	Commercial activities (includes offices and retailing).	Permitted	2
Rule 15.4	Residential activities.	Permitted	2
Rule 15.5	Licensed premises.	Permitted	2
Rule 15.6	Scheduled sites.	Permitted	2
Rule 15.7	Land development (including subdivision but excluding Multi Unit development for Industrial Activities)	Controlled	3
Rule 15.8	Any subdivision, use or development of land referred to in rules 15.2 to 15.7 that does not comply with the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	3
Rule 15.9(a)	Industrial activities.	Discretionary	3
Rule 15.9(b)	Retail activities with a road frontage onto Marine Parade.	Discretionary	3
Rule 15.9(c)	Relocation of a building from another site.	Discretionary	3

INNER CITY COMMERCIAL ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>15.2 Land Uses Generally</p> <p>1. Any land use is a permitted activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Inner City Commercial Zone activity table and condition table.</p> <p>b) It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8</p>
<p>15.3 Commercial Activities</p> <p>1. Any commercial activity is a permitted activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Inner City Commercial Zone activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8</p>
<p>15.4 Residential Activities</p> <p>1. Any residential activity above the ground floor is a permitted activity provided that:</p> <p>a) These rules shall not apply to dwelling units in buildings existing as at 11th November 2000.</p> <p>b) It complies in all respects with the relevant conditions in the Inner City Commercial Zone activity table and condition table.</p> <p>c) Each dwelling unit must provide for the exclusive use of the occupants:</p> <p>i) A notional garage space, carport or garage for at least one vehicle that complies with the tracking and manoeuvring requirements set out in Appendices 17 and 18.</p> <p>ii) On site manoeuvring requirements for second and subsequent dwelling units as set down in Chapter 60 Transport.</p> <p>d) A service court with a minimum dimension of 3 metres by 3 metres must be provided.</p> <p>e) No service function i.e. washing lines, rubbish bins etc shall be visible from a road.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8 including the following:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The effects on the amenity values - The effects on traffic safety and efficiency.
<p>15.5 Licensed Premises</p> <p>1. A licensed premises is a permitted activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Inner City Commercial Zone activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8 including the following:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The effects on residential noise amenity. - The effects on the amenity values. - The effects on traffic safety and efficiency.
<p>15.6 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8. In addition, refer to the matters in Chapter 55 (Scheduled Sites).</p>

CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>15.7 Land Development (including Subdivision but excluding Multi Unit development for Industrial Activities)</p> <p>1. Land development (including subdivision but excluding multi unit development for industrial activities) is a controlled activity provided that:</p> <ol style="list-style-type: none"> a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan. b) It complies in all respects with the relevant standards and terms in the Inner City Commercial Zone Activity Table and Condition Table. c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control. <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 15.8</p>
RESTRICTED DISCRETIONARY ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>15.8 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 15.2 to 15.7 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Inner City Commercial Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 20 of this Plan where applicable.
DISCRETIONARY ACTIVITIES	
<p>15.9 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 20. The Council's discretion is unrestricted.</p> <ol style="list-style-type: none"> a) Industrial activities. b) Retail activities with a road frontage onto Marine Parade. c) Relocation of a building from another site. 	
PROHIBITED ACTIVITIES	
<p>15.10 Prohibited Activities</p> <p>1. There are no land uses that are a prohibited activity within the Inner City Commercial Zone.</p>	

INNER CITY COMMERCIAL ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>15.11 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 10 metres in height.</p> <p>b) Any part of a building, structure or tree shall not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Provided that:</p> <p>i) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>ii) Where the Airport Height Control Designation prevails in accordance with Rule 15.11.1(b) any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 7.</p> <p>iii) Where the Airport Height Control Designation prevails in accordance with Rule 15.11.1(b) prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>d) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on the scale of the Inner City. - The effect on the art deco heritage. - The effects of shading. - The effects on amenity values. - The effects on air traffic safety.
<p>15.12 Verandas</p> <p>1. The following veranda conditions shall apply to all land uses, other than buildings identified as Heritage Items in Appendix 13:</p> <p>a) Any part of a building fronting onto a street must have a veranda and each veranda must be:</p> <p>i) Suspended from the building.</p> <p>ii) Not less than 3 metres above the footpath.</p> <p>iii) Related to verandas on adjoining sites.</p> <p>iv) Continuous to provide weather protection along the frontage of each site.</p> <p>v) Not less than 450mm clear of the kerb line.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on pedestrian and road safety. - The effects on amenity values.
<p>15.13 Refuse Storage</p> <p>1. The following refuse storage conditions shall apply to all land uses:</p> <p>a) A minimum area of 10m² must be provided on every site for the temporary storage of trade refuse. This must be screened from the public view and where possible located to the rear of the site.</p> <p>b) The area must be secured so as not to provide a food source for birds or vermin.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on amenity values. - The physical location of the storage area.

<p>15.14 Screening of Storage Areas</p> <p>1. The following screening of storage areas condition shall apply to all land uses:</p> <p>a) Storage areas must not be visible from any residentially zoned property, open space area or the legal road. They must be screened from view by a fence not less than 1.8 metres high.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on adjoining properties. 																		
<p>15.15 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <p>a) The following noise limits must not be exceeded at any point beyond the site boundary:</p> <table border="0" data-bbox="268 622 946 734"> <tr> <td>Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 2200 hours</td> <td>60 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>80 dB L_{AFmax}</td> </tr> </table> <p>b) Provided that, at any point within any Residential Environment, the following noise limits must not be exceeded:</p> <table border="0" data-bbox="268 880 946 1014"> <tr> <td>Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>d) The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):</p> <p>(i) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $D_{tr,2m,nTw} + C_{tr} > 30$ dB for outside walls of any habitable rooms.</p> <p>(ii) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.</p> <p>(iii) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the acoustic design requirements specified in this rule.</p>	Control Hours	Noise Level	0700 to 2200 hours	60 dB L_{Aeq} (15 min)	2200 to 0700 hours the following day	50 dB L_{Aeq} (15 min)	2200 to 0700 hours the following day	80 dB L_{AFmax}	Control Hours	Noise Level	0700 to 1900 hours	55 dB L_{Aeq} (15 min)	1900 to 2200 hours	50 dB L_{Aeq} (15 min)	2200 to 0700 hours the following day	45 dB L_{Aeq} (15 min)	2200 to 0700 hours the following day	75 dB L_{AFmax}	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health and wellbeing. - The sound level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
Control Hours	Noise Level																		
0700 to 2200 hours	60 dB L_{Aeq} (15 min)																		
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<p>iv) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p>	
<p>15.16 Light Spill</p> <p>1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at any point beyond the zone boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone).</p> <p>c) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE: Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The positive effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people.
<p>15.17 Vibration</p> <p>1. The following vibration condition shall apply to all land uses:</p> <p>a) Land uses must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the residential area.
<p>15.18 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>b) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>c) Where there is conflict between any of the height control lines or limits in (a) and (b) above, the lowest height must prevail.</p> <p>d) Dish antenna must not exceed 5 metres in diameter.</p> <p>e) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are adversely affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.

<p>ii) There must be no more than one such structure on the site.</p> <p>f) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary in the Inner City Commercial Zone condition table.</p>	
<p>15.19 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>15.21 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p>15.22 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>15.23 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p> <p>2. A 100% exemption shall apply to vehicle parking areas within the areas identified in Appendix 24 except for residential activities in buildings constructed after 11th November 2000.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>15.24 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>15.25 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>15.26 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>15.27 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>15.28 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>15.29 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>
<p>15.20 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>

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