

**MOUNT. HERBERT COUNTY**  
**DISTRICT SCHEME**

MOUNT HERBERT COUNTY COUNCIL

DISTRICT SCHEME

Prepared Under

"Town and Country Planning Act. 1953"

Scheme Statement.	Pages. 1 - 5
Code of Ordinances.	Pages. 6 - 27
District Planning Map.	Attached.

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I hereby certify that this is a correct copy of the Mount Herbert District Scheme as recommended by resolution of the Mount Herbert County Council on the Twentyfourth day of May, 1963.

*J. B. Burt*  
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County Clerk

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1.  
MOUNT HERBERT COUNTY COUNCIL  
SCHEME STATEMENT

(Under the Town and Country Planning Act 1953)

Scheme Statement, being a Description of the Particular Purposes of the District Scheme for the Mount Herbert County and other Particulars necessary for its proper explanation.

1. This statement together with the code of ordinances and the district planning map comprise the Mount Herbert County District Scheme (Hereinafter called the District Scheme) as required by Section 21 of the Town and Country Planning Act 1953 and Regulations 17 (1) of the Town and Country Planning Regulations 1954.

Basis of District Scheme

Area. 2. The purpose of the scheme is to provide for the future development of the County of Mount Herbert being an area of 42,381 acres as shown on the district planning map.

Planning Period. 3. The district scheme covers a term of 20 years (Hereinafter called the planning period, being the years 1962 to 1982 both inclusive).

Function of District. 4. The preliminary planning investigation establishes that:

(a) In relation to the surrounding region the social and economic function of the district is primary production with small areas used for holiday and permanent residences.

Present Population Structure. (b) The total population of the district according to the last census (1956) and the most recent estimate of the Census and Statistics Department in 1958, are :-

	Census 1956	Estimate 1-4-1958
Males	309	
Females	296	
Total	605	620

(c) The total population at the last census falls into the following age groups :-

	Per Cent.	Per Cent (N.Z. 1956)
Pre-school age. (Under 5 yrs)	15.4	11.8
School age (5 and under 16 yrs)	21.3	21.3
Working age (16 and under 65 yrs)	54.7	57.8
Overworking age.	8.5	9.1
	100	100

Future Population. 5. This district scheme is based on the following estimate of probable population :-

Present	In Five Years	In Ten Years	At End of Planning Period
1962	1967	1972	1982
640	670	720	820

Introductory. (1) Use of Land  
The present distribution of uses of land is shown on the planning data map which is available for inspection in the Council's Office.

- (2) Future building and other development in the district shall be so directed as to avoid the indiscriminate mixture of uses, with the object of economizing in the servicing of the district, and maintaining the stability of individual property values. This objective shall be secured as far as possible by allocating particular areas or zones for compatible uses of land and buildings, which shall be grouped in the appropriate zone as future building and other development proceeds, and in some cases securing compatability by imposing special conditions.
- (3) The areas within the district that are zoned for rural, residential-commercial, and industrial purposes have been calculated to provide for all the needs of the district in those respects over the whole of the planning period.
- (4) The predominant and conditional uses in each zone shall be as set out in the code of ordinances which forms part of this scheme.

Zoning

Rural  
Zone

7. (1) Subject to the general law as to the use of land and to the provisions of the town and Country Planning Act, 1953 and the Town and Country Planning Regulations 1954, and the Code of Ordinances which forms part of this scheme, any land within a rural zone may be used for any farming purpose, and may also be used for any other purpose permitted in a rural zone under the said code of ordinances unless the proposed use would :-

- (a) Cause demand for extension of the public services that is not in the economic interests of the region or locality.
- (b) Cause public services that already exist or are substantially committed to be uneconomically used.
- (c) Cause an extension that is not in the economic interests of the region or locality of the subdivision into lots of less than five acres of land along existing highways.
- (d) Cause an extension that is not in the economic interests of the region or locality of industrial or commercial development along existing roads or streets.

The area zoned for rural purposes is 41,400 acres and is shown on the district planning map thus:

Name of Zone	Notation
RURAL	Un- coloured

Residential  
Zone.

(2) The aggregate area (including streets) now used for residential purposes is 80 acres, and 450 acres have been zoned for these uses to provide for the estimated population as at the end of the planning period. These zones are defined on the district planning map thus:

Name of Zone	Notation
RESIDENTIAL	Payne's Grey

Commercial Zone.

(3) The various commercial zones provide primarily for business or commercial development, and consist predominantly of areas for shops, offices and retail storage. The uses of land in commercial zones shall as far as possible provide continuity of shop frontage without the intrusion at street level of any other use which would tend to affect detrimentally the business or goods of retailers or would tend to draw unnecessary or obstructive vehicular traffic into the streets which retail shopping premises front.

The areas at present used for commercial purposes and the zones proposed are as follows :-

- (a) Aggregate areas (excluding streets) at present used for commercial purposes, 2 acres.
- (b) Aggregate areas (excluding streets) of zones proposed. Commercial Zones 4.5 acres (providing 1,260 feet frontage).

The areas zoned are shown on the district planning map thus:

Name of Zone	Notation
COMMERCIAL.	Ver- milion

Industrial Zone.

(4) Industries shall be grouped according to their common characteristics, distinguishing between them in accordance with the classification set forth in the code of ordinances which forms part of this scheme.

For the protection of residential property and to ensure that sufficient areas zoned, serviced, and roaded for industry will be available, residential uses shall, except as provided in the said code of ordinances, be excluded from industrial zones.

The areas at present used and those proposed under the scheme for industrial uses, including wholesale storage, are as follows :-

- (a) Aggregate area (excluding streets) at present used by industries - 0.25 acres.
- (b) Aggregate areas (including present areas but excluding streets) of industrial zones proposed for purposes defined in the code of ordinances as :-

Industrial 1 acre.

The areas classified as industrial zones are shown on the district planning map thus :-

Name of Zone	Notation
INDUSTRIAL	Purple Lake

Recreation Reserves Vested in the Council. 8. To provide, over the planning period, adequate space for the outdoor recreational needs of the various age groups, provision must be made in advance of subdivision. Within some zones, provision requires to be made for sites for recreation purposes. Some areas are already vested in the Council, and other will be acquired by the Council as opportunity offers. The particular lands already reserved or intended to be acquired and reserved for this purpose are shown on the district planning map, and their areas are as follows : -

Notation on District Planning Maps

Areas at present vested in Council, total 275 acres.  
Additional areas required for recreation purposes, total 7 acres.

Hooker's Green Dark.
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Hooker's Green No.1.
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Other open spaces not intended to be owned by the Council. 9. (1) Within some zones private land owners will be encouraged to provide or maintain open spaces in appropriate places for purposes of value to the community. Land used by sports clubs and public undertakings such as schools and hospitals is in this category. Although not owned or proposed to be acquired by the Council, nor even in some cases by the public authority, these open spaces play an important part in the life of the community and consequently are designated under the scheme as open spaces for the uses shown. These lands are separately shown on the district planning map thus :-

Name of Zone

Notation

PRIVATE RECREATION AREAS  
AND OPEN SPACES.

Olive Green
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(2) For the purposes of this scheme every designated open space shall be deemed to be zoned for the particular purpose for which it is designated under the scheme.

Position and Bulk of Buildings. 10. (1) The position of the buildings on each section are governed within limits by yard requirements designed to ensure that satisfactory access for all purposes is, if and where necessary, provided to the rear of each section, and also that the needs of neighbouring properties in respect of ventilation, lighting, and privacy are reasonably allowed for. These requirements are more particularly specified in the code of ordinances which forms part of this scheme.

(2) Buildings are limited to the heights and floor areas set out in the said code. These are related both to the requirements of the particular zone and to the traffic capacity of adjacent streets. Maximum heights of and maximum site coverage by buildings permitted in each zone are set out in the said code. The portions of sites not permitted to be covered by buildings are required primarily for the provision of adequate light, ventilation, and amenities, but may also be used for parking and loading of vehicles to the extent authorised in the said code.

Streets. 11. Each proposed street is to be specifically designed both in layout and structural strength to cope with the frequencies and weights of traffic that seems likely to use it from time to time during the planning period. Through traffic streets will be wider, straighter, and more heavily constructed than those for local traffic: and the traditional standard width of 66 feet will not be universally applied. Motorways, State highways, and main highways, will normally be wider than this, but streets in areas permanently zoned as residential and carrying little traffic will normally be not less than 50 feet wide.

Service Lanes. 12. To avoid confusion and inconvenience to traffic and pedestrians caused by the loading and unloading of bulk goods across footpaths and through the fronts of shops, common access to the rear of commercial and industrial properties is to be provided wherever possible by means of properly dedicated service lanes.

Off Street Parking and Loading. 13. To reduce congestion of vehicular traffic, in and about areas devoted to industry, commerce, or recreation, caused by the parking of private and commercial vehicles on the carriageways of streets which should be available for moving traffic, property owners who or whose tenants have regular or frequent or numerous visits from vehicular traffic are required to provide on their own land or premises, adequate parking and loading space for such traffic in accordance with the requirements set out in clause 10 hereof and the code of ordinances which forms part of this scheme.

Subdivisional Standards

(These subdivisional standards are the same as in Ordinance 10)

Rural Zones. 14. (1) Normal minimum standards for new subdivisions in rural zones are :-  
 Area: 5 acres. Frontage: 264 feet.

Residential Zones. (2) Normal minimum standards for new subdivision in residential zones are :-

	<u>Area</u>	<u>Frontage</u>
See Code of Ordinance for special cases.)	Sewered Area. 24 Perches.	50-ft.
	Non-sewered Area 32 Perches.	50-ft.

Industrial and Commercial Zones. (3) Normal minimum standards for new subdivision in industrial and commercial zones are :-

<u>Depth.</u>		<u>Area</u>	<u>Frontage</u>
60-ft.	Commercial	5 Perches	20-ft.
	Industrial	8 Perches	20-ft.

Preservation of objects and Places of Historical interest or Natural Beauty. 15. The places and objects listed in the register referred to in clause 21 c) the code of ordinances are to be preserved and maintained so far as the powers of the local authority from time to time permit.

MOUNT HERBERT COUNTY COUNCIL.4. DISTRICT PLANNING SCHEME

Code of Ordinances under the "Town and Country Planning Act, 1953".

Arrange-  
ment of  
Code.

1. (1) This Code is arranged as follows :-

<u>Number of Ordinance</u>	<u>Subject Matter</u>
1-4	Preliminary.
5-9	Zoning.
10	Subdivisional Standards.
11	Proposed Streets and Reserves.
12	Information to be supplied with applications for permits.
13-17	Siting of Buildings.
18	Angle Controlling height.
19	Traffic: Loading and Parking.
20	Alterations, etc.
21-25	Provision and Preservation of amenities.

(2) This code of ordinances forms part of the Mount Herbert County District Scheme and is for the administration and implementation of that scheme.

Interpre-  
tation.

2. In this code of ordinances and in each document relating to this scheme, unless the context otherwise requires:-

"Accessory Building" in relation to any land, means a building, the use of which is incidental to that of the main building on the land or to the use of that part of the land not built upon.

"The Act" means the "Town and Country Planning Act, 1953" and includes its amendments.

"Apartment House" means any residential building which contains two or more household units, and includes a tenement house and a block of flats, but does not include a semi-detached house or terrace house.

"Boardinghouse" means a residential building, not being a licensed Hotel, in which board and lodging is provided or is intended to be provided for four or more permanent boarders or lodgers, for reward or payment.

"Building" means any structure, whether temporary or permanent, movable or immovable, and includes any stack or heap of materials over 6 feet in height.

"Camping Ground" is as defined in the "Town and Country Planning Regulations 1954" Amendment No. 1.

"Caravan Park" see under Motor Camps hereof.

"Code" means this Code of Ordinances.

"Commercial Garage" means a garage,

- (a) For three or more self-propelled vehicles which are regularly used for any commercial or business purpose, or
- (b) In which two or more self-propelled vehicles used as public conveyances for hire or reward, are housed or cared for, or
- (c) For any two or more self-propelled vehicles which are housed for reward, or
- (d) In which any self-propelled vehicle not belonging to the occupier of the premises or his family is serviced, over-hauled or repaired.



"Conditional Use" in relation to land to any building in any zone, means any use specified in these ordinances as a use that is permitted only if the Council consents and only subject to such conditions as the Council may impose whether generally or in respect of the particular use or in respect of the particular site.

"Council" means the Mount Herbert County Council.

"Coverage" means that portion of a site which may be covered by buildings including accessory buildings.

"Dwellinghouse" means a detached residential building or group of residential buildings designed for or occupied exclusively as one household unit.

"Erection" in relation to any building, includes the re-erection or structural alteration of, or the making of, any addition to the building or the placing of the building on a site, or the placing of the building from one position on a site on another position on the same site: and "Erect" and "Erected" have corresponding meanings.

"Factory" means a building or a part of a building or land used for the packaging, processing, assembling or manufacture of goods or materials for sale, gain or service.

"Garage" means a building or land used for the housing or care of self-propelled vehicles.

"Height" in relation to a building, means the average difference between the level of the ground along the external wall nearest to the street and -

- (a) The highest point of the parapet or coping in the case of a flat roof, or
- (b) The mean level between the eaves and the highest point of the roof in the case of a sloping<sup>roof</sup> excluding in either case chimneys, ventilator shafts, water tanks, elevator lofts, steeples, towers and such finials and similar parts of the building as constitute only decorative features.

Provided that where the building is set back from the street line on a site which slopes up from or down from the road level, then the height shall be measured from the mean level of the ground along the external wall on the higher side of the site.

"Household Unit" means the self-contained home or residence of a single household.

"Household" includes every housekeeping unit, whether of one or more persons.

"Licensed Hotel" means a residential building in respect of which there is for the time being in force a publican's licence issued under the "Licensing Act 1908".

"Lodginghouse" means a residential building in which lodging alone is provided for four or more lodgers.

"Motel" means a permanent residential building or buildings, not being a dwelling-house, semi-detached house, terrace house or apartment house, used for temporary living accommodation, and may include in addition, land and permanent buildings for such services as fuelling of vehicles, shops, restaurants, swimming pools, playground facilities and the like.

"Motor Camp" means land and one or more temporary or permanent buildings used for temporary living accommodation and land for the parking of caravans or other vehicles which are used for temporary living accommodation, but shall exclude tents or similar fabric structures, and may include any services or amenities provided on the site such as fuelling of vehicles, shops, restaurants, bath houses and swimming pools, playgrounds and the like.

"Non-conforming" as applied to a site or a building or to the use of a site or building, means a site or a building, or a use of either that does not conform with the provisions of this scheme.

"Predominant Use" in relation to land in any zone, means any use specified in these ordinances as a predominant use, being a use that is permitted as of right.

"Private Garage" means a garage other than a commercial garage as herein defined.

"Private Hotel" means a residential building designed to accommodate four or more non-permanent guests and to provide service and accommodation equivalent to those provided in a licensed hotel.

"Residential Building" means any building or part of a building used or intended to be used for human habitation.

"Residential Institution" means a hostel, hospital (other than a mental hospital), convalescent home, boarding school, or charitable institution providing board and lodging and having accommodation for four or more persons other than management and staff.

"Semi-detached House" means one of a pair of household units built side by side on separate sites and separated by a wall common to both that meets the requirements of the Council's By-Laws for a party wall between dwelling houses.

"Shop" means any land, building, or part of a building on or in which goods are sold or exposed for sale by retail, and includes auctioneers' and land agents' premises, but excludes used car sales yards etc.

"Site" means an area of land having frontage to a street or private Street and permitted by the scheme to be occupied -

- (a) In the case of residential buildings, by one building and its accessory buildings.
- (b) In the case of buildings other than residential, by one or more buildings comprised in the same premises and their accessory buildings and includes in every case the curtilage of the building or buildings.

"Corner Site" means a site having a frontage of not less than the minimum prescribed by this scheme for front sites in the particular zone in which the site is situated, to each of two or more streets or private streets not less than 40 feet. in width as defined in the Municipal Corporations Act, 1954, if the frontages are contiguous and the included angle measured within the site between two such minimum frontages is not greater than 135 degrees.

"Front Site" means a site having one frontage of not less than the minimum prescribed by this scheme for the particular zone in which the site is situated to a street or private street.

"Rear Site" means a site situated in the rear of another site and not having the frontage for a front site required in the zone.

"Through Site" means a front site having two frontages to a street or streets, such frontages not being contiguous and the average width of the site measured at right angles to either of the side boundaries being not less than the required minimum frontage for a front site.

"Street" includes road.

"Terrace House" means one of a group of household units each of which is separated vertically from one neighbour on each side by a wall common to both that meets the requirements of the Council's By-Laws for a party wall between dwellinghouses: provided that the unit at each end of every such group shall be deemed to be a semi-detached house.

"Yard" means a part of a site which is required by this scheme to be unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this scheme. Provided that in the case of residential buildings the eaves may encroach over the side yards to an extent not exceeding 2 feet.

"Front Yard" means a yard between the street line and a line parallel thereto and extending across the full width of the site: provided that where land required for road widening purposes has not been dedicated as road, the street line referred to in this definition shall be the line of the future boundary of the road.

"Rear Yard" means a yard between the rear boundary of the site and a line parallel thereto extending across the full width of the site: provided that in the event of there being no rear boundary, as in a triangular section, the boundaries of the rear yard shall be the converging side boundaries of the site and the arc of a circle drawn with the apex as centre and a radius of 30 feet.

"Side Yard" means a yard between a side boundary of the site and a line parallel thereto extending from the front yard (or the front boundary of the site if there be no front yard) to the rear yard (or, if there be no rear yard, the rear boundary of the site) or, if there be two or more front yards, extending from yard to yard.

Scheme to Prevail. 3. The provisions of this code shall have effect notwithstanding any By-Law for the time being in force in the district, and where the provisions of this code are inconsistent with the provisions of any By-Law, the provisions of this code shall prevail.

Scheme to be complied with. 4. Subject to the provisions of the Act and all regulations made thereunder, no person shall use or permit the use of any land or building or undertake or permit any new work or any reconstruction alteration or modification of any existing work if the use, new work, reconstruction, alteration or modification does not conform with the scheme.

#### Zoning

Classification of Zones. 5. The zones constituted for the purposes of the scheme are shown on district planning map by the following notations :-

<u>Title of Zone</u>	<u>Notation</u>
RURAL.	un- coloured
RESIDENTIAL.	Payne's Grey
COMMERCIAL.	Ver- million
INDUSTRIAL.	Purple Lake

Control  
of use.

6. (1) Any land or any building or other structure thereon may be used for, or the use thereof may be changed to, any purpose prescribed by this code for the zone in which the land, building or other structure is situated, but for, or to, no other purpose, and every such use shall be subject to every other ordinance that is applicable thereto

(2) Any use that falls naturally within a general class of uses authorised in respect of any zone shall be deemed to be included in that class as if it had been expressly authorised: but in respect of any other use that is not expressly provided for within the district by ordinance 9 hereof the Council shall determine in which zone or zones it may be permitted, and in respect of the zone or each of those zones whether it shall be a pre-dominant use or a conditional use or in what circumstances predominant and in what circumstances conditional, and (where it is conditional) what the conditions shall be.

(3) Where any public authority is authorised by statute or otherwise to determine the precise location within the district of the public utilities under its control without approval of the Council, every such public utility shall be deemed to be a predominant use in every zone: but every other public utility shall be deemed to be a conditional use in every zone.

Control of Bulk and Location of Buildings on site. 7. The bulk of all buildings and other structures and the location of each in relation to the site shall conform with :-

- (a) The provisions prescribing requirements as to yards, height, coverage, density, and angle controlling height hereinafter set out in respect of the zone in which the site is located.
- (b) The requirements for off-street parking and loading as set out under ordinance 19.
- (c) All other ordinances applicable thereto.

Regulations and Proceed- ure in Res- pect of uses. 8. (1) The use of any land or building or other structure for any purpose specified as a predominant use in relation to the zone in which it is situated, is permitted without further consent of the Council under this code provided that the use for that purpose is in accordance with every requirement set forth in this code in respect of it as a predominant use: but any proposed reduction of standard below those requirements shall have effect to constitute that use a conditional use, and the provisions of this code as to conditional uses in that zone shall apply as if that use had been specified as a conditional use within that zone.

(2) The use of any land or building or other structure for any purpose specified as a conditional use in relation to the zone in which it is situated, is permitted subject in each case to the consent by resolution of the Council and to such conditions, restrictions, and prohibitions as to location, height, yards, position of buildings on sites, coverage, drainage, disposal of effluents, and preservations of amenities as are stipulated in the ordinance relating to the zone and to such special conditions, restrictions, and prohibitions (whether in respect of the same matters or other matters ) as the Council may think fit to impose.

(3) Where the Council considers it necessary before consenting to a conditional use of any land, building, or other structure, it shall notify the proposal and special conditions, restrictions, and prohibitions it contemplates, by advertisement published at the expense of the applicant in one issue of each of the daily newspapers circulating in the district, and shall give written notice to adjoining owners.

(4) Any owner or occupier of property may object to the proposal use of the property by notice in writing delivered to the Council at any time within fourteen (14) days after the public notification of the proposal. Every such notice shall state the grounds of the objection.

(5) Before arriving at a decision, the Council shall take into account every objection received as aforesaid. Every objector and the applicant shall be entitled to be heard by the Council or a committee thereof appointed for the purpose either specially or as a standing committee.

Use with- in Zones. 9. This ordinance specifies the types of zones within the district to which the scheme relates, the predominant and conditional uses of land within the zones, the conditions which apply in connection with conditional uses of land, and the bulk and location requirements for various uses within the zones.

RURAL ZONESPredominant Uses

The following shall be predominant uses in rural zones:-

- (a) Farming of any kind, racing stables, veterinary hospitals, and boarding kennels excepting the housing or keeping of animals in any building or enclosure within 40 feet from any residential buildings.
- (b) Parks, playgrounds, recreation grounds and scenic reserves.
- (c) Churches.
- (d) Buildings accessory to buildings or to use of land for any of the foregoing purposes:- including dwellinghouses, except in any position in relation to any mill, factory, plant or workings that would or might in the opinion of the Council prejudice the health or safety of the occupiers thereof.

Conditional Uses

The following shall be conditional uses in rural zones :-

- (a) Camping grounds, caravan parks, motor camps, motels, licensed and unlicensed hotels and accommodation houses, cabarets, restaurants, halls and generally buildings for or connected with interior (indoor) or outdoor recreation.
- (b) Education institutions, hospitals, nursing homes, convalescent homes, and charitable and philanthropic institutions, and boarding houses and hostels used in connection with those uses.
- (c) Butter factories, cheese factories, premises used for the manufacture of dried milk products, stockyard, and saleyards, or for any industry which is ancillary to farming of any kind.
- (d) The Timber mills, sawmills, timber processing, and any undertakings which are ancillary to the forestry and timber industries.
- (e) The winning and processing of materials occurring naturally in the vicinity.
- (f) Cemeteries and crematoria.
- (g) Country shops, service stations, machinery workshops, and roadside shops for sale of the produce of the farm on which the shop is located.
- (h) Use of the site for residential purposes if the site is an independent economic unit for farming purposes and has not less than the minimum area and frontage required for that farming use in the zone, or on a site of a lesser area and or frontage which was purchased as a separate holding prior to the date of the Council's District Scheme being publicly notified. (See Ordinance 10 (2).)
- (i) Buildings accessory to buildings or to use of land for any of the foregoing purposes.

Conditions Relating to Conditional Industrial Uses in Rural Zones

The following provisions shall apply in connection with conditional industrial uses in rural zones:

- (a) All tailings, sawdust, spoil, waste and effluent shall be so disposed of as to minimize damage to property or disfigurement to the countryside.





















- (d) In the case of a corner site, the owner may select either street boundary as the front boundary of the site, but where this results in the siting of an accessory building closer than 15 feet to a street boundary, the building shall then be constructed of materials matching those of which the dwelling house on the same site is constructed.
- (e) In the case of a through site, the owner shall provide two rear yards at or near the middle of the site and front yard on each frontage of the site unless the Council by resolution declares which frontage of the site shall be deemed to be the rear boundary, in which case the provisions as to rear yards shall apply with respect to that frontage and the provisions as to front yards with respect to the other frontage.
- (f) Notwithstanding the provisions of this ordinance, where the scheme prescribes a building line on any site, whether by reference to any street boundary or otherwise no building or accessory building or part of either shall at any time be erected on that part of the site between the building line and the street or boundary to which it is related.
- (g) Buildings on the same site shall not be erected within 10 feet of each other, provided that a building may be erected a distance of less than 10 feet but not less than 5 feet from another building on the same site where the external walls of such building shall be constructed of materials that comply with the four hour fire resistance rating, as defined in the County Building By-Laws, and shall extend not less than 18" above the adjoining roof line to form a parapet.
- (h) In residential zones there shall not be more than one main residential building and its accessory buildings on one site, Provided however, that this requirement shall not apply to residential buildings used for religious or educational purposes.

Requirements 14. On rear site in a commercial or an industrial zone the coverage as to Commercial and Industrial Buildings on rear sites shall not exceed 75% of the coverage permitted on a front site and the building shall be sited so as to facilitate fire fighting and to allow access and turning space for vehicles.

Requirements 15. No person shall erect any residential building or cause or permit any residential building to be erected on a rear site unless the open space surrounding such building shall be not less in width than 20 feet from each of any two boundaries of the site, and every part thereof shall be not less than 10 feet from the other boundaries of the site: and in the case of a residential building other than a dwellinghouse or semi-detached house, the owners shall construct and maintain an adequate driveway or footpath or both giving access to the site and the buildings thereon, and the owners shall provide wherever reasonably necessary artificial light sufficient to illuminate drive and footpaths to the same standard as the street.

Minimum Areas not to be reduced.

16. (1) No person shall so reduce or diminish any site or cause or permit any site to be so used, reduced, or diminished that the open spaces thereof shall be smaller than are prescribed by this scheme.
- (2) No portion of a yard or other open space required about any building shall be taken into account in computing the area of any yard or open space for any other building.

Construction of Commercial & Industrial buildings in Commercial & Industrial Zones. 17. The exterior walls of any building erected in a commercial or industrial zone shall be constructed of materials that comply with four hour fire resistance rating as defined in the County Building By-Laws.



Heights of Buildings in Commercial & Industrial Zones

Angle Controlling Height.

18. (1) At the street frontage of any site the term "angle controlling height" means an acute angle formed at the middle line of the street between:-
- (a) A horizontal plane at kerb level extending between the kerb and the middle line of the street: and
  - (b) An inclined plane rising at an angle of 65 degrees from the middle line of the street at kerb level and extending over the whole site.
- (2) In any industrial or commercial zone (other than a 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 be contained within the angle controlling height.
  - (3) 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 100 feet in width shall be considered to be 100 feet in width, and the middle line taken at 50 feet from the front boundary of the lot.
  - (4) 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 boundary of the site as the middle line of the wider street for a distance of 100 feet from the corner or the length of the frontage to the narrower street, whichever is the lesser.
  - (5) In determining whether any building or structure or part thereof is contained within the angle controlling height, 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 30 feet.
    - (b) Chimneys and flues. Provided that the maximum dimension thereof parallel to the street shall not exceed an aggregate of 15 feet for any 100 feet of frontage.
    - (c) Spires, flagpoles, aerials, wire, chain, link or other open or transparent fences.

Traffic

Loading and Parking.

19. (1) Every person who proposes to erect, re-erect, construct or reconstruct a building on a site fronting a public highway or intended public highway shall provide within the site suitable and efficient accommodation for any loading, unloading or fuelling of vehicles which is likely to arise from the use of the building.
- (2) Except where the Council by resolution determines that this provision need not apply, every owner or occupier of a building in a commercial or industrial zone shall provide:-
  - (i) Vehicular access to the rear of the premises by the dedication of a service lane.
  - (ii) Suitable and efficient accommodation within the site for unloading, loading, or fuelling of vehicles which is likely to arise from the use of the building.

Service lanes shall be formed to the Council's requirements and shall be not less than 20 feet in width, provided that the Council may by resolution reduce this width to not less than 12 feet.

- (3) Whenever in any zone any building or structure is being erected, reconstructed altered or modified, off-street parking spaces for motor vehicles shall be provided in accordance with the scheme.
- (4) The site plan furnished in connection with an application for a permit to erect any residential building shall, in addition to the information otherwise required hereby, show in the general layout of the site provision for space for garage accommodation or off-street parking for cars as follows :-
  - (a) In the case of one family or two family dwellinghouses, accommodation for one car for each household.
  - (b) In the case of an apartment house or building containing service flats, accommodation for cars in the proportion of not less than one car to every two households which the building is designed to accommodate.
  - (c) In the case of a boardinghouse, lodginghouse, or a similar residential institution used for permanent residents, accommodation for cars in the proportion of not less than one car for every five persons or fractional part thereof whom the building is designed to accommodate.

Off-street  
Parking  
Requirements  
for other  
Buildings.

- (5) Provision for off-street parking of vehicles in accordance with the following ordinances shall be made in respect of every site as follows :-

<u>Use of Site</u>	<u>Parking Spaces Required.</u>
Hotels .. .. .	1 for each six guest rooms.
Hospitals .. .. .	1 for every ten patients beds plus one for each resident or consulting doctor who might be in attendance at the time when the greatest number of such doctors are likely to be in attendance.
Cinemas, churches and mortuary Chapels .. .. .	1 for each ten seats.
Halls. .. .. .	1 for each one hundred square feet of gross floor area.
Industrial uses and commercial garages. .. .. .	1 to each five hundred square feet of gross floor area.
Retail shops, libraries, depots, professional and business offices. .. .. .	1 to each four hundred square feet of gross floor area.
Warehouses, stores, or storage yards. .. .. .	1 to each thousand square feet of area so used.
Roadside restaurants .. .. .	1 to each four seats.

- (6) The provision for parking required above may be made in anycase as part of the yard space of any site.
- (7) Where there is vehicular access to the site, off-street parking facilities shall be located on the site, and wherethat is not practicable and where vehicular access cannot be provided to the site, off-street parking facilities shall be provided as close to the site as is practicable.

- (8) Every off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and conditions. There shall be adequate provision for ingress to and egress from a parking space.
- (9) Wherever in any building there is a change in use or increase in floor area, the requirements of these ordinances for off-street parking for the new use or floor area shall be complied with.
- (10) Nothing in these ordinances shall be construed to prevent two or more owners jointly making provision for off-street parking facilities for their buildings so long as the total provision so made is not less than the sum of the requirements of the various buildings or uses computed separately, except where vehicles are or will be attracted to each site regularly at times that seldom coincide with the times when vehicular traffic is attracted to the other or others of them, in which cases the requirements may be computed as for the sum of the uses which demand the greatest provision at any particular time.
- (11) Every parcel of land provided under these ordinances for off-street parking for use by the public shall be developed and maintained so as to attract traffic from the street.
- (12) Parking areas in a commercial or industrial zone for more than 5 vehicles shall be effectively screened on any side which adjoins or faces a residential zone by a wall, overgreen hedge, or other planting maintained in good condition.
- (13) Where a property owner has provided land for increasing the width of road fronting a commercial or industrial site, such extra road width shall be taken into consideration in assessing the area of land to be set aside for off-street parking.

Alterations and Modifications.

Repairs,  
alterations  
and Mod-  
ifications  
to non-  
conforming  
Premises.

- (20) An existing building which does not conform to any or all of the provisions of the scheme relating to the zone in which it is situated may be repaired, altered or modified so long as the repair, alteration or modification does not increase the extent to which the building fails to conform to the provisions of this scheme and does not tend to prevent or, in the cases of alterations or modifications, does not tend to delay the effective operation of this scheme.

Provision and Preservation of Amenities.

Preservation  
of Objects and  
Places of  
Historical  
Interest and  
Natural Beauty.

21. (1) In respect of any object or place of historical interest or natural beauty which is specified in the statement as intended to be preserved, the Council shall enter particulars thereof in a register to be kept at the office of the Council: and shall forthwith notify the owner and occupier of land upon which any such object or place is situated that it has been registered under the scheme to be preserved. The register shall be open at all reasonable times for inspection by persons interested.
- (2) All those pieces of land in the Mount Herbert County, being more particularly delineated on plans numbered S.O. 10134 and 10135 and thereon coloured red and lodged in the office of the Chief Surveyor at Christchurch, shall be subject to the provision of the Summit Road (Canterbury) Protection Act 1963 insofar as the said Act relates to the said land.

(3) No persons shall, without the written consent of the Council, wilfully destroy, remove or damage any object or place registered by the Council as aforesaid.

(4) The Council may at any time cancel such registration, and shall thereupon make an appropriate alteration in the register and notify accordingly the owner or occupier of the land upon which the object or place is situated.

Control of Advertising. 22.

(1) The term "Hoarding" for the purpose of this ordinance shall mean and include any land, building, wall, fence, pole, structure or erection which or any part of which is let, or erected or used or intended to be used for the purpose of posting, painting affixing, carving, inscribing, or exhibiting any poster, placard, bill, inscription, picture, advertisement or advertising device, or notice thereon, but the said term shall not include the walls of any building used by the owner or occupier thereof for the display of advertisements, advertising devices or notices relating to the trade or business carried on by such owner or occupier.

(2) No hoarding shall be erected on any road, building, structure or place within the County except in accordance with the By-Laws of the County for the time being in force and relating to hoardings.

Verandahs on Commercial Premises. 23.

Where the Council has designated any street in a commercial zone as a commercial street, every building fronting that street shall be provided with a verandah within such minimum and maximum heights as the Council may prescribe, but each so related to its neighbours as to provide continuity, and each having a fascia within such limits of depths as the Council may prescribe. No such verandah shall be supported by posts on the street.

Harmony in Design and External Appearance of Buildings. 24.

No building or other structure shall be so constructed or finished or left unfinished that its external appearance would disfigure the neighbourhood or tend to depreciate the value of adjoining properties.

Preservations of Amenities. 25.

All land and buildings shall be so maintained as to preserve the amenities of the neighbourhood in which they are situated.

APPENDIX 'A'

Permitted Height Relative to Distance from Centre Line of Street,  
with a Ruling Angle Controlling Height of 65 Degrees.

