

Mixed Use Zone (MUZ)

Issues

The Mixed Use Zone (MUZ) seeks to enable activities and a built form that complement the City Centre and Waterfront Zones. The Mixed Use Zone promotes active street frontages and a range of activities which aim to enhance economic growth and are compatible with residential activities. It is anticipated that the Mixed Use Zone will experience incremental change in built form and character as amenity is improved and non-compatible land uses are relocated to enhance amenity and walkability.

Land use controls and urban design standards have historically been permissive within the Mixed Use Zone. This has diminished the amenity for residents and visitors and has reduced the feasible land supply available for commercial and residential activities. Various strategic documents have identified the Mixed Use Zone as an area of change for the following reasons:

- A reasonable level of amenity should be maintained to improve the connectivity and walkability between the Mixed Use Zone and the City Centre and Waterfront Zones.
- The area is located along key streets, such as Cameron and Bank Streets, which should have high amenity and walkability.
- Promoting and increasing residential uses within and adjacent to the City Centre is a key objective within the Urban Area. By improving amenity and increasing certainty for developers, the Mixed Use Zone is an appropriate area to provide for high density residential use.

To enable change within the Mixed Use Zone, a mix of uses are provided for including residential activities, commercial services, retail activities, visitor accommodation and community activities. It is intended that these activities are complementary to the City Centre and Waterfront Zones. To protect the vibrancy and viability of the City Centre and Waterfront Zones, smaller scale retail and food and beverage activities are limited.

As increased residential use is a key objective within the Mixed Use Zone and the City Centre Zone, it is important to enhance amenity within the Mixed Use Zone. Activities which detract from amenity, generate high volumes of traffic or operate outside normal business hours are discouraged.

Objectives

MUZ-O1 – Appropriate Activities	Accommodate a range of activities that do not undermine the strength, vibrancy and viability of the City Centre or Waterfront Zones.
MUZ-O2 – Residential Activities	Promote <u>residential activities</u> and avoid activities which would materially detract from residential amenity.
MUZ-O3 – Urban Form	Development achieves high quality urban form that is safe and positively interacts with the public realm and is sympathetic to the surrounding <u>environment</u> .
MUZ-O4 – Walkability	Prioritise pedestrians and improve walkability within the <u>Mixed Use</u> Zone.
MUZ-O5 – Cross Boundary Effects	Avoid or mitigate adverse <u>effects</u> in relation to amenity, noise, sunlight <u>access</u> , visual dominance and traffic on adjacent Residential and <u>Open Space and Recreation Zones</u> .

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Policies	
MUZ-P1 – Character and Amenity	<p>To recognise the character and <u>amenity values</u> of the <u>Mixed Use</u> Zone including, but not limited to:</p> <ol style="list-style-type: none"> 1. An active urban <u>environment</u>. 2. A medium to high scale of built development with narrow <u>building</u> and <u>site frontages</u>. 3. Moderate levels of noise during the daytime associated with traffic and <u>commercial activities</u>. 4. Moderate <u>access</u> to sunlight. 5. Active <u>building frontages</u> at ground floor. 6. On-street parking with limited off-street parking. 7. High presence of pedestrians and cyclists.
MUZ-P2 – Economic Growth	<p>To enable economic growth and employment opportunities while protecting walkability within the <u>Mixed Use</u> Zone and the vitality and viability of the City Centre, Waterfront and Local Centre Zones by:</p> <ol style="list-style-type: none"> 1. Enabling <u>residential activities</u> and compatible <u>commercial activities</u> in terms of the nature, scale, design and hours of operation of the activity. 2. Managing and limiting cumulative <u>effects</u> associated with commercial sprawl outside of the City Centre, Waterfront and Local Centre Zones and the Hihīāua Precinct where activities may detract from or compete with these areas. 3. Managing the scale, design and nature of activities to ensure that: <ol style="list-style-type: none"> a. <u>Active frontage</u> is maintained and enhanced at ground floor. b. The activity and <u>building</u> design are complementary to the intended <u>Mixed Use</u> Zone character. c. <u>Standalone car parking facilities</u> at ground floor are sleeved by smaller scale <u>commercial activities</u>. d. Activities which cater to private motorists, such as large scale retail activities, <u>drive through facilities</u> and <u>service stations</u>, do not compromise the walkability, streetscape or amenity of the <u>Mixed Use</u> Zone.
MUZ-P3 – Residential Activities and Amenity	<p>To provide for residential uses and to maintain and enhance residential amenity by:</p> <ol style="list-style-type: none"> 1. Avoiding <u>industrial activities</u> and <u>rural production activities</u> where external adverse <u>effects</u> cannot be mitigated. 2. Managing non-residential activities which generate high levels of noise or motor vehicle traffic. 3. Requiring <u>residential units</u> to provide sufficient internal space and <u>outdoor living spaces</u>. 4. Managing <u>building</u> scale and design to limit shading and <u>building</u> dominance.
MUZ-P4 – Ground Floor Residential Units	<p>To maintain and enhance residential amenity and provide for <u>active frontages</u> by sensitively designing <u>residential units</u> at ground floor with regard to aspect such as outlook, <u>outdoor living courts</u>, private entrances, noise, and light exposure.</p>
MUZ-P5 – Outdoor Living Courts	<p>To mitigate adverse <u>effects</u> on residential amenity by providing communal <u>outdoor living spaces</u> where individual <u>outdoor living courts</u> are not practicable.</p>
MUZ-P6 – Cross Boundary Effects	<p>To maintain amenity in adjacent Residential and <u>Open Space and Recreation Zones</u> by managing <u>built form</u> and requiring <u>landscaping</u> along shared zone boundaries.</p>
MUZ-P7 – Esplanade Areas	<p>To safeguard esplanade areas and waterfront walkways by avoiding <u>impervious areas</u> adjacent to Mean High <u>Water</u> Springs and <u>river</u> banks.</p>

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MUZ-P8 – Walkability	<p>To enhance walkability and street amenity by:</p> <ol style="list-style-type: none"> 1. Managing, and where appropriate avoiding, new vehicle crossings to retain a safe and accessible pedestrian network. 2. Designing subdivision to require sufficient site frontages to: <ol style="list-style-type: none"> a. Avoid rear sites. b. Enable corner sites to be emphasised. c. Maintain narrow site frontages within the Mixed Use Zone. 3. Implementing traffic calming activities (e.g., lower speed limits and increased shared spaces). 4. Providing bicycle parking facilities.
MUZ-P9 – Incentives	To enable higher building densities and varied setbacks where active frontages or pedestrian connectivity are enhanced or residential activities are provided.
MUZ-P10 – Safety	To reduce threats to personal safety and security by utilising urban design and CPTED (Crime Prevention Through Environmental Design) principles in the design of developments in the Mixed Use Zone.

Rules

MUZ-R1	Any Activity Not Otherwise Listed in this Chapter
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Resource consent is not required under any rule of the District Plan. 2. The activity is not prohibited under any rule of the District Plan. 	
MUZ-R2	Minor Buildings
<p>Activity Status: Permitted</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. Minor buildings are exempt from rules MUZ-R3 – R6. 	
MUZ-R3	Building and Major Structure Height
<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum building height and major structure height is 16m above ground level. <p>OR</p> <p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 2. The maximum building height and major structure height is between 16.01 and 21m above 	
<p>Activity Status when compliance not achieved: Discretionary</p>	

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ground level and at least one of the following is provided on-site:

- a. 2 or more residential units.
- b. A through-site link.

Matters of control:

1. Means of ensuring ongoing compliance with rule.
2. Appropriateness of through-site links in terms of location, design, size, safety and accessibility.

MUZ-R4	Building and Major Structure Setbacks	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The <u>building</u> is within 1m of <u>road</u> boundaries for at least 75% of the <u>site frontage</u> for any front <u>site</u>, except for: <ol style="list-style-type: none"> a. Any <u>site frontage</u> where a strategic <u>road</u> protection area applies as detailed in TRA Appendix 4. b. Any combination of the following: <ol style="list-style-type: none"> i. One <u>setback</u> of up to 3m for a maximum width of 2.5m to allow for a recessed pedestrian entrance. ii. One <u>setback</u> adjacent to a side <u>boundary</u> of the <u>site</u> for a maximum width of 6m to allow for a <u>through-site link</u>. 2. All <u>buildings</u> and <u>major structures</u> are set back at least: <ol style="list-style-type: none"> a. 3m from any Residential or <u>Open Space and Recreation Zone boundary</u>. b. 20m from Mean High <u>Water</u> Springs or the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: Discretionary</p>
MUZ-R5	Building and Major Structure Height in Relation to Boundary	

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	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> All <u>buildings</u> and <u>major structures</u> do not exceed a <u>height</u> equal to 4m above <u>ground level</u> plus the shortest horizontal distance between that part of the <u>building</u> or <u>major structure</u> and any Residential or <u>Open Space and Recreation Zone boundary</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>MUZ-R6</p>	<p>Building Frontages</p>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> At least 65% of the <u>building frontage</u> at ground floor is clear glazing. At least 25% of the <u>building frontage</u> above ground floor is clear glazing. The principal public entrance to the <u>building</u> is situated to face the <u>road</u> where the <u>building</u> is on a front <u>site</u>. There are no roller doors (except for <u>emergency services</u>, and security grilles which allow views from the street into the premises) along <u>site frontage</u>. 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>MUZ-R7</p>	<p>Impervious Areas</p>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The <u>impervious area</u> is set back at least 5m from Mean High Water Springs and the top of the bank of any <u>river</u> that has a width exceeding 3m (excluding bridges, culverts and fences). 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>MUZ-R8</p>	<p>Fences</p>	

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	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The fence is along site frontage and required by a bylaw or for public health and safety. The fence is not along a road frontage. 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>MUZ-R9</p>	<p>Outdoor Areas of Storage or Stockpiles</p>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The outdoor area of storage or stockpile: <ol style="list-style-type: none"> Complies with rules MUZ-R3, R4.2 and R5. Is screened from view from adjacent public places and surrounding sites, except for construction materials to be used on-site for a maximum period of 12 months within each 10-year period from [operative date]. 	<p>Activity Status when compliance not achieved: Discretionary</p>
<p>MUZ-R10</p>	<p>Car Parking</p>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The car parking space is not located between the building frontage and road boundaries of the site. 	<p>Activity Status when compliance not achieved: Non-Complying</p>
<p>MUZ-R11</p>	<p>Residential Unit</p>	
	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> Every residential unit provides a net floor area of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. The proximity of the site to communal or public open space that

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2. Every 1 bedroom [residential unit](#) contains an [outdoor living court](#) of at least 4m² and at least 1.5m depth.
3. Every 2+ bedroom [residential unit](#) contains an [outdoor living court](#) of at least 8m² and at least 2.4m depth.
4. Every [residential unit](#) is above ground floor.

has the potential to mitigate any lack of private [outdoor living space](#).

3. Adverse [effects](#) on active [frontage](#).

Notification:

Any application for a [residential unit](#) which does not comply with MUZ-R11.1 – 3 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management [Act](#) 1991.

MUZ-R12	Trade Suppliers		
MUZ-R13	Grocery Store		
MUZ-R14	General Retail		
	Activity Status: Permitted		Activity Status when compliance not achieved: Discretionary
	Where:		
	<ol style="list-style-type: none"> 1. The activity is a primary activity or ancillary activity. 2. The maximum business net floor area is 600m². 3. All site boundaries which are adjoining a Residential or Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the maximum height is 1.2m above ground level. 		
MUZ-R15	Commercial Services		
MUZ-R16	Visitor Accommodation		
MUZ-R17	Place of Assembly		
MUZ-R18	Recreational Facilities		
MUZ-R19	Emergency Services		
MUZ-R20	Educational Facilities		
	Activity Status: Permitted		Activity Status when compliance not achieved: Discretionary
	Where:		

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1. The activity is a primary activity or [ancillary activity](#).
2. All [site](#) boundaries which are adjoining a Residential or [Open Space and Recreation Zone](#) are planted with trees or shrubs to a minimum [height](#) of 1.8m above [ground level](#) and a minimum depth of 1m, except within 5m of a [road boundary](#) where the maximum [height](#) is 1.2m above [ground level](#).

MUZ-R21	Any New Vehicle Crossing Over A Footpath
Activity Status: Permitted Where: <ol style="list-style-type: none"> 1. Emergency services establish and require a vehicle access to the site. 	Activity Status when compliance not achieved: Discretionary
MUZ-R22	Food and Beverage Activities
Activity Status: Permitted Where: <ol style="list-style-type: none"> 1. The activity is ancillary to an educational facility. 2. The activity does not result in a combined gross floor area exceeding 250m² of food and beverage activity ancillary to the educational facility. 3. The food and beverage activity does not operate outside of 08:00 - 18:00 Monday - Friday. 	Activity Status when compliance not achieved: Discretionary
MUZ-R23	General Industry
Activity Status: Permitted Where: <ol style="list-style-type: none"> 1. The activity is a research laboratory ancillary activity to an educational facility. 	Activity Status when compliance not achieved: Non-Complying
MUZ-R24	Standalone Car Parking Facility
Activity Status: Discretionary	
MUZ-R25	Supported Residential Care

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MUZ-R26	Retirement Village
MUZ-R27	Drive Through Facilities
MUZ-R28	Entertainment Facilities
MUZ-R29	Service Stations
MUZ-R30	Care Centre
MUZ-R31	General Commercial
MUZ-R32	General Community
<p>Activity Status: Discretionary</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	

MUZ-R33	Farming
MUZ-R34	Manufacturing
MUZ-R35	Storage
MUZ-R36	Repair and Maintenance Services
MUZ-R37	Artisan Industrial Activities
MUZ-R38	Marine Industry
MUZ-R39	Motor Vehicle Sales
MUZ-R40	Garden Centres
MUZ-R41	Marine Retail
MUZ-R42	Hire Premise
MUZ-R43	Funeral Home
MUZ-R44	Hospital
<p>Activity Status: Non-Complying</p> <p>Where:</p> <p>1. The activity is a primary activity or ancillary activity.</p>	

MUZ-R45	Plantation Forestry
MUZ-R46	Intensive Livestock Farming
MUZ-R47	Farm Quarrying
MUZ-R48	Waste Management Facility

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MUZ-R49

Landfill Activity

Activity Status: Prohibited

Where:

1. The activity is a primary activity or ancillary activity.

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PREC4 – Hīhīaua Peninsula Precinct (HPP)

Issues

The Hīhīaua Peninsula Precinct (HPP) enables an expanded range of mixed use activities within a portion of the [Mixed Use](#) Zone between Dent and Herekino Streets. The activities supported by the Hīhīaua Peninsula Precinct include [residential units](#) at ground floor, smaller scale retail activities, and food and beverage activities.

Objectives

PREC4-O1 – Hīhīaua Peninsula	Hīhīaua Peninsula is a diverse, vibrant and attractive location to live, work and play.
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Policies

PREC4-P1– Enabled Activities	To support a wider range of mixed use activities by enabling smaller scale general retail activities, and food and beverage activities.
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Rules

PREC4-R1	Residential Unit
Activity Status: Permitted Where:	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion:
<ol style="list-style-type: none"> Every residential unit provides a net floor area of at least: <ol style="list-style-type: none"> For 1 bedroom – 45m² For 2 bedrooms – 70m² For 3 bedrooms – 90m² For more than 3 bedrooms – 90m² plus 12m² for each additional bedroom. Every 1 bedroom residential unit contains an outdoor living court of at least 4m² and at least 1.5m depth. Every 2+ bedroom residential unit contains an outdoor living court of at least 8m² and at least 2.4m depth. 	<ol style="list-style-type: none"> The design, size and layout of buildings to provide appropriate privacy and amenity for occupants on-site. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space. Adverse effects on active frontage. <p>Notification: Any application for a residential unit which does not comply with PREC4-R1 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</p>

PREC4-R2	General Retail
Activity Status: Permitted Where:	Activity Status when compliance not achieved: Discretionary
<ol style="list-style-type: none"> The activity is a primary activity or ancillary activity. The maximum business net floor area is 600m². 	

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PREC4-R3	Food and Beverage Activity
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Activity Status: Permitted	
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