

14 Future Urban Zone

14.1 Purpose

- a) The Future Urban Zone provides potential urban development areas for Hamilton’s long term growth. It controls subdivision and land use, and seeks to avoid fragmentation of the land. Fragmentation and inappropriate land uses can make future conversion of land to urban use difficult. It also ensures that any land which is identified as not being suitable for urban development can continue to be used for farming or productive uses. Urban growth is controlled by the preparation of structure plans, which determine if urbanisation is appropriate, its form, any necessary phasing and infrastructure requirements and land use controls.
- b) There are two parts of the City within the Future Urban Zone. These are Rotokauri in the north west of the City, and the ‘finger’ of land that extends from the edge of the City to the village of Temple View. At present, both areas are rural in character.
- c) Rotokauri has been subject to a Structure Plan as outlined in Chapter 3: Structure Plans, and is identified within the Hamilton Urban Growth Strategy as a growth cell to eventually include a mix of uses, including residential, industrial and employment as well as significant areas of reserve. The industrial land component of this area is also reflected in the industrial land allocation of the Regional Policy Statement.
- d) The Future Urban Zone extending towards Temple View should remain in predominantly rural use, until such time as a Structure Plan has been prepared to inform any decisions on the long term development potential of this area.
- e) The Future Urban Zone rules also apply to the Te Rapa North Deferred Industrial Area until such time as the area is rezoned. In the interim the Te Rapa North Deferred Industrial Area shall remain in predominantly rural use.

14.2 Objectives and Policies: Future Urban Zone

Objective	Policies
14.2.1 Subdivision, activities and development are compatible with the existing rural character and amenity, which is: <ol style="list-style-type: none"> i. Open pasture. ii. Pockets of vegetation. 	14.2.1a Buildings, subdivision and activities on site shall be of a scale and character compatible with existing rural character and amenity.
	14.2.1b Over-height buildings that create overshadowing and visual dominance effects shall be avoided.

<p>iii. Low-density development.</p> <p>iv. Predominantly farming activities.</p>	<p>14.2.1c Layout and design of development shall provide building setbacks that ensure:</p> <ul style="list-style-type: none"> i. Separation of buildings to protect the visual privacy of adjoining sites. ii. Separation between incompatible activities. iii. Buildings are set back from the road boundary to provide opportunities for landscape planting and the maintenance of low-density character. <p>14.2.1d Development and subdivision shall be of a low density.</p> <p>14.2.1e Provide for small-scale home-based business, produce stalls, homestay accommodation, and the continued operation of lawfully established activities.</p> <p>14.2.1f Rural character and amenity shall be retained until rezoning for urban development purposes occurs, as supported by a structure plan for the area.</p>
Explanation	
<i>Subdivision, activities and development need to be carefully managed to ensure their effects on the environment, character and amenity are minimised.</i>	
Objective	Policies
<p>14.2.2 Subdivision, activities and development does not compromise future urban use or the potential of land to be used for farming activities.</p>	<p>14.2.2a The size, arrangement and configuration of lots shall be controlled so the potential for future urban development and farming activities are not compromised.</p> <p>14.2.2b Development of land in the Future Urban Zone shall not compromise the integrity and viability of any relevant structure plan.</p> <p>14.2.2c The establishment of intensive commercial or industrial activities, that are unrelated to rural production and that may constrain or compromise farming activities and future urban development options, shall be avoided.</p> <p>14.2.2d Interim urban and rural-residential development is discouraged.</p>

	<p>14.2.2e Predominantly rural and farming activities shall take place until rezoning for urban development occurs as supported by a comprehensive structure plan for the area.</p>
	<p>14.2.2f The establishment of activities such as intensive farming, that may constrain future urban development or cause nuisance effects, shall be avoided.</p>
	<p>14.2.2g Land shall not be released for urban development until a structure plan and urban zoning is in place.</p>
	<p>14.2.2h Activities shall not adversely affect the natural environment.</p>
Explanation	
<p><i>Development within the Future Urban Zone will require effective planning to ensure that critical elements are identified and planned for before development occurs. This approach ensures the management of the land for rural activities until such time as a structure plan has been prepared that identifies the most appropriate form of development. Whilst permitting a range of compatible uses that prevent fragmentation and maintain amenity are provided for, in the interim.</i></p> <p><i>Where a structure plan has been prepared it is particularly important that development is managed to ensure the integrity and viability of these areas are not compromised.</i></p> <p><i>Nevertheless, rural-residential development, non-farming related industry and commercial activities are discouraged in the zone. Development is restricted to limit fragmentation of land before urbanisation and to maintain the land's productive capability in the interim. Structure planning will determine if alternative uses can be accommodated in the future but farming is expected to remain the dominant activity, until such time as rezoning is appropriate.</i></p>	
Objective	Policies
<p>14.2.3 Development and activities in the area encompassed by the Temple View Future Urban Zone recognise and respond to the unique character and amenity of this area and its proximity to the Temple and Temple View Village.</p>	<p>14.2.3a Buildings and activities shall avoid amenity and nuisance effects on the Temple and adjoining zones.</p> <p>14.2.3b Maintain the character of the Temple and Temple View Village by managing the bulk and location of development in the zone.</p>

Explanation

The character of the zone is partly defined by the proximity to the Temple and Temple View settlement. Development and activities need to be undertaken in a manner that is compatible with the Temple and Temple View settlement.

14.3 Rules – Activity Status Table

Activity	Class
a) Accessory buildings	P
b) Ancillary residential units	P
c) Ancillary residential structures	P
d) Farming activity	P
e) Single dwelling	P
f) Demolition/removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P
g) Intensive farming	NC
h) Home-based business	P
i) Homestay accommodation	P
j) Informal recreation	P
k) Maintenance, repair and alterations and additions to existing buildings	P
l) Network utilities	Refer Chapter 25.7: City-wide - Network Utilities and the Electricity National Grid Corridor
m) Produce stalls	P
n) Relocated buildings	P
o) Rural industry	D
p) Walkways and cycleways	P
q) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions
r) Boarding kennels and catteries in the Te Rapa North Deferred Industrial Area	RD
All Activities and Structures	
s) Any activity not listed above	NC

Note

- For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.

14.4 Rules – General Standards

14.4.1 Site Coverage

a) Net site area is greater than 5000m ²	10% up to a maximum of 1200m ² gross floor area
b) Net site area is 5000m ² or less	25% up to a maximum of 500m ² gross floor area

14.4.2 Gross Floor Area

a) Maximum gross floor area for any building	500m ²
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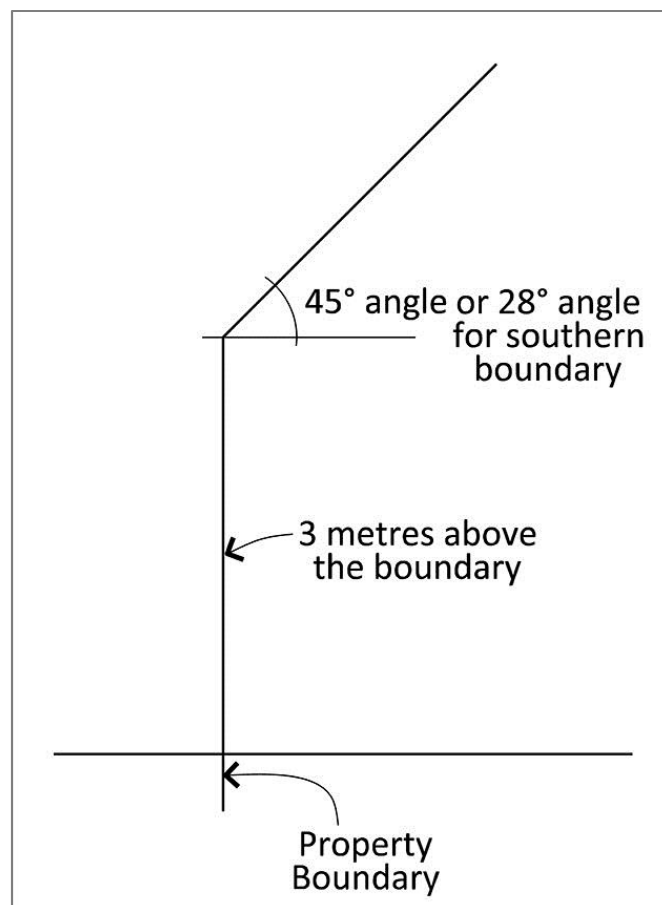
14.4.3 Building Height

a) Building height	Maximum 10m
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14.4.4 Height in Relation to Boundary

- a) No part of any building shall protrude through a height control plane rising at an angle of 45 degrees measured from 3m above ground level at all boundaries (refer to Figure 14.4.4b).

Figure 14.4.4b: Height control plane from any boundary



14.4.5 Building Setback

Building setback from	Minimum distance
a) Transport corridor boundary – local and collector transport corridors	5m
b) Transport corridor boundary – arterial transport corridors	25m
c) Any other boundary (for buildings and outdoor hardstands used for housing and feeding animals, including milking sheds and shearing sheds, and boarding kennels and catteries in the Te Rapa North Deferred Industrial Area)	50m
d) Residential unit setback from the operational area of an existing intensive farm on any other site	250m
e) Any water body	25m
f) Any other boundary not otherwise identified above	5m
g) Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)

Note: Refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area

14.4.6 Effluent Disposal

- a) Areas for the on-site disposal or storage of sewage (septic tanks) or farm effluent shall not be located within a:
 - i. High Flood Hazard Area.
 - ii. Medium Flood Hazard Area.
 - iii. Low Flood Hazard Area.
 - iv. Temple View Flood Hazard Area.
 - v. Culvert Block Flood Hazard Area.
 - vi. Waikato Riverbank and Gully Hazard Area.
 - vii. Significant Natural Area (refer Volume 2, Appendix 9, Schedule 9C: Significant Natural Areas)
 - viii. Root protection zone of a significant tree (refer Volume 2, Appendix 9, Schedule 9D: Significant Trees).
 - ix. Site scheduled in Volume 2, Appendix 8, Schedule 8B: Group 1 Archaeological and Cultural Sites.
- b) Facilities for the storage and disposal of sewage (septic tanks) or farm effluent shall be sited at least 25m from any natural or artificial water course or any lake.
- c) Facilities for the storage and disposal of farm effluent shall be sited at least:
 - i. 100m from any residential unit on another site.
 - ii. 15m from any site boundary.
 - iii. 150m from any Residential Zone or Special Character Zone boundary.

14.4.7 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 5: Special Character Zones
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

14.5 Rules – Specific Standards

14.5.1 Restriction on Buildings

- a) A single dwelling may be established on a site.
- b) One ancillary residential unit may be established on a site.
- c) Ancillary residential units shall not exceed 60m² gross floor area.

14.5.2 Produce Stalls

- a) One produce stall shall be allowed per site.
- b) Produce stalls shall not exceed 16m² gross floor area.
- c) Produce sold from a stall shall be grown or made either:
 - i. On the property on which it is offered for sale.
 - ii. On land owned or leased by the vendor of the produce.
 - iii. On land less than 3km from the property on which it is offered for sale.
- d) Produce stalls shall not be established on any site having vehicular access to a major arterial transport corridor or the strategic network.
- e) Produce stalls shall be located to enable two off-road hard stand areas for car parking.

14.5.3 Home-based Businesses

For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business (farming activities are not a home-based business). Home-based businesses shall:

- a) Employ only people residing on the site.
- b) Not exceed 30% of the total gross floor area of buildings on the site.
- c) Not generate any trips by a heavy motor vehicle.
- d) Not generate vehicle trips between 2000 to 0800 hours.

- e) Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
- f) Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.
- g) Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- h) Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.

14.6 Relocated Buildings

- a) A building shall be delivered to its final position on the site and connected to its permanent foundations within seven days of arrival.
- b) Within six months of arrival at the site, the building shall be fully reinstated externally and all previously painted external surfaces repainted with top coat.

14.7 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
Boarding kennels and catteries	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity • F – Hazards and Safety

14.8 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules

- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation