

TCZ – Town centre zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The TCZ – Town centre zone provides for a range of commercial, community, recreational and residential activities.

Objectives

TCZ-O1 Economic growth of industry.

Commercial activity is focussed within a differentiation of commercial zones (comprising the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone, and the BTZ – Business Tamahere zone.

TCZ-O2 Town centre zone character.

- (1) The commercial and mixed use character of Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced.
- (2) The zone is promoted as a community focal point.
- (3) Development of town centres is designed in a functional and attractive manner serving the needs of the community.

TCZ-O3 Town centre zone amenity.

The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the zone.

Policies

TCZ-P1 Commercial function and purpose.

- (1) Commercial activity develops in a way that ensures the town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions.

TCZ-P2 Commercial purpose.

- (1) The role of the zone in Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:
 - (a) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and
 - (b) The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and
 - (c) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.

- TCZ-P3 Employment opportunities.
Commercial development within the zone increases employment opportunities within the district.
- TCZ-P4 Retail.
- (1) Locate small scale retail activities within the TCZ – Town centre zone and LCZ – Local centre zone and discourage large scale activities with the exception of supermarkets from establishing within the TCZ – Town centre zone.
 - (2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.
- TCZ-P5 Residential upper floors.
- (1) Maintain the commercial viability of the zone while:
 - (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
 - (b) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.
- TCZ-P6 Town centre zone built form.
- (1) The scale and form of new development in the zone is to:
 - (a) Provide for a safe, accessible, compact and attractive town centre environment;
 - (b) Facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities;
 - (c) Reflect the role and character of the town centre;
 - (d) Increase the prominence of buildings on street corners;
 - (e) Maintain a low rise built form and small scale, pedestrian focussed retail activities; and
 - (f) Manage adverse effects on the surrounding environment, particularly at the interface with residential areas.
- TCZ-P7 Huntly town centre.
- (1) Development maintains and enhances the role of the Huntly town centre by:
 - (a) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and
 - (c) Providing for a building scale appropriate to the town centre.
- TCZ-P8 Ngaaruawaahia town centre.
- (1) Development maintains and enhances the role of the Ngaaruawaahia town centre by:
 - (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;

- (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
- (c) Promoting improved pedestrian and cycle linkages with Te Awa River ride, Ngaaruawaahia swimming pool and the town centre; and
- (d) Providing for an appropriate building scale with narrow frontages

TCZ-P9 Te Kauwhata town centre.

(I) Development maintains and enhances the role of the Te Kauwhata town centre by:

- (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
- (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
- (c) Providing for an appropriate building scale with narrow frontages; and
- (d) Protecting and enhancing the character of existing buildings through new built form.

TCZ-P10 Pokeno town centre.

(I) Development maintains and enhances the role of the Pokeno town centre by:

- (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
- (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
- (c) Providing for an appropriate building scale with narrow frontages; and
- (d) Protecting and enhancing the character of existing buildings through new built form.

TCZ-P11 Tuakau town centre.

(I) Development maintains and enhances the role of the Tuakau town centre by:

- (a) Maintaining wide open streets, with wide pedestrian footpaths;
- (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and
- (c) Providing for an appropriate building scale with narrow frontages.

TCZ-P12 Pedestrian frontages: active street frontages.

(I) Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the zone to enable the maintenance of:

- (a) Passive surveillance;
- (b) Continuous verandahs;
- (c) Display windows and building façades;
- (d) Pedestrian safety; and
- (e) Buildings located up to the street boundary.

TCZ-PI3 Corner buildings.

- (I) Ensure buildings within zone positively reinforce corner locations through:
 - (a) Building design;
 - (b) The position of the building on the site;
 - (c) Architectural details; and
 - (d) Having prominent building entrances.

TCZ-PI4 Landscaping.

- (I) Within the zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.

TCZ-PI5 Height.

- (I) Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town.

TCZ-PI6 New buildings

- (I) New buildings within the zone:
 - (a) Respond to the specific site characteristics and wider street and town context;
 - (b) Promote architectural form, building features and placement;
 - (c) The design of buildings contributes to vibrancy, character and commercial viability of the town centre;
 - (d) Provide landscape and open space design that responds to the characteristics and qualities of the area;
 - (e) Minimise visual and amenity impacts of accessways and parking facilities; and
 - (f) Maximise pedestrian access and safety.

TCZ-PI7 Reverse sensitivity.

Development within the zone is acoustically insulated to mitigate the adverse effects of noise.

TCZ-PI8 Adjoining site amenity.

- (I) Maintain amenity of adjoining GRZ – General residential zone, MRZ – Medium density residential zone or OSZ – Open space zone by:
 - (a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ – Medium density residential and OSZ – Open space zoned land; and
 - (b) The progressive reduction in the height of buildings in the zone, the closer they are located to boundaries adjoining GRZ – General residential, MRZ – Medium density residential and OSZ – Open space zoned land.

TCZ-P19 Outdoor storage.

The adverse visual effects of outdoor storage in the zone are mitigated through appropriate location, screening or landscaping.

TCZ-P20 Objectionable odour.

Within the zone ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

TCZ-R1	Commercial activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TCZ-R2	Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.
(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level; and (b) The entrance lobby, stairwell or lift may be located on the ground floor level	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Streetscape effects; (b) The extent to which the residential activity effects the primary purpose of the zone to provide for retail, administration, civic and commercial activities.
TCZ-R3	Supermarket
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TCZ-R4	Visitor accommodation
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TCZ-R5	Community facility
(1) Activity status: PER Activity-specific standards: (a) Excluding a cemetery.	(2) Activity status where compliance not achieved: DIS
TCZ-R6	Health facility
(1) Activity status: PER Activity-specific standards:	(2) Activity status where compliance not achieved: DIS

(a) Excluding a hospital.		
TCZ-R7	Office	
(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level within the Verandah Line notation on the planning maps.		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Streetscape effects including ways in which to activate visual connection and interest between pedestrians and the office; and (b) Extent of glazing and length of frontage of the office to the street.
TCZ-R8	Public transport facility	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
TCZ-R9	Community corrections activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
TCZ-R10	Construction or alteration of a building for a sensitive land use	
(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and (d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.
TCZ-R11	Demolition of, or alteration or addition to, a building or structure	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
TCZ-R12	A multi-unit development	
(1) Activity status: RDIS Activity-specific standards:		(2) Activity status where compliance not achieved: DIS

- (a) A multi-unit development that meets all of the following standards:
- (i) Land use – effects;
 - (ii) Land use – building, except the following standards do not apply;
 - (1) Standard TCZ-S6 (Display windows) does not apply;
 - (2) Standard TCZ-S7 (Verandahs) does not apply
 - (3) TCZ-S10 (Residential units) does not apply;
 - (4) TCZ-S11 (Outdoor living space) does not apply;
- (b) A detailed site plan depicting the proposed Record of Title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule SUB-R100 (Subdivision of multi- unit developments);
- (c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels;
- (d) A communal service court is provided comprising;
- (i) minimum area of 20m²; and
 - (ii) minimum dimension of 3m.
- (e) Outdoor living space areas are provided to meet the following minimum requirements for each residential unit:

Residential Unit	Minimum outdoor Living space area	Minimum Dimensions
Studio unit or 1 bedroom	10m ²	2m
2 or more bedrooms	15m ²	2m

- (f) Each residential unit must meet the following minimum unit size:

Unit or Apartment Area	Minimum Unit
Studio Unit	35m ²
1 or more bedroom unit	45m ²

Council's discretion is restricted to the following matters:

Design:

- (g) The extent to which that portion of the building or site which fronts a road or public space:

<ul style="list-style-type: none"> (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels. (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections. (iii) Avoids unrelieved and blank façades. (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade. (v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity. (vi) Minimises vehicle garaging/parking or manoeuvring areas. (vii) Service courts are screened or obscured. <p><u>On-site amenity:</u></p> <ul style="list-style-type: none"> (h) The extent to which the design: <ul style="list-style-type: none"> (i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces. (ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects. (iii) Maximises opportunities for passive solar gain within units. <p>Infrastructure:</p> <ul style="list-style-type: none"> (i) The extent to which the design can be efficiently serviced with 3 waters infrastructure. <p>Natural hazards:</p> <ul style="list-style-type: none"> (j) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards. <p>Staging:</p> <ul style="list-style-type: none"> (k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner. 	
<p>TCZ-RI3</p>	<p>Construction of any new building</p>
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The construction of any new building that meets all of the following conditions standards: <ul style="list-style-type: none"> (i) Land use – effects; (ii) Land use – building except; <ul style="list-style-type: none"> (1) TCZ-S10 (Residential units) does not apply; 	<p>(2) Activity status where compliance not achieved: DIS</p>

(2) TCZ-S11 (Outdoor living space) does not apply.	
<p>Council's discretion is restricted to the following matters:</p> <p>(b) The extent to which the building is consistent with the following matters:</p> <p>(i) A site and contextual analysis;</p> <p>(ii) A connectivity and movement network analysis;</p> <p>(iii) A neighbourhood character assessment; and</p> <p>(iv) Design illustrating how the building will promote character elements</p>	
TCZ-R14	Educational facility
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which it is necessary to locate the activity with the TCZ – Town Centre Zone;</p> <p>(b) Reverse sensitivity effects of adjacent activities;</p> <p>(c) The extent to which the activity may adversely impact on the transport network;</p> <p>(d) The extent to which the activity may adversely impact on the streetscape; and</p> <p>(e) The effects of noise.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
TCZ-R15	Emergency service facilities
Activity status: DIS	
TCZ-R16	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity
Activity status: DIS	
TCZ-R17	Construction of a building located on an indicative road
Activity status: NC	
TCZ-R18	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).
Activity status: PR	

Land use – effects

TCZ-S1	Servicing and hours of operation
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ – Settlement zone must only occur between 6.00am and 8.00pm.</p>	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values on adjoining sites within the GRZ - General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ – Settlement zone; (b) Timing, duration and frequency of adverse effects; (c) Location of activity in relation to zone boundary; (d) Location of activity in relation to residential units on adjoining sites; (e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.
<p>TCZ-S2 Outdoor storage</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Outdoor storage of goods or materials must comply with all of the following standards: <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on parking or loading areas; (iii) Standards TCZ-S3 Height and TCZ-S4 Height in relation to boundary; and (iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: <ul style="list-style-type: none"> (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on loading and parking areas; (c) Size and location of storage area; and (d) Measures to mitigate adverse effects.

Land use – building

<p>TCZ-S3 Building height</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12; (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building (c) Extent of shading on an adjoining site; and (d) Privacy on adjoining sites.

<p>(c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.</p>	
<p>TCZ-S4 Height in relation to boundary</p>	
<p>(1) Activity status: PER Where: (a) Any building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the: (i) GRZ – General residential zone; (ii) MRZ – Medium density residential zone; (iii) LLRZ – Large lot residential zone; (iv) SETZ – Settlement zone; (v) RLZ – Rural lifestyle zone; or (vi) OSZ – Open space zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Height of the building; (b) Design and location of the building; (c) Level of shading on any other sites adjoining site; (d) Privacy on other site; and (e) Amenity values of the locality.</p>
<p>TCZ-S5 Gross leasable floor area</p>	
<p>(1) Activity status: PER Where: (a) Every individual tenancy (excluding supermarkets) must have a gross leasable floor area of no more than 350m²</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-S6 Display windows and building façades</p>	
<p>(1) Activity status: PER Where: (a) Any new building façade adjoining a road boundary, or alteration of an existing building façade, adjoining a road boundary must comply with the following standards: (i) Not be set back from the road boundary at ground floor level; and (ii) Provide display windows comprising at least 50% of the building façade at ground floor level. (b) Standard TCZ-S6(1)(a) does not apply to the entrance lobby, stairwell or lift located at ground floor level that services an above ground level multi-unit development.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated (b) Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety (c) Effects on amenity values and town centre character.</p>
<p>TCZ-S7 Verandahs</p>	
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) Any new building, or alteration to the frontage of an existing building, on land with a verandah line identified on the planning maps, must be provided with a verandah that complies with the following standards:</p> <ul style="list-style-type: none"> (i) Is attached to the façade of the building; (ii) Has a height above the footpath of at least 2.5m but not more than 3.5m; (iii) Has a minimum width of 3m; (iv) The outer edge of the verandah is set back 0.5m from the kerb; (v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter; (vi) It is cantilevered from the building. <p>(b) Standard TCZ-S7(1)(a) does not apply to a building included in SCHED I – Historic heritage items.</p>	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character; (b) The character and layout of the building; (c) The nature, design and location of the verandah; and (d) The functional requirements of the activities that the buildings are intended to accommodate.
<p>TCZ-S8 Building setbacks – zone boundaries</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A building must be set back a minimum of at least: <ul style="list-style-type: none"> (i) 3m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRZ – General residential zone; (2) MRZ – Medium density residential zone; (3) RLZ – Rural lifestyle zone; (4) LLRZ – Large lot residential zone; (5) SETZ - Settlement zone; or (6) OSZ – Open space zone. (ii) 1.5m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRUZ – General rural zone; (2) GIZ – General industrial zone; or (3) HIZ – Heavy industrial zone. (b) TCZ-S8(1)(a) does not apply to a structure which is not a building. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height, design and location of the building relative to the boundary; (b) Impacts on the privacy for adjoining site(s); (c) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (d) Landscaping and/or screening.
<p>TCZ-S9 Building setback – waterbodies</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A building must be set back a minimum of: <ul style="list-style-type: none"> (i) 27.5m from the margin of any lake; (ii) 27.5m from the margin of any wetland; 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;

<ul style="list-style-type: none"> (iii) 27.5m from the bank of any river (other than the Waikato River and Waipa River); (iv) 32.5m from the margin of either the Waikato River and the Waipa River; (v) 27.5m from mean high water springs; (vi) 10m from any artificial wetland; (b) A public amenity of up to 25m² or pump shed (private or public) within any building setback identified in Standard TCZ-S9(1)(a); (c) TCZ-S9(1)(a) does not apply to a structure which is not a building. 	<ul style="list-style-type: none"> (b) Adequacy of erosion and sediment control measures; (c) The functional or operational need for the building to be located close to the waterbody; (d) Effects on public access to the waterbody; (e) Effects on the amenity of the locality; and (f) Effects on natural character values.
<p>TCZ-S10 Residential units</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) One residential unit on the Record of Title; (b) The residential unit must comply with all of the following standards: <ul style="list-style-type: none"> (i) The residential unit must not be located at ground level; (ii) The entrance lobby, stairwell or lift may be located on the ground floor level; (iii) The residential unit must achieve the internal design sound levels specified achieve the internal design sound levels specified in APPI – Acoustic insulation, Table 25 – Internal sound levels. (c) Standard TCZ-S10(1) does not apply to multi-unit development (refer to Rule TCZ-R12 (Multi-unit development)). 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-S11 Outdoor living space</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) An outdoor living space must be provided for each residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; and (iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Design and location of the building; (b) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (c) Privacy on adjoining sites; (d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.