

Sec. 21-8.40-1 Zero lot line site plan.

All zero lot line housing projects shall be processed in accordance with the subdivision rules and regulations, including application requirements; provided, that a site plan shall be submitted with other application materials which meets the criteria of Section 21-8.40-2. (Added by Ord. 99-12)

Sec. 21-8.40-2 Zero lot line site design standards.

- (a) Zero lot line housing may be constructed in the R-7.5, R-5 and R-3.5 residential districts.
- (b) The minimum lot and yard dimensions shall be the underlying district requirements for duplex units, except that a side and/or a rear yard need not be provided, and corner lots in a zero lot line project shall have a minimum lot width of 10 feet more than the underlying district minimum lot width for duplex units.
- (c) The maximum building area shall be 50 percent of the zoning lot.
- (d) The maximum building height shall be the underlying district requirements.
- (e) Height setbacks on the zero lot line shall be measured from five feet on the other side of the property line.
- (f) The following siting standards shall be applied to all zero lot line housing projects:
 - (1) To create useful outdoor areas, dwelling units may be sited on any side and/or rear lot line.
 - (2) Dwelling units shall not be sited on lot lines between a zero lot line dwelling and a lot not included in the project.
 - (3) A minimum distance equivalent to double the yard requirement in the underlying zoning district shall be maintained between any two dwelling units. This requirement can be met entirely on one zoning lot or shared between the lots. This control shall be made a part of deed restrictions as a use easement.
 - (4) Siting of dwelling units shall be staggered a minimum of two feet on adjacent zoning lots. Setbacks shall be varied in a random manner to avoid repetition.
- (g) Walls of structures built along the lot line shall not contain windows, doors or other openings, except that windows may be allowed for light and ventilation purposes; provided, that the height from window sill to finished floor shall be at least six feet.
- (h) For the purposes of construction, upkeep and repair of structures located on a lot line, a minimum five foot maintenance easement shall be recorded between the owner of the property containing the structure and the owner of the property upon which entry must take place.
- (i) All zoning lots within a zero lot line housing project shall carry a record of agreement or deed restriction limiting the use of the lots to zero lot line housing, including all restrictions on yards.
- (j) The director may establish supplemental design guidelines further illustrating the above site design standards. (Added by Ord. 99-12)

Sec. 21-8.50 Housing--Flexible site design.

The purpose of this section is to provide for cluster housing and planned development housing, two development options which offer more flexible site design opportunities than conventional subdivisions. (Added by Ord. 99-12)

Sec. 21-8.50-1 Cluster housing.

The intent of cluster housing is:

- (a) To allow development of housing sites which would otherwise be difficult to develop under conventional city subdivision standards.
- (b) To allow flexibility in housing types, including attached units.
- (c) To encourage innovative site design and efficient open space.
- (d) To minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted.
- (e) To provide common amenities, when appropriate.

(Added by Ord. 99-12)

Sec. 21-8.50-2 Cluster site design standards.

Cluster housing may be constructed in all residential and apartment districts, subject to the following standards:

- (a) Within residential and apartment districts, the minimum land area and maximum number of dwelling units for a cluster housing project shall be as follows:

District	Minimum Land Area	Maximum No. of Units
R-20	60,000 sq. ft.	Total project area/20,000
R-10	30,000 sq. ft.	Total project area/10,000
R-7.5	22,500 sq. ft.	Total project area/7,000
R-5	15,000 sq. ft.	Total project area/3,750
R-3.5	10,500 sq. ft.	Total project area/3,500
A-1 - A-3	10,500 sq. ft.	Total project area/3,500

- (b) Within cluster housing projects, detached, duplex and multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed eight dwelling units in one structure.
- (c) The director may waive the following requirements if suitable landscaping and/or fence/wall buffering is provided:

- (1) All structures containing more than two dwelling units shall be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width.
- (2) All common activity areas, such as tot lots, play courts, swimming pools and barbecue facilities, shall be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project.
- (d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit, provided the following conditions are met:
 - (1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;
 - (2) The building contains multifamily dwellings with gabled and/or hipped roof forms;
 - (3) The highest exterior wall line, equivalent to the structural top plate, shall not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;
 - (4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential district. The distance between any three-story buildings shall be at least 30 feet;
 - (5) The building shall not exceed a height limit of 34 feet; and
 - (6) The exemption will not adversely detract from the surrounding neighborhood character.
- (e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall shall be constructed or landscaped buffering shall be installed along the roadway or a combination of a wall and landscaping, subject to the approval of the director.
- (f) Maximum building area shall be 50 percent of the total land area for the project. Maximum building area for any lot of record may be more than 50 percent in response to design considerations, but in no event shall exceed 80 percent.
- (g) Yards and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all lots fronting public streets shall not be less than the front yard requirement of the underlying zoning district.
- (h) The director may establish supplemental design guidelines further illustrating the above site design standards. (Added by Ord. 99-12)

Sec. 21-8.50-3 Cluster housing procedures.

All cluster housing applications shall be processed in accordance with Section 21-2.110-1. (Added by Ord. 99-12)

Sec. 21-8.50-4 Planned development housing (PD-H).

The PD-H option is intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood, with:

- (a) A variety of housing types, including multifamily dwellings;
- (b) Innovative site design and efficient open space;
- (c) Common amenities;
- (d) Reduced construction costs for the developer and housing costs for the consumer;
- (e) A mixing of uses other than allowed in the underlying zoning district;
- (f) Adequate provision for public services;
- (g) More flexibility for infrastructure improvements.

(Added by Ord. 99-12)

Sec. 21-8.50-5 PD-H applicability.

PD-H projects may be constructed in all residential and apartment districts. (Added by Ord. 99-12)

Sec. 21-8.50-6 PD-H use regulations.

Within a PD-H project, all of the following uses and structures shall be permitted:

- (a) Meeting facilities; provided, that facilities where the conduct of commercial affairs is a principal activity shall not be permitted;
- (b) Day-care facilities;
- (c) Dwellings--detached, multifamily and duplex;
- (d) Recreation facilities, outdoor;
- (e) Schools--elementary, intermediate and high;
- (f) Utility installations, Type A.

(Added by Ord. 99-12)

Sec. 21-8.50-7 PD-H density and minimum land area.

The following floor area ratios and minimum land area requirement shall apply to PD-H projects, based on the underlying zoning district:

District	FAR	Minimum Land Area
R-20	.13	4 acres
R-10	.24	2 acres
R-7.5	.26	1.5 acres

District	FAR	Minimum Land Area
R-5	.35	1 acre
R-3.5	.40	1 acre
A-1	.79	.5 acre
	1.00	if project size is greater than 1 acre
A-2	1.61	.5 acre
	2.00	if project size is greater than 1 acre
A-3	2.60	.5 acre
	3.00	if project size is greater than 1 acre

Sec. 21-8.50-8 PD-H site design standards.

All PD-H projects shall comply with the following design review criteria:

- (a) When a PD-H project adjoins a residential zoning district without an intervening secondary or major street or a permanent open space at least 15 feet wide, then a 15 foot open space buffer shall be provided. This buffer requirement may be waived by the director when topography makes buffering unnecessary.
- (b) All intensive recreational uses, such as play courts, ball fields, tot lots and swimming pools, shall be set back a minimum of 25 feet from all adjoining residential districts and 25 feet from the walls of dwelling units within the planned development project. This requirement may be waived by the director when topography or the installation of landscaping and/or a fence or wall or other design features makes the setback unnecessary.
- (c) A minimum of 50 percent of the land area of the project shall be maintained in open space.
- (d) Minor streets within the project shall not be connected to streets outside the development in such a way as to encourage the use of minor streets for through traffic.
- (e) Walkways may be required for pedestrian access to all dwelling units and project facilities.
- (f) The director may establish supplemental design guidelines further illustrating the above site design standards. (Added by Ord. 99-12)

Sec. 21-8.50-9 PD-H procedures.

All PD-H applications shall be processed in accordance with Section 21-2.40-2. (Added by Ord. 99-12)

Sec. 21-8.50-10 Application requirements.

Any application for a cluster or a PD-H project shall be accompanied by:

- (a) Project name;
- (b) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one half mile radius of the project;
- (c) A site plan showing:
 - (1) A metes and bounds map of site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
 - (2) Lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot, total number of lots and total area of project;
 - (3) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;
 - (4) Approximate location of areas subject to inundation or stormwater overflow, and all areas covered by waterways, including ditches, gullies, streams and drainage courses within or abutting the site and features such as slide areas or falling boulder areas likely to be harmful to the project or the surrounding area;
 - (5) Existing contours at vertical intervals of five feet where the slope is greater than 10 percent, and contours not more than two feet where the slope is less than 10 percent;
 - (6) The finished condition to be achieved by proposed grading to be shown by contours, cross sections, spot elevations or other means, and estimated quantities of cut and fill. Elevations shall be marked on such contours based on established benchmark;
 - (7) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features;
 - (8) Location, size, spacing, setbacks and dimensions of all existing and proposed structures, and improvements, including the number and type of dwelling units;
 - (9) The shoreline, shoreline setback lines, beach access and stream and other setback lines, when applicable;
 - (10) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;
 - (11) Number and location of dwelling units and guest parking (covered and uncovered);
 - (12) Abutting land uses;
- (d) Architectural plans which show prototype dwelling units, including floor plans and elevation drawings, with sections, dimensions and floor area;
- (e) A landscape plan which includes identification of proposed trees by caliper and other plant material by species;

- (f) A prose description of the project including: objectives of the design concept; unique site conditions; development schedule (number of units and other development features for each phase);
- (g) Proposals for maintenance and conservation of all common elements.

(Added by Ord. 99-12)

Sec. 21-8.50-11 Director's decision.

The director shall approve, approve with modifications, or deny with reasons the cluster housing or the PD-H application, based on the following criteria:

- (a) The applicant's compliance with the provisions of Section 21-8.50-2, for cluster housing projects, or Section 21-8.50-8, for PD-H projects;
- (b) The applicant's compliance with requirements of other government agencies;
- (c) The applicant's compliance with all other application requirements, as specified in Section 21-8.50-10, application requirements;
- (d) Assurance that the proposed development will be of quality and character compatible with surrounding land uses and will have the same beneficial effect on the health, safety and welfare of persons living or working in the area, as would any use or uses generally permitted in the district.
- (e) No cluster or PD-H shall be granted approval if the land is found by the director, upon consultation with other governmental agencies, to be unsuitable for the proposed use, based on the following conditions:
 - (1) Susceptibility to flooding;
 - (2) Poor drainage;
 - (3) Unstable subsurface;
 - (4) Groundwater or seepage conditions;
 - (5) Inundation or erosion by seawater;
 - (6) Susceptibility to slides or similar hazards;
 - (7) Adverse earth or rock formation or topography; and
 - (8) Other features or conditions likely to be harmful or dangerous to the health, safety or welfare of future residents of the proposed project or to the surrounding neighborhood or community.
 Approval shall not be granted unless satisfactory protective improvements or other measures have been proposed by the applicant and approved by the director in consultation with other governmental agencies.

Sec. 21-8.60 Exclusive agricultural sites.

The director may approve exclusive agricultural sites under the following conditions:

- (a) The minimum leasable area within an exclusive agricultural site shall be five acres, irrespective of the minimum lot size of the applicable zoning district.
- (b) All structures for temporary, seasonal, or permanent residential occupancy or habitation shall be prohibited.
- (c) Exclusive agricultural site provisions shall be applicable only to leasehold lands located within an agricultural-zoned district and shall require a lease term of no less than 10 years. The term of the lease shall be clearly defined in the lease agreement.
- (d) If a resource concern is identified by the United States Department of Agriculture Natural Resources Conservation Service or appropriate State of Hawaii Soil and Water Conservation District, the owner of the parcel and lessee(s) shall submit a conservation plan approved by a certified conservation planner upon application for an exclusive agricultural site.
- (e) The owner of the parcel shall also submit a map, drawn to scale, of the parcel(s) indicating the land area under consideration for the exclusive agricultural site, the number of existing or proposed leasable areas and acres, and a copy of the executed lease agreement(s).
- (f) Prior to final approval of the site by the director, the leases within or a master lease for an exclusive agricultural site shall be recorded in the bureau of conveyances and/or the land court, as is appropriate, and a certified copy of the recorded document shall be filed with the director. Each lease shall:
 - (1) Restrict uses to those principal and accessory agricultural uses as defined in this chapter, except that farm dwellings or structures suitable for residential occupancy or habitation shall be prohibited;
 - (2) Provide a roadway maintenance agreement for all roadways within the exclusive agricultural site; and
 - (3) Assure implementation of the conservation plan required in subsection (d) and compliance with the provisions of such plan, including maintenance of conservation improvements specified therein.
- (g) Notwithstanding the provisions of Chapter 22, the following infrastructure standards shall apply:
 - (1) A water system shall not be required for an exclusive agricultural site.
 - (2) Roadway improvements, including street lights and utility lines, may be approved within an exclusive agricultural site which do not meet the standards established under Chapter 22, provided that they shall be the property and the responsibility of the subdivider, lot owner, and/or lessees pursuant to an executed roadway maintenance agreement.
- (h) In the event that conditions in the area in which an exclusive agricultural site is located change to such extent that the exclusive agricultural site no longer promotes diversified agriculture, the fee owner may apply to the director to nullify the site permit, provided that the consent of all lessees within the site is secured. Upon the approval of the nullification of the exclusive agricultural site by the director, the parcel shall revert to its original status.
- (i) In the event of expiration or termination of the lease prior to its stated term, the exclusive agricultural site shall be nullified, and the parcel shall revert to its original status.

(Added by Ord. 02-63)