

Topic:	Planned Development District; Open Space Preservation; Natural Resource Protection & Conservation
Resource Type:	Regulations
State:	Hawaii
Jurisdiction Type:	Municipal
Municipality:	County of Maui
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Community Type - applicable to:	Urban; Suburban; Rural
Title:	County of Maui Planned Development Ordinance
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Abstract

Maui County Zoning Ordinances include provisions for Planned Development and Lot Reduction, Open Space Incentives, and Cluster Development Overlay Zones. Planned Development is intended to encourage better design and land use, protect the natural environment, minimize traffic congestion, and improve living conditions. At least 20% of Planned Developments must be preserved as protected open space and designed as a park-like area. Lot reductions of 20% and multi-unit buildings are permitted in these developments, specific numbers depending on underlying zone.

Open Space Incentives provide additional floor space or building height in return for the provision of open space in a development beyond the minimum yard setback required for the project. In addition, additional floor space may be granted for installing underground parking areas, instead of surface parking. Tops of underground parking structures must be landscaped with no more than 1/3 of the area left unvegetated.

Cluster Housing is designed to allow land use flexibility, innovative design, open space, minimum grading due to private and narrower roads, and common amenities. Clustered developments may have multi-unit residences, and no more than 15% of the land area may be covered by buildings.

Resource

Maui County Zoning Ordinances
Maui county code - Title 19 - Zoning
Planned development:

19.32.010 Purpose.

In order to encourage desirable design and land use pattern, protect natural environment, minimize traffic congestion, and enhance living and working conditions, it is deemed desirable to provide for tract development of land in planned development. (Prior code § 8-1.17(a))

19.32.020 Rules of procedure.

A. The owner of a parcel of land in State Urban District, three acres or more in size, who is desirous of proceeding with a planned development, shall first apply to the commission in writing, stating the location, size and brief description of the planned development; provided, however, that the minimum area for planned development proposed on lands outside the State Urban District shall be ten acres or more in size. The commission shall reject or tentatively approve the request.

B. Upon receipt of the tentative approval, the owner shall confer with the planning director, the director of public works and the director of the department of water supply and proceed to prepare a sketch plan of the development, showing among other things, a preliminary proposal for drainage, streets, utilities, grading, landscaping, open spaces, lots, land uses, recreational and community facilities, buildings and structures, and programming. The commission shall review the sketch plan for conformance with the standards of development in this chapter and reject or tentatively approve the sketch plan.

C. Upon approval of the sketch plan, the owner shall proceed to prepare a unified site and building program which shall include, among other things, construction plans in accordance with Title 18; site plan showing grading, landscaping, protected open spaces, location of each building and structure; building plan of each building and structure; and the financing and timing program. The commission shall review the unified site and building program, and upon approval, the owner may proceed to finalize the planned development. (Ord. 785 § 1, 1974; prior code § 8-1.17(b))

19.32.030 Standards of development.

A. The development shall meet all the construction standards and requirements of the various governmental agencies.

B. Not less than twenty percent of the total area of the tract shall be common protected open space, integrated with the lot layout and street system in order to maximize its park-like effect. Common protected open space shall mean open space to be owned in common by the individual owners within the development and maintained in open space for their common use and enjoyment.

C. Each building and structure shall be individually designed by a registered architect to conform with the intent of the planned development.

D. Landscaping of the entire development, including along streets, within lots and in the open spaces shall be provided.

E. Adequate recreational and community facilities shall be provided.

F. Provision shall be made for adequate and continuing management of all open spaces and community facilities to insure proper maintenance and policing. Documents to said effect shall be required. (Prior code § 8-1.17(c))

19.32.040 Reduction of lot areas and mixed land uses.

Upon strict compliance with the standards of development, the commission may reduce the minimum lot area, allow greater building densities, and mixed land uses as follows:

A. If the development is to be subdivided, the minimum lot size may be reduced twenty percent from that required for that particular district; provided, that the minimum lot width shall not be reduced.

B. In residential planned development, including duplex zone, with minimum tract area of three acres, combining of no more than three dwelling units in a single structure shall be permitted. Only a single, interior-located common club facility shall be permitted. There shall be no increase in the overall dwelling unit density.

C. In residential planned development, including duplex zone, with minimum tract area of ten acres, combining of no more than five dwelling units in a single structure shall be permitted. Two interior-located common club facilities shall be permitted. Overall dwelling unit density may be increased ten percent.

D. In residential planned development, including duplex zone, with minimum tract area of thirty acres, combining of no more than eight dwelling units in a single structure shall be permitted. Four interior-located club or community facilities shall be permitted. Overall dwelling unit density may be increased fifteen percent.

E. Apartment, hotel, business and industrial planned developments shall be permitted in their respective districts. For such planned developments with minimum tract area of ten acres, the overall permitted floor area may be increased ten percent; and for minimum tract area of thirty acres, the overall permitted floor area may be increased fifteen percent.

F. Overall dwelling unit density shall be determined by dividing the total number of dwelling units by the net land area. Net land area shall be total lot area minus the area of dedicated streets and other dedicated areas. Base dwelling unit densities upon which any bonus shall be applied, shall be as follows:

R-3 residential district 4.36 dwelling units/acre

R-2 residential district 5.81 dwelling units/acre

R-1 residential district 7.26 dwelling units/acre

D-2 duplex district 8.72 dwelling units/acre

D-1 duplex district 11.62 dwelling units/acre

RR-1 rural residential district 4.36 dwelling units/acre

RR-2 rural residential district 2.00 dwelling units/acre

Permitted dwelling unit densities for other zoning districts not specified above shall be based upon the allowable densities within the districts.

G. Planned developments proposed on lands including more than one zoning district may permit a mixture of uses, densities and/or dwelling units; provided, that the total density and/or dwelling units of the planned development shall not exceed the combined allowable densities of each of the zones. (Ord. 785 §§ 2 and 3, 1974; prior code § 8-1.17(d))

19.32.050 Other regulations.

All other regulations shall be the same as those for the particular district in which the planned development is located, unless otherwise specifically provided by the provisions of this article. (Prior code § 8-1.17(e))

Open Space Incentives:

19.56.010 Purpose.

The intent of this chapter is to preserve open space and significant vistas, particularly toward the ocean. Ocean vistas are declared to be an important natural asset, and the preservation of such ocean vistas shall be encouraged by establishing an incentive (bonus) system for floor area and building story heights, in conjunction with the providing of seaward view planes and open spaces. (Prior code § 8-5.1)

19.56.020 Scope.

This chapter shall be applicable to apartment, hotel and business districts in the county that lie in those areas located between the ocean and the coastal highways, except as follows:

- A. Those areas in A-1 and A-2 apartment districts, H-1 hotel district, and B-1 business district within one hundred feet from any park, residential district or historic district;
- B. Those areas in H-M and H-2 hotel districts and B-2 business district within two hundred feet from any park, residential district or historic district; and
- C. Any areas classified as B-3 central business district.

Structures within any historic districts shall also be specifically excluded from the provisions of this chapter. (Prior code § 8-5.2)

19.56.030 Definitions.

A. The following words and phrases are defined for use in this chapter:

1. "Coastal highways" mean the major highways along the coastlines of the county, to be further defined in the rules and regulations.
2. "Floor-area ratio (F.A.R.);" means that ratio of the total gross floor area of a structure or structures, to the total lot area.
3. "Net lot width (NLW)" means the average width of the lots-less the required yard setback, measured parallel to the seaward boundary.
4. "Obstructed space" means any area occupied by a structure greater than three feet in height, excluding fences.
5. "Open-space ratio (OSR)" means that ratio obtained by dividing the net lot width into the open-space width (OSW divided by NLW).
6. "Open-space width (OSW)" means the net lot width (NLW), less all obstructed space, measured along the same line as the net lot width.

B. Where no lot boundary is substantially parallel to the ocean, or more than one direction exists, the planning director shall determine the direction in which the open space widths shall be measured, taking into consideration the vistas to be provided or preserved. (Prior code § 8-5.3)

19.56.040 Bonus for open space.

A. Bonuses in the form of additional floor area and increased building story heights shall be allowed for those buildings which have an open-space ratio (OSR) greater than zero percent, indicating that open space greater than the minimum required yard setbacks has been provided.

B. The bonuses shall be given in regular designated increments as established by the planning commission in the rules and regulations, except that the following limits for the floor area ratio (F.A.R.) and building story heights shall not be exceeded:

A-1 apartment district: 60 percent F.A.R.

3 stories

A-2 apartment district: 120 percent F.A.R.

6 stories

H-1 hotel district: 70 percent F.A.R.

3 stories

H-M hotel district: 130 percent F.A.R.

8 stories

H-2 hotel district: 180 percent F.A.R.

14 stories

B-1 business district: 3 stories provided that the F.A.R. shall not exceed 150 percent

B-2 business district: 220 percent F.A.R.

8 stories.

(Prior code § 8-5.4)

19.56.050 Bonus for concealed parking.

If required parking is provided underground or within the main building for any particular development, the allowable floor area ratio may be increased by an additional ten percent. If only a portion of the total required parking stalls are concealed, the bonus shall be ten percent multiplied by the ratio of the number of concealed stalls to the total number of required stalls. Such underground parking must meet the following criteria to qualify for the bonus:

A. The parking area surface must be concealed from public view.

B. For underground parking, the top of the structure shall not be higher than three feet above the finish grade elevation.

C. The rooftop surface of the underground parking structure shall be landscaped in accordance with a plan submitted to and approved by the planning director. Not more than one-third of the rooftop surfaces shall be exposed. Exposed rooftop surfaces shall be covered with a nonreflective material, as approved by the director. (Prior code § 8-5.5)

Cluster housing:

19.83.010 Purpose and intent.

A. The purposes of the cluster housing development concept are:

1. To allow development of housing sites which would otherwise be difficult to develop under conventional county subdivision standards;
2. To allow flexibility in housing types, including attached units;
3. To encourage innovative site design and efficient open space;
4. To minimize grading by allowing private roadways, narrower roadway widths, and steeper grades than otherwise permitted;
5. To provide common amenities when appropriate;
6. To encourage affordable housing as defined in chapter 2.86 of this code.

B. It is the intent of the Maui County council that this overlay concept will allow administrative review and approval by the directors of public works and planning, thereby streamlining the development process in order to reduce development costs to the developer and thus housing costs to the consumer. (Ord. 2135 § 1 (part), 1992)

19.83.020 Districts in which permitted.

Cluster housing may be constructed in all residential and apartment districts provided that the following minimum land area and density requirements are met:

District Minimum Land Area Maximum Units

R-1 18,000 s.f. Total project area/6,000 s.f.

R-2 22,500 s.f. Total project area/7,500 s.f.

R-3 30,000 s.f. Total project area/10,000 s.f.

A1-A2 10,000 s.f. Total project area/2,500 s.f.

(Ord. 2135 § 1 (part), 1992)

19.83.030 Uses permitted.

All uses permitted within the residential and apartment districts, including customary accessory use not inconsistent therewith, shall be permitted, provided that accessory dwellings, pursuant to chapter 19.35 of this title, shall be prohibited. (Ord. 2135 § 1 (part), 1992)

19.83.040 Application and procedures.

All requests for a cluster housing project shall be processed as follows:

A. Preliminary Conceptual Review. Before the submission of a cluster housing application, the applicant may undergo a preliminary conceptual review of the project with the director of planning in accordance with the following:

1. Submittal of a preliminary site plan drawn to scale showing the following:

a. Approximate location and dimensions of all proposed structures, roadways, common open areas, and recreational facilities;

b. A conceptual landscaping plan, with existing contours at vertical intervals of five feet where the slope is greater than ten percent, and contours not more than two feet where the slope is less than ten percent. Any areas designated for grading shall be indicated and approximate amounts of cut or fill shown.

2. This review shall be completed within twenty-one days from the date the preliminary plan is submitted to the planning department and shall indicate the director's comments on the basic project concept, the number and general location of all dwelling units and other structures, the location of all common areas and the preliminary landscape plan.

3. The applicant should check with appropriate agencies on availability of utilities and public services.

4. Either after the preliminary conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements.

B. Application Requirements. Any application for a cluster housing project shall be accompanied by:

1. Project name;

2. 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;

3. A site plan showing:

a. A metes and bounds description and map of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions,

b. 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,

c. 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,

d. Approximate location of areas subject to inundation or storm water 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,

e. Existing contours at vertical intervals of five feet where the slope is greater than ten percent, and contours not more than two feet where the slope is less than ten percent,

f. 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 benchmarks,

g. 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,

h. Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units,

i. The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable,

j. Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities, and easements, proposed to be dedicated to the county, or whether the streets, improvements, facilities, and easements are to be private,

k. Number and location of dwelling units and guest parking (covered and uncovered),

l. Abutting land uses;

4. Architectural drawings showing elevations, sections, and dimensions of buildings and units;

5. Landscape plan showing location, type, and size of existing and proposed new vegetation.

C. Director's Decision. The director of planning shall either approve, approve with modifications, or deny, stating in writing the reasons for denial, the cluster housing application based on the following criteria:

1. The applicant's compliance to the provisions of this chapter and title 18 of the Maui County Code;

2. The applicant's compliance with requirements of other government agencies;
3. Assurance that the proposed development will be of a quality and character compatible with surrounding land uses and will not have a detrimental 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. (Ord. 2135 § 1 (part), 1992)

19.83.050 Design standards.

A. Except as otherwise provided in this chapter, all other requirements and standards of the underlying zoning district shall apply.

1. Within cluster housing projects, detached, duplex, and multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed eight dwelling units in one structure.

2. All structures containing more than two dwelling units shall be set back a minimum of twice the required side and rear yard setback from adjoining properties, provided that this setback need not be provided if the adjoining properties are separated by a permanent open space in excess of fifteen feet in width.

3. All common activity areas, such as tot lots, playcourts, swimming pools, and barbecue facilities, shall be set back a minimum of twenty-five feet from all adjoining property lines and walls of the units in the project.

4. The minimum front yard setback for the abutting property may be less than that of the underlying zoning district if (a) a private roadway abuts the neighboring property and (b) a suitable wall, landscaped buffering, or a combination of both, is developed along the roadway. The director of planning shall determine, based upon rules promulgated by the planning department, whether the wall and/or buffering are suitable.

5. Yard and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements of 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.

6. Maximum building area shall not exceed fifty percent of the total land area for the project. Maximum building area for any lot of record may be more than fifty percent in response to design consideration but in no event shall this area exceed eighty percent.

B. Except for section 19.83.040 A of this chapter, the director of planning may waive the aforementioned requirements if suitable buffering by landscaping and/or fence/wall is provided.

C. The director of planning may establish supplemental design guidelines further illustrating the above site design standards.

D. The director of public works, in consultation with the director of planning, may waive the roadway, sidewalk, and drainage requirements in accordance with criteria established in title 18 of the Maui County Code. (Ord. 2135 § 1 (part), 1992)

Statutory Authority:

§46-4 County zoning.

Zoning in all counties shall be accomplished within the framework of a long range, comprehensive general plan prepared or being prepared to guide the overall future development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner. Zoning in the counties of Hawaii, Maui, and Kauai means the establishment of districts of such number, shape, and area, and the adoption of regulations for each district as shall be deemed best suited to carry out the purposes of this section. In establishing or regulating the districts, full consideration shall be given to all available data as to soil classification and physical use capabilities of the land so as to allow and encourage the most beneficial use of the land consonant with good zoning practices. The zoning power granted herein shall be exercised by ordinance which may relate to:...

References:

1. Ordinance downloaded from <http://ordlink.com/codes/maui/index.htm>, copyright 2002 Book Publishing Company LexisNexis.
2. www.co.maui.hi.us