

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.32,
MAUI COUNTY CODE, RELATING TO PLANNED DEVELOPMENT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.32.020, Maui County Code, is amended

to read as follows:

"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, for a step I approval, 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 step I request.

B. Upon receipt of the step I 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] submit a step II preliminary 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] step II preliminary plan for conformance with the standards of development in this chapter and reject or tentatively approve the [sketch] step II preliminary plan.

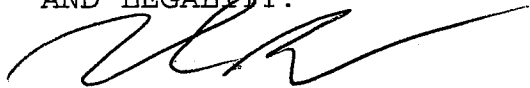
C. Upon approval of the [sketch] step II preliminary plan, the owner shall proceed to prepare a step III unified site and building program which shall

include, among other things[,]; construction plans in accordance with [Title] 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] planning director shall review the step III unified site and building program, and [upon] shall notify the commission of the planning director's review. The commission may review and take final action on the step III unified site and building program or waive its review and allow the planning director to take final action. Upon approval, the owner may proceed to finalize the planned development."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36A, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.36A.010, Maui County Code, is amended to read as follows:

"19.36A.010 Designated number of spaces. Unless otherwise provided in this chapter, the following minimum numbers of accessible off-street facilities for the parking of self-propelled motor vehicles shall be provided on private property in connection with the use of any land, or the erection or remodeling of any building or structure. The number of off-street parking spaces required shall not be less than the sum total of spaces of the number of required parking spaces for each component use of land, building, or structure hereinafter specified:

USE	MINIMUM PARKING RATIO
Accessory dwelling	One parking space for each dwelling unit.
Apartment house, apartment, apartment-motel with kitchen facility in room	Two parking spaces for each unit; provided, that two parking spaces assigned to a dwelling unit, or allocated for employee parking, may be situated in tandem thereby allowing two vehicles to park end to end.
Auditorium, theater, stadium, bleachers	One parking space for every six seats.
Banks and medical and dental clinics	One parking space for every three hundred square feet of building; provided, that the minimum shall be

USE	MINIMUM PARKING RATIO
	three parking spaces.
Bed and breakfast home	One parking space for each bedroom used for short-term rental, in addition to any other parking space(s) required by this section. Stalls may be situated in tandem.
Bowling alley	Five parking spaces for each alley.
Business building	One parking space for every five hundred square feet of floor area of building; provided, that the minimum shall be three parking spaces.
Church, place of worship	One parking space for every one hundred square feet of floor area of building.
Clubhouse, private club	One parking space for every two hundred square feet of floor area of building.
Convertible apartment, hotel and apartment/hotel units, i.e., single units capable of being utilized as two or more units	An additional one parking space for every three convertible units shall be provided.
Day care facility	One parking space for each classroom.
Domestic type business in home	One parking space for each business.
Golf course	Three parking spaces for each hole in the course.
Golf driving range	Four parking spaces for each acre.
Hospitals	One parking space for every three beds.
Hotel	One parking space for every two guest rooms.
Industrial or storage uses in M-1 and M-2 industrial zones	One parking space for every six hundred square feet of floor area of building or twenty-five percent of the lot area, whichever is the greater.
Library, museum, art gallery	One parking space for every three hundred square feet of floor area of building.

USE	MINIMUM PARKING RATIO
Live/work mixed use	One parking space for every seven hundred fifty square feet of area used for live/work business; commercial uses and residential uses with a live/work configuration may share parking spaces. The spaces required for the residential unit on a live/work building lot may be applied toward the number of spaces required for a business use.
Lodging house	One parking space for every two lodging rooms.
Mortuary	One parking space for every forty square feet of floor area of building.
Motel	One and one-half parking spaces for each unit.
Public utility substation	One parking space.
Restaurant, bar, nightclub, amusement centers	One parking space for every one hundred square feet of serving and dining areas; provided, that there shall be a minimum of three parking spaces for patrons and a minimum of three additional spaces for employee parking for each such establishment.
Roadside stand	Two parking spaces for each stand.
Sanitarium, welfare institution, nursing home	One parking space for every eight beds.
<u>SBR mixed-use establishment</u>	<u>Two parking spaces per dwelling unit plus one space for every three hundred square feet of non-residential gross floor area.</u>
<u>SBR service establishment</u>	<u>One parking space for every three hundred square feet of gross floor area.</u>
School with students under fifteen years of age and with students fifteen years of age or older	Eight parking spaces for each classroom.
School with students under	One parking space for each

USE	MINIMUM PARKING RATIO
fifteen years of age	classroom.
School with students fifteen years of age or older	Eight parking spaces for each classroom.
Self-storage	One parking space for every three thousand square feet of storage.
Service station, repair shop, garage	One parking space for every two hundred square feet of floor area of building or forty percent of the lot area, whichever is the greater. The storing and keeping of damaged vehicles or parts thereof shall be within an enclosure bounded completely by a wall six feet in height.
Shopping centers	One parking space for every two hundred square feet of floor area of all buildings, except for restaurant, bar, nightclub, and amusement facilities, for which parking requirements under this section shall apply.
Single-family dwelling, farm dwelling, duplex	Two parking spaces for each dwelling unit.
Swimming pool, gymnasium	One parking space for every six hundred square feet of gross floor area of pool or building.
Taxi stand and bus stand	One parking space for each vehicle operating from that stand. The space shall be sufficient in size to accommodate the bus or vehicle, and shall be marked "Taxi Only" or "Bus Only".
Tennis courts	Six parking spaces for each court.
<u>Transient vacation rental in the SBR service business residential district</u>	<u>One parking space for every five hundred square feet of floor area, with a minimum of one parking space for each unit.</u>
U-drive stand and storage	One parking space for each vehicle operating from that stand or storage. Where the U-drive business is within a hotel district, the storage area for the

USE	MINIMUM PARKING RATIO
	U-drive vehicles shall be physically separated from the hotel parking area, and shall be physically bounded and marked for "U-Drive Vehicles Only".

SECTION 2. Section 19.36A.030, Maui County Code, is amended to read as follows:

"19.36A.030 Location. Every off-street parking space or area, or equivalent multi-deck, basement, roof, or other parking facilities shall be located on the same lot it serves or within a distance of four hundred feet of the nearest point of the lot and as approved by the [commission.] planning director."

SECTION 3. Section 19.36A.060, Maui County Code, is amended to read as follows:

"19.36A.060 Access and specifications. A. Unless otherwise provided by this code, off-street parking shall comply with the following specifications:

1. Every required off-street parking space shall be readily accessible from appropriately constructed driveways, lanes, or aisles.

2. Additional spaces resulting from the "Stacking of Vehicles" where a vehicle's access is blocked cannot be counted as approved parking, except when providing parking in tandem, when allowed by this chapter. [In addition:]

[1.] 3. Parking spaces shall be arranged so that no maneuvering, i.e., access and egress, from a parking space shall occur on any public street, alley, or walkway[.]; except for single-family dwellings with ingress or egress from a local street.

[2.] 4. [Parking] Paved parking areas for [three] five or more automobiles shall have

individually striped spaces, except for bed and breakfast homes.

[3.]5. Where eight or more spaces are provided on a parcel, a suitable turnaround area shall be provided, in order that all vehicles shall enter the street in a forward manner.

[4.]6. Minimum aisle width required for parking areas shall be according to the following table:

Parking Angle (In Degrees)	Aisle Width [(In Feet)]	
	Standard Cars	Compact Cars
0 -- 40	[12] <u>12'</u>	[12] <u>12'</u>
41 -- 50	[13] <u>13'</u>	[13] <u>13'</u>
51 -- 70	[18.6] <u>18'-6"</u>	[18] <u>18'</u>
71 -- 80	[21.6] <u>21'-6"</u>	[20] <u>20'</u>
81 -- 90	[24] <u>24'</u>	[22] <u>22'</u>

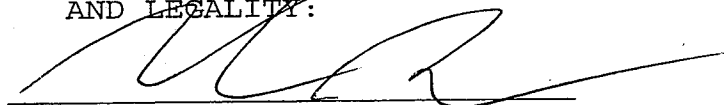
[5.] 7. Loading space(s) shall not be located in any public street, [or] alley[,], or walkway. Each loading space shall be appropriately marked and provided in a readily accessible location within a building or on an exterior paved surface and have minimum dimensions of twelve feet in width, thirty-five feet in length and a vertical clearance of at least fourteen feet.

B. Ingress and egress to the parking area from the street shall be in conformance with standards and requirements of the department of public works."

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.40,
MAUI COUNTY CODE, RELATING TO CONDITIONAL PERMITS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.40.080, Maui County Code, is amended
to read as follows:

"19.40.080 Conditions, amendments, modifications.

A. Conditional permits may be issued subject to such terms and conditions deemed reasonable and necessary to fulfill the intent and purposes of this title. All changes in the use or appearance of land or buildings allowed by the permit shall be in accordance with the specified conditions and the proposal as approved. Such permit shall be issued subject to compliance with and/or fulfillment of such terms and conditions and shall so state.

B. Any person who has been issued a conditional permit may request the commission to review a request to amend or delete any terms[,] and conditions [and time stipulations] imposed upon such permit.

C. The commission on request or on its own initiative may recommend action to revoke any conditional permit or amend or delete any terms, conditions, and time stipulations of such conditional permit if such action is deemed necessary to effectuate the purpose and intent of this chapter. The commission shall provide due notice in writing to the applicant/permittee and an opportunity for a hearing.

D. The planning director may approve amendments to the conditional permit if the amendments are not substantive and do not result in significant impacts above what would result from the approved conditional permit. Before approving any such amendments, the

planning director shall notify the respective planning commission of the proposed non-substantive amendments. The commission may review the proposed non-substantive amendments and take action or waive review."

SECTION 2. Section 19.40.090, Maui County Code, is amended to read as follows:

"**19.40.090 Extensions.** A. Conditional permits shall not be extended unless the terms of the initial issuance explicitly provide for same. In any case, extensions must be applied for no later than ninety days prior to expiration [and shall be made and approved in the same manner as an original application. If the administration determines that there has been no substantial change in the factors surrounding the original application, no public hearing need be held.]; however, the director may waive this requirement if the director finds that unusual circumstances prevented an applicant from filing a timely extension request.

B. An applicant for a time extension shall provide by certified mail a notice of application for time extension to the owners and lessees of record located within five-hundred feet of the parcel on which the conditional permit use is located. The notice of application for time extension shall:

1. Describe the uses permitted by the conditional permit and include a map showing the subject parcel and all other lots within a five-hundred foot distance; and

2. State that owners and lessees of record may file a written protest against the proposed extension with the planning director within forty-five days of the mailing of the notice of application for time extension.

C. The planning director may approve the application for time extension provided the following criteria are met:

1. The permit holder is in compliance with the conditions of approval;

2. The permitted use has not been substantially changed and new uses have not been added that may result in significant impacts

above what would result from the approved conditional permit;

3. Agencies have not identified new matters of concern that require mitigation; and

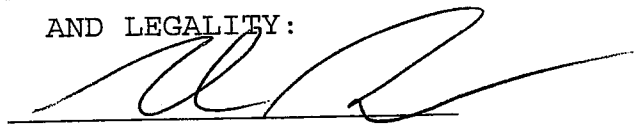
4. No protests have been received from the public after the notice requirements of subsection B have been met.

D. If the application for time extension does not qualify for review and approval by the planning director, the application for time extension shall be processed in the same manner as the original application."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.45, MAUI COUNTY CODE, RELATING TO PROJECT DISTRICT PROCESSING REGULATIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.45.050, Maui County Code, is amended to read as follows:

"19.45.050 Processing procedure. Development of a project district shall be subject to the following three phases of approvals.

A. Phase I approval shall be processed as follows:

1. After receiving an application for a project district development, the planning director shall submit to the planning commission one or more proposed project district ordinances, which provide project district zoning district standards including permitted land uses, accessory uses, special uses, densities, heights, setbacks, [and] lot dimensions[.], and other development standards. The planning commission shall hold a public hearing on the proposed ordinances in the affected community plan region. After the public hearing, the planning commission shall submit its recommendations and the proposed ordinances to the council. The council may approve the ordinances with or without modifications.

2. If the project district ordinance requires unilateral or bilateral agreements then, after the council approves the project district ordinance, the applicant shall negotiate the terms of the agreements with the mayor or [his] the mayor's designated representative[.] in accordance with the representations made to the

council. Agreements shall be drafted so as to be enforceable by the County, and shall bind all persons having an interest in the property. [The unexecuted agreements shall be submitted to the council.] The council may approve unilateral agreements with or without modifications and, after proper execution, shall record the agreements with the bureau of conveyances or the land court. [The council shall review bilateral agreements and may transmit its comments and the bilateral agreements to the mayor or his designated representative for further negotiation and modification, if appropriate, and for proper execution. A copy of the recorded unilateral agreement or the executed bilateral agreement shall be transmitted to the council.] Unless otherwise provided in the project district ordinance, no further approvals shall be granted until all required unilateral agreements have been recorded, and all required executed bilateral agreements have been transmitted to the council[.] for its information.

B. Phase II approval shall be processed as follows:

1. Unless a concurrent application has been filed or otherwise provided in the project district ordinance, after Phase I approval the applicant shall submit to the planning director a preliminary site plan for the project district development. The preliminary site plan shall conform to the project district ordinance and shall include the following:

a. Proposals for drainage, streets, parking, utilities, grading, landscaping, architectural design concepts and guidelines, building elevations, building sections, construction phasing, open spaces, land uses, and signage;

b. Proposals for recreational and community facilities;

c. Proposals for floor area ratios, lot coverages, net buildable areas, open space ratios, impervious ratios, and density factors; and

d. Potential environmental, socioeconomic, and aesthetic impacts.

2. The planning director shall submit the preliminary site plan to the planning commission. The planning commission shall hold a public hearing in the affected community plan region. The planning commission may approve the preliminary site plan, with or without modifications.

C. Phase III approval shall be processed as follows:

1. After Phase II approval, the applicant shall submit a final site plan for the project district development to the planning director.

2. The director shall approve the final site plan if it conforms in all substantive respects to the approved preliminary site plan."

SECTION 2. Section 19.45.060, Maui County Code, is amended to read as follows:

"19.45.060 Amendment and revision. A. Proposed amendments or revisions of the project district ordinance or agreements shall be subject to the Phase I approval procedure.


B. Proposed substantive revisions of the Phase II preliminary [and final] site plan shall be subject to [the Phase II approval procedure.] planning commission review and approval. Proposed non-substantive revisions of the Phase II preliminary site plan that would not result in significant impacts above what would result from the Phase II-approved plan may be reviewed and approved by the planning director. For project districts on Molokai and Lanai, the planning director shall notify the respective commission of the planning director's review of proposed non-substantive revisions. The commission may review the proposed non-substantive revisions and take action or waive review.

C. Proposed revisions of the Phase III final site plan shall be subject to the Phase III approval procedure."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
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Deputy Corporation Counsel
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