

ORDINANCE NO. 3662

BILL NO. 49 (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, REPEALING CHAPTER 19.36, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 19.36A, MAUI COUNTY CODE, PERTAINING TO OFF-STREET PARKING AND LOADING

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

SECTION 1. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Residential mixed use project" means a building or buildings on individual or contiguous lots which combine general merchandising, general office, personal and business services, and/or other commercial purpose with residential uses located within a project district, B-2 community business district, B-3 central business district, B-CT country town business district, and M-1 light industrial district.

"Shopping center" means an establishment for a commercial purpose with five or more uses or business entities on a single parcel of land consisting of a minimum of three acres of land area or a minimum of twenty-five thousand square feet of floor area, but shall not include residential mixed use developments or projects."

SECTION 2. Section 19.04.040, Maui County Code, is amended by amending the definition of "commercial purpose" to read as follows:

"Commercial purpose" means the growing, processing, [or] manufacturing, or sale of products or goods or the provision of services for consideration and profit."

SECTION 3. Section 19.04.040, Maui County Code, is amended by amending the definition of "self-storage" to read as follows:

"Self-storage" means activities and facilities that provide storage areas or lockers to the general public."

SECTION 4. Section 19.04.040, Maui County Code, is amended by amending the definition of "Wholesale and distribution storage" to read as follows:

"Storage, wholesale and distribution. "Wholesale and distribution storage" means activities and facilities for the storage of goods and the bulk sale and distribution of products. Examples include warehouses, freight-forwarding and delivery operations, [self-storage lockers,] markets in which products are sold directly by their producers, and construction supply businesses."

SECTION 5. Chapter 19.36, Maui County Code, is repealed in its entirety.

SECTION 6. Title 19, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 19.36A

OFF-STREET PARKING AND LOADING

Sections:

- 19.36A.010 Designated number of spaces.
- 19.36A.020 General requirements.
- 19.36A.030 Location.
- 19.36A.040 Size or dimensions.
- 19.36A.050 Determination of spaces.
- 19.36A.060 Access and specifications.
- 19.36A.070 Walls, fences, and landscaping.
- 19.36A.080 Paving.
- 19.36A.090 Lighting.
- 19.36A.100 Use limitations.
- 19.36A.110 Grass parking.
- 19.36A.120 Special management area--
additional requirements.
- 19.36A.130 Residential mixed use development
parking requirements.
- 19.36A.140 Joint-use parking for residential
mixed use developments.
- 19.36A.150 Off-site parking for residential
mixed use developments.
- 19.36A.160 Parking reduction or waiver.
- 19.36A.170 Excess parking.
- 19.36A.180 Temporary or special event
parking.
- 19.36A.190 Loading space.

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:

<u>USE</u>	<u>MINIMUM PARKING RATIO</u>
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 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

<u>USE</u>	<u>MINIMUM PARKING RATIO</u>
	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.
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.

<u>USE</u>	<u>MINIMUM PARKING RATIO</u>
Sanitarium, welfare institution, nursing home	One parking space for every eight beds.
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 fifteen years of age	One parking space for each 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>USE</u>	<u>MINIMUM PARKING RATIO</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 u-drive vehicles shall be physically separated from the hotel parking area, and shall be physically bounded and marked for "U-Drive Vehicles Only".

19.36A.020 General requirements. Every off-street parking space or area shall be provided and maintained, and shall be increased to conform with greater needs, and may be eliminated or reduced only to the extent that the lesser amount conforms with the requirements of this chapter.

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.

19.36A.040 Size or dimensions. The size of each off-street parking space shall be not less than the following:

Size	Width	Length
Standard	8'-6"	18'
Standard (Parallel)	8'-6"	22'
Compact	7'-6"	16'
Compact (Parallel)	7'-6"	20'

19.36A.050 Determination of spaces. A. In determining the number of parking spaces based on floor area of a building, the gross floor shall be used, including areas occupied by accessory uses and spaces, such as covered lanais, patios, and storage rooms, but excluding elevators, stairs, hallways, and

exterior walkways, unless otherwise provided in this chapter.

B. When units of measurement determining the number of required parking spaces result in fractional space, any fraction less than one-half shall be disregarded and fractions of one-half or more shall require one parking space.

C. All parking spaces shall be standard-sized parking spaces, provided that single-family dwellings, farm dwellings, duplexes, and apartments may have up to twenty-five percent compact car parking spaces.

D. Compact car parking spaces shall be grouped and labeled "compact only".

19.36A.060 Access and specifications. A. Every required off-street parking space shall be readily accessible from appropriately constructed driveways, lanes, or aisles. 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. 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.

2. Parking areas for three or more automobiles shall have individually striped spaces, except for bed and breakfast homes.

3. 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. 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	12
41 -- 50	13	13
51 -- 70	18.6	18
71 -- 80	21.6	20
81 -- 90	24	22

5. Loading space(s) shall not be located in any public street or alley. 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.

19.36A.070 Walls, fences, and landscaping. A. Wherever any portion of a parking area abuts property zoned for residential or duplex use, a five-foot high fence or wall shall be erected along the abutting portion of the property line. In addition, landscape planting shall be provided as follows:

1. In the A-1 apartment, H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, two-family (duplex) and airport districts, and in any mixed-use, industrial, commercial, multi-family, and business districts within any project district, four-foot wide front and two-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts. For projects that include building structures greater than two stories, front yard planted areas shall be twenty-five percent of the required front yard

setback, and three-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts.

2. Large crown shade trees shall be provided at minimum regular intervals for every five spaces throughout each parking area. Appropriate hedge material and/or earth mounds, and shrubs shall be provided in linear masses to function as visual screens.

3. The landscape planting plan(s) shall specify plant species, sizes, quantities, and locations.

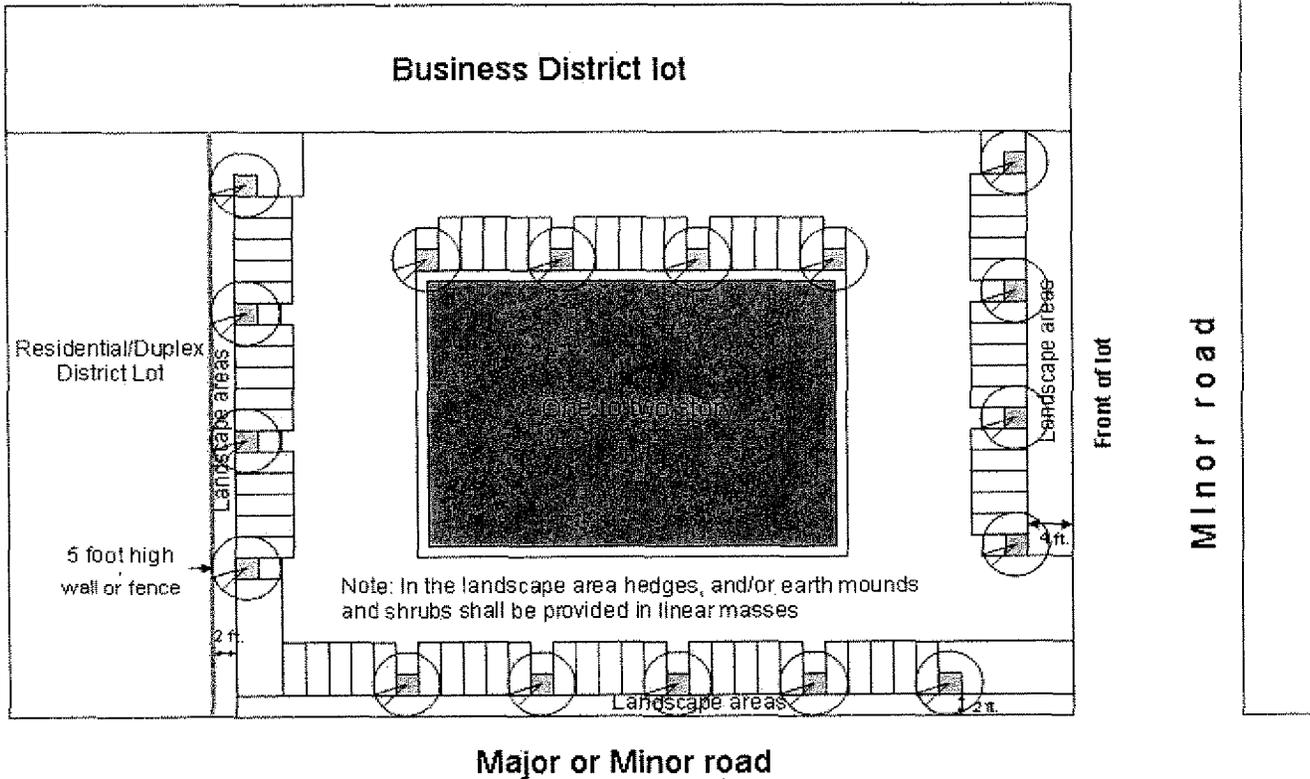
4. Each landscape planted area shall be regularly irrigated and maintained.

5. All landscape planting and irrigation plans shall be subject to final approval by the planning director.

6. It is encouraged that the landscaping area be incorporated into a storm water management plant to increase recharge and percolation of storm water.

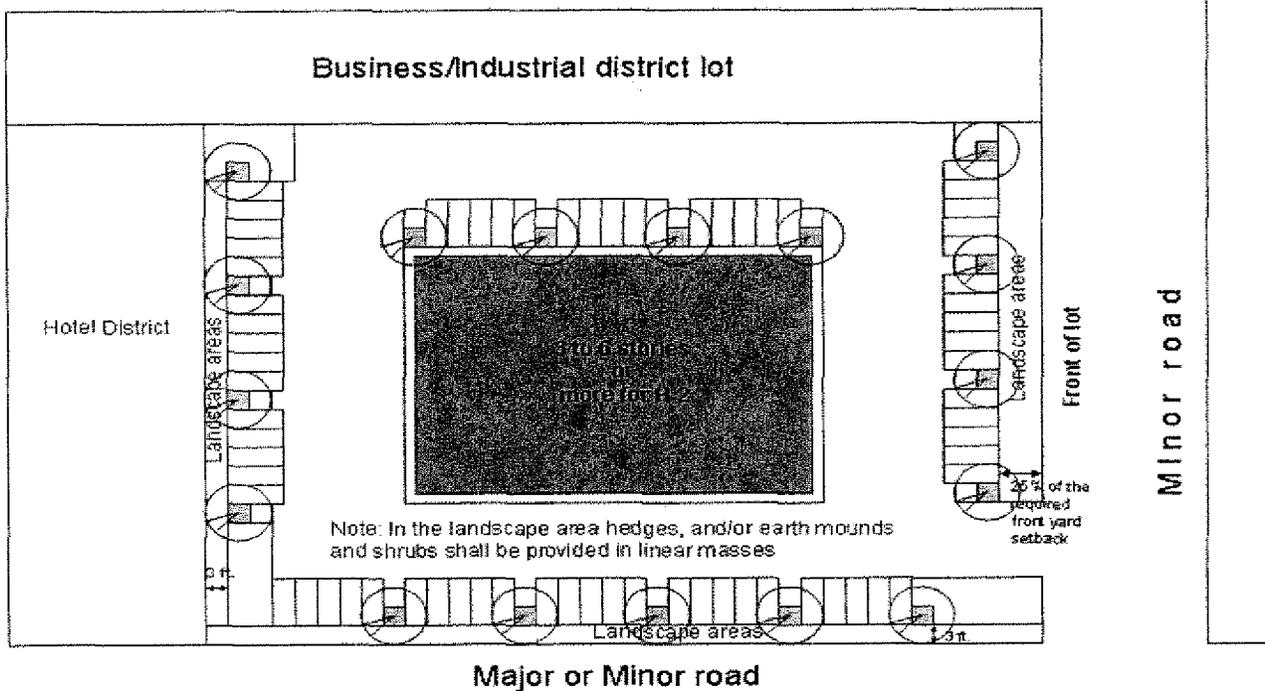
B. The following diagrams illustrate examples of the application of this section:

19.36A.070 Fences and landscaping



"FOR DEMONSTRATION ONLY. FINAL PLANS SHALL BE APPROVED BY THE DIRECTOR OF PLANNING"

Fences and landscaping



"FOR DEMONSTRATION ONLY. FINAL PLANS SHALL BE APPROVED BY THE DIRECTOR OF PLANNING"

19.36A.080 Paving. Every off-street parking space or area other than for single-family dwellings, bed and breakfast homes, farm dwellings, guest house, and servants' quarters shall be paved with asphaltic or concrete surface or equivalent. The planning director may allow or require other surface material consistent with an approved regional or community design guidelines. The County encourages the use of colored and textured concrete or asphalt paving material in parking lots to improve aesthetics.

19.36A.090 Lighting. If lighting is provided, the lights shall be directed away from the residential area and from any public street or highway. Appropriate shielding shall be incorporated in such a way as not to interfere with public safety and welfare.

19.36A.100 Use limitations. Parking areas shall be used for actively used vehicle parking only; and no sales, dead storage, repair work, dismantling nor servicing of any kind, including storage of damaged vehicles, shall be conducted in such areas, except as provided in section 19.36A.010 of this chapter. Noncommercial, home repairing of vehicles shall be permitted in parking spaces for single-family dwelling, farm dwelling, duplex, servants' quarters, and guest house.

19.36A.110 Grass parking. Upon approval of the director, the requirement for asphalt or concrete surface of parking spaces may be modified whereby five stalls or twenty-five percent of the provided spaces, whichever is greater, may be located on a grassed, gravel, or concrete mason grid paver area.

19.36A.120 Special management area--additional requirements. Nothing in this chapter shall be construed to limit the authority of the planning commissions to impose additional off-street parking and loading requirements on developments within the special management area.

19.36A.130. Residential mixed use development parking requirements. A. The purpose of this section is to maximize land use efficiency by setting forth parking requirements for various land uses within a residential mixed use development.

B. The following minimum numbers of accessible off-street parking spaces for 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 within the residential mixed use development:

USE	MINIMUM PARKING RATIO
Automobile services	One parking space per two hundred square feet of floor area or forty percent of lot area, whichever is greater.
Day care facility	One parking space for every ten care recipients; four pick-up/drop-off spaces for facilities with more than twenty-five care recipients.
Dwelling, single-family	Two on-site parking spaces per unit for detached single-family dwellings and duplexes.
Dwelling, multi-family	Studio: one on-site parking space per unit. One bedroom: one on-site parking space per unit. Two or more bedrooms: two on-site parking spaces per unit.
Eating and drinking establishment	One parking space for every one hundred square feet of serving and dining areas.
Education, specialized	One parking space for every ten students, plus one parking space for every four hundred square feet of office floor space.
Food and beverage	One parking space for every five hundred

USE	MINIMUM PARKING RATIO
retail	square feet of floor area of building; provided that a minimum of three parking spaces shall be provided.
General merchandise	<p>One space for every five hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided.</p> <p>One parking space for every six hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided for appliance, furniture, plumbing supply, automobile, landscape supply, marine supply, and machinery stores requiring large floor spaces for product display.</p>
General office	One parking space for every five hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided.
Light manufacturing and processing	<p>One parking space for every one thousand five hundred square feet of floor area of building for warehouses and storage facilities.</p> <p>One parking space for every six hundred square feet of floor area of all other uses.</p>
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 within 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 the business use.
Personal and business	One parking space for every three hundred

USE	MINIMUM PARKING RATIO
services	<p>square feet of floor area of building for medical and dental clinics, barber shops and beauty shops, financial institutions, health spas; provided that a minimum of three parking spaces shall be provided.</p> <p>One parking space for every five hundred square feet of floor area of building for other personal and business services; provided that a minimum of three parking spaces shall be provided.</p>
Recreation, indoor	<p>One parking space for every six hundred square feet of floor area of pool, gymnasium, wellness center.</p> <p>One parking space for every three hundred square feet of floor area for all other types of indoor recreation or three spaces per play court, whichever is greater.</p>
Roadside stand	Two parking spaces for each stand.
Self-storage	<p>One parking space for every five thousand square feet of floor area of building for storage facilities.</p> <p>One parking space for every six hundred square feet of all other uses.</p>

19.36A.140 Joint-use parking for residential mixed use developments. A. Upon approval of the planning director, joint use of required parking spaces may be allowed for residential mixed use developments where the distance of the entrance to the joint-use parking facility from the nearest principal entrance of the building occupied by the use does not exceed four hundred feet by customary pedestrian routes. If approved, joint-use parking shall apply only to the specific uses and site plan submitted with the application. Once joint-use parking has been

approved, no change in use shall be permitted without a new request for joint-use parking, and no building permits or certificates of occupancy shall be issued without a joint-use parking approval.

B. Joint-use parking may be approved subject to the following application requirements, which shall be prepared and submitted by the applicant(s):

1. The names and addresses of the owners of the parcel(s) who will participate in the joint use of parking.

2. The uses for which joint use approval is sought.

3. Site plan drawn to scale showing the location and number of parking spaces that will be jointly used.

4. An analysis demonstrating that the peak parking times of the uses occur at different times of the day, and that the joint-use parking facility will be sufficient to accommodate the anticipated demand of the two or more uses.

5. Any other information required by the planning director to assess the application.

19.36A.150 Off-site parking for residential mixed use developments. A. Upon approval of the planning director, off-site parking for residential mixed use developments may be allowed where parking spaces in excess of the number of spaces required by this chapter exist on a lot or lots or street or streets within the residential mixed use development. The distance of the entrance to the off-site parking facility from the nearest principal entrance of the building occupied by the use shall not exceed four hundred feet by customary pedestrian routes. If approved, off-site parking shall apply only to the specific uses and site plan submitted with the request. Once off-site parking has been approved, no change in use shall be permitted without a new request for off-site parking, and no building permits or certificates of occupancy shall be issued without an off-site parking approval. When the parking spaces in excess of the number of spaces required by this chapter meet the requirements as stated, such surplus spaces may be counted towards the parking requirements

of a separate lot within the residential mixed use development.

B. Off-site parking may be approved subject to the following application requirements, which shall be prepared and submitted by the applicant(s):

1. The names and addresses of the owners who are entering into an off-site parking agreement;

2. The uses for which off-site parking approval is sought;

3. Site plan drawn to scale showing the location and number of parking spaces that are being leased for off-site parking;

4. Documents that identify the owner of the subject properties. Lessees of the subject off-site parking stalls shall submit a copy of any recorded parking agreement for said stalls, which agreement shall have an unexpired term of at least five years from the date of filing of the off-site parking application; and

5. Any other information required by the planning director to assess the application.

19.36A.160 Parking reduction or waiver. A. The planning director or, in the case of the island of Lanai, the Lanai planning commission, may waive or defer up to thirty percent of the required parking for the following developments:

1. Warehouses or storage facilities;

2. Live/work mixed use or residential mixed use projects; and

3. Churches or other places of worship.

B. In determining whether to waive or defer required parking, the planning director, or, in the case of Lanai, the Lanai planning commission, shall consider the following:

1. Off-site parking agreements, provided that the off-site parking facility is not more than four hundred feet from the nearest principal entrance of the building occupied by the use;

2. Joint-use parking agreements between two or more uses that demonstrate that the peak parking times of the uses occur at different times of the day, and that the joint-use parking

facility will be sufficient to accommodate the anticipated demand of the two or more uses;

3. Whether a publicly owned off-street parking lot containing one hundred fifty or more parking spaces is in the proximity of the development and is available;

4. Off-site employee parking, employee car or van pooling, and provision of employee transit passes;

5. Superior pedestrian, bicycle, or transit access; and

6. Proof of parking reserves in the form of reserved open space area in excess of the minimum open space or landscape requirements and agreements to construct additional parking when and if warranted as determined by the planning director or commission based on evidence of overflow parking on public streets, in fire lanes, or in other areas that are not striped for parking.

19.36A.170 Excess parking. With the exception of the county, state, and United States government, no person shall provide or construct excess paved surface parking in connection with a development for a commercial purpose. For the purpose of this section, excess paved surface parking means paved surface parking exceeding the lesser of one hundred twenty percent of the spaces required by this chapter or forty paved parking spaces beyond what is required by this chapter. Parking shall not be considered excess paved surface parking if it is constructed within a structure or grasscrete area.

19.36A.180 Temporary or special event parking. The planning director may approve a temporary or special event parking lot in connection with a permitted or accessory use. Improvements to the temporary parking lot shall be limited to those necessary for public health, safety, and visual relief. For the purpose of this chapter, a temporary or special event parking lot means a parking lot to be used in conjunction with a use not exceeding one hundred eighty days in duration. This shall include, but not be limited to, bazaars, fairs, temporary sales

offices for subdivisions, festivals, construction worker parking, and sporting events. It shall not include regularly scheduled or weekly events, such as swap meets or flea markets. No person shall establish temporary or special event parking except as provided herein.

19.36A.190 Loading space. A minimum of one loading space shall be provided for each building or series of buildings within the H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, B-CT, airport, P-1 public/quasi-public and interim districts, and any industrial and commercial districts within any project district, and for each building or series of buildings within residential mixed use developments, for buildings between two thousand and ten thousand square feet. A minimum of two loading spaces shall be provided for each building in excess of ten thousand square feet within any district listed in this section."

SECTION 7. 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 8. This ordinance shall take effect upon its approval and shall apply to all projects that receive building permits after the effective date of this ordinance.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel

County of Maui S:\CLERICAL\LJN\ORD\Amend19.04.estab19.36A.2008.doc

WE HEREBY CERTIFY that the foregoing BILL NO. 49 (2009)

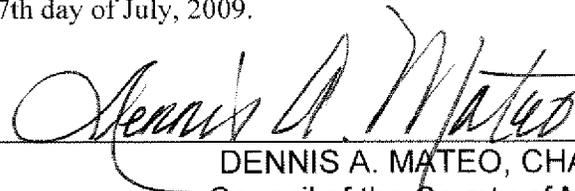
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of July, 2009, by the following vote:

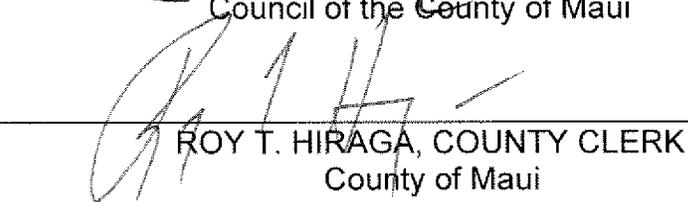
Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of July, 2009.

DATED AT WAILUKU, MAUI, HAWAII, this 7th day of July, 2009.

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OFFICE OF THE MAYOR

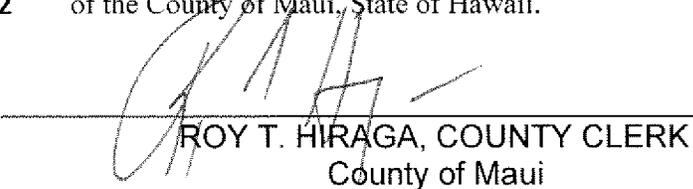

DENNIS A. MATEO, CHAIR
Council of the County of Maui


ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 07th DAY OF JULY, 2009.


CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3662 of the County of Maui, State of Hawaii.


ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on June 23, 2009.
Effective date of Ordinance July 8, 2009.

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OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3662, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui