

"TITLE MC-12
DEPARTMENT OF PLANNING

SUBTITLE 02
MAUI PLANNING COMMISSION

CHAPTER 4

RULES RELATING TO THE COUNTRY TOWN DESIGN GUIDELINES
FOR PAIA-HAIKU COMMUNITY PLAN AREA

Subchapter 1. General Provisions

- §12-4-1 Purpose
- §12-4-2 Applicability
- §12-4-3 Definitions

Subchapter 2. Design Guidelines

- §12-4-4 Design Guidelines

Subchapter 3. Procedures

- §12-4-5 Administration of rules
- §12-4-6 Application
- §12-4-7 Review process
- §12-4-8 Appeals
- §12-4-9 Approvals
- §12-4-10 Enforcement
- §12-4-11 Amendments
- §12-4-12 Severability
- §12-4-13 Effective date

SUBCHAPTER 1

GENERAL PROVISIONS

§12-4-1 Purpose. It is intended that an identifiable and unified urban design theme be retained within each country town business district. The urban design theme shall be in conformance with established design guidelines for each community as established by the Maui Planning Commission. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

§12-4-2 Applicability. These rules shall be applicable to all buildings, structures, signage, graphics, landscaping, lighting, and paved areas erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted within the Country Town Business District of the Paia-Haiku Community Plan Area of the Island of Maui, County of Maui, State of Hawaii. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

§12-4-3 Definitions. For the purposes of these Rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Board" means the Urban Design Review Board to the Planning Commissions of the County of Maui.

"Building" means any structure built for the support, shelter, housing, occupancy, storage or enclosure of persons, animals, chattels, or property of any kind.

"Development" means any building, structure, signage, graphic, landscaping, lighting, or paved area to be erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted within the Country Town Business District of the Paia-Haiku Community Plan Area of the Island of Maui, County of Maui, State of Hawaii.

"Director" means the Director of the Department of Planning of the County of Maui.

"Elevation" means a flat scale drawing of the front, rear or sides of the building exterior.

"Planning Commission" means the Maui Planning Commission of the County of Maui.

"Section" means a flat scale drawing through the interior of the building.

"Structure" means a combination of materials to form a construction for use, occupancy, or ornamentation whether on, above, or below the surface of land or water.

"Urban Design Review Board" means the Urban Design Review Board to the Planning Commissions of the County of Maui. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

SUBCHAPTER 2

DESIGN GUIDELINES

§12-4-4 Design Guidelines. The design guidelines established by these rules are identified in the Country Town Design Guidelines for Paia-Haiku Report prepared by PBR Hawaii dated January, 1989; as amended by the Maui Planning Commission. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

SUBCHAPTER 3

PROCEDURES

§12-4-5 Administration of Rules. The Director shall review and approve or disapprove all plans submitted in accordance with the requirements of these rules. The Director may require additional plans, drawings, maps or other data if deemed necessary to properly evaluate the request. In order to obtain optimum compliance practicable to these rules, changes in any plans submitted which are reasonable and necessary may be required by the Director. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

§12-4-6. Application. Any person seeking a review shall file an application with the Director on a form provided by the Department. The application shall contain the following information:

- (1) Identification of the applicant;
- (2) Documentary proof of ownership;
- (3) If the applicant is not the property owner, a notarized letter of authorization from the legal owner;
- (4) Architectural and landscape architectural plans, which include, but not limited to: a site plan, elevations, sections, landscape planting plan and lighting plan;
- (5) Signage and graphics; and
- (6) Identification of building materials and color scheme. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

§12-4-7 Review Process. (a) Applications for new or reconstructed structures or renovations to existing structures involving fifty percent or more of each exterior elevation of the structure shall be processed as follows:

- (1) Upon receipt of an application, the Director shall forward the application to the next available meeting date of the Urban Design Review Board for review and

recommendation. The Board shall review the application in accordance with the design guidelines established by these rules. The Board shall forward its recommendation to the Director within sixty (60) days of receipt of the application.

- (2) The Director shall take action within thirty (30) days of receipt of the recommendation from the Board. In the event the Board fails to make a recommendation within the prescribed time limit, the Director may take action without the Board's recommendation.

(b) Applications for renovations to existing structures involving less than fifty percent of each exterior elevation of the structure, or involving graphics, color scheme, landscape planting or lighting shall be processed as follows:

- (1) Upon receipt of an application, the Director may review the application in accordance with the design guidelines established by these rules or in his discretion submit the application to the Urban Design Review Board for review and recommendation in accordance with §12-4-7(a)(1).
- (2) The Director shall take action within thirty (30) days of receipt of the application or upon receipt of the Board's recommendation, whichever is applicable. [Eff. May 26, 1990] (Auth: HRS §46-5) (Imp: HRS §91-2)

(c) Applications for signage shall be processed as follows:

- (1) Upon receipt of an application for a category "A" sign as defined in Chapter 16.12A Outdoor Signs, Maui County Code, 1980, as amended; the Director shall review the application in accordance with the design guidelines established by these rules and shall take action within thirty days after the application is received by the Director.
- (2) Upon receipt of an application for a category "B" or "C" sign as defined in Chapter 16.12A Outdoor Signs, Maui County Code, 1980, as amended; the Director shall forward the application to the next available meeting date of the Urban Design Review Board for review and action in accordance with Chapter 16.12A Outdoor Signs, Section 16.12A.150(C) of the Maui County Code, 1980, as amended. The Board shall review the application in accordance with the design guidelines established by these rules.
- (3) The Urban Design Review Board may delegate to the Director the authority to act on category "B" sign applications in accordance with Chapter 16.12A Outdoor Signs, Section 16.12A.150(D) of the Maui County Code, 1980, as amended.
- (4) The Director shall transmit a notice to the director of public works in accordance with Chapter 16.12A Outdoor Signs, Section 16.12A.150(E) of the Maui County Code, 1980, as amended.

§12-4-8. Appeals. Any person seeking to appeal the action of the Director shall file a written petition of appeal with the Maui Planning Commission within the ten (10) days following the date of the Director's administrative action. The appeal shall set forth in detail the action and the grounds upon which the applicant deems himself aggrieved. The petition for appeal shall be subject to the Rules of Practice and Procedure of the Maui Planning Commission.

In reviewing the appeal the commission may approve the design plan provided the commission finds that the proposed plan maintains the design integrity of the country town business district. In acting on the appeal, the commission may approve, approve with modifications or deny the reconsideration. [Eff. May 26, 1990] (Auth: M.C.C. 19.15.060) (Imp: HRS §91-2)

§12-4-9 Approvals. No permits for development shall be issued by the Department of Public Works Land Use and Codes Administration within the Country Town Business District unless approval is first received in accordance with procedures set forth in these rules. [Eff. May, 26, 1990] (Auth: HRS §91-2) (Imp: HRS §91-2)

§12-4-10 Enforcement. It shall be the duty of the Department of Public Works, through its Director, to enforce the provisions of these rules. [Eff. May 26, 1990] (Auth: HRS §91-2) (Imp: HRS §91-2) ---

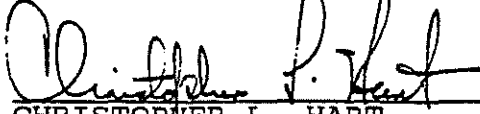
§12-4-11 Amendments. Any amendments, modifications or revisions to these rules shall be processed pursuant to the Rules of Practice and Procedure of the Maui Planning Commission. [Eff. May 26, 1990] (Auth: HRS §91-3) (Imp: HRS §91-2)

§12-4-12 Severability. If any portion of the foregoing rules or the applicability thereof to any person, property or circumstances is held invalid for any reason, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end these rules are declared to be severable. [Eff. May 26, 1990] (Auth: HRS §91-2) (Imp: HRS §91-2)

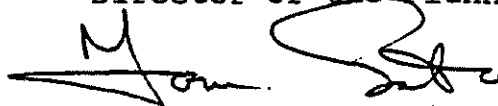
§12-4-13 Effective Date. The rules herein shall become effective ten days after filing with the County Clerk of the County of Maui. [Eff. May 26, 1990] (Auth: HRS §91-4) (Imp: HRS §91-4)

Adopted this 8th day of May, 1990,
at Wailuku, Maui, Hawaii.

DEPARTMENT OF PLANNING



CHRISTOPHER L. HART
Director of the Planning Department



TOM SATO, Chairman
Maui Planning Commission



HANNIBAL TAVARES
Mayor, County of Maui

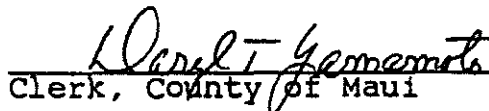
Approved this 11th day of
May, 1990.

APPROVED AS TO FORM
AND LEGALITY:



GUY A. HAYWOOD
Deputy Corporation Counsel
County of Maui 33.rules.1n

Received this 16th day of
May, 1990.


Clerk, County of Maui

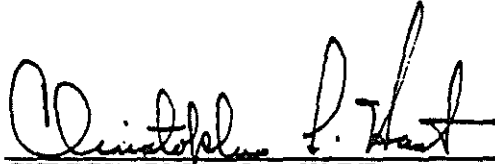
CERTIFICATION

I, CHRISTOPHER L. HART, Director of Planning, Department of Planning, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the Rules Relating to the Country Town Design Guidelines for Paia-Haiku Community Plan Area, which were properly adopted on the 8th day of May, 1990, following a public hearing on February 26, 1990; and

2. That the notice of public hearing on the foregoing Rule, was published in the Maui News on the 26th day of January, 1990.

COUNTY OF MAUI



CHRISTOPHER L. HART
Director of Planning