

"TITLE MC-12

DEPARTMENT OF PLANNING

SUBTITLE 02 MAUI PLANNING COMMISSION

CHAPTER 205

RULES RELATING TO THE COMMUNITY DESIGN GUIDELINES
FOR THE HANA COMMUNITY PLAN AREA

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SUBCHAPTER 1

GENERAL PROVISIONS

§12-205-1 Purpose and intent. The purpose of these rules is to provide design guidelines for the Maui planning commission for the Hana community plan region. It is intended that an identifiable and unified design

theme be retained within the country town business district and the special management area ("SMA"). It is further intended that these rules would apply to the service business residential district when zoning provisions are adopted. The urban design theme shall be in conformance with established design guidelines for each community as established by the Maui planning commission. [Eff 3/8/98] (Auth: MCC §§19.15.060, 2.80A.020) (Imp: HRS §91-2)

§12-205-2 Applicability. These rules shall not apply to single family dwellings, except when dwellings are used for commercial purposes. However, single family dwelling owners are encouraged to follow the design guidelines to provide gradual transitions between the old plantation town and renovated or new residences. These rules shall be applicable to siting and design of all buildings, structures, signage, graphics, landscaping, lighting, and paved areas erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted within the country town business district or SMA in the Hana community plan area on the island of Maui, county of Maui, State of Hawaii, except as herein provided. These rules shall be triggered when a person applies for a permit for the above activities in the country town business district or SMA, which includes but is not limited to, SMA, building, subdivision, state or county special use permits, grading, or sign permits, except as herein provided. [Eff 3/8/98] (Auth: MCC §§19.15.060, 2.80A.020) (Imp: HRS §91-2)

§12-205-3 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 Maui county urban design review board.

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

"Commission" means the Maui planning commission.

"Department" means the department of planning of the county of Maui.

"Development" means any building, structure, signage, graphic landscaping, lighting, or paved area to be erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted.

"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.

"Repair and maintenance" means the painting or replacement of deteriorated portions of a building with materials that match the existing or original materials.

"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.

SUBCHAPTER 2

DESIGN GUIDELINES

§12-205-4 Design guidelines. The design guidelines established by these rules are identified in the Hana community design guidelines report prepared by Chris Hart and Partners dated June 1997. [Eff 3/8/98] (Auth: MCC §19.15.060) (Imp: HRS §91-2)

SUBCHAPTER 3

PROCEDURES

§12-205-5 Administration of rules. The director shall review and approve or disapprove all plans submitted in accordance with the review process of these rules. The director may require additional plans, drawings, maps, or other data if deemed necessary to properly evaluate the request. To obtain optimum compliance practicable to these rules, changes in any plans submitted that are reasonable and necessary may be

required by the director. [Eff 3/8/98] (Auth: MCC §19.15.060) (Imp: HRS §91-2)

§12-205-6. Application. (a) Any person proposing action subject to these rules shall file an application with the director on a form provided by the department.

(b) 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) Structural and landscape 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 3/8/98] (Auth: MCC §19.15.060) (Imp: HRS §91-2)

§12-205-7 Review process. (a) Board review. The board shall review structures, landscaping, signs, color scheme and any other design elements of applications for any new or reconstructed structures or any renovations to existing structures involving fifty per cent or more of any exterior elevation of the structure, as follows:

- (1) Upon receipt of an application, the director shall forward the application to the next available meeting date of the 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 days of receipt of the application.
- (2) The director shall take action within thirty 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. In any event, the

director shall approve, approve with modifications, or deny the application within ninety days of receipt of the application.

(b) Administrative review. Applications for renovations to existing structures involving less than fifty per cent of any exterior elevation of the structure, or involving signage and graphics, color scheme, landscape planting solely 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, at the director's discretion, submit the application to the board for review and recommendation in accordance with subsection a(1).

(2) The director shall take action within thirty days of receipt of application or upon receipt of the board's recommendation, whichever is applicable. In any event, the director shall approve, approve with modifications, or deny the application within ninety days of receipt of the application.

(c) Review not required. Actions that do not require a building permit shall not be required to be reviewed under these rules; however, such actions must meet the standards of the Hana community design guidelines.

(d) Applications for signage shall be processed in accordance with applicable sign ordinances set forth in the Maui county code. [Eff 3/8/98] (Auth: HRS §46-5) (Imp: HRS §91-2)

§12-205-8 Appeals. (a) Any applicant who believes that the director's final action (approval, approval with modifications, or denial) is in error, shall file a written petition for appeal with the commission within thirty days following the date of the director's administrative action. The petition for appeal shall state in detail why the applicant believes that the director's final action is in error. The appeal process shall be subject to the rules of the commission.

(b) The commission shall take action within thirty days of receipt of the petition for appeal.

(c) In acting on the appeal, the commission may approve the application, or approve the application with modifications, provided the commission finds that the proposed plan maintains the design integrity of the area subject to the Hana community design guidelines. The commission may deny the application, provided the commission finds that the proposed plan does not maintain the design integrity of the area subject to the Hana community design guidelines.

(d) The commission's decision is appealable to circuit court. [Eff 3/8/98] (Auth: MCC §19.15.060) (Imp: HRS §91-2)


§12-205-9 Approvals. No permits for development shall be issued by the department of public works and waste management, land use and codes administration, within the country town business district or SMA unless approval is first received in accordance with procedures set forth in these rules. [Eff 3/8/98] (Auth: HRS §91-2) (Imp: HRS §91-2)

§12-205-10 Enforcement. It shall be the duty of the director to enforce these rules. [Eff 3/8/98] (Auth: HRS §91-2) (Imp: HRS §91-2)

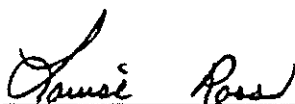
§12-205-11 Severability. If any portion of the foregoing rules or the applicability thereof to any person, property, or circumstances is held invalid for any reason, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end these rules are declared to be severable."
[Eff 3/8/98] (Auth: HRS §91-2) (Imp: HRS §91-2)

Adopted this 10th day of June, 1997, at
Wailuku, Hawaii.

DEPARTMENT OF PLANNING



DAVID W. BLANE
Director of Planning




LOUISE ROSS, Chair
Maui Planning Commission



LINDA LINGLE
Mayor, County of Maui

Approved this 20th day of
February, 1998.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
Deputy Corporation Counsel
County of Maui

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CERTIFICATION

I, DAVID W. BLANE, 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 Community Design Guidelines for the Hana Community Plan Area, which were properly adopted on the 10th day of June 1997, following a public hearing on June 10, 1997; and


2. That the notice of public hearing on the foregoing Rules, was published in the Maui News on the 20th day of December, 1996.

COUNTY OF MAUI



DAVID W. BLANE
Director of Planning

Received this 26th day of
February, 1998.



DARYL T. YAMAMOTO
County Clerk