

DEPARTMENT OF PLANNING

COUNTY OF MAUI

ADOPTION OF CHAPTER 305
RULES RELATING TO THE COUNTRY TOWN DESIGN GUIDELINES
FOR MOLOKAI COMMUNITY PLAN AREA

SUMMARY

Chapter 305, entitled "Rules Relating to the Country Town Design Guidelines for Molokai", is hereby adopted.

"TITLE MC-12"
DEPARTMENT OF PLANNING

SUBTITLE 03
MOLOKAI PLANNING COMMISSION

CHAPTER 305

RULES RELATING TO THE COUNTRY TOWN DESIGN GUIDELINES
FOR THE MOLOKAI COMMUNITY PLAN AREA

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SUBCHAPTER 1

GENERAL PROVISIONS

§12-305-1 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 design guidelines adopted by the Molokai planning commission. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

§12-305-2 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 districts of Molokai. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

§12-305-3 Definitions. For 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 Molokai planning commission.

"Department" means the department of planning.

"Development" means any building, structure, signage, graphic landscaping, lighting, or paved area to be erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted within a country town business district of Molokai.

"Director" means the director of the department of planning.

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

"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.

[Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

SUBCHAPTER 2

DESIGN GUIDELINES

§12-305-4 Design guidelines. The design guidelines shall be those identified in Design Guidelines for Country Town Business Districts - Molokai, Hawaii, Chris

Hart and Partners (July 1993). [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

SUBCHAPTER 3

PROCEDURES

§12-305- 5 Administration of rules. The director shall review and approve or disapprove all plans submitted in accordance with the requirements of these rules and the design guidelines. The director may require additional plans, drawings, maps, or other data to obtain optimum compliance practicable to these rules, and may also require reasonable and necessary changes in any plans submitted. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

§12-305- 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 shall include, but shall not be 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. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

§12-305-7 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 Maui County urban design review board for review and recommendation at its next available meeting date. The board shall review the application in accordance with the design guidelines. 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 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 and take action upon the application in accordance with the design guidelines or, in the director's discretion, submit the application to the board for review and recommendation in accordance with §12-305-7(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.
 - (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, Maui County Code, as amended, the director shall review the application in accordance with the design guidelines 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, Maui County Code, as amended, the director shall forward the application to the board for review and action at its next available

meeting date in accordance with section 16.12A.150.C, Maui County Code, as amended. The board shall review the application in accordance with the design guidelines.

- (3) The board may delegate to the director the authority to act on category "B" sign applications in accordance with section 16.12A.150.D, Maui County Code, as amended.
- (4) After the board or the director, as the case may be, acts on a category "B" or "C" sign application, the director shall transmit a notice to the director of public works and waste management in accordance with section 16.12A.150.E, Maui County Code, as amended. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060; 16.12A.150)

§12-305- 8 Appeals. Any person seeking to appeal the action of the director shall file a written petition of appeal with the commission within ten days following the date of the director's administrative action. The petition shall set forth in detail the action and grounds of appeal. The petition shall be subject to the rules of practice and procedure of the commission.

In reviewing the appeal the commission may approve the design plan if the commission finds that the proposed plan maintains the design integrity of the country town business district. The commission may approve, approve with modifications, or deny the appeal. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)


§12-305- 9 Permits. Permits to be issued by the land use and codes administration for developments within a country town business district shall be reviewed in accordance with these rules. [Eff. 12/16/93] (Auth: MCC §19.15.060) (Imp: MCC §19.15.060)

§12-305-10 Amendments. Amendments to these rules shall be processed in accordance with the rules of practice and procedure of the commission. [Eff. 12/16/93] (Auth: HRS §91-3) (Imp: HRS §91-3)


§12-305-11 Severability. If any portion of these 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 that can be given effect without the invalid provision or application, and to this end these rules shall be severable. [Eff. 12/16/93] (Auth: HRS §91-2) (Imp: HRS §91-2)

§12-305-12 Effective date. These rules shall become effective ten days after filing with the county clerk of the County of Maui. [Eff. 12/16/93] (Auth: HRS §91-4) (Imp: HRS §91-4)

Adopted this 23rd day of June,
1993, at Kaunakakai, Molokai, Hawaii.

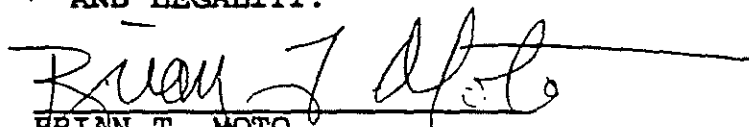

WALTER RAGSDALE, Chairman
Molokai Planning Commission


BRIAN MISKAE
Planning Director

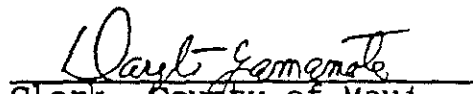
 (Richard H. H.
LINDA CROCKETT LINGLE Acting Mayor
Mayor, County of Maui

Approved this 6th day
of December, 1993.

APPROVED AS TO FORM
AND LEGALITY:


BRIAN T. MOTO
Deputy Corporation Counsel

Received this 6th day of
December, 1993.


Clerk, County of Maui

CERTIFICATION

I, BRIAN MISKAE, Director, Department of Planning, County of Maui, do hereby certify:

1. That the foregoing is a copy of the Rules Relating to the Country Town Design Guidelines for the Molokai Community Plan Area, adopted on the 23rd day of June 1993, following a public hearing on May 26, 1993; and

2. That a notice of public hearing on the foregoing Rules was published in the Maui News on the 26th day of April 1993 and in the Molokai Dispatch on the 29th day of April 1993.

COUNTY OF MAUI



BRIAN MISKAE
Director of Planning