

DEPARTMENT OF PLANNING

Adoption of Chapter 405
Lanai Planning Commission Rules
Relating to the Community Design Guidelines
for Lanai City

March 19, 1997

SUMMARY

Chapter 405, Lanai Planning Commission Rules, entitled "Rules Relating to the Community Design Guidelines for Lanai City", is adopted.

"DEPARTMENT OF PLANNING
TITLE MC-12

SUBTITLE 04 LANAI PLANNING COMMISSION

CHAPTER 405

RULES RELATING TO THE COMMUNITY DESIGN GUIDELINES
FOR LANAI CITY

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SUBCHAPTER 1

GENERAL PROVISIONS

§12-405-1 Purpose and intent. The purpose of these rules is to provide design guidelines for the Lanai planning commission for Lanai City. It is intended that an identifiable and unified design theme be retained within Lanai City. The urban design theme shall be in conformance with established design guidelines for each community as established by the Maui, Molokai and Lanai planning commissions. (Eff. 09/13/97) (Auth: MCC §§19.15.060, 2.80A.020) (Imp: HRS §91-2)

§12-405-2 Applicability. 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, hotel district or park on the island of Lanai, County of Maui, State of Hawaii. These rules shall not apply to single family dwellings. 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. Repair and maintenance of existing structures which do not visually alter the form or materials of the structure are exempt from review under this section. (Eff. 09/13/97) (Auth: MCC §§19.15.060, 2.80A.020) (Imp: HRS §91-2)

§12-405-3 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 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.

"Commission" means the Lanai planning commission of the county of Maui.

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

"Development" means any building, structure, signage, graphics, 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 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.

"Urban design review board" means the urban design review board of the county of Maui. (Eff. 09/13/97)
(Auth: MCC §19.15.060)

SUBCHAPTER 2

DESIGN GUIDELINES

§12-405-4 Design guidelines. The design guidelines established by these rules are identified in the Lana`i City community design guidelines report dated April 1997. (Eff. 09/13/97) (Auth: MCC §19.15.060) (Imp: HRS 91-2)

SUBCHAPTER 3

PROCEDURES

§12-405-5 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. 09/13/97) (Auth: MCC §19.15.060) (Imp: HRS §91-2)

§12-405-6 Application. (a) Any person seeking a review 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) Architectural and landscape architectural plans, which include, but are not limited to: a site plan, elevations, sections, landscape planting plan, and lighting plan;
- (5) Signage and graphics plans; and
- (6) Identification of building materials and color scheme.

(Eff. 09/13/97) (Auth: MCC §19.15.060)
(Imp: HRS §91-2)

§12-405-7 Review process. (a) Structures, building materials, landscaping, signs, and any other design elements shall be reviewed by the board and the director.

(b) Applications for new or reconstructed structures or renovations to existing structures involving fifty percent or more of any 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 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 approve, approve with modifications, or deny the application 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 approve, approve with modifications, or deny the application without the board's recommendation.

(c) Applications for renovations to existing structures involving less than fifty per cent of any 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, at the director's discretion, submit the application to the urban design review board for review and recommendation in accordance with §12-205-7A(1).

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

(d) Applications for signage shall be processed in accordance with chapter 16.12A, Outdoor Signs, Maui County Code, 1980, as amended. (Eff. 09/13/97)
(Auth: HRS §46-5) (Imp: HRS §91-2)

§12-405-8 Appeals. (a) Any applicant, which believes that the director's final action (approval, approval with modifications, or denial of the application) is in error, shall file a written petition of appeal with the commission within the fifteen days following the date of the certified receipt of written notice of denial. The petition shall set forth in detail why the applicant believes that the director's final action is in error. The petition and the appeal shall be subject to the rules of practice and procedure of the commission.

(b) Upon receipt of a petition for appeal, the commission may forward it to the next available meeting date of the board for review and recommendation. The board shall review the project application in accordance with the design guidelines established by these rules. The board shall forward its recommendation to the

commission within sixty days of receipt of the petition.

(c) The commission shall act on the appeal within thirty days of receipt of the recommendation from the board. If the board fails to make a recommendation within the prescribed time limit, the commission may act on the appeal without the board's recommendation.

(d) In acting on the appeal, the commission may affirm, reverse, and/or remand to the director the director's final action.

(e) The commission's decision is appealable to circuit court. (Eff. 09/13/97) (Auth: MCC §19.15.060) (Imp: HRS §91-2)

§12-405-9 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, hotel district, or park in Lanai City unless approval is first received in accordance with procedures set forth in these rules. (Eff. 09/13/97) (Auth: HRS §91-2) (Imp: HRS §91-2)

§12-405-10 Enforcement. The department through its director shall enforce the provisions of these rules. (Eff. 09/13/97) (Auth: HRS §91-2, MCC §8-3.3) (Imp: HRS §91-2)

§12-405-11 Amendments. Any amendments, modifications or revisions to these rules shall be processed pursuant to the rules of practice and procedure of the commission. (Eff. 09/13/97) (Auth: HRS §91-3) (Imp: HRS §91-2)

§12-405-12 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. 09/13/97) (Auth: HRS §91-2) (Imp: HRS §91-2)

§12-405-13 Effective Date. The rules herein shall become effective ten days after filing with the county clerk of the county of Maui." (Eff. 09/13/97)
(Auth: HRS §91-4) (Imp: HRS §91-4)

Adopted this 19th day of March, 1997, at Lanai City, Lanai, Hawaii.

DEPARTMENT OF PLANNING



DAVID W. BLANE
Planning Director



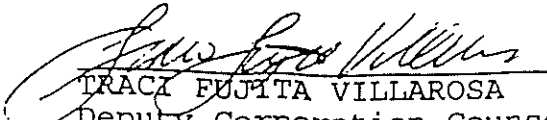
DOLORES FABRAO, Chair
Lanai Planning Commission



LINDA CROCKETT DINGLE
Mayor, County of Maui

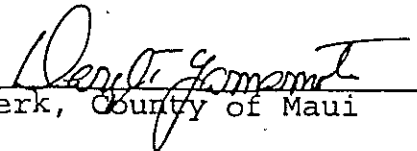
Approved this 3rd day
of September, 1997.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
Deputy Corporation Counsel
County of Maui

Received this 3rd day of
September, 1997.



Clerk, County of Maui

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 Lanai City, which were properly adopted on the 19th day of March 1997, following a public hearing on February 20, 1997; and

2. That the notice of public hearing on the foregoing Rules, was published in the Maui News on the 15th day of January, 1997.

COUNTY OF MAUI



DAVID W. BLANE
Director of Planning

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