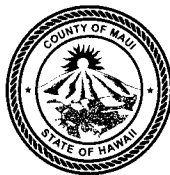


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



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COUNTY OF MAUI

OFFICE OF THE MAYOR

## DEPARTMENT OF PLANNING

April 4, 2018

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Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

*Alan Arakawa* 4/5/18

Dear Chair White:

### SUBJECT: AUDIT OF MAUI COUNTY CODE TITLE 19 ZONING

Transmitted, for your review and consideration, is the comprehensive audit of Maui County Code (MCC) Title 19 Zoning. The objective of the audit was to determine how well the code is meeting the purpose of regulating land use in a manner that is consistent with adopted state and local laws; promoting public health, safety and welfare; and implementing the General Plan. The report outlines the process by which the consultant, Orion Planning + Design, gathered information through: 1) their research and study of General Plan documents, Maui County Code, Hawaii Revised Statutes, best practices, etc.; 2) stakeholder meetings and surveys; and 3) site visits and field trips throughout Maui County; and their conclusions and recommendations based on all of the above.

MCC Title 19 Zoning was adopted in 1960 and has not been comprehensively updated since. While Maui and the world around it has changed dramatically from 1960 to today, the County has responded to some of this change by incrementally adopting amendments to the code. The audit identified, however, that many of the problems encountered in administering the code can be attributed to the piecemeal fashion in which it has been amended over the years. Some of the key findings which were used as a foundation for the audit's recommendation were:

1. The plan-code relationship is weak
2. Many plans are outdated and do not easily relate to one another
3. Vision is lost in the amount of plan material
4. The role of the Maui Island Plan is unclear
5. Maui is auto-centric and there is no requirement to build complete communities
6. Interim and stacked zoning produce undesirable outcomes
7. Uses in historic buildings face obstacles related to parking and signage

Honorable Alan Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Chair  
and Members of the Maui County Council  
April 4, 2018  
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8. Traditional Hawaiian land use practices and buildings are not evident
9. There is a backlog of enforcement issues
10. Short term rental regulations are burdensome; there are many illegal rentals
11. There is little contextual design or place making
12. Affordable housing and climate change need to be addressed
13. Agricultural zoning practices aren't working
14. Processes are not clear and transparent
15. Text and maps are difficult to read and access
16. There is excessive discretion in rulemaking

In summary, the audit found that MCC Title 19 Zoning, as it exists today, is a cumbersome and somewhat confusing code; contains provisions and terms that are often ambiguous, inconsistent, outdated or obsolete, and redundant; involves complex permit review and code enforcement procedures; and contains standards that do not promote the livable, built environment that is identified in the General Plan.

Based on these finding, recommendations are made which include an overall strategy for streamlining the code and identifying content and policy issues that the County should explore further in subsequent update/revision work. Specifically, the audit recommends the following:

1. Create a simplified Hybrid Code
2. Promote housing choice and affordability
3. Address specific use needs and issues
4. Create multi-modal standards
5. Revise plan content and process
6. Implement organization change

The Department has included a request for funding in the FY19 budget to move forward with the audit's recommendations.

We look forward to discussing these important issues and findings in more detail with the County Council should the matter be scheduled. Please feel free to transmit any questions or clarification requests to the Department via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE  
Planning Director

Honorable Alan Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Chair  
and Members of the Maui County Council  
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Enclosures

xc: William Spence, Planning Director (pdf)  
Michele McLean, Deputy Planning Director (pdf)  
Kathleen Ross Aoki, Administrative Planning Officer (pdf)  
Carolyn Cortez, Planner (pdf)  
Pam Eaton, LRD Planning Program Administrator (pdf)  
John Rapacz, ZAED Planning Program Administrator (pdf)  
Clayton Yoshida, Current Planning Program Administrator (pdf)  
PID Correspondence File

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# **TITLE 19 ZONING CODE AUDIT**

**Final Report - March 2018**



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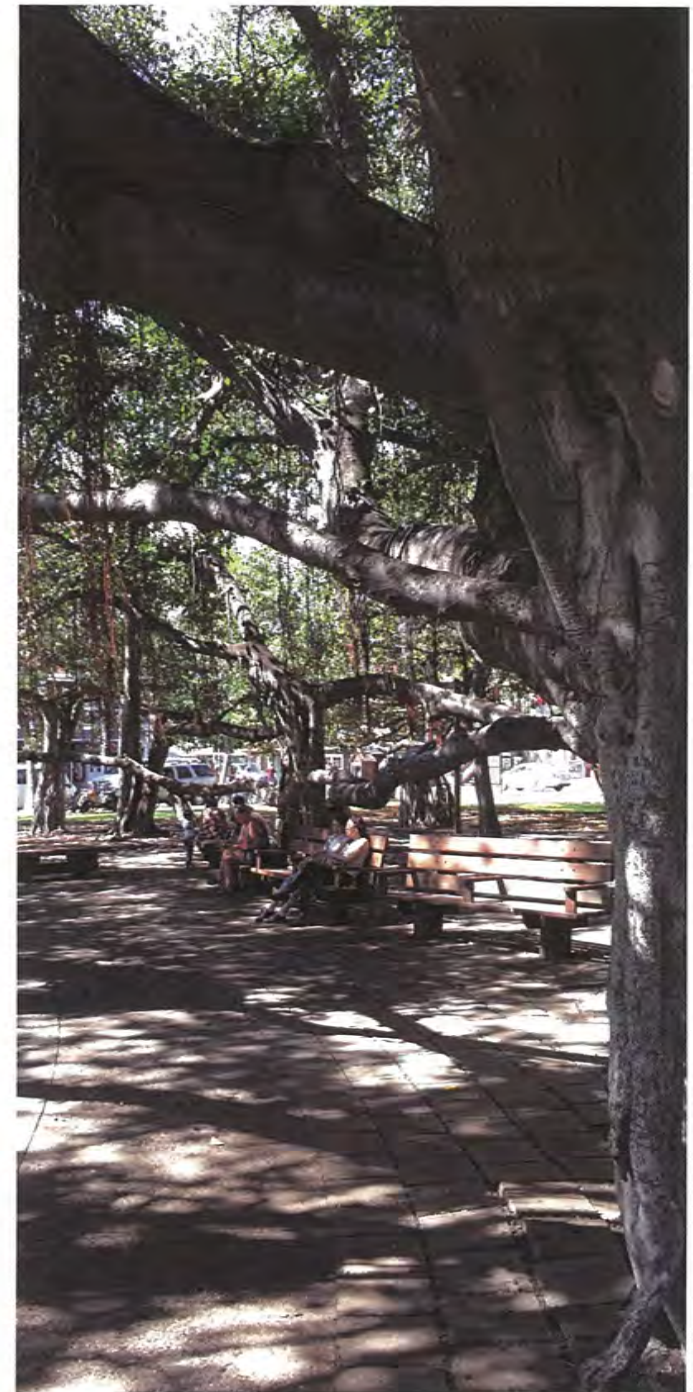
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# EXECUTIVE SUMMARY

Title 19, Maui County's zoning code, was originally adopted in 1960 shortly after Hawai'i became a state in 1959. It has not been comprehensively updated since. Maui and the world around it has changed dramatically from 1960 to today. The County responded to some of this change and the changing needs of its citizens by adopting numerous targeted amendments to Title 19, but these amendments have typically been stopgap measures rather than long-term solutions. Over time, these amendments and their relationship to other code sections have created substantial administrative confusion, conflicting interpretations and complex layers of administration.

Generally-accepted planning principles show that, to remain relevant, efficient, and effective, zoning codes should be comprehensively reviewed and rewritten on average about every ten years. Where the pace of change is slow longer intervals may be justified; where it is fast shorter intervals may be necessary. Title 19's age of 57 years is an exceptionally long length of time to expect a zoning code to work properly. Orion Planning + Design strongly recommends that Maui County completely rewrite Title 19 to address significant changes in zoning that cannot be accomplished effectively through incremental change. Concurrently, Orion Planning + Design recommends that this rewrite be used as an opportunity to rethink overall planning strategy and rebuild support and trust among those charged with administering and abiding by the code.

## BACKGROUND AND PURPOSE

In October 2016, Maui County issued a request for proposals to conduct a comprehensive audit and analysis of Title 19 of the Maui County Code (MCC). Title 19 enacts zoning for three primary purposes which can be summarized as follows:

1. To regulate the use of land in a manner that is consistent with adopted state and local laws;
2. To promote and protect the public health, safety, and welfare; and
3. To implement community plans (MCC 19.04.015).

The objective of the audit was to determine how well the code is meeting these purposes, and to suggest ways in which it can be improved to make it a "dynamic document that provides for best practice in land use regulation."

Title 19 was originally adopted in 1960. Although it has been the subject of scores of amendments over the course of 57 years, the code has not been comprehensively updated or amended since adoption. Amendments are common practice to address omissions, errors, and new circumstances. Over time, however, such amendments can begin to weaken the overall zoning framework by establishing new standards, procedures, and definitions that introduce redundancy and internal conflict. This can lead to an excessive amount of interpretation and rulemaking as well as growing frustration among staff, boards, citizens, and applicants. This is where Maui County found itself in 2016 when it selected Orion Planning + Design to complete the Title 19 audit and analysis.

## EFFECTIVE ZONING CODES

As a zoning code, Title 19 exists to implement plans and policies and to safeguard public interests. Hawai'i Revised Statute §46-4 states that:

*Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall future development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner.*

1. Our analysis also considered other purposes for zoning which include: Serving as an important tool to help preserve, create, and protect community;
2. Protecting public and private investment; and
3. Encouraging better development. This latter purpose is primarily accomplished through incentives and the inclusion of design standards, but may also be influenced by well-designed graphics that help applicants visualize intent.

Despite expertise, good intentions, and other resources a community



may have to invest in creating and administering zoning, there is no perfect zoning code or zoning program, and all zoning codes become obsolete over time if not comprehensively reviewed and rewritten on a regular basis. Likewise, there is no model code that every city or county should follow. Each code should be customized to address unique community development needs, resources, and aspirations. A review of best practices indicates that effective codes are characterized by:

1. Use of simple, clear language;
2. Inclusion of tables to help organize information and make it easier to read and compare;
3. Use of quality graphics to convey concepts;
4. Reasonable flexibility in standards;
5. Consistent, predictable processes;
6. Standards that implement plans and policies; and
7. Broad support within the organization evidenced by educated, well trained staff, well trained and committed boards and elected officials, and sufficient resources to effectively administer and enforce adopted standards.

## METHODOLOGY

### Overview

The methodology for auditing and analyzing Title 19 was detailed in the contracted scope of work and based on our desire to learn as much as possible about Maui's planning and development circumstances and especially Title 19 and its associated plans and policies. The process included a comprehensive review of Title 19 content and administrative processes; a tour of Maui Island (later expanded to include portions of Moloka'i and Lāna'i); a summary of the Maui General Plan; and interviews with identified stakeholders. Information gathered through these methods was supplemented by surveying internal and external code users, and by researching literature and other codes regarding issues relevant to Maui.



The Orion team and County staff onsite during Trip 1 to Maui.

### Web-based Meetings with Staff

Prior to the audit team's first site visit (Trip 1) and its series of stakeholder meetings, Maui County hosted several web-based meetings between the Orion Planning + Design team and divisions within the Department of Planning. These meetings served several key purposes:

1. They introduced the Orion Planning + Design team to the staff;
2. They provided an overview of how each division uses or impacts Title 19; and
3. They initiated an important dialogue between Orion Planning + Design and staff on what is and is not working in Title 19.

The results of these meetings guided our initial background research and informed the series of questions we had for each stakeholder group, as well as survey respondents.

## Stakeholder Interviews

Stakeholder interviews and tours were conducted during two trips to Maui. Trip 1 encompassed five-days and focused on initial stakeholder input and tours of Maui and Molokaʻi. Stakeholders interviewed included:

- Planning Administration
- Plan Implementation
- Current Planning
- Long-Range Planning
- Zoning Administration and Enforcement
- Department of Parks and Recreation
- Real Property Tax
- County Department of Transportation (DOT)
- Travel and Tourism groups
- Department of Public Works (Engineering and Highways Development Services Administration)
- State DOT
- Maui County Healthy Eating + Active Living (HEAL) Coalition
- Developers
- Significant land owners
- Economic development groups
- Property owners' associations
- Maui County Farm Bureau
- Department of Environmental Management
- Department of Water Supply
- Agriculture Working Group
- Maui Metropolitan Planning Organization (MPO)
- Interested environmental groups and community associations

The audit team also consulted with the State of Hawaiʻi Office of Planning on issues related to state land use designation, important agricultural

lands and the state's ongoing effort to complete a policy on planning for the impacts of climate change. Stakeholders were invited to meet with the audit team again during Trip 2 to provide feedback on our findings and draft recommendations.

## Tours

One day of Trip 1 was set aside to tour central, southern, and western Maui Island. This included Wailuku, Kahului, Pāʻia, Makawao, Kīhei, Wailea-Mākena, Lahaina, Kāʻanapali, and Kapalua. This tour was led by staff and provided a first-hand look at the variety of distinct areas on Maui as well as land use issues the county is currently experiencing. In addition to this guided tour, the audit team spent a day exploring the east side of the island from Kīhei to Hāna, and one member of the team traveled to Molokaʻi during Site Visit 1 and another to Lānaʻi during Site Visit 2 to gain additional insights into these islands. Although none of the side trips were part of the approved scope of work due to funding limitations, the audit team believed that seeing these areas first-hand was very important to understanding Maui County and would better fulfill the project mission to learn as much as possible about Maui during our time onsite.

## Surveys

Following Site Visit 1, the audit team in partnership with staff, created two survey instruments using SurveyMonkey™. One survey was intended for staff, boards and commission members representing internal users of Title 19. The other survey was intended for external users such as builders, developers, designers, homeowners' associations, residents, economic developers, and property owners. Both surveys were sent to Maui Planning staff in May of 2017 for distribution and closed at the end of June of 2017.

The purpose of the surveys was to collect users' experiences and knowledge of Title 19 that would be helpful in the code audit and update. Although SurveyMonkey™ does have a statistical significance feature that can be used to test survey questions, the survey's intent was to represent the opinions of the respondents only.





Site visit to Lahaina.

## **Summary Review of Plans**

Understanding Title 19 and its relationship to the Maui County General Plan was important to the audit process. The audit team did not conduct a complete review or audit of every county plan, but did conduct a summary review which allowed for broad understanding as to how these plans are or are not implemented by Title 19.

Title 2, Chapter 2.80B of the Maui County Code mandates the Maui County planning framework. It requires certain plans, sets forth criteria each plan must meet, and establishes a public engagement and plan development strategy replete with advisory committees and time frames. The required plans together form the Maui County General Plan and include the Countywide Policy Plan, the Maui Island Plan, and nine community plans.

## **Additional Research and Review**

The audit team reviewed numerous articles, reports, websites, texts, statutes, and codes related to Hawai'i planning law, issues identified during Trip 1, and survey results. This information was invaluable to the review and analysis of Title 19 and the creation of recommendations. In addition

to outside sources, the audit team also employed its extensive practice based knowledge and understanding of successful code provisions and structure. While there may be no model code for Maui to emulate, there are provisions and characteristics of other codes that have direct application in Maui and which provide excellent examples of better code content and construction. The results of this research as well as materials from the audits team's library formed the core of the Summary of Best Practices deliverable (excerpted in this report in select places) for Maui County's consideration.

## **Deliverables**

Throughout the Title 19 Audit, a series of deliverables was created to organize and summarize process, and to report findings and recommendations. These deliverables include:

- A draft work plan
- A summary of the plan-code relationship
- Summary findings from field trip(s)
- A summary of stakeholder meetings during Site Visit 1
- A summary of best practices in zoning and land use regulations
- A summary of the survey findings
- Preliminary rough draft of findings and recommendations
- Preliminary public draft of findings and recommendations
- A summary of the results of stakeholder meetings during Site Visit 2
- Public Review Draft presentation on final findings and recommendations and solutions;
- Presentation(s) to the Maui County Council on the final findings and various recommendations proposed; and
- A suggested scope and associated budget for Phase II of the Title 19 Zoning Code project which would entail a full rewrite of the text.



ISSUES	COUNTY STAFF										TRIP TOURS	EXTERNAL STAKEHOLDERS								
	Real Property Tax	County DOT	DPW & HDOT	Parks & Recreation	Zoning Admin. & Enf.	Long Range Planning	Environmental Mgmt	Water Supply	Current Planning	Plan Implementation		Travel & Tourism	MPO & HEAL	Planners, engineers, etc.	Dev., Builders, Owners	Economic Dev. Groups	Prop. Owners Assoc.	Environmental Groups	Farm Bureau	AG Working Group
PLANNING APPROACH & POLICY																				
1. Underlying code is old and doesn't reflect current goals, priorities, or contemporary development practices					X	X			X	X			X	X	X	X	X			X
2. Over reliance on interpretive policy memos					X	X			X	X				X	X					
3. Confusing relationship between code and plans: plans are viewed as regulatory and advisory			X		X	X	X	X	X	X	X			X	X	X	X	X		
4. Extraordinarily large number of plan implementation actions (over 1100) increases management complexity and challenges					X	X			X	X								X		
5. Code language describes uses in ways that are difficult to translate to zoning definitions, tables OR definitions are not updated to reflect plan language; creates conflicts					X	X		X	X	X			X	X	X	X				
6. The number (quantity) of plans and planning layers (county, state, federal) is a real challenge; no "vertical integration" between plans					X	X		X	X	X				X	X	X				
7. Layering of plans and processes creates inconsistency and the challenge of interpretation					X	X			X	X				X	X	X	X	X		
8. Need to allow a project district to be modified concurrent with a community plan					X	X			X	X				X	X					

An excerpt from the summary of initial findings completed following Trip 1 staff and stakeholder meetings and site visits.



## KEY FINDINGS

Following months of research, review and analysis, the audit team developed a list of key issues as a foundation for the audit's ultimate recommendations. These are listed below with a brief explanation.

### The plan-code relationship is weak.

While many plan policies and actions are at least partially covered by Title 19, there is very little evidence that Title 19 intentionally implements Maui's plans except for the project districts. There are some alignments, but they are typically scattered, incomplete, and sometimes appear coincidental. It is much more useful to consider that many plan actions specifically identify the need to revise and update Title 19 to implement the plan, but any detailed assessment of these connections, knowing that parts of Title 19 are nearing 60 years of age, means that this exercise is nearly fruitless. Instead, it is much more useful to consider how many plan actions are dependent on Title 19 for implementation. General plan language that supports updates to Title 19 is identified in [Appendix I](#).

### Many plans are outdated and do not easily relate to each other.

Planning is the art and science of identifying issues, forecasting change, and creating a vision that moves the community forward in a way that minimizes challenges and risk and maximizes opportunities and community health and wellbeing. Planning is important because it requires a community to assess its strengths and weaknesses, it facilitates conversation and visioning, and it represents a consensus opinion on what the community should be in the future. Good plans also provide guidance on how to implement goals, policies and actions.

Plans can have a short-range or a long-range focus. This focus is best expressed in the plan's vision statement. Short-range plans are typically strategic dealing with a limited number of goals or topics which have a quick implementation period. Long-range plans typically have a vision statement set on a horizon of at least 20 years. Goal statements and objectives are intended to provide long-range guidance on how the vision can or should be accomplished. Actions, or strategies, which often accompany goals and objectives may be short, medium, or long-term in

their reach. Some may be ongoing with no need to stop doing whatever the action indicates. For example, coordinating land development plans between jurisdictions is typically an action that is never intended to be complete.

A misunderstood element of long-range plans is that they only need to be updated when they approach their plan life. So, under this scenario an update to a 20-year plan would likely not begin until plan year 18. When citizens and leaders involved in plan-making feel like the opportunity to get an action, or project, in the plan will occur only once every 20 years there can be a rush to throw everything in, especially if the plan vision or goals is overly broad. These plans often end up with very long lists of actions and projects that are a mish-mash of simple, relatively easy items alongside difficult, relatively expensive items. They become a wish list of sorts rather than a well thought out guide for moving the community forward.

The attempt to provide guidance for implementation by prioritizing long action and project lists often ignores the interrelatedness of decisions and actions. For example, in such a plan the community might feel that poor street conditions are the more immediate problem, rating rebuilding or repaving as a top priority. Another action such as oversizing utility lines to facilitate future business development is important to a large group of people, but is thought to be less urgent than the street condition and rated at a lower priority. Based on plan ratings alone the inclination would be to fix the street then deal with the utilities. However, what the ratings don't relate is that the utilities that need to be oversized run underneath the street that needs to be fixed. A fiscally practical approach would be to take care of the utility lines and then fix the street. Approaching it from the other direction means that either the utility will need to dig up the new improved street, or the resistance to damaging the new street delays or kills the utility action.

All 11 required plans have been adopted, but only three plans have been adopted or updated within the past ten years (as evidenced by the list below). One plan, the Moloka'i Plan, has a draft update before County Council for consideration of adoption.

- The Countywide Policy Plan was adopted in 2010.
- The Maui Island Plan was adopted in 2012.



- The Hāna Community Plan was adopted in 1994.
- The Kahoʻolawe Community Plan was adopted in 1995.
- The Pāʻia-Haʻikū Community Plan was adopted in 1995.
- The West Maui Community Plan was adopted in 1996.
- The Makawao-Pukalani-Kula Community Plan was adopted in 1996.
- The Kihei-Mākena Community Plan was adopted in 1998.
- The Wailuku-Kahului Community Plan was adopted in 2002.
- The Lānaʻi Community Plan was adopted in 2016.
- The Molokaʻi Plan was adopted in 2001 and is currently in the process of being updated.

Based on our understanding, the lag in plan updates and plan-making in general is a function of staffing and process. MCC 2.80B requires extensive public process, which should be commended, but this process requires a tremendous amount of staff time. Long-Range Planning has been challenged to keep pace with what is needed. Extended adoption processes, which may take 3+ years, also consume staff time that could go towards plan-making. Extended approval processes may also mean that some elements of the draft plan are obsolete by the time the plan is approved.

### Vision is lost in the amount of plan material.

While there are vision statements in each plan, the vision for land development is lost in the excessive volume of plan material. There is no overarching vision for Maui County land use or placemaking. Understanding how the plan actions translate into changes in land development regulations is difficult. This applies specifically to Titles 18 and 19 but includes other regulations with land development impacts. Policy plans such as the Countywide Policy Plan are typically not set up to contain this type of information but could easily be transformed into an umbrella vision for how land will be used and developed for the next 20 years.

### The role of the Maui Island Plan is unclear.

The audit team's understanding is that the Maui Island Plan was initiated to serve as an island-wide guide to development decisions. One of the

original intents of the Maui Island Plan was to help plan for and coordinate issues such as highways, wastewater, and water service. This seems to be lost in the plan vision itself. Since the plan was adopted much later than Maui's community plans, it is also unclear how this plan works with, supersedes, or should influence the community plans. It does contain a good vision for land use and the development of land but remains confusing to most users as reported clearly and consistently by stakeholders during meetings and through the survey.

### Maui is auto-centric and there is no requirement to build complete communities.

Like most communities in the U.S., Maui's land development patterns require automobile transportation for most residents and visitors. There is much to be gained by building complete communities where most daily activities can be accomplished within a reasonable and safe walking, biking, and transit distance. This means not only complete streets implementation but ensuring that the mix of land uses within these areas is sufficient to meet this goal. The ability to walk, ride a bike, or use some other form of active transportation (transportation that relies principally on muscles rather than vehicles) is a growing concern across the country. The lack of such opportunities is also a growing complaint in Maui.



Example of separated bike lane and wide pedestrian sidewalks in Missoula, MT.



### Interim and stacked zoning produce undesirable outcomes.

Interim zoning was intended to apply only until a comprehensive zoning code could be adopted, but some interim zoning has never been replaced. Both interim and stacked zoning permit a broad range of land uses that were originally intended to provide flexibility and enable a significant number of uses for property owners. The reality, however, is that interim zoning does not protect residential land uses that are the most common. In addition, although it is older than other zoning districts, the term “interim zoning” conveys a sense of impermanence and instability. Stacked zoning is a discredited zoning method that undermines community character. Because “stacked zoning” allows for often conflicting land use and development patterns, it does not ensure quality development. For Maui’s industrial zones where stacked zoning is prevalent, this means they may not be developing in ways that support industrial investment and growth.

### Uses in historic buildings face obstacles related to parking and signage.

Historic buildings throughout Maui are often in community centers which, when built, were largely accessed by walking or means other than personal automobiles. With automobiles came parking and eventually zoning codes that mandated minimum parking standards. Infill development and the redevelopment of historic or aging structures also run into roadblocks when reviewed under the current requirements of Title 19. Although the minimum standards were usually adopted to address new developments, in Maui they also apply inappropriately to historic structures and community centers. These building and site standards can make reuse of historic structures difficult and, over time, cause the quaint, walkable areas to be surrounded or replaced by surface parking.

Likewise, signage standards normally intended to serve new development don’t always work well in historic centers or relate well to historic building design. These issues make current sign requirements a challenge for many business owners particularly in the historic districts of Lahaina and Wailuku.



Parking and signage in the historic community of Makawao.

### Traditional Hawaiian land use practices and buildings are not evident.

Virtually every official Maui planning document mentions a desire to promote traditional Hawaiian land use practices and buildings. This goal is not being achieved and there is little in modern development patterns or structures that reflects it. While replicating ancient ahupua’a with their self-sustaining reach from the mountains to the sea is difficult, there are aspects of this practice that may inform planning practice and be reflected in the zoning code.

### There is a backlog of enforcement issues.

Zoning standards are only good if implemented. Implementation is a result of enforcement either through administrative practices that ensure willful compliance or enforcement actions to address violations due to ignorance or willful non-compliance. These “back-end” types of enforcement require a commitment of staff to monitor and act. When the num-



ber of violations exceed staff capacity to address them, the result is a backlog. Staff capacity is affected not only by the number of staff dedicated to enforcement, but the complex practices and procedures they must administer to reach compliance.

### Short-term rental regulations are burdensome; there are many illegal rentals.

Maui has been inundated with short-term rentals. As a result, the county developed a permitting program to provide a regulatory framework to help ensure neighbors and communities are not overly impacted. This program, while well-intentioned, has created an inordinate amount of work for staff, so much so that it is taking up a disproportionate amount of staff resources. It is also viewed as a long and daunting process that results in what is suspected to be many short-term rental owners choosing to ignore the regulation and remain unpermitted.

### There is little contextual design or placemaking.

Except for project districts, of which there are many, and the Maui Research and Technology Park district, there is little in Title 19 that identifies or encourages the many interrelated elements that work together to create “place.” Project districts also do not necessarily fully address place-making. Maui is home to many unique communities and places. The county should make sure that its zoning code supports and encourages the continuation of the elements that make these places unique. Some development, for example in Wailuku and Kahului, is virtually indistinguishable from mainland cities impacted by 20th century urban development and suburban sprawl. Without concerted effort, the character of plantation towns, villages, and historic centers will be lost.

### Affordable housing and climate change need to be addressed.

Two issues continually presented themselves in the audit process: affordable housing and climate change. These are obviously two different issues that require different strategies. Maui County currently has an affordable housing strategy that operates outside the regulatory framework of Title 19. Evidence suggests that this program has had limited success.

Affordable housing goals and incentives need to be integrated into Title 19 in a way that makes this issue an integral part of land use decisions.

Climate change and climate adaptation are evolving issues that should inform and impact land use decisions and regulations. The State of Hawai‘i is currently creating a climate adaptation strategy that local governments will need to implement. The issue of climate change is currently not addressed in Title 19.

### Agricultural zoning practices aren't working.

The intent of agricultural zoning is to protect agricultural land while allowing certain agricultural-related uses and structures such as barns, greenhouses and farm dwellings. The reality is that practices such as agricultural subdivisions are allowing non-agricultural uses that may threaten adjacent bona fide farm operations. In addition, the required farm plan is an exercise that requires much staff and applicant time but has little impact on ensuring ongoing farming operations.

### Processes are not clear and transparent.

The most effective codes have clear and transparent processes. Title 19 contains a patchwork of processes scattered throughout the code, as opposed to logically and thoughtfully arranged. Some processes appear to be related to rulemaking that is not incorporated into the code. An emerging best practice is to use flow charts or other diagrams either within the code or a code companion (e.g. users guide, pamphlets, webpage resources, etc.) to explain and graphically display processes. An essential element of good customer service in the permitting process is not only having clear and transparent processes but using that information to manage expectations for how long it may take to go from application to decision. By mapping its processes and procedures Maui County may find ways to consolidate discretionary permits. With more than 60 different types of permits possible today in Maui County, the county exceeds, sometimes greatly, what similarly-sized communities administer. Consolidation does not mean the county will lose authority, rather it provides a possible way to have a more efficient and easier to understand program.



### Text and maps are difficult to read and access.

As technical documents, zoning codes are typically less than engaging and certainly aren't exciting. However, they can be made easier to read and use. Title 19, for example, is rife with legalese (some of which may be necessary), complex sentences and wordiness. It is largely devoid of the tables and illustrations that make difficult zoning concepts easy to understand. Currently, the county is in the process of digitizing its zoning maps. Existing paper maps are difficult to access and to understand without significant, in-person staff support in translation.

### There is excessive discretion in rulemaking.

The audit team discovered that there are more than 600 pages of rules that apply to Title 19. This is undoubtedly attributable to the fact that Title 19 as it is currently written is outdated and difficult to apply without a lot of interpretation and additional explanation.

Wailuku and 'Āo Valley





# RECOMMENDATIONS

The following recommendations are the result of the review and analysis conducted by the audit team, discussions and feedback from stakeholders, and refinement of draft recommendations based on input from Trip 2. The recommendations and their associated best practices offer Maui County a roadmap of improvements to be made in the rewrite of Title 19. The six main recommendations and their components encompass key actions necessary for a successful rewrite of the zoning code and administration of a strong program rooted in the plan-code relationship. At the conclusion of this report, there are seven appendices which are referenced throughout the recommendations which follow. These include:

**Appendix I. General Plan Language Supporting Title 19 Updates**

**Appendix II. Summary List of Recommendations**

**Appendix III. Sample Project District Organization**

**Appendix IV. Practical Advice for Code Writing**

**Appendix V. Recommendations by Section of Current Code**

**Appendix VI. Example Table of Contents**

**Appendix VII: Summary of Best Practices**

## RECOMMENDATION #1: CREATE A SIMPLIFIED, HYBRID CODE

There are four basic types of zoning codes. The most common and oldest type contains use districts intended to address incompatibilities by segregating and isolating different types or classes of uses. This type is referred to as Euclidean zoning in homage to the landmark zoning case *Village of Euclid v. Ambler Realty Inc.* argued before and decided by the U.S. Supreme Court in 1926 which established zoning as a legal land use practice. The second type of zoning code is a performance-based code. In this approach sets of criteria and rankings establish performance criteria as an alternative to use districts in deciding what is permitted where. The third type of zoning code was introduced in the 1990s and became a movement in the 2000s and is referred to as form-based zoning. In its original approach, form-based zoning established the form of development as the paramount concern and was silent on or seldom considered uses as a criterion for approval. The fourth type of zoning code is referred to as a hybrid code because it integrates characteristics from two or all three of the other types of codes. Typically, hybrid codes use a Euclidian framework of use districts along with form and often performance criteria to create standards for development.

Hybrid codes attempt to maximize the benefits of different zoning approaches while minimizing the disadvantages or challenges each type is known for. For example, Euclidian zoning with its focus on use rather than form and its separation and isolation of uses into districts is widely blamed for urban dysfunction and can be quite inflexible. Its format, however, is very familiar to officials, developers, and decision-makers and for that reason is thought to be easy to administer and understand. Performance-based zoning is known to be very complex and difficult to use, but very flexible and focused on important criteria. Form-based zoning is prescriptive and graphically rich but is often described as too subjective and staff-intensive.

There are many specific steps related to this recommendation as outlined in the following sections.



### Reduce the number of single purpose districts, ensure that daily needs can be met within walking distance or by transit, consolidate project districts whenever possible, and create inclusive, complete communities.

Districts should be straightforward and implement the county's plans, but they should also create community. Many of the current districts were created to address a single use. Some districts, such as those used for Interim and stacked zoning, allow too many dissimilar uses that may reduce investment confidence and create a sense of chaos or, at best, a lack of cohesive, related community. Alternatively, well-thought-out mixed-use districts allow for a range of different yet complementary uses. These uses work together to build community by providing opportunities to live, work, play, shop, receive services, and otherwise function within a geographic area that is walkable, bikeable, and capable of being served by public transit. A quick example of how project districts might be consolidated is included in [Appendix III](#). The number of project districts is likely a reflection of the lack of a comprehensive update of Title 19 to address plan implementation. If your code is working properly, fewer project districts should be required.

### Develop comprehensive context-sensitive design standards.

Maui is home to unique and quaint communities and places whose physical forms are not supported, protected, or encouraged by Title 19. The development of design standards intended to reinforce these characteristics is often called place-making. Design standards are normally grouped into sections that address site design, building design, and infrastructure. They should be as objective as possible and appropriate to most potential developments. A waiver process integrated into code administration would work to create flexibility to address unforeseen options and alternatives and prevent the need to amend the standards to permit desirable but otherwise "non-compliant" applications that meet the intent of the regulations.

### Create an interactive online digital code and zoning map.

The digital age provides Maui the opportunity to create an internet-based zoning code and maps. Using the power of digital PDFs or similar non-pro-

prietary formats, Maui can have a code that is easily searchable, contains hotlinks to sections, cross-references, and definitions, and is easily navigable by novice internet and code users. The county is in the process of digitizing its zoning maps and making them accessible online. It is recommended that future iterations contain metadata on entitlements such as variances, special permits, waivers, and rezoning conditions.

### Simplify code language.

Zoning codes are full of planning jargon, legalese, and often unnecessarily wordy or obtuse statements. Title 19 is no exception. To the extent possible, Maui should simplify its code and make it more readable. Details on how this might be accomplished are included in [Appendix IV](#), Practical Tips for Code Writing. Included in [Appendix V](#) is a detailed look at specific recommendations by section of the current code. These recommendations highlight opportunities for making Title 19 simpler, better organized, better written, and easier to understand.

### Develop a user's guide.

User's guides are helpful resources for both novice and experienced code users especially when a significantly different new code is adopted. Guides range from relatively short "Here's where things are" to more extensive documents that explain how to make applications, where to look for standards and how to apply them, and detailed process flow charts and helpful hints.

### Create a unified development ordinance.

Maui should consider a Unified Development Ordinance (UDO), or unified development code. UDOS typically include zoning, subdivision regulations, and land development-related environmental standards such as floodplain, stormwater, and wetland regulations. Occasionally, they also include sedimentation and erosion control requirements and, in the future, will likely include standards related to relevant climate adaptation strategies. A sample table of contents is included in [Appendix VI](#). It illustrates recommended sections of a new Title 19 and what it would take in terms of new elements to make it a UDO.



## RECOMMENDATION #2: PROMOTE HOUSING CHOICE AND AFFORDABILITY

Maui County is frequently listed as one of the most expensive housing real estate markets in the U.S. This has led to an affordability crisis that is evidenced by the increasing number of single-family homes that are illegally converted to two or more separate housing units. Some of these homes contain as many as five or six separate units and have changed the character of entire neighborhoods where automobiles blanket front yards and the shoulders of local streets and occasionally nearby collector roads. Many factors contribute to this crisis and simple solutions are elusive, but there are many specific steps Maui can take to implement this recommendation. Based on our analyses and experience, the most important of these are outlined below.

### Identify and remove regulatory barriers.

The first step to address the affordability crisis is being aware of current and potential regulatory barriers and eliminating them from the new Title 19. Barriers may include extra or special approvals, unnecessary conditions, unnecessarily large lots, and limited types of housing permitted. A more detailed countywide housing needs assessment coupled with an analysis of housing policy (some beyond the reach of Title 19) would likely highlight such barriers in Maui.

A significant barrier to plan implementation is often the rezoning process. If rezonings are costly, typically result in significant NIMBY (not in my back yard) response, or take a fairly long time to accomplish, many landowners and developers simply choose to do what they can with the zoning they have which often is at odds with the plan's vision. In these cases, Maui County should consider proactively rezoning parcels as a significant first step in plan implementation. While wholesale rezoning to make all land conform to a long-range plan is uncommon, unfeasible, and likely undesirable (plans are oriented toward the future whereas zoning is about the here-and-now), select parcels could and likely should be proactively rezoned to catalyze new development patterns consistent with adopted plans. Some communities have a fast-track rezoning process, or one with fewer obstacles, if a proposed rezoning is consistent with adopted plans. This helps to remove barriers to plan implementation.

Occasionally, concern about regulatory "takings" prevents elected officials from proactively rezoning. It is helpful to remember that true regulatory takings aren't common and can be eliminated by a well written code. Further, it is helpful to remember that the perceived diminution of value is often only a "potential" value that could be realized if and only when the property is developed a certain way. This value is largely, if not entirely, the result of public expenditures on infrastructure and services. This potential value is usually referred to as a "givings." Even when zoning on a piece of property limits economic gain to achieve a public purpose, the resulting diminished gain is still usually far greater than raw land without access to public infrastructure and services. In other words, perceived takings rarely nullify or significantly diminish the givings bestowed on the property owner by the public.

### Increase the range of housing types permitted by right.

The second step in addressing the crisis is increasing the range of choices permitted by right. This includes allowing some types of housing that are not specifically accommodated in current regulations. Many of these types of housing are popularly referred to as "missing middle" housing. Missing middle housing refers to a range of housing types in the medium (or middle) density category. These include duplexes, triplexes, quadruplexes, courtyard apartments, bungalow courts, and residential units above shops and workplaces. Some even consider accessory dwellings to fall into this category.

Modern zoning practices have generally accommodated single-family detached and segregated multi-family housing but has limited, discouraged through over regulation, or simply prohibited much of the missing middle housing types that can be integrated into successful mixed residential or mixed-use areas. Many historic areas in the U.S. contain a mix of housing types, including those defined within the missing middle category, that are contributing structures in historic districts.

Providing a full range of housing choice may also allow Maui to address the needs of seniors and younger residents. As the population ages, missing middle housing can provide opportunities for residents to age in place or at least within their neighborhoods. Missing middle housing also provides attractive options for younger generations less enamored with suburban housing and densities.



## Best Practice: Address Missing Middle Housing

Maui County should consider expanding the types of housing permitted in residential and mixed-use districts such as row houses, courtyard houses, duplexes, triplexes, quadriplexes, accessory dwelling units, and tiny houses. Placetype planning and place-based design standards (often form-based or hybrid) can support this approach and ensure it integrates well into the community. A greater range of housing types is being used in communities across the country to expand housing diversity and affordable options.



A stately duplex in Covington, Kentucky

In addition to providing a full range of housing choice within the county, Maui should also consider allowing mixed residential uses by right in most zoning districts. Mixed residential may include two or more types of housing and often include conditions and design standards that help make different housing types and densities work well together.

Finally, in addition to regulatory changes and practices, Maui should consider housing trusts and land banks as part of a comprehensive affordable housing strategy. These are being used successfully in other places such as Massachusetts, Silicon Valley, Colorado, and Chicago. Chapel Hill, North Carolina combined inclusionary zoning and a community land trust to help ensure affordable housing by requiring that ownership of the portion of the development containing affordable units be transferred to the land trust to ensure long-term affordability.

### Reinforce mobility as a key component of affordability.

Sidewalks, bike lanes, and transit stops increase the cost of housing development and, like every other expense related to land development and construction, will impact the price of housing. It is wrong, though, to think of these as expendable amenities rather than the integral mobility elements they are. Transportation costs can have a significant impact on affordability. In fact, it is hard to imagine a sustainable long-term solution to the affordability crisis anywhere in the U.S. that does not include increasing mode choice, creating walkable mixed-use communities, and reducing reliance on personal automobiles. In some cases, it could be argued that developers and builders spend almost as many resources on obtaining entitlements as they do providing mobility options. This appears to be occurring in Maui as well. It is strongly recommended that as an alternative to sacrificing mobility Maui consider expedited approval processes and increased densities as appropriate cost reduction methods.

### Address illegal dwelling conversions sensitively.

Illegal subdivisions of single-family dwellings pose an enforcement challenge: What do you do when there is no affordable place for most of the added families to go? Enforcing the provisions of Title 19 without understanding and having a solution to this challenge could result in greater problems related to homelessness or shifting the burden to other neighborhoods. Using such an approach, the city of Palo Alto made news in



2016 when its actions led to many evictions and a plea for a solution. The city's response was to embrace certain accessory dwellings and pathways to compliance.

Comprehensive solutions to Maui's illegal conversions must be identified and considered, and attention needs to be given as to how any county action will impact neighborhoods, communities, and the residents who need affordable housing. Solutions may need to be neighborhood specific tailored to issues such as lot size, access, safety, and community character. Places to look for possible strategies and solutions include New York City, Los Angeles, and Portland. These communities also face serious affordability problems and have adopted policies to address resulting illegal conversions. These three cities, however, are not likely to be an exact fit for Maui.

The residential parking problems generated by the proliferation of these illegal dwellings is somewhat unique in terms of parking challenges. Inextricably tied to the affordable housing crisis and the auto-centric development patterns on Maui, enforcement of Title 19 parking requirements in these instances may be, at this time, an unreasonable proposition. Until there are working solutions to the housing problem, the county would be advised to focus on promoting alternative transportation modes, public safety impacts, enforcing nuisance vehicle ordinances, and similar administrative strategies that may reduce the number of vehicles, address turning and parking movements, and deal with the occasional inoperable vehicle.



A Google Map street view image of a residential street in Kahului where parking on the shoulders is common practice.

## RECOMMENDATION #3: ADDRESS SPECIFIC USE NEEDS AND ISSUES

During the audit team's review and assessment of Title 19, specific issues and needs were identified that didn't fall neatly under one of the other categories of our review. We have grouped those here along with suggestions on how to address them.

### Title 19 should accommodate and encourage new technology and trends.

The world is changing at a faster and faster pace. Zoning codes are intended to prevent problems, but in this fast-paced world they can create them when they lack the ability to address new technology, new uses, and new ways of building and designing developments and structures. To the maximum extent possible, the proposed Title 19 should embrace current trends and have administrative mechanisms in place to allow the county to adapt as it goes to at least minor shifts and adjustments in the land development and use landscape. For example, distributed energy generation is already a fact in Hawai'i. Title 19 should permit a wide range of small scale energy generation facilities as ancillary if not primary land uses. At some point, Maui will also be faced with addressing driverless cars and unmanned deliveries. Now is the time to brainstorm impacts that may need to be permitted, prohibited, or regulated through Title 19.

### Protect prime agricultural land.

A significant amount of Maui is currently within the state's agricultural land use district. Some of this land has been subdivided into agricultural subdivisions for housing development or small farms containing very limited agriculture production—less than could rightly be considered subsistence farming or a hobby farm. Subsistence farming is defined by the USDA as

*A farming system where the food and goods produced are predominantly consumed by the farm family and there is little surplus for sale in the market.*



This is further refined by multiple dictionaries, like Merriam-Webster, to say

*A “system of farming that provides all or almost all of the goods required by the farm family usually without any significant surplus for sale.”*

A hobby farm such as those profiled in a 2015 article in the LA Times typically produces farm products for sale or trade but as a supplement to another income source and not the main income. Such products may or may not be used by the hobby farm owner. Furthermore, the IRS says that a hobby farm is primarily for pleasure not profit. If Maui’s goal is to preserve prime farmland and encourage farm practices, hobby farms and anything less than full subsistence farming may not fulfill that purpose.

Still, other uses such as agricultural tourism and retail stands can significantly impact adjacent working farms by limiting the use of fertilizers, the activities of animals, and other farm operations on these farms. Maui should consider requesting a district boundary amendment to change developed non-farm property to a more appropriate district such as Rural and redouble its efforts to truly protect remaining farmland by revising its processes and establishing new conditions for subdivision and non-farm use. Maui can also promote easement options such as those acquired by the Hawaiian Islands Land Trust which would ensure the perpetuity of good agricultural land. Looking to the Big Island and zoning examples from the mainland that treat agricultural use and scale differently, by separating wholesale ‘agriculture’ into unique districts or sub districts, may also be a workable solution for Maui County in the long term.

### Fix the short-term rental program.

By most measures, Maui’s short-term rental program is not working well. The new Title 19 should focus on the land use impacts of short-term rentals leaving other licensing issues such as background checks, annual fees, and residency to a program better suited to address them such as business licenses. Maui should also consider a third-party source for monitoring compliance and acquiring data about short-term rentals operating within the county. An example of such a program is Host Compliance.

### Create infill and redevelopment standards.

There is a significant amount of developable land in Maui, some of which is in existing developed areas either as vacant lots or older developed sites that will be redeveloped in the future. Many communities take advantage of such opportunities to increase urban densities needed to support local businesses and to create mixed-use or mixed-residential opportunities. It also makes sense to use infill and redevelopment to maximize use of the land and capture more revenue for existing public facilities such as water lines, sewer lines, and streets. Maui should develop infill standards that promote context-sensitive redevelopment that reinforces community character and adds to the livability of the community.

### Encourage mixed-use.

In addition to mixed-use zoning districts, vertical mixed-use development should be encouraged, especially in areas where street level retail, restaurant, and service uses make sense. Upper floor residential as a required or at least strongly promoted component of new commercial development is a vital part of building walkable, vibrant urban spaces.

### Incorporate landscaping and low impact design into parking and site planning.

Maui should expand its landscaping requirements, especially for parking lots, to soften development edges, create shade, and reduce the amount of impervious area. Low impact design is a site design technique by which stormwater is handled close to the source creating opportunities for infiltration, reducing stormwater impacts on streams and adjacent properties, and turning stormwater from a nuisance into an amenity.

### Adopt site design standards to address climate change and sea-level rise.

Maui should adopt site design standards to proactively address the impacts of climate change, especially those due to sea level rise and shoreline development. The draw of beach-front living and desire for views and access, not to mention topographic and land use constraints and mountainous terrain in other parts of the island, has driven much of the development pressure toward the coastline in high densities. While re-



stricting future development (or redevelopment) in areas that are environmentally sensitive or prone to shoreline erosion is one alternative to addressing this problem, the adoption of site design standards for properties fronting the ocean or in low-lying areas impacted by tidal shifts is also necessary. Enforcing rolling setbacks for ocean-front development, incentivizing buyback programs through transfer of development rights or managed retreat options and adopting design standards for construction are just a few of the options that should be considered as part of the rewrite of Title 19.



An example of a permitted accessory dwelling unit in a residential zone.

## **Best Practice: Rethinking Short Term Rentals**

Short-term rentals take up the lion's share of permitting review and enforcement staff time for Maui County's Zoning and Enforcement Division (ZAED); this is an indicator that the current structure and administration of this land use activity needs review. Based on best practices in other communities, the three separate permits associated with bed and breakfasts and transient vacation rentals should be consolidated, and the administration and enforcement of these permit applications allocated to a select team of planners or housed within an office separate from the county Planning Department. Options for the latter include Public Works or even Housing, as deemed appropriate. The application process should be streamlined based on actual impacts of the activity and should focus on enforceable benchmarks that can be easily and quickly followed up on by the permitting authority. Such benchmarks could include limiting short-term rentals to certain geographic areas on the island, requiring the owner to live in the dwelling most of each calendar year, or restrictions on the amount of time the rental can occur annually.

It is imperative that the benchmarks be attainable and easily enforced, and that requirements are in place for quarterly reporting where the onus is on the applicant and/or homeowner to verify the short-term rental's status with the county (not the other way around). Additionally, transparency in the permitting process may be attained through outreach activities including open houses for applications, a Q&A portal for questions and publishing reports of violations on the website. San Francisco has an excellent web portal providing this information, and has also established a separate office to deal with short term rentals. Communities including Austin, Texas and Breckenridge, Colorado offer templates for how the county may choose to address short-term rentals and accessory dwelling units within the context of Title 19. The State of California's Accessory Dwelling Unit process is also a model of how to address this complex issue.



## RECOMMENDATION #4: CREATE MULTI-MODAL STANDARDS

There has always been a need to move people and goods within, around, and through communities. The modes of transportation have changed through history and have included foot travel, push carts, horses, wagons pulled by beasts of burden, rickshaws, trains, street cars, cable cars, automobiles, bicycles, and similar conveyances. Moving from one major form of conveyance to another is referred to as a mode shift. For much of human history, communities have relied on many modes of travel. Beginning in the middle 20th Century, however, the primary mode shifted to the personal automobile and many communities lost interest in public transit options.

We now know that providing many ways to move about is vital to a successful, thriving urban economy and a key element of the affordability puzzle in our cities and suburbs. Providing a range of choice is one of the fairest approaches to transportation. Personal automobile travel limits options for the poor, the old, the young, and the disabled. While some see driverless cars as a solution to address the needs of the old, young, and disabled, they should not be the primary solution. Walking, biking, and public transit are important components of a healthy transportation system and provide the opportunity to choose more active ways to get around. Safe, accessible choices to car travel have the dual benefit of reducing traffic and congestion while simultaneously improving public health. Research of current best practices finds that planning and designing communities with multi-modal infrastructure leads to increased physical activity and related health benefits.

Tourism-based economies may especially benefit from a robust transportation network that shifts the mode of travel from rental vehicles to more sustainable modes such as transit, walking, and cycling. Visitors in private automobiles increase congestion, demand for parking, and greenhouse gas emissions that contribute to climate change.

Specific suggestions on how to implement this recommendation are highlighted in the following sections.

### Create graphically rich multi-modal mobility standards.

Maui has a Complete Streets policy which should serve as a sound basis for Title 19's mobility standards. The incorporation of cross-sections and illustrative photographs will be very helpful in helping residents and developers understand the intent behind the standards and the outcomes expected in Maui. Such standards should, at minimum: 1) prioritize pedestrian movement, 2) require bike lanes, 3) require pedestrian, vehicular, and bicycle connectivity between properties, and 4) result in an interconnected mobility framework.

### Reconsider parking standards.

As part of the Title 19 rewrite, significant thought needs to be given to the role, need, and impacts of parking. Considering the trend in mode shifts, the reduction in average vehicle miles traveled, and indications that younger generations are less interested in automobile ownership and travel, many communities have exchanged their parking minimums for parking maximums. Some use both measures to require justification for anything that doesn't meet the criteria.



A parking lot in Lahaina



## RECOMMENDATION #5: REVISE PLAN CONTENT AND PROCESS

Planning is the art and science of identifying issues, forecasting change, and ultimately creating a vision that moves the community forward in a way that minimizes challenges and risk and maximizes opportunities and community health and wellbeing. Planning is important because it requires a community to assess its strengths and weaknesses, it facilitates conversation and visioning, and it represents a consensus opinion on what the community should be in the future.

Maui County's General Plan includes a series of plans that provide both broad and specific guidance for the development of land and infrastructure related to that development as well as the protection and enhancement of cultural and natural resources. The Countywide Policy Plan serves as an overarching guiding document for all areas of the county. The Maui Island Plan provides guidance for Maui Island. On Maui Island, six areas have been designated for community plans. The islands of Moloka'i, Lāna'i, and Kaho'olawe are the subjects of individual island-wide community plans. The Title 19 Audit would not be complete without a review of the county's plans and how they impact the code. Based on this review, the following are suggestions for how the plans could better relate to each other and Title 19.

### Re-envision county plans.

Maui has a well-qualified, professional, and highly competent long-range planning staff (and staff in general) and thoughtful recent plan updates, but plan-making should be re-envisioned to create a cleaner, smoother, faster, and more impactful process and product. Specifically, we recommend that Maui consider each of the following recommendations.

- Create a clear relationship and hierarchy between plans.
- Reimagine the Countywide Policy Plan as a countywide land development plan (or a plan that contains such an element) that provides clear direction for countywide regulatory policy and an overall land use vision for Maui.
- Reimagine the Maui Island Plan as an overarching community plan

with subareas that are fleshed out in detailed sub-area plans. These plans may be neighborhood, commercial or industrial center, city, or corridor plans. Each of the community plans on Maui Island serve as examples of possible geographies. As sub-areas, these plans would not repeat the Maui Island Plan or the Countywide Policy Plan; rather, they would augment it through greater detail and focus on character and sense of place.

- Create and focus on content appropriate to plan scale and purpose.
- Use Place Types and Character Areas to help form cohesive policies and strategies to protect sense of place and culture.
- Convey information graphically whenever possible so that the reader can see the intent (more recent plans do a better job of this overall).
- Shorten the time frame for community plan implementation elements so that they are more focused on short-term actions tied to long-range goals and visions (five years would be a good target).
- Remove cost estimates from plans.
- Make sure each plan contains clear, specific recommendations for changes needed in Title 19 to implement the plan; and
- Involve all relevant departments and divisions in the planning process as integral stakeholders.

### Focus community plans on strategic issues and unique community character.

Community plans should be distinguished from overarching general plans by their focus on very specific community elements and those aspects that make them different or unique from other places. Current plans contain quite a bit of material that could easily apply to other areas of Maui. During the planning process, it would be helpful to separate those broader countywide actions from ones strictly relevant to that community. Recommendations for countywide policies that arise as part of a community planning effort should go to Council separately as recommended amendments to the Countywide Policy Plan. Theoretically, community plan and Countywide Policy Plan amendments could move through the process together, or as much in tandem as possible given adoption constraints.





Each island community such as Lānaʻi City has its own unique character.

### Plan for people, complete communities, and livability by creating and reinforcing a sense of place.

Make sure that plans, especially community plans, are focused on creating complete communities with people and livability at the center of every goal. Population centers should be predicated on the ¼ mile walking radius and contain most of the services and land uses necessary for residents to meet daily needs as well as multi-mobility networks that encourage a variety of transportation choices. Also, rather than segregating land uses look for synergies and natural connections between different use categories.

### Anticipate and plan for disruption.

We live in an age of disruption where technology especially is changing how we live, communicate, and move. To the extent possible, plans should include forecasts of disruptive technologies and industries, their possible benefits and burdens, and some ideas for how to respond. Recent examples of disruptive practices that have changed Maui include the rise in the sharing economy such as Uber and AirBnB, smartphones, and distributed energy generation. Perhaps the greatest disruption occurring in Maui is climate change. Plans should begin identifying current and future adaptation needs and policies for how to address them.

### Speed up plan-making.

Somehow Maui needs to find a way to reduce the amount of time it takes to create and adopt plan updates. With the current number of plans (11) on a 20-year cycle, the county should be adopting a new plan or update an average of at least once every two years just to stay current. If the county adopts the strategy of amending implementation elements every year or two for community plans, creation and adoption times should be measured in months, not years.

### Reconsider plan implementation.

Chapter 2.80B.070 in Title 2 dictates the contents of the community plans and mandates some of the implementation criteria such as estimated costs and funding sources, added in 2004, which are out of place in a long-range planning document. These are elements more at home in a short-range plan such as a Capital Improvements Plan, Capital Facilities Plan, strategic plan, or construction plan.

In our fast-changing world, any cost estimates extending beyond a few years are more guesswork than reliable numbers. The Molokaʻi Community Plan has a horizon of 2035 and stated costs that will become less accurate and relevant with each passing year. The problem of including costs in the community plans is that:

- Cost estimates are based on assumptions that aren't included in the plan.
- Even if costs are accurate when they are adopted in the plan, unless they are updated annually the ability to assess the cost of undertaking





one action versus another becomes less and less accurate over time.

- Many costs are impossible to predict until detailed studies outside the scope of the plan have been completed. This may be why many actions have “TBD” in the cost column.
- Actions may be co-dependent, and it could be nearly impossible to predict costs for these actions independent of each other.
- Cost estimates are one-sided: they only include an estimate of what it would take to complete an action. They are not reconciled with the costs related to inaction. Much of planning is about reducing potential cost burdens associated with inaction or poor decisions.
- Costs related to inaction may increase faster than the costs associated with action, meaning the county should move faster than it might otherwise be inclined to act. But this is not reflected in the matrix and is often impossible to quantify.
- Due to the inherent flaws with estimating costs related to actions in a long-range plan, the exercise can cause far more harm than good if they result in inaction or delayed action.

Associating costs with recommended actions can breathe some reality into what may be a very unrealistic ask by citizens or citizen groups. A different strategy of using long-range vision statements and goals coupled with short-range action plans that can be easily monitored and amended annually, is recommended. A 5-year action plan, like a capital improvements plan (CIP), could have realistic cost estimates, would tie to the CIP, could help focus community effort, and could keep the plan relevant in our fast-changing world.



## RECOMMENDATION #6: IMPLEMENT ORGANIZATIONAL CHANGE

Through the audit process and based on our analysis of the administration and enforcement of Title 19, it became apparent that a significant obstacle preventing optimal outcomes lies in the county's approach to and reaction regarding land development issues and change. Specifically, the Orion Planning + Design team concluded that there is a lack of trust, an inability to respond to change quickly, a lack of clear consensus and vision regarding land development, and an absence of a strong imperative for internal teamwork. These issues are not unique to Maui, but when they occur they are often accompanied by dysfunction, delay, and missed opportunities. Maui can focus on building trust and organizational capacity as outlined below, as part of the Title 19 rewrite (although much is needed beyond this process to fully address the issues) and position itself as a model in Hawai'i and across the nation on issues related to climate change adaptation, affordable housing, and economic restructuring.

### Rebuild trust with the community and among county departments.

The audit process revealed a lack of trust between divisions, between departments, between staff and decision-makers, between government and citizens, and between citizens and the development community. Trust is essential in organizations like Maui that need creative strategies and solid teamwork to respond to uncertainty and change. Stephen Covey writes in his book **Speed of Trust** that when organizational trust declines the speed of change within that organization goes down and the costs related to the change needed go up.

What that means for Maui or any government faced with guiding a community through accelerated change is that delay and dysfunction have compounding consequences on budgets and quality of life. Excessive traffic, housing affordability issues, loss of community character, environmental degradation, and man-made climate change are just some examples of issues that can result from delayed action. Solving these problems will prove far more difficult than preventing them and the more entrenched they become the more difficult and costly they will be to solve. In summary, Stephen Covey concludes that, "The ability to establish, extend,

and restore trust with all stakeholders—customers, business partners, investors (think tax payers), and coworkers—is the key leadership competency of the new, global economy." Although Covey's book is written with business rather than government in mind, its principles apply to government operations equally.

While there may be many reasons for the distrust noted, it is evident that a significant part of the problem rests with the plan and code process. The audit team concluded that the following factors contribute to the lack of trust:

- The plan-making process is broken—the code is not implementing plans and the public investment (time and expectations) in plan-making is driving dissatisfaction and distrust.
- The role of plans is unclear—because the code is not implementing plans, some groups argue that the plans should be the primary regulatory tool.







- Administrative roles are unclear—this is mostly an internal issue, but results in confusion and frustration both internally and externally.
- The rule-making process is not transparent—there are too many external rules and they are not easily accessible or necessarily understandable to the public.
- Title 19's outdated regulations and confusing text create suspicion and misunderstanding—clear, plain codes establish and help to manage expectations.

Maui is in a strong position to use the Title 19 rewrite process to reestablish strong and productive working partnerships characterized by a common mission and understanding.

### **Be a leader in affordable housing strategies.**

The audit team could find no best practices that holistically address this issue. The team lead's discussions with economists and urban thought-leaders Richard Florida and Ryan Avent as well as the American Planning Association research staff revealed that affordable housing has not yet been successfully addressed in a tourism-based economy in the U.S. To create a successful affordable housing strategy, Maui will need to seize the opportunity to explore new ideas and perhaps become a model for other communities facing similar problems. To develop a solid strategy, the county should call upon experts in housing, finance, economics, and tourism and gather advice from communities that are having some success addressing at least part of the housing problem.

### **Create a clear and transparent rule-making process.**

Rule-making is a legitimate and necessary action to help Maui implement its zoning program. However, such a process should be used sparingly and be viewed as temporary. Most rules should eventually make their way into the code through the code amendment process to maintain transparency, clarity, confidence, and efficiency in the regulatory process. Before that, rules should be written simply, used sparingly, footnoted in Title 19, and made accessible online.



### Clarify administrative roles within and between departments and make sure these roles are reflected in Title 19.

Title 19 language is often confusing about who does what and when. This is a relatively simple fix, but a significant one. During the zoning rewrite process administrative roles should be discussed and decided and then fully described within the code. See [Appendix V](#), Recommendations by Section of Current Code, for more detail.

### Designate a bike-ped coordinator.

If Maui wants to promote active transportation, the county should have a staff person devoted to planning for, monitoring, and overseeing bicycle and pedestrian networks.

### Create a technical review committee.

Technical review committees (TRC) are commonly used local government bodies created to work as a team in the review and permitting of land development and site plan proposals. They are often staff only committees not subject to open meetings laws. They include members from all divisions and departments involved in the process and sometimes include staff from outside agencies such as Hawai'i DOT. The greatest benefit of TRCs is the coordination of reviews and review comments which can lead to more efficient and faster processes. They are typically only used for more complicated applications such as subdivisions, large residential developments, and commercial and industrial developments that require detailed review, special approvals, or formal recommendations by staff. The planning department normally chairs and coordinates the work of the committee.

### Complete a customer service audit and benchmark and track progress.

The Maui County Council commissioned a review and assessment of the planning department by Zucker Systems in 2006; much of this information is still relevant. Building on this report, the Department of Planning could complete an audit of its customer service functions ranging from facilities to processes, accessibility to materials, and staffing. This is an important action to take to determine if other changes could significantly

improve how Maui's citizens are served when they are participating in the land development and permitting process.

## PHASING

During the presentation of draft findings and recommendations, several individuals expressed doubt that Maui would be willing to undertake a complete rewrite of Title 19. It was suggested that the audit team provide its recommendations for how to phase in the changes so that the code could be rewritten over time in smaller sections.

Zoning codes are typically organized in the following major categories:

- Authority, jurisdiction, and general requirements
- Districts and standards
- Administration and enforcement
- Definitions

Codes that follow this model can be amended in these discreet parts. Title 19 cannot be neatly divided into these categories. Years of amendments have resulted in the location of definitions, administration, enforcement, and standards in many different parts of the code. Consequently, it is not feasible to find a good dividing line to facilitate phased updates. Updating Title 19 in phases would not save money or time. It would likely be very confusing for citizens and staff and could result in unintended conflict or dysfunction between code elements. For these reasons, the audit team maintains that the best approach for Maui is a single, comprehensive rewrite. However, should the county wish to pursue a phased approach, the team recommends creating an amendment schedule that roughly aligns with the four areas noted above.









# APPENDIX I

General Plan Language Supporting Title 19 Updates



# OVERVIEW

The following content highlights specific goals, policies and action items identified in the Maui Island Plan and community plans for Maui County that are specifically related to revising and updating Title 19.

## MAUI ISLAND PLAN

**Introduction - 1-2:** Provides the foundation to set capital improvement priorities, revise zoning ordinances, and develop other implementation tools.

**4-18:** Streamlining zoning and permitting for ag-tourism businesses that supplement the income of farming activities could be one way to encourage the growth of this sector.

**4.3.1 - Action 3:** Propose revisions to the zoning ordinance to allow the direct marketing of the island's agricultural products through farmers markets, "pick-your-own" farms, farm stands, and similar venues.

**5-3:** Maui County relies primarily on inclusionary zoning to increase the supply of affordable housing. Simply put, inclusionary zoning requires a developer of new housing to build a specified number of affordable dwelling units.

**5.1.1 - Action 5:** Amend zoning and historic preservation ordinances/rules to support adaptive reuse opportunities.

**5.1.5 - Action 6:** Amend the Zoning/Subdivision Codes to streamline and facilitate the development of elder care/assisted living facilities, as well as housing/facilities that are Americans with Disabilities Act-compliant.

**6.6.2 - Action 5:** Amend County zoning and subdivision ordinances to require development to incorporate a mixture of park facilities into large master-planned communities.

**6.8.2 - Action 3:** Amend County zoning and subdivision regulations to require development within the vicinity of schools, libraries, commu-

nity centers, and other public facilities to provide bike-and pedestrian-friendly infrastructure and traffic calming features.

**6-64:** Solar projects may be allowed in the County's Rural zoning district and in portions of the County's agricultural zoning district.

**7-4:** The State and County have enacted zoning laws to protect agricultural resources and promote agricultural activities; nevertheless, there remain numerous challenges within the industry.

**7.1.1.1:** Encourage future community plan efforts to identify lands within the County Agricultural zoning district that are primarily being used for large-lot residential or rural use and consider such lands for reclassification to an appropriate County Rural zone.

**7.1.1 - Action 6:** Consider developing or amending regulations to:

1. Reduce the subdivision of agricultural lands by strengthening applicable zoning and subdivision ordinances, and consider the creation of Agricultural categories to better reflect agricultural uses and land use patterns;
2. Require public notification and review of the subdivision of agricultural land into four or more lots; and
3. Require the preparation of a more detailed agricultural impact assessment for changes to the Urban Growth Boundary, Community Plan Amendments, and change in zoning requests of Prime agricultural land as required by Section 19.510, MCC.

**7-14:** Numerous options exist for revising the rural zoning ordinance to improve the management of rural lands and protect rural landscapes. Rural villages and town centers should be allowed to form in rural areas to provide basic goods and services to more remote areas and to offer lifestyle choices. By utilizing the Country Town Business District, and establishing a Country Residential District, future rural development could be focused into compact village centers bounded by open space, ranching, and active agricultural lands.



**7.2.1 - Action 3:** Create new Country Town Business zoning sub-districts and design guidelines that reflect the unique character and land use patterns of Maui's Country Towns and that recognize rural villages.

**7.2.2 - Action 3:** Develop and adopt appropriate procedures and standards for the public to review development in County rural zones.

**7.3.1.g:** Discourage future pyramid zoning within the industrial zoning districts, while allowing accessory commercial uses and grandfathering existing uses.

**7.3.1 - Action 2:** Update zoning and development regulations to achieve the following:

1. Facilitate environmentally friendly projects (LEED – ND);
2. Revise the application and reporting requirements in Title 19, Maui County Code (MCC), to strengthen evaluation requirements and establish design guidelines for new urban expansion, new towns, and major projects within UGBs;
3. Discourage future pyramid zoning within the industrial zoning districts, while allowing ancillary commercial uses; and
4. Consider the establishment of a new zoning category that strictly defines and limits uses for heavy industrial areas.

**7.3.2 - Action 2:** Amend the zoning ordinance to:

1. Reduce minimum lot sizes in urban areas;
2. Encourage a mix of single-family and multifamily lots within the same development; and
3. Facilitate the establishment of mixed-use towns/village centers.

**7.3.2 - Action 6:** Revise the zoning ordinance to allow for mixed-use development that is appropriate and in character with the existing community.

**8.1.g:** The County shall implement a zoning program to comprehensively redistrict and rezone lands within UGBs according to updated community plan policies and map designations.

**8.2.m:** The County shall implement a zoning program to comprehensively redistrict and rezone lands within RGBs, and to implement community plan policies and map designations.

**8.2.n:** At the time of zoning from agricultural to rural, Council will consider prohibiting restrictions on agricultural activity.

This list does not get into the planned growth areas in Chapter 8.

## Kīhei-Mākena Community Plan

- Review, amend and adopt, as appropriate, zoning ordinances and maps to carry out the intent of the land use categories identified in the plan.
- Evaluate and modify present zoning and subdivision ordinances to incorporate land use and design guidelines.
- Explore modifying zoning, building and subdivision codes to incorporate minimum lot sizes, compact parking ratios, and roadway and utility standards which meet resident needs but which may depart from customary urban standards.

## West Maui Community Plan

- Establish new zoning classification to implement the land use designations in the Community Plan, including but not limited to Business/Multi-Family.
- Formulate and adopt rural and historic district roadway standards to promote the maintenance of historic landscapes and streetscapes in character with the region.
- Revise the Lahaina Historic District Ordinance to include an overlay mechanism, a historic landmark (isolated property with buffers) provision, and updated restrictions on uses and buildings in the Lahaina District.
- Develop incentives and requirements for energy efficient building design and site development practices, including modifications to building, zoning, and subdivision codes.



## Wailuku-Kahului Community Plan

- Evaluate and modify present zoning and subdivision ordinances to incorporate the land use and design guidelines as well as other recommendations incorporated herein.
- Establish zoning district classifications to implement the land use recommendations in the Community Plan, including but not limited to Service Business/Single Family Residential (SBR), Business/Multi-Family (BMF) and Business/Industrial (BI).

## Pā‘ia-Ha‘ikū Community Plan

- Review, amend and adopt, as appropriate, zoning ordinances, including but not limited to a Rural Light Industrial zoning classification.
- Implement a historic or cultural overlay ordinance.
- Adopt an in-lieu parking ordinance.
- Incorporate a regional pedestrian and bikeway plan as a functional element of the Community Plan.

## Makawao-Pukalani-Kula Community Plan

- Adopt zoning standards which use varying minimum lot sizes or other means to differentiate rural residential and agricultural land uses; and implement a program to rezone existing pseudo-agricultural subdivisions to the two-acre rural district.
- Undertake a comprehensive zoning program to implement the Makawao-Pukalani-Kula Community Plan Land Use Map in order to phase out “Interim” zoning within 18 months of the adoption of this plan.
- Formulate and implement a comprehensive directed and managed growth program, consistent with the adopted Makawao-Pukalani-Kula Community Plan and the Maui County General Plan. This would include methodologies such as rural cluster guidelines, farm trusts, phased development in accordance with available infrastructure, the development of urban growth boundaries, transfer of development rights and open space easements.

- Analyze the zoning and subdivision ordinances to identify amendments which will facilitate and support the maintenance and development of diversified agricultural activities.
- Adopt zoning standards that establish varying minimum lot sizes to reflect different rural and agricultural land uses.
- Develop guidelines for rural cluster development and planned unit development as part of a comprehensive growth management and open space protection program.
- Develop and adopt guidelines for rural cluster developments.

## Hāna Community Plan

- Establish new land use standards designations that recognize and preserve the unique natural and cultural characteristics of Hāna.
- Prepare “county town” design guidelines for Hāna Town which enhance the natural beauty and Hawaiian character of the region.

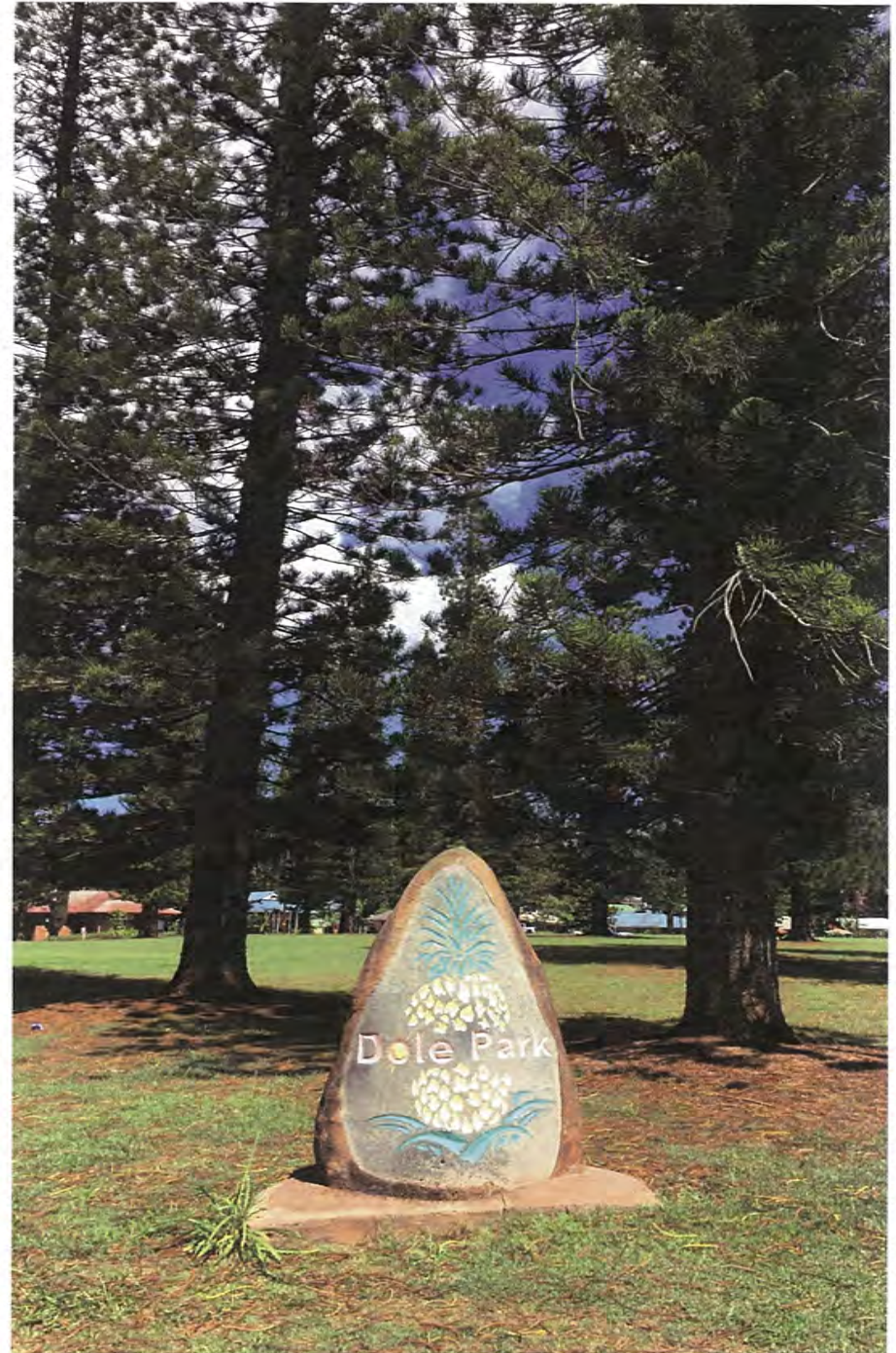
## Moloka‘i Community Plan

- Review, amend, and adopt zoning and such other appropriate ordinances necessary to carry out the land use categories indicated in the Community Plan.
- Adopt land use standards and overlay zoning designations that recognize and preserve the unique natural, cultural and land use characteristics of Molokai.
- Pursue the implementation of traditional use districts through definition by statute of permissible uses, the establishment of appropriate regulator mechanisms, and designation of areas on the land use map.
- Implement a historic district overlay mechanism to provide protection for areas of significant archaeological, historical and cultural resources.



## Lāna'i Community Plan

- Amend the zoning code to facilitate the development of mixed-use, pedestrian-oriented communities. Develop a form-based code, transect-based code, or similar mechanism.
- Review the zoning ordinance to determine if amendments are needed to permit low-impact accommodations for small-scale eco-, cultural, or adventure tourism in open space and park lands through the issuance of a County special use permit.
- Revise zoning and subdivision ordinances to permit clustering and conservation subdivision design within the Rural and Agricultural Districts.
- Amend zoning codes to allow a greater variety of housing types, including mixed-use, mixed housing types, co-housing, prefabricated homes, and small lots.








## APPENDIX II






### Summary List of Recommendations



# SUMMARY LIST OF RECOMMENDATIONS

The following matrix contains a summary list of all recommendations for Title 19. Each recommendation is accompanied by three types of information:

1. The degree of difficulty implementing the recommendation  Easy → Difficult
2. Resources needed to implement the recommendation stated in general terms--due to the number of variables, cost of implementation is not included
3. Priority where 1=urgent, 2=important, 3=desirable, and 4=should be considered, but could be part of a future update

RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
<b>I. Create a Simplified, Hybrid Code</b>			
<b>A. General Code Items</b>			
1. Thoroughly review Title 19 at least once every five years and make comprehensive amendments as needed to address new community issues.		Support of planning commissions, the community, and Council.	3
2. Improve the predictability of Title 19 by: 1) limiting the use of administrative rules and discretion (by boards/planning director), 2) tightening up regulations, terms, and definitions so that they are more objective, and 3) making as many uses as possible permitted with specific conditions.		Political and administrative resolve to pursue.	1
3. Develop a 'User's Guide' for navigating the zoning code.		Political and administrative resolve to pursue.	3
4. Establish an ombudsman, or applicant advocate, to assist developers and the public with the process, connect applicants to appropriate departments and facilitate a faster, smoother permitting/development review/zone change process.		Political and administrative resolve to pursue.	3
5. Create a UDO by merging Title 19 with codes related to subdivision, environmental regulation, mobility and other land development regulations.		Support of planning commissions, the community, and Council.	4



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
<b>B. Revise Structure and Language</b>			
6. Simplify language by eliminating jargon, using shorter, easier to understand words, and defining any word or term used that has a different meaning than would generally be applied.	●○○○○○	Good code writers.	1
7. Consolidate regulations that should apply generally into a single chapter or section. Examples include sight distance, reduction of lot area, and street access.	●○○○○○	Good code writers.	1
8. Standardize capitalization, word choice, punctuation.	●○○○○○	Good code writers.	2
9. Standardize overall formatting so that there is a predictable outline of subchapter headings.	●○○○○○	Good code writers.	2
10. Use reserved sections throughout the code to allow for additions in place that minimize renumbering of existing sections. Alternatively, use a numbering scheme that minimizes changes needed to accommodate additions.	●○○○○○	Good code writers.	3
11. Standardize capitalization, word choice, punctuation.	●○○○○○	Good code writers.	2
12. Reduce the use of abbreviations especially when a term, such as ALISH, is used sparingly.	●○○○○○	Good code writers.	1
13. Improve definitions by: <ul style="list-style-type: none"> <li>• Consolidating all definitions except where a word or term is only used once and it makes sense to define it in line with the text,</li> <li>• Updating to current interpretation and understanding,</li> <li>• Reaching consensus with other departments on wording and interpretation,</li> <li>• Making sure you include an adequate compendium of words and terms used in the code that need a good definition,</li> <li>• Removing unnecessary words, terms, and regulations,</li> <li>• Using consistent formatting,</li> <li>• Hot-linking at least key words and phrases to the definitions section to make it easy for the online reader to understand code text, and</li> <li>• Using graphics to help explain some words and terms.</li> </ul>	●○○○○○	Good code writers, a Creative Cloud license, and someone capable of using InDesign to create the hot links and pop ups.	1



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
14. Complete the digitization of zoning maps and make them accessible online. Merge zoning and land records in a GIS-based platform for maximum usability.	○○○●○	Continued leadership support for digitization and ongoing maintenance.	1
15. Create an interactive digital copy of the code that is easily searchable. For greatest impact and ease of use, do not rely on Municode's online features to accomplish this.	○○●○○	Creative Cloud license and someone capable of using In-Design to create and maintain the hot links and pop ups.	1
16. With due haste, continue to move towards digital permitting and site plan review.	○●○○○	Software, large monitors, and support of administrative leaders.	2
<b>C. Emphasize Design and Identity</b>			
1. Develop comprehensive context-sensitive design standards that address use categories, such as commercial and multifamily, as well as unique communities in the County that implement community plan goals.	○○●○○	Support of planning commissions, the community, and Council.	1
2. Compile all design standards into a single list or matrix and indicate by district where they apply. Expand design requirements to apply to all uses in a class (e.g. commercial), certain districts (e.g. mixed-use districts), and certain specific uses (e.g. multi-family).	○●○○○	Good code writers and support of planning commissions and community leaders.	2
3. Update design guidelines for Country Town Business and historic districts and incorporate them into Title 19, if appropriate.	○●○○○	Good historic preservation and architectural support; support of planning commissions, the community, and Council.	3
<b>D. Improve Zoning Districts and Standards</b>			
1. Create a strategy for moving land out of interim zoning.	○○●○○	Support from the SLUC, the agricultural community, support organizations, and Council.	2
2. Align district designations with community plans.	○○○○●	Support of planning commissions, the community, and Council.	1



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
3. Merge as many districts as possible to reduce complexity and to increase the number of by-right mixed-use districts.	○○●○○	Support of planning commissions, the community, and Council.	1
4. Eliminate most non-residential base districts that are use-specific and make those uses with conditions in certain districts. Examples include Hotel, Open Space, Park, etc.	○○●○○	Support of planning commissions, the community, and Council.	1
5. Avoid using project districts when general design standards and place types will suffice.	●○○○○	Support of planning commissions, the community, and Council.	1
6. Consolidate project districts whenever possible using design criteria and use conditions, and, where necessary, create new districts that address project district interests, but which can be applied anywhere within the County with similar interests to avoid the proliferation of new districts as more plan project districts are implemented.	○○●○○	Support of planning commissions, the community, and Council; good code writers.	2
7. Eliminate pyramidal, stacked zoning.	○●○○○	Support of planning commissions, developers, property owners, the community, and Council.	1
8. Make sure that all districts are listed early in the code, and that district details follow the order of the list. Avoid scattering new districts throughout the code.	○○●○○	Good code writers.	2
9. Work with the State Land Use Commission to identify lands suitable for rezoning (areas 15 acres or greater in size).	○○●○○	Support from the SLUC, the agricultural community, and support organizations.	1
10. Evaluate and reclassify lands that are appropriate from agricultural to rural.	○○○●○	Support of planning commissions, the community, Council, and assistance from the Agricultural Working Group.	2
11. Create defined standards and a clear, concise process for the administration and enforcement of farm plans; reconsider when and how they apply and, if appropriate, eliminate them.	○○○●○	Support of planning commissions, relevant community members, Council, and assistance from the Agricultural Working Group.	2



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
12. Develop clustering standards specific to the agricultural district (to replace or further supplement the sliding scale currently in Title 19) that facilitate the vision for preserving agriculture identified in the Countywide Policy Plan and in statute. Broaden its application to the rural district, if appropriate.	○●○○○	Support of planning commissions, the community, and Council; good code writers.	2
13. Create inclusive, complete communities. Ensure that zoning allows daily needs to be met within walking distance of or reasonable transit access to residential areas by allowing uses such as grocery stores, personal services, medical services, child and adult daycare, and similar life-supportive uses. For new projects, ensure that complete communities are required.	○○○●○	Political and administrative resolve to pursue.	2
14. Review lot and building standards in Special Management Areas to ensure that they allow for the managed retreat of buildings and uses and other strategies to accommodate sea level rise.	○○○●○	Good design standards and illustrations in the code to ensure you get what you need, as well as the political and administrative resolve to pursue.	2
<b>II. Promote Housing Choice and Affordability</b>			
1. Determine the cause of housing affordability problems in Maui County given its long-standing focus in county policy.	○●○○○	Possibly housing and fiscal analysis consultants.	1
2. Increase the number of “missing middle” housing choices, and create residential districts that allow for a mixture of single-family detached, single-family attached, cottage courts, zero-lot line, and small multifamily units.	○○●○○	Good design standards and illustrations in the code to ensure you get what you need, as well as the political and administrative resolve to pursue.	2
3. Create incentives for long-term affordable housing, and remove process barriers where they occur.	○○●○○	Political and administrative resolve to pursue; assistance from the Department of Housing and Human Concerns.	2
4. Do not exempt affordable housing from mobility requirements and choice. Find other ways to reduce cost such as expedited review, housing trusts, and public/private partnerships.	○○●○○	Political and administrative resolve to pursue.	1



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
5. Address illegal conversions of single-family dwellings by: <ul style="list-style-type: none"> <li>• Developing targeted enforcement and relocation strategies,</li> <li>• Making them legal, with conditions, or</li> <li>• Some combination of both methods depending on neighborhood circumstances.</li> </ul>	○○○○●	Political and administrative resolve to pursue. Adequate supply of affordable housing for relocated households.	1
6. Balance the tourism economy with the need to have affordable housing and shopping for the year-round resident population through the establishment of use conditions that: <ul style="list-style-type: none"> <li>• Require proof of adequate provision of affordable housing for (x% of) tourism industry workers within walking distance of resorts, and</li> <li>• Require transit accessibility within walking distance of job areas.</li> </ul>	○●○○○	Political and administrative resolve to pursue; good code writers.	1

### III. Address Specific Use Needs and Issues

#### A. Infill and Redevelopment

1. Address compatibility issues inherent in infill and redevelopment projects through conformity standards that are context sensitive.	○○●○○	A good inventory of existing infill and redevelopment areas, their characteristics, and what it will take to preserve desired form and function.	1
2. Incorporate incentives to facilitate and address potential impacts from redevelopment and infill opportunities.	○○●○○	Political and administrative resolve to pursue; good code writers.	1
3. Develop acceptable, enforceable accessory dwelling standards.	○●○○○	Political and administrative resolve to pursue; good code writers.	2

#### B. Short-term Rentals (STR)

1. Simplify the permitting process; focus on impacts and outcomes.	○○●○○	A good understanding of impacts and current processes; political and administrative resolve to pursue.	1
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RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
2. Review the potential geographic reach of short-term rentals and further limit them as needed.	○○●○○	A good understanding of where short-term rentals are, both licensed and unlicensed; political and administrative resolve to pursue.	3
<b>C. Agriculture</b>			
1. Have a thorough community discussion leading to a conclusion on the future of agricultural lands using information gathered during the fiscal analysis, as well as information from other sources about infrastructure and the value of land as agricultural producing property. Develop a plan for how agriculture lands will be used going forward, adopt policies to encourage that use and to preserve the integrity of agricultural land.	○○○●○	A good community facilitator who can help the effort move forward and the input remain constructive.	1
2. Establish mixed-use patterns and requirements that allow workers to live closer to jobs. Investigate the use of affordable housing incentives to assist.	○●○○○	Political and administrative resolve to pursue; good code writers.	2
<b>IV. Create Multimodal Mobility Standards</b>			
<b>A. Multimodal Opportunities</b>			
1. Create comprehensive multi-modal mobility standards for new development and redevelopment.	○○●○○	Good design standards and illustrations; political and administrative resolve to pursue.	1
2. Integrate sidewalk and bicycle standards, including bicycle parking requirements, into the new code for infill and redevelopment areas.	○●○○○	Good design standards and illustrations; political and administrative resolve to pursue.	1
3. Accommodate bike share stations in the new code.	●○○○○	Good design standards and illustrations; political and administrative resolve to pursue.	1
4. Require connectivity to public facilities and between modes.	●○○○○	Good design standards and illustrations; political and administrative resolve to pursue.	1



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
<b>B. Modernize Parking Requirements</b>			
1. Consider using parking maximums instead of parking minimums, or both, to address parking needs and balance vehicle parking with other public goals.	●○○○○○	Political and administrative resolve to pursue; good code writers.	2
2. Re-evaluate parking standards for current ratios and incorporate best practices and incentives such as shared parking, parking reduction for provision of low impact design and transit, and the use of parking studies to exceed parking maximums.	○●○○○○	Political and administrative support; good code writers.	2
3. Incorporate the Maui County Planting Plan standards and other low impact design stormwater principles into parking standards.	○●○○○○	Political and administrative support; good code writers.	3
4. Explore what, if anything, beyond enforcement zoning changes can do to address the parking problems associated with the subdivision of single-family homes.	●○○○○○	Political and administrative resolve to pursue; assistance from the Maui Department of Housing and Human Concerns.	1
5. Integrate electric vehicle stations into public parking requirements.	●○○○○○	Good code writers.	3
<b>V. Revise Plan Content and Process</b>			
1. Make it clear that plans are different than Title 19 using language that explains the relationship in both the plan and the code. With that said, include plan conformity language in the code that guides zone changes and text amendments.	○○○○●	Political and administrative resolve to pursue.	1
2. Tie sense of place (illustrated through effective plan-making) more effectively to Title 19 by incorporating place types and character areas within community plans that seamlessly translate to code districts and design standards.	○●○○○○	Political and administrative resolve to pursue.	1
3. Complete a fiscal analysis of existing and desired land uses to help determine how to balance future land use needs.	○●○○○○	Consultant support is needed to complete this task. Solicit a firm with solid fiscal analysis credentials.	2
4. Improve the implementation element in plans so that they clearly lay out steps that are necessary to implement the plan. Whenever such steps indicate a review of or change in Title 19 make that a priority.	○○●○○○	Political and administrative resolve to pursue; good code writers.	1



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
5. Revise Title 2, Chapter 2.80B to address needed changes in plan content and the planning process.	○●○○○	Political and administrative resolve to pursue; good code writers.	1
6. Create a clear relationship and hierarchy between plans.	○●○○○	Political and administrative resolve to pursue; good code writers.	1
7. Create and focus on content appropriate to plan scale and purpose.	○●○○○	Political and administrative resolve to pursue; good code writers.	1
8. Use Place Types and Character Areas to help form cohesive policies and strategies to protect sense of place and culture. Tie these to the fiscal analysis.	○●○○○	Political and administrative resolve to pursue; good code writers.	1
9. Convey information graphically whenever possible so that the reader can see the intent. (More recent plans do a better job of this on the whole.)	○●○○○	Political and administrative resolve to pursue; good code writers.	1
10. Shorten the time frame for community plan implementation so that implementation is more focused on short-term actions tied to long-range goals. Five years would be a good target, but no more than ten.	○●○○○	Political and administrative resolve to pursue; good code writers; support from the community.	1
11. Remove cost estimates from plans, but tie plans to CIP and other budget processes.	●○○○○	Political and administrative resolve to pursue; good code writers.	2
12. Make sure each plan contains clear, specific recommendations for changes needed in Title 19 to implement the plan. These recommendations could be in a separate column in the matrix, a separate matrix, or a new plan section that provides detail and direction, and should include code citations.	●○○○○	Political and administrative resolve to pursue; good code writers.	1
13. Create a niche for the Maui Island Plan or rescind it in favor of letting the County-wide Policy Plan and individual community plans address Maui Island's planning needs.	●○○○○	Political and administrative resolve to pursue; good code writers; support from the community.	3



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
14. Involve all relevant departments and divisions in the planning process as integral stakeholders.	●○○○○	Political and administrative resolve to pursue; good code writers.	1
15. Speed up the community planning process so that they remain relevant guides for decision-makers, landowners, citizens, and developers.	○○○○●	Political and administrative resolve to pursue; good code writers; support from the community.	1
<b>VI. Implement Organizational Change</b>			
<b>A. People</b>			
1. Use the Title 19 revision process to rebuild trust between the county, citizens, communities, and stakeholders, and between county departments.	○○○●○	A unified resolve of elected and appointed leaders and staff.	1
2. Create and harness the political, organizational, and social capital needed to support program transformation.	○○○○●	A unified resolve of elected and appointed leaders and staff.	1
3. Embrace the need to work in cross-department, cross-function, cross-platform, and cross-government teams to accomplish plan goals, maximize code effectiveness, and respond to change when it occurs.	○●○○○	A unified resolve of elected and appointed leaders and staff.	1
4. Establish a standing Technical Review Committee that meets regularly to discuss: <ul style="list-style-type: none"> <li>Certain development proposals (need to determine these), and</li> <li>Issues that come up between divisions and departments,</li> </ul> Any division or department with a role in development review or approval should be on the “regulars” list. Other departments such as police, fire and public safety, corporation counsel, emergency management, housing and human concerns, and outside agencies should be welcomed and invited on an as-needed basis.	●○○○○	Support from the executive branch and staff leadership.	1
5. Create a new bike/ped coordinator position (or repurpose an existing position within the department) to address mobility issues in Title 19 and other areas of code, to facilitate implementation and coordinate community planning efforts.	○○○●○	Support from the executive branch and Council.	3



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
<b>B. Revise Processes and Procedures</b>			
1. Organize and streamline processes in the code and in permitting.	○○●○○	Support from staff leadership.	1
2. Use expedited processes to encourage and facilitate the type of development you want. Make this the default practice requiring all other applications to go through more lengthy and detailed review.	○○●○○	Political and administrative resolve to pursue; good code writers.	2
3. Create well thought out processes and procedures related to uses by right with no conditions, uses by right with conditions, conditional uses, and, if needed, special exceptions. Avoid establishing any other permitting processes.	○○●○○	Political and administrative resolve to pursue; good code writers.	1
4. Remove language most commonly associated with licensing from Title 19 (e.g. much of 19.65.030) as well as administrative roles related to other codes.	○○●○○	Good code writers and help from staff leadership.	1
5. Establish an administrative roles chapter and clarify who does what.	●○○○○	Good code writers and help from staff leadership.	2
6. Address rule-making under the authority section and restrict it to only those rules necessary to carry out the letter or intent of the code. Do not use rules when code amendments are the best solution.	●○○○○	Support from staff leadership.	1
7. Publish administrative rules to the website to improve transparency.	●○○○○	Support from staff leadership.	1
8. Evaluate all permits to determine: 1) they are absolutely necessary to accomplish a public purpose covered by Title 19, 2) reasonably different enough from another permit to remain physically separate (as opposed to separate check boxes on the same form, 3) if online forms and information are clear, concise, and correct, and 4) if the applicant has enough information available online to proceed with completing an application or, if not, if the information is reasonably accessible to applicants from all islands.	○●○○○	Support from staff leadership.	1
9. Conduct a customer service audit. (This action could include item 5 above--clarifying roles and responsibilities, and potentially item 10 below dealing with benchmarks.)	○○○●○	List of key counties or other communities to benchmark against.	2
10. Establish formal benchmarks for key processes and track performance on a regular basis.	○●○○○	Support from staff leadership and involvement of staff in functional roles.	2



RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
11. Determine if there are any benefits to relocating the review and enforcement of short-term rentals within the building division.	○●○○○○	Support from staff leadership.	4
12. Eliminate redundancy by creating one short-term rental permitting process instead of three separate but identical processes in the code.	○○●○○○	Support from staff leadership, the community, planning commissions, and Council.	2
13. Re-codify the code at least annually so that all amendments are incorporated into the fabric of the code. Consider maintaining the code outside Municode to make codification easier and to provide greater online functionality such as hot links.	●○○○○○	Support from staff leadership, the community, planning commissions, and Council.	2







## **APPENDIX III**

### **Sample Project District Organization**



## OVERVIEW

If Maui County chooses to keep the current project districts, or even add new ones, changing the format of how they are presented can make them easier to read and use. For example, OPD has reformatted the current Lānaʻi districts, PD-1 and PD-2, by merging common elements and arranging key information in tables. This is just one way project districts could be presented differently than in the current code. Elements of PDs that apply commonly to similar places in Maui County should be moved to general code sections.

## SAMPLE PROJECT DISTRICT REORGANIZATION

### 19.70 - Lānaʻi Project Districts.

#### 19.70.010 - Purpose and Intent.

- A. Lānaʻi Project District 1 (Mānele). The purpose and intent of project district 1 at Mānele, Lānaʻi, is to establish a low-density, low-rise resort which provides another economic base for the island. The development is not intended to economically compete with services offered in Lānaʻi City. This district is meant to be complementary and supportive of services offered in Lānaʻi City.
- B. Lānaʻi Project District 2 (Kōʻele). The intent of project district 2 at Kōʻele is to establish a low-density primarily residential and recreational development with hotel facilities in an upland rural setting. This district is meant to be complementary and supportive of services offered in Lānaʻi City.

**19.70.020 – Uses.** [Use list should directly relate to general district use table regarding use names and definitions.]

<b>P = Permitted uses</b> <b>C = Permitted uses with conditions</b> <b>S = Special uses</b> <b>X = Uses not allowed</b>	<b>PD 1</b> <b>Mānele</b>	<b>PD 2</b> <b>Kōʻele</b>
<b>Within Areas Designated for Single-Family Residential Use</b>		
Residential, single-family detached	P	P
Residential, accessory dwelling unit	C	C
Public and quasi-public utilities	C	C
Customary accessory uses	C	C
<b>Within Areas Designated for Multi-Family Residential Use</b>		
Residential, duplex	P	P
Residential, multi-family	P	P
Public and quasi-public utilities	C	C
Customary accessory uses	C	C
<b>Within Areas Designated for Commercial Use</b>		
Assembly	P	X
Bars and nightclubs	P	X
Customary accessory uses	C	X
Museums, galleries, and similar cultural facilities	P	X
Offices	P	X
Public and quasi-public utilities	C	C
Restaurants [could omit drive-thrus or fast food]	P	X
Retail [could define and specify S, M, or L]	P	X
All retail or service uses not otherwise listed	S	X

<b>P = Permitted uses</b> <b>C = Permitted uses with conditions</b> <b>S = Special uses</b> <b>X = Uses not allowed</b>	<b>PD 1</b> <b>Mānele</b>	<b>PD 2</b> <b>Kō'eie</b>
<b>Within Areas Designated for Hotel Use</b>		
Activities/information center	S	S
Assembly	S	S
Bars and nightclubs	S	S
Customary accessory uses	C	C
Hotel	P	P
Restaurants	S	S
Retail [could specify S, M, or L]	S	S
Temporary sewage treatment plant	S	X
Tourism support services	S	S
All retail or service uses not otherwise listed	S	X
<b>Within Areas Designated for Park, Recreation, and Open Space Use</b>		
Agriculture	X	P
Beach services	C	X
Cultural and historical facilities	C	C
Customary accessory uses	C	C
Game reserves	X	P
Golf courses, excluding miniature golf	C	C
Non-commercial parks, playgrounds, gardens, and preserves	P	P
Public and quasi-public utilities	C	C
Retail food and refreshments	S	X
Riding stables and equestrian trails	C	C
Uses related to historic buildings, structures, or sites	P	X

### 19.70.030 – Use Conditions.

#### A. Accessory dwellings

Accessory dwellings must be located on a lot that is .5 acre or more in size, and shall be subject to the provisions of chapter 19.35

#### B. Beach services

The size and location of booths and uses, such as water safety services and towel and chair rental, shall be determined by the planning director. [strongly recommend you develop specific standards here instead.]

#### C. Customary accessory uses [would need to create]

#### D. Golf courses

#### E. Recreational, cultural, and historical facilities

#### F. Retail food and refreshments [need a better name and a good definition]

#### G. Retail stores

Retail stores may be constructed as separate buildings. However, entrances to shops and businesses shall not front a street.

#### H. Riding stables

#### I. Temporary sewage treatment plants

Temporary sewage treatment plant which may be operated for a period not to exceed two years, subject to extension upon favorable review by the planning commission. Said treatment plant shall conform to all applicable governmental requirements including those for utilization and disposal of treated effluent.



**19.70.040 – Dimensional Standards.** *[Make sure the differences between use groups make sense.]*

	Min. Lot Area	Min. Lot Width	Minimum setback (feet)			Max. Net Density	Max. Lot Coverage	Max. Height
			Front	Side	Rear			
<b>PD 1 - MANELE</b>								
<b>Residential</b>	6,000 square feet	60 feet	15; 20 for lots greater than 7,500 square feet	8; 15 for the 2nd story	10; 15 for the 2nd story	.86 units per acre	NA	2 stories not to exceed 30 feet
<b>Multi-family</b>	1 acre	120 feet	25	15; 20 for the 2nd story	15; 20 for the 2nd story	Max FAR = .5	NA	2 stories not to exceed 30 feet
<b>Commercial</b>	.5 acre	75 feet	6 except for off-street parking. Where the side or rear of a lot abuts a lot in any residential, apartment, or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting district			Max. FAR = .75	60%	2 stories not to exceed 30 feet
<b>Hotel</b>	5 acres	250 feet	50	30	30	Max. FAR = 1	50%	2 stories not to exceed 30 feet <sup>1</sup>
<b>Park</b>	10 acres	350 feet	50	50	50	NA	2%	1 story not to exceed 20 feet
<b>Open Space</b>	NA	NA	NA	NA	NA	NA	NA	10 feet, except that inland water reservoirs shall not exceed 30 feet
<b>Public</b>	2 acres	30 feet	50	50	50	NA	NA	NA
<b>Golf Course</b>	50 acres for par 3 or 9-hole; 110 acres all others	NA	50	50	50	NA	NA	35 feet <sup>2</sup>



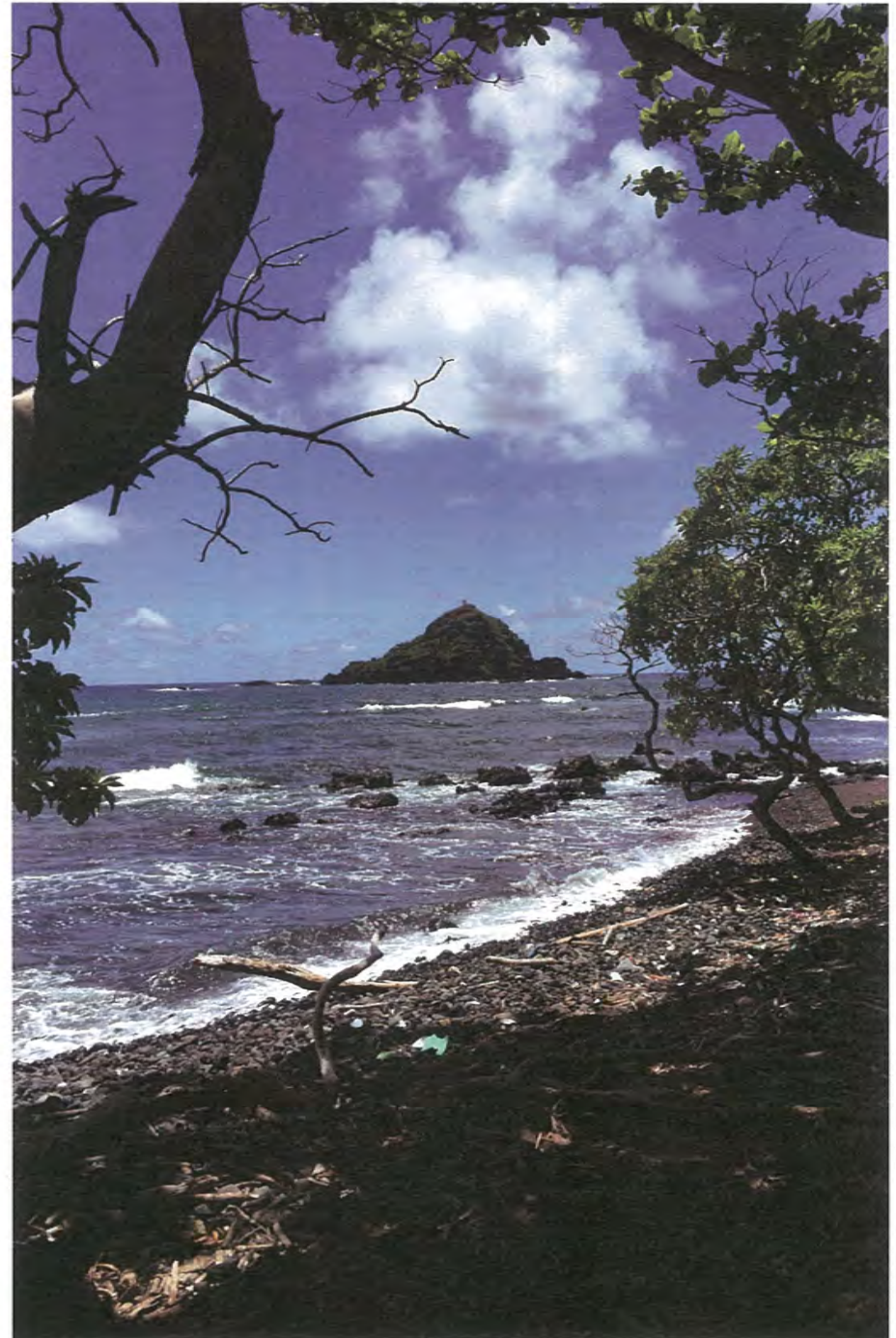
	Min. Lot Area	Min. Lot Width	Minimum setback (feet)			Max. Net Density	Max. Lot Coverage	Max. Height
			Front	Side	Rear			
<b>PD 2 - KOELE</b>								
<b>Residential</b>	6,000	60 feet	15	6; 10 for the 2nd story	6; 10 for the 2nd story	2.5		2 stories not to exceed 30 feet
<b>Multi-family</b>	1 acre	110 feet	15	10; 15 for the 2nd story	10; 15 for the 2nd story	6 units per acre or Max. FAR = .5	NA	2 stories not to exceed 30 feet
<b>Hotel</b>	1 acre	110 feet	20	10	15	12 units per acre or Max. FAR = .8	40%	2 stories not to exceed 30 feet <sup>1</sup>
<b>Park</b>	2 acres	150 feet	15	15	15	NA	5%	1 story not to exceed 20 feet
<b>Golf Course</b>	50 acres for par 3 or 9-hole; 110 acres all others	NA	50	50	50	NA	NA	35 feet <sup>2</sup>
<b>Open Space</b>	5 acres	250 feet	50	50	50		10%	30 feet
<b>Public</b>	1 acre	110 feet	20	20	20	NA	NA	2 stories not to exceed 30 feet

1. The planning director may approve a greater height limitation for a structure where the planning director determines that the increased height will enhance the appeal and architectural integrity of the structure, provided that the additional area created by the excess height shall not be used for habitation nor storage.
2. Provided that 10 feet of additional height may be permitted if a cart barn is located in the basement level of the structure, and provided further that minor utility facilities, vent pipes, fans, chimneys, and energy-savings devices shall be permitted additional height if the item is mounted on the roof of a facility; except that in no event shall this additional height exceed 5 feet above the governing height limit.

**19.70.050 – Land Use Category Limitations.** *[Most jurisdictions that use PDs, PUDs, or similar districts do not include this detail in the code. Rather, this is established by the approved (sometimes recorded) site plan.]*

The following table establishes maximum acreages for various land use categories.

Category	PD 1 – Mānele (acres)	PD 2 – Kō'ele (acres)
Single-family Residential	328.80	214.00
Multi-family Residential	55.00	26.00
Commercial	5.25	0.00
Hotel	56.60	21.10
Park, Recreation, and Open Space	390.35	355.90







# APPENDIX IV

**Practical Advice for Code Writing**



## SIMPLIFY CODE LANGUAGE

Zoning codes are full of planning jargon, legalese, and often unnecessarily wordy or obtuse statements. To the extent you can, Maui County should simplify its code and make it more readable. Here are a few suggestions for how to do that. Please note that we did not do an exhaustive review of Title 19 regarding the following issues so code citations are just examples.

- Avoid unnecessary jargon
- Avoid longer or more complex words when shorter, simpler ones suffice.
  - Example: 19.04.015—*“The purpose and intent of this comprehensive zoning article is to regulate the utilization of land...”* The words “utilization” and “utilize” have the same meaning as the simple word “use.” Reword to say *“...are to regulate the use of land...”*.
  - Example: 19.04.015.B.3—*“Regulating the location, use or design of sites and structures in order to minimize...”* The phrase “In order to” has the same meaning as the word “to.” Reword to say *“...or design of sites and structures to minimize...”*.
  - Example: 19.04.030—*“... enacted for the purpose of promoting...”* The phrase “for the purpose of” has the same meaning as “to.” Reword to say *“...enacted to promote...”*.
  - Example: 19.11.050.B – *“In the event of conflict between the development standards in subsection A of this section and such design guidelines, the design guidelines shall prevail.”* The phrase “in the event of” means “if.” Reword to say *“If a conflict exists between the development standards in subsection A of this section and such design guidelines, the design guidelines shall prevail.”*
  - Example: 19.73.010.B.2 – *“It is applicable to the area where multifamily units...”* The phrase “is applicable to” means “applies to”. Reword to say *“It applies to the area where...”*
  - Example: 19.73.040.A.3.k – *“Eating and dining establish-*

*ments, provided that drive-through services are not included”.* The phrase “provided that” means “if.” Reword to say *“Eating and dining establishments, if drive-through services are not included.”*

- Avoid the use of “and/or.” It is confusing in code language. In most instances, the intent is “and” or “or” but not both. When it is both, be clear that it is both by saying “a or b or both.”
  - Example: 19.04.040 - *“Administrator” means the person who holds the office of director and/or executive secretary or authorized representative of the appropriate planning commission.*
    - » The statement *“...the person who holds the office of director AND executive secretary...”* means that the person holds both titles.
    - » The statement *“...the person who holds the office of director OR the office of executive secretary...”* implies it could be either, but then who chooses?
    - » If it can be any of the three chosen by the planning commission, then the recommended statement would read: *“‘Administrator’ means the authorized representative of the appropriate planning commission.”* It isn’t necessary to list possibilities especially since the ordinance establishing the planning commission or its rules of procedure likely contain the details.
  - Example: 19.02A.030.5 - *“Commercial agriculture, including the raising and/or keeping of bees and pigs”*
    - » Is it *“...raising AND keeping of bees”* or *“raising OR keeping of bees”*? If only doing one meets the criteria then it should be OR. If doing both is the trigger it should be AND.
- Analysis of Section 19.34.010 helps to bring together many suggestions made above. This section contains several wordy and unclear words and phrases as currently written:

*Civic improvement districts are authorized and may be established by the planning commission and/or the council for the purpose of encouraging, securing and maintaining the orderly and harmonious*



*appearance, attractiveness and aesthetic<sup>3</sup> development of structures and developments in such districts<sup>4</sup> in order that<sup>5</sup> the most appropriate use and value thereof<sup>6</sup> be determined<sup>7</sup> and protected and that the<sup>8</sup> public health, safety and general welfare be preserved.*

1. Unclear
2. Wordy
3. Wordy and unnecessarily repetitious
4. Unnecessary since it is unlikely anyone would misinterpret the meaning
5. Wordy
6. Unnecessary since it is unlikely anyone would misinterpret the meaning
7. Really? How does it aid value determination? This is unnecessary and most likely meaningless
8. Wordy

The suggested rewording is:

*Civic improvement districts are authorized and may be established by the planning commission or council to encourage, secure, and maintain the orderly and harmonious appearance of structures and developments, to ensure the most appropriate use, to protect property values, and to preserve public health, safety, and general welfare.*

## ENSURE CONSISTENT ORGANIZATION, PUNCTUATION, SPELLING, AND CAPITALIZATION

Consistency makes codes easier to read and understand. Inconsistency can affect interpretation and applicability.

### Consistent Organization

Consistent organization within a code makes legal citations more predictable. Maui County's code usually follows a pattern of:

19.XX.XXX

A

1.

a.

i

But not always. For example, sections 19.02A.020 and 030 omit the uppercase letter structure, but it returns in 19.02A.040. Many of the accessory use tables include the uppercase letter structure, as evidenced in 19.12.030, however this is not the case for dimensional standards (19.12.050). Permitted uses are listed in text paragraphs such as seen in 19.14.020 and 19.28.010, but this organization isn't carried over into other sections such as 19.15.020 or 19.18.020 where permitted uses are in tabular form and do not have corresponding uppercase letter subsection designations.

Most of the irregularities in organization are likely due to edits and additions. When the code is updated, these should be resolved.

### Consistent and Correct Punctuation

Consistent and correct punctuation also aides the reader, and makes regulations easier to understand. Section 19.28.010 uses a list form for permitted uses. The list is preceded by a colon, and each subsection (A through D) is ended with a semi-colon except the final subsection (E) which ends with a period. In this format, subsection D needs an "and,"



which is missing. Section 19.28.020 uses a list form for use restrictions. The list is preceded by a colon, as in the section above, but each item in the list (A and B) ends with a period. Again, these are just examples of inconsistency.

Our recommendation is that you either standardize on the colon/semi-colon format using an “and” or “or” to tie the individual subsections together, or that you rewrite the lead-in and use periods at the end of each subsection. In most cases, the conjunction should be “and” so instead of saying “Use of land within an airport district shall be subject to the following requirements:” you could say “Use of land within an airport district shall be subject to all the following requirements.” removing the need for the semi-colons and the conjunction.

## **Consistent Spelling**

A consistent number convention should be followed. Unless a number starts a sentence, larger numbers should be written with numerals. Numerals are easier to read and process quicker than the text form of numbers. A typical number convention may be that numbers zero-ten are written out, but numbers 11 and above are in numeral form. Whatever the convention, it should be followed.

It is also wordy and completely unnecessary to follow number text with numerals in parentheses, such as in 19.73.030.B. (Not followed in 19.74.020.B and other subsections.) This convention was popular and necessary when numbers were written by hand to make sure the reader understood even if they couldn’t read the handwriting. It is completely unnecessary and space-consuming in modern typed documents such as Title 19.

Consistent spelling applies to the use of abbreviations as well. For example, the word feet should be spelled out consistently or abbreviated consistently throughout the code. In many tables such as those in 19.02A.030.1, 2, and 3, the tables use the text form of “feet.” In others, such as 19.14.050, feet is abbreviated “ft.” In still other tables, feet is abbreviated with a single apostrophe (minute mark) as in 19.36A.060.A.6. Other common inconsistencies that may be present include abbreviating percentage only sometimes, and going back and forth with abbreviations for titles such as HRS or HDOT.

## **Consistent Capitalization**

Consistent capitalization is another feature that aides understanding and interpretation. Often, typical writing capitalization conventions do not apply to codes. Instead, local governments choose to capitalize certain words to make it clear when they are referring to a particular person, board, commission, or similar agency. For example, the Board of Variances and Appeals may be cited as “Board,” the County Council as “Council,” and so forth. While it is correct to write “the county of Maui,” as is written throughout 19.33.020, some prefer “the County of Maui” to add gravitas to the wording. That is just another example of how codes vary from one jurisdiction to another, however, regardless of how it is written initially, most codes use “the County” as the substitute for the entire title. A simple search on “the county” and “the County” shows that Title 19 goes back and forth throughout the code for both the long form—“the county of Maui,” and the short form—“the County.”

Examples:

- In numerous places, “County council” is used rather than “County Council” or “county council.”
- The text switches back and forth between “director of planning” and “planning director.”

# USE TABLES TO BETTER ORGANIZE INFORMATION

Title 19 has many tables containing use, accessory use, and dimensional standards information. While the best written codes include use and dimensional standards tables, they design them to have greater impact than the tables currently in Title 19.

The typical Title 19 table looks something like the following, an excerpt from 19.16.030.A:

Accessory uses	Criteria or limitations
Dwelling units	One or more, located above or below the first floor of a permitted use
Energy systems, small-scale	Provided there will be no detrimental or nuisance effect upon neighbors

or the following from 19.16.050:

	B-1	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	30	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed forty feet



These tables apply to only one district, so it isn't possible to compare districts easily. Their formatting is not particularly attractive or helpful to the reader who wants to quickly grasp the information.

Many newer codes are using tables that greatly enhance readability. For example, consider the following page showing how zoning district information is communicated in a code we created in 2015.

ZONING CODE

3.0 ZONING DISTRICTS ESTABLISHED

11

3.5.2 R-12 SUBURBAN NEIGHBORHOOD (R-12)	
PURPOSE	TYPICAL BUILDING TYPE
The purpose of the R-12 Suburban Neighborhood District is to provide areas for the development of low density, single family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and that new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.	
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	TYPICAL LOT PATTERN
Minimum lot area (sf)	12,000
Minimum lot width (ft)	50
Minimum floor area per dwelling unit (sf)	1800
Maximum building coverage (% of lot area)	30
Maximum height (ft)	40
Minimum front yard depth (ft)	30
Minimum side yard depth (ft)	8
Minimum rear yard depth (ft)	25
District Land Use	See Section 4
Development Standards	See Section 5
Mobility Standards	See Section 6
Parking Requirements	See Section 7
NOTES: (sf = square feet, ft = feet) Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appendances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.	
TYPICAL DEVELOPMENT CONFIGURATION	
	

TOC



The same code uses the following table format (excerpt) to communicate which uses are permitted where.

36

4.0 USES AND USE STANDARDS

ZONING CODE

TABLE 4.1 TABLE OF USES

Use	Zoning District															
	Residential						Commercial			Employment			Special Districts			
	RR	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD	TND
	Industrial															
Mini-warehouse, personal storage	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Mining, quarrying and crude petroleum and natural gas production	C	C	C	C	C	C	-	-	-	-	C	C	-	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
Research and development	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-
Warehouse	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Lodging																
Bed and breakfast	-	C	-	-	-	-	-	P	P	-	-	-	-	P	P	P
Convalescent homes, nursing homes or assisted living facilities	-	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-
Group home	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C	-
Hotel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-
Office																
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Medical office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P
Recreation																
Athletic fields	-	-	-	-	-	-	-	C	P	P	P	P	C	-	P	P
Commercial recreation	-	-	-	-	-	-	-	C	P	P	P	P	P	P	P	P
Golf course, country club	-	-	-	-	-	-	-	C	C	C	-	-	-	-	P	-
Horse riding stables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Retail/Personal Service																
Adult business	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-

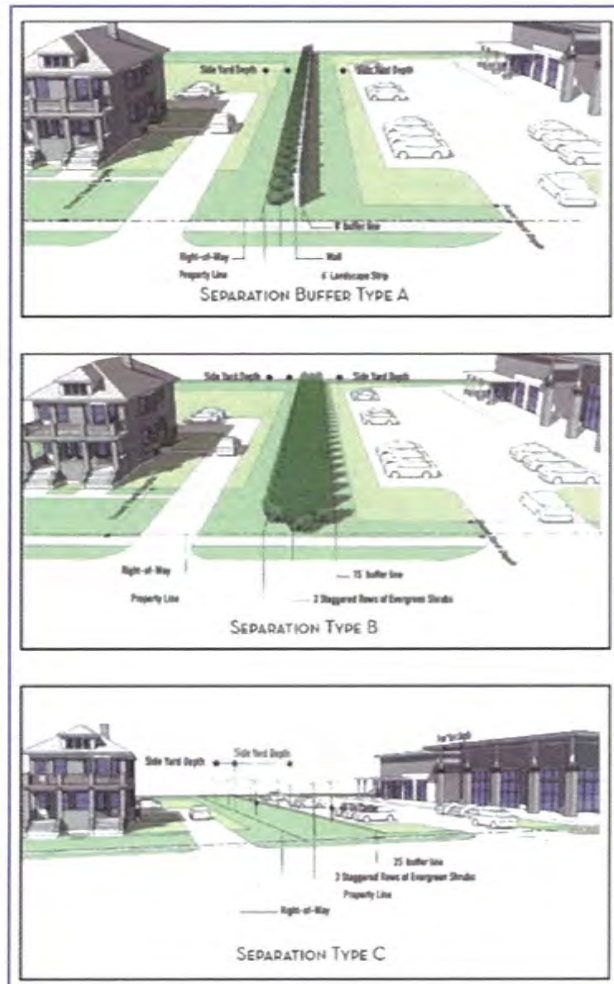
Tables can also be used to communicate design requirements effectively, especially when requirements apply to more than one district, as illustrated below (from the same code as above).

PURPOSE & SCOPE	TABLE 5.1 DEVELOPMENT STANDARDS																
	Development Standard	Zoning District															
		Residential						Commercial		Employment		Special		PUD			
		RR	R-12	R-8	RM-8	RM-4	RM	NC	CC	RC	I-1	I-2	ORC		VMU	TND	
PROVISIONS		■ Required ☒ Not Applicable															
ZONING DISTRICTS	5.4.32	Motor vehicle circulation shall be designed to minimize conflict with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, and medians should be used to encourage slow traffic speeds.	☒	■	■	■	■	■	■	■	■	■	■	■	■	■	■
	Internal Circulation																
USE REGULATIONS	5.4.33	Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking areas to the site destination.	☒	■	■	■	■	■	■	■	■	■	■	■	■	■	■
DEVELOPMENT STANDARDS	5.4.34	Material may include brick, pavers, tile, stone, washed aggregate concrete, or stamped concrete. The use of asphalt, cinderblock, and gravel is prohibited.	☒	■	■	■	■	■	■	■	■	■	■	■	■	■	■
	5.4.35	Crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface but conforming to the overall color scheme of the development.	☒	■	■	■	■	■	■	■	■	■	■	■	■	■	■
STREET STANDARDS	5.4.36	Distinguish walkways from driving surfaces by using varied paving treatments and by raising walkways to curb level.	☒	☒	☒	☒	☒	☒	☒	■	■	■	■	■	■	■	■
PARKING	SITE LIGHTING AND BUILDING ILLUMINATION.																
	5.4.37	Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	☒	☒	☒	☒	☒	☒	☒	■	■	■	■	■	■	■	■
SIGNS	5.4.38	Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property.	☒	☒	☒	☒	☒	☒	☒	■	■	■	■	■	■	■	■
	5.4.39	No exterior lighting fixture shall be															
ADMINISTRATION																	
NOTES																	

Tables such as these allow at-a-glance comparisons across districts and, conversely, across criteria. They condense information and easily lend themselves to checklists for both staff and applicants.

# USE GRAPHICS TO ILLUSTRATE REQUIREMENTS AND OTHER INFORMATION

Title 19 includes some graphics in 19.04.040 and 19.36A.070, but it is in Chapter 19.38 Maui Research & Technology Park District where graphics are used extensively. The new code should have many more graphics throughout that are used strategically and effectively to illustrate ideas and requirements. Other examples you may want to consider include:



## Local Street Single Family

### Local Street Design Parameters

Design Elements	Description
Number of Lanes	2 (max.)
Parking	Yes: Parallel or yield (informal)
Sidewalks	Yes
Bicycle Facilities	Routes / shared
Drainage	Closed (curb + gutter); rain gardens / bioswales (optional)
Median	No
Streetscape	Configuration dependent on context
Lighting	Pedestrian scale

### Local Street Design Specifications

Component	Description	Dimensions
A	Travel lane width	10' dedicated lanes (max.); 24'-27' two-way yield
B	Parking	7' parallel in bays; informal curbside in yield condition (24'-27' street width)
E	Sidewalk	5' (min.) both sides
F	Verge	5' (min.)
	Target speed	20 MPH (max.)





# APPENDIX V

Recommendations by Section of Current Code



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
<b>Article I. - Interim Zoning Provisions</b>	<p>This article is the source of much frustration and confusion. We recommend moving all interim zoned properties into a “regular” zoning district and deleting this entire article as soon as is practical. The process of rezoning lands from interim to permanent zoning may need to be phased, since this will likely require SLU approval as well. This is also likely to be highly controversial as intervenors are accustomed to having “two bites at the apple” for these sites; one opportunity to intervene at the time of rezoning, and then a second opportunity when it comes to development review (entitlements), if needed. Moving properties from the interim district into a permanent district will take planning and plan coordination as well.</p> <p>Eliminating this district would require an evaluation of current properties zoned ‘interim’ for consistency with plans and prospective zoning districts. A sunset provision should be considered, whereby all properties zoned interim must transition within 5 years (dependent on a realistic timeframe for this conversion to happen).</p> <p>As a temporary fix for clarity and consistency within the interim district, while the rezoning process unfolds, significant restructuring of the design standards can and should occur, streamlining the bulk, dimensional and use requirements of Section 19.02A.030. This would help with the interpretation of these standards and create less confusion in the chapter’s application; currently a great deal of redundancy exists in how this Article is written and applied. For example, why are separate tables necessary for the same five design standards, applied to unique uses (see restructuring example included in the final report appendix); additionally, the lot size and use restrictions for agriculture conflict with current definitions in Article II and under the agriculture district, and seem arbitrary in their limitations.</p>
<b>Chapter 19.02A - REGULATIONS GENERALLY</b>	
19.02A.010 - Definition of districts.	
19.02A.020 - Title and purpose.	
19.02A.030 - Permitted property uses.	
19.02A.040 - Variances.	
19.02A.050 - Rule making authority.	



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
	<p>Similarly, the institution of a separate variance process for this Article should be avoided in all instances throughout the code. There should be one variance process to administer for all districts. Under 19.02A.040(C), the ability to waive the public notice and hearing at the discretion of the board of variances and appeals is not recommended as best practice. Discretionary application of the public's right to know undermines the public process and reinforces distrust in the administration of the code.</p> <p>This process also would create an opportunity to simultaneously apply Rural zoning to Interim zoned lands where (1) a Rural zoning district pattern already exists and (2) Rural designation would increase the area of land available for desirable housing development.</p>
<b>Article II. - Comprehensive Zoning Provisions</b>	
<b>Chapter 19.04 - GENERAL PROVISIONS AND DEFINITIONS</b>	<p>The purpose and intent of the code should also be to implement the General Plan which includes the Maui Island Plan, Countywide Policy Plan, community plans, etc. This should be explicitly stated in this section and include a declaration of consistency.</p> <p>Section 19.04.015(B)(4) reinforces the need for place-based planning and use of typology in the Community Plan process. This is further supported in subsection (C), which sets the stage for form-based or hybridized coding consistent with what was heard from stakeholders.</p> <p>Working to greatly improve definitions should be a high priority. Improving definitions creates an opportunity to improve consistency and reduce permitting time.</p>
19.04.010 - Title.	
19.04.015 - Purpose and intent.	
19.04.020 - Compliance.	
19.04.030 - Interpretation and scope.	
19.04.040 - Definitions.	

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.04.040 - Definitions (continued).	<p>All definitions within Title 19 should be in the same place, not spread throughout different districts, chapters and articles. This creates conflict and is confusing for both the reader and staff required to interpret. Consolidation of definitions will greatly improve the efficiency of administration and reduce the need for time-consuming interpretation. There is something to be said for specificity, but the County should consider the intent behind the definition and where similar impacts are present, seek to consolidate the definition or define broadly enough that impacts are addressed without having to split hairs on the difference between this term and that. Examples of definitions to consolidate:</p> <ul style="list-style-type: none"> <li>- Accessory building, accessory building or structure, accessory dwelling (accessory building is defined twice)</li> <li>- Apartment, apartment unit, apartment hotel, apartment house</li> <li>- Automobile services, automobile trailer and equipment sales, automobile wrecking establishment</li> </ul> <p>.... And those are just the 'A's.</p> <p>The agricultural definitions throughout this section of code need to be re-evaluated, in consideration of those definitions found within Ch. 19.30A.</p> <p>Do not use multiple words or terms to describe a use such as public camp and trailer camp. Some words or terms are not needed in the definitions section such as "Building height." This term is best defined in a section on how to measure dimensions using graphics. The various illustrations showing how height is measured should be moved there as well.</p> <p>Standardize how the definitions are structured. In some cases, the word or term has a title that ends with a period, and in others the word or term being defined stands as both a title and a part of the definition. For example:</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.04.040 - Definitions (continued).	<p>Court, tourist. "Tourist court" means a group of attached or detached buildings containing individual living or sleeping units, designed or used temporarily by automobile tourists or transients with garage attached or parking spaces conveniently located to each unit, including auto courts, motels, or motor lodges.</p> <p>"Cultural resources commission" means the Maui County cultural resources commission.</p> <p>Some terms, such as developable area, need to be updated and conform to common zoning terminology. Developable area is normally defined as that portion of a lot that can be developed or used, and does not refer to the size of dwelling space.</p> <p>Eliminate words and terms not used such as "Garage, storage." Also, remove all regulation from the definitions as is found under "Home occupation."</p> <p>The code could include pop-ups or hyperlinks for words tied to the definitions section to help the reader navigate terminology easily.</p> <p>Use groups should be included. These should be modernized and streamlined focused on categories rather than individual uses. Example: 19.08.030 Special Uses, H –could be handled through improved and consistent definitions to improve clarity.</p> <p>Definition changes should be coordinated with Public Works and other departments to align interpretation and reduce instances where departments need to refer to each other for final interpretation.</p>
<b>Chapter 19.06 - DISTRICTS AND BOUNDARIES*</b>	
19.06.010 - Districts designated.	All districts should be listed here. Title 19 now has districts introduced throughout, which is confusing (Rural is a good example of this – only two distinctions are listed in this section, but 5 distinctions exist within the Rural district chapter). Each district should also be accompanied by a purpose/intent statement either here or where the district is described in detail.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.06.010 - Districts designated (continued).	<p>Each district should also be categorized as a base, overlay, or special purpose district, and noted as to its primary function (characterized by use groups as described in the notes above): residential, commercial, mixed-use, or industrial, for example. These use groups/categories should be broad. Title 19 does categorize districts to some extent, but these tend to be more fine-grained in classification, which doesn't help for some types of coding later.</p> <p>Title 19 has too many districts in general. Revisions to the code should seek opportunities to consolidate similar districts, and eliminate obsolete districts. Elimination of districts currently applied will require a zone change for those properties. Candidates to consider for review or consolidation would include the R-O zero lot line, Two Family, Apartment, and Hotel districts, to name a few.</p> <p>Parking and loading standards are currently represented in their own stand-alone district; this arrangement is confusing, as these standards would apply to any parking and loading required within a specific use district. It is recommended that off-street parking and loading standards are addressed in the design standards specific to each use district (i.e. parking requirements specific to residential districts, agriculture districts, etc. called out in each chapter individually). Design standards and requirements for parks and open spaces would be candidates for integration throughout all use districts, as parks and open space should not be uses unique or limited to only their 'district' designation.</p>
19.06.020 - Maps.	<p>The current zoning map is non-functional and requires the detailed interpretation of staff. The public must physically view the map in a government office. The zoning map should be updated and posted electronically. Information specific to a zoning district should be linked to this electronic map format, for ease of use by applicants and residents seeking information about their property or a proposal.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.06.030 - Interpretation of district boundaries.	Consolidate language interpreting boundaries; for example, subsections (A) and (B) have very similar language and address two scenarios for boundary line interpretation that could be treated the same with little or no impact to the interpretation or outcome of the situation. We would suggest re-evaluating this language to streamline the interpretation of district boundaries – ideally boundaries would be the exact lot lines, centerlines of ROW (road, rail or otherwise), and high water marks as applied to all situations.
<b>Chapter 19.07 - OPEN SPACE DISTRICTS</b>	District details should occur in the same order that districts are listed in the previous chapter.  We recommend that you delete open space districts and instead make active and passive open space use types that could be permissible in any district (with conditions, perhaps).
19.07.010 - Purpose and intent.	Having the open space district serve as a catch-all for lands removed from conservation districts and awaiting appropriate zoning seems like an unnecessary step in the process. Integrating open space standards in all zoning districts, as appropriate, or designating the 'Open Space' district as an overlay that can be applied to any sensitive ecological or cultural resource would preserve the intent of the district without treating it (in some cases) as an interim-type zoning designation for the conversion of conservation lands.
19.07.020 - District categories.	Rather than being categories, these function as separate districts and need to be named as such.  Based on the recommendations above, it makes sense to integrate the recreational activities called out under OS-2 under Parks standards, and treat the Open Space district as an overlay or a set of standards applicable in all districts, to preserve ecologically and culturally sensitive areas, prevent development near hazards and drainage ways, conserve habitat and serve as a buffer for development.
19.07.030 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed (if these districts aren't eliminated).

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.07.030 - Permitted uses (continued).	<p>Definitions such as “Outdoor Recreation,” “Park,” “Golf Courses” are both too specific and insufficient to limit potentially difficult uses, and need updating. Additionally, these uses seem more appropriate for park and recreation use designation.</p> <p>Separating principal, accessory and special uses by OS-1 or OS-2 is confusing and seems unnecessarily complex – for example, what is the difference between “Passive land use” and “Recreation, passive”; additionally, why would a special use permit be required for an information kiosk or equipment shed? This section could be removed in its entirety by treating open spaces as overlay districts or incorporating standards specific to each use district; with principal, accessory and special uses accommodated as makes sense and is appropriate in a residential, commercial or industrial use district (for example).</p>
19.07.040 - Development standards.	<p>Same comments pertain to this section as above, in that standards are both too specific to enable effective design and not protective enough; conventional setbacks do not lend themselves to these types of districts, generally.</p> <p>Additionally, it is unclear from this section whether the development standards apply to structures or uses or both, and if applicable to uses it seems unnecessary to require a setback of 25 feet for a park, or agricultural uses on a property deemed open space. This same confusion applies to the interpretation of lot coverage – is this for a structure or a use, and why should a park use be limited to 5% of the available acreage of a site? Improvements in the organization of this table would go a long way, but these standards could also be accommodated for open space areas by district, or as an overlay, much more concisely and conveniently.</p> <p>*General note: a single waiver provision for height could be used to consolidate the notes on maximum building height throughout the code.</p>
19.07.050 - Dwellings.	<p>No conditional permit, but what about other types of permits? Permits for temporary quarters for rangers or campground managers should be considered.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.07.060 - Site plan conditions.	<p>Sections should be consistently labeled. These are design standards. Development conditions might need to be revisited; for example, visitors' welcoming shelters should be visible from the road.</p> <p>It is unclear why the director of planning (instead of staff) reviews site plan conditions for structures, which also requires review and approval by the director of public works pursuant to Article V. There is a direct need to synthesize these review processes and, if possible, eliminate layers that are unnecessary or duplicative.</p>
19.07.070 - Legal uses and structures existing prior to the enactment of the ordinance codified in this chapter.	Nonconformities should be dealt with in one section of the code. This language would be better suited under Article V, Administration and Enforcement.
<b>Chapter 19.08 - RESIDENTIAL DISTRICTS</b>	
19.08.010 - Generally.	
19.08.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.08.030 - Special uses.	Review; 19.08.030 Special Uses, H – consider why "domestic-type businesses in the home that do not meet the definition of home business or home occupation" would not meet the definition; the uses listed are consistent with in-home personal services or instruction and do not need to be called out.
19.08.040 - Area regulations.	
19.08.050 - Height regulations.	Merge with a general dimensional standards table by district category.
19.08.060 - Yards.	Merge with a general dimensional standards table by district category.
<b>Chapter 19.09 - R-O ZERO LOT LINE RESIDENTIAL DISTRICT</b>	
19.09.010 - Purpose and intent.	This district could be reconsidered in the context of allowing more and different types of housing such as cottages, co-housing, etc.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.09.020 - Change of zoning requirements.	This section should be merged with general requirements for changes of zoning. Subsection B should be titled "Conditional Use Requirement" since the reference (19.510.050) is to conditional use standards and not conditional zoning. In other states (NC specifically), conditional zoning has a completely different connotation.
19.09.030 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.09.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.09.050 - Height.	Merge with a general dimensional standards table by district category.
19.09.060 - Lot area.	Merge with a general dimensional standards table by district category.
19.09.070 - Lot width.	Merge with a general dimensional standards table by district category.
19.09.080 - Setback lines and yard requirements.	Merge with a general dimensional standards table by district category.
19.09.090 - Design standards.	These are not design standards. They are siting standards. Definition of design standard and other types of standards should be clarified. Clarification on item (C) specifically is needed; currently worded, it is unclear whether one lot would be required to be left vacant.
<b>Chapter 19.10 - TWO-FAMILY (DUPLEX) DISTRICT</b>	Look carefully at the locations and applications of this district. It may be possible to eliminate it in favor of listing duplexes as a use and developing use specific standards.
19.10.010 - Purpose and intent.	Reconsider the purpose statement. Currently, it is intended that Duplex development would serve as a transitional use between single-family and shopping centers. Duplexes should be a use not a district. Standards can be established to deal with buffers.
19.10.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.10.030 - Accessory uses and structures.	Reconsider and merge with a general table of uses by district category and use specific conditions.
19.10.040 - Reserved.	
19.10.050 - Development standards.	Merge with a general dimensional standards table by district category.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.10.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.11 - SERVICE BUSINESS RESIDENTIAL DISTRICT</b>	
19.11.010 - Purpose and intent.	
19.11.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.11.030 - Accessory uses and buildings.	Merge this section with general use specific standards for accessory uses. Note: "Pools, hot-tubs and Jacuzzi spas" along with "other landscape features" should have a blanket allowance in the code for all districts and uses; these can be governed as "incidental structures."
19.11.040 - Special uses.	TVRs are listed here; decide if you will continue dealing with them separately or consolidated with other short-term rentals.
19.11.050 - Development standards.	Merge with a general dimensional standards table by district category.
<b>Chapter 19.12 - APARTMENT DISTRICT</b>	
19.12.010 - Purpose and intent.	
19.12.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.12.030 - Accessory uses and buildings.	Merge with a general table of uses by district category and use specific conditions.
19.12.040 - Reserved.	
19.12.050 - Development standards.	Merge with a general dimensional standards table by district category.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.12.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
19.12.070 - Reserved.	
<b>Chapter 19.14 - HOTEL DISTRICTS</b>	Apartment-hotels is a use in the district, but the term is undefined. Apartment hotel without the hyphen is defined. Perhaps it is just a punctuation inconsistency problem. Also, is it necessary to have a separate district just for hotels? Can't these be handled as uses with specific conditions?
19.14.010 - Purpose and intent.	
19.14.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.14.030 - Accessory uses and buildings.	Merge with a general table of uses by district category and use specific conditions.
19.14.040. - Reserved.	
19.14.050 - Development standards.	Merge with a general dimensional standards table by district category.
19.14.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions (subject to appeal) and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.15 - COUNTRY TOWN BUSINESS DISTRICTS</b>	
19.15.010 - Purpose and intent.	
19.15.020 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Permitted uses in CTB should recognize and streamline opportunities for multiple uses in single buildings, and create an 'umbrella' permit process to facilitate approvals.</p> <p>Carefully inventory uses in the CTB districts; Lahaina is materially different from Makawao and from Kaunakakai.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.15.025 - Accessory uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>There is a practice throughout the code of adding site plan standards and performance standards or conditions to uses by district. We recommend: (1) defining and segregating uses into a table by district; (2) collecting general site plan issues such as outdoor storage and screening into a development standards section; and (3) defining and regulating incidental structures, telecommunications and energy systems, and home/incidental businesses as a class, rather than in the use standards in each district and developing use specific conditions.</p>
19.15.030 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.15.040 - Development standards.	Merge with a general dimensional standards table by district category.
19.15.050 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.16 - B-1 NEIGHBORHOOD BUSINESS DISTRICT</b>	
19.16.010 - Purpose and intent.	The purpose statement is insufficient—it is only a definition. Need to say what the County is trying to accomplish with this district.
19.16.020 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Some inconsistencies in permitted uses have been noted; for instance, uses include residential, and also allow a gas station as accessory to a principal use. The practice of stacked zoning should be re-evaluated throughout this section and the code in general, and impacts related to multiple uses on properties should be considered and addressed through standards and specific conditions clearly defined in the table of uses by district described above.</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.16.030 - Accessory uses.	Merge with a general table of uses by district category and use specific conditions.  *This is an example of where energy systems are governed using different standards and criteria (I.e. "no detrimental effect" versus a 400' setback. Consolidation and consistency is needed.
19.16.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.16.050 - Development standards.	Merge with a general dimensional standards table by district category.  The ultimate development outcome is uncertain. Design standards should be applied. Establish a maximum front yard setback.
19.16.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent either in the code or more informally outside the code.
<b>Chapter 19.18 - B-2 COMMUNITY BUSINESS DISTRICT</b>	
19.18.060 - Rule making authority.	This section is out of order; there is no content in the current code at this location, and is repeated below.
19.18.010 - Purpose and intent.	The purpose statement is insufficient.
19.18.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.  Some inconsistencies in permitted uses have been noted; for instance, uses include multiple family residential. The practice of stacked zoning should be re-evaluated throughout this section and the code in general.
19.18.030 Accessory uses.	Merge with a general table of uses by district category and use specific conditions.
19.18.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.18.050 - Development standards.	Merge with a general dimensional standards table by district category. The ultimate development outcome is uncertain. Design standards should be applied. Establish a maximum front yard setback.
19.18.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.20 - B-3 CENTRAL BUSINESS DISTRICT</b>	
19.20.010 - Purpose and intent.	The purpose statement is insufficient.
19.20.020 - Permitted uses.	Inconsistencies in permitted uses have been noted once again; as in B-2 Community Business, uses include multiple family residential. The practice of stacked zoning should be re-evaluated throughout this section and the code in general.
19.20.030 - Accessory uses.	Merge with a general table of uses by district category and use specific conditions.
19.20.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.20.050 - Development standards.	Merge with a general dimensional standards table by district category. The ultimate development outcome is uncertain. Design standards should be applied. Establish maximum front yard setback.
19.20.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.22 - B-R RESORT COMMERCIAL DISTRICT</b>	
19.22.010 - Purpose and intent.	
19.22.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.22.030 - Accessory uses.	Merge with a general table of uses by district category and use specific conditions.
19.22.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.22.050 - Development standards.	Merge with a general dimensional standards table by district category.
19.22.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.24 - M-1 LIGHT INDUSTRIAL DISTRICT</b>	
19.24.010 - Purpose and intent.	
19.24.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.  The practice of stacked zoning should be re-evaluated throughout this section and the code in general.
19.24.030 - Accessory uses and structures.	Merge with a general table of uses by district category and use specific conditions.
19.24.040 - Reserved.	
19.24.050 - Development standards.	Merge with a general dimensional standards table by district category.
19.24.060 - Rulemaking authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.25 - M-3 RESTRICTED INDUSTRIAL DISTRICT</b>	
19.25.010 - Purpose and intent.	
19.25.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.  The practice of stacked zoning should be re-evaluated throughout this section and the code in general.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.25.030 - Accessory uses and structures.	Merge with a general table of uses by district category and use specific conditions.
19.25.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.25.050 - Development standards.	Merge with a general dimensional standards table by district category.
19.25.060 - Rulemaking authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.26 - M-2 HEAVY INDUSTRIAL DISTRICT</b>	
19.26.010 - Purpose and intent.	
19.26.020 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>The practice of stacked zoning should be re-evaluated throughout this section and the code in general.</p> <p>Consider, in all industrial districts, using performance standards for industrial uses rather than the list of types of activities.</p>
19.26.030 - Accessory uses and structures.	Merge with a general table of uses by district category and use specific conditions.
19.26.040 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.26.050 - Development standards.	Merge with a general dimensional standards table by district category.
19.26.060 - Rulemaking authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.27A - PARK DISTRICTS</b>	
	Recommend that this district be eliminated in favor of establishing these uses (parks and all the uses listed in these districts) as permitted in all districts, subject to use specific conditions as needed.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.27A.010 - Purpose and intent.	Parks should be treated as a best practice, allowable in all districts, as appropriate and given specific design standards.
19.27A.020 - District categories.	Rather than separate golf courses and parks in separate sub districts, rely on design standards.
19.27A.030 - Permitted uses.	The range of permitted,* accessory and special uses within the park district is both too specific (airsoft play fields), overly redundant (park is an allowable use in a parks district), blurs line between use and activity (picnicking), are too vague (other similar businesses or commercial uses that are not detrimental to welfare of surrounding area) or afford too much discretion (subordinate uses and structures as determined by the planning director). Parks and associated activities should be incorporated within all use districts generally, with specific design standards and allowable activities identified as appropriate in each district (activities appropriate in the residential district may be different than activities best suited to agricultural or commercial districts). The parks 'district' should be folded within the code to promote parks throughout without adding redundant layers of regulation and complication.
19.27A.040 - Accessory uses and structures.	The range of permitted, accessory and special uses within the park district is both too specific (airsoft play fields), overly redundant (park is an allowable use in a parks district), blurs line between use and activity (picnicking), are too vague (other similar businesses or commercial uses that are not detrimental to welfare of surrounding area) or afford too much discretion (subordinate uses and structures as determined by the planning director). Parks and associated activities should be incorporated within all use districts generally, with specific design standards and allowable activities identified as appropriate in each district (activities appropriate in the residential district may be different than activities best suited to agricultural or commercial districts). The parks 'district' should be folded within the code to promote parks throughout without adding redundant layers of regulation and complication.
19.27A.050 - Special uses.	Merge with a general table of uses by district category and use specific conditions as needed.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.27A.050 - Special uses (continued).	<p>The range of permitted, accessory and special uses within the park district is both too specific (airsoft play fields), overly redundant (park is an allowable use in a parks district), blurs line between use and activity (picnicking), are too vague (other similar businesses or commercial uses that are not detrimental to welfare of surrounding area) or afford too much discretion (subordinate uses and structures as determined by the planning director). Parks and associated activities should be incorporated within all use districts generally, with specific design standards and allowable activities identified as appropriate in each district (activities appropriate in the residential district may be different than activities best suited to agricultural or commercial districts). The parks 'district' should be folded within the code to promote parks throughout without adding redundant layers of regulation and complication.</p> <p>Additionally, the wording in this section infers that the special uses are permitted, but then requires an SUP; this should be changed to be more representative of the process, if the district is maintained. Similarly, the list of special uses and conditions is confusing, in that it requires an SUP except when it expressly does not – should be reconfigured for clarity.</p>
19.27A.060 - Development standards.	<p>Merge with a general dimensional standards table by district category.</p> <p>The development standards here could be used for or at least aligned with the standards for the open space district.</p>
19.27A.070 - Rule-making authority.	<p>Rule-making is hyphenated here, which we think is the appropriate way to write it. It is not hyphenated in most places where the term occurs.</p> <p>This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.</p>
<b>Chapter 19.28 - AIRPORT DISTRICT</b>	<p>Recommend adding a purpose statement (“...facilitate the operation and functions of the Airport and related industrial and distribution uses, along with supporting uses, in a way that promotes compatibility with residential and commercial uses in the Kahului area and enhances the Island’s economic vitality...”)</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.28.010 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Definitions and uses should be rewritten. The Airport and aviation-related activities are a principal use; accessory uses should be described as incidental and subordinate retail, restaurant and service use.</p> <p>(E) are “recreational facilities” present in the Airport district? Consider re-zoning any such areas to another more appropriate district.</p>
19.28.020 - Use restrictions.	<p>Minimum lot area restrictions are generally not used in Airport districts; the Airport is what it is.</p> <p>Adding performance standards appropriate to an airport district may be helpful. Such standards would be developed following a more intensive review with staff to determine whether there have been issues of other uses interfering with airport operations.</p>
19.28.030 - Yards.	<p>Recommend re-constituting as buffer yards with recommended fencing or vegetative screening and a minimum setback from any aviation or associated activities.</p>
<b>Chapter 19.29 - RURAL DISTRICTS</b>	<p>The Orion team concurs with staff and stakeholder feedback that the rural district is underused, and that significant reclassification likely needs to occur between Ag-zoned areas, rural areas and (likely) urban reserve districts.</p>
19.29.010 - Purpose and intent.	<p>The purpose and Intent of Rural districts should include statements regarding the conservation of lands with area and configuration sufficient to protect agriculture, and they should provide for a variety of housing types.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.29.020 - District standards.	<p>Merge with a general dimensional standards table by district category.</p> <p>The Rural District is an important district for enabling additional housing types, including cottages, “footprint lots,” and co-housing, and potentially duplexes, triplexes, and quadraplexes in a structure that “looks like” a single-family structure.</p> <p>There is significant overlap between the development standards ranging from County Rural to RU-10; the divisions seem excessive and the intent lost in separating Rural lots in this manner. We suggest keeping County Rural (no difference from RU-0.5), RU-1, RU-5 and RU-10, eliminating RU-0.5 and RU-2 altogether. Consider making all standards consistent between districts.</p>
19.29.030 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Applicable to several districts: The code can be made more efficient by defining “day care nurseries” and the like as “care facilities,” which can include adults, children, or people with disabilities, and define the use (i.e. a facility providing for the care of up to X individuals for a period of time typically not exceeding X hours per day, which may be licensed by the State/County). Rework the SF vs. lot size allowance in a table. Similar efficiencies should be sought under sub-section (A)(1), where residential dwellings are listed in an overly complicated fashion.</p> <p>In general, these uses should be defined in the definitions section of Title 19 and simply listed under the appropriate district, without additional narrative – this leads to confusion and consistency issues.</p>
19.29.040 - Uses permitted with a County special use permit.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Home businesses (particularly benign uses with &lt;2 employees and minimal traffic generation) in this type of district generally should not require a special use permit; this seems unusually onerous.</p>
19.29.050 - Exemptions pursuant to state law.	<p>This law does not currently exist. To eliminate unnecessary confusion, we recommend removing it. It can be added in later once the law is adopted. At that time, you can provide a specific HRS reference for clarity.</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.29.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
<b>Chapter 19.30A - AGRICULTURAL DISTRICT</b>	<p>Comments from stakeholders indicate a desire to more closely link language from HRS 165 Right to Farm Act with this Chapter, to reinforce the intent and further establish the hierarchy and importance of farming, as it relates to land use in Maui.</p> <p>Farm plan requirements are not clearly defined or addressed under the district, which is problematic. While our recommendation is to re-consider the application and approach to farm plans, given their significance throughout our discussions with staff and stakeholders it is confusing that no guidance is provided under this section of Title 19.</p>
19.30A.010 - Purpose and intent.	To the extent enabled by State statute, purpose and intent should clearly articulate a desire to preserve lands with sufficient area and configuration to support emerging and traditional agricultural and to discourage subdivision that fragments or discourages farm operations.
19.30A.015 - Definitions.	As stated in previous sections, definitions specific to the agricultural district and other zoning districts should be consolidated in one location in Title 19, to reduce conflict and redundancy. For instance, it is difficult to discern whether there is significant difference between 'active ag operations' and 'commercial ag' as defined under 19.04.040; similar conflicts (or potential conflicts) exist with many of the definitions found in this section. An attempt should be made to thoughtfully combine definitions where appropriate, giving consideration to why something is called out specifically and whether it makes sense to define broadly (or synthesize like uses) whenever appropriate.
19.30A.015 - Definitions (continued).	Consider issues with retail that are being addressed through definitions such as "logo item" and probably can be managed in a more efficient way with less room for interpretation and confusion.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.30A.020 - District criteria.	<p>*These criteria are essentially planning language (i.e. "lands...should be given the highest priority for retention...") rather than zoning standards. Consider how to set priority in plans and then use more regulating language to define parameters in Title 19.</p> <p>Consideration should also be given to clarifying language for lands not classified by the ALISH system. How are staff able to make a determination, or interpret with consistency when there appears to be no benchmark or baseline set? Clear standards/thresholds are necessary for consistent interpretation of this sub-section.</p>
19.30A.030 - District standards.	<p>Merge with a general dimensional standards table by district category.</p> <p>(G) there is ample room within this framework to rethink density and clustering, without necessarily changing the overall density permitted.</p> <p>District standards represented in (A) through (G) should be integrated with lot density standards (if retained). The sliding scale is in direct conflict with the purpose and intent of the agricultural district, as defined under 19.30A.010(B)(1), (2), (3) and (4). The development patterns resulting from a mix of lots, ranging from 2 acres to 40 acres, results in limited useable agricultural areas, which are further undermined by the permitted, accessory and special uses that exempt in one way, shape or form the addition of multiple dwellings. With the inclusion of clear clustering provisions specific to agricultural districts, these impacts could be addressed and minimized, and the intent of the district preserved.</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.30A.040 - Limitations on resubdivision.	<p>Much of this ("The allocation of lots shall be recorded with the bureau of conveyances...") is procedural; consolidation of procedures will be helpful.</p> <p>The reference to the Director of Waste Management here and anywhere else within a similar context needs to be updated to read "Director of Public Works."</p> <p>Similarly, the role of the public works director in relation to Title 19 continues to be confusing. These standards should be conveyed in Title 18 and may be removed from this chapter and merely cross-referenced as subdivisions shall comply with applicable zoning. Including provisions specific to subdivision create confusion as to who administers different sections of code – there is opportunity for clarification in this section and throughout.</p> <p>The provision of easements for protection of environmentally sensitive areas, and protection of sites of cultural and historic importance could be addressed through an open space overlay, open space standards specific to ag, or parks standards specific to ag (3+ options to recommend). This subsection appears to be getting toward the clustering provision but is not explicit enough to be effective, and needs considerable revision.</p> <p>A best practice recommendation would be that family conveyances must adhere to the maximum number of lots/density standards of this Chapter (or applicable design standards if sliding scale is eliminated); allowing family conveyance beyond what is allowed sets stage for abuse long-term.</p>
19.30A.050 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>There is opportunity to consolidate uses (by definition) – for example, what truly distinguishes agricultural parks from private agricultural parks, and why are they defined in separate locations (one in statute, one in this Chapter?).</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.30A.050 - Permitted uses (continued).	<p>Within the accessory use section there are a number of provisions that except Molokai and Lānaʻi. One suggestion would be to define uses and standards specific to each island in their own section of code, rather than calling out every exception specific to each district, spanning hundreds of pages. It would be hard for someone unfamiliar with the code to understand what exceptions to the ground rules apply to Molokai, Lānaʻi (and others) in every circumstance, especially where there is overlap and little cross referencing of sections. Examples of this can be seen throughout subsection B.</p> <p>The open land recreation description is redundant to Open Space and Park districts, as is the parks for public use description; this further supports treating these uses/activities differently within the broader context of Title 19.</p> <p>Farm plans are being used to justify non-agricultural activities in the ag district, with little/no guidance on their application or enforcement; this was reiterated by internal and external stakeholders.</p>
19.30A.060 - Special uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Would recommend eliminating the provision for additional 'farm dwellings' beyond what has already been allowed; this contributes to a more rural development pattern and should be treated accordingly through a zone change. By allowing additional dwellings wholesale with the approval of an SUP, this negates the previous restrictions placed on residential uses under the permitted and accessory use sections of the code.</p> <p>Landfills are not an appropriate use in this district.</p>
19.30A.070 - Private agricultural parks.	This section is part special use permit, part definitions, part subdivision – needs to be part of a re-work of how this district is governed.
19.30A.072 - Commercial agricultural structures.	There are consistency issues with agricultural retail structures and agricultural food establishment standards; this section would benefit from review and revision to streamline the application of design standards by use.
19.30A.080 - Agricultural leases.	Is it necessary and legal to regulate leases?

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.30A.090 - Substandard agricultural lots.	We recommend using 'nonconforming' in place of 'substandard' – and treating the same as other nonconforming lots in the general administration Chapter of these regulations (i.e. eliminate this section specific to ag).
19.30A.100 - Exemptions pursuant to state law.	It seems counterintuitive that affordable housing would be permitted outright in agricultural – while this is a state law, it's worth noting that clustering provision and other design standards supporting agricultural development could facilitate the intent of this Chapter better, AND include affordable housing.
19.30A.110 - Permits issued prior to the enactment of this ordinance.	Consider making this a global statement instead of one that only applies here.
19.30A.120 - Rule-making authority.	<p>This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.</p> <p>The title "Director of Public Works and Waste Management" should be replaced with "The Director of Public Works."</p>
<b>Chapter 19.31 - PUBLIC/QUASI-PUBLIC DISTRICTS</b>	
19.31.010 - Purpose and intent.	The County should consider carefully whether this needs to be a separate zoning district; most of these uses are allowed in other residential, commercial and mixed districts. There is an opportunity for consolidation with other established districts or elimination of this district in its entirety. Examples of this include cemeteries and crematoriums, churches, schools, libraries, private parking lots and structures.
19.31.020 - Permitted uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Uses and elements like parking garages, referred to in other codes as structured parking, should incorporate specific design criteria that applies to both public and non-public structures. In this case, the ownership of structured parking has little to do with the overall impact on surrounding land use, but the manner in which the structure is designed and constructed is important.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.31.030 - Accessory uses and structures.	<p>We recommend that the code does not get down to the level of mail-boxes, unless you are addressing mailbox stations in large multifamily complexes. Many of the accessory uses listed in this district (and others) could be considered design elements and part of a primary use, or incidental to the site and assumed to be permitted. Rather than trying to identify all permitted and accessory uses, the County should consider identifying those accessory uses/elements that are inappropriate for the district instead.</p> <p>Allowing the planning director to have discretion on accessory uses opens the code up to inconsistency and uncertainty. Discretion should be applied only to areas of the code requiring a high level of interpretation – not wholesale permitting/allowance of uses or circumstances that are broadly undefined.</p> <p>Accessory uses should be merged with a general table of uses by district category and apply use-specific conditions or design standards to regulate potential outcomes.</p>
19.31.040 - Special uses.	<p>Merge with a general table of uses by district category and use specific conditions as needed.</p> <p>Allowing the planning commission(s) to permit special uses 'determined to conform with 'the intent of this title' opens the code up to inconsistency and uncertainty.</p>
19.31.050 - Development standards.	<p>There is no clear rationale behind separating the district into sub-areas labeled P1 and P2.</p> <p>Merge with a general dimensional standards table by district category.</p>
19.31.060 - Rule making authority.	<p>This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
Chapter 19.32 - PLANNED DEVELOPMENT	The PD functions as an overlay to base zoning. Generally, good practice is for planned development to be a procedure applicable in specific districts and for specific applications, and not a zone or overlay. Our understanding is that this district should also be deleted since it was made obsolete by the adoption of project districts. It is also still shown under permitting on the county website as "Planned Development Approval—PD1, PD2, PD3."
19.32.010 - Purpose.	In addition to the purpose being vague, development design criteria are insufficient to meet the stated purpose.
19.32.020 - Rules of procedure.	Stakeholders and staff commented that the procedures and required information at each step do not reflect the level of design/engineering that is likely to be completed at each stage. This should be revisited, with input from applicants and their engineers.
19.32.030 - Standards of development.	Standards of development are lacking sufficient depth to provide clear guidance on designing a planned development.
19.32.040 - Reduction of lot areas and mixed land uses.	Merge with a general dimensional standards table by district category, if kept.  If kept, provisions should be incorporated for housing without individual lots (so long as overall densities are maintained) and buildings with multiple principal uses.
19.32.050 - Other regulations.	
Chapter 19.33 - KĪHEI RESEARCH AND TECHNOLOGY PARK DISTRICT	It was recommended by several stakeholders to delete this district. Apparently, it applies only to three lots of what is otherwise the Maui Research and Technology Park District. The three lots should be added to that district.
19.33.010 - Purpose.	
19.33.020 - Definitions.	This section contains definitions only found here, but which should have broad applicability such as "Planning Director" and "Occupant." Work to merge with other definitions for one consistent, comprehensive set of terms.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.33.030 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.  Note that the language such as “optical devices” and “electrical, electronic or electromechanical nature” is very limiting; consider uses in terms of general performance standards and characteristics rather than specific products and define accordingly.
19.33.040 - Area regulations.	Merge with a general dimensional standards table by district category, if kept, or at least placed into a table that is easy to read.
19.33.050 - Height regulations.	
19.33.060 - Yard setbacks.	
19.33.070 - Building coverage.	
19.33.080 - Performance standards.	Consider making these global standards applicable at least to certain classes of use.  Note these are not so much performance standards as development and site plan standards.
19.33.090 - Environmental controls.	Consider making these global (performance) standards applicable at least to certain classes of use.  These would be a good basis for guidance for the Airport and industrial districts but might best be handled as administrative guidance rather than zoning per se.
19.33.100 - Research and technology park coordinator.	Typically, this content would be moved to an administrative section.
19.33.110 - Technical review committee.	Needs to apply overall and not just to this part of the code.
19.33.120 - Procedure for subdivision.	Some of this should be the same for any subdivision in terms of procedure and requirements, or how it differs should be spelled out for clarity.
19.33.130 - Procedure for securing building and site improvement permits.	The fact that this and .120 are fast-track procedures should be made clear.
19.33.140 - Improvement district program for the construction of off-site improvements.	This section is not needed.
19.33.150 - Limitation.	Not needed. This should be covered under general conflict language which normally states that the most stringent regulation would prevail.
<b>Chapter 19.34 - CIVIC IMPROVEMENT DISTRICTS</b>	Consider whether this is needed, or if a Project District could be used instead.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.34.010 - Generally.	
19.34.020 - Precise plan.	
<b>Chapter 19.35 - ACCESSORY DWELLINGS</b>	<p>Merge this chapter with a chapter on use-specific conditions. Review the criteria to make certain you have the minimum standards necessary to ensure public welfare and the integrity of the neighborhood.</p> <p>Sliding scale (i.e. 30% of gross floor area of the main dwelling, with a minimum and a cap) often is used instead of arbitrary size cut-offs.</p> <p>If separate driveways are provided, could the driveways share a curb cut, i.e. share 15-20' of driveway and then split?</p> <p>Does DPW want to retain review of street adequacy for accessory units?</p> <p>Public facilities clearance language is the type of procedure that usually is handled as administrative instructions, not zoning language.</p>
19.35.010 - Generally.	
19.35.020 - Maximum gross floor area.	
19.35.030 - Separate entrance.	
19.35.040 - No interior connection.	
19.35.050 - One accessory dwelling per lot.	
19.35.060 - Maximum cumulative area of open decks, etc.	
19.35.070 - Off-street parking required.	
19.35.080 - Driveway.	
19.35.090 - Public facilities required.	
19.35.100 - Public facilities clearance.	
<b>Chapter 19.36A - OFF-STREET PARKING AND LOADING</b>	<p>The entirety of the parking section should be reevaluated for appropriate ratios, shared parking policies, provision of bike parking, and alternative compliance. Many variances requested and granted are for provisions set out in this chapter.</p> <p>Consider adding design standards on structured parking either here or in a design chapter.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.36A.010 - Designated number of spaces.	<p>Many ratios are consistent with contemporary best practice; some (i.e. 6 per tennis court) are very high.</p> <p>As with many chapters in Title 19, there is redundancy in the off-street parking and loading requirements that warrants re-evaluation and consolidation. For instance, what is the benefit in providing a separate standard for hotels and a lodging house, when the number of parking spaces per room, for each, is the same? And why should a motel have a different, higher parking standard than a hotel? Why are different parking requirements called out for golf courses and driving ranges, respectively?</p> <p>Additionally, the specificity of some of the uses precludes broad interpretation/application and therefore decreases the usefulness of the standards in the first place. Calling out tennis courts, separate from a swimming pool (for instance), brings up the question of what happens if a public park includes both of these items, but does not have parking standards of its own. The County should consider broadly defining use categories for parking, consistent with the use table.</p> <p>TVR parking should be by bedroom, not square footage.</p>
19.36A.020 - General requirements.	Typically, communities offer a waiver (up to 25%) if a parking study determines that less (or more, where a maximum is used) is appropriate.
19.36A.030 - Location.	Off-site parking usually can be up to 800 linear feet from the farthest point of the lot and/or point of a multi-tenant building served by the parking spaces. Increasing the standards for acceptable location of off-site parking would encourage more shared parking opportunities, which is a recommended best practice.
19.36A.040 - Size or dimensions.	These are consistent with best practice recommendations.
19.36A.050 - Determination of spaces.	Compact car spaces are usually allowed for office and commercial as well as residential uses.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.36A.060 - Access and specifications.	<p>Item (A)(3) is confusing and would appear to limit the type of off-street parking that presently occurs in Maui's residential neighborhoods – only it excepts single family residences. #4 is equally confounding in that parking spaces for B&amp;B's are not required to be striped.</p> <p>Many of the traditional standards outlined in this section could be easily conveyed using graphics.</p> <p>Access and specifications should be looked at for overall consistency and limit use-by-use, case-by-case restrictions (as in #3 and #4 above).</p>
19.36A.070 - Walls, fences, and landscaping.	<p>This is an important area for revisions and new thinking regarding tree and shrub planting/spacing.</p> <p>Crown trees for every five spaces will result in a proliferation of small trees and a great deal of irrigation; many communities use fewer larger trees (i.e. 30' canopy at maturity) and a combination of stormwater-managing landscapes plus fencing.</p> <p>The illustrations show perimeter but not interior parking lot landscaping. Interior islands and planting zones should be incorporated and illustrated.</p> <p>The Maui County Planting Plan should be incorporated (or at least referenced) in this section of Title 19, as recommended by stakeholder groups (consultants, engineers and architects).</p>
19.36A.080 - Paving.	<p>Recommend: "Every off-street parking space or area...shall have an improved, all-weather, durable and dustless surface constructed of permeable surfacing materials, concrete, or asphalt paving."</p> <p>Depending on preferences, "Gravel surfacing may only be utilized for X uses upon approval of..."</p> <p>*Specify that safe pedestrian walkways a minimum of 4' in width from parking areas and any planned or existing adjacent sidewalks shall be demarcated.</p>
19.36A.090 - Lighting.	<p>Appropriate design standards should establish light trespass requirements and pole heights.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.36A.090 - Lighting (continued).	Recommend that the requirements of Chapter 20.35 be weaved in as part of a UDO as appropriate. As an interim measure (and if a UDO is not pursued), integrating a chapter on lighting standards applicable to all of Title 19 may be useful.
19.36A.100 - Use limitations.	With revisions to the use section of this chapter, this section should become irrelevant and can be removed. As is written it is already redundant with 19.36A.010.
19.36A.110 - Grass parking.	Recommend "grass, gravel, or grass paver block" to allow a variety of surfacing materials
19.36A.120 - Special management area—Additional requirements.	What is the purpose of supplemental requirements in the SMA? Is it improved aesthetics, environmental quality? Try to relate this statement to an objective.
19.36A.130. - Residential mixed use development parking requirements.	All of this can be handled with the existing regulations in 19.36A.010 and a shared parking table.
19.36A.140 - Joint-use parking for residential mixed use developments.	Good, but why limited to RMU only? Shared parking should be enabled in many (or all) places/districts/uses. Provide a table with the analysis framework for shared parking among multiple uses in the Regulations so that there is less staff discretion or confusion about how to calculate required parking. Additionally, consider mechanisms for enforcement of approved joint-use parking permits and whether there is an opportunity to simplify the requirements to reinforce desirability of shared parking.
19.36A.150 - Off-site parking for residential mixed use developments.	Procedures/standards ok; how does this relate to the 400' limit in 19.36A.030? Additionally, the applications and requirements of this section seem to overlap with those of joint-use parking; it seems these two sections could be combined as the real issue is use of parking spaces by multiple businesses/residents/entities.
19.36A.160 - Parking reduction or waiver.	<p>Why limit waivers to such specific uses? Also, standards are too broadly worded for administrative (staff-level) approval. For example, how would one determine what 'superior' pedestrian, bicycle or transit access is? Maui County and applicants would benefit from more specific guidelines around how to determine a parking waiver.</p> <p>It is unclear from this section whether parking waivers can be granted on Molokai – Lānaʻi is called out specifically, while Molokai is not.</p>

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.36A.170 - Excess parking.	Suggest adopting min/max standards and including this provision allowing (or requiring) grass, grasscrete or permeable surfacing for all excess parking areas.
19.36A.180 - Temporary or special event parking.	
19.36A.190 - Loading space.	Should consider allowing shared loading space options especially in developed commercial areas and BCTs.
<b>Chapter 19.37 - TIME SHARING PLANS</b>	
19.37.010 - Geographic restrictions.	How do the provisions related to STRs and B&Bs play out? This Chapter of Title 19 appears to be out of place, shoe-horned between use and project districts and would be better as set design standards for a special or conditional use.
<b>Chapter 19.38 - MAUI RESEARCH &amp; TECHNOLOGY PARK DISTRICT</b>	
19.38.010 - Purpose and intent.	
19.38.020 - Definitions.	Need to be consolidated and consistent with general definitions. Regulation needs to be removed from definitions.
19.38.030 - Acreage allocations.	How readily can these be adjusted based on market conditions? Would recommend allowing greater flexibility if possible.
19.38.040 - Controlling plan.	
19.38.050 - Districts.	It would be better if the controlling plan districts could mirror standard zoning districts instead of creating new districts.
19.38.060 - Permitted and accessory uses by district.	Consolidate into a table of uses and use specific conditions.
19.38.070 - Lot types by district.	Revisit, and decide how well this is serving the purpose of the district.
19.38.080 - Development standards.	Repetition could be eliminated with a well-designed table and better incorporation of graphics.
19.38.090 - Additional standards for all districts.	Most of this can be consolidated in other areas of the code.
<b>Chapter 19.40 - CONDITIONAL PERMITS</b>	
The mechanics of permitting should be in an administrative section. Conditions placed on specific uses (those not ad hoc) should follow the table of uses. All parts of this that are not unique to conditional permits, such as the application (filing) fee can be consolidated.	



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19.40.010 - Intent.	Revise; conditional use is one permitted in a particular zoning district upon showing that the use in a specific proposed location will comply with all general and specific standards in the zoning. The commission may "condition" the use to ensure it meets these standards.
19.40.020 - General.	Refer to other governing requirements such as being coincident with site plan or subdivision review, public hearing requirement.  Specifically provide for integration of conditional approval with other approvals.
19.40.030 - Application.	Decide throughout Title 19 whether to make required application materials administrative guidance, or part of Title 19. If in Title 19, they should be consolidated since it is likely many are repetitive.
19.40.040 - Application withdrawal or return.	Is this consistent practice for all applications? If so, these provisions should be consolidated in one administrative section of the code.
19.40.050 - Application review.	What are the "fixed standards" for review?
19.40.060 - Processing procedure.	This section is not needed.
19.40.070 - Establishment.	Rework this to make it clear what the findings are for approval, and try to be specific such as adequate public facilities, etc.
19.40.080 - Conditions, amendments, modifications.	Given that HRS does not specify particular standards, consider working on a set of articulated criteria for the issuance of any conditional use, and specific conditions and standards for particularly challenging uses. The stipulations in this section are vague and do not provide structured guidance for decision-making.
19.40.090 - Extensions.	There is a mix of substantive and procedural language in this section; separate into procedures and criteria/standards.
19.40.100 - Expiration of permits.	Under what circumstances would a permit expire? This is not clear. This section should be expanded to clarify. Recommend that all permits run in perpetuity as long as the permitted use continues and is not revoked. Automatic expiration should kick in if a building permit is not issued by a certain date or lapses. Revocation should be an option if the permittee violates the conditions of the permit.
19.40.110 - Reporting.	Is this being done? Enforced? It seems onerous.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
<b>Chapter 19.45 - PROJECT DISTRICT PROCESSING REGULATIONS</b>	Stakeholders and staff indicate this section is important to revise and reconsider. If new zoning districts are carefully constructed, and design requirements are included in Title 19, is there really a need for project districts? Quite a bit of the material seems to be regulation that should apply other places as well, and some of it is repetitive.
19.45.010 - Purpose and intent.	Revise and refine if this is kept.
19.45.020 - General.	This section is not needed.
19.45.030 - Scope.	Items B and C should be global.
19.45.040 - Application.	Is most of this substantially different than a requested rezoning? If not, process should be consolidated under administrative procedures.
19.45.050 - Processing procedure.	Provide an administrative procedure for amendments at the stage where final building footprints (within envelopes), parking, landscaping are being determined.  If the goal of this section is to get the regulations you need to implement community plans, you should make this process as easy and fast as possible. Right now, it seems onerous with a 3-step approval process, two that require board approval.
19.45.060 - Amendment and revision.	There needs to be a better explanation of what is non-substantive. In fact, the PD should be able to grant minor waivers and boundary adjustments, if needed, which may be substantive but not affect impacts or the overall plan in general.
<b>Chapter 19.48 - GENERAL PROVISIONS</b>	The section should be reviewed to ensure consistency with Hawai'i Preservation Law.  It may be more effective to create and treat historic districts as overlays that complement the underlying land use district and provide additional standards supporting preservation and historic design objectives.
19.48.010 - Title and purpose.	Consider expanding this. Limiting the purpose to "creating attractions for visitors and residents" is very narrow and doesn't really get at more important cultural issues.
19.48.020 - Establishment or modification of districts—report and hearing.	It is unclear from this section whether the authority to approve a new district, modify or extend an existing district, lies with the cultural resources commission or the State department of land and natural resources.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.48.030 - Applicability.	This should be the same as the overriding applicability statement for Title 19 and therefore not needed.
19.48.040 - Administration.	This section needs to be expanded to address the role of the Cultural Resources Commission (is there only one?)
19.48.050 - Enforcement.	Delete; this section is not needed and enforcement measures should be consolidated (and consistent) in one location within the code.
19.48.060 - Reserved.	
<b>Chapter 19.50 - DISTRICTS ESTABLISHED</b>	These districts, like Country Town Business District, have substantive standards (design guidelines) that exist outside the scope of Title 19, or are in some way appended to it. It was not clear. Our suggestion is to address these in total within Title 19, or separately outside Title 19, but not both.
19.50.010 - Historic district no. 1.	Boundary legal descriptions should be removed from the code. Boundaries should only be displayed on the zoning map.
19.50.020 - Historic district no. 2.	Boundary descriptions should be removed from the code. Boundaries should only be displayed on the zoning map.  As stated under the purpose of this district, there are no historic structures or sites within No. 2 that require preservation or restoration. This 'district' would be better served by design standards applied to the underlying comprehensive zoning provisions and removed from the other historic districts, OR design standards for historic buildings and new construction should be adopted as part of a comprehensive overlay district to preserve the historic feel of a community.
19.50.030 - Historic district no. 3.	Boundary descriptions should be removed from the code. Boundaries should only be displayed on the zoning map.
<b>Chapter 19.52 - REGULATIONS ON BUILDINGS AND USES</b>	
19.52.010 - Architectural style.	Is architectural style not covered by the design guidelines?  The descriptions of structure examples found in (C) and (D) are increasingly vague and reference styles and types of construction that would be better depicted through photos and graphics.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.52.020 - Review of plans.	<p>Reference to the public works director in this section creates confusion, especially when the resource commission can delegate approval authority to the planning director. According to staff, public works is not involved. This section needs to be rewritten for clarification of current authority and process.</p> <p>90 days is a long time to wait for a commission meeting. C says the Commission must meet within 90 days, but F says that if the Commission does not act within 90 days of the submittal of a complete application for a building permit approval is automatic. This is very confusing.</p> <p>Section E indicates an appeals process separate from what is called out elsewhere in Title 19; it is recommended the appeals process be the same and consolidated under administrative guidelines applicable to all zoning districts.</p> <p>H seems to be too important to be left at the end of the list of a section on plan review.</p>
19.52.030 - Signs.	It is unclear whether these sign provisions take precedent over signage regulations found in Title 16; at the very least, this should be cross-referenced. There should also be specific reference and a link for design guidelines that apply especially if they exist outside Title 19.
19.52.040 - Repairs.	
19.52.050 - Demolition or movement of buildings or structures.	
19.52.060 - Nonconforming uses.	Nonconforming uses should be treated the same throughout Title 19; this language should be removed and referenced in a general section of the regulations.
19.52.070 - Variances.	Consolidate all variance language into one section on variances.
19.52.080 - Appeals.	Consolidate all appeals language into one section on appeals.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.52.090 - Regulations for historic districts nos. 1 and 2.	<p>What is the purpose of the separate regulations for these two districts? Illustrate and provide a strong purpose statement for each.</p> <p>If treated as an overlay, use provisions would not be necessary and the district would only serve to provide design standards for preservation, restoration and construction of buildings. Furthermore, the listing of uses is outdated in a number of cases (haberdasheries, Turkish baths).</p> <p>Guidance on selling in public places and drinking in public should be removed and moved to a general section of Title 19.</p>
19.52.100 - Regulations for historic district no. 3.	<p>Similar to the comments on Section 19.52.090 above, it is unclear what's to be gained by restricting uses within historic districts (and having differences between uses within historic districts themselves). If treated as an overlay, the district could provide comprehensive design standards to preserve the function and integrity of an historic area through form-based graphic depictions.</p> <p>Guidance on selling in public places should be removed and moved to a general section of Title 19.</p>
<b>Article IV. - Regulation of Miscellaneous Areas</b>	
<b>Chapter 19.56 - OPEN SPACE INCENTIVE SYSTEM</b>	Consider carefully whether these provisions are accomplishing desired outcomes. Consider integrating the bonus system into dimensional standards for all districts, or individual districts.
19.56.010 - Purpose.	
19.56.020 - Scope.	It is unclear why the exceptions listed should be exempted from the opportunity for open space incentives.
19.56.030 - Definitions.	Integrate with all other definitions and locate in one place within Title 19.
19.56.040 - Bonus for open space.	This would have more impact if it were paired with what they can do without the bonus.
19.56.050 - Bonus for concealed parking.	Why is this in the open space incentive section? It is a good idea, which should be expanded to incentivize well-designed structured parking and perhaps even parking reduction bonuses when located near transit or walkable development.
<b>Chapter 19.58 - PROJECT DISTRICT DEVELOPMENT</b>	Integrate with project districts in 19.45 or delete. Staff indicated this section may no longer be valid.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.58.010 - Purpose.	
19.58.020 - Scope.	
19.58.030 - Use regulations.	
19.58.040 - Area regulations.	
19.58.050 - Height regulations.	
19.58.060 - Yards.	
19.58.070 - Rules of procedure.	A thorough review (and writing out) of the application requirements to ensure that plans are not over-engineered at Step II, and that there is flexibility to handle minor changes in Step III administratively, will improve this process.
<b>Chapter 19.60 - NAPILI BAY CIVIC IMPROVEMENT DISTRICT</b>	These all appear to be standards that could be enacted by a standard zoning district rather than needing a separate district.
19.60.010 - Purpose.	
19.60.020 - Established.	Use maps rather than words. This section may not even be necessary if the district boundary is mapped.
19.60.030 - Precise plan.	(D) should be the same as all infill standards. (E) becomes irrelevant if a table of uses is used. (G) is too vague. (H) is unnecessary. (I) is too vague.
19.60.040 - Applicability of other zoning provisions.	This section is not needed.
<b>Chapter 19.62 - FLOOD HAZARD AREAS</b>	Review for consistency with floodplain management; ensure that certification of installation for manufactured housing is included.
19.62.010 - Legislative intent.	
19.62.020 - Statutory authority.	
19.62.030 - Definitions.	
19.62.040 - Special flood hazard areas.	
19.62.050 - Administration.	
19.62.060 - Standards for development.	
19.62.100 - Developments adjacent to drainage facilities.	



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.62.140 - Variances and appeals.	<ul style="list-style-type: none"> <li>• This section confuses the two primary tasks of the Board of Variances and Appeals, namely 1) variances, and 2) appeals. We recommend establishing a clear purpose and process for each separately. This has been done to a large degree in 19.520.</li> <li>• Restate the required findings for variances, as currently listed in D.2 to make the job of the board, and the burden of proof for the applicant, clearer.</li> <li>• Clarify the provisions of D.4, which appear to be for building below BFE, which seems in opposition to D.3.</li> <li>• Remove variance language for historic structures. This process is unnecessary if the historic properties/districts sections are properly written.</li> <li>• Remove use variances, and establish conditions upon which such uses may legally and without a variance be located near the water. Section 19.520 does not allow use variances, at least uses that do not conform to a community plan.</li> </ul>
19.62.160 - Warning and disclaimer of liability.	
19.62.170 - Other laws and regulations.	This section is not needed.
19.62.180 - No exemptions.	Work this into the compliance section at the beginning of the code.
<b>Chapter 19.64 - BED AND BREAKFAST HOMES</b>	<p>This should be moved to a conditions chapter. This is far more detailed and regulated than is likely to be needed.</p> <p>19.64 and 19.65 bear thorough revision with a task force to refine and clarify the nature of uses regulated, the purpose and intent behind regulation, and the regulatory standards that have been found to be beneficial versus those that have been ineffective or counter-productive.</p>
19.64.010 - Purpose and intent.	Revise; this reads as a negative against hotels; there are ample B&Bs available.
19.64.020 - Districts in which permitted.	This section is not needed if a table of uses is created.

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19.64.030 - Restrictions and standards.	Lengthy and redundant with conflicts, e.g. immediately conflates "short-term rental use" and "bed and breakfast home"; (C), (D) and (E) say the same thing; (I) relates to enforcement rather than a development standard; (K) is building code; there are no standards for determining conformance with (M) and (S), which are duplicative; (Q) is operational/performance standards.
19.64.040 - Procedures for application and public notice.	Consolidate .040 and .050, but consider moving all application requirements to the administrative section of the code. With few exceptions, requirements for B&Bs shouldn't be any different than similar zoning permit application requirements.
19.64.050 - Permit processing.	The 500 ft. issue is the same as for 19.65.050 below.
19.64.060 - Compliance and revocation.	Much of this section is redundant.
19.64.070 - Administrative rules.	With the complexity of the zoning language, additional administrative rules are likely to create confusion and conflicts. Bring any rules into the comprehensive review.
<b>Chapter 19.65 - SHORT-TERM RENTAL HOMES</b>	<p>Short-term Rentals do impact housing affordability. However, so do land values and myriad other issues. Balancing the need for more affordable housing stock and that of tourists and owners of existing housing is not easy. Enforcing requirements is also difficult and time-consuming. Having onerous standards that encourage owners to flaunt the law and rent properties that are not properly permitted is also an issue.</p> <p>Our overall recommendation is that you streamline the permitting process, restrict where units can be located, permit fewer non-resident owners (restricting the industry of short-term renting), and enforce your standards to discourage unlawful rentals. Also, move all licensing standards to an annual business license: 19.65.030 B, C, D, E, F, G, H, I (zoning runs with the land; licenses do not), J, K, L, M, P, Q, R, and T; 19.65.040.</p>
19.65.010 - Purpose and intent.	Revise; focus on public health, safety, community character, etc.
19.65.020 - Districts in which permitted.	Incorporate in a table of uses



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.65.030 - Restrictions and standards.	<p>Sort these provisions by operational, building code, ownership, taxation, and then land use and density issues. There are many confusing provisions, and the zoning-related provisions [A, K, parts of N, O, Q (a little) and S] are lost in the rest. Remove non-zoning standards as recommended above.</p> <p>(A) on density is confusing. What is the desired situation – TVRs in single-family or single-family-like structures only? One per timeshare? Think of these in the same vein as accessory apartments: When can the entire unit be a TVR? When can a portion within one reasonably be rented out with respect to land use impacts?</p>
19.65.040 - Advertising.	These are operational/licensing requirements and should be treated as such.
19.65.050 - Procedures for application and public notice.	<p>What is the purpose of a public process? If they meet the standards of the code should they not be permitted? What role do intervenors really have except to be NIMBYs?</p> <p>Same as for Bed and Breakfasts; consolidate .050 and .060. Also, application requirements (with licensing removed) should be the same for a standard zoning permit with proof they have received a valid license.</p> <p>The distance for public notice should be varied where the property owner owns all adjacent properties within the 500' radius.</p>
19.65.060 - Permit processing.	Clarify notice to the applicant of anticipated intervenors.
19.65.070 - Duration, renewal, and nonrenewal of permits and compliance with permit conditions.	These are, fundamentally, licensing and taxation provisions rather than zoning.
19.65.080 - Revocation and Enforcement.	Why should this be different than general zoning enforcement? Licensing issues may need to be handled through another part of the county code. Otherwise treat enforcement the same as other districts and consolidate guidance in one section of Title 19.
19.65.090 - Administrative rules.	Same comment as on B&Bs; there are multiple layers of different kinds of rules in Title 19; work through along with administrative rules.
<b>Chapter 19.66 - NUCLEAR ENERGY</b>	This could be handled through definitions, and a prohibition on these uses in a table of uses.
19.66.010 - Purpose.	

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.66.020 - Definitions.	
19.66.030 - Exceptions.	
19.66.040 - Prohibitions.	
19.66.050 - Injunction.	
19.66.060 - Penalty.	
<b>Chapter 19.67 - HOME BUSINESSES</b>	
19.67.010 - Purpose.	Revisit; is it a goal of the County to facilitate home businesses?
19.67.015 - Definitions.	Move "Nuisance" to the overall definitions; probably not the right term here.
19.67.020 - Districts in which permitted.	
19.67.030 - General standards and restrictions.	<p>Generally, these standards are internally inconsistent, in some cases contradictory, and potentially very hard for business owners to live with and staff to enforce.</p> <p>(A) Consider revising to deal with</p> <ul style="list-style-type: none"> <li>• "benign" home occupations (those that are fundamentally an owner or resident working from home with no outside employees, outdoor activities, or customers);</li> <li>• small-scale home occupations occupying no more than X% of a dwelling unit, with one-two employees and off-street parking, and some very limited outdoor activity that does not generate noise, smoke, odors, etc.; and</li> <li>• larger home occupations, which could have up to X employees, a projected vehicle trip end generation of X per day, and outdoor activity; these would require more review</li> </ul> <p>(B) Typically traffic volumes are limited to what would be generated by single-family use; if a property were in a commercial or industrial district, that level of traffic would be "normally expected".</p> <p>(C) Generally the only limitation on hours is hours of delivery, persons coming to the property, and any noise-generating activities; but otherwise, hours of operation should not be restricted (presents an enforcement quandary).</p>



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	(E) This is a LOT of parking for home businesses, especially with the limitation on employees in .040(A). On-street parking typically would not be restricted though one off-street parking space per permanent, non-household employee generally would be required.
19.67.040 - Permitted use standards and restrictions.	(A) With the amount of parking required this is a stringent limit; typically, up to 2 are allowed. (B) This provision could lead to a very large business – but with only one employee? Seems inconsistent. (C) Limits on numbers of customers aren't enforceable. (D) and (E) – Can be limits on all home businesses.
19.67.040 - Permitted use standards and restrictions.	
19.67.050 - Special use standards and restrictions; real property tax classification.	These should be incorporated into the use standards in .040 and .030
19.67.060 - Administrative rules.	
19.67.070 - Enforcement.	Should not be different from other zoning enforcement; consolidate procedures in one location within Title 19.
19.67.080 - Review.	
<b>Chapter 19.68 - STATE LAND USE DISTRICT BOUNDARIES</b>	This section is best addressed as part of the administrative procedures for when a property requires reclassification or a boundary adjustment of the state land use district.
19.68.010 - Purpose.	It is good that the County has a tool to generate the property owners list even if it is the applicant's responsibility to do so. This ensures information is accurate and derived consistently. Unless you see this being stopped it would be helpful to mention this tool in the code.  Would advise against (B) (10) – this opens the door to intervenors, and may enable arbitrary or capricious requests. At the very least, stipulate the type of information that may be requested after the fact by the planning director or Commission.
19.68.030 - Procedures.	There are discrepancies between the public notice required under .020 and that called out in .030; keep consistent.
19.68.040 - Action by the county council.	Notice requirements specific to (A) should be defined when further hearings are required.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
Re-visit conditioning of zone changes; how easily enforceable are these conditions? Would they only be applied if development/subdivision review occurs concurrently?	
19.68.050 - Consolidation of proceedings.	Consolidation should be encouraged to streamline the average timeline for application consideration.
19.68.060 - Rules and regulations.	
<b>Chapter 19.69 - URBAN RESERVE DISTRICT</b>	This district does not appear necessary and should be consolidated with another more appropriate use district (as a set of design standards or conditions for development) or eliminated.
19.69.010 - General purpose and intent.	The general purpose seems in conflict with the limited uses permissible; it does not appear to promote or manage responsible growth in the peripheral areas surrounding a city or town center. This section should be reconsidered, revised and possibly eliminated.
19.69.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.  All the uses presently defined in this district are either residential or ag; what happens if a community plan projects the expansion of the town center or other non-residential, non-ag growth?
<b>Chapter 19.70 - LĀNA'I PROJECT DISTRICT I (MANELE)</b>	These project districts read more like development agreements than zoning.
19.70.010 - Purpose and intent.	
19.70.020 - Residential PD-L/1.	
19.70.030 - Multifamily PD-L/1.	
19.70.040 - Commercial PD-L/1.	
19.70.050 - Hotel PD-L/1.	
19.70.060 - Park PD-L/1.	
19.70.070 - Open space PD-L/1.	
19.70.080 - Public PD-L/1.	
19.70.085 - Golf course PD-L/1.	
19.70.090 - Land use categories and acreages.	



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19.70.100 - General standards of development.	
19.70.110 - Required agreements.	
<b>Chapter 19.71 - LĀNA'I PROJECT DISTRICT 2 (KOELE)</b>	These project districts read more like development agreements than zoning.
19.71.010 - Purpose and intent.	
19.71.020 - Residential PD-L/2.	
19.71.030 - Multifamily PD-L/2.	
19.71.040 - Hotel PD-L/2.	
19.71.050 - Park PD-L/2.	
19.71.055 - Golf course PD-L/2.	Note: This district at D contains @3 pages of information specific to demonstrations regarding an irrigation system and aquifer that appear to refer to authority of the director of public works and waste management. These regulations are not related to zoning and land use.
19.71.060 - Open space PD-L/2.	
19.71.070 - Public PD-L/2.	
19.71.080 - Land use categories and acreages.	
19.71.090 - General standards of development.	
19.71.100 - Required agreements.	
<b>Chapter 19.73 - LAHAINA PROJECT DISTRICT 1 (KAPALUA)</b>	These project districts read more like development agreements than zoning.
19.73.010 - Purpose and intent.	
19.73.020 - H-M Hotel PD-LAH/1.	The list of permitted and accessory uses is limited ("haberdasheries," "newsstands and magazine stands") and probably results in a need for multiple discretionary interpretations; revise to enable resort retail and consider limiting by square footage rather than specific type of use
19.73.030 - Multifamily PD-LAH/1.	
19.73.040 - Village PD-LAH/1.	Same comment on uses as above.

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19.73.050 - Park PD-LAH/1.	Same comment on uses as above.  Note "drainage facilities" should not be defined as a use per se; they represent necessary infrastructure in all districts. If larger-scale stormwater management facilities or restoration projects are treated as a "use," consider allowing in all but the historic center/BCT districts (i.e. Lahaina, Makawao, etc.)
19.73.060 - Preservation/Open Space PD-LAH/1.	
19.73.070 - Facilities PD-LAH/1.	
19.73.080 - Land use categories and acreage.	
19.73.090 - General standards of development.	
19.73.100 - Required agreements.	
<b>Chapter 19.74 - KĪHEI-MAKENA PROJECT DISTRICT 5</b>	These project districts read more like development agreements than zoning.
19.74.010 - Purpose and intent.	
19.74.020 - Residential PD-K/5.	
19.74.030 - Multifamily PD-K/5.	
19.74.040 - Commercial PD-K/5.	Same comment on uses as above in 19.73.
19.74.050 - Park PD-K/5.	
19.74.060 - Open space PD-K/5.	
19.74.070 - Land use categories and acreage.	
19.74.080 - General standards of development.  15' is a very limited buffer for a ravine in some cases; consider mapping and establishing buffers for ravines based on slope, proximity to other physical resources.	Definition of "ravine" should be put in general definitions.
<b>Chapter 19.75 - MAKAWAO-PUKALANI-KULA PROJECT DISTRICT 1 (KULA)</b>	These project districts read more like development agreements than zoning.
19.75.010 - Purpose and intent.	
19.75.020 - Lodge PD-MPK/1.	Uses are very limited; only accessory use is beer brewing, and anything else requires a special permit.



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19.75.030 - Land use allocations.	Same comment; these were clearly written with one particular proposal in mind, but how would a change in use be handled if the "art gallery" were to be replaced by a retail shop?
19.75.040 - General standards of development.	Steep slope regulations in this section should be pulled out and placed in a General Regulations section dealing with protection of environmental resources, along with ravines, streams, archaeological sites, etc.
<b>Chapter 19.78 - WAILUKU-KAHULUI PROJECT DISTRICT 1 (MAUI LANI)</b>	These project districts read more like development agreements than zoning.
19.78.010 - Purpose and intent.	
19.78.020 - Residential PD-WK/1.	Boarders (up to 3) are allowed in a dwelling unit; does this occur elsewhere?
19.78.030 - Commercial PD-WK/1.	
19.78.040 - Recreation/facilities PD-WK/1.	
19.78.050 - Public/quasi-public PD-WK/1.	
19.78.051 - Village mixed use PD-WK/1.	
19.78.052 - Open space PD-WK/1.	
19.78.060 - Land use categories and acreages.	
19.78.070 - General standards of development.	
<b>Chapter 19.79 - WAILUKU-KAHULUI PROJECT DISTRICT 2 (PIIHA-na)</b>	These project districts read more like development agreements than zoning.
19.79.010 - Purpose and intent.	
19.79.020 - Residential PD-WK/2.	
19.79.030 - Park/open space PD-WK/2.	
19.79.040 - Public/quasi-public PD-WK/2.	
19.79.050 - Land use categories and acreages.	
19.79.060 - General standards of development.	
<b>Chapter 19.80 - WAILUKU-KAHULUI PROJECT DISTRICT 3 (WAILUKU)</b>	These project districts read more like development agreements than zoning.
19.80.010 - Purpose and intent.	

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.80.020 - Residential PD-WK/3.	
19.80.030 - Village mixed use PD-WK/3.	
19.80.040 - Park/open space PD-WK/3.	
19.80.050 - Land use categories and acreage.	
19.80.060 - General standards of development.	
<b>Chapter 19.81 - WAILUKU-KAHULUI PROJECT DISTRICT 4 (WAIHE'E)</b>	*Note: It would probably be beneficial to line up the allowable uses, densities, and dimensional requirements for all the Wailuku-Kahului Project Districts to see if there are substantive differences, and if the uses can be "collapsed" to be more streamlined and related to existing development.
19.81.010 - Purpose and intent.	
19.81.020 - Park PD-WK/4.	
19.81.030 - Open space PD-WK/4.	
19.81.040 - Public/quasi-public PD-WK/4.	
19.81.050 - Land use categories.	
19.81.060 - Minimum standards of development.	
<b>Chapter 19.82 - INTERIM RESTRICTIONS ON THE DEVELOPMENT OF HOTELS</b>	
19.82.010 - Purpose and intent.	Is this set of provisions still necessary? If not, remove section entirely.
19.82.020 - Authority.	
19.82.030 - Definitions.	Definition of "hotel" is different from the definition of "hotel" in 19.04.040; once again, reiterates the need for consolidated definitions section in Title 19.
19.82.040 - Applicability.	
19.82.050 - Kihei-Makena community plan—Hotel development restricted.	
19.82.060 - Lahaina community plan—Hotel development restricted.	
19.82.070 - Exemptions.	
19.82.080 - Duration.	
19.82.090 - Penalties.	



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
<b>Chapter 19.83 - CLUSTER HOUSING DEVELOPMENTS</b>	Streamline and move to the use specific conditions section recommended. Consider making this a use by right under the conditions stated without any additional approvals.
19.83.010 - Purpose and intent.	Consider explicitly including cottages, co-housing, footprint lots, and up to X units (perhaps 4) in a single structure, without a requirement for individual lots.
19.83.020 - Districts in which permitted.	Add specific provisions that define how clustering will work. This should include provisions for perpetual maintenance of open space, the types of use that can be made of open space, the types of open space preferred (active/passive recreation, environmental, agricultural, etc.).
19.83.030 - Uses permitted.	
19.83.040 - Application and procedures.	The language in B(3)(b) still indicates that "lots" would be required. These provisions should be re-visited.
19.83.050 - Design standards.	<p>These are not design standards. They are siting standards. Definition of design standard and other types of standards should be clarified.</p> <p>(A)(6) Maximum building area of 50% or up to 80% is potentially VERY high. Revisit this by individual district; strengthen the open space set-aside provisions to create usable, contiguous blocks of open space with higher coverages allowed in the buildable area.</p> <p>(A)(3) could be taken to mean that individual lots are required.</p>
<b>Chapter 19.84 - R-O ZERO LOT LINE OVERLAY DISTRICT</b>	These are siting standards rather than an "overlay district" and should be handled through planned unit development regulations and/or form-based coding in individual village areas.
19.84.010 - Purpose and intent.	
19.84.020 - Districts in which permitted.	
19.84.030 - Application and procedures.	
19.84.040 - Development standards.	
19.84.050 - Design standards.	These are not design standards. They are siting standards. Definition of design standard and other types of standards should be clarified.
<b>Chapter 19.85 - ADULT ENTERTAINMENT ACTIVITY</b>	
19.85.010 - Findings, purpose and intent.	

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.85.020 - Definitions.	Move to definitions section.
19.85.030 - Adult entertainment.	We recommend that only those elements of adult entertainment that are normally within the purview of zoning (e.g. separation requirements, signage, etc.) be included in zoning, and that other provisions such as interior arrangement, physical contact, materials for sale, alcohol, criminal records, and the like be regulated through a different part of the county code such as the Rules of the Liquor Commission.
19.85.040 - Permit application.	<p>Zoning permit applications for this type of use should be substantially similar to any other zoning permit. All parts of this section should be common to all permit applications included in the administration section and removed from this section specifically.</p> <p>Reconsider the rationale for having all permits go to Council here and in 19.40. The criteria for disapproval seem objective enough to allow staff to approve or deny. The requirement to post the zoning permit is unusual. No other zoning permit is required to be posted in this manner. This is more typical of a business license. The one-year term of the permit may also be an issue. We suggest an in-depth review of this section with the county attorney to avoid discretionary zoning complaints.</p> <p>Some of the permit revocation criterion are the same as any zoning permit (or should be) such as providing false or misleading information on the application. Other criteria (2, 3, 5, 7, 8, 9) are better suited for a business license. Items 2 and 6 may be problematic since only liquor is forbidden. Beer and wine contain alcohol and are a controlled substance. Other zoning permits are not revoked for failure to pay taxes. Again, that is more related to the way business licenses work. Typically, you are not able to revoke a permit that has expired (4).</p> <p>Review along with other Wailuku-Kahului districts above.</p>



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.85.050 - Issuance of permit.	Reconsider the rationale for having all permits go to Council here and in 19.40. The criteria for disapproval seem objective enough to allow staff to approve or deny. The requirement to post the zoning permit is unusual. No other zoning permit is required to be posted in this manner. This is more typical of a business license. The one-year term of the permit may also be an issue. We suggest an in-depth review of this section with the county attorney to avoid discretionary zoning complaints.
19.85.060 - Revocation.	Some of the permit revocation criterion are the same as any zoning permit (or should be) such as providing false or misleading information on the application. Other criteria (2, 3, 5, 7, 8, 9) are better suited for a business license. Items 2 and 6 may be problematic since only liquor is forbidden. Beer and wine contain alcohol and are a controlled substance. Other zoning permits are not revoked for failure to pay taxes. Again, that is more related to the way business licenses work. Typically, you are not able to revoke a permit that has expired (4).
<b>Chapter 19.86 - WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION)</b>	Review along with other Wailuku-Kahului districts above.
19.86.010 - Purpose and intent.	
19.86.020 - Agricultural district.	
19.86.030 - Commercial district.	
19.86.040 - Land use categories and acreage.	
19.86.050 - General standards of development.	
<b>Chapter 19.89 - KĪHEI-MAKENA PROJECT DISTRICT 2 (KĪHEI GATEWAY PARK PROJECT)</b>	Same comments as for Wailuku-Kahului districts. These should be “lined up” and consolidated, reflecting built patterns. There is very little relative difference among and between these, and they read more like development agreements than zoning.
19.89.010 - Purpose and intent.	
19.89.020 - PD-K/2.	
19.89.030 - General standards of development.	
<b>Chapter 19.90A - KĪHEI-MAKENA PROJECT DISTRICT 9 (WALEA 670)</b>	

<b>TITLE 19 EXISTING TABLE OF CONTENTS</b>	<b>OPD RECOMMENDATIONS</b>
19.90A.010 - Purpose and intent.	
19.90A.020 - Land use sub districts, and allowable densities and acreage.	
19.90A.030 - General standards of development.	
19.90A.040 - Single-family residential sub district.	
19.90A.050 - Multifamily residential sub district.	
19.90A.060 - Recreation and open space/utility sub district.	
19.90A.070 - Village mixed use sub district.	
<b>Chapter 19.91 - KĪHEI-MAKENA PROJECT DISTRICT 8 (PALAUEA)</b>	
19.91.010 - Purpose and intent.	
19.91.020 - Agricultural/residential PD-K/8.	
19.91.030 - Cultural preserve/park PD-K/8.	
19.91.040 - Land use categories and acreage.	
19.91.050 - General standards of development.	
<b>Chapter 19.92 - WEST MAUI PROJECT DISTRICT 2 (KAPALUA MAUKA)</b>	
19.92.010 - Purpose and intent.	
19.92.020 - Definitions.	
19.92.030 - Land use categories and acreage.	
19.92.040 - Village PD-WM/2.	
19.92.050 - Rural residential PD-WM/2.	
19.92.060 - Golf course/park PD-WM/2.	
19.92.070 - Resort open space PD-WM/2.	
19.92.080 - General standards of development.	
<b>Chapter 19.93 - WEST MAUI PROJECT DISTRICT 5 (PULELEHUA)</b>	
19.93.010 - Purpose and intent.	
19.93.020 - Definitions.	
19.93.030 - Land use categories and acreage.	
19.93.040 - Districts.	
19.93.050 - Additional standards for all districts.	



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
<b>Chapter 19.94 - WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA)</b>	
19.94.010 - Purpose and intent.	
19.94.020 - Reserved.	
19.94.030 - Health and wellness district.	
Addition - Chapter 19.95, Ord. 4384	
<b>Article V. - Administration and Enforcement</b>	
<b>Chapter 19.500 - GENERAL PROVISIONS</b>	It is confusing that under this Chapter, public works requirements and processes (COS, subdivision) are included. It is important, and desirable, that processes associated with subdivision and building permitting are integrated efficiently and overlap effectively with the requirements of Title 19; however, this Chapter is out of place and would benefit from restructuring, cross-referencing of related titles and application processes, and greater clarity as to the public works director's role in relation to the planning director's role.
19.500.010 - General purpose and intent.	We would recommend additional clarity added to this section, as described above. While the current statement is accurate, the Chapter discusses building permits, COS's, subdivisions and public works requirements that relate to zoning. However, the overlap between these permitting processes and clear guidance on where they occur relative to zoning permits or rezoning requests is unclear.
19.500.020 - General prohibition.	
19.500.030 - Definitions.	The first two sentences of this should precede a consolidated definitions section. The remainder should be set off in a separate section titled "rules of construction, intent and usage" or similar. The narrative discussing which words include additional meaning is confusing, and would be better accommodated within an appropriate definition found within the definitions section under Article II.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.500.040 - Administrative duties.	<p>It is important to specify other administrative officers who have duties outlined in Title 19, notably the director of public works.</p> <p>It is unclear from this section why the public works director appears to have the sole responsibility for administration and enforcement of this title? Public works does not oversee ZAED – why is the planning director not explicitly identified here?</p>
19.500.050 - Building permits.	No recommendation. Process is stated simply.
19.500.060 - Certificate of occupancy.	
19.500.070 - Subdivisions.	Clarify subdivision and planned unit development procedures where land subdivision is proposed; DPW should have sign-off on infrastructure issues.
19.500.080 - Grading, electrical, plumbing, sign, and other construction and development permits.	
19.500.090 - Water.	
19.500.100 - Covenants and conditions contained in deeds, contracts and agreements.	
19.500.110 - Nonconformities.	<p>Conflicts exists between #2 under nonconforming lots and #2 under non-conforming structures, and #3 under nonconforming structures and #3 under nonconforming uses. Although we heard that procedures currently in place make up for or eliminate the conflict, the code should be fixed.</p> <p>(D) is not specific to non-conformities and should be with the parking regulations.</p>
Chapter 19.510 - APPLICATION AND PROCEDURES	Note that these provisions are repeated in several other parts of Title 19. Pull any and all application procedural language together into one section, noting how uses requiring a public hearing differ but consolidating as much as possible.



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.510.010 - General application procedures.	<p>Content of applications should be reviewed. Provisions for electronic submission should be added.</p> <p>This is a place where a comprehensive tabular site plan requirements would be very useful.</p> <p>Would be helpful to include language delegating review authority to County staff (and not just Planning Director).</p> <p>Application requirements must be clearly defined; language eluding to 'form prescribed by the planning director' should be modified and a standard format defined.</p>
19.510.020 - Applications which require a public hearing.	<p>Text should state that the Planning Director will calendar items so that they are heard at the earliest possible time.</p> <p>90-120 days seems an excessive amount of time to forward recommendations to County Council.</p> <p>Unless it is currently working well, we recommend that notice of public hearing dates should be handled by the County and not fall on the applicant to oversee.</p>
19.510.030 - Applications which do not require a public hearing.	This section is redundant and should be removed.
19.510.040 - Change of zoning.	If community plans are considered part of the general plan, then item 4.b is redundant. How is compliance with criterion 4.d currently determined?
19.510.050 - Conditional zoning.	<p>Conditional use criteria can be crafted that provide much more specific guidance for what constitutes "potentially deleterious effects" and "need for public services," along with language on neighborhood impacts found elsewhere in Title 19.</p> <p>It is best practice not to rely on conditioning a zone change request to address potential negative impacts. If negative impacts outweigh positive outcomes of a zone change, that request should be denied. Furthermore, the Director of Public Works is once again called out under (H) for having the authority to enforce provisions of conditions applied; this seems incorrect.</p>
19.510.060 - Amendments.	

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.510.070 - Special use permits.	Somewhat better criteria than for conditional uses; consider adding specific criteria for uses that need additional guidance.  Compliance with the general plan and community plan(s) of the County is vaguely defined and should be clarified for staff review and consistency.
19.510.080 - Project master plan.	There is potential to combine .080 and .090 for greater clarity.
19.510.090 - Development plan.	De facto landscaping, parking and building design standards are contained under B (4); these should be part of general regulations applicable throughout the County in the same manner as parking.
19.510.100 - Country town business district design guidelines.	This reference is external to the code. How are these guidelines and standards approved?  The code language uses the term “standards” and “guidelines” when referring to these design provisions. These terms can have very different legal meaning; “guidelines” typically meaning advisory and “standards” typically mean mandatory.  Electronic link should be established between the Zoning Map, these design guidelines, and the zoning code.
19.510.110 - Establishment of country town business district design guidelines and standards	This reference is external to the code. The code language uses the term “standards” and “guidelines” when refereeing to these design provisions. These terms have very different legal meaning; “guidelines” typically meaning advisory and “standards” typically mean mandatory.  Electronic link should be established between the Zoning Map, these design guidelines, and the zoning code.
19.510.120 - Administration and review of proposals.	Design standards set forth in this section are more appropriately defined under specific use districts.
19.510.130 - Appeal.	Consolidate all appeals language into one section on appeals.
<b>Chapter 19.520 - VARIANCES AND APPEALS</b>	This chapter confuses two distinct authorities granted to the board: appeals, and variances. Each needs to be treated separately. Clarity should be added to better describe the required findings, the burden of proof on the applicant, and conditions. Additionally, clarity on administrative authority is needed – the chapter consistently refers to the director of public works in place of the planning director.
19.520.010 - Authority of the council and other boards and commissions not abrogated.	
19.520.020 - Application requirements.	
19.520.030 - Duties of the director.	
19.520.040 - Appeal procedure and standards.	



TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.520.050 - Variance procedure and standards.	(C) – hardship should not include financial hardship.
<b>Chapter 19.530 - ENFORCEMENT</b>	
19.530.010 - Compliance required.	You should broaden this statement to include any use of land or buildings, etc. not just approvals or permits.
19.530.020 - Criminal prosecution.	<p>Review with legal to make sure this section is correct in terms of current limits and authorities.</p> <p>This section does not contain the notice language that is included in administrative enforcement. Is there a reason one contents of notice, procedure, etc. shouldn't be applicable to all violations regardless of penalty type?</p>
19.530.030 - Administrative enforcement.	<p>It is odd that this title has language that invokes enforcement authority for titles 8, 12, 14, 16, 18, and 20 as well.</p> <p>Consider adding a complaints section and additional specific tools, if authorized, such as stop-work orders (similar to cease and desist, but normally stops all work on an active site until the violation is corrected and approval to resume granted), permit revocation, withholding of permits, injunctions, and orders of abatement.</p>





# APPENDIX VI

## Example Table of Contents



# OVERVIEW

There are many ways to organize an effective zoning code. The best approach is to know your users and to predict or poll how they are most likely to want to use Title 19. In general, zoning code organization trends worth considering include the following.

1. Getting to the meat of the code quickly by moving administration, enforcement, and definition sections to the end. The flow tends to be:
  - a. **Why** (authority and intent),
  - b. **Where** (districts and general standards),
  - c. **What** (uses, dimensional standards, design requirements, landscaping, environmental criteria, etc.),
  - d. **How** (application processes, site plans) and When (time lines for submittal, board review), and
  - e. **Who** (administration and enforcement).
2. Putting codes online and using hyperlinks to move quickly around the code, and pop-ups and hyperlinks to find definitions and cross references. Online codes are searchable by word and phrase.
3. Using tables to condense information and arrange it effectively.
4. Using graphics to illustrate regulations and key concepts.
5. Using color to create visually distinct parts (whether text or tables).

The following outline is just one way Title 19 could be reorganized. The sample shows what would need to be added to transform it into a Unified Development Code (UDC) as shown by **red text**. A unified code is one that consolidates two or more regulations into a single regulatory tool. This typically includes zoning and subdivision regulations and frequently includes stormwater and floodplain management. One of the benefits of a UDC is standardization of definitions but it also presents the opportunity to consolidate common administrative practices.

The outline also includes recommended new sections for consideration as shown by **blue text**. Examples of new section text is included where needed for clarity as shown by *blue italicized text*. No attempt was made to revise the example language to fit Maui County. Code references may have relevance in their entirety or only in part, and while an attempt was made to identify all relevant code citations it is quite possible that many are still to be added.

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<b>Chapter 19.01 Purpose and Scope</b>	
19.01.01 Title	19.48.010
19.01.02 Authority	19.62.020 19.82.020
19.01.03 Purpose	19.02A.020 19.48.010
19.01.04 Interpretation and Scope	19.04.030
19.01.04 Official Zoning Map	
19.01.05 Omissions	
19.01.06 Severability	
19.01.07 Repeal of Existing Code	
19.01.08 Effective Date	
<b>Chapter 19.02 Applicability and Conformity</b>	
19.02.01 Jurisdiction	
19.02.02 General Applicability	19.48.030
19.02.03 Uniformity Within Districts	
19.02.04 Conformity with Other Laws	19.62.170
19.02.05 Compliance Required	19.04.020A
19.02.06 Application of Deed Restrictions	19.500.100
19.02.07 Nonconformities A. In General B. Nonconforming Lots C. Nonconforming Structures D. Nonconforming Uses E. Nonconforming Design Elements F. Changes of Tenancy and Ownership	19.500.110 19.52.060
<b>Chapter 19.03 Zoning Districts</b>	19.06



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
19.03.01 Zoning Districts Established	19.48.020 19.50
19.03.02 Types of Zoning Districts (by category)	
A. Base Districts <i>(New title and consolidated list, but not a new concept)</i>	19.06.010
B. Overlay Districts <i>(R-O is the only current overlay. We recommend making zero-lot-line developments uses with conditions instead)</i>	19.84
C. Project Districts	Myriad references
D. Special Districts	19.50.010 19.50.020 19.50.030
19.03.02 Rules for Interpreting District Boundaries	19.06.030
19.03.03 Zoning Districts Described (organize by category or by type and then category)	Myriad references
<b>Chapter 19.04 General Regulations</b>	19.04 19.36A.020 19.500
19.04.01 Erection of Structures Only on Lots of Record	
19.04.02 Reduction of Lot Area Restricted	19.32.040
19.04.03 Lot Coverage	
19.04.04 Street Access Required	
19.04.05 Clear Sight Distance Required	
19.04.06 Site Plan Review Required	Myriad scattered references, but no central, consolidated discussion
19.04.07 Demolition of Movement of Buildings or Structures	19.52.050

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<b>Chapter 19.05 Use Regulations</b>	Uses are currently scattered throughout Title 19.
19.05.01 Establishment of a Table of Uses	
19.05.02 Determination of Use Category	
19.05.03 Determination of Principal Use	
19.05.04 Table of Uses	
<b>Chapter 19.06 Use Specific Conditions</b>	These are currently scattered throughout Title 19.
19.06.01 Application	
19.06.02 (Conditions by use should follow alphabetically or be linked to the table of uses by section number)	
<b>Chapter 19.07 Dimensional Requirements</b>	
19.07.01 Purpose and Applicability	
19.07.02 Conformance	
19.07.03 Modification of Requirements	
19.07.04 Orientation of Required Yards	
19.07.05 Permitted Encroachments	
19.07.05 Setback and Yard Measurements, Buildable Area	
19.07.06 Height and Bulk Measurements	
19.07.07 Dimensional Standards Table	
<b>Chapter 19.08 Design Standards</b>	19.510.110 19.510.120
19.08.01 Purpose	
19.08.02 Applicability	
19.08.03 Relation to Project and Special Districts	
19.08.04 Design Standards	



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
A. Parking, Loading, and Circulation	19.33.130.A.2.f 19.36A.010 19.510.090.B.4.d
B. Parking Lot Design	19.33.080.J.3 19.36A.080 19.90A.070.A.1 (bad reference, should be 2)
C. Pedestrian and Bicycle Access and Circulation	19.90A.010.B.4
D. Transit Stops, Access, and Circulation	
E. Site Lighting	19.36A.090 Chapter 20.35
F. Building Form and Materials	19.52.010
G. Accessory Uses and Equipment	Myriad references
H. Landscaping and Buffers	19.36A.070
I. Fences, Walls and Screens	19.36A.070
J. Light, Odor, Noise, Vibration and Dust	Myriad references to all throughout the code
<b>Chapter 19.09 Street and Mobility Standards (could combine relevant sections of Title 12)</b>	
19.09.01 Street Types Established	
19.09.02 Relation to Functional Classifications	
19.09.03 Application of Street Types	
19.09.04 Street Design Cross-Sections and Mobility Standards	
<b>Chapter 19.10 Utility Standards</b>	Title 14 Title 20
19.10.01 Water Systems	
19.10.02 Wastewater Systems	
<b>Chapter 19.11 Parking Standards</b>	19.36A plus myriad other references (e.g. 19.35.070)
19.11.01 General Parking Requirements	19.36A.020

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
19.11.02 Calculation of Off-Street Parking Requirements	19.36A.050
19.11.03 Parking and Storage of Vehicles Requiring Licenses	
19.11.04 Parking for Changes in or Expansions of an Existing Use	
19.11.05 Location of Parking	19.36A.030
19.11.06 Access and Specifications	19.36A.060
19.11.07 Parking Flexibility, Bonus (code reference is only partially related)	19.36A.160 19.56.050
19.11.08 Shared Parking	19.36A.140 19.36A.150
19.11.09 Overflow Parking, Event and Temporary Parking, and Parking on Unpaved Surfaces	19.36A.110 19.36A.180
19.11.10 Excess Parking	19.36A.170
19.11.11 Bicycle Parking	19.75.040.C.3
19.11.11 Table of Off-Street Parking Spaces Required	19.36A.010
19.11.12 Parking for Uses Not Listed	
19.11.13 Parking Space Dimension Requirements	19.36A.040 et.al.
<b>Chapter 19.12 Environmental Standards</b>	
19.12.01 Flood Hazard Areas	19.62
19.12.02 Climate Adaptation (consistent with state guidelines, when developed)	
19.12.03 Tree Preservation and Protection	
19.12.04 Soil Erosion and Sedimentation Control (currently chapter 20.08)	
19.12.05 Stormwater Management (didn't see this comprehensively addressed in the current Codified Code)	20.08.035 20.08.060
19.12.06 Wetlands	



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
19.12.07 Streambank Stabilization (we believe shoreline stabilization is currently handled through SMA permits per state requirements)	
<b>Chapter 19.13 Sign Regulations</b>	Chapter 16.12A Chapter 16.13 19.52.030 19.52.100G
19.13.01 xxx	
<b>Chapter 19.14 Subdivision Regulation</b>	Title 18 19.500.070
19.14.01 xxx	
<b>Chapter 19.15 Administrative Roles and Responsibilities</b>	19.30A.040 19.30A.120 19.033.020 19.33.110 19.48.040 19.83.050 19.93.050 (2) & (4) 19.500.070 19.500.080 19.500.090 19.510.110.B.1
19.15.01 Zoning Administrator (This is a common title, but does not exist in Title 19. Instead, it appears all functions are given to the Planning Director, but there are reasons you might consider using the common title)	
19.15.02 Zoning Enforcement Officer (This is a common title and appears to be the same as your Administrative Officer)	
19.15.03 Director of Planning	
19.141504 Director of Public Works	
19.15.05 Director of Transportation (should have a role in mobility)	
19.15.06 Director of Parks and Recreation (should have a role in approving plans for parks and public open space)	
19.15.07 Director of Water Supply	
19.15.08 Director of Environmental Management	
19.15.09 Technical Review Committee	
19.15.10 Mayor	
19.15.11 Urban Design Review Board	
19.15.12 Planning Commissions	
19.15.13 Cultural Resources Commission	
19.15.14 State Land Use Commission	

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
19.15.15 County Council	
19.15.16 Board of Variances and Appeals	
<b>Chapter 19.16 Administrative Procedures and Processes</b>	
<b>19.16.02 General Application Requirements</b>	19.510.010.A(1), B, and E
19.16.01 Application Requirements	19.68.020.B and C 19.510.010.C and D 19.510.080 19.510.090
<b>19.16.03 Administrative Permits (specific criteria and listing of permits approved by staff)</b>	
19.16.03 Special Use Permits	19.510.070
19.16.04 Conditional Use Permits	19.510.050
19.16.05 Change of Zoning	19.09.020 19.510.020B 19.510.060
19.16.06 Text Amendments	
19.16.07 Appeals	19.52.080 19.510.130 19.520
19.16.08 Variances	19.02A.040 19.52.070 19.520



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p><b>19.16.09 Waivers</b></p> <p><i>Example:</i></p> <p><b>Administrative Waivers.</b> <i>To encourage creative design, to avoid undue hardship, to allow minimal variations in approved plans to accommodate unforeseen site conditions, and to expedite the development approval process for projects within the City, a waiver of certain Code requirements may be approved by the Site and Design Committee provided the waiver meets the following criteria.</i></p> <p><b>A. Minor Administrative Waivers</b></p> <p>Example: (Language for waivers is normally created in close co-operation with a legal expert to ensure it meets requirements set forth in statutes and case law)</p> <p><i>11.5.4.1 Waivers shall be limited to requirements regarding dimensional standards, parking, sign setbacks and landscaping.</i></p> <p><i>11.5.4.2 The waiver is needed to address unique conditions of the property, to preserve significant trees or site features, to connect pedestrian facilities, to protect historic features, or to promote consistency of design that meets the intent of this Code.</i></p> <p><i>11.5.4.3 No waiver may deviate more than 10 percent from any measurable standard of this Code.</i></p> <p><i>11.5.4.4 The waiver granted is the minimal waiver needed to address the site or design issue.</i></p>	

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p>11.5.4.5 <i>The applicant has provided information sufficient to prove the need for and allow the Committee to assess the impacts of the requested waiver.</i></p> <p>11.5.4.6 <i>The authority given to the Site and Design Committee to grant such waiver shall be construed to be permissive and not mandatory and the Committee may decline to make such waiver. In the event this occurs, the applicant has the right to request a major waiver issued by the Board of Adjustment or to request a variance to any requirement of this Code. The standards and requirements for applying for and granting a variance shall apply to any such request.</i></p> <p><b>B. Major Waivers (Many communities only have a provision for minor waivers)</b></p> <p><i>Example: Any request for a waiver which exceeds the criteria for a minor waiver may be considered by the Board of Adjustment as a major waiver. Approval of a major waiver requires the Board to find that:</i></p> <ul style="list-style-type: none"> <li><i>a) The proposed development represents a design in site or architecture which is expected to result in a development that is equivalent to or superior to that achievable under the applicable regulations,</i></li> <li><i>b) The proposed development will be compatible with and will not substantially injure the value of adjoining property,</i></li> <li><i>c) The proposed development is consistent with the intent of this ordinance and substantially meets the requirements herein, and</i></li> <li><i>d) The proposed project is consistent with adopted plans and policies of the town.</i></li> </ul>	
<b>19.16.10 Certificates of Zoning Compliance</b>	



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<b>19.16.11 Public Hearing Procedures</b>	19.65.050.D 19.510.010.A.2 19.510.020.A
<b>Chapter 19.17 Enforcement and Penalties</b>	19.48.050 19.530
<b>19.17.01 Penalties Generally</b>  <i>Example:</i>  <i>Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this chapter, the Zoning Administrator may in accordance with the provisions of S.C. Code § 56-7-80, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.</i>	
<b>19.17.02 Specific Remedies and Penalties</b>  <i>Example:</i>  <i>A. Specific remedies. Specific remedies for the violation of any provision of this ordinance include the following:</i>  <i>(1) Withholding of permits. The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other county permits for work which violates this ordinance.</i>	

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p>(2) <i>Permit revocation.</i> The Zoning Administrator may revoke any zoning permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or site plan, or a permit has been mistakenly issued in violation of this ordinance.</p> <p>(3) <i>Stop-work orders.</i> The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(B) requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general provisions of the county code. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.</p> <p>(4) <i>Misdemeanor; penalties.</i> It shall be unlawful for any person to use property, or to construct, alter, enlarge, or demolish any structure without a permit or permits required by this chapter. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the county code.</p> <p>(5) <i>Criminal penalties.</i> Any person violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.</p> <p>(6) <i>Injunction.</i> Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.</p>	



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p><i>(7) Order of abatement. In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:</i></p> <ul style="list-style-type: none"> <li><i>a) Buildings or other structures on the property be closed, demolished, or removed;</i></li> <li><i>b) Fixtures, furniture or other moveable property be moved or removed entirely;</i></li> <li><i>c) Improvements, alterations, modifications or repairs be made; or</i></li> <li><i>d) Any other action be taken that is necessary to bring the property into compliance with this ordinance.</i></li> </ul>	
<p><b>19.17.03 Complaints (This section should explain how complaints may be filed and how they will be handled)</b></p>	
<p>19.17.04 Notice of Violation</p>	
<p>10.17.05 Collection of Unpaid Civil Fines</p>	
<p>10.17.06 Judicial Enforcement</p>	
<p><b>Chapter 19.18 Definitions</b></p>	<p>19.04.040</p>
<p><b>19.18.01 General Terms</b></p> <p>Example (You have a little of this in Section 19.500.030) (more could be added):</p> <p><i>Except as specifically defined herein, all words and phrases used in this Ordinance have their customary dictionary definitions. For this ordinance, certain words or terms used herein shall be interpreted as follows:</i></p> <ul style="list-style-type: none"> <li><i>A. The present tense includes the past and future tenses.</i></li> <li><i>B. Singular words shall include the plural, and plural words include the singular.</i></li> </ul>	

EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p>C. The words <b>COUNTY COUNCIL</b> mean the County Council of XXXX County, South Carolina.</p> <p>D. The words <b>BOARD OF ZONING APPEALS</b> mean the XXXX County Board of Zoning Appeals.</p> <p>E. The words <b>JOINT PLANNING COMMISSION</b> mean the XXXX County Joint Planning Commission.</p> <p>F. The words <b>ZONING MAP</b> or <b>MAUI COUNTY ZONING MAP</b> shall mean the Official Zoning Map of XXXX County.</p> <p>G. Any reference to a section or chapter shall mean a section or chapter of the XXXX County Zoning Ordinance, unless otherwise specified.</p> <p>H. The words <b>SHALL, WILL, AND MUST</b> are mandatory; and the word <b>MAY</b> is permissive, except when the context of the particular use is negative (e.g., "may not").</p> <p>I. The word <b>STREET</b> includes the words "road" and "highway."</p> <p>J. The word <b>PERSON</b> includes an individual, firm, association, organization, partnership, corporation, company, trust, governmental unit, and any combination thereof.</p> <p>K. The word <b>DAY</b> or <b>DAYS</b> means calendar days unless otherwise specified.</p> <p>L. Words used in the masculine gender include the feminine gender.</p> <p>M. The words <b>USED</b> or <b>OCCUPIED</b> include the words <b>INTENDED, DESIGNED, OR ARRANGED TO BE USED OR OCCUPIED.</b></p> <p>N. The words <b>LOT</b> or <b>PROPERTY</b> include the words <b>LOT, PLOT, PARCEL, PROPERTY, or TRACT.</b></p>	



EXAMPLE TABLE OF CONTENTS	CURRENT CODE REFERENCES
<p>O. The word <b>STRUCTURE</b> includes the words “building” and “accessory structure.”</p> <p>P. References to <b>NAICS</b> codes shall mean those codes assigned to uses in the 2012 North American Industrial Classification Manual published by the United States Office of Management and Budget. NAICS codes are listed in the Table of Permitted Uses as an aid in interpretation and determination of those specific uses included in a general class of uses.</p> <p>Q. The word <b>CONTIGUOUS</b>, as applied to lots or districts, shall be interpreted as meaning sharing a common boundary of 10 or more feet in length.</p> <p>R. The phrase <b>ON THE PREMISES OF</b>, as applied to accessory uses or structures, shall be interpreted to mean on the same lot or on a contiguous lot in the same ownership.</p>	



# APPENDIX VII

## Summary of Best Practices



# SUMMARY OF BEST PRACTICES

The following matrix contains a summary of best practices that support recommendations made for improvements to Title 19. Best practices are arranged by topic areas which align with the Summary List of Recommendations. The summary table below includes detailed information on where the best practices occurs, discussion of how the best practice addresses an identified issue or recommendation made within this audit, and a link (whenever possible) to the plan, code or project exemplifying the best practice.

BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<b>I. Create a Simplified, Hybrid Code</b>		
<b>A. General Code Items</b>		
<p><b>1. Alignment with Current Policy:</b> The key to a useful and effective zoning code is keeping the code current and well-aligned with long-range planning efforts. Comprehensive plans are typically reviewed and updated on an annual basis, with a comprehensive update every 5 years (or as required by statute). As a best practice, corresponding codes are evaluated along this same time line, to ensure consistency with policy and allow for intermediate fixes and updates more frequently. Chapter 2, pages 24 and 25 of the American Planning Association’s Smart Codes guide provides a tool for evaluating a code and determining the appropriate level of updating required. This could serve as a helpful benchmark for Maui County during an annual review of Title 19.</p> <p>Smart code principles are being implemented in cities, towns and counties nationwide.</p>	<p>This best practice addresses <b>Recommendation I.A.1</b> suggesting a thorough evaluation and update process every five years, coupled with an annual review to address community issues, incorporate interpretations and the codification of rules more frequently.</p>	<p><a href="#">Smart Codes: Model Land Development Regulations</a></p>

BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Code Organization Strategy:</b> The way in which information is presented in Title 19 is directly related to the manner in which it is interpreted, and the usefulness of that interpretation and application. Definitions located throughout different sections of the code cause confusion and result in inconsistent interpretation; some of the redundancy and conflicting terminology found in Title 19 could be addressed by consolidating definitions in one location (at the beginning or end of the code). Similarly, consolidating uses into broader categories, creating a matrix that clearly shows what uses are permitted in each established district, and including design/development standards that apply to each use would go a long way in streamlining applicability by section of code. Chapter 2 of APA's <i>Smart Code</i> manual, beginning on page 10 and continuing through page 26, provides guidance on code organization and consolidation of use standards as well as definitions and interpretations specific to the code.</p> <p>There are many tools and resources available that showcase how language, organization and terminology can be organized efficiently within the code. Additionally, many examples of the organizational principals described can be found in zoning code and unified development ordinances nationwide.</p>	<p>This best practice addresses <b>Recommendation I.A.2</b> to improve the predictability of Title 19 by tightening up administrative roles and responsibilities; streamlining uses; clearly articulating design standards; and consolidating terms and definitions in one location within the code. The resources presented are also excellent guidance for <b>Recommendations I.B.1 through I.B.8</b> aimed at improving overall code language and structure.</p>	<p><a href="#">Smart Codes: Model Land Development Regulations</a></p> <p><a href="#">Zoning Practice (January 2015) - Practice Plain English</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>3. Create a User's Manual:</b> At over 600 pages, Title 19 is a formidable document to read, digest and interpret - this holds true for the professional planner and members of the public alike. Creating a User's Manual by which to navigate the code allows processes to be described simply and straightforwardly, and expectations to be clearly defined. In many cases, this type of guidance document reduces the amount of staff time dedicated to explaining a process or requirement, by putting relevant information in the hands of the applicant in a format that is accessible (in ways the code is often not). Coupled with an ombudsmen (if appropriate), a User's Guide will go a long way toward building trust and elevating the public's understanding of the regulations that apply to them.</p> <p>From Austin, Texas to Sheridan, Wyoming, communities large and small have recognized User's Guides as valuable educational tools. Bozeman, Montana takes this a step further; the County has created a program pairing developers and investors with an ombudsman who helps connect them to appropriate departments and assists in navigating a project through the public process. The ombudsman is a paid employee of the County and works directly with Planning &amp; Zoning staff, the County Manager and local economic development agencies to coordinate projects and applications while building goodwill in the development community. Maui County could adopt this model in conjunction with the development of a Users Guide for Title 19, to further assist property owners and developers working with the zoning code in coordination with other regulations and permitting requirements. By designating one or a group of individuals to serve as ombudsmen and work directly with applicants to help interpret and guide them through a fairly lengthy and complicated process, the County could build relationships and reinforce their commitment to openness and transparency in their processes. Adopting a program or approach similar to BEAR may also serve to entice local business development and stimulate entrepreneurship on the island.</p>	<p>This best practice addresses <b>Recommendations 1.A.3 and 4</b> in the development of a 'User's Guide' for navigating the zoning code and the establishment of an ombudsman to assist developers and the public with the process, connect applicants to appropriate departments and facilitate a faster, smoother permitting/development review/zone change process.</p>	<p><a href="#"><u>City of Sheridan Developer's Handbook</u></a></p> <p><a href="#"><u>City of Austin Zoning Guide</u></a></p> <p><a href="#"><u>San Diego Municipal Code Land Development Code Users Guide</u></a></p> <p><a href="#"><u>City of Providence Zoning Ordinance User's Manual</u></a></p> <p><a href="#"><u>Bozeman BEAR Program</u></a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>4. Create a Unified Development Ordinance:</b> The interrelatedness between Title 19 and the County’s development regulations found in Titles 16 and 18 should not be overlooked, and may be best served through a unified development ordinance (UDO). A UDO provides cities and counties with the ability to synthesize definitions, overlapping regulations, and internal processes in a manner that expedites development review and integrates elements of use, design and development incentives. Approaching regulation in this manner often allows for greater alignment with comprehensive plans and policy as well.</p> <p>Unified development ordinances are being implemented nationwide by cities and counties interested in consolidating process and aligning regulations for ease of use. <b>The 21st Century Development Code</b> resource provides guidance and examples of best practices that could be applied in Maui County; the <b>Raleigh Unified Development Ordinance</b> provides an interactive example of what this type of ordinance may look like.</p>	<p>This best practice addresses <b>Recommendation I.A.5</b> to create a UDO by merging Title 19 with codes related to subdivision, environmental regulation, mobility and other land development regulations.</p>	<p><a href="#">21st Century Land Development Code</a></p> <p><a href="#">Raleigh, NC Unified Development Ordinance</a></p> <p><a href="#">Unified Development and Smart Code Best Practices</a></p>





BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<b>B. Revise Structure and Language</b>		
<p><b>1. Interactive Zoning Maps:</b> In this digital age applicants expect to be able to find real-time information on property and land use using the internet. Paper maps, while useful as an historic record, are difficult to update, often contain inaccuracies and are not easily accessible (unless scanned regularly and posted online). While digitization of the existing districts in Title 19 is a start, improvements in online geographic information system platforms allow planning departments to share information specific to parcels, zoning districts, environmental constraints and public infrastructure through interactive mapping services designed to interface comfortably with the public. These digital services increase departmental capacity by providing immediate answers to simple questions like “what is my zoning” and “where is the floodplain located on my property”. While initial start-up may be intensive, with consistent maintenance these interactive maps support a more transparent planning process and create internal efficiencies over time.</p>	<p>This best practice addresses <b>Recommendation I.B.9</b> regarding the digitization of Title 19 zoning maps and creating a transparent, accessible avenue for the public to find and view them.</p>	<p><a href="#">Flathead County GIS Interactive Map Site</a></p> <p><a href="#">Interactive Zoning Map - City of Great Falls, Montana</a></p> <p><a href="#">Open Data Minneapolis</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Digital Code Development:</b> While many jurisdictions continue to utilize MuniCode or Sterling Codifiers to house their zoning and subdivision regulations online, limitations on readability and navigation as well as graphic quality have led many cities and counties to develop interactive code documents - in addition to or as replacements for the online repository. Interactive code documents allow more options and flexibility to incorporate graphics, diagrams, tables and charts; they allow easier cross referencing through interactive web links and tend to be easier for applicants, staff and the general public to read and interpret. The American Planning Association has recognized interactive digital codes as the direction regulations are heading toward in their recent publication (see link); examples of high quality interactive codes documents have also been provided to showcase the variations that may be considered in developing a similar document for Maui County.</p>	<p>This best practice addresses <b>Recommendation I.B.10</b> and the need to create an interactive digital copy of Title 19 that is easily search-able.</p>	<p><a href="#"><u>Zoning Practice: Digital Zoning Codes</u></a></p> <p><a href="#"><u>Morrisville, NC Unified Development Ordinance</u></a></p> <p><a href="#"><u>Raleigh, NC Unified Development Ordinance</u></a></p>
<p><b>3. Digital Application and Permit Review Process:</b> It is becoming more and more common that land use applications and permit requests are made available online, and that the review and approval process also has a digital component. While it is easy enough to accept application submittals and associated fees via the internet these days, many local governments are taking this process a step further, using online software to communicate permit status, next steps, and even make information on a proposed subdivision or conditional use permit request available for public review and comment remotely. This increases transparency between the local government, an applicant and the public, while also streamlining internal processes.</p>	<p>This best practice addresses <b>Recommendation I.B.11</b> that the County continue to move toward a comprehensive digital permitting and site plan review process. This best practice also addresses <b>Recommendation V.B.10</b> and the establishing of a web-based system of tracking permitting processes, performance and internal benchmarks.</p>	<p><a href="#"><u>Rock Hill, South Carolina Online Permits, Inspections &amp; Plans</u></a></p> <p><a href="#"><u>City of Phoenix On-line Services &amp; Information</u></a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<b>C. Emphasize Design and Identity</b>		
<p><b>1. Context-sensitive Design Standards:</b> Design standards should be developed based on recommendations found within, and the unique characteristics and vision of, a community plan instead of applying static, use-based zoning districts to community centers, transportation corridors and environmentally sensitive areas that have an identity all their own. Context-sensitive design allows for greater flexibility when it comes to creating standards and guiding the look and feel of development that is appropriate for and reflective of distinct areas or regions. Given Maui County's geography and the unique qualities expressed in each community plan, context-sensitive design solutions would allow Title 19 to clearly reflect plan intent and support some of the more diverse development priorities expressed.</p>	<p>This best practice addresses <b>Recommendations I.C.1</b> and <b>I.C.3</b> to develop comprehensive context-sensitive design standards that address use categories as well as unique communities in the County that implement community plan goals, including Country Town Business and historic districts. This best practice also pertains to <b>Recommendation III.A.1</b> discussed in the following section.</p>	<p><a href="#">Sustaining Places: Best Practices for Comprehensive Plans</a></p> <p><a href="#">Cleveland Complete Streets and Greenways Typology Plan</a></p> <p><a href="#">Desoto County, Mississippi Placetype Guidelines</a></p>





BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Develop a Hybrid Code:</b> The traditional Euclidean zoning model is no longer the desired mechanism for regulating land use. Over the years, variations in zoning codes have come to the forefront of planning best practice, including performance-based zoning and more recently form-based zoning. A hybrid code takes the best elements from these recent improvements such as design standards and character-derived elements from form-based codes, performance measures that regulate use based on attributes and available infrastructure, and merges these elements with a more traditional take on land use derived from Euclidean zoning. Oftentimes this approach works best when the zoning code is incorporated within a unified code or development ordinance.</p> <p>Good examples of hybrid codes exist nationwide, as more cities and counties are adopting design and performance standards that complement existing landscapes while encouraging innovative solutions to infill and greenfield development alike.</p>	<p>This best practice addresses <b>Recommendation I.B.1</b> urging the County to consider updating Title 19 as a hybridized code that integrates design standards and performance measures within the existing Euclidean framework.</p>	<p><a href="#">Thompson's Station, Tennessee Land Development Ordinance</a></p> <p><a href="#">Beaufort County Community Development Code</a></p> <p><a href="#">Developing Effective Hybrid Codes; Rocky Mountain Land Institute</a></p>
<h4>D. Improve Zoning Districts</h4>		
<p><b>1. Cluster Development Standards:</b> Cluster development standards have come a long way since first introduced as a planning tool to preserve large tracts of land for agricultural, recreation and/or natural resource benefits. For clustering provisions to be successful, standards should be adopted for both subdivision and zoning regulations; more often than not provisions exist in one set of regulations or the other but do not support clustering outside of planned development and lack enforcement provisions or clear guidance on use, intensity, lot location and clear design intent for development when it occurs. Boosting the County's existing clustering provisions by incorporating additional standards and clear intent will go a long way in supporting agriculture and agricultural activities county-wide.</p>	<p>This best practice addresses <b>Recommendation I.D.12</b> related to the preservation of agricultural lands and promotion of agricultural activities and lifestyle on the island of Maui.</p>	<p><a href="#">Agricultural Protection Zoning</a></p> <p><a href="#">San Diego Conservation Subdivision Program</a></p> <p><a href="#">Conservation Subdivision Standards</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Managed Retreat:</b> A multi-pronged approach to shoreline erosion and sea level rise related to climate change should include aggressive shoreline setbacks, buyback programs for infrastructure and development currently located within a priority areas, and regulations on structure type most appropriate for these changing locations. Given that many coastal communities are struggling with similar impacts, there are a variety of best practices currently in use that Maui County can draw from and build off of.</p>	<p>This best practice addresses <b>Recommendation I.D.14</b> for lot and building standards in Special Management Areas (SMA) that allow for the managed retreat of buildings and uses.</p>	<p><a href="#">Pacifica State Beach Managed Retreat Strategy</a></p> <p><a href="#">EPA Rolling Easements Report</a></p>
<p><b>3. Low Impact Design Standards:</b> As part of a comprehensive approach to the unique environmental considerations on the Island - especially related to water quality and runoff management - stormwater controls and context sensitive solutions to infrastructure needs should be addressed in Title 19 as part of the overall design standards for property development. Low impact development (LID) techniques are being utilized nationwide to address issues related to intensive runoff and increased impervious surface, especially in climates similar to Maui's. The state of Hawai'i already has best practices identified that would be easily incorporated within Title 19 and associated regulations.</p>	<p>This best practice addresses <b>Recommendation I.D.14</b> related to lot and building standards in SMA's that support strategies to accommodate sea level rise and related environmental conditions.</p>	<p><a href="#">Low Impact Development: A Practitioner's Guide</a> State of Hawai'i - Office of Planning</p>
<h2>II. Promote Housing Choice and Affordability</h2>		
<p><b>A. Housing Needs Assessment and Plan:</b> While housing is a consideration in nearly every long range planning process, it is rare that a regional or neighborhood plan dives into the detail necessary to plan for long-term housing needs. By completing a comprehensive housing needs assessment for the island, and using this data-driven approach to inform housing types, cost, location and amenities necessary to support housing needs County-wide and community-by-community, Maui can better understand the factors contributing to housing choice and affordability and plan for them accordingly.</p> <p>Examples of best practices provided highlight communities that have planned for the balance of long-term workforce housing and short-term rentals to address booming tourism economies, and also highlight incentives that have been used to strengthen affordable housing options in these competitive markets.</p>	<p>This best practice addresses <b>Recommendation 1 under Section II</b> to evaluate and determine the cause of housing affordability problems in Maui County given its long-standing focus in county policy. This best practice also supports <b>Recommendations 3 and 6</b> under this Section by highlighting affordable housing incentives and addressing the balance of housing types and needs.</p>	<p><a href="#">Whitefish, Montana Strategic Housing Plan</a></p> <p><a href="#">Big Sky Housing Development Plan</a></p> <p><a href="#">State of California Regional Housing Needs Allocation and Housing Elements</a></p> <p><a href="#">State of California Affordable Housing and Sustainable Communities Program</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>B. Missing Middle Housing Options:</b> Maui County should consider the expansion of multi-family residential use districts by clearly illustrating multi-family and mixed housing typologies through plans as well as within Title 19, including row houses and townhomes, courtyard houses, duplexes and triplexes, accessory dwelling units and tiny houses. Placetype planning and place-based design standards (often form-based or hybrid) developed for codes support this approach and are being utilized in communities across the country to expand housing diversity and affordable options in areas traditionally zoned for residential or mixed uses. Inclusionary housing ordinances may also be considered as a tool in the proverbial toolbox to encourage sustainable and affordable housing options in Maui County.</p>	<p>This best practices address the need to increase the number of “missing middle” housing choices, and create residential districts that allow for a mixture of single-family detached, single-family attached, zero-lot-line, and small multifamily units, highlighted in <b>Recommendation 2</b> of this Section.</p>	<p><a href="#">Why Not In Our Community? Removing Barriers to Affordable Housing</a></p> <p><a href="#">Middle Housing in Portland</a></p> <p><a href="#">Market Urbanism Report: Building Our Way to Affordable Housing</a></p> <p><a href="#">Here's How 1,379 Affordable Housing Programs Stack Up</a></p> <p><a href="#">State of California Accessory Dwelling Unit Provisions</a></p>
<h3>III. Address Specific Use Needs and Issues</h3>		
<h4>A. Infill and Redevelopment</h4>		
<p><b>1. Infill Design Standards and Complete Communities:</b> Design standards specific to infill in urban and suburban landscapes serve to promote a greater mix of uses and lead to more ‘complete’ communities. Complete communities are defined as those neighborhoods with safe and convenient access to the goods and services needed in day-to-day life, including housing options, employment opportunities, commercial services, schools and open spaces - as well as the infrastructure to serve these needs. While complete communities can be planned and developed as such, we often see the greatest opportunity for this concept through infill development, where infrastructure is often in place and the existing built environment provides a baseline upon which development can flourish. Design standards that promote true mixed use and policy that supports the concept of ‘complete’ can facilitate unprecedented growth and prosperity within infill sites.</p>	<p>This best practices pertains to both <b>Recommendations I.D.13 and III.A.1</b> to look at compatibility issues inherent in infill and redevelopment projects and address these issues through conformity standards that are context sensitive.</p>	<p><a href="#">Smart Growth and Economic Success: Investing in Infill Development</a></p> <p><a href="#">Essential Smart Growth Fixes for Urban &amp; Suburban Zoning Codes</a></p> <p><a href="#">The Infill Design Toolkit</a></p> <p><a href="#">City of Portland Complete Neighborhoods Requirements</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Development Incentives:</b> Encouraging infill development may involve financial incentives including expedited permit processing and reduced review fees; allocation of tax increment financing (TIF) and P3 (public private partnership) funding for established priority redevelopment areas; and design incentives including no parking minimums, increased density bonuses and transfer of development rights (TDR) programs. Many communities also offer incentives for transit-oriented development in locations that seek to reduce environmental impact through transit options and multi-modal alternatives.</p>	<p>This best practice addresses <b>Recommendation III.A.2</b> relating to development incentives for infill in Title 19.</p>	<p><a href="#">Smart Growth and Economic Success: Investing in Infill Development</a></p> <p><a href="#">State of California Affordable Housing and Sustainable Communities Program</a></p>





BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<b>B. Short-term Rentals (STR)</b>		
<p><b>1. Rethink the Short-Term Rental Process:</b> Short-term rentals take up the lion's share of permitting review and enforcement staff time for Maui County's Zoning and Enforcement Division (ZAED); this is an indicator that the current structure and administration of this land use activity needs review. Based on best practices in other communities, the three separate permits associated with bed and breakfasts and transient vacation rentals should be consolidated, and the administration and enforcement of these permit applications allocated to a select team of planners or housed within an office separate from the County Planning Department. Options for the latter include Public Works or even Housing, as deemed appropriate. The application process should be streamlined based on actual impacts of the activity and should focus on enforceable benchmarks that can be easily and quickly followed up on by the permitting authority. Such benchmarks could include limiting short-term rentals to certain geographic areas on the island, requiring the owner to live in the dwelling most of each calendar year, or restrictions on the amount of time the rental can occur annually. It is imperative that the benchmarks be attainable and easily enforced, and that requirements are in place for quarterly reporting where the onus is on the applicant and/or homeowner to verify the short-term rental's status with the County (not the other way around). Additionally, transparency in the permitting process may be attained through outreach activities including open houses for applications, a Q&amp;A portal for questions and publishing reports of violations on the website. San Francisco has an excellent web portal providing this information, and has also established a separate office to deal with short term rentals. Communities including Austin, Texas and Breckenridge, Colorado offer templates for how the County may choose to address short-term rentals and accessory dwelling units with the context of Title 19. The State of California's Accessory Dwelling Unit process is also a model of how to address this complex issue.</p>	<p>This best practice addresses <b>Recommendations III.B.1 and 2</b> regarding short term rentals in Maui County.</p> <p>This best practice also addresses <b>Recommendations VI.B.11 and 12</b> regarding a streamlined process for short term rental permitting, reducing the types of permits from 3 down to 1.</p>	<p><a href="#">San Francisco Office of Short Term Rentals</a></p> <p><a href="#">Austin Code Department</a></p> <p><a href="#">Town of Breckenridge Accommodation Unit License</a></p> <p><a href="#">State of California Accessory Dwelling Unit Provisions</a></p> <p><a href="#">Analysis: How Cities Are Dealing With Short-term Rentals</a></p> <p><a href="#">Different Cities, Different Approaches to Short-term Rental Issue on Monterey Peninsula</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Agritourism:</b> The opportunity for agritourism in Maui County exists, but concern over potential use conflicts and negative impacts on active agriculture has limited the activity and how it is addressed in Title 19. Many counties nationwide have embraced agritourism as an economic driver and have found ways to manage the impacts related to such uses successfully through zoning regulations tailored specifically for variations in agricultural districts and the activities that occur in each.</p>	<p>This best practice addresses <b>Recommendation III.C.1</b> regarding the future of agricultural lands in Maui County, pro-actively planning for how these lands will be used and developing policies and adopting regulations that encourage agreed upon uses while preserving the integrity of agricultural land.</p>	<p><a href="#">Agritourism Best Practices in Land Use and Zoning for Agritourism</a></p> <p><a href="#">Lancaster County Rural Enterprise Guidelines</a></p>
<h2>IV. Create Multimodal Mobility Standards</h2>		
<h3>A. Multimodal Opportunities</h3>		
<p><b>1. Design Standards:</b> The National Association of City Transportation Officials developed the Urban Bikeway Design Guide to provide local officials with state-of-the-practice solutions for bicycle facilities in urban environments nationwide. The manual was officially supported by the Federal Highway Administration (FHWA) in 2013 and maintains current information on the Manual of Uniform Traffic Control Devices (MUTCD) approvals of recommended bicycle treatments outlined in the guide. This resource provides three levels of guidance on multi-modal treatments, including what elements are required to implement a treatment, which are recommended and others that are optional, affording the local government to be selective and responsive to local characteristics and tailored to individual situations that may influence bicycle and pedestrian infrastructure.</p>	<p>This best practice addresses <b>Recommendation IV.A1 and 2</b> regarding the development and integration of multi-modal design standards - and specifically bike/ped standards - within Title 19.</p>	<p><a href="#">Urban Bikeway Design Guide</a></p> <p><a href="#">Street Design Guidelines for Healthy Neighborhoods</a></p> <p><a href="#">Designed to Move: Active Cities</a></p> <p><a href="#">City of Boise Transportation Action Plan</a></p> <p><a href="#">Complete Streets National Best Practices Matrix</a></p>

BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Design Standards (continued):</b> An additional resource to aid the County in developing design standards to promote mobility and connectivity can be found in Chapter 4.13 of the Smart Codes Model Land Development Regulations, titled “Model Transit Oriented Development Overlay District Ordinance”. This chapter, and the model ordinance language included, focus on standards that support a mix of uses and densities in areas of a city or county where transit is available, clustering density around access to this infrastructure.</p>	<p>This best practice addresses <b>Recommendation IV.A.1 and 2</b> regarding the development and integration of multi-modal design standards - and specifically bike/ped standards - within Title 19.</p>	<p><a href="#">Model Transit Oriented Development Overlay District Ordinance</a></p> <p><a href="#">Manual for Bicycle and Pedestrian Connections to Transit</a></p>
<p><b>B. Modernize Parking Requirements</b></p>		
<p><b>1. No Minimum Parking Requirements/Parking Caps:</b> Traditional parking standards are being re-assessed in today’s planning and regulatory environment. Contemporary parking standards look beyond vehicle trips per day and focus on shared resources, the integration of multi-modal and transit options, and debunking the myth that more parking is good practice. Eliminating minimum off-street parking requirements from zoning regulations, and in some instances introducing parking caps to encourage alternative transportation, shared parking facilities and P3 investments is becoming more of a standard practice than an outlier in communities. Furthermore, parking should be looked at in terms of a community’s overall vision; the County should assess what the purpose of current parking standards is, and whether that purpose aligns with the vision for strategic growth and development on the island. In many cases, the implementation of parking maximums has led to long term reductions in congestion and, paired with transit options and incentives for commuters, allows developers to maximize their property and return on investment, which benefits the tax base.</p>	<p>This best practice addresses <b>Recommendation IV.B.1 and 2</b> encouraging an evaluation of current parking standards on Maui, integrating new practices such as shared parking alternatives, revised ratios and development incentives.</p>	<p><a href="#">Title 33, Ch. 266: Parking and Loading Standards (Portland)</a></p> <p><a href="#">Less Traffic, Better Places A Step-by-Step Guide to Reforming Parking Requirements</a></p> <p><a href="#">Driving Urban Environments: Smart Growth Parking Best Practices</a></p> <p><a href="#">Urban Parking: Rational Policy Approaches for Cities and Towns</a></p> <p><a href="#">Chapel Hill, North Carolina: White Paper on Parking Ratios</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<b>V. Revise Plan Content and Process</b>		
<b>A. Revise Plan Content and Process</b>		
<p><b>1. Placetypes in Planning:</b> A precursor to re-envisioning Title 19 as a design-oriented, character-driven code document is introducing character-based concepts through the comprehensive planning process to support cleaner and clearer integration of policy and regulation. It is much easier for staff and residents alike to visualize design standards when they interface seamlessly with the vision and direction provided in a plan, especially when the code itself is graphically rich.</p> <p>Orion Planning + Design has used this approach in many of our projects where plan and code work interface. A good example of successful plan implementation is occurring in Brandon, Mississippi (see resource documents to the right).</p>	<p>This best practice addresses <b>Recommendation V.A.2</b> to more effectively tie sense of place (illustrated through effective plan-making) to Title 19 by incorporating place types and character areas within community plans that seamlessly translate to code districts and design standards.</p>	<p><a href="#">Plan Brandon! Comprehensive City Plan to 2035</a></p> <p><a href="#">Brandon, Mississippi Zoning Ordinance</a></p>
<p><b>2. Systems Approach to Plans and Codes:</b> Title 19 should be viewed as one element within a system-wide approach to planning in Maui County. Taking a broader view of zoning's role in relation to, and facilitating implementation of, the County-wide vision for sustainable growth and prosperity allows zoning to become a more effective tool. Communities across the country are taking an holistic approach to comprehensive plans and subsequent regulation that address overall livability, economic resilience, respect for the natural environment, equity and community health - all with an eye toward regional scale.</p> <p>Pilot communities across the country include New Hanover County in North Carolina (population just over 200,000); Auburn, Washington (a farming community of roughly 70,000 residents) and Savona, New York (a small rural town with a population of 822).</p>	<p>This best practice addresses <b>Recommendations V.A.1, 5, 6 and 7</b> regarding the relationship between plans and codes, as well as recommendations for the planning framework found in Memo #1.</p>	<p><a href="#">Sustaining Places: Best Practices for Comprehensive Plans</a></p>

BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>3. Clear Implementation Strategy:</b> A long range plan is only as good as it's implementation strategy. Too often, plans focus on existing conditions and a set vision for the future, without recognizing the time and resources necessary to get from point A to point B or thinking about how best to align current internal and external capacity with that reality. An implementation strategy should consist of an action related to a goal or policy, assignment of responsibility, resources needed to accomplish the action and time-frame in which it is expected to be accomplished. An action might be an activity or it might be the development of, or change in a regulation.</p>	<p>This best practice addresses <b>Recommendation V.A.4</b> and the creation of a robust implementation element in each planning document that clearly lays the foundation for how to implement the plan - especially highlighting necessary changes to Title 19 and other related sections of code.</p>	<p><a href="#">Zoning Practice (August 2015, Issue 8): Plan Implementation</a></p>
<h2>VI. Implement Organizational Change</h2>		
<h3>A. People</h3>		
<p><b>1. Technical Review Committee:</b> In an effort to streamline overlapping processes, facilitate better coordination and increase efficiencies in the processing of permits, cities and counties have established Site or Technical Review Committees that evaluate land use and development proposals in a joint meeting or concurrent internal review process. While there are many variations on how a Technical Review Committee operates (based on local and state requirements), the committee typically consists of planning, building and public works department staff and may include representatives from the fire, police and public health departments as appropriate based on the permit under review. The Committee evaluates the proposal against all applicable regulations and collectively determines the terms and conditions recommended for approval, or in some cases basis for denial. Greater collaboration between departments often results in quicker processing times and less confusion on the part of the applicant where multiple departments may require a permit or condition of approval related to a land use or development proposal. If established, a technical review committee could serve as the working group through which the Title 19 rewrite is shepherded.</p>	<p>This best practice addresses <b>Recommendation VI.A.4</b> suggesting the County establish a Technical Review Committee for land use and development permit processing.</p>	<p><a href="#">Olympia, Washington Site Plan Review Committee</a></p> <p><a href="#">City of Baltimore, Maryland Site Plan Review Committee</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Staff Investment &amp; Authority in Process:</b> The most successful zoning codes often gain their effectiveness from the buy-in and support from staff and elected officials. Buy-in as well as personal investment in the outcomes supported through zoning are best gained by rethinking traditional management and administration structures, transferring authority and decisions-making opportunities, where appropriate, to mid and entry-level staff. Not only can this speed up internal review and permitting, but expediting these processes has a positive impact on external impressions and support for the regulations staff are tasked with enforcing. When administration becomes less of a battle and more of a conversation, and staff feel empowered to have those conversations, there is a culture shift both internally and externally that can have a powerful influence on productivity, expedience and overall job satisfaction.</p>	<p>This best practices addressed <b>Recommendations VI.A.1, 2 and 3</b> regarding the rebuilding of trust, programmatic transformation and internal coordination. This best practice also supports <b>Recommendation VI.B.2</b> and the expedition of processes.</p>	<p><a href="#"><u>Successful Change Management Practices in the Public Sector</u></a></p>
<p><b>3. Creation of a Public Information Officer:</b> Communication is key when it comes to planning processes, regulatory changes or internal policy decisions. Successful utilization of media outlets, including social media platforms, can be a full time job resulting in many planning jurisdictions dedicating a member (or members) of staff to oversee this type of communication. Harnessing the power of positive, pro-active outreach can go a long way in shifting culture both internally and externally, and can help Maui County shape the message of a comprehensive update to Title 19 as well as ongoing and future planning efforts county-wide.</p> <p>The examples provided showcase typical job duties and expectations of a public information officer (for an entire county, not just a department or bureau); the website link to the City of Portland's Bureau of Planning and Sustainability highlights the multi-media outlets that are frequently used in the planning realm to connect with existing and future applicants as well as the general public.</p>	<p>This best practices addresses <b>Recommendations VI.A.1 and 2</b> related to the rebuilding of trust and ensuring programmatic transformation.</p>	<p><a href="#"><u>Santa Barbara County, California Communications Manager/Public Information Officer Job Profile</u></a></p> <p><a href="#"><u>City of Portland, Oregon Bureau of Planning and Sustainability</u></a></p>

BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>4. Creation of Bike/Pedestrian Coordinator Position:</b> The integration of mobility standards and greater connectivity between communities on the island of Maui begins with the comprehensive planning process, which will directly inform design standards within Title 19. To navigate this process, the County may consider establishing a bike/ped coordinator within the Planning Department, to serve as a liaison between Plan Implementation, Current Planning and ZAED. Similar positions created in planning departments focus on implementing multi-modal visions through design standards in both zoning and development review (as discussed above), and often facilitate conversation between local road and bridge departments and state and federal DOT's. Coordinator positions are not limited to urban cities and towns, as the idea is predicated on a desire for greater influence and coordination toward mobility efforts in a jurisdiction. Examples of communities who have created a bike/ped specific planning position are provided. In the case of Missoula, Montana, the Planning Department has established an extension of the office focused specifically on bike, pedestrian and transit needs (Missoula in Motion) and the Transportation Planning Division has invested in staff committed to bike/ped infrastructure and necessary partnerships. While the city has a tightly knit urban core, the broader community is more rural than most national examples.</p>	<p>This best practice focuses specifically on <b>Recommendation V.A.5</b> and the creation of a new bike/ped coordinator position (or re-purpose an existing position within the department) to address mobility issues in Title 19 and other areas of code, and to facilitate implementation and coordinate community planning efforts.</p>	<p><a href="#">Missoula Bicycle and Pedestrian Office</a></p> <p><a href="#">Missoula In Motion</a></p>
<p><b>B. Revise Processes and Procedures</b></p>		
<p><b>1. Customer Service Audit:</b> Self evaluation is a powerful tool in recognizing successes as well as areas for improvement. While the Zucker audit report completed in 2006 offered Maui County a robust analysis of internal and procedural improvements, a customer service audit goes one step further and looks at external factors such as client/customer satisfaction, messaging and communication techniques and levels of transparency.</p>	<p>This best practice addresses <b>Recommendation VI.B.9</b> related to customer service and understanding where improvements can be made to the 'soft' process of Title 19.</p>	<p><a href="#">Development Review in Local Government; Benchmarking Best Practices</a></p>



BEST PRACTICE	RECOMMENDATION ADDRESSED	LINK TO RESOURCE
<p><b>2. Mandatory Time Limits:</b> Whether statutorily required or defined in local regulations, establishing mandatory review and approval timeframes for land use applications is a common practice and ensures due process. Contrary to some interpretation, establishing a mandatory timeline for review does not ensure approval or delude the quality of the review; it moves a process along in a formal manner, ensuring all participants are aware of what the expectations are, and providing clear parameters on what is allowed and what is not. It is a consistent way to get to yes - or no- quicker.</p>	<p>This best practice addresses <b>Recommendation VI.B.2 and B.3</b> encouraging the expedition of internal processes.</p>	<p><a href="#">2006 Zucker Systems Audit for Maui County</a></p> <p><a href="#">Montana State Zoning Statutes</a></p> <p><a href="#">Development Review in Local Government--Benchmarking Best Practices</a></p>
<p><b>3. Training &amp; Education for Elected Officials:</b> Elected and appointed officials can benefit significantly from training and education on land use issues and best practices. Such training enables decision-makers serving on commissions, committees and boards to better understand the impacts of their actions, their role in mandated and voluntary processes, and encourages innovation by expanding perspective. Many communities coordinate trainings and workshops for elected and appointed officials involved in land use processes and decisions, provide reference materials and support conference attendance and continued education opportunities to ensure an active and engaged body. This approach to continued education and training approach can assist Maui County in making the economic case for certain changes to Title 19, and would also promote greater understanding of roles and responsibilities within the existing (and proposed) administrative framework of the code.</p>	<p>This best practice addresses <b>Recommendations VI.A.1 and A.3</b> to complete a fiscal analysis of existing and desired land uses to help determine future land use needs and supporting the rebuilding of trust between the County, citizens, communities, and stakeholders, and between county departments.</p>	<p><a href="#">The Montana Community Technical Assistance Program</a></p> <p><a href="#">Pennsylvania Department of Community and Economic Development - Community Planning and Development Resources</a></p> <p><a href="#">Colorado Department of Local Affairs - Community Planning and Development Training Opportunities</a></p>