

July 21, 2021

RECEIVED

2021 JUL 21 PM 3:25

OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PSLU-24 File

F R O M: Tamara Paltin, Chair *Tamara M. Paltin*
Planning and Sustainable Land Use Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
WAILUKU REDEVELOPMENT AREA AND VARIANCES** (PSLU-24)

The attached informational document pertains to Item 24 on the Committee's agenda.

pslu:ltr:024afile01:wal

Attachment

Wailuku
Redevelopment Area
**Zoning
and Development Code**



Maui Redevelopment Agency
September 2002

Wailuku
Redevelopment Area

***Zoning
and Development Code***

Prepared by:

*Maui County
Planning
Department*

*Principal
Consultant:*

*Chris Hart &
Partners, Inc.*

Prepared for

*Maui
Redevelopment
Agency*

**WAILUKU REDEVELOPMENT AREA
ZONING AND DEVELOPMENT CODE**
(WRAZ&D
SEPTEMBER 2002)

Table of Contents

	Page
Article I. General Provisions	
30.01 Title and Purpose	2
30.02 Definitions and Types of Uses	4
Article II. Zoning Districts	
30.03 Commercial Mixed-Use District	15
30.04 Business/Multi-Family District	21
30.05 Multi-Family District	25
30.06 Residential District	29
30.07 Public/Quasi-Public District	31
Article III. Specific Use Requirements	
30.08 General Requirements	33
Article IV. Regulations Applying to All Districts	
30.09 Building Height	37
30.10 Lots	38
30.11 Yards	39
30.12 Canopies, Balconies and Sunshades	40
30.13 Off-Street Parking and Loading	40
30.14 Landscape Planting and Visual Screening	51
30.15 Non-Conformities and legal existing uses	53
Article V. Administration and Enforcement	
30.16 General Administrative Procedures	55
Article VI. Design Review	
30.17 Urban design	61

Article I. General Provisions

30.01 Title and Purpose

Sections:

- 30.01.010 Title
- 30.01.020 Authorization
- 30.01.030 Purpose and intent

30.01.010 Title

This article shall be known as the “Wailuku Redevelopment Area Zoning and Development Code” (WRAZ&D).

30.01.020 Authorization

These zoning and development standards are adopted in accordance with the land use directives and enabling authorities of the Maui Redevelopment Agency; and in accordance with the Wailuku Redevelopment Area Plan; Hawaii Revised Statutes, Chapter 53, Urban Renewal Law; and the revised charter, general plan and the community plans of the County of Maui.

30.01.030 Purpose and intent

The adopted Wailuku Redevelopment Area Plan calls for a small town development code which reduces regulatory barriers to business creation and investment within the Wailuku Redevelopment Area and which provides for the following: 1) Flexible zoning, building, public works, and fire code standards; 2) Outdoor dining areas, street vendors, and entertainment; and 3) Mixed use zoning including but not limited to residential, retail, office, entertainment, specialty restaurants, cafes, and other similar uses. As such, the purpose and intent of the WRAZ&D is to:

- A. Provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner.
- B. Provide for and encourage a mix of compatible land uses that create opportunities to live, work, and shop within the compact redevelopment area of Wailuku.
- C. Facilitate the efficient use of land capitalizing on a high level of services, reduced reliance on the automobile with enhanced bicycle and pedestrian relationships, and creative opportunities for the economical preservation and adaptive reuse of existing structures, most notably those which contribute to Wailuku’s unique traditional urban character.
- D. Encourage a mixture of retail shops, restaurants, offices, personal and professional services, boutique hotel, multi-family, residential, and public-use opportunities within the WRAZ&D District.

- E. Promote mixed-use development projects capitalizing on the more flexible design and development opportunities in these rules.
- F. Streamline the permit review process.
- G. Stimulate economic revitalization of the core area of Wailuku Town.
- H. Establish the means of implementing various provisions of the Maui County General Plan, Wailuku-Kahului Community Plan, Wailuku Redevelopment Area Plan and Design Guidelines.

30.02 Definitions and types of uses

Sections:

30.02.010 Definitions

30.02.020 Types of uses and interpretation of use terms

30.02.010 Definitions

“Accessory use”

A use meeting the following conditions: (1) it is conducted on the same lot or on a contiguous lot in the same ownership as the principal use to which it is related, whether in the same building or within an accessory building or structure, or as an accessory use of land; (2) it is clearly incidental to and customarily found in connection with the principal use; and (3) it is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors to the lot with the principal use.

“Administrative Review Permit”

Required for uses which meet the general purpose and intent of the zoning district but which requires administrative review by the planning director, or authorized representative, to mitigate the potential impacts of that use at the proposed location on adjacent uses, the physical setting and public services.

“Adult establishment”

Businesses or commercial activities primarily restricted to adult customers, including bars, nightclubs and taverns and other establishments that dispense alcoholic beverages.

“Animal hospital”

A structure or premises where animals are given medical care, and the boarding of animals is limited to short-term care incidental to the hospital use.

“Assembly area”

A facility with fixed seats or large spaces designed to accommodate temporary seating on a regular basis for gatherings for events or open exhibition halls. Examples include theaters, churches, auditoriums, libraries, auctioneer establishments, museums, art exhibitions, and private clubs. This does not include spectator sporting events.

“Automobile Services”

A facility providing fueling, greasing, lubrication and cleaning services for personal passenger vehicles. Additional services may include minor engine repair such as replacement of spark plugs, batteries and tires; towing; radiator cleaning and flushing; repair of fuel pumps, oil pumps and lines, carburetors, brakes; emergency wiring; safety inspections; and motor adjustments not involving repair of head or crankcase. Services not included are tire recapping and regrooving; body work such as straightening of frames or body parts; steam cleaning; welding; painting; and storage of automobiles not in operating condition.

<i>"Balcony"</i>	A platform that projects from the wall of a building and is surrounded by a railing or balustrade.
<i>"Bed and breakfast home"</i>	A use in which overnight accommodations are provided to guests for compensation, for periods of less than thirty days, in a detached single-family dwelling unit occupied by the owner-proprietor or lessee-proprietor. The home shall include bedrooms, one kitchen, and living areas used by the family occupying the home and shall include no more than six bedrooms for short-term rental, as specified within the zoning district provisions of these rules.
<i>"Beverage service kiosks"</i>	A small structure open at one or more sides, which makes and dispenses beverages such as coffee, juice, and soda and which is a self contained portable structure, designed as a cart, and does not constrain or block safe pedestrian and or automobile traffic.
<i>"Boarding home"</i>	An establishment with a single kitchen that provides living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. This does not include uses defined as <i>group living facilities</i> .
<i>"Building"</i>	A <i>structure</i> with a roof for the shelter of persons, animals, property of any kind.
<i>"Canopy and other building entrances"</i>	A roof structure such as a canopy, awning, and similar appurtenances constructed of rigid or other material designed to complement the streetscape of the area and to be placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.
<i>"Common open space"</i>	Facilities and yard areas identified within projects for the use and enjoyment of the residents and maintained and operated by an organization of property holders.
<i>"Conditional Permit"</i>	A use which meets the general purpose and intent of the zoning district but which requires County Council review and approval to mitigate the potential impacts of the use at the proposed location on adjacent uses, the physical urban setting and public services.
<i>"County"</i>	The County of Maui of the State of Hawaii.
<i>"Day Care Facility"</i>	An establishment where persons who are not members of the

family occupying the premises are cared for on an intermittent basis, but not continuously over a 24-hour period, and the operation is monitored and/or licensed by the State of Hawaii. Examples include day nurseries, pre-schools, kindergartens and adult day care.

“ Dwelling ”

A place of habitation with food preparation facilities for a single family, regardless of building type. Unless specifically permitted in use regulations for a zoning district, dwelling does not include use as a transient vacation rental or time-share unit.

“ Dwelling, accessory ”

An attached or detached dwelling which is incidental or subordinate to the main dwelling on the lot.

“ Dwelling, single family ”

A building consisting of only one dwelling unit designed for or occupied exclusively by one *family*.

“ Dwelling, two family, or duplex ”

A building consisting of only two dwelling units designed exclusively for occupancy by two families living independently of each other.

“ Dwelling unit ”

A room or group of rooms connected together constituting an independent housekeeping unit for one family and containing a single kitchen.

“ Dwelling unit, multi-family ”

A building or portion thereof which consists of three or more dwelling units and which is designed for occupancy by three or more families living independently of each other.

“ Eating and drinking establishment ”

A business engaged in the preparation and serving of food to customers on premises. This includes restaurants that also dispense alcoholic beverages, if dining is a principal activity, but not including *eating establishment, fast food*.

“ Eating establishment, fast food ”

An establishment, other than a bakery, bake shop, candy or ice cream store, which provides as a principal use the sale of foods or beverages in a ready-to-consume state, for consumption off the premises. Fast-food restaurants may have sit-down seating and delivery service, but not provide dancing, live entertainment, the service of alcoholic beverages, or a bar. Fast-food restaurants may have some outdoor dining and drive-up service. A fast food establishments design or principal method of operation includes two or more of the following characteristics:

- 1) Food or beverages are served in edible containers, or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable;
- 2) The line of food or beverages is limited; and is usually prepared in advance of the customer's order;
- 3) Food or beverages are served over a general service counter for the customer to carry to a seating facility within the restaurant, or carry-out off premises, or to an occupant of a motor vehicle while seated in the vehicles, such as through a drive-in window; and
- 4) Carry-out sales, including delivery service, constitute over ten percent of the food service business.

"Education, major" Facilities, typically in a campus setting, that offer a general educational curriculum and have an enrollment capacity for 1,000 or more students. Examples include public and private colleges and intermediate and high schools.

"Education, minor" Facilities offering a general educational curriculum having an enrollment capacity of less than 1,000 students. Examples include public and private elementary schools and small colleges, intermediate and high schools.

"Education, specialized" A facility that offers a specialized educational curriculum. Examples include vocational, language, business, music, dance and art schools.

"Entertainment" Businesses or commercial activities involving live adult entertainment, whether for profit or not for profit, whether open to the public at large or whether entrance is limited by a cover charge or membership requirement. Examples include, but are not limited to, facilities offering live music, singing, comedy clubs, street performers and other similar activities. This does not include establishments that feature exotic dancers, strippers, topless entertainers or other similar activities that provide entertainment where specified anatomical areas can be seen by patrons.

"Family" One of the following: (1) an individual or persons related by blood, adoption or marriage; (2) up to 5 unrelated persons; or (3) up to 8 unrelated persons living with a residential manager or supervisor in an adult residential care home, special treatment facility or similar facility monitored and/or licensed by the State of Hawaii.

"Floor area" The combined area under roof of all floors of a building measured from the exterior faces of exterior walls or from the centerline of party walls separating portions of a building. Where there are no exterior walls, the floor area is the usable area under the horizontal projection of the roof, including but not limited to balconies, stairways or elevator shafts. Excluded from floor area are the

following: (1) accessory parking, including driveways and access ways; (2) Attic areas with headroom less than 7 feet; and (3) basements.

- “Floor area ratio”* The total floor area on a lot divided by the total lot area.
- “Food, beverage and merchandise kiosk”* A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, news papers, magazines, and jewelry, which is a self contained portable structure, designed as a cart, and does not constrain or block safe pedestrian and or automobile traffic.
- “Food and beverage retail”* Businesses within permanent facilities engaged in the retail sale of food and beverage products. Examples include supermarkets, convenience stores, bake shops, liquor stores, delicatessens (take-out only), and catering establishments.
- “Food processing”* Facilities for the preparation of food products for distribution to retail, wholesale and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, and packaging plants, noodle manufacturing and coffee roasting grinding.
- “Funeral home”* A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.
- “General merchandise”* Businesses within permanent facilities engaged in the retail sale or rental of goods other than food and beverage products. Examples include department stores, drugstores, home furnishing stores, and hardware stores, pet stores, nurseries, and equipment rental (within enclosed buildings). This does not include new and used car lots.
- “General office”* Facilities used for the practice of a profession, the conduct of public administration, or the administration of a business or industry. Examples include administrative offices for government agencies and financial, insurance, and real estate companies; and professional practices (except medical and dental); and television and radio stations.
- “Grade”* The site ground elevation of a building or structure before construction or after it has been prepared for construction according to a grading permit approved pursuant to Title 20 of the Maui County Code.

<i>“Group living facility”</i>	Facilities providing congregate living accommodations, sometimes with care services. Examples include monasteries and convents; group homes for the elderly or disabled; residential counseling centers and shelters for battered children and adults and those recovering from illness or injury; hospices; intermediate-care and extended-care nursing homes.
<i>“Home occupation”</i>	An activity intended to produce income that is carried on within a dwelling or on a lot whose principal use is a dwelling.
<i>“Hotel”</i>	A facility containing lodging units or dwellings in which 50 percent or more of the units are lodging units, and where there is a lobby, clerk’s desk or counter with 24-hour clerk service of facilities for registration and keeping records relating to hotel guests.
<i>“Joint lot use”</i>	Two or more adjoining lots in the same zoning district which are developed and used for a single, unified project and treated as a single lot for zoning purposes.
<i>“Light manufacturing and processing”</i>	Enclosed facilities for the production or assembly of products, other than food or agricultural products, involving limited or minor emissions of odors, fumes, noise, vibrations, heat, glare or electrical interference to the exterior. Examples include small craft boat building, surfboard making, commercial laundries, carpet cleaning, crafts industries, apparel manufacture, and small craft assembly plants.
<i>“Lodging unit”</i>	A room or connected rooms constituting an independent living unit for a family which does not contain food preparation facilities. Unless specifically permitted in use regulations for a zoning district, lodging unit may be used as a transient unit but does not include use as a time-share unit.
<i>“Lot”</i>	A parcel of land considered as a unit and enclosed within defined boundaries, or a building site having the required area for a certain use, or occupied or intended to be occupied by a use in compliance with the requirements of the applicable zoning district.
<i>“Lot area”</i>	The total area within the lot boundaries exclusive of easements and right-of-way in favor of others for ingress and egress.
<i>“Lot coverage”</i>	The area of a lot covered by all roofed structures; except parking areas, walkways and accessory equipment covered by trellises that are at least 50 percent open to the sky, and underground parking structures which protrude no more than 3 feet above adjacent grade.

“Maui Redevelopment Area”

An area containing approximately 68 acres that is centrally located within Wailuku and includes the blocks surrounding the Vineyard-Market Street Intersections, the housing areas west of Church Street to High Street and north of Vineyard Street to the IAO Stream and Happy Valley and which falls under the administrative control of the County of Maui, Maui Redevelopment Agency.

“Maui Redevelopment Area Use Permit”

Required for uses which meet the general purpose and intent of the zoning district but which requires review by the *MRA* to mitigate the potential impacts of that use at the proposed location on adjacent uses, the physical setting and public services.

“Maui Redevelopment Agency – Director”

The director of the Maui Redevelopment Agency or the authorized representative of that director.

“Medical center, major”

A facility established for in-patient maintenance, observation, medical and dental care and supervision, or convalescence of persons afflicted with or suffering from sickness, disease or injury. Examples include hospitals and nursing homes.

“Medical center, minor”

A facility established to provide medical, surgical, dental, laboratory and x-ray, or other similar health care services, but not including substance abuse centers, to the general public without overnight accommodations.

“Nonconforming building or structure”

A building or structure or portion thereof which was previously lawful but which does not comply with the density, yard, setback or height regulations of the district in which it is located, either on the effective date of these rules or as a result of any subsequent amendment.

“Nonconforming lot”

A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning code, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

“Nonconforming use”

Any use of a structure or zoning lot which was previously lawful but which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of these rules or as a result of any subsequent amendment.

“Outside open air dining”

A restaurant or food service establishment with tables, dining facilities and activities located outside in the open air on a private property, on a public property or on the sidewalk when the open

air market is used in conjunction with a business located within the building or structure located along and adjacent to the open air dining facility.

“Outside open air markets” An outdoor area set aside for the display and sale of products and located on a private or public property. Examples include outside farmer’s markets, craft fairs, street and sidewalk markets and other similar activities.

“Outside open air side walk sales” An outdoor area set aside for the display and sale of products and located on the sidewalk provided the open air market is used in conjunction with a business located within the building or structure located along and adjacent to the side walk sales.

“Open space” An area essentially free of structures.

“Park” A tract of land used for public non-commercial use (except when the commercial use is conducted under the supervision of a government agency in charge of parks and playgrounds) as an active or passive recreation area.

“Parking, commercial” An area of land or a structure used for the storage of vehicles for a fee when the purpose of parking the vehicle is not to support other uses on the same lot.

“Parking, public” A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

“Personal and business services” Establishments that offer specialized goods and services frequently purchased by individual consumers and businesses. Examples include barber shops and beauty salons; medical or dental or similar health care services provided by sole practitioners or small group practices; massage services; photo lab and studio; financial institutions with teller windows; tailors; post offices and parcel delivery; travel agencies; laundromats; and printing and duplicating shops not involving mechanical printing presses.

“Planning director” The director of the County planning department or the authorized representative of that director.

“Principal use” The primary or predominant activity or purpose for which a lot or building is arranged, designed or intended to be or may be occupied and maintained. When listed as a permitted use in a zoning district, a principal use is limited only to the extent stated in

the zoning district regulations and in special requirements that may result from the use's location in an overlay design district.

"Public Street or Right-Of-Way"

Vehicular and pedestrian circulation and access.

"Public works"

An improvement, for public purposes, within a right-of-way, easement or lot for transportation, drainage, public utilities purposes, or storage of equipment associated with the facility.

"Public works director"

The director of the County Department of Public Works and Waste Management or the authorized representative of that director.

"Quasi-public use"

A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such as churches, private schools, and similar uses but not including substance abuse treatment centers.

"Radio and television broadcasting station"

An establishment engaged in transmitting oral and visual programs to the public and that consists of facilities such as a studio, transmitter, and antennas.

"Recreation, indoor"

Facilities under roof, but not necessarily fully enclosed, for recreational activities. Examples include bowling alleys; gymnasiums; health, massage and fitness spas; racquetball courts; amusement arcades; enclosed skating rinks and pool halls. Not included are facilities with large seating capacities intended for spectator sports events.

"Recreation, outdoor"

Leisure time activities and areas and accessory structures designed primarily for recreational activity in the open air. Examples of leisure time activities include, but are not limited to, hiking, fishing, hunting, clay shooting, camping, picnicking, equestrian activities, paragliding and hang gliding, skateboarding, roller blading, and mountain biking. Examples of accessory structures and facilities include, but are not limited to, restrooms, play courts, swimming pools, play fields, picnic grounds, tent campgrounds, arboretums, greenways, botanical gardens, petting zoos and paint-gun and archery ranges. Golf courses are not included.

"Repair, major"

Repair activities which are likely to have some impact on the environment and adjoining land uses by virtue of their size, appearance, noise generation, traffic generation or operational characteristics. Examples include blacksmithing; boat cleaning and repair; electrical, gasoline and diesel motor repair and rebuilding; furniture repair; industrial machinery and equipment repair; heavy vehicle repair; automobile body and fender repair.

<i>“Repair, minor”</i>	Repair activities which have relatively little impact on surrounding land uses and can be compatibly located with other businesses. Examples include interior upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids and prosthetic devices; garment repair; household appliance repair, except those with gasoline engines; shoe repair; and watch, clock and jewelry repair.
<i>“Shopping center”</i>	A group of retail stores and service establishments developed under a single or unified project concept on one or more zoning lots with five or more uses on a single parcel of land and a minimum of twenty-five thousand square feet of floor area.
<i>“Special use”</i>	A use which meets the general purpose and intent of the zoning district but which requires planning commission review to mitigate the potential impacts of that use at the proposed location on adjacent uses, the physical setting and public services.
<i>“Storage, wholesale and distribution”</i>	Activities and facilities for the storage of goods and the bulk sale and distribution of products. Examples include warehouses, freight-forwarding and delivery operations, parcel delivery and postal stations, farm implement sales, self-storage lockers, markets in which products are sold directly by their producers, construction supply businesses and lumber yards.
<i>“Structure”</i>	Anything, including buildings, above grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground.
<i>“Telecommunication and broadcasting tower or antenna”</i>	A self-supporting lattice, guyed, or monopole structure which is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.
<i>“Yard setback”</i>	A set area, bounded on at least one side by a lot boundary and measured at right angles from the lot boundary or, which is unobstructed by any structure, except as specifically permitted.

30.02.020 Types of uses and interpretation of use terms

A. Types. For purposes of this title, there are four types of uses: principal use, accessory use, administrative use, and MRA use. These terms are defined in Section 30.02.01 Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed and is identified as a principal use or accessory use; meets all criteria identified for the use and if it is identified as a use which requires an administrative review permit or a MRA permit, said permit is obtained and all conditions are complied with.

B. Interpretation of terms. If a proposed use does not appear in the list of terms or within the definitions of those terms or is not defined elsewhere in this title, the Planning Director, or authorized representative, will review the proposed use and, based upon the characteristics of the use, determine which listed and/or defined use is equivalent to that proposed; provided further that such use is consistent with the purpose and intent of the applicable zoning district and land use designation and objectives and policies of the community plan of the County and the Wailuku Redevelopment Area Plan.

C. Relationship to the adopted Wailuku Redevelopment Area Plan and support documents. The WRAZ&D is the tool for implementing the Redevelopment Area Plan, together with, all support documents, such as, the Wailuku Redevelopment Area Design Guidelines.

D. Relationship to the Wailuku-Kahului Community Plan Land Use Map. The WRAZ&D provides the implementing rules for the recently adopted Wailuku-Kahului Community Plan Land Use Map which identifies the desired land use pattern, together with goals, objectives, policies, and implementing actions as an overall guide for development within the Redevelopment Area.

E. Relationship to Title 19, Maui County Code. If a definition or term exists in these rules but is defined in a different way in Section 19.04.040, Maui County Code, the definition or term found in these rules shall have precedence. If a term or word is not defined or described in these rules then Section 19.04.040, Maui County Code, shall apply.

Article II. Zoning Districts

30.03 COMMERCIAL MIXED-USE DISTRICT

Sections:

- 30.03.010 Purpose and intent
- 30.03.020 Applicability
- 30.03.030 Permitted uses
- 30.03.040 Development standards

30.03.010 Purpose and intent

The purpose of the business district is to create a mixed-use commercial area to strengthen and enliven the core of Wailuku and its environs. The district intends that new development be pedestrian-oriented with buildings close to and oriented to the sidewalks of the public streets and compatible with the traditional architectural character and building heights of the district. Moreover, the district intends that the urban design of public spaces emphasize an aggressive urban landscape planting program including the design of more visually attractive streetscapes. The district allows for a full range of retail, service, and business uses within a local or regional market area, intermixed with arts, entertainment, multi-family and single family residential uses to create a lively and aesthetically pleasing environment where people can live, work, dine, receive services, and be entertained within a compact area.

30.03.020 Applicability

This district shall apply to areas within the Wailuku Redevelopment Area that are designated as Commercial on the Wailuku-Kahului Community Plan Map adopted by Ordinance No. 3061 in 2002.

30.03.030 Permitted uses

USES	PERFORMANCE STANDARDS
A. Principal Uses:	
1. Adult establishment	Administrative Review Permit required for adult establishments on lots that front Maluhia Drive.
2. Animal hospital	All activities shall take place within completely enclosed buildings. Noise, odor, and other emission levels shall not impact neighboring land users.
3. Assembly area	Noise shall not impact neighboring landowners.
4. Automobile services	Section 30.08.020
5. Bed and breakfast home	Up to six (6) bedrooms. More than six (6) bedrooms shall require an MRA Use Permit.

USES	PERFORMANCE STANDARDS
6. Day care facility	
7. Dwelling	
8. Dwelling unit, multi-family	
9. Eating Establishment	
10. Education, minor	
11. Education, specialized	Section 30.08.020
12. Entertainment	Administrative Review Permit required for "entertainment" uses on lots that front Maluhia Drive.
13. Food and beverage retail	
14. Food, beverage and merchandise kiosk	Section 30.08.030. Kiosks located on public property or along a public sidewalk shall obtain an Administrative Review Permit.
15. Food processing	All activities shall take place within completely enclosed buildings. Noise, odor, and other emission levels must not impact neighboring land users.
16. Funeral home	
17. General merchandise	Shall be limited to a maximum of 20,000 square feet of gross floor area on the subject lot. Over 20,000 square feet of gross floor area shall require the issuance of a MRA Use Permit.
18. General office	
19. Home occupation	
20. Hotel	Up to 20 rooms. More than 20 rooms shall require an MRA Use Permit.
21. Light manufacturing and processing	All activities shall take place within completely enclosed buildings. Noise, odor, and other emission levels must not impact neighboring land users. Administrative Review Permit required for "light manufacturing and processing" on lots that front Maluhia Drive.
22. Medical center, minor	Section 30.08.020. Administrative Review Permit required for "medical center, minor" on lots that front Maluhia Drive.
23. Outside open air dining	Section 30.08.070
24. Outside open air markets	Section 30.08.080

USES	PERFORMANCE STANDARDS
25. Outside open air sidewalk sales	Section 30.08.090
26. Park	Section 30.08.020
27. Parking, commercial and public	Section 30.08.020
28. Personal and business services	
29. Recreation, indoor	
30. Recreation, outdoor	
31. Repair, minor	Administrative Review Permit required for “repair, minor” on lots that front Maluhia Drive.
32. Storage, wholesale and distribution	Only if limited to less than 50 percent of the total floor area on the lot or 2,000 square feet, whichever is less. Also, see Section 30.08.020.
B. Accessory Uses:	
1. Structure	Structures that are directly accessory to a permitted principal use
2. Other uses	Other uses that are ancillary, secondary and directly accessory to a permitted principal use.
C. Administrative Review Permit:	
1. Adult establishment	For “adult establishment” uses on lots that front Maluhia Drive.
2. Energy system, major	Transmission lines and substations only.
3. Energy system, minor	
4. Entertainment	For “entertainment” uses on lots that front Maluhia Drive.
5. Food, beverage and merchandise kiosk	For kiosks that are located on public property or along public sidewalks. Must also meet the requirements of Section 30.08.030
6. Group living facility	
7. Light manufacturing and processing	For “light manufacturing and processing” uses on lots that front Maluhia Drive.
8. Medical center, minor	For “medical center, minor” uses on lots that front Maluhia Drive.

USES	PERFORMANCE STANDARDS
9. Other uses	Other uses not specifically enumerated in this section, which are determined by the director of planning, or authorized representative, to be substantially similar in character and use to one or more of the uses enumerated in this section and compatible with the purposes of the WRAZ&D District and which create no unusual impacts to neighboring land users.
10. Quasi-public use	
11. Repair, minor	For “repair, minor” uses on lots that front Maluhia Drive.
12. Storage, wholesale and distribution	For uses that do not meet the requirements of a principal use. Structures shall be consistent with the Wailuku Redevelopment Area Design Guidelines and the proposed use shall be mitigated so as not to have a deleterious impact on surrounding property owners. Warehousing, storage yards and land extensive manufacturing facilities that are not ancillary or secondary to a permitted use shall be prohibited.

D. MRA Use Permit:

1. Eating establishment, fast food	
2. General merchandise	More than 20,000 square feet of gross floor area on the subject lot.
3. Medical center, major	Emergency rooms only
4. Radio and television broadcasting station	
5. Telecommunications and broadcasting antenna	Shall be assessed for its mauka and makai visual impacts, with special consideration given to the visual impacts towards Iao Valley.
6. Bed and breakfast home	More than 6 rooms
7. Hotel	More than 20 rooms

30.03.040 Development standards:

Type of Standard:

Standard

A. Single family dwellings and accessory structures:

For single family dwellings, the minimum setback and maximum height standards shall be the same as those in the Residential District (Section 30.06.040). The minimum lot size shall be 4,500 square feet and the minimum lot width shall be 45 feet.

B. Commercial and multifamily structures:

1. Minimum lot size

4,500 square feet

(Smaller lot sizes may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)

2. Minimum lot width

45 feet

(Smaller lot widths may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)

3. Minimum setback

1st and 2nd Story

3rd Story

4th Story

a. Front, side and Rear

None¹

10²

20²

For lots whose front yard setback abuts the following streets: Wells Street; Main Street; Vineyard Street; High Street; Church Street between Wells Street and Vineyard Avenue; Market Street and Central Avenue.

6 feet

For lots whose front yard setback abuts all other streets and for landlocked lots

4. Maximum Height

2 stories / 30 feet^{3,4}

For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets:

Nani; Loke; Church Street North of Vineyard Avenue and from Main Street to Pakahi; Maluhia and Alahee Drive; Wailani, Kapoai, Lani, and Holowai Place.

Type of Standard:

Standard

¹ If a side, rear or front yard property line adjoins a lot in the residential or apartment district that side, rear or front yard setback shall be the same as that of the adjoining district.

² Where a conflict exists between this standard and applicable front, rear and side yard setback design guidelines for the third and fourth floors of buildings, the design guidelines shall apply.

4. Maximum Height, Cont.

3 stories / 45 feet^{3,4}

For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets: Wells; Vineyard; Hinano; High; Church Street from Vineyard Street to Main Street; Market Street; Central Avenue.

4 stories / 60 feet^{3,4}

For lots whose greatest street frontage is along Main Street, or for the purposes of a landlocked lot, whose principle access is from Main Street.

5. Maximum Floor Area Ratio

3.0

C. Building Permits Issued Prior to the Enactment of these rules

Any structure that was constructed with a building permit that was approved prior to the enactment of these rules need not acquire a variance and may be reconstructed as permitted by the original building permits(s), and such structures may be expanded or modified with a building permit, subject to the other provisions of these rules.

³ The maximum height of parking structures shall be regulated by the "height" rather than "story" standard. All structures shall be found to be consistent with the vision, guiding principles, and objectives of the Wailuku Redevelopment Plan and the Wailuku Redevelopment Area Design Guidelines.

⁴ Additional heights may be permitted, pursuant to the Wailuku Redevelopment Area Design Guidelines, for architectural elements such as false fronts, spires, motifs, etc. See Chapter 30.09.

30.04 BUSINESS/MULTI-FAMILY DISTRICT

Sections:

- 30.04.010 Purpose and intent
- 30.04.020 Applicability
- 30.04.030 Permitted uses
- 30.04.040 Development standards

30.04.010 Purpose and intent

The purpose of the Business/Multi-Family District is to promote development that combines commercial and housing uses in a single building or allows for a separated mixture of such uses on a single lot or within a compact neighborhood setting. Development that combines commercial and housing uses in a single building where businesses are located on the ground floor and housing on the upper stories is promoted. It is the intent of the Business/Multi-Family District to establish land use patterns that facilitate pedestrian modes of travel, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in Wailuku. The emphasis on the nonresidential uses is on locally-oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the public sidewalk, especially at corners. The urban design of public spaces emphasizing an aggressive urban landscape planting program and the design of more visually attractive streetscapes is encouraged.

30.04.020 Applicability

This district shall apply to areas within the Wailuku Redevelopment Area that are designated as Business/Multi-Family on the Wailuku-Kahului Community Plan Map adopted by Ordinance No. 3061 in 2002.

30.04.030 Permitted uses

USES	PERFORMANCE STANDARDS
A. Principal Uses:	
1. Bed and breakfast home	Up to six (6) bedrooms permitted in detached single-family dwellings only. More than six (6) bedrooms shall require MRA approval.
2. Day care facility	
3. Dwelling(s)	
4. Dwelling unit, multi-family	
5. Eating establishment	Limited to specialty restaurants such as coffee and donut shops, delicatessens, noodle shops, etc., serving a neighborhood or local market area. Noise, odor, and other emission levels must not impact neighboring land users.

USES	PERFORMANCE STANDARDS
6. Food and beverage retail	Limited to uses serving a neighborhood or local market area. Noise, odor, and other emission levels shall not impact neighboring land users.
7. Food, beverage and merchandise kiosk	Section 30.08.030. Limited to uses serving a neighborhood or local market area. Noise, odor, and other emission levels must shall not impact neighboring land users. Kiosks located on public property or along a public sidewalk shall obtain an Administrative Review Permit.
8. General office	Shall be limited to a maximum of 20,000 square feet of gross floor area on the subject lot. Over 20,000 square feet of gross floor area shall require the issuance of a MRA Use Permit.
9. General merchandise	Shall be limited to a maximum of 20,000 square feet of gross floor area on the subject lot. Over 20,000 square feet of gross floor area shall require the issuance of a MRA Use Permit.
10. Home occupations	Section 30.08.060
11. Hotel	Up to 20 rooms. More than 20 rooms shall require a MRA Use Permit.
12. Recreation, indoor	
13. Park	Section 30.08.020
14. Personal and business services	All activities requiring the use of mechanical equipment shall take place within an enclosed building.
B. Accessory Uses:	
1. Structure	Structures that are directly accessory to a permitted principal use
2. Other uses	Other uses that are ancillary, secondary and directly accessory to a permitted principal use.
C. Administrative Review Permit:	
1. Assisted living facility	
2. Entertainment	
3. Food, beverage and merchandise kiosk	For kiosks that are located on public property or along public sidewalks. Must also meet the requirements of Section 30.08.030
4. Group living facility	

USES	PERFORMANCE STANDARDS
5. Other uses	Other uses not specifically enumerated in this section, which are determined by the director of planning, or authorized representative, to be substantially similar in character and use to one or more of the uses enumerated in this section and compatible with the purposes of the WRAZ&D District and which create no unusual impacts to neighboring land users.
6. Outside open air dining	Section 30.08.070
7. Outside open air markets	Section 30.08.080
8. Outside open air sidewalk sales	Section 30.08.090

C. MRA Use Permit:

- | | |
|--------------------------------|--|
| 1. Adult establishment | |
| 2. Bed and breakfast home | More than 6 bedrooms |
| 3. General merchandise | Uses that don't meet the criteria of a permitted use |
| 4. General office | Uses that don't meet the criteria of a permitted use |
| 5. Hotel | More than 20 rooms |
| 6. Parking, public and private | |
| 7. Quasi-public use | |

30.04.040 Development standards

Type of Standard:	Standard
A. Single family dwellings and accessory structures:	For single family dwellings, the minimum setback and maximum height standards shall be the same as those in the Residential District (Section 30.06.040). The minimum lot size shall be 4,500 square feet and the minimum lot width shall be 45 feet.
B. Commercial and multifamily structures:	
1. Minimum lot size	4,500 square feet (Smaller lot sizes may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)
2. Minimum lot width	45 feet (Smaller lot widths may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)

Type of Standard:	Standard
--------------------------	-----------------

3. Minimum setback	1 st and 2 nd Story	3 rd Story	4 th Story
a. Front, side and rear	None ⁵	10 ⁶	20 ⁶
	For lots whose front yard setback abuts the following streets: Wells Street; Main Street; Vineyard Street; High Street; Church Street between Wells Street and Vineyard Avenue; Market Street and Central Avenue.		
	6 feet ⁵		
	For lots whose front yard setback abuts all other streets and for landlocked lots		
4. Maximum Height	2 stories or 30 feet ^{7,8}		
	For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets:		
	Nani; Loke; Church Street North of Vineyard Avenue and from Main Street to Pakahi; Maluhia and Alahee Drive; Wailani, Kapoai, Lani, and Holowai Place.		
	3 stories or 45 feet ^{7,8}		
	For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets:		
	Wells; Vineyard; Hinano; High; Church Street from Vineyard Street to Main Street; Market Street; Central Avenue.		
	4 stories or 60 feet ^{7,8}		
	For lots whose greatest street frontage is along Main Street, or for the purposes of a landlocked lot, whose principle access is from Main Street.		
5. Maximum Floor Area Ratio	1.5		
C. Building Permits Issued Prior to the Enactment of these rules	Any structure that was constructed with a building permit that was approved prior to the enactment of these rules need not acquire a variance and may be reconstructed as permitted by the original building permits(s), and such structures may be expanded or modified with a building permit, subject to the other provisions of these rules.		

30.05 MULTI-FAMILY DISTRICT

Sections:

⁵If a side, rear or front yard property line adjoins a lot in the residential or apartment district that side, rear or front yard setback shall be the same as that of the adjoining district.

⁶Where a conflict exists between this standard and applicable front, rear and side yard setback design guidelines for the third and fourth floors of buildings, the design guidelines shall apply.

⁷ The maximum height of parking structures shall be regulated by the "height" rather than "story" standard.

⁸Additional heights may be permitted, pursuant to the Wailuku Redevelopment Area Design Guidelines, for architectural elements such as false fronts, spires, motifs, etc. See Chapter 30.09.

30.05.010	Purpose and intent
30.05.020	Applicability
30.05.030	Permitted uses
30.05.040	Development standards

30.05.010 Purpose and intent

The multi-family district is intended primarily to support a concentration of single and multi-family residential uses, intermixed with parks, and limited commercial uses within walking distance of the commercial core of Wailuku. Development that combines commercial and housing uses in a single building where businesses are located on the ground floor and housing on the upper stories is allowed. Smaller sized bed and breakfast accommodations are also allowed in the district. Urban design of public spaces should emphasize an aggressive urban landscape planting program and the design of more visually attractive streetscapes.

30.05.020 Applicability

This district shall apply to areas within the Wailuku Redevelopment Area that are designated as Multi-Family Residential on the Wailuku-Kahului Community Plan Map adopted by Ordinance No. 3061 in 2002.

30.05.030 Permitted uses

USES	PERFORMANCE STANDARDS
A. Principal Uses:	
1. Bed and breakfast home	Up to four (4) bedrooms in detached single-family dwellings only. More than four (4) bedrooms shall require MRA approval.
2. Boarding home	Uses that meet the definition of hotel or transient vacation rental or time-share unit are not permitted.
3. Day care facility	
4. Dwelling	For multi-family and single family
5. Eating establishment	Permitted on the ground floor of multi-floor buildings. The floor area of any individual establishment shall not exceed 25% of the floor area of the building. Uses shall serve the neighborhood market area and be limited to such uses as coffee shops, delicatessens, noodle shops, etc.
USES	PERFORMANCE STANDARDS

6. Food and beverage retail	Permitted on the ground floor of multi-floor buildings. The floor area of any individual establishment shall not exceed 25% of the floor area of the building. Uses shall serve the neighborhood market area.
7. General office	Shall not occupy more than 25% of the floor area of a building, and must be located on the first floor of a multi-floor building.
8. Home occupations	Section 30.08.060
9. Indoor recreation	
10. Park	No commercial use, except when under the supervision of a government agency in charge of parks and playgrounds.
11. Personal and business services	Floor area of any individual establishments shall not exceed 25% of the floor area of a building and shall only be allowed on the ground floor of a multi-level building.

B. Accessory Uses:

1. Dwelling, accessory
2. Structures, accessory

C. Administrative Review Permit:

1. Quasi-public use
2. Group living facility
3. Other uses

Other uses not specifically enumerated in this section, which are determined by the director of planning, or authorized representative, to be substantially similar in character and use to one or more of the uses enumerated in this section and compatible with the purposes of the WRAZ&D District and which create no unusual impacts on neighboring land users.

D. MRA Use Permit:

- | | |
|-----------------------------|---|
| 1. Bed and breakfast home | More than four bedrooms |
| 2. Eating establishment | Uses that do not meet the criteria of a permitted use |
| 3. Entertainment | |
| 4. Food and beverage retail | Uses that do not meet the criteria of a permitted use |
| 5. General office | Uses that do not meet the criteria of a permitted use |

USES

PERFORMANCE STANDARDS

- | | |
|--------------------|---|
| 6. Parking, public | Uses that do not meet the criteria of a permitted use |
|--------------------|---|

7. Personal and business services

Uses that do not meet the criteria of a permitted use

30.05.040 Development standards

Type of Standard:

Standard

A. Single family dwellings and accessory structures:

For single family dwellings, the minimum setback and maximum height standards shall be the same as those in the Residential District (Section 30.06.040). The minimum lot size shall be 4,500 square feet and the minimum lot width shall be 45 feet.

B. Multifamily & commercial structures:

1. Minimum lot size

4,500 square feet

(Smaller lot sizes may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)

2. Minimum lot width

45 feet

(Smaller lot widths may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director; or when the lot is not to be used for a commercial or residential use)

3. Minimum setback

1st and 2nd Story

3rd Story

4th Story

a. Front

15

25⁹

35⁹

b. Side and Rear

10

20⁹

30⁹

Type of Standard:

Standard

⁹ Where a conflict exists between this standard and applicable front, rear and side yard setback design guidelines for the third and fourth floors of buildings, the design guidelines shall apply.

4. Maximum Height

2 stories or 30 feet^{10, 11}

For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets:

Nani; Loke; Church Street North of Vineyard Avenue and from Main Street to Pakahi; Maluhia and Alahee Drive; Wailani, Kapoai, Lani, and Holowai Place.

3 stories or 45 feet^{10, 11}

For lots whose greatest street frontage is along the following streets, or for the purposes of a landlocked lot, whose principle access is from the following streets:

Wells; Vineyard; Hinano; High; Church Street from Vineyard Street to Main Street; Market Street; Central Avenue.

4 stories or 60 feet^{10, 11}

For lots whose greatest street frontage is along Main Street, or for the purposes of a landlocked lot, whose principle access is from Main Street.

5. Maximum Floor Area Ratio

1.2

6. Maximum Lot Coverage

2 Stories

3 Stories

4 Stories

60%

50%

40%

(For Multifamily Buildings)

C. Building Permits Issued Prior to the Enactment of these rules

Any structure that was constructed with a building permit that was approved prior to the enactment of these rules need not acquire a variance and may be reconstructed as permitted by the original building permits(s), and such structures may be expanded or modified with a building permit, subject to the other provisions of these rules.

¹⁰ The maximum height of parking structures shall be regulated by the "height" rather than "story" standard.

¹¹ Additional heights may be permitted, pursuant to the Wailuku Redevelopment Area Design Guidelines, for architectural elements such as false fronts, spires, motifs, etc. See Chapter 30.09.

30.06 RESIDENTIAL DISTRICT

Sections:

- 30.06.010 Purpose and intent
- 30.06.020 Applicability
- 30.06.030 Permitted uses
- 30.06.040 Development standards

30.06.010 Purpose and intent

The purpose of the residential district is to provide a harmonious neighborhood setting for single-family dwellings in a higher density setting within walking distance to the business core of Wailuku. It is the intent of the residential district to promote a wide range of choices to consumers in terms of the type, size, design, and price of housing and to improve the character of the districts residential area by promoting safe pedestrian and bicycle travel. Urban design of public spaces should emphasize an aggressive urban landscape planting program and the design of more visually attractive streetscapes.

30.06.020 Applicability

This district shall apply to areas designated as Single Family Residential on the Wailuku-Kahului Community Plan Map adopted by Ordinance No. 3061 in 2002.

30.06.030 Permitted uses

USES	PERFORMANCE STANDARDS
A. Principal Uses:	
1. Agriculture	Green houses, flower and truck gardens, and nurseries for products grown on the site; provided that there shall not be retailing or business transactions occurring on the premises.
2. Day care facility	Section 30.08.040
3. Dwelling	Maximum of 1 per lot, except for accessory dwelling.
4. Park	No commercial use, except when under the supervision of a government agency in charge of parks and playgrounds. See Section 30.08.020
B. Accessory Uses:	
1. Dwelling, accessory	Section 30.08.050
2. Assembly area	For use by resident community association members and their guests only.
3. Home occupations	Section 30.08.060

USES

PERFORMANCE STANDARDS

C. Administrative Review Permit:

- 1. Bed and breakfast home Up to two bedrooms. The home shall include bedrooms, one kitchen, and living areas used by the family occupying the home.

D. MRA Use Permit:

- 1. Assembly area Use must be operated by non-profit organization for services to the residential community, such as a church, community theater or recreation hall; 15,000 sf minimum lot size.
- 2. Bed and breakfast home Short-term rental of three to four bedrooms shall require a lot size of at least 7,000 sf; short-term rental of five to six bedrooms shall require a lot size of at least 10,000 sf; short-term rental of more than six bedrooms is prohibited. The home shall include bedrooms, one kitchen, and living areas used by the family occupying the home.
- 3. Day care facility Day care facilities that do not meet the standards of a permitted use.
- 4. Education, minor
- 5. Education, major
- 6. Education, specialized
- 7. Group living facility
- 8. Home occupation Home occupations that do not meet the standards of an accessory use.

30.06.040 Development standards

Type of Standard	Zoning District	
	R-1 Residential (Standard)	R-2 Residential (Standard)
A. Minimum lot size	6,000 square feet	7,500 feet
B. Minimum lot width	60 feet	65 feet
C. Minimum yard setbacks		
1. Front	15 feet	15 feet
2. Side & Rear	1 story / 6 feet 2 story / 10 feet	1 story / 6 feet 2 story / 10 feet
D. Maximum height	30 feet	30 feet

30.07 PUBLIC/QUASI-PUBLIC DISTRICT

- Sections:
- 30.07.010 Purpose and intent
 - 30.07.020 Applicability
 - 30.07.030 Permitted uses
 - 30.07.040 Development standards

30.07.010 Purpose and intent

The public facility zoning district is established to provide areas for public and quasi-public buildings and other uses of a non-commercial nature that serve the general community. The zoning district may be applied to both public and private lands. Urban design of public spaces should emphasize an aggressive urban landscape planting program and the design of more visually attractive streetscapes.

30.07.020 Applicability

This district shall apply to areas designated as Public/Quasi-Public on the Wailuku-Kahului Community Plan Map adopted by Ordinance No. 3061 in 2002.

30.07.030 Permitted uses

USES	PERFORMANCE STANDARDS
A. Principal Uses:	
1. Assembly area	For public agencies and non-profit organizations only.
2. Base yard	
3. Day care facility	
4. Education, minor	
5. Education, major	
6. Education, specialized	
7. General office	For public agencies and non-profit organizations only.
8. Medical center, minor	
9. Medical center, major	
10. Parking, commercial	
11. Parking, public	
12. Public works	Subject to compliance with applicable public works standards; does not include storage facilities for potable water.
USES	PERFORMANCE STANDARDS

- 13. Public utility substations Shall not be hazardous or a nuisance to surrounding areas.
- 14. Police and fire stations
- 15. Quasi-public use

B. Accessory uses

- 1. Structure Structures that are directly accessory to a permitted principal use
- 2. Other uses Other uses that are ancillary, secondary and directly accessory to a permitted principal use.

30.07.040 Development standards

Type of Standard	Standard
A. Minimum lot size	7,500 square feet for lots with an existing dwelling; otherwise, 4,500 square feet. (Smaller lot sizes may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director)
B. Minimum lot width	45 feet (Smaller lot widths may be permitted by the Planning Director for utility purposes; roadway or easement lots; lots created for a public purpose, as determined by the Planning Director)
C. Minimum setback	
1. Front	15 feet
2. Side	10 feet
3. Rear	15 feet
D. Maximum height	35 feet ¹²
E. Walls	A 6-foot high solid masonry wall shall be constructed and maintained on any property line adjoining a residential or multi-family zoning district.

Article III. Specific Use Requirements

¹²Up to 60 feet may be permitted with the approval of the MRA. See Chapter 30.09.

30.08 General Requirements

Sections:

- 30.08.010 Purpose and applicability
- 30.08.020 Specified uses abutting residential or multi-family district
- 30.08.030 Food, beverage and merchandise kiosks
- 30.08.040 Daycare facility (Residential District)
- 30.08.050 Dwelling, accessory
- 30.08.060 Home occupations
- 30.08.070 Outside open air dining
- 30.08.080 Outside open air markets
- 30.08.090 Outside open air sidewalk sales

30.08.010 Purpose and applicability

A. The purpose of this chapter is to establish special standards for certain land uses that may affect adjacent properties, the neighborhood, or the community. It is the intent of this subchapter to establish appropriate standards for the location, design and operation of the land uses covered here, to avoid their creating problems and hazards, and to ensure their consistency with the Wailuku Redevelopment Plan and the General and Community Plan.

B. Applicability of standards. All land uses listed in this subchapter shall conform to the minimum standards established by this subchapter. Such land uses shall also conform to all other applicable requirements of these rules.

30.08.020 Specified uses abutting a residential or multi-family district

A. The following uses shall maintain a 6-foot high solid masonry wall on any property line adjoining a residential or multi-family district:

1. Automobile services;
2. Education, specialized;
3. Medical center, minor;
4. Park
5. Parking, commercial;
6. Parking, public;
7. Police and fire substations; and
8. Storage, wholesale and distribution.

B. Automobile services. The fuel pump island shall be located at least 75 feet from the property line of any lot in a residential, multi-family, or public/quasi public district.

C. Education, specialized. All buildings, parking lots and common activity areas, such as outdoor dining, playgrounds, tot lots and similar facilities shall be located at least 10 feet from the property line.

D. Park. All active recreation areas, such as playgrounds, play courts and similar facilities shall be located at least 10 feet from the property line of any lot in a residential or multi-

family district.

30.08.030 Food, beverage and merchandise kiosks. Food, beverage and merchandise kiosks shall be subject to the following conditions:

- A. The use is compatible with the aesthetics, site, urban design, and architectural character of the neighborhood.
- B. No permanent fixtures, facilities or encroachments are affixed to the sidewalk, except for required utilities; or installed within public street or right-of-way.
- C. No business, product, or advertising signage is placed on any encroaching item, except the kiosk itself.
- D. The sidewalk is clean and free from litter, food products and other items.
- E. No outdoor speakers are installed.
- F. At least 3 feet from the edge of curb along the sidewalk is free from obstructions and the use does not impede pedestrian or automobile circulation.

30.08.040 Day care facility (Residential District). Day care facilities within the Residential District shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet; shall serve eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet; shall serve 12 or fewer children at any one time on lot sizes of ten thousand or more square feet.

30.08.050 Dwelling, accessory. Maximum of 1 per lot; subject to adequate public facilities clearance from the public works director; size limitations as follows:

Lot size (Square feet)	Maximum Floor Area (Square Feet)	Maximum Cumulative Floor Area of open decks, walkways, patios lanai and similar structures (Square Feet)
7,500-9,9999	500	200
10,000- 21,7999	600	240
21,780-43,559	700	280
43,560-87,119	800	320
87,120 +	1000	400

30.08.060 Home occupations

A. Commercial/Business Multi-Family District. Home occupation activities shall take place within completely enclosed buildings. Noise, odor, and other emission levels shall not impact neighboring land users.

B. Residential and Multi-Family Districts. A home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. The home occupation shall clearly be secondary or incidental in relation to the residential use of the main dwelling. Home occupation activities shall comply with the following requirements:

1. No employee other than a resident of the dwelling;

2. The peace, quiet and dignity of the neighborhood shall not be disturbed by electrical interference, dust, noise, smell, smoke or traffic generated by the use;
3. No mechanical equipment shall be used except that which is normally used within a residential dwelling;
4. No more than 25% of floor area used for home occupation;
5. No on-site group instruction, sales meetings, sale of merchandise;
6. No sign, display or change in the exterior of the dwelling to advertise the home occupation;
7. All materials and supplies shall be stored within the dwelling;
8. No clients or customers on premises except for 1-to-1 pupil-teacher sessions limited to 8 pupils per day;
9. No on-site sheltering, training or raising of animals for commercial purposes.

30.08.070 Outside open air dining. Outside open air or dining shall be subject to the following conditions:

- A. No permanent fixtures, facilities or encroachments are affixed to the sidewalk; or installed within the public right-of-way.
- B. No business, product, or advertising signage is placed on any encroaching structure, except for a kiosk.
- C. The sidewalk is clean and free from litter, food products and other debris.
- D. The activity is accessory to a restaurant or kiosk located adjacent to the principal use.
- E. At least 3 feet from the edge of curb along the sidewalk is free from obstructions and the use does not impede pedestrian circulation.
- F. No outdoor speakers are installed
- G. Outdoor dining areas shall not be used after 11:30 p.m.
- H. Outdoor dining capacity shall not increase the total seating capacity of the restaurant without adequate mitigation of the increased parking demand.

30.08.080 Outside open air markets. Open air markets shall be subject to the following conditions:

- A. No permanent fixtures, facilities or encroachments are affixed to the sidewalk; or installed within city right-of-way.
- B. No business, product, or advertising signage is placed on any encroaching structure, except at the entrance to the market.
- C. The sidewalk is clean and free from litter, food products and other debris.
- D. At least 3 ft from the edge of curb along the sidewalk is free from obstructions and the use does not impede pedestrian circulation.

30.08.090 Outside open air sidewalk sales. Outside open air sidewalk sales shall be subject to the following conditions:

- A. No permanent fixtures, facilities or encroachments are affixed to the sidewalk;

or installed within the public right-of-way.

B. No business, product, or advertising signage is placed on any encroaching structure.

C. The sidewalk is clean and free from litter, food products and other debris.

D. At least 3 feet from the edge of curb along the sidewalk is free from obstructions and the use does not impede pedestrian circulation.

E. During the special events, each open air sidewalk vendor may be limited in location, and sales, as well as duration of time by the MRA.

Article IV. Regulations Applying to All Districts

30.09 Building Height

Sections:

- 30.09.010 Height measurement
- 30.09.020 Exceptions from building or structure height
- 30.09.030 Height of boundary fences and retaining walls
- 30.09.040 Height adjustments for special site conditions

30.09.010 Height measurement. The height of a *building* or *structure* shall be the vertical distance from *grade* to the highest point of the parapet coping of a flat roof on all exterior walls, or to the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The height of other *structures* shall be the vertical distance from grade to the highest point of the *structure*.

30.09.020 Exceptions from building or structure height. The following structures and associated screening shall be exempt from zoning district height limits under the specified restrictions:

- A. Vent pipes, fans, roofs access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 12 feet above the governing height limit.
- B. Chimneys.
- C. Safety railings not to exceed 42 inches above the governing height limit.
- D. Spires, and flagpoles.
- E. Any energy-savings device, including heat pumps and solar collectors, not to exceed five feet above the governing height limit.
- F. Construction and improvements on building sites with special conditions, as provided in Section 30.09.040 of this code.

30.09.030 Height of boundary fences and retaining walls. Unless specified elsewhere in these rules, boundary fences and walls shall not exceed a height of 4.0 feet above grade in the front yard for all zoning districts. Retaining walls containing a fill within required yards shall not exceed a height of 6 feet, measured from existing grade to the top of the wall along the exposed face of the wall. Heights of terraced walls or combinations of retaining walls shall be measured combining all walls located in the required yard. The public works director, or authorized representative, may adjust the maximum height of the retaining wall on a finding that additional height is necessary to retain earth, water or both for health and safety purposes. The public works director, or authorized representative, may impose reasonable conditions when granting this additional height, such as type of materials and colors, landscape planting, terracing, setbacks and offsets, as may be necessary to maintain the general character of the area.

30.09.040 Height adjustments for special site conditions. The public works director may adjust the building height envelope under the following conditions, provided that such adjustment is in accordance with the intent of the pertinent district regulations:

A. To permit reasonable *building* design on a site where unusual natural deviations in *grade* occur.

B. To allow up to 5 feet of additional height for dwellings on building sites with slopes of 40 percent or more on lots where there are no reasonable alternative building sites with less slope.

C. To allow up to 5 feet of additional height for buildings in the residential districts where the floor level is required to be elevated above the design flood level as defined in Title 20 of the Maui County Code.

30.10 Lots

Sections:

30.10.010 Lots in two zoning districts

30.10.020 Joint lot use

30.10.030 Street-widening setback lines

30.10.040 Flag lots

30.10.010 Lots in two zoning districts. The following shall apply to *lots* within two or more zoning district categories:

A. For a use common to the zoning district categories, boundary lines may be ignored for the purpose of *yard* and height requirements.

B. For uses not common to the zoning district categories, yard and height regulations of each zoning district shall be applicable from the lot lines on the portions of the lot lying within that district category.

C. Where a lot lies in two zoning districts and a permitted use is common to both districts, but the floor area ratios differ, the floor area ratio (FAR) shall be calculated by the following formula, where:

1. A = FAR for total parcel in most intense district.
2. B = FAR for total parcel in least intense district.
3. C = Area of parcel in most intense district.
4. $FAR = (A - B) \times C / \text{Total } lot \text{ area} + B$

30.10.020 Joint lot use. Two or more adjoining lots may be used and developed as a joint lot use provided that the following conditions are met:

A. The owner(s), duly authorized agents of the owner or duly authorized agents of the lessee(s) holding leases with a minimum of 30 years remaining in their terms of the adjoining lots shall submit to the planning director an agreement which binds themselves and their successors in title and lease, individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning regulations. The right to enforce the agreement shall also be granted to the County.

B. If the planning director, or authorized representative, finds that the proposed agreement assures the future protection of the public interest and a more efficient use of land in accordance with the intent and purpose of this title, he shall recommend approval and forward it to the Corporation Counsel for review and approval as to form and legality.

C. The agreement shall not take effect until it is filed as a covenant running with the land with the State Bureau of Conveyances or the registrar of the land court. Proof of such filing in the form of a copy of the covenant certified by the appropriate recording agency shall be submitted to the public works director before the issuance of any construction permits on the affected lots.

30.10.030 Street-widening setback lines. No business, merchandising displays, uses or structures shall be located or carried on within any street setback area, as determined on a map adopted by the public works director pursuant to rules and regulations, except for the following:

- A. Poles, posts, wires.
- B. Customary yard accessories.
- C. Structures for newspaper sales and distribution.
- D. Fences and retaining walls as provided in Section 30.09.030.
- E. Other structures not over 30 inches.
- F. Temporary or portable structures.
- G. Food, beverage, and merchandise kiosks, subject to the provisions of this code.
- H. Outside open air markets, subject to the provisions of this code.
- I. Outside open air sidewalk sales, subject to the provisions of this code.
- J. Outside open air dining, subject to the provisions of this code.

30.10.040 Flag lots.

A. Flag lots are permitted when a parcel lacks sufficient street frontage for more than one lot or parcel. This parcel may be subdivided to create a flag lot, provided that the access drive for the flag lot shall be the sole access for only one lot and shall have a minimum width of 12 feet and that the parcel does not abut an existing flag lot.

B. The lot area excluding the access drive used for ingress and egress shall be not less than 80 percent of the minimum lot area required for the zoning district. The total lot area shall meet the minimum lot area standard for the zoning district.

30.11 Yards

Sections:

30.11.010 Activities and structures in yards

30.11.010 Activities and structures in yards. No business, merchandising displays, discarded appliances and machinery (automobiles, refrigerators, etc.) uses, structures or umbrellas, shall be located or carried on within any required yard except for the following:

- A. Poles, posts, wires.
- B. Customary yard accessories.
- C. Structures for newspaper sales and distribution.
- D. Fences and retaining walls as provided in Section 30.09.030
- E. Other structures not more than 30 inches in height.

- F. Displays for yard and garage sales of a temporary nature.

30.12 Canopies, Balconies and Sunshades

Sections:

- 30.12.010 Canopy, balcony, and sunshade requirements
- 30.12.020 Insurance Required

30.12.010 Canopy, balcony, and sunshade requirements. The following guideline is provided to accommodate canopies, balconies, and sunshades over sidewalks compatible with historic precedent for new buildings and allow reconstruction of existing or previously existing deteriorated structures. Canopies, balconies, and sunshades, cantilevered or structurally attached to a building facade, may extend into a public street or right-of-way over the sidewalks and pedestrian ways, only. The front edge of canopies and balconies are permitted only within six (6) inches of the front face of the curb. Canopies shall provide clearance of not less than eight (8) feet above the sidewalk. A canopy or balcony may not be enclosed. No canopy, balcony, or sunshade shall be erected, enlarged, or altered over the public sidewalk without prior approval from the Director of Planning, or authorized representative, for consistency with the Wailuku Redevelopment Area Design Guidelines.

30.12.020 Insurance required. No canopy or balcony projecting over County property shall be erected, re-erected, located or relocated, or enlarged or modified structurally or changed in ownership, without first receiving approval of the Director of Planning or authorized representative, and submitting a hold harmless agreement and certificate of liability insurance against all claims for personal injuries and/or property damage in the standard amount determined by the Corporation Counsel. The County of Maui must be named in the Certificate of Insurance as an Additional Insured. A 30-day written notice to the Department of Planning of cancellation or expiration must be included in the Insurance Certificate. The name of the owner of the canopy or balcony must be clearly identified on the application for a permit as an official corporation, partnership, or a sole proprietorship with appropriate names of individuals involved.

30.13 Off-Street Parking and Loading

Sections:

- 30.13.010 Method of determining number of required off-street parking spaces
- 30.13.020 Required off-street parking spaces by use
- 30.13.030 Parking reductions
- 30.13.040 Joint-use parking
- 30.13.050 Off-site parking
- 30.13.060 Parking abatement with approval of the MRA
- 30.13.070 Design standards for off-street parking
- 30.13.080 Required off-street loading spaces by use
- 30.13.090 Design standards for off-street loading spaces

30.13.010 Method of determining number of required off-street parking spaces

A. Method of Determining Number of Required Off-street Parking Spaces. To determine the required number of off-street parking spaces, *floor area* shall be as defined in Section 30.02.010 of these rules, except that for the purposes of this article, basement space shall be included as *floor area* for parking purposes when it is devoted to uses having a parking requirement specified in this section. The following shall apply when determining parking requirements:

1. When the computation of required parking spaces results in a fractional number of spaces, the number of spaces required shall be rounded up to the nearest whole number when a fraction of a stall is greater than .5 and rounded down when a fraction of a stall is less than or equal to .5.

2. In assembly areas in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.

3. When a building or premise includes uses incidental or accessory to a principal use, the total number of spaces required shall be determined on the basis of the parking requirements of the principal use(s), unless otherwise noted.

4. The minimum parking ratios indicated below may be increased or decreased when the use requires an MRA Use Permit, based on the particular unique characteristics of the proposed use and/or site.

5. If a use not listed below is permitted as a principal use in a zoning district category, the Planning Director shall determine the minimum required parking based on the closest equivalent use or waive the off-street parking requirement for the use.

30.13.020 Required off-street parking spaces by use

Use	Minimum Parking Ratio (sf refers to square feet of <i>floor area</i> unless otherwise noted)
<i>Adult establishment</i>	1 space per 75 square feet of serving, dining, and dancing areas.
<i>Animal hospital</i>	1 space per 500 square feet of building
<i>Assembly area</i>	Church: 1 space per 100 sf of floor area of building, where the church is within 500 feet of a public parking lot with more than 150 stalls the MRA may grant the church a waiver of up to 75% of the required stalls provided that service times are limited to weekends and after 6:00 p.m. on weekdays. Library, museum, art gallery: one space per 300 sf of floor area of building. Auditorium, theater, stadium, bleachers, place of assembly: one space per 6 seats. All other types of assembly: 1 space per 75 square feet of floor area or 1 space per 5 fixed seats, whichever is greater.
<i>Automobile services</i>	1 space per 200 square feet of floor area or 40% of <i>lot area</i> , whichever is greater; for car wash facilities, 10 standing spaces for waiting vehicles for each wash rack
<i>Base yard</i>	1 space per operating vehicle

Use	Minimum Parking Ratio		
	(sf refers to square feet of <i>floor area</i> unless otherwise noted)		
<i>Bed and breakfast home</i>	1 space per <i>bedroom</i> used for short-term rental, in addition to any other spaces required pursuant to this section.		
<i>Beverage and service kiosk</i>	None		
<i>Boarding home</i>	.75 spaces per lodging unit		
<i>Day care facility</i>	1 space per 10 care recipients, plus 4 pick-up/drop-off spaces for facilities with more than 25 care recipients		
<i>Dwelling</i>	2 spaces per unit for detached single-family dwellings and duplexes	Multifamily	
		Size (Bedrooms)	
		Studio	1
		1	1
	2 or more	2	
<i>Dwelling, accessory</i>	1 space per unit		
<i>Eating establishment</i>	One space per 100 sf of serving and dining areas, including areas used for outdoor dining, plus 5 stacking spaces per drive-in window; provided, that there shall be a minimum of three parking spaces for patrons and a minimum of three additional spaces for employee parking for each such establishment.		
<i>Education, major/ Education, minor</i>	Each classroom with students less than 16 years of age: one space per classroom. Each classroom with students 16 years of age or older: eight spaces per classroom		
<i>Education, specialized</i>	1 space per each 10 students of design capacity, plus 1 space per 400 square feet of office floor space		
<i>Entertainment</i>	See adult establishment		
<i>Food, beverage and merchandise kiosk</i>	None		
<i>Food and beverage retail</i>	1 space per 500 square feet of floor area of building; provided that the minimum shall be three spaces.		
<i>Food processing</i>	1 space per 600 sf of floor area of building or 25% of the lot area, whichever is greater.		
Funeral home	1 space per 6 seats and 1 space per 1,500 square feet of storage area		

Use	Minimum Parking Ratio (sf refers to square feet of <i>floor area</i> unless otherwise noted)
<i>General merchandise</i>	1 space per 500 square feet of floor area of building; provided, that the minimum shall be three parking spaces. 1 space per 600 square feet of floor area of building for appliance, furniture, plumbing supply, automobile, marine supply and machinery stores requiring large floor spaces for product display
<i>General office</i>	1 space per 500 square feet of floor area of building; provided, that there shall be a minimum of three parking spaces for employees and patrons.
<i>Group living facility</i>	0.5 spaces per bed
<i>Home occupation</i>	1 space per 750 square feet of floor area used for home occupation
<i>Hotel</i>	1 space per 2 <i>lodging units</i> , plus parking for <i>eating establishments</i> and <i>assembly areas</i> on the same <i>lot</i>
<i>Light manufacturing and processing</i>	1 space per 1,500 square feet of floor area for warehousing; 1 space per 600 square feet of floor area for other uses.
<i>Medical center, major</i>	1 space per three beds; 0.5 spaces per bed for skilled nursing facilities
<i>Medical center, minor</i>	Same as personal and business services
<i>Outside open air dining</i>	1 space per 500 square feet of floor area
<i>Outside open air markets</i>	None if within 400 feet of a public parking lot with more than 150 parking stalls. Otherwise, 1 space per 500 square feet of floor area; none required during County sponsored special events.
Outside open air sidewalk sales	None
<i>Park</i>	See standards for outdoor recreation and indoor recreation; for parks that primarily serve pedestrians this requirement may be reduced or waived by the director of planning or authorized representative.

Use	Minimum Parking Ratio (sf refers to square feet of <i>floor area</i> unless otherwise noted)
<i>Personal and business services</i>	<p>1 space per 300 square feet of floor area of building for personal services such as medical and dental clinics, beauty salons, financial institutions and health spas; provided, that a minimum of three parking spaces are required for employees and patrons;</p> <p>1 space per 400 square feet of floor area of building for business services such as photocopy shops; provided, that a minimum of three parking spaces are required for employees and patrons.</p> <p>1 space per 500 sf of floor area of building for all other business buildings; provided, that a minimum of three parking spaces are required for employees and patrons.</p>
<i>Quasi-public use</i>	As specified in this section; otherwise 1 space per 500 square feet of floor area of building
<i>Recreation, indoor</i>	<p>Bowling alley: 5 spaces per alley;</p> <p>Swimming pool, gymnasium: one space per 600 sf of floor area of pool or building;</p> <p>Tennis courts: six spaces per court;</p> <p>All other types of indoor recreation and play courts 1 space per 300 square feet or 3 spaces per play court, whichever is greater.</p>
<i>Recreation, outdoor</i>	<p>6 spaces per tennis court;</p> <p>1 space per hole for miniature golf courses;</p> <p>1 space per 600 square feet of swimming pool;</p> <p>2 spaces per play court for other types of courts; 12 spaces per playing field if no bleachers are provided; parking spaces for other uses to be determined by the Director of Planning or authorized representative.</p>
<i>Repair, major</i>	1 space per 1,500 square feet of floor area for warehousing and 1 space per 700 square feet of floor area of building or 20% of the lot area, whichever is greater, for other uses.
<i>Repair, minor</i>	1 space per 1,500 square feet of floor area for warehousing and 1 space per 600 square feet of floor area of building or 20% of the lot area, whichever is greater, for other uses.
<i>Shopping center</i>	1 space per 200 square feet of floor area of building; except for <i>assembly areas</i> and <i>eating establishments</i> which shall be subject to the parking requirements for such uses as set forth herein.
<i>Storage, wholesale and distribution</i>	1 space per 1,500 square feet for storage facilities; 1 space per 600 square feet for other uses.
<i>Transient or time-share unit</i>	1 space per unit

30.13.030 Parking reductions

A. The existing compact mixed-use land use pattern within the Redevelopment Area fosters more pedestrian trips and fewer automobile trips than other more automobile dependent commercial districts in the County. As such, the following parking reduction shall apply to lots zoned for commercial, non-profit and public/quasi-public uses within the WRAZ&D District.

1. Commercial, non-profit and public/quasi public uses on lands zoned for such uses within the WRAZ&D District shall receive a 30% percent reduction in the required number of parking stalls.
2. When the computation of required parking spaces results in a fractional number of spaces, the number of spaces required shall be rounded up to the nearest whole number when a fraction of a space is greater than or equal to .5 and rounded down when a fraction of a space is less than .5.

30.13.040 Joint-use parking

A. The Planning Director may permit joint-use of required parking spaces where two or more uses on the same or separate sites are able to jointly use the same parking spaces because their parking demands occur at different times. The Planning Director, or authorized representative, may permit joint-use parking subject to the following conditions and application requirements:

1. The names and addresses of the owners that will participate in the joint use of parking.
2. The location and number of parking spaces that will be jointly used.
3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
4. The distance of the entrance to the parking facility from the nearest principal entrance of the building occupied by the use which is served by the parking shall not exceed 400 feet by customary pedestrian routes.
5. The proposed use which is served by the off-site parking shall occur within an existing building. Joint-use parking shall not be an optional method of providing required off-site parking stalls for structures constructed or expanded after the effective date of these rules.
6. A written agreement assuring continued availability of the number of required spaces at the period indicated shall be drawn and submitted to the planning director and County corporation counsel for review and approval. No change in use shall be permitted which increases the requirements for off-street parking spaces unless such additional spaces are provided. A certified copy of the executed agreement shall be submitted to the Planning Director or authorized representative.
7. Any other information required by the Planning Director to assess the application.

30.13.050 Off-site parking

A. Off-site parking may be permitted where a surplus of parking stalls exists on a commercial zoning lot that allows for commercial parking facilities and those surplus stalls are available for long term lease to the owner and/or long-term lessee of a separate zoning lot situated within close proximity to the surplus stalls. Off-site parking may be approved by the Planning Director or authorized representative, subject to the following conditions and application requirements:

1. The names and addresses of the owners that are entering into an off-site parking agreement.
2. The location and number of parking spaces that are being leased for off-site parking.
3. Documents which identify the owner of the subject properties (lessees of the subject off-site parking stalls shall submit a copy of the recorded lease document for said stalls which shall have an unexpired term of at least five years from the date of filing of the application).
4. The distance of the entrance to the parking facility from the nearest principal entrance of the building occupied by the use which is served by the off-site parking shall not exceed 400 feet by customary pedestrian routes.
5. The proposed use which is served by the off-site parking shall occur within an existing building. Joint-use parking shall not be an optional method of providing required off-site parking stalls for structures constructed or expanded after the effective date of these rules.
6. A written agreement assuring continued availability of the number of required spaces at the period indicated shall be drawn and submitted to the planning director and County corporation counsel for review and approval. No change in use shall be permitted which increases the requirements for off-street parking spaces unless such additional spaces are provided. A certified copy of the executed agreement shall be submitted to the director of planning or authorized representative.
7. Any other information required by the Planning Director to assess the application.

30.13.060 Parking abatement with approval of the MRA. The MRA may offer a partial or total abatement of parking spaces required pursuant to Section 30.13.020, provided that criteria A and a majority of criteria B to F are met. The criteria are as follows:

- A. The abatement will forward the vision, guiding principles, and objectives of the Wailuku Redevelopment Plan;
- B. The majority of trips generated can be expected to be pedestrian oriented because the project's principal market area is the Wailuku commercial core as defined by the boundaries of the Wailuku Redevelopment Area;
- C. The floor area of the proposed use is less than 1,000 square feet;
- D. The applicant, for economic reasons, is not capable of providing cash in-lieu-of parking or participating in other parking programs set forth herein;
- E. It is impractical to provide parking at the proposed site; and
- F. The project will have little or no effect on the parking supply.

30.13.070 Design standards for off-street parking

- A. Configuration of Parking Spaces.
 1. Except for landscape planting and irrigation requirements as provided under Section 30.14.010, all spaces shall be unobstructed, provided that building columns may extend a maximum total of 6 inches into the sides of the parking space. A wall is not considered a building column.
 2. Where four (4) or more parking spaces are required, other than for 1- and 2-family dwellings, the parking lot or area shall be designed or configured

in a manner that no vehicle maneuvering into or from any street, alley or walkway is necessary, in order for a vehicle to enter or leave a space, and which allows all vehicles to enter the street in a forward manner.

3. All spaces shall be configured so that any automobile may be moved without moving another except that tandem parking shall be permissible in any of these instances:

a. Where two parking spaces are assigned to a single *dwelling* unit.

b. For use for employee parking, except that at no time shall the number of parking spaces allocated for employees exceed 25 percent of the total number of required spaces. Also, for employee parking, "tandem" parking shall be limited to a configuration of two stacked parking stalls.

c. Where all parking is performed by an attendant at all times.

d. For assembly areas and temporary events when user arrivals and departures are simultaneous and parking is attendant-directed.

B. Minimum Dimensions for Parking Facilities.

1. Each parking space shall have a minimum width of 8.25 feet and a minimum length of 18 feet at all points.

2. Minimum aisle widths for parking bays shall be provided in accordance with the following:

Parking Angle	Aisle Width
0° - 44°	12 ft
45° - 59°	13.5 ft
60° - 69°	18.5 ft
70° - 79°	19.5 ft
80° - 89°	21 ft
90°	22 ft

3. Ingress and egress aisles shall be provided to a street and between parking bays and no driveway leading into a parking area shall be less than 12 feet in width.

C. Parking for the physically disabled. For all non-dwelling uses, the parking for the physically disabled shall be provided as follows:

Total Required Parking Spaces	Spaces Allocated for Physically Disabled
11 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
Total Required Parking Spaces	Spaces Allocated for Physically Disabled
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1,000	10
more than 1,000	10 plus 1 for each additional 500 or fraction thereof

Parking spaces for the disabled shall be identified by posted upright sign and blue paint on the curb or on the pavement edge of the space and shall be at least 8 feet wide and shall have an adjacent access aisle a minimum of 5 feet. Parking access aisles shall be part of an accessible route to the *building* or facility. Surface slope shall not exceed 4 percent in any direction. Two adjacent spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

D. Paving of Parking Areas.

1. All off-street parking spaces, parking lots and driveways shall be provided and maintained with an all-weather surface.
2. Parking areas for three or more automobiles shall have individually striped spaces.
3. Illuminated parking lots or areas shall be illuminated with individual light poles not exceeding 12-feet in height and shall be shielded downward to prevent any direct illumination toward any zoning lot within a residential or multi-family district.
4. All parking lots shall incorporate landscape planting and irrigation as specified in Chapter 30.14 of this title.

E. Compact car parking stalls. Parking stalls for compact cars may be permitted not to exceed twenty-five percent of the total off-street parking requirements; provided, that the stalls shall be grouped and properly identified and the compact stalls shall be at least seven feet six inches wide and sixteen feet in length.

30.13.080 Required off-street loading spaces by use

A. Off-street loading requirements shall apply to all zoning lots exceeding 5,000 square feet in area for the class or kind of uses indicated below. The minimum number of off-street loading spaces shall be as follows:

Use or Use Category	Floor Area (in sf) or Units	Loading Space(s)
---------------------	-----------------------------	------------------

<i>General merchandise; eating establishments; storage, wholesale, and distribution; personal and business services; repair, major and minor; industrial and waste products processing; food processing</i>	2,000 sf - 10,000 sf	1
	10,001 sf - 20,000 sf	2
	20,001 sf - 40,000 sf	3
	40,001 sf - 60,000 sf	4
	Each additional 50,000 sf or major fraction thereof	1
<i>Hotel; medical facility, major; assembly area</i>	5,000 sf - 10,000 sf	1
	10,001 sf - 50,000 sf	2
	50,001 sf - 100,000 sf	3
	Each additional 100,000 sf or major fraction thereof	1
<i>General office</i>	20,000 sf - 50,000 sf	1
	50,001 sf - 100,000 sf	2
	Each additional 100,000 sf or major fraction thereof	1
<i>Dwelling (in multi-family building)</i>	20 units - 150 units	1
	151 units - 300 units	
	Each additional 20 units or major fraction thereof	

B. Method of Determining Number.

1. To determine the required number of loading spaces, floor area shall be as defined in Section 30.02.01 of this title, except that when a basement is devoted to a use having a loading requirement, loading spaces shall be required as specified above.

2. When a building is used for more than one use, and the floor area for each use is below the minimum requiring a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, at least 1 loading space shall be required.

3. The number of loading spaces required may be adjusted to 50 percent of the required number when such spaces are assigned to serve 2 or more uses jointly, provided that each use has access to the loading zone without crossing public streets or sidewalks.

30.13.090 Design standards for off-street loading spaces

A. Minimum Dimensions.

1. When only one loading space is required and total floor area is less than 5,000 square feet, the horizontal dimensions of the space shall be 19 feet by 8.5 feet. It shall have a vertical clearance of 10 feet.

2. When more than one loading space is required or total floor area is more than 5,000 square feet, the minimum horizontal dimension of at least half of the required spaces shall be 12 feet by 25 feet and have a vertical clearance of at least 14 feet. The balance of required spaces may have horizontal dimensions of 19 feet by 8.5 feet and vertical clearance of at least 10 feet.

B. Location and Paving.

1. No required loading space shall be in any street or alley but shall be provided within or adjacent to the building it serves.

2. Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct illumination toward any rural, residential, multifamily or hotel districts.

3. Each required loading space shall be identified as such and shall be reserved for loading purposes, only.

4. No loading space shall occupy required off-street parking spaces or restrict access.

5. All loading spaces and maneuvering areas shall be paved or covered with an all-weather surface.

6. Except in front and side yards in residential districts, no loading space or maneuvering area shall be located within a required yard, except if the area displaced by the loading space or maneuvering area is provided as open space immediately abutting the required yard, and the design is approved by the public works director.

30.14 Landscape Planting and Visual Screening

Sections:

30.14.010 Parking and loading areas

30.14.020 Other areas

30.14.010 Parking and loading areas

A. Parking Areas. Parking lots, automobile service stations, service and loading spaces, trash enclosures and utility substations shall be visually screened with landscape planting or by other appropriate methods in all zoning districts as follows:

1. Parking lots and automobile service stations shall provide a minimum 4-foot landscape strip adjacent to any adjoining street right-of-way. This 4-foot strip shall contain trees, groundcover and a perimeter hedge maintained at not less than 4-feet in height with hedge plants spaced at a maximum of 16 inches on center. A minimum 48-inch high wall or solid fence may be placed on the setback line with a street side flowering vine on the fence or wall, and tree, shrub, and groundcover foundation planting in lieu of a perimeter hedge. One (1) minimum six (6) foot tall large crown shade tree with a minimum of 2-inch caliper depth, breath and height (DBH) [as measured six (6) inches above the ground] shall be planted in the landscape strip for each 50 feet or major fraction of adjacent lineal street frontage. Also, a 2-foot wide side and rear yard landscape strip shall be provided immediately adjacent and parallel with each property line where automobile parking abuts.

2. To provide shade within parking lots and minimize visibility of open paved surfaces, one (1) minimum 6 foot tall large crown shade tree with a minimum of 2-inch caliper DBH [measured six (6) inches above ground] shall be provided for every 5 parking stalls or major fraction thereof. The minimum mature spread of the crown specimen canopy tree shall be 30 feet. Each tree shall be located in a planting area and/or tree well no less than 4 feet square. If wheel stops are provided, continuous planting areas with low groundcover, and tree wells with trees centered at the corner of parking stalls may be located within the 3-foot bumper overhang space of parking stalls. Hedges and other landscape elements, including planter boxes over 6 inches in height, are not permitted within the bumper overhang space of the parking stalls. Trees shall be sited so as to evenly distribute shade throughout the parking lot.

3. Parking lots shall be screened from adjoining lots in residential and apartment districts by walls or continuous screening hedges at a minimum of 60 inches high adjacent to the abutting property line.

B. Parking Structures. Parking structures with open or partially open perimeter walls which are adjacent to zoning lots with side or rear yard requirements shall meet the following requirements:

1. A 2-foot landscape strip along the abutting property line shall be provided. The landscape strip shall consist of a perimeter hedge at a minimum of 42 inches in height. A solid wall 42 inches in height may be substituted for this requirement.

2. A minimum 2-inch caliper DBH (measured six inches above the ground) shade tree shall be planted for every 50 linear feet of building length, abutting a required yard.

3. Each parking deck shall incorporate an architectural perimeter wall or planter at least 2 feet in height to screen vehicular lights.

C. Loading Areas. All service areas and loading spaces shall be screened

from adjoining lots in residential and apartment districts by a wall 6-feet in height.

30.14.020 Other areas

A. Trash Enclosures. All outdoor trash storage areas, except those for 1- or 2-family dwelling use, shall be screened on a minimum of 3 sides by a wall or hedge at least 6- feet in height. The wall shall be painted, surfaced or otherwise treated to blend with the development it serves.

B. Utility Substations. Utility substations, other than individual transformers, shall be enclosed by a solid wall or a fence with a screening hedge a minimum of 5-feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses shall be enclosed by a landscape hedge, except for access openings.

30.15 Non-Conformities and legal existing uses

Sections:

- 30.15.010 Non-conforming lots
- 30.15.020 Non-conforming structures
- 30.15.030 Non-conforming uses
- 30.15.040 Non-conforming parking and loading
- 30.15.050 Legal uses and structures existing prior to the enactment of this code

30.15.010 Non-conforming lots

- A. Nonconforming lots may be continued, subject to the following provisions:
 - 1. A nonconforming lot shall not be reduced in area, width or depth, except by government action to further public health, safety or welfare; and
 - 2. Any nonconforming structure or use may be constructed, enlarged, extended or moved on a nonconforming lot as long as all other requirements of this title are met.

30.15.020 Non-conforming structures

A. If a nonconforming structure is destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title; except, that:

1. A nonconforming structure which is a historic property as defined in chapter 6E of the Hawaii Revised Statutes and a nonconforming structure devoted to a conforming use which contains multifamily dwelling units owned by owners under the authority of chapters 514A and 421G of the Hawaii Revised Statutes, or units owned by a "cooperative housing corporation" as defined in section 403-98(b) of the Hawaii Revised Statutes, and whether or not the structure is destroyed by accidental means, including destruction by fire, other calamity, or natural disaster, may be restored to its former condition; provided, that such restoration is permitted by the building code and flood hazard regulations and is started within two years;

2. The burden of proof to establish that the destruction of a structure was due to accidental means as described above and that the structure was legally nonconforming shall be on the owner; and

3. Except as otherwise provided in this title, no nonconforming structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the provisions of this title;

B. If a nonconforming structure is moved, it shall conform to the provisions of this title; and

C. Any nonconforming structure may be repaired, expanded or altered in any manner which does not increase its nonconformity.

D. If the use of a nonconforming structure is discontinued, and or changes, the structure may be converted to a use permitted within the zoning district and repaired, expanded or altered in any manner which does not increase its nonconformity.

30.15.030 Non-conforming uses

A. A nonconforming use shall not extend to any part of the structure or lot which was not arranged or designed for such use at the time the use became nonconforming;

B. Any nonconforming use that is discontinued for twelve consecutive months shall not be resumed;

C. Work may be done on any structure devoted in whole or in part to any nonconforming use; provided, that work is limited to ordinary repairs, including repair or replacement of walls, fixtures, wiring or plumbing. Further, this work shall not exceed fifty percent of the current replacement cost of the structure within a twelve-month period, and the floor area of the structure, as it existed at the time the nonconforming use was created, shall not be increased; and

D. No nonconforming use shall be changed to another nonconforming use.

30.15.040 Non-conforming parking and loading

A. If there is a change or intensification of use, the new use shall meet the off-street parking and loading requirement established in this title; and

B. Except for expansion of individual dwelling units, any use that adds floor area shall provide off-street parking and loading for the addition as required by Chapter 30.14 of this title.

30.15.050 Legal uses and structures existing prior to the enactment of this code.

A. Legal use(s) existing at the time of adoption of this code shall be grandfathered and may continue without having to obtain Administrative Review Permits, MRA Use Permits, or variances until such time as the use(s) are discontinued for twelve or more consecutive months.

B. Any dwelling or structure that was constructed with a building permit that was approved prior to the enactment of this code need not acquire an Administrative Review Permit, MRA Use Permit, or variances and may be reconstructed as permitted by the original building permit(s), and such dwellings or structures may be expanded or modified with a building permit, subject to the other provisions of this code.

Article V. Administration and Enforcement

Chapter 30.16 General Administrative Procedures

Sections:

30.16.010	Purpose and intent
30.16.020	Administrative duties
30.16.030	General application requirements
30.16.040	Content of application
30.16.050	Public notification
30.16.060	Review Process
30.16.070	Review criteria for Administrative Review Permits and MRA Use Permits
30.16.080	Review criteria for variance applications
30.16.090	Appeals
30.16.100	Enforcement

30.16.010 Purpose and intent.

A. Purpose. The purpose of this article is to protect the public health, safety and welfare by establishing a process for the review of land uses throughout the Wailuku Redevelopment Area; prescribe the manner by which permits and approvals are processed and approved, approved with conditions, or denied; and to ensure that all developments within the Wailuku Redevelopment Area are in compliance with the provisions of the Wailuku-Kahului Community Plan, the Wailuku Redevelopment Plan, the Wailuku Redevelopment Area Design Guidelines, the Rules of Practice and Procedure for the Maui Redevelopment Agency and all other applicable laws.

B. Intent. It is the intent of this article to establish a development review process which will:

1. Foster public participation;
2. Encourage more informed and better decision making;
3. Protect and preserve cultural, historical, environmental and natural resources for present and future generations;
4. Improve the quality of development throughout the Wailuku Redevelopment Area;
5. Protect the public health and safety from natural and man-made hazards; and
6. Forward the implementation of the Wailuku Redevelopment Plan including the elimination of slum and Blight.

C. The review of all applications under these rules shall be substantive - based on conformance with this title and all other applicable laws.

D. Applicability. Any department or agency of the State or County or any person having a legal or equitable interest in the land for which a land use permit is sought may file an application in accordance with the provisions set forth herein. Except as otherwise provided, all permits and development approvals required by these rules

shall comply with the procedures specified herein.

30.16.020 Administrative duties

A. Duties of the Public Works Director. The public works director shall have the following duties to carry out the purpose of this title and related development codes:

1. Review and act on applications for subdivision, building, certificate of occupancy, grading, plumbing, electrical, or other development or construction permits, which comply with the provisions of this title.

B. Duties of the Planning Director. The planning director shall have the following duties to carry out the purpose and intent of this title:

1. Interpret the provisions of this title as applied to specific land uses and activities;
2. Review and process applications required by this title;
3. Review all proposed land uses for consistency with all applicable laws and the provisions of this title;
4. Enforce the provisions of this title;
5. Prepare and initiate amendments to this title; and
6. All other duties related to the administration of this title.

30.16.030 General application requirements.

A. Submittal and Acceptance of Applications. All applications required by this title shall be submitted to the planning director. The planning director shall review the application to determine if the application is complete or incomplete. If the application is determined to be complete, the planning director shall notify the applicant in writing and process the application as set forth herein. If the application is determined to be incomplete the planning director shall give the applicant written notification identifying the portions of the application determined to be incomplete or the additional information that is needed to process the application.

B. Fees. Except for applications filed by County agencies, applicants shall pay a fee in the amount specified in the annual budget of the County. Checks issued to pay for application fees shall be made payable to the director of finance of the County.

C. Types of applications.

1. Administrative Review Permit (ARP). ARP applications shall be decided upon by the Planning Director. However, the Planning Director shall forward an ARP application to the Maui Redevelopment Agency if the applicant submits a written request to do so to the Planning Director at the time the application is submitted, or as required by this chapter. The Planning Director may also refer an ARP application to the Maui Redevelopment Agency when the Planning Director determines that broader public review is warranted.

2. MRA Use Permit (MUP). MUP applications shall require a final determination from the Maui Redevelopment Agency.

3. Variances. Variance applications shall require a final determination from the Maui Redevelopment Agency.

4. Design review. Design review applications shall be subject to the application content requirements of Section 30.16.040, and shall be processed pursuant to Title 30.17 of this code.

30.16.040 Content of application.

A. All applications shall include the following information:

1. Documents identifying the owner of the subject parcel of land and a notarized letter bearing the signature and written authorization for the application by the owner.
2. Owner's name, address and telephone numbers.
3. Agent's name, address and telephone numbers, if applicable.
4. Property description, including the following elements:
 - a. Tax Map Key (TMK) parcel number;
 - b. Property address;
 - c. Lot size;
 - d. Location map identifying the site, adjacent roadways, and identifying landmarks;
 - e. Photographs of the site and surrounding properties;
 - f. Site plan of the project site; and
 - g. Copies of all previously approved building permits and violation notices for the subject parcel, that applicants are aware of or have in their possession.
5. Proposed project description, including the following elements:
 - a. Narrative description of what is being proposed, why it is being proposed, and the project schedule; and
 - b. Preliminary schematic drawing showing project location, size, shape, materials and colors of proposed uses, structures and signs.

B. The following information shall be provided, if applicable, as determined by the MRA or Director:

1. Floor plans, drawn to scale, of existing buildings.
2. Architectural plans, drawn to scale of at least 1/8" = 1', including site plans, floor plans, sections and elevations, exterior finish schedule, and any other detailed plans which may be necessary to completely identify the scope and design of the project. The plans shall identify the building materials, color scheme, exterior lighting and graphics, mechanical equipment and landscaping included in the project.
3. Required off-street parking.
4. Description of future project expansions or additions.
5. Identification of all meetings held between the applicant and any community organization that may be impacted by the applicant's request, the issues raised at these meetings, and any measures proposed by the applicant to resolve or mitigate these issues.
6. Operation and management of the proposed use including, but not limited to, number of employees and hours of operation.
7. Location(s) and plans for all signs that are to be constructed or maintained in connection with the project or businesses which may occupy the property.

C. In addition to the other information required by this section, the following information shall be provided for variance applications:

1. The nature of the variance requested;
 2. The reasons for the variance request;
 3. The specific ordinances, rules, or regulations which prevent the reasonable use of the subject property;
 4. An analysis of how the granting of the variance would impact the essential character of the neighborhood and surrounding properties;
 5. List of each property owner as listed in the County real property tax roll, adjacent to and across from the proposed use or project; and
 6. All correspondence among the MRA, Director, and other governmental agencies that relate to the subject variance.
- D. The MRA or the director may request other information, as needed, to assess the application.

30.16.050 Public notification. The following public notification requirements shall apply to MRA Use Permit (MUP) and variance applications. Said notification requirements shall not apply to applications for Administrative Review Permits (ARP) and design review.

A. Mail a notice of the date of the MRA hearing on a form prescribed by the planning director by certified mail, return receipt requested, to each of the owners as listed in the County real property tax roll, adjacent to and across from the proposed use or project and any other person or organization that has requested notification of such application. The applicant shall mail the notice at least thirty calendar days before the MRA hearing.

B. Submit each of the return receipts for the certified mail to the director not less than ten business days before the date of the MRA hearing.

C. Publish notice of the date, time, place, and subject matter of the MRA hearing once in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the county and shall transmit a copy of the notice to the director. The applicant shall publish the notice at least 30 calendar days before the MRA hearing.

D. Notice shall be considered validly given if the applicant has made a good faith effort to comply with the procedures set forth in this subsection.

30.16.060 Review Process. Applications for Administrative Review Permits (ARP), MRA Use Permits (MUP) and variances shall be processed as follows:

A. No application shall be deemed complete until the Director has received comments from all applicable agencies; and all other requirements set forth herein and in Section 30.16.040 "Content of Application" have been met.

B. Within ten days after deeming that an application for a MRA Use Permit (MUP) or Variance is complete, the director shall forward the application for a MUP or variance to the MRA for the MRA's scheduling of a hearing on the application.

C. Within forty-five days of determining the application for an Administrative Review Permit (ARP), MRA Use Permit (MUP) or variance is complete, the director shall do one of the following:

1. Approve, deny or approve with conditions or modifications an Administrative Review Permit (ARP) application.

2. Prepare and provide the MRA a written report and recommendation to approve, deny or approve with conditions or modifications a MRA Use Permit (MUP) or variance and refer the

application to the Maui Redevelopment Agency for its review prior to the hearing.

3. The Planning Director shall transmit a report on the application to the MRA, the applicant, the appropriate state and county agencies, and all interested persons not less than six business days prior to the date of the hearing.

D. The MRA shall forward its decision and order or letter of approval, as the case may be, to the applicant and other parties within one hundred and twenty days from the later of:

(1) The date the application is deemed complete by the director, or

(2) The closing of the MRA meeting on the application, provided that, if a contested case proceeding is conducted pursuant to subchapter 6 of the Rules of Practice and Procedure of the Maui Redevelopment Agency, the decision shall be rendered within the time specified by Section 12-701-65 of the Rules of Practice and Procedure of the Maui Redevelopment Agency. This time period shall be extended in the event of a national disaster, state emergency, or union strike, which would prevent the authority from reviewing and making a decision within the specified time period.

30.16.070 Review criteria for Administrative Review Permits and MRA Use Permits.

No application required by this chapter shall be approved unless each of the following criteria have been met:

A. The proposed request complies with Hawaii Revised Statutes (HRS) Chapter 53, the Urban Renewal Law; the Wailuku-Kahului Community Plan; the Wailuku Redevelopment Plan; and the Rules of Practice and Procedure for the Maui Redevelopment Agency; and all other applicable Federal, State and County laws. See Section 5, "Redevelopment Area Project Scorecard" for specific criteria.

B. The proposed request is consistent with and supports the implementation of the Wailuku Redevelopment Plan.

C. The proposed request meets the purpose and intent of the applicable zoning district.

D. The proposed request is consistent with the Wailuku Redevelopment Area Design Guidelines.

E. The proposed request or the cumulative impact generated by the proposed request does not adversely impact the character of the Wailuku Redevelopment Area; or cultural and historic resources. Measures shall be employed to mitigate any of the above or other identified impacts and to protect the public health, safety and welfare.

30.16.080 Review criteria for variance applications. Variances from the strict compliance with code standards or design guidelines adopted as part of this chapter or as part of the Wailuku Redevelopment Plan may be permitted when the variation is consistent with the objectives of conservation (the preservation, maintenance, and management of natural or manmade resources) or economic revitalization and when one or more of the following conditions justify the variation:

A. Site topography makes full compliance impossible or impracticable.

B. Local practices and customs that are long established in the area ensure the continued market acceptance of the variation.

C. The design and plans for the site incorporate improved or compensating

features that will provide equivalent desirability and utility.

D. The project will further the elimination of slum and blight and forward the vision, principles and objectives of this Plan.

The MRA shall not grant use variances for parcels designated for single-family use in the Wailuku-Kahului Community Plan. Mitigative measures shall be incorporated into the project, as required, to protect public health and safety.

30.16.090 Appeals. Appeals by any government agency, organization, or citizen alleging administrative or Maui Redevelopment Agency actions were erroneously rendered and inconsistent with this chapter may appeal to the Board of Variances and Appeals pursuant to Maui County Code (MCC) Chapter 19.520, as amended.

30.16.100 Enforcement. Any approval or permit issued pursuant to the provisions of this title shall comply with all applicable requirements of this article. Enforcement of the provisions of this article shall occur pursuant to the provisions of Maui County Code (MCC) Chapter 19.530, as amended.

Article VI. Design Review

30.17 Urban design

Sections:

- 30.17.010 Urban design
- 30.17.020 Design guidelines
- 30.17.030 Review process

30.17.010 Urban design. The MRA shall review plans for each structure to be constructed or rehabilitated or remodeled as set forth herein. In approving the design of the structure(s), the MRA will be guided by the appropriateness of the design to the immediate area and the city as a whole. The following activities and structures shall be exempt from MRA review:

- A. Repair and maintenance of existing structure(s);
- B. The construction, rehabilitation or remodeling of single-family dwellings and related accessory structures, such as garages and greenhouses, that are used principally for residential use; however, single-family dwelling owners shall be encouraged to follow the design guidelines so that renovated and new residences complement and are compatible with Wailuku Town's historic character;
- C. Temporary structures for special events that are erected for not more than fourteen consecutive calendar days per year. Temporary structures erected for more than fourteen consecutive calendar days per year shall be reviewed pursuant to subsection 30.18.030.A of these rules.

30.17.020 Design guidelines. Criteria for design review are found in the Wailuku redevelopment area design guidelines, prepared by the department and dated October 1997, as amended, incorporated by reference herein. These design guidelines shall be used by the MRA for review of plans for construction, rehabilitation or remodeling, in accordance with the Wailuku redevelopment plan, prepared by the department and dated December 2000.

30.17.030 Review process.

- A. Applications for construction of accessory structures or rehabilitation or remodeling of existing structures involving any exterior elevation of the structure shall be processed as follows:
 - 1. Upon receipt of the application, the director shall review the plans for compliance with the Wailuku redevelopment area design guidelines;
 - 2. If the design elements are in accord with the checklist for the pertinent district found in the design guidelines, the director shall issue the MRA permit within thirty days of receipt of the applications;
 - 3. The director may submit any application to the MRA if there are outstanding questions of compliance with the design guidelines;
 - 4. The director shall forward the application, on a routine and timely basis, to individuals and organizations that have requested, in writing, to provide comments on projects;
 - 5. The director shall provide a report to the MRA, six calendar days

prior to its regularly scheduled meetings, summarizing all administrative approvals granted pursuant to this section.

B. Applications for new principle structures shall be processed as follows:

1. Upon receipt of the application, the director shall forward the application to the next available meeting date of the MRA. The MRA shall review the application for compliance with the Wailuku redevelopment area design guidelines;

2. The director or the MRA may also refer the plans to the urban design review board for comments and recommendations.

3. The MRA shall forward its decision and order or letter of approval, as the case may be, to the applicant and other parties within sixty days of receipt of the application or receipt of all information requested by the department.

C. Sign reviews. Signs within the Wailuku redevelopment area shall be in accordance with the Wailuku redevelopment plan and Wailuku redevelopment area design guidelines. Signs shall be processed in accordance with the provisions of chapter 16.12A, Maui County Code, as amended. Variances from chapter 16.12A may be processed through the MRA.

D. Streetscape projects shall be processed in accordance with subsection 30.17.030.B.