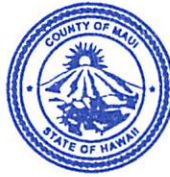


ALAN M. ARAKAWA  
Mayor  
MICHELE CHOUTEAU McLEAN  
Director  
JOSEPH ALUETA  
Deputy Director



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COUNTY OF MAUI  
**DEPARTMENT OF PLANNING** OFFICE OF THE  
COUNTY CLERK

August 14, 2018

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

For Transmittal to:

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

Dear Chair White and Councilmembers:

**SUBJECT: NEW PARKING CODE**

Municipal parking codes are intended to ensure that property owners, developers, and other users of land provide sufficient off-street parking and loading spaces for each type of use. The policy goals for a parking code include:

- Minimize demand for on-street parking to reduce public expense and street congestion.
- Promote well-designed development that furthers aesthetic values, public safety, economic development, and environmental sustainability.
- Avoid the imposition of unnecessary or unproductive construction and maintenance costs.

After nearly a decade of experience in administering Chapter 19.36A, Maui County Code, "Off-Street Parking and Loading," the Planning Department has determined the existing parking code is not meeting these policy goals. Indeed, we have described the parking code as confusing, inflexible, too lenient in some cases, and too strict in others. The Title 19 Zoning Code Audit (March 2018) reaches the same conclusion.

The audit recommends an overhaul of Title 19, including the parking code, and we are grateful the Council has provided funding to hire a consultant to write a new comprehensive zoning ordinance. But the rewrite of Title 19 will be a multiyear project. We would like to proceed sooner rather than later with adopting a new parking code, which is an important project in itself and which we had initiated well in advance of the audit.

Pursuant to Sections 8-8.3(6) and 8-8.4 of the Revised Charter of the County of Maui (1983), as amended, I respectfully propose the Council's consideration and passage of the attached bill, "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.36A, MAUI COUNTY CODE, AND ESTABLISHING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING" (Exhibit 1).

COUNTY COMMUNICATION NO. 18-304

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Council Chair  
August 14, 2018  
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This legislation to establish a new parking code as Chapter 19.36B was developed pursuant to an extensive process of research, outreach, analysis, and drafting within the Planning Department. Prior to taking the proposal to the planning commissions for public hearings, the Planning Department engaged in a lengthy community-consultation process that included meetings with the general public and various business and community groups.

Here is a summary of the planning commissions' recommendations:

<b><u>Planning Commission</u></b>	<b><u>Date of Vote</u></b>	<b><u>Recommendations</u></b>	<b><u>Vote Count</u></b>
Maui	April 24, 2018	Pass the bill as presented.	5-0
Lanai	May 16, 2018	Pass the bill with an amendment authorizing the Planning Director to modify parking requirements for Lanai City.	8-0
Molokai	June 13, 2018	If the bill is passed, incorporate the following amendments:  1. Maintain Chapter 19.36A requirements for "Service station, repair shop, garage."  2. Grant Molokai Planning Commission discretionary authority in the following sections: 19.36B.070 (Landscaping); 19.36B.080 (Paving and other surfaces); 19.36B.100 (Off-site parking); 19.36B.110 (Parking modification, reduction, or deferral); and 19.36B.120 (Temporary parking).	5-0

Please see the referenced minutes of the following meetings on the bill:

- Maui Planning Commission (Public Hearing), April 24, 2018:  
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/24841>
- Molokai Planning Commission (Public Hearing), May 9, 2018:  
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/24910>

Honorable Alan M. Arakawa, Mayor  
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- Lanai Planning Commission (Public Hearing), May 16, 2018:  
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/24955>
- Molokai Planning Commission, June 13, 2018:  
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/24994>

After reviewing the planning commissions' finding and recommendations, the Planning Department revised the bill accordingly, as reflected in the attached version. The Lanai Planning Commission's recommendation was incorporated. The first recommendation of the Molokai Planning Commission was also incorporated. The second recommendation of the Molokai Planning Commission was taken into account by providing the body with more advisory authority.

One of the flaws in the existing parking code is that the list of uses does not clearly correlate to the land uses that are described in the various zoning districts. So the proposed Chapter 19.36B includes a more accurate, useful, and well-organized list of uses.

The proposed Chapter 19.36B generally reduces parking requirements. In some cases, parking requirements are increased or maintained. Please see the attached chart for a summary of the changes (Exhibit 2).

The proposed Chapter 19.36B allows for a 50 percent reduction in otherwise applicable parking requirements when the Planning Director finds circumstances that reasonably justify the reduction, such as:

- The sharing of parking spaces between two or more uses occurs at different times or days.
- Where there are component accessory uses and parking has already been assessed for a principal use, such as when a school expands its cafeteria.
- Employees commute via carpooling, van pooling, using transit, walking, or bicycling.
- The provision of required parking would necessitate the removal of mature and aesthetically valuable trees or other unique features of the property.

The proposed Chapter 19.36B provides flexibility in surface material to allow alternative surfaces such as grasscrete where it may be appropriate.

The proposed Chapter 19.36B would also recognize mobile food trucks, allowing them to operate in excess parking spaces.

Consistent with the Arborist Committee's guidance, the bill also includes this provision: "The current Maui County landscape planting plan shall be adhered to in order to choose appropriate trees, planting methods, and maintenance."

We would appreciate your assistance in having this matter referred to the appropriate committee so that it can be scheduled for consideration in the near future. We expect to shortly

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Council Chair  
August 14, 2018  
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receive a signed version of the bill from the Department of the Corporation Counsel, and we will transmit it to the committee.

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



MICHELE McLEAN  
Planning Director

Attachments

xc: John Rapacz, Planning Program Administrator (PDF)  
David Raatz, Administrative Planning Officer (PDF)  
MCM:DMR:ckk  
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EXHIBIT 1

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.36A, MAUI COUNTY  
CODE, AND ESTABLISHING CHAPTER 19.36B, MAUI COUNTY CODE,  
RELATING TO OFF-STREET PARKING AND LOADING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.36A, Maui County Code, is repealed.

SECTION 2. Title 19, Maui County Code, is amended by adding a new  
chapter to be designated and to read as follows:

**“Chapter 19.36B**

**OFF-STREET PARKING AND LOADING**

Sections:

19.36B.010	Purpose and intent.
19.36B.020	Designated number of off-street parking spaces.
19.36B.025	Designated number of loading spaces.
19.36B.030	General requirements for parking areas.
19.36B.040	Location of parking spaces.
19.36B.050	Size or dimensions of parking spaces.
19.36B.060	Access and specifications.
19.36B.070	Landscaping.
19.36B.080	Paving and other surfaces.
19.36B.100	Off-site parking.
19.36B.110	Parking modification, reduction, or deferral.
19.36B.120	Temporary parking.

**19.36B.010 Purpose and intent.** The intent of this chapter is to ensure that onsite, off-street parking spaces, parking surface, and maneuvering area

are provided in sufficient quantities for each type of land use while maximizing safety and minimizing impacts on adjacent properties and the environment.

**19.36B.020 Designated number of off-street parking spaces.** When reviewing a building permit application or proposed change of use, the department shall determine whether the applicant must submit a parking and landscaping plan to establish compliance with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan. The number of required parking spaces shall be based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half shall be disregarded, and a fraction of one-half or more shall require one parking space. The following chart establishes the general requirements for onsite, off-street parking. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, and with State requirements for electric-vehicle parking is also required.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, multifamily dwelling, single-family dwelling. Note: A dwelling unit's parking spaces may be in tandem.	Floor area of dwelling unit in square feet: Under 3,000 3,000-3,999 4,000-4,999 5,000-5,999 6,000-6,999 7,000-7,999 8,000 and above	Minimum number of parking spaces: 2 3 4 5 6 7 8
Dwelling units: accessory dwelling.	1 for each accessory dwelling.	
Home business.	1 for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	

<p>Transient accommodations.</p> <p>Note: A dwelling unit's parking spaces may be in tandem.</p>	Type:	Minimum number of parking spaces:
	Bed and breakfast home	1 per bedroom used for the bed and breakfast home use, in addition to any other parking requirements under this chapter.
	Short-term rental home	2 if the short-term rental home has 4 or fewer bedrooms or as required for the dwelling, whichever is greater; 3 if the short-term rental home has 5 or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	1 per rental unit, except that a transient vacation rental in a single-family dwelling shall provide the same number of parking spaces as a single-family dwelling. Units capable of being utilized as 2 or more units are counted as separate rental units.
<b>2) COMMERCIAL, BUSINESS, OR INDUSTRIAL</b>		
Agriculture retail structure, agriculture product stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.	1 per 500 square feet, provided that the minimum shall be 3.	
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	1 per 1,000 square feet for all areas including office, storage, and showroom.	



Animal boarding facility.	3, plus 1 per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.
Bank.	1 per 300 square feet, provided that the minimum shall be 3.
Eating and drinking establishment or agriculture food establishment with dining areas.	1 per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), provided that the minimum shall be 4; 2 or more such establishments in a "food court" configuration may share amusement and dining areas.
Eating and drinking establishment or agriculture food establishment without dining areas (such as take-out counters or "food retail")	1 per 500 square feet of serving area, provided that the minimum shall be 3 for each establishment.
Mobile food truck.	0. Mobile food trucks shall not occupy any required parking space.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, provided that the minimum shall be 3.
SBR mixed-use establishment.	2 for each dwelling unit, plus 1 per 300 square feet of non-residential floor area.
SBR service establishment.	1 per 300 square feet.
Self-storage.	1 per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	1 per 200 square feet, excluding drive-through fueling areas, which shall not be used for required parking, or 1 per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts shall be within an enclosure bounded completely by a wall at least 6 feet in height.
Shopping center.	1 per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	1 per 500 square feet.
Vehicle and equipment rental or sales.	1 per 500 square feet for sales, showrooms, services, offices, and parts facilities, provided that the minimum shall be 3; 0 for outdoor storage of vehicles and equipment.
<b>3) RECREATION OR ENTERTAINMENT</b>	
Amusement center, entertainment establishment.	1 per 100 square feet.
Auditorium, theater, stadium, assembly area, arena, gymnasium.	1 per 300 square feet, 1 per 4 seats, or 1 per 8 feet of bleacher length, whichever is greater.
Bowling alley.	3 per lane.

Clubhouse, private club, fitness center, health club.	1 per 200 square feet.	
Golf course.	3 per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range	1 per tee.	
Miniature golf course.	1 per hole.	
Swimming pool.	1 per 600 square feet of pool and associated buildings.	
Tennis court.	4 for each court.	
Passive recreation.	0 for up to 2 acres; 4 for above 2 acres (paving not required).	
Active recreation:	Type:	Minimum number of parking spaces:
	Field for baseball, football, soccer, other team sports (non-stadium)	50 per full-sized field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court	6 per court.
	Children's playground	0.
	Skate park	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course	1 per 2 participants at regular capacity.
Arboretum, botanical garden.	3, plus 1 per acre, except that the maximum number of required parking spaces shall be no more than 20.	
<b>4) SOCIAL OR CIVIC SERVICE</b>		
Airport, heliport, other public transportation.	Parking for terminal, hangers, and in-terminal operations to be determined by the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.	
Cemetery, mausoleum.	0; any offices or other accessory uses to be determined separately.	
Place of assembly, including place of worship.	1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater.	
Community center.	1 per 100 square feet.	

Day care facility, nursing home, assisted living facility.	1 per 6 clients, plus 1 per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	1 per 500 square feet, provided that the minimum shall be 3.
Minor medical center, medical or dental clinic.	1 per 300 square feet, provided that the minimum shall be 3.
Major medical center.	1 per 2 beds.
Mortuary, funeral home.	1 per 100 square feet.
Public utility substation.	1.
Recycling, redemption facility.	3.
School, educational institution, general education, specialized education.	1 per classroom if all students are under 16 years of age; 8 per classroom if any student is 16 years of age or older.

**19.36B.025 Designated number of loading spaces.** Loading spaces shall not be located in any public street, alley, or walkway. Each loading space shall be appropriately marked and provided in a readily accessible location within a building or on an exterior paved surface. Loading spaces shall be provided according to the following table for each building or use with a floor area two thousand square feet or greater within all zoning districts, excluding the dwelling floor area in each building containing one or more dwelling units:

	Minimum size		
	Small 8.5-feet wide 19-feet long 10 feet of vertical clearance	Medium 12-feet wide 25-feet long 14 feet of vertical clearance	Large 12-feet wide 35-feet long 14 feet of vertical clearance
Floor area (in square feet)	Number of required loading spaces		
2,000 – 5,000	1		
5,001 – 10,000		1	
10,001 – 20,000	1	1	
20,001 – 50,000		1	1
More than 50,000			2

**19.36B.030 General requirements for parking areas.** A. This chapter shall apply to all off-street parking areas, whether or not required. Every off-street parking area shall be maintained to comply with the requirements of this

chapter. Parking spaces or areas may be eliminated or reduced only to the extent that the remaining amount conforms to this chapter's requirements. Required parking spaces, aisles, driveways, and lanes, except for those accessory to any type of dwelling, shall be for active vehicle parking, meaning that no sales, merchandise displays, mobile food trucks, dead storage, repair work, dismantling, or servicing of any kind, including storage of damaged vehicles, shall be conducted in such areas. If required parking spaces for dwellings are used for storage, then alternative required parking must be provided onsite.

B. B-CT country town business district design guidelines adopted pursuant to chapter 19.15, if any, shall prevail over this chapter if there is a conflict.

C. Historic district parking standards adopted pursuant to chapter 19.52, if any, shall prevail over this chapter if there is a conflict.

**19.36B.040 Location of parking spaces.** Every required off-street parking space shall be located either on the same lot as the use it serves or on a different lot in accordance with section 19.36B.100.

**19.36B.050 Size or dimensions of parking spaces.** All parking spaces shall be standard-sized parking spaces, except that single-family dwellings, accessory dwellings, farm dwellings, farm labor dwellings, and duplexes may have up to 25 percent compact-sized parking spaces. The size of each off-street parking space shall be not less than the following:

Size	Width	Length	Vertical clearance
Standard	8.5 feet	18 feet	7 feet
Standard (parallel)	8.5 feet	22 feet	7 feet
Compact	8.5 feet	16 feet	7 feet
Compact (parallel)	7.5 feet	20 feet	7 feet

**19.36B.060 Access and specifications.** A. Unless otherwise provided by this code, off-street parking, including temporary parking, shall comply with the following specifications:

1. Every off-street parking space shall be readily accessible from appropriately constructed driveways, lanes, or aisles.

2. Tandem parking spaces may fulfill the requirements of this chapter only where allowed by sections 19.36B.020 and 19.36B.110(B). Tandem parking is allowed for parking spaces that are not required.

3. Paved parking areas with five or more parking spaces shall have individually striped spaces, except for single-family dwellings, accessory dwellings, farm dwellings, farm labor dwellings, duplex dwellings, bed and breakfast homes, and short-term rental homes.

4. Parking spaces shall be arranged so that no ingress to and egress from a parking space shall occur on any street, alley, or walkway;

therefore, any parking space shall have a travel distance on the lot of at least 18 feet between any parking space and any street, alley, or walkway, except for single-family dwellings, accessory dwellings, farm dwellings, farm labor dwellings, duplex dwellings, bed and breakfast homes, and short-term rental homes.

5. Where eight or more spaces are provided on a lot, all vehicles shall enter the street in a forward direction, and a suitable turnaround area no less than twenty-four-feet deep and no narrower than the standard space aisle width, or another comparable configuration, shall be provided.

6. Parking areas shall be designed with sufficient lane and aisle length to provide safe ingress, egress, and maneuvering. Minimum aisle width required for loading spaces and parking spaces shall be according to the following table:

Parking angle (in degrees)	Aisle width		
	Loading spaces	Standard parking spaces	Compact parking spaces
0—40	12 feet	12 feet	12 feet
41—50	13 feet	13 feet	13 feet
51—70	18.5 feet	18.5 feet	18 feet
71—80	21.5 feet	21.5 feet	20 feet
81—90	24 feet	24 feet	22 feet

7. Each parking space shall be free from obstruction or encroachment, except where allowed by this code. Light poles, columns, and other structures are to be arranged to prevent encroachment into any parking space.

B. In addition to this chapter's requirements, ingress and egress to the parking area from the street shall be in conformance with standards and requirements of the department of public works.

C. Parking areas shall be developed and maintained to provide access to adjacent properties and sidewalks, where appropriate and where applicable, to facilitate pedestrian access, improve aesthetics, and promote efficient land use.

**19.36B.070 Landscaping.** A. To provide shade, visual screening, and aesthetics, landscaping shall be provided for all parking areas in all zoning districts, excluding parking areas for single-family dwellings, accessory dwellings, farm dwellings, farm labor dwellings, and duplex dwellings. During review of a building permit application and prior to the issuance of a certificate of occupancy, the department shall require the submittal of a landscape plan that shows compliance with the following landscaping standards:

1. A planted area with a minimum size of four-feet wide in the front and two-feet wide on the sides and rear shall be provided around the

area containing parking spaces, loading spaces, and aisles, except where vehicles access the property or where buildings are situated between the parking area and roadways or an adjacent lot.

a. For visual screening, the planted area shall have appropriate hedge material in linear masses that will reach at least four feet in height when mature.

b. A solid five-foot-high barrier or wall shall be erected along the abutting portion of the lot line wherever any portion of the planted area abuts a lot with:

i. Existing adjacent dwelling units, or

ii. A zoning designation based on chapter 19.08 (residential districts), 19.09 (R-0 zero-lot line residential district), chapter 19.10 (two-family (duplex) districts), or a project district containing a district or subdistrict with a residential principal permitted use.

iii. The director may waive the requirement for the barrier or wall to allow a sidewalk between parking areas and adjacent residential properties or if an adjacent residential property is designated for residential mixed use development.

2. One tree shall be provided in the parking area for every five parking spaces, distributed as evenly as practicable throughout the parking area and appropriately maintained to provide maximum shade to the extent practicable. The current Maui County landscape planting plan shall be adhered to in order to choose appropriate trees, planting methods, and maintenance. The director shall grant the following exceptions upon request and a showing of reasonable cause:

a. Any parking space that is completely covered by another parking space located directly above it, such as in a parking garage, may be excluded from the count of parking spaces used in determining the number of required trees.

b. Required trees may be planted elsewhere on the lot if it is not practicable for them to be planted in the parking area, such as when parking spaces are partially covered or when solar or photovoltaic carports are present.

c. As an alternative means to provide visual relief, if solar or photovoltaic carports are situated in a manner that makes it impracticable to plant the required trees anywhere on the lot, appropriate additional hedge material may be planted elsewhere on the lot in linear masses that will reach at least four feet in height when mature.

d. Modifications recommended by the Maui County arborist committee, pursuant to chapter 12.24A.

3. Each required tree and landscape planted area shall be maintained to comply with the requirements of this chapter and shall be regularly irrigated by an automated system. If any required tree or

landscaping is removed, it shall be replaced by a tree or landscaping of the same species and maturity, or the department may require the submittal of a revised landscape plan.

4. In addition to any required landscaping, at the parking space terminus of standard-sized non-parallel parking spaces, up to two feet of the pavement may be replaced with landscaping as described below:

a. The area shall be planted with a low-growing ground cover or grass (no trees or hedges) so that the end of a vehicle can extend over the area.

b. The area shall be located at the same or a lower elevation than the adjacent parking spaces and designed to allow the surface water to flow into this area.

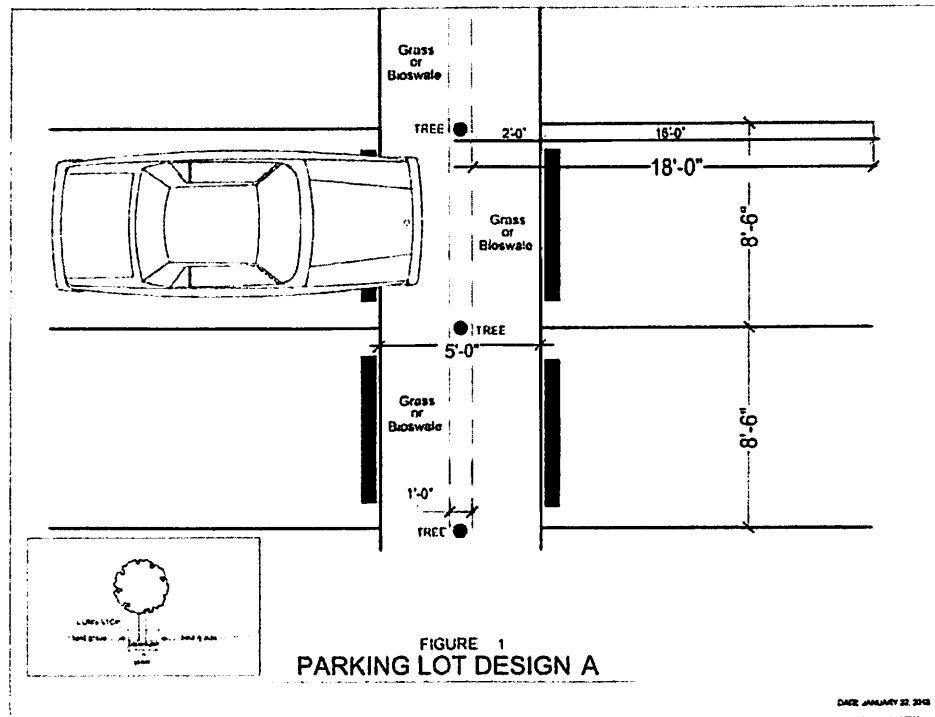
c. Tire stops or curbs with openings for the passage of water shall be installed on the pavement to protect the ground cover from vehicle tires.

d. The area shall not satisfy any front, side, or rear landscaping requirements.

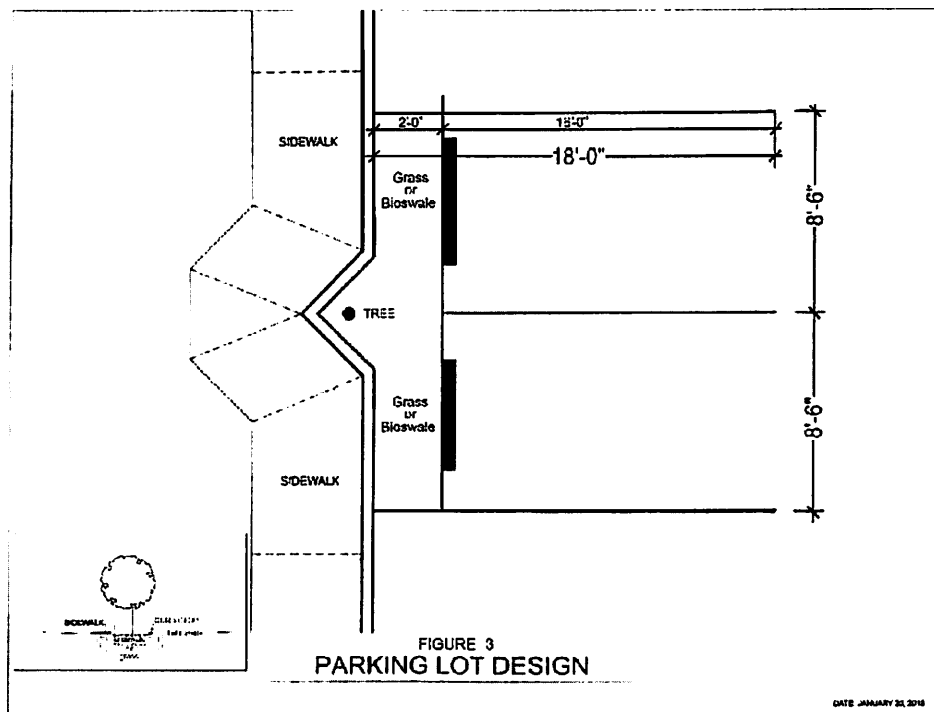
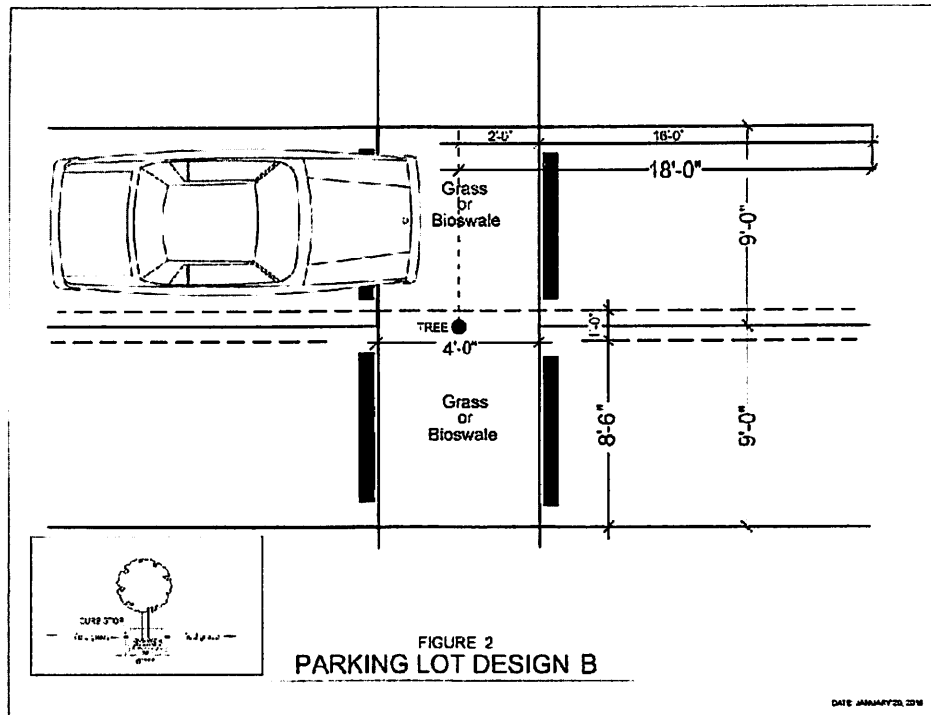
5. To the extent practicable, the landscaping area shall be incorporated into any drainage or storm water management plans to increase recharge and percolation of storm water.

6. The application for a landscape plan shall include a site plan drawn to scale and shall provide the information as required by the director to show compliance with this title, including lot boundaries, parking area location and dimensions, planted area dimensions, and plant information such as plant species, sizes, quantities, locations, and irrigation details.

B. The following figures illustrate examples of compliance with this section:







**19.36B.080 Paving and other surfaces.** A. Every required off-street parking space, aisle, driveway, and lane, except for those used for single-family

dwellings, accessory dwellings, duplexes, farm dwellings, farm labor dwellings, and commercial agriculture structures, shall be paved with asphaltic or concrete surface. Colored or textured concrete or asphalt paving material may be used to improve aesthetics. Up to two feet of the pavement at the parking space terminus of standard-sized non-parallel parking spaces may be replaced with landscaping in accordance with section 19.36B.070(A)(4).

B. After considering frequency of use, the character of the area, surrounding and similar uses, durability, and need for maintenance, the director may allow or require surfaces other than asphalt or concrete, as follows:

1. Surface material other than asphalt or concrete may be allowed or required if it is consistent with the community plan or zoning district design guidelines or is in keeping with the character of a historic district or country town.

2. Up to ten spaces or 50 percent of the provided spaces, whichever is greater, may be located on grass, gravel, concrete mason grid pavers, or other appropriate surface.

3. In the State conservation district or the County agriculture district, up to 100 percent of the provided spaces may be located on grass, gravel, concrete mason grid pavers, or other appropriate surface.

4. In the historic districts, up to 100 percent of the provided spaces may be located on grass, gravel, concrete mason grid pavers, or other appropriate surface if paving could result in harm to historic properties.

C. Parking spaces that are not required shall be paved or located on grass, gravel, concrete mason grid pavers, or other appropriate surface, and shall be maintained to comply with the requirements of this chapter.

**19.36B.100 Off-site parking.** A. The director may allow off-site parking for required parking spaces or for potentially required future parking spaces, subject to the following:

1. An off-site parking permit application is submitted containing any information required by the director to assess compliance with this title.

2. The straight-line distance to each of the off-site parking spaces from the benefiting lot's boundary line does not exceed five hundred feet.

3. The area to be used for off-site parking complies with the requirements of this title and is zoned to allow a stand-alone parking lot.

4. The off-site parking spaces are identified with signs or similar markings as reserved for the users of the benefiting lot.

5. A bilateral agreement is recorded on both lots, reserving the off-site spaces for the dedicated, exclusive use of the benefiting lot, or the director shall flag both lots to ensure the use of both lots will be tracked.

B. Off-site parking that is approved as part of a State special permit, County special use permit, or conditional permit does not require director

approval. Off-site parking that is approved as part of a special management area use permit does not require director approval, and the location shall be zoned to allow a stand-alone parking lot. Off-street parking for spaces that are not required does not require director approval.

**19.36B.110 Parking modification, reduction, or deferral.** A. For any proposed use, the director may reduce by up to 50 percent the number of the required parking spaces and loading spaces and increase the percentage of compact spaces where compact spaces are allowed after making a written determination that adequate parking will be reasonably provided, with or without conditions. The director shall consider the proposed use, any structures, lot configurations, industry standards, general plan, zoning and state land use designations, historic character and applicable design guidelines in considering the necessity and type of conditions. The director may seek the recommendation of the Molokai planning commission before acting on a request to reduce the number of required parking spaces and loading spaces and to increase the percentage of compact spaces on Molokai. At least one of the following criteria must be met for the director to determine that parking will be reasonably provided:

1. The sharing of parking spaces between two or more uses occurs at different times or days, and the director shall flag the subject property to ensure the uses will be tracked;
2. Duplicate parking is not needed for component accessory uses when parking has already been assessed for a principal use, such as a school that expands its cafeteria;
3. One of the following is located within two thousand five hundred feet of the proposed use and can provide parking for the proposed use:
  - a. A publicly owned off-street parking lot; or
  - b. Other parking that is available to the public and is not required parking;
4. Some employees commute via carpooling or van pooling, and the employer provides transit passes to some employees;
5. There is nearby transit, pedestrian, or bicycle access and bicycle parking, and safe access is provided for pedestrians;
6. The provision of required parking would necessitate the removal of mature and aesthetically valuable trees or other unique features of the property;
7. The use involves senior housing or other facilities for seniors and will not result in typical parking needs;
8. The parking is required because of an expanded or change in use, and the additional parking cannot be accommodated onsite, the director determines that the existing parking is adequate.

9. The use is live/work mixed use where parking may be shared; the spaces required for dwelling use may be applied to the spaces required for business use.

10. The proposed use is in Lanai City.

B. Tandem parking may be allowed for all required parking if:

1. All vehicle parking and retrieval is performed by a valet or attendant at all times, and vehicles can be moved within the lot without entering any street, alley, or walkway; or

2. All user arrivals and departures are generally simultaneous and vehicle parking and vehicle retrieval is directed by an attendant who is onsite at all arrival and departure times.

C. Bicycle parking. The number of parking spaces required for non-dwelling uses may be reduced by up to two, at a ratio of one space for each ten provided bicycle parking spaces; provided that each bicycle parking space includes a stationary parking device to adequately secure the bicycle, each bicycle parking space is a minimum of two feet in width and is separated from motor vehicle access by at least five feet of open area, and bicycle parking spaces are conveniently located and close to the main entrance of a structure.

D. The director may defer improvements otherwise required by this chapter, including paving, striping, and landscaping, for up to 50 percent of the required parking spaces and loading spaces. The director may seek the recommendation of the Molokai planning commission before acting on a request to defer improvements on Molokai. The director may impose conditions on the deferral and shall require the following:

1. Evidence of a parking reserve in the form of a reserved unpaved open space area large enough to meet the balance of the parking requirements in excess of the minimum open space or landscape requirements.

2. An agreement to construct the improvements when and if warranted as determined by the director based on evidence of regular use of the reserved parking area, overflow parking on public streets, in fire lanes, or in other areas that are not improved for parking.

3. Evidence that all required spaces are not needed on a regular basis, such as industry standards or historical records.

**19.36B.120 Temporary parking.** A. For the purpose of this chapter, “temporary parking” means “the providing of parking spaces and areas for a limited period of time, such as temporary employee parking; temporary construction worker parking; temporary displaced parking; and temporary sales offices, bazaars, fairs, festivals, recreation, parties, and sporting events.”

B. After considering the use, duration, potential visual and physical impacts, public health, and public safety, the director shall determine if any of the requirements of this chapter may be waived for temporary parking.

C. In all zoning districts, the director may approve temporary parking on any lot for either a continuous period of up to one hundred eighty days in a

twelve-month period, or a total of twelve nonconsecutive days in a twelve-month period. The director may seek the recommendation of the Molokai planning commission before acting on a request to approve temporary parking pursuant to this subsection.

D. In all zoning districts, the commission may approve temporary parking on any lot for either a continuous period of more than one hundred eighty days in a twelve-month period, or more than a total of twelve nonconsecutive days in a twelve-month period.

E. Temporary parking for events organized or sponsored by government agencies with associated parking located on government facilities shall not require director or commission approval and shall be allowed.

F. An applicant for temporary parking shall provide relevant information as required by the director or commission, including a detailed description of the event or circumstances, days of parking use, hours of parking use, anticipated parking demand, description of how parking demand will be satisfied, and a description of how the parking area and any improvements to it will ensure public health, public safety, and visual relief.”

SECTION 3. Section 19.04.040, Maui County Code, is amended by amending the definition of “Entertainment establishment” as follows:

“[“Entertainment]” “Amusement center” or “entertainment establishment” means any indoor [and/or] or outdoor establishment where entertainment, either passive or active, is provided for patrons, either as spectators or participants and either independently or in conjunction with [another] any other use. Examples of entertainment include presentations, performances, or activities that include music, dancing, acting, comedy, or other theatrical shows, whether live or recorded; nightclub activities; karaoke; the playing of games such as video games or darts; and other activities provided for the pleasure, diversion, or amusement of patrons.”

SECTION 4. Section 19.04.040, Maui County Code, is amended by amending the definition of “Live/work mixed use” as follows:

““Live/work mixed use” or “mixed use” means a [combined residential and commercial use of a single-family, two-family, or multifamily dwelling unit, with a commercial activity.] combination of one or more dwelling units and one or more non-residential uses other than home occupations, home businesses, and transient accommodations conducted on a single lot in one or more buildings.”

SECTION 5. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

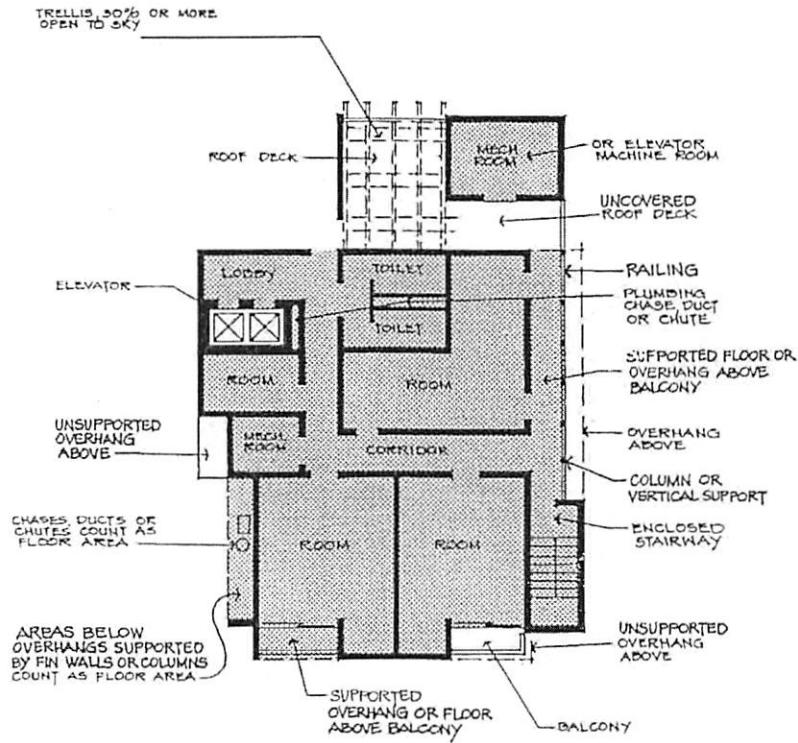
“Component use” means an individual part or element of land, building, or structure that is utilized differently from other parts or elements.

“Floor area” means the roofed area of all floors of a structure measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure; the floor area of a structure, or portion of the floor area, that is not enclosed by exterior walls shall be the area under the covering, roof, or floor that is supported by posts, columns, partial walls, or similar structural members that define the wall line.


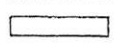
Excluded from the floor area are:

1. Parking structures such as garages and carports, including covered driveways and accessways, porte cocheres, and parking attendant booths;
  2. Attic areas with head room less than seven feet;
  3. Projections such as sunshade devices and architectural embellishments that are decorative only;
  4. Areas covered by roofing treatment to screen rooftop machinery only;
  5. Areas underneath unsupported roof overhangs or cantilevered building overhangs, provided no portion of the area is enclosed except for a safety railing or wall not exceeding four feet in height;
  6. Elevators and vent shafts;
  7. Basements that are used exclusively for storage;
  8. Common walkways and other exterior common areas in multi-family and commercial structures, such as stairways, breezeways, and fire escapes; and
  9. Exterior machinery and equipment enclosures such as for laundry, water heaters, air conditioning, and trash receptacles.
- See figures below.

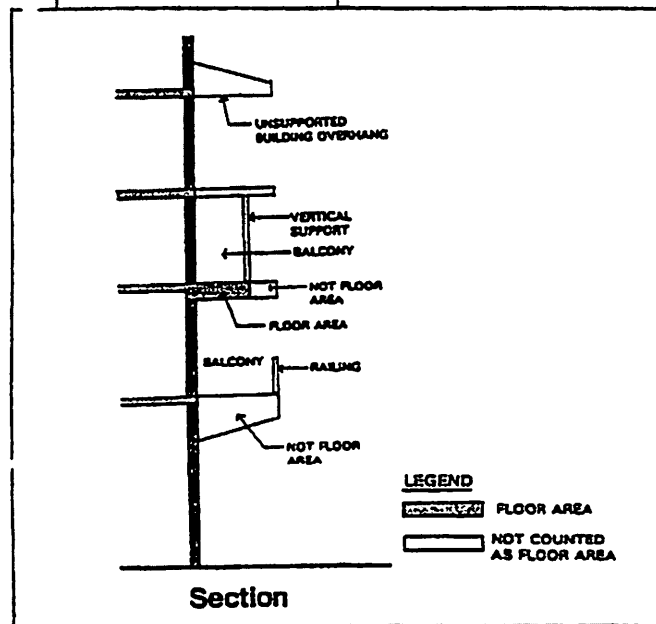
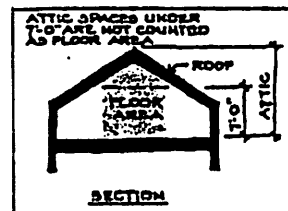
# FLOOR AREA



## LEGEND

	FLOOR AREA (See definition for exclusions)
	NOT COUNTED AS FLOOR AREA

# FLOOR AREA (Continued)





“Health club” means a facility where people use equipment or space for the purpose of physical exercise.

“Mobile food truck” means a motorized vehicle or vehicle-towed trailer in which food is cooked or prepared to order and is served to walkup customers, provided that the vehicle or trailer is not on the same lot for more than three consecutive days, in which case the use shall be considered an eating and drinking establishment.

“Nonconforming parking” or “nonconforming loading” means any parking or loading space or parking area, including the space’s or area’s dimensions and related requirements such as landscaping, that was previously lawful but does not comply with the requirements of chapter 19.36B, on the effective date of the ordinance establishing chapter 19.36B or the most recently enacted ordinance amending chapter 19.36B.

“Parking area” means parking and loading spaces and any associated driveways, lanes, and aisles needed to provide access.

“Tandem parking” or “tandem” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.”

SECTION 6. Section 19.30A.050, Maui County Code, is amended to read as follows:

**“19.30A.050 Permitted uses.** The following uses and structures are permitted in the agricultural district provided they also comply with all other applicable laws:

A. Principal uses.

1. Agriculture.
2. Agricultural land conservation.
3. Agricultural parks, pursuant to chapter 171, Hawaii Revised Statutes.
4. Animal and livestock raising, including animal feed lots, and sales yards.
5. Private agricultural parks as defined herein.
6. Minor utility facilities as defined in section 19.04.040 [of this title].
7. Retention, restoration, rehabilitation, or improvement of buildings, sites, or cultural landscapes of historical or archaeological significance.
8. Solar energy facilities, as defined in section 19.04.040 [of this title], and subject to the restrictions of chapter 205, Hawaii Revised

Statutes, that are less than fifteen acres, occupy no more than [thirty-five] 35 percent of the lot, and are compatible with existing agricultural uses; except that land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class D or E need not be compatible with existing agricultural uses.

B. Accessory uses. Uses that are incidental or subordinate to, or customarily used in conjunction with, a permitted principal use, as follows:

1. Two farm dwellings per lot, one of which shall not exceed one thousand square feet of developable area.

2. One farm labor dwelling per five acres of lot area. On the island of Maui, the owner or lessee of the lot shall meet two of the following three criteria:

a. Provide proof of at least \$35,000 of gross sales of agricultural [product(s)] products per year, for the preceding two consecutive years, for each farm labor dwelling on the lot, as shown by State general excise tax forms and federal form 1040 Schedule F filings.

b. Provide certification by the department of water supply that agricultural water rates are being paid if the subject lot is served by the County water system.

c. Provide a farm plan that demonstrates the feasibility of commercial agricultural production.

On the islands of Molokai and Lanai, the owner or lessee of the lot shall meet both of the criteria provided by subsections 19.30A.050(B)(2)(a) and 19.30A.050(B)(2)(b).

3. A maximum of two commercial agricultural structures per lot, subject to parking requirements of [section 19.36A.010] chapter 19.36B.

4. Storage, wholesale, and distribution, including barns; greenhouses; storage facilities for agricultural supplies, products, and irrigation water; farmer's cooperatives; and similar structures that are customarily associated with one or more of the permitted principal uses or, for the purpose of this section, are associated with agriculture in the County.

5. Processing of agricultural products, the majority of which are grown in the County; this includes the burning of bagasse as part of an agricultural operation.

6. Energy systems, small-scale.

7. Small-scale animal-keeping.

8. Animal hospitals and animal board facilities; if conducted on the island of Molokai, such uses shall have been approved by the Molokai planning commission as conforming to the intent of this chapter.

9. Riding academies; if conducted on the island of Molokai, such uses shall have been approved by the Molokai planning commission as conforming to the intent of this chapter.

10. Open land recreation as follows: hiking; noncommercial camping; fishing; hunting; equestrian activities; rodeo arenas; arboretums; greenways; botanical gardens; guided tours that are accessory to principal uses, such as farm or plantation tours, petting zoos, and garden tours; hang gliding; paragliding; mountain biking; and accessory restroom facilities. If hiking, fishing, hunting, equestrian activities, rodeo arenas, hang gliding, paragliding, or mountain biking are conducted for commercial purposes on the island of Molokai, such uses shall have been approved by the Molokai planning commission as conforming to the intent of this chapter. Open land recreation uses or structures not specifically permitted by this subsection or by subsection 19.30A.060(A)(7) shall be prohibited; certain open land recreation uses or structures may also be required to obtain a special permit pursuant to chapter 205, Hawaii Revised Statutes.

11. Except on Molokai, bed and breakfast homes permitted under chapter 19.64 [of this title] that are:

a. Operated in conjunction with a bona fide agricultural operation that produced \$35,000 of gross sales of agricultural products for each of the preceding two years, as shown by State general excise tax forms and federal form 1040 Schedule F filings; or

b. In compliance with all of the following criteria, provided that the bed and breakfast home is not subject to a condominium property regime pursuant to chapter 514A or chapter 514B, Hawaii Revised Statutes:

i. The lot was created prior to November 1, 2008.

ii. The lot is comprised of five acres or less.

iii. An approved farm plan has been fully implemented and is consistent with chapter 205, Hawaii Revised Statutes; or

c. Located in sites listed on the State of Hawaii [Historic] Register of Historic Places or the National Register of Historic Places.

12. Short-term rental homes permitted under chapter 19.65 [of this code], provided that an approved farm plan has been fully implemented and is consistent with chapter 205, Hawaii Revised Statutes.

13. Parks for public use, not including golf courses, and not including commercial uses, except when under the supervision of a government agency in charge of parks and playgrounds.

14. Family child care homes as defined in section 46-15.35(b), Hawaii Revised Statutes, that are registered pursuant to chapter 346, Hawaii Revised Statutes, and located in a legally permitted farm dwelling.

15. Other uses that primarily support a permitted principal use; however, such uses shall be approved by the appropriate planning commission as conforming to the intent of this chapter."

SECTION 7. Section 19.33.080, Maui County Code, is amended to read as follows:

**“19.33.080 Performance standards.** All building construction, alterations, and site improvements shall be prepared, reviewed, and approved in accordance with the design guidelines as approved by the public works director, and in accordance with [Section] section 19.33.120 and the following standards:

A. Building. The general objective of these standards is to encourage quality architectural and landscape architectural design of all facilities to be constructed within the research and technology park.

1. All buildings shall be designed to be an integral part of the overall site design concept as presented in the design guidelines.

2. Building design should address the following: views and vistas; solar orientation and climate control; orientation toward major streets and thoroughfares; the character of neighboring development; and energy conservation.

3. Design features shall include the following: an entrance drive; landscaped visitor parking areas; visitor entrance and entry plazas; pedestrian plazas and walkways; atriums and interior courts; and building and roof forms.

B. Landscape Planting. A comprehensive landscape planting and irrigation plan shall be prepared for all developments in the research and technology park district. The plan shall be subject to the approval of the [planning] director.

Each development shall be buffered by landscaped areas, as follows:

1. From a parkway, arterial, or collector street right-of-way, a twenty-five foot wide landscaped area shall be provided between the parking area and the public right-of-way;

2. Along the front yard of a property other than that located on a parkway, arterial, or collector street, a twenty foot wide landscaped area shall be provided between the parking area and the public right-of-way;

3. Along the side yard of a property, a ten foot wide landscaped area shall be provided; and

4. Along the rear yard of a property, a ten foot wide landscaped area shall be provided.

The streetscape and project landscape shall be maintained by the project [occupant(s)] occupants individually or collectively through a [landowner's] landowners' association.

C. Parking Requirements. No parking shall be permitted on the internal streets or fronting half streets of the park. Each development shall provide off-street parking facilities in accordance with the requirements of [Chapter 19.36, Off-Street Parking and Loading, of the Maui County Code] chapter 19.36B as it relates to industrial or storage uses in the M-1 and M-2

industrial zones, or as may be otherwise provided for in [Chapter 19.36.] chapter 19.36B. Each development shall incorporate the following:

1. All parking shall be screened from public roads by earthen mounding [and/or] or heavy landscaping.

2. Parking areas shall be integrated with the project's onsite pedestrian circulation system.

3. Parking areas shall not be permitted on the street side of a structure, except for areas designated as visitor, handicapped, or preferential parking.

D. Signage for the park and the individual parcel users therein shall conform to the requirements of [Chapter 16.12, Outdoor Signs] chapter 16.12, except for the following provisions:

1. General research and technology park identification signs at the entry location shall be coordinated with the master landscape planting plan and appropriately sized and illuminated to clearly denote the project name for the passing motorists entering the project.

2. The name of each business or parcel user in the research and technology park shall be clearly displayed and individually associated with its facilities when viewed from the street. The user's sign shall display the name [and/or] or symbol of the business only.

3. There may be one freestanding parcel user sign for each individual parcel's public street frontage. If the property frontage exceeds three hundred feet, an additional sign shall be allowed.

4. Detached business identification signs shall not exceed thirty-two square feet on each side, and no freestanding sign shall exceed four feet in height unless approved by the urban design review board.

5. Building identification signs shall be limited to displaying the building name or the name of the business occupying the site. Building signs may be mounted to any vertical surface of a building or building-related wall providing such signs appear as an integral part of the architectural concept.

6. A comprehensive signage plan in conformance with the design guidelines shall be submitted to the urban design review board for review and recommendation to the public works director, who shall approve, approve with conditions or disapprove the comprehensive signage plan.

E. Onsite Storage and Loading.

1. Unless otherwise approved by the public works director, no materials, supplies or equipment, including trucks and other motor vehicles, shall be stored upon a site except inside a closed building or in an enclosed area.

2. Provisions shall be made on each site for any necessary vehicle loading or unloading.

3. No on-street vehicle loading or unloading shall be permitted.

F. Screening fences and walls may be permitted by the public works director, in accordance with the approved design guidelines.

G. Access and Driveway.

1. The location and design of access [point(s)] points from public roadways and streets and internal driveways shall conform with requirements of the department of public works.

2. No direct access onto a state highway shall be permitted from individual lots of the research and technology park.

3. Landscaping shall be required at all entrances to the park.

H. Solid Waste Disposal. No refuse collection areas shall be permitted between a street and the front of the building.

I. Roof Equipment. Equipment pipes and ducts on roof tops shall be screened from view along adjacent public roadways or streets.

J. Utilities and Communication Devices.

1. All [on-site] onsite utilities, including[, but not limited to,] drainage systems, sewers, gas lines, waterlines and wires and conduits associated with street lighting, electrical power, telephone, and communication equipment, shall be installed underground.

2. Antennas, towers, or devices for transmission or reception of any signals or for energy generation shall be located and designed to be as unobtrusive as possible from neighboring lots and the public streets and shall be subject to approval by the public works director, following review and recommendation by the committee.

3. Lighting shall be required on all internal streets and within all parking lots in the research and technology park.

K. Grading.

1. All building pad elevations shall conform to the overall drainage program for the research and technology park project district.

2. Grading and drainage improvements shall be designed and constructed to minimize adverse dust and runoff impacts on adjacent and downslope properties.

L. Exterior Mechanical Equipment. All exterior components of electrical, plumbing, heating, cooling, and ventilating systems should not be visible from adjoining streets, lots, or buildings."

SECTION 8. Subsection 19.38.090(E), Maui County Code, is amended to read as follows:

"E. Parking requirements. The compact mixed-use land use pattern within the Maui Research & Technology Park fosters more pedestrian and bicycle trips and less automobile trips than other more automobile dependent commercial districts in Maui County. Therefore, [the provision in] chapter [19.36A of this code] 19.36B shall not apply to the Maui Research & Technology Park."

SECTION 9. Subsection 19.52.090(G), Maui County Code, is amended to read as follows:

G. Within historic district no. 1 and historic district no. 2, off-street parking facilities shall be provided in accordance with the requirements of chapter [19.36] 19.36B when any building or structure is:

1. Constructed or increased in size; or
2. Put to an intensified use that results in the need for additional parking space.

No off-street parking facility constructed in compliance with this section shall abut Front Street.”

SECTION 10. Section 19.60.030, Maui County Code, is amended to read as follows:

**“19.60.030 Precise plan.** Pursuant to chapter 19.34, the precise plan of the Napili Bay civic improvement district shall be as follows:

A. Building height shall not exceed two stories.

B. Total floor area of structures shall be limited to [fifty] 50 percent of the lot area.

C. Construction shall be of new material and the relocation of old buildings will not be permitted.

D. Construction and architectural styling of buildings and structures shall be in conformance with present developments in the Napili Bay civic improvement district.

E. The permitted uses shall be as provided for in the hotel district and as listed in chapter 19.14; provided, that any permitted accessory use shall be an integral function of the hotel operation and shall be operated by the management provided only for the convenience of the guests and shall not be an independent commercial venture.

F. Location of accessory uses shall be to the rear of interior of the lot.

G. Signs and advertisements shall not be gaudy or excessive in size.

H. Off-street parking shall be as provided in chapter [19.36] 19.36B.

I. Special permits may be granted for marginal uses [which] that would conform with the intent of the civic improvement district as approved by the Maui planning commission.”

SECTION 11. Section 19.75.040, Maui County Code, is amended to read as follows:

**"19.75.040 General standards of development.** Any development within project district 1 at Kula, Maui, shall obtain the approval of the director [of the planning department] that the development complies with the following standards:

A. Steep Slopes.

1. Twelve to less than [fifteen] 15 percent slope: No more than [forty] 40 percent of such area shall be developed, regraded, or stripped of vegetation, unless approved by the director of public works [and waste management];

2. Fifteen to less than [thirty] 30 percent slope: No more than [thirty] 30 percent of such areas shall be developed, regraded, or stripped of vegetation, unless approved by the director of public works [and waste management];

3. Thirty percent slope or more: No more than [fifteen] 15 percent of such areas shall be developed, regarded, or stripped of vegetation, unless approved by the director of public works [and waste management]; or

4. "Steep slopes" are defined as lands where the inclination of the surface from the horizontal is [twelve] 12 percent or greater.

B. Other Resources. Areas of important natural, historical, archaeological, or cultural resources or unique physical features, not otherwise mentioned in this section, shall be identified, and provisions shall be outlined to preserve or improve said resource or feature.

C. Design.

1. At least [twenty] 20 percent of the lot area of each development shall be in protected open space. This includes areas defined in this section but does not include roadways, streets, and parking lots;

2. Each building and structure shall be designed by a registered architect to conform with the intent of the project district; and

3. Sufficient off-street parking for tour bicycles and vans shall be provided.

D. Infrastructure. The development shall not burden governmental agencies to provide substantial infrastructural improvements.

E. Landscape Planting.

1. Comprehensive landscaping of the entire development shall be provided, including along streets and in open spaces; and

2. Landscape planting shall be considered an integral requirement of the development, [which] shall comply with [the off-street parking and loading ordinance codified in] chapter [19.36, Maui County Code, and which] 19.36B, and shall provide shade, spatial definition, environmental control, and visual and noise screening for the development.

F. Signage. A comprehensive signage program shall be designed for the total development area and defined to at least include sizes, format, conceptual design, color schemes, and landscaping.



G. Lighting. Lighting shall be established in a manner [which] that does not adversely impact the surrounding area.”

SECTION 12. Section 19.90A.070, Maui County Code, is amended to read as follows:

**“19.90A.070 Village mixed use subdistrict.** The village mixed use subdistrict envisions a community center comprised of a mix of residential, commercial, and recreational and community facilities serving the needs of residents and guests. The intent of the village mixed use subdistrict is to create community identity and character with landmark buildings and a grouping of services within a central core that includes a mix of uses.

A. Permitted Uses and Structures. The following uses and structures shall be permitted in the village mixed use subdistrict:

1. Principal uses and structures:
  - a. Any use or structure permitted in the single-family residential subdistrict or the multifamily residential subdistrict;
  - b. Automobile service stations;
  - c. Day care facilities;
  - d. Eating and drinking establishments;
  - e. Education, general;
  - f. Education, specialized;
  - g. Eleemosynary organizations;
  - h. Food and beverage, retail;
  - i. General merchandising;
  - j. General office;
  - k. Medical center, minor;
  - l. Parking area, public; provided the parking lot [and/or] or building shall be appropriately screened in accordance with chapter [19.36 of this code] 19.36B, and exterior lighting shall be shielded from adjacent residential properties;
  - m. Personal and business services;
  - n. Private clubs or fraternal organizations;
  - o. Public facility or public use;
  - p. Quasi-public use or quasi-public facility;
  - q. Recreation, indoor;
  - r. Religious institutions;
  - s. Religious, benevolent, and philanthropic societies;
  - t. Self-storage, provided it is within an enclosed building;
  - u. Shopping center;
  - v. Utility facilities, minor; and
  - w. Other uses and structures as determined by the [planning] director as meeting the intent of this section.

2. Accessory Uses and Structures. Accessory uses and structures located on the same lot and incidental and customarily found in connection with the principal uses, including[, but not limited to]:

a. Accessory uses or structures permitted in the single-family residential subdistrict or the multifamily residential subdistrict;

b. One clubhouse for the golf course with snack bars, restaurants with bars, locker room facilities, weight rooms, pro shops for the sale and service of equipment and materials used for or relating to golf, tennis or other recreational activities, and other accessory facilities as approved by the [planning] director;

c. Other uses and structures as determined by the [planning] director as meeting the intent of this section.

3. Special Uses. Uses and structures that are similar to, and compatible with, the principal uses or structures and [which] that conform to the intent of this chapter may be approved by the Maui planning commission.

B. Development Standards. The following development standards shall apply to the uses and structures in the village mixed use subdistrict:

1. For those uses and structures permitted in the single-family residential subdistrict and incorporated by reference into other districts, the development standards for the single-family residential subdistrict shall apply.

2. For those uses and structures permitted in the multifamily residential subdistrict and incorporated by reference in other districts, the development standards for the multifamily residential subdistrict shall apply.

3. For those uses and structures permitted in the village mixed use subdistrict, but not in the single-family residential subdistrict or the multifamily residential subdistrict, the following development standards shall apply:

a. Minimum lot area: six thousand square feet;  
b. Minimum lot width: sixty feet;  
c. Minimum yards: no yard setbacks shall be required, except:

i. That required for off-street parking, and  
ii. If the lot abuts a lot in the single-family residential subdistrict or the multifamily residential subdistrict, the side or rear yard setbacks of the abutting district shall apply;

d. Maximum height: fifty feet or four stories, except that:  
i. Elevator shafts, air conditioning equipment, vent pipes, fans, antennae, and solar collectors may exceed such height limitation by not more than ten feet, and

- ii. The golf clubhouse structure may have a height not to exceed fifty-five feet, subject to design approval by the [planning] director;
  - e. Maximum lot coverage ratio: [thirty-five per cent] 35 percent;
  - f. Maximum floor area-lot area ratio: [ninety per cent] 90 percent.
- 4. A project development plan for the village mixed uses that is consistent with an approved phase II preliminary site plan shall be reviewed and approved by the [planning] director pursuant to section 19.510.090 [of this code]."

SECTION 13. Section 19.500.110, Maui County Code, is amended to read as follows:

**"19.500.110 Nonconformities.** Nonconforming lots, structures, uses, and parking may be continued, subject to the following provisions:

A. Nonconforming [Lots.] lots.

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.

B. Nonconforming [Structures.] structures.

1. If a nonconforming structure is destroyed by any means to an extent of more than [fifty] 50 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:

a. [Notwithstanding the foregoing provision, a] A nonconforming structure [which] that is an historic property as defined in chapter 6E of the Hawaii Revised Statutes and a nonconforming structure devoted to a conforming use [which] that contains multifamily dwelling units owned by owners under the authority of [chapters] chapter 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;

b. 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

c. 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;

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

3. Any nonconforming structure may be repaired, expanded, renovated or altered in any manner [which] that does not increase its nonconformity.

C. Nonconforming [Uses.] uses.

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

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

3. Work may be done on any structure devoted in whole or in part to any nonconforming use[; provided, that] if the work is limited to ordinary repairs, including repair or replacement of walls, fixtures, wiring, or plumbing. Further, [this] the work shall not exceed [fifty] 50 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[,]

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

D. Nonconforming [Parking] parking and [Loading.] loading.

1. If there is a change in use[,] of a structure or lot or any portion of a structure or lot, the area of the new use shall meet the off-street parking and loading requirement established in chapter [19.36 of this title] 19.36B; and,

2. Any use that adds floor area shall provide off-street parking and loading for the [addition] additional area as required by chapter [19.36 of this title] 19.36B.

3. Any nonconforming parking or nonconforming loading may be repaired, expanded, or altered in any manner that does not increase its nonconformity."

SECTION 14. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 15. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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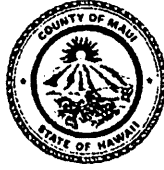
EXHIBIT 2

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ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director


MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

March 13, 2018

TO: MAUI PLANNING COMMISSION

FROM: MICHELE MCLEAN   
DEPUTY PLANNING DIRECTOR

SUBJECT: **PROPOSED REVISIONS TO THE COUNTY'S PARKING CODE,  
CHAPTER 19.36A, MAUI COUNTY CODE**

For several months, a staff team in the Department of Planning (Department) has worked on proposed revisions to the County's parking requirements as provided by Chapter 19.36A, Maui County Code.

The goal is to address current shortcomings or challenges with the existing code. These include the following and are summarized in the attached Exhibit 1:

1. The uses listed in the current code are limited and narrow; more uses and flexibility are needed to make it easier to determine what parking requirements apply to any use (*see pages 1-3 of Exhibit 1*).
2. Based on years of administering this code, the Department believes that some of the requirements for certain uses are too onerous, while others are too lenient (*see pages 1-3 of Exhibit 1*).
3. The provisions for temporary parking are restrictive (*see page 4 of Exhibit 1*).
4. The surface requirements (*e.g.*, paving) are strict and do not allow flexibility for alternative surfaces such as grasscrete where it may be appropriate (*see page 4 of Exhibit 1*).
5. The opportunities for parking reductions, waivers or off-site locations are limited (*see page 5 of Exhibit 1*).
6. The landscaping requirements for providing trees do not take into account parking garages or carports with solar or PV panels (*see page 6 of Exhibit 1*).
7. Extensive sections for "residential mixed use developments" are confusing and either contradictory or repetitive (although these sections provide flexibility that should be available for all uses).

The Department team has proposed revisions that seek to address these major issues. The attached Exhibit 1 provides tables that list the key differences between the existing code and the proposed changes as noted above.

Also attached for your reference as Exhibit 2 is the existing Chapter 19.36A, Maui County Code.

The Department is presenting this initiative to obtain your comments and input on the proposed changes before a proposed bill is finalized and published for public hearing.

Among other outreach efforts, the Department has also held two meetings to provide this information to the public and to obtain input on the proposed changes. One meeting was organized by the Maui Chamber of Commerce, and the other was an open evening meeting hosted by the Department. Attendees expressed support of the proposed changes, asked pertinent questions and offered valuable suggestions.

Later this month, a notice of public hearing will be published for a proposed bill to incorporate these changes, and the proposed bill will be brought to the Maui, Molokai and Lanai Planning Commissions for review in April or May. Once the Commissions' comments and recommendations are received, the matter will be transmitted to the Maui County Council for final action.

Attachments (2)  
MCM:atw  
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*Key differences between Maui County Code Chapter 19.36A (existing) and Chapter 19.36B (proposed)*

**PARKING SPACES REQUIRED**  
*Uses with decreased requirements for off-street parking*

<b>Category</b>	<b>Chapter 19.36A (existing)</b>	<b>Chapter 19.36B (proposed)</b>
Agriculture retail structure, agriculture product stand	1 per 200 sq. ft. of floor area	1 per 500 sq. ft. of floor area, with min. of 3
Apartment, duplex, farm dwelling	2 per unit	1 per 1,000 sq. ft. of floor area, with min. of 2
Bowling alley	5 per alley	3 per lane
Cemetery	Not specifically referenced	0
Church or other place of worship	1 per 100 sq. ft.	1 per 300 sq. ft., 1 per 5 seats, or 1 per 8 ft. of bench length, whichever is greater
Eating and drinking establishment	1 per 100 sq. ft. of serving and dining areas with min. of 3 for patrons and 3 for employees	1 per 100 sq. ft. of amusement, serving, and dining areas (not counting drive-through uses), with min. of 4 (2 or more establishments in a "food court" configuration may share amusement and dining areas)
Farmer's market	1 per 200 sq. ft. of floor area, with min. of 2	1 per 500 sq. ft. of floor area, with min. of 3
Fire station or police station	Not specifically referenced; "business building" is 1 per 500 sq. ft. of floor area with a min. of 3	0 (determined by the Fire Chief or Police Chief)
General merchandising, general office	1 per 500 sq. ft. of floor area, with min. of 3 (except for merchandising of large items: 1 per 600 sq. ft. of floor area)	1 per 500 sq. ft. of floor area, with min. of 3 (except for merchandising of large items: 1 per 1,000 sq. ft. of all areas)
Golf driving range	4 per acre	1 per tee
Industrial or storage uses	1 per 600 sq. ft. of floor area of building or 25% percent of lot area, whichever is greater	1 per 1,500 sq. ft.
Miniature golf course	Not specifically referenced; "golf course" is 3 per hole	1 per hole
Mobile food truck	Not specifically referenced	0 (mobile food trucks shall not occupy any required parking space)
Mortuary	1 per 40 sq. ft. of building floor area	1 per 100 sq. ft.
Motel	1.5 per guest room	1 per guest room
Multi-family dwelling	1 per unit for studios and 1-bedroom units; 2 per unit for units with 2+ bedrooms	1 per 1,000 ft. of floor area, with min. of 2
Personal and business services	1 per 500 sq. ft. of floor area, with min. of 3 (except for certain listed services: 1 per 300 sq. ft., with min. of 3)	1 per 500 sq. ft. of floor area, with min. of 3
Service station, repair shop, public garage, automobile services	1 per 200 sq. ft. or 40% of lot area, whichever is greater	1 per 200 sq. ft., excluding drive-through fueling areas
Shopping center	1 per 200 sq. ft. of floor area	1 per 300 sq. ft. of leasable or commercial area
Tennis court	6 per court	4 per court
Transient vacation rental	1 per 500 sq. ft. of floor area, with a min. of 1 per unit (in SBR district)	1 per guest room

**PARKING SPACES REQUIRED**  
*Uses with no changes or minor changes for off-street parking*

Category	Chapter 19.36A (existing)	Chapter 19.36B (proposed)
Accessory dwelling	1 per unit	1 per unit
Airport, heliport, other public transportation	Not specifically referenced	Determined by applicable agency
Amusement center or entertainment establishment	1 per 100 sq. ft.	1 per 100 sq. ft.
Animal boarding facility	Not specifically referenced; "business building" is 1 per 500 sq. ft. of floor area with a min. of 3	3, plus 1 per 20 boarding units above 60 (may be shared with animal hospital requirements)
Animal hospital	Not specifically referenced; "business building" is 1 per 500 sq. ft. of floor area with a min. of 3	1 per 500 sq. ft. of floor area, with min. of 3
Bakery and catering (with no onsite eating or drinking)	Not specifically referenced; "business building" is 1 per 500 sq. ft. of floor area with a min. of 3	1 per 500 sq. ft. of floor area, with min. of 3
Bed and breakfast home	1 per guest room or as required for the dwelling, whichever is greater	1 per guest room or as required for the dwelling, whichever is greater
Clubhouse, private club, fitness center, health club	1 per 200 sq. ft.	1 per 200 sq. ft.
Golf course	3 per hole	3 per hole (parking space may be located on any lot occupied by the golf course if the golf course occupies multiple lots)
Home business	1 per business	1 per business
Library or museum	1 per 300 sq. ft. of building floor area	1 per 300 sq. ft. of building floor area, with min. of 3
Public utility substation	1	1
SBR mixed-use establishment	2 per unit plus 1 per 300 sq. ft.	2 per unit plus 1 per 300 sq. ft.
Self-storage	1 per 3,000 sq. ft.	1 per 3,000 sq. ft.
School	1 per classroom with students under 15 years old; 8 per classroom with students 15+ years old	1 per classroom with students all less than 16 years old; 8 per classroom with any student 16+ years old
Swimming pool	1 per 600 sq. ft. of floor area of pool or building	1 per 600 sq. ft. of floor area of pool and associated buildings
Residential Mixed Use (various)	Various – separate section	Subject to same requirements as any other use
Vehicle and equipment rental or sales	Not specifically referenced; "business building" is 1 per 500 sq. ft. of floor area with a min. of 3	1 per 500 sq. ft. for sales, showrooms, services, offices, and parts facilities, with min. of 3; 0 for outdoor storage of vehicles and equipment

1. *Amusement*

*Key differences between Maui County Code Chapter 19.36A (existing) and Chapter 19.36B (proposed)*

**PARKING SPACES REQUIRED**  
*Uses with increased requirements for off-street parking*

<b>Category</b>	<b>Chapter 19.36A (existing)</b>	<b>Chapter 19.36B (proposed)</b>
Arboretum, botanical garden	Not specifically referenced	3, plus 1 per acre, except that max. number of required parking spaces shall be no more than 20
Auditorium, theater, stadium, bleachers	1 per 6 seats	1 per 300 sq. ft., 1 per 4 seats, or 1 per 8 ft. of bleacher length, whichever is greater
Community center	Not specifically referenced; "club house, private" is 1 per 200 sq. ft. of floor area	1 per 100 sq. ft.
Convertible unit (additional parking spaces for single unit capable of being utilized as two or more units)	1 per 3 convertible units	1 per each convertible unit counted as separate unit
Day care facility	1 per classroom	1 per 6 clients, plus 1 per each employee onsite at any given time
Field (baseball, soccer, other team sport; non-stadium)	Not specifically referenced	50 per full-sized playing field
Gymnasium	1 per 600 sq. ft. of floor area of pool or building	1 per 300 sq. ft., 1 per 4 seats, or 1 per 8 ft. of bleacher length, whichever is greater
Hospital	1 per 3 beds	1 per 2 beds for major medical center; 1 per 500 sq. ft. for minor medical center, with min. of 3
Hotel	1 per 2 guest rooms	1 per guest room
Nursing home	1 per 8 beds	1 per 6 clients, plus 1 per each employee onsite at any time
Passive recreation	Not specifically referenced	0 for up to 2 acres, 4 for more than 2 acres (paving not req'd)
Redemption facility (recycling)	Not specifically referenced	3
Short-term rental home with 4 or fewer guest rooms	As required for the dwelling	2 or as required for the dwelling, whichever is greater
Short-term rental home with 5 or more guest rooms	1, in addition to what is required for the dwelling	3 or as required for the dwelling, whichever is greater
Single-family dwelling	2 per unit	1 per 1,000 ft. of floor area, with min. of 2
Swap meet	Not specifically referenced	1 per 500 sq. ft.

### TEMPORARY PARKING

Chapter 19.36A (existing)	Chapter 19.36B (proposed)
<p>For bazaars, fairs, temporary sales offices, construction worker parking, etc., the planning director can approve a parking lot in connection with a permitted or accessory use. Improvements shall be limited to those necessary for public health, safety, and visual relief.</p> <p>This is for a parking lot to be used in conjunction with a use not exceeding one hundred eighty days in duration. It shall not include regularly scheduled or weekly events, such as swap meets or flea markets.</p>	<p>Same as existing, except:</p> <ul style="list-style-type: none"> <li>- In all zoning districts, the director may approve temporary parking on any lot for either: a continuous period of up to one hundred eighty days in a twelve-month period; or a total of twelve nonconsecutive days in a twelve-month period.</li> <li>- In all zoning districts, the commission may approve temporary parking on any lot for either: a continuous period of more than one hundred eighty days in a twelve-month period; or more than a total of twelve nonconsecutive days in a twelve-month period.</li> <li>- Temporary parking for events organized or sponsored by government agencies with associated parking located on government facilities shall not require director or commission approval and shall be allowed.</li> </ul>

### PAVING AND OTHER SURFACES

Chapter 19.36A (existing)	Chapter 19.36B (proposed)
<p>Every off-street parking space or area other than for single-family dwellings, bed and breakfast homes, farm dwellings, guest house, servants' quarters, and commercial agriculture structures shall be paved with asphaltic or concrete surface or equivalent.</p> <p>The director may allow or require other surface material consistent with approved regional or community design guidelines. The County encourages the use of colored and textured concrete or asphalt paving material in parking lots to improve aesthetics.</p>	<p>Same as existing, except:</p> <ul style="list-style-type: none"> <li>- Requirements apply only to required parking (not to excess parking).</li> <li>- Requirements don't apply to ohanas, duplex or farm labor dwellings.</li> <li>- Up to two feet of the parking space can be grass or bioswale (to reduce asphalt).</li> </ul> <p>The director can allow other surfaces after considering frequency of use, the character of the area, surrounding and similar uses, durability, and need for maintenance, provided:</p> <ol style="list-style-type: none"> <li>1. The other surface material is consistent with adopted community plans or zoning district design guidelines;</li> <li>2. Up to ten spaces or 50 percent of the provided spaces, whichever is greater, may be located on grass, gravel, concrete mason grid pavers, or other appropriate surface; or</li> <li>3. In the State conservation district or the County agriculture district, up to 100 percent of the provided spaces may be located on grass, gravel, concrete mason grid pavers, or other appropriate surface.</li> </ol> <p>Parking spaces that are not required shall be paved or located on grass, gravel, concrete mason grid pavers, or other appropriate surface, and shall be maintained to comply with the requirements of this chapter.</p>

**PARKING REDUCTION / OFF-SITE PARKING**

Chapter 19.36A (existing)	Chapter 19.36B (proposed)
<p>The planning director (or the Lanai planning commission if on Lanai), can waive or defer up to 30% of the required parking for warehouses or storage facilities, live/work mixed use or residential mixed use projects; and churches or other places of worship, or up to 50% for commercial agricultural structures.</p> <p>In making the decision to waive or defer, the following are considered:</p> <ol style="list-style-type: none"> <li>1. Off-site parking agreements, provided that the off-site parking facility is not more than four hundred feet from the nearest principal entrance of the building occupied by the use.</li> <li>2. Joint-use parking agreements between two or more uses that demonstrate that the peak parking times of the uses occur at different times of the day, and that the joint-use parking facility will be sufficient to accommodate the anticipated demand of the two or more uses.</li> <li>3. Whether a publicly owned off-street parking lot containing one hundred fifty or more parking spaces is in the proximity of the development and is available.</li> <li>4. Off-site employee parking, employee car or van pooling, and provision of employee transit passes.</li> <li>5. Superior pedestrian, bicycle, or transit access.</li> <li>6. Proof of parking reserves in the form of reserved open space area in excess of the minimum open space or landscape requirements and agreements to construct additional parking when and if warranted as determined by the planning director or commission based on evidence of overflow parking on public streets, in fire lanes, or in other areas that are not striped for parking.</li> </ol>	<p>Same as existing, except:</p> <p>The director can waive or defer for any use, up to 50% and can increase the percentage of compact spaces (where compact spaces are allowed).</p> <p>At least one of the following criteria must be met:</p> <ol style="list-style-type: none"> <li>1. The sharing of parking spaces between two or more uses occurs at different times or days, and shall be subject to a recorded unilateral agreement approved by the director;</li> <li>2. One of the following is located within two thousand five hundred feet of the proposed use and can provide parking for the proposed use: <ol style="list-style-type: none"> <li>i. A publicly owned off-street parking lot; or</li> <li>ii. Other parking that is available to the public and is not required parking;</li> </ol> </li> <li>3. Some employees commute via carpooling or van pooling, and the employer provides transit passes to some employees;</li> <li>4. There is nearby transit, pedestrian, or bicycle access and bicycle parking.</li> </ol> <p>The director may defer improvements otherwise required by this chapter, including paving, striping, and landscaping, for up to 50% of the required parking spaces and loading spaces. The director may impose conditions on the deferral and shall require the following:</p> <ol style="list-style-type: none"> <li>1. Evidence of a parking reserve.</li> <li>2. An agreement to construct the improvements when and if warranted.</li> <li>3. Evidence that all required spaces are not needed on a regular basis, such as industry standards or historical records.</li> </ol> <p>The director may allow off-site parking for required parking spaces if the straight line distance to each of the off-site parking spaces from the benefiting lot's boundary line does not exceed five-hundred feet.</p> <p>Off-site parking for spaces that are not required (e.g., excess) does not require director approval.</p> <p>Off-site parking that is approved as part of State special permit, County special use permit, conditional permit or SMA permit does not require director approval. (For SMA, the use has to be allowed by the zoning.)</p>

**Parking "bonus" for various uses:** (1) no additional parking is required for same users (where users of accessory facilities are the same as those who use the primary facility, parking is required for only the primary use); (2) live/work mixed use is assessed by non-dwelling uses (no assessment for dwellings); (3) tandem parking allowed for 24-hour valet and attendant-directed parking; and (4) non-dwelling parking assessment can be reduced by one space for every ten bicycle parking spaces, with a maximum of two.

## LANDSCAPING

Chapter 19.36A (existing)	Chapter 19.36B (proposed)
<p>Wherever any portion of a parking area abuts property zoned for residential or duplex use, a five-foot high fence or wall shall be erected along the abutting portion of the property line. In addition, landscape planting shall be provided as follows:</p> <p>1. In the A-1 apartment, H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, two-family (duplex) and airport districts, and in any mixed-use, industrial, commercial, multi-family, and business districts within any project district, four-foot wide front and two-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts.</p> <p>For projects that include building structures greater than two stories, front yard planted areas shall be 25% of the required front yard setback, and three-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts.</p> <p>2. Large crown shade trees shall be provided at minimum regular intervals for every five spaces throughout each parking area. Appropriate hedge material and/or earth mounds, and shrubs shall be provided in linear masses to function as visual screens.</p> <p>3. The landscape planting plan(s) shall specify plant species, sizes, quantities, and locations.</p> <p>4. Each landscape planted area shall be regularly irrigated and maintained.</p> <p>5. All landscape planting and irrigation plans shall be subject to final approval by the planning director.</p> <p>6. It is encouraged that the landscaping area be incorporated into a storm water management plant to increase recharge and percolation of storm water.</p>	<p>Same as existing, except: Landscaping is required for parking areas in all zoning districts except for parking for single-family, ohana, duplex and farm dwellings.</p> <p>This will be checked during BP and CO reviews.</p> <p>Trees shall be distributed as evenly as practicable.</p> <p>The director can grant the following exceptions:</p> <ul style="list-style-type: none"> <li>- reduce required trees for parking garages</li> <li>- to accommodate PV carports, the trees can be relocated on the lot, or they can be substituted for other visual screening (e.g., tall hedges)</li> <li>- two feet of parking spaces can be grass or bioswale</li> </ul> <p>The additional requirements for buildings greater than two stories has been deleted.</p>

## Chapter 19.36A

## OFF-STREET PARKING AND LOADING

## Sections:

19.36A.010	Designated number of spaces.
19.36A.020	General requirements.
19.36A.030	Location.
19.36A.040	Size or dimensions.
19.36A.050	Determination of spaces.
19.36A.060	Access and specifications.
19.36A.070	Walls, fences, and landscaping.
19.36A.080	Paving.
19.36A.090	Lighting.
19.36A.100	Use limitations.

19.36A.110	Grass parking.
19.36A.120	Special management area— Additional requirements.
19.36A.130.	Residential mixed use development parking requirements.
19.36A.140	Joint-use parking for residential mixed use developments.
19.36A.150	Off-site parking for residential mixed use developments.
19.36A.160	Parking reduction or waiver.
19.36A.170	Excess parking.
19.36A.180	Temporary or special event parking.
19.36A.190	Loading space.

## 19.36A.010 Designated number of spaces.

Unless otherwise provided in this chapter, the following minimum numbers of accessible off-street facilities for the parking of self-propelled motor vehicles shall be provided on private property in connection with the use of any land, or the erection or remodeling of any building or structure. The number of off-street parking spaces required shall not be less than the sum total of spaces of the number of required parking spaces for each component use of land, building, or structure hereinafter specified:

USE	MINIMUM PARKING RATIO
Accessory dwelling	One parking space for each dwelling unit.
Apartment house, apartment, apartment-motel with kitchen facility in room	Two parking spaces for each unit; provided that, two parking spaces assigned to a dwelling unit, or allocated for employee parking, may be situated in tandem thereby allowing two vehicles to park end to end.
Auditorium, theater, stadium, bleachers	One parking space for every six seats.
Banks and medical and dental clinics	One parking space for every three hundred square feet of building; provided that, the minimum shall be three parking spaces.
Bed and breakfast home	One parking space for each bedroom used for bed and breakfast home use, in addition to any other parking space(s) required by this section for dwellings not used for short-term rental. Stalls may be situated in tandem.
Bowling alley	Five parking spaces for each alley.
Business building	One parking space for every five hundred square feet of floor area of building; provided that, the minimum shall be three parking spaces.
Church, place of worship	One parking space for every one hundred square feet of floor area of building.
Clubhouse, private club	One parking space for every two hundred square feet of floor area of building.

Exhibit Z

USE	MINIMUM PARKING RATIO
Commercial agricultural structures as defined in section 19.30A.072 of this title	One parking space for every two hundred square feet of floor area of building or, for farmer's markets, one parking space for every two hundred square feet of retail floor space; provided that, the minimum shall be two parking spaces; further provided that, for agricultural food establishments, the parking requirements for restaurant, bar, nightclub, and amusement facilities shall apply.
Convertible apartment, hotel and apartment/hotel units, i.e., single units capable of being utilized as two or more units	An additional one parking space for every three convertible units shall be provided.
Day care facility	One parking space for each classroom.
Domestic type business in home	One parking space for each business.
Golf course	Three parking spaces for each hole in the course.
Golf driving range	Four parking spaces for each acre.
Hospitals	One parking space for every three beds.
Hotel	One parking space for every two guest rooms.
Industrial or storage uses in M-1 and M-2 industrial zones	One parking space for every six hundred square feet of floor area of building or twenty-five percent of the lot area, whichever is the greater.
Library, museum, art gallery	One parking space for every three hundred square feet of floor area of building.
Live/work mixed use	One parking space for every seven hundred fifty square feet of area used for live/work business; commercial uses and residential uses with a live/work configuration may share parking spaces. The spaces required for the residential unit on a live/work building lot may be applied toward the number of spaces required for a business use.
Lodging house	One parking space for every two lodging rooms.
Mortuary	One parking space for every forty square feet of floor area of building.
Motel	One and one-half parking spaces for each unit.
Public utility substation	One parking space.
Restaurant, bar, nightclub, amusement centers	One parking space for every one hundred square feet of serving and dining areas; 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.
Sanitarium, welfare institution, nursing home	One parking space for every eight beds
SBR mixed-use establishment	Two parking spaces per dwelling unit plus one space for every three hundred square feet of non-residential gross floor area.
SBR service establishment	One parking space for every three hundred square feet of gross floor area.
School with students under fifteen years of age and with students fifteen years of age or older	Eight parking spaces for each classroom.
School with students under fifteen years of age	One parking space for each classroom.
School with students under fifteen years of age or older	Eight parking spaces for each classroom.



USE	MINIMUM PARKING RATIO
Self-storage	One parking space for every three thousand square feet of storage.
Service station, repair shop, garage	One parking space for every two hundred square feet of floor area of building or forty percent of the lot area, whichever is the greater. The storing and keeping of damaged vehicles or parts thereof shall be within an enclosure bounded completely by a wall six feet in height
Shopping centers	One parking space for every two hundred square feet of floor area of all buildings, except for restaurant, bar, nightclub, and amusement facilities, for which parking requirements under this section shall apply.
Short-term rental home	One parking space if there are more than four bedrooms used for short-term rental home use, in addition to any other parking requirements under this chapter. Parking stalls may be situated in tandem and on grasscrete.
Single-family dwelling, farm dwelling, duplex	Two parking spaces for each dwelling unit.
Swimming pool, gymnasium	One parking space for every six hundred square feet of gross floor area of pool or building.
Taxi stand and bus stand	One parking space for each vehicle operating from that stand. The space shall be sufficient in size to accommodate the bus or vehicle, and shall be marked "Taxi Only" or "Bus Only".
Tennis courts	Six parking spaces for each court.
Transient vacation rental in the SBR service business residential district	One parking space for every five hundred square feet of floor area, with a minimum of one parking space for each unit.
U-drive stand and storage	One parking space for each vehicle operating from that stand or storage. Where the U-drive business is within a hotel district, the storage area for the U-drive vehicles shall be physically separated from the hotel parking area, and shall be physically bounded and marked for "U-Drive Vehicles Only." "

(Ord. No. 4246, § 7, 2015; Ord. No. 3941, § 11, 2012; Ord. No. 3826, § 1, 2011; Ord. No. 3662, § 6, 2009)

#### 19.36A.020 General requirements.

Every off-street parking space or area shall be provided and maintained, and shall be increased to conform with greater needs, and may be eliminated or reduced only to the extent that the lesser amount conforms with the requirements of this chapter. (Ord. No. 3662, § 6, 2009)

#### 19.36A.030 Location.

Every off-street parking space or area, or equivalent multi-deck, basement, roof, or other parking facilities shall be located on the same lot it serves or within a distance of four hundred feet of the nearest point of

the lot and as approved by the planning director. (Ord. No. 3826, § 2, 2011; Ord. No. 3662, § 6, 2009)

#### 19.36A.040 Size or dimensions.

The size of each off-street parking space shall be not less than the following:

Size	Width	Length
Standard	8'-6"	18'
Standard (Parallel)	8'-6"	22'
Compact	7'-6"	16'
Compact (Parallel)	7'-6"	20'

(Ord. No. 3662, § 6, 2009)

**19.36A.050 Determination of spaces.**

A. In determining the number of parking spaces based on floor area of a building, the gross floor shall be used, including areas occupied by accessory uses and spaces, such as covered lanais, patios, and storage rooms, but excluding elevators, stairs, hallways, and exterior walkways, unless otherwise provided in this chapter.

B. When units of measurement determining the number of required parking spaces result in fractional space, any fraction less than one-half shall be disregarded and fractions of one-half or more shall require one parking space.

C. All parking spaces shall be standard-sized parking spaces, provided that single-family dwellings, farm dwellings, duplexes, and apartments may have up to twenty-five percent compact car parking spaces.

D. Compact car parking spaces shall be grouped and labeled "compact only". (Ord. No. 3662, § 6, 2009)

**19.36A.060 Access and specifications.**

A. Unless otherwise provided by this code, off-street parking shall comply with the following specifications:

1. Every required off-street parking space shall be readily accessible from appropriately constructed drive-ways, lanes, or aisles.
2. Additional spaces resulting from the "Stacking of Vehicles" where a vehicle's access is blocked cannot be counted as approved parking, except when providing parking in tandem, when allowed by this chapter.
3. Parking spaces shall be arranged so that no maneuvering, i.e., access and egress, from a parking space shall occur on any public street, alley, or walkway; except for single-family dwellings and bed and breakfast homes with ingress or egress from a local street.
4. Paved parking areas for five or more automobiles shall have individually striped spaces, except for bed and breakfast homes.
5. Where eight or more spaces are provided on a parcel, a suitable turnaround area shall be provided, in order that all vehicles shall enter the street in a forward manner.
6. Minimum aisle width required for parking areas shall be according to the following table:

Parking Angle (In Degrees)	Aisle Width	
	Standard Cars	Compact Cars
0—40	12'	12'
41—50	13'	13'
51—70	18'-6"	18'
71—80	21'-6"	20'
81—90	24'	22'

7. Loading space(s) shall not be located in any public street, alley, or walkway. Each loading space shall be appropriately marked and provided in a readily accessible location within a building or on an exterior paved surface and have minimum dimensions of twelve feet in width, thirty-five feet in length and a vertical clearance of at least fourteen feet.

B. Ingress and egress to the parking area from the street shall be in conformance with standards and requirements of the department of public works. (Ord. No. 3826, § 3, 2011; Ord. No. 3662, § 6, 2009)

**19.36A.070 Walls, fences, and landscaping.**

A. Wherever any portion of a parking area abuts property zoned for residential or duplex use, a five-foot high fence or wall shall be erected along the abutting portion of the property line. In addition, landscape planting shall be provided as follows:

1. In the A-1 apartment, H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, two-family (duplex) and airport districts, and in any mixed-use, industrial, commercial, multi-family, and business districts within any project district, four-foot wide front and two-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts. For projects that include building structures greater than two stories, front yard planted areas shall be twenty-five percent of the required front yard setback, and three-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts.
2. Large crown shade trees shall be provided at minimum regular intervals for every five spaces throughout each parking area. Appropriate hedge material and/or earth mounds, and shrubs shall be provided in linear masses to function as visual screens.

3. The landscape planting plan(s) shall specify plant species, sizes, quantities, and locations.

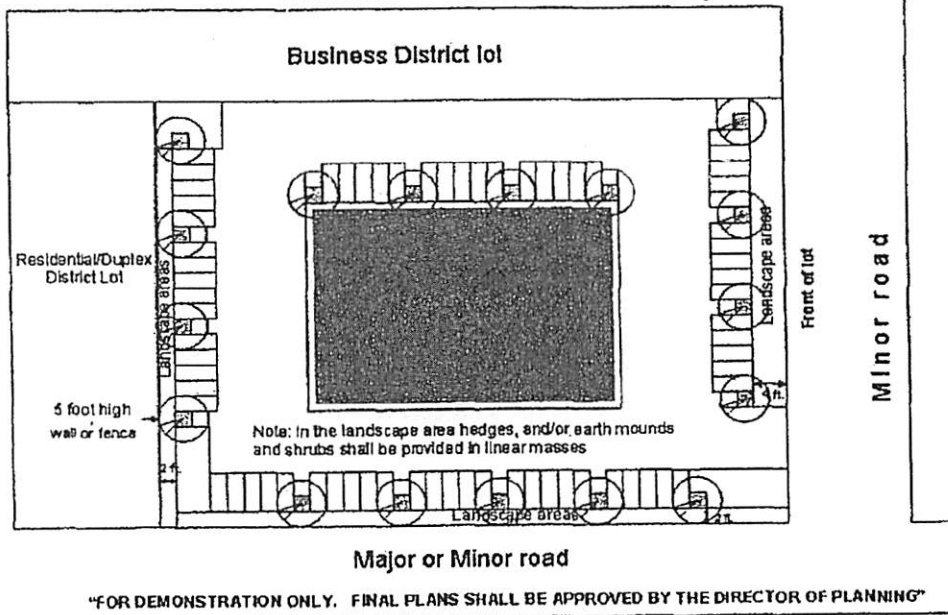
4. Each landscape planted area shall be regularly irrigated and maintained.

5. All landscape planting and irrigation plans shall be subject to final approval by the planning director.

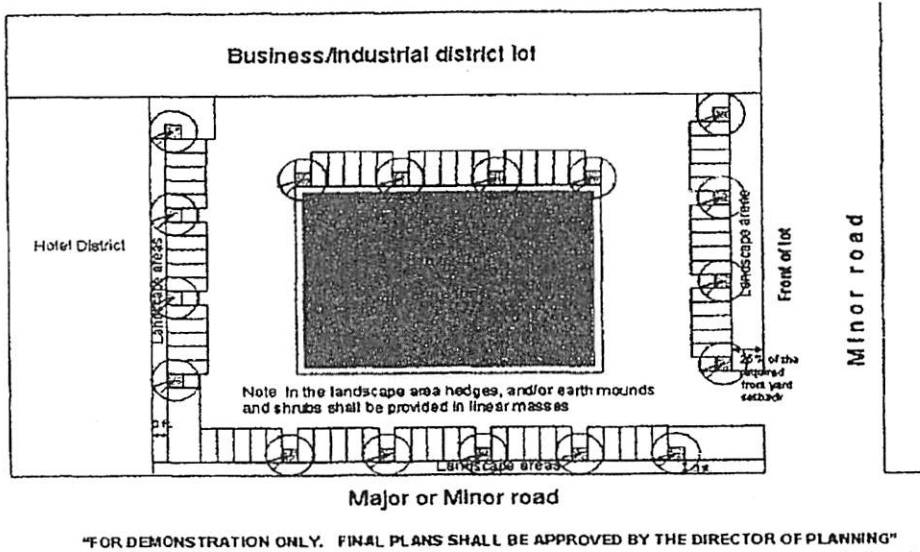
6. It is encouraged that the landscaping area be incorporated into a storm water management plant to increase recharge and percolation of storm water.

B. The following diagrams illustrate examples of the application of this section:

**19.36A.070      Fences and landscaping**



### Fences and landscaping



(Ord. No. 3662, § 6, 2009)

**19.36A.080 Paving.**

Every off-street parking space or area other than for single-family dwellings, bed and breakfast homes, farm dwellings, guest house, servants' quarters, and commercial agriculture structures as defined in section 19.30A.015 of this title shall be paved with asphaltic or concrete surface or equivalent. The planning director may allow or require other surface material consistent with approved regional or community design guidelines. The County encourages the use of colored and textured concrete or asphalt paving material in parking lots to improve aesthetics. (Ord. No. 4246, § 8, 2015; Ord. No. 3662, § 6, 2009)

**19.36A.090 Lighting.**

If lighting is provided, the lights shall be directed away from the residential area and from any public street or highway. Appropriate shielding shall be incorporated in such a way as not to interfere with public safety and welfare. (Ord. No. 3662, § 6, 2009)

**19.36A.100 Use limitations.**

Parking areas shall be used for actively used vehicle parking only; and no sales, dead storage, repair work, dismantling nor servicing of any kind, including storage of damaged vehicles, shall be conducted in such areas, except as provided in section 19.36A.010 of this chapter. Noncommercial, home repairing of vehicles shall be permitted in parking spaces for single-family

dwelling, farm dwelling, duplex, servants' quarters, and guest house. (Ord. No. 3662, § 6, 2009)

**19.36A.110 Grass parking.**

Upon approval of the director, the requirement for asphalt or concrete surface of parking spaces may be modified whereby five stalls or twenty-five percent of the provided spaces, whichever is greater, may be located on a grassed, gravel, or concrete mason grid paver area. (Ord. No. 3662, § 6, 2009)

**19.36A.120 Special management area—Additional requirements.**

Nothing in this chapter shall be construed to limit the authority of the planning commissions to impose additional off-street parking and loading requirements on developments within the special management area. (Ord. No. 3662, § 6, 2009)

**19.36A.130. Residential mixed use development parking requirements.**

A. The purpose of this section is to maximize land use efficiency by setting forth parking requirements for various land uses within a residential mixed use development.

B. The following minimum numbers of accessible off-street parking spaces for self-propelled motor vehicles shall be provided on private property in connection with the use of any land, or the erection or remodeling of any building or structure within the residential mixed use development:

USE	MINIMUM PARKING RATIO
Automobile services	One parking space per two hundred square feet of floor area or forty percent of lot area, whichever is greater.
Day care facility	One parking space for every ten care recipients; four pick-up/drop-off spaces for facilities with more than twenty-five care recipients.
Dwelling, single-family	Two on-site parking spaces per unit for detached single-family dwellings and duplexes.
Dwelling, multi-family	Studio: one on-site parking space per unit. One bedroom: one on-site parking space per unit. Two or more bedrooms: two on-site parking spaces per unit.
Eating and drinking establishment	One parking space for every one hundred square feet of serving and dining areas.
Education, specialized	One parking space for every ten students, plus one parking space for every four hundred square feet of office floor space.
Food and beverage retail	One parking space for every five hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided.

USE	MINIMUM PARKING RATIO
General merchandise	One space for every five hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided. One parking space for every six hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided for appliance, furniture, plumbing supply, automobile, landscape supply, marine supply, and machinery stores requiring large floor spaces for product display.
General office	One parking space for every five hundred square feet of floor area of building; provided that a minimum of three parking spaces shall be provided.
Light manufacturing and processing	One parking space for every one thousand five hundred square feet of floor area of building for warehouses and storage facilities. One parking space for every six hundred square feet of floor area of all other uses.
Live/work mixed use	One parking space for every seven hundred fifty square feet of area used for live/work business; commercial uses and residential uses within a live/work configuration may share parking spaces. The spaces required for the residential unit on a live/work building lot may be applied toward the number of spaces required for the business use.
Personal and business services	One parking space for every three hundred square feet of floor area of building for medical and dental clinics, barber shops and beauty shops, financial institutions, health spas; provided that a minimum of three parking spaces shall be provided. One parking space for every five hundred square feet of floor area of building for other personal and business services; provided that a minimum of three parking spaces shall be provided.
Recreation, indoor	One parking space for every six hundred square feet of floor area of pool, gymnasium, wellness center. One parking space for every three hundred square feet of floor area for all other types of indoor recreation or three spaces per play court, whichever is greater.
Roadside stand	Two parking spaces for each stand.
Self-storage	One parking space for every five thousand square feet of floor area of building for storage facilities. One parking space for every six hundred square feet of all other uses.

(Ord. No. 3662, § 6, 2009)

**19.36A.140 Joint-use parking for residential mixed use developments.**

A. Upon approval of the planning director, joint use of required parking spaces may be allowed for residential mixed use developments where the distance of the entrance to the joint-use parking facility from the nearest principal entrance of the building occupied by the use does not exceed four hundred feet by customary pedestrian routes. If approved, joint-use parking shall apply only to the specific uses and site plan submitted with the application. Once joint-use parking has been approved, no change in use shall be permitted

without a new request for joint-use parking, and no building permits or certificates of occupancy shall be issued without a joint-use parking approval.

B. Joint-use parking may be approved subject to the following application requirements, which shall be prepared and submitted by the applicant(s):

1. The names and address of the owners of the parcel(s) who will participate in the joint use of parking.
2. The uses for which joint use approval is sought.
3. Site plan drawn to scale showing the location and number of parking spaces that will be jointly used.
4. An analysis demonstrating that the peak parking times of the uses occur at different times of the day,

and that the joint-use parking facility will be sufficient to accommodate the anticipated demand of the two or more uses.

5. Any other information required by the planning director to assess the application. (Ord. No. 3662, § 6, 2009)

**19.36A.150 Off-site parking for residential mixed use developments.**

A. Upon approval of the planning director, off-site parking for residential mixed use developments may be allowed where parking spaces in excess of the number of spaces required by this chapter exist on a lot or lots or street or streets within the residential mixed use development. The distance of the entrance to the off-site parking facility from the nearest principal entrance of the building occupied by the use shall not exceed four hundred feet by customary pedestrian routes. If approved, off-site parking shall apply only to the specific uses and site plan submitted with the request. Once off-site parking has been approved, no change in use shall be permitted without a new request for off-site parking, and no building permits or certificates of occupancy shall be issued without an off-site parking approval. When the parking spaces in excess of the number of spaces required by this chapter meet the requirements as stated, such surplus spaces may be counted towards the parking requirements of a separate lot within the residential mixed use development.

B. Off-site parking may be approved subject to the following application requirements, which shall be prepared and submitted by the applicant(s):

1. The names and addresses of the owners who are entering into an off-site parking agreement;
2. The uses for which off-site parking approval is sought;
3. Site plan drawn to scale showing the location and number of parking spaces that are being leased for off-site parking;
4. Documents that identify the owner of the subject properties. Lessees of the subject off-site parking stalls shall submit a copy of any recorded parking agreement for said stalls, which agreement shall have an unexpired term of at least five years from the date of filing of the off-site parking application; and

5. Any other information required by the planning director to assess the application. (Ord. No. 3662, § 6, 2009)

**19.36A.160 Parking reduction or waiver.**

A. The planning director or, in the case of the island of Lanai, the Lanai planning commission, may waive or defer up to thirty percent of the required parking for the following developments:

1. Warehouses or storage facilities;
2. Live/work mixed use or residential mixed use projects; and
3. Churches or other places of worship.

B. The planning director or, in the case of the island of Lanai, the Lanai planning commission, may waive or defer up to fifty percent of the required parking for commercial agricultural structures as defined in section 19.30A.015 of this title.

C. In determining whether to waive or defer required parking, the planning director, or, in the case of Lanai, the Lanai planning commission, shall consider the following:

1. Off-site parking agreements, provided that the off-site parking facility is not more than four hundred feet from the nearest principal entrance of the building occupied by the use.
2. Joint-use parking agreements between two or more uses that demonstrate that the peak parking times of the uses occur at different times of the day, and that the joint-use parking facility will be sufficient to accommodate the anticipated demand of the two or more uses.
3. Whether a publicly owned off-street parking lot containing one hundred fifty or more parking spaces is in the proximity of the development and is available.
4. Off-site employee parking, employee car or van pooling, and provision of employee transit passes.
5. Superior pedestrian, bicycle, or transit access.
6. Proof of parking reserves in the form of reserved open space area in excess of the minimum open space or landscape requirements and agreements to construct additional parking when and if warranted as determined by the planning director or commission based on evidence of overflow parking on public streets, in fire lanes, or in other areas that are not striped for parking. (Ord. No. 4246, § 9, 2015; Ord. No. 3662, § 6, 2009)

**19.36A.170 Excess parking.**

With the exception of the County, State, and United States government, no person shall provide or construct excess paved surface parking in connection with

a development for a commercial purpose. For the purpose of this section, excess paved surface parking means paved surface parking exceeding the lesser of one hundred twenty percent of the spaces required by this chapter or forty paved parking spaces beyond what is required by this chapter. Parking shall not be considered excess paved surface parking if it is constructed within a structure or grasscrete area. (Ord. No. 3662, § 6, 2009)

**19.36A.180 Temporary or special event parking.**

The planning director may approve a temporary or special event parking lot in connection with a permitted or accessory use. Improvements to the temporary parking lot shall be limited to those necessary for public health, safety, and visual relief. For the purpose of this chapter, a temporary or special event parking lot means a parking lot to be used in conjunction with a use not exceeding one hundred eighty days in duration. This shall include, but not be limited to, bazaars, fairs, temporary sales offices for subdivisions, festivals, construction worker parking, and sporting events. It shall not include regularly scheduled or weekly events, such as swap meets or flea markets. No person shall establish temporary or special event parking except as provided herein. (Ord. No. 3662, § 6, 2009)

**19.36A.190 Loading space.**

A minimum of one loading space shall be provided for each building or series of buildings within the H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, B-CT, airport, P-1 public/quasi-public and interim districts, and any industrial and commercial districts within any project district, and for each building or series of buildings within residential mixed use developments, for buildings between two thousand and ten thousand square feet. A minimum of two loading spaces shall be provided for each building in excess of ten thousand square feet within any district listed in this section. (Ord. No. 3662, § 6, 2009)