

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU,
MAUI, HAWAII

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

SECTION 1. Title 19, Maui County Code, is amended by adding a new
chapter to be ~~appropriately~~ designated and to read as follows:

“Chapter 19.96

WAIKAPU COUNTRY TOWN DISTRICT

Sections:

- | | |
|---------------------------------|--|
| 19.96.010 | Purpose and intent. |
| 19.96.020 | Definitions, general and administrative <u>Form-</u>
<u>based code.</u> |
| 19.96.030 | <u>Controlling plan.</u> |
| <u>19.96.040</u> | <u>Gross acreage allocations</u> |
| <u>19.96.050</u> | <u>Minimum and maximum number of</u>
<u>residential units and commercial space.</u> |
| <u>19.96.060</u> | <u>Zoning districts.</u> |
| <u>19.96.070</u> | <u>Definitions, lot types</u> general and
<u>administrative.</u> |
| 19.96.040 <u>080</u> | Definitions, uses. |
| 19.96.050 <u>090</u> | Types of uses and interpretation of use <u>terms-</u>
<u>and uses.</u> |
| 19.96.060 | Controlling plan. |
| 19.96.070 | Gross acreage allocations. |
| 19.96.080 | Zoning districts. |
| 19.96.090 <u>100</u> | Principal, accessory, and special uses. |
| 19.96.100 <u>110</u> | Permitted lot types. |
| <u>19.96.120</u> | <u>Lot types.</u> |
| 19.96.110 <u>130</u> | <u>Lot types in zoning districts.</u> |
| <u>19.96.140</u> | Lot type development standards. |

RECEIVED AT PSLU MEETING ON 6/26/19
(Committee Chair)

~~19.96.120~~ ~~Minimum and maximum number of residential units and commercial space.~~

~~19.96.130~~ ~~19.96.150~~ Parking standards.

~~19.96.140~~ ~~160~~ Additional standards for all districts.

~~19.96.150~~ ~~170~~ Subdivision review.

~~19.96.180~~ Administrative rules.

19.96.010 Purpose and intent. ~~The purpose and intent of council has established this ordinance is zoning district to establish zoning that implements~~ implement the Maui island plan's directed growth strategy and the Wailuku-Kahului community plan. ~~The Waikapu country town is intended to be, by creating a~~ a mixed-use residential community that addresses Maui's future housing demand, and provides for the diverse needs of the community's residents. Key ~~project~~ objectives of the Waikapu country town include:

1. Provide for a range of housing options to address projected housing demand.
2. Develop a "complete community" with a mix of housing, retail, and civic uses to support the community's residents.
3. Create employment within the ~~project~~ Waikapu country town to reduce vehicle commutes.
4. Create the opportunity for more active and healthy lifestyles through the creation of pedestrian-oriented streets, greenways, separated pedestrian paths and bikeways, a diversity of park spaces, and community supported agricultural development.

~~19.96.020~~ **19.96.020 Form-based code.** The Waikapu country town zoning code establishes new types of zoning districts, including mixed use districts, and the approximate acreages in each district. It also regulates and provides flexibility in the form and configuration of development, by establishing lot types. In Waikapu country town, each lot type has its own development standards, and each zoning district allows multiple lot types. Development on each lot type is regulated by traditional standards, including setbacks, building heights and lot sizes and widths, and by new standards, including building orientation, driveway ingress and egress, street frontage and floor area ratios. In addition, the Waikapu Country Town zoning code lists all uses alphabetically in tables that identify all zoning districts in which a use is allowed, and all lot types on which it may occur.

19.96.030 Controlling plan. Definitions, general and administrative.

Term	Definition
<i>Complete community</i>	A community that provides a diversity of housing types to serve a broad spectrum of income and age demographics and that provides a mix of employment, commercial, and civic uses in an environmentally sustainable manner to address resident needs.
<i>Controlling plan</i>	The land use plan that establishes the project's zoning districts.
<i>Gross acres</i>	The total acres of an area including, but not limited to, land dedicated to the use, roadways, parks and open space, and undevelopable areas.
<i>Net residential acres</i>	The gross area of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-of-way, and other undevelopable land within the site.
<i>Net residential density</i>	The total number of dwelling units to be developed at a specific site divided by the net residential acres.

19.96.030 Definitions, lot types.

Lot Type	Definition
<i>Civic building</i>	A lot located and designed to accommodate public quasi-public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.
<i>Civic space</i>	A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.
<i>Commercial/retail/employment</i>	A lot located and designed for a building(s) that accommodates a single and/or a mix of commercial, retail, and/or employment type uses.
<i>Commercial and residential</i>	A lot designed to accommodate an attached or detached building(s) with a mix of residential and commercial type uses, which may occupy any story of the building.
<i>Duplex</i>	A lot designed to accommodate a detached dwelling that accommodates two dwelling units.
<i>Light industrial</i>	A lot located and designed for light manufacturing and processing type uses.

Lot Type	Definition
Multi-plex	A lot located and designed to accommodate a detached building that resembles a larger house but which contains from three to six dwelling units.
Multi-family complex lot	A lot located and designed to accommodate multiple multi-family buildings arranged in a manner that creates a garden-like setting with common open space elements and buildings significantly setback from the street to create ample space for canopy shade trees and a visually attractive streetscape.
Multi-family courtyard lot	A lot located and designed to accommodate multi-family building(s) and/or multi-family houses arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
Parking	A lot designed for the purpose of providing off-street parking to service uses that may or may not be located on the lot.
Rural	A rural residential lot that is intended to provide opportunities for a rural lifestyle that may entail small scale agriculture and animal husbandry, gardening, and/or passive open space qualities.
Single-family cottage complex lot	Single-family cottage complex lots may accommodate multiple cottage houses with the houses arranged in a manner that creates a garden-like setting with shared parking areas, common open space elements, pedestrian paths, and other community facilities.
Single-family green court	A lot located and designed to accommodate multiple cottage houses, single-family, and/or duplex houses arranged around and fronting onto a central garden or courtyard that may be partially or wholly open to the street.
Single-family large lot	A single-family lot designed to accommodate a single-family dwelling with larger front, side, and rear yard setbacks and additional land area for yards, pools, and other permitted accessory uses.
Single-family small lot	A single-family lot designed to accommodate a single-family dwelling, but not providing additional land area for larger front and rear yards, pools, and other accessory uses.
Townhouse	A lot designed to accommodate a dwelling sharing a common sidewall with another single-family dwelling of similar building type, typically arranged in a row.

19.96.040 Definitions, uses.

Term	Definition
Agricultural tourism	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.
Civic space	Public uses that serve a unique community purpose such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.
Common open space	Facilities and yard areas identified within projects for the use and enjoyment of a community's residents and maintained and operated by an organization of property holders. This does not include surface parking areas.
Cottage house	A dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single Family Cottage Complex Lot. Unenclosed decks and porches are not counted towards the floor area of the house. A cottage house is not an accessory dwelling (ohana) unit.
Cultural tourism	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, the arts, crafts, foods, architecture, language, history, and recreation.
Food, beverage and merchandise kiosk	A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self contained portable structure, designed as a cart, located on private property, and does not constrain or block safe pedestrian and or automobile traffic.
Food processing	Facilities for the preparation of food products for regional distribution to retail, wholesale and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large scale food manufacturing and processing for off site distribution and sales.
Funeral home	A building used for the preparation of the deceased for burial, and the display of the deceased, and rituals connected therewith before burial or cremation.

Term	Definition
Outside open air dining	A restaurant or food service establishment with tables, dining facilities, and activities located outside in the open air on a private property or on a private property sidewalk when the open air market is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open air dining facility.
Outside open air sidewalk sales	An outdoor area set aside for the display and sale of products and located on the private property provided the open air market is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.
Radio and television broadcasting station	An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.
Recreational tourism	Offices and associated facilities for commercial tours and activities that are based around opportunities for outdoor and natural resource based recreation such as hiking, arboretums, botanical gardens, mountain biking, equestrian activities, rodeo, polo, and zip lines.
Repair, minor	Repair activities which have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids, and prosthetic devices; garment repair; household appliance repair, except those with gasoline and diesel engines; shoe repair; and watch, clock, and jewelry repair; and other similar activities as may be approved.
Telecommunication and broadcasting tower or antenna	A self-supporting lattice, guyed, or monopole structure which is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.

~~19.96.050 Types of uses and interpretation of use terms.~~

~~A. Types of uses.~~ For the purposes of this title, there are three types of uses: principal use, accessory use, and special use. Except

~~as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed, and is identified as a principal use or accessory use; meets all criteria identified for the use, and if it is identified as a use which requires a special use permit, said permit is obtained, and all conditions are complied with.~~

~~B. Interpretation of terms. If a definition or term exists in this zoning ordinance, but is defined in a different way in section 19.04.040 of this title, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance then the definition set forth in section 19.04.040 of this title, shall apply.~~

~~C. Interpretation of uses. If a proposed use does not appear in the list of terms, or within the definitions of those terms, or is not defined elsewhere in this title, the planning director, or authorized representative, will conduct an administrative review of the proposed use, and based upon the characteristics of the use, determine if a listed and/or defined use is similar to that proposed; provided further that such use must be consistent with the purpose and intent of the applicable zoning district, and land use designation, and objectives and policies of the general plan.~~

~~D.B. Conditional permits. A conditional permit is required for uses not determined to be similar to the permitted principal and accessory uses or special uses.~~

~~**19.96.060 Controlling plan.**~~ **A.** The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of ~~the~~this ordinance. Figure 1 is the controlling ~~land use~~ plan.

Figure 1: Controlling plan





19.96.070–040 Gross acreage allocations. A. Table 1 identifies the approximate gross acreage allocations to each zoning district.

B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.

C. In order to facilitate site planning flexibility, the gross acreage of the following districts: town center, main street, commercial/employment, residential, rural, and education may be further adjusted, exclusive of adjustments made pursuant to section 19.96.070 (B), by up to 5 percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the

total ~~project~~ acres in the Waikapu country town.

Table 1: Approximate gross acreage allocations

District	≈Gross acreage allocation
A. Town center	24.80
B. Main street	14.75
C. Commercial / employment	9.56
D. Residential	222.60
E. Rural	114.70
F. Education	12.00
G. Parks	32.50
H. Open space	65.00
Total project acres	≈495.905

19.96.050 Minimum and maximum number of residential units and commercial space. A. At buildout, the minimum number of dwelling units within the Waikapu country town shall be 1,326, unless the owner demonstrates that it is not feasible to build the minimum number of units. The maximum number of dwelling units is 1,433, plus up to an additional 146 accessory dwellings.

B. The maximum number of accessory dwellings is one-hundred forty-six.

C. The maximum number of rural lots is eighty.

D. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town shall not be less than 25 percent or more than 50 percent of the total number of permitted non-accessory dwellings.

E. The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not

exceed two-hundred-thousand square feet of floor area.

19.96.80 19.96.060 Zoning districts. A. Town center.

The purpose of the town center district is to create a commercial and social core for Waikapu within a portion of the original grounds of the Maui Tropical Plantation. The unique character and ambiance of the Maui Tropical Plantation grounds will create a village green, which will be the defining feature of the town center. The village green will give the community a distinct sense of place that invites residents to gather and relax and enjoy the tropical grounds and scenic views of the West Maui mountains. Here it is intended for residents to have convenient access to goods and services such as restaurants, cafes, or a farmer's market. Designed around the village green may be live-work residences, multi-family residences, and a mix of retail, business, entertainment, and personal service uses.

B. Main street. The purpose of the main street district is to create a second conveniently-located walkable town core to service Waikapu country town residents living east (makai) of Honoapiilani Highway. The district is envisioned to comprise a mix of retail, business, and personal service uses organized around a main street design typology that invites walking and bicycling. Development within the district may also include multi-family residences and live-work residences. The adopted main street design typology intends that buildings will front onto wide sidewalks with parking placed within the street right-of-way, within strategically located public parking lots, and on-site at the rear of buildings. It is intended that pedestrian-oriented street design and landscape planting provide natural cooling and shading of the streets and sidewalks within the district.

C. Commercial/employment. The purpose of the commercial/employment district is to establish an area for uses that deliver goods and services and/or create employment in the professional services, light manufacturing, warehousing, repair services, sales, and distribution sectors. The district may also accommodate one or more neighborhood grocery stores or general merchandise stores that serve the project Waikapu country town and the developing Waikapu trade area. It is envisioned that the The district will be characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities.

D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market demands. Building types might include single-family residential, duplex, triplex, fourplex, sixplex, or even larger buildings. Lots within the district may be sized to accommodate a

single structure or multiple structures on a single lot. Dwelling unit types within the district ~~might~~ include ~~small lot~~ single-family, ~~large small~~ lot units, single-family large lot units, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, ~~townhomes~~ townhouses, and live-work units. The district is intended to accommodate residences that front onto aesthetically-pleasing and pedestrian-oriented streets. The district may accommodate a variety of block types to accommodate a range of lot sizes. The district ~~should include~~ includes areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces ~~should emphasize an aggressive urban~~ emphasizes a landscape planting program and ~~the design of more visually attractive~~ streetscapes.

E. Rural. The purpose of the rural district is to provide large residential lots at the boundary of the urban development to serve as a rural transition to the agricultural lands. It is intended that the rural lots ~~might~~ include areas for personal ~~and/or~~ commercial flower and vegetable gardening, orchards, and the raising of chickens, horses, goats, and other types of livestock. It is intended that the clustering, arrangement, and layout of the rural lots is to preserve areas of common open space.

F. Education. The purpose of the education district is to provide a site for private ~~and/or~~ public education facilities to service the ~~project~~ Waikapu country town population and neighboring communities.

G. Parks. The purpose of the parks district is to provide a variety of active and passive park spaces for use by Waikapu country town residents and the broader Waikapu community. It is intended that the design of Waikapu country town's parks will address community needs at the neighborhood and community-wide scale and will include mini-parks, neighborhood parks, and community parks that offer a variety of facilities to support active and passive recreation uses. The parks district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

H. Open space. The purpose of the open space district is to preserve lands from development for the protection of environmental resources, cultural resources, public health and safety, and community livability and wellbeing. Lands within the open space district may include limited passive and active recreational activities, such as bikeways, trails, community gardens, areas for viewing natural and scenic resources, and areas set aside for picnicking and other passive recreation. The open space district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community

garden, farm plot, natural area, or historic area worthy of preservation.

19.96.070 Definitions, general and administrative.

<u>Term</u>	<u>Definition</u>
<u>Complete community</u>	<u>A community that provides a diversity of housing types to serve a broad spectrum of income and age demographics and that provides a mix of residential, commercial, and civic uses in an environmentally sustainable manner to address resident needs.</u>
<u>Controlling plan</u>	<u>The land use plan that establishes the Waikapu country town's zoning districts.</u>
<u>Gross acres</u>	<u>The total acres of an area including land dedicated to the use, roadways, parks and open space, and undevelopable areas.</u>
<u>Net residential acres</u>	<u>The gross acres of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-of-way, and other undevelopable land within the site.</u>
<u>Net residential density</u>	<u>The total number of dwelling units to be developed at a specific site divided by the net residential acres.</u>

19.96.080 Definitions, uses.

<u>Term</u>	<u>Definition</u>
<u>Agricultural tourism</u>	<u>Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.</u>
<u>Civic space</u>	<u>Public uses that serve a unique community purpose such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.</u>
<u>Common open space</u>	<u>Facilities and yard areas identified for the use and enjoyment of residents and maintained and operated by an organization of property holders. This does not include surface parking areas.</u>
<u>Cottage house</u>	<u>A single-family dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single-Family Cottage Complex Lot. Unenclosed decks and porches</u>

<u>Term</u>	<u>Definition</u>
	<u>are not counted towards the floor area of the house. A cottage house is not an accessory dwelling.</u>
<u>Cultural tourism</u>	<u>Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, arts, crafts, foods, architecture, language, history, and recreation.</u>
<u>Food, beverage, and merchandise kiosk</u>	<u>A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure located on private property, and does not constrain or block safe pedestrian or automobile traffic.</u>
<u>Food processing</u>	<u>Facilities for the preparation of food products for regional distribution to retail, wholesale, and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large-scale food manufacturing and processing for off-site distribution and sales.</u>
<u>Funeral home</u>	<u>A building used for the preparation of the deceased for burial, and the display of the deceased, and rituals connected therewith before burial or cremation.</u>
<u>Outside open-air dining</u>	<u>A restaurant or food service establishment with tables, dining facilities, and activities that are open on at least three sides on a private property or on a private property sidewalk when the open-air dining is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open-air dining facility.</u>
<u>Outside open-air sidewalk sales</u>	<u>An outdoor area set aside for the display and sale of products and located on the private property provided the open-air sidewalk sales is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.</u>
<u>Radio and television broadcasting station</u>	<u>An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.</u>
<u>Repair, minor</u>	<u>Repair activities that have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-</u>

<u>Term</u>	<u>Definition</u>
	<u>motorized bicycle repair; production and repair of eye glasses, hearing aids, and prosthetic devices; garment repair; household appliance repair, except those with gasoline and diesel engines; shoe repair; and watch, clock, and jewelry repair; and other similar activities as may be approved.</u>
<u>Telecommunication and broadcasting tower or antenna</u>	<u>A self-supporting lattice, guyed, or monopole structure which is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.</u>

19.96.090 Types of uses and interpretation of terms and uses. A. Types of uses. For the purposes of this chapter, there are three types of uses: principal use, accessory use, and special use as set forth in this Title. Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed, and is identified as a principal use or accessory use; meets all criteria identified for the use; and if it is identified as a use that requires a special use permit, said permit is obtained, and all conditions are complied with.

B. Interpretation of terms. If a definition or term exists in this zoning ordinance, but is defined in a different way in section 19.04.040 of this title, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance then the definition set forth in section 19.04.040 of this title, shall apply.

C. Interpretation of uses. **Principal, accessory, and special uses.** ~~A. Within the town center, main street and commercial/employment districts, the land uses identified in table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special use (SU).~~ If a proposed use does not appear in the list of terms, or within the definitions of those terms, or is not defined elsewhere in this title, the director will conduct an administrative review of the proposed use, and based upon the characteristics of the use, determine if a listed or defined use is similar to that proposed; provided further that such use shall be consistent with the purpose and intent of the applicable zoning district, land use designation, and objectives and policies of the general plan.

D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C may be permitted as a principal use, accessory use,

or special use shall require by the director. In making a determination, the director must determine that the proposed use meets all of the following:

1. It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district.

2. It is compatible with the purpose and intent of that zoning district.

3. It is compatible with the purpose and intent of this ordinance.

19.96.90 4. It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.

19.96.100 Principal, accessory, and special uses. A. Within the town center, main street and commercial/employment districts, the land uses identified in table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special use (SU). A special use requires a special use permit.

Table 2A: Commercial mixed-use table

<u>Land-use type</u> <u>Land use type</u>	<u>Zoning-Districts</u> <u>Zoning Districts</u>		
	Town center	Main street	Commercial/ employment
Commercial / retail / services			
Agricultural products processing 1/	P	P	P
Agricultural tourism	P	P	P
Animal boarding facility1/	P	P	P
Animal hospital 1/	P	P	P
Automobile services 1/	P		P
Cultural tourism	P	P	
Daycare Day care facility	P	P	P
Eating and drinking establishment establishments	P	P	P
Education, specialized	P	P	P
Entertainment establishment	P	P	P
Food and beverage retail 2/; 3/	P	P	P
Food and beverage truck	P	P	P
Food, beverage and merchandise kiosk	P	P	P
Funeral home			P
General merchandise merchandising 2/; 3/	P	P	P
General office	P	P	P
Hotel 4/	P	P	P
Nursery school	P	P	P
Outside open-air dining	P	P	P
Outside open-air markets	P	P	P

Land-use type Land use type	Zoning Districts Zoning Districts		
	Town center	Main street	Commercial/ employment
Outside open-air sidewalk sales	P	P	P
Parking, public	P	P	P
Personal and business services	P	P	P
Personal services establishment	P	P	P
Recreation, indoor	P	P	P
Recreational tourism	P	P	
SBR service establishment	P	P	
Self-storage			P
Shopping center 3/			P
Swap meet or open-air market	P	P	P
Employment			
Food processing	P	P	P
Light manufacturing and processing 1/	P	P	P
Medical center, minor		P	P
Production facilities, — multi-media facility, multimedia		P	P
Repair, minor		P	P
Storage, wholesale, and distribution			P
Residential			
Boarding house Boardinghouse 1/	P	P	
Live /work /mixed- use	P	P	
Dwelling unit, duplex	P	P	
Dwelling unit, fourplex	P	P	
Dwelling unit, multi-family (includes townhouses)	P	P	
Dwelling unit, townhouse	P	P	
Dwelling unit, triplex	P	P	
Cultural and entertainment			
Assembly area (church, — community centers, etc.)	P	P	P
Entertainment	P	P	P
Civic			
Open space	P	P	P
Park	P	P	P
Civic space	P	P	P
Public facilities and public quasi-public			
Fire station			SU
Library	P	P	P
Police		P	P
Post office 1/	P	P	P
Radio and television broadcasting station		P	P
Recycling collection center			P
Redemption center			P

Land-use type Land use type	Zoning Districts Zoning Districts		
	Town center	Main street	Commercial/ employment
Telecommunication and broadcasting tower or antenna		P	P
Utility facilities, major	SU	SU	SU
Utilities Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Energy systems, small scale	AU	AU	AU
Home business 54/	AU	AU	AU
Structures Accessory building or structure	AU	AU	AU
Other			
Other similar uses	AR	AR	AR
1/ Shall not be permitted within or adjacent to the town center's village green 2/ Within the town center and main street districts gross floor area shall be limited to a maximum of 5,000 square feet on the subject lot or within the subject building. 3/ Within the commercial / employment district gross floor area shall be limited to a maximum of 12,000 square feet on the subject lot for all uses within a single building. Shopping centers featuring multiple uses within multiple buildings on a single lot shall be limited to 24,000 square feet of combined floor area. Exceeding these standards shall require a special use permit. 4/ Shall be limited to a maximum of 30 rooms within the town center district and a maximum of 150 rooms within the commercial / employment and main street districts, but no more than 50 rooms shall be permitted within the main street district. 5/ Shall be subject to the limitation of Maui County code chapters 19.04.040 and 19.67.4/ Shall be subject to chapter 19.67.			

B. Within the residential and rural districts, the land uses identified in table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2B: Residential use table

	Zoning Districts	
	Residential	Rural
Assembly area 61/	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse 72/	P	P
Civic space	P	P
Daycare Day care facility 83/	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	

	Zoning Districts	
	Residential	Rural
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land		P
Park	P	P
Parking <u>area</u> , public	P	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU
Home occupations <u>5</u> occupation <u>4/</u>	AU	AU
Ohana units <u>9/Accessory dwelling 5/</u>	AU	AU
Open space	AU	AU
Structure <u>Accessory building or structure</u>	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
Other		
Other similar uses	AR	AR
61/ Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. 72/ Shall not have more than five bedrooms and not more than five boarders. 83/ For facilities serving more than 6 persons. 94/ <u>Shall be subject to chapter 19.67.</u> 5/ Shall comply with the provisions of Maui County code chapter 19.35. The total number of ohana units <u>accessory dwellings</u> permitted within the Waikapu country town shall not exceed 146.		

C. Within the education, parks, and open space districts the land uses identified in table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2C: Civic use table

	Zoning Districts		
Land use type	Education	Parks	Open space
Civic			
Civic space	P	P	P
Education, general	P		
Education, specialized	P		

Land use type	Zoning Districts		
	Education	Parks	Open space
Park	P	P	
Passive recreation <u>Recreation, passive</u>	P	P	P
Public facilities and public quasi-public			
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Structure <u>Accessory building or structure</u>	AU	AU	AU
Other			
Other similar uses	AR	AR	AR

~~D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C may be permitted as a principal use, accessory use, or special use by the director of planning, or authorized representative. In making its determination, the director of planning, or authorized representative, must determine that the proposed use meets the following tests: 1) It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district. 2) It is compatible with the purpose and intent of that zoning district. 3) It is compatible with the purpose and intent of this ordinance. 4) It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.~~

D. Commercial water bottling is not allowed in Waikapu country town.

19.96.110 Permitted lot types. A. Land uses permitted within each zoning district shall be located on lots that are compatible with the purpose and intent of the zoning district as well as the desired urban design standards for each lot type.

B. An owner proposing development of an area within Waikapu country town shall submit for director approval a proposed neighborhood plan that is consistent with the controlling plan, delineates the lots to be subdivided, and designates the lot type for each lot. The proposed plan shall be submitted to the director prior to or concurrent with an application for subdivision.

19.96.120 Lot types.

<u>Lot Type</u>	<u>Description</u>
<u>Civic building</u>	<u>A lot located and designed to accommodate public or quasi-public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.</u>
<u>Civic space</u>	<u>A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.</u>
<u>Commercial/retail/employment</u>	<u>A lot located and designed for a building that accommodates a single or a mix of commercial, retail, and employment uses.</u>
<u>Commercial and residential</u>	<u>A lot designed to accommodate an attached or detached building with both residential and commercial uses, which may occupy any story of the building.</u>
<u>Duplex</u>	<u>A lot designed to accommodate a detached building that accommodates two dwelling units.</u>
<u>Light industrial</u>	<u>A lot located and designed for light manufacturing and processing uses.</u>
<u>Multi-plex</u>	<u>A lot located and designed to accommodate a detached building that contains from three to six dwelling units.</u>
<u>Multi-family complex lot</u>	<u>A lot located and designed to accommodate multiple multi-family buildings arranged in a manner that creates a garden-like setting with common open space elements and buildings significantly set back from the street to create ample space for canopy shade trees and a visually attractive streetscape.</u>
<u>Multi-family courtyard lot</u>	<u>A lot located and designed to accommodate multi-family buildings and multi-plexes arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.</u>
<u>Parking</u>	<u>A lot designed to provide off-street parking.</u>
<u>Rural</u>	<u>A rural residential lot that is intended to provide opportunities for a rural lifestyle that may also entail small-scale agriculture and animal husbandry, gardening, or passive open space qualities.</u>
<u>Single-family cottage complex lot</u>	<u>A lot located and designed to accommodate multiple cottage houses with the houses arranged in a manner that creates a garden-like setting with shared parking areas, common open space elements, pedestrian paths, and other community facilities.</u>

<u>Lot Type</u>	<u>Description</u>
<u>Single-family green court</u>	<u>A lot located and designed to accommodate multiple cottage houses, single-family, and duplex houses arranged around and fronting onto a central garden or courtyard that may be partially or wholly open to the street.</u>
<u>Single-family large lot</u>	<u>A single-family lot designed to accommodate a single-family dwelling with larger front, side, and rear yard setbacks and additional land area for yards, pools, and other permitted accessory uses.</u>
<u>Single-family small lot</u>	<u>A single-family lot designed to accommodate a single-family dwelling, but not providing additional land area for larger front and rear yards, pools, and other accessory uses.</u>
<u>Townhouse</u>	<u>A lot designed to accommodate a row of dwelling units that share a common sidewall with another single-family dwelling unit on an adjacent lot.</u>

19.96.100 19.96.130. Lot types in zoning districts. A.

Table 3 identifies the lot types permitted within each of the established zoning districts.

B. For land uses permitted through special ~~and~~/or conditional permit processes, the director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Lot Types Permitted ~~Lot Types~~ in Zoning Districts

ZONING DISTRICTS								
	TOWN CENTER	MAIN STREET	COMMERCIAL / EMPLOYMENT	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
<u>Lot type</u> <u>LOT TYPE</u>								
Civic building	•	•	•			•	•	
Civic space	•	•	•	•	•	•	•	•
Commercial / retail / employment	•	•	•					
Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking lot , public	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Town-house lot <u>Townhouse</u>	•	•		•				

19.96.140 Lot type development standards. Development standards that regulate lot sizes, and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in Table 4. Figure 2, A through P¹ illustrates the lot type development standards.

19.96.110 Lot type development standards.

Table 4: Lot type development standards

	Lot Area (Min/Max) In SF	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Civic space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic building	6,000 / no max	60 / no max	N/A	45	N/A	15/ no max	15	10	N/A
Commercial / retail and employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Commercial and residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light industrial	6,000 / no max	60 / no max	NA	35	N/A	10/ no max	6	6	60
Multi-plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-family complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-family courtyard building	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	12 / no max	4	4	N/A

¹ Architectural imagery is intended for illustrative purposes only.

² Calculated as building length at front setback divided by length of front lot line

	Lot Area (Min/Max) In SF	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-family cottage complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-family green court	1,650 / no max	N/A	N/A	30	Alley	5 / 15 ³	5	6	60
Single-family large lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive ⁴ or Secondary Street	5 / 20	6	6	40
Single-family small lot	2,800 – 6,499	24 / no max	N/A	30	Alley ⁵ , Side Drive, Front Entry Drive ⁶ or Secondary Street	5 / 15	5	0	60
Townhouse lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

³ Setback applicable to portion of the building fronting upon the street

⁴ ~~No more than 20% Maximum number of front entry driveway~~ lots fronting upon each side of a block may be accessed by a front entry driveway block's street frontage is 20%

⁵ Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet

⁶ ~~No more than 20% Maximum number of front entry driveway~~ lots fronting upon each side of a block may be accessed by a front entry driveway block's street frontage is 20%

Figure 2, A: Civic SpaceBuilding

Civic Space Lot

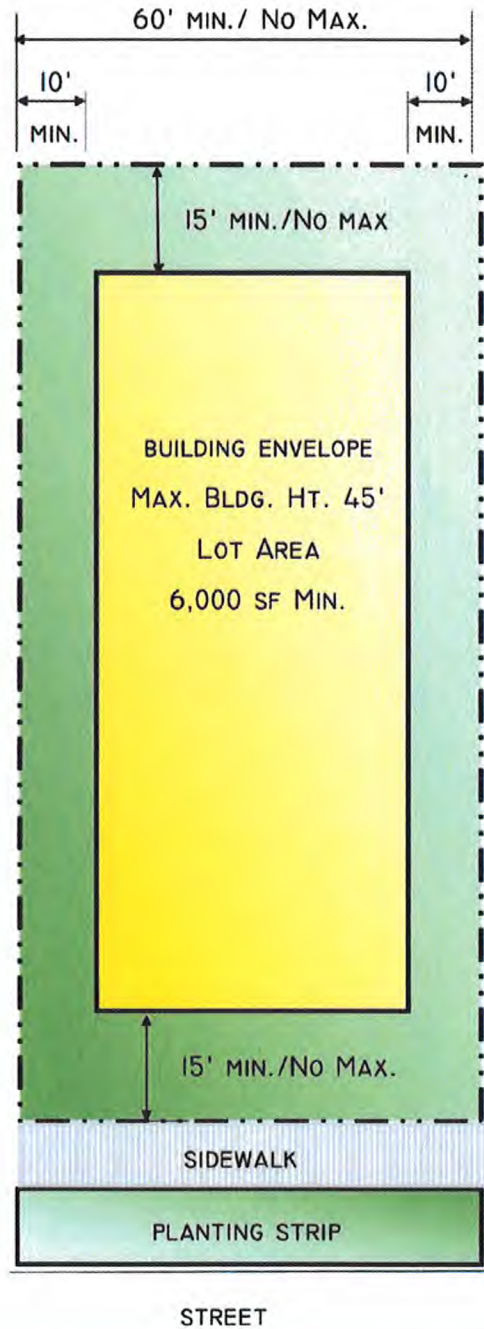
A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



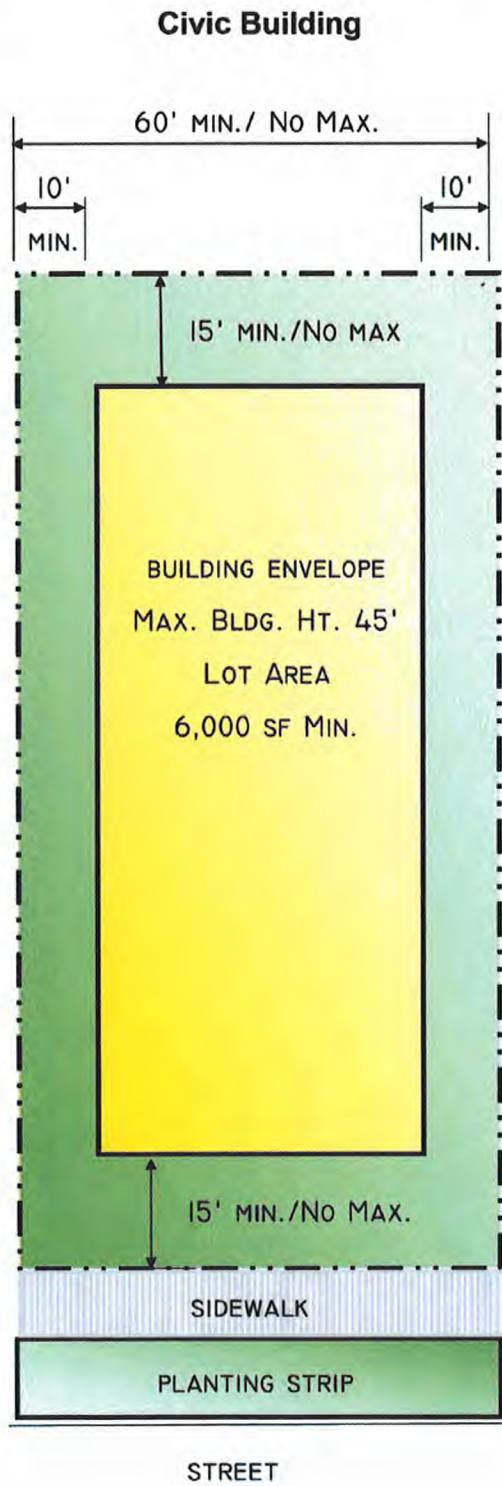
Civic Building



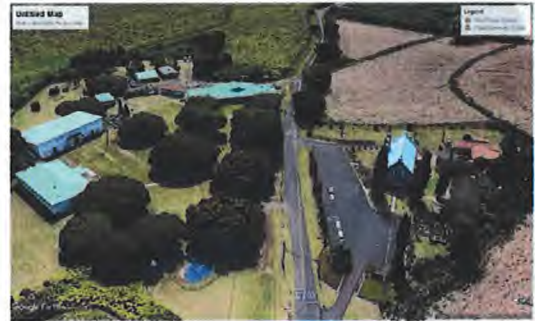
Neighborhood Block & Lot Example



Figure 2, B: Civic Building Space



Neighborhood Block & Lot Example



Civic Space Lot

A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

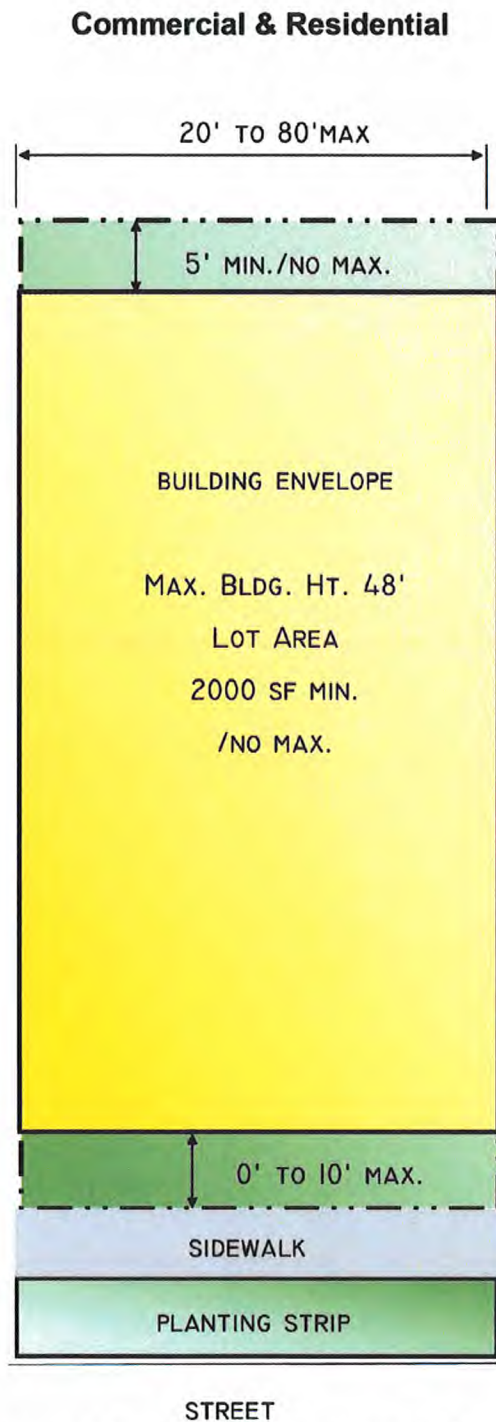


1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, D: Commercial & Residential

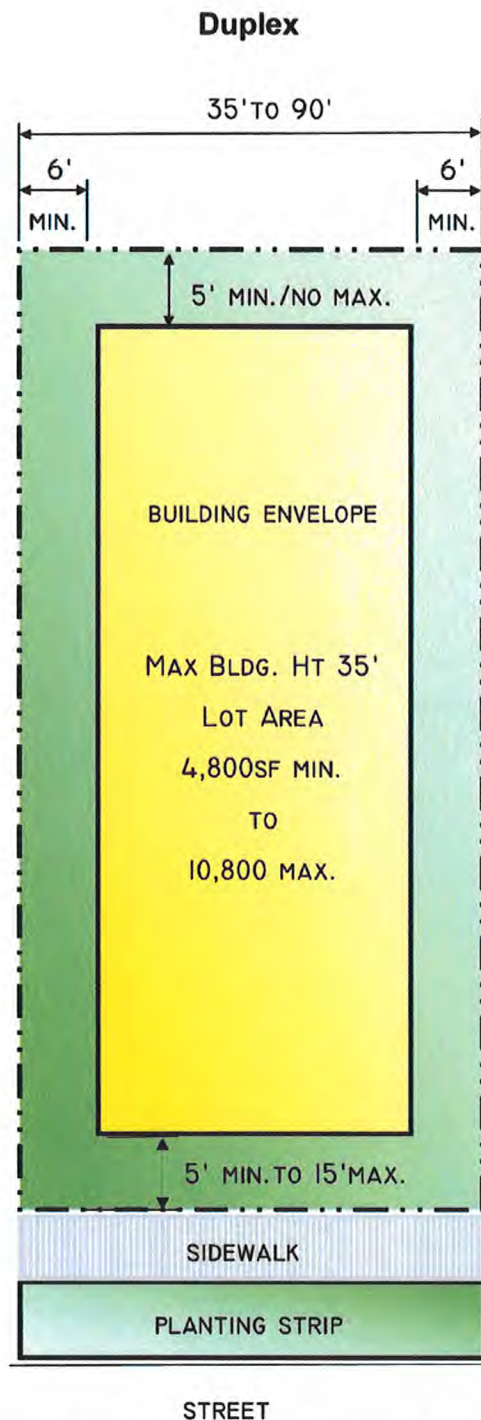


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, E: Duplex



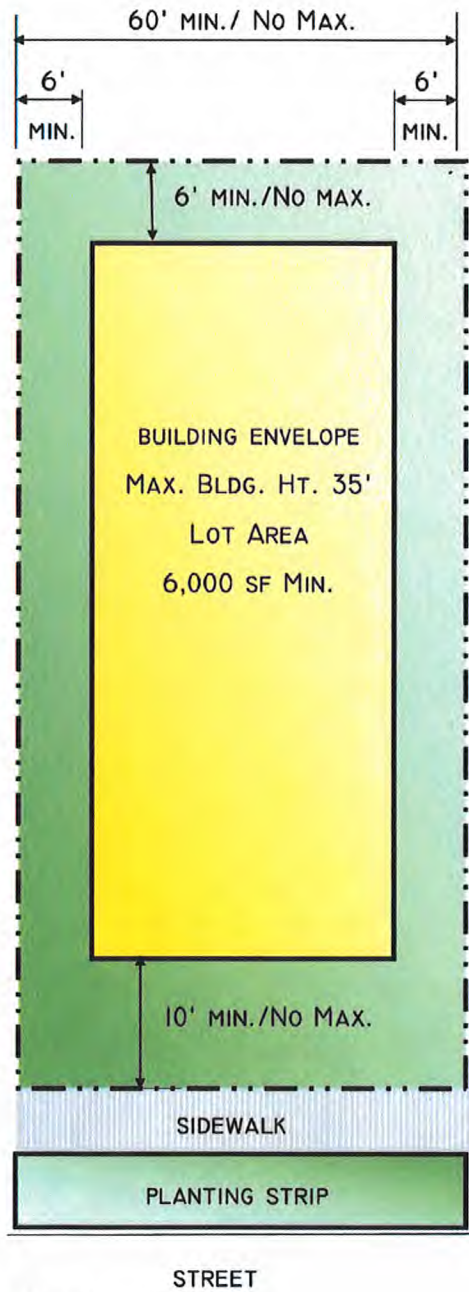
1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, F: Light Industrial

Light Industrial



1. Minimum street frontage is 60%

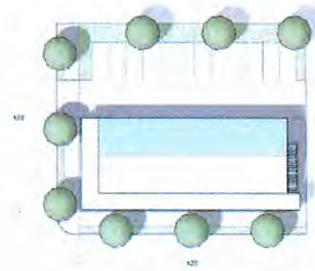
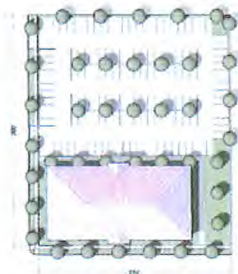
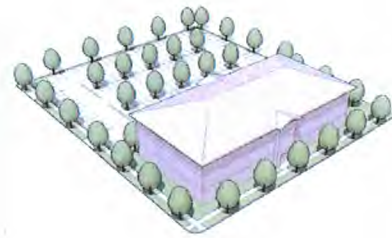


Figure 2, G: Multi-Plex

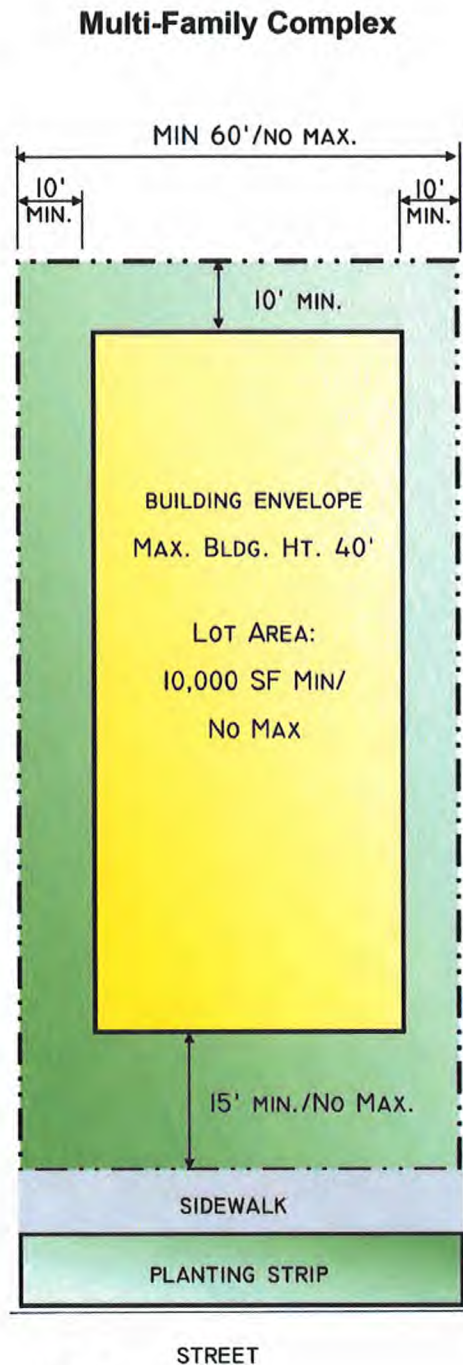


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples



Figure 2 H, b: Multi-Family Complex

Multi-Family Complex

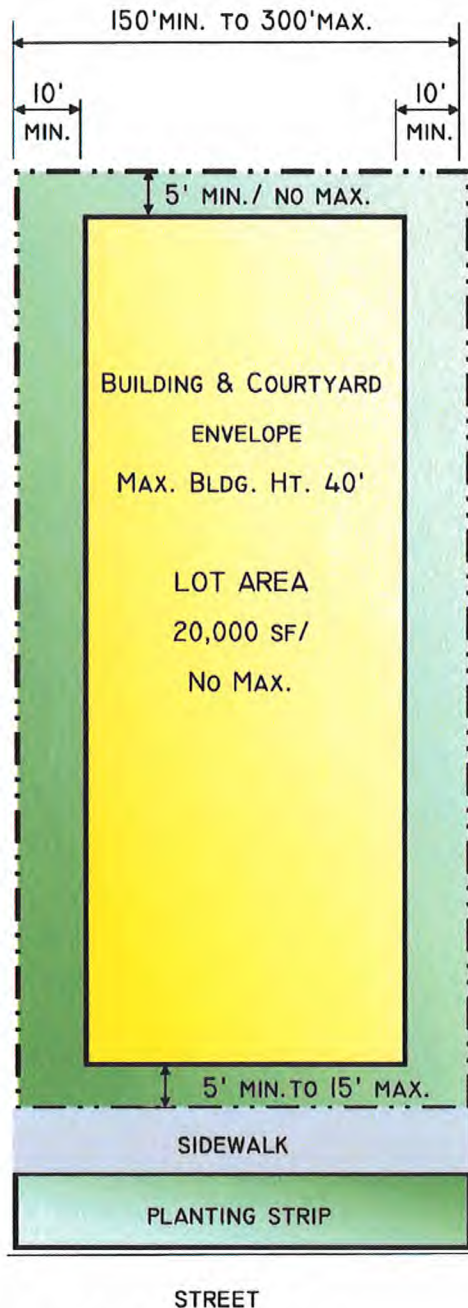


The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior of the lot and the buildings oriented towards a common open space and the primary street (3) and (4). All multi-family complex lots are required to locate surface parking within the interior of the lot and it is to be screened from the adjoining roadways by landscape planting. Setback areas along primary and secondary streets are to provide professionally designed and maintained landscape planting to create a garden like setting.

Neighborhood Block & Lot Examples



Multi-Family Courtyard



1. Parking access is by alley or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

Multi-Family Complex



Neighborhood Block & Lot Examples



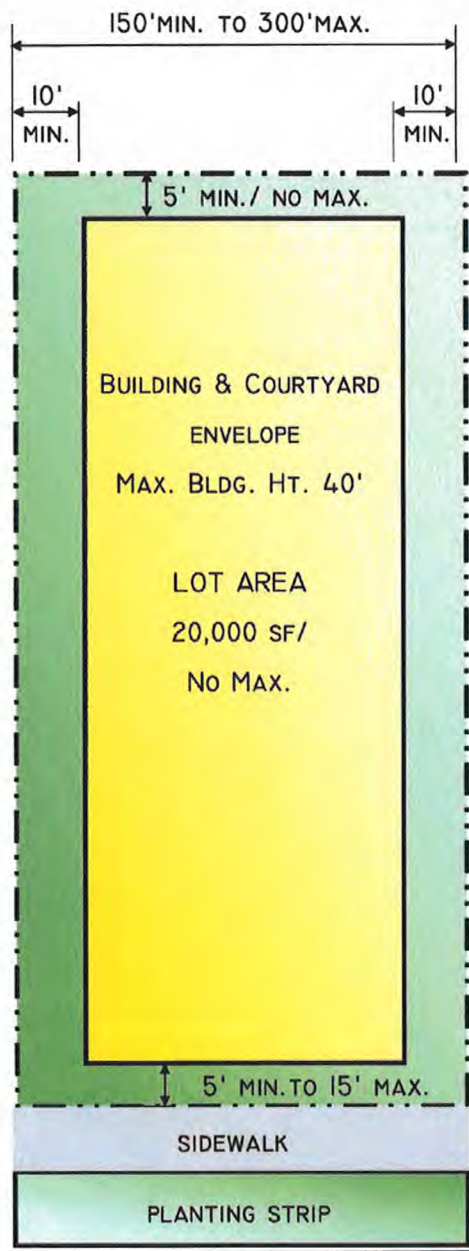
Neighborhood Block & Lot Examples



I

_Figure 2, I: Multi-Family Courtyard

Multi-Family Courtyard



STREET

1. Parking access is by alley, side drive, or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

Neighborhood Block & Lot Examples



Figure 2, J: Parking

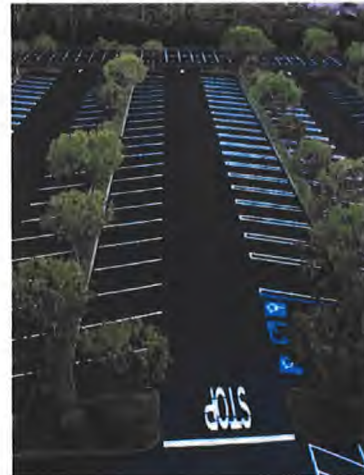
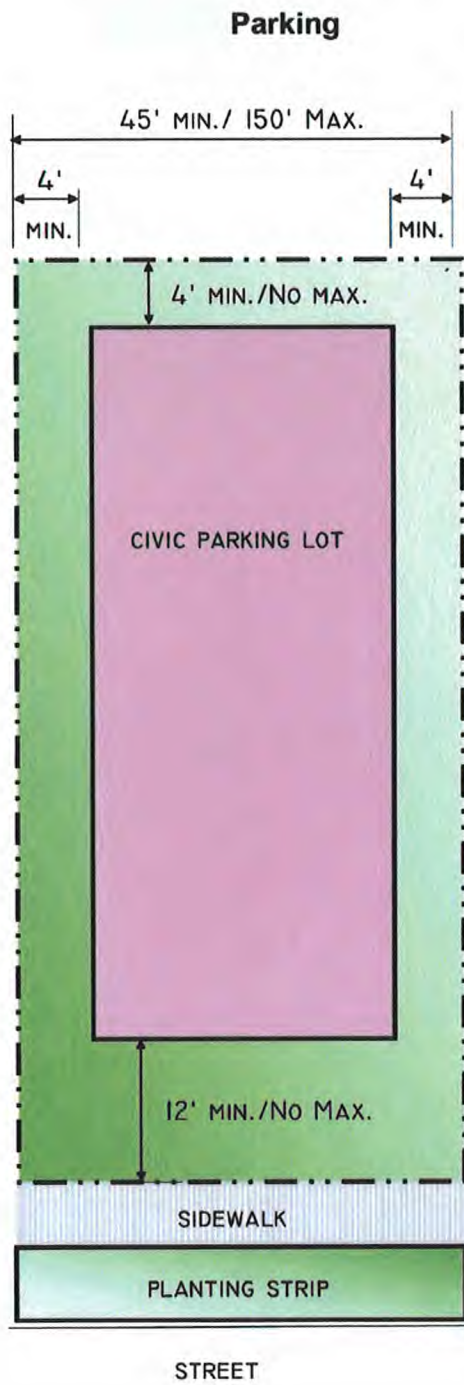
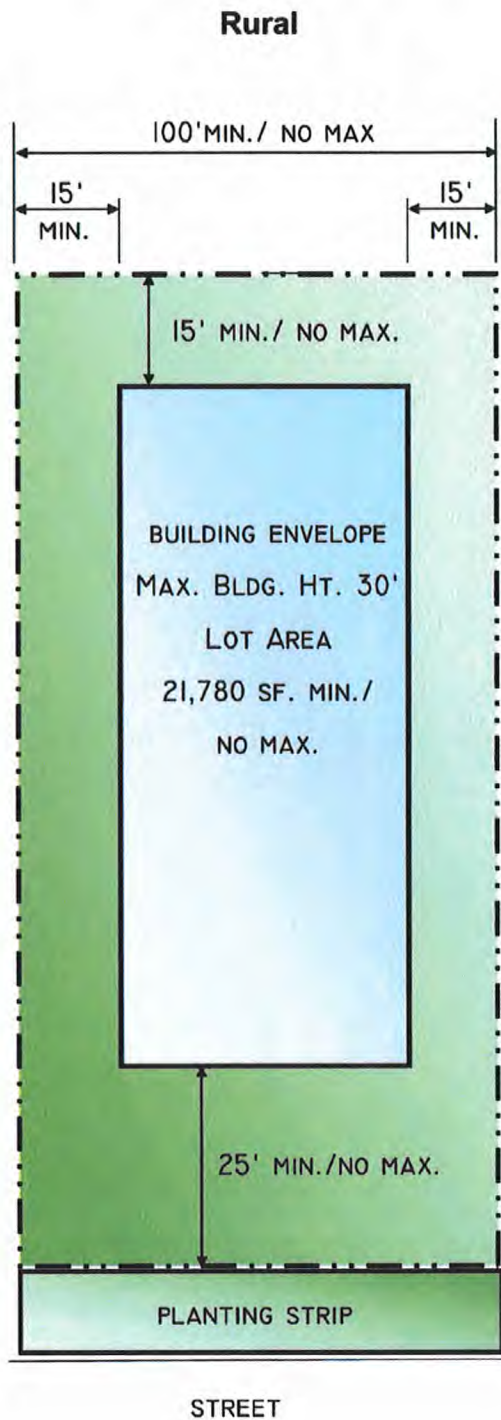


Figure 2, K: Rural

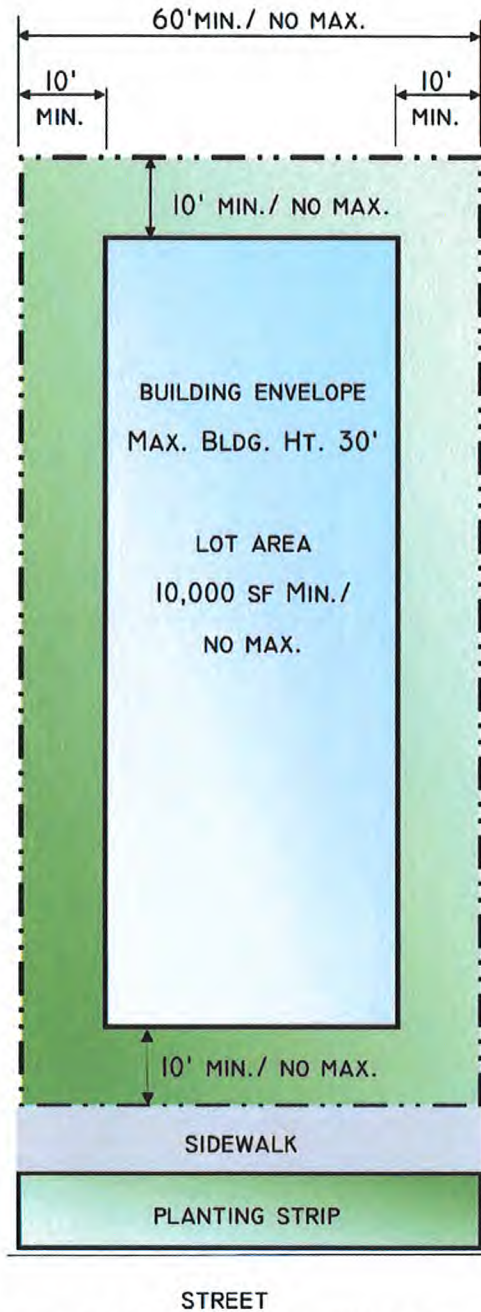


Neighborhood Block & Lot Example



Figure 2, L: Single-Family Cottage Complex

Single-Family Cottage Complex

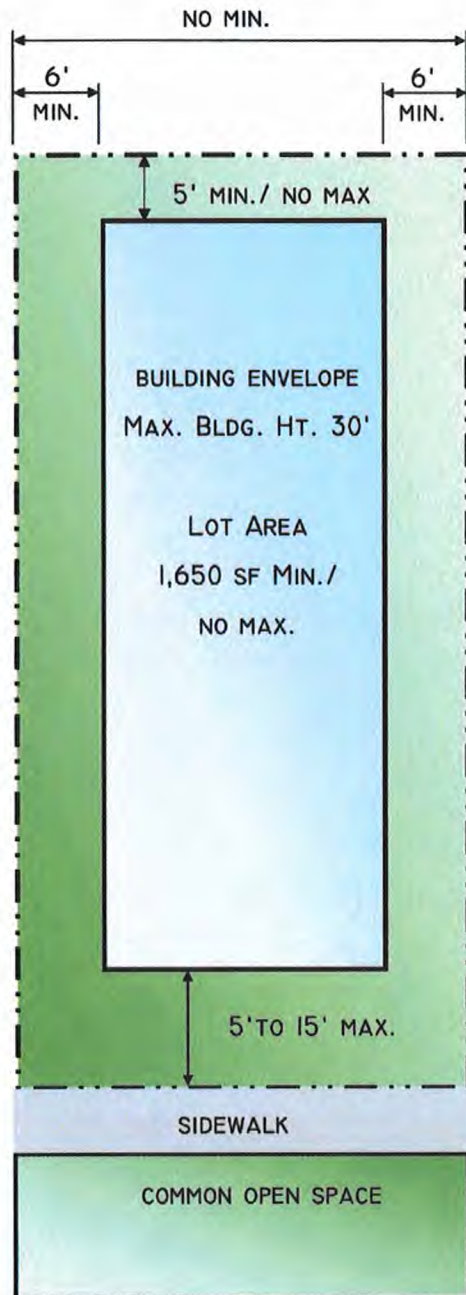


1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example



Single-Family Green Court

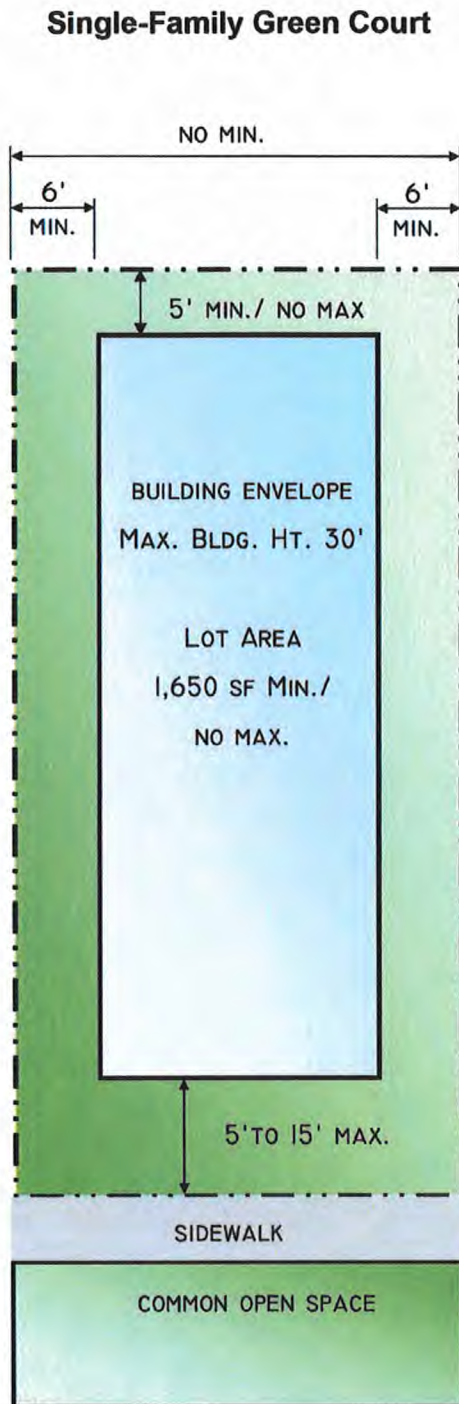


1. Parking access is by alley
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court

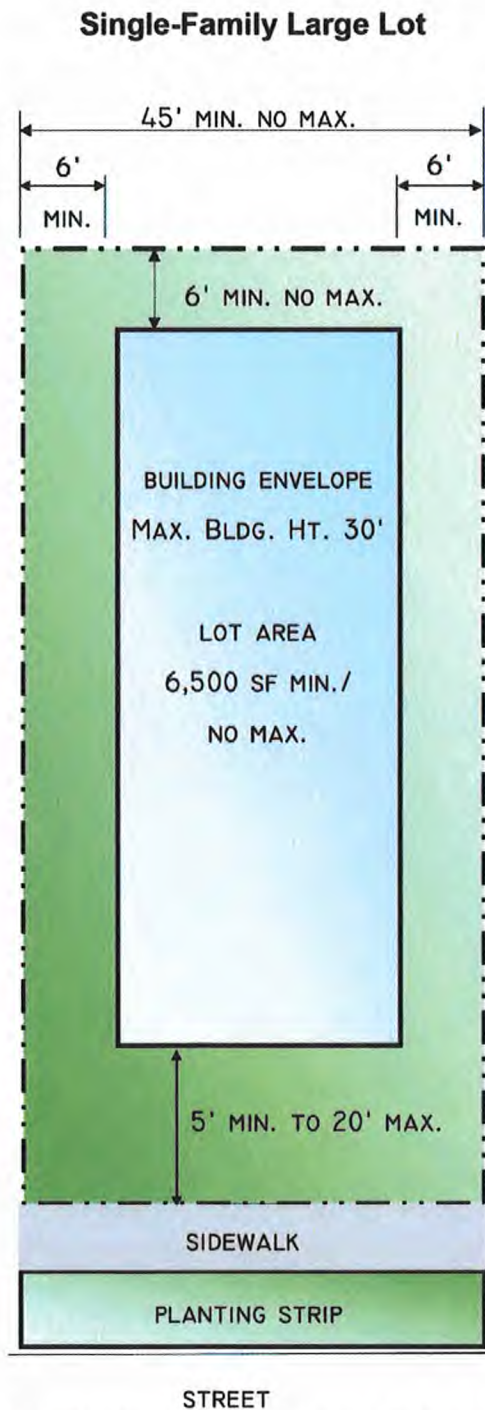


1. Parking access is by alley
2. Front setback applicable to portion of building fronting upon the street
3. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, N: Single-Family Large Lot

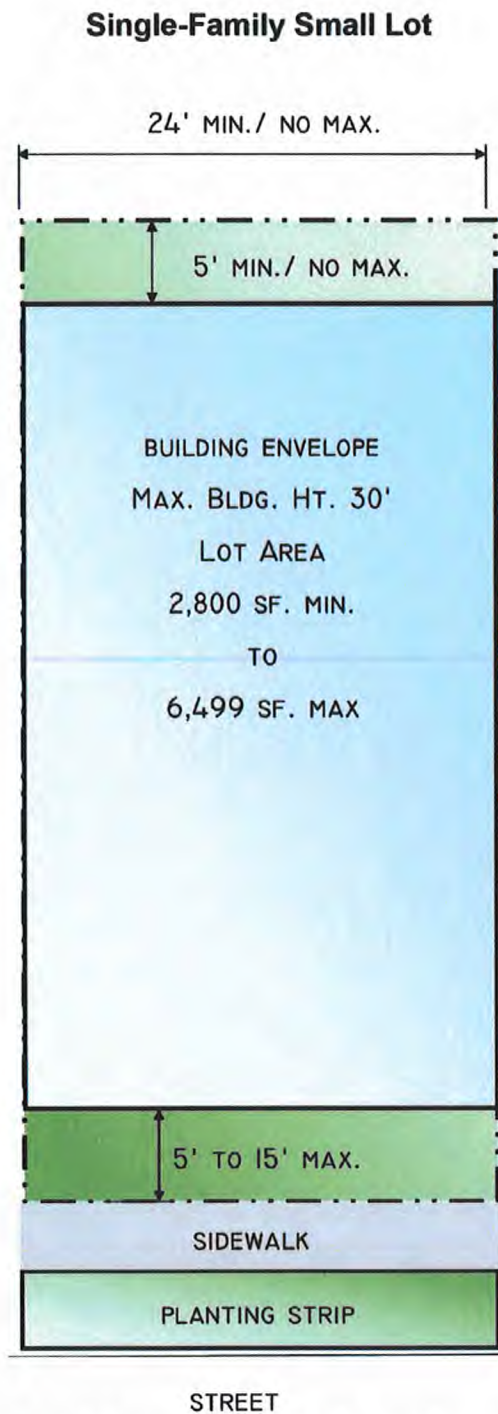


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%
3. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

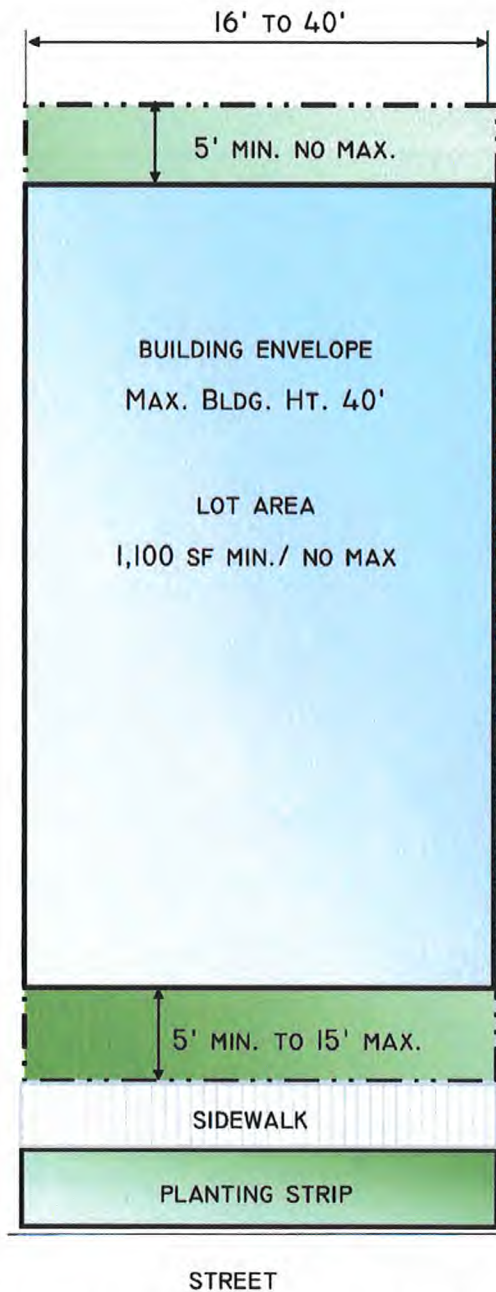


Neighborhood Block & Lot Example



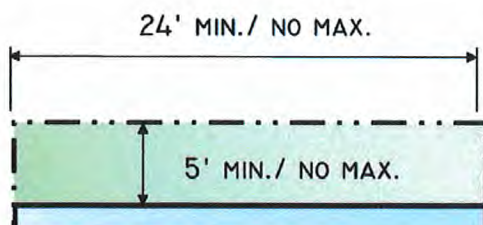
1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
3. Maximum number of front entry driveway lots fronting each of a block's street frontage is 20%

Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Single-Family Small Lot



Neighborhood Block & Lot Examples

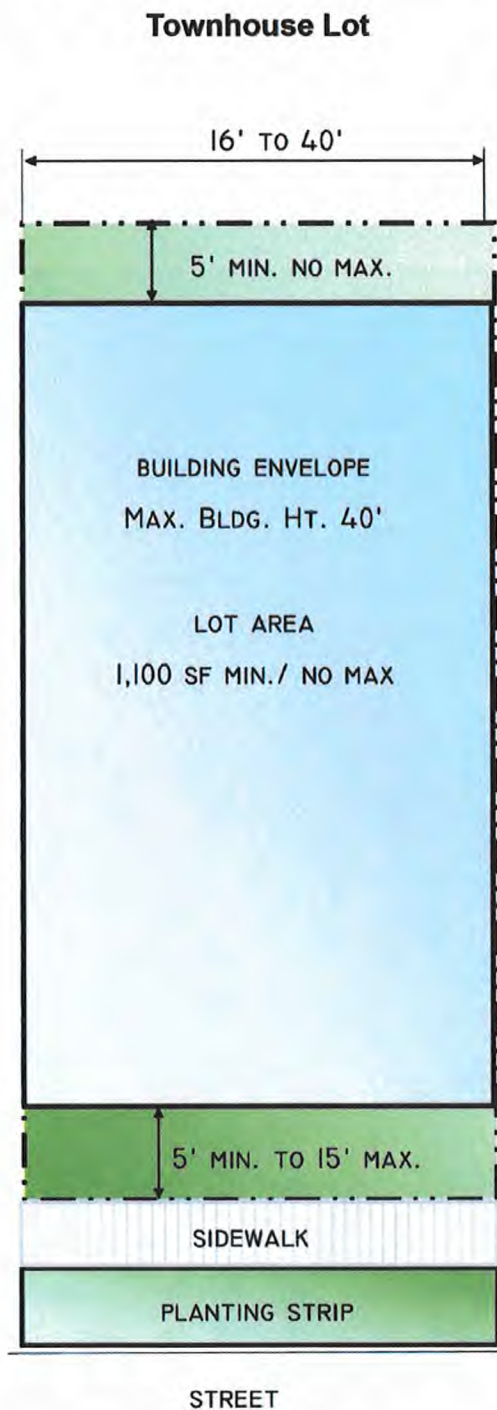


Neighborhood Block & Lot Example



I

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



~~19.96.120 Minimum and maximum number of residential units and commercial space.~~ A. ~~At buildout, the number of dwelling units within the Waikapu country town should not be less than 1,326⁷ and shall not be more than 1,433, plus up to an additional 146 ohana dwelling units.~~

B. ~~The maximum number of ohana dwelling units shall not exceed 146.~~

C. ~~The maximum number of rural residential lots within the Waikapu country town shall not exceed 80.~~

D. ~~Multi family residential units. The minimum number of multi family residential units within the Waikapu country town shall not be less than 25 percent of the total number of permitted non ohana dwelling units and shall not be more than 50 percent of the total number of these units.~~

E. ~~The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not exceed 200,000 square feet of floor area.~~

150

~~19.96.130 Parking standards.~~ ~~The mixed land use pattern within Waikapu country town intends to foster more pedestrian and bicycle trips and less automobile trips than other more automobile dependent districts in Maui County. Therefore, the provisions in chapterChapter 19.36B of this title as amended shalldoes not apply to the Waikapu country town.~~

~~19.96.140–160 Additional standards for all districts.~~ A. Any tract of land or project site within the Waikapu country town for which development is sought shall be subject to any applicable statute, ordinance, rule, or regulation.

B. A dwelling or dwelling unit shall not be used for fractional ownership or as a transient vacation rental, time-share unit, short-term rental home, or bed and breakfast home.

~~19.96.150–170 Subdivision review.~~ Before issuance of a final subdivision approval, the ~~planning~~ director shall review the subdivision to ensure the cohesive implementation of the following ~~project~~ elements of the Waikapu country town: illustrative parks and open space plan; non-motorized pedestrian and bicycle network; and traffic calming elements within the ~~project's~~Waikapu country town's roadways. These elements ~~of the project~~ shall be generally consistent with the ~~project's~~Waikapu country town design guidelines on file with the ~~planning~~ department at the time this ordinance is adopted.⁷.

⁷ ~~Unless the owner and/or developer demonstrates that it is not feasible to build the minimum number of units.~~

19.96.180 Administrative rules. The director may adopt
rules to implement the provisions of this chapter this chapter. ”

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
- AND LEGALITY:

MICHAEL J. HOPPER
Deputy_____

Department of the Corporation Counsel
~~LF 2018-1445~~
~~2019-02-19 Ordinance Chap 19.96~~
County of Maui

pslu:misc:030abill02c:jgk/jsr