

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: January 12, 2016
From: DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture, and Recreation

2016 JAN 12 PM 3:47

Committee

TRANSMITTAL

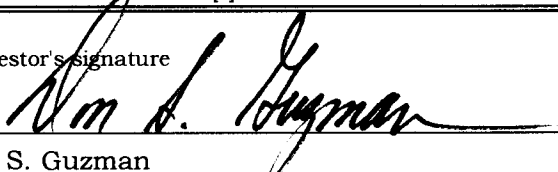
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Patrick K. Wong, Esq.

Subject: **MAUI ISLAND PLAN, CHAPTER 4, ECONOMIC DEVELOPMENT RELATING TO TOURISM** (EAR-41)

Background Data: Proposed resolution to refer to the Lanai, Maui, and Molokai planning commissions a bill that would regulate agricultural tourism activities in the Agricultural District, implementing Sections 205-2(d)(11) and 205-2(d)(12), Hawaii Revised Statutes.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY

☐ [] OTHER:

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|--|---|
| Requestor's signature  Don S. Guzman | Contact Person <u>Sharon Brooks</u> (Telephone Extension: 7137) |
|--|---|

☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☒ [X] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): January 19, 2016
REASON: For posting on January 20, 2016 for the January 26, 2016 EAR committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

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|-------------------------|---------------------------------|-----|
| ASSIGNED TO: <u>SLS</u> | ASSIGNMENT NO. <u>2014-3080</u> | BY: |
|-------------------------|---------------------------------|-----|


TO REQUESTOR: ☐ [] APPROVED ☐ [] DISAPPROVED ☐ [] OTHER (SEE COMMENTS BELOW)
☐ [] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

Resolution only approved.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 1/19/16

By 
(Rev. 7/03)

ear:ltr:041acc02:scb

Attachment

Resolution

No. _____

REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING
COMMISSIONS A PROPOSED BILL TO REGULATE
AGRICULTURAL TOURISM ACTIVITIES IN THE
AGRICULTURAL DISTRICT

WHEREAS, agricultural tourism activities are permitted uses within the State Agricultural District pursuant to Sections 205-2 and 205-5, Hawaii Revised Statutes ("HRS"); and

WHEREAS, Section 205-2(d)(11), HRS, includes agricultural tourism within the State Agricultural District as an accessory use to a working farm, provided a county adopts ordinances regulating agricultural tourism activities pursuant to section 205-5, HRS; and

WHEREAS, Section 205-2(d)(12), HRS, allows agricultural tourism activities, including overnight accommodations of 21 days or less for any one stay within a county, within the State Agricultural District, as accessory uses to a farming operation, provided a county adopts ordinances regulating the activities pursuant to section 205-5, HRS; and

WHEREAS, the Council is considering a proposed bill to amend Title 19, Maui County Code, to implement Sections 205-2(d)(11) and (12), HRS, to allow agricultural tourism activities in the Agricultural District; and

WHEREAS, the implementation of Sections 205-2(d)(11) and (12), HRS, will promote agricultural development in the County, while ensuring the preservation and protection of agricultural resources; and

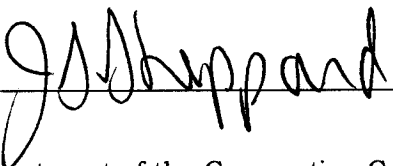
WHEREAS, allowing agricultural tourism activities will support the agricultural character of the County's economy and lifestyle; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai, Maui, and Molokai planning commissions for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lanai, Maui, and Molokai planning commissions transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

ear:misc:041areso02:scb

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE
AGRICULTURAL DISTRICT

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

SECTION 1. Purpose. The purpose of this ordinance is to implement Sections 205-2(d)(11) and (12), Hawaii Revised Statutes, to regulate agricultural tourism activities as accessory uses to an active agriculture operation within the County agricultural district, subject to appropriate restrictions and standards.

SECTION 2. Section 19.30A.015, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

“Agricultural tourism” means a commercial activity conducted on the site of an active agriculture operation for the enjoyment, education, or involvement of visitors.

“Agricultural tourism activity” means agricultural tourism that promotes, and does not interfere with, surrounding agriculture operations. Agricultural tourism activities include a ranch or farm stay involving overnight accommodations of twenty-one days or less for any one stay within the county; horseback riding; hunting; fishing; vineyards; distilleries; U-Pick farms or gardens; farm or ranch tours; arboretums and botanical gardens; hiking; mountain biking; fitness or health activities; petting zoos; animal rescue facilities; labyrinths or mazes; la’au lapa’au or heritage activities; lei making, flower arranging, basketry, or other agriculture-related education or craft classes; agriculture industry education; archery; adventure and challenge courses; and cultural or living history activities.”

SECTION 3. Chapter 19.30A, Maui County Code, is amended to add a new section to be appropriately designated and to read as follows:

"19.30A.077 Agricultural Tourism Activities. A.
Ownership. An agricultural tourism activity within the agricultural district must be owned and operated by a producer or the producer's designated agent.

B. Registration. The producer or producer's agent must register the agricultural tourism activity with the planning department prior to the beginning of the activity's operation. A registration is non-transferable and shall expire three years from the date of issuance. After an agricultural tourism activity is registered for a particular tax map key number, all subsequent agricultural tourism activities on that tax map key number shall require a separate registration.

C. Form. An agricultural tourism activity registration form shall include the following information:

1. The name, address, email, and telephone number of the producer and the producer's designated agent, if any;

2. Document verifying the producer is the owner, lessee, or licensee of the lot on which the agricultural tourism activity will be located;

3. The name, physical address, mailing address, email, and telephone number of the active agriculture operation associated with the agricultural tourism activity;

4. Copies of the general excise tax license and transient accommodations tax license, if applicable, for the agricultural tourism activity;

5. A description of the agricultural tourism activity;

6. A description of any services, activities, or amenities provided at the location of the agricultural tourism activity that are not agricultural tourism activities;

7. A map containing the tax map key number and a clear depiction of the real property where each agricultural tourism activity is located;

8. A description of public access to the location of the agricultural tourism activity, including an indication of whether the access will be by a public road or a private easement and, as applicable:

a. If the agricultural tourism activity will be accessed by a private easement, the map required by this section shall also contain the following information:

i. The access road for the agricultural tourism activity;

- ii. The access road surface material;
 - and
 - iii. Houses and their proximity to the access road;
 - b. If the agricultural tourism activity will be accessed by a private easement, the planning director shall have the discretion to require additional information documenting the easement and improvements as necessary to support the agricultural tourism activity use;
- 9. Evidence of farm plan approval by the planning department;
- 10. A copy of a processed zoning and flood confirmation form;
- 11. Proof of commercial general liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, and automobile liability insurance with a combined single limit of not less than \$1,000,000, listing the County of Maui, its departments, agencies, officers, directors, employees and agents as additional insureds; and Workers Compensation insurance as required by law, that covers the agricultural tourism activity. The producer shall provide a certificate of insurance within 30 days of registration approval, and must notify the planning department of any cancellation or material change of the insurance, such as a reduction in coverage, within 30 days of the date of such cancellation or material change. The planning director may require additional insurance coverage as may be reasonably necessary considering the risk of the particular agricultural tourism activity;
- 12. The signature of the producer, certifying acknowledgment of and intent to comply with the requirements of this chapter and all other applicable laws and regulations, including those of the state department of health and the department of public works;
- 13. A copy of all applicable regulatory licenses, permits, and certifications required by county, state, and federal regulations;
- 14. A statement of the days and hours of operation of the agricultural tourism activity;
- 15. An acknowledgment signed by the producer that the agricultural tourism activity use shall automatically terminate upon the cessation of the principal active agriculture operation; and
- 16. Any additional information required by the planning director in the applicable rules.

D. Enforcement; Report. Failure of a producer to register an agricultural tourism activity as required by this chapter may be enforced pursuant to chapter 19.530 of this title. The planning department shall maintain a list of all agricultural tourism activities registered pursuant to this chapter. On an annual basis, the planning director shall notify the appropriate planning commissions of the agricultural tourism activities registered with the planning department pursuant to this chapter. The report shall be acknowledged by the planning commissions and include the name of the producer, the location and type of agricultural tourism activity, verification that the operation is in compliance with the requirements of this chapter, and a summary of complaints and their disposition received relating to the operation of agricultural tourism activities, if any.

E. Parking. An agricultural tourism activity shall provide parking as required by section 19.36A.010 of this title. In addition to any other penalties or remedies under this code, a violation of the provisions of section 19.36A.010 related to the agricultural tourism activity, on three separate occasions within a one year period, shall result in a suspension of the agricultural tourism activity until a special use permit is obtained pursuant to section 19.30A.060.

F. Additional requirements. Certain agricultural tourism activities shall be subject to additional requirements as follows:

1. Overnight stays. For ranch or farm stays involving overnight accommodations of twenty-one days or less for any one stay within the County, the producer must submit a short-term rental home permit approved pursuant to the provisions of chapter 19.65 of this code. In the event that the planning director determines the short-term rental home does not coexist with an active agriculture operation, the producer shall obtain a State special permit as required by section 19.30A.060(13) of this chapter.

2. Hunting. All persons hunting on private land as a part of agricultural tourism activity must possess a valid hunting license.

3. Accessory facilities. A commercial agricultural structure that is part of an agricultural tourism activity shall meet the requirements of section 19.30A.072 of this chapter."

SECTION 4. Section 19.30A.015, Maui County Code, is amended by amending the definition of "Active agriculture operation" to read as follows:

“Active agriculture operation” means a commercial or subsistence agricultural, silvicultural, or aquacultural facility, activity, or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.”

SECTION 5. Section 19.30A.050, Maui County Code, is amended to read as follows:

“19.30A.050 Permitted uses. The following uses and structures shall be 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 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) 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.

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. All other open [Open] land recreation uses or structures [not specifically] are prohibited unless they are permitted by [this] subsection [or by subsection] 19.30A.050(B)(14), [19.30A.060(H) 19.30A.060(A)(7), or 19.30A.060(A)(14). [shall be prohibited; certain] Certain open land recreation uses or structures may also be required to obtain a State special permit [pursuant to] as provided in 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, 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 or the National Register of Historic Places.

12. 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.

13. 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.

14. Agricultural tourism activities, subject to the applicable restrictions in section 19.30A.077.

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 6. Section 19.30A.060, Maui County Code, is amended to read as follows:

"19.30A.060 Special uses. A. Permit required. The following uses and structures shall be permitted in the agricultural district if a special use permit, [pursuant to] as provided in section 19.510.070 of this title has been obtained; except that if a use described in this section also requires a State special permit [pursuant to] as provided in chapter 205, Hawaii Revised Statutes, and if the land area of the subject parcel is fifteen acres or less, the [state] State special permit shall fulfill the requirements of this section:

1. Additional farm dwellings beyond those permitted by subsection 19.30A.050(B)(1).

2. Farm labor dwellings that do not meet the criteria of subsection 19.30A.050(B)(2).

3. Commercial agricultural structures that do not meet the standards and restrictions of this chapter.

4. Public and quasi-public institutions that are necessary for agricultural practices.

5. Major utility facilities as defined in section 19.04.040 of this title.

6. Telecommunications and broadcasting antenna.

7. Open land recreation uses, structures or facilities [which] that do not meet the criteria of subsection [19.30A.050(B)(11)] 19.30A.050(B)(10), including commercial camping, gun or firing ranges, archery ranges, skeet shooting, paint ball, bungee jumping, skateboarding, rollerblading, playing fields, and accessory buildings and structures. Certain open land recreation uses or structures may also be required to obtain a State special permit [pursuant to] as provided in chapter 205, Hawaii Revised Statutes. The following uses or structures shall be prohibited: airports, heliports, drive-in theaters, country clubs, drag strips, motor sports facilities, golf courses, and golf driving ranges.

8. Cemeteries, crematories, and mausoleums.

9. Churches and religious institutions.

10. Mining and resource extraction.

11. Landfills.

12. Solar energy facilities that are greater than fifteen acres.

13. Short-term rental homes, subject to the provisions of chapter 19.65 of this title, that do not qualify as accessory uses under section 19.30A.050(B)(14); provided that[,] the applicant need not obtain a County special use

permit [pursuant to] as provided in section 19.510.070 of this title; and provided further that, if the property containing the short-term rental home is located in the State agricultural district, the applicant shall obtain a State special [use] permit, [pursuant to] as provided in section 205-6, Hawaii Revised Statutes, in addition to the short-term rental home permit required by chapter 19.65 of this title.

14. Agricultural tourism activities that do not meet the standards or restrictions of section 19.30A.050(B)(14).

B. State permit required. Home businesses shall be permitted in the agricultural district if a State special permit as provided in chapter 205, Hawaii Revised Statutes, is obtained; provided that, the home business shall comply with the provisions of chapter 19.67 of this title, and shall also obtain a County special use permit, if required by chapter 19.67 of this title."

SECTION 7. Section 19.36A.010, Maui County Code, is amended to read as follows:

"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. |
| <u>Agricultural tourism activities as defined in section 19.30A.077 of this title</u> | <u>One parking space for each 10,000 square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces dedicated for agricultural tourism use in addition to any other parking required for the property under this chapter. Separate bus parking may be required at the discretion of the planning director pursuant to an approved farm plan.</u> |

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| 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] <u>300</u> 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] <u>500</u> 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] <u>100</u> square feet of floor area of building. |
| Clubhouse, private club | One parking space for every [two hundred] <u>200</u> square feet of floor area of building. |
| Commercial agricultural structures as defined in section 19.30A.072 of this title | One parking space for every [two hundred] <u>200</u> square feet of floor area of building or, for farmer's markets, one parking space for every [two hundred] <u>200</u> 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, |

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| | 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] <u>600</u> square feet of floor area of building or [twenty-five] <u>25</u> percent of the lot area, whichever is the greater. |
| Library, museum, art gallery | One parking space for every [three hundred] <u>300</u> square feet of floor area of building. |
| Live/work mixed use | One parking space for every [seven hundred fifty] <u>750</u> 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] <u>40</u> square feet of floor area of building. |

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| 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] <u>100</u> 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] <u>300</u> square feet of non-residential gross floor area. |
| SBR service establishment | One parking space for every [three hundred] <u>300</u> 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. |
| Self-storage | One parking space for every [three thousand] <u>3,000</u> square feet of storage. |
| Service station, repair shop, garage | One parking space for every [two hundred] <u>200</u> square feet of floor area of building or [forty] <u>40</u> 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 |

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| Shopping centers | One parking space for every [two hundred] <u>200</u> 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] <u>600</u> 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] <u>500</u> 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." |

"

SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 9. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

ear:misc:041abill02:scb