

ORDINANCE NO. 3525

BILL NO. 7 (2008)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, AND AMENDING CHAPTER 19.36, MAUI COUNTY CODE, PERTAINING TO OFF-STREET PARKING AND LOADING

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

SECTION 1. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"General office" means facilities used for the practice of a profession, the conduct of public administration, or the administration of business or industry. Examples include offices for government agencies, non-profit organizations, financial, insurance, and real estate companies, professional practices (except medical and dental), and television and radio stations.

"Joint-use parking" means two or more uses utilizing the same parking space(s).

"Live/work mixed use" means a combined residential and commercial use of a single-family, two-family, or multi-family dwelling unit, with a commercial activity.

"Personal and business services" means establishments that offer specialized goods and services frequently purchased by individual consumers and businesses. Examples include barber shops and beauty salons, medical, dental or similar health care services, massage services, photography laboratories and studios, financial institutions, tailor and

seamstress businesses, post office and parcel delivery, travel agencies, laundromats, and printing and duplicating shops.

"Residential mixed use development" means a building or buildings on individual or contiguous lots that combine general merchandising, general office, personal and business services, and/or other commercial purpose with residential uses that have a minimum area of thirty thousand square feet, and are located within a village mixed use district as allowed in a project district, B-2 community business district, B-3 central business district, and B-CT country town business district.

"Self-storage" means activities and facilities that provide storage areas to the public."

SECTION 2. Section 19.36, Maui County Code, is amended by adding new sections to be appropriately designated and to read as follows:

"19.36.130. 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:

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

<u>USE</u>	<u>MINIMUM PARKING RATIO</u>
	<p>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.</p>
<u>General office</u>	<p>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.</p>
<u>Light manufacturing and processing</u>	<p>One parking space for every one thousand five hundred square feet of floor area of building for warehouses and storage facilities;</p> <p>One parking space for every six hundred square feet of floor area of all other uses.</p>
<u>Live/work mixed use</u>	<p>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.</p>
<u>Personal and business services</u>	<p>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;</p> <p>One parking space for every five hundred square feet of floor area of building</p>

<u>USE</u>	<u>MINIMUM PARKING RATIO</u>
	for other personal and business services; provided that a minimum of three parking spaces shall be provided.
<u>Recreation, indoor</u>	<p>One parking space for every six hundred square feet of floor area of pool, gymnasium, wellness center;</p> <p>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.</p>
<u>Self-storage</u>	<p>One parking space for every five thousand square feet of floor area of building for storage facilities;</p> <p>One parking space for every six hundred square feet of all other uses.</p>

19.36.140 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 addresses 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.

19.36.150 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.

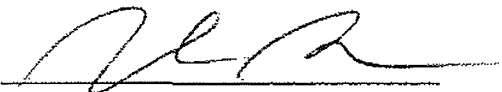
4. Documents that identify the owner of the subject properties. Lessees of the subject off-site parking stalls shall submit a copy of any recorded parking agreement for said stalls, which agreement shall have an unexpired term of at least five years from the date of filing of the off-site parking application.

5. Any other information required by the planning director to assess the application."

SECTION 3. 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 4. This ordinance shall take effect upon its approval and shall apply to all residential mixed use developments that receive building permits after the effective date of this ordinance.

APPROVED AS TO FORM
AND LEGALITY:


MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 7 (2008)

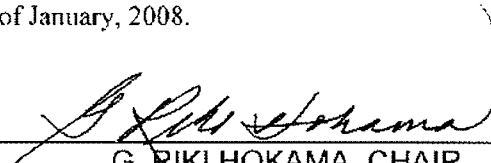
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 25th day of January, 2008, by the following vote:

G. Riki HOKAMA Chair	Dennis A. MATEO Vice-Chair	Michelle ANDERSON	Gladys C. BAISA	Jo Anne JOHNSON	William J. MEDEIROS	Michael J. MOLINA	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

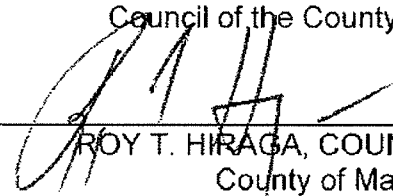
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 25th day of January, 2008.

DATED AT WAILUKU, MAUI, HAWAII, this 25th day of January, 2008.

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OFFICE OF THE MAYOR



G. RIKI HOKAMA, CHAIR
Council of the County of Maui



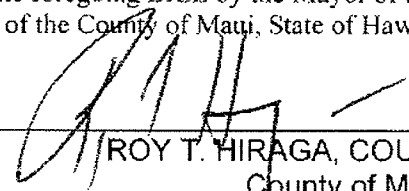
ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 25th DAY OF January, 2008.



CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3525 of the County of Maui, State of Hawaii.



ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on January 11, 2008.
Effective date of Ordinance January 25, 2008.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3525, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

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COUNTY CLERK