



APPENDIX O
Draft Ordinance Chapter 19.33A, MCC

FORM BASED CODE HYBRID DRAFT 1

ORDINANCE NO. _____

BILL No. _____ (2013)

A BILL FOR AN ORDINANCE AMENDING TITLE 19.33, MAUI COUNTY CODE,
TO ESTABLISH PERMISSABLE LAND USES, STANDARDS OF DEVELOPMENT,
AND ALLOCATIONS OF LAND FOR THE “MAUI RESEARCH & TECHNOLOGY
PARK” SITUATED IN KIHEI, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF MAUI:

SECTION 1. Title 19.33, Maui County Code, is amended to read as follows:

“Chapter 19.33A
Maui Research & Technology Park”

Sections:

| | |
|------------|---|
| 19.33A.010 | Purpose and intent. |
| 19.33A.020 | Definitions. |
| 19.33A.030 | Land use categories and acreage. |
| 19.33A.040 | Controlling plan. |
| 19.33A.050 | Lot types by district. |
| 19.33A.060 | Districts. |
| 19.33A.070 | Development standards. |
| 19.33A.080 | Additional standards for all districts. |
| 19.33A.090 | Environmental controls. |
| 19.33A.100 | Maui research and technology park coordinator. |
| 19.33A.110 | Technical review committee. |
| 19.33A.120 | Design review board |
| 19.33A.130 | Procedure for subdivision. |
| 19.33A.140 | Procedure for securing building and site improvement permits. |
| 19.33A.150 | Improvement district program for the construction of off-site improvements. |
| 19.33A.160 | Procedure for securing approval of additional permitted uses in the Maui Research & Technology Park |

19.33A.010 Purpose and intent. The purpose and intent of these standards is to create opportunities for a broader range of desirable knowledge based and emerging industries, which will provide high-skilled and well-paying jobs for Maui residents. As the Maui Research and Technology Park (MRTP) develops it should utilize the principles of new urbanism and smart growth to create a community of innovation. This includes providing diverse housing options within close proximity of the MRTP employment and integrating neighborhood serving retail, civic and commercial uses in a manner that will encourage bicycling, walking and public transportation.

19.33A.020 Definitions. The following definitions shall apply to this chapter. Terms not defined below shall have the meanings set forth in section 19.04.040, Maui County Code, unless the context clearly indicates a different meaning:

“Application” means a formal request filed by an owner or lessee pursuant to the provisions of this chapter.

“Association” means a group of owners of lots in the MRTP District (other than the association itself in its capacity as owner of the common area) formed for the purposes set forth in this chapter.

“Committee” means the MRTP District technical review committee hereinafter established.

“Design Guidelines” means those detailed architectural, engineering, landscape architectural and or other design related standards to be applied in the development of the MRTP which shall be consistent with the performance standards specified herein.

“Design Review Board” means a group of professionals in fields such as architecture, planning, landscape architecture, engineering and sustainability, formed for the purpose of assisting in the design review of projects within the MRTP. Design Review Board members are appointed by the Association.

“Dormitory” means a building or group of buildings with group living quarters for a student body or other group associated with educational institution use.

“Dwelling, Four-Plex” means an apartment house consisting of only four dwelling units designed exclusively for occupancy by four families living independently of each other.

“Dwelling, Tri-Plex” means an apartment house consisting of only three dwelling units designed exclusively for occupancy by three families living independently of each other.

“Dwelling, Townhome” means a dwelling sharing a common sidewall with another single family dwelling of similar building type, typically arranged in a row.

“Economic Development Director” means the director of the county’s office of economic development.

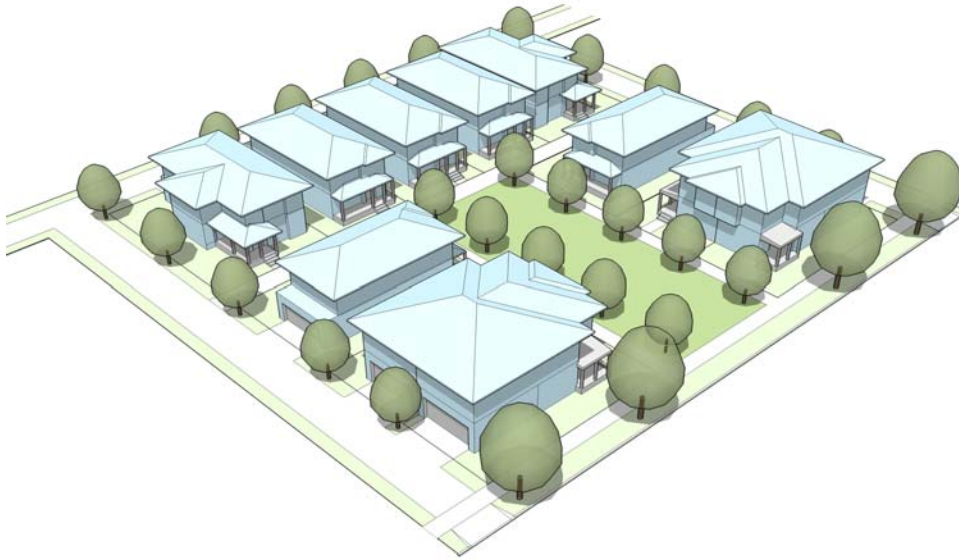
“Enforcement Agency” means the fire chief of the department of fire and public safety of the County of Maui or such other person or agency designated by the Mayor of the County of Maui.

“Flex Space” means unfinished flexible building space suitable for combined residential, commercial and light industrial uses.

“Green Court” means an arrangement of dwellings around a central green space. The green space is bounded on at least two sides by dwellings and opens onto a street. Individual home lots are relatively compact, with most open area in the shared green

space. House lots may include a mix of single family detached dwellings, single family attached dwellings, and multi-family dwellings.

Example of Green Court configuration:



“Home Occupation” means an enterprise or activity conducted by the occupant of the dwelling unit wherein the enterprise or activity takes place and which involves either the growing, processing, or manufacturing of product or the provision of services for consideration and profit, provided;

1. That no more than two employees, other than residents of the dwelling unit, shall be employed by the home occupation;

2. That no more than 40% of the floor area of the dwelling unit shall be used by the home occupation;

3. That group instruction classes or group sales meetings shall not include more than four persons, excluding employees of the home occupation;

4. That signs to advertise the home occupation shall be no larger than four square feet and shall be attached to the dwelling unit;

5. That no goods, chattel, materials, supplies, or items of any kind shall be delivered either to or from the premises of the dwelling unit used for a home occupation other than by a vehicle owned by the residents of the dwelling unit and limited to cars, jeeps, vans with a maximum capacity of nine passengers, and four-wheel drives and trucks with a maximum load capacity of three-quarter tons, except for the delivery of furniture or large equipment;

6. That any storage of goods samples, materials, or objects used in connection with the home occupation shall be stored within the dwelling unit and shall receive the approval of all appropriate governmental agencies; and

7. That the following occupations shall not be constructed to be a home occupation and therefore shall not be permitted;

- a. Harboring, training, or raising dogs, cats, birds, horses, or other animals, and
- b. Automobile and/or body fender repairing.

“Knowledge Industry” means industries characterized by highly-skilled workers in professional, scientific, and technical services establishments that specialize in performing professional, scientific, and technical activities. Knowledge industries are supported by employees who work primarily with information or who develop and use knowledge in the workplace. Knowledge Industry includes, but is not limited to, the following uses:

1. Accounting, bookkeeping and payroll services;
2. Advertising services;
3. Architectural, engineering and specialized design services;
4. Biotechnology;
5. Computer sciences;
6. Consulting services;
7. Disaster mitigation
8. Education
9. Electro-optic research;
10. Electronics;
11. Energy research and development, prototyping, testing, and demonstration projects;
12. Environmental assessment and university sponsored or related research programs;
13. Information technology data center;
14. Manufacturing, assembly, testing and repair of electrical, electromechanical and optical components, devices, equipment and systems;
15. Multimedia and art production;
16. Legal advise and representation;
17. Pharmaceutical, biological, medical and agricultural research and production facilities;
18. Photographic services;
19. Research services, laboratories and facilities, developmental laboratories and facilities, testing laboratories and facilities, and demonstration laboratories and facilities;
20. Technological Product Marketing Center;
21. Telecommunication and information services centers; and
22. Veterinary services.

“Lessee” means a person holding land situated in the County of Maui pursuant to a recorded lease under which the unexpired remaining term is not less than five years at the time of filing of an application hereunder.

“Light Industrial and Manufacturing” means enclosed facilities for the production or assembly of products involving limited or minor emissions of odor, fumes, noise, vibrations, heat, glare, or electrical interference to the exterior. Light industrial and manufacturing uses are technology or innovation oriented, such as, but not limited to, laboratories, machine shops, and craft industries.

“Live/work” means a combined residential and commercial use of a dwelling unit where the commercial activity takes place within the ground floor of the dwelling or on a lot whose principal use is a dwelling.

“Lot line, front” or “Front Lot Line” means a line separating the lot from the primary street as identified by the design guidelines.

“Maui Research and Technology Park District” or “MRTP” means land specifically designated and zoned for the permitted uses set forth hereinafter in Section 19.33A.060 of this chapter.

“Occupant” means a person holding record fee simple or leasehold title to land situated in the County of Maui and who has legal occupancy in the property in the Maui Research and Technology Park District.

“Office over Retail” means a combined use building with office above and ground floor retail use.

“Office/Research and Development” means an office building used for knowledge and research-based commercial employment or business offices for other allowed uses.

“Owner” means a person holding record fee simple or leasehold title to land situated in the County of Maui.

“Planning Commission” means the Planning Commission of Maui.

“Planning Director” means the director of the Department of Planning of the County of Maui; also referred to as the “coordinator” pursuant to the provisions of this chapter.

“Public Works Director” means the Director of the Department of Public Works of the County of Maui.

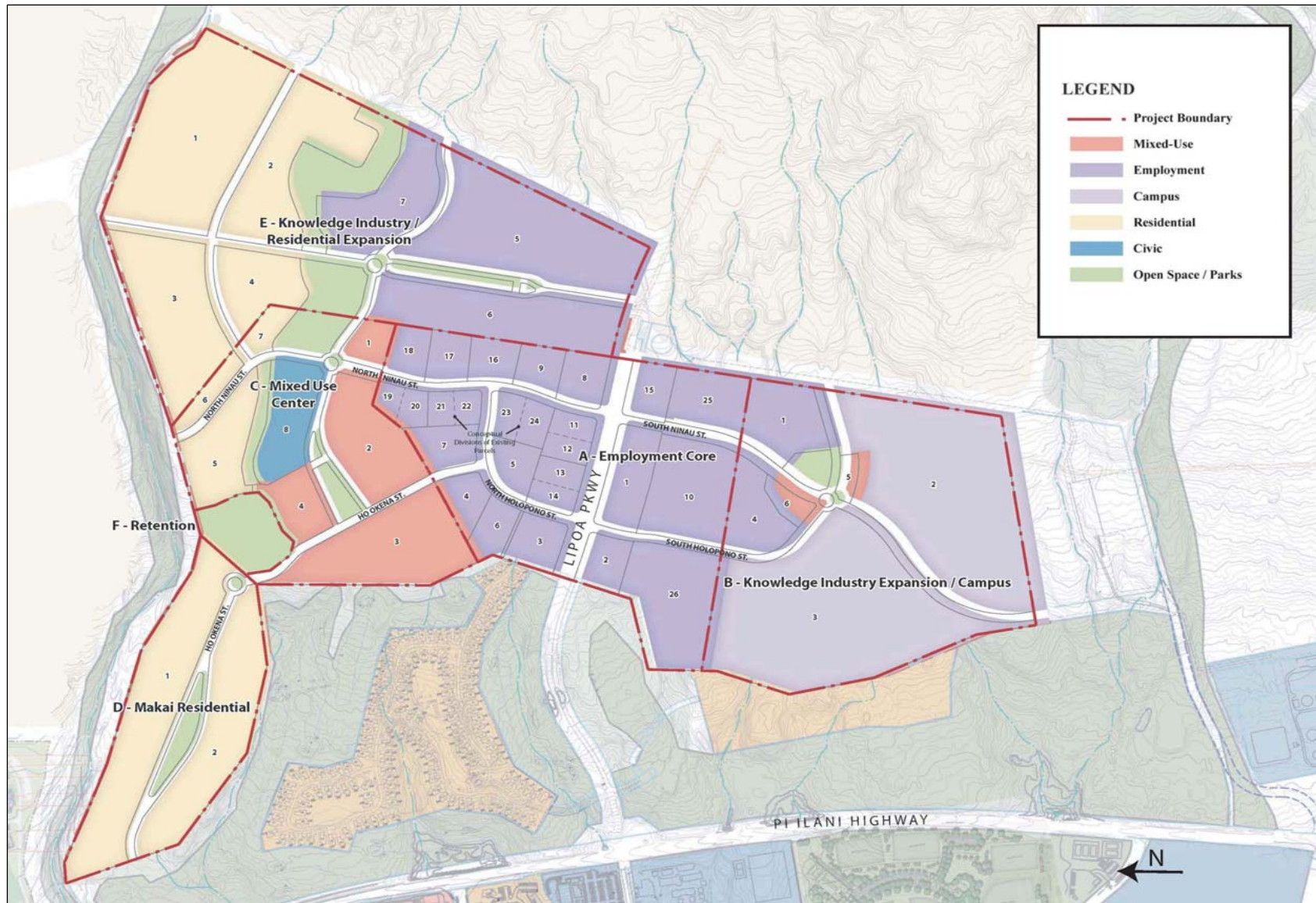
“Residential over Retail Use” means a combined residential and retail use of a single-family, two-family or multi-family dwelling, with a ground floor retail use.

“Retail” means a building or portion thereof used for businesses engaged in the retail sales of goods and services.

19.33A.030 Land use categories and acreage. The following are established as the acreage for the various land use categories within the Maui Research & Technology Park:

| | | |
|-----------------------------|--------|-------|
| Employment district: | 142.77 | acres |
| Campus district: | 73.20 | acres |
| Mixed-use district: | 37.50 | acres |
| Residential district: | 115.40 | acres |
| Civic district: | 6.20 | acres |
| Open space / park district: | 28.60 | acres |
| Total acreage: | 403.67 | acres |

19.33A.040 Controlling Plan. The controlling plan establishes the layout of districts within the MRTTP.



19.33A.050 Lot Types by District. The following matrix establishes allowed lot types by districts.

| | Lot Types | | | | | | | | | | | | |
|-------------|---------------------------------------|-----------------------|--------|------------|----------------------------|--------------|-----------|----------|----------|------------------------------|----------------------------|----------------------------|----------------|
| Districts | Office / Research & Development | Office Over Retail | Retail | Flex Space | Residential Over Retail | Multi-Family | Four-Plex | Tri-Plex | Townhome | Single Family Green Court | Single Family Small Lot | Single Family Large Lot | Civic / Public |
| Employment | • | • | • | • | | •* | •* | •* | •* | •* | •* | •* | • |
| Campus | • | • | • | • | | •* | •* | •* | •* | •* | •* | •* | • |
| Mixed Use | • | • | • | • | • | • | • | • | • | | • | • | • |
| Residential | | | • | • | • | • | • | • | • | • | • | • | • |
| Civic | | | | | | | | | | | | | • |

*Residential lot types, except flex space, in the employment and campus districts must be associated with a permitted educational institution at the MRTP and used to house staff, faculty, students and campus visitors of such educational institution.

19.33A.060 Districts.

A. Employment district:

1. Purpose: The purpose of the employment district is to allow for a broad mix of knowledge industry employment uses and incidental supportive uses and provide for a range of lot and building sizes. The district is characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities. Uses in the employment district are predominantly knowledge industry employment uses including, but not limited to, research and development, education, office, light industrial, hospital, and medical facilities. Incidental supportive retail, service, and civic uses, such as recreational facilities, day care centers, and police and fire stations are allowed. Live/work businesses on flex space lots and housing associated with educational institutions constitute the only residential uses within the employment district. Interpretation of permitted uses shall be liberally construed.

2. Permitted uses:

- a. Administrative offices;
- b. Assembly area;
- c. Business, financial, marketing or professional offices and services, including banks and corporate headquarters;
- d. Customer contact center;
- e. Day care facility;
- f. Dormitory, provided that such building(s) are associated with a permitted educational institution at the MRTP and used to house staff, faculty, students and campus visitors of such educational institution;
- g. Dwelling, single family, provided that such dwellings are associated with a permitted educational institution at the MRTP and used to house staff, faculty, students and campus visitors of such educational institution;

- h. Dwelling, two-family or duplex, provided that such dwellings are associated with a permitted educational institution at the MRTP and used to house staff, faculty, students and campus visitors of such educational institution;
- i. Dwelling, multi-family, provided that such dwellings are associated with a permitted educational institution at the MRTP and used to house staff, faculty, students and campus visitors of such educational institution;
- j. Eating and drinking establishments, including the brewing of beer, fermentation of wine and distillation of spirits;
- k. Education general;
- l. Education specialized;
- m. Educational institutions;
- n. Energy systems, small and large scale;
- o. Fire and police stations;
- p. General merchandizing (maximum store size 10,000 square feet);
- q. General office;
- r. Government offices;
- s. Hotel;
- t. Knowledge industry;
- u. Light industrial and manufacturing; provided that such activity is enclosed within a building and does not pose a nuisance to persons or property on adjoining lots;
- v. Live/work, including light industrial and manufacturing uses on flex space lots only; provided that such activity is enclosed within a building and does not pose a nuisance to persons or property on adjoining lots;
- w. Medical center, minor and major;
- x. Medical or dental offices or clinics;
- y. Office buildings;
- z. Parks and playgrounds;
- aa. Personal and business services;
- bb. Private or public parking lots or structures;
- cc. Public utility substation, which will not be hazardous or a nuisance to the surrounding uses;
- dd. Recreation, indoor and open land;
- ee. Storage, distribution and warehouse facilities;
- ff. Technical conferencing; and
- gg. Utility facilities, minor.
- 3. Accessory uses:
 - a. Fences;
 - b. Garage; and
 - c. Walls.
- 4. Permitted lot types:
 - a. Office/research and development;

- b. Office over retail;
- c. Retail;
- d. Flex space; and
- e. Civic/public.

B. Campus district:

1. Purpose: The purpose of the campus district is to accommodate users requiring large contiguous parcels of developable land. The campus district allows for the same uses and lot types as allowed in the employment district. Interpretation of permitted uses shall be liberally construed.

2. Permitted uses:

- a. All uses permitted in the employment district.

3. Accessory uses:

- a. All uses permitted in the employment district.

4. Permitted lot types:

- a. All lot types permitted in the employment district.

C. Mixed-use district:

1. Purpose: The mixed-use district is a flexible area containing space for incubating new businesses as well as supportive retail, civic uses, schools, open space, and residential uses. Neighborhood-serving retail uses, flex space, live/work, multi-family buildings with ground floor retail, and a range of multi-family and single family residences provide for a mix of activity and 24-hour usage of the MRTP. The mixed-use district is characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities and open space, and the district is within walking distance of the surrounding residential and employment districts. Interpretation of permitted uses shall be liberally construed.

2. Permitted uses:

- a. Administrative offices;
- b. Assembly area;
- c. Business, financial, marketing or professional offices and services, including banks and corporate headquarters;
- d. Community gardens;
- e. Customer contact center;
- f. Day care facility;
- g. Dwelling, single family;
- h. Dwelling, two-family or duplex;
- i. Dwelling, multi-family;
- j. Eating and drinking establishments, including the brewing of beer, fermentation of wine, or distillation of spirits;
- k. Education general;
- l. Education, specialized;
- m. Educational institutions, including dormitories, housing and apartments for staff, faculty, students and campus visitors;
- n. Fire and police stations;
- o. Gasoline retailing, provided that it is owned and operated as an adjunct neighborhood store; and provided further, that no servicing,

repairing, storing, or maintenance of vehicles will be permitted on the premises;

p. General merchandizing (maximum store size 20,000 square feet)

q. General office;

r. Government office;

s. Home occupation;

t. Hotel;

u. Housing for low and moderate income families, operated by governmental or nonprofit organizations;

v. Housing for the aged, operated by governmental and nonprofit organizations;

w. Knowledge industry;

x. Light industrial and manufacturing; provided that such activity is enclosed within a building and does not pose a nuisance to persons or property on adjoining lots;

y. Live/work, including light industrial and manufacturing uses on flex space lots only; provided that such activity is enclosed within a building and does not pose a nuisance to persons or property on adjoining lots;

z. Medical center, minor and major;;

aa. Medical or dental offices or clinics;

bb. Office buildings;

cc. Parks and playgrounds;

dd. Personal and business services;

ee. Private or public parking lots or structures;

ff. Public utility substation, which will not be hazardous or a nuisance to the surrounding uses;

gg. Recreation, indoor and open land;

hh. Storage, distribution and warehouse facilities;

ii. Technical conferencing; and

jj. Utility facilities, minor.

3. Accessory uses:

a. Accessory dwelling;

b. Energy systems, small scale;

c. Fences;

d. Garage; and

e. Walls.

4. Permitted lot types:

a. Office/research and development;

b. Office over retail;

c. Retail;

d. Flex space.

e. Residential over retail;

f. Multi-family;

g. Four-plex;

- h. Tri-plex;
- i. Townhome;
- j. Single family small lot;
- k. Single family large lot; and
- l. Civic/public.

D. Residential district:

1. Purpose: The residential district accommodates the largest concentration of residential uses in the MRTP. A mix of housing types are permitted and encouraged in the residential district including, but not limited to, single family detached, green court, townhome, tri-plex, four-plex, and apartment complexes. While the residential district is primarily residential in character, a mix of small neighborhood-serving retail uses, live/work, and institutional/civic uses, such as churches, libraries, recreational facilities, and day care centers, are permitted. Residential districts are located within walking distance of the mixed-use district.

2. Permitted uses:

- a. Churches;
- b. Day care facility (limited to six or fewer persons cared for);
- c. Dwelling, single family;
- d. Dwelling, two-family or duplex;
- e. Dwelling unit, multi-family;
- f. Eating and drinking establishments, including the brewing of beer, fermentation of wine, and distillation of spirits, but excluding fast food restaurants and nightclubs;
- g. Education general;
- h. Education specialized;
- i. Educational institutions, including dormitories, housing and apartments for staff, faculty, students and campus visitors;
- j. General merchandizing (maximum store size 5,000 square feet)
- k. Greenhouses, flower and truck gardens, nurseries, and community gardens;
- l. Home occupation;
- m. Housing for low and moderate income families, operated by governmental or nonprofit organizations;
- n. Housing for the aged, operated by governmental and nonprofit organizations;
- o. Libraries;
- p. Live/work, excluding light industrial and manufacturing uses;
- q. Other similar retail businesses or service establishments that supply commodities or perform services primarily for residents of the surrounding neighborhood;
- r. Parks and playgrounds;
- s. Public utility substation, which will not be hazardous or a nuisance to the surrounding uses;
- t. Recreation, indoor and open land;

- u. Utility facilities, minor.
- 3. Accessory uses:
 - a. Accessory dwelling;
 - b. Energy systems, small scale;
 - c. Fences;
 - d. Garage;
 - e. Parking area, public; and
 - f. Walls.
- 4. Permitted lot types:
 - a. Retail;
 - b. Flex space.
 - c. Residential over retail;
 - d. Multi-family;
 - e. Four-plex;
 - f. Tri-plex;
 - g. Townhome;
 - h. Single family green court;
 - i. Single family small lot;
 - j. Single family large lot; and
 - k. Civic/public.

E. Civic district:

1. Purpose: The civic district is intended to allow for a concentration of institutional and civic uses within the MRTP. Interpretation of permitted uses shall be liberally construed.

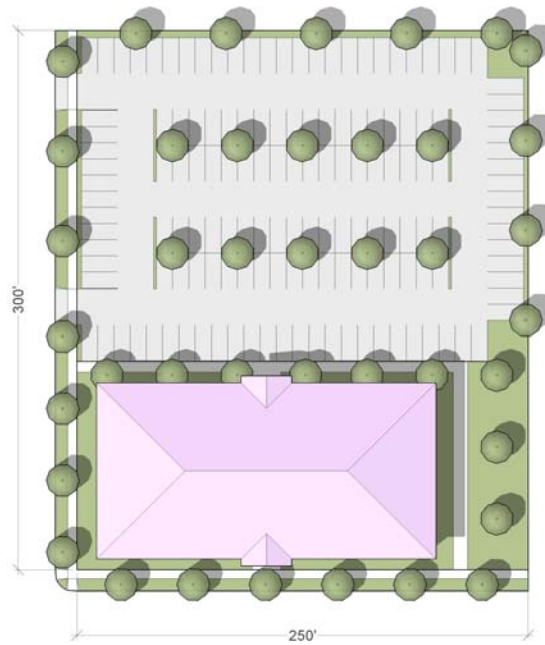
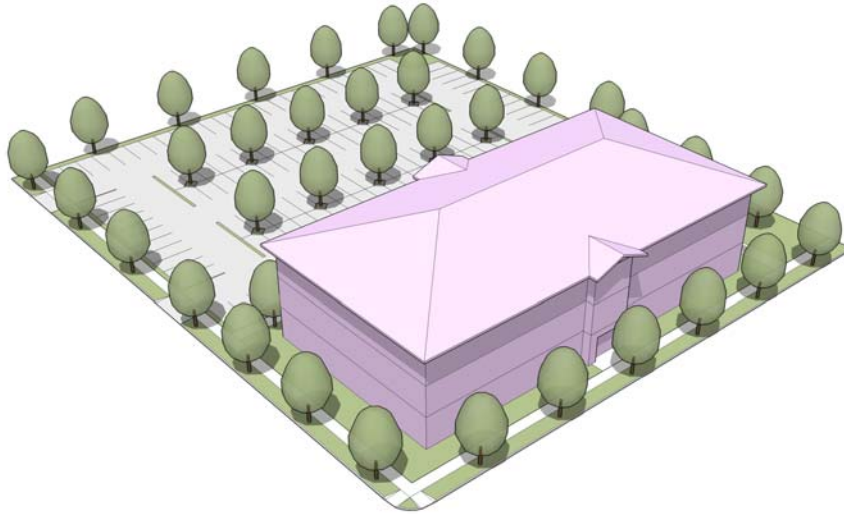
- 2. Permitted uses:
 - a. Assembly area;
 - b. Community garden;
 - c. Day care facility;
 - d. Education, general;
 - e. Education, specialized;
 - f. Educational institutions, including dormitories, housing and apartments for staff, faculty, students and campus visitors;
 - g. Fire and police stations;
 - h. Government buildings and facilities;
 - i. Medical center, minor and major;
 - j. Nursery schools and day care centers;
 - k. Offices for non-profit charitable organizations;
 - l. Private or public parking lots or structures;
 - m. Public utility substation, which will not be hazardous or a nuisance to the surrounding uses;
 - n. Recreation, indoor and open land;
 - o. Storage, distribution and warehouse facilities; and
 - p. Utility facilities, minor.
- 3. Accessory uses:
 - a. Energy systems, small scale;
 - b. Fences;

- c. Garage; and
 - d. Walls.
 - 4. Permitted lot types:
 - a. Civic/public
- F. Open space / park district:
 - 1. Purpose: The open space / park district is intended to provide areas for active and passive recreation, site drainage and water retention, and natural vegetation.
 - 2. Permitted uses:
 - a. Accessory buildings and structures, including but not limited to pavilions, restrooms, play and outdoor exercise equipment, and utility buildings;
 - b. Agriculture, including but not limited to community gardens, orchards, and nurseries. Not including agricultural products processing or animal and livestock raising;
 - c. Drainage ways, retention basins, reservoirs, dry wells, and other drainage or water storage facilities;
 - d. Energy systems, small scale;
 - e. Natural vegetation areas, including areas planted in native Hawaiian plant species;
 - f. Public parking lot;
 - g. Recreation, open land;
 - h. Public utility substation, which will not be hazardous or a nuisance to the surrounding uses; and
 - i. Utility facilities, minor.
 - 3. Permitted lot types: No lot types are permitted in the open space district.

19.33A.070 Development standards. The following are established as the development standards for each lot type in the MRTP. Lot type diagrams are provided for each lot type for illustrative purposes only. The diagrams are examples and shall not restrict building form.

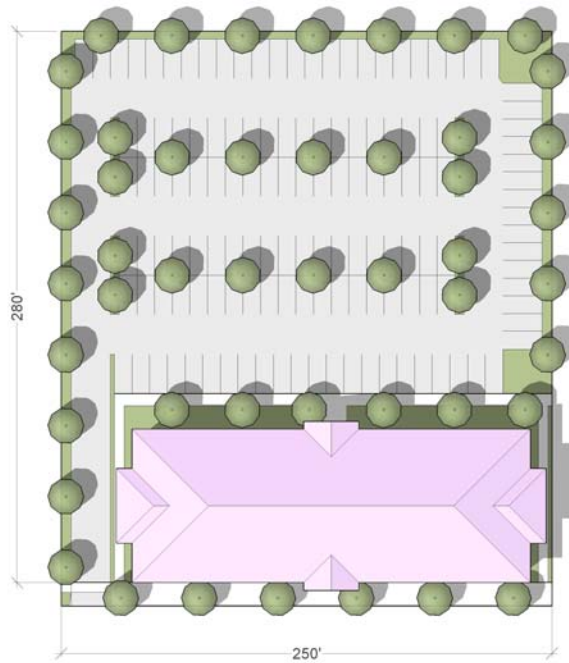
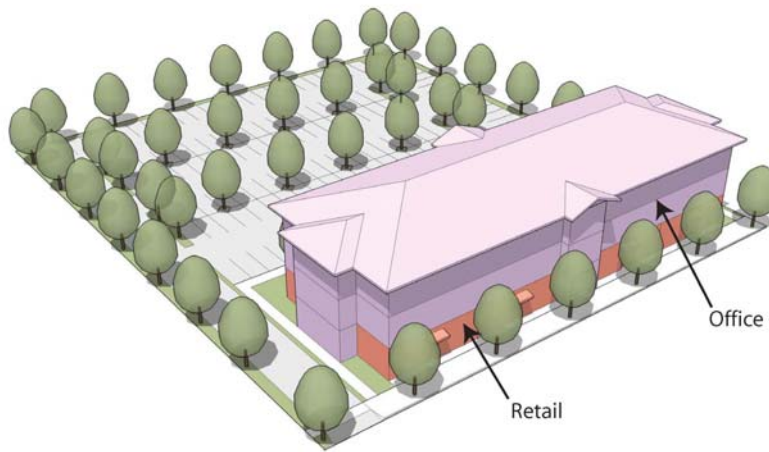
A. Office/research and development.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 6,000 sf | .3 - 0.65 | N/A | 4 50 ft | N/A | Alley or side drive or secondary street | 0 ft – 15 ft | 5 ft | 0 ft | 60% |



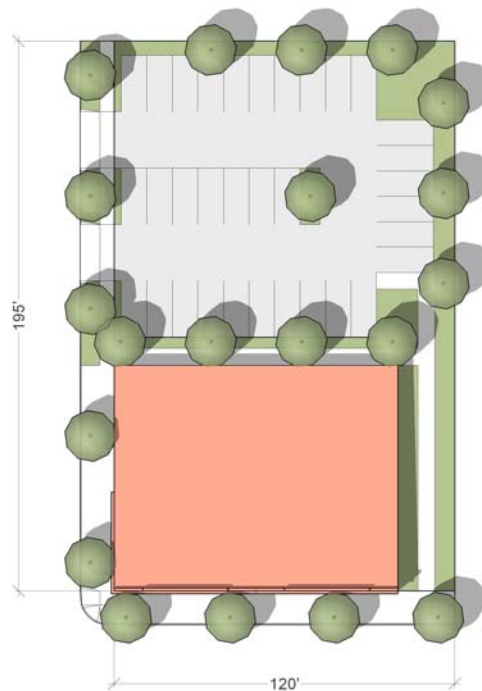
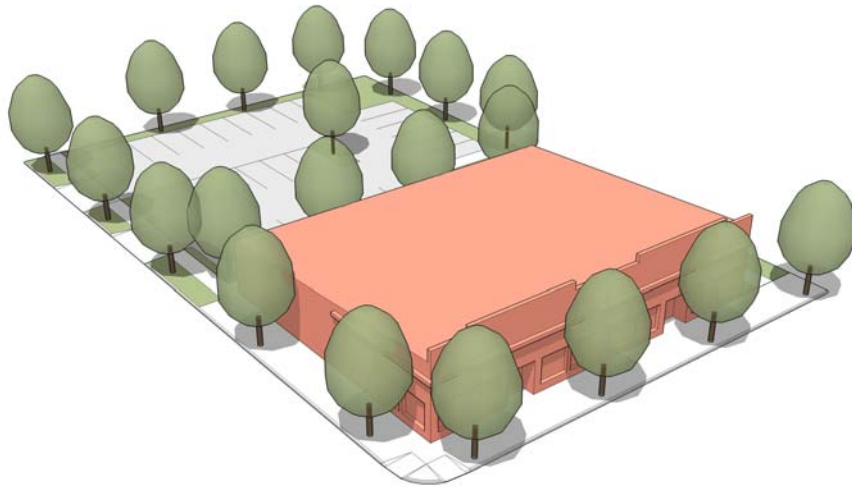
B. Office over retail.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 6,000 sf | 0.5 – 0.65 | N/A | 4 50 ft | N/A | Alley or side drive or secondary street | 0 ft – 15 ft | 5 ft | 0 ft | 60% |



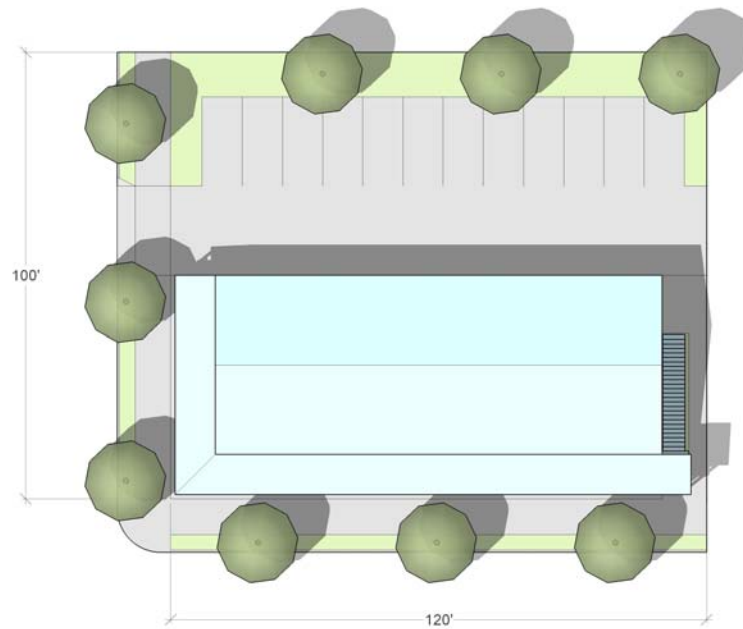
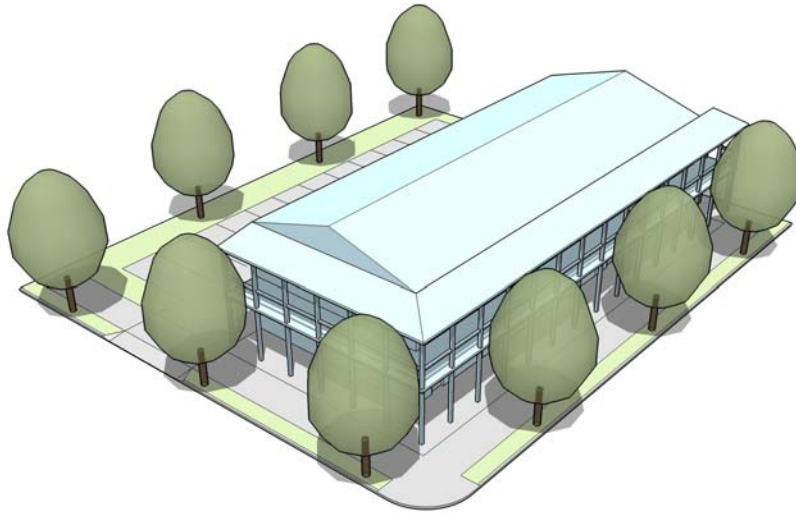
C. Retail.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 2,400 sf | 0.3 – 0.4 | N/A | 2 40 ft | N/A | Alley or side drive or secondary street | 0 ft – 10 ft | 5 ft | 0 ft | 70% |



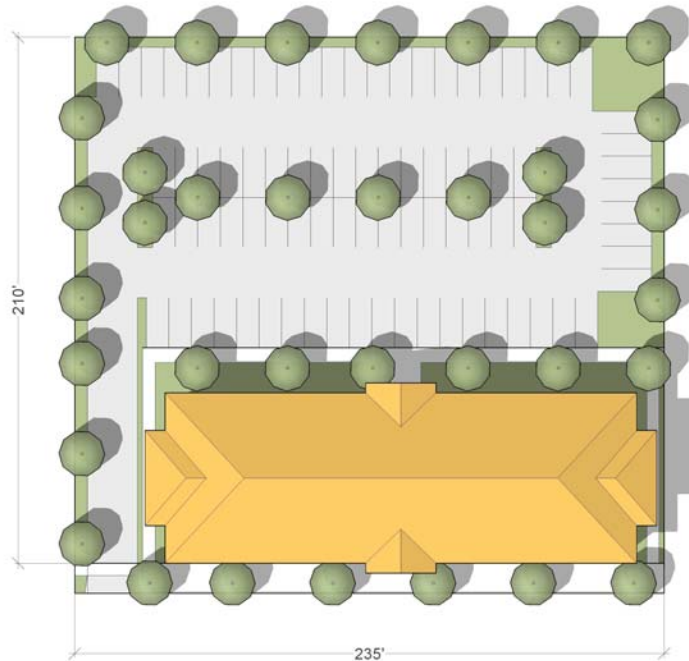
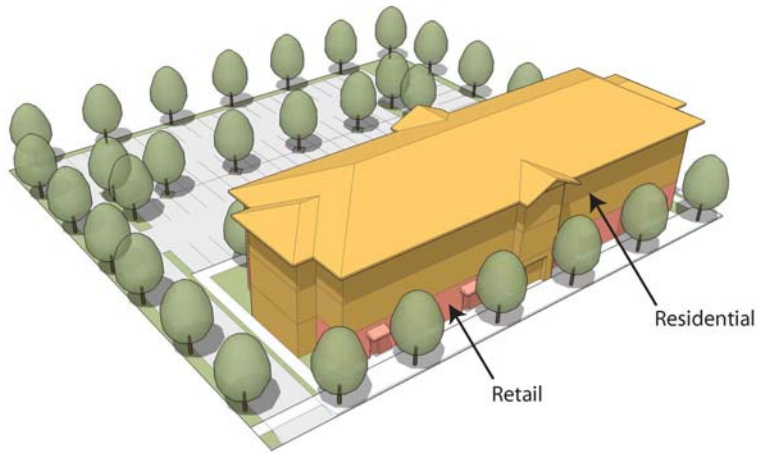
D. Flex space.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---------------------------------|-----------------------------------|--------------------------|--------------------------|---|
| 1,800 sf | 0.5 – 0.8 | 1,000 sf -2,000 sf | 2 40 ft | 15 – 20 | Alley or secondary street | 0 ft – 10 ft | 5 ft | 0 ft | 80% |



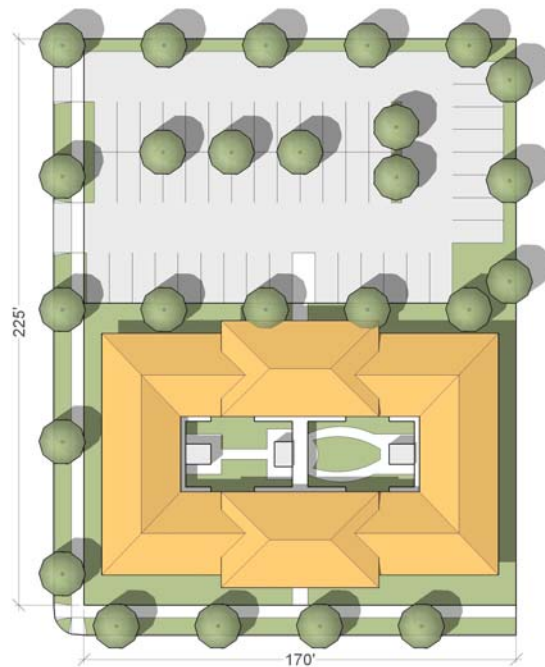
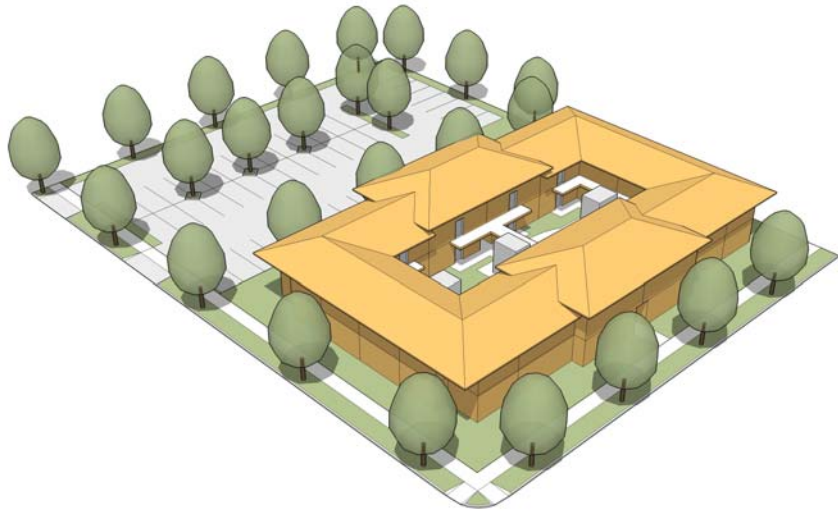
E. Residential over retail.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 6,000 sf | N/A | 400 sf - 1,000 sf | 4 50 ft | 18 – 30 | Alley or side drive or secondary street | 0 ft – 10 ft | 5 ft | 0 ft | 70% |



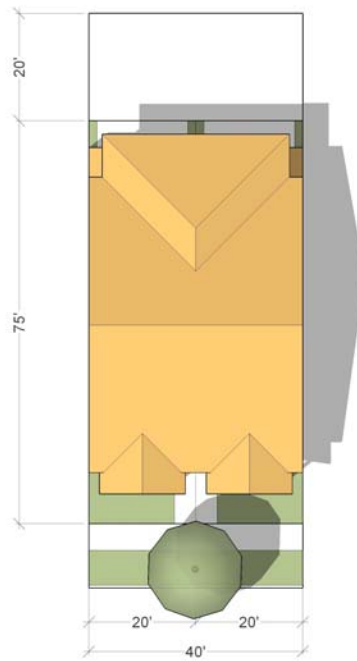
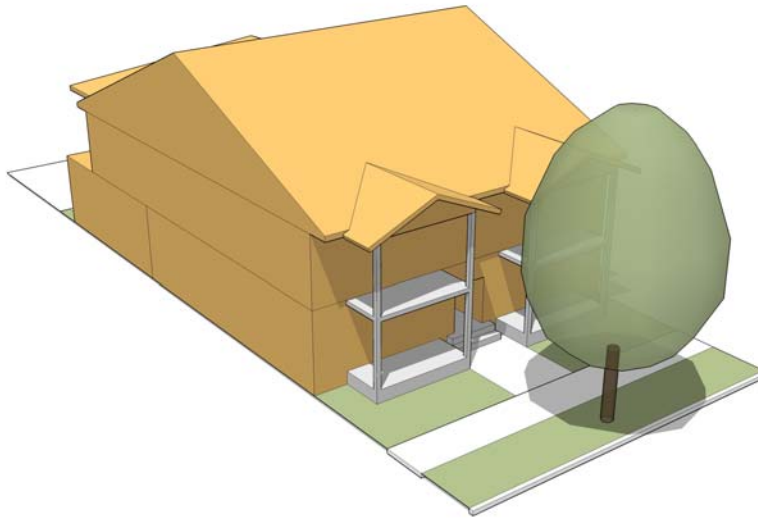
F. Multi-family.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 4,500 sf | N/A | 400 sf - 1,000 sf | 3 40 ft | 28 – 40 | Alley or side drive or secondary street | 5 ft – 15 ft | 5 ft | 5 ft | 70% |



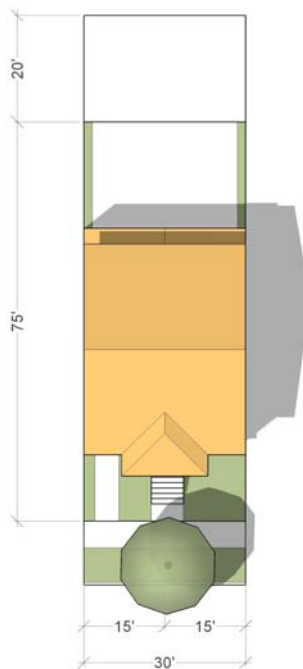
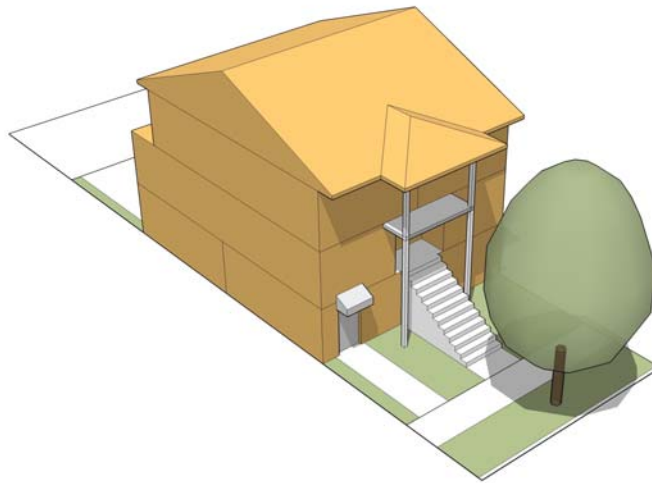
G. Four-plex.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 3,000 sf | N/A | 500 sf - 1,100 sf | 3 40 ft | 40 – 60 | Alley or secondary street (side of unit) | 5 ft – 12 ft | 5 ft | 5 ft | 70% |



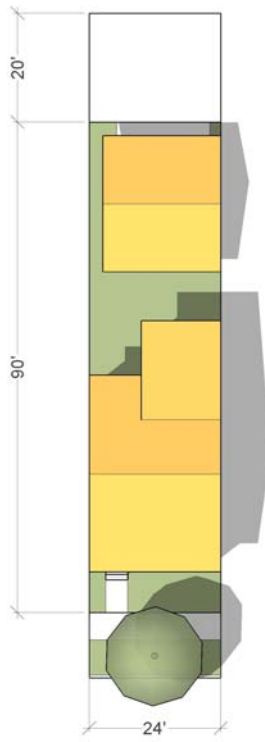
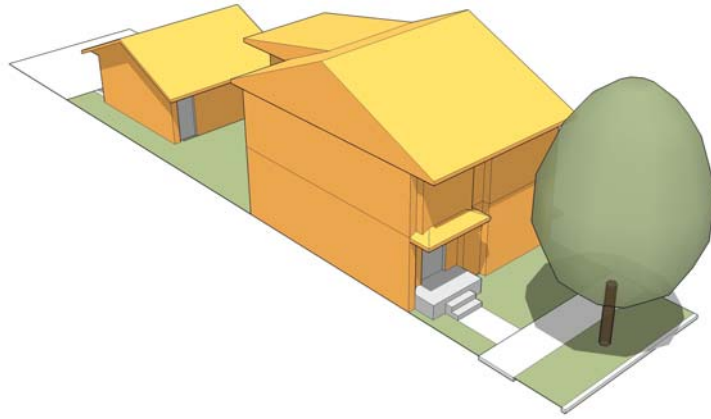
H. Tri-plex.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 2,200 sf | N/A | 500 sf - 1,100 sf | 3 40 ft | 40 – 60 | Alley or secondary street (side of unit) | 5 ft – 12 ft | 5 ft | 5 ft | 70% |



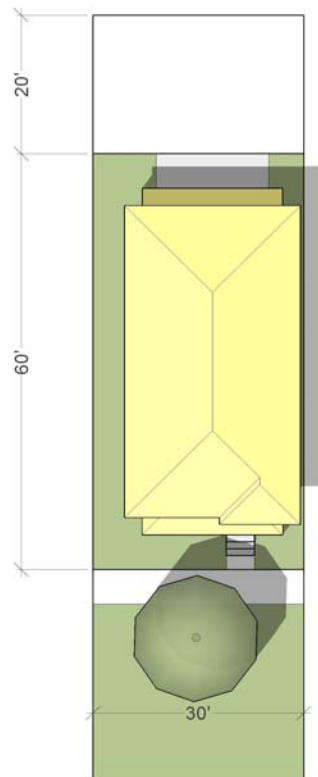
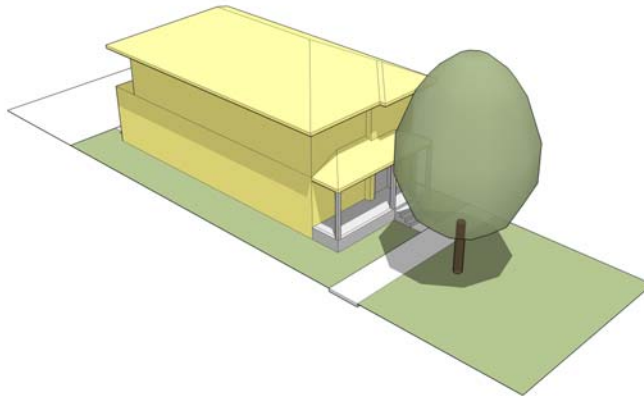
I. Townhome.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 1,100 sf | N/A | 900 sf - 1,400 sf | 3 40 ft | 18 – 40 | Alley or secondary street (side of unit) | 5 ft – 11 ft | 5 ft | 0 ft | 70% |



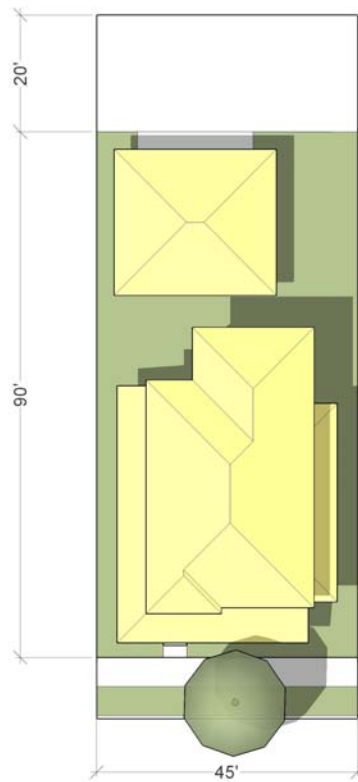
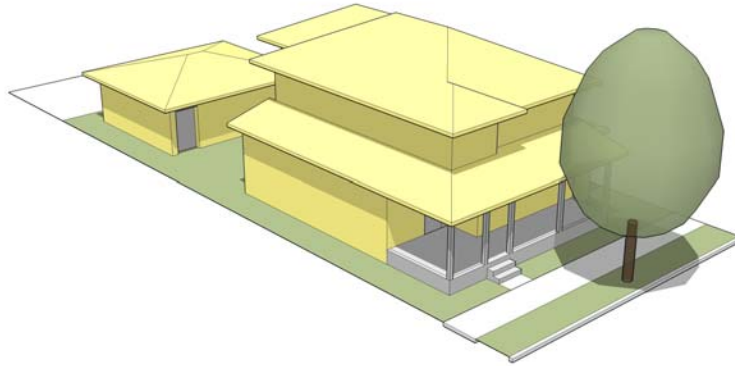
J. Single family green court.

| Lot Area (min) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|-------------------|-------------------------------|----------------------------|--|---|-------------------|-----------------------------------|--------------------------|--------------------------|---|
| 1,650 sf | N/A | 800 sf - 1,400 sf | 2 30 ft | n/a | Alley | 5 ft – 10 ft | 5 ft | 5 ft | 60% |



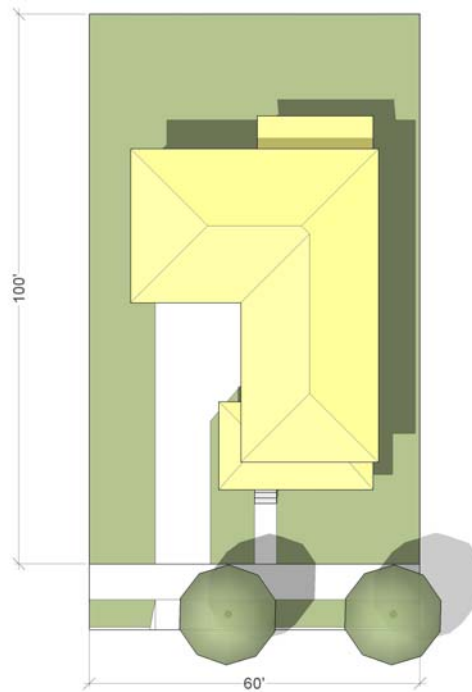
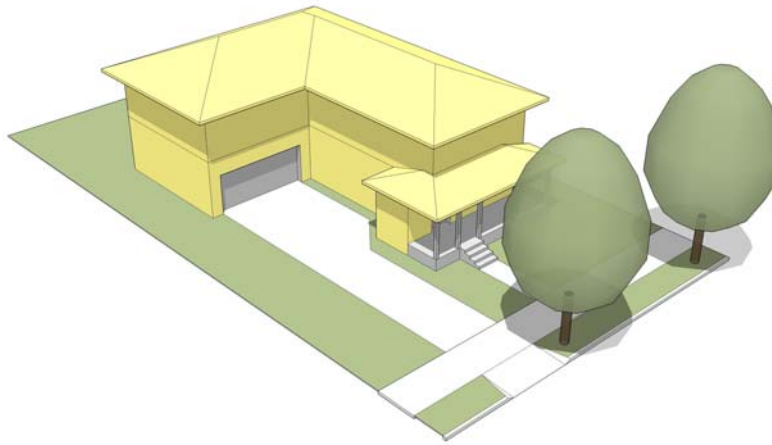
K. Single family small lot.

| Lot Area (min/ max) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|---------------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 3,600 sf -4,800 sf | N/A | 1,200 sf -1,800 sf | 2 30 ft | n/a | Alley or secondary street (side of unit) | 5 ft – 10 ft | 5 ft | 0 ft | 60% |



L. Single family large lot.

| Lot Area (min/ max) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|---------------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 4,801 sf -7,250 sf | N/A | 1,400 sf -2,000 sf | 2 30ft | n/a | Alley or side drive or secondary street (side of unit) | 5 ft – 15 ft | 6 ft | 6 ft | 40% |



M. Civic/public.

| Lot Area (min/ max) | FAR (net) (min/ max) | Unit Size (min/ max) | Stories / Building Height (max) | Density (net units/ ac) (min/ max) | Parking Access | Front Setback (min/ max) | Rear Setback (min) | Side Setback (min) | Length of Primary Frontage Occupied (min) |
|---------------------------|-------------------------------|----------------------------|--|---|---|-----------------------------------|--------------------------|--------------------------|---|
| 5,000 sf | N/A | N/A | 4 50 ft | N/A | Alley or side drive or secondary street | 5 ft – 15 ft | 5 ft | 0 ft | 50% |

19.33A.080 Additional standards for all districts.

A. Density. No more than 1,250 dwellings or dwelling units shall be developed at the MRTP. Additional units may be permitted through a transfer of development rights program or to provide affordable housing in excess of what is required by law.

B. Accessory Dwellings. An accessory dwelling may be part of the main dwelling, attached to or above a garage, or a separate building on single family lots. The maximum gross floor area of an accessory dwelling shall be 600 square feet. An accessory dwelling shall have at least one separate entrance and shall not have an interior connection to the main dwelling. No more than one accessory dwelling shall be permitted on a single lot regardless of the size of the lot.

C. Design. All building construction, alterations and site improvements within the MRTP shall be prepared, reviewed and approved in accordance with the MRTP design guidelines which shall be approved by the association.

D. Landscape Planting. Landscape planting and irrigation plans shall be prepared for all development at the MRTP except single family development. Landscape planting plans shall be prepared to specify species, sizes, quantities and locations. Landscape irrigation plans shall be prepared to specify irrigation equipment appurtenances and locations. Irrigation plans shall specify anticipated average daily irrigation water demand. The use of drought-tolerant plant species and in-line drip irrigation, as well as other relevant measures, are encouraged for water conservation purposes. Landscape planting and irrigation plans shall be prepared by a registered landscape architect, licensed in the state of Hawaii. Landscape planting and irrigation plans shall be subject to the approval of the design review board. For single family development, a landscape planting plan shall be required for front yards only. All single family landscape planting shall be in accordance with relevant owner's associations' controlling documents and subject to stated design review conditions therein. Landscape planting and irrigation plans shall be in accordance with section 19.36, Maui County Code.

E. Signs. Signage for the park and the individual businesses therein shall conform to the requirements of Chapter 16.12, Outdoor Signs, except for the following provisions:

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

2. The name of each business in the MRTP shall be clearly displayed and individually associated with its facilities when viewed from the street. The business's sign shall display the name and/or symbol of the business only.

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

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

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

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

F. On-site Storage and Loading.

1. Unless otherwise approved by the association, no materials, supplies or equipment shall be stored upon a site except inside a closed building or in an enclosed area.

2. Provisions shall be made for on-street vehicle loading and unloading zones every four hundred feet within the employment, campus and mixed-use districts.

3. Service and storage areas, including loading docks, trash compactors and storage yards, shall be located away from pedestrian areas and out of sight of the public right-of-way and where possible, open space areas. Where visible from the street, these areas shall be screened from streets and open space by walls matching the adjacent buildings in materials, detailing and color.

G. Screening fences and walls may be permitted by the design review board, in accordance with the approved design guidelines.

H. Access and Driveway

1. The location and design of access point(s) from public roadways and streets and internal driveways shall conform with the requirements of the approved design guidelines.

2. No direct access onto a state highway shall be permitted from individual lots of the MRTP.

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

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

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

K. Utilities and Communication Devices.

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

- L. Grading.
1. All building pad elevations shall conform to the overall drainage program for the MRTTP.
 2. Grading and drainage improvements shall be designed and constructed to minimize adverse dust and runoff impacts on adjacent and down slope properties.
- M. Exterior Mechanical Equipment. All exterior components of electrical, plumbing, heating, cooling and ventilating systems should not be visible from adjoining streets, lots or buildings.
- N. Special building elements. Special building elements, such as awnings/marquees, balconies, colonnades/arcades, porches, and outside open air dining, may project within the right-of-way, subject to chapter 16.26, Maui County Code, as amended.
- O. A dwelling or dwelling unit shall not be used for fractional ownership, as short-term rental home, time-share unit, or bed and breakfast home.
- P. Parking requirements. The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. Notwithstanding any provision in Chapter 19.36 of this Code to the contrary, the off-street parking requirements shall be as follows:
1. The compact mixed-use land use pattern within the MRTTP fosters more pedestrian and bicycle trips and less automobile trips than other more automobile dependent commercial districts in Maui County. Therefore, a forty percent reduction in the required number of parking spaces stated below shall be applied to all non-residential uses.
 2. When the computation of required parking spaces results in a fractional number of spaces, the number of spaces required shall be rounded up to the nearest whole number when a fraction of a space is greater than or equal to .5 and rounded down when a fraction of a space is less than .5.

Required Parking Spaces by Use

| | |
|-------------------------|---|
| Assembly area | Church: 1 space per 100 sq ft of floor area. Library, community center, museum, art gallery: 1 space per 300 sq ft of floor area. All other types of assembly: 1 space per 75 sq ft of floor area or 1 space per 5 fixed seats, whichever is greater. |
| Business building | 1 space for every 500 sq ft of floor area of building; provided that the minimum shall be three parking spaces. |
| Day care facility | 1 space per 10 care recipients; plus 4 pick-up/drop-off spaces for facilities with more than 25 care recipients. |
| Dormitory | 1 space per every 2 lodging rooms. |
| Dwelling, accessory | 1 on-site space per dwelling unit. |
| Dwelling, single family | 2 on-site spaces per unit for detached single family dwellings and duplexes. |
| Dwelling, multi-family | Studio and one bedroom: 1 on-site space per unit. Two or more bedrooms: 2 on-site spaces per unit. |

| | |
|-------------------------------------|---|
| Eating and drinking establishment | 1 space per 100 sq ft of serving and dining areas. |
| Education, specialized | 1 space per each 10 students, plus 1 space per 400 sq ft of office floor space. |
| Food and beverage retail | 1 space per 500 sq ft. |
| Food processing | 1 space per 600 sq ft or 25% of the lot area, whichever is greater. |
| General merchandise | 1 space per 500 sq ft; 1 space per 600 sq ft for appliance, furniture, plumbing supply, automobile, marine supply and machinery stores requiring large floor spaces for product display. |
| General office | 1 space per 500 sq ft of floor area of building. |
| Hotel | 1 space per 2 hotel units, plus parking for eating establishments and assembly areas on the same lot. |
| Light manufacturing and processing | 1 space per 1,500 sq ft of floor area of building for warehouses and storage facilities. 1 space per 600 sq ft of floor area for all other uses. |
| Live/work business | 1 space per 750 sq ft 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. |
| Medical center, major | 1 space per 3 beds; 0.5 spaces per bed for skilled nursing facilities. |
| Medical center, minor | Same as personal and business services. |
| Outside open air dining | 1 space per 500 sq ft. |
| Outside open air markets | None if within 400 ft of a public parking lot with more than 50 stalls. Otherwise, 1 space per 500 sq ft of floor area; none required during County sponsored special events. |
| Personal and business services | 1 space per 300 sq ft of floor area of building for medical and dental clinics, barber shops and beauty shops, financial institutions, health spas. 1 space per 500 sq ft of floor area of building for other personal and business services. |
| Quasi-public use | As specified in this section; otherwise 1 space per 500 sq ft of floor area of building. |
| Recreation | 1 space per 600 sq ft for swimming pool, gymnasium, or wellness center. |
| School | Students under fifteen years of age: 1 space per classroom. Students fifteen years of age or older: 8 spaces per classroom. |
| Storage, wholesale and distribution | 1 space per 1,500 sq ft for storage facilities; 1 space per 600 sq ft all other uses. |
| Workshop/loft | 1 space per 1,500 sq ft for warehousing; |

3. On-site parking shall be located in the rear, accessed by an alley or side street. If a lot is not accessible by an alley or side street, the parking location must be 20 feet minimum beyond the front façade of the principal building.

4. Off-site parking: Parking spaces located on-street and in commonly-owned lots may be used to meet parking requirements as approved by the association. The association shall be responsible for tracking off-site parking agreements.

5. Joint-use parking: The association may permit joint-use of required parking spaces where two or more of the required parking spaces on the same lot are able to jointly use the same parking spaces because their demands occur at different times. The applicant shall submit an analysis showing the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses. The association will be responsible for tracking joint-use parking agreements.

6. Parking abatement: The association, in consultation with the design advisory board, may approve a partial or total abatement of parking spaces required pursuant to Section 19.33A.050.O.2, provided that criteria A and a majority of criteria B to F are met. The criteria are as follows:

- a. The abatement will forward the vision and objectives of the MRTP;
- b. The majority of trips generated can be expected to be pedestrian or bicycle oriented because the project's principal market area is the MRTP;
- c. The floor area of the proposed use is less than 1,000 square feet;
- d. The applicant, for economic reasons, is not capable of providing cash in-lieu-of parking or participating in other parking programs set forth herein;
- e. It is impractical to provide parking at the proposed site;
- f. The project will have little or no effect on the parking supply.

Q. Parking lots and structures. Parking lots and parking structures shall be designed and constructed in accordance with the MRTP design guidelines.

R. Carport solar facilities. Upon review and approval by the design review board, landscaped parking stall requirements do not apply to carports.

19.33A.090 Environmental Controls.

A. Notwithstanding any other provisions contained in this chapter, no use or activity shall be permitted on any lot or portion of a lot within the Maui research and technology park district, unless conducted in such a manner as not to constitute a nuisance to persons or property situate upon any adjoining lots whether the lots are located within the MRTP or outside of the MRTP. Such prohibited uses shall include, but not be limited to, the following:

1. Any use, excluding reasonable construction activity, of a lot or building which emits dust, sweepings, dirt or cinders into the atmosphere, or discharges liquid or solid wastes or other matter into any stream, river, waterway, leaching pond, cesspool, injection well or drainage system which may adversely

affect the health, safety, comfort of, or intended use of their property by persons within the area;

2. The discharge of waste or any substance or materials of any kind shall be in compliance with all applicable laws;

3. The escape or discharge of any fumes, odors, spray, mists, gases, vapors, steam, acids or other substance, toxic and nontoxic, into the atmosphere which discharge may be offensive, detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the area or which may be harmful to property or vegetation;

4. The radiation or discharge of intense glare or heat, or electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which the operation is conducted;

5. The presence at any point outside of any lot plane of a sound pressure level of any machine, device or any combination of same, from any individual plant or operation or property, which exceeds a decibel level which causes discomfort or annoyance to adjoining properties or lots;

6. The vibration of ground which is perceptible without instruments at a point exterior to the lot which is the source of such vibration;

7. Excessive emissions of smoke, steam or particulate matter (other than emissions caused by compliance with environmental requirements or due to waste control equipment), and visible (outside any building) emissions of smoke or steam which exceed Ringleman No. 1 on the Ringleman Chart of the United States Bureau of Mines (including those arising from disposal of trash and waste materials);

8. Interference with radio, television or other telecommunication signals.

B. Enforcement, Control and Monitoring Requirements.

1. The enforcing agency with technical assistance from the public works director or representative(s) and the committee shall establish such conditions and procedures to control, enforce, limit and monitor any use or activity defined and identified in subsection A of this section and is empowered to promulgate such rules and regulations as shall be necessary to implement the provisions of this chapter. Further, the enforcing agency shall also seek other technical assistance, if appropriate, from federal, state and county agencies as it relates to its duties provided hereinabove.

19.33A.100 Maui research and technology park coordinator. The planning director shall coordinate the submittal and review of all applications relative to development of lands within the MRTP district, including, but not limited to, zoning, subdivision, construction of improvements and building and site development. The planning director shall be responsible to facilitate the review process, and may establish time limitations and procedures for review not inconsistent with the provisions of this chapter.

19.33A.110 Technical review committee. The committee shall consist of the managing director, director of planning, director of public works, director of water supply, fire

chief, and any other representatives of county, state or federal agencies as designated from time to time by the coordinator. The committee shall be responsible for carrying out the duties enumerated in this chapter, as well as other duties which may be assigned by the coordinator. The purpose of the committee shall be to facilitate and expedite the permit approval process.

19.33A.120 Design review board. The design review board shall be appointed by the association and consist of professionals in fields such as architecture, planning, landscape architecture, engineering and sustainability. The design review board shall be responsible for assisting in the design review of projects within the MRTTP prior to filing an application with the coordinator.

19.33A.130 Procedures for subdivision. The owner or duly authorized agent of a parcel of land within the MRTTP desiring to subdivide the parcel shall file an application in accordance with the following procedures:

A. Preliminary Subdivision Approval.

1. Application for preliminary subdivision approval shall be filed with the coordinator, and include the following information:

2. The planning director shall review the application and determine whether it is complete. Within seven calendar days from the date of receipt of the application, the planning director shall refer the application to the committee and other appropriate government agencies for review and comment; or if the application is incomplete, shall return it to the applicant and specify the additional information required.

3. Within twenty calendar days from the receipt of a complete application, the coordinator shall forward the application, together with the recommendation of the committee for approval, approval with conditions, or disapproval, to the director of public works.

4. Within fifteen calendar days from the receipt of the application, the director of public works shall approve, approve with conditions, or disapprove the application for preliminary subdivision approval.

5. Unless otherwise specifically provided for by law, the general provisions of Title 18 of this code relating to subdivisions, shall apply, consistent with the time requirements provided herein.

B. Construction Plan Approval. Any application for approval of construction plans in conjunction with a subdivision having received preliminary approval as provided for in subsection A of this section, shall be submitted to the coordinator in accordance with Section 19.33.130 and shall be subject to the same expedited review process.

C. Final Subdivision Approval. All applications for final subdivision approval shall be submitted to the coordinator for review and processing. Within fifteen calendar days, the coordinator shall forward the application to the public works director, together with a recommendation for approval or disapproval. The public works director shall approve or disapprove the request for final subdivision approval within ten calendar days from the receipt of the application. If the public works director fails to approve or disapprove a request within the allotted time period, final subdivision approval shall be granted, provided that the application has been approved by the design review board and the association, and the plans have been stamped by a Hawaii licensed engineer.

19.33A.140 Procedure for securing building and site improvement permits. The owner or lessee of a lot within the MRTP desiring to construct any improvements, or to build, replace, enlarge or modify new or existing structures, where such construction, building, replacement, enlargement or modification requires a building, plumbing, electrical or any other type of permit or approval, shall file an application for such permit or approval with the coordinator following review by the design review board.

A. Application Requirements. The application shall contain the following information:

1. A final subdivision plat map, if applicable;
2. A specific development plan, which incorporates the approved design guidelines and also includes, where applicable and required by the coordinator, the following information:
 - a. A detailed drainage, grading and soil erosion report and plans,
 - b. Landscape planting plan,
 - c. Signage plan,
 - d. Building plans and specifications,
 - e. Solid and liquid waste disposal plan,
 - f. Parking and circulation plans,
 - g. Other pertinent information necessary for permit approval;
3. If required, permit fees, in accordance with this code.

B. Procedure.

1. The coordinator shall review the application and determine whether it is complete. Within seven calendar days from the date of receipt of the application, the coordinator shall refer the application to the committee and, if appropriate, other government agencies for review and comment; or if the application is incomplete, shall return it to the applicant and specify the additional information required.
2. Within twenty calendar days from the receipt of a complete application, the coordinator shall forward the application, together with the recommendation of the committee and other appropriate government agencies to the director of public works.
3. Within fifteen calendar days from the receipt of the application, the director of public works shall approve, approve with conditions, or disapprove the application for building or site improvement permit.

19.33A.150 Improvement district program for the construction of off-site improvements. The construction of off-site and on-site improvements for a research and technology park may be financed by improvement district bonds, based on a tax increment funding program or other instrument, in accordance with Title 14 Article 3, Improvement Districts, of this code.

19.33A.160 Procedure for securing approval of additional permitted uses. Developments in research, technology, and knowledge industry will occur at a faster pace than changes can be promulgated to ordinances and controlling documents. Potential users for the

M RTP, in fields that are not now contemplated, will emerge after the adoption of this ordinance. To allow future flexibility and prompt decision making, the follow measures are implemented:

A. Existing permitted uses in the various districts shall be liberally construed.

B. Where no clearly comparable use exists, a group consisting of the planning director, managing director, and economic development director will be convened within seven working days of an application being deemed complete to determine suitability. The president of the Maui Economic Development Board or designee, and the president of the association shall serve as ex-officio members of such group, and use the following criteria to guide decision making on the use;

1. Will the use further economic diversification and local job creation?
 2. Is the use culturally and environmentally appropriate for Maui and otherwise compliant with the regulations governing MRTP?
 3. Will the use compliment existing users within the development?
- C. The decision to permit or deny the use shall be made and conveyed to the applicant no more than seven calendar days after the committee makes a decision.

The preceding standards of this chapter achieve the purpose and intent identified in Section 19.33A.010 which is to create opportunities for a broader range of desirable knowledge based and emerging industries which will provide high-skilled and well-paying jobs for Maui residents; utilize the principles of new urbanism and smart growth to create a community of innovation; and providing diverse housing options within close proximity of the MRTP employment and integrating neighborhood serving retail, civic and commercial uses in a manner that will encourage bicycling, walking and public transportation.