

§13-5-37 Nonconforming uses. (a) This chapter shall not prohibit the continuance of, or repair of nonconforming uses as defined in this chapter. The burden of proof to establish that the land use or structure is legally nonconforming shall be on the applicant.

(b) Any land identified as a kuleana may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, a single family residence.

(c) Any structures may be subject to conditions to ensure they are consistent with the surrounding environment.

(d) If a nonconforming structure is destroyed by any means to an extent of more than fifty per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(e) Repairs or reconstruction of the nonconforming structure shall not exceed the size, height or density of the structure which existed immediately prior to October 1, 1964 or at its inclusion into the conservation district. [Eff DEC 12 1994] (Auth: HRS §183C-3) (Imp: HRS §183C-5, 183C-6)

§13-5-38 Site Plan Approvals. (a) Where required, an applicant shall submit site plans, including construction, grading, site restoration, landscaping or any other plans to the department for its review and approval. All plans shall first obtain department approval before they are submitted for approval by the pertinent state and county agencies.

(b) An application for a site plan approval shall be accompanied by an application fee of \$50. [Eff DEC 12 1994] (Auth: HRS §183C-3) (Imp: HRS §183C-3, 183C-6)

§13-5-39 Management plan approvals. (a) Where required, management plans shall be submitted with the board permit application and shall include the requirements listed in Exhibit 3, entitled "Management Plan Requirements, dated September 6, 1994."

(b) An annual report to the department is required which shall include the status of compliance of the permit conditions and the implementation of land uses pursuant to the approved management plan schedule. [Eff DEC 12 1994] (Auth: HRS §183C-3) (Imp: HRS §183C-6)