

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRANSPORTATION COMMITTEE**

April 5, 2002

Committee
Report No.

02-53

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Transportation Committee, having met on March 13, 2002, makes reference to the following:

1. County Communication No. 00-281, from the Planning Director transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.12A, MAUI COUNTY CODE, AND AMENDING TITLE 16, MAUI COUNTY CODE, PERTAINING TO THE REGULATION OF COMMERCIAL SIGNS ON PRIVATE PROPERTY". The purpose of the proposed bill is to amend Title 16 of the Maui County Code to regulate signs to promote the public health, safety, and welfare by minimizing the hazards to vehicle operators distracted by signs, and the hazards to pedestrians from improperly positioned and maintained signs. The proposed bill addresses complaints and concerns relating to the interpretation of existing provisions regarding commercial signs on private property.

2. Committee Report No. 02-30, from your Public Works and Transportation Committee, recommending that the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.12A, MAUI COUNTY CODE, AND AMENDING TITLE 16, MAUI COUNTY CODE, PERTAINING TO THE REGULATION OF SIGNS", pass first reading and be ordered to print. The purpose of the proposed bill is to amend Chapter 16.12A and Title 16 of the Maui County Code to regulate political campaign signs, and to establish Chapter 16.13, relating to commercial signs.

By memorandum dated February 27, 2002, the Department of the Corporation Counsel transmitted recommended language for additional revisions to the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.12A, MAUI COUNTY CODE, AND AMENDING TITLE 16, MAUI

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COUNTY CODE, PERTAINING TO THE REGULATION OF SIGNS". These revisions were requested by your Committee at its meeting of February 13, 2002, for consideration by the Council at its meeting of March 1, 2002.

By correspondence dated February 28, 2002, Peter Capriotti of Creative Design Custom Signs submitted recommendations for revisions to the proposed bill, including the following: (1) add a provision to allow the Department of Planning a 30-day time period to approve or disapprove promotional sign permits, with the condition that if a decision is not made within the 30-day time period, the permit shall be deemed approved; (2) allow directory signs for buildings provided that the signs are tastefully designed and constructed; and (3) allow corner businesses, directly adjacent to more than one street, two wall signs.

Your Committee notes that Committee Report No. 02-30 was recommitted to your Committee at the Council meeting of March 1, 2002 for further review.

Your Committee further notes that the summary of testimony from Gina Flammer, representative of the Kula Community Association, in Committee Report No. 02-30 for the February 14, 2001 and February 13, 2002 committee meetings, requiring the construction of signs from natural materials and prohibiting internally-lit signs, should be clarified to apply to rural and agricultural districts only.

By correspondence dated March 4, 2002, your Committee Chair transmitted copies of photographs of various signs submitted by Len Cappe at the March 1, 2002 County Council meeting.

By correspondence dated March 12, 2002, Len Cappe submitted written testimony dated March 1, 2002, recommending additional changes to the proposed bill. His recommendations include the following: (1) eliminate the specification on the number of promotional signs allowed; thereby, providing for creativity within businesses; (2) eliminate the requirement for a promotional sign permit; and (3) increase the maximum allowable size of an informational sign from 4 square feet to 12 square feet per frontage, not to exceed 24 square feet.

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By correspondence dated March 12, 2002, Susan Guille, co-owner of Volcano Signs, Inc., submitted written testimony expressing general support for the proposed bill; however, she also recommended further revisions to the bill. Her recommendations include the following: (1) eliminate the specification on the number of promotional signs allowed, with a condition that the combined size of signs do not exceed the maximum allowable size; (2) eliminate the permit requirement for promotional banners; and (3) increase the maximum allowable size for informational signs from 4 square feet to 8 square feet or more per business.

At its meeting, your Committee met with a Staff Planner for the Department of Planning, and a Deputy Corporation Counsel.

Your Committee received testimony from one individual who expressed general support for the proposed bill. Peter Capriotti and Len Cappe also testified in general support of the proposed bill; however, they shared their recommendations for additional revisions as stated in their correspondence dated February 28, 2002 and March 12, 2002, respectively. Mr. Cappe submitted another copy of his recommended revisions that were transmitted with his March 12, 2002 correspondence.

Elliott Krash, President of the Kula Community Association, expressed general support for the proposed bill and requested support for her Association's recommendation specifically regarding the agricultural and rural districts. The Association's recommendation is to require that signs be constructed out of natural materials and to prohibit internally-illuminated, back-lit, neon, fluorescent, fiberoptic or other similar lighting.

Your Committee reviewed the Department of the Corporation Counsel's recommended revisions as detailed in the correspondence dated February 27, 2002.

In relation to proposed revisions to Section 16.13.070, the Staff Planner objected to the recommendation that the number of promotional signs per business establishment not be restricted. He indicated that unreasonable demands will be placed on the enforcement staff should this recommendation be enacted.

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With respect to proposed revisions to Section 16.13.090, your Committee voted to amend the language in the "Other Regulations" column by replacing the phrase "shall not be used" with "shall be prohibited" in an effort to be consistent throughout the Maui County Code.

Your Committee voted to revise Section 16.13.160(A)1 by requiring that a promotional sign permit application be submitted at least two County business days, rather than one business day, prior to a sign being displayed.

Further, your Committee voted to revise the definition of "Information sign" on page 15 of the proposed bill by deleting the phrase "information on activities on the property, such as".

Your Committee voted to approve the additional revisions recommended by the Department of the Corporation Counsel.

Your Committee requested that the Department of the Corporation Counsel provide recommended language to provide for a transitional period to allow businesses to conform to the new provisions of the proposed bill for consideration at the April 5, 2002 County Council meeting.

Your Committee is in receipt of a revised proposed bill incorporating the revisions as recommended by your Committee.

Your Public Works and Transportation Committee **RECOMMENDS** the following:

1. That Bill No. _____ (2002), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.12A, MAUI COUNTY CODE, AND AMENDING TITLE 16, MAUI COUNTY CODE, PERTAINING TO THE REGULATION OF SIGNS" PASS FIRST READING and BE ORDERED TO PRINT;
2. That Committee Report No. 02-30 be FILED; and

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3. That County Communication No. 00-281 be FILED.

Adoption of this report is respectfully requested.

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