

ORDINANCE NO. _____

BILL NO. _____ (2007)

A BILL FOR AN ORDINANCE TO PROHIBIT "SUPERSTORES" IN MAUI COUNTY

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

SECTION 1. Purpose. The purpose of this ordinance is to preserve and protect the quality of life, natural beauty, and character of Maui County's island communities from adverse impacts caused by large "superstores" that were not envisioned or considered under current provisions of the Maui County Code. The establishment of limits on retail use, through restrictions on operation, renovation, or expansion of retail establishments that may be or become "superstores", protects the public from the type of adverse impacts, such as traffic congestion, overburdening of existing infrastructure, deterioration of fragile ecosystems, and decimation of small businesses that have been occurring in the continental United States. This ordinance is not intended to preclude any particular retailer, company, end-user, or tenant from doing business in the County of Maui, but rather is intended to regulate land use and environmental protection through the preclusion of "superstore" uses in the County of Maui by any and all retailers, companies, end-users, and tenants.

SECTION 2. Section 19.04.040, Maui County Code, is amended by amending the definition of "Food and beverage, retail" to read as follows:

"Food and beverage, retail. "Retail food and beverage" means businesses engaged in the retail sale of food and beverage products, such as, but not limited to, supermarkets, convenience stores, bakeries, liquor stores, and catering establishments. The term does not include "superstores", as defined in this section, as superstores shall not be permitted in any zoning district in the County of Maui."

SECTION 3. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Stockkeeping Unit" or "SKU" means an identifier that is used by merchants for the systematic tracking of products and services offered to customers, including, but not limited to, Universal Product Code (UPC) barcodes, European Article Number (EAN) barcodes, and Global Trade Item Number (GITN) tracking numbers."

““Superstore” means a business exceeding 90,000 gross square feet, offering for sale more than 25,000 different stockkeeping units, and dedicating more than 20,000 gross square feet of floor area to the sale of groceries.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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