

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

June 23, 2009

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on June 1, 2009, makes reference to County Communication No. 08-225, from former Council Chair G. Riki Hokama, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL PERTAINING TO RURAL DISTRICTS".

The purpose of the proposed resolution is to refer to the planning commissions the attached draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, PERTAINING TO RURAL DISTRICTS".

The purpose of the draft bill is to establish three new Rural Zoning Districts, known as the RU-2 district, the RU-5 district, and the RU-10 district, with minimum lot sizes of two acres, five acres, and ten acres, respectively, along with accompanying development standards and uses.

Title 19 of the Maui County Code currently recognizes Rural Zoning Districts with minimum lot sizes of one-half acre and one acre, respectively.

As stated in the proposed resolution, "the establishment of additional rural districts will allow greater flexibility for the planning of rural areas, in accordance with Chapter 2.80B, Maui County Code, relating to the General Plan and Community Plans".

Because the Hana Community Plan area is largely rural, your Committee voted to revise the proposed resolution to also refer the draft bill to the Hana Advisory Committee.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution. Committee Chair Kaho`ohalahala, Vice-Chair Johnson, and members Baisa, Medeiros, Nishiki, and Victorino voted "aye". Committee member Molina was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING

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COMMISSIONS AND THE HANA ADVISORY COMMITTEE A DRAFT BILL PERTAINING TO RURAL DISTRICTS”, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Planning Committee RECOMMENDS that Resolution No. _____, as revised herein and attached hereto, entitled “REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS AND THE HANA ADVISORY COMMITTEE A DRAFT BILL PERTAINING TO RURAL DISTRICTS”, be ADOPTED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



SOL. P. KAHO`OHALAHALA, Chair

Resolution

No. _____

REFERRING TO THE LANAI, MAUI, AND MOLOKAI
PLANNING COMMISSIONS AND THE HANA ADVISORY
COMMITTEE A DRAFT BILL
PERTAINING TO RURAL DISTRICTS

WHEREAS, the Council is considering amendments to Chapter 19.29, Maui County Code, to establish three new rural districts, known as an RU-2 district, an RU-5 district, and an RU-10 district, with minimum lot sizes of two acres, five acres, and ten acres, respectively, along with accompanying development standards and uses; and

WHEREAS, the establishment of additional rural districts will allow greater flexibility for the planning of rural areas, in accordance with Chapter 2.80B, Maui County Code, relating to the General Plan and Community Plans; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and provide findings and recommendations to the Council; and

WHEREAS, the Council also wishes to consider the findings and recommendations of the Hana Advisory Committee; now, therefore,

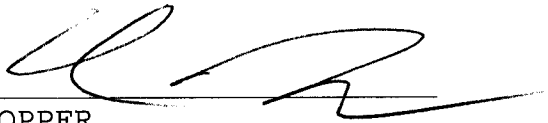
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, PERTAINING TO RURAL DISTRICTS", a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai Planning Commission, the Maui Planning Commission, the Molokai Planning Commission, and the Hana Advisory Committee for appropriate action pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and

Resolution No. _____

2. That it respectfully requests that the Lanai Planning Commission, the Maui Planning Commission, the Molokai Planning Commission, and the Hana Advisory Committee transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, the Molokai Planning Commission, and the Hana Advisory Committee.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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ORDINANCE NO. _____

BILL NO. _____ (2008)

A BILL FOR AN ORDINANCE
 AMENDING CHAPTER 19.29, MAUI COUNTY CODE,
 PERTAINING TO RURAL DISTRICTS

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

SECTION 1. Section 19.29.020, Maui County Code, is amended to read as follows:

“**19.29.020 District standards.** Except as otherwise provided in this chapter, the following district standards shall apply for uses, facilities, and structures in the rural districts:

DEVELOPMENT STANDARDS

	County Rural	RU-0.5	RU-1	RU-2	RU-5	RU-10	Notes
Minimum Lot Area	1/2 acre	1/2 acre	1 acre	2 acres	5 acres	10 acres	
Minimum Lot Width	100 feet	100 feet	150 feet	200 feet	250 feet	300 feet	
Maximum Building Height	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet	Except that vent pipes, fans, chimneys, antennae, and solar collectors on roofs shall not exceed forty feet.
Minimum Yard Setback	Front 25 feet	Front 25 feet	Front 35 feet	Front 35 feet	Front 40 feet	Front 45 feet	
	Side 15 feet	Side 15 feet	Side 20 feet	Side 20 feet	Side 25 feet	Side 30 feet	
	Rear 15 feet	Rear 15 feet	Rear 20 feet	Rear 20 feet	Rear 25 feet	Rear 30 feet	
Walls Within Setback Area	4 feet maximum	4 feet maximum	4 feet maximum	4 feet maximum	4 feet maximum	4 feet maximum	This does not preclude constructing fences on the top of the wall for safety purposes. The director may permit greater heights of walls as needed to retain earth, water, or both, for health and safety reasons.”

EXHIBIT ' 1 '

SECTION 2. Section 19.29.030, Maui County Code, is amended to read as follows:

“19.29.030 Permitted uses. The following uses and structures shall be permitted in the RU-0.5, RU-1, RU-2, RU-5, RU-10, and County rural districts provided they also conform with all other applicable laws:

A. Principal Uses.

1. One single-family dwelling per one-half acre in the RU-0.5 and County rural districts; [and] one single-family dwelling per one acre in the RU-1 district; one single-family dwelling per two acres in the RU-2 district; one single-family dwelling per five acres in the RU-5 district; and one single-family dwelling per ten acres in the RU-10 district;

2. Growing and harvesting of any agricultural or agricultural crop or product, subject to restrictions set forth in this chapter;

3. Minor utility facilities as defined in section 19.04.040 of this code;

4. Parks for public use; but not including commercial: camping, campgrounds, campsites, overnight camps, and other similar uses; and

5. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, adult day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in dwelling units used for child care services. These facilities shall serve six or fewer clients at any one time on lot sizes of less than seven thousand five hundred square feet, serving eight or fewer clients at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or serving twelve or fewer clients at any one time on lot sizes of ten thousand or more square feet.

B. Accessory Uses.

1. Accessory uses such as garages, carports, barns, greenhouses, gardening sheds, and similar structures which are customarily used in conjunction with and incidental and subordinate to a principal use or structure;

2. The keeping of livestock, hogs, poultry, and fowl and game birds;

3. One accessory dwelling per lot, in accordance with the provisions of chapter 19.35, Maui County Code;

4. Small-scale energy systems, which are incidental and subordinate to principal uses; and

5. Stands for the purpose of displaying and selling agricultural, floriculture or farming products, if such products have been produced or grown on the premises, subject to standards in section 19.29.020, Maui County Code. Goods produced off-premises are expressly prohibited.”

SECTION 3. Section 19.29.040, Maui County Code, is amended to read as follows:

“19.29.040 Uses permitted with a County special use permit. The following uses and structures shall be permitted in the RU-0.5, RU-1, RU-2, RU-5, RU-10, and County rural districts provided a County special use permit, pursuant to section 19.510.070, Maui County Code, has first been obtained:

- A. Commercial stables, riding academies;
- B. ~~Schools, churches and religious institutions, and private clubs and lodges; but not including commercial: camping, campgrounds, campsites, overnight camps and other similar uses;~~
- C. Cemeteries, crematories, and mausoleums;
- D. Major utility facilities as defined in section 19.04.040, Maui County Code; and
- E. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, adult day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in dwelling units used for child care services serving more than the number of children defined in section 19.29.030.”

SECTION 4. Any special use permit issued pursuant to Section 205-6, Hawaii Revised Statutes, in effect as of the effective date of this ordinance shall not be subject to the provisions of this ordinance and shall remain valid and in effect until its expiration date. Any special use permit application that would amend any of the terms or conditions of an existing special use permit issued pursuant to Section 205-6, Hawaii Revised Statutes, whether or not a request for a time extension is included in such application, shall be subject to the provisions of this ordinance.

SECTION 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable.

SECTION 6. 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 7. This ordinance shall take effect upon its approval, and shall apply to building permits issued 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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