

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING COMMITTEE**

October 19, 2010

**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 September 27, 2010, makes reference to County Communication No. 10-187, from Councilmember Sol P. Kaho`ohalahala, relating to proposed amendments to Chapter 16.13, Maui County Code, regarding commercial signs ("the sign ordinance").

By correspondence dated August 27, 2010, the Council Chair transmitted correspondence dated August 27, 2010, from Councilmember Sol P. Kaho`ohalahala, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS". The purposes of the draft bill are to: (a) amend the definition of "Information sign" to include signage identifying a business establishment's product or service; (b) allow up to two signs identifying a product or service per business establishment; and (c) allow up to six square feet combined per business establishment for signs identifying a product or service within a multi-tenant building, up to four square feet combined per business establishment for all other information signs within a multi-tenant building, and up to ten square feet combined per single business building.

Your Committee received testimony from business people who advised that the sign ordinance is vague and unreasonable and subject to uneven implementation and enforcement of the ordinance.

Your Committee expressed concern about the testimony and noted that the ability to display appropriate signage is important to the success of many small businesses.

Your Committee observed that a comprehensive review of the sign ordinance may be worthwhile and commended community-organized work in that effort. In addition, your Committee noted that the draft bill would provide incremental improvements to the sign ordinance. Your Committee further expressed its support for some additional revisions suggested in testimony.

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Your Committee decided to revise the draft bill to improve the method of determining sign area, establish sign permit procedures, and address the status of nonconforming signs.

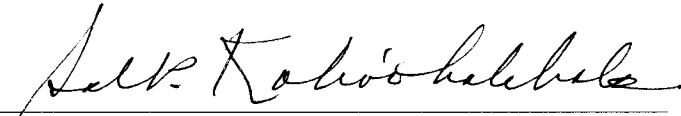
Your Committee expressed the view that the revised draft bill would improve the sign ordinance's clarity and effectiveness, promoting appropriate advertising while protecting Maui County's beauty and ambience, for the benefit of both small businesses and the community at large.

Your Committee voted 4-0 to recommend passage of the revised draft bill on first reading. Committee Chair Kaho'ohalahala, Vice-Chair Johnson, and members Baisa and Victorino voted "aye". Committee members Medeiros, Molina, and Nishiki were excused.

Your Committee is in receipt of a proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Planning Committee RECOMMENDS that Bill No. \_\_\_\_\_ (2010), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS", be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

  
\_\_\_\_\_  
SOL P. KAHO'OHALAHALA, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13,  
MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS

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

SECTION 1. Section 16.13.030, Maui County Code, is amended  
by amending the definition of "Information sign" to read as  
follows:

"Information sign" means a sign [providing store hours, conditions of sale, acceptable credit cards.] identifying: a product or service available within a business establishment; whether a business establishment is open or closed; or store hours, conditions of sale, or acceptable methods of payment."

SECTION 2. Section 16.13.040, Maui County Code, is amended  
to read as follows:

**"16.13.040 Method of determining sign area. A.** The sign area shall consist of the entire surface area including any plate, frame, outline or trim.

B. When a sign consists of letters, words or graphics intended to be viewed as a whole, the sign area shall be the [smallest square or rectangle] combined area of up to three squares or rectangles within which the entire letters, words and graphics can fit in.

Circular shape to be determined by formula: 3.14 (pi) x radius x radius = circular shape area.

Elliptical shape to be determined by formula: 3.14 (pi) x radius (short axis) x radius (long axis) = elliptical shape area.

C. For multi-faced signs, the perimeter of the measurable area shall be the outline of the sign when viewed from its largest side.

D. The perimeter of measurable area shall not include structures required for its support."

SECTION 3. Section 16.13.070, Maui County Code, is amended to read as follows:

**"16.13.070 Signs authorized in airport, hotel/resort, business/commercial, apartment, and industrial districts.**

Size Type	Quantity	Maximum Size (square feet)	Possible Kinds	Other Regulations	Permit Required
Building identification	1 per building frontage	See chart below; 16 square feet if projecting or hanging	Wall, window, hanging, projecting, wind, or roof	Must be a multi-tenant building	Yes, if sign is greater than 12 square feet
Business identification	1 per business frontage; 1 additional sign may be permitted if business is directly adjacent to more than one street	See chart below; 16 square feet if projecting or hanging	Wall, window, hanging, projecting, wind or roof	May be projecting if business unit has entrance on ground floor; Must be attached to unit if multi-story building; At least one business identification sign must be located on entrance side of a business	Yes, if sign is greater than 12 square feet
Promotional	1 per business establishment; 1 additional	12 square feet combined for business/building frontage less	Banner, wall, ground, or window	Shall not be erected more than 7 days before event and	Yes

Size Type	Quantity	Maximum Size (square feet)	Possible Kinds	Other Regulations	Permit Required
	sign may be permitted if business is directly adjacent to more than one street; 6 times per year limit	than 40 feet; 36 square feet combined for business/building frontage 40 feet or more		shall be removed 1 day after event, but in no case shall it be erected for more than 14 days	
Information	N/A	[4 square feet combined per business establishment within a multi-tenant building; 6] 10 square feet combined per [single] business [building]	Wall or window	N/A	No
Ground	1 per lot frontage	16 square feet for lot frontage up to 100 feet; 32 square feet for lot frontage over 100 feet	N/A	May be a directory sign	Yes
Wind	N/A	12 square feet for each building or lot or 4 square feet per establishment, whichever is greater	N/A	N/A	No

**BUILDING IDENTIFICATION AND BUSINESS IDENTIFICATION SIGN SIZES**

A sign permit is required for all signs greater than twelve square feet in size. The maximum size area allowed is as follows:

Building setback: Less than 25 feet	
Building/business frontage (feet):	Maximum sign area (square feet)
49 or less	24

50 - 59	27
60 - 69	30
70 or more	33
Building setback: 25 feet-99 feet	
Building/business frontage (feet):	Maximum sign area (square feet)
39 or less	24
40 - 49	32
50 - 59	36
60 - 69	40
70 - 79	44
80 or more	48
Building setback: 100 feet or more	
Building/business frontage (feet):	Maximum sign area (square feet)
39 or less	24
40 - 49	40
50 - 59	45
60 - 69	50
70 - 79	55
80 or more	64

SECTION 4. Section 16.13.160, Maui County Code, is amended

to read as follows:

**"16.13.160 Sign permit procedure. A.**  
Promotional signs.

1. The applicant shall apply for a promotional sign permit by submitting a completed form provided by the department at least two County business days before the sign is to be displayed. Forms may be available at the department, at locations authorized by the department, and via the County's website. Forms may be submitted to the department via facsimile.

2. The form shall include the applicant's name and business name, the business address, tax map key number and phone number, the name and date of the special event, and the approximate location of the sign.

3. The applicant shall submit a non-refundable filing fee as established in the annual budget ordinance. Applicants may mail filing fees separately if submitting form to the department via facsimile. Non-profit entities shall be exempt from having to submit the non-refundable filing fee.

B. Other signs.

1. An owner of real property, an agent of the owner with written authorization from the owner, a lessee of real property with the written authorization of the owner or an agent of the lessee with written authorization from the owner and lessee may apply for a sign permit by submitting an application to the director. The director shall prescribe forms for this purpose. The application shall include the following information:

a. The name, address and telephone number of the applicant and, if the applicant is an agent or lessee, the name, address and telephone number of the owner and any intervening lessees of the real property on which the sign is to be erected;

b. For applicants who are agents or lessees, written consent executed by the owner and any intervening lessees of the real property on which the sign is to be erected, authorizing the applicant to apply for the sign permit and to erect the sign;

c. An accurate written description of the dimensions of the sign, setbacks from the property lines and other buildings, method of construction and attachment to buildings and structures, illumination, materials, graphics, colors, lettering and message of the sign including style and landscaping.

d. Plans of the sign, including a site plan, graphic representation of the sign design, elevation of the sign on any buildings

or structures, and landscaping plans for ground signs. The site plan shall identify the type, size, sign area and location of all other signs that are on buildings and business establishments on the lot.

e. For multi-tenant buildings and lots, an approved comprehensive signage plan shall be submitted. If a plan has not been approved[, a plan shall be submitted concurrently with the sign applications for review and approval.] sign permit applications shall be considered, provided that:

1. The proposed sign complies with all applicable County sign codes;

2. The building landlord confirms in writing that the proposed sign conforms to a planned comprehensive signage plan to be filed; and

3. A comprehensive signage plan application is filed within one hundred eighty days of the granting of a sign permit under this subparagraph, and that the sign permit be issued conditionally with this noted.

f. Photographs of the lot and all signs located on the lot.

g. A non-refundable filing fee as established in the annual budget ordinance.

2. The director shall review the application for completeness and inform the applicant within five working days of any additional information required to complete the application.

3. The director may transmit the application to the board for recommendation. The board shall make a recommendation to the director to approve, approve with modifications, or disapprove the application within sixty days after receiving the completed application or the application will be deemed approved. The board shall set forth in writing the specific facts upon which the board relies in making its recommendation.



4. The director may approve, approve with modifications or disapprove the application in accordance with this chapter. The director shall make this final determination within thirty days from the receipt of a completed application or two working days after the director receives a recommendation from the board, if applicable, whichever is later. This period may be extended for an additional time, not to exceed forty-five days, by mutual agreement of the applicant and the director.

5. Within two working days after the director makes the final determination, the director shall issue an appropriate sign permit, with or without conditions, to the applicant or transmit a notice to the applicant that the application has been denied."

SECTION 5. Section 16.13.220, Maui County Code, is amended to read as follows:

**"16.13.220 Nonconforming signs.** A. Signs which do not conform to this chapter, but which have a valid sign permit issued by the County, are hereby deemed a legal nonconforming sign. All other signs which do not conform to this chapter shall comply with the provisions of this chapter within eighteen months of this chapter taking effect.

B. Any changes to a legal nonconforming sign must comply with this chapter. Repair and maintenance of a legal nonconforming sign shall be allowed.

C. New signs proposed for properties which are subject to a previously approved comprehensive signage plan shall conform to this chapter.

D. Legally established existing signs on a property that become subject to a new comprehensive signage plan shall be exempt from compliance with the new comprehensive signage plan for a period of eighteen months from the date of approval of the new comprehensive signage plan, provided the signs are maintained in sound condition."

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.

APPROVED AS TO FORM  
AND LEGALITY:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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