

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

October 7, 2011

**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 August 1, 2011, and September 12, 2011, makes reference to County Communication 11-155, from Councilmember Donald G. Couch, Jr., transmitting a copy of Ordinance 3794 (2010) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS".

After meeting with business owners and the Department of Planning, and after reading the Planning Committee's meeting minutes from the 2009-2011 Council term, Councilmember Couch requested that Ordinance 3794 be reviewed.

Your Committee notes that Chapter 16.13, Maui County Code ("MCC"), relating to commercial signs, sets forth provisions and regulations regarding the erection, location, and maintenance of non-governmental signs located on private property.

By correspondence dated August 22, 2011, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS". The purposes of the proposed bill are to incorporate amendments recommended by the Department of Planning and the Department of the Corporation Counsel to clarify that when separate signs are intended to be viewed as a complete unit, the sign area shall be the combined area of up to three abutting or overlapping squares or rectangles; to clarify that window signs may not exceed 50 percent of the available window space; and to delete window signs as a sign type listed under promotional and informational signs to ensure that window sign coverage may not exceed 50 percent of the available window space.

In response to a testifier's recommendation, your Committee revised the proposed bill to also include circular and elliptical shaped signs as sign types that must be abutting or overlapping if they are intended to be viewed as a complete unit.

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Your Committee Chair noted a discrepancy in Chapter 16.13, regarding ground signs. Section 16.13.030, MCC, defines ground signs as permanent structures, yet Section 16.13.070, MCC, requires promotional signs, which includes ground signs, to be removable.

The Deputy Planning Director explained that some businesses have received permits to erect permanent ground sign frames or structures in which removable promotional signs may be attached when an event or other promotional advertisement changes.

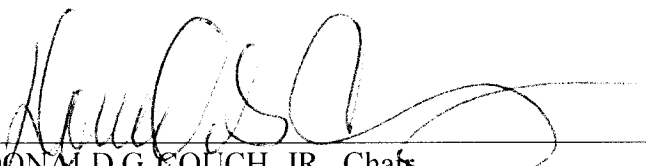
Your Committee revised the proposed bill to allow removable promotional signs that are attached to a permanent ground sign frame or structure.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading. Committee Chair Couch, Vice-Chair Baisa, and members Cochran, Victorino, and White voted "aye". Committee members Pontanilla and Mateo were excused.

Your Committee is in receipt of a revised 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 \_\_\_\_\_ (2011), 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 8 of the Rules of the Council.

  
\_\_\_\_\_  
DONALD G. COUCH, JR., Chair

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

BILL NO. \_\_\_\_\_ (2011)

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 16.13.040, 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. Circular  
shape to be determined by formula:  $3.14 (\pi) \times \text{radius}$   
 $\times \text{radius} = \text{circular shape area.}$

Elliptical shape to be determined by formula:  
 $3.14 (\pi) \times \text{radius (short axis)} \times \text{radius (long axis)} =$   
 $\text{elliptical shape area.}$

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

[Circular shape to be determined by formula:  $3.14$   
 $(\pi) \times \text{radius} \times \text{radius} = \text{circular shape area.}$

Elliptical shape to be determined by formula:  $3.14$   
 $(\pi) \times \text{radius (short axis)} \times \text{radius (long axis)} =$   
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 2. 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] Sign Type	Quantity	Maximum Size (square feet)	Possible Kinds	Other Regulations	Permit Required
Building Identi- fication	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 identi- fication	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 identifica- tion sign must be located on entrance side of a business	Yes, if sign is greater than 12 square feet
Promo- tional	1 per business establis- ment; 1 additional sign may be permitted if business is directly adjacent to more than one street;	12 square feet combined for business/ building frontage less than 40 feet; 36 square feet combined for business/ building frontage 40 feet or more	Banner, wall, [ground, or window] <u>or</u> <u>ground if</u> <u>attached to</u> <u>a permanent</u> <u>frame or</u> <u>structure</u>	Shall not be erected more than 7 days before event and shall be removed 1 day after event, but in no case shall it be erected for	Yes

	6 times per year limit			more than 14 days	
Window [sign]	N/A	[Promotional or information sign messages are not to exceed] 50% of available window area	[Window sign promotional or information sign] N/A	N/A	No
Information	N/A	10 square feet combined per business	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:

<b>Building setback: Less than 25 feet</b>	
Building/business frontage (feet):	Maximum sign area (square feet)
49 or less	24
50 - 59	27
60 - 69	30
70 or more	33
<b>Building setback: 25 feet-99 feet</b>	
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
<b>Building setback: 100 feet or more</b>	
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 3. 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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read "M. Hopper", is written over a horizontal line.

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui  
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