

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

September 7, 2012

**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 July 2, 2012, July 30, 2012, and August 13, 2012, makes reference to County Communication 12-119, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO M-2 HEAVY INDUSTRIAL DISTRICT".

The purpose of the proposed bill is to update Chapter 19.26, Maui County Code ("MCC"), relating to the M-2 Heavy Industrial District to: (1) include material recycling and recovery facilities and major utility facilities as permitted uses; (2) establish new sections for accessory uses and structures, special uses, and development standards; and (3) provide for the Planning Director's rule-making authority.

Your Committee notes that the Department of Planning has proposed a series of bills to update, streamline, and standardize Title 19, MCC. Many chapters have not been updated in over 30 years. The proposed bill amends Chapter 19.26, MCC, relating to the M-2 Heavy Industrial District, to also standardize the format and headings, consistent with other chapters in Title 19.

Your Committee further notes that the planning commissions reviewed the proposed bill, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, and recommended that it be passed. The Maui Planning Commission recommended that major utility facilities, which could potentially have a major impact in an area, and material recycling and recovery facilities be included as permitted uses. The Lanai Planning Commission recommended that the maximum height for structures on roofs not exceed a total building height of 149 feet.

Your Committee also notes that the proposed bill provides for the Council's delegation of authority to approve special uses to the planning commissions.

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Your Committee further notes that any use permitted in the B-1, B-2, and B-3 Business Districts and the M-1 Light Industrial District is also permitted in the M-2 Heavy Industrial District, with certain restrictions.

Your Committee recommended that Section 19.26.020, MCC, relating to permitted uses, be revised to clarify that any use that is not specified shall not be permitted unless approved by the Planning Director as conforming to the intent of Title 19.

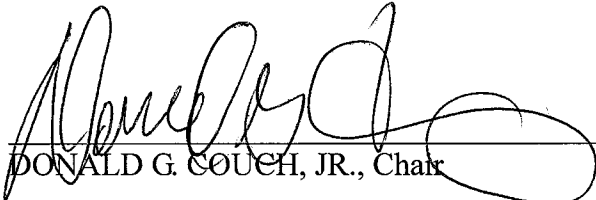
Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Couch, Vice-Chair Baisa, and members Cochran, Mateo, Pontanilla, and Victorino voted "aye". Committee member White was excused.

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. The revised proposed bill also includes a technical correction regarding the special use permit procedure.

Your Planning Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO M-2 HEAVY INDUSTRIAL DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-119 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

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

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

BILL NO. \_\_\_\_\_ (2012)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE,  
RELATING TO M-2 HEAVY INDUSTRIAL DISTRICT

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

SECTION 1. Chapter 19.26, Maui County Code, is amended to read as follows:

**"Chapter 19.26**

**M-2 HEAVY INDUSTRIAL DISTRICT**

**Sections:**

- 19.26.010** **[Generally.] Purpose and intent.**
- 19.26.020** **[Use regulations.] Permitted uses.**
- 19.26.030** **[Height regulations.] Accessory uses and structures.**
- 19.26.040** **[Area regulations.] Special uses.**
- 19.26.050** **[Yards.] Development standards.**
- 19.26.060** **Rulemaking authority.**

**19.26.010 [Generally.] Purpose and intent.** Those uses which include the manufacture or treatment of goods from raw materials are permitted in the M-2 heavy industrial district. Those uses which are listed under [subsection 28 of Section 19.26.020] section 19.26.040 cannot be automatically included in the M-2 heavy industrial district because of their hazardous or offensive nature. Provision is made whereby the location and conduct of these uses is subject to review and approval of the commission [and council of the county of Maui] as conforming to the intent of this title.

**19.26.020 [Use regulations.] Permitted uses.** Within the M-2 heavy industrial district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

- [1. Any use permitted in the B-1, B-2 and B-3 business districts and M-1 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or

moved onto any lot in an M-2 district for dwelling purposes, including hotels and motels, except living quarters used by watchmen or custodians of industrially used property;

2. Alcohol manufacture;
3. Automobile wrecking, if conducted within a building;
4. Brick, tile or terra cotta manufacture;
5. Boiler and steel works;
6. Canneries, except fish canneries;
7. Chemical manufacture;
8. Concrete or cement products manufacture;
9. Factories;
10. Foundries;
11. Freight classification yard (railroad);
12. Junk establishment used for storing, depositing, or keeping junk or similar goods for business purposes, provided such establishment shall not be nearer than eight feet from any other property line for the storage of the junk or similar goods except in buildings entirely enclosed with walls;
13. Lime kilns which do not emit noxious and offensive fumes;
14. Lumber yard;
15. Machine shops;
16. Oil storage plants;
17. Oilcloth or linoleum manufacture;
18. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture;
19. Petroleum products manufacture or wholesale storage of petroleum;
20. Planing mill;
21. Plastic manufacture;
22. Railroad repair shops;
23. Rolling mills;
24. Ship works;
25. Soap manufacture;
26. Sugar mills and refineries;
27. In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like and not allowed in any other district; provided, however, that any use not specified in this section shall be approved by the commission as conforming to the intent of this title;
28. All of the following uses are declared to be special uses and a use permit shall be obtained from the commission with approval of the council of the county for the location and operation thereof in the M-2 district:
  - a. Acetylene gas manufacture or bulk storage,
  - b. Acid manufacture,

- c. Ammonia, bleaching powder or chlorine manufacture,
- d. Asphalt manufacture of refueling and asphaltic concrete plant,
- e. Blast furnace or coke oven,
- f. Cement, lime, gypsum, or plaster of paris manufacture,
- g. Crematories,
- h. Creosote treatment plants,
- i. Explosives manufacture or storage,
- j. Fertilizer manufacture,
- k. Fish canneries,
- l. Garbage, offal or dead animals reduction or dumping,
- m. Gas manufacture,
- n. Glue manufacture,
- o. Quarry or stone mill,
- p. Rock, sand or gravel or earth excavation, crushing or distribution,
- q. Petroleum refinery,
- r. Saw mill,
- s. Slaughter of animals,
- t. Stock yard or deeding pens,
- u. Tannery or the curing or storage of raw hides.]

<b>Uses</b>	<b>Notes and exceptions</b>
<u>Any use permitted in the B-1, B-2 and B-3 business districts and M-1 light industrial district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-2 heavy industrial district for dwelling purposes, including hotels, motels, or apartments except living quarters used by watchmen or custodians of an industrially used property</u>	
<u>Alcohol manufacture</u>	
<u>Automobile wrecking, if conducted within a building</u>	
<u>Boiler and steel works</u>	
<u>Brick, tile or terra cotta manufacture</u>	
<u>Canneries, except fish canneries</u>	
<u>Chemical manufacture</u>	
<u>Concrete or cement products</u>	

<u>manufacture</u>	
<u>Factories</u>	
<u>Foundries</u>	
<u>Freight classification yard (railroad)</u>	
<u>Junk establishment used for storing, depositing, or keeping junk or similar goods for business purposes</u>	<u>Such establishment shall not be nearer than 8 feet from any other property line for the storage of the junk or similar goods except in buildings entirely enclosed with walls</u>
<u>Lime kilns which do not emit noxious and offensive fumes</u>	
<u>Lumber yard</u>	
<u>Machine shops</u>	
<u>Material recycling and recovery facilities</u>	
<u>Oilcloth or linoleum manufacture</u>	
<u>Oil storage plants</u>	
<u>Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture</u>	
<u>Petroleum products manufacture or wholesale storage of petroleum</u>	
<u>Planing mill</u>	
<u>Plastic manufacture</u>	
<u>Railroad repair shops</u>	
<u>Rolling mills</u>	
<u>Ship works</u>	
<u>Soap manufacture</u>	
<u>Sugar mills and refineries</u>	
<u>Utility facilities, major</u>	
<u>In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like and not allowed in any other district</u>	<u>Provided, however, that any use not specified in this section shall not be permitted unless approved by the planning director as conforming to the intent of this title</u>

**19.26.030 [Height regulations.] Accessory uses and structures.** [No building or structure, and no enlargement of any building or structure, except smoke stacks or chimneys, shall be hereafter erected or maintained so as to exceed six stories.]The following uses and structures, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the above permitted uses in the district:

<b>Uses</b>
<u>Energy systems, small-scale</u>
<u>Fences, walls, patios, decks, and other landscape features</u>
<u>Garages, porte-cochere, mailboxes, ground signs, and trash enclosures</u>
<u>Security/watchman or custodian outbuildings</u>
<u>Subordinate uses and structures which are determined by the planning director to be clearly incidental and customary to the permitted uses listed herein</u>

**19.26.040 [Area regulations.] Special uses.** [Every lot within an M-2 district shall have a minimum lot area of not less than ten thousand square feet with a minimum lot width of seventy-five feet.] The following uses and structures shall be permitted in the M-2 heavy industrial district provided a County special use permit, pursuant to section 19.510.070, Maui County Code, has first been obtained.

<b>Special uses</b>
<u>Acetylene gas manufacture or bulk storage</u>
<u>Acid manufacture</u>
<u>Ammonia, bleaching powder or chlorine manufacture</u>
<u>Asphalt manufacture of refueling and asphaltic concrete plant</u>
<u>Blast furnace or coke oven</u>
<u>Cement, lime, gypsum, or plaster of paris manufacture</u>
<u>Crematories</u>
<u>Creosote treatment plants</u>
<u>Explosives manufacture or storage</u>
<u>Fertilizer manufacture</u>
<u>Fish canneries</u>
<u>Garbage, offal or dead animals reduction or dumping</u>
<u>Gas manufacture</u>
<u>Glue manufacture</u>
<u>Petroleum refinery</u>
<u>Quarry or stone mill</u>
<u>Rock, sand, gravel, or earth excavation, crushing or distribution</u>
<u>Saw mill</u>
<u>Slaughter of animals</u>
<u>Stock yard or deeding pens</u>
<u>Tannery or the curing or storage of raw hides</u>

**19.26.050 [Yards.] Development standards.** [A. Front Yard. There shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.

B. Side Yard.

1. Where the side or rear of the lot in an M-2 district abuts upon the side or rear of a lot of any residential, duplex, apartment, hotel, agricultural or farming districts, there shall be a side yard of ten feet.

2. In all other cases, a side yard for a heavy industrial building shall not be required.

C. Rear yard.

No rear yard spacing shall be required except where the M-2 district abuts upon an agricultural, farming, residential, duplex, apartment or hotel district, in which case there shall be a rear yard of not less than fifteen feet.]

	<b>M-2</b>	<b>Notes and exceptions</b>
<u>Minimum lot area (square feet)</u>	<u>10,000</u>	
<u>Minimum lot width (in feet)</u>	<u>75</u>	
<u>Maximum building height (in feet)</u>	<u>90</u>	<u>Except that vent pipes, fans, chimneys, antennae, and equipment on roofs shall not exceed 149 feet in total height</u>
<u>Minimum yard setback (in feet)</u>		
<u>Front</u>	<u>0 or the same as the adjoining zoning category whichever is greater</u>	<u>Where the setback of the adjoining non-industrial zoned parcel is less than 15 feet, a minimum setback of 15 feet shall be applied</u>
<u>Side and rear</u>	<u>0 or the same as the adjoining zoning category whichever is greater</u>	
<u>Accessory structures allowed within setback area</u>	<u>Boundary walls, parking area, trash enclosures, and ground signs</u>	
<u>Free standing antenna or wind turbine structures height and setback</u>	<u>Maximum height of 90 feet and shall be set back 1 foot for every foot in height from all property lines</u>	

**19.26.060 Rulemaking authority.** The planning director may adopt rules to implement this chapter."

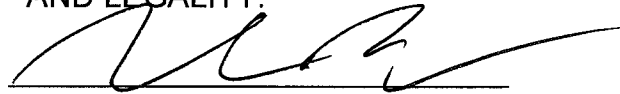


SECTION 2. Any dwelling structure that was constructed with a building permit that was approved prior to the enactment of this ordinance or appears on County real property tax records need not acquire a County special use permit, conditional permit, or variance and may be reconstructed as permitted by the original building permit(s) or to the same size and location as shown on real property tax records.

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:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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