

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 12-120, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT".

The purpose of the proposed bill is to establish a new M-3 Restricted Industrial District that would allow manufacturing and nuisance industries with noxious uses, including the manufacturing, processing, storage, or treatment of goods from raw materials.

Your Committee 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 also 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.

Your Committee further notes that general retail and office uses are specifically excluded from the M-3 Restricted Industrial District, except as those uses are accessory to a permitted use, with certain restrictions. Your Committee recommended that office space be listed as a separate accessory use with no square footage restriction, provided that the office space is related to an on-site permitted use. Your Committee further recommended that retail and indoor product display areas be limited to 20 percent of the gross floor area with no square footage restriction.

Your Committee recommended that Section 19.25.020, Maui County Code ("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.

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Your Committee further recommended that Section 19.25.040, MCC, be revised to establish vent pipes, fans, chimneys, antennae, and equipment on roofs that exceed 199 feet as a special use, provided a County special use permit has first been obtained.

Your Committee questioned whether neighboring properties should be notified when any noxious use is permitted. A representative from the Department of Planning stated that the proposed bill is intended to establish a district to specifically allow for noxious uses. He further stated that many of the uses are permitted as special uses in the M-2 Heavy Industrial District. He noted that these types of facilities are closely regulated and monitored by State and Federal governmental agencies. Your Committee was satisfied with the explanation from the representative of the Department and did not pursue a revision to the proposed bill to require notification.

Your Committee voted 7-0 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, Victorino, and White voted "aye".

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 the following:

1. That Bill \_\_\_\_\_ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-120 be FILED.

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



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DONALD G. COUCH, JR., Chair

pc:cr:12037aa:kcw

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

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

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,  
RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT

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

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**"Chapter 19.25**

**M-3 RESTRICTED INDUSTRIAL DISTRICT**

**Sections:**

- 19.25.010 Purpose and intent.**
- 19.25.020 Permitted uses.**
- 19.25.030 Accessory uses and structures.**
- 19.25.040 Special uses.**
- 19.25.050 Development standards.**
- 19.25.060 Rulemaking authority.**

**19.25.010 Purpose and intent.** Those uses which include the manufacture, processing, storage or treatment of goods from raw materials are permitted in the M-3 restricted industrial district. The district is intended to include manufacturing and nuisance industries. General retail and office uses are specifically excluded from this district.

**19.25.020 Permitted uses.** Within the M-3 restricted 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:

<b>Uses</b>	<b>Notes and exceptions</b>
Acetylene gas manufacture or bulk storage	
Acid manufacture	
Alcohol manufacture	

Ammonia, bleaching powder or chlorine manufacture	
Asphalt manufacture of refueling and asphaltic concrete plant	
Automobile wrecking	
Blast furnace or coke oven	
Boiler and steel works	
Brick, tile or terra cotta manufacture	
Canneries	
Cement, lime, gypsum, or plaster of paris manufacture	
Chemical manufacture	
Concrete or cement products manufacture	
Crematories, morgues	
Energy systems, power plants, substations, and utility facilities, major	
Explosives manufacture or storage	
Factories	
Fertilizer manufacture	
Fish canneries	
Foundries	
Freight classification yard (railroad)	
Garbage, offal or dead animals reduction or dumping	
Gas manufacture	
Glue manufacture	
Heavy equipment storage, servicing, and sales	
Junk establishment used for storing, depositing, keeping junk or similar goods for business purposes	
Landfill, solid waste processing and disposal	
Lime kilns	
Lumber yard and wood treatment facilities	
Machine shops	
Oilcloth or linoleum manufacture	
Oil storage plants	
Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture	
Petroleum or biofuel product manufacturing or wholesale storage of	

petroleum or biofuels	
Petroleum refinery	
Planing mill	
Plastic manufacture	
Quarry or stone mill	
Railroad repair shops	
Recycling processing facilities or material recycling and recovery facilities	
Rock, sand, gravel, or earth excavation, crushing or distribution	
Rolling mills	
Saw mill	
Ship works	
Slaughter of animals	
Soap manufacture	
Stock yard or feeding pens	
Sugar mills and refineries	
Tannery or the curing or storage of raw hides	
Telecommunication towers, antenna and equipment	
Utility facilities, major	
Wood treatment plants	
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 not be permitted unless approved by the planning director as conforming to the intent of this title

**19.25.030 Accessory uses and structures.** 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>	<b>Notes and exceptions</b>
Energy systems, small-scale	
Fences, walls, patios, decks, and other landscape features	
Garages, porte-cochere, mailboxes, ground signs, and trash enclosures	
Office space related to the on-site permitted use	
Retail, or indoor product display area	Limited to 20% of gross floor area
Security/watchman or custodian outbuildings	

Subordinate uses and structures which are determined by the planning director to be clearly incidental and customary to the permitted uses listed herein	
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**19.25.040 Special uses.** The following uses and structures shall be permitted in the M-3 restricted industrial district provided a County special use permit, pursuant to section 19.510.070, Maui County Code, has first been obtained.

A. Vent pipes, fans, chimneys, antennae, and equipment on roofs that exceed 199 feet.

**19.25.050 Development standards.**

	<b>M-3</b>	<b>Notes and exceptions</b>
Minimum lot area (square feet)	10,000	
Minimum lot width (in feet)	75	
Maximum building height (in feet)	90	
Minimum yard setback (in feet)		
Front	None	
Side and rear	0 or the same as the adjoining zoning category whichever is greater	
Free standing antenna or wind turbine structures height and setback	Maximum height of 199 feet and shall be set back 1 foot for every foot in height from all property lines	
Accessory structures allowed within setback area	Mailboxes, trash enclosures, boundary walls, and ground signs	

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

SECTION 2. 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', written over a horizontal line.

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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