

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

**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 May 21, 2013, makes reference to County Communication 11-219, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND AMENDING CHAPTER 19.31, MAUI COUNTY CODE, RELATING TO PUBLIC/QUASI-PUBLIC DISTRICTS".

The purpose of the proposed bill is to update development standards in the Public/Quasi-Public Districts to reduce the amount of variance applications by property owners.

Your Committee notes the Department of Planning has proposed a series of bills to update, streamline, and standardize Title 19, Maui County Code ("MCC"). Many chapters have not been updated in more than 30 years. The proposed bill amends Chapter 19.31, MCC, relating to Public/Quasi-Public Districts, to standardize the format and headings, and consolidate and eliminate outdated terms, consistent with other chapters in Title 19.

A representative from the Department of Planning recommended that the proposed bill be revised to add a P-2 Public/Quasi-Public District. The permitted uses in the P-2 Public/Quasi-Public District would be the same as in the P-1 Public/Quasi-Public District; however, the development standards would be greater in the P-2 Public/Quasi-Public District. He said establishing a P-2 Public/Quasi-Public District would minimize variance and Conditional Permit applications in the Public/Quasi-Public Districts. Furthermore, the new P-2 Public/Quasi-Public District category will allow for a zoning category that is more appropriate for existing Public/Quasi-Public uses.

Your Committee recommended nonsubstantive revisions to the proposed bill.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Couch, and members

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Cochran, Crivello, Guzman, and White voted "aye". Committee Vice-Chair Victorino and member Baisa 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 the following:

1. That Bill No. \_\_\_\_\_ (2013), revised herein and attached hereto, entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND AMENDING CHAPTER 19.31, MAUI COUNTY CODE, RELATING TO PUBLIC/QUASI-PUBLIC DISTRICTS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-219 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. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND AMENDING CHAPTER 19.31, MAUI COUNTY CODE, RELATING TO PUBLIC/QUASI-PUBLIC DISTRICTS

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

SECTION 1. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Wastewater treatment facility" means any building, structure, equipment, piping or related appurtenance which is part of a wastewater utility system.

"Water treatment facility" means any building, structure, equipment, piping or related appurtenance which is part of a water utility system."

SECTION 2. Chapter 19.31, Maui County Code, is amended to read as follows:

### **"Chapter 19.31**

#### **PUBLIC/QUASI-PUBLIC DISTRICTS**

Sections:

- 19.31.010 Purpose and intent.
- 19.31.020 [P-1 public/quasi-public district.]  
Permitted uses.
- 19.31.030 Accessory uses and structures.
- 19.31.040 Special uses.
- 19.31.050 Development standards.
- 19.31.060 Rule making authority.

**19.31.010 Purpose and intent.** Public/quasi-public districts provide for public, nonprofit, or quasi-public uses.

**19.31.020 [P-1 public/quasi-public district. A. Permitted Uses.]** Permitted uses. The following

permitted uses are allowed in the P-1 and P-2 public/quasi-public [district:] districts:

- [1. Principal uses:
  - a. Churches;
  - b. Community centers;
  - c. Fire and police stations;
  - d. Government buildings and facilities;
  - e. Hospitals;
  - f. Kindergartens, elementary schools, high schools, colleges, and libraries;
  - g. Nursery schools and day care centers;
  - h. Offices for nonprofit charitable organizations;
  - i. Private parking lots or structures serving public purposes;
  - j. Public parking lots or structures; and
  - k. Public utility substations, which will not be hazardous or a nuisance to the surrounding areas.]

<u>Principal uses and structures</u>	<u>Criteria or Limitations</u>
<u>Cemeteries and crematoriums</u>	
<u>Churches</u>	
<u>Community centers</u>	
<u>Education, general and specialized</u>	
<u>Facilities for non-profit organizations</u>	
<u>Fire and police stations</u>	
<u>Government buildings and facilities</u>	
<u>Hospitals</u>	
<u>Kindergartens, elementary schools, middle schools, high schools, colleges, and libraries</u>	
<u>Nursery schools and day care centers</u>	
<u>Private parking lots or structures serving public purposes</u>	
<u>Public facilities or public uses</u>	
<u>Public parking lots or structures</u>	
<u>Public utility substations</u>	<u>Which will not be hazardous or a nuisance to the surrounding areas.</u>
<u>Quasi-public uses or quasi-public facilities</u>	
<u>Water treatment facilities</u>	
<u>Wastewater treatment facilities</u>	

- [2. Accessory Uses and Structures.  
 B. Development Standards. The following development standards shall apply:  
 1. Minimum lot area, fifteen thousand square feet;  
 2. Minimum lot width, one hundred feet;  
 3. Minimum building setback:  
 a. Front yard, fifteen feet,  
 b. Side yard, ten feet,  
 c. Rear yard, fifteen feet;  
 4. Maximum height, two stories not to exceed thirty-five feet.]

19.31.030 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 P-1 and P-2 public/quasi-public districts:

<u>Accessory uses and structures</u>	<u>Criteria or Limitations</u>
<u>Energy systems, small scale</u>	<u>Provided there will be no detrimental or nuisance effect upon the neighbors</u>
<u>Fences, walls, patios, decks, and other landscape features</u>	
<u>Garages, porte-cochere, mail boxes, ground signs, light pole, and trash enclosures</u>	
<u>Subordinate uses and structures which are determined by the director of planning to be clearly incidental and customary to the permitted uses listed herein</u>	

19.31.040 Special uses. Other uses of similar intensity and that are determined to conform to the intent of this title may be permitted by the appropriate planning commission subject to section 19.510.070 of this code.

19.31.050 Development standards.

	<u>P-1</u>	<u>P-2</u>	<u>Notes and Exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>15,000</u>	<u>20,000</u>	<u>The County may allow lot sizes of less than the minimum lot size as specified</u>


			<u>under this section for lots created or used for public, private, and quasi-public utility purposes</u>
<u>Minimum lot width (in feet)</u>	<u>100</u>	<u>200</u>	
<u>Minimum front and rear yard setback (in feet)</u>	<u>15</u>	<u>30</u>	
<u>Minimum side yard setback (in feet)</u>	<u>10</u>	<u>15</u>	
<u>Maximum height (in feet)</u>	<u>40</u>	<u>90</u>	<u>Except that structures with steeples, vent pipes, fans, chimneys, antennae, and equipment used for small scale energy systems on roofs shall not exceed a total of 50 feet in P-1 and 100 feet in P-2</u>
<u>Free standing antenna, or wind turbine structures height and setback</u>	<u>Maximum height of 50 feet and shall be set back 1 foot for every foot in height from all property lines.</u>	<u>Maximum height of 100 feet and shall be set back 1 foot for every foot in height from all property lines.</u>	
<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls, light pole, and ground signs</u>	<u>Mail boxes, trash enclosures, boundary walls, light pole, and ground signs</u>	<u>Trash enclosures and boundary walls shall be limited to a maximum height of 8 feet. Light poles shall be limited to a maximum height of 30 feet.</u>

19.31.060 Rule making authority. The director of planning may adopt rules to implement this chapter."

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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