

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY
CODE, RELATING TO GENERAL PLAN AND COMMUNITY PLANS

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

SECTION 1. Purpose. The Council finds that sound land use principles require that land use regulation be implemented by generally applicable zoning classifications. The Council's understanding and intent are that the land use designations contained in community plans are for planning purposes when zoning properties to the applicable zoning districts established in Title 19 of this Code. The Council's further understanding and intent are that the zoning districts in Title 19 of this Code provide the definitive delineation of permissible uses of property in the County. The Council finds that construing the land use designations contained in community plans to comprise a second set of land use restrictions creates a contradictory and unworkable land use regulation scheme. In addition, given the County's practice of using the zoning districts established under Title 19 of this Code as the governing land use regulations, having an additional and separate set of land use restrictions in the form of the community plans would create

numerous non-conforming uses within the County. The purpose of this ordinance is to clarify and confirm that the land use designations contained in community plans shall be interpreted to be consistent with the corresponding zoning districts established under Title 19 of this Code.

SECTION 2. Section 2.80B.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Corresponding land use designation" means a designation in a land use map in a community plan that parallels a zoning district contained in title 19 of this code by name or general use description. By way of example, corresponding community plan land use designations and zoning districts include, but are not limited to, "hotel," "rural," "agriculture," "light industrial," and "heavy industrial" land use designations and zoning."

SECTION 3. Section 2.80B.70, Maui County Code, is amended by amending subsection E to read as follows:

"E. Each community plan shall contain:

1. A statement of the major problems and opportunities concerning the needs and development of the community plan area[;].
2. A statement of the social, economic, and environmental effects of such development[;].
3. The desired sequence, patterns, and characteristics of future development[;].
4. A description of the community plan area[;].
5. A statement of planning standards and principles relating to land uses within the community plan area[;].
6. A statement of urban and/or rural design principles and objectives for the community plan area[;].

7. For community plan areas on the island of Maui, urban and rural growth boundaries and a map delineating urban and rural growth areas, consistent with the general plan[;].

8. For community plan areas on the island of Maui, a designation of specific land uses within the urban and rural growth areas[;].

9. A list of areas, sites, and structures recognized as having historical or archaeological significance, and a list of scenic sites and resources[;].

10. A description of a projected multi-modal transportation system showing existing and proposed roadways, transit corridors, bikeways, and major thoroughfares[;].

11. Statements of intention relating to the location or improvement of all public service and transportation facilities[;].

12. Statements setting forth:

a. Problems relating to land uses;
and

b. Projections relating to social, economic, and environmental effects of proposed development[;].

13. A statement of desired population density including visitors and residents[;].

14. A land use map:

a. With [Specific] specific land use designations based on property lines, to the extent practicable. The land use designations in the land use map are not intended to be an exhaustive list of all uses permitted on the designated property or a substitute for the zoning of the property. Rather, such designations are intended to provide a general description of the types of uses allowed in the district.

Notwithstanding the foregoing, a community plan may contain one or more project districts wherein permitted land uses are identified by percentage of total acreage and density in conformance with the general plan and community plan; provided, however, that the council shall subsequently zone each project district consistent with the identified land uses after holding a public

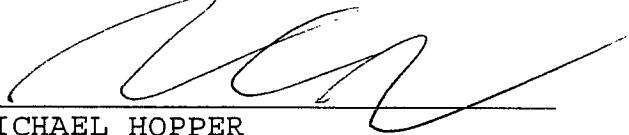
hearing in the applicable community plan area[;].

b. All land uses permitted within a zoning district in title 19 of this code shall be permitted under the corresponding land use designation in the land use map."

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 and shall apply to all adopted community plans and amendments and updates thereto.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL HOPPER
Deputy Corporation Counsel
County of Maui