

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, AND REPEALING CHAPTER 19.615 RELATING TO PARK DISTRICTS

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

SECTION 1. Chapter 19.27, Maui County Code, is amended to read as follows:

"Chapter 19.27

MAUI [CENTRAL] PARK DISTRICT

Sections:

19.27.010 Purpose and intent.

19.27.020 [Maui central park district-
establishment.] Permitted uses.

19.27.030 Accessory uses and structures.

19.27.040 Special uses.

19.27.050 Development standards.

19.27.060 Rule making authority.

19.27.010 Purpose and intent. The park districts are to preserve and manage lands for passive and active recreational activities by a system of parks suited to the varying recreational needs of the county, to allow for parks which are of differing sizes and uses, and to implement the general plan and community plans of the county and the land use laws of the State.

MCP Maui central park. The intent of the Maui central park district is to provide for the planning and development of educational, recreational, and cultural facilities in a setting of a regional park as defined in the Maui central park master plan, with primary emphasis on providing facilities for use by the general public. This master plan serves as a

development guide to land use and siting within the Maui central park district and is subject to amendment in the future in response to community concerns and development constraints. Mention and graphic identification of specific uses or organizations are deemed to be exemplary of the type of use which is compatible with a location within the district.

Improvements which are constructed may be enhanced with related amenities such as lakes, ponds, and landscaped features.

PK-1 General park. The purpose and intent of the PK-1 general park district is to provide park areas designed to meet passive and active recreational needs. This park district may be located in the state urban, rural, or agricultural districts and is intended to provide maximum flexibility for the planning and development of park facilities to meet the growing and diverse needs of our community.

PK-4 Golf course. The purpose and intent of the PK-4 golf course district is to provide golf courses in the state urban, rural, or agricultural districts which conform to the provisions of chapter 205, Hawaii Revised Statutes on lands designated for park use by the community plans of the County. It is further intended that viable agricultural uses be encouraged to continue and that the use of potable groundwater for irrigation be discouraged.

Except as otherwise provided, uses not expressly stated in this chapter as permitted are prohibited in this district. If a state special use permit is required pursuant to chapter 205, Hawaii Revised Statutes for parcels located in the state agricultural district, such permit shall be obtained prior to the issuance of any construction permit, including, but not limited to, grading, subdivision, building, and other construction permits.

19.27.020 [Maui central park district - establishment. A. The district located in the Wailuku-Kahului area generally defined as being bordered by Kaahumanu Avenue, Kanaloa Avenue, Kahului Beach Road, and Maui Community College, is established as the Maui central park district.

B. Permitted Uses. Within the Maui central park district, the following uses shall be permitted:

1. Principal Uses:
 - a. Zoos and botanical gardens;
 - b. Cultural and performing arts centers;
 - c. Parks and playgrounds;
 - d. Maintenance areas; and
 - e. Recreational, educational and community facilities for public or eleemosynary organizations.

2. Accessory Uses. Uses that are incidental or subordinate to, or which occur customarily in conjunction with, a permitted principal use, including, but not limited to, the following:

- a. Restaurant and gift shop uses for cultural and performing arts centers and zoos and botanical gardens;
- b. Comfort stations;
- c. Gymnasiums;
- d. Historic buildings, structures, or sites or areas of scenic interest;
- e. Luaus, carnivals, bazaars, and fairs that are special events and temporary in nature. For purposes of this section, "temporary" means no more than ten days in a one-year period;
- f. Maintenance and storage structures;
- g. Off-street parking and loading;
- h. Park furniture;
- i. Pavilions;
- j. Play and outdoor exercise equipment; and
- k. Skating, including skateboard facilities.

C. Development Standards. Development standards for the Maui central park district shall be:

1. Minimum lot area, one acre;
2. Minimum lot width, one hundred feet; and
3. Minimum building setback:
 - a. Front yard, twenty-five feet,
 - b. Side yard, ten feet for one-story buildings and fifteen feet for two-story buildings,

c. Rear yard, ten feet for one-story buildings and fifteen feet for two-story buildings;

4. Maximum building height, two stories not to exceed thirty-five feet.] Permitted uses.

<u>Use</u>	<u>MCP</u>	<u>PK-1</u>	<u>PK-4</u>	<u>Notes and restrictions</u>
<u>Archery and gun ranges</u>		<u>x</u>	<u>x</u>	
<u>Athletic arenas, stadiums and tennis centers</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Automobile, go-carts and motorbike activities</u>		<u>x</u>		
<u>Botanical gardens</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Campgrounds</u>		<u>x</u>		<u>Provided, that no camping unit shall be located less than one thousand feet away from any dwelling unit on an adjacent parcel; and provided further, that the only camping units permitted on the campground shall be tents and recreational vehicles</u>
<u>Cellular and radio towers</u>		<u>x</u>	<u>x</u>	
<u>Cultural and performing arts facilities</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Fishing</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Golf courses</u>		<u>x</u>	<u>x</u>	
<u>Governmental offices and facilities</u>	<u>x</u>	<u>x</u>	<u>x</u>	

<u>Gymnasiums</u>		<u>x</u>		
<u>Historic buildings, structures or sites or areas of scenic interest</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Marinas</u>		<u>x</u>		
<u>Open land recreation</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Outdoor recreation</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Paint gun and airsoft play fields</u>		<u>x</u>	<u>x</u>	
<u>Picnicking</u>	<u>x</u>	<u>x</u>	<u>x</u>	
<u>Playgrounds</u>	<u>x</u>	<u>x</u>		
<u>Playing courts and playfields</u>	<u>x</u>	<u>x</u>		
<u>Recreational, educational, neighborhood or community centers and facilities for public or eleemosynary organizations</u>	<u>x</u>	<u>x</u>		
<u>Riding stables</u>		<u>x</u>		
<u>Skeet and trap fields and sporting ranges</u>		<u>x</u>	<u>x</u>	
<u>Swimming pools</u>		<u>x</u>	<u>x</u>	

<u>Trail activities</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>Motorbikes and/or automobiles shall be excluded from the MCP and Lanai</u>
<u>Zoos</u>	<u>x</u>	<u>x</u>		
<u>Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>Provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of this article</u>

19.27.030 Accessory uses and structures. Uses that are incidental or subordinate to, or which occur customarily in conjunction with, a permitted principal use, including, but not limited to, the following:

<u>Accessory use and buildings</u>	<u>MCP</u>	<u>PK-1</u>	<u>PK-4</u>	<u>Criteria or limitations</u>
<u>Emergency broadcast sirens</u>	<u>x</u>	<u>X</u>	<u>x</u>	
<u>Energy systems, small-scale</u>	<u>x</u>	<u>X</u>	<u>x</u>	<u>Provided there will be no detrimental or nuisance effect upon neighboring properties</u>
<u>Farmer's market</u>	<u>x</u>	<u>X</u>		

<u>Lifeguard or security stations</u>	<u>x</u>	<u>X</u>	<u>x</u>	
<u>Light fixtures and light poles</u>	<u>x</u>	<u>X</u>	<u>x</u>	<u>Provided that lighting or lamp posts, and lighting controls shall be full cut-off luminaries to lessen possible sea bird strikes</u>
<u>Luau's, carnivals, bazaars, fairs, food, wine or film festivals, which are special events and temporary in nature</u>	<u>x</u>	<u>X</u>	<u>x</u>	<u>For purposes of this section, "temporary" means no more than 30 days in a one year period,</u>
<u>Maintenance buildings</u>	<u>x</u>	<u>X</u>	<u>x</u>	
<u>Play and outdoor exercise equipment including skate ramps</u>	<u>x</u>	<u>X</u>		
<u>Restaurants and gift shops</u>	<u>x</u>	<u>X</u>	<u>x</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>x</u>	<u>x</u>	<u>x</u>	
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19.27.040 Special uses. The following uses and structures shall be permitted, provided a County special use permit, pursuant to section 19.510.070 of this title, has first been obtained. If a State special use permit is required, it will satisfy the County's special use permit requirement.

<u>Use</u>	<u>MCP</u>	<u>PK-1</u>	<u>PK-4</u>	<u>Notes</u>
Cellular or radio towers	<u>x</u>			
Structures taller than 35' in height on Lanai and Molokai		<u>x</u>		

19.27.050 Development standards. Development standards for the Maui County park districts shall be:

	<u>MCP</u>	<u>PK-1</u>	<u>PK-4</u>	<u>Notes and exceptions</u>
<u>Minimum lot area (acres)</u>	<u>1</u>	<u>NA</u>	<u>NA</u>	
<u>Minimum lot width (in feet)</u>	<u>100</u>	<u>NA</u>	<u>NA</u>	
<u>Maximum building height (in feet)</u>	<u>35</u>	<u>120 on Maui; 35 on Molokai and Lanai.</u>	<u>35</u>	<u>Provided, that minor utility facilities, small scale energy systems, vent pipes, fans, chimneys, and energy-saving and renewable devices shall be permitted additional height if the item is mounted on the roof of a facility; except, that in no event shall this additional height exceed five feet above the governing height limit</u>

<u>Minimum yard setback (in feet)</u>				
<u>Front setback</u>	<u>25</u>	<u>20</u>	<u>50</u>	<u>Except for habitable and non-habitable buildings, accessory structures listed 19.27.030 shall not be subject to the setback provisions herein</u>
<u>Side and rear setback</u>	<u>10</u>	<u>20</u>	<u>50</u>	
<u>Side and rear setback for structures or portions above 15 feet in height</u>	<u>15</u>	<u>15</u>	<u>NA</u>	

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

SECTION 2. Section 19.615, Maui County Code, is repealed in its entirety.

SECTION 3. Any lands zoned Park, PK-2 or PK-3 within the County of Maui are hereby zoned PK-1.

SECTION 4. 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 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
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