

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

November 20, 2015

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 September 3, 2015, September 24, 2015, and November 5, 2015, makes reference to County Communication 14-312, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, AND REPEALING CHAPTER 19.615, RELATING TO PARK DISTRICTS."

The purpose of the proposed bill is to update the County's zoning provisions relating to park districts and to consolidate the provisions into a single chapter within the Comprehensive Zoning Ordinance.

Your Committee notes the Lanai, Maui, and Molokai planning commissions recommended approval of the proposed bill.

Your Committee noted the Comprehensive Zoning Ordinance establishes uses and standards for five park districts in two chapters of the Maui County Code: Chapter 19.27, for the Maui Central Park District; and Chapter 19.615, for the PK-1 Neighborhood Park District, the PK-2 Community Park District, the PK-3 Regional Park District, and the PK-4 Golf Course Park District.

Representatives from the Department of Planning informed your Committee it is cumbersome to have five park districts with varying uses and standards. They said the proposed bill, which places all park uses and standards in a single chapter, will improve the Comprehensive Zoning Ordinance, decrease the need for variances, and provide flexibility for the development of parks.

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A Department of Planning representative also informed your Committee the County's land use maps include lands zoned "Park," though that designation does not correspond with any of the County's existing zoning districts. The proposed bill will clarify the land use policies for these lands.

Your Committee revised the proposed bill to require a County Special Use Permit for uses involving projectiles, such as archery ranges, gun ranges, and skeet and trap shooting fields, when such uses are conducted on privately owned land zoned for park use.

Your Committee further revised the proposed bill to eliminate the Maui Central Park District. The proposed new Chapter 19.27A, Maui County Code, will provide all park uses and standards.

Your Committee notes the revised proposed bill changes the zoning of all County parks to "Park" or "Golf Course."

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS," approved as to form and legality, incorporating your Committee's revisions and nonsubstantive revisions.

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 Carroll, and members Baisa, Cochran, Guzman, Victorino, and White voted "aye."

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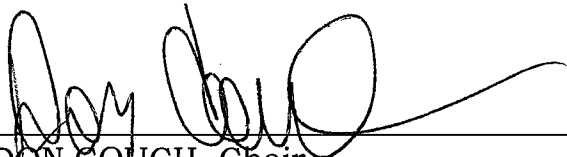
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Your Planning Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-312 be FILED.

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



DON COUCH, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS

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 read as follows:

“Chapter 19.27A

PARK DISTRICTS

Sections:

- 19.27A.010 Purpose and intent.
- 19.27A.020 District categories.
- 19.27A.030 Permitted uses.
- 19.27A.040 Accessory uses and structures.
- 19.27A.050 Special uses.
- 19.27A.060 Development standards.
- 19.27A.070 Rule-making authority.

19.27A.010 Purpose and intent. The park districts are to preserve and manage lands for passive and active recreational activities through a system of parks suited to the varying recreational needs of the County, to allow for parks that 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.

19.27A.020 District categories. There shall be two categories of park districts to distinguish between general park (PK) and golf course (GC) uses:

Category	Description
PK	General park districts provide park areas designed to meet passive and active recreational needs. This district category may be located in the state urban, rural, or agricultural district and is intended to provide maximum flexibility for the planning and development of park facilities to meet the growing and diverse needs of the community.
GC	Golf course districts provide golf courses in the state urban, rural, or agricultural district that 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.

19.27A.030 Permitted uses. Within park districts, the following uses shall be permitted:

Use	PK	GC	Special Conditions
Archery ranges	x	x	A County special use permit is required when the use occurs on private property.
Athletic arenas, stadiums, and tennis centers	x	x	
Automobile, go-carts, and motorbike activities	x		
Botanical gardens	x	x	
Campgrounds	x		No camping unit shall be located less than one thousand feet away from any dwelling unit on an adjacent parcel.
Cellular and radio towers	x	x	
Cultural and performing arts facilities	x	x	

Fishing	x	x	
Golf courses	x	x	
Governmental offices and facilities	x	x	
Gun ranges	x	x	A County special use permit is required when the use occurs on private property.
Gymnasiums	x		
Historic buildings, structures, or sites or areas of scenic interest	x	x	
Maintenance areas	x	x	
Marinas	x		
Open land recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Outdoor recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Paint gun and airsoft play fields	x	x	
Parks	x	x	
Picnicking	x	x	
Playgrounds	x		
Playing courts and playfields	x		
Recreational, educational, neighborhood, or community centers and facilities for public or eleemosynary organizations	x		
Riding stables	x		
Skeet and trap fields and sporting ranges	x	x	A County special use permit is required when the use occurs on private property.
Swimming pools	x	x	

Trail activities	x	x	Trail activities for motorbikes and automobiles are not permitted on Lanai.
Zoos	x		
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	x	x	The use shall conform to the intent of this chapter.

19.27A.040 Accessory uses and structures. Uses that are incidental or subordinate to, or that occur customarily in conjunction with, a permitted principal use, including the following:

Use	PK	CC	Special Conditions
Comfort stations	x	x	
Emergency broadcast sirens	x	x	
Energy systems, small-scale	x	x	The use shall not cause a detrimental or nuisance effect upon neighboring properties.
Farmer's market	x		
Lifeguard or security stations	x	x	
Light fixtures and light poles	x	x	Lighting or lamp posts and lighting controls shall be full cut-off luminaries to lessen possible sea bird strikes.
Luau's, carnivals, bazaars, fairs, food, wine, or film festivals that are special events and temporary in nature	x	x	For purposes of this section, "temporary" means no more than thirty days in a one-year period.
Maintenance buildings	x	x	
Off-street parking and loading	x	x	
Park furniture	x	x	
Pavilions	x	x	

Play and outdoor exercise equipment, including skate ramps	x		
Restaurants and gift shops	x	x	
Skating, including skateboard facilities	x	x	
Subordinate uses and structures	x	x	The planning director shall determine when the use is incidental and customary to a permitted use listed in section 19.27A.030.

19.27A.050 Special uses. The following uses and structures are permitted, except that a County special use permit, pursuant to section 19.510.070 of this title, is required. If a State special use permit is obtained, the County's special use permit requirement is satisfied.

Use	PK	GC	Special Conditions
Archery ranges	x	x	A County special use permit is not required when the use occurs on public property.
Gun ranges	x	x	A County special use permit is not required when the use occurs on public property.
Open land recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Outdoor recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Skeet and trap fields and sporting ranges	x	x	A County special use permit is not required when the use occurs on public property.
Structures greater than thirty-five feet in height on Lanai and Molokai	x		The use is subject to the development standards of section 19.27A.060.

19.27A.060 Development standards. Development standards for the park districts shall be:

Standard	PK	GC	Special conditions
Maximum building height (in feet)	120 on Maui; 35 on Molokai and Lanai.	35	Minor utility facilities, small-scale energy systems, vent pipes, fans, chimneys, and energy-saving and renewable devices may exceed the maximum building height by up to five feet if the item is mounted on the roof of a facility.
Minimum front yard setback (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear yard setbacks (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear setbacks (in feet) for structures or portions thereof greater than fifteen feet in height	15		The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.

19.27A.070 Rule-making authority. The director of planning may adopt rules to implement this chapter.”

SECTION 2. Chapter 19.27, Maui County Code, is repealed in its entirety.

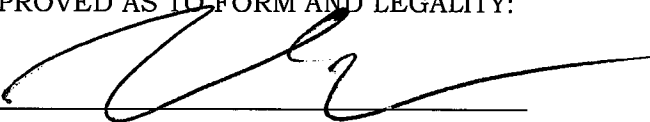
SECTION 3. Chapter 19.615, Maui County Code, is repealed in its entirety.

SECTION 4. Any lands zoned park, Maui Central Park (MCP), PK-1 neighborhood park district, PK-2 community park district, or PK-3 regional

park district within the County of Maui are hereby zoned general park (PK). Any lands zoned PK-4 golf course park district within the County of Maui are hereby zoned golf course (GC).

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

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Michael J. Hopper", is written over a horizontal line.

MICHAEL J. HOPPER

Department of the Corporation Counsel
County of Maui

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