

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

December 21, 2007

**Committee**

**Report No.**      07-155

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on December 4, 2007, makes reference to County Communication No. 07-310, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, RELATING TO RURAL DISTRICTS" and related comments of the Lanai, Maui, and Molokai Planning Commissions.

The purpose of the proposed bill is to amend Chapter 19.29, Maui County Code, to establish development standards for the County Rural zoning district.

Your Committee notes that Ordinance No. 2583, which took effect on July 23, 1997, established Chapter 19.29, relating to rural zoning districts, with development standards for the RU-0.5 and RU-1 districts. The Ordinance comprehensively zoned certain property to RU-0.5 and RU-1, based on criteria established in Section 5 of the Ordinance. The lands subject to the Ordinance were those with all of the following existing designations: State Land Use District, Rural; Community Plan, Rural; and County Zoning, Interim.

Chapter 19.29, Maui County Code, does not currently include development standards for the County Rural zoning district (as opposed to the RU-0.5 and RU-1 zoning districts). Consequently, County Rural-zoned properties have been developed in accordance with Title 16, Maui County Code, relating to buildings and construction, and with Chapter 205, Hawaii Revised Statutes, which establishes a minimum lot area of one-half acre in the State Rural Land Use District.

The proposed bill would amend Chapter 19.29, Maui County Code, to establish development standards for the County Rural zoning district that are similar to development standards for the County RU-0.5 zoning district.

At its meeting, your Committee met with the Planning Director; the Administrative Planning Officer, Department of Planning; and a Deputy Corporation Counsel.

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There was no public testimony.

The Planning Department representatives provided an overview of the proposed bill and noted that it would resolve an anomaly in Chapter 19.29, Maui County Code, by establishing development standards for the County Rural zoning district.

Your Committee voted to recommend passage of the proposed bill and filing of the communication.

Your Planning Committee RECOMMENDS the following:

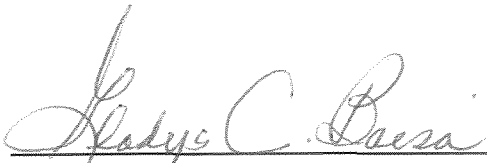
1. That Bill No. \_\_\_\_\_ (2007), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, RELATING TO RURAL DISTRICTS" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 07-310 be FILED.

Adoption of this report is respectfully requested.

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GLADYS C. BAISA Chair

BILL KAUAKEA MEDEIROS Member

JO ANNE JOHNSON Vice-Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Member

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

BILL NO. \_\_\_\_\_ (2007)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29,  
MAUI COUNTY CODE, RELATING TO RURAL DISTRICTS

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

SECTION 1. Section 19.29.020, Maui County Code, is amended

to read as follows:

"19.29.020 District standards. Except as otherwise provided in this chapter, the following district standards shall apply for uses, facilities, and structures in the rural districts:

[A. Minimum lot area: one-half acre in the RU-0.5 district; and one acre in the RU-1 district.

B. Minimum lot width: one hundred feet in the and RU-0.5 district; and one hundred fifty feet in the RU-1 district.

C. Minimum yards in the RU-0.5 district: front yard, twenty-five feet; side and rear yards, fifteen feet. Minimum yards in the RU-1 district: front yard, thirty-five feet; side and rear yards, twenty feet.

D. Maximum height limit: Unless otherwise provided for herein, the maximum height limit for any structure shall be thirty feet, except that vent pipes, fans, chimneys, antennae and solar collectors on roofs shall not exceed forty feet.

E. Wall height: Walls shall not exceed four feet within the yard setback area as measured from the finished or existing grade, whichever is lower, to the top of the wall as defined herein. This does not preclude constructing fences on the top of the wall for safety purposes. The director may permit greater heights of walls as needed to retain earth, water or both for health and safety purposes. For the purpose of this section, "wall" means a constructed solid barrier of concrete, stone, brick, tile, wood or

similar type of material that closes, marks or borders a field, yard or lot and that limits visibility and restricts the flow of air and light. For the purpose of this section, "fence" means an open barrier of posts and wire, wood, chain link or similar material that closes, marks or borders a field, yard or lot and that does not limit, by more than fifty percent, visibility or the flow of air and light.]

<u>DEVELOPMENT STANDARDS</u>				
	<u>County Rural</u>	<u>RU-0.5</u>	<u>RU-1</u>	<u>Notes</u>
<u>Minimum Lot Area</u>	<u>½ acre</u>	<u>½ acre</u>	<u>1 acre</u>	
<u>Minimum Lot Width</u>	<u>100 feet</u>	<u>100 feet</u>	<u>150 feet</u>	
<u>Maximum Building Height</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>Except that vent pipes, fans, chimneys, antennae, and solar collectors on roofs shall not exceed forty feet.</u>
<u>Minimum Yard Setback</u>	<u>Front 25 feet</u> <u>Side 15 feet</u> <u>Rear 15 feet</u>	<u>Front 25 feet</u> <u>Side 15 feet</u> <u>Rear 15 feet</u>	<u>Front 35 feet</u> <u>Side 20 feet</u> <u>Rear 20 feet</u>	
<u>Walls Within Setback Area</u>	<u>4 feet maximum</u>	<u>4 feet maximum</u>	<u>4 feet maximum</u>	<u>This does not preclude constructing fences on the top of the wall for safety purposes. The director may permit greater heights of walls as needed to retain earth, water, or both, for health and safety reasons."</u>

SECTION 2. Section 19.29.030, Maui County Code, is amended to read as follows:

"19.29.030 Permitted uses. The following uses and structures shall be permitted in the [rural] RU-0.5, RU-1 and County Rural districts provided they also conform with all other applicable laws:

A. Principal Uses.

1. One single-family dwelling per one-half acre in the RU-0.5 and County Rural [district] districts; and one single-family dwelling per one acre in the RU-1 district.

2. Growing and harvesting of any agricultural or agricultural crop or product, subject to restrictions set forth in this chapter;

3. Minor utility facilities as defined in section 19.04.040 of this code;

4. Parks for public use; but not including commercial: camping, campgrounds, campsites, overnight camps and other similar uses; and

5. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, adult day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in dwelling units used for child care services. These facilities shall serve six or fewer [children] clients at any one time on lot sizes of less than seven thousand five hundred square feet, serving eight or fewer [children] clients at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or serving twelve or fewer [children] clients at any one time on lot sizes of ten thousand or more square feet.

B. Accessory Uses.

1. Accessory uses such as garages, carports, barns, greenhouses, gardening sheds, and similar structures which are customarily used in conjunction with and incidental and subordinate to a principal use or structure;

2. The keeping of livestock, hogs, poultry, and fowl and game birds;

3. One accessory dwelling per lot, in accordance with the provisions of [Chapter] chapter 19.35, Maui County Code;

4. Small-scale energy systems, which are incidental and subordinate to principal uses; and

5. Stands for the purpose of displaying and selling agricultural, floriculture or farming products, if such products have been produced or grown on the premises, subject to standards in section

19.29.020, Maui County Code. Goods produced off-premises are expressly prohibited."

SECTION 3. Section 19.29.040, Maui County Code, is amended to read as follows:

"19.29.040 Uses permitted with a county special use permit. The following uses and structures shall be permitted in the [rural] RU-0.5, RU-1 and County Rural districts provided a [county] County special use permit, pursuant to section 19.510.070, Maui County Code, has first been obtained:

A. Commercial stables, riding academies;  
B. Schools, churches and religious institutions, and private clubs and lodges; but not including commercial: camping campgrounds, campsites, overnight camps and other similar uses;

C. Cemeteries, crematories, and mausoleums;

D. Major utility facilities as defined in section 19.04.040, Maui County Code.

E. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, adult day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in dwelling units used for child care services serving more than the number of children defined in section 19.29.30."

SECTION 4. Chapter 19.29, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"19.29.060 Rule making authority. The director may adopt administrative rules to clarify and implement this chapter."


SECTION 5. Any special use permit issued pursuant to Section 205-6, Hawaii Revised Statutes, in effect as of the effective date of this ordinance shall not be subject to the provisions of this ordinance and shall remain valid and in effect until its expiration date. Any special use permit application that would amend any of the terms or conditions of an existing special use permit issued pursuant to Section 205-6, Hawaii Revised Statutes, whether or not a request for a time extension is included in such application, shall be subject to the provisions of this ordinance.

SECTION 6. 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 7. This ordinance shall take effect upon its approval, and shall apply to projects for which building permit applications are accepted after the effective date of this ordinance. Nonconforming lots, structures, and uses in place or in operation as of the date of this ordinance shall be subject to Section 19.500.110, Maui County Code.

APPROVED AS TO FORM  
AND LEGALITY



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MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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