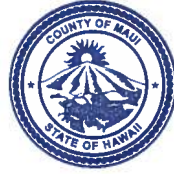


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 12, 2017

MEMORANDUM

TO: MAUI PLANNING COMMISSION
LANAI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION

FROM: WILLIAM SPENCE *ms*
for PLANNING DIRECTOR

SUBJECT: DIGITAL ZONING MAPS

Background

Over the last several years, the Planning Department has undertaken a project to replace the County's official paper zoning maps with digital or electronic versions, available on the Internet, as many other municipalities across the nation have done or are considering. The existing paper maps are, in some cases, old, worn, and outdated. They are affectionately known among staff and in the community as "the Dead Sea Scrolls." The staff who have worked on this have been dubbed the Dead Sea Scrolls Replacement Team, or DSSRT. Successful implementation of the DSSRT project will allow for precise, up-to-date Geographical Information System-based maps to be the official zoning maps for the County. This will increase zoning maps' accuracy, clarity, and ease of use.

In the initial phases of the project, a digital zoning map will be made available only for the Island of Maui. The DSSRT has created a draft of a digital zoning map for the entire island, after reviewing all known associated hardcopy and digital information available to the Department (including State land use designation maps and layers, District Boundary Amendments, community plan designation maps, current zoning designations and maps, Changes in Zoning ordinances, and boundary interpretations). Utilizing Geographical Information System tools, the team digitized this information collectively, rectified the applicable information into geographic space, and, finally, examined each of these parameters at the parcel level in a digital zoning map.

A proposed bill to adopt a digital zoning map for Maui, titled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI," is attached as Exhibit "1."

This is the bill for Phase I of the DSSRT project. It is intended to reflect zoning designations as they currently exist.

A concurrently proposed bill to establish updated County policy on determining boundaries for zoning districts and to comprehensively update the digital zoning map for the Island of Maui, titled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS," is attached as Exhibit "2."

This reflects Phase II of the DSSRT project. It is intended to update the digital zoning map for the Island of Maui that is to be adopted in Phase I. Phase II addresses anomalies and inconsistencies in boundaries and names of zoning districts. Phase II resolves these issues where consistency with the community plan designations can be maintained.

In March of this year, the Department notified just over 900 property owners affected by Phase II of the DSSRT project. The notification included invitations to public meetings to discuss the project as well as several ways to contact the Department for more information. The Department also advertised public meetings in The Maui News and on the County website. The public meetings were held in Kihei (March 21), Wailuku (March 28), Lahaina (April 4), and Pukalani (April 12). At each of the widely publicized meetings, staff made a presentation on the DSSRT project and answered questions. Members of the public in attendance expressed support for the project.

Because the proposed changes merely correct old designation errors, there should not be noticeable effects. Real property tax classifications and other land-use-based elements will not change.

Passage of these bills would be consistent with a number of General Plan policies, goals, and objectives, including the following components of the Countywide Policy Plan (Ordinance 3732):

- "Government services will be transparent, effective, efficient, and responsive to the needs of residents" (page 78).
- "Facilitate the community's ability to obtain relevant documentation" (page 79).
- "Use advanced technology to improve efficiency" (page 79).

- “Expand government online services” (page 80).

Future phases of the DSSRT project will include digital zoning maps for the Islands of Lanai and Molokai and changes to the zoning designations for properties throughout the County with long-established uses that are consistent with the community plan but not consistent with the zoning. One example is Maui High School, which is designated Public/Quasi-Public in the Wailuku-Kahului Community Plan but is zoned R-2 Residential District. These future phases will also be reviewed by the planning commissions and the Maui County Council.

Recommendation and Options

The Department recommends and requests the Commissions’ favorable recommendation to the Council for both of these bills. Enactment of the bills will effectuate the DSSRT project’s initial phases.

The Commissions have the following options:

1. Recommend approval of one or both of the proposed bills as drafted to the Maui County Council.
2. Recommend approval of one or both of the proposed bills with amendments to the Maui County Council.
3. Vote to defer action on one or both proposed bills in order to gather specific additional information.

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS
THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

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

SECTION 1. Purpose. The purpose of this ordinance is to adopt a digital zoning map as the official zoning map for the Island of Maui. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

“19.06.020 Maps. [A.] Pursuant to section 8-8.3(6) of the Charter of the County of Maui, the planning director shall prepare and administer the County’s zoning maps. For the island of Maui, one zoning map shall be prepared and administered in a digital format, such as within a geographic information system; made available for public use on the County website; and administered to reflect current zoning designations upon their adoption by ordinance. The areas of the [County] islands of Kaho`olawe, Lana`i, and Moloka`i shown on original maps [identified and] entitled "Land Zoning Maps," on file in the office of the County clerk with certified copies [being placed on file] retained in the planning department, and the digital zoning map for the island of Maui, together with all explanatory materials thereon, [shall be deemed to accompany, and are made a part of, the ordinance codified in this title, and may be amended in the same manner as any] are part of this title.

[B. Notwithstanding any provision contained in this article as to those areas of the County not shown on the maps, the provisions of article I of this title shall govern and have precedence over this article.]”

SECTION 3. The first iteration of the digital zoning map for the Island of Maui adopted pursuant to Chapter 19.06.020, Maui County Code, shall be known as Maui Island Land Zoning Map 1 and shall have the same effective date as this ordinance. Whenever a zoning designation is changed pursuant to Sections 19.060.020 and 19.510.040, Maui County Code, the County Clerk shall assign a new number to the digital zoning map for the Island of Maui in chronological order.

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:

Department of the Corporation Counsel
County of Maui

S:ALL:APO:19.06:19.06 DSSRT 2017:dr

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY
CODE, RELATING TO ZONING DISTRICTS AND MAPS

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

SECTION 1. Section 19.06.010, Maui County Code, is amended
to read as follows:

“19.06.010 Districts designated. The County shall be divided
into the following [use zone] zoning districts:

- A. Open space districts – chapter 19.07:
 - 1. OS-1, and
 - 2. OS-2;
- B. [Multiple-family districts:] Residential districts - chapter 19.08:
 - 1. R-1[, six thousand square feet],
 - 2. R-2[, seven thousand five hundred square feet], and
 - 3. R-3[, ten thousand square feet];
- C. R-0 zero-lot line residential district - chapter 19.09;
- D. Two-family [district] (duplex) [district],] districts - chapter
19.10:
 - 1. D-1, and
 - 2. D-2;
- E. Apartment districts[;] – chapter 19.12:
 - 1. A-1, and
 - 2. A-2;
- [C.] F. Hotel districts[;] – chapter 19.14:
 - 1. H-1,
 - 2. H-M, and
 - 3. H-2 and Hotel;
- [D.] G. Business districts:
 - 1. SBR service business residential – chapter 19.11,
 - 2. B-CT country town business district – chapter 19.15,
 - [1.] 3. B-1 neighborhood business district[,] – chapter 19.16,
 - [2.] 4. B-2 community business district[,] - chapter 19.18,
 - [3.] 5. B-3 central business district[,] – chapter 19.20, and
 - [4.] 6. B-R resort commercial district[,] – chapter 19.22;
 - 5. B-CT business country town district,
 - 6. SBR service business residential district;
- [E.] H. Industrial districts:

1. M-1 light industrial district – chapter 19.24,
 2. M-2 heavy industrial district[;] – chapter 19.26, and
 3. M-3 restricted industrial district – chapter 19.25;
- [K.] I. Park districts[:] – chapter 19.27A:
1. PK[-1 neighborhood park district], and
 2. [PK-2 community park district,] GC;
 3. PK-3 regional park district,
 4. PK-4 golf course park district;]
- [F.] J. Airport district - chapter 19.28;
- [G.] K. Agricultural district – chapter 19.30A;
- [H. Off-street parking and loading
- I. Planned development
- J. Civic improvement district;]
- L. Rural districts – chapter 19.29:
1. RU-0.5 [rural district],
 2. RU-1 [rural district];,
 3. RU-2,
 4. RU-5,
 5. RU-10, and
 6. County rural;
- [M. Open space districts:
1. OS-1 passive open space district,
 2. OS-2 active open space district.]
- R. Public/quasi-public districts – chapter 19.31:
1. P-1, and
 2. P-2;
- S. Kihei Research and Technology Park district – chapter 19.33;
- T. Maui Research & Technology Park district – chapter 19.38;
- U. Napili Bay civic improvement district – chapter 19.60;
- V. Urban reserve district – chapter 19.69;
- W. Interim – article I of this title;
- X. Maui County Historic Districts – article III of this title; and
- Y. Project districts – article IV of this title.”

SECTION 2. Section 19.06.030, Maui County Code, is amended to read as follows:

“19.06.030 - Interpretation of district boundaries. [Where uncertainty exists with] With respect to the boundaries of [any] zoning districts [as shown on the zoning map,] in areas subject to the County’s zoning authority, the following [rules] standards shall apply[:], unless otherwise specified by ordinance:

A. [Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or right-of-way line of highways, such lines shall be construed to be such district boundaries.] The County’s

geographic information system parcel layer, if available, shall be used to represent lot lines and boundaries of zoning districts.

B. [Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning maps.] The zoning designation for public and private streets shall be the same as for adjacent lots. If a street adjoins two or more zoning districts, the boundaries of each zoning district shall extend to the street's centerline.

C. [Where Boundaries Approximately Follow Lot Lines.] Where [district] the boundary of a zoning district is indicated as approximately following [lot lines, such lot lines shall be construed to be the boundaries.] a lot line, the boundary line shall be the same as the lot line.

D. [Where the Boundary Follows a Railroad Line.] Where the boundary of a zoning district follows a railroad line, [such] the boundary shall be [deemed to be] located midway between the main tracks of the railroad line.

E. [Where the Boundary Follows a Body of Water.] Where the boundary of a zoning district follows a stream, watercourse, or other body of water, excluding the Pacific Ocean, the boundary line shall be [construed to be] the centerline of [such stream, watercourse, or] the body of water. [If] Where the boundary of a zoning district follows the Pacific Ocean, [it] the boundary line shall be [construed to be] along the high water mark.

F. [Submerged Areas Not Included in District. All areas within the corporate limits of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water areas. If the water area] The zoning designation for any area under water shall be the same as the immediately adjoining zoning designation. If an area under water adjoins two or more zoning districts, the boundaries of each district shall [be construed to] extend [into the water area] in a straight line until they meet the [other] boundary of another district.

[G. District Regulations Apply to Schools, Parks, etc. Any area shown on the zoning maps as park, playground, school, cemetery, water, street or right-of-way shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

H. Vacation of Public Ways. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area

included in the vacation shall then and henceforth be subject to all regulations of the extended districts.]"

SECTION 3. The heading to Chapter 19.10, Maui County Code, is amended to read as follows:

"TWO-FAMILY (DUPLEX) [DISTRICT] DISTRICTS"

SECTION 4. The heading to Chapter 19.15, Maui County Code, is amended to read as follows:

"B-CT COUNTRY TOWN BUSINESS [DISTRICTS] DISTRICT"

SECTION 5. Pursuant to this ordinance and Section 8-8.3(6) of the Revised Charter of the County of Maui (1983), as amended, a new digital zoning map for the Island of Maui is hereby adopted and shall be known as Maui Island Land Zoning Map 2, which shall have the same effective date as this ordinance. Notwithstanding the enactment of this ordinance and the adoption of Maui Island Land Zoning Map 2, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing the 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.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

S:ALL:APO:19.06:19.06 districts:dr