



COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, HI 96793
(Office) 270-8205 (Fax) 270-1775
email: planning@mauicounty.gov

Application for
CHANGE OF ZONING
(CIZ)

I. SOURCES OF AUTHORITY

The sources of authority for a **Change Of Zoning** are as follows:

Maui County Code (MCC) Chapter 19.510 and 19.510.040

Copies can be obtained in the Planning Department or downloaded from the Maui County website at: www.mauicounty.gov

II. PURPOSE

A Change Of Zoning (CIZ) may be requested when a property is proposed to be used in a manner not allowed under the current zoning. A CIZ may be granted, provided the following criteria are met:

- The proposed request meets the intent of the General Plan and the objectives and policies of the applicable County community plan.
- The proposed request is consistent with the applicable community plan land use map of the County.
- The proposed request meets the intent and purpose of the district being requested.
- The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.
- The application, if granted, would not adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area; and
- If the application involves the establishment of an agricultural district with a minimum lot size of two (2) acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and U.S. Natural Resources Conservation Service.

Copies of the CIZ application can be obtained from the Planning Department. A form fillable PDF version is available from the **[Zoning and Land Use Plans](http://www.mauicounty.gov/index.asp?NID=1251)** section of the Maui County website at: <http://www.mauicounty.gov/index.asp?NID=1251>

III. APPLICATION CONTENTS

This application packet contains the following documents each of which shall be complete at the time of submittal:

Change Of Zoning Application Form (see Page 4)
Zoning and Flood Confirmation Form (see Page 5)
Required Submittals Checklist (see Page 6)
Project Assessment Requirements Checklist (see Pages 7-8)
Notice of Application (see Page 9)
Notarized Affidavit of Mailing of Notice of Application (see Page 10)
Notice of Public Hearing (see Page 11)
Notarized Affidavit of Mailing of Notice of Public Hearing (see Page 12)
Long Range Division-Project Database Form (see Pages 13-14)
Sample Map (See Page 15)

IV. SUBMITTAL AND REVIEW PROCESS

Refer to Chapter 19.510, MCC. In summary the submittal and processing procedures are as follows:

1. Applicant submits application.
2. Applicant mails out *Notice of Application* (See Page 9) with a *location map* to all owners and recorded lessees within 500 feet of the subject project site property boundaries. (The *location map* is an accurately scaled map depicting the project site in relation to adjacent parcels and landmarks. It is used in notices to the public to clearly portray the location of the proposed project.) A copy of the *Notice of Application*, *location map*, and *Notarized Affidavit of Mailing of Notice of Application* (See Page 10) shall be submitted as part of the application. (In the event that the application is only to amend text and is not associated with a land use or development application on a project site, contact Planning Department staff for guidance.)
3. The Department of Planning transmits legal description and map to Department of Finance for its Real Property Assessment Division to reconcile metes and bounds with their data
4. Provided that the application is adequate and no additional information is required, the application will be transmitted to reviewing agencies for comments, recommendations and conditions.
5. Upon receipt of agency comments, a public hearing is scheduled for Planning Commission for review and recommendation to County Council.
Note: Protests may be filed with the appropriate planning commission prior to or on the public hearing date. If forty percent (40%) of the owners/lessees within five hundred feet (500') of the property file written protests, the ordinance must be approved by a vote of six (6) members of the County Council, in order to become effective.
6. Needed adjustments will be made to the map by Department staff, who will perform an integrity check and assign a map number.
7. The Planning Director transmits the Planning Commission's findings, conclusions, and recommendations to the County Council.
8. The County Council reviews and acts upon the application. Any CIZ must be adopted by County ordinance by the County Council and Mayor.
9. A copy of the ordinance, with exhibits, is transmitted to the Real Property Assessment Division for their information and action.

V. PUBLIC HEARING REQUIREMENTS BEFORE THE PLANNING COMMISSION

The **Applicant** is responsible for the following public hearing requirements:

1. Mail **Notice of Public Hearing** by certified or registered mail, return receipt requested, to owners/lessees of record within 500 feet of the Parcel boundaries not less than 30 calendar days prior to the public hearing (see Page 11).
2. Submit certified mail return receipts and **Notarized Affidavit of Mailing of Notice of Public Hearing** to the Department at least 10 business days prior to the public hearing (see Page 10).
3. Publish the **Notice of Public Hearing** and **location map** once a week for three consecutive weeks prior to the date of the public hearing in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the County (see Page 9).
4. Submit certified copy of published notice to the Director of Planning at least six (6) days prior to the date of public hearing (see Page 10).
5. The applicant applicant may need to prepare documents, such as amendments to land use maps, unilateral agreements, etc.

The **Planning Department** is responsible for the following public hearing requirements:

1. Notify the applicant and appropriate state and county agencies of the date of the public hearing not less than 45 days prior to the public hearing.
2. Publish the notice of the date, time, place and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the county and which is generally circulated throughout the county at least thirty calendar days prior to the date of the public hearing.
3. Transmit a report on the application to the Planning Commission, applicant and appropriate State and County agencies not less than six days prior to the date of the public hearing.
4. Following a recommendation by the appropriate Planning Commission, transmit necessary documents to the County Council.

CHANGE OF ZONING APPLICATION

Please print legibly or type the following.

Permit Number(s): CIZ _____ - _____

PROPERTY ADDRESS & INFORMATION

Project Name:	Tax Map Key No.:
Total Area:	Valuation*:
Physical Address/Location of Project:	

* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Describe the existing use:

Describe the proposed use:

LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary		
Maui Island Plan		
Community Plan		
County Zoning		
Other (i.e. SMA)		

CONTACT INFORMATION

APPLICANT INFORMATION

Name(s): _____ **Email:** _____

Mailing Address:

Phone Number(s) **(bus)** **(hm)** **(cell)** **(fax)**

Signature(s): _____ **Date:** _____

CONSULTANT INFORMATION

Name(s): _____ **Email:** _____

Mailing Address:

Phone Number(s) **(bus)** **(hm)** **(cell)** **(fax)**

Signature(s): _____ **Date:** _____

OWNER INFORMATION

Name(s): _____ **Email:** _____

Mailing Address:

Phone Number(s) **(bus)** **(hm)** **(cell)** **(fax)**

Signature(s): _____ **Date:** _____



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME _____ TELEPHONE _____
PROJECT NAME _____ E-MAIL _____
PROPERTY ADDRESS _____ TAX MAP KEY _____

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from [Section 18.04.030\(B\), MCC?](#)
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (*ie 1-lot into 2-lots for all land uses allowed by law*):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹	<input type="checkbox"/> (SMA) Special Management Area
STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation	
MAUI ISLAND PLAN Growth Boundary: ² <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries	
Protected Area: ² <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input type="checkbox"/> Outside Protected Areas	
COMMUNITY PLAN: ²	<input type="checkbox"/> (PD) Planned Development
COUNTY ZONING:	<input type="checkbox"/> (PH) Project District
OTHER/COMMENTS:	<input type="checkbox"/> See Additional Comments (Pg.2)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	<input type="checkbox"/> See Attached LUD Map
FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:	
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY	For Flood Zone AO, FLOOD DEPTH:

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

(Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
 - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
 - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
 - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

For: _____ (Signature) _____ (Date)
John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

REQUIRED SUBMITTALS CHECKLIST

- 1. This **Change Of Zoning Application** with all pages completed.
- 2. Evidence that the Applicant is the owner of the real property to be reclassified; OR, if the Applicant is not the owner, a notarized letter of authorization from the owner authorizing the applicant to act on the owner's behalf AND evidence that identify the legal owner.
- 3. A copy of the **Notice of Application, location map** and **Notarized Affidavit of Mailing of Notice of Application**.
- 4. List of owners and lessees of real property within a 500 feet radius of the subject parcel boundaries shall be obtained from the most current available list at the Maui County Department of Finance, Real Property Tax Division. This list should include the tax map key numbers and the names and addresses of all owners, lessees, and members of the Board of Directors or managing agents to be notified, including a *parcel notification map* (The *parcel notification map* is a map drawn to scale, clearly identifying the 500 foot boundary surrounding the subject parcel and the parcels within the notification boundary).
- 5. **Zoning and Flood Confirmation form** (pg 5) completed and signed by Planning Dept.
- 6. Legal metes and bounds description of the subject property.
- 7. Map of the subject property and its surrounding properties, including their Tax Map Key numbers, on regular paper (8 ½" x 11" format). The map will not include the metes and bounds on it, nor signature lines or dates for any approvals (see sample on page 15).
- 8. Two (2) hard copies of a **Project Assessment** document which contains all the items listed in the *Project Assessment Requirements Checklist*.
Note: The Department will review the application and request additional copies for agency transmittal.
- 9. Any other information, as may be required.
- 10. A copy of the **Notice of Public Hearing**.
- 11. An electronic copy in PDF format of the entire application package on a compact disk or flash drive.
- 12. A **non refundable** filing fee payable to *County of Maui, Director of Finance*. (see [Fee Schedule, Table A](#) found on the Maui County website)

After reviewing the application packet and certifying that it is ready for processing the Applicant will be notified of the number of additional hard and digital copies to be provided for agency review.

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

Refer to Chapter 19.510, MCC. Compile the items listed below into a Project Assessment document, which may include elements of the Chapter 343, HRS environmental assessment or impact statement. In the “**Location**” column list the document and page number where each item is found.

D#	Assessment Content Description	Location
D1	Owner identification and signature or written authorization documents.	
D2	Owner’s name, address, and phone number.	
D3	Agent’s name, address, and phone number, if applicable.	
D4	Tax map key and street address, if available.	
D5	<i>Locational map</i> identifying the site, adjacent roadways, and landmarks (The purpose of <i>locational map</i> is to give an overview depicting the project site in relation to adjacent landmarks and geographic features. Possible formats include marked-up aerial photographs and the <i>location map</i> described on Page 2, among others.).	
D6	List of owners and lessees of record within 500 feet and the <i>parcel notification map</i> (described on Page 5).	
D7	Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.	
D8	Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.	
D9	Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation /mitigation plan approved by DLNR and OHA.	
D10	Analysis of secondary impacts of the proposed use on surrounding uses.	
D11	Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DOT) and the Department of Public Works (DPW).	
D12	If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from The Department of Agriculture (DOA) and Natural Resources Conservation Service (NRCS).	
D13	Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and DPW.	
D14	Sewage disposal analysis, and comments, if applicable, from the Department of Health (DOH), DLNR, Department of Environmental Management (DEM), and DWS.	
D15	Solid waste disposal analysis and comments, if applicable, from DOH, DLNR, DEM, and DWS.	

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

D#	Assessment Content Description	Location
D16	Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc., and comments, if applicable, from DLNR, US Fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).	
D17	Identification of the existing topographical and drainage patterns and any alterations proposed.	
D18	Identification and summary of all meetings held between Applicant and any community group.	
D19	Dated photographs of site or structure.	
D20	Development schedule.	
D21	Schematic site development plans, if applicable, drawn to scale, which identify property lines and easements; location, size, spacing, setback and dimensions of all existing and proposed building, structures, improvements and uses; existing and proposed building elevations, sections, floor plans and site sections; topographic information showing existing features and conditions and proposed grading; existing and proposed landscaping which depicts open spaces, plantings and trees; existing and proposed roadways and accesses to the project and parking layout with dimensions; and shoreline, shoreline setback lines, stream and other setback lines.	
D22	Operations and management of proposed use which may include: number of employees, housing plan, hours of operation, provisions for off-site parking.	
D23	Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.	
D24	Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DOH, DLNR, USFWS, and US Environmental Protection Agency (USEPA).	
D25	Any other information necessary to assess the application.	

NOTICE OF APPLICATION

Date: _____

TO: OWNERS/LESSEES

Please be advised that the undersigned has filed an application for a **Change Of Zoning** to change the land use designation(s) (and/or plain text) for the following parcel:

- 1. Tax Map Key Number: (2) _____
- 2. Location (street address): _____
- 3. Change of Zoning from: _____
to: _____
Other (i.e. SMA): _____
- 4. Description of the existing uses on the Property:

- 5. Description of the proposed uses on the Property:

The Applicant is responsible for ensuring accuracy of the information.

Owner/Applicant

Signature

Mailing Address, No. & Street or PO Box

City, State, Zip Code

Telephone

Applicant (if not also Owner)

Signature

Mailing Address, No. & Street or PO Box

City, State, Zip Code

Telephone

NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF APPLICATION

_____, being first duly sworn on oath, deposes and says that:

- 1. Affiant is the applicant for a **Change Of Zoning** for land situated at _____, TMK (2): _____
- 2. Affiant did on _____, _____, deposit in the United States mail, postage prepaid, a copy of a Notice of Filing of Application with a location map, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified in the list of recorded owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.

Further, Affiant sayeth naught.

_____ subscribed and sworn to before me this _____ day of _____, 20 _____.

[Stamp or Seal]

Notary Public, State of Hawaii
Print Name: _____
My commission expires: _____

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____	
Notary Signature: _____	[Stamp or Seal]
Date: _____	

NOTICE OF PUBLIC HEARING

DATE: _____

For: Mailing To Owners /Lessees and Publication in Newspaper

Please be informed that the undersigned has applied to the _____ Planning Commission for a **Change Of Zoning** for the following parcel(s):

- a. Tax Map Key No: _____ Sq.Ft./Acreage: _____
- b. Street Address: _____
- c. Land Use Designation: _____
County Zoning from: _____
to: _____
- d. Proposed Development: _____

TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:	
Public Hearing Date: _____	Time: _____
Place: _____ _____	

Attached please find a *location map* identifying the location of the specific parcel(s) being considered in the request for a **Change of Zoning**.

The public hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 19 of the Maui County Code, and the appropriate Planning Commission rules.

Testimony relative to this request may be submitted in writing prior to the hearing to the appropriate Planning Commission c/o the County of Maui, Department of Planning, 2200 Main Street Suite 315, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Department of Planning, 2200 Main Street Suite 315, Wailuku, Maui, Hawaii; telephone (808) 270-7735; toll free from Molokai 1-800-272-0117 extension 7735; toll free from Lanai 1-800-272-0125, extension 7735.

Name of Applicant Telephone

Signature

Mailing Address, No. & Street or PO Box

City, State, Zip Code

NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF PUBLIC HEARING

_____, being first duly sworn, on oath,
deposes and says:

1. Affiant is the applicant for a **Change Of Zoning** for land situated at _____, TMK: (2) _____.
2. Affiant did on _____, _____, deposit in the United States mail, postage prepaid, by certified or registered mail, return receipt requested, a copy of a Notice of Public Hearing with location map, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified in the list of recorded owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.
3. Thereafter, there was returned to the office of Affiant, the United States Post Office certified or registered mail receipts and return receipts which are attached hereto as "Exhibit C" and made a part hereof.

Further, Affiant sayeth naught.

Subscribed and sworn to me before me
this _____ day of _____,
_____.

[Stamp or Seal]

Notary Public, State of Hawaii

Print Name: _____

My commission expires: _____

NOTARY PUBLIC CERTIFICATION

Doc. Date:	_____	# Pages:	_____
Notary Name:	_____	Judicial Circuit:	_____
Doc. Description:	_____ _____ _____		
Notary Signature:	_____		
Date:	_____		

[Stamp or Seal]

PROPOSED PROJECT DATA SUMMARY SHEET

Applicant: Please complete this two (2) sided form. Complete only those items that are appropriate to your application(s). If you have any questions, please contact the **Long Range Planning Division** at **270-7214**.

Date:	Project Name (if applicable):
Applicant's Name:	What permits are you applying for?
Property Tax Map Key (TMK) number:	Please give us a brief summary of your project, including the existing and proposed uses:
Contact Phone Number:	
E-mail Address:	Developer Name: Property Owner Name:

Residential Projects: Single-Family and Multi-Family

- How many single family units (i.e., individual detached homes) are you building? _____
 a. Will accessory dwellings (i.e., ohanas) be permitted? If yes, how many? _____
- How many multi-family units (i.e., condo, apartment, or townhouse) are you building? _____
- Are you subdividing your property? _____ Yes No
 a. If yes, how many buildable lots are you requesting to create? _____
- How many acres, or square feet, are at the project site? _____
- If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project area? _____
- Will this project require land use amendments? Please check all that apply and indicate the proposed change
 a. State Land Use District Boundary Yes No Not Sure from: _____ to: _____
 b. Maui Island Plan Yes No Not Sure from: _____ to: _____
 c. Community Plan Yes No Not Sure from: _____ to: _____
 d. Zoning Yes No Not Sure from: _____ to: _____
- Will you be selling any of the units as "affordable" as defined under the Housing and Urban Development guidelines? _____ Yes No Not Sure
 a. If yes, how many of the units, or percentage of units, will fall under this category? _____
- From the date of filing the application with the Planning Department, how long do you estimate the project to reach complete build-out? Please check one (1) box. 0 - 5 years 6 - 10 years
 11 - 15 years 16 - 20 years
 21+ years

Industrial/Commercial Projects

- Will this project be used for (please list all that apply by indicating the amount of square footage proposed):
 a. Retail purposes: _____
 b. Office space/lease: _____
 c. Industrial purposes: _____

continued on next page...

PROPOSED PROJECT DATA SUMMARY SHEET

Visitor Accommodations

Hotels and Timeshares

- 1. Will this project have hotel units? Yes No
a. If yes, how many hotel units/rooms are proposed? _____
- 2. Will this project have timeshare units? Yes No
a. If yes, how many timeshare units/rooms are proposed? _____
- 3. Will there be "lock-off" units (i.e., a unit which can be partitioned to create two separate units)? Yes No
a. If yes, how many units will have "lock-off units"? _____

Bed and Breakfast (B&B) and Transient Vacation Rentals (TVRs)

- 1. Will (any of) the unit(s) be owner occupied? Yes No
- 2. How many bedrooms are proposed for rental? Yes No
 one (1) bedroom two (2) bedrooms three (3) bedrooms
 four (4) bedrooms 5+ bedrooms entire unit (i.e., condo/house/accessory dwelling)
- 3. Will this project be newly constructed? Yes No

SAMPLE OF MAP REQUIRED

