

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

BILL NO. 25 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.71,  
MAUI COUNTY CODE, RELATING TO LANAI PROJECT DISTRICT 2 (KOELE)

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

SECTION 1. Chapter 19.71, Maui County Code, is amended to read as follows:

**“19.71.010 Purpose and intent.** A. The purpose and intent of project district 2 at Koele, Lanai, is to provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner.

B. The purpose and intent of project district 2 at Koele is to establish a low-density [primarily] residential and recreational development with hotel facilities in an upland rural setting.

C. This project district is to be complementary and supportive of services offered in Lanai [c]City and will provide housing and recreational opportunities to island residents. Uses include, but are not limited to, single-family residential, multifamily residential, hotel, open space, park, [and public.]resort commercial, and golf course.

**19.71.020 Residential PD-L/2.** A. Permitted [Uses.]uses. Within the residential districts, the following uses [shall]must be permitted:

1. Principal uses:
  - a. Single-family detached dwellings[;].
  - b. Greenhouses, flower and truck gardens, and nurseries, provided there must be no retailing or transacting on the premises.
  - c. Parks and playgrounds.
2. Accessory uses and structures[;]:
  - a. Daycare nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, learning pods, home schools, and other like facilities located in private homes used for child care and learning services. These facilities must

serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or twelve or fewer children at any one time on lot sizes of ten thousand or more square feet.

b. Trash enclosures.

c. Garages.

d. Accessory dwelling for a lot with .5 acres or more, subject to the provisions of chapter 19.35.

e. Subordinate uses and structures that are determined by the planning director to be clearly incidental and customary to the permitted uses listed herein.

[3. Special accessory uses:

a. Green houses,

b. Accessory dwelling for a lot with .5 acre or more, subject to the provisions of chapter 19.35.]

B. Development standards for residential districts [shall] must be:

1. Minimum lot area, six thousand square feet[;].

2. Minimum lot width, sixty feet[;].

3. Minimum building setback:

a. Front yard, fifteen feet[,].

b. Side yard, six feet, ten feet for the second story of a structure[,].

c. Rear yard, six feet, ten feet for the second story of a structure[;].

4. Maximum overall net density, two and one-half units per acre[;].

5. Maximum height, two stories not to exceed thirty feet.

**19.71.030 Multifamily PD-L/2.** A. Permitted [Uses.] uses.

Within multifamily districts, the following uses [shall] must be permitted:

1. Principal uses:

a. Single-family detached buildings[,].

b. Apartment houses[,].

c. Duplexes[;].

2. Accessory uses and structures.

a. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, learning pods, home schools, and other like facilities located in private homes used for child care and learning services. These facilities must

serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred or more square feet but less than ten thousand square feet, or twelve or fewer children at any one time on lot sizes of ten thousand or more square feet.

b. Trash enclosures.

c. Garages.

d. Subordinate uses and structures that are determined by the planning director to be clearly incidental and customary to the permitted uses listed herein.

B. Development standards for multifamily districts [shall] must be:

1. Minimum lot area, one acre[;].

2. Minimum lot width, one hundred ten feet[;].

3. Minimum building setback:

a. Front yard, fifteen feet[,].

b. Side yard, ten feet, fifteen feet for two stories[,].

c. Rear yard, ten feet, fifteen feet for two stories[;].

4. Maximum overall net density, six units per acre[;].

5. Maximum floor area ratio, 0.5[;].

6. Maximum height, two stories not to exceed thirty feet.

**19.71.040 Hotel PD-L/2.** A. Permitted [Uses.] uses. Within hotel districts, the following uses [shall] must be permitted:

1. Principal uses:

a. Hotel[;].

b. Automobile parking lots and buildings.

c. Historical buildings, structures, or sites.

2. Accessory uses and structures[;].

a. Trash enclosures.

b. Ground signs.

c. Boundary walls and fences.

d. The following uses must be operated as an adjunct to, and as part of, a hotel with said hotel having at least twenty-five rooms. Furthermore, these uses must be operated primarily as a service to, and for the convenience of, the tenants and occupants of the hotel on which premises such services are located. The shops and businesses may be constructed as separate buildings. However, entrances to shops and businesses must not front on a street.

i. Activities/information center.

ii. Bars, nightclubs.

- iii. Fitness centers.
- iv. Flower shops.
- v. Eating and drinking establishments.
- vi. Outdoor recreation.
- vii. Recreational facilities including tennis and other playing courts, horse riding stables, and equestrian trails.
- viii. Spa facilities and support services.
- ix. Sundry shops.
- x. Swimming pools.
- xi. Theater/auditoriums.
- xii. Ticket agencies.
- xiii. Other accessory business or service establishments that furnish goods or perform services primarily for hotel guests.

e. Subordinate uses and structures which are determined by the planning director to be incidental and customary to the permitted uses listed herein.

[3. Special accessory uses:

a. The following uses shall be operated as an adjunct to, and as part of, a hotel with said hotel having at least twenty-five rooms. Furthermore, these uses ~~[[shall]must]~~must be operated primarily as a service to, and for the convenience of, the tenants and occupants of the hotel on which premises such services are located.

- i. Activities/information center,
- ii. Bars, nightclubs,
- iii. Flower shops,
- iv. Eating establishments,
- v. Recreational facilities including horse riding stables, and equestrian trails,
- vi. Sundry shops,
- vii. Theater/auditoriums,
- viii. Ticket agencies;

b. The shops and businesses may be constructed as separate buildings. However, entrances to shops and businesses shall not front on a street.]

B. Special ~~[Uses.~~ The following are declared special uses in hotel districts, and approval of the commission shall be obtained:] uses. Other uses may be approved by the Lanai planning commission subject to the provisions of section 19.510.070:

1. Other uses of similar accessory retail character.

C. Development standards for hotel districts ~~[shall]~~must be:

- 1. Minimum lot area, one acre[:].
- 2. Minimum lot width, one hundred ten feet[:].

3. Minimum building setback:
  - a. Front yard, twenty feet[;].
  - b. Side yard, ten feet[;].
  - c. Rear yard, fifteen feet[;].
4. Maximum floor area ratio, 0.8[;].
5. Maximum lot coverage, [forty] 40 percent[;].
6. Maximum height, two stories not to exceed thirty feet, except that the planning director may approve a greater height limitation for a structure where the planning director determines that the increased height will enhance the appeal and architectural integrity of the structure, provided that the additional area created by the excess height ~~[shall]~~must not be used for habitation nor storage[;].
7. Maximum overall net density, twelve units per acre.

**19.71.050 Park PD-L/2.** A. Permitted ~~[Uses.]~~uses. Within park districts, the following uses ~~[shall]~~must be permitted:

1. Principal uses:
  - a. ~~[Noncommercial parks]~~ Parks and playgrounds[;].
  - b. Cultural and performing arts facilities.
  - c. Fitness courses.
  - d. Historical buildings, structures and sites, and sites or areas of scenic interest.
  - e. Maintenance areas and structures.
  - f. Outdoor recreation and recreational activities.
  - g. Picnicking.
  - h. Playing courts and playfields.
  - i. Public utilities.
  - j. Recreational and educational centers and facilities.
  - k. Sculpture gardens.
  - l. Trail activities.
  - m. Zipline recreational activities.
  - n. Other similar commercial or noncommercial enterprises or activities that are not detrimental to the welfare of the surrounding area; provided such uses must be approved by the planning director as conforming to the intent of this chapter.
2. Accessory uses and structures.
  - a. Energy systems, small-scale; provided such use must not cause a detrimental or nuisance effect on neighboring properties.
  - b. Light fixtures and light poles; provided lighting or lamp posts and lighting controls must be full cut-off luminaries to lessen possible sea bird strikes.

c. Park furniture, including but not limited to benches, picnic tables, and fountains.

d. Botanical gardens.

e. Bazaars, fairs, food, wine, film, or other festivals that are special events and temporary in nature. "Temporary" for the purposes of this section must mean that each festival or event may be held for no more than thirty days in a calendar year.

f. Restaurants and gift shops.

g. Pavilions.

h. Comfort and shelter stations.

i. Clubhouses for recreational uses, including restrooms, check-in counters or kiosks, and other ancillary facilities.

j. Parking lot, loading and unloading area.

k. Maintenance facilities.

l. Subordinate uses and structures that are determined by the planning director to be incidental and customary to the permitted uses listed herein.

B. Development standards for park districts ~~[shall]~~must be:

1. Minimum lot area, two acres~~;~~].

2. Minimum lot width, one hundred fifty feet~~;~~].

3. Minimum structure setback:

a. Front yard, fifteen feet~~;~~].

b. Side yard, fifteen feet~~;~~].

c. Rear yard, fifteen feet~~;~~].

~~[4.~~ Maximum lot coverage, five percent;

~~5.]4.~~ Maximum height, one story not to exceed twenty feet.

C. Brackish or recycled water must be used for irrigation to the extent available. Notwithstanding anything to the contrary under chapter 20.30, high level aquifer groundwater may be used for irrigation in areas where sufficient brackish or recycled water is not available. Areas within park districts that have continually and lawfully used high level aquifer groundwater for maintenance and irrigation must be permitted to continue such use, subject to the provisions of section 19.500.10.

**19.71.055 Golf course PD-L/2.** A. Permitted ~~[Uses.]~~uses. Within the golf course district, the following uses ~~[shall]~~must be permitted:

1. Principal uses:

a. Golf courses except for miniature golf courses~~;~~].

b. Historical buildings, structures, or sites~~;~~].

2. Accessory Uses and Structures. Accessory uses and structures which include, but which are not limited to, the following:

- a. One caretaker's dwelling unit[.].
- b. Cart barns and other equipment, storage, and maintenance facilities[.].
- c. One clubhouse with one snack bar, one restaurant, and a pro shop for the sale and service of golf equipment and materials used for golfing purposes[.].
- d. Comfort and shelter stations[.].
- e. Golf and driving range including instructional and practice facilities[.].
- f. Greenhouses to maintain landscaping on the zoning lot[.].
- g. Indoor and outdoor playing courts, swimming pools, and meeting rooms, provided that no major meeting places such as convention halls and athletic complexes such as tennis centers or other permanent spectator accommodations [shall]must be permitted[.].
- h. Off-street parking and loading[.].
- i. Park furniture[.].
- j. [Weight, massage, sauna, and locker rooms,]Public utility.
- k. [Other accessory uses for which a special use permit has been obtained in accordance with chapter 205 of the Hawaii Revised Statutes.]Weight, massage, sauna and locker rooms.
- l. Bazaars, fair food, wine, film, or other festivals that are special events and temporary in nature. "Temporary" for purposes of this section must mean that each festival or event may be held for no more than thirty days in a calendar year.
- m. Subordinate uses and structures that are determined that are determined by the planning director to be incidental and customary to the permitted uses listed herein.

[C]B. Development standards for the golf course district [shall]must be:

1. Minimum lot area, fifty acres for par three or nine hole[; or one hundred ten acres for eighteen hole];.
2. Minimum building setback, all yards, fifty feet[;].
3. Maximum height, thirty-five feet; provided that ten feet of additional height may be permitted if a cart barn is located in the basement level of the structure, and provided further that minor utility facilities, vent pipes, fans, chimneys,

and energy-savings devices [~~shall~~ must] 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.

[D. Irrigation. No high level aquifer groundwater will be used for golf course maintenance or operation (other than as water for human consumption) and that all irrigation of the golf course shall be through alternative nonpotable water sources, except as may be allowed from time to time as follows:

1. The director of the department of public works and waste management, after notification of the chairperson and deputy director of the commission on water resources management, the chair of the Maui County council, the Lanai representative on the Maui County council, any appropriate subcommittee established under one of the Maui County council's standing committees to review water related issues on Lanai, the chair of the Lanai planning commission, and other state and/or county officials as appropriate, may authorize the use of potable groundwater from the high level aquifer if the director finds, in writing, there is an occurrence of an unanticipated event, including but not limited to:

a. Chemical contamination of a nonpotable source by chemicals not approved for application to golf courses in accordance with Golf Course Superintendents Association of American standards; or

b. Chemical contamination of a nonpotable source resulting in chemical concentrations not approved for golf course application by the Golf Course Superintendents Association of America, excluding, however, naturally occurring concentrations of chemicals or minerals; or

c. A water transmission line break resulting in the interruption in the delivery of nonpotable water for golf course irrigation; or

d. Failure of the pumping system used to pump nonpotable water; or

e. A failure in the sewage reclamation systems which provide irrigation water for the golf course; or

f. Draw-down of various lakes or reservoirs due to use of that water to fight fires or other similar emergencies; or

g. Due to the failure of the main electrical power feed to facilities used to irrigate the golf course with nonpotable water; and

h. Under to circumstances shall drought be deemed an unanticipated event such that a permit may be issued.



2. Prior to the director approving the use of potable high level aquifer groundwater for golf course irrigation the golf course owner shall have provided to the director:

a. Materials, reports and other supporting documents setting forth the facts and/or circumstances which gave rise to the immediate need for golf course irrigation with potable high level aquifer groundwater;

b. A plan showing that no continuous physical connection will be made between the potable and nonpotable water systems;

c. A remedial plan to restore the use of nonpotable water in as short a time as possible, and shall include manufacturing and/or shipping times of various items needed for the restoration, as appropriate, and shall further indicate those items will be obtained and/or shipped by the most expeditious means available; and

d. A plan detailing how the following uses will be accommodated, including all sources from which water will be obtained (specifically addressing the use of existing reservoirs and lake water) and a watering/distribution plan, with the priority of uses as follows, such uses being based on a daily average of the historical record of use over the prior twelve month period immediately preceding the unanticipated event:

i. Residential/domestic

consumption (excluding irrigation uses),

ii. Commercial, business and resort consumption where potable water is necessarily used,

iii. Agricultural consumption, and

iv. Irrigation (including residential and large scale uses such as the golf course). This part of the plan shall address the order in which portions of the golf course shall cease to be watered as the situation continues.

3. The permit issued by the director shall:

a. Be issued only one time for any single unanticipated event and shall be valid for a period not to exceed thirty calendar days. The director may propose a longer period to the council and the council, by resolution, may indicate its concurrence with the director's determination that the permit should be issued for a period greater than thirty days. If the council does not so concur, the permit shall be valid for a period not to exceed thirty days. The golf course owner

is prohibited from applying for a new permit for the same unanticipated event where the original permit has expired and the remedial action has not been completed, and the director is prohibited from issuing any further permits for the same unanticipated event where the original permit has expired and the remedial action has not been completed;

b. Require the golf course owner to submit weekly reports to the director and the council regarding the status of the situation, efforts made to address the situation, and the amount of potable groundwater used from the high level aquifer for that week. Meter readings shall be physically verified of public works and waste management;

c. Include any conditions or restrictions appropriate and reasonably related to the circumstances surrounding the use of high level aquifer potable groundwater and the remedial work to be done, and also including the authority to impose a cap on the use of such water based on the historical monthly average of use of nonpotable water, in an amount not to exceed two hundred fifty thousand gallons per day.

4. A copy of the permit shall be transmitted to all persons notified pursuant to subsection D1 of this section, the same day it is issued.

E. Reseeding or Regrassing. Notwithstanding Ordinance 2066, at such time as the fairways at the golf course are to be reseeded or regrassed so as to provide the golf course with more water efficient or better quality grass, the golf course owner may make a request of the county council for the use of potable groundwater from the high level aquifer in an amount up to twenty-seven thousand gallons per day per fairway to supplement irrigation water from alternative nonpotable water sources. Such approval shall be by resolution of the council. Such additional water may be used for a period not to exceed twenty-eight days per fairway. Only one fairway shall be irrigated with the additional water at any given time. No more than four fairways shall be reseeded or regrassed during any calendar year. Fairways shall only be reseeded or regrassed between the months of May through October, inclusive. Each fairway shall only be reseeded one time only under the provisions of this section. No continuous physical connection will be made between the potable and nonpotable water systems. In determining whether or not to approve the golf course owner's request, the council shall ensure that an adequate supply of water shall be available for golf course irrigation in accordance with the priority of uses as follows: (1) residential/domestic consumption (excluding irrigation uses); (2)

commercial, business and resort consumption where potable water is necessarily used; (3) agricultural consumption; and (4) irrigation (including residential and large scale uses such as the golf course). If, during the reseeding or regrassing of a fairway, an unanticipated event occurs for which a permit is issued pursuant to subsection D of this section, above, the golf course owner may continue to use potable water for reseeding or regrassing, but only to the extent that such cumulative total of potable water permitted to be used pursuant to subsection D of this section and this subsection does not exceed two hundred fifty thousand gallons per day.]

C. Irrigation. Notwithstanding anything to the contrary under chapters 20.30 or 14.08, golf courses in existence and operation prior to 1991 that have continually and lawfully utilized high level aquifer groundwater for maintenance and irrigation must be permitted to continue such use, subject to the provisions of section 19.500.110.

**19.71.060 Open space PD-L/2.** A. Permitted [Uses.]uses. Within open space districts, the following uses [shall]must be permitted:

1. Principal uses:
  - a. Forest reserves[.].
  - b. [Game reserves,
  - c.] Miniature golf courses[.].
  - [d.]c. Open agricultural uses not requiring intensive cultivation, including orchards, vineyards, nurseries, and the raising and grazing of livestock, provided the raising of [other than] swine and fighting fowl shall not be permitted.
  - [e.]d. Parks, botanical, sculpture and zoological gardens[.].
  - [f.]e. Public and quasi-public utility installations and substations[.].
  - [g.]f. Watersheds, wells, water reservoirs, and water control structures and drainage structures[.].

2. Accessory uses and structures[.]that are determined by the planning director to be incidental and customary to the permitted uses listed herein.

B. Special [Uses.]uses. The following are declared special uses in open space districts, and approval of the [Maui] Lanai planning commission [shall]must be obtained:

1. Public utilities, including temporary sewage treatment plants[.].
2. Recreational facilities of an outdoor nature, including cultural and historical facilities, with a minimum of five acres[.].
3. Riding stables and equestrian trails with a minimum of ten acres.

C. Development standards for open space districts  
[shall]must be:

1. Minimum lot area, five acres[;].
2. Minimum lot width, two hundred fifty feet[;].
3. Minimum building setback:
  - a. Front yard, fifty feet[,].
  - b. Side yard, fifty feet[,].
  - c. Rear yard, fifty feet[;].
4. Maximum height, no portion of any building or structure shall exceed thirty feet in height[;].
5. Maximum lot coverage, [ten] 10 percent.

**19.71.070 [Public]Resort commercial PD-L/2. A.**

Permitted [Uses.]uses. Within [public]resort commercial districts, the following uses [shall]must be permitted:

1. Principal uses:
  - a. [Utility installations and substations;]Amusement and recreational activities.
  - b. Catering establishments.
  - c. Eating and drinking establishments.
  - d. Fitness centers.
  - e. Historical buildings, structures and sites, and sites or areas of scenic interest.
  - f. Information centers.
  - g. Museums.
  - h. News and magazine stands.
  - i. Outdoor recreation and outdoor recreational facilities.
  - j. Parking lots.
  - k. Riding stables and riding academies, trails, rodeo corrals and areas, and equestrian activities and facilities.
  - l. Sculptures.
  - m. Taxicab, car rental, and U-drive stations and offices.
  - n. Tennis and other playing courts.
  - o. Other uses of similar character providing foods, services or facilities primarily to guests and transient visitors; provided the planning director may approve such uses as conforming to the intent of this article, subject to terms and conditions as may be warranted and required by the planning director.
2. Accessory uses and structures.
  - a. Energy systems, small scale, provided there will be no detrimental or nuisance effect upon neighbors.

b. Other uses that are determined by the planning director to be clearly incidental and customary to a permitted use.

B. Special uses. Any other business, service, or commercial establishments that is of similar character in rendering sales or performing services to guests, visitors, and residents of the area; provided approval of the Lanai planning commission is obtained and the use conforms to the intent of this district.

[B]C. Development standards for [public]resort commercial districts [shall]must be:

1. Minimum lot area, [one acre;]six thousand square feet.

2. Minimum lot width, [one hundred ten]sixty feet[;].

[3. Minimum yard setback:

a. Front yard, twenty feet,

b. Side yard, twenty feet,

c. Rear yard, twenty feet;]

[4.]3. [Maximum height, two stories not to exceed thirty feet.]Minimum building setback:

a. Front yard, fifteen feet.

b. Side and rear yard, zero to ten feet. The ten-foot setback applies if a property abuts a district zoned R-1, R-2, R-3, or R-0 residential; A-1 or A-2 apartment; two family (duplex); or H-1, H-2, H-M hotel; or any area zoned residential, apartment, or hotel in any project district.

4. Maximum height, two stories not to exceed thirty feet.

a. Maximum height, thirty-five feet, except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed forty-five feet.

[C. Landscaping Requirements. In public districts a four-foot-wide strip shall surround the perimeter of the structures or buildings.]

**19.71.080 Land use categories and acreages.** A. The following are established as maximum acreages for various land use categories within the Koele project district:

Residential	[214.0]48.8 acres
Multifamily	[26.0]18.7 acres
Hotel	[21.1]45.4 acres
Open space	[12.0]80.8 acres
[Public	1.0 acres]
Park	[11.5]234.9 acres
Golf course	[332.4]78.0 acres
<u>Resort commercial</u>	<u>75.4 acres</u>

**19.71.090 General standards of development.** Any tract of land for which development is sought in the project district for Koele ~~[shall]~~must be subject to the following standards:

A. Steep ~~[Slopes.]~~slopes.

1. "Steep slopes" are defined as lands where the inclination of the surface from the horizontal is ~~[twelve]~~12 percent or greater prior to any grading.

2. A tract master plan ~~[shall]~~must be provided showing the building envelope, required setbacks, and preliminary drainage plan for each lot within the given tract and ~~[shall]~~must be reviewed and approved by the planning department during phase III project district review. The planning department may impose mitigative measures to ensure minimum subsidence and erosion on slopes exceeding ~~[thirty]~~30 percent and on portions of the tract which are immediately adjacent to ravines. The tract master plan may include all or any part of the given tract, however phase III approval ~~[shall]~~must only apply to that part. Prior to the issuance of a building permit for a dwelling on a lot, the grading and erosion control plan for that lot ~~[shall]~~must be submitted to and approved by the department of public works and waste management, which ~~[shall]~~must review the final grading plan in accordance with the following criteria:

a. Individual lot drainage ~~[shall]~~must conform with the approved phase III preliminary drainage plan~~[:]~~.

b. Erosion control measures to prevent erosion and sedimentation into the adjoining natural drainageway during construction of the home and exterior improvements ~~[shall]~~must be specified~~[:]~~.

c. A plan ~~[shall]~~must be submitted for revegetation of all disturbed and exposed slopes. This plan ~~[shall]~~must show how exposed surfaces will be planted and covered after construction to prevent erosion and sedimentation into the adjoining drainageway~~[: and]~~.

d. The planning department may require additional information if deemed necessary to support any request for phase III approval.

B. Ravines and ~~[Ravine Buffers.]~~ravine buffers.

1. At least ~~[ninety-five]~~95 percent of all ravines ~~[shall]~~must remain in permanent open space. At least ~~[eighty]~~80 percent of all ravine buffers ~~[shall]~~must remain in permanent open space.

2. "Ravines" are defined as valleys with sharply sloping walls created by action of intermittent stream waters. Ravine buffer areas are to be shown on the tract master plan

and ~~[shall]~~must be at least equal to ~~[ten]~~10 percent of the mean depth of the lot measured from the top of the ravine wall.

C. Wetlands. Areas such as swamps, marshes, bogs or other similar lands ~~[shall]~~must remain as permanent undisturbed open space.

D. Woodlands.

1. No more than ~~[sixty]~~60 percent of existing woodland area ~~[shall]~~must be cleared. The remaining ~~[forty]~~40 percent ~~[shall]~~must be maintained as permanent open space which may be enhanced by landscape planting as approved by the planning department.

2. "Woodlands" are defined as areas, including one or more lots, covering one contiguous acre or more, and consisting of ~~[thirty-five]~~35 percent or more canopy tree coverage, where (a) trees have a caliper of at least sixteen inches; or (b) any grove of ten trees or more have calipers of at least ten inches. For the purposes of this section, a "grove" is defined as a stand of trees lacking natural underbrush or undergrowth.

E. Other ~~[Resources.]~~resources. Areas of important natural, historical, archaeological, or cultural resources or unique physical features, not otherwise mentioned in this section, ~~[shall]~~must be identified, and provisions ~~[shall]~~must be outlined to preserve or improve said resource or feature.

F. Design.

1. At least ~~[twenty]~~20 percent of the lot area of each development ~~[shall]~~must be in protected open space. This includes areas defined in this section but does not include roadways, streets, and parking lots.

2. Each building and structure ~~[shall]~~must be designed by a ~~[Hawaii registered]~~licensed architect to conform with the intent of the project district.

G. Recreational, ~~[Community, and Open Space Facilities.]~~community, and open space.

1. Recreational and community facilities ~~[shall]~~must be provided.

2. Provision ~~[shall]~~must be made for continuing management of all recreational, community, and open space facilities to insure proper maintenance and policing. Documents to said effect ~~[shall]~~will be required.

H. Infrastructure. The development ~~[shall]~~must not burden governmental agencies to provide substantial infrastructural improvements.

I. Landscape ~~[Planting.]~~planting.

1. Comprehensive landscaping of the entire development ~~[shall]~~must be provided, including along streets, within lots, and in open spaces.

2. Landscape planting is to be considered as an integral element to be utilized for visual screening, shade, definition, and environmental control. Furthermore, the use of recycled water is to be considered for irrigation purposes.

J. Signage. A comprehensive signage program ~~[shall]~~must be designed for the total development area and defined to at least include sizes, format, conceptual design, color schemes, and landscaping.

K. Lighting. Lighting ~~[shall]~~must be established in a manner so as to not adversely impact the surrounding areas.

**[19.71.100 Required agreements.]** In accordance with section 19.45.050, the applicant shall enter into the following bilateral agreements:


A. A bilateral agreement requiring the applicant to develop and coordinate a training program for all phases of hotel operations; provided, that development other than hotel development within the project district may proceed before the agreement has been executed; and

B. A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided, that development other than hotel development within the project district may proceed before the agreement has been executed.]"

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This Ordinance takes effect on upon approval.

APPROVED AS TO FORM AND  
LEGALITY:

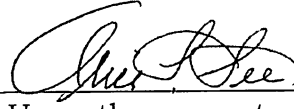


KRISTINA C. TOSHIKIYO  
Department of the Corporation Counsel  
County of Maui

LF2023-0316  
2024-01-03 Ord Amd 19.71 Koele Project District



INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John Lee", is written above a horizontal line.

Upon the request of the Mayor.