

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

BILL NO. 117 (2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT, AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

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 be appropriately designated and to read as follows:

**"Chapter 19.95**

**WAIALE PROJECT DISTRICT SOUTH**

Sections:

- 19.95.010 Purpose and intent.
- 19.95.020 Residential district.
- 19.95.030 Village mixed use district.
- 19.95.040 Industrial district.
- 19.95.050 Public/quasi-public district.
- 19.95.060 Park/open space district.
- 19.95.070 Land use districts, approximate acreages, and maximum residential density.

**19.95.010 Purpose and intent.** The purpose of this project district is to provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner. The intent of the Waiale Project District is to establish a residential community with a mixture of residential unit types, including a park and open space system with bike and pedestrian paths, supportive retail and commercial facilities, as well as public and quasi-public uses.

Referenced terms have the meanings set forth in section 19.04.040, Maui County Code, or if different, then as specifically defined herein.

**19.95.020 Residential district.** The residential district envisions a range of multi-family and single-family housing types to meet the varied housing needs of Maui residents. The intent of the residential district is to provide the flexibility to allow for all forms of residential use and structures to meet changing market demand. The district also includes other uses that are supportive and compatible with residential use.

Permitted uses and structures. Within the residential district, the following uses shall be permitted:

A. Principal uses and structures.

| Uses  | Notes and exceptions   |
|---|--|
| Single-family dwelling units  |  |
| Two-family dwelling units   |  |
| Multi-family dwelling units   |  |
| Parks and playgrounds, noncommercial  | Certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground. |
| Resident recreational uses and structures for use by owners and their tenants |  |
| Parking lots  |  |
| Communication equipment, antenna, or towers                                   |  |
| Minor utility facilities  |  |
| Major utility facilities  | Limited to water and wastewater treatment facilities.  |
| Schools   |  |

B. Accessory uses and structures.

| <b>Uses</b>   | <b>Notes and exceptions</b>   |
|---|---|
| Greenhouses, flower and truck gardens, and nurseries  | Provided that there shall be no retailing or transacting of business on the premises.   |
| Accessory buildings located on the same lot   |   |
| Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services | These facilities shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, serving 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 serving twelve or fewer children at any one time on lot sizes of ten thousand or more square feet. |
| Home occupations  |   |
| Adult care homes in which residents of the home provide care for not more than six adults   |   |
| Small scale energy systems that are incidental and subordinate to a principal use or structure  |   |
| Other uses and structures that are determined by the planning director as meeting the intent of this section  |   |

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission:

| <b>Uses</b>   | <b>Notes and exceptions</b>  |
|---|--|
| Churches, together with accessory buildings   |  |
| Recycling collection and redemption centers   |  |
| Farmer's market   |  |
| Swap meet or open air market  |  |
| Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services serving more than the number of children defined in subsection B. |  |
| Hospitals   |  |
| Nursing or convalescent homes and domiciliary facilities operated and maintained to provide nursing or supporting care  |  |
| Certain domestic type businesses in the home  | Provided there will be no detrimental or nuisance effect upon the neighbors. Such businesses shall be normal functions of the home, such as baking, sewing, and piano playing. |
| Adult care homes for more than six adults   |  |
| Buildings or premises used by the Federal, State, or County governments for public purposes   |  |
| Uses and structures that are similar to, and compatible with, the principal uses or structures and which conform to the intent of this section may be approved by the Maui planning commission  |  |

D. Development standards for the residential district shall be:

|                                   | <b>Residential district</b> | <b>Notes and exceptions</b>   |
|-----------------------------------|-----------------------------|---|
| Minimum lot area (square feet)    | 1,800 square feet           | Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.   |
| Minimum lot width (in feet)       | 0 feet                      |   |
| Maximum building height (in feet) | 60 feet                     | Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof. |

| <b>Minimum yard setbacks (in feet)</b> |        | <b>Notes and exceptions</b>   |
|--|--------|---|
| Front                                  | 0 feet |   |
| Side                                   | 3 feet | The side and rear yard setback may be 0 feet for zero lot line lots and lots used only for utility and landscape purposes as identified in the project district phase II or III site plans. |
| Rear                                   | 3 feet |   |

**19.95.030 Village mixed use district.** The village mixed use district envisions an area comprised of a mix of residential, commercial, recreational, and community facilities. The intent of the village mixed use district is to create community identity and character with landmark buildings and a grouping of services within a central core that includes a mix of uses.

Permitted Uses. Within the village mixed use district, the following uses shall be permitted:

A. Principal uses and structures.

| <b>Uses</b>  | <b>Notes and exceptions</b> |
|--|-----------------------------|
| Any use or structure permitted in the residential district |                             |
| Animal boarding facility                                   |                             |
| Animal hospital  |                             |
| Art galleries  |                             |
| Auditoriums and theatres                                   |                             |
| Automobile service stations                                |                             |
| Bowling alleys   |                             |
| Churches, together with accessory buildings                |                             |
| Day care facilities  |                             |
| Eating and drinking establishments                         |                             |
| Farmer's market  |                             |
| Food and beverage, retail                                  |                             |
| Garages  |                             |
| General merchandising                                      |                             |
| General office   |                             |
| Laundromats  |                             |
| Light manufacturing and processing                         |                             |
| Medical center, major                                      |                             |
| Medical center, minor                                      |                             |
| Museums  |                             |
| Parking area, public                                       |                             |
| Personal and business services                             |                             |

|   |  |
|---|--|
| Private clubs                             |  |
| Public facility or public use             |  |
| Quasi-public use or quasi-public facility |  |
| Recreation, indoor                        |  |
| Redemption center                         |  |
| Self-storage                              | Provided it is within a completely enclosed building |
| Swap meet or open air market              |  |

B. Accessory uses and structures.

1. Accessory structures permitted in the residential district.
2. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the village mixed use district shall be:

|                                   | <b>Village mixed use district</b> | <b>Notes and exceptions</b>   |
|-----------------------------------|-----------------------------------|---|
| Minimum lot area (square feet)    | 1,800 square feet                 | Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.   |
| Minimum lot width (in feet)       | 0 feet                            |   |
| Maximum building height (in feet) | 60 feet                           | Measured by the finished grade, as specified in the approved project district phase II or III site plans: 45 feet for all non-dwelling uses with an additional allowable 15 feet for a total of 60 feet if the area above 45 feet is exclusively used for dwelling purposes.<br>Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof. |



| <b>Minimum yard setbacks (in feet)</b> |        | <b>Notes and exceptions</b>   |
|--|--------|---|
| Front                                  | 0 feet |   |
| Side                                   | 3 feet | The side and rear yard setback may be 0 feet for zero lot line lots and lots used only for utility and landscape purposes as identified in the project district phase II or III site plans. |
| Rear                                   | 3 feet |   |

**19.95.040 Industrial district.** The industrial district envisions an area of commercial and light industrial uses, including warehousing and distribution types of activities and the assembly or treatment of materials, with the exception of heavy manufacturing and processing. The district also includes other uses that are supportive and compatible with industrial use.

Permitted uses. Within the industrial district, the following uses shall be permitted:

A. Principal uses and structures.

| <b>Uses</b>  | <b>Notes and exceptions</b>  |
|--|--|
| Any use or structure permitted in the VMX District             |  |
| Assembly and manufacture of electrical components and the like |  |
| Automobile services  | Including major repairs, provided all auto repairing operations are conducted in completely enclosed buildings; and provided further, that tire rebuilding or battery manufacturing shall not be permitted within this district. |
| Automobile upholstery shops                                    |  |
| Awning or canvas shops   |  |
| Cold storage plants  |  |
| Commercial laundries   |  |
| Equipment rental and sales yards                               |  |
| Farm implement sales and service                               |  |
| Feed stores  |  |

|   |   |
|---|---|
| General food, fruit, and vegetable processing and manufacturing plants    |   |
| Ice cream and milk producing, manufacturing, and storage                  |   |
| Laboratories-experimental, photo or motion picture, film, or testing      |   |
| Light and heavy equipment and product display rooms, storage, and service |   |
| Lumber yards  |   |
| Machine shop or other metal working shop                                  |   |
| Manufacture of pottery and figurines or other similar ceramic products    |   |
| Milk bottling or central distribution stations                            |   |
| Mortuaries  |   |
| New and used car lots   | Provided all repair and maintenance is conducted within a completely enclosed building.   |
| Nurseries (flower or plants)  | Provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within completely enclosed buildings. |
| Plumbing shops  |   |
| Printing, lithography, or publishing shops                                |   |
| Radio transmitting and television stations                                | Provided that towers are of the self-sustaining type without guys.  |
| Recycling collection and redemption centers                               |   |
| Replating shop  |   |
| Retail lumber yard including mill and sash work                           | Except that mill and sash work shall be conducted within a completely enclosed building.  |
| Small boat building   |   |
| Soda water and soft drink bottling and distribution plants                |   |

|   |   |
|---|---|
| The manufacture, compounding, or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco, and wood |   |
| The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products except the rendering or refining of fats and oils   |   |
| The manufacture, dyeing, and printing of cloth fabrics and wearing apparel  |   |
| The manufacture of musical instruments, toys, novelties, and rubber and metal stamps  |   |
| Trucking and truck storage  |   |
| Warehouse and storage   |   |
| Wearing apparel manufacturing   |   |
| Any other retail businesses or commercial enterprises which are similar in character of rendering sales of commodities or performance of services to the community and not detrimental to the welfare of the surrounding area   | Provided, however, that such uses shall be approved by the planning director as conforming to the intent of this section. |

B. Accessory uses and structures. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the industrial district shall be:

|                                   | <b>Industrial district</b> | <b>Notes and exceptions</b>   |
|-----------------------------------|----------------------------|---|
| Minimum lot area (square feet)    | 7,500 square feet          | Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.   |
| Minimum lot width (in feet)       | 65 feet                    |   |
| Maximum building height (in feet) | 60 feet                    | Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof. |

| <b>Minimum yard setbacks (in feet)</b> |        | <b>Notes and exceptions</b>  |
|--|--------|--|
| Front                                  | 0 feet | Where the front, side, or rear yard of a lot abuts a lot in any residential or village mixed use district, the abutting front, side, or rear yard setbacks shall be not less than 10 feet, except that the minimum front, side, and rear yard setbacks shall be 0 feet for lots used only for utility or landscape purposes. |
| Side                                   | 0 feet |  |
| Rear                                   | 0 feet |  |

**19.95.050 Public/quasi-public district.** The public/quasi-public district envisions uses supportive and compatible with the overall residential character of the Waiale residential community. The district also includes other uses that are supportive and compatible with public/quasi-public use.

Permitted Uses. Within the public/quasi-public district, the following uses shall be permitted:

A. Principal uses and structures:

| <b>Uses</b>                         | <b>Notes and exceptions</b> |
|-------------------------------------|-----------------------------|
| Churches                            |                             |
| Community and recreation centers    |                             |
| Fire and police stations            |                             |
| Government and quasi-public offices |                             |
| Libraries                           |                             |
| Major utility facilities            |                             |
| Minor utility facilities            |                             |
| Parking lots and structures         |                             |
| Schools                             |                             |

B. Accessory uses and structures. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the public/quasi-public district shall be:

|                                   | <b>Public/quasi-public district</b> | <b>Notes and exceptions</b>   |
|-----------------------------------|-------------------------------------|---|
| Minimum lot area (square feet)    | 0 square feet                       |   |
| Minimum lot width (in feet)       | 0 feet                              |   |
| Maximum building height (in feet) | 90 feet                             | Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof. |

| <b>Minimum yard setbacks (in feet)</b> |         | <b>Notes and Exceptions</b>  |
|--|---------|--|
| Front                                  | 20 feet | Where the side or rear yard of a lot abuts a lot in any residential or village mixed use district, the abutting side or rear yard shall have the same yard setback as required in the residential or village mixed use district, except that the minimum front, side, and rear yard setbacks shall be 0 feet for lots used only for utility or landscape purposes. |
| Side                                   | 0 feet  |  |
| Rear                                   | 0 feet  |  |

**19.95.060 Park/open space district.** The park/open-space district envisions park and open space uses which serve the active and passive recreational needs of the Waiale residential community. The district also includes other uses that are supportive and compatible with park/open space use.

Permitted uses. Within the park and open space district, the following uses shall be permitted:

A. Principal uses:

| <b>Uses</b>   | <b>Notes and exceptions</b>                       |
|---|---|
| Athletic courts and fields                                    |   |
| Community and recreation centers                              |   |
| Drainage and erosion control systems                          | Shall be combined with open land recreation uses. |
| Historic and cultural sites                                   |   |
| Minor utility facilities                                      |   |
| Open land recreation  |   |
| Parks, playgrounds, and landscaped common or open space areas |   |
| Road widening reserves and buffers                            |   |
| Swimming pools  |   |
| Trails and bike-pedestrian ways                               |   |

B. Accessory Uses and Structures.

| <b>Uses</b>  | <b>Notes and exceptions</b> |
|--|-----------------------------|
| Comfort and shelter stations   |                             |
| Greenhouses and nurseries, limited to the propagation of plants  |                             |
| Maintenance and storage facilities   |                             |
| Park furniture and equipment   |                             |
| Other uses and structures as determined by the planning director as meeting the intent of this section |                             |

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission:

1. Cemeteries.
2. Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.



D. Development standards for the park and open space district shall be:

|                                   | <b>Park and open space district</b> | <b>Notes and exceptions</b>   |
|-----------------------------------|-------------------------------------|---|
| Minimum lot area (square feet)    | 0 square feet                       |   |
| Minimum lot width (in feet)       | 0 feet                              |   |
| Maximum building height (in feet) | 35 feet                             | Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof. |

| <b>Minimum yard setbacks (in feet)</b> |         | <b>Notes and exceptions</b>   |
|--|---------|---|
| Front                                  | 20 feet | Front, side, and rear yard setbacks for lots used only for utility or landscape purposes may be 0 feet. |
| Side                                   | 20 feet |   |
| Rear                                   | 20 feet |   |

**19.95.070 Land use districts, approximate acreages, and maximum residential density.**

A. The following are established as the approximate acreages for the various land use districts within the Waiale Project District South:

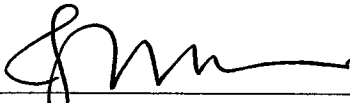
|                              |             |
|------------------------------|-------------|
| Residential district         | 98.4 acres  |
| Village mixed use district   | 10 acres    |
| Industrial district          | 0 acres     |
| Public/Quasi-public district | 0 acres     |
| Park/Open space district     | 14.2 acres  |
| Total                        | 122.6 acres |

B. The approximate acreages for the land use districts shall be applicable to the south area of Waiale project district and shall be modified upon the amendment of this ordinance for the north area of Waiale project district.

C. The south area of Waiale project district shall be limited to 950 residential units.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



JENNIFER M.P.E. OANA  
Deputy Corporation Counsel  
County of Maui

2016-0253/2014-3084

LU-23 2016-11-22 Ordinance Adding Chapter 19.95, MCC (FINAL after LUC)

DIGEST

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 117 (2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO  
ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT,  
AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH  
SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

This bill proposes to amend the Maui County Code by adding a new chapter to be designated as Chapter 19.95, Waiale Project District South, Waikapu, Maui, Hawaii, a proposed residential community with a mixture of residential units, a park and open space system with bike and pedestrian paths, and supportive retail and commercial facilities.

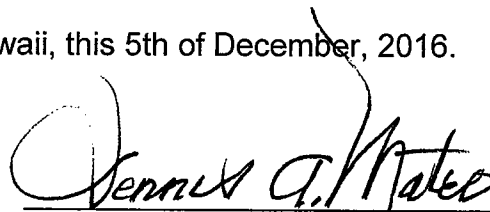
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 117 (2016) was passed on First  
Reading by the Council of the County of Maui, State of Hawaii, on the 2nd day of  
December, 2016, by the following vote:

AYES: Councilmembers Robert Carroll, Eleanora Cochran, Donald G.  
Couch Jr., S. Stacy Crivello, G. Riki Hokama, Vice-Chair Donald S.  
Guzman, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers Gladys C. Baisa and Michael P. Victorino.

DATED at Wailuku, Maui, Hawaii, this 5th of December, 2016.



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DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County  
Clerk, County of Maui, for use and examination by the public.