

# REQUEST FOR LEGAL SERVICES

Date: April 20, 2017  
From: Robert Carroll, Chair  
Land Use Committee

**RECEIVED**  
By CORPORATION COUNSEL at 2:12 pm, Apr 20, 2017


TRANSMITTAL  
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: James Giroux, Esq.

RECEIVED  
2017 APR 20 PM 9:11  
OFFICE OF THE COUNTY CLERK  
COUNTY OF MAUI

Subject: Amending Chapters 19.04, Maui County Code, to Authorize Commercial Filming and Photography Activity in All Districts (LU-26)

Background Data: Review and approve revised proposed bill which separates one bill into two bills. A marked-up version comparing the bill previously approved by your office against the revised bill is transmitted with this request. Your coding on the first bill is LF2017-0204, 2017-02-16 Ord Amd Ch 19.04 & 19.30A. An original hard copy of the revised bill is required.

Work Requested:  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Robert Carroll	Contact Person Gary Saldana (Telephone Extension: 7137)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, April 27, 2017  
REASON: For posting on Land Use Committee meeting scheduled for May 17, 2017

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JAG</u>	ASSIGNMENT NO. <u>2017-0095</u>	BY: <u>LAK</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date 4/26/2017 By JAMES A. GIROUX  
DEPARTMENT OF THE CORPORATION COUNSEL

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

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, TO AUTHORIZE COMMERCIAL FILMING AND PHOTOGRAPHY ACTIVITY, TEMPORARY COMMERCIAL EVENTS, AND TEMPORARY SALES OFFICES IN ALL ZONING DISTRICTS SUBJECT TO CERTAIN LIMITATIONS

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

SECTION 1. The purpose of this ordinance is to authorize commercial filming and photography activity, temporary commercial events, and temporary sales offices for new projects, in all zoning districts subject to certain limitations set forth in the zoning code.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Commercial filming and photography” means filming and photography for commercial purposes that requires the use of equipment such as light stands, electrical power boxes, dolly and dolly tracks, and similar grip and electrical gear.”

SECTION 3. Section 19.04.020, Maui County Code, is amended to read as follows:

**“19.04.020 Compliance.** A. Buildings and [Subdivisions.] subdivisions. No building or structure shall be erected, structurally enlarged, or maintained unless it complies with the requirements of the building code of the County. No land shall be subdivided unless the subdivision complies with the provisions of this title.

B. [Prohibited Uses.] Permitted uses in each district. There [shall] may be permitted in the districts three categories of uses [established by this section]: principal, accessory, and special. Any

use [which] that is not expressly listed as a permitted [as a] principal, accessory, or special use [shall be] is prohibited.

Unless otherwise expressly prohibited elsewhere in this title, the following uses are permitted in all districts:

1. Commercial filming and photography activity, subject to the following limitations:

a. If on County property, the activity shall be authorized by a valid film permit from the County throughout the duration of the activity.

b. If on State property, the activity shall be authorized by a valid film permit from the State throughout the duration of the activity.

c. If on private property, notice of the activity shall be provided to owners of all properties within 1,000 feet of the subject property and potentially impacted properties. Such notice shall be provided no less than fourteen days prior to the initiation of the activity, shall describe the activity and its duration, and shall provide contact information for a responsible party, on the appropriate island, who shall respond to questions and concerns from property owners. Evidence and documentation of such notice shall be provided to the director upon request.

d. If on private property, the activity shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property.

e. If on private property, the activity shall involve no outdoor activities before 8:00 a.m. and after 10:00 p.m., including setup and breakdown.

f. The activity shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.

g. Two complaints from property owners within 1,000 feet from the subject property shall result in termination of activity until issue has been resolved.

h. All other required permits and approvals shall be obtained.

2. A temporary commercial event such as a bazaar, fair, reception, or festival, subject to the following limitations:

a. The event is related, incidental, customary, or compatible with an existing principal or accessory use.

b. Notice of the event shall be provided to owners of all properties within 1,000 feet from subject property for an event not sponsored by the County. Such notice shall be provided no less than fourteen days prior to the initiation of such event, shall describe the event and its duration, and shall provide contact information for a responsible party, on the appropriate island, who shall respond to questions and concerns from property owners. Evidence and documentation of such notice shall be provided to the director upon request.

c. The event shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property.

d. The activity shall involve no outdoor activities before 8:00 a.m. and after 10:00 p.m., including setup and breakdown.

e. The event shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.

f. Events shall be limited to no more than twelve days in a twelve-month period per parcel for County-sponsored events and four days in a twelve-month period per parcel for events that are not sponsored by the County.

g. All other required permits and approvals shall be obtained.

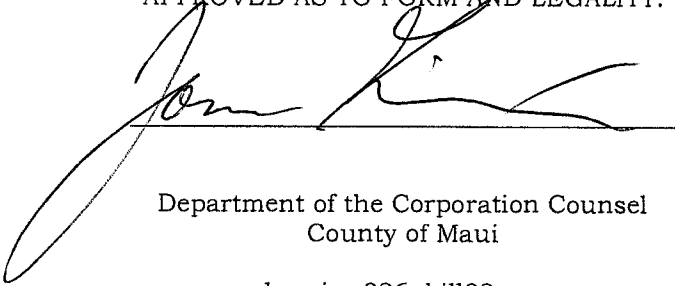
3. Temporary sales offices for new projects when located in the same project area.

Limitations listed above shall not apply to any use that is expressly permitted elsewhere in this title."

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, 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:

A handwritten signature in black ink, appearing to be "Tom K...", is written over a horizontal line. The signature is stylized and cursive.

Department of the Corporation Counsel  
County of Maui

lu:misc:026abil02:grs