

REQUEST FOR LEGAL SERVICES

Date: September 4, 2018
From: Kelly King, Chair
Planning Committee

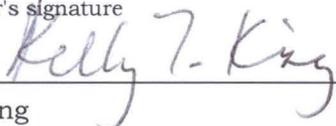
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper, Esq.

Subject: A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS (PC-19)

Background Data: Please incorporate the Planning Committee's revisions as shown on the attached draft in track changes. Please review, and if appropriate, approve as to form and legality. A signed, hard copy is requested.

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

Requestor's signature  Kelly King	Contact Person <u>Traci Fujita</u> (Telephone Extension: <u>7687</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 11, 2018
REASON: For posting on the September 21, 2018 Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

pc:ltr:019acc01:tntf

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

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

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

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

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

- A. Residential districts:
 - 1. R-1, six thousand square feet,
 - 2. R-2, seven thousand five hundred square feet,
 - 3. R-3, ten thousand square feet;
- B. Multiple-family districts:
 - 1. Two-family district (duplex district),
 - 2. Apartment districts;
- C. Hotel districts;
- D. Business districts:
 - 1. B-1 neighborhood business district,
 - 2. B-2 community business district,
 - 3. B-3 central business district,
 - 4. B-R resort commercial district,
 - 5. B-CT business country town district,
 - 6. SBR service business residential district;
- E. Industrial districts:
 - 1. M-1 light industrial district,
 - 2. M-2 heavy industrial district;
- F. Airport district;
- G. Agricultural district;
- H. Off-street parking and loading;
- I. Planned development;
- J. Civic improvement district;
- K. Park districts:
 - 1. PK-1 neighborhood park district,
 - 2. PK-2 community park district,
 - 3. PK-3 regional park district,

- 4. PK-4 golf course park district;
- L. Rural districts:
 - 1. RU-0.5 rural district,
 - 2. RU-1 rural district;
- M. Open space districts:
 - 1. OS-1 passive open space district,
 - 2. OS-2 active open space district.]
- A. Open space districts:
 - 1. OS-1.
 - 2. OS-2.
- B. Residential districts:
 - 1. R-1.
 - 2. R-2.
 - 3. R-3.
- C. R-0 zero lot line residential district.
- D. Two-family districts:
 - 1. D-1.
 - 2. D-2.
- E. Apartment districts:
 - 1. A-1.
 - 2. A-2.
- F. Hotel districts:
 - 1. H-1.
 - 2. H-M.
 - 3. H-2 and hotel.
- G. Business districts:
 - 1. SBR service.
 - 2. B-CT country town.
 - 3. B-1 neighborhood.
 - 4. B-2 community.
 - 5. B-3 central.
 - 6. B-R resort commercial district.
- H. Industrial districts:
 - 1. M-1 light.
 - 2. M-2 heavy.
 - 3. UM-3 restricted.
- I. Park districts:
 - 1. PK.
 - 2. GC.
- J. Airport district.
- K. Agricultural district.
- L. Rural districts:
 - 1. RU-0.5.
 - 2. RU-1.
 - 3. RU-2.
 - 4. RU-5.

- 5. RU-10.
- 6. County rural.
- M. Public/quasi-public districts:
 - 1. P-1.
 - 2. P-2.
- N. Kihei research and technology park district.
- O. Maui research & technology park district.
- P. Napili bay civic improvement district.
- Q. Urban reserve district.
- R. Interim.
- S. Maui County historic districts.
- T. Project districts.”

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

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

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

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

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

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

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

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

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

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

SECTION 3. Title 19, Maui County Code, is amended by amending the title of chapter 19.10 to read as follows:

“TWO-FAMILY (DUPLEX) [DISTRICT] DISTRICTS”

SECTION 4. Title 19, Maui County Code, is amended by amending the title of chapter 19.15 to read as follows:

“B-CT COUNTRY TOWN BUSINESS [DISTRICTS] DISTRICT”

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing the bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2017-1320
2018-03-20 Ordinance Zoning Districts and Maps