

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

BILL NO. 79 (2015)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS

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 read as follows:

**“Chapter 19.27A**

**PARK DISTRICTS**

Sections:

- 19.27A.010 Purpose and intent.
- 19.27A.020 District categories.
- 19.27A.030 Permitted uses.
- 19.27A.040 Accessory uses and structures.
- 19.27A.050 Special uses.
- 19.27A.060 Development standards.
- 19.27A.070 Rule-making authority.

**19.27A.010 Purpose and intent.** The park districts are to preserve and manage lands for passive and active recreational activities through a system of parks suited to the varying recreational needs of the County, to allow for parks that are of differing sizes and uses, and to implement the general plan and community plans of the County and the land use laws of the State.

**19.27A.020 District categories.** There shall be two categories of park districts to distinguish between general park (PK) and golf course (GC) uses:

Category	Description
PK	General park districts provide park areas designed to meet passive and active recreational needs. This district category may be located in the state urban, rural, or agricultural district and is intended to provide maximum flexibility for the planning and development of park facilities to meet the growing and diverse needs of the community.
GC	Golf course districts provide golf courses in the state urban, rural, or agricultural district that conform to the provisions of chapter 205, Hawaii Revised Statutes, on lands designated for park use by the community plans of the County. It is further intended that viable agricultural uses be encouraged to continue and that the use of potable groundwater for irrigation be discouraged.

**19.27A.030 Permitted uses.** Within park districts, the following uses shall be permitted:

Use	PK	GC	Special Conditions
Archery ranges	x	x	A County special use permit is required when the use occurs on private property.
Athletic arenas, stadiums, and tennis centers	x	x	
Automobile, go-carts, and motorbike activities	x		
Botanical gardens	x	x	
Campgrounds	x		No camping unit shall be located less than one thousand feet away from any dwelling unit on an adjacent parcel.
Cellular and radio towers	x	x	
Cultural and performing arts facilities	x	x	

Fishing	x	x	
Golf courses	x	x	
Governmental offices and facilities	x	x	
Gun ranges	x	x	A County special use permit is required when the use occurs on private property.
Gymnasiums	x		
Historic buildings, structures, or sites or areas of scenic interest	x	x	
Maintenance areas	x	x	
Marinas	x		
Open land recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Outdoor recreation	x	x	A County special use permit is required when the use occurs on private property and involves firearms.
Paint gun and airsoft play fields	x	x	
Parks	x	x	
Picnicking	x	x	
Playgrounds	x		
Playing courts and playfields	x		
Recreational, educational, neighborhood, or community centers and facilities for public or eleemosynary organizations	x		
Riding stables	x		
Skeet and trap fields and sporting ranges	x	x	A County special use permit is required when the use occurs on private property.
Swimming pools	x	x	

Trail activities	x	x	Trail activities for motorbikes and automobiles are not permitted on Lanai.
Zoos	x		
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	x	x	The use shall conform to the intent of this chapter.

**19.27A.040 Accessory uses and structures.** Uses that are incidental or subordinate to, or that occur customarily in conjunction with, a permitted principal use, including the following:

Use	PK	GC	Special Conditions
Comfort stations	x	x	
Emergency broadcast sirens	x	x	
Energy systems, small-scale	x	x	The use shall not cause a detrimental or nuisance effect upon neighboring properties.
Farmer's market	x		
Lifeguard or security stations	x	x	
Light fixtures and light poles	x	x	Lighting or lamp posts and lighting controls shall be full cut-off luminaries to lessen possible sea bird strikes.
Luau's, carnivals, bazaars, fairs, food, wine, or film festivals that are special events and temporary in nature	x	x	For purposes of this section, "temporary" means no more than thirty days in a one-year period.
Maintenance buildings	x	x	
Off-street parking and loading	x	x	
Park furniture	x	x	
Pavilions	x	x	

Play and outdoor exercise equipment, including skate ramps	x		
Restaurants and gift shops	x	x	
Skating, including skateboard facilities	x	x	
Subordinate uses and structures	x	x	The planning director shall determine when the use is incidental and customary to a permitted use listed in section 19.27A.030.

**19.27A.050 Special uses.** The following uses and structures are permitted, except that a County special use permit, pursuant to section 19.510.070 of this title, is required. If a State special use permit is obtained, the County's special use permit requirement is satisfied.

Use	RK	GC	Special Conditions
Archery ranges	x	x	A County special use permit is not required when the use occurs on public property.
Gun ranges	x	x	A County special use permit is not required when the use occurs on public property.
Open land recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Outdoor recreation	x	x	A County special use permit is not required when the use occurs on public property or does not involve firearms.
Skeet and trap fields and sporting ranges	x	x	A County special use permit is not required when the use occurs on public property.
Structures greater than thirty-five feet in height on Lanai and Molokai	x		The use is subject to the development standards of section 19.27A.060.

**19.27A.060 Development standards.** Development standards for the park districts shall be:

Standard	PK	CC	Special conditions
Maximum building height (in feet)	120 on Maui; 35 on Molokai and Lanai.	35	Minor utility facilities, small-scale energy systems, vent pipes, fans, chimneys, and energy-saving and renewable devices may exceed the maximum building height by up to five feet if the item is mounted on the roof of a facility.
Minimum front yard setback (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear yard setbacks (in feet)	20	50	The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.
Minimum side and rear setbacks (in feet) for structures or portions thereof greater than fifteen feet in height	15		The standard does not apply to non-habitable buildings and accessory structures listed in section 19.27A.040.

**19.27A.070 Rule-making authority.** The director of planning may adopt rules to implement this chapter.”

SECTION 2. Chapter 19.27, Maui County Code, is repealed in its entirety.

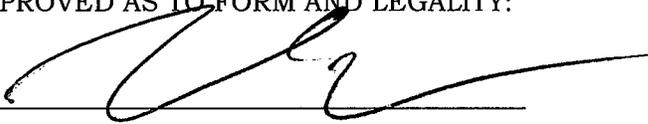
SECTION 3. Chapter 19.615, Maui County Code, is repealed in its entirety.

SECTION 4. Any lands zoned park, Maui Central Park (MCP), PK-1 neighborhood park district, PK-2 community park district, or PK-3 regional

park district within the County of Maui are hereby zoned general park (PK).  
Any lands zoned PK-4 golf course park district within the County of Maui are  
hereby zoned golf course (GC).

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Michael J. Hopper', written over a horizontal line.

**MICHAEL J. HOPPER**  
Department of the Corporation Counsel  
County of Maui

pc:misc:013abill01a:gig

DIGEST

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A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS

This bill proposes to repeal Chapter 19.27 and 19.615, Maui County Code, pertaining to the Maui Central Park District and Park Districts; and add a new Chapter 19.27A, pertaining to the Park District to update the County's zoning provisions relating to parks districts and to consolidate the provisions into a single chapter within the Comprehensive Zoning Ordinance.

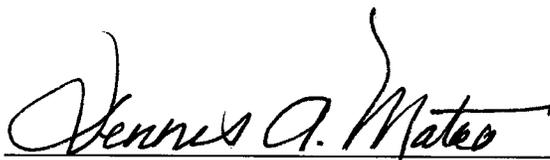
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 79 (2015) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of November, 2015, by the following vote:

AYES: Councilmembers Gladys C. Baisa, Robert Carroll, Eleanora Cochran, Donald G. Couch Jr., S. Stacy Crivello, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers G. Riki Hokama and Michael P. Victorino, and Vice-Chair Donald S. Guzman.

DATED at Wailuku, Maui, Hawaii, this 23rd of November, 2015.

  
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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.