

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

September 21, 2018

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on August 30, 2018, makes reference to County Communication 18-201, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI".

The purpose of the proposed bill is to adopt a digital zoning map, consistent with previously enacted zoning ordinances, for the island of Maui.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS".

The purpose of the proposed bill is to establish updated County policy on determining boundaries for zoning districts, and comprehensively update the digital zoning map for the island of Maui.

According to the Planning Director, the proposed bills are complementary to each other; therefore, he requested your Committee consider action on both proposed bills on the same day.

Your Committee notes the County's zoning maps are paper copies with handwritten notes which are up to 50-years old and are falling apart due to wear and tear over the years. There is no single complete set of zoning maps because zoning is a patchwork of State interim ordinances, original 1960's land zoning maps for urban areas, County agricultural and

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rural zoning ordinances, and individual zoning changes. The scale of the old zoning maps makes individual parcel determinations difficult.

Zoning still on old maps does not match actual development. Examples of this mismatch include the following:

- 1) Existing single-family homes are located in areas proposed for road and drainage use on the 1969 Kihei Land Zoning Map No. 5 (1969 Kihei Map).
- 2) The location of the proposed future Piilani Highway on the 1969 Kihei Zoning Map does not match the actual location of the Piilani Highway as it exists today.
- 3) The 1998 comprehensive agriculture bill effectively down-zoned portions of the Wailuku Heights subdivision from R-3 Residential District back to Agriculture.
- 4) The 2014 real property tax parcel layer indicates portions of the Pukalani golf course are located within the R-2 Residential District, an original proposed roadway is located within single-family parcels, and portions of single-family parcels are located within golf course zoning.

In 2001, the County initiated a digital mapping project to replace the worn-out paper maps with updated digital maps. Staff from each division in the Department of Planning was pooled together to create a team, known as the Dead Sea Scroll Replacement Team. These employees had historical and present knowledge of the County's land use and Geographic Information Systems skills. According to the Planning Director, the Maui island map is the first digital zoning map being presented for adoption. Work on the Lanai and Molokai maps still needs to be done and will be presented later.

The new digital maps correct mapping alignments, update parcel zoning with zoning districts that have standards, eliminate non-existent zoning districts, and correct oversights consistent with applicable

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community plan designations. The Department of Planning clarified your Committee will need to make additional corrections that require policy decisions for parcels containing inconsistent zoning and community plan designations.

On September 12, 2017 the County issued a press release informing the public about the digital zoning maps project and a link to the project's website (<https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>). The press release also included an invitation to four public meetings in Kihei, Wailuku, Lahaina, and Pukalani to be held in March and April 2018. Additionally, the Department mailed over 900 informational postcards to landowners who were impacted by the digital zoning map adjustments.

The digital zoning map and accompanying proposed bills were presented to the Lanai, Molokai, and Maui planning commissions on October 4, 11, and 24, 2017, respectively. All three commissions supported the project and recommended approval of the proposed bills.

The purposes of the digital zoning maps are to: 1) replace the County's old, worn-out paper maps with comprehensive digital zoning maps; 2) make digital zoning maps accessible online for public use; 3) confirm existing zoning accurately and efficiently for all parcels in the County; and 4) create a single digital zoning map that encompasses each island.

The digital zoning maps will improve coordination between government agencies and play a key role in the Maui Automated Planning and Permitting System. Additionally, the Department of Planning processed 20,177 zoning verification forms between Fiscal Year 2014 and Fiscal Year 2018 and anticipates a reduction in zoning determinations due to the digital zoning maps.

Your Committee recommended that Section 19.06.030(F) of the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS," be revised by clarifying that the zoning designation for any area under water,

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not included in any zoning district, shall be the same as the immediately adjoining zoning designation. Your Committee also recommended that Section 19.06.010(H)(3) of the proposed bill be revised by correcting the industrial zoning district to M-3 restricted.

Your Committee voted 5-0 to recommend passage of the proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI" and the revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS" on first reading and filing of the communication. Committee Chair King, Vice-Chair Sugimura, and members Cochran, Crivello, and Hokama voted "aye." Committee members Guzman and White were excused.

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Planning Committee RECOMMENDS the following:

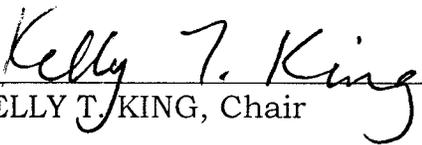
1. That Bill _____ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-201 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



KELLY T. KING, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE
OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

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

SECTION 1. Purpose. The purpose of this ordinance is to adopt a digital zoning map as the official zoning map for the Island of Maui. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

“19.06.020 Maps. A. Pursuant to section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director shall prepare and administer the County’s zoning maps.

B. For the island of Maui, one zoning map shall be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning map is incorporated herein by reference and is located online at the department of planning, implementation division’s website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The digital map shall be in addition to the original “land zoning maps” on file in the office of the county clerk; however, the digital zoning map shall be used to determine zoning boundaries and designations in the event of a conflict. Whenever an amended zoning map is adopted and the ordinance is filed with the county clerk, the digital zoning map shall be amended to reflect the amended zoning map.

C. The areas of the [County] islands of Kaho’olawe, Lana’i, and Moloka’i shown on original maps [identified and] entitled “Land Zoning Maps,” on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning map for the island of Maui,

together with all explanatory materials thereon, [shall be deemed to accompany, and are made a part of, the ordinance codified in this title, and may be amended in the same manner as any] are part of this title.

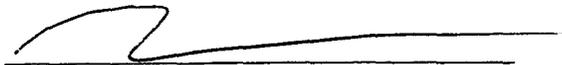
[B. Notwithstanding any provision contained in this article as to those areas of the County not shown on the maps, the provisions of article I of this title shall govern and have precedence over this article.]”

SECTION 3. Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

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



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

LF 2017-1320
2018-03-20 Ordinance Digital Zoning Map

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. M-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”

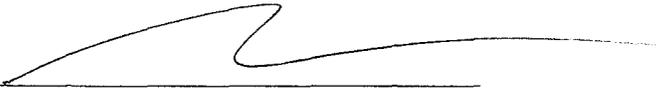
SECTION 4. Title 19, Maui County Code, is amended by amending the title of chapter 19.15 to read as follows:

“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