

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

BILL NO. 82 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT

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

SECTION 1. The purpose of this Ordinance is to include apartments in the M-2 Heavy Industrial District, provided they meet certain criteria.

SECTION 2. Section 19.26.010, Maui County Code, is amended to read as follows:

**“19.26.010 - Purpose and intent.** Those uses which include the manufacture or treatment of goods from raw materials are permitted in the M-2 heavy industrial district. Those uses which are listed under section 19.26.040 cannot be automatically included in the M-2 heavy industrial district because of their hazardous or offensive nature. Provision is made whereby the location and conduct of these uses is subject to review and approval of the commission as conforming to the intent of this title. The district includes mixed uses and can serve as a transition between industrial, commercial, and residential uses, such as when located along a transit-oriented development corridor.”

SECTION 3. Section 19.26.020, Maui County Code, is amended to read as follows:

**“19.26.020 Permitted uses.** Within the M-2 heavy industrial district, no building, structure or premises will be used and no building or structure will be hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

Uses	Notes and Exceptions
Any use permitted in the B-1, B-2, and B-3 business districts and M-1 light industrial district	Except for living quarters used by security/watchmen

except single family dwellings, duplexes, bungalow courts, short-term rental homes, <u>and</u> transient vacation rentals [and apartments]	or custodians of an industrially used property
Alcohol manufacture	
<u>Apartments</u>	<p><u>Apartments are allowed when all the following criteria are met:</u></p> <ol style="list-style-type: none"> <li>1. <u>Located on the same lot as business or industrial uses</u></li> <li>2. <u>An existing business or industrial use is located within 500 feet of any existing residential use</u></li> <li>3. <u>Appropriate physical or spatial buffers are provided between residential and noxious uses, such as dense landscaping or walls that match existing or proposed architecture</u></li> <li>4. <u>If prior industrial activity involved the use or handling of materials that remain on the site, including in the soil, and could pose a health risk to future residents, appropriate environmental tests and remediation must first be conducted</u></li> <li>5. <u>Transient vacation rental use is prohibited</u></li> <li>6. <u>The apartment is on Maui or Lānaʻi</u></li> </ol>
Automobile wrecking, if conducted within a building	
Boiler and steel works	
Brick, tile or terra cotta manufacture	
Canneries except fish canneries	

Chemical manufacture	
Concrete or cement products manufacture	
Factories	
Foundries	
Freight classification yard (railroad)	
Junk establishment used for storing, depositing, or keeping junk or similar goods for business purposes	Such establishment [shall] <u>must</u> not be nearer than 8 feet from any other property line for the storage of the junk or similar goods except in buildings entirely enclosed with walls
Lime kilns which do not emit noxious and offensive fumes	
Lumber yard	
Machine shops	
Material recycling and recovery facilities	
Oilcloth or linoleum manufacture	
Oil storage plants	
Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture	
Petroleum products manufacture or wholesale storage of petroleum	
Planing mill	
Plastic manufacture	
Railroad repair shops	
Rolling mills	
Ship works	
Soap manufacture	
Sugar mills and refineries	
Utility facilities, major	
In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like and not allowed in any other district	Provided, however, that any use not specified in this section [shall] <u>must</u> not be permitted unless approved by the planning director as conforming to the intent of this title

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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 takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

*Stephanie Chen*

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STEPHANIE M. CHEN

Department of the Corporation Counsel

County of Maui

LF2022-0060

2022-03-14 Ord Amd Ch 19.26

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John P. Lee", written over a horizontal line.

Upon the request of the Mayor.