

ORDINANCE NO. 1684

BILL NO. 66 (1987)
AS AMENDED

A BILL FOR AN ORDINANCE AMENDING TITLE 19
OF THE MAUI COUNTY CODE, PERTAINING TO CONDITIONAL PERMITS

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

SECTION 1. Chapter 19.40, Maui County Code, is hereby repealed in its entirety.

SECTION 2. Title 19, Maui County Code, is hereby amended by adding a new Chapter 19.40 to read as follows:

"Chapter 19.40

CONDITIONAL PERMITS

Sections:

- 19.40.010 Intent.
- 19.40.020 General.
- 19.40.030 Application.
- 19.40.040 Application withdrawal or return.
- 19.40.050 Application review.
- 19.40.060 Processing procedure.
- 19.40.070 Establishment.
- 19.40.080 Conditions, amendments, modifications.
- 19.40.090 Extensions.
- 19.40.100 Expiration of permit.
- 19.40.110 Reporting.

19.40.010 Intent. The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

19.40.020 General. The commission shall hear and review an application for a conditional permit and provide a recommendation to the council.

RECEIVED AT PSLU MEETING ON 12/18/19
(COMMITTEE CHAIR PARTN)

19.40.030 Application. A developer, owner or lessee (holding a recorded lease, the unexpired term of which is more than five years from the date of filing of the application) may file with the department of planning, an application for a conditional permit. Upon filing the planning director shall review said application for completeness. Said application shall include the following information and documentation:

A. A written description which sets forth the nature of the request and the conditions justifying the request;

B. Documentation of ownership or if appropriate, authorization by the landowner;

C. A scaled site plan showing existing and proposed buildings, parking, and access;

D. The names, addresses and tax map key numbers of owners and lessees of record of all real property situated within five hundred feet of the land on which the proposed action is to occur. Said list shall be based on current real property tax assessment records of the county and verified by the department of finance. The applicant shall provide a tax map graphically depicting the areas within five hundred feet of the subject property boundaries; and

E. A non-refundable filing fee of one hundred (\$100.00) dollars.

19.40.040 Application withdrawal or return. If an application is withdrawn or returned, the same or similar application will not be accepted for processing sooner than six months from the date of withdrawal or return.

19.40.050 Application review. Upon receipt of a complete application, the planning director shall review the project parameters including but not limited to location, design, configuration, and impact by comparing the proposed project to fixed standards.

19.40.060 Processing procedure. The application shall be processed in accordance with the provisions of this chapter.

19.40.070 Establishment. A. Upon finding by the commission that reasons justifying granting of a conditional permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a conditional permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

B. Should the commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the commission shall recommend denial of the request and may instruct the applicant to seek a change in zoning should the facts warrant such an application.

C. Every conditional permit shall be conditioned upon the proposed development fully complying with all requirements of this title and other applicable governmental requirements.

D. Approval of a conditional permit application shall be through enactment of an ordinance by the council, in accordance with the provisions of the charter; provided, however, that where the council action is contrary to a recommendation of denial by the commission, enactment of the ordinance granting the conditional permit shall be by at least two-thirds affirmative votes rather than the usual majority.

19.40.080 Conditions, amendments, modifications. A. Conditional permits may be issued subject to such terms and conditions deemed reasonable and necessary to fulfill the intent and purposes of this title. All changes in the use or appearance of land or buildings allowed by the permit shall be in accordance with the specified conditions and the proposal as approved. Such permit shall be issued subject to compliance with and/or fulfillment of such terms and conditions and shall so state.

B. Any person who has been issued a conditional permit may request the commission to review a request to amend or delete any terms, conditions and time stipulations imposed upon such permit.

C. The commission on request or on its own initiative may recommend action to revoke any conditional permit or amend or delete any terms, conditions, and time stipulations of such conditional permit if such action is deemed necessary to effectuate the purpose and intent of this chapter. The commission shall provide due notice in writing to the applicant/permittee and an opportunity for a hearing.

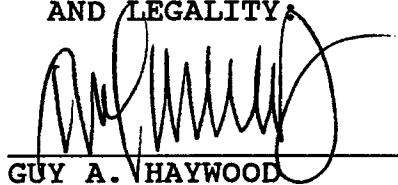
19.40.090 Extensions. Conditional permits shall not be extended unless the terms of the initial issuance explicitly provide for same. In any case, extensions must be applied for no later than ninety (90) days prior to expiration and shall be made and approved in the same manner as an original application. If the administration determines that there has been no substantial change in the factors surrounding the original application, no public hearing need be held.

19.40.100 Expiration of permits. Each permit and the ordinance enacting same shall state the duration of the permit and if a specific expiration date is stated such permit shall expire and be repealed on said date without further action.

19.40.110 Reporting. The department of public works shall submit to the county council quarterly reports on the status of all conditional permits."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Guy A. Haywood', is written over a horizontal line.

GUY A. HAYWOOD
Deputy Corporation Counsel
County of Maui
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