

ORDINANCE NO. _____

BILL NO. 29 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.96,
MAUI COUNTY CODE, MODIFYING THE WAIKAPU COUNTRY
TOWN DISTRICT CONTROLLING PLAN AND PERMITTING
EDUCATIONAL USES IN THE RESIDENTIAL DISTRICT

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

SECTION 1. This Ordinance's purpose is to amend the Controlling Plan for the Waikapu Country Town zoning code to account for an exclusion in the original mapping and to allow for educational uses in the residential district to accommodate the potential expanded school site in Waikapu Country Town.

SECTION 2. Section 19.96.030, Maui County Code, is amended to read as follows:

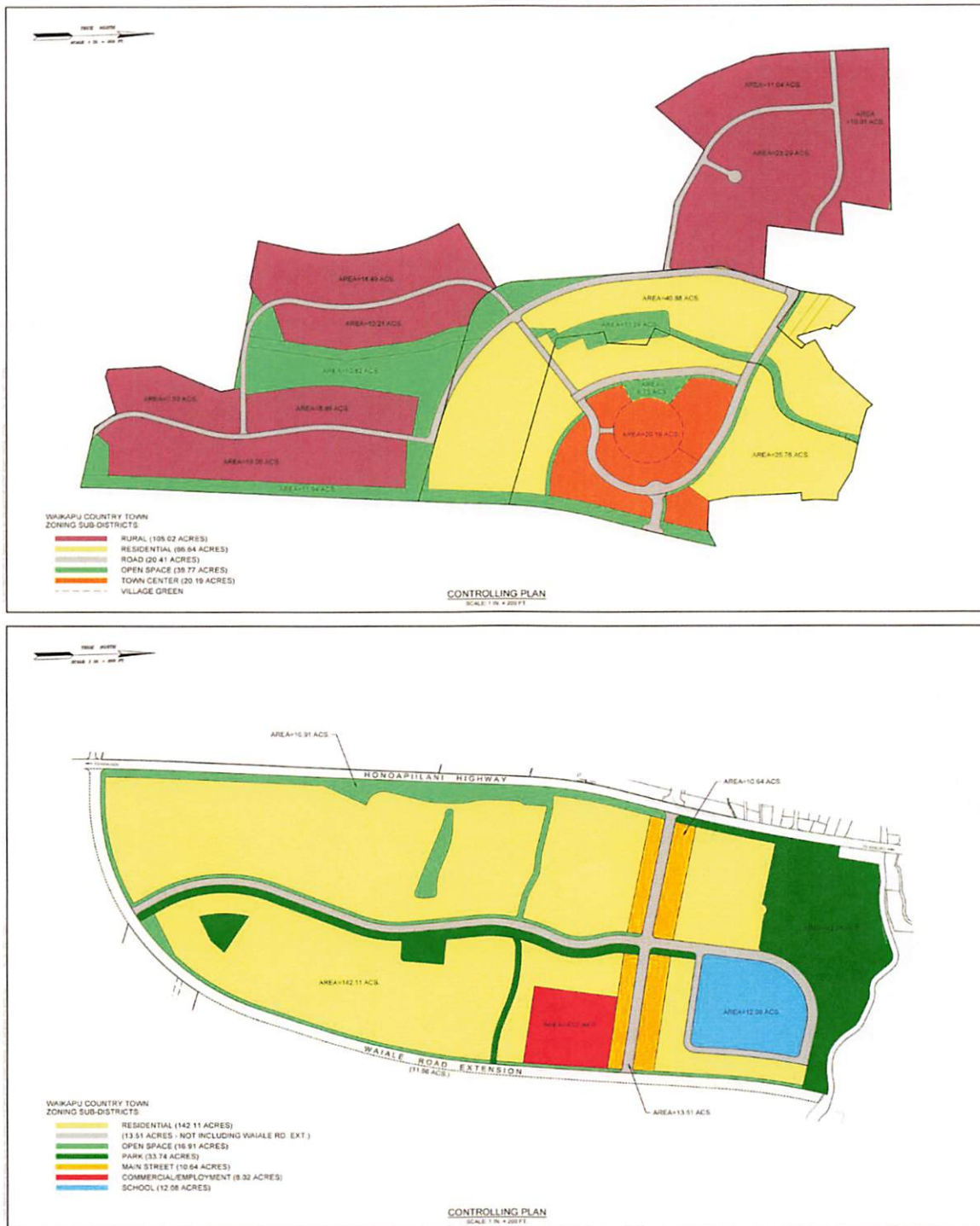
"19.96.030 Controlling Plan. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of this ordinance. Figure 1 is the controlling plan.

[Figure 1: controlling plan



Figure 1A: controlling plan

Figure 1A: Mauka and Makai Controlling Plans



SECTION 3. Section 19.96.060, Maui County Code, is amended by amending subsection D to read as follows:

“D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market ~~[demands.]~~ demands, which may include education elements. Building types include single-family residential, duplex, triplex, fourplex, sixplex, or larger ~~[buildings.]~~ buildings, including civic buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district include single-family small lot units, single-family large lot units, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, townhouses, and live-work units. The district is intended to accommodate residences that front onto aesthetically pleasing and pedestrian-oriented streets. The district may accommodate a variety of block types to accommodate a range of lot sizes. The district includes areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces emphasizes a landscape planting program and streetscapes.”

SECTION 4. Section 19.96.100, Maui County Code, is amended by amending Table 2B: Residential use table as follows:

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Table 2B: Residential use table		
Land use type	Zoning Districts	
	Residential	Rural
Assembly area ¹	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse ²	P	P

Civic space	P	P
Day care facility ³	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land ⁴		P
Park	P	P
Parking area, public	P	
<u>Education, general</u>	<u>P</u>	
<u>Education, specialized</u>	<u>P</u>	
<u>Recreation, passive</u>	<u>P</u>	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU

Home business ⁵	AU	AU
Accessory dwelling ⁶	AU	AU
Open space	AU	AU
Accessory building or structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
1. Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. 2. Shall not have more than 5 bedrooms and not more than 5 boarders. 3. For facilities serving more than 6 persons. 4. As defined in section 19.04.040. 5. Shall be subject to chapter 19.67. 6. Shall comply with the provisions of Maui County code chapter 19.35. The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.		

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SECTION 5. Section 19.96.130, Maui County Code, is amended by amending Table 3: Lot Types Permitted in Zoning Districts as follows:

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Table 3: Lot Types Permitted in Zoning Districts								
LOT TYPE	Zoning Districts							
	Town Center	Main Street	Commercial /Employe	Residential	Rural	Education	Parks	Open Space
Civic Building	•	•	•	•		•	•	
Civic Space	•	•	•	•	•	•	•	•
Commercial/ retail/ employment	•	•	•					


Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Townhouse	•	•		•				

”

SECTION 6. 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 7. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



 STEPHANIE M. CHEN
 Deputy Corporation Counsel
 Department of the Corporation Counsel
 County of Maui
 LF2023-0105
 2023-03-08 Ord Amd Ch 19.96

INTRODUCED BY:

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

Upon the request of the Mayor.