

ORDINANCE NO. _____

BILL NO. 117 (2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO
ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT,
AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH
SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

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 be appropriately designated and to read as follows:

"Chapter 19.95

WAIALE PROJECT DISTRICT SOUTH

Sections:

- 19.95.010 Purpose and intent.
- 19.95.020 Residential district.
- 19.95.030 Village mixed use district.
- 19.95.040 Industrial district.
- 19.95.050 Public/quasi-public district.
- 19.95.060 Park/open space district.
- 19.95.070 Land use districts, approximate acreages,
and maximum residential density.

19.95.010 Purpose and intent. The purpose of this project district is to provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner. The intent of the Waiale Project District is to establish a residential community with a mixture of residential unit types, including a park and open space system with bike and pedestrian paths, supportive retail and commercial facilities, as well as public and quasi-public uses.

Referenced terms have the meanings set forth in section 19.04.040, Maui County Code, or if different, then as specifically defined herein.

19.95.020 Residential district. The residential district envisions a range of multi-family and single-family housing types to meet the varied housing needs of Maui residents. The intent of the residential district is to provide the flexibility to allow for all forms of residential use and structures to meet changing market demand. The district also includes other uses that are supportive and compatible with residential use.

Permitted uses and structures. Within the residential district, the following uses shall be permitted:

A. Principal uses and structures.

Uses	Notes and exceptions
Single-family dwelling units	
Two-family dwelling units	
Multi-family dwelling units	
Parks and playgrounds, noncommercial	Certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground.
Resident recreational uses and structures for use by owners and their tenants	
Parking lots	
Communication equipment, antenna, or towers	
Minor utility facilities	
Major utility facilities	Limited to water and wastewater treatment facilities.
Schools	

B. Accessory uses and structures.

Uses	Notes and exceptions
Greenhouses, flower and truck gardens, and nurseries	Provided that there shall be no retailing or transacting of business on the premises.
Accessory buildings located on the same lot	
Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services	These facilities shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, serving eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or serving twelve or fewer children at any one time on lot sizes of ten thousand or more square feet.
Home occupations	
Adult care homes in which residents of the home provide care for not more than six adults	
Small scale energy systems that are incidental and subordinate to a principal use or structure	
Other uses and structures that are determined by the planning director as meeting the intent of this section	

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission:

Uses	Notes and exceptions
Churches, together with accessory buildings	
Recycling collection and redemption centers	
Farmer's market	
Swap meet or open air market	
Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services serving more than the number of children defined in subsection B.	
Hospitals	
Nursing or convalescent homes and domiciliary facilities operated and maintained to provide nursing or supporting care	
Certain domestic type businesses in the home	Provided there will be no detrimental or nuisance effect upon the neighbors. Such businesses shall be normal functions of the home, such as baking, sewing, and piano playing.
Adult care homes for more than six adults	
Buildings or premises used by the Federal, State, or County governments for public purposes	
Uses and structures that are similar to, and compatible with, the principal uses or structures and which conform to the intent of this section may be approved by the Maui planning commission	

D. Development standards for the residential district shall be:

	Residential district	Notes and exceptions
Minimum lot area (square feet)	1,800 square feet	Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.
Minimum lot width (in feet)	0 feet	
Maximum building height (in feet)	60 feet	Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof.

Minimum yard setbacks (in feet)		Notes and exceptions
Front	0 feet	
Side	3 feet	The side and rear yard setback may be 0 feet for zero lot line lots and lots used only for utility and landscape purposes as identified in the project district phase II or III site plans.
Rear	3 feet	

19.95.030 Village mixed use district. The village mixed use district envisions an area comprised of a mix of residential, commercial, recreational, and community facilities. The intent of the village mixed use district is to create community identity and character with landmark buildings and a grouping of services within a central core that includes a mix of uses.

Permitted Uses. Within the village mixed use district, the following uses shall be permitted:

A. Principal uses and structures.

Uses	Notes and exceptions
Any use or structure permitted in the residential district	
Animal boarding facility	
Animal hospital	
Art galleries	
Auditoriums and theatres	
Automobile service stations	
Bowling alleys	
Churches, together with accessory buildings	
Day care facilities	
Eating and drinking establishments	
Farmer's market	
Food and beverage, retail	
Garages	
General merchandising	
General office	
Laundromats	
Light manufacturing and processing	
Medical center, major	
Medical center, minor	
Museums	
Parking area, public	
Personal and business services	

Private clubs	
Public facility or public use	
Quasi-public use or quasi-public facility	
Recreation, indoor	
Redemption center	
Self-storage	Provided it is within a completely enclosed building
Swap meet or open air market	

B. Accessory uses and structures.

1. Accessory structures permitted in the residential district.

2. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the village mixed use district shall be:

	Village mixed use district	Notes and exceptions
Minimum lot area (square feet)	1,800 square feet	Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.
Minimum lot width (in feet)	0 feet	
Maximum building height (in feet)	60 feet	Measured by the finished grade, as specified in the approved project district phase II or III site plans: 45 feet for all non-dwelling uses with an additional allowable 15 feet for a total of 60 feet if the area above 45 feet is exclusively used for dwelling purposes. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof.

Minimum yard setbacks (in feet)		Notes and exceptions
Front	0 feet	
Side	3 feet	The side and rear yard setback may be 0 feet for zero lot line lots and lots used only for utility and landscape purposes as identified in the project district phase II or III site plans.
Rear	3 feet	

19.95.040 Industrial district. The industrial district envisions an area of commercial and light industrial uses, including warehousing and distribution types of activities and the assembly or treatment of materials, with the exception of heavy manufacturing and processing. The district also includes other uses that are supportive and compatible with industrial use.

Permitted uses. Within the industrial district, the following uses shall be permitted:

A. Principal uses and structures.

Uses	Notes and exceptions
Any use or structure permitted in the VMX District	
Assembly and manufacture of electrical components and the like	
Automobile services	Including major repairs, provided all auto repairing operations are conducted in completely enclosed buildings; and provided further, that tire rebuilding or battery manufacturing shall not be permitted within this district.
Automobile upholstery shops	
Awning or canvas shops	
Cold storage plants	
Commercial laundries	
Equipment rental and sales yards	
Farm implement sales and service	
Feed stores	

General food, fruit, and vegetable processing and manufacturing plants	
Ice cream and milk producing, manufacturing, and storage	
Laboratories-experimental, photo or motion picture, film, or testing	
Light and heavy equipment and product display rooms, storage, and service	
Lumber yards	
Machine shop or other metal working shop	
Manufacture of pottery and figurines or other similar ceramic products	
Milk bottling or central distribution stations	
Mortuaries	
New and used car lots	Provided all repair and maintenance is conducted within a completely enclosed building.
Nurseries (flower or plants)	Provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within completely enclosed buildings.
Plumbing shops	
Printing, lithography, or publishing shops	
Radio transmitting and television stations	Provided that towers are of the self-sustaining type without guys.
Recycling collection and redemption centers	
Replating shop	
Retail lumber yard including mill and sash work	Except that mill and sash work shall be conducted within a completely enclosed building.
Small boat building	
Soda water and soft drink bottling and distribution plants	

The manufacture, compounding, or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco, and wood	
The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products except the rendering or refining of fats and oils	
The manufacture, dyeing, and printing of cloth fabrics and wearing apparel	
The manufacture of musical instruments, toys, novelties, and rubber and metal stamps	
Trucking and truck storage	
Warehouse and storage	
Wearing apparel manufacturing	
Any other retail businesses or commercial enterprises which are similar in character of rendering sales of commodities or performance of services to the community and not detrimental to the welfare of the surrounding area	Provided, however, that such uses shall be approved by the planning director as conforming to the intent of this section.

B. Accessory uses and structures. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the industrial district shall be:

	Industrial district	Notes and exceptions
Minimum lot area (square feet)	7,500 square feet	Lots for utility or landscape purposes shall only be used for utility and landscape purposes and shall not have a minimum lot area.
Minimum lot width (in feet)	65 feet	
Maximum building height (in feet)	60 feet	Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof.

Minimum yard setbacks (in feet)		Notes and exceptions
Front	0 feet	Where the front, side, or rear yard of a lot abuts a lot in any residential or village mixed use district, the abutting front, side, or rear yard setbacks shall be not less than 10 feet, except that the minimum front, side, and rear yard setbacks shall be 0 feet for lots used only for utility or landscape purposes.
Side	0 feet	
Rear	0 feet	

19.95.050 Public/quasi-public district. The public/quasi-public district envisions uses supportive and compatible with the overall residential character of the Waiale residential community. The district also includes other uses that are supportive and compatible with public/quasi-public use.

Permitted Uses. Within the public/quasi-public district, the following uses shall be permitted:

A. Principal uses and structures:

Uses	Notes and exceptions
Churches	
Community and recreation centers	
Fire and police stations	
Government and quasi-public offices	
Libraries	
Major utility facilities	
Minor utility facilities	
Parking lots and structures	
Schools	

B. Accessory uses and structures. Other uses and structures as determined by the planning director as meeting the intent of this section.

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission: Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the public/quasi-public district shall be:

	Public/quasi-public district	Notes and exceptions
Minimum lot area (square feet)	0 square feet	
Minimum lot width (in feet)	0 feet	
Maximum building height (in feet)	90 feet	Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof.

Minimum yard setbacks (in feet)		Notes and Exceptions
Front	20 feet	Where the side or rear yard of a lot abuts a lot in any residential or village mixed use district, the abutting side or rear yard shall have the same yard setback as required in the residential or village mixed use district, except that the minimum front, side, and rear yard setbacks shall be 0 feet for lots used only for utility or landscape purposes.
Side	0 feet	
Rear	0 feet	

19.95.060 Park/open space district. The park/open-space district envisions park and open space uses which serve the active and passive recreational needs of the Waiale residential community. The district also includes other uses that are supportive and compatible with park/open space use.

Permitted uses. Within the park and open space district, the following uses shall be permitted:

A. Principal uses:

Uses	Notes and exceptions
Athletic courts and fields	
Community and recreation centers	
Drainage and erosion control systems	Shall be combined with open land recreation uses.
Historic and cultural sites	
Minor utility facilities	
Open land recreation	
Parks, playgrounds, and landscaped common or open space areas	
Road widening reserves and buffers	
Swimming pools	
Trails and bike-pedestrian ways	

B. Accessory Uses and Structures.

Uses	Notes and exceptions
Comfort and shelter stations	
Greenhouses and nurseries, limited to the propagation of plants	
Maintenance and storage facilities	
Park furniture and equipment	
Other uses and structures as determined by the planning director as meeting the intent of this section	

C. Special uses. The following uses shall be permitted subject to the approval of the Maui planning commission:

1. Cemeteries.
2. Uses and structures that are similar to, and compatible with, the principal uses and structures and which conform to the intent of this section may be approved by the Maui planning commission.

D. Development standards for the park and open space district shall be:

	Park and open space district	Notes and exceptions
Minimum lot area (square feet)	0 square feet	
Minimum lot width (in feet)	0 feet	
Maximum building height (in feet)	35 feet	Measured by the finished grade, as specified in the approved project district phase II or III site plans. Building appurtenances, such as vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, may extend an additional 10 feet in height above the building roof.

Minimum yard setbacks (in feet)		Notes and exceptions
Front	20 feet	Front, side, and rear yard setbacks for lots used only for utility or landscape purposes may be 0 feet.
Side	20 feet	
Rear	20 feet	

19.95.070 Land use districts, approximate acreages, and maximum residential density.

A. The following are established as the approximate acreages for the various land use districts within the Waiale Project District South:

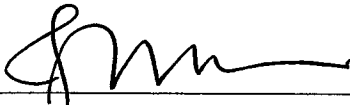
Residential district	98.4 acres
Village mixed use district	10 acres
Industrial district	0 acres
Public/Quasi-public district	0 acres
Park/Open space district	14.2 acres
Total	122.6 acres

B. The approximate acreages for the land use districts shall be applicable to the south area of Waiale project district and shall be modified upon the amendment of this ordinance for the north area of Waiale project district.

C. The south area of Waiale project district shall be limited to 950 residential units.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

2016-0253/2014-3084

LU-23 2016-11-22 Ordinance Adding Chapter 19.95, MCC (FINAL after LUC)

DIGEST

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A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO
ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT,
AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH
SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

This bill proposes to amend the Maui County Code by adding a new chapter to be designated as Chapter 19.95, Waiale Project District South, Waikapu, Maui, Hawaii, a proposed residential community with a mixture of residential units, a park and open space system with bike and pedestrian paths, and supportive retail and commercial facilities.


I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 117 (2016) was passed on First
Reading by the Council of the County of Maui, State of Hawaii, on the 2nd day of
December, 2016, by the following vote:

AYES: Councilmembers Robert Carroll, Eleanora Cochran, Donald G.
Couch Jr., S. Stacy Crivello, G. Riki Hokama, Vice-Chair Donald S.
Guzman, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers Gladys C. Baisa and Michael P. Victorino.

DATED at Wailuku, Maui, Hawaii, this 5th of December, 2016.



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.