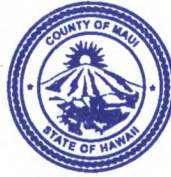


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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OFFICE OF THE MAYOR

COUNTY OF MAUI

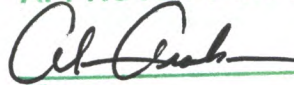
DEPARTMENT OF PLANNING

December 22, 2017

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
 12/21/17
Mayor Date

Dear Chair Carroll and Committee Members:

SUBJECT: AMENDING CHAPTERS 19.04 AND 19.30A, MAUI COUNTY CODE, TO AUTHORIZE CERTAIN SUBDIVISIONS AND USES (LU-26) ("FILM BILL")

Earlier this year, the Planning Department transmitted a bill to amend Title 19 to allow specific "substandard" subdivisions (e.g., utility lots) and to allow specific commercial uses (i.e., commercial filming and photography, commercial events, and temporary sales offices) in all zoning districts, subject to strict criteria.

Because this bill had two objectives, it was separated into two bills – known as the "subdivision bill" and the "film bill." The subdivision bill was passed in July, and the film bill remains in your Committee pending revisions to address concerns raised during your Committee's deliberations.

Attached please find a revised film bill that has been reviewed, but not yet signed, by the Department of the Corporation Counsel. We anticipate receiving a signed bill soon. Also attached is the same bill with several sections highlighted to show the substantive revisions that are being proposed since your Committee last met on the matter. Below is a summary of these revisions:

Page 1: The definition of "commercial filming and photography" was revised based upon input from the film industry.

Page 2: For commercial filming and photography, notice shall be provided by the property owner, to ensure that the owner is involved in and aware of the proposed activity.

Notice shall be provided to the Department and the Film Office, in addition to neighbors, so that both agencies can monitor the activity.

The notice was reduced from 1,000 feet to 500 feet to be consistent with all other Departmental notice requirements.

The responsible party shall also respond to inquiries from the County.

The hours for commercial filming and photography were shortened to conclude at 9:00 p.m. (instead of 10:00 p.m.); however, the County may allow additional hours if the activity would not result in detrimental impacts to neighbors.

Two or more neighbor complaints can result in the activity being suspended, and the Department and Film Office (rather than the property owner or film crew) will determine if issues have been resolved.

Page 3: For commercial events, such as First Fridays, notice shall be provided to the Department, in addition to neighbors, so that we can monitor the activity.

The notice was reduced from 1,000 feet to 500 feet to be consistent with all other Departmental notice requirements.

The responsible party shall also respond to inquiries from the County.

The hours for commercial events were shortened to conclude at 9:00 p.m. (instead of 10:00 p.m.).

The number of non-County-sponsored commercial events was reduced from four days per year to two days per year. (County-sponsored events remain at twelve days per year.)

Honorable Alan M. Arakawa
For Transmittal to:
Honorable Robert Carroll
December 22, 2017
Page 3

We believe that these revisions address the concerns that were raised by the public and the Committee in your prior discussions, and they are supported by the film industry and the Office of Economic Development.

Please let me know if you have any questions or require additional information. The Department, and the Office of Economic Development, hope that this matter can be scheduled for consideration again soon.

Thank you for your attention to this letter. If you wish to discuss further, please feel free to contact me at ext. 7735.

Sincerely,



WILLIAM SPENCE
Planning Director

Enclosures (2)

xc: Michele McLean, Deputy Director (pdf)
David Raatz, Administrative Planning Officer (pdf)
Teena Rasmussen, Economic Development Coordinator (pdf)
Tracy Bennett, Film Commissioner (pdf)

WRS:MCM:ckk

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ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, TO AUTHORIZE COMMERCIAL FILMING AND PHOTOGRAPHY ACTIVITY, TEMPORARY COMMERCIAL EVENTS, AND TEMPORARY SALES OFFICES IN ALL ZONING DISTRICTS, SUBJECT TO CERTAIN LIMITATIONS

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

SECTION 1. The purpose of this ordinance is to authorize commercial filming and photography, temporary commercial events, and temporary sales offices for new development projects in all zoning districts, subject to certain limitations set forth in this title.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Commercial filming and photography” means filming and photography for commercial purposes that requires an active crew of six or more people and the use of equipment such as light stands, electrical power boxes, dolly and dolly tracks, and similar grip and electrical gear.”

SECTION 3. Section 19.04.020, Maui County Code, is amended to read as follows:

“19.04.020 Compliance. A. Buildings and subdivisions. No building or structure shall be erected, structurally enlarged, or maintained unless it complies with the requirements of the building code of the County. No land shall be subdivided unless the subdivision complies with the provisions of this title.

B. Permitted uses in each district. There may be permitted in the districts three categories of uses: principal, accessory, and

special. Any use that is not expressly listed as a permitted principal, accessory, or special use is prohibited. Unless otherwise expressly prohibited elsewhere in this title, [restricted use lots and the uses allowed thereon] the following uses are permitted in all districts[.]:

1. Restricted use lots and the uses allowed thereon;
2. Commercial filming and photography, subject to the following limitations:

- a. If on County property, the activity shall be authorized by a valid film permit from the County throughout the duration of the activity.

- b. If on State property, the activity shall be authorized by a valid film permit from the State throughout the duration of the activity.

- c. If on private property, the owner of the property shall provide notice of the activity to: the department, the Maui County Film Office, owners of all properties within 500 feet of the subject property. Such notice shall be provided no less than fourteen days prior to the initiation of the activity, shall describe the activity and its duration, and shall provide contact information for a responsible party, on the appropriate island, who shall respond to questions and concerns from property owners and the County. Evidence and documentation of such notice shall be provided to the director upon request.

- d. If on private property, the activity shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property.

- e. If on private property, the activity shall involve no outdoor activities before 8:00 a.m. and after 9:00 p.m., including setup and breakdown, unless prior written approval is obtained from the department and the Maui County Film Office to ensure that there will be no detrimental impacts to neighboring properties.

- f. The activity shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.

- g. Two complaints from owners of different properties within 500 feet from the subject property shall result in suspension of the activity until the issue has been resolved through the department and the Maui County Film Office.

h. All other required permits and approvals shall be obtained.

3. A temporary commercial event such as a bazaar, fair, reception, or festival, subject to the following limitations:

a. The event is related, incidental, customary, or compatible with an existing principal or accessory use.

b. If the event is not sponsored by the County, notice of the event shall be provided to: the department, owners of all properties within 500 feet of the subject property. Such notice shall be provided no less than fourteen days prior to the initiation of such event, shall describe the event and its duration, and shall provide contact information for a responsible party, on the appropriate island, who shall respond to questions and concerns from property owners and the County. Evidence and documentation of such notice shall be provided to the director upon request.

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e. The event shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.

f. Events shall be limited to no more than twelve days in a twelve-month period per parcel for County-sponsored events and two days in a twelve-month period per parcel for events that are not sponsored by the County.

g. All other required permits and approvals shall be obtained.

4. Temporary sales offices for new development projects when located in the same project area.

Limitations listed above shall not apply to any use that is expressly permitted elsewhere in this title."

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, 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
2017-1506
2017-12-20 Ordinance

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, TO AUTHORIZE COMMERCIAL FILMING AND PHOTOGRAPHY ACTIVITY, TEMPORARY COMMERCIAL EVENTS, AND TEMPORARY SALES OFFICES IN ALL ZONING DISTRICTS, SUBJECT TO CERTAIN LIMITATIONS

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