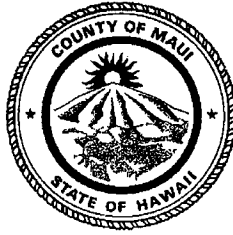


ALAN M. ARAKAWA
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LETTER OF TRANSMITTAL

Date: January 3, 2018

TO: Land Use Committee
County of Maui

FROM: Michael J. Hopper, Deputy Corporation Counsel

RE: LU-26 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

RECEIVED
2018 JAN -3 PM 1:12
OFFICE OF THE
COUNTY COUNCIL

ITEM	DESCRIPTION
Original	Ordinance

- () For Filing and Return
() For Review and Signature
() For your information

- () Attached as requested
() Per our conversation
(X) For necessary action

Remarks:

For necessary action

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.

c. The event 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.

d. The activity shall involve no outdoor activities, including setup and breakdown, before 8:00 a.m. and after 9:00 p.m.

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.

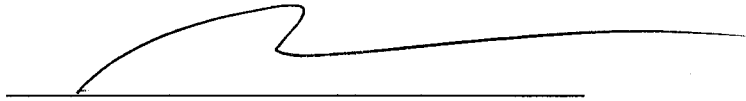
g. All other required permits and approvals shall be obtained.

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:

A handwritten signature in black ink, appearing to read 'MICHAEL J. HOPPER', is written over a horizontal line.

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2017-1506
2018-01-02 Ordinance