

REQUEST FOR LEGAL SERVICES

D a t e: August 31, 2021

F r o m: Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL


Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jennifer Oana, Esq.

Subject: AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO THE AIRPORT DISTRICT (PSLU-22)

Background Data: Please see the attached bill recommended by the PSLU Committee at its meeting of August 19, 2021, for passage on first reading, incorporating nonsubstantive revisions. Please sign if the bill is legally defensible. If the bill is not legally defensible, please provide a public memo explaining your reasons. Confidential legal advice is not sought. Please submit the response to pslu.committee@mauicounty.us with reference to PSLU-22.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Tamara Paltin	Contact Person Alison Stewart or Richard Mitchell (Telephone Extension: <u>7661 or 7662, respectively</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 8, 2021

REASON: For posting on the September 17, 2021 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)

☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

pslu:ltr:022acc01:ans

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY
CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT

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

SECTION 1. The purpose of this Ordinance is to establish buildings and premises used by the State and County governments for public purposes as permitted uses in the Airport District. This Ordinance also updates references to obsolete terms.

SECTION 2. Section 19.28.010, Maui County Code, is amended to read as follows:

“19.28.010 Permitted uses. Within [an area designated as an] the airport district, no land, building, structure, or any portion [thereof shall] of a building or structure may be used, and no building or structure [shall] may be erected, constructed, enlarged, or altered, except for the following uses:

A. Runways, taxiways, cleared safety areas, aircraft parking and loading aprons, terminal buildings, control towers, fire stations, airport maintenance shops and warehouses, landscaped areas, vehicular roads, auto parking lots, service stations, transient auto garages, [airport post offices, restaurants and cocktail lounges, soda fountains, flower shops, gift shops, bootblack stands, photo shops, lei stands, newsstands, haberdasheries, drug stores, banks, wireless offices, transient hotels, miscellaneous concessions] general merchandising, general offices, personal and business services, eating and drinking establishments, and retail food and beverage operations to serve the traveling public, postal transfer stations, and bases of operations for airport ground transportation[;].

B. Offices for passenger reservations, ticketing, flight operations, dispatching and communications, flight kitchens,

aircraft maintenance facilities, aircraft servicing facilities, aircraft parking areas, aircraft hangars, air freight facilities and airmail handling facilities[;].

C. Facilities for the processing of passengers arriving from foreign and domestic ports by federal agencies, meteorological facilities for the [United States Weather Bureau] National Weather Service and communication and landing aid facilities for the [United States] Federal Aviation [Agency] Administration[;].

D. Aviation fuel storage and dispensing, freight warehouses, refrigeration facilities for handling of perishable air freight, electroplating shops, flying schools, flying clubs, civil air patrol, aircraft charter operations, aircraft sales, aircraft parts sales, aircraft tool distribution, utility relays or distribution, aeronautical radio facilities, facilities for contract maintenance of aircraft component parts, air freight pickup and delivery service, airline catering, u-drive business, tour operators and agencies, cold storage plants, animal or veterinary hospitals or kennels, agriculture (other than animal husbandry, poultry and fowl hatcheries), housing for airport personnel, parks, aircraft tire service, aircraft show rooms, bowling alleys, insurance offices, international terminal services, [steam bath and massage,] trade schools, truck terminals, warehouse storage, and loft buildings[;].

E. Recreational facilities[; provided, that] if permission for such recreational facilities [shall be] is first obtained from the appropriate planning commission.

F. Buildings or premises used by the State or County governments for public purposes; except that permission for such buildings or premises on Lānaʻi and Molokaʻi must be first obtained from the appropriate planning commission."

SECTION 3. Section 19.28.020, Maui County Code, is amended to read as follows:

"19.28.020 Use [restrictions.] restriction. [Use of land within an airport district shall be subject to the following requirements:

A. Area Regulations. Each lot shall have an area of not less than twenty thousand square feet and an average lot width of not less than one hundred feet.

B. Height Regulations. No building shall exceed the height limitation established by the state airport zoning board for the area in question; provided, however, that heights of buildings

used for airport terminal and accessory uses shall be as prescribed by the Hawaii aeronautics commission.】 No structure within the airport district may be constructed, erected, altered, or maintained; and no tree may be maintained to a height that would penetrate the imaginary airspace surface established by the State department of transportation.”

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

pslu:misc:022abill01:wal