

ORDINANCE NO. 3977

BILL NO. 74 (2012)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO M-3 RESTRICTED INDUSTRIAL DISTRICT

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 19.25

M-3 RESTRICTED INDUSTRIAL DISTRICT

Sections:

- 19.25.010 Purpose and intent.**
- 19.25.020 Permitted uses.**
- 19.25.030 Accessory uses and structures.**
- 19.25.040 Special uses.**
- 19.25.050 Development standards.**
- 19.25.060 Rulemaking authority.**

19.25.010 Purpose and intent. Those uses which include the manufacture, processing, storage or treatment of goods from raw materials are permitted in the M-3 restricted industrial district. The district is intended to include manufacturing and nuisance industries. General retail and office uses are specifically excluded from this district.

19.25.020 Permitted uses. Within the M-3 restricted industrial district, no building, structure, or premises shall be used, and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

Uses	Notes and exceptions
Acetylene gas manufacture or bulk storage	
Acid manufacture	
Alcohol manufacture	

Ammonia, bleaching powder or chlorine manufacture	
Asphalt manufacture of refueling and asphaltic concrete plant	
Automobile wrecking	
Blast furnace or coke oven	
Boiler and steel works	
Brick, tile or terra cotta manufacture	
Canneries	
Cement, lime, gypsum, or plaster of paris manufacture	
Chemical manufacture	
Concrete or cement products manufacture	
Crematories, morgues	
Energy systems, power plants, substations, and utility facilities, major	
Explosives manufacture or storage	
Factories	
Fertilizer manufacture	
Fish canneries	
Foundries	
Freight classification yard (railroad)	
Garbage, offal or dead animals reduction or dumping	
Gas manufacture	
Glue manufacture	
Heavy equipment storage, servicing, and sales	
Junk establishment used for storing, depositing, keeping junk or similar goods for business purposes	
Landfill, solid waste processing and disposal	
Lime kilns	
Lumber yard and wood treatment facilities	
Machine shops	
Oilcloth or linoleum manufacture	
Oil storage plants	
Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture	
Petroleum or biofuel product manufacturing or wholesale storage of	

petroleum or biofuels	
Petroleum refinery	
Planing mill	
Plastic manufacture	
Quarry or stone mill	
Railroad repair shops	
Recycling processing facilities or material recycling and recovery facilities	
Rock, sand, gravel, or earth excavation, crushing or distribution	
Rolling mills	
Saw mill	
Ship works	
Slaughter of animals	
Soap manufacture	
Stock yard or feeding pens	
Sugar mills and refineries	
Tannery or the curing or storage of raw hides	
Telecommunication towers, antenna and equipment	
Utility facilities, major	
Wood treatment plants	
In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like, and not allowed in any other district	Provided, however, that any use not specified in this section shall not be permitted unless approved by the planning director as conforming to the intent of this title

19.25.030 Accessory uses and structures. The following uses and structures, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the above permitted uses in the district:

Uses	Notes and exceptions
Energy systems, small-scale	
Fences, walls, patios, decks, and other landscape features	
Garages, porte-cochere, mailboxes, ground signs, and trash enclosures	
Office space related to the on-site permitted use	
Retail, or indoor product display area	Limited to 20% of gross floor area
Security/watchman or custodian outbuildings	

Subordinate uses and structures which are determined by the planning director to be clearly incidental and customary to the permitted uses listed herein	
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19.25.040 Special uses. The following uses and structures shall be permitted in the M-3 restricted industrial district provided a County special use permit, pursuant to section 19.510.070, Maui County Code, has first been obtained.

A. Vent pipes, fans, chimneys, antennae, and equipment on roofs that exceed 199 feet.

19.25.050 Development standards.

	M-3	Notes and exceptions
Minimum lot area (square feet)	10,000	
Minimum lot width (in feet)	75	
Maximum building height (in feet)	90	
Minimum yard setback (in feet)		
Front	None	
Side and rear	0 or the same as the adjoining zoning category whichever is greater	
Free standing antenna or wind turbine structures height and setback	Maximum height of 199 feet and shall be set back 1 foot for every foot in height from all property lines	
Accessory structures allowed within setback area	Mailboxes, trash enclosures, boundary walls, and ground signs	

19.25.060 Rulemaking authority. The planning director may adopt rules to implement this chapter."

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

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'M. Hopper', written over a horizontal line.

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 74 (2012)

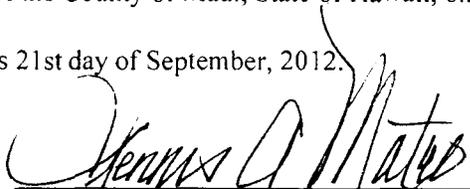
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 21st day of September, 2012, by the following vote:

Dennis A. MATEO Chair	Joseph PONTANILLA Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

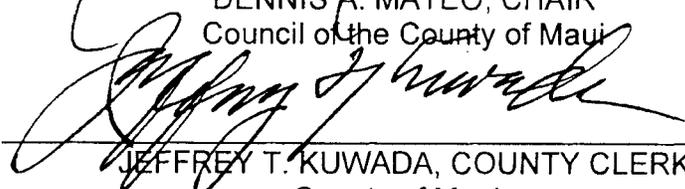
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 21st day of September, 2012.

DATED AT WAILUKU, MAUI, HAWAII, this 21st day of September, 2012.

COUNTY OF MAUI
CLERK'S OFFICE
100 WAILUKU AVENUE
WAILUKU, HAWAII 96793
PHONE: 808-242-2400
FAX: 808-242-2401



DENNIS A. MATEO, CHAIR
Council of the County of Maui



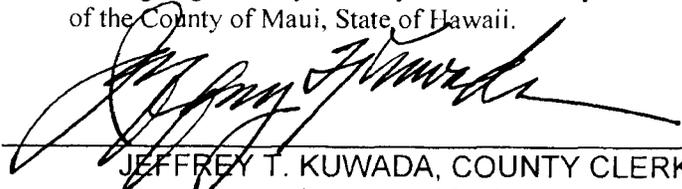
JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 24 DAY OF September, 2012.



ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3977 of the County of Maui, State of Hawaii.



JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on September 7, 2012.
Effective date of Ordinance September 24, 2012

COUNTY OF MAUI
CLERK'S OFFICE
100 WAILUKU AVENUE
WAILUKU, HAWAII 96793
PHONE: 808-242-2400
FAX: 808-242-2401

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3977 the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui