

ORDINANCE NO. _____

BILL NO. _____ (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.20,
MAUI COUNTY CODE, RELATING TO B-3 CENTRAL BUSINESS DISTRICT

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

SECTION 1. Chapter 19.20, Maui County Code, is amended to
read as follows:

"Chapter 19.20

B-3 CENTRAL BUSINESS DISTRICT

Sections:

- 19.20.010 [Generally.] Purpose and intent.
- 19.20.020 Permitted uses.
- 19.20.030 [Area regulations.] Accessory uses.
- 19.20.040 [Height regulations.] Special uses.
- 19.20.050 [Yards.] Development standards.
- 19.20.060 Rule making authority.

19.20.010 [**Generally.] Purpose and intent.** [This district is applied to the] The B-3 central business district [and] permits general business enterprises, particularly financial, governmental, commercial, and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Manufacturing and nuisance industries are excluded from the zone.

19.20.020 **Permitted uses.** Within the B-3 central business district, [there] the following uses shall be permitted: [any use permitted in a B-1 district and B-2 community business district, with the following exceptions:

A. Living or sleeping quarters in any detached accessory building or structure on the same lot;

- B. Automobile repair shops and garages;
- C. Automobile painting or steam cleaning;
- D. Automobile upholstery shops;
- E. Awning or canvas stores;
- F. Equipment rental and sales yards;
- G. Hatcheries;
- H. Lumber yards;
- I. Machine shops;
- J. Plumbing shops;
- K. Storage buildings and warehouses (separate from main building);
- L. Storage yards;
- M. Trucking and truck storage;
- N. Used car lots.]

<u>Permitted Uses</u>	<u>Criteria or Limitations</u>
<u>Amusement and recreational activities</u>	<u>Conducted wholly within a completely enclosed building</u>
<u>Apartments</u>	
<u>Auditoriums, theaters, gymnasiums</u>	
<u>Automobile parking lots and/or buildings</u>	
<u>Automobile service stations</u>	<u>No automobile repair</u>
<u>Baseball or football stadiums and other sport activities and amusements</u>	
<u>Catering establishments</u>	
<u>Churches</u>	
<u>Dancehalls</u>	
<u>Drive-in restaurants</u>	
<u>Eating and drinking establishments</u>	
<u>Education, specialized</u>	
<u>Educational institutions</u>	
<u>Gasoline retailing</u>	
<u>General merchandising</u>	
<u>General office</u>	
<u>Libraries</u>	
<u>Marinas</u>	
<u>Museums</u>	
<u>News and magazine stands</u>	
<u>Nursing and convalescent homes</u>	

<u>Personal and business services</u>	
<u>Pet shops</u>	<u>Not involving the treatment or boarding of animals</u>
<u>Recycling collection center</u>	<u>Conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height; and provided, that no goods, materials, or objects shall be stacked higher than the fence or walls so erected</u>
<u>Redemption center</u>	
<u>Sanitariums</u>	
<u>Transient vacation rentals</u>	<u>Not exceeding twenty bedrooms; except on Molokai, where a special use permit shall be required</u>
<u>Veterinary services</u>	
<u>Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area</u>	<u>Provided, however, that such uses shall be approved by the appropriate planning commission as conforming to the intent of this article</u>

[19.20.030 **Area regulations.** The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet.]

19.20.030 **Accessory uses.** The following uses, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-3 central business district:

<u>Accessory Uses</u>	<u>Criteria or Limitations</u>
<u>Energy systems</u>	<u>Provided there will be no detrimental or nuisance effect upon neighbors</u>
<u>Fences</u>	

<u>Garages, porte-cochere, mail boxes, ground signs, and trash enclosures</u>	
<u>One or more dwelling units</u>	<u>Located above or below the first floor of a permitted use</u>
<u>Other uses that are determined by the planning director to be clearly incidental and customary to a permitted use</u>	

[19.20.040 **Height regulations.** The maximum height of any building in B-3 district shall be limited by the total floor area which shall not exceed in square feet three hundred percent of the total lot area upon which the building is to be built; and provided further, that no building shall be more than twelve stories in height.]

19.20.040 **Special uses.** The following are declared special uses in the B-3 central business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

<u>Special Uses</u>	<u>Criteria or Limitations</u>
<u>Mortuaries</u>	
<u>Transient vacation rentals</u>	<u>Twenty-one to fifty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission</u>

[19.20.050 **Yards.** No yard spacing shall be required, except such areas that shall be required for off-street parking, with the exception that where the side or rear of a lot in a B-3 district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting residential, apartment house or hotel district,

respectively; and provided further, that any apartment, apartment-hotel or hotel shall provide yard space in accordance with the requirements of apartment and hotel districts.]

19.20.050 Development standards. The development standards in the B-3 central business district shall be as follows:

	<u>B-3</u>	<u>Notes and Exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>6,000</u>	
<u>Minimum lot width (in feet)</u>	<u>60</u>	
<u>Maximum building height (in feet)</u>	<u>144</u>	<u>Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed 155 feet.</u>
<u>Floor area ratio</u>	<u>400%</u>	
<u>Minimum yard setback (in feet)</u>		
<u>Front</u>	<u>None</u>	
<u>Side and rear</u>	<u>0 or the same as the adjoining zoning category which ever is greater</u>	
<u>Maximum height and minimum setback for free-standing antennae or wind turbine structures</u>	<u>Maximum height of 50 feet; minimum setback of 1 foot for each foot in height, from all property lines</u>	

<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	
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19.20.060 Rule making authority. The planning director may adopt rules to implement this chapter."

SECTION 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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