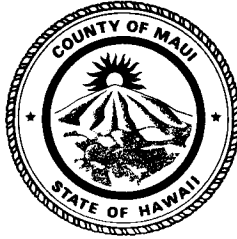


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October 23, 2013

MEMO TO: Donald G. Couch, Chair  
Planning Committee

F R O M: *Michael* J. Hopper, Deputy Corporation Counsel

SUBJECT: **A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.22, MAUI  
COUNTY CODE, RELATING TO B-R RESORT COMMERCIAL DISTRICT  
(PC-8)**

Attached is the revised proposed bill entitled "A Bill For An Ordinance Amending Chapter 19.22, Maui County Code, Relating to B-R Resort Commercial District," approved as to form and legality.

If you have any questions or concerns, please do not hesitate to contact me.

MJH:ma  
Attachment

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RECEIVED  
OCT 23 2013  
OFFICE OF THE  
CORPORATION COUNSEL

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.22, MAUI COUNTY CODE, RELATING TO B-R RESORT COMMERCIAL DISTRICT

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

SECTION 1. Chapter 19.22, Maui County Code, is amended to read as follows:

**"Chapter 19.22**

**B-R RESORT COMMERCIAL DISTRICT**

**Sections:**

- 19.22.010 [Generally.] Purpose and intent.
- 19.22.020 Permitted uses.
- 19.22.030 [Area regulations.] Accessory uses.
- 19.22.040 [Height regulations.] Special uses.
- 19.22.050 [Yards.] Development standards.
- 19.22.060 Rule making authority.

19.22.010 [Generally.] Purpose and intent. The B-R resort commercial district is intended to provide for commercial activities and services oriented towards the needs of the transient visitor. This district is distinguished from hotel districts in that independent commercial uses are permitted, whereas commercial activities in hotel districts must be accessory to the hotel use.

19.22.020 **Permitted uses.** Within the B-R district, the following uses shall be permitted:

- A. Art galleries;
- B. Bars or night clubs;
- C. Camera shops;
- D. Coffee shops or snack bars;
- E. Flower shops;

- F. Gift and curio shops;
- G. Information centers;
- H. Massage parlors (including bath houses);
- I. Music stores and studios;
- J. Novelty shops;
- K. Parking lots or buildings;
- L. Real estate offices;
- M. Restaurants;
- N. Specialized clothing shops;
- O. Taxicab and U-drive stations and offices;
- P. Theaters or auditoriums;
- Q. Travel agencies;
- R. Other uses of similar character providing foods, services, or facilities primarily to transient visitors may be approved by the commission as conforming to the intent of this title, subject to such terms and conditions as may be warranted and required by the commission.]

<u>Permitted uses</u>	<u>Criteria or limitations</u>
<u>Amusement and recreational activities</u>	
<u>Art galleries</u>	
<u>Auditoriums, theaters, gymnasiums including fitness centers, private clubs and dance halls</u>	
<u>Camera shops</u>	
<u>Flower shops</u>	
<u>Gift and curio shops</u>	
<u>Information centers</u>	
<u>Music stores and studios</u>	
<u>News and magazine stands</u>	
<u>Night clubs</u>	
<u>Novelty shops</u>	
<u>Parking structures and lots</u>	
<u>Personal and business services</u>	
<u>Real estate offices</u>	
<u>Specialized clothing shops</u>	
<u>Taxicab, car rental, and</u>	

<u>U-drive stations and offices</u>	
<u>Transient vacation rental</u>	<u>Up to and including twenty bedrooms</u>
<u>Travel agencies</u>	
<u>Other uses of similar character providing foods, services, or facilities primarily to transient visitors</u>	<p><u>For uses on Maui or Lanai, the director of planning may approve such uses as conforming to the intent of this article, subject to such terms and conditions as may be warranted and required by the director of planning</u></p> <p><u>For uses on Molokai, the Molokai planning commission, not the director of planning, shall approve or deny such uses</u></p>

19.22.030 [Area regulations. Every lot within a B-R district shall have a minimum lot area of not less than six thousand square feet and an average lot width of sixty feet.] 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-R resort commercial district:

<u>Accessory uses</u>	<u>Criteria or limitations</u>
<u>Energy systems, small scale</u>	<u>Provided there will be no detrimental or nuisance effect upon neighbors</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 director of planning to be clearly incidental and customary to a</u>	

<u>permitted use</u>	
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19.22.040 [Height regulations. No building shall exceed two stories and thirty-five feet in height.] Special uses. The following are declared special uses in the B-R resort commercial 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>Transient vacation rentals</u>	<u>Twenty-one to fifty bedrooms</u>

19.22.050 [Yards. There shall be provided a front yard of not less than fifteen feet. Side and rear yards shall not be required; with the exception that where the side or rear of a lot in a B-R district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall be ten feet.] Development standards. The development standards in the B-R resort commercial district shall be as follows:

	<b>B-R</b>	<b>Notes and Exceptions</b>
<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>35</u>	<u>Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed forty-five feet</u>
<u>Minimum yard setback (in feet)</u>		
<u>Front</u>	<u>15</u>	

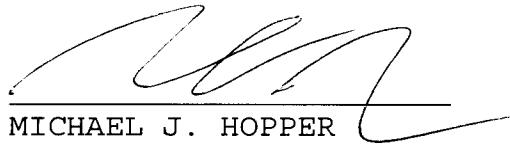
<u>Side and rear</u>	<u>0 or 10</u>	<u>10-foot setback if property abuts a district zoned R-1, R-2, R-3 or R-0 residential, A-1 or A-2 apartment, two-family (duplex) or H-1, H-2, H-M hotel, or any area zoned residential, apartment, or hotel in any project district</u>
<u>Maximum height and minimum setback 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>	

19.22.060 Rule making authority. The director of planning 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:

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

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

S:\ALL\MJH\ORDS\Amend19.22B-R.rev. 9-25-13.doc