

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

July 8, 2014

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on August 29, 2011, February 28, 2013, March 14, 2013, and June 19, 2014, makes reference to County Communication 11-85, from the Planning Director, transmitting a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.20, MAUI COUNTY CODE, RELATING TO B-3 CENTRAL BUSINESS DISTRICT", along with a summary of the Lanai, Maui, and Molokai Planning Commissions' comments.

The purpose of the proposed bill is to amend Chapter 19.20, Maui County Code, relating to the B-3 Central Business District, by establishing accessory uses, special uses, and development standards.

Your Committee notes the Department of Planning has proposed a series of bills to update, streamline, and standardize Title 19, Maui County Code. Many chapters have not been updated in more than 30 years.

Your Committee further notes the Lanai, Maui, and Molokai Planning Commissions voted to recommend approval of the proposed bill with certain revisions.

Your Committee notes the bill simplifies identification of the district's uses. The existing version of the chapter states uses permitted in two other districts, the B-1 Neighborhood Business District and the B-2 Community Business District, are allowed, with several listed exceptions. This way of defining uses requires a reader to refer to multiple code chapters, and then note whether a use is excluded. The bill improves the chapter's clarity by specifying the permitted uses.

At the request of the Chair of your Committee, the Department of Planning transmitted a revised proposed bill to add to the permitted uses, clarify accessory uses, and make nonsubstantive revisions.

Your Committee further revised the proposed bill to include small-scale energy systems on an adjacent lot as an accessory use.

COUNCIL OF THE COUNTY OF MAUI
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Page 2

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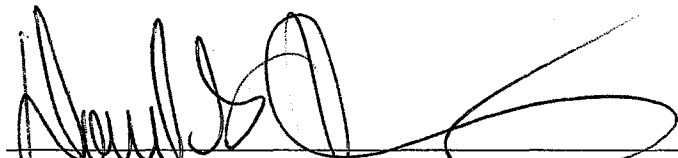
Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Couch and members Baisa, Cochran, Crivello, Guzman, and White voted "aye". Committee Vice-Chair Victorino was excused.

Your Committee is in receipt of a further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Planning Committee RECOMMENDS the following:

1. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.20, MAUI COUNTY CODE, RELATING TO B-3 CENTRAL BUSINESS DISTRICT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-85 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.


DONALD G. COUCH, JR., Chair

ORDINANCE NO. _____

BILL NO. _____ (2014)

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>Animal hospitals, including boarding</u>	
<u>Auditoriums, theaters, gymnasiums including fitness centers, private clubs, and dance halls</u>	
<u>Automobile services</u>	<u>No automobile repair</u>
<u>Baseball or football stadiums and other sport activities</u>	
<u>Building and premises used, owned, or operated by government agencies, including community centers</u>	
<u>Catering establishments</u>	
<u>Communication equipment, antennae or towers</u>	
<u>Day care facilities</u>	
<u>Drive-in restaurants</u>	
<u>Eating and drinking establishments</u>	
<u>Education, specialized</u>	
<u>Educational institutions</u>	
<u>Farmer's market</u>	

<u>General merchandising</u>	<u>Except for equipment rentals, sales yards, and plumbing shops</u>
<u>General office</u>	
<u>Libraries</u>	
<u>Marinas</u>	
<u>Multifamily dwellings, duplexes, and bungalow courts</u>	
<u>Museums</u>	
<u>Nursing and convalescent homes</u>	
<u>Parking structures and lots</u>	
<u>Parks and playgrounds</u>	
<u>Personal and business services</u>	
<u>Pet shops</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>Religious, benevolent, or philanthropic societies, civic organizations, and quasi-public uses</u>	
<u>Sanitariums</u>	
<u>Service business residential ("SBR") service establishments</u>	
<u>Swap meets and open air markets</u>	
<u>Transient vacation rentals</u>	<u>Not exceeding twenty bedrooms; except on Molokai, where a special use permit shall be required</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>
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19.20.030 [Area regulations. The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet.] **Accessory uses.**

A. 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>Dwelling units</u>	<u>One or more, located above or below the first floor of a permitted use</u>
<u>Energy systems, small-scale</u>	<u>Provided there will be no detrimental or nuisance effect upon neighbors</u>
<u>Fences</u>	
<u>Other uses that are determined by the director of planning to be clearly incidental and customary to a permitted use</u>	

B. The following uses, located on a nearby lot, are also 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, small-scale</u>	<u>Provided the system is within a distance of four hundred feet of the nearest point of the lot it serves and there will be no detrimental or nuisance effect upon neighbors</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.] **Special uses.** The following are 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.] **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 whichever 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>	

19.20.060 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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