

ORDINANCE NO. 5372

BILL NO. 24, CD1, FD2(2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS

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

SECTION 1. Section 19.18.050, Maui County Code, is amended to read as follows:

**"19.18.050 Development standards.** The development standards in the B-2 community business district [shall be] are as follows:

	B-2	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	90 for <u>Maui, excluding the West Maui community plan area and Hāna community plan area</u> ; 45 for <u>West Maui community plan area</u> ; 45 for <u>Hāna community plan area</u> ; 45 for <u>Lānaʻi</u> ; and 35 for <u>Molokaʻi</u>	Except [that] vent pipes, fans, <u>elevator and stairway shafts</u> , chimneys, <u>cellular or other antennae</u> , and equipment used for small-scale energy systems on roofs [shall not exceed one hundred feet] <u>may extend an additional 10 feet above the building roof from which it extends</u>

Floor area ratio	<u>[200%] 200 percent</u>	
Minimum [yard] setback (in feet)		
Front	None	
Side and rear	0 or the same as the adjoining zoning category, whichever is greater	
Maximum height and minimum [set-back] setback for free-standing antennae or wind turbine structures	Maximum height of 50 feet[;] <u>with a minimum setback of 1 foot for each foot in height from all property lines</u>	
Accessory structures within [set-back] setback area	<u>[Mail boxes, Mailboxes, trash enclosures, boundary walls, and ground signs</u>	<u>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13</u>

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SECTION 2. Section 19.20.050, Maui County Code, is amended to read as follows:

**“19.20.050 Development standards.** The development standards in the B-3 central business district [shall be] are as follows:

	B-3	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	<u>144 for Maui, excluding the West Maui community plan area and Hāna community plan area; 45 for West Maui community plan</u>	<u>Except [that] vent pipes, fans, elevator and stairway shafts, chimneys,</u>

	<u>area; 45 for Hāna community plan area; 45 for Lānaʻi; and 35 for Molokaʻi</u>	<u>cellular or other antennae, and equipment used for small-scale energy systems on roofs [shall not exceed 155 feet] may extend an additional 10 feet above the building roof from which it extends</u>
Floor area ratio	<u>[400%] 400 percent</u>	
Minimum [yard] setback (in feet)		
Front	None	
Side and rear	0 or the same as the adjoining zoning category, whichever is greater	
Maximum height and minimum [set-back] setback for free-standing antennae or wind turbine structures	Maximum height of 50 feet[;], <u>with a minimum setback of 1 foot for each foot in height[,] from all property lines</u>	
Accessory structures within setback area	<u>[Mail boxes,] Mailboxes, trash enclosures, boundary walls, and ground signs</u>	<u>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13</u>

SECTION 3. Section 19.31.050, Maui County Code, is amended to read as follows:

**“19.31.050 Development standards.** The development standards in the P-1 and P-2 public/quasi-public districts are as follows:

	P-1	P-2	Notes and Exceptions
Minimum lot area (square feet)	15,000	20,000	The County may allow lot sizes of less than the minimum lot size as specified under this section for lots created or used for public, private, and quasi-public utility purposes[.]
Minimum lot width (in feet)	<del>[100]</del> <u>75</u>	<del>[200]</del> <u>100</u>	
Minimum front [and rear yard] setback (in feet)	15	<del>[30]</del> <u>25</u>	
Minimum side [yard] and rear setback (in feet)	10	15	
Maximum height (in feet)	40	90 for <u>Maui, excluding the West Maui community plan area and Hāna community plan area; 60 for West Maui community plan area; 45 for Hāna community plan area; 45 for Lānaʻi; and 35 for Molokaʻi</u>	Except [that] structures with steeples, vent pipes, fans, <u>elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small scale energy systems on roofs</u> [shall not exceed a total of 50 feet in P-1 and 100 feet in P-2.] <u>may extend an additional 10 feet above the building roof from which it extends</u>

Free standing [antenna,] <u>antennae</u> or wind turbine structures height and setback	Maximum height of 50 feet and [shall] <u>must</u> be set back 1 foot for every foot in height from all property lines	Maximum height of 100 feet and [shall] <u>must</u> be set back 1 foot for every foot in height from all property lines	
Accessory structures within setback area	[Mail boxes,] <u>Mailboxes</u> , trash enclosures, boundary walls, light pole, and ground signs	[Mail boxes,] <u>Mailboxes</u> , trash enclosures, boundary walls, light pole, and ground signs	Trash enclosures and boundary walls [shall be] <u>are</u> limited to a maximum height of 8 feet. Light poles [shall be] <u>are</u> limited to a maximum height of 30 feet[.]

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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, except dwellings or structures constructed with a building permit approved prior to the enactment of this Ordinance may be reconstructed as permitted by the original building permit, and may be expanded or modified with a building permit, subject to the other provisions of the Comprehensive Zoning Ordinance.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Deputy Corporation Counsel  
County of Maui

paf:wal:22-090a

INTRODUCED BY:

Jamara A. M. Patton

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OFFICE OF THE MAYOR

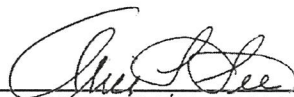
WE HEREBY CERTIFY that the foregoing BILL NO. 24, CD1, FD2 (2022)


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 22nd day of April, 2022, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 2nd day of May, 2022.

DATED AT WAILUKU, MAUI, HAWAII, this 2nd day of May, 2022.

  
 ALICE L. LEE, CHAIR  
 Council of the County of Maui

  
 KATHY L. KAOHU, COUNTY CLERK  
 County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 3rd DAY OF May, 2022.

  
 MICHAEL P. VICTORINO, 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. 5372 of the County of Maui, State of Hawaii.

  
 KATHY L. KAOHU, COUNTY CLERK  
 County of Maui

Passed First Reading on April 1, 2022  
Effective date of Ordinance May 3, 2022

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5372, 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

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County Clerk, County of Maui

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 COUNTY CLERK