

# REQUEST FOR LEGAL SERVICES

**D a t e:** May 29, 2026  
**F r o m:** Nohelani U'u-Hodgins, Chair  
Housing and Land Use Committee

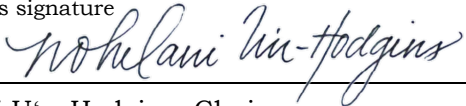
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Nāhulu Nunokawa, Esq.

**Subject:** BILL 88 (2026), AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS (HLU-16)

**Background Data:** Please see attached Bill 88, CD1 (2026). Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-16.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>James Krueger or Carla Nakata</u> (Telephone Extension: <u>7761 or 5519, respectively</u> )
---	---

ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 3, 2026  
REASON: For the June 5, 2026, Council meeting.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

hlu:ltr:016acc01:jgk

Attachment

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

BILL NO. **88, CD1** (2026)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS

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

SECTION 1. In a report to the Council's Housing and Land Use Committee dated October 14, 2025, the Bill 9 Temporary Investigative Group recommended legislation establishing H-3 and H-4 Hotel Districts in Chapter 19.14, Maui County Code. According to the report, the legislation would allow existing Apartment District properties to continue Transient Vacation Rental uses, if appropriate, even if the Council were to enact an ordinance phasing out TVRs as permitted uses in the A-1 and A-2 zones. On December 15, 2025, Ordinance 5909 was signed into law to phase out TVRs in the A-1 and A-2 zones.

By Resolution 25-230, FD1, adopted on January 7, 2026, a proposed bill to amend the Comprehensive Zoning Ordinance and establish the H-3 and H-4 Hotel Districts was referred by the Council to the planning commissions for review. By County Communication 100-26, dated May 5, 2026, the Planning Director transmitted the planning commissions' recommendations in response to the resolution.

This Ordinance's purpose is to approve the changes to the Comprehensive Zoning Ordinance proposed by Resolution 25-230, FD1, and recommended by

the Bill 9 Temporary Investigative Group, the Department of Planning, and the Molokai Planning Commission.

SECTION 2. Section 19.06.010, Maui County Code, is amended to read as follows:

**“19.06.010 Districts designated.** 1. The County is divided into the following base zone districts:

- A. Open space districts:
  - 1. OS-1.
  - 2. OS-2.
- B. Residential districts:
  - 1. R-1.
  - 2. R-2.
  - 3. R-3.
- C. R-0 zero lot line residential district.
- D. Two-family districts:
  - 1. D-1.
  - 2. D-2.
- E. Apartment districts:
  - 1. A-1.
  - 2. A-2.
- F. Hotel districts:
  - 1. H-1.
  - 2. H-M.
  - 3. H-2 and hotel.
  - 4. H-3.
  - 5. H-4.
- G. Business districts:
  - 1. SBR service.
  - 2. B-CT country town.
  - 3. B-1 neighborhood.
  - 4. B-2 community.
  - 5. B-3 central.
  - 6. B-R resort commercial district.
- H. Industrial districts:
  - 1. M-1 light.
  - 2. M-2 heavy.
  - 3. M-3 restricted.
- I. Park districts:
  - 1. PK.
  - 2. GC.
- J. Airport district.
- K. Agricultural district.

- L. Rural districts:
  - 1. RU-0.5.
  - 2. RU-1.
  - 3. RU-2.
  - 4. RU-5.
  - 5. RU-10.
  - 6. County rural.
- M. Public/quasi-public districts:
  - 1. P-1.
  - 2. P-2.
- N. Kihei research and technology park district.
- O. Maui research and technology park district.
- P. Napili bay civic improvement district.
- Q. Urban reserve district.
- R. Interim.
- S. Maui County historic districts.
  - 1. Historic district no. 1 in Lahaina.
  - 2. Historic district no. 2 in Lahaina.
  - 3. Historic district no. 3 in Wailuku.
- T. Project [Districts.] districts.
- U. Wailuku Redevelopment Area (“WRA”) districts, including:
  - 1. WRA business/multi-family ([currently] designated as “Business Multi-Family on the digital zoning map).
  - 2. WRA commercial mixed use[.] ([currently] designated as “Commercial Mixed Use - MRA” on the digital zoning map).
  - 3. WRA multi-family ([currently] designated as “Multi Family – MRA” on the digital zoning map).
  - 4. WRA public/quasi-public ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
  - 5. WRA residential ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
- 2. The County has the following overlay zone districts:
  - A. Wetlands overlay district.
  - B. Planned development.
  - C. Cluster housing development.
  - D. R-0 zero lot line overlay district.
  - E. Wellhead protection overlay district.”

SECTION 3. Section 19.14.010, Maui County Code, is amended to read as follows:

**“19.14.010 Purpose and intent.** A. A hotel district is a high density, multiple-family area bordering business districts or ocean fronts, or both. This district includes public and semi-public institutional and accessory uses.

B. Hotel districts include the following: H-1, H-M, H-2 and hotel, and, except on the island of Molokai, H-3 and H-4.

C. The H-3 and H-4 districts are reserved for units or structures that had been in the A-1 and A-2 districts, respectively, and where transient vacation rentals had been permitted uses.”

SECTION 4. Section 19.14.020, Maui County Code, is amended to read as follows:

**“19.14.020 Permitted uses.** [Within hotel districts, the] A. The following uses [shall be] are permitted[;] in the H-1, H-M, and H-2 and hotel districts:

[A.] 1. Any use permitted in residential and apartment districts[;].

[B.] 2. Hotels[;].

[C.] 3. Apartment-hotels[;].

[D.] 4. Auditoriums and theaters[;].

[E.] 5. Automobile parking lots and buildings[;].

[F.] 6. Bona fide nonprofit clubs and lodges[;].

[G.] 7. Nonprofit museums, libraries, art galleries, and philanthropic institutions[; and].

[H.] 8. Cell or radio [antenna] antennae attached to an existing building.

B. The following uses are permitted in the H-3 and H-4 districts:

1. Any use permitted in residential and apartment districts.

2. Transient vacation rentals in buildings and structures meeting all of the following criteria:

a. The building or structure received a building permit, special management area use permit, or planned development approval that was lawfully issued by and was valid, or is otherwise confirmed to have been lawfully existing, on April 20, 1989.

b. Transient vacation rental use was legally conducted in any lawfully existing dwelling unit within the building or structure before September 24, 2020, as determined by real property tax classification or payment of general excise tax and transient accommodations tax. If

the property was not already recognized as having met this requirement in the publicly-available list maintained by the department of all transient vacation rental units allowed in the apartment districts before December 15, 2025, the property owner must have notified the department of the transient vacation rental use and the department must have confirmed the use before the effective date of this ordinance.

c. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022. Existing transient vacation rentals may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added.

d. The property owner or operator holds general excise tax and transient accommodations tax licenses and is current in payment of State and County taxes, fines, or penalties assessed in relation to the transient vacation rental.”

SECTION 5. Section 19.14.030, Maui County Code, is amended to read as follows:

**“19.14.030 Accessory uses and buildings. A. The following accessory uses are permitted in the H-1, H-M, and H-2 and hotel districts:**

Accessory uses and buildings	Criteria or limitations
A. Energy systems, small-scale	[Provided] <u>Only if</u> there will be no detrimental or nuisance affect upon the neighbors
B. Fences	
C. Garages	
D. Eating and drinking establishments	1. All hotel and apartment-hotel buildings in which [such] <u>the</u> accessory uses [shall be] <u>are</u> permitted [and allowed shall] <u>must</u> contain more than [twenty] <u>20</u> rental units 2. Personal service shops and businesses allowed as accessory uses [shall] <u>must</u> be operated primarily as an accessory service to, and for the convenience of tenants, occupants, and guests of apartment, hotel,
E. Personal and business services	
F. Dancing and hula studios	
G. Flower, gift, and curio shops	
H. Music stores and studios	
I. Newsstands and magazine stands	
J. Pharmacies and drug stores	
K. Restaurants, with or without nightclub facilities	

L. Other accessory, business, or service establishments [which] that supply commodities or perform services primarily for the hotel guests; however, [such] the uses [shall] must be approved by the director of planning as conforming to the intent of this [title] section	and apartment-hotel buildings 3. Where the lot area is [in excess of twenty thousand] more than 20,000 square feet, doors and entrances to shops and businesses allowed as accessory uses may be permitted to open to the public street; further, the shops and businesses may be constructed as separate buildings[, provided,] if that location of [such] the shops and businesses [shall have] has been approved by the director of planning
---	--

B. The following accessory uses are permitted as accessory uses in the H-3 and H-4 districts:

<u>Accessory uses and buildings</u>	<u>Criteria or limitations</u>
<u>A. Energy systems, small-scale</u>	<u>Only if there will be no detrimental or nuisance effect upon the neighbors</u>
<u>B. Fences, mail boxes, trash enclosures</u>	
<u>C. Garages</u>	
<u>D. Subordinate uses and structures which are determined by the director to be clearly incidental and customary to the permitted uses</u>	

”

SECTION 6. Section 19.14.050, Maui County Code, is amended to read as follows:

**“19.14.050 Development standards.**

	H-1	H-M	H-2 [&] and [Hotel] hotel	H-3	H-4	Notes and [Exceptions] exceptions
Minimum lot area (square feet)	10,000	15,000	20,000	10,000	10,000	
Minimum lot width (in feet)	75	85	100	70	70	
Maximum building height (in feet)	35	90	160	35	60	Except that vent pipes, fans, elevator and stairway

						shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof
Minimum yard setback (in feet)						
Front and rear	½ the height of building with a minimum of 15 feet			<u>15 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet</u>		
Side	Building height in feet		Side yard in feet	<u>10 feet for the portion of the building 35 feet or less in height, and 15 feet for the portion of the building taller than 35 feet</u>		
	Less than 30		10			
	30 to 60		15 [ft.]			
	60 to 90		20 [ft.]			
	90 to 120		25 [ft.]			
	120 to 160		30 [ft.]			
Maximum lot coverage	<u>25[%] percent</u>	<u>30[%] percent</u>	<u>35[%] percent</u>	<u>25 percent</u>	<u>35 percent</u>	
Maximum floor area ratio	<u>50[%] percent</u>	<u>100[%] percent</u>	<u>150[%] percent</u>	<u>40 percent for lots three acres or more, 50 percent for lots less than three acres</u>	<u>90 percent</u>	
Accessory structures within setback area	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	[Shall] <u>Must not exceed [8] eight feet in height except for signs for which a</u>

						greater height is allowed in chapter 16.13[.of this code]
--	--	--	--	--	--	---

SECTION 7. 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 8. This Ordinance takes effect on approval.

hlu:misc:016abill01:jgk

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook".

---

TOM COOK

## HLU Committee

---

**From:** HLU Committee  
**Sent:** Friday, May 29, 2026 9:46 AM  
**To:** CorpCounselRFLS@co.maui.hi.us  
**Cc:** HLU Committee  
**Subject:** OCS - HLU - re: Bill 88 (2026), Amending the Comprehensive Zoning Ordinance to Establish the H-3 and H-4 Hotel Districts (HLU-16)  
**Attachments:** 016acc01.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair U‘u-Hodgins, dated 05/29/2026, regarding the above-referenced matter.

Mahalo,  
HLU Committee Staff