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August 14, 2023, Committee meeting

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DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, AND PLANNING COMMITTEE

Amendment Summary Form

Legislation: Resolution 23-163, "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PARKING FOR ELECTRIC VEHICLES"

Proposer: Tamara Paltin, Chair *Tamara M. Paltin*  
Disaster, Resilience, International Affairs, and Planning Committee

Description: Replace Exhibit "1" with the attached version.

Motion: Move to amend Exhibit "1" as follows:

- Amend Section 1 by replacing the existing language with the following:

"Part VI, "Parking Electric Vehicles," Chapter 291, Hawai'i Revised Statutes, requires places of public accommodation with at least 100 parking spaces to have a minimum of one parking space designated as an electric vehicle charging station. This Ordinance's purpose is to require places of public accommodation outside of the Special Management Area with at least 50 parking spaces to have a minimum of two parking spaces designated as electric vehicle parking spaces equipped with functioning charging stations and to require at least two additional parking spaces designated as electric vehicle parking spaces equipped with functioning charging stations for each additional increment of 50 parking spaces. This Ordinance also increases the required parking spaces for "children's playground" from zero to one per 500 square feet, which is the existing requirement for "skate park." This Ordinance advances the following policy in the Countywide Policy Plan: "Encourage the use of sustainable energy to power vehicles."

- Amend Section 2 by replacing the proposed language at the end of Section 19.36B.020 with the following:

“...except that places of public accommodation outside of the Special Management Area with at least 50 parking spaces are required to have at least two parking spaces designated for electric vehicles equipped with functioning charging stations and are further required to have at least two additional parking spaces designated for electric vehicles equipped with functioning charging stations for each additional increment of 50 parking spaces.”

- Further amend the table in Section 2 as follows:

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Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium)	50 per athletic field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court	6 per court.
	Children’s playground	<del>[0]</del> <u>1 per 500 square feet.</u>
	Skate park	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course	1 per 2 participants at regular capacity.

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Effect: See the attached revised copy.

Attachment: Proposed CD1 version of Resolution 23-163.

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# Resolution

## **No. 23-163, CD1**

### REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PARKING FOR ELECTRIC VEHICLES

WHEREAS, the Council is considering a proposed bill to facilitate the use of electric vehicles; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate Planning Commissions to review proposed land use ordinances and amendments and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 19.36B.020, MAUI COUNTY CODE, RELATING TO PARKING FOR ELECTRIC VEHICLES,” attached as Exhibit “1,” to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission for findings and recommendations under Section 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests the Planning Commissions transmit their findings as expeditiously as possible; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Planning Director, the Lānaʻi Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

## **Resolution No. 23-163, CD1**

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

drip:misc:007areso01a:pmg

INTRODUCED BY:

*Tamara M. Paltin*

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TAMARA PALTIN

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

BILL NO. \_\_\_\_\_ (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.36B.020, MAUI COUNTY CODE, RELATING TO PARKING FOR ELECTRIC VEHICLES

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

SECTION 1. Part VI, “Parking Electric Vehicles,” Chapter 291, Hawai‘i Revised Statutes, requires places of public accommodation with at least 100 parking spaces to have a minimum of one parking space designated as an electric vehicle charging station. This Ordinance’s purpose is to require places of public accommodation outside of the Special Management Area with at least 50 parking spaces to have a minimum of two parking spaces designated as electric vehicle parking spaces equipped with functioning charging stations and to require at least two additional parking spaces designated as electric vehicle parking spaces equipped with functioning charging stations for each additional increment of 50 parking spaces. This Ordinance also increases the required parking spaces for “children’s playground” from zero to one per 500 square feet, which is the existing requirement for “skate park.” This Ordinance advances the following policy in the Countywide Policy Plan: “Encourage the use of sustainable energy to power vehicles.”

SECTION 2. Section 19.36B.020, Maui County Code, is amended to read as follows:

**“19.36B.020 Designated number of off-street parking spaces.** Unless otherwise provided in this chapter, the following minimum numbers of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles [shall] must be provided in connection with the use of any land or the construction, alteration, or improvement of any building or structure. When reviewing a building permit application or proposed change of use, the department [shall] must determine whether the applicant must submit a parking and landscaping plan to establish compliance with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan. The number of required parking spaces [shall be] is based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half [shall] must be disregarded, and a fraction of one-half or more [shall require] requires one parking space. The following chart establishes the general requirements for accessible, onsite, off-street parking. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, and with State requirements for electric-vehicle parking is also required[.], except that places of public accommodation outside of the Special Management Area with at least 50 parking spaces are required to have at least two parking spaces designated for electric vehicles equipped with functioning charging stations and are further required to have at least two additional parking spaces designated for electric vehicles equipped with functioning charging stations for each additional increment of 50 parking spaces.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
<b>1) HOUSING</b>		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, multifamily dwelling, single-family dwelling. Note: A dwelling unit’s parking spaces may be in tandem.	Floor area of dwelling unit in square feet: Under 3,000 3,000-3,999 4,000-4,999 5,000-5,999 6,000-6,999 7,000-7,999 8,000 and above	Minimum number of parking spaces: 2 3 4 5 6 7 8
Dwelling units: accessory dwelling.	1 for each accessory dwelling.	

Home business.	1 for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	
<p>Transient accommodations.</p> <p>Note: A dwelling unit's parking spaces may be in tandem.</p>	Type:	Minimum number of parking spaces:
	Bed and breakfast home	1 parking space for each bedroom used for bed and breakfast home use, plus 2 parking spaces for the operator of the bed and breakfast home or as required for a single-family dwelling, whichever is greater.
	Short-term rental home	2 if the short-term rental home has 4 or fewer bedrooms or as required for the dwelling, whichever is greater; 3 if the short-term rental home has 5 or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	1 per rental unit, except that a transient vacation rental in a single-family dwelling shall provide the same number of parking spaces as a single-family dwelling. Units capable of being utilized as 2 or more units are counted as separate rental units.
<b>2) COMMERCIAL, BUSINESS, OR INDUSTRIAL</b>		
<p>Agriculture retail structure, agriculture product stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.</p>	1 per 500 square feet, provided that the minimum shall be 3.	



General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	1 per 1,000 square feet for all areas including office, storage, and showroom.
Animal boarding facility.	3 plus 1 per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.
Bank.	1 per 300 square feet, provided that the minimum shall be 3.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	1 per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), provided that the minimum shall be 4; 2 or more such establishments in a “food court” configuration may share amusement and dining areas.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 without dining areas (such as take-out counters or “food retail”)	1 per 500 square feet of serving area, provided that the minimum shall be 3 for each establishment.
Mobile food truck.	0; mobile food trucks shall not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, provided that the minimum shall be 3.
SBR mixed-use establishment.	2 for each dwelling unit, plus 1 per 300 square feet of non-residential floor area.
SBR service establishment.	1 per 300 square feet.
Self-storage.	1 per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	1 per 200 square feet, excluding drive-through fueling areas, which shall not be used for required parking, or 1 per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts shall be within an enclosure bounded completely by a wall at least 6 feet in height.
Shopping center.	1 per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	1 per 500 square feet.
Vehicle and equipment rental or sales.	1 per 500 square feet for sales, showrooms, services, offices, and parts facilities, provided that the minimum shall be 3; 0 for outdoor storage of vehicles and equipment.

**3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)**

Amusement center, entertainment establishment.	1 per 100 square feet.	
Auditorium, theater, stadium, assembly area, arena, gymnasium.	1 per 300 square feet, 1 per 4 seats, or 1 per 8 feet of bleacher length, whichever is greater.	
Bowling alley.	3 per lane.	
Clubhouse, private club, fitness center, health club.	1 per 200 square feet.	
Golf course.	3 per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range	1 per tee.	
Miniature golf course.	1 per hole.	
Swimming pool.	1 per 600 square feet of pool and associated buildings.	
Tennis court.	4 for each court.	
Passive recreation.	0 for up to 2 acres; 4 for above 2 acres (paving not required).	
Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium)	50 per athletic field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court	6 per court.
	Children's playground	[0] <u>1 per 500 square feet.</u>
	Skate park	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course	1 per 2 participants at regular capacity.
Arboretum, botanical garden.	3 plus 1 per acre, except that the maximum number of required parking spaces shall be no more than 20.	
<b>4) SOCIAL OR CIVIC SERVICE</b>		
Airport, heliport, other public transportation.	Parking for terminal, hangars, and in-terminal operations to be determined by the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.	

Cemetery, mausoleum.	0; any offices or other accessory uses to be determined separately.
Church, including place of worship.	1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater.
Community center.	1 per 100 square feet.
Day care facility, nursing home, assisted living facility.	1 per 6 clients, plus 1 per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	1 per 500 square feet, provided that the minimum shall be 3.
Minor medical center, medical or dental clinic.	1 per 300 square feet, provided that the minimum shall be 3.
Major medical center.	1 per 2 beds.
Mortuary, funeral home.	1 per 100 square feet.
Public utility substation.	1
Recycling, redemption facility.	3
School, educational institution, general education, specialized education.	1 per classroom if all students are under 16 years of age; 8 per classroom if any student is 16 years of age or older.

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SECTION 3. 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 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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INTRODUCED BY:

*Tamara M. Paltin*

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TAMARA PALTIN