

Resolution

No. 25-222

REFERRING TO THE LANA'I, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL TO AMEND TITLE 19, MAUI
COUNTY CODE, TO ESTABLISH A NEW
CHAPTER ON JOINT USE DEVELOPMENT

WHEREAS, the Council is considering a proposed bill to amend Title 19, Maui County Code, to establish a new chapter on joint use development; and

WHEREAS, the bill's purpose is to allow adjoining lots to be developed as a single lot, resulting in efficiency in development and the shared use of infrastructure; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances 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 TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER ON JOINT USE DEVELOPMENT," a copy of which is attached as Exhibit "1," to the Lana'i, Maui, and Molokai Planning Commissions for appropriate action, under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, Lana'i Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook", positioned above a horizontal line.

TOM COOK

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO
ESTABLISH A NEW CHAPTER ON JOINT USE DEVELOPMENT

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

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter in Article IV to be appropriately designated and read as follows:

"Chapter 19.98

JOINT USE DEVELOPMENT

Sections:

- 19.98.010 Purpose and intent.
- 19.98.020 Definitions.
- 19.98.030 Lots in two zoning districts.
- 19.98.040 Joint use.

19.98.010 Purpose and intent. This chapter's purpose is to allow adjoining lots to be developed as a single lot, resulting in efficiency in development and the shared use of infrastructure. Two or more adjoining lots developed jointly in accordance with this chapter are treated as one zoning lot.

19.98.020 Definitions. When used in this chapter, unless the context clearly indicates a different meaning, for the purposes of this chapter, the following words and terms are defined as follows:

"Owner" means an owner, owners, duly authorized agents of the owners, or duly authorized lessees holding leases with a minimum of 30 years remaining in their terms.

19.98.030 Lots in two zoning districts. The following apply to lots within two or more zoning districts:

A. Only those uses common to all zoning districts are allowed.

B. Despite the prior sentence, yard and height regulations of each zoning district apply from the lot lines inward and not along the interface of the distinct zoning districts within the lot lines.

C. Where a lot lies in two or more zoning districts and a permitted use is common to the districts, but the floor area ratios differ, the joint lot floor area ratio, or JL-FAR, is calculated by the following formula, where:

1. A equals the floor area ratio for the parcel in the most intense district.

2. B equals the floor area ratio for the parcel in least intense district.

3. C equals the floor area of the parcel in the most intense district.

4. JL-FAR equals ((A minus B) times C divided by the total joint lot area) plus B.

19.98.040 Joint use. Two or more adjoining lots may be used and developed as one zoning lot if the following conditions are met:

A. The owners of the joint lots must submit an agreement to the planning director that binds the owners and their successors in title and lease, individually and collectively, to maintain the pattern of development in conformity with applicable zoning regulations. The right to enforce the agreement must be granted to the County.

B. The agreement must be recorded as a covenant running with the land with the State bureau of conveyances or the registrar of the land court. A copy of the covenant certified by the appropriate recording agency must be submitted to the director of public works before the issuance of a building permit."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:pah:25-311c

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook", written over a horizontal line.

TOM COOK