

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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July 26, 2021

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COUNTY CLERK

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

By letter dated July 13, 2021 (County Communication No. 21-370), Councilmember Tamara Paltin transmitted a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL TO LOWER THE MAXIMUM BUILDING HEIGHTS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-2 PUBLIC/QUASI-PUBLIC DISTRICT".

At the July 23, 2021 Council meeting, County Communication 21-370 was referred to your Committee and the proposed resolution was adopted. Attached is a copy of Resolution No. 21-114.

Respectfully,

Handwritten signature of Kathy L. KaoHu in cursive.

KATHY L. KAOHU
County Clerk

/lks

Enclosure

cc: Director of Council Services

Resolution

No. 21-114

REFERRING TO THE LĀNA‘I, MAUI, AND
MOLOKA‘I PLANNING COMMISSIONS A
PROPOSED BILL TO LOWER THE MAXIMUM
BUILDING HEIGHTS IN THE B-2 COMMUNITY
BUSINESS DISTRICT, B-3 CENTRAL BUSINESS
DISTRICT, AND P-2 PUBLIC/QUASI-PUBLIC
DISTRICT

Whereas, the Council is considering a proposed bill to amend the Comprehensive Zoning Ordinance by lowering the maximum building heights in the B-2 Community Business District, B-3 Central Business District, and P-2 Public/Quasi-Public District; 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 must 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 THE COMPREHENSIVE ZONING ORDINANCE TO LOWER THE MAXIMUM BUILDING HEIGHTS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-2 PUBLIC/QUASI-PUBLIC DISTRICT," a copy of which is attached as Exhibit "1," to the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lāna‘i, Maui, and Moloka‘i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and

Resolution No. 21-114

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lāna‘i Planning Commission, Maui Planning Commission, and the Moloka‘i Planning Commission.

paf:dmr:21-198b

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO LOWER THE MAXIMUM BUILDING HEIGHTS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-2 PUBLIC/QUASI-PUBLIC DISTRICT

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 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] <u>45</u>	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs [shall] <u>must not exceed</u> [one hundred] 100 feet
Floor area ratio	200%	
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 setback for free-standing	Maximum height of 50 feet; minimum setback of 1 foot for	

antennae or wind turbine structures	each foot in height, from all property lines	
Accessory structures within setback area	[Mail boxes,] <u>mailboxes</u> , trash enclosures, boundary walls, and ground signs	

”

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

“**19.20.050** 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)	[144] <u>45</u>	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs [shall] <u>must</u> not exceed 155 feet
Floor area ratio	400%	
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 setback for free-standing antennae or wind turbine structures	Maximum height of 50 feet; minimum setback of 1 foot for each foot in height, from all property lines	
Accessory structures within setback area	[Mail boxes,] <u>mailboxes</u> , trash enclosures, boundary walls, and ground signs	

”

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

as follows:

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

	P-1	P-2	Notes and [Exceptions] 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)	100	200	
Minimum front and rear yard setback (in feet)	15	30	
Minimum side yard setback (in feet)	10	15	
Maximum height (in feet)	40	[90] 45	Except that structures with steeples, vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs [shall] <u>must not</u> exceed a total of 50 feet in P-1 and [one

			hundred] <u>100</u> feet in P-2.
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, and ground signs	[Mail boxes,] <u>mailboxes</u> , trash enclosures, boundary walls, 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.

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 upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:dmr:21-198a

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 21-114**, was adopted by the Council of the County of Maui, State of Hawaii, on the 23rd day of July, 2021, by the following vote:

MEMBERS	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
ROLL CALL	Aye	Aye	Excused	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK