

Resolution

No. 25-60

REFERRING TO THE LĀNA‘I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO AMEND THE BUILDING CODE AND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO AGRICULTURAL PRODUCT STANDS, AGRICULTURAL RETAIL STRUCTURES, AND FARMER'S MARKETS

WHEREAS, the Council is considering a proposed bill to amend the Building Code and the Comprehensive Zoning Ordinance relating to agricultural product stands, agricultural retail structures, and farmer's markets; 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 THE BUILDING CODE AND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO AGRICULTURAL PRODUCT STANDS, AGRICULTURAL RETAIL STRUCTURES, AND FARMER'S MARKETS," a copy of which is attached as Exhibit "1", to the Lāna‘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, Lāna‘i Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

INTRODUCED BY:

Keani Rawlins-Fernandez
KEANI N.W RAWLINS-FERNANDEZ

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING THE BUILDING CODE AND THE
COMPREHENSIVE ZONING ORDINANCE RELATING TO AGRICULTURAL
PRODUCTS STANDS, AGRICULTURAL RETAIL STRUCTURES, AND FARMER'S
MARKETS

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

SECTION 1. Section 16.25.105, Maui County Code, is amended by
amending Subsection 16.25.105.2 to read as follows:

“105.2 Work exempt from permit. Exemptions from permit requirements of this code will not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Building permits will not be required for the following:

1. One-story detached accessory structures not greater than 120 square feet in gross floor area, not used as a habitable space, storage of motor vehicles or hazardous materials, and does not block egress.

2. One-story detached agricultural buildings 200 square feet or less in gross floor area within the county agricultural and rural districts having a minimum 10 feet clear unobstructed space from other structures.

3. Detached shade cloth structures not exceeding 20,000 square feet for nursery or agricultural purposes within the county agricultural districts having a minimum building separation of 15 feet from other structures, not including service systems.

4. Water tanks supported directly on grade if the capacity does not exceed:

a. 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

b. 15,000 gallons and the ratio of height to diameter or width does not exceed 1:2.

5. Detached unroofed decks 30 inches or less measured from adjacent grade to the deck floor.

6. Underground tanks, utility vaults, individual wastewater systems, and similar structures not below an occupiable building.

7. Prefabricated swimming pools accessory to a Group R-3 occupancy in which the pool walls are entirely above the adjacent grade and do not exceed 5,000 gallons.

8. Reroofing (roof replacement and roof recover) of Group R-3 one- and two-family dwellings and Group U occupancies accessory to these dwellings where the structural components are not adversely affected.

9. Television and radio antennas and solar panels attached to roofs.

10. Window awnings in Group R-3 and Group U occupancies supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support and comply with fire separation distance requirements of this code or the International Residential Code.

11. Painting, papering, tiling, carpeting, cabinets, countertops, installation of shelves, and similar finish work.

12. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

13. Replacement of electrical, plumbing, and mechanical systems, not including commercial kitchen hood and ventilation systems, fire and standpipe systems, and other systems affecting fire resistive elements or assemblies or systems, and equipment requiring structural reinforcement.

14. Fences and walls not over 7 feet (2133.6 mm) high when measured from the lowest grade to the top of the fence or wall; and fences, as defined in section 19.04.040, not over ten feet high when measured from the lowest grade to the top of the fence and when used for the purpose of protecting agricultural operations, conservation areas, cultural sites, and public roadways from axis deer. The height of fences and walls must be measured separately from retaining walls when the fence or wall foundation is separate from the retaining wall structure.

15. Retaining walls which do not have more than 3 feet of retainage between the finish grade on each side of the wall and not greater than 7 feet in total height measured from the lowest grade to the top of the wall, unless supporting a slope steeper than 3 (horizontal) to 1 (vertical) or another retaining wall within a distance of twice the height of retainage.

16. Drainage structures.

17. Site work on property, including sidewalks, curbs, parking lots, driveways, planter boxes, and water features less than 24 inches (610 mm) in depth and other landscaping structures as determined by the building official.

18. Recreational and public safety structures, including swings, merry-go-rounds, slides, jungle gyms, goals, lifeguard stands and towers, and other recreational structures as determined by the building official.

19. Street light standards, utility poles, not including wireless telecommunication towers, or television antennas (dishes) over 7 feet in overall height.

20. Temporary construction tool sheds, fences, and jobsite offices on the same property where construction is occurring under a valid building, plumbing, electrical, grading permit, or approved by the building official. These temporary structures must be removed promptly after work has been completed or deemed complete by the building official.

21. Construction equipment used for work authorized by a valid permit or for work exempted from permit requirements.

22. Temporary tents or other coverings for private family parties or camping.

23. Temporary tents or coverings for uses other than private family parties or camping, up to a duration of 10 days.

24. Temporary motion picture, television, and theater stage sets and scenery, and temporary exhibits and other related structures as approved by the building official.

25. Repairs which involve only the replacement of component parts of existing permitted work with similar materials for the purpose of maintenance and do not cost over \$15,000 per structure in any 12-month period.

26. Work performed for any federal or State of Hawai'i governmental agency except where permits are specifically requested by the agency.

27. Work by an electric or telecommunication utility operating under a franchise or charter granted by the State of Hawai'i, provided that the work which is not regulated by the public utilities commission of the State of Hawai'i will be subject to the provisions of this code. If the utility claims an exemption under this provision, the utility has the burden of demonstrating to the satisfaction of the building official that the work is regulated by the public utilities commission.

28. Motor vehicles and trailers with a valid certificate of registration from the division of motor vehicles and licensing. Land use requirements enforced by the department

of planning, and fire and life safety requirements enforced by the fire prevention bureau must be complied with.

29. Shipping containers within the county industrial zoning districts that are unaltered if:

a. The shipping containers are used only for storage, except the storage of motor vehicles, hazardous materials, or personal property;

b. The shipping containers are not used for habitation;

c. A ten-foot minimum clearance is maintained between the shipping containers and other structures, and the shipping containers are not stacked or placed within any lot's setback; and

d. Before placing the shipping container on the property, the property owner provides the department with a declaration, in a form prescribed by the department, stating the size, type, and location of the shipping container, along with a diagram showing the container's location on the property.

30. Agricultural products stand as defined in section 19.30A.015 subject to the following:

a. They are no more than 300 square feet in total floor area; and

b. If they are vehicles or structures on wheels, they do not traverse a public road.

31. Agricultural retail structures as defined in section 19.30A.015 subject to the following:

a. They are no more than 300 square feet in total floor area; and

b. If they are vehicles or structures on wheels, they do not traverse a public road."

SECTION 2. Section 19.30A.015, Maui County Code, is amended as follows:

1. By amending the definition of "agricultural retail structure" to read:

"Agricultural retail structure" means a [fully-enclosed] fully enclosed building, [or] structure, vehicle, or structure on wheels owned and operated by a single producer for the display and sale of agricultural products grown, raised, or caught in the County, value-added products that were produced using agricultural products grown, raised, or caught in Hawaii, logo items related to the producer's agricultural operations, and other food items."

2. By amending the definition of "farmer's market" to read:

"Farmer's market" means either:

The temporary use of land that is managed by a single producer who leases space or stalls for the outdoor sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown, raised, or caught in Hawaii; or

A building, [or]structure, vehicle, or structure on wheels managed by a single producer who leases space or stalls for the display and direct retail sale of agricultural products grown, raised, or caught in the County or value-added products that were produced using agricultural products grown in Hawaii."

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.

paf:pah:25-045b

INTRODUCED BY:

Keani Rawlins-Fernandez
KEANI N.W. RAWLINS-FERNANDEZ