

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 10:08 am, Mar 16, 2026

Date: March 12, 2026
From: Tamara Paltin, Chair

Disaster Recovery, International Affairs, and Planning Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: BILL 47 (2026), AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON OFF-STREET PARKING FOR HOUSING (DRIP-23)

Background Data: Please see revised bill. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-23.

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

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</u>)
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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): March 23, 2026
REASON: For posting on the April 2, 2026, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH/chs	ASSIGNMENT NO. 2025-0175	BY: maa
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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 2/24/26

By MJH

(Rev. 7/03)

drip:ltr:023acc02:jpp

Attachment

ORDINANCE NO. _____

BILL NO. 47, CD1 (2026)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE ON OFF-STREET PARKING REQUIREMENTS FOR HOUSING

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

SECTION 1. The Comprehensive Zoning Ordinance requires off-street parking spaces for housing units based on floor area. The Council finds that basing parking requirements on the number of bedrooms is a more precise measure. This Ordinance's purpose is to use the number of bedrooms rather than square footage to determine the minimum number of off-street parking spaces for dwelling units used for housing.

This Ordinance also amends the Comprehensive Zoning Ordinance on parking requirements in the following ways:

1. Creates an off-street parking requirement exception for dwelling units with four or more bedrooms when the width of roadways fronting the dwelling unit allows two lanes of traffic flow while vehicles are parked on each side of the roadway.
2. Requires an accessory dwelling to provide the same minimum number of off-street parking spaces as a single-family dwelling.
3. Permits parking spaces to be in tandem for accessory dwelling units and dwelling units with kitchenettes.

By Resolution 25-152, adopted on July 25, 2025, the Council referred to the planning commissions a proposed bill to amend the off-street parking requirements for housing. By County Communication 51-26, dated February 20, 2026, the Acting Planning Director transmitted comments on the proposed bill and the planning commissions' recommendations. This Ordinance incorporates some of the planning commissions' recommendations.

Under Section 8-8.6(2) of the Revised Charter of the County of Maui (1983), as amended, the Council may pass a bill for a land use ordinance if it does not accept the planning commissions' recommended modifications by an affirmative vote of at least two-thirds of its membership.

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. A. Unless otherwise provided in this chapter, [the following] this section sets the minimum [numbers] number of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles that must be provided in connection with the use of any land or the construction, alteration, or improvement of any building or structure.

B. When reviewing a building permit application or proposed change of use, the department must determine whether the applicant must submit a parking and landscaping plan to comply 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.

C. The number of required parking spaces 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 is disregarded, and a fraction of one-half or more requires one parking space. [The following chart establishes the general requirements for accessible, onsite, off-street parking.]

D. 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.

E. The following table establishes the general minimum requirements for accessible, onsite, off-street parking.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, multifamily dwelling, single-family dwelling[.], accessory dwelling. Note: A dwelling unit's parking spaces may be in tandem.	[Floor area of dwelling unit in square feet:] Bedrooms per dwelling unit:	Minimum number of parking spaces:
	[Under 3,000] Studio	[Two] One
	[3,000-3,999] One bedroom	[Three] One
	[4,000-4,999] Two bedrooms	[Four] Two
	[5,000-5,999] Three bedrooms	[Five] Two
	[6,000-6,999] Four or more bedrooms	[Six] Three plus one parking space for each additional bedroom over four; except when the width of roadways fronting the dwelling unit allows two lanes of traffic flow while vehicles are parked on each side of the roadway, then two plus one parking space for each additional

		<u>bedroom over four.</u>
	[7,000-7,999]	[Seven]
	[8,000 and above]	[Eight]
[Dwelling units: accessory dwelling.]	[One for each accessory dwelling.]	
Dwelling units: with a kitchenette. <u>Note: Parking spaces may be in tandem with the main dwelling unit's parking space.</u>	One additional for the kitchenette.	
Home business.	One 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.	
Transient accommodations. Note: A dwelling unit's parking spaces may be in tandem.	Type:	Minimum number of parking spaces:
	Bed and breakfast home	One parking space for each bedroom for bed and breakfast home use, plus two 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	Two, if the short-term rental home has four or

		fewer bedrooms or as required for the dwelling, whichever is greater; three, if the short-term rental home has five or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	One per rental unit, except that a transient vacation rental in a single-family dwelling must provide the same number of parking spaces as a single-family dwelling. Units capable of being used as two or more units are counted as separate rental units.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
Agricultural retail structure, agricultural products stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general	One per 500 square feet, except that the minimum is three.	

office, personal and business services, personal services establishment, animal hospital.	
Agricultural tourism activities under section 19.30A.050.	One parking space per two participants (paving not required).
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	One per 1,000 square feet for all areas, including office, storage, and showroom.
Animal boarding facility.	Three plus one per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.
Bank.	One per 300 square feet, except that the minimum is three.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	One per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), except that the minimum is four; two or more establishments in a “food court” configuration may share amusement and dining areas. Mobile food trucks or trailers may not occupy any parking space required by this title.
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.”	One per 500 square feet of serving area, except that the minimum is three for each establishment. Mobile food trucks or trailers may not occupy any parking space required by this title.
Mobile food truck, except where permitted in the agricultural district.	None; mobile food trucks may not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	One per 1,500 square feet, except that the minimum is three.

SBR mixed-use establishment.	Two for each dwelling unit, plus one per 300 square feet of non-residential floor area.
SBR service establishment.	One per 300 square feet.
Self-storage.	One per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	One per 200 square feet, excluding drive-through fueling areas, which must not be used for required parking, or one per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts must be within an enclosure bounded completely by a wall at least six feet in height.
Shopping center.	One per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	One per 500 square feet.
Vehicle and equipment rental or sales.	One per 500 square feet for sales, showrooms, services, offices, and parts facilities, except that the minimum is three; none for outdoor storage of vehicles and equipment.
3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)	
Amusement center, entertainment establishment.	One per 100 square feet.
Auditorium, theater, stadium, assembly area, arena, gymnasium.	One per 300 square feet, one per four seats, or one per eight feet of bleacher length, whichever is greatest.
Bowling alley.	Three per lane.
Clubhouse, private club, fitness center, health club.	One per 200 square feet.
Golf course.	Three 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.	One per tee.
Miniature golf course.	One per hole.

Swimming pool.	One per 600 square feet of pool and associated buildings.	
Tennis court.	Four for each court.	
Passive recreation.	None for up to two acres; four for above two 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; no additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court.	Six per court.
	Children's playground.	None.
	Skate park.	One per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	One per two participants at regular capacity.
Arboretum, botanical garden.	Three plus one per acre, except that the maximum number of required parking spaces is 20.	
4) SOCIAL OR CIVIC SERVICE		
Airport, heliport, other public transportation.	Parking for terminal, hangars, and interterminal 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.	None; any offices or other accessory uses to be determined separately.	
Church, including place of worship.	One per 300 square feet, one per five seats, or one per eight feet of bench length, whichever is greatest.	

Community center.	One per 100 square feet.
Day care facility, nursing home, assisted living facility.	One per six clients, plus one per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	One per 500 square feet, except that the minimum is three.
Minor medical center, medical or dental clinic.	One per 300 square feet, except that the minimum is three.
Major medical center.	One per two beds.
Mortuary, funeral home.	One per 100 square feet.
Public utility substation.	One.
Recycling, redemption facility.	Three.
School, educational institution, general education, specialized education.	One per classroom if all students are under 16 years of age; eight per classroom if any student is 16 years of age or older.

F. For this section’s purposes, “bedroom” means any habitable room providing separation for sleeping purposes regardless of proposed use or designation that is:

1. A minimum of 70 square feet and a minimum of seven feet in any horizontal dimension.

2. Not a common space, bathroom, closet, hall, storage, utility space, kitchen, living room, or dining room.

Bedrooms include habitable rooms designated as a den, study, office, exercise room, sewing room, loft, playroom, and other similar designations. An unfinished basement is counted as at least one additional bedroom.”

SECTION 3. Section 19.500.110, Maui County Code, is amended by amending Subsection F to read as follows:

“F. Nonconforming parking and loading.

1. If there is a change in use of a structure or lot or a portion of a structure or lot, the area of the new use must meet the off-street parking and loading requirement established in chapter 19.36B.

2. A use that adds floor area or bedrooms must provide off-street parking and loading for the additional area or bedrooms as required by chapter 19.36B.

3. A nonconforming parking or nonconforming loading may be repaired, expanded, or altered in a manner that does not increase its nonconformity.”

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 on approval. An application for a building permit or other County-issued permit that requires review under or compliance with Chapter 19.36B, Maui County Code, must be processed based on the Code in effect at the time of the application.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

drip:misc:023abill03:jpp

INTRODUCED BY:

TAMARA PALTIN

DRIP Committee

From: Michael J. Hopper <Michael.Hopper@co.maui.hi.us>
Sent: Tuesday, March 24, 2026 10:15 AM
To: DRIP Committee; Jarret P. Pascual; Carla M. Nakata
Cc: Candace H. Stahl; Melody A. Andrion
Subject: Bill 47 (CD1) (DRIP-23)
Attachments: Bill 47 (DRIP-23) 3-24-26.pdf

I am attaching Bill 47 (CD1) approved as to form and legality. Please let me know if you have any questions.