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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

December 19, 2024

Ms. Kate Blystone, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Ms. Blystone:

**SUBJECT: RESOLUTION 23-163, RELATING TO PARKING FOR
ELECTRIC VEHICLES (DRIP-7)**

Thank you for participating in the September 25, 2024, Disaster, Resilience, International Affairs, and Planning Committee's discussion on Resolution 23-163.

In light of the Committee's discussion, I have prepared a draft CD1 version of Resolution 23-163, incorporating several revisions to the attached proposed bill.

May I please request that you review the proposed bill and provide your comments or suggested revisions.

May I further request you transmit your response to drip.committee@mauicounty.us by **December 31, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Maria Leon at ext. 7866).

Ms. Kate Blystone
December 19, 2024
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Sincerely,

A handwritten signature in black ink that reads "Tamara A.M. Paltin". The signature is written in a cursive, flowing style.

TAMARA PALTIN, Chair
Disaster, Resilience, International
Affairs, and Planning Committee

drip:ltr:007apl01:jpp

Attachment

cc: Mayor Richard T. Bissen, Jr.
Deputy Planning Director

Resolution

No. 23-163, CD1

REFERRING TO THE PLANNING COMMISSIONS
A PROPOSED BILL RELATING TO PARKING
AND ELECTRIC VEHICLE CHARGERS

WHEREAS, the Council is considering a proposed bill to support the expansion of dedicated parking spaces and electric vehicle charging stations; 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 CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO PARKING AND ELECTRIC VEHICLE CHARGERS,” attached as Exhibit “1,” to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission for findings and recommendations 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, Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

drip:misc:007areso02:jpp

INTRODUCED BY:

Tamara M. Paltin

TAMARA PALTIN

EXHIBIT “1”

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO PARKING AND ELECTRIC VEHICLE CHARGERS

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

SECTION 1. As the use of electric vehicles in the State rises, the buildout of adequate electric vehicle charging stations and publicly accessible parking spaces is critical. Further, the Countywide Policy Plan directs the County to encourage the use of sustainable energy to power vehicles.

This Ordinance’s purposes are to: 1) require new and existing places of public accommodation, multifamily developments, and parking lots and garages with at least 50 parking spaces to have dedicated electric vehicle parking spaces; 2) establish electric vehicle charging requirements; and 3) increase the minimum number of designated parking spaces for active recreation at children’s playgrounds to one per 500 square feet.

SECTION 2. Chapter 19.36B, Maui County Code, is amended by adding a new Part II to be appropriately designated and to read as follows:

“PART II. ELECTRIC VEHICLE CHARGERS

Sections:

19.36B.130	Purpose.
19.36B.140	Definitions.
19.36B.150	Charging systems.
19.36B.160	Alternatives.
19.36B.170	Exemptions.

19.36B.180 Violations and penalties.

19.36B.130 Purpose. This part's purpose is to establish requirements in the comprehensive zoning ordinance to support the expansion of dedicated electric vehicle parking spaces and charging stations at new and existing places of public accommodation, multifamily developments, and parking lots and garages.

19.36B.140 Definitions. Whenever used in this part and unless the context otherwise requires:

"Electric vehicle" means the same as defined in section 291-71, Hawai'i Revised Statutes.

"Electric vehicle-capable" or "EV-capable" means a parking space constructed with empty raceway to supply power for future electric vehicle charging stations at any given time.

"Electric vehicle charging system" means the same as defined in section 291-71, Hawai'i Revised Statutes.

"Electric vehicle-ready" or "EV-ready" means a parking space constructed with full electrical circuits, including a junction box, conduit, receptacle, overprotecting devices, and wiring that are ready for connection with an operational electric vehicle charging station at any given time.

"Electric vehicle supply equipment" or "EVSE" means the apparatus installed for the purpose of transferring energy between the premises wiring and the electric vehicle.

"Fuel cell electric vehicle" means the same as defined in section 291-71, Hawai'i Revised Statutes.

"Level 2 charging station" means the same as "alternating current level 2 charging station" as defined in section 269-72, Hawai'i Revised Statutes.

"Networked" refers to electric vehicle charging systems that are able to connect to the internet.

"Place of public accommodation" means the same as defined in section 489-2, Hawai'i Revised Statutes.

"Plug" means an accessory to an electric vehicle charging system capable of charging a single electric vehicle and compatible with level 2 charging stations or direct current fast charger protocols.

19.36B.150 Charging systems. A. In all zoning districts, electric vehicle charging systems must be provided for new or existing buildings that propose to significantly modify 50 percent or more of its total parking spaces in accordance with this section, tables 19.36B.150-1 and 19.36B.150-2, and the dedicated, standard size, parking space requirements for each increment of 50 parking spaces.

For this section’s purposes, “significantly modify” means any enlarging, reconstructing, remodeling, renovating, or resurfacing to an existing parking area other than repair for the purpose of maintenance.

B. When calculating the number of required electric vehicle parking spaces, any fraction or portion of an electric vehicle parking space required is rounded up to the nearest whole number.

C. All electric vehicle chargers must be maintained in good working order.

D. A dedicated parking space must be provided for each electric vehicle plug.

E. Electric vehicle charging stations are reserved solely for the charging of electric vehicles. Designated parking spaces for electric vehicle charging must be marked in a clear and obvious manner and include signage that states that parking is only for electric vehicles that are charging.

F. No parking space designated for electric vehicles may displace or reduce accessible stalls, as defined and required by the Americans with Disabilities Act.

G. At least five percent but no fewer than one of each type of the parking spaces designated for electric vehicles must be an accessible stall, as defined by the Americans with Disabilities Act, and must not displace or reduce other accessible stalls as required by the Americans with Disabilities Act.

H. Electric vehicle charging stations are required to be available for use by the public during times as the place of public accommodation is also open for public use.

I. Site owners are not precluded from charging a fee for the use of the charging station or additional fees if a vehicle remains in the space after charging has been completed.

TABLE 19.36B.150-1 ELECTRIC VEHICLE PARKING SPACES						
BUILDING TYPE	NUMBER OF EV-READY SPACES	OF EV-PARKING	NUMBER OF EV-CAPABLE SPACES	OF EV-PARKING	NUMBER OF LEVEL 2 CHARGING STATION PARKING SPACES	
MULTIFAMILY UNITS						
New buildings	If the permit application is submitted on or before:					
	November 23, 2022	20 percent of total parking spaces	November 23, 2022	70 percent of total parking spaces	December 31, 2027	2
					December 31, 2029	4
					December 31, 2031	6
					December 31, 2033	8

Existing buildings proposed to modify 50 percent or more of its total parking spaces	November 23, 2022	10 percent of total parking spaces	November 23, 2022	20 percent of total parking spaces	December 31, 2028	2
					December 31, 2030	4
					December 31, 2032	6
					December 31, 2034	8
PLACES OF PUBLIC ACCOMMODATION						
New buildings	If the permit application is submitted on or before:					
	November 23, 2022	20 percent of total parking spaces	November 23, 2022	40 percent of total parking spaces	December 31, 2027	2
					December 31, 2029	4
					December 31, 2031	6
December 31, 2033					8	
Existing buildings proposed to modify 50 percent or more of its total parking spaces	November 23, 2022	10 percent of total parking spaces	November 23, 2022	40 percent of total parking spaces	December 31, 2028	2
					December 31, 2030	4
					December 31, 2032	6
					December 31, 2034	8
New paved surface parking lots and parking garage uses	November 23, 2022	20 percent of total parking spaces	November 23, 2022	40 percent of total parking spaces	December 31, 2027	2
					December 31, 2029	4
					December 31, 2031	6
					December 31, 2033	8

TABLE 19.36B.150-2 CHARGE METHODS ELECTRICAL RATING			
CHARGE METHOD	NORMAL SUPPLY VOLTAGE (VOLTS)	MAXIMUM CURRENT (AMPS-CONTINUOUS)	SUPPLY POWER
AC Level 2 (enclosed attached residential garages only)	208 to 240V AC, 1-phase	Minimum 30A	208/240VAC/20-100A (16A-80A continuous)
AC Level 2	208 to 240V AC, 1-phase	Minimum 32A	208/240VAC/40-110A (32A-80A continuous)

19.36B.160 Alternatives. For each set of eight plugs required for level 2 charging stations under table 19.36B.150-1, the requirements may alternatively be met by one direct current fast charger with a minimum power rating of 50 kilowatts, if there is at least one level 2 compatible plug for each requirement of eight plugs.

19.36B.170 Exemptions. A. This part's requirements do not apply to new or existing places of public accommodation, multifamily developments, and public parking lots if located:

1. Within any "A" or "V" zones as identified in the Federal Emergency Management Agency's Flood Insurance Rate Map; or

2. Within the erosion hazard line.

B. For places of public accommodation that would otherwise be required to be EV-ready to comply with the baseline requirements under table 19.36B.150-1, the total number of newly added parking stalls will be reduced by 20 percent.

C. For affordable housing units offered for sale or rent to households earning between 100 percent and 140 percent of the County area median income that would otherwise be required to be EV-ready to comply with the baseline requirements under table 19.36B.150-1, the total number of newly added parking stalls will be reduced by 50 percent.

D. For affordable housing units offered for sale or rent to households earning 100 percent or below the County area median income, none of the total number of newly added parking stalls that would otherwise be required to be EV-ready to comply with the baseline requirements under table 19.36B.150-1 will be required.

E. Owners of multiple parking facilities within the State who intend to use the aggregation allowance under section 291-71, Hawai'i Revised Statutes, must provide the planning director documentation to demonstrate that the electric vehicle charging requirements have been met at the time of construction.

19.36B.180 Violations and penalties. Violations of this part are subject to section 19.530.030's civil penalties and enforcement procedures."

SECTION 3. Chapter 19.36B, Maui County Code, is amended by designating sections 19.36B.010 to 19.36B.120 as Part I and inserting a title before section 19.36B.010 to read as follows:

"PART I. PARKING AND LOADING"

SECTION 4. 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] electric vehicle parking is also required[.], except that new or existing places of public accommodation, multifamily developments, and parking lots and garages with at least 50 parking spaces are subject to the electric vehicle parking and charging requirements in accordance with part II of this chapter.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, [multi-family] <u>multifamily</u> 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.	
Transient accommodations. Note: A dwelling unit's parking spaces may be in tandem.	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] must 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.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
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	1 per 500 square feet, [provided] except that the minimum [shall be] is 3.	

services, personal services establishment, animal hospital.	
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] <u>except</u> that the minimum [shall be] <u>is</u> 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] <u>except</u> that the minimum [shall be] <u>is</u> 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] <u>except</u> that the minimum [shall be] <u>is</u> 3 for each establishment.
Mobile food truck.	0; mobile food trucks [shall] <u>will</u> not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 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] <u>will</u> 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] <u>must</u> 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] <u>except</u> that the minimum [shall be] <u>is</u> 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] <u>is</u> no more than 20.	
4) SOCIAL OR CIVIC SERVICE		
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] <u>except</u> that the minimum [shall be] <u>is</u> 3.
Minor medical center, medical or dental clinic.	1 per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> 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.

”

SECTION 5. 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 6. Work performed under a permit issued before this Ordinance’s effective date and inspected on or after the effective date will be approved if it meets the requirements of either Chapter 16.16C, Maui County Code, or Chapter 19.36B, Maui County Code.

SECTION 7. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

Tamara M. Paltin

TAMARA PALTIN