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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

December 29, 2025

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawai'i 96793

Dear Chair Lee:

SUBJECT: **RESOLUTION 25-230, ENTITLED "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS"**  
(PAF 25-357)

May I request the attached proposed Amendment Summary Form related to Resolution 25-230, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS," be placed on the next Council meeting agenda.

Sincerely,

*Tamara A.M. Paltin*

TAMARA PALTIN  
Councilmember

paf:cmn:25-357i

Enclosure

RECEIVED  
2025 DEC 29 PM 12:43  
OFFICE OF THE  
COUNTY CLERK

COUNTY COMMUNICATION NO. 26-1

January 7, 2026, Council meeting

MAUI COUNTY COUNCIL  
Amendment Summary Form

Legislation: Proposing the H-3 And H-4 Hotel Districts.

Proposer: Tamara Paltin, Councilmember.

Description:     1. Adds a WHEREAS clause numbered as 2.

                      2. Incorporates all amendments to Chapter 19.14, Maui County Code, proposed in Exhibit "1" to Resolution 25-230.

                      3. Inserts amendments to Code Section 19.14.040, and restructures the proposed bill to amend the entire chapter rather than individual sections.

                      4. Inserts restrictions that apply within the H-3 and H-4 Districts for properties in the sea level rise exposure area, and amends the purpose section accordingly.

                      5. Limits restrictions in the existing Code Section 19.04.040 to H-1, H-M, H-2, and Hotel Districts.

Motions:       Move to amend Resolution 25-230 by substituting the Resolution with the attached proposed FD1 version.

Attachment: Proposed FD1 version.

paf:cmn:25-357b

# Resolution

**No. 25-230, FD1**

**REFERRING TO THE LĀNA'I, MAUI, AND  
MOLOKAI PLANNING COMMISSIONS A  
PROPOSED BILL AMENDING THE  
COMPREHENSIVE ZONING ORDINANCE TO  
ESTABLISH THE H-3 AND H-4 HOTEL  
DISTRICTS**

WHEREAS, the Council is considering a proposed bill on establishing the H-3 and H-4 Hotel Districts; 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 zoning and other 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 COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS," 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;
2. That it requests the planning commissions' comments on whether the new elements proposed for Subsection 19.14.040(B), Maui County Code, should be:
  - a. revised or omitted; and
  - b. if not omitted, included in the Comprehensive Zoning Ordinance, as the bill proposes, or presented as zoning conditions in ordinances that change properties' zoning to H-3 or H-4; and
3. 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:

*Tamara A.M. Paltin*

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TAMARA PALTIN

EXHIBIT “1”

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2026)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS

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

SECTION 1. In a report to the Council’s Housing and Land Use Committee dated October 14, 2025, the Committee’s Bill 9 Temporary Investigative Group recommended legislation establishing H-3 and H-4 Hotel Districts in Chapter 19.14, Maui County Code. According to the report, the legislation would allow existing Apartment District properties to continue Transient Vacation Rental uses, if appropriate, even if the Council were to enact an ordinance phasing out TVRs as permitted uses in the A-1 and A-2 zones.

Ordinance 5909—phasing out TVRs as permitted uses in the A-1 and A-2 zones—took effect on December 15, 2025.

This Ordinance’s purposes are to:

1. Implement the Bill 9 TIG’s recommendation; and
2. Ensure that property owners who benefit from Transient Vacation Rental use in the sea level rise exposure area do not hold the State or County liable for future costs associated with erosion.

SECTION 2. Section 19.06.010, Maui County Code, is amended to read as follows:

**“19.06.010 Districts designated.** 1. The County is divided into the following base zone districts:

- A. Open space districts:
  - 1. OS-1.
  - 2. OS-2.
- B. Residential districts:
  - 1. R-1.
  - 2. R-2.
  - 3. R-3.
- C. R-0 zero lot line residential district.
- D. Two-family districts:
  - 1. D-1.
  - 2. D-2.
- E. Apartment districts:
  - 1. A-1.
  - 2. A-2.
- F. Hotel districts:
  - 1. H-1.
  - 2. H-M.
  - 3. H-2 and hotel.
  - 4. H-3.
  - 5. H-4.
- G. Business districts:
  - 1. SBR service.
  - 2. B-CT country town.
  - 3. B-1 neighborhood.
  - 4. B-2 community.
  - 5. B-3 central.
  - 6. B-R resort commercial district.
- H. Industrial districts:
  - 1. M-1 light.
  - 2. M-2 heavy.
  - 3. M-3 restricted.
- I. Park districts:
  - 1. PK.
  - 2. GC.
- J. Airport district.
- K. Agricultural district.
- L. Rural districts:
  - 1. RU-0.5.
  - 2. RU-1.
  - 3. RU-2.
  - 4. RU-5.
  - 5. RU-10.
  - 6. County rural.
- M. Public/quasi-public districts:

1. P-1.
2. P-2.
- N. Kihei research and technology park district.
- O. Maui research and technology park district.
- P. Napili bay civic improvement district.
- Q. Urban reserve district.
- R. Interim.
- S. Maui County historic districts.
  1. Historic district no. 1 in Lahaina.
  2. Historic district no. 2 in Lahaina.
  3. Historic district no. 3 in Wailuku.
- T. Project Districts.
- U. Wailuku Redevelopment Area (“WRA”) districts, including:
  1. WRA business/multi-family ([currently] designated as “Business Multi-Family on the digital zoning map).
  2. WRA commercial mixed use[.] ([currently] designated as “Commercial Mixed Use - MRA” on the digital zoning map).
  3. WRA multi-family ([currently] designated as “Multi Family – MRA” on the digital zoning map).
  4. WRA public/quasi-public ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
  5. WRA residential ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
2. The County has the following overlay zone districts:
  - A. Wetlands overlay district.
  - B. Planned development.
  - C. Cluster housing development.
  - D. R-0 zero lot line overlay district.
  - E. Wellhead protection overlay district.”

SECTION 3. Chapter 19.14, Maui County Code, is amended to read as follows:

### **“Chapter 19.14**

### **HOTEL DISTRICTS**

#### **Sections:**

**19.14.010 Purpose and intent.**

**19.14.020 Permitted uses.**

**19.14.030 Accessory uses and buildings.**

**19.14.040 Restrictions.**

**19.14.050 Development standards.**

**19.14.060 [Rule making] Rule-making authority.**

**19.14.010 Purpose and intent.** A. A hotel district is a high density, multiple-family area bordering business districts or ocean fronts, or both. This district includes public and semi-public institutional and accessory uses.

B. Hotel districts include the following: H-1, H-M, H-2, hotel, H-3, and H-4.

C. The H-3 and H-4 districts are reserved for units or structures that had been in the A-1 and A-2 districts, respectively, and where transient vacation rentals had been permitted uses.

**19.14.020 Permitted uses.** [Within hotel districts, the] A. The following uses [shall be] are permitted[:] in the H-1, H-M, H-2, and hotel districts:

[A.] 1. Any use permitted in residential and apartment districts[;].

[B.] 2. Hotels[;].

[C.] 3. Apartment-hotels[;].

[D.] 4. Auditoriums and theaters[;].

[E.] 5. Automobile parking lots and buildings[;].

[F.] 6. Bona fide nonprofit clubs and lodges[;].

[G.] 7. Nonprofit museums, libraries, art galleries, and philanthropic institutions[; and].

[H.] 8. Cell or radio antenna attached to an existing building.

B. The following uses are permitted in the H-3 and H-4 districts:

1. Any use permitted in residential and apartment districts.

2. Transient vacation rental uses that were legally permitted the day before the effective date of the ordinance requiring transient vacation rental uses to be phased out in the A-1 and A-2 districts.

**19.14.030 Accessory uses and buildings.** A. The following accessory uses are permitted in the H-1, H-M, H-2, and hotel districts:

| Accessory uses and buildings   | Criteria or limitations  |
|--------------------------------|--|
| A. Energy systems, small-scale | [Provided] <u>Only if there will be no detrimental or nuisance affect upon the neighbors</u> |



|   |  |
|---|--|
| B. Fences   |  |
| C. Garages  |  |
| D. Eating and drinking establishments   | 1. All hotel and apartment-hotel buildings in which [such] <u>the</u> accessory uses [shall be] <u>are</u> permitted [and allowed shall] <u>must</u> contain more than [twenty] <u>20</u> rental units<br>2. Personal service shops and businesses allowed as accessory uses [shall] <u>must</u> be operated primarily as an accessory service to, and for the convenience of tenants, occupants, and guests of apartment, hotel, and apartment-hotel buildings<br>3. Where the lot area is [in excess of twenty thousand] <u>more than 20,000</u> square feet, doors and entrances to shops and businesses allowed as accessory uses may be permitted to open to the public street; further, the shops and businesses may be constructed as separate buildings[, provided,] <u>if</u> that location of [such] <u>the</u> shops and businesses [shall have] <u>has</u> been approved by the director of planning |
| E. Personal and business services   |  |
| F. Dancing and hula studios   |  |
| G. Flower, gift, and curio shops  |  |
| H. Music stores and studios   |  |
| I. Newsstands and magazine stands   |  |
| J. Pharmacies and drug stores   |  |
| K. Restaurants, with or without nightclub facilities  |  |
| L. Other accessory, business, or service establishments [which] <u>that</u> supply commodities or perform services primarily for the hotel guests; however, [such] <u>the</u> uses [shall] <u>must</u> be approved by the director of planning as conforming to the intent of this [title] <u>section</u> |  |

B. Accessory uses under section 19.12.020 are permitted as accessory uses in the H-3 and H-4 districts.

**19.14.040 Restrictions.** A. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022, unless such new rooms or units are situated landward of the [line set at the distance from the certified shoreline to the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawaii&#699 sea level rise viewer hosted by the pacific islands ocean observing system as of November 4, 2022.] sea level rise exposure area. For all such new rooms or units, any [ground altering] ground-altering activity proposed in culturally sensitive areas as determined by the County archaeologist will be referred to the Maui County cultural resources commission, which may review and comment on the potential impact to historic properties and cultural resources to the State historic preservation division in accordance with [Hawaii&#699] Hawai'i Revised Statutes chapter 6E. The allowance in this subsection for an increase in rooms or units applies to the H-1, H-M, H-2, and hotel districts only.

B. Within the H-3 and H-4 districts, for properties in the sea level rise exposure area that are accepting the benefits of being permitted to continue transient vacation rental operations:

1. Public shoreline access and parking for public shoreline access during daylight hours of at least 10 percent of the property's parking spaces, as available, must be provided.

2. Property owners must not hold the County and State liable for any and all future costs associated with maintaining or protecting the property developed within the sea level rise exposure area, including costs associated with retreat, hazard mitigation, and cleanup to maintain the health of the nearshore marine environment from material debris originating from the ocean or from the structures' own erosion.

3. This code does not create liability on the part of the County or any officer, official, or employee for any damages associated with retreat, hazard mitigation, and cleanup that result from reliance on this code or any administrative decision lawfully made.

4. Any ordinances enacted after the H-3 and H-4 districts are established that impose requirements on properties in the sea level rise exposure area will apply.

C. As used in this section, "sea level rise exposure area" means the State Climate Commission's recognized planning target or threshold for sea level rise exposure. The planning threshold of 3.2 feet of sea level rise in effect at the time of this subsection's enactment may change based on the best available scientific information.

#### **19.14.050 Development standards.**

|  | H-1    | H-M    | H-2 &<br>Hotel | H-3           | H-4           | Notes and<br>Exceptions   |
|--|--------|--------|----------------|---------------|---------------|---|
| Minimum<br>lot area<br>(square<br>feet)    | 10,000 | 15,000 | 20,000         | <u>10,000</u> | <u>10,000</u> |   |
| Minimum<br>lot width<br>(in feet)          | 75     | 85     | 100            | <u>70</u>     | <u>70</u>     |   |
| Maximum<br>building<br>height (in<br>feet) | 35     | 90     | 160            | <u>35</u>     | <u>60</u>     | Except that<br>vent pipes,<br>fans, elevator<br>and stairway<br>shafts,<br>chimneys,<br>cell or<br>antennae,<br>and |

|  |  |  |  |  |  |   |
|--|--|--|--|--|--|---|
|  |  |  |  |  |  | equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof                         |
| Minimum yard setback (in feet)           |  |  |  |  |  |   |
| Front and rear                           | ½ the height of building with a minimum of 15 feet             |  |  | 15 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet |  |   |
| Side                                     | Building height in feet  |  | Side yard in feet  | 10 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet |  |   |
|  | Less than 30   |  | 10   |  |  |   |
|  | 30 to 60   |  | 15 ft.   |  |  |   |
|  | 60 to 90   |  | 20 ft.   |  |  |   |
|  | 90 to 120  |  | 25 ft.   |  |  |   |
|  | 120 to 160   |  | 30 ft.   |  |  |   |
| Maximum lot coverage                     | 25%  | 30%  | 35%  | 25%  | 35%  |   |
| Maximum floor area ratio                 | 50%  | 100%   | 150%   | 40% for lots three acres or more, 50% for lots less than three acres   | 90%  |   |
| Accessory structures within setback area | Mail boxes, trash enclosures, boundary walls, and ground signs | Mail boxes, trash enclosures, boundary walls, and ground signs | Mail boxes, trash enclosures, boundary walls, and ground signs | Mail boxes, trash enclosures, boundary walls, and ground signs   | Mail boxes, trash enclosures, boundary walls, and ground signs | [Shall] Must not exceed [8] eight feet in height except for signs for which a greater height is allowed in chapter 16.13[.of this code] |

**19.14.060 [Rule making] Rule-making authority.** The director of planning may adopt rules to implement this chapter.”

SECTION 4. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

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. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:cmn:25-357g

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN