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February 24, 2022, Committee meeting

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OFFICE OF THE
COUNTY COUNCIL
PLANNING AND SUSTAINABLE LAND USE COMMITTEE
Amendment Summary Form

Legislation: Bill 24 (2022), lowering the maximum building heights in B-2, B-3, and P-2 zoning districts.

Proposer: Tamara Paltin, Chair *Tamara M. Paltin*
Planning and Sustainable Land Use Committee

Description: Amend Bill 24 (2022) to limit the maximum building heights to 45 feet in the B-2, B-3, and P-2 zoning districts of the West Maui Community Plan area.

Motion: Move to amend Bill 24 (2022) by amending Sections 19.18.050, 19.20.050, and 19.31.050, Maui County Code, as follows:

1. Section 19.18.050, Maximum building height (in feet), for the B-2 Community Business District, should read:

"90 for Maui, excluding the West Maui Community Plan area, 45 for West Maui Community Plan area, 45 for Lānaʻi, and 35 for Molokaʻi."

2. Section 19.20.050, Maximum building height (in feet), for the B-3 Central Business District, should read:

"144 for Maui, excluding the West Maui Community Plan area, 45 for West Maui Community Plan area, 45 for Lānaʻi, and 35 for Molokaʻi."

3. Section 19.31.050, Maximum building height (in feet), for the P-2 Public/Quasi-Public District, should read:

"90 for Maui, excluding the West Maui Community Plan area, 45 for West Maui Community Plan area, 45 for Lānaʻi, and 35 for Molokaʻi."

Attachment: Proposed CD1 version of Bill 24 (2022).

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ORDINANCE NO. _____

BILL NO. 24 (2022), CD1

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY
CODE, RELATING TO THE COMPREHENSIVE ZONING
ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2
COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT,
AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS

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 – Development standards. 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>for Maui,</u> <u>excluding the</u> <u>West Maui</u> <u>Community Plan</u> <u>area, 45 for West</u> <u>Maui Community</u> <u>Plan area, 45 for</u> <u>Lānaʻi, and 35 for</u> <u>Molokaʻi.</u>	Except that vent pipes, fans, <u>elevator</u> <u>and stairway shafts,</u> chimneys, <u>cellular or</u> <u>other antennae,</u> and equipment used for small-scale energy systems on roofs [shall not exceed one hundred feet] <u>may</u> <u>extend an additional</u> <u>10 feet above the</u> <u>building roof from</u> <u>which it extends.</u>
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 [set-back] <u>setback</u> 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 [set-back] <u>setback</u> area	[Mail boxes,] <u>Mailboxes</u> , trash enclosures, boundary walls, and ground signs.	<u>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13.</u>

”

SECTION 2. Chapter 19.18, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“19.18.070 - Permits issued prior to the enactment of the comprehensive zoning ordinance. Dwellings or structures that were constructed with a building permit approved prior to the enactment of the comprehensive zoning ordinance need not acquire a County special use permit, conditional permit, or variance; may be reconstructed as permitted by the original building permit(s); and may be expanded or modified with a building permit, subject to the other provisions of this chapter and this title.”

SECTION 3. Section 19.20.050, Maui County Code, is amended to read as follows:

“19.20.050 – Development standards. 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>for Maui, excluding the West Maui Community Plan area,</u> 45 <u>for West Maui Community Plan area,</u> 45 <u>for Lānaʻi, and 35 for Molokaʻi.</u>	Except that vent pipes, fans, <u>elevator and stairway shafts,</u> chimneys, <u>cellular or other antennae,</u> and equipment used for small-scale energy systems on roofs <u>[shall not exceed 155 feet]</u> <u>may extend an additional 10 feet above the building roof from which it extends.</u>
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 [set-back] <u>setback</u> 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 [set-back] <u>setback</u> area	<u>[Mail boxes,] Mailboxes,</u> trash enclosures, boundary walls, and ground signs.	<u>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13.</u>

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SECTION 4. Chapter 19.20, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“19.20.070 - Permits issued prior to the enactment of the comprehensive zoning ordinance. Dwellings or structures that were constructed with a building permit approved prior to the enactment of the comprehensive zoning ordinance need not acquire a County special use permit, conditional permit, or variance; may be reconstructed as permitted by the original building permit(s); and may be expanded or modified with a building permit, subject to the other provisions of this chapter and this title.”

SECTION 5. Section 19.31.050, Maui County Code, is amended to read as follows:

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

	P-1	P-2	Notes and 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] <u>75</u>	[200] <u>100</u>	
Minimum front [and rear yard] setback (in feet)	15	[30] <u>25</u>	
Minimum side [yard] and rear setback (in feet)	10	15	
Maximum height (in feet)	40	90 <u>for Maui, excluding the West Maui Community</u>	Except that structures with steeples, vent pipes, fans, <u>elevator and</u>

		<u>Plan area, 45 for West Maui Community Plan area, 45 for Lānaʻi, and 35 for Molokaʻi.</u>	<u>stairway shafts, chimneys, cellular or other antennae, and equipment used for small scale energy systems on roofs [shall not exceed a total of 50 feet in P-1 and 100 feet in P-2] may extend an additional 10 feet above the building roof from which it extends.</u>
Free standing [antenna,] antennae or wind turbine structures height and setback	Maximum height of 50 feet and [shall] must be set back 1 foot for every foot in height from all property lines.	Maximum height of 100 feet and [shall] must 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, light pole, and ground signs.	[Mail boxes,] <u>Mailboxes,</u> trash enclosures, boundary walls, light pole, 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 6. Chapter 19.31, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“19.31.070 - Permits issued prior to the enactment of the comprehensive zoning ordinance. Dwellings or structures that were constructed with a building permit approved prior to the enactment of the comprehensive zoning ordinance need not acquire a County special use permit, conditional permit, or variance; may

be reconstructed as permitted by the original building permit(s); and
may be expanded or modified with a building permit, subject to the
other provisions of this chapter and this title.”

SECTION 7. 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 8. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui

pslu.misc:030abill01:wal

INTRODUCED BY:

Jamona D. M. Balutin