
A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 205A-22, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Floor area" means the roofed area of all floors of a structure measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure; the floor areas of a structure, or portion of the floor area, that is not enclosed by exterior walls shall be the area under the covering, roof, or floor that is supported by posts, columns, partial walls, or similar structural members that define the wall line. Excluded from the floor area are:

(1) Parking structures such as garages and carports, including covered driveways and accessways, porte cocheres, and parking attendant booths;

(2) Attic areas with head room less than seven feet;



1 (3) Projections such as sunshade devices and architectural
2 embellishments that are decorative only;

3 (4) Areas covered by roofing treatment to screen only
4 rooftop machinery;

5 (5) Areas underneath unsupported roof overhangs or
6 cantilevered building overhangs; provided that no
7 portion of the area shall be enclosed except a safety
8 railing or wall not exceeding four feet in height;

9 (6) Elevators and vent shafts;

10 (7) Basements that are used exclusively for storage;

11 (8) Common walkways and other exterior common areas in
12 multi-family and commercial structures, such as
13 stairways, breezeways, and fire escapes; and

14 (9) Exterior machinery and equipment enclosures, including
15 enclosures for laundry, water heaters, air
16 conditioning, and trash receptacles."

17 2. By amending the definition of "development" to read:

18 "'Development" means any of the uses, activities, or
19 operations on land or in or under water within a special
20 management area that are included below:



- (1) Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
- (2) Grading, removing, dredging, mining, or extraction of any materials;
- (3) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
- (4) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
- (5) Construction, reconstruction, or alteration of the size of any structure.

"Development" does not include the following:

- (1) Construction or reconstruction of a single-family residence that is less than [~~seven thousand five hundred~~] five thousand square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development;
- (2) Repair or maintenance of roads and highways within existing rights-of-way;



- 1 (3) Routine maintenance dredging of existing streams,
2 channels, and drainage ways;
- 3 (4) Repair and maintenance of underground utility lines,
4 including but not limited to water, sewer, power, and
5 telephone and minor appurtenant structures such as pad
6 mounted transformers and sewer pump stations;
- 7 (5) Zoning variances, except for height, density, parking,
8 and shoreline setback;
- 9 (6) Repair, maintenance, or interior alterations to
10 existing structures;
- 11 (7) Demolition or removal of structures, except those
12 structures located on any historic site as designated
13 in national or state registers;
- 14 (8) Use of any land for the purpose of cultivating,
15 planting, growing, and harvesting plants, crops,
16 trees, and other agricultural, horticultural, or
17 forestry products or animal husbandry, or aquaculture
18 or mariculture of plants or animals, or other
19 agricultural purposes;
- 20 (9) Transfer of title to land;



- 1 (10) Creation or termination of easements, covenants, or
2 other rights in structures or land;
- 3 (11) Subdivision of land into lots greater than twenty
4 acres in size;
- 5 (12) Subdivision of a parcel of land into four or fewer
6 parcels when no associated construction activities are
7 proposed; provided that any land that is so subdivided
8 shall not thereafter qualify for this exception with
9 respect to any subsequent subdivision of any of the
10 resulting parcels;
- 11 (13) Installation of underground utility lines and
12 appurtenant aboveground fixtures less than four feet
13 in height along existing corridors;
- 14 (14) Structural and nonstructural improvements to existing
15 single-family residences, where otherwise permissible;
- 16 (15) Nonstructural improvements to existing commercial or
17 noncommercial structures; and
- 18 (16) Construction, installation, maintenance, repair, and
19 replacement of emergency management warning or signal
20 devices and sirens;



1 provided that whenever the authority finds that any excluded
2 use, activity, or operation may have a cumulative impact, or a
3 significant environmental or ecological effect on a special
4 management area, that use, activity, or operation shall be
5 defined as "development" for the purpose of this part."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12
INTRODUCED BY: _____



By Request

JAN 18 2022



H.B. NO. 1442

Report Title:

Maui County Council Package; Coastal Zone Management Act;
Development; Floor Area; Definitions

Description:

Amends the definition of "development" in the Coastal Zone Management Act to exclude construction or reconstruction of a single-family residence that is less than five thousand square feet of floor area and meets other criteria. Defines "floor area" for purposes of the Act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

