

JAN 19 2022

A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

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

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

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

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

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

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



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

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

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

(6) Elevators and vent shafts;

(7) Basements that are used exclusively for storage;

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

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

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

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



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

12 "Development" does not include the following:

- 13 (1) Construction or reconstruction of a single-family
14 residence that is less than [~~seven thousand five~~
15 ~~hundred~~] five thousand square feet of floor area, is
16 not situated on a shoreline parcel or a parcel that is
17 impacted by waves, storm surges, high tide, or
18 shoreline erosion, and is not part of a larger
19 development;
- 20 (2) Repair or maintenance of roads and highways within
21 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



S.B. NO. 2101

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.

