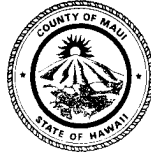


JEFFREY T. KUWADA
County Clerk



RECEIVED
ESAH IYASHITA
Deputy County Clerk

2013 SEP -6 PM 2:59

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

OFFICE OF THE
COUNTY COUNCIL

September 6, 2013

Honorable Donald G. Couch, Jr., Chair
Planning Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Couch:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of September 6, 2013:

COUNTY COMMUNICATIONS:

- No. 13-283 - William Spence, Planning Director
- No. 13-284 - William Spence, Planning Director
- No. 13-285 - William Spence, Planning Director

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", written over a white background.

JEFFREY T. KUWADA
County Clerk

/jym

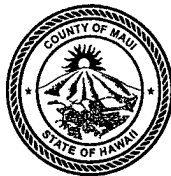
Enclosure

cc: Director of Council Services

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



RECEIVED

2013 AUG 19 PM 3:08

COUNTY OF MAUI OFFICE OF THE MAYOR
DEPARTMENT OF PLANNING

August 19, 2013

RECEIVED
OFFICE OF THE
COUNTY CLERK

2013 AUG 23 PM 2:48


RECEIVED

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Gladys Coelho Baisa, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 8/22/13
Mayor Date

Dear Chair Baisa and Members:

SUBJECT: A BILL FOR AN ORDINANCE AMENDING TITLE 19.12, MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT

With the ongoing effort of the Department of Planning (Department) to streamline, update and reformat the zoning code, the proposed amendments to the Apartment District have recently been reviewed.

The proposed amendments were transmitted to the Maui, Molokai, and Lanai Planning Commissions. The following is a summary of the Commissions' comments:

Commission	Public Hearing Date:	Comments and Recommendations:
Maui	January 24, 2012	Voted to recommend approval of the proposed changes along with the following amendments: allow the department to come up with alternative language on the purpose and intent to allow apartments in the center of town; raise building height limit to 35 feet in the A-1 district; separate out the A-1 and A-2 setback requirements into separate blocks in the table; and note the definition of "lot coverage" and "floor area ratio" in the notes section.
Molokai	February 8, 2012	Voted to recommend approval of the proposed changes as presented.
Lanai	February 15, 2012	Voted to recommend approval of the proposed changes as presented.

COUNTY COMMUNICATION NO. 13-283

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Gladys Coelho Baisa
August 19, 2013
Page 2

Attached for your review are the following documents:

1. Memorandum with Agency Comments from William Spence, Planning Director, to the Maui, Molokai, and Lanai Planning Commissions, dated January 12, 2012;
2. Minutes of the January 24, 2012 Maui Planning Commission meeting;
3. Minutes of the February 8, 2012 Molokai Planning Commission meeting;
4. Minutes of the February 15, 2012 Lanai Planning Commission meeting;
5. Proposed bill.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Administrative Planning Officer Joseph Alueta at Ext. 7743.

Sincerely,



 WILLIAM SPENCE
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator
Joseph W. Alueta, Administrative Planning Officer
Maui Planning Commission
Molokai Planning Commission
Lanai Planning Commission

WRS:JWA:atw

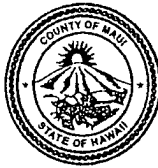
Project File
General File

S:\ALLAPO\19.12 Apartment District\transmittalcouncil.doc

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 12, 2012

MEMORANDUM

TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION

FROM: WILLIAM SPENCE *WRS*
PLANNING DIRECTOR

SUBJECT: PROPOSED BILL FOR AN ORDINANCE AMENDING TITLE 19.12,
MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICTS

The proposed bill is part of the on-going effort by the Department of Planning (Department) to update, streamline, and standardize Title 19 - Zoning of the Maui County Code. The goal is to resolve conflicts, standardize code format, consolidate and eliminate outdated terms and uses, as well as incorporate user friendly tables and graphics.

the proposed bill (Exhibit 1) will update and simplify the Apartment district (MCC 19.12) A summary of the proposed changes and rationale are as follows:

Page and Line #	Summary of change	Rationale
1.17 -23	Changes outline of title sections	Establishes a standard outline throughout Title 19
1.26	Changes "General" to "Purpose and Intent"	Standard change to be consistent with rest of code.
2.8	Deleted requirement for conditional permit for Townhouses.	No different than any on the use allowed in the district. Streamlines the zoning process.
2.11-14	Updates section and adds Accessory Use section	Clarifies what uses are allowed as accessory to allowed uses.
2.15	Establishes Special Use section	Keeps with standardized format and allows for uses that require review
3.1-4.7	Deletes height regulation and establishes Development Standards table	Consolidates all development standards into one area. Removes references to "stories".
4.14	Establishes Rule making provisions	Standard section to allow director to adopt rules as needed to clarify provisions of the code.

The proposed bill was reviewed by the general planning staff. Staff was supportive of the overall structure and continued uses of tables.

Under Accessory uses, "Energy systems, small scale" was added to 19.12. This is an existing definition and use that has been added to other districts. Energy systems, small scale *"means energy production facilities which are incidental and subordinate to a principal use which is established on the property. These systems include but are not limited to solar, wind, hydrologic, and biomass systems."*

The proposed ordinance was transmitted to various agencies for review and comments. The following is a summary of their comments:

Agency	Date	Summary Comments	Exhibit
Fire and Public Safety	9/2/11	No comments	2
Department of Public Works, DSA	9/14/11	No comments	3
Department of Water Supply	9/23/11	No comments	4
Police Department	9/26/11	Recommend environmental design strategies to reduce crime.	5
Department of Housing and Human Concerns	10/5/11	No comments	6
Department of Health, Honolulu	9/14/11	No comments at this time. Referred to web site on standard comments if applicable.	7
Department of Health, Maui	9/23/11	Areas applicable to Individual Wastewater Systems shall meet all the requirements of HAR, Chapter 11-62, Wastewater Systems.	8
Department of Transportation	9/27/11	Does not impact their land use review process. Wishes to continue to be consulted on all land developments	9
Department of Land and Natural Resources, Land Division	9/29/11	To objections	10A-C

Maui Planning Commission
Molokai Planning Commission
Lanai Planning Commission
January 12, 2012
Page 3

Recommendation and Options

The Department is recommending approval of the proposed bill. The commission has the following Options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill in order to gather specific additional information.

Attachments

S:\ALL\APO\19.12 apartment\memoreport19.12.doc

1 19.12.020 - Permitted uses.

2 Within the A-1 and A-2 districts, the following uses shall be permitted:

3 A. Any use permitted in the residential and duplex districts;

4 B. Apartment houses;

5 C. Boardinghouses, roominghouses, and lodginghouses;

6 D. Bungalow courts;

7 E. Apartment courts;

8 F. Townhouses, ~~under the provisions of conditional permit;~~ and

9 G. Home occupations.

10 (Ord. No. 3622, § 3, 2009; Ord. 1797 § 8, 1989: prior code § 8-1.6(b))

11 19.12.030 - ~~Area regulations.~~ Accessory uses and buildings

12 ~~Within the A-1 and A-2 districts, the minimum lot area shall be ten thousand~~
13 ~~square feet and the minimum lot width shall be seventy feet.~~

<u>Accessory uses and buildings</u>	<u>Criteria or limitations</u>
<u>A. Energy systems, small-scale,</u>	<u>Provided there will be no detrimental or nuisance affect upon the neighbors.</u>
<u>B. Fences, mail boxes, trash enclosures</u>	
<u>C. Garages</u>	
<u>D. Subordinate uses and structures which are determined by the director of planning to be clearly incidental and customary to the permitted uses listed herein;</u>	

14 (Prior code § 8-1.6(c))

15 19.12.040 ~~Height regulations-Special Uses~~

16

17 ~~No building shall exceed two stories or thirty feet in height in the A-1~~
18 ~~apartment district and four stories in the A-2 apartment district.~~

1 (Prior code § 8-1.6(d))

2 19.12.050 ~~Lot coverage~~—Development Standards

	A-1	A-2	Notes and exceptions
<u>Minimum Lot Area (Square feet)</u>	10,000	15,000	
<u>Minimum Lot Width (in feet)</u>	35	70	
<u>Maximum Building Height (in feet)</u>	30	60	<u>Except that vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs shall not exceed 10 feet above the maximum building height.</u>
<u>Minimum Yard Setback (in feet)</u>			
<u>Front and Rear</u>	15 feet for building 35 feet or less in height and 25 feet for building taller than 35 feet.		
<u>Side</u>	10 feet for building 35 feet or less in height and 15 feet for building taller than 35 feet.		
<u>Lot Coverage</u>	25 %	35 %	
<u>Floor Area Ratio</u>	40 % for lots 3 acres or more. 50% for lots less than 3 acres	90 %	
<u>Accessory structures within Setback Area</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>		<u>Shall not exceed eight feet in height unless greater height is allowed for in Title 16.13</u>

1

2

3 ~~Total ground area occupied by all buildings shall not exceed twenty five~~
4 ~~percent of the lot area in the A-1 apartment district and thirty five percent in~~
5 ~~the A-2 apartment district.~~

6 (Prior code § 8-1.6(e))

7 19.12.060 -Floor area lot area ratio. Rule making authority.

8 ~~The gross floor area of all buildings shall not exceed forty percent of the lot~~
9 ~~area in the A-1 apartment district and ninety percent of the lot area in the A-~~
10 ~~2 apartment district, provided for parcels of land less than three acres in~~
11 ~~total area the gross floor area of all buildings shall not exceed fifty percent of~~
12 ~~the lot area in the A-1 apartment district and ninety percent of the lot area in~~
13 ~~the A-2 apartment district.~~

14 The planning director may adopt rules to clarify and implement this chapter.

15 (Prior code § 8-1.6(f))

16 19.12.070 -Yards.

17 ~~Within the A-1 and A-2 districts, there shall be a front yard of fifteen feet for~~
18 ~~one and two story buildings, and twenty feet for three and four story~~
19 ~~buildings; side yards of ten feet for one and two story buildings, and fifteen~~
20 ~~feet for three and four story buildings; and a rear yard of fifteen feet for one~~
21 ~~and two story buildings, and twenty feet for three and four story buildings.~~

22 (Prior code § 8-1.6(g))

23 S:\ALL\APO\19.12 apartment\19.12draft.doc