

JEFFREY T. KUWADA  
County Clerk



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J. SHITA  
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".

JEFFREY T. KUWADA  
County Clerk

/jym

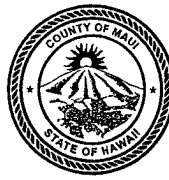
Enclosure

cc: Director of Council Services

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



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COUNTY OF MAUI

OFFICE OF THE MAYOR

**DEPARTMENT OF PLANNING**

August 19, 2013

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

Dear Chair Baisa and Members:


**SUBJECT: A BILL FOR AN ORDINANCE AMENDING TITLE 19.10, MAUI COUNTY CODE, RELATING TO TWO-FAMILY (DUPLEX) DISTRICT**

With the ongoing effort of the Department of Planning (Department) to streamline, update and reformat the zoning code, the proposed amendments to the two-family (duplex) 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: include a section on rule making authority; clarify the maximum height of roof top structures be no more than 10 feet above the roof line; note that there be 7,500 sq.ft of land per duplex structure; allow the maxim height for ham radios be 50 feet.
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.

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 2013 AUG 23 PM  
 OFFICE OF THE  
 COUNTY CLERK

**APPROVED FOR TRANSMITTAL**  
  
 Mayor 9/22/13  
 Date

COUNTY COMMUNICATION NO. 13-284

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,



*for* 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

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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 *WJS*  
PLANNING DIRECTOR

SUBJECT: PROPOSED BILL FOR AN ORDINANCE AMENDING TITLE 19.10,  
MAUI COUNTY CODE, RELATING TO THE TWO-FAMILY (DUPLEX)  
DISTRICT

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 Two-Family (Duplex) District (MCC 19.10). 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.
1.30	Changes "Use regulation" to "Permitted uses"	Standard change to be consistent with rest of code.
1.31	Changes "A-2" to "Duplex"	Amends code to remove confusion with Apartment district.
2.3-2.4	Updates section and adds Accessory Use section	Clarifies what uses are allowed as accessory to allowed uses.
2.10	Establishes Special Use section	Keeps with standardize 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. Establishes a two development or zonings, D-1 and D-2.

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 19.10. 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 Water Supply	9/20/11	No comments	3
Police Department	9/26/11	Recommend environmental design strategies to reduce crime.	4
Department of Housing and Human Concerns	10/5/11	No comments	5
Department of Health, Honolulu	9/14/11	No comments at this time.	6
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.	7
Department of Transportation	9/27/11	Does not impact their land use review process. Wishes to continue to be consulted on all land developments	8
Department of Land and Natural Resources, Land Division	9/29/11	No objections	9A-C

### **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.

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ORDINANCE NO. \_\_\_\_\_  
Draft 12/10/11

BILL NO. \_\_\_\_\_ (2011)

A BILL FOR AN ORDINANCE AMENDING TITLE 19.10, MAUI COUNTY CODE,  
RELATING TO TWO-FAMILY (DUPLEX) DISTRICT

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

SECTION 1. Chapter 19.10, Maui County Code, is amended by adding a  
appropriately designated and to read as follows:

**Chapter 19.10**

**TWO-FAMILY (DUPLEX) DISTRICT**

**Sections:**

- 19.10.010 Generally. Purpose and Intent
- 19.10.020 Use regulation Permitted uses.
- 19.10.030 Height regulations. Accessory uses and structures
- 19.10.040 Area regulations. Special Uses
- 19.10.050 Yards. Development Standards
- 19.10.060 Rule making authority.

19.10.010 Generally. Purpose and Intent

A duplex district shall provide most of the desirable residential characteristics attributed to single-family districts. It has useful applications as a buffer zone along major streets and bordering neighborhood shopping centers.

(Prior code § 8-1.5(a))

19.10.020 Use regulation Permitted uses.

Within the ~~A-2 Duplex~~ district, no building, structure or premises shall be used and no building or structure shall hereafter be erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

- A. Any use permitted and as regulated in the R-1, R-2 and R-3 single-family districts;
- B. Two-family dwelling (duplex).

1 (Prior code § 8-1.5(b))

2 19.10.030 Height regulations. Accessory uses and structures

3

<u>Accessory uses and structures</u>	<u>Criteria or limitations</u>
A. Energy systems, small-scale,	Provided there will be no detrimental or nuisance affect upon the neighbors.
B. Fences, walls, mail boxes, trash enclosures	
C. Garages and car ports	
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;	

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7 ~~No main building shall exceed thirty five feet in height.~~

8 (Prior code § 8-1.5(c))

9 19.10.040 Area regulations. Special Uses

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This section held in reserve

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~~Within any A-2 district, no building or structure shall be constructed on any lot having a width of less than sixty five feet and an area of less than seven thousand five hundred square feet. There may be more than one two family (duplex) dwelling on any lot, provided there is not less than seven thousand five hundred square feet of lot area for each two family dwelling (duplex). This lot width and area requirement shall not apply to the building of a two family dwelling on lots of less than seven thousand five hundred square feet in area where existing boundaries of such lots were actually established and of record in the Bureau of Conveyances and/or Tax Office of the state prior to the enactment of the ordinance establishing the use of zone district.~~

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(Prior code § 8-1.5(d))

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19.10.050 Yards. Development Standards

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	D-1	D-2	Notes and exceptions
<u>Minimum Lot Area (Square feet)</u>	10,000	7500	
<u>Minimum Lot Width (in feet)</u>	65	65	
<u>Maximum Building Height (in feet)</u>	35	35	<u>Except that vent pipes, fans, chimneys, antennae, and equipment used for small scale energy systems on roofs shall not exceed fifty feet.</u>
<u>Minimum Yard Setback (in feet)</u>			
<u>Front</u>	15	15	
<u>Side</u>	6	6	
<u>Side above one-story or 15 feet</u>	10	10	
<u>Rear</u>	20	20	
<u>Accessory structures within Setback Area</u>	<u>Mail boxes, trash enclosures, boundary walls and fences.</u>		<u>Shall not exceed eight feet in height.</u>

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2 ~~A. Front Yard. There shall be a front yard of not less than fifteen feet in a class A-2~~  
3 ~~two family district from any setback line for street widening purposes, and if no~~  
4 ~~such line exists, then from main street boundary or front boundary. An attached~~  
5 ~~garage, carport, or other permitted accessory use shall provide and maintain the~~  
6 ~~same front yard setback as required for the main building. A detached accessory~~  
7 ~~building, any portion of which is located to the side or front of the main building,~~  
8 ~~shall not be less than five feet from such main building and not nearer to the side~~  
9 ~~lot line than the width of the front yard required for the main building.~~

10 ~~B. Side Yard. There shall be a side yard on each side of the main two family~~  
11 ~~(duplex) dwelling of six feet. In the case of a two-story two family (duplex) dwelling~~  
12 ~~not exceeding thirty five feet in height, the minimum side yard space shall be ten~~  
13 ~~feet. An attached garage, carport, or other permitted accessory use shall provide~~



1 ~~and maintain the same yard spacing as required for the main two family (duplex)~~  
2 ~~dwelling.~~

3 ~~C. Rear Yard. There shall be a rear yard of not less than twenty feet in an A-2 two-~~  
4 ~~family (duplex) district from the common boundary line. A detached permitted~~  
5 ~~accessory building, any portion of which is located to the rear of a main two family~~  
6 ~~(duplex) building, shall be located not nearer than six feet to such main building;~~  
7 ~~provided, however, this construction shall not reduce the depth of the rear yard to~~  
8 ~~less than twenty feet.~~

9 (Prior code § 8-1.5(e))

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