

JEFFREY T. KUWADA
County Clerk



RECEIVED
SAHINSHITA
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

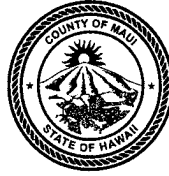
Enclosure

cc: Director of Council Services

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



RECEIVED

2013 AUG 19 PM 3:08

COUNTY OF MAUI OFFICE OF THE MAYOR
DEPARTMENT OF PLANNING

August 19, 2013

OFFICE OF THE
COUNTY CLERK

2013 AUG 23 PM 2:49

RECEIVED

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

APPROVED FOR TRANSMITTAL

Alan Arakawa 8/22/13

Mayor

Date

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 19.14, MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS

With the ongoing effort of the Department of Planning (Department) to streamline, update and reformat the zoning code, the proposed amendments to the Hotel District have 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: change accessory wording from 20 rooms to 20 units; raise building height limit from 30 to 35 feet in the H-1 district; and clarify that "lot coverage" and "floor area ratio" is the maximum.
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. 13-285

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; and
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

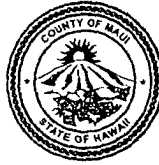
Project File
General File

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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 *W.S.*
PLANNING DIRECTOR

SUBJECT: PROPOSED BILL FOR AN ORDINANCE AMENDING TITLE 19.14,
MAUI COUNTY CODE, RELATING TO HOTEL 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 Hotel districts (MCC 19.14) 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
1.25-30	Changes "General" to "Purpose and Intent" and cleaned up language.	Standard change to be consistent with rest of code. Removed language that did not match district standards.
1.14	Added cell towers and antenna	Consistent with department policy and permits being granted in the district.
2.1- 3.19	Created separate section for Accessory Use section	Clarifies what uses are allowed as accessory uses. Cleaned up language.
3.20	Establishes Special Use section	Keeps with standardized format and allows for uses that require review
3.30 -4.4	Deletes height regulation and establishes Development Standards table. Removed reference to "stories" and added Hotel zoning	Consolidates all development standards into one area. Removes references to "stories" and uses height only for regulations. Added a Hotel zoning standard to recognize an existing zoning district.
5.1 -4	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 19.14. 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."*

Under development standards, the department is adding a "Hotel" zoning category. This is to recognize an existing zoning on our maps. In 1967, the County adopted a new hotel zoning ordinance that established the H-1, H-M, and H-2 hotel zoning categories. This ordinance replaced the single zoning category of "Hotel". However, there was not a comprehensive rezoning of existing "Hotel" zoned lands to one of the three new zoning designations. This correction is similar to the Departments correction of Title 19.29 Rural Districts.

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	9/23/11	No comments	3
Police Department	9/26/11	Recommend environmental design strategies to reduce crime. Recommended strategies are included	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. Referred to website on standard comments if applicable.	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

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\19.14 Hotel\memoreport19.14.doc

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ORDINANCE NO. _____
Draft 1/12/2012

BILL NO. _____ (2011)

A BILL FOR AN ORDINANCE AMENDING TITLE 19.14, MAUI COUNTY CODE,
RELATING TO HOTEL DISTRICTS

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

SECTION 1. Chapter 19.14, Maui County Code, is amended by adding a

appropriately designated and to read as follows:

Chapter 19.14

HOTEL DISTRICTS

19.14.010 Generally Purpose and Intent

19.14.020 Permitted uses.

19.14.030 Area regulations: Accessory uses and buildings

19.14.040 Height regulations. Special Uses

19.14.050 Lot coverage. Development Standards

19.14.060 Floor area lot area ratio. Rule making authority.

19.14.070 Yards.

~~19.14.010 Generally Purpose and Intent~~

~~A hotel district is a high density multiple-family area bordering business districts and ocean fronts. This district includes public and semi-public institutional and accessory uses. This district is basically residential in character and, as such, should not be spotted with commercial enterprises.~~

~~(Prior code § 8-1.7(a))~~

19.14.020 Permitted uses.

Within hotel districts, the following uses shall be permitted:

- A. Any use permitted in residential and apartment districts;
- B. Hotels;
- C. Apartment-hotels;
- D. Auditoriums and theaters;
- E. Automobile parking lots and buildings;
- F. Bona fide nonprofit clubs and lodges;
- G. Nonprofit museums, libraries and art galleries and philanthropic institutions;
- H. Cell or radio antenna attached to an existing building.

EXHIBIT - 1

1 19.14.030 -H. Accessory uses and buildings:
2

<u>Accessory uses and buildings</u>	<u>Criteria or limitations</u>
A. Energy systems, small-scale,	<u>Provided there will be no detrimental or nuisance affect upon the neighbors.</u>
B. Fences	
C. Garages	
D. Eating and Drinking establishments	1. All such hotel and apartment-hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than twenty rooms, and such accessory uses shall be permitted and allowed only as an adjunct to, and as part of, the main building and no other,
E. "Personal and business services"	
F. Dancing and hula Studios	
G. Flower, Gift, and Curio shops	
H. Music stores and studios	
I. Newsstands and magazine stands,	
J. Pharmacies and drug stores,	
K. Restaurants, with or without nightclub facilities,	
L. Other accessory, business or service establishments which supply commodities or perform services primarily for the hotel guests; however, such uses shall be approved by the <u>director commission</u> as conforming to the intent of this title;	2. All such personal service shops and businesses shall be operated primarily as an <u>accessory</u> service to, and for the convenience of <u>the tenants, and occupants and, guests of apartment, hotel, and apartment-hotel buildings of the buildings in which such services are located,</u> 3. Where the lot area is in excess of twenty thousand square feet, doors and entrances to such shops and businesses may be allowed to open to the public street, further, the shops and businesses may be constructed as separate buildings; provided, that location of such shops and businesses shall have been approved by the <u>director commission.</u>

- 3
4 1. ~~Bar,~~
5 2. ~~Barber shops,~~
6 3. ~~Beauty parlors,~~
7 4. ~~Dancing and hula studios,~~
8 5. ~~Flower shops,~~
9 6. ~~Gift and curio shops,~~
10 7. ~~Haberdasheries,~~
11 8. ~~Massage studios,~~
12 9. ~~Music stores and studios,~~
13 10. ~~Newsstands and magazine stands,~~
14 11. ~~Pharmacies and drug stores,~~
15 12. ~~Restaurants, with or without nightclub facilities,~~
16 13. ~~Sandwich or coffee shops,~~
17 14. ~~Single family dwellings~~

- 1 ~~15. Tour service agencies and travel ticket offices,~~
 2 ~~16. Wearing apparel shops,~~
 3 ~~17. Other accessory, business or service establishments which supply commodities or~~
 4 ~~perform services primarily for the hotel guests; however, such uses shall be approved by~~
 5 ~~the director commission as conforming to the intent of this title;~~
 6 ~~1. Restrictions on accessory uses:~~
 7 ~~1. All such hotel and apartment hotel buildings in which such accessory uses shall be~~
 8 ~~permitted and allowed shall contain more than twenty rooms, and such accessory uses~~
 9 ~~shall be permitted and allowed only as an adjunct to, and as part of, the main building~~
 10 ~~and no other,~~
 11 ~~2. All such personal service shops and businesses shall be operated primarily as a~~
 12 ~~service to, and for the convenience of, the tenants and occupants of the buildings in~~
 13 ~~which such services are located,~~
 14 ~~3. Where the lot area is in excess of twenty thousand square feet, doors and entrances~~
 15 ~~to such shops and businesses may be allowed to open to the public street, further, the~~
 16 ~~shops and businesses may be constructed as separate buildings; provided, that location~~
 17 ~~of such shops and businesses shall have been approved by the director commission.~~
 18 ~~(Ord. 2030 § 4, 1991: prior code § 8-1.7(b))~~

19
 20 19.14.040 Area regulations. Special Uses

21
 22 This section held in reserve

23
 24 The minimum lot area shall be ten thousand square feet in H-1 hotel districts, fifteen
 25 thousand square feet in H-M, and twenty thousand square feet in H-2 districts. The
 26 minimum lot frontage shall be seventy feet for H-1, eighty-five feet for H-M, and one
 27 hundred feet for H-2 districts.
 28 (Prior code § 8-1.7(c))

29
 30 19.14.050 Height regulations. Development Standards

	H-1	H-M	H-2 & Hotel	Notes and exceptions
<u>Minimum Lot Area (Square feet)</u>	10,000	15,000	20,000	
<u>Minimum Lot Width (in feet)</u>	75	85	100	
<u>Maximum Building Height (in feet)</u>	30	90	180	<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</u>

				<u>maximum building height.</u>
<u>Minimum Yard Setback (in feet)</u>				
<u>Front and Rear</u>	1/2 the height of building with a minimum of 15 feet.			
<u>Side</u>	<u>Building Height in feet</u>	<u>Side Yard in feet</u>		
	Less than 30	10		
	30 to 60	15 ft.		
	60+ to 90	20 ft.		
	90+ to 120	25 ft.		
	120 to 180	30 ft.		
<u>Lot Coverage</u>	25 %	30 %	35 %	
<u>Floor Area Ratio</u>	50 %	100 %	150 %	
<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 Chapter 16.13</u>

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~~No building shall exceed two stories in H-1, six stories in H-M, and twelve stories in H-2 districts.~~

~~(Prior code § 8-1.7(d))~~

~~10.14.050 Lot coverage.~~

~~The total ground area occupied by all buildings shall not exceed twenty five percent of the lot area in H-1, thirty percent in H-M, and thirty five percent in H-2 districts.~~

~~(Prior code § 8-1.7(e))~~

1 19.14.060 Rule making Authority

2
3 The planning director may adopt rules to clarify and implement this chapter.

4
5 ~~Floor area lot area ratio.~~

6 ~~The gross floor area of all buildings shall not exceed fifty percent of the lot area in H-1,~~
7 ~~one hundred percent in H-M, and one hundred fifty percent in H-2 districts.~~
8 ~~(Prior code § 8-1.7(f))~~

9
10 19.14.070

11 ~~Yards.~~

12 ~~Minimum yard spacing shall be provided in accordance with the following table:~~

13
14

Minimum Yard Spacing in Feet		
No. of Stories	Side Yard	Front & Rear Yards
1 & 2	10 ft.	1/2 the height of building with a minimum of 15 feet.
3 & 4	15 ft.	—
5 & 6	20 ft.	—
7 & 8	25 ft.	—
9 to 12	30 ft.	—

15 ~~(Prior code § 8-1.7(g))~~

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