

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 18, 2013

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on October 2, 2013, makes reference to County Communication 13-283, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT".

The purpose of the proposed bill is to amend Chapter 19.12, Maui County Code ("MCC"), relating to the Apartment District, by establishing accessory uses, consolidating and clarifying development standards, deleting the requirement of Conditional Permits for townhouses, and providing the Planning Director with rule-making authority.

Your Committee notes the Department of Planning has proposed a series of bills to update, streamline, and standardize Title 19, MCC. Many chapters have not been updated in more than 30 years. The proposed bill standardizes the format and headings of Chapter 19.12, MCC, and consolidates and eliminates outdated terms, consistent with other chapters in Title 19.

A representative from the Department of Planning recommended the proposed bill be revised to change the maximum building height from 30 feet to 35 feet. A maximum building height of 35 feet would be consistent with the height restriction in the Duplex District.

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading, as revised, and filing of the communication. Committee Chair Couch, Vice-Chair Victorino, and members Baisa, Cochran, Guzman, and White voted "aye". Committee member Crivello was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

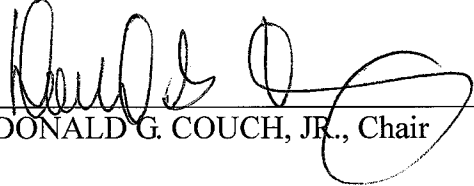
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Committee
Report No. _____

Your Planning Committee RECOMMENDS the following:

1. That Bill No. _____ (2013), as revised herein and attached hereto, entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-283 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



DONALD G. COUCH, JR., Chair

pc:cr:13036aa:srg

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12,
MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT

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

SECTION 1. Chapter 19.12, Maui County Code, is amended to read as follows:

"Chapter 19.12

APARTMENT DISTRICT

Sections:

- 19.12.010** **[Generally.] Purpose and intent.**
- 19.12.020** **Permitted uses.**
- 19.12.030** **[Area regulations.] Accessory uses and buildings.**
- 19.12.040** **[Height regulations.] Reserved.**
- 19.12.050** **[Lot coverage.] Development standards.**
- 19.12.060** **[Floor area-lot area ratio.] Rule making authority.**
- [19.12.070** **Yards.]**

19.12.010 [Generally.] Purpose and intent. A. Multiple-family apartment districts are generally established outside of the high density core of the central portion of a town. It is applicable to areas where multiple-family units are indicated; yet, the areas have not reached a transitional stage wherein public, semi-public, institutional and other uses are desirable.

B. Apartment districts shall consist of two types: A-1 apartment district and A-2 apartment district.

C. Buildings and structures within the apartment district shall be occupied on a long term residential basis.

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

- A. Any use permitted in the residential and duplex districts;
- B. Apartment houses;

- C. Boardinghouses, roominghouses, and lodginghouses;
 - D. Bungalow courts;
 - E. Apartment courts;
 - F. Townhouses[, under the provisions of conditional permit];
- and
- G. Home occupations.

19.12.030 [Area regulations. Within the A-1 and A-2 districts, the minimum lot area shall be ten thousand square feet and the minimum lot width shall be seventy feet.] **Accessory uses and buildings.**

<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 effect 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>	

19.12.040 [Height regulations. No building shall exceed two stories or thirty feet in height in the A-1 apartment district and four stories in the A-2 apartment district.] **Reserved.**

19.12.050 [Lot coverage. Total ground area occupied by all buildings shall not exceed twenty-five percent of the lot area in the A-1 apartment district and thirty-five percent in the A-2 apartment district.] **Development standards.**

	<u>A-1</u>	<u>A-2</u>	<u>Notes and exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>10,000</u>	<u>10,000</u>	
<u>Minimum lot width (in feet)</u>	<u>70</u>	<u>70</u>	

<u>Maximum building height (in feet)</u>	<u>35</u>	<u>60</u>	<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 or structure whichever is less</u>
<u>Minimum yard setback (in feet)</u>			
<u>Front and rear</u>	<u>15 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet</u>		
<u>Side</u>	<u>10 feet for the portion of the building 35 feet or less in height, and 15 feet for the portion of the building taller than 35 feet</u>		
<u>Maximum lot coverage</u>	<u>25%</u>	<u>35%</u>	
<u>Maximum floor area ratio</u>	<u>40% for lots 3 acres or more</u> <u>50% for lots less than 3 acres</u>	<u>90%</u>	
<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>		<u>Shall not exceed 8 feet in height except for signs for which a greater height is allowed in chapter 16.13 of this code</u>

19.12.060 [Floor area-lot area ratio. The gross floor area of all buildings shall not exceed forty percent of the lot area in the A-1 apartment district and ninety percent of the lot area in the A-2 apartment district, provided for parcels of land less than three acres in total area the gross floor area of all buildings shall not exceed fifty percent of the lot area in the A-1 apartment district and ninety percent of the lot area in the A-2

apartment district.] **Rule making authority.** The director of planning may adopt rules to implement this chapter.

[19.12.070 Yards. Within the A-1 and A-2 districts, there shall be a front yard of fifteen feet for one and two-story buildings, and twenty feet for three and four-story buildings; side yards of ten feet for one and two-story buildings, and fifteen feet for three and four-story buildings; and a rear yard of fifteen feet for one and two-story buildings, and twenty feet for three and four-story buildings.]"

SECTION 2. Material to be repealed is bracketed. New material is underscored.

In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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