

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

January 24, 2014

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, December 5, 2013, and January 9, 2014, makes reference to County Communication 13-285, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.14, MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS".

The purpose of the proposed bill is to amend the Hotel Districts, by allowing a cell or radio antenna attached to an existing building as a permitted use, amending the accessory uses, consolidating and amending development standards, 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, Maui County Code. There are several chapters that have not been updated in more than 30 years.

Your Committee notes there is no building height limit, or a limit on the number of stories allowed in the Hotel District. The proposed bill would specify the maximum building height at 35 feet in the H-1 District, 90 feet in the H-M District, and 180 feet in the H-2 District. The proposed bill would also permit a 10-foot allowance above the maximum building height for auxiliary uses such as vent pipes, fans, antennae, and elevator shafts.

Your Committee voted to revise the proposed bill to reduce the proposed maximum building height from 180 feet to 160 feet in the H-2 District. Your Committee agreed reducing the maximum building height to 160 feet would preserve the beauty of Maui County.

Your Committee also voted to revise the proposed bill to clarify all hotel and apartment-hotel buildings in which accessory uses are permitted shall contain more than 20 rental units.

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

Your Planning Committee RECOMMENDS the following:

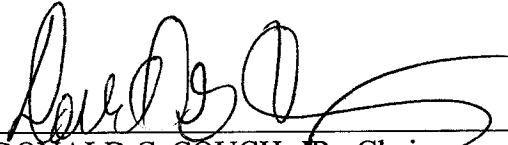
1. That Bill No. _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.14, MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-285 be FILED.

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



DONALD G. COUCH, JR., Chair

pc:cr:14038aa:srg

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 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 to read as follows:

"Chapter 19.14

HOTEL DISTRICTS

Sections:

- 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.] Reserved.**
- 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] or ocean fronts[.], or both. 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.]

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; and

H. [Accessory uses:

1. Bar,
2. Barber shops,
3. Beauty parlors,
4. Dancing and hula studios,
5. Flower shops,
6. Gift and curio shops,
7. Haberdasheries,
8. Massage studios,
9. Music stores and studios,
10. Newsstands and magazine stands,
11. Pharmacies and drug stores,
12. Restaurants, with or without nightclub facilities,
13. Sandwich or coffee shops,
14. Tour service agencies and travel ticket offices,
15. Wearing apparel shops,
16. 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 commission as conforming to the intent of this title;

I. Restrictions on accessory uses:

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,

2. All such personal service shops and businesses shall be operated primarily as a service to, and for the convenience of, the tenants and occupants of the buildings in which such services are located,

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 commission.]

Cell or radio antenna attached to an existing building.

19.14.030 [Area regulations. The minimum lot area shall be ten thousand square feet in H-1 hotel districts, fifteen thousand square feet in H-M, and twenty thousand square feet in H-2 districts. The minimum lot frontage shall be seventy feet for H-1, eighty-five feet for H-M, and one hundred feet for H-2 districts.] **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 affect upon the neighbors</u>
<u>B. Fences</u>	
<u>C. Garages</u>	
<u>D. Eating and drinking establishments</u>	<u>1. All hotel and apartment-hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than twenty rental units</u>
<u>E. Personal and business services</u>	<u>2. Personal service shops and businesses allowed as accessory uses shall be operated primarily as an accessory service to, and for the convenience of tenants, occupants, and guests of apartment, hotel, and apartment-hotel buildings</u>
<u>F. Dancing and hula studios</u>	
<u>G. Flower, gift, and curio shops</u>	
<u>H. Music stores and studios</u>	
<u>I. Newsstands and magazine stands</u>	
<u>J. Pharmacies and drug stores</u>	<u>3. Where the lot area is in excess of twenty thousand square feet, doors and entrances to shops and businesses allowed as accessory uses may be permitted 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 director of planning</u>
<u>K. Restaurants, with or without nightclub facilities</u>	
<u>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 director of planning as conforming to the intent of this title</u>	

19.14.040 [Height regulations. No building shall exceed two stories in H-1, six stories in H-M, and twelve stories in H-2 districts.] **Reserved.**

19.14.050 [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.] **Development standards.**

	<u>H-1</u>	<u>H-M</u>	<u>H-2 & Hotel</u>	<u>Notes and Exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>10,000</u>	<u>15,000</u>	<u>20,000</u>	
<u>Minimum lot width (in feet)</u>	<u>75</u>	<u>85</u>	<u>100</u>	
<u>Maximum building height (in feet)</u>	<u>35</u>	<u>90</u>	<u>160</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 may extend an additional 10 feet above the building roof</u>
<u>Minimum yard setback (in feet)</u>				
<u>Front and rear</u>	<u>1/2 the height of building with a minimum of 15 feet</u>			
<u>Side</u>	<u>Building height in feet</u>		<u>Side yard in feet</u>	
	<u>Less than 30</u>		<u>10</u>	
	<u>30 to 60</u>		<u>15 ft.</u>	
	<u>60 to 90</u>		<u>20 ft.</u>	
	<u>90 to 120</u>		<u>25 ft.</u>	
	<u>120 to 160</u>		<u>30 ft.</u>	
<u>Maximum lot coverage</u>	<u>25%</u>	<u>30%</u>	<u>35%</u>	
<u>Maximum floor area ratio</u>	<u>50%</u>	<u>100%</u>	<u>150%</u>	

<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</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>
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19.14.060 [Floor area-lot area ratio. The gross floor area of all buildings shall not exceed fifty percent of the lot area in H-1, one hundred percent in H-M, and one hundred fifty percent in H-2 districts.] **Rule making authority.** The director of planning may adopt rules to implement this chapter.

[19.14.070 Yards. Minimum yard spacing shall be provided in accordance with the following table:

Minimum Yard Spacing in Feet

No. of Stories	Side Yard	Front and 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.]"	

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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