

**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 13-284, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.10, MAUI COUNTY CODE, RELATING TO TWO-FAMILY (DUPLEX) DISTRICT".

The purpose of the proposed bill is to amend Chapter 19.10, Maui County Code ("MCC"), relating to the Two-Family (Duplex) District, by establishing D-1 and D-2 zoning districts and accessory uses, consolidating and clarifying 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, MCC. Many chapters have not been updated in more than 30 years. The proposed bill standardizes the format and headings of Chapter 19.10, MCC, and consolidates and eliminates outdated terms, consistent with other chapters in Title 19.

A representative from the Department of Planning informed your Committee the zoning maps reflect properties zoned as either D-1 or D-2; however, the existing duplex ordinance does not recognize properties zoned as either D-1 or D-2. Instead, Chapter 19.10, MCC, refers to the A-2 District, A-2 Two-Family District, or A-2 Two-Family (Duplex) District.

The proposed bill creates two duplex zoning districts, known as D-1 and D-2, to correspond to existing zoning maps. As proposed, the only distinction between the two districts is the minimum lot area, with a 7,500-square-foot minimum for the D-1 District, and a 10,000-square-foot minimum for the D-2 District. Permitted uses and other development standards are identical.

Your Committee expressed concern that Chapter 19.10, MCC, is limited to two-family duplexes. Your Committee felt there is a need to allow for more density.

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Page 2

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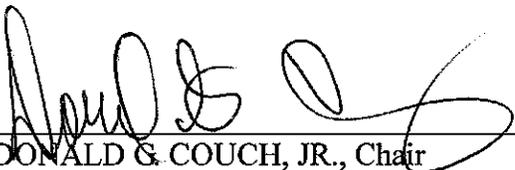
Your Committee agreed to keep the communication open so the Department of Planning could review the possibility of increasing density by allowing triplexes and quadplexes, in addition to duplexes.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading. Committee Chair Couch, Vice-Chair Victorino, and members Baisa, Cochran, Crivello, Guzman, and White voted "aye".

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

Your Planning Committee RECOMMENDS that Bill No. \_\_\_\_\_ (2013), as revised herein and attached hereto, entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.10, MAUI COUNTY CODE, RELATING TO TWO-FAMILY (DUPLEX) DISTRICT" be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

  
\_\_\_\_\_  
DONALD G. COUCH, JR., Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

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

**"Chapter 19.10**

**TWO-FAMILY (DUPLEX) DISTRICT**

**Sections:**

- 19.10.010** **[Generally.] Purpose and intent.**
- 19.10.020** **[Use regulations.] Permitted uses.**
- 19.10.030** **[Height regulations.] Accessory uses and structures.**
- 19.10.040** **[Area regulations.] Reserved.**
- 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.

**19.10.020 [Use regulations.] 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; and
- B. Two-family dwelling (duplex).

**19.10.030. [Height regulations.]** No main building shall exceed thirty-five feet in height.] **Accessory uses and structures.**

<u>Accessory uses and structures</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, walls, mail boxes, trash enclosures</u>	
<u>C. Garages and car ports</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>	

**19.10.040 [Area regulations.** 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.] **Reserved.**

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

B. Side Yard. There shall be a side yard on each side of the main two-family (duplex) dwelling of six feet. In the case of a two-story two-family (duplex) dwelling not exceeding thirty-five feet in height, the minimum side yard space shall be ten feet. An attached garage, carport, or other permitted accessory use shall provide and maintain the same yard spacing as required for the main two-family (duplex) dwelling.

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

	<u>D-1</u>	<u>D-2</u>	<u>Notes and exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>7500</u>	<u>10,000</u>	
<u>Minimum lot width (in feet)</u>	<u>65</u>	<u>65</u>	
<u>Maximum building height (in feet)</u>	<u>35</u>	<u>35</u>	<u>Except that vent pipes, fans, chimneys, antennae, and equipment used for small scale energy systems on roofs shall not exceed 45 feet or 10 feet above the building structure, whichever is less</u>
<u>Minimum yard setback (in feet)</u>			
<u>Front</u>	<u>15</u>	<u>15</u>	
<u>Side</u>	<u>6</u>	<u>6</u>	
<u>Side for the portion of a building above one-story or 15 feet</u>	<u>10</u>	<u>10</u>	
<u>Rear</u>	<u>20</u>	<u>20</u>	
<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls and fences</u>		<u>Shall not exceed 8 feet in height</u>

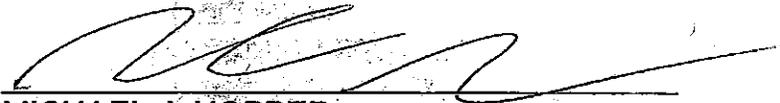
19.10.060 Rule making authority. The director of planning may adopt rules to implement this chapter."

SECTION 2. All lands designated on any land zoning map as A-2 duplex or A-2 two-family duplex or lands having received a change in zoning to A-2 duplex or A-2 two-family duplex prior to the effective date of this ordinance shall be re-zoned to the D-1 two-family duplex district. This section does not apply to any lands designated or zoned as A-2 apartment district.

SECTION 3. 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 4. This ordinance shall take effect upon its approval.

APPROVAL AS TO FORM  
AND LEGALITY:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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