

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 11, 2018

Committee
Report No. 18-218

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

Chair and Members:

Your Land Use Committee, having met on October 23, 2018, makes reference to County Communication 18-353, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF "LOT WIDTH." The purpose of the proposed bill is to amend Section 19.04.040, Maui County Code ("MCC"), by amending the definition of "lot width" to mean the diameter of the largest circle that can be inscribed within the lot lines.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF "LOT WIDTH,"" incorporating a nonsubstantive revision.

Your Committee notes "lot width" is currently defined in the MCC as follows:

"Lot width" means the least horizontal distance between lot lines measured through the midpoint of the lot. The midpoint shall be construed to be the midpoint between the opposite lot lines, except for flag lots where the stem shall not be considered.

In her transmittal, the Planning Director said the current definition has produced anomalies and inconsistencies in some lot width determinations. She also said all three planning commissions recommended passage of the proposed bill as presented.

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A representative of the Department of Planning said the current definition works well if a parcel is perfectly rectangular in shape, but many properties are shaped in different ways. He said the Department wants to ensure a particular property is wide enough to accommodate the proposed uses of the property. The proposed new definition is consistent with what the Department has seen in other jurisdictions, will make the minimum lot width easier to apply and enforce, and will more clearly effectuate the intention of a lot-width standard.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Carroll and members Crivello, Guzman, Sugimura, and White voted "aye." Committee Vice-Chair Hokama and members Atay, Cochran, and King were excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF "LOT WIDTH,"" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-353 be FILED.

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



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF "LOT WIDTH"

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


SECTION 1. Section 19.04.040, Maui County Code, is amended by amending the definition of "lot width" to read as follows:

"Lot width" means the [least horizontal distance between lot lines measured through the midpoint of the lot. The midpoint shall be construed to be the midpoint between the opposite lot lines, except for flag lots where the stem shall not be considered.] diameter of the largest circle that can be inscribed within the lot lines."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, 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
2017-0095/2018-0932
LU-73 2018-10-15 Ordinance