

Resolution

No. 24-143

REFERRING TO THE LĀNA‘I, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL AMENDING SECTION
19.35.050, MAUI COUNTY CODE, RELATING TO
THE NUMBER OF ACCESSORY DWELLINGS
PER LOT

WHEREAS, the State passed Act 39, Session Laws of Hawaii 2024, requiring counties to adopt or amend an ordinance by December 31, 2026, to allow at least two accessory dwelling units on residentially zoned lots, subject to certain restrictions; and

WHEREAS, the Council is considering a proposed bill to amend Section 19.35.050, Maui County Code, relating to the number of accessory dwellings per lot; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 19.35.050, MAUI COUNTY CODE, RELATING TO THE NUMBER OF ACCESSORY DWELLINGS PER LOT,” a copy of which is attached as Exhibit “1”, to the Lāna‘i Planning Commission, Maui Planning Commission, and Molokai Planning Commission for appropriate action, in accordance with Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lāna‘i, Maui, and Molokai planning commissions transmit their findings and recommendations as expeditiously as possible; and

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3. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Deputy Corporation Counsel
County of Maui

paf:ebm:24-154b

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

ALICE L. LEE

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2024)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.35.050,
MAUI COUNTY CODE, RELATING TO THE NUMBER OF
ACCESSORY DWELLINGS PER LOT

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

SECTION 1. This Ordinance's purpose is to implement Act 39, Session Laws of Hawaii 2024, requiring counties to adopt or amend an ordinance, by December 31, 2026, to allow at least two accessory dwelling units on residentially zoned lots, subject to certain restrictions.

SECTION 2. Section 19.35.050, Maui County Code, is amended to read as follows:

"19.35.050 Number of accessory dwellings per lot. [A. Maui:

1.] No more than [one] two accessory [dwelling shall be] dwellings are permitted on any lot [that is less than seven thousand five hundred square feet.

2. No more than two accessory dwellings shall be permitted on any lot that is seven thousand five hundred square feet or greater.

B. Molokai: One accessory dwelling shall be permitted on a lot that is seven thousand five hundred square feet or greater.

C. Lanai: One accessory dwelling shall be permitted on a lot that is seven thousand five hundred square feet or greater]."

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 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:ebm:24-154a