

# Resolution

No. 25-142

REFERRING TO THE LĀNA‘I, MAUI, AND MOLOKAI  
PLANNING COMMISSIONS A PROPOSED BILL TO  
AMEND CHAPTER 19.35, MAUI COUNTY CODE, ON  
THE SIZE OF ACCESSORY DWELLINGS

WHEREAS, the Council is considering a proposed bill to amend Chapter 19.35, Maui County Code, on the size of accessory dwellings; 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 CHAPTER 19.35, MAUI COUNTY CODE, ON THE SIZE OF ACCESSORY DWELLINGS,” attached as Exhibit “1,” to the Lāna‘i, Maui, and Molokai planning commissions for appropriate action, under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, Lāna‘i 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:cmn:25-163b

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN

EXHIBIT “1”

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

BILL NO. \_\_\_\_\_ (2025)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35, MAUI COUNTY  
CODE, ON THE SIZE OF ACCESSORY DWELLINGS

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

SECTION 1. The Council finds that one approach to addressing the housing shortage is to allow property owners the flexibility to maximize the potential living area in accessory dwellings. Accordingly, this Ordinance’s purpose is to standardize the allowable size of accessory dwellings and associated decks and similar structures for lots that are smaller than one-half acre.

SECTION 2. Section 19.35.020, Maui County Code, is amended to read as follows:

**“19.35.020 Maximum gross covered floor area.** The maximum gross covered floor area of an accessory dwelling [shall be determined as follows:] is:

<b>Lot Area (in square feet)</b>	<b>Maximum Gross Covered Floor Area (in square feet)</b>
<b>[Up to 7,499]</b>	<b>[500]</b>
<b>[7,500 to 9,999]</b>	<b>[600]</b>
<b>[10,000] Up to 21,779</b>	720
21,780 to 43,559	840
43,560 to 87,119	960
87,120 or more	1,200

For purposes of this section, “covered floor area” includes [any] covered storage[; excludes carports, parking spaces, and garages (including areas therein that contain laundry facilities and utility equipment such as water heaters);] and covered walkways or landings up to [four-feet] four feet wide under eaves or overhangs

that are not part of an uncovered open deck, patio, lanai, or similar structure. “Covered floor area” excludes carports, parking spaces, and garages, and areas within carports, parking spaces, and garages that contain laundry facilities and utility equipment such as water heaters.”

SECTION 3. Section 19.35.060, Maui County Code, is amended to read as follows:

**“19.35.060 Maximum cumulative floor area of decks or similar structures.** An accessory dwelling may have decks, walkways, patios, lanais, or similar structures[, subject to the following:] if:

A. Uncovered open decks, walkways, patios, lanais, or similar structures [shall] do not exceed the following respective cumulative [total] floor areas:

<b>Lot Area (in square feet)</b>	<b>Maximum Cumulative Floor Area (in square feet)</b>
[Up to 7,499]	[200]
[7,500 to 9,999]	[240]
[10,000] Up to 21,779	280
21,780 to 43,559	320
43,560 to 87,119	360
87,120 or more	400

B. Covered decks, walkways, patios, lanais, or similar structures [shall] do not exceed the following respective cumulative [total] floor areas:

<b>Lot Area (in square feet)</b>	<b>Maximum Cumulative Floor Area (in square feet)</b>
[Up to 7,499]	[200]
[7,500 to 9,999]	[240]
[10,000] Up to 21,779	280
21,780 to 43,559	320
43,560 to 87,119	360
87,120 or more	400

For purposes of this subsection, “cumulative floor area” excludes covered walkways or landings up to four feet wide under eaves or overhangs that are not part of a deck, patio, lanai, or similar structure.”

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:cmn:25-163a

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN