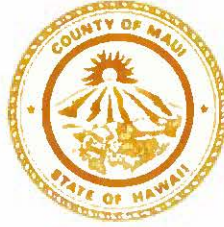


RICHARD T. BISSEN, JR.
Mayor

JACKY TAKAKURA
Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

May 11, 2026

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 5-11-26
Mayor Date

For Transmittal to:

Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
200 South High Street
Wailuku, Hawaii 96793
via: hlu.committee@mauicounty.us

Dear Chair U'u-Hodgins and Committee Members:

**SUBJECT: BILL 78 (2026), AMENDING TITLE 19, MAUI COUNTY CODE,
ON ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED
LOTS (HLU-12)**

Background Information

On November 7, 2025, the County Council adopted Resolution 25-203 (attached) referring the proposed Bill to the Planning Commissions for transmittal of their findings and recommendations to the Council. The Bill proposes to amend various sections within Title 19-Zoning of the Maui County Code (MCC) to comply with requirements of Hawaii Revised Statutes (HRS) Section 46-4.8 (Act 39) requiring up to two accessory dwellings on all residentially zoned lots.

Within the attached February 11, 2026 report to the Planning Commissions, the Planning Department (Department) provides background information regarding the requirements of HRS Section 46-4.8. Briefly, HRS Section 46-4.8 is a result of State Act 39 signed by the Governor and effective as of May 28, 2024. With a purpose to increase housing inventory, this relatively new state law requires counties to amend their ordinances to allow for up to two accessory dwelling units, or the reasonable equivalent, for residential use on all "residentially zoned lots." The County's ordinance implementing the requirements of HRS Section 46-4.8 must be adopted prior to December 31, 2026.

Additionally, within the attached February 11, 2026 report, the Department provides background

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
May 11, 2026
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information on the existing MCC requirements regarding accessory dwellings. With respect to the proposed Bill, MCC Chapter 19.35 currently regulates the number of accessory dwellings by lot size and location as follows:

- **Maui:** One accessory dwelling permitted on lots under 7,500 square feet; two permitted on lots 7,500 square feet or greater.
- **Lānaʻi and Molokaʻi:** One accessory dwelling permitted on lots 7,500 square feet or greater.

The Maui, Molokaʻi, and Lānaʻi Planning Commissions considered the proposed Bill during their meetings held on February 24, 2026, February 25, 2026 and March 18, 2026, respectively.

Department Recommendation and Proposed Modifications

The Department supports the proposed Bill as it is consistent with the General Plan and HRS Section 46-4.8. As discussed in detail within the attached February 11, 2026 report to the Planning Commissions, the Department recommended ten modifications to the proposed Bill. Additionally, during the Department's presentation to the Commissions, it proposed three additional modifications for a total of thirteen. Below is a summary of each Department recommendation:

1. MCC Section 19.11.030(6): Retain the existing phrase *"determined by the planning director to be"* in the accessory uses provision of the Service Business Residential zoning district.
2. MCC Section 19.35.050: Retain the phrase *"No more than two"* rather than replacing it with *"At least two."*
3. MCC Section 19.35.010.B: Retain the last four lines beginning with *"except"* and ending with *"prevail,"* which preserves the primacy of accessory dwelling provisions over conflicting Project District standards.
4. MCC Sections 19.70.020 and 19.71.020 (Lānaʻi Project Districts 1 and 2): Remove these two sections as both districts are intended for low-density development and can be considered exempt from state law per HRS Section 46-4.8(k).
5. MCC Section 19.78.051.B.1.b.vi and similar provisions throughout the Bill: Retain the phrase *"but not limited to"* throughout the bill to preserve the broader intent of each section.
6. MCC Section 19.80.030.B.2.a.ii: Add a new subsection *"(H) Accessory dwellings under chapter 19.35,"* which appears to have been inadvertently omitted.
7. MCC Section 19.80.030.B.3.a.i: Relocate the proposed *"(F) Accessory dwellings under chapter 19.35"* from the list of Principal Uses to the list of Accessory Uses under Section 19.80.030.B.3.a.ii(H). It appears that this section was simply mis-placed during the drafting of

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
May 11, 2026
Page 3

the proposed Bill.

8. MCC Section 19.84.040.B (Zero Lot Line Overlay District): Remove the prohibition on accessory dwellings on zero lot line lots as state law applies to all residentially zoned lots.
9. MCC Chapter 19.96 (Waikapu Country Town District): Remove all provisions restricting the total number of accessory dwellings within the District as state law applies to all residentially zoned lots.
10. MCC Chapter 19.38 (Maui Research & Technology Park District): Revise provisions to allow up to two accessory dwellings per lot as state law applies to all residentially zoned lots, while retaining the District's existing accessory dwelling development standards in lieu of referencing Chapter 19.35.
11. MCC Section 19.09.030.B (R-0 Zero Lot Line Residential District): Remove the prohibition on accessory dwellings in this District as state law applies to all residentially zoned lots.
12. MCC Section 19.29 (Rural District)/19.35 (Accessory Dwellings): Modify MCC Section 19.35 to restrict the number of accessory dwellings in MCC Section 19.29 (Rural District) to continue allowing the number of accessory dwellings per the existing MCC requirements based upon size of lot and island location. State law does not apply to Rural Districts.
13. MCC Section 19.35.090 (Accessory Dwellings): Add subsection "19.35.090.D. Adequacy of water supply. The lot must have adequate water supply," to the list of existing public facilities required to service the lot to accommodate accessory dwellings.

Planning Commission Recommendations

The proposed Bill was reviewed by the Maui, Moloka'i, and Lāna'i Planning Commissions. Links to the minutes from each of these meetings have been provided under the list of attachments at the end of this report. The following is a summary and action taken during each meeting:

- **Maui Planning Commission Meeting (February 24, 2026):**

The Commission recommended Council approval of the proposed Bill with all Department recommended modifications. In addition, the Commission provided the following comment for the Council's consideration:

- Departments responsible for reviewing permits for accessory dwellings should provide an opportunity for property owners to seek early consultation regarding the availability of public facilities that are required to service the lot prior to permit submittal.

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
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- **Moloka'i Planning Commission Meeting (February 25, 2026):**

The Commission recommended Council approval of the proposed Bill with all Department recommended modifications. In addition, the Commission was generally concerned about infrastructure impacts and provided the following comments for the Council's consideration:

- Cesspools are a concern with adding more ADU's on a property
- Septic system installations are costly in supporting additional ADUs
- Moloka'i has shallow ground water and concerned about wastewater impact caused by additional units
- Kaunakakai town has issues with run-off, which may be increased with additional units
- Adding more dwellings without enough enforcement will only add higher levels of non-compliance
- Concerned about compatibility with the Moloka'i community plan

- **Lāna'i Planning Commission Meeting (February 18 and March 18, 2026):**

The Commission initially reviewed the proposed Bill at their February 18, 2026 meeting, wherein the Commission discussed the matter and deferred action to gather additional information specifically related to comments and decisions from the Maui and Moloka'i Planning Commissions.

At their March 18, 2026 meeting, the Commission recommended Council approval of the proposed Bill with all Department recommended modifications. In addition, the Commission provided the following comment for the Council's consideration:

- Consider the comments provided by the Maui and Moloka'i Planning Commissions.

Comments from other County Departments:

Please see attached February 11, 2026 report to the Planning Commissions for a summary of comments from the Department of Fire and Public Safety

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



JACKY TAKAKURA
Director

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
May 11, 2026
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Attachments:

- Department Report to the Maui PC – February 11, 2026, including, as attached:
 - Resolution 25-203
 - General Plan Policies
 - December 22, 2025 Comments from the Dept. of Fire and Public Safety
- Maui PC Minutes, February 24, 2026 – Link: <https://tinyurl.com/bdy6bep9>
- Moloka'i PC Minutes, February 25, 2026 – Link: <https://tinyurl.com/5x7pdsej>
- Lāna'i PC Minutes, February 18, 2026 – Link: <https://tinyurl.com/54589faw>
- Lāna'i PC Minutes, March 18, 2026 – Link: <https://tinyurl.com/yftv6hu7>

cc: Bradford Ventura, Fire Chief
Ana Lillis, Deputy Director
Carolyn Cortez, Planning Program Administrator
Danny Dias, Planning Program Administrator
Scott Forsythe, Planning Program Administrator
Gregory Pfost, Administrative Planning Officer

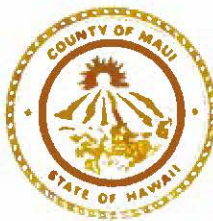
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RICHARD T. BISSEN, JR.
Mayor

JACKY TAKAKURA
Acting Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 11, 2026

MEMORANDUM

TO: LĀNA'I PLANNING COMMISSION
MAUI PLANNING COMMISSION
MOLOKA'I PLANNING COMMISSION

FROM: JACKY TAKAKURA, Acting Director

A handwritten signature in black ink, appearing to read "Jacky Takakura".

SUBJECT: A BILL FOR AN ORDINANCE REGARDING THE NUMBER OF ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED LOTS

The attached Bill proposes to amend various sections within Title 19-Zoning of the Maui County Code (MCC) to comply with requirements of Hawaii Revised Statutes (HRS) Section 46-4.8 requiring up to two accessory dwellings on residentially zoned lots. The Department is in support of the proposed Bill but has recommended modifications for the Commissions' consideration.

Background Information

County Council Direction:

On November 7, 2025, the County Council adopted Resolution 25-203 (attached) referring the proposed Bill to the Planning Commissions for transmittal of their findings and recommendations to the Council. Per the County's Charter, the Planning Commissions' response should be returned to the Council within 120 days after receipt of the referral, which would be March 7, 2026.

HRS Section 46-4.8/Act 39:

HRS Section 46-4.8 is a result of State Act 39 signed by the Governor and effective as of May 28, 2024. With a purpose to increase housing inventory, this relatively new state law requires counties to amend their ordinances to allow for up to two accessory dwelling units, or the reasonable equivalent, for residential use on all "residentially zoned lots." The County's ordinance implementing the requirements of HRS Section 46-4.8 must be adopted prior to December 31, 2026, or if not, then the County must issue

permit requests, except that such permit may be denied based upon “*infrastructure, design or development standards.*”

Importantly, HRS Section 46-4.8 provides for certain requirements and exceptions. These include the following:

- HRS Sub-section 46-4.8(e) provides that the accessory dwelling units developed per this law must meet all development standards adopted by the County.
 - Department comment: Currently, accessory dwellings must, and will continue through this Bill, to meet all development standards of the zoning district in which they reside in addition to the standards identified within MCC Chapter 19.35-Accessory Dwellings.
- HRS Sub-section 46-4.8 (f) provides that the county may deny applications for permits if there is insufficient utility infrastructure to service the additional demand caused by the development of accessory dwelling units.
 - Department comment: As discussed in this report, the Department of Fire and Public Safety has raised concerns regarding infrastructure availability.
- HRS Sub-section 46-4.8(k) indicates that a “*residentially zoned lot*” means “*a zoning lot in a county zoning district that is principally reserved for single-family and two-family detached dwellings,*” and does not include “*a lot in a county zoning district that is reserved for rural, low density residential development, and open space preservation.*”
 - Department comment: This section implies that the County’s Rural Zoning District and any districts specifically established for low density residential could be exempt from this state mandate. See the Department’s recommendation for further information.
- HRS Sub-section 46-4.8(i) indicates that the law does not apply to: (1) Areas outside of the State Urban District; (2) County powers within the Special Management Areas; and (3) Any areas within an urban district that a county deems to be at high risk of a natural hazard such as flooding, lava, or fires as determined by the most current data and maps issued by a federal or state department or agency.
 - Department comment: While the state law does not apply to these areas, it is still within the County’s authority to allow an increase in the number of accessory dwellings in these areas, if desired.
- HRS Section 205-20 indicates that “(a) *No private covenant for a residentially zoned lot within an urban district recorded after May 28, 2024, shall limit the: (1) Number of accessory dwelling units on that residentially zoned lot below the amount allowed pursuant to section 46-4.8,*” and “(b) *This section shall not apply to any private covenants recorded before May 28, 2024.*”
 - Department comment: This Bill would not apply to any private covenant recorded before May 28, 2024 that may restrict the development of accessory dwellings within a

subdivision. The Department is aware of Project Districts within the County that may have such covenants. The Department notes private covenants are not enforceable by zoning and are considered a civil matter. See the Department's recommendation for further information.

Existing Title 19-Zoning, Maui County Code (MCC) requirements regarding Accessory Dwellings:

Currently, accessory dwellings, also known in the MCC as “ohana units,” are permitted within various County zoning districts. Within such zoning districts, they are either listed specifically, such as within the Residential Zoning Districts subsection 19.08.020.G permitting “*Accessory dwellings under chapter 19.35,*” or are permitted through reference such as within the Two-family Zoning District subsection 19.10.020.A, permitting “*Any use permitted and as regulated in the R-1, R-2 and R-3 single-family districts*” (aka., Residential Zoning Districts of 19.08).

The development of an accessory dwelling is regulated through required development standards (setbacks, building height, impervious surface requirement) of the zoning district in which they reside, and through various standards identified in MCC Section 19.35-Accessory Dwellings, which address the following:

- Maximum size of accessory dwellings and their decks/walkways/patios/lanais based upon the size of the lot
- Requiring a separate entrance from the main dwelling unit
- No interior connection to the main dwelling unit
- Not to be used as a bed and breakfast home, short-term rental home, or transient vacation rental
- One parking space required for each accessory dwelling
- Driveway requirements
- Adequate public facilities (sewage disposal, fire protection, street access) required to service the lot

Related specifically to the proposed Bill, MCC Section 19.35 currently regulates the number of ADUs based upon the size of the lot and location, as follows:

- Maui: one accessory dwelling permitted on lots less than 7,500 square feet and two accessory dwellings permitted for lots 7,500 square feet or greater.
- Lanai and Molokai: one accessory dwelling permitted on a lot that is 7,500 square feet or greater.

Discussion

Proposed Amendment:

As shown in attached Resolution 25-203, the proposed Bill makes substantial and non-substantial changes to Title 19 to implement HRS 46-4.8. In brief, the substantial changes include the following:

- Amends MCC 19.35.050 regarding the number of accessory dwellings permitted per lot so that Maui, Lānaʻi and Molokaʻi shall now allow two accessory dwellings per lot regardless of the size of lot or island.
- Amends various existing Project Districts that currently allow for the use of a “*residentially zoned lot*” (as defined in HRS 46-4.8) by establishing accessory dwellings as a new accessory use, whereas currently said Project Districts do not allow accessory dwellings.

Department Recommendation:

The Department believes that the proposed Bill is consistent with the General Plan (see attached relevant General Plan policies) since the General Plan supports more housing and specifically encourages more accessory dwelling development. The Department also believes that the proposed Bill implements HRS 46-4.8. While the Department supports the proposed Bill, it also believes that some modifications are necessary and requests that the Commissions opine upon the following Department recommended modifications and issue:

1. Modification (see attached Ordinance-page 1): The proposed revision to MCC Section 19.11.030(6), which identifies the “Accessory uses and buildings” within the Service Business Residential zoning district, should be revised to maintain its existing text and not remove the text “*determined by the planning director to be.*” As such the Department recommends that the proposed Bill be modified to read as such:

“6. Subordinate uses and structures that are determined by the planning director to be clearly incidental and customary to the permitted uses in section 19.11.020.”

2. Modification (see attached Ordinance-page 2): The proposed revision to MCC Section 19.35.050, regarding the maximum number of accessory dwelling units permitted on a lot, should be revised to keep the existing phrase “*No more than two,*” instead of replacing it with, “*At least two.*”
3. Modification (see attached Ordinance-page 3): The proposed revision to MCC Section 19.35.010.B proposes the following:

“[B.] C. All provisions of the County zoning district [,or] and State land use district [as the case may be,] in which the accessory dwelling is proposed to be constructed [shall] apply [, except the provisions on the number of dwelling units permitted on a lot and except as the provision of such district may be inconsistent with the provisions applicable to accessory dwellings. To the extent of such inconsistency, if any, the accessory dwelling provisions shall prevail].”

The Department recommends that this section be modified to retain the last four lines beginning with the word “*except*” and ending with the word “*prevail*.” As noted, the proposed Bill amends various existing Project Districts by establishing accessory dwellings as a new accessory use, whereas currently said Project Districts do not allow accessory dwellings. In some cases, these Project Districts establish a total maximum number of dwelling units or maximum residential density within their entire District or a sub-District – thereby controlling the total number of dwelling units expected. If the last four lines were removed as proposed, then such Project Districts would be restricted to their stated total number of dwellings, which would include the main dwelling and all accessory dwellings. If the last four lines remain as proposed by the Department, then the Project Districts may still be developed with the total number of main dwellings envisioned, plus two new accessory dwellings per lot – meeting the intent of HRS 46-4.8.

4. Modification (see attached Ordinance-page 3): Within the proposed Bill, MCC Sections 19.70.020 and 19.71.020 would be amended by removing the current code section that allows for one accessory dwelling on a lot that is .5 acres or more, and instead, allowing for “*accessory dwellings under chapter 19.35*,” which would then allow two accessory dwellings per lot regardless of size.

These two Project Districts are Lāna‘i Project District 1 (Manele) and Lāna‘i Project District 2 (Koele). As discussed, HRS 46-4.8(k) indicates that a “*residentially zoned lot*” means “*a zoning lot in a county zoning district that is principally reserved for single-family and two-family detached dwellings*,” and does not include “*a lot in a county zoning district that is reserved for rural, low density residential development, and open space preservation*” (emphasis added). In the existing Purpose and Intent description for both Project Districts, it indicates that the intent is to establish a low-density development. The density established in the Districts corresponds with a low-density development of 0.8576 units per acre and 2.5 units per acre. Consistent with HRS 46-4.8(k), it is recommended that reference to these two Project Districts (MCC Sections 19.70.020 and 19.71.020) be removed from the Bill.

5. Modification (see attached Ordinance-page 16): As an example, proposed MCC Section 19.78.051.B.1.b.vi removes the phrase “*, but not limited to,*” – the Department recommends that this phrase be maintained in this location and in all similar locations throughout the proposed Bill to retain the intent of the section applying to more than the listed uses.
6. Modification (see attached Ordinance-page 25): The proposed revisions to MCC Section 19.80.030.B.2.a.ii, should include the following new subsection: “**(H) Accessory dwellings under chapter 19.35.**” The Department believes that it was simply left out during the drafting of the proposed Bill.

7. Modification (see attached Ordinance-page 27): The proposed revision adding new Subsection “(F) Accessory dwellings under chapter 19.35” to Section 19.80.030.B.3.a.i should be relocated to new MCC Subsection 19.80.030.B.3.a.ii(H). This change would simply move permitted accessory dwellings from the list of “Principal Uses and Structures” to the list of “Accessory Uses and Structures.” The Department believes that it was simply mis-placed during the drafting of the proposed Bill.
8. Modification (New – not in proposed Ordinance): Currently, MCC Chapter 19.84-R-O Zero Lot Line Overlay District provides a developer the ability to establish a zero-lot line subdivision under certain development standards and conditions. Such an overlay would allow for the placement of dwellings against one of the property lines with the intent of encouraging affordable housing through higher density. This Overlay District is permitted only in the existing R-1, R-2 and R-3 Residential Zoning Districts, which would contain “residentially zoned lots” per HRS 46-4.8. Currently, MCC Section 19.84.040.B prohibits accessory dwellings from being located on a Zero Lot Line lot. To be consistent with state law, the Department recommends removing this mandate, as follows:

“B. Uses Permitted. One single-family detached dwelling unit on a zoning lot, including every customary accessory use not inconsistent therewith, shall be permitted on a zero lot line lot, provided that no accessory dwelling pursuant to chapter 19.35 of this title shall be permitted on any zero lot line lot. All other uses permitted in the underlying zoning district are special uses in the R-0 lot line overlay district and may be permitted with the approval of the planning commission pursuant to the county special use permit application procedures.”
9. Modification (New – not in proposed Ordinance): Currently, MCC Chapter 19.96 establishes the Waikapu Country Town District. While the District does permit accessory dwellings within the District, it limits the total number of accessory dwellings within the District to 146, while also establishing the total number of other dwelling units between 1,326 and 1,433. Since this District contains “residentially zoned lots”, consistent with HRS 46-4.8, the Department recommends that all provisions within MCC Chapter 19.96 that restrict the total number of accessory dwellings be removed.
10. Modification (New – not in proposed Ordinance): Currently, MCC Chapter 19.38 establishes the Maui Research & Technology Park District. The District limits the total number of dwellings to 1,250 including accessory dwelling units. It also limits the number of accessory dwelling units to no more than one on a single lot regardless of the lot size. Similar to MCC Chapter 19.35-Accessory Dwellings, other provisions within this District govern the accessory dwelling’s size, location, prohibits an interior connection, and requires a separate entrance. Since this District contains “residentially zoned lots” consistent with HRS 46-4.8, the Department recommends that all provisions within MCC Chapter 19.96 that restrict the total number of accessory dwellings be revised to allow for up to two accessory dwellings per lot.

Since the District contains its own development standards for accessory dwellings, the Department does not recommend referencing that accessory dwellings must comply with the standards of Chapter 19.35-Accessory Dwellings.

11. Issue (see attached Ordinance-throughout): Various proposed revisions within the attached Bill add accessory dwellings as a newly permitted accessory use in various Project Districts that currently provide for a “*residentially zoned lot*” (as defined within HRS 46-4.8), wherein they are not currently permitted. As shown in the attached Bill, the new use of accessory dwellings is being added with phrases such as “*Accessory dwellings under chapter 19.35.*” or “*including accessory dwellings under chapter 19.35.*”

As discussed, HRS 46-4.8 does not apply to any private covenant recorded before May 28, 2024 that may restrict the development of accessory dwellings. The Department is aware that there are Project Districts within the proposed Bill that have private covenants recorded before May 28, 2024 that currently restrict the development of accessory dwellings. However, the Department is not privy to all private covenants in the County nor is it responsible for regulating private covenants during permit review or issuance. While the Department contemplated adding a clause to the end of the proposed amended sections that would except the allowance of accessory dwellings if such a covenant was in place, it decided not to since the Department should not have any implied regulatory authority over private covenants. More appropriately, the owner of such lot is responsible for complying with its own private covenants. As such, the Department is only informing the Commissions of this issue and is not proposing any recommended modification.

Comments from the Department of Fire and Public Safety:

The Department forwarded the proposed Bill to various other Departments within the County for comment. The Department of Fire and Public Safety replied with the attached December 22, 2025 comment letter. In brief, the Department of Fire and Public Safety indicates:

- The proposed Bill is not in direct conflict with the current fire code.
- Hazard assessment. The increase in number of units (density) will in turn increase fuel load to the properties in which they are implemented and the surrounding community.
- Water supply and Access Roads. Increase in number of units should consider infrastructure improvements to water supply and roadways.
- Maintaining building separation, setbacks from property lines and provisions for clear apparatus access both in the street and private driveway to the structures will help mitigate the increased risk.
- If passed, the Department of Fire and Public Safety would recommend that it be applicable only to those in neighborhoods that already meet or are specifically designed to meet this density level.

In response, it is important to note that HRS subsection 46-4.8(f) provides that the county may deny applications for permits if there is insufficient utility infrastructure to service the additional demand caused by the development of accessory dwelling units. Further, subsection 19.35.090 of MCC Chapter 19.35-Accessory Dwellings, currently indicates that in order to permit an accessory dwelling:

“The following public facilities are required to service the lot:

- A. Adequacy of sewage disposal system. This will be secured in writing from the department of environmental management for public sewage systems and the State of Hawaii department of health for individual wastewater systems and private wastewater treatment works.*
- B. Adequacy of fire protection for all lots served by private streets. This will be secured in writing from the department of fire and public safety.*
- C. Adequacy of street. The lot must have direct access to a street that meets fire code requirements for fire apparatus access roads.”*

As noted, both State Law and current MCC include provisions to deny a permit for an accessory dwelling if there is inadequate infrastructure. Typically, an accessory dwelling requires review by other Departments prior to their issuance of a building permit, which would provide the opportunity for other Departments to opine upon whether such permit should be issued based upon infrastructure availability.

Planning Commission Options

The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments and/or comments to the Maui County Council, which may include those recommended by the Department.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill to gather specific additional information.

Attachments:

- Resolution 25-203
- General Plan Policies
- December 22, 2025 Comments from Dept. of Fire and Public Safety

cc: Ana Lillis, Deputy Director (pdf)
Carolyn Cortez, Acting Planning Program Administrator, ZAED (pdf)
Danny Diaz, Planning Program Administrator, Current Planning (pdf)
Kawika Farm, TA-Planning Program Administrator, Long Range (pdf)
Scott Forsythe, Planning Program Administrator, PID (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

JT:GJP

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Resolution

No. 25-203

REFERRING TO THE LĀNAʻI, MAUI, AND
MOLOKAʻI PLANNING COMMISSIONS A
PROPOSED BILL ON ACCESSORY DWELLINGS
ON RESIDENTIALLY ZONED LOTS

WHEREAS, Act 39 (2024) requires 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 comply with Act 39; 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 TITLE 19, MAUI COUNTY CODE, RELATING TO THE NUMBER OF ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED LOTS," a copy of which is attached as Exhibit "1," to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokaʻi Planning Commission for appropriate action, under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, Lānaʻi Planning Commission, Maui Planning Commission, and Molokaʻi Planning Commission.

Resolution No. 25-203

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

paf:ebm:24-154e

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", written in dark ink.

ALICE L. LEE

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2025)

**A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, ON
ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED LOTS**

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

SECTION 1. This Ordinance's purpose is to allow for the construction of at least two accessory dwelling units for residential use on residentially zoned lots, consistent with Section 46-4.8, Hawai'i Revised Statutes.

SECTION 2. Section 19.11.030, Maui County Code, is amended to read as follows:

"19.11.030 Accessory uses and buildings. The following accessory uses ~~[shall be]~~ are permitted in the SBR service business residential district:

1. ~~[Ohana units subject to]~~ Accessory dwellings under chapter 19.35, ~~[of this code;]~~
2. Pools, ~~[hot-tubs,]~~ hot tubs, and jacuzzi spas~~;~~].
3. Fences, walls, patios, decks, and other landscape features~~;~~].
4. Garages, porte-cochere, ~~[mail boxes]~~ mailboxes, and trash enclosures~~;~~].
5. Energy systems, small-scale~~;~~ and].
6. Subordinate uses and structures that are ~~[determined by the planning director to be]~~ clearly incidental and customary to the permitted uses in section 19.11.020."

SECTION 3. Section 19.35.010, Maui County Code, is amended to read as follows:

"19.35.010 Generally. ~~[The]~~ A. This chapter's limitations and requirements ~~[of this chapter shall]~~ apply to ~~[any]~~ all accessory ~~[dwelling.]~~ dwellings.

~~[A.]~~ B. Any person who wishes to construct~~[,]~~ or ~~[in any manner]~~ otherwise establish~~[,]~~ an accessory dwelling ~~[shall]~~ must

apply for a building permit [therefor in accordance with this chapter].

[B.] C. All provisions of the County zoning district[,or] and State land use district [as the case may be,] in which the accessory dwelling is proposed to be constructed [shall] apply[, except the provisions on the number of dwelling units permitted on a lot and except as the provision of such district may be inconsistent with the provisions applicable to accessory dwellings. To the extent of such inconsistency, if any, the accessory dwelling provisions shall prevail].

[C.] D. [The provisions of this] This chapter [shall apply] applies to any zoning district that allows accessory dwellings.

[D. No accessory dwelling shall] E. Accessory dwellings must not be used as a bed and breakfast home, short-term rental home, or transient vacation rental."

SECTION 4. 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 accessory dwelling shall be permitted on any lot that is less than seven thousand five hundred square feet.

2. No more than two] At least two accessory dwellings [shall be] are permitted [on any] per 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 5. Section 19.58.030, Maui County Code, is amended to read as follows:

"19.58.030 Use regulations. No land or building [shall] may be used nor any building [shall be] erected or structurally altered within a project district, except for the following:

- A. Single-family dwellings[;].
- B. Greenhouses[;].
- C. Parks and playgrounds, noncommercial[;].
- D. Schools, public or privately owned[;].
- E. Publicly owned buildings or premises[;].

F. Accessory buildings located on the same lot[, the use of which is customary and incidental, usual, and necessary to that of the main building or to the use of the land[;].

G. Accessory dwellings under chapter 19.35.

H. Special uses: The following are declared special uses, and approval of the planning commission [shall] must be obtained:

1. Churches, together with accessory buildings[;].
2. Day care centers[;].
3. Nursing or convalescent facilities[;].
4. Public utilities facilities[;].
5. [Domestic type] Domestic-type businesses, [such as] including sewing[,] and piano playing, [etc., which] that are normal functions of the home[;].
6. Residential planned developments[;].
7. Neighborhood commercial facilities."

SECTION 6. Section 19.70.020, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted Uses. Within residential districts, the following uses [shall be] are permitted:

1. Principal uses:
 - a. Single-family detached dwellings[;].
2. Accessory uses and structures, including accessory dwellings [;].
3. Special accessory uses:
 - a. Greenhouses[;].
 - [b. Accessory dwelling for a lot with five-tenths acre or more subject to the provisions of chapter 19.35]."

SECTION 7. Section 19.71.020, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted Uses. Within residential districts, the following uses [shall be] are permitted:

1. Principal uses:
 - a. Single-family detached dwellings[;].
2. Accessory uses and structures[;], including accessory dwellings under chapter 19.35.
3. Special accessory uses:
 - a. [Green houses,] Greenhouses.
 - [b. Accessory dwelling for a lot with .5 acre or more subject to the provisions of chapter 19.35]."

SECTION 8. Section 19.73.030, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted Uses. Within the multifamily districts, the following uses ~~[shall be]~~ are permitted:

1. Principal uses:
 - a. Multifamily developments, including multifamily dwellings, townhouses, and duplexes~~;~~ and~~].~~
 - b. Single family detached dwellings.
2. Accessory uses and structures~~[.]~~, including accessory dwellings under chapter 19.35.
3. Special accessory uses and structures:
 - a. Recreation and social centers~~;~~].
 - b. Service areas and structures~~;~~ and~~].~~
 - c. Utility installations."

SECTION 9. Section 19.73.040, Maui County Code, is amended by amending subsection A to read as follows:

"A. Permitted Uses. Within the village districts, the following uses ~~[shall be]~~ are permitted:

1. Residential uses:
 - a. Multifamily developments, including multifamily dwellings, townhouses and duplexes~~;~~].
 - b. Single family detached dwellings~~[.]~~, including accessory dwellings under chapter 19.35; and~~].~~
 - c. Residential units constructed over commercial uses.
2. Hotel uses:
 - a. Hotels, inns, and lodges~~;~~ and~~].~~
 - b. Apartment hotels.
3. Commercial uses:
 - a. Art galleries and dealers as well as artist and craftsmen studios~~;~~].
 - b. Bakeries~~;~~].
 - c. Bars, taverns, cocktail lounges and nightclubs~~;~~].
 - d. Business offices, services and supplies~~;~~].
 - e. Camera and photo processing shops~~;~~].
 - f. Catering establishments employing ~~[not more than]~~ up to five [(5)] persons~~;~~].

- g. Clinics, medical and dental[;].
- h. Commercial retail establishments[;].
- i. Dance and hula studios[;].
- j. Department and general stores[;].
- k. Eating and dining establishments,
[provided] except that drive-through services are not
[included;] permitted.
- l. Equipment rental and sales[;].
- m. Furniture and interior decorating stores[;].
- n. Gasoline retailing[, provided it is] operated
as an adjunct to a neighborhood store, [and] provided
[further] that no vehicle servicing, repairing, storing,
washing or maintenance [of vehicles will be] is permitted
on the premises[;].
- o. Hardware and garden supply stores[;].
- p. Fine arts establishments, artist co-ops[;].
- q. Laundromats, laundry and dry-cleaning
services[;].
- r. Music studios and conservatories[;].
- s. Nurseries (flower and plants) and
greenhouses; [provided] except that all incidental
equipment and supplies, including fertilizers and empty
cans, [are] must be kept within enclosed buildings[;].
- t. Personal services establishments[;].
- u. Pet shops[,] not involving the treatment or
boarding of animals[;].
- v. Pharmacies and drug stores[;].
- w. Printing, copying, and blueprinting
services[;].
- x. Private clubs and fraternal organizations[;].
- y. Professional and financial offices[;].
- z. Radio and television stations and other
communication services[;].
- aa. Sign painting shops within wholly enclosed
buildings and employing no more than five [(5)]
persons[;].
- bb. Supermarkets, [and] grocery stores, and
farmers' markets[;].
- cc. Taxicab and U-drive stations and offices[;].
- dd. Theaters and auditoriums[; and].
- ee. Travel agencies.
- 4. Recreational uses:
 - a. Amusement enterprises, including game
arcades[;].
 - b. Bowling alleys[;].
 - c. Golf courses and clubhouses[;].

- d. Health spas and fitness centers[;].
 - e. Parks[; and].
 - f. Swimming pools, tennis courts, clubhouses and facilities for other court games.
5. Community facilities:
- a. Information centers[;].
 - b. Conference centers[;].
 - c. Museums[;].
 - d. Parking lots and structures[;].
 - e. Post offices and courier services[; and].
 - f. Private schools, vocational and research facilities."

SECTION 10. Section 19.74.020, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted Uses. Within the residential district, the following uses ~~[shall be]~~ are permitted:

- 1. Principal uses:
 - a. Single-family detached dwellings[;].
 - b. Single-family semi-attached (one-side only) dwellings[;].
 - c. ~~[Bikeway/jogging]~~ Bikeway and jogging facilities and related open areas[;].
 - d. Buildings or premises used by [the] federal, state, or county governments for public purposes[;].
 - e. Greenhouses, flower and truck gardens and nurseries[; provided], except that [there shall be] no retailing or [transacting of business] business transactions are allowed on the premises[, and].
 - f. Resident recreation center and facilities[;].
- 2. Accessory uses and structures[;], including accessory dwellings under chapter 19.35."

SECTION 11. Section 19.74.030, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted Uses. Within the multifamily district, the following uses ~~[shall be]~~ are permitted:

- 1. Principal uses:
 - a. Apartment houses[;].
 - b. Duplexes[;].
 - c. Single-family dwellings[;].
 - d. Townhouses[;].

e. Buildings or premises used by [the] federal, state, or county governments for public purposes[, and].

f. Any use permitted in the single-family SF subdistricts, except the development standards for single-family dwellings [shall be in accordance] must comply with the single-family residential SF subdistrict standards[;].

2. Accessory uses and structures[.], including accessory dwellings under chapter 19.35.

SECTION 12. Section 19.78.020, Maui County Code, is amended by amending Subsection B to read as follows:

“B. The residential subdistricts [shall be as follows:] are:

1. Single-family SF-8 subdistrict:

a. Permitted Uses. Within the single-family SF-8 subdistrict, the following uses [shall be] are permitted:

i. Principal uses and structures:

(A) Single-family detached dwellings[;].

ii. Accessory Uses and Structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal use:

(A) Antennae dish; [provided,] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[.].

(B) Boarders, up to three boarders in a dwelling unit[.].

(C) Maintenance and storage structures[.].

(D) Home occupations[.].

(E) Recreation centers and facilities[.].

(F) Parks and common areas[.].

(G) Private parking areas for four or more cars[,and].

(H) Utility installations.

(I) Accessory dwellings under chapter 19.35.

b. Development requirements in the single-family SF-8 subdistrict [shall be] are:

- i. Minimum lot area, [eight thousand] 8,000 square feet[;].
 - ii. Minimum average lot width, [seventy] 70 feet[;].
 - iii. Minimum building setbacks:
 - (A) Front yard, [fifteen] 15 feet for houses, [twenty] 20 feet for garages, carports[;].
 - (B) Side yard, six feet for single-story, [fifteen] 15 feet for two stories[;].
 - (C) Rear yard, six feet for single-story, [fifteen] 15 feet for two stories[;].
 - iv. Maximum building height, two stories not exceeding [thirty] 30 feet[;].
 - v. Maximum floor area ratio (FAR) (not to include carport or garage), 0.4 FAR[;].
 - vi. Maximum overall density, four units per acre.
- c. Special Uses. The following uses [shall be] are permitted subject to [the] planning commission approval [of the planning commission]:
- i. Elementary schools[;].
 - ii. Churches[;].
 - iii. Day care centers[;].
 - iv. Residential group living quarters[;].
 - v. Nursing and retirement homes[; and].
 - vi. Other recreational or institutional uses [as deemed to be] if appropriate and compatible with [the] principal uses [of this subdistrict by the planning commission].
2. Single-family SF-5 subdistrict:
- a. Permitted Uses. Within the single-family SF-5 subdistrict, the following uses [shall be] are permitted:
 - i. Principal uses and structures:
 - (A) Single-family detached dwellings[;].
 - ii. Accessory Uses and Structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal use:
 - (A) Antennae dish; [provided,] except that ground dish antennae [shall] must be screened by walls, earth berms,

[and/or] or landscaping a minimum of four feet in height[;].

(B) Boarders, up to three boarders in a dwelling unit[;].

(C) Maintenance and storage structures[;].

(D) Resident parking facilities[;].

(E) Home occupations[;].

(F) Recreation centers and facilities[;].

(G) Parks and common areas[;].

(H) Utility installations[, and].

(I) Private parking areas for four or more cars.

(J) Accessory dwellings under chapter 19.35.

b. Development requirements in the single-family SF-5 subdistrict [shall be] are:

i. Minimum lot area, [five thousand] 5,000 square feet[;].

ii. Minimum lot width, [fifty] 50 feet[;].

iii. Minimum building setbacks:

(A) Front yard, [fifteen] 15 feet for houses, [twenty] 20 feet for garages, carports[;].

(B) Side yard, six feet, [ten] 10 feet for second stories[;].

(C) Rear yard, six feet, [ten] 10 feet for second stories[;].

iv. Maximum building height, two stories, [not to exceed thirty] 30 feet[;].

v. Maximum floor area ratio (FAR) (not to include carport or garage), 0.45 FAR[;].

vi. Maximum overall density, six units per acre.

c. Special Uses. The following uses [shall be] are permitted subject to [the] planning commission approval [of the planning commission]:

i. Elementary schools[;].

ii. Churches[;].

iii. Day care centers[;].

iv. Residential group living quarters[;].

v. Nursing and retirement homes[;

and].

vi. Other recreational or institutional uses [as deemed to be] if appropriate and

compatible with [the] principal uses [of this subdistrict by the planning commission].

3. Single-family SF-3 subdistrict:

a. Permitted Uses. Within the single-family SF-3 subdistrict, the following uses [shall be] are permitted:

i. Principal uses and structures:

(A) Single-family detached dwellings[, and].

(B) Single-family semi-attached (on one side only) dwellings[;].

ii. Accessory Uses and Structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal use:

(A) Antennae dish; [provided,] except that ground dish antennae [shall be] must screened by walls, earth berms, [and/or] or landscaping a minimum of four feet in height[;].

(B) Boarders, up to three boarders in a dwelling unit[;].

(C) Maintenance and storage structures[;].

(D) Resident parking facilities[;].

(E) Home occupations[;].

(F) Recreation centers and facilities[;].

(G) Parks and common areas[;].

(H) Utility installations[, and].

(I) Private parking areas for four or more vehicles.

(J) Accessory dwellings under chapter 19.35.

b. Development requirements in the single-family SF-3 subdistrict [shall be] are:

i. Minimum lot area, [three thousand] 3,000 square feet[;].

ii. Minimum average lot width, [forty] 40 feet[;].

iii. Minimum building setbacks:

(A) Front yard, [ten] 10 feet for houses, [twenty] 20 feet for carports[;].

(B) Side yard, five feet for any exterior walls with openings for light, air [and/or] or access; the sum of both side

yards on any lot must total [ten] 10 feet; common walls built on property lines must be constructed of masonry or of equal fire and sound retardant material[.].

(C) Rear yard, five feet, [ten] 10 feet for second stories[;].

iv. Maximum building height, two stories, [not to exceed thirty] 30 feet[;].

v. Maximum floor area ratio (FAR) (not to include carport or garage), 0.5 FAR[;].

vi. Maximum overall density, [ten] 10 units per acre.

c. Special Uses. The following uses [shall be] are permitted subject to [the] planning commission approval [of the planning commission]:

i. Elementary schools[;].

ii. Churches[;].

iii. Day care centers[;].

iv. Residential group living quarters[;].

v. Nursing and retirement homes[; and].

vi. Other recreational or institutional uses [as deemed to be] if appropriate and compatible with [the] principal uses [of this subdistrict by the planning commission].

4. Multifamily MF subdistrict:

a. Permitted Uses. Within the multifamily subdistrict, the permitted uses [shall be as follows] are:

i. Principal uses and structures:

(A) Single-family detached dwellings[;].

(B) Single-family attached dwellings[, and].

(C) Apartments[;].

ii. Accessory Uses and Structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal uses:

(A) Antennae dish; [provided,] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping a minimum of four feet in height[;].

(B) Boarders, up to three boarders in a dwelling unit[;].

- (C) Maintenance and storage structures[.].
 - (D) Resident parking facilities[.].
 - (E) Home occupations[.].
 - (F) Resident manager's office[.].
 - (G) Recreation centers and facilities[.].
 - (H) Parks and common areas[, and].
 - (I) Utility installations.
 - (J) Accessory dwellings under chapter 19.35.
- b. Development requirements in the multifamily MF subdistrict ~~[shall be]~~ are:
- i. Minimum lot area, [ten thousand] 10,000 square feet[.].
 - ii. Minimum average lot width, [seventy] 70 feet[.].
 - iii. Minimum building setbacks:
 - (A) Front yard, [fifteen] 15 feet[.].
 - (B) Side yard, [ten] 10 feet[.].
 - (C) Rear yard, [fifteen] 15 feet[.].
 - iv. Maximum building height, two stories, not to exceed [thirty] 30 feet[.].
 - v. Maximum overall density, [twenty-five] 25 units per acre.
- c. Special Uses. The following uses ~~[shall be]~~ are permitted subject to the approval of the planning commission:
- i. Elementary schools[.].
 - ii. Churches[.].
 - iii. Day care centers[.].
 - iv. Residential group living quarters[.].
 - v. Nursing and retirement homes[; and].
 - vi. Other recreational or institutional uses [as deemed to be] if appropriate and compatible with [the] principal uses [of this subdistrict by the planning commission]."

SECTION 13. Section 19.78.051, Maui County Code, is amended to read as follows:

"19.78.051 The village mixed use PD-WK/1 district is intended to provide flexibility in the planning and development of a

village/commercial district with an integrated residential community. There [shall be] are two village mixed use subdistricts[, as follows]:

A. Village mixed use residential (VMX/R) [shall be] is a residential subdistrict [in close proximity to] near the neighborhood commercial/residential core.

1. Permitted Uses. Within the VMX/R subdistrict, the following uses [shall be] are permitted:

a. Principal uses and structures:

- i. Single-family dwelling[;].
- ii. Two-family or duplex dwelling[;].
- iii. Multifamily dwelling[;].
- iv. Park[;].
- v. Public facility or public use[;].
- vi. Recreation, active[;].
- vii. Recreation, indoor[;].
- viii. Recreation, open land[;].
- ix. Recreation, passive[; and].
- x. Utility facilities, minor.

b. Accessory Uses and Structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal uses:

- i. Energy systems, small-scale[;].
- ii. Garage, private[;].
- iii. Home occupation[;].
- iv. Parking areas, covered or uncovered[;].
- v. Play equipment[;].
- vi. Recreation buildings and pools[;].
- vii. Restrooms[; and].
- viii. Walls not exceeding five feet in height, and fences.
- ix. Accessory dwellings under chapter 19.35.

c. Special Uses. The following uses [shall be] are permitted subject to [the] planning commission approval [of the appropriate planning commission]:

- i. Day care facility[;].
- ii. Education, general[;].
- iii. Education, specialized[;].
- iv. Group shelters[;].

- v. Uses and structures[, which] that are similar to the character or nature of any [of the] principal uses or structures or [which] conform [to the] with this chapter's intent [of this chapter].
- d. Development standards for the VMX/R subdistrict [shall be] are:

- i. Minimum lot size, [three thousand] 3,000 square feet[;].
- ii. Minimum lot width, [forty] 40 square feet[;].
- iii. Minimum building setbacks:
 - (A) Front yard, [ten] 10 feet for single-family dwellings; [twenty] 20 feet for carports and garages; [fifteen] 15 feet for two-family and multifamily dwellings[;].
 - (B) Side yard, six feet for one-story buildings and [ten] 10 feet for two-story buildings for single-family dwellings; five feet for two-family dwellings, for any exterior walls with openings for light, air, [and/or] or access; the sum of both side yards on any lot must total a minimum of [ten] 10 feet; common walls must be constructed of masonry or of equal fire- and sound- retardant material; [ten] 10 feet for multifamily dwellings[;].
 - (C) Rear yard, five feet for one-story buildings; [ten] 10 feet for two- and three-story buildings[;].
- iv. Maximum building height, two stories, not to exceed [thirty] 30 feet, for single-family and two-family dwellings; three stories, not to exceed [forty-five] 45 feet, for multifamily dwellings[;].
- v. Maximum floor area ratio, 0.5 FAR for single-family, not to include carport or garage; 0.9 FAR for two-family and multifamily, not to include carport or garage[;].
- vi. Maximum overall density, [ten] 10 units per acre for single-family dwellings; and [fifteen] 15 units per acre for two-family and multifamily dwellings.

[C.] B. Village mixed use commercial/residential (VMX/C-R) [shall be] is a subdistrict of mixed residential and commercial uses incorporated into the village concept.

1. Permitted Uses. Within the VMX/C-R subdistrict, the following uses [shall be] are permitted:

- a. Principal uses and structures:
 - i. Single-family dwelling[;].
 - ii. Two-family or duplex dwelling[;].
 - iii. Multifamily dwelling[;].
 - iv. Living quarters[;].
 - v. Lodginghouse[;].
 - vi. Animal boarding facility[;].
 - vii. Animal hospital[;].
 - viii. Day care facility[;].
 - ix. Eating and drinking establishments[;].
 - x. Education, general[;].
 - xi. Education, specialized[;].
 - xii. Eleemosynary organizations[;].
 - xiii. Food and beverage, retail[;].
 - xiv. Garage, storage[;].
 - xv. General merchandising[;].
 - xvi. General office[;].
 - xvii. Group shelters[;].
 - xviii. Light manufacturing and processing[;].
 - xix. Medical center, minor[;].
 - xx. Park[;].
 - xxi. Parking area, public[;].
 - xxii. Personal and business services[;].
 - xxiii. Public facility or public use[;].
 - xxiv. Quasi-public use or quasi-public facility[;].
 - xxv. Recreation, active[;].
 - xxvi. Recreation, indoor[;].
 - xxvii. Recreation, open land[;].
 - xxviii. Recreation, passive[;].
 - xxix. Self-storage, provided it is within an enclosed building[; and].
 - xxx. Utility facilities, minor.

b. Accessory Uses and Structures. The following uses [shall be] clearly incidental to and customarily found in connection with the principal uses:

- i. Energy systems, small-scale[;].
- ii. Garage, private[;].
- iii. Home occupation[;].
- iv. Outdoor storage yards that are ancillary to a permitted principal use, provided

the storage yards are appropriately screened from the public right-of-way[;].

- v. Parking areas, covered or uncovered[;].
- vi. Park equipment, including [, but not limited to,] play equipment, backstops, dugouts, scoreboards, and bleachers[;].
- vii. Recreation buildings and pools[;].
- viii. Restrooms[;].
- ix. Walls not to exceed five feet in height, and fences[; and].
- x. Warehouses [which are] ancillary to a permitted principal use[; and].
- xi. Accessory dwellings under chapter 19.35.

c. Special Uses. The following uses [shall be] are permitted subject to [the] planning commission approval [of the appropriate planning commission]:

- i. Medical center, major[;].
- ii. Utility facilities, major[; and].
- iii. Uses and structures that are similar to[, and compatible with[, the principal uses and structures of [the] this subdistrict and [which] conform to [the] this chapter's intent [of this chapter may be approved by the appropriate planning commission].

d. Development standards for the VMX/C-R subdistrict [shall be] are:

- i. Minimum lot size, [five thousand] 5,000 square feet[;].
- ii. Minimum lot width, [sixty] 60 feet[;].
- iii. The following minimum building setbacks for single-family, two-family, and multifamily residential use [shall] apply, except [for row type dwellings where] no setbacks [shall be] are required for row-type dwellings:

(A) Front yard, [fifteen] 15 feet[;].

(B) Side yard, six feet for one-story buildings and [ten] 10 feet for two- and three-story buildings for single-family and multifamily dwellings; five feet for two-family dwellings, for any exterior walls with openings for light, air, [and/or] or access; the sum of both side yards on any lot must total a minimum of [ten] 10 feet; common walls must be constructed of masonry or of

equal fire- and sound- retardant material[;].

(C) Rear, six feet for one-story buildings and [ten] 10 feet for two- and three-story buildings[;].

iv. Minimum building setbacks for commercial/residential use:

(A) Front yard, no setback[;].

(B) Side and rear yard, no setbacks, except when adjacent to residential and noncommercial uses, where the setbacks for the adjacent use [shall] apply[;].

v. Maximum building height, two stories, not to exceed [thirty] 30 feet for single-family and two-family dwellings; three stories, not to exceed [forty-eight] 48 feet for commercial and multifamily dwellings[;].

vi. Maximum lot coverage ratio, 0.6 for commercial, two-family and multifamily dwellings[; and].

vii. Maximum floor area ratio, 0.5 FAR for single-family, not to include carport or garage; 1.0 FAR for commercial, two-family and multifamily dwellings, not to include carport or garage."

SECTION 14. Section 19.79.020, Maui County Code, is amended by amending Subsection B to read as follows:

"B. The following [shall be] are the residential PD-WK/2 subdistricts for the Piikahana project district:

1. Single-Family SF-5 Subdistrict.

a. Permitted Uses. Within the single-family SF-5 subdistrict the permitted uses [shall be as follows:] are:

i. Principal Uses and Structures:

(A) Single-family detached dwellings[;].

(B) Buildings or premises [utilized] used by [the] federal, state, or [County] county government[;].

(C) Care homes [which] that provide care by residents of the homes for [not more than] up to six children or adults

and [which] that are approved by the appropriate State [of Hawaii governmental] agencies[;].

(D) Elementary, intermediate, and secondary schools and colleges, [which are] whether publicly or privately owned, [and] which may include on-campus dormitories[; and].

(E) Parks and open space areas.

ii. Accessory Uses and Structures. The accessory uses and structures [shall] must be clearly incidental to and customarily found in connection with the principal uses, which include[, but are not limited to]:

(A) Antennae dish; [provided,] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[;].

(B) Private garages[;].

(C) Greenhouses[;].

(D) Home occupation[;].

(E) Maintenance and storage structures[;].

(F) Park equipment, furniture, and restroom facilities[; and].

(G) Swimming pools.

(H) Accessory dwellings under chapter 19.35.

iii. Special Uses. The following special uses, which require the approval of the Maui planning commission:

(A) Churches[;].

(B) Care home and centers which provide care for more than six children and adults[;].

(C) Group shelters[;].

(D) Nursing and retirement homes[;].

(E) Noncommercial parking areas for resident and guest parking[;].

(F) Resident recreation centers and facilities[;].

(G) Utility substations and equipment buildings, [which will] if not [be]

hazardous or a nuisance to the surrounding area[; and].

(H) [Certain domestic-type] Domestic-type businesses that are similar to a home occupation and compatible [to] with the uses permitted in the district but [which] that may have an impact. [Such] These businesses [shall be] are characterized as being normal functions of the home.

b. Development requirements for the single-family SF-3 subdistrict [shall be] are:

i. Minimum lot area, [five thousand] 5,000 square feet[;].

ii. Minimum average lot width, [forty] 40 feet[;].

iii. Minimum building setbacks:

(A) Front yard, [ten] 10 feet; except private garages and carports [which shall] must be [twenty] 20 feet[;].

(B) Side yard, no setback from one side lot line may be permitted. All other side lot lines [shall] must have a setback of six feet for single-story structures and [ten] 10 feet for two-story structures[;].

(C) Rear yard, six feet for single-story structures; [ten] 10 feet for two-story structures[;].

2. Single-Family SF-3 Subdistrict.

a. Permitted Uses. Within the single-family SF-3 subdistrict the permitted uses [shall be as follows:] are:

i. Principal Uses and Structures:

(A) Single-family dwellings[;].

(B) Buildings or premises [utilized] used by [the] federal, state, or county government[;].

(C) Care homes [which] that provide care by residents of the homes for [not more than] up to six children or adults and [which] that are approved by the appropriate State [of] [Hawaii governmental] agencies[;].

(D) Elementary, intermediate, and secondary schools and colleges [which are] whether publicly or privately owned, [and]

which may include on-campus dormitories[; and].

(E) Parks and open space areas.

ii. Accessory Uses and Structures. The accessory uses and structures [shall] must be clearly incidental to and customarily found in connection with the principal uses, which include[, but are not limited to]:

(A) Antennae dish; [provided,] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[.].

(B) Private garages[;].

(C) Greenhouses[;].

(D) Home occupation[;].

(E) Maintenance and storage structures[.].

(F) Park equipment, furniture, and restroom facilities[; and].

(G) Swimming pools.

(H) Accessory dwellings under chapter 19.35.

iii. Special Uses. The following special uses, which require the approval of the Maui planning commission:

(A) Churches[;].

(B) Care home and centers [which] that provide care for more than six children and adults[;].

(C) Group shelters[;].

(D) Nursing and retirement homes[;].

(E) Noncommercial parking areas for resident and guest parking[;].

(F) Resident recreation centers and facilities[;].

(G) Utility substations and equipment buildings, [which will] if not [be] hazardous or a nuisance to the surrounding area[; and].

(H) [Certain domestic-type] Domestic-type businesses that are similar to a home occupation and compatible [to] with the uses permitted in the district but [which] that may have an impact. [Such]

These businesses [shall be] are characterized as being normal functions of the home.

b. Development requirements for the single-family SF-3 subdistrict [shall be] are:

i. Minimum lot area, [three thousand] 3,000 square feet[;].

ii. Minimum average lot width, [thirty-five] 35 feet[;].

iii. Minimum building setbacks:

(A) Front yard, [ten] 10 feet except private garages and carports [which shall] must be [twenty] 20 feet[;].

(B) Side yard, no setback from one side lot line may be permitted. All other side lot lines [shall] must have a setback of six feet for single-story structures and [ten] 10 feet for two-story structures[;].

(C) Rear yard, six feet for single-story structures, [ten] 10 feet for two-story structures[;].

iv. Maximum building height, two stories not to exceed [thirty] 30 feet in height[;].

v. Maximum lot coverage ratio, 0.6[; and].

vi. Maximum overall density, [ten] 10 units per acre.

3. Multifamily Residential MF subdistrict.

a. Permitted Uses. Within the multifamily residential subdistrict, the permitted uses [shall be as follows:] are:

i. Principal Uses and Structures.

(A) Any use permitted in the single-family SF subdistricts, except the development standards for single-family dwellings, [shall be in accordance] must comply with the residential SF-3 subdistrict standards[;].

(B) Apartments and townhouses[; and].

(C) Boardinghouses, rooming houses, and lodgishouses.

ii. Accessory Uses and Structures. The accessory uses and structures [shall] must be clearly incidental to and customarily found in

connection with the principal uses, which include[, but are not limited to]:

(A) Resident manager's office[;].

(B) Resident and guest parking facilities[; and]

(C) Resident recreation centers and facilities.

(D) Accessory dwellings under chapter 19.35.

b. Development requirements for the multifamily residential MF subdistrict [shall be] are:

i. Minimum lot area, [ten thousand] 10,000 square feet[;].

ii. Minimum average lot width, [seventy] 70 feet[;].

xi. Minimum building setbacks:

(A) Front yard, [fifteen] 15 feet[;].

(B) Side yard, [ten] 10 feet[;].

(C) Rear yard, [fifteen] 15 feet[;].

iv. Maximum building height, three stories, not to exceed [thirty-five] 35 feet in height[;].

xii. Maximum lot coverage ratio, 0.25[;].

xiii. Maximum floor area ratio, 0.5[; and].

vii. Maximum overall density, [twenty-five] 25 units per acre."

SECTION 15. Section 19.80.020, Maui County Code, is amended by amending Subsection B to read as follows:

"B. The [following shall be the] residential PD-WK/3 subdistricts for the Wailuku project district[:] are:

1. Single-Family SF-7 Subdistrict.

a. Permitted Uses. Within the single-family SF-7 subdistrict, the permitted uses [shall be as follows:] are:

i. Principal Uses and Structures.

(A) Single-family dwellings[;].

(B) Buildings or premises [utilized] used by federal, state, or county government[;].

(C) Care homes [which] that provide care by residents of the homes for [not more than] up to six children or adults and [which] are approved by the

appropriate State [of Hawaii governmental] agencies[;].

(D) Elementary, intermediate, and secondary schools and colleges, [which are] whether publicly or privately owned, [and] which may include on-campus dormitories[; and].

(E) Parks and open space areas.

ii. Accessory Uses and Structures. The accessory uses and structures [shall be clearly] incidental to and customarily found in connection with the principal uses, [which include, but are not limited to:] including:

(A) Antennae dish; [provided] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[;].

(B) Private garages[;].

(C) Greenhouses[;].

(D) Home occupation[;].

(E) Maintenance and storage structures[;].

(F) Park equipment, furniture, and restroom facilities[; and].

(G) Swimming pools.

(H) Accessory dwellings under chapter 19.35.

iii. Special Uses. The following uses [shall be] are special uses, which require [the] planning commission approval [of the Maui planning commission]:

(A) Churches[;].

(B) Care homes and centers [which] that provide care for more than six children or adults[;].

(C) Group shelters[;].

(D) Nursing and retirement homes[;].

(E) Noncommercial parking areas for resident and guest parking[;].

(F) Resident recreation centers and facilities[;].

(G) Utility substations and equipment buildings, [which will] if they are not [be] hazardous or a nuisance to the surrounding area[; and].

- (H) [Certain domestic-type] Domestic-type businesses that are similar to a home occupation and compatible [to] with the uses permitted in the district, but which may have an impact. [Such] These businesses [shall be] are characterized as being normal functions of the home.
- a. Development requirements for the single-family SF-7 subdistrict [shall be:] are:
- i. Minimum lot area, [seven thousand] 7,000 square feet[;].
 - ii. Minimum average lot width, [fifty] 50 feet[;].
 - iii. Minimum building setbacks:
 - a. Front yard, [ten] 10 feet except private garages and carports which [shall be twenty] is 20 feet[;].
 - b. Side yard, no setback from one side lot line may be permitted. All other side lot lines [shall] must have a setback of six feet for single-story structures and [ten] 10 feet for two-story structures[;].
 - c. Rear yard, six feet for single-story structures; [ten] 10 feet for two-story structures[;].
 - iv. Maximum building height, two stories not to exceed [thirty] 30 feet in height[;].
 - v. Maximum lot coverage ratio, 0.5[; and].
 - vi. Maximum overall density, five units per acre.
2. Single-Family SF-5 Subdistrict.
- a. Permitted Uses. Within the single-family SF-5 subdistrict the permitted uses [shall be as follows:] are:
- i. Principal Uses and Structures.
 - (A) Single-family dwellings[;].
 - (B) Buildings or premises [utilized] used by federal, state, or county government;
 - (C) Care homes which provide care by residents of the homes for [not more than] up to six children or adults and [which is] are approved by the appropriate State [of Hawaii governmental] agencies.

(D) Elementary, intermediate, and secondary schools and colleges, [which are] whether publicly or privately owned, which may include on-campus dormitories[; and].

(E) Parks and open space areas.

ii. Accessory Uses and Structures. The accessory uses and structures [shall be clearly] incidental to and customarily found in connection with the principal uses, [which include, but are not limited to:] including:

(A) Antennae dish; [provided] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[;].

(B) Private garages[;].

(C) Greenhouses[;].

(D) Home occupation[;].

(E) Maintenance and storage structures[;].

(F) Park equipment, furniture, and restroom facilities[; and].

(G) Swimming pools.

iii. Special Uses. The following [uses shall be] special uses, which require [the] planning commission approval [of the Maui planning commission]:

(A) Churches[;].

(B) Care homes and centers [which] that provide care for more than six children and adults[;].

(C) Group shelters[;].

(D) Nursing and retirement homes[;].

(E) Noncommercial parking areas for resident and guest parking[;].

(F) Resident recreation centers and facilities[;].

(G) Utility substations and equipment buildings, [which will] if not [be] hazardous or a nuisance to the surrounding area[; and].

(H) [Certain] domestic-type Domestic-type businesses that are similar to a home occupation and compatible [to] with the uses permitted in the district, but which may have an impact. [Such] These

- businesses ~~[shall be]~~ are characterized as being normal functions of the home.
- b. Development requirements in the single-family SF-5 subdistrict ~~[shall be]~~ are:
- i. Minimum lot area, ~~[five thousand]~~ 5,000 square feet~~[:]~~.
 - ii. Minimum average lot width, ~~[forty]~~ 40 feet~~[:]~~.
 - iii. Minimum building setbacks:
 - (A) Front yard, ~~[ten]~~ 10 feet; ~~[except]~~ private garages and carports, ~~[which shall be twenty]~~ 20 feet~~[:]~~.
 - (B) Side yard, no setback from one side lot line ~~[may be]~~ is permitted. All other side lot lines ~~[shall]~~ must have a setback of six feet for single-story structures and ~~[ten]~~ 10 feet for two-story structures~~[:]~~.
 - (C) Rear yard, six feet for single-story structures; ~~[ten]~~ 10 feet for two-story structures~~[:]~~.
 - iv. Maximum building height, two stories, ~~[not to exceed [thirty]]~~ 30 feet ~~[in height;]~~.
 - v. Maximum lot coverage ratio, 0.5~~[: and]~~.
 - vi. Maximum overall density, seven units per acre.
3. Single-Family SF-3 Subdistrict.
- a. Permitted Uses. Within the single-family SF-3 subdistrict the permitted uses ~~[shall be as follows:]~~ are:
- i. Principal Uses and Structures.
 - (A) Single-family dwellings~~[:]~~.
 - (B) Buildings or premises ~~[utilized]~~ used by federal, state, or county government~~[:]~~.
 - (C) Care homes ~~[which]~~ that provide care by residents of the homes for ~~[not more than]~~ up to six children or adults and ~~[which is]~~ that are approved by the appropriate State ~~[of Hawaii governmental]~~ agencies~~[:]~~.
 - (D) Elementary, intermediate, and secondary schools and colleges, ~~[which are]~~ whether publicly or privately owned, ~~[and]~~ which may include on-campus dormitories~~[: and]~~.

(E) Parks and open space areas.

(F) Accessory dwellings under chapter 19.35.

ii. Accessory Uses and Structures. The accessory uses and structures [shall be] clearly incidental to and customarily found in connection with the principal uses, which include[, but are not limited to]:

(A) Antennae dish; [provided] except that ground dish antennae [shall] must be screened by walls, earth berms, [and/or] or landscaping of a minimum of four feet in height[;].

(B) Private garages[;].

(C) Greenhouses[;].

(D) Home occupation[;].

(E) Maintenance and storage structures[;].

(F) Park equipment, furniture, and restroom facilities[; and].

(G) Swimming pools.

iii. Special Uses. The following uses [shall be special uses which] require [the] planning commission approval [of the Maui planning commission]:

(A) Churches[;].

(B) Care homes and centers which provide care for more than six children and adults[;].

(C) Group shelters[;].

(D) Nursing and retirement homes[;].

(E) Noncommercial parking areas for resident and guest parking[;].

(F) Resident recreation centers and facilities[;].

(G) Utility substations and equipment buildings, which will not be hazardous or a nuisance to the surrounding area[; and].

(H) [Certain domestic-type] Domestic-type businesses that are similar to a home occupation and compatible [to] with the uses permitted in the district but [which] may have an impact. [Such] These

- businesses ~~[shall be]~~ are characterized as being normal functions of the home.
- b. Development requirements for the single-family SF-3 subdistrict ~~[shall be]~~ are:
- i. Minimum lot area, ~~[three thousand]~~ 3,000 square feet[;].
 - ii. Minimum average lot width, ~~[thirty-five]~~ 35 feet[;].
 - iii. Minimum building setbacks:
 - (A) Front yard, ~~[ten]~~ 10 feet except private garages and carports which ~~[shall]~~ must be ~~[twenty]~~ 20 feet[;].
 - (B) Side yard, no setback from one side lot line may be permitted. All other side lot lines ~~[shall]~~ must have a setback of six feet for single-story structures and ~~[ten]~~ 10 feet for two-story structures[;].
 - (C) Rear yard, six feet for single-story structures; ~~[ten]~~ 10 feet for two-story structures[;].
 - iv. Maximum building height, two stories not to exceed ~~[thirty]~~ 30 feet[;].
 - v. Maximum lot coverage ratio, 0.6[; and].
 - vi. Maximum overall density, ~~[ten]~~ 10 units per acre.
4. Multifamily Residential MF Subdistrict.
- a. Permitted Uses. Within the multifamily MF subdistrict, permitted uses ~~[shall be as follows]~~ are:
- i. Principal Uses and Structures.
 - (A) Any use permitted in the single-family SF subdistricts except the development standards for single-family dwellings ~~[shall be in accordance]~~ must comply with the residential SF subdistrict standards[;].
 - (B) Apartments and townhouses[; and].
 - (C) Boardinghouses, roominghouses, and lodginghouses.
 - ii. Accessory Uses and Structures. The accessory uses and structures ~~[shall be clearly]~~ incidental to and customarily found in connection with the principal uses, ~~[which include, but are not limited to]~~ including:
 - (A) Resident manager's office[;].

(B) Resident and guest parking facilities[; and].

(C) Resident recreation centers and facilities[; and].

(D) Accessory dwellings under chapter 19.35.

b. Development requirements for the multifamily residential MF subdistrict [shall be:] are:

i. Minimum lot area, [ten thousand] 10,000 square feet[;].

ii. Minimum average lot width, [seventy] 70 feet[;].

iii. Minimum building setbacks:

(A) Front yard, [fifteen] 15 feet[;].

(B) Side yard, [ten] 10 feet[;].

(C) Rear yard, [fifteen] 15 feet[;].

(I) Maximum building height, three stories [not to exceed thirty-five] up to 35 feet in height[;].

(J) Maximum lot coverage ratio, 0.25[;].

(K) Maximum floor area ratio, 0.5[; and].

(L) Maximum overall density, [twenty-five] 25 units per acre."

SECTION 16. Section 19.92.040, Maui County Code, is amended by amending Subsection A to read as follows:

"A. Permitted [Uses.] uses. Within the village PD-WM/2 district, the following uses [shall be] are permitted:

1. Residential uses:

a. Single-family dwellings[;].

b. Multifamily dwellings, condominiums, townhouses, and duplexes[;].

c. Senior housing, including[, but not limited to,] convalescent and nursing homes and assisted living facilities[;].

d. Noncommercial recreational facilities and social centers[;].

e. Home occupations[;].

f. Service areas and structures[; and].

g. Public and quasi-public utility installations and substations, including[, but not limited to,] electrical, telephone, cable and television, water,

wastewater, and cellular and other telecommunications antennae.

2. Commercial [Uses.] uses.

a. Golf clubhouses with food and beverage services [as well as] and equipment and apparel shops oriented [primarily towards] to golfers[;].

b. Golf course and equipment maintenance structures[;].

c. Restaurants and bars[;].

d. Golf course and other sport and recreational facilities[;].

e. Private clubs[;].

f. Community facilities[;].

g. Parking areas[;].

h. Open areas, shelters, restrooms, kiosks, parks and playgrounds, pedestrian paths, and natural and historic preservation areas[;].

i. Day care facilities[;].

j. Doctors' offices and other medical facilities[; and].

k. Health spas and fitness centers.

3. Accessory uses and structures necessary to facilitate the establishment of principal uses[.], including accessory dwellings under chapter 19.35."

SECTION 17. 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 18. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:ebm:24-154d

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read 'Alice L. Lee', written over a horizontal line.

ALICE L. LEE

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 25-203 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of November, 2025, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae


COUNTY CLERK

General Plan Policies Regarding Council Resolution 25-203

Proposed Bill on Accessory Dwelling on Residentially Zoned Lots

Jacky Takakura, LRD Administrator

Summary of Bill: Act 39 (2024) requires 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. This Ordinance's purpose is to allow for the construction of at least two accessory dwelling units for residential use on residentially zoned lots, consistent with HRS §46-4.8.

General Plan review summary: As provided below, the general plan policies support more housing, and many specifically encourage more ADU development.

General Plan Policies:

Countywide Policy Plan

Policy E.2.a Seek innovative ways to develop ohana cottages and accessory dwelling units as affordable housing

Policy E.2.d. Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development

Implementing Action E.2.a Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.

Policy J.1.b Direct urban and rural growth to designated areas.

Policy J.1.e Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farmland and open-space resources

Maui Island Plan

Objective 5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age

Policy 5.1.1.a Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.

Policy 5.1.1.b Promote planning approaches that provide a mix of multifamily and single-family housing units to expand housing choices.

Policy 5.1.1.e Use planning and regulatory approaches to provide higher housing densities.

West Maui Community Plan

Policy 2.5.12 Support missing middle housing types (multiunit or clustered housing types compatible in scale with single-family homes such as 'ohana, duplex, tri-plex, fourplex, courtyard apartments, bungalow court, and live/work units) and simple style single-family homes to meet the growing demand for a diversity of housing options and affordability.

Makawao-Pukalani-Kula Community Plan

Housing Goal 2 Provide increased opportunities for affordable housing through provision of variable housing densities in areas designated for residential use.

Housing Goal 3 Provide a mixture of housing types, smaller lot sizes, and coordinated assistance programs aimed at lowering housing costs and expanding housing opportunities.

Lanai Community Plan

Housing Policy 11.C.5 Encourage development of a mix of quality multifamily and single-family housing units to expand housing choices and price points.

Housing Policy 11.C.6 Support opportunities for multigenerational housing and efficient use of existing infrastructure through the development of 'ohana units on Lāna'i.

Molokai Community Plan

Housing Policy 6.2.C.4. Encourage development of a range of lot sizes and housing types (e.g. single family, ohana units, duplexes, multi-family, and live-work units) to expand housing choices and price points.

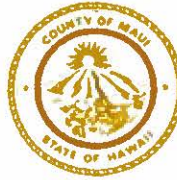
Housing Implementing Action 6.2.03 Amend the zoning code to allow a greater variety of housing types to address affordability, including mixed-use, mixed housing types, co-housing, prefabricated homes, and small lots.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.mauicounty.gov

December 22, 2025

Ms. Kate Blystone, Director
County of Maui, Department of Planning
One Main Plaza
220 Main Street
Wailuku, HI 96793

Dear Ms. Blystone,

**SUBJECT: COMMENTS FROM DEPARTMENT OF FIRE & PUBLIC SAFETY
RELATED TO RESOLUTION NO. 25-203, REFERRING TO THE
LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL ON ACCESSORY DWELLINGS ON
RESIDENTIALLY ZONED LOTS**

The Department of Fire & Public Safety respectfully submit the following comments related to Resolution No. 25-203.

- The proposed bill to increase the size and number of accessory dwelling units is not in direct conflict with the current fire code.
- Hazard Assessment: This increase in density and fuel load results in fuel chains that increase the potential for conflagration in a fire event not only to the properties in which they are implemented but the surrounding community as well. In most cases, the zoning requirements maintain separation of buildings by at least some degree across property lines. Multiple dwellings on the same lot are not subject to these standardized separations because the building code does not take into consideration all exterior building components and their proximity to each other under the IRC. Increase in density can be accomplished much safer when held to the IBC and Fire Code standards for multi-family dwellings. The leniency of single-family dwelling codes does not adequately address the hazards associated with placing multiple homes on the same lot.
- Water Supply and Access Roads. The increase in size and number of dwellings per lot, should also come with considerations for infrastructure improvements to water supply and roadways. Although the Fire Code does not directly address evacuation it does require unrestricted access to the emergency. Where existing traffic could impede emergency services response, alternative routes need to be provided. Consideration needs to be made for streets originally designed for single dwelling lots, which now have traffic for 3-4 dwellings per lot. Currently, the Fire Code reads where more than 20 parcels are served by a single road, a secondary access needs

Ms. Kate Blystone, Director
December 22, 2025
Page 2

to be provided, this is based on the assumption of one- or two-family dwellings exist per lot. The Department of Fire & Public Safety may need to revise this ordinance with consideration to the increased density.

The Department of Fire & Public Safety strongly believes considerations should be made in relation to maintaining building separation, impervious surface limitations, and setbacks from property lines while providing for clear apparatus access both in the street and private driveway to the structure will help mitigate the increased risk.

Should this bill be approved, the Department of Fire & Public Safety would recommend that it be applicable only to those in neighborhoods that already meet or are specifically designed to meet this density level. As the access and water-supply requirements for a third and fourth dwelling is not within the control of the property owner who fronts public infrastructure and the additions of sprinklers may not suffice.

If you have any questions, please contact the Fire Captain Oliver Vaas of the Fire Prevention Bureau at (808) 876-4694.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Ventura", written over the word "Sincerely,".

BRADFORD K. VENTURA
Fire Chief

HLU Committee

From: Estrelita B. Dahilig <Estrelita.B.Dahilig@co.maui.hi.us>
Sent: Tuesday, May 12, 2026 9:43 AM
To: HLU Committee; Nohe M. Uu-Hodgins; Jacalyn M. Takakura; Ana L. Lillis; joy.paredes@co.maui.hi.us; James G. Krueger
Cc: Josiah K. Nishita; Erin A. Wade; Cynthia E. Sasada; Didi A. Hamai; Kelii P. Nahooikaika; Bradford K. Ventura; Carolyn E. Cortez; Danny A. Dias; Scott Forsythe; Gregory J. Pfost
Subject: TRANSMITTAL: BILL 78(2026), AMENDING TITLE 19, MAUI COUNTY CODE, ON ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED LOTS (HLU-12)
Attachments: MT#11493.HLU.Chair.Nohelani U'u-Hodgind.pdf

Aloha,

Please see attached transmittal dated May 11, 2026, from Director of Planning Department Jacky Takakura regarding the above subject matter.

Thank you and have a great day!

Mahalo,
Lita



Lita B. Dahilig

Secretary

County of Maui
Office of the Mayor
808-270-7855
estrelita.b.dahilig@co.maui.hi.us