

REQUEST FOR LEGAL SERVICES

D a t e: May 21, 2026
F r o m: Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Nāhulu Nunokawa, Esq.

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

Background Data: Please see attached proposed Bill 78, CD1 (2026) that was distributed at the May 20, 2026, Committee meeting. Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-12.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u>)
---	---

ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 1, 2026
REASON: For the June 3, 2026, HLU Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

hlu:ltr:012acc02:jgk

Attachment

ORDINANCE NO. _____

BILL NO. **78, CD1** (2026)

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. By Resolution 25-203, adopted on November 7, 2025, the Council referred to the planning commissions a proposed bill to amend Title 19, Maui County Code, 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. The bill’s amendments to Title 19 were identical to this Ordinance’s.

The Council is required under Section 46-4.8, Hawai‘i Revised Statutes, to adopt an ordinance allowing at least two accessory dwelling units on residentially zoned lots by December 31, 2026.

SECTION 2. Section 19.09.030, Maui County Code, is amended to read as follows:

“19.09.030 Permitted uses. Within the R-O zero lot line residential district, the following uses [shall be] are permitted:

- A. One single-family dwelling unit per lot[;].
- B. Accessory buildings and uses that are subordinate and customarily incidental to the single-family dwelling unit, including, but not limited to, private garages, carports, utility storage sheds [but not including], and accessory dwellings [as defined in under chapter 19.35[;].
- C. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in

dwelling units used for child care services. These facilities [shall] may serve six or fewer children at any one time on lot sizes of less than 7,500 square feet[.]; [serving] eight or fewer children at any one time on lot sizes [or] of 7,500 or more [square feet] but less than [ten thousand] 10,000 square feet[.]; or [serving twelve] 12 or fewer children at any one time on lot sizes of 10,000 or more square feet[; and].

D. Home occupations.”

SECTION 3. 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 4. 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 provisions of [such] the district may be inconsistent with the provisions applicable to accessory dwellings. To the extent of [such] an inconsistency, [if any,] the accessory dwelling provisions [shall] prevail.

[C. The provisions of this] D. 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 5. 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 7,500 square feet.

2.] No more than two accessory dwellings [shall be] are permitted [on any] per lot [that is 7,500 square feet or greater.], except for rural district lots under chapter 19.29 on Molokai or Lāna‘i.

[B. Molokai: One accessory dwelling shall be permitted on a lot that is 7,500 square feet or greater.

C. Lāna‘i: One accessory dwelling shall be permitted on a lot that is 7,500 square feet or greater.]

B. On Molokai or Lāna‘i, rural district lots under chapter 19.29 are permitted to have no more than one accessory dwelling.”

SECTION 6. Section 19.35.090, Maui County Code, is amended to read as follows:

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

A. Adequacy of sewage disposal system. [This] Adequacy of the sewage disposal system will be secured in writing from the department of environmental management for public sewage systems and the State [of Hawai‘i] 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] Adequacy of fire protection for all lots served by private streets 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.

D. Adequacy of water supply. The lot must have adequate water supply.”

SECTION 7. Section 19.38.090, Maui County Code, is amended by amending Subsections A and B to read as follows:

“A. Development caps. No more than 1,250 dwellings or dwelling units, [including] excluding accessory dwelling units, [shall] may be developed at the Maui Research & Technology Park. No more than 500 hotel rooms may be developed at the Maui Research & Technology Park. The maximum total new non-residential build-up area [shall be] is 2,000,000 square feet, excluding the 180,000 square feet currently existing. The maximum total general merchandising build-up area [shall be] is 100,000 square feet, excluding hotels, eating and drinking establishments, and home-based businesses. The maximum combined general merchandising and eating and drinking establishments build-up area per area for A, B, D, and E, as identified on the controlling plan, [shall be] is 12,000 square feet.

B. Accessory dwellings. An accessory dwelling may be part of the main dwelling, attached to or above a garage, or a separate building on single family lots. The maximum gross floor area of an accessory dwelling [shall be] is 600 square feet. An accessory dwelling [shall] must have at least one separate entrance and [shall] must not have an interior connection to the main dwelling. No more than [one] two accessory [dwelling shall be] dwellings are permitted on a single lot regardless of the size of the lot.”

SECTION 8. 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] 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.

[G.] H. Special uses: The following are declared special uses, and [approval of the] planning commission [shall] approval 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] Residential-planned developments[.].
7. Neighborhood commercial facilities.”

SECTION 9. Section 19.73.030, Maui County Code, is amended by amending Subsection A to read as follows:

“A. Permitted [Uses] 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] 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 10. Section 19.73.040, Maui County Code, is amended by amending Subsection A to read as follows:

“A. Permitted [Uses] 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] Single-family detached dwellings[; and], including accessory dwellings under chapter 19.35.

- 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] except 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 11. 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 12. 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 13. 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] 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] uses and structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal [use:] uses:

(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] at least 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, 8,000 square feet[;].

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

iii. Minimum building setbacks:

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

(B) Side yard, [6] six feet for single-story, 15 feet for two stories[,].

(C) Rear yard, [6] six feet for single-story, 15 feet for two stories[;].

iv. Maximum building height, two stories [not exceeding] up to 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] 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] 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] uses and structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal [use:] 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 4] at least four feet in height[;].
 - (B) Borders, up to three borders 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, 5,000 square feet[;].

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

iii. Minimum building setbacks:

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

(B) Side yard, [6] six feet, 10 feet for second stories[;].

(C) Rear yard, [6] six feet, 10 feet for second stories[;].

iv. Maximum building height, two stories, [not to exceed thirty] up to 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] 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] 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] uses and structures. The following uses [shall be] are clearly incidental to and customarily found in connection with the principal [use:] 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 4] at least four feet in height[;].

(B) Borders, up to three borders 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, 3,000 square feet[;].

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

iii. Minimum building setbacks:

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

(B) Side yard, [5] 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 10 feet; common walls built on property lines must be constructed of masonry or of equal fire and sound retardant material[;].

- (C) Rear yard, [5] five feet, 10 feet for second stories[;].
 - iv. Maximum building height, two stories, [not to exceed] up to 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] 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] 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] 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 4] at least four feet in height[;].
 - (B) Borders, up to three borders 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, 10,000 square feet[;].
- ii. Minimum average lot width, 70 feet[;].
- iii. Minimum building setbacks:
 - (A) Front yard, 15 feet[;].
 - (B) Side yard, 10 feet[;].
 - (C) Rear yard, 15 feet[;].
- iv. Maximum building height, two stories, [not to exceed] up to 30 feet[;].
- v. Maximum overall density, 25 units per acre.

c. Special [Uses] 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]."

SECTION 14. Section 19.78.051, Maui County Code, is amended to read as follows:

“19.78.051 Village mixed use PD-WK/1. 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] 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] 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] 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] fire- and [sound retardant] 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] up to 30 feet, for single-family and two-family dwellings; three stories, [not to exceed forty-five] up to 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] 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] if it is within an enclosed building[; and].
 - xxx. Utility facilities, minor.

b. Accessory [Uses and Structures] 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. Outdoor storage yards that are ancillary to a permitted principal use, [provided] if 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.
 - xi. Accessory dwellings under chapter 19.35.
- c. Special [Uses] 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~~] fire- and [~~sound retardant~~] 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~~] up to 30 feet for single-family and two-family dwellings; three stories, [~~not to exceed forty-eight~~] up to 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 15. 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 Piihana project district:

1. [Single-Family] Single-family SF-5
[Subdistrict] subdistrict.

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

i. Principal [Uses and Structures] uses and structures:

(A) Single-family 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 Hawai'i 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] 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:], 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] at least 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] uses. The following uses [shall be] are special uses, which require [the] planning commission approval [of the Maui planning commission]:

(A) Churches[;].

(B) Care [home] homes and centers [which] that provide care for more than six children [and] 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 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-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] must 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]~~, up to 30 feet in height~~[;]~~.

v. Maximum lot coverage ratio, 0.5~~[; and]~~.

vi. Maximum overall density, seven units per acre.

2. ~~[Single-Family]~~ Single-family SF-3 ~~[Subdistrict]~~ subdistrict.

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

i. Principal ~~[Uses and Structures]~~ 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 Hawai'i 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]~~ 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:],
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] at
least 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] uses. The
following uses [shall be] are special uses,
which require [the] planning commission
approval [of the Maui planning
commission]:

(A) Churches[;].

(B) Care [home] homes and
centers [which] that provide care for
more than six children [and] 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
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] 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] up to 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] uses. Within the multifamily residential MF subdistrict, the permitted uses [shall be as follows:] are:

i. Principal [Uses and Structures] 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, roominghouses, and lodginghouses.

ii. Accessory [Uses and Structures] 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:], including:

(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[;].

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

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

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

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

SECTION 16. 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] Single-family SF-7 [Subdistrict] subdistrict.

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

i. Principal [Uses and Structures] 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 Hawai'i 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] 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:], 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] at least 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] 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 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-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] must 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] 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], up to 30 feet [in height;].

v. Maximum lot coverage ratio, 0.5[; and].

vi. Maximum overall density, five units per acre.

2. [Single-Family] Single-family SF-5 [Subdistrict] subdistrict.

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

i. Principal [Uses and Structures] 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] are approved by the appropriate State [of Hawai'i 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] 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:], 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] at least 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] 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 [and] 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 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] must 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]~~, up to 30 feet ~~[in height]~~;

v. Maximum lot coverage ratio, 0.5~~;~~ and~~]~~.

vi. Maximum overall density, seven units per acre.

3. ~~[Single-Family]~~ Single-family SF-3 ~~[Subdistrict]~~ subdistrict.

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

i. Principal ~~[Uses and Structures]~~ 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 Hawai'i 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]~~ 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:], 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] at least 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] 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 [and] 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 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] 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], up to 30 feet[;].

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

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

4. Multifamily Residential MF [Subdistrict] subdistrict.

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

i. Principal [Uses and Structures] 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~~ 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:]~~, including:

(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~~;~~.

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, three stories ~~[not to exceed thirty-five]~~, up to 35 feet ~~[in height]~~;

v. Maximum lot coverage ratio, 0.25~~;~~.

vi. Maximum floor area ratio, 0.5~~;~~ and~~].~~

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

SECTION 17. Section 19.84.040, Maui County Code, is amended to read as follows:

“19.84.040 Development standards. All applications for a zero lot line overlay district development ~~[shall]~~ must comply with the following applicable development standards:

A. Land ~~[Area]~~ area. The land area for a zero lot line overlay district development ~~[shall]~~ must not be ~~[not]~~ less than one acre ~~[and not]~~ or greater than ~~[twenty-five]~~ 25 acres.

B. Uses ~~[Permitted]~~ permitted. One single-family detached dwelling unit on a zoning lot, including every customary accessory use not inconsistent ~~[therewith, shall be]~~ with the dwelling unit, is 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-O lot line overlay district and may be permitted with the approval of the planning commission ~~[pursuant to]~~ under the county special use permit application procedures.

C. Minimum ~~[Lot Area]~~ lot area.

1. The minimum lot area ~~[shall]~~ must be based on no more than eight units per acre for parcels zoned R-1 residential, ~~[provided]~~ except that the minimum lot area for each zero lot line lot ~~[shall be]~~ is ~~[three thousand]~~ 3,000 square feet[;].

2. The minimum lot area ~~[shall]~~ must be based on no more than seven units per acre for parcels zoned R-2 residential, ~~[provided]~~ except that the minimum lot area for each zero lot line lot ~~[shall be]~~ is ~~[three thousand five hundred]~~ 3,500 square feet[;].

3. The minimum lot area ~~[shall]~~ must be based on no more than five units per acre for parcels zoned R-3 residential, ~~[provided]~~ except that the minimum lot area for each zero lot line lot ~~[shall be four thousand]~~ is 4,000 square feet.

D. Lot ~~[Width]~~ width.

1. The minimum lot width for lots ~~[which]~~ that meet the minimum lot area requirement ~~[shall be thirty-five]~~ is 35 feet, ~~[provided]~~ except that any lot ~~[which is]~~ equal to or greater than the minimum lot area of the underlying zoning ~~[shall]~~ must comply with the lot width requirements of the underlying zoning district.

E. Setback ~~[Lines and Yard Requirements]~~ lines and yard requirements.

1. Front ~~[Setback Line]~~ setback line. A lot with frontage which abuts a public street ~~[shall]~~ must have a setback line from the front lot line of ~~[ten]~~ 10 feet[;].

2. Access ~~[Yard Setback Line]~~ yard setback line. There ~~[shall]~~ must be an access yard setback line of ~~[fifteen]~~ 15 feet[;].

3. Zero ~~[Lot Line]~~ lot line. Not more than one zero lot line ~~[shall be]~~ is permitted ~~[in accordance with the standards established in]~~ under this chapter; ~~[provided]~~ except that no other zero lot line ~~[shall be]~~ is permitted to allow two private garages or carports on two abutting lots to adjoin[;].

- 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 19. Section 19.96.050, Maui County Code, is amended to read as follows:

"19.96.050 Minimum and maximum number of residential units and commercial space. A. At buildout, the minimum number of dwelling units within the Waikapu country town [shall] must be [one thousand three hundred twenty-six,] 1,326, unless the owner demonstrates that it is not feasible to build the minimum number of units. The maximum number of dwelling units is [one thousand four hundred thirty-three, plus up to an additional one hundred forty-six] 1,433, excluding accessory dwellings.

[B. The maximum number of accessory dwellings is one hundred forty-six.

C]. B. The maximum number of rural lots is [eighty.] 80.

[D.] C. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town [shall not] must not be less than 25 percent or more than 50 percent of the total number of permitted non-accessory dwellings.

[E.] D. The maximum amount of commercial, retail, and employment space within the Waikapu country town [shall] must not exceed 200,000 square feet of floor area."

SECTION 20. Section 19.96.100, Maui County Code, is amended by amending Subsection B to read as follows:

“B. Within the residential and rural districts, the land uses identified in table 2B [shall either be] are principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use [shall require] requires the issuance of a special use permit.

Table 2B: Residential use table		
Land use type	Zoning Districts	
	Residential	Rural
Assembly area ¹	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse ²	P	P
Civic space	P	P
Day care facility ³	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
[Lodging house] <u>Lodginghouse</u>	P	
Riding academy		SU
Recreation, open land ⁴		P

Park	P	P
Parking area, public	P	
Education, general	P	
Education, specialized	P	
Recreation, passive	P	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU
Home business ⁵	AU	AU
Accessory dwelling ⁶	AU	AU
Open space	AU	AU
Accessory building or structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
<ol style="list-style-type: none"> 1. Uses [shall be] <u>are</u> limited to community centers, neighborhood associations, and other similar neighborhood type uses. 2. [Shall] <u>Must</u> not have more than [5] <u>five</u> bedrooms and not more than [5] <u>five</u> boarders. 3. For facilities serving more than [6] <u>six</u> persons. 4. As defined in section 19.04.040. 5. [Shall be subject] <u>Subject</u> to chapter 19.67. 6. [Shall] <u>Must</u> comply with [the provisions of Maui County code] chapter 19.35. [The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.] 		

”

SECTION 21. 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 22. This Ordinance takes effect on approval.

hlu:misc:012abill02:jgk

INTRODUCED BY:



ALICE L. LEE

HLU Committee

From: HLU Committee
Sent: Thursday, May 21, 2026 3:21 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: HLU Committee
Subject: OCS - HLU - re: Bill 78 (2026) Amending Title 19, Maui County Code, on Accessory Dwellings on Residentially Zoned Lots (HLU-12)
Attachments: 012acc02.pdf
Categories: Processed

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair U‘u-Hodgins, dated 05/21/2026, regarding the above-referenced matter.

Mahalo,
HLU Committee Staff