

4. An exemption from Section 18.16.220, MCC, Lots Size and Shape, shall be granted to allow *Lot Sizes, Widths, Shapes, and Orientation, and Minimum Building Setback Lines*, within the Project that are not consistent with, and not in conformance with the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
5. An exemption from Section 18.16.230, MCC, Lots — Minimum Sizes, shall be granted to allow Lot Sizes within the Project that are *not consistent with, and not in conformance with* the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
6. An exemption from Sections 18.20.040 and 18.20.080, MCC, as they relate to the *Urban Standards for Curbs, Gutters*, shall be granted for the portions of the Project adjacent to Waiale Road (Please refer to Exhibit 1- Typical Section of Waiale Road).
7. An exemption from Section 18.20.070, MCC, Sidewalks, shall be granted to allow the following exemptions as it relates to the *Construction of Sidewalks* along the Internal Subdivision Roadways A, B, C, and D (Please refer to Exhibits 2 and 3 — Typical Sections of proposed Internal Roadways).
 - **Roadway A** — Four (4) foot wide Concrete Sidewalks will be provided on both sides of portions of *Roadway A*; and the *Sidewalks will be in compliance with applicable Americans with Disabilities Act ("ADA ") requirements*.
 - **Roadway B** — Five (5) foot wide Concrete Sidewalks will be provided on one side of portions of *Roadway B*; and the *Sidewalks will be in compliance with all ADA requirements*.
 - **Roadways C and D** — The Project is exempt from constructing *Sidewalks on both sides of the Internal Subdivision Roadways C and D*.
8. An exemption from Chapter 18.40, MCC, Guidelines for Acceptance, shall be granted to allow the County to accept the subdivision roadways and utilities located within the subdivision roadways based on the exemptions granted herein, including but not limited to, exemption C.1 relating to the standards and specifications of driveways.

G. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19.31, MCC, Public/Quasi-Public District, shall be granted to permit the development and use of the subject parcel for single-family and two-family (duplex) residential purposes. Permitted uses shall be based on Chapter 19.08, MCC, Residential District, and Chapter 19.10, MCC, Two-family (Duplex) District. The Project shall be exempt from all Development Design Standards set forth in Chapter 19.31, MCC. Further, this exemption shall allow the subdivision of the property in the plat configuration as generally shown in the Project Site Plan and Exhibit 4. The following Zoning Standards shall apply to the Project:

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 from Chair Carole

PERMITTED USES: *Single-Family and Two-Family (Duplex) Residential Units, as well as accessory buildings located on the same lot, the use of which is customary, incidental, usual, and necessary to that of the main building or to the use of the land*; provided that *Bed and Breakfast Homes and Short-Term Rental Homes shall not be permitted.*

MINIMUM LOT SIZE: 3,000 Square feet

MAXIMUM HEIGHT: No building shall exceed two (2) stories or thirty (30) feet in height.

MINIMUM LOT WIDTH: Forty (40) feet

- YARDS (BUILDING SETBACKS): Yards (building setbacks) to be as follows:
 - SINGLE-FAMILY AND TWO-FAMILY (DUPLEX) DWELLINGS:
 - Front Yard: Ten (10) feet minimum
 - Side Yard: Single-story is six (6) feet minimum; and two-story is ten (10) feet minimum; exterior stairs and landing decks accessing second story duplex units may extend to within (6) feet of the side yard property line on one side only.
 - Rear Yard: Fifteen (15) feet minimum
 - GARAGES AND CARPORTS:
 - Front Yard: Zero (0) feet – lot line
 - Side Yard: Zero (0) feet – lot line
 - Rear Yard: Zero (0) feet – lot line

and as shown in Exhibit 4.

- TOTAL NUMBER OF RESIDENTIAL LOTS IN PROJECT:
 - Single-Family Lots: 68 lots
 - Two-Family (Duplex) Lots: 6 lots
 - Total Lots: 74 lots
- TOTAL NUMBER OF UNITS IN PROJECT:
 - Single-Family Units: 68 units
 - Two-Family (Duplex) Units: 12 units
 - Total Units: 80 units

H. EXEMPTIONS PURSUANT TO MAUI COUNTY CODE REGARDING PROJECTS COMPRISED OF 100 PERCENT RESIDENTIAL WORKFORCE HOUSING UNITS

1. Section 12.08.050(D), MCC, as it pertains to *Driveway Permit Fees*.
2. Section 14.12.030, MCC, as it pertains to *Water Availability*.

19.08.020 - Permitted uses.

Within residential districts, the following uses shall be permitted:

- A. Single-family dwellings.
- B. Greenhouses, flower and truck gardens, and nurseries; provided that there shall be no retailing or transacting of business on the premises, except as provided in chapter 19.67 of this title.
- C. Parks and playgrounds, noncommercial; certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground.
- D. Elementary, intermediate, and high schools, and colleges, publicly or privately owned, which may include on-campus dormitories.
- E. Buildings or premises used by the federal, State, or County governments for public purposes.
- F. Accessory buildings located on the same lot, the use of which is customary, incidental, usual, and necessary to that of the main building or to the use of the land.
- G. An accessory dwelling where the area of the lot on which the main house is located is seven thousand five hundred square feet or more. Chapter 19.35 of this title, pertaining to accessory dwellings, shall be applicable to any accessory dwelling.
- H. 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 private homes used for child care services. These facilities shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand square feet, or twelve or fewer children at any one time on lot sizes of ten thousand or more square feet.
- I. Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title.
- J. Home businesses, subject to the provisions of chapter 19.67 of this title.
- K. Short-term rental homes, subject to the provisions of chapter 19.65 of this title.

(Ord. No. 4168, § 3, 2014; Ord. No. 3941, § 4, 2012; Ord. No. 3622, § 1, 2009; Ord. 2628 § 1, 1997; Ord. 2609 § 3, 1997; Ord. 2585 § 1, 1997; Ord. 2030 § 3, 1991; Ord. 1956 § 1, 1990; Ord. 1269 § 6, 1982; prior code § 8-1.4(b))

19.10.020 - Permitted uses.

Within the duplex district, no building, structure or premises shall be used and no building or structure shall hereafter be erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

- A. Any use permitted and as regulated in the R-1, R-2 and R-3 single-family districts;
and
- B. Two-family dwelling (duplex).

(Ord. No. 4077, § 1, 2013; Prior code § 8-1.5(b))