



# **Bill 103 - Proposed Ordinance to Increase Density in Residential Districts**



**Disaster Recovery, International Affairs, and  
Planning Committee**

**County of Maui**

**February 19, 2025**



# Background: Purpose

## ► **Issues:**

- Limited supply of available housing units in Maui County
- Rental and for-sale market housing is cost prohibitive for many residents
- August 2023 wildfires have impacted housing supply and cost
- Title 19 (Zoning Code) Re-write project - timeline

## ► **Purpose of Bill/Ordinance:**

- Expand housing opportunities and affordability in Maui County by increasing allowable density in the Residential Zoning Districts



# Background: Housing Policy

- ▶ **General Plan 2030 Countywide Policy Plan:**

- ▶ Policy E.1.a. *Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.*
- ▶ Policy E.1.b. **Seek innovative ways to lower housing costs** without compromising the quality of our island lifestyle.
- ▶ Policy E.2. *Implementing Action a. **Revise laws to support neighborhood designs that incorporate a mix of housing types** that are appropriate for island living.*
- ▶ Policy E.3.a. *Recognize housing as a basic human need, and work to fulfill that need.*



# Background: Housing Policy

- ▶ **Maui Island Plan**

- ▶ Policy 5.1.1.e. Use planning and regulatory approaches to provide higher housing densities.
- ▶ 5.1.1-Action 1. Amend development codes to facilitate different types of housing, including mixed use, mixed housing types, clustering, and conservation subdivisions.
- ▶ 5.1.2.b. Utilize the following approaches to promote resident housing and to minimize offshore market impacts: (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, Ohana units, co-housing, cottage houses, etc.); (2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents.



# Background: Housing Policy

## ► Community Plans

### ► West Maui Community Plan

- 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.
- 2.5.16: Increase the inventory of long-term housing units, whether owner-occupied or long-term rental, and whether single-family or multi-family.

### ► Kihei-Makena Community Plan

- Housing and Urban Design Implementing Action b: Explore modifying zoning, building and subdivision codes to incorporate minimum lot sizes, compact parking ratios, and roadway and utility standards which meet resident needs but which may depart from customary urban standards, in an effort to reduce development and housing costs.

### ► Paia – Haiku Community Plan

- Housing Objectives and Policies 2. Expand the inventory of affordable housing. Provide a variety of affordable housing opportunities, including improved lots and self-help projects, and provide for special needs, including the elderly, single parent families and the disabled. Encourage public sector projects, government programs, public/private joint efforts, and other assistance programs to reduce costs and increase the availability of affordable and gap-group housing projects.



# Background: Housing Policy

- ▶ **Community Plans (continued)**

- ▶ **Wailuku – Kahului Community Plan**

- ▶ *Housing Implementation Action 3: Develop programs to encourage housing rehabilitation in older residential areas. This would designate target areas where low interest loans, grants and flexible code regulations not related to public health, safety and welfare would be available to homeowners.*

- ▶ **Makawao – Pukalani – Kula Community Plan**

- ▶ *Housing Objectives and Policies 2: Provide increased opportunities for affordable housing through: Coordinated government assistance programs including the Department of Hawaiian Home Lands. Provision of variable housing densities in areas designated for residential use. Encourage housing rehabilitation through programs offering loans, grants, and/or technical assistance and community outreach.*
    - ▶ *Housing Objectives and Policies 3: Provide a mixture of housing types, smaller lot sizes, and coordinated assistance programs aimed at lowering housing costs and expanding housing opportunities.*
    - ▶ *Government Implementation Action 3: Explore modifications to building and subdivision codes and standards such as minimum lot sizes, and compact parking ratios which will reduce the ultimate cost of housing.*



# Background: Housing Policy

## ► Community Plans (continued)

### ► Hana Community Plan

- Housing Goal: The provision of housing opportunities to the residents of Hana, for all income and age groups, which are affordable, safe, and environmentally and culturally compatible.

### ► Lana'i Community Plan

- Housing Issue 3 and Strategy 3: There is a lack of housing choices at different price levels and housing sizes. Encourage new development to include a variety of lot sizes, housing types, tenures and price points that accommodate the full spectrum of household compositions, life stages (i.e. single, married, with children, multigenerational, etc.), and income levels. Ensuring housing variety on Lana'i will increase residents' ability to remain on the island when family or economic circumstances change. Housing types include small and large single-family detached homes, 'Ohana dwelling units, duplexes, town homes, multifamily building, and live-work units.
- Housing Policy 5: Encourage development of a mix of quality multifamily and single-family housing units to expand housing choices and price points.
- Housing Policy 6: Support opportunities for multigenerational housing and efficient use of existing infrastructure through the development of Ohana units on Lana'i.
- Housing Action 11.03: Amend zoning codes to allow a greater variety of housing types, including mixed-use, mixed housing types, co-housing, prefabricated homes, and small lots.



# Background: Housing Policy

- ▶ **Community Plans (continued)**

- ▶ **Moloka'i**

- ▶ B. Housing Issues:

- ▶ Issue 1: There is a need for more affordable housing and affordable residential building sites.

- ▶ Issue 2: There is a lack of housing choices. Including ownership and rental, at different price levels and housing sizes.

- ▶ Housing Policy 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 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.

# Proposed Code Amendment

## Existing and Proposed Density

District	Existing Density (1)(2)	Proposed Density (2)
R-1	1 dwelling unit/6,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-2	1 dwelling unit/7,500 square feet of lot area	1 dwelling unit/2,500 square feet of lot area
R-3	1 dwelling unit/10,000 square feet of lot area	1 dwelling unit/2,500 square feet of lot area

Notes: (1) Duplex allowed with SUP. (2) Maui = 1 ADU allowed for lots less than 7,500 square feet and 2 ADUs for lots 7,500 square feet and greater. Lanai/Molokai = 1 ADU allowed for lots 7,500 square feet and greater.

## Existing and Proposed – Maximum Number of Dwelling Units

District	Lot Size	Existing Code – Maximum Number of dwelling units (du) permitted	Proposed Code – Maximum Number of dwelling units (du) permitted
R-1	6,000 sq. ft.	Maui = 1 du and 1 ADU Lanai/Molokai = 1 du	Maui = 2 du and 1 ADU Lanai/Molokai = 2 du
R-2	7,500 sq. ft.	Maui = 1 du and 2 ADUs Lanai/Molokai = 1 du and 1 ADU	Maui = 3 du and 2 ADUs Lanai/Molokai = 3 du and 1 ADU
R-3	10,000 sq. ft.	Maui = 1 du and 2 ADUs Lanai/Molokai = 1 du and 1 ADU	Maui = 4 du and 2 ADUs Lanai/Molokai = 4 du and 1 ADU

# Proposed Code Amendment + Act 39

- ▶ **State Act 39 – Signed into State Law on May 28, 2024**
  - ▶ Allows for 2 ADUs per residentially zoned lot
  - ▶ Requires counties to adopt an ordinance prior to December 31, 2026
  - ▶ August 27, 2024, Council referred matter to HLU Committee
- ▶ **Existing and Proposed + Act 39 – Maximum Number of Dwelling Units**

<b>Maui</b>				
<b>District</b>	<b>Min. Lot Size</b>	<b>Existing Code - # of DU</b>	<b>Existing Code + Act 39 # of DU</b>	<b>Bill 103 + Act 39 # of DU</b>
R-1	6,000 sf	1 du + 1 ADU	1 du + 2 ADU	2 du + 2 ADU
R-2	7,500 sf	1 du + 2 ADU	1 du + 2 ADU	3 du + 2 ADU
R-3	10,000 sf	1 du + 2 ADU	1 du + 2 ADU	4 du + 2 ADU

<b>Lanai</b>				
<b>District</b>	<b>Min. Lot Size</b>	<b>Existing Code # of DU</b>	<b>Existing Code + Act 39 # of DU</b>	<b>Bill 103 + Act 39 # of DU</b>
R-1	6,000 sf	1 du	1 du + 2 ADU	2 du + 2 ADU
R-2	7,500 sf	1 du + 1 ADU	1 du + 2 ADU	3 du + 2 ADU
R-3	10,000 sf	1 du + 1 ADU	1 du + 2 ADU	4 du + 2 ADU

<b>Molokai</b>				
<b>District</b>	<b>Min. Lot Size</b>	<b>Existing Code # of DU</b>	<b>Existing Code + Act 39 # of DU</b>	<b>Bill 103 + Act 39 # of DU</b>
R-1	6,000 sf	1 du	1 du + 2 ADU	2 du + 2 ADU
R-2	7,500 sf	1 du + 1 ADU	1 du + 2 ADU	3 du + 2 ADU
R-3	10,000 sf	1 du + 1 ADU	1 du + 2 ADU	4 du + 2 ADU

# Proposed Code Amendment

## ► Results/Expectations:

- Mostly affecting Maui

Zoning District	Maui	Lanai	Molokai
R-1	4,139 lots	914 lots	0 lots
R-2	7,782 lots	74 lots	1 lot
R-3	6,189 lots	12 lots	15 lots

- Increase number of rental and for-sale units countywide - smaller and more affordable
- Address extended family or multi-generational needs
- Varying structure types in existing neighborhoods: Single-family, Duplex, Triplex and Fourplex
- Will not result in more short-term rentals as they are still restricted in number per Com. Plan
- Development of additional units will occur over time due to construction costs limiting existing property owners from moving forward (Lahaina will have immediate benefit).
- Development standards (setbacks, impervious surface requirement, parking, etc.), infrastructure availability (water and wastewater), and Building/Fire requirements will control number and type of units a lot can support



# Planning Commission Recommendations

- ▶ **Lānaʻi Planning Commission Meeting:** February 21, 2024: Recommended approval.
- ▶ **Maui Planning Commission Meeting:** February 27, 2024: Recommend approval.
- ▶ **Molokaʻi Planning Commission Meeting:** March 13, 2024: The Commission voted to recommend approval of the proposed bill with an amendment that would exclude Molokaʻi unless an amendment added to require additional homes to be affordable in perpetuity.

## **DRIP Committee**

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**From:** Gregory J. Pfof <Gregory.J.Pfof@co.maui.hi.us>  
**Sent:** Tuesday, February 18, 2025 2:16 PM  
**To:** DRIP Committee  
**Subject:** PPT Presentation for Bill 103  
**Attachments:** CC Presentation Bill 103 19.08 Residential Density Legislation.pptx

Aloha-

Please find attached the PowerPoint presentation that I plan to go over during the DRIP Committee's review of Bill 103 at tomorrow's meeting.

Mahalo,

-Greg.

**Gregory Pfof, AICP**

Administrative Planning Officer

Planning Department, ZAED

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