

REQUEST FOR LEGAL SERVICES

Date: May 13, 2026
From: Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee

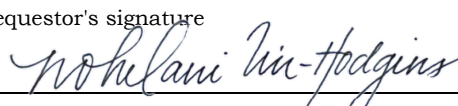
TRANSMITTAL

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). 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 or Carla Nakata</u> (Telephone Extension: <u>7761 or 5519, respectively</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): May 19, 2026
REASON: For the May 20, 2026, HLU Committee meeting.

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:012acc01: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.

Under Section 8-8.6(2), Revised Charter of the County of Maui (1983), as amended, the Council may pass a land use ordinance without a planning commission’s report, if the reporting period has expired, by an affirmative vote of at least two-thirds of the Council’s membership. The 120-day period to receive the planning commissions’ report expired on March 7, 2026.

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) 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, [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 Piihana 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, roominghouses, and lodginghouses.
 - 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

hlu:misc:012abill01:jgk

INTRODUCED BY:



ALICE L. LEE

HLU Committee

From: HLU Committee
Sent: Wednesday, May 13, 2026 2:18 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: HLU Committee; Carla M. Nakata; James G. Krueger
Subject: OCS - HLU - re: Bill 78 (2026) Amending Title 19, Maui County Code, on Accessory Dwellings on Residentially Zoned Lots (HLU-12)
Attachments: 012acc01.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair U‘u-Hodgins, dated 05/13/2026, regarding the above-referenced matter.

Mahalo,
HLU Committee Staff