ORDINANCE NO. _____

BILL NO. 27 (2026)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35, MAUI COUNTY CODE, ON THE SIZE OF ACCESSORY DWELLINGS

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

SECTION 1. The Council finds that one approach to addressing the housing shortage is to allow property owners the flexibility to maximize the potential living area in accessory dwellings. Accordingly, this Ordinance's purpose is to standardize the allowable size of accessory dwellings and associated decks and similar structures for lots that are smaller than one-half acre.

By Resolution 25-142, adopted on July 8, 2025, the Council referred to the planning commissions a proposed bill to amend Chapter 19.35, Maui County Code, on the size of accessory dwellings. The bill's amendments to Chapter 19.35 were identical to this Ordinance's.

The Lāna'i and Molokai planning commissions considered the proposed bill on September 17, 2025, and September 24, 2025, respectively, and recommended the Council approve the bill. The Maui Planning Commission listed the bill on its September 23, 2025, October 28, 2025, January 13, 2026, and January 27, 2026, meeting agendas but did not approve comments or recommendations.

Resolution 25-142 was delivered by correspondence dated July 10, 2025, to the Chair of the Maui Planning Commission. The 120-day period for the Maui Planning Commission to report to the Council on the amendments to Chapter 19.35 expired on November 7, 2025. Under Section 8-8.6(2) of the Revised Charter of the County of Maui (1983), as amended, the Council may pass a bill for 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 its membership.

SECTION 2. Section 19.35.020, Maui County Code, is amended to read as follows:

"**19.35.020 Maximum gross covered floor area.** The maximum gross covered floor area of an accessory dwelling [shall be determined as follows:] is:

Lot Area (in square feet)	**Maximum Gross Covered Floor Area (in square feet)**
[Up to 7,499]	[500]
[7,500 to 9,999]	[600]
[10,000] Up to 21,779	720
21,780 to 43,559	840
43,560 to 87,119	960
87,120 or more	1,200

For purposes of this section, "covered floor area" includes [any] covered storage[; excludes carports, parking spaces, and garages (including areas therein that contain laundry facilities and utility equipment such as water heaters);] and covered walkways or landings up to [four-feet] four feet wide under eaves or overhangs that are not part of an uncovered open deck, patio, lanai, or similar structure. "Covered floor area" excludes carports, parking spaces, and garages, and areas within carports, parking spaces, and garages that contain laundry facilities and utility equipment such as water heaters."

SECTION 3. Section 19.35.060, Maui County Code, is amended to read as follows:

"**19.35.060 Maximum cumulative floor area of decks or similar structures.** An accessory dwelling may have decks, walkways, patios, lanais, or similar structures[, subject to the following:] if:

A. Uncovered open decks, walkways, patios, lanais, or similar structures [shall] do not exceed the following respective cumulative [total] floor areas:

Lot Area (in square feet)	Maximum Cumulative Floor Area (in square feet)
[Up to 7,499]	[200]
[7,500 to 9,999]	[240]
[10,000] Up to 21,779	280
21,780 to 43,559	320
43,560 to 87,119	360
87,120 or more	400

B. Covered decks, walkways, patios, lanais, or similar structures [shall] do not exceed the following respective cumulative [total] floor areas:

Lot Area (in square feet)	Maximum Cumulative Floor Area (in square feet)
[Up to 7,499]	[200]
[7,500 to 9,999]	[240]
[10,000] Up to 21,779	280
21,780 to 43,559	320
43,560 to 87,119	360
87,120 or more	400

For purposes of this subsection, "cumulative floor area" excludes covered walkways or landings up to four feet wide under eaves or overhangs that are not part of a deck, patio, lanai, or similar structure."

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel
County of Maui

paf:cmn:26-047a

INTRODUCED BY:

Tamara A.M. Paltin

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