

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 RELATING TO
ACCESSORY DWELLINGS

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

SECTION 1. The purpose of this section is to allow the creation of accessory dwellings on property of 6,000 square feet or greater for purposes of providing affordable housing. The county is in critical need of affordable housing and this section will enhance and encourage the use of accessory dwellings to address the needs of our working families that can not afford market rate rental units.

“Chapter 19.35

ACCESSORY DWELLINGS

SECTION 2. Section 19.35.20, Maui County Code is amended to read as follows:

19.35.020 Maximum gross floor area.

A. The maximum gross floor area of an accessory dwelling shall be determined as follows:

Lot Area (in sq. ft.)	Maximum Gross Covered Floor Area*
<u>6,000 to 7,499</u>	<u>500 square feet</u>
7,500 to 9,999	<u>600</u> [500] square feet
10,000 to 21,779	<u>700</u> [600] square feet
21,780 to 43,559	<u>800</u> [700] square feet
43,560 to 87,119	<u>900</u> [800] square feet
87,120 or more	1000 square feet

* (Including any storage, covered decks, walkways, patios, lanais and similar structures but excluding a carport or parking space).

SECTION 3. Chapter 19.35, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

19.35.025 Maximum lot coverage and floor area ratio.

A. The maximum lot coverage shall not exceed twenty five percent and the floor area ratio shall not exceed fifty percent of lot size.

19.35.110 Affordable accessory dwellings. A. Affordable accessory dwellings will be permitted where the area of the lot on which the main house is located is 6,000 square feet or more, provided that the units will be built to accommodate immediate family members, related to the applicant by blood, adoption or marriage: spouse, children, brothers and sisters; or individuals of very low to gap income as described in section 2.96.020 of this code.

B. Deed restrictions

1. The accessory dwelling must remain affordable for the life of the unit,

2. The owner must notify the Director of the Department of Housing and Human Concerns upon a decision to sell the property,

3. Any new owner must comply with the deed restriction.

C. Rental Rates. The monthly rental rates shall be set by the Department of Housing and Human Concerns based on HUD income limits.

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 Material to be repealed is bracketed.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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

CM:MHP:accessory_dwllgs_bill03:grs