

# Resolution

No. \_\_\_\_\_

REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.37.010, MAUI COUNTY CODE, RELATING TO TIME SHARE UNITS AND TIME SHARE PLANS

WHEREAS, the Council is considering a proposed bill to amend Section 19.37.010, Maui County Code, to prohibit any new time share units or time share plans in the Hotel District and Service Business Residential District; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.37.010, MAUI COUNTY CODE, RELATING TO TIME SHARE UNITS AND TIME SHARE PLANS," a copy of which is attached hereto as Exhibit "A" and made a part hereof, to the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it respectfully requests that the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission transmit their respective findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel  
County of Maui

**MICHAEL J. HOPPER**

paf:kcw:11-112d

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.37.010, MAUI COUNTY CODE, RELATING TO TIME SHARE UNITS AND TIME SHARE PLANS

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

SECTION 1. Section 19.37.010, Maui County Code, is amended to read as follows:

**"19.37.010 Geographic restrictions.** A. Except as provided in this section, time share units and time share plans are prohibited. Transient vacation rentals are prohibited, excluding bed and breakfast homes permitted under chapter 19.64 of this title, short-term rental homes permitted under chapter 19.65 of this title, transient vacation rental units permitted by a conditional permit under chapter 19.40 of this title, and hotels that are permitted based on the applicable zoning in the comprehensive zoning ordinance.

B. Existing time share units, time share plans, and transient vacation rentals that were operating pursuant to and under law and were registered pursuant to chapter 514E of the Hawaii Revised Statutes [as of the effective date of the ordinance codified in this section, shall not be impaired by the provisions of this section; provided that, any time share project operating under law that records in the bureau of conveyances within sixty days of the effective date of the ordinance codified in this section, a declaration in a form prescribed by the director shall be deemed exempt from this section as long as the project or apartment unit identified by the declaration continues to operate under a lawful time share plan or registration.] prior to the effective date of this ordinance shall not be impaired by the provisions of this section.

C. [Time share units, time share plans, and transient] Transient vacation rentals are allowed in the hotel district and [transient vacation rentals are allowed] as special uses in the service business residential district; provided that, such use is explicitly and prominently authorized by the project instrument. As used in this section, "project instrument" means one or more documents, including any amendments to the documents, by whatever name denominated, containing restrictions or covenants regulating the use or occupancy of a project. As used in this section, "project" means property that is subject to project instruments, including, but not limited to, condominiums and cooperative housing corporations.

**EXHIBIT A**

D. If the project in which the [time share unit, time share plan, or] transient vacation rental is to be created is not a hotel and does not contain [time share units, time share plans, or] transient vacation rentals, then the use may be approved only if it is explicitly and prominently authorized by the project instruments, or if the project instruments are amended by a vote of the unit owners as required in the project instrument to explicitly authorize [time sharing or] transient vacation rentals."

SECTION 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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