

October 3, 2014

MEMO TO: PC-49 File

F R O M: Donald G. Couch, Jr., Chair  
Planning Committee



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT  
(PC-49)**

The attached legislative proposal pertains to Item 49 on the Committee's agenda.

pc:ltr:049afile01:csh

Attachment

cc: William Spence, Planning Director  
Michael Hopper, Deputy Corporation Counsel

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

BILL NO. \_\_\_\_\_ (2014)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 19.12.020 AND 19.37.010,  
MAUI COUNTY CODE, PERTAINING TO  
TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT

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

SECTION 1. Findings and purpose. Prior to April 20, 1989, transient vacation rentals were a permitted use within the apartment district. Ordinance 1797 (1989) amended Chapter 19.12, Maui County Code, to require that buildings and structures within the apartment district be occupied on a long-term residential basis. Section 11 of Ordinance 1797 ("Section 11") states that the ordinance "shall not apply to building permits, special management area use permits, or planned development approval which were lawfully issued and valid on the effective date of this ordinance". Ordinance 1797 became effective April 20, 1989.

The purpose of this ordinance is to expressly restate the exceptions set forth in Section 11 and declare the intent of the council in enacting Ordinance 1797 was originally and is now to exclude the requirement of long-term-residential occupancy from buildings or structures having, on or before April 20, 1989, lawfully issued and valid building permits, special management area use permits, or planned development approval. Accordingly, such buildings or structures are expressly permitted to be operated as transient vacation rentals. This ordinance also amends Section 19.37.010, Maui County Code, for consistency.

SECTION 2. Section 19.12.020, Maui County Code, is amended to read as follows:

**"19.12.020 Permitted uses.** Within the A-1 and A-2 districts, the following uses shall be permitted:

- A. Any use permitted in the residential and duplex districts;
- B. Apartment houses;
- C. Boardinghouses, roominghouses, and lodginghouses;
- D. Bungalow courts;
- E. Apartment courts;
- F. Townhouses, under the provisions of conditional permit; [and]
- G. Home occupations[.]; and
- H. Transient vacation rentals in buildings and structures having building permits, special management area use permits, or planned development approvals that were lawfully issued by and valid on April 20, 1989."

SECTION 3. Section 19.37.010, Maui County Code, is amended by amending subsection A to read as follows:

"A. Except as provided in this chapter, 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, transient vacation rentals permitted under [chapter] chapters 19.12 and 19.32 of this title, and hotels that are permitted based on the applicable zoning in the comprehensive zoning ordinance."

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

pc:misc:049abill01:srg