

ORDINANCE NO. 1797

BILL NO. 11 (1989)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04,  
MAUI COUNTY CODE, PERTAINING TO  
GENERAL PROVISIONS AND CHAPTER 19.12,  
MAUI COUNTY CODE, PERTAINING TO APARTMENT DISTRICTS

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

SECTION 1. Section 19.04.150, Maui County Code, is hereby amended to read as follows:

"19.04.150 Boardinghouse. "Boardinghouse" means a building having not more than five guest rooms [where lodging] which is occupied on a long term residential basis and meals are provided for no more than five persons for compensation."

SECTION 2. Section 19.04.270, Maui County Code, is hereby amended to read as follows:

"19.04.270 Court, apartment. "Apartment court" means one or more multi-family dwellings, occupied on a long term residential basis, any of which may be more than one story in height and arranged around one or more sides of a court or place from which the court or place any dwelling unit therein has its principal means of access. [A] An apartment court shall be deemed to include those multi-family dwellings which contain the principal means of access to any dwelling unit therein from a court or place or side yard."

SECTION 3. Section 19.04.280, Maui County Code, is hereby amended to read as follows:

"19.04.280 Court, Bungalow. "Bungalow court" means two or more single-family detached dwellings occupied on a long term residential basis and arranged around one, two, or three sides of a court which open onto a street."

SECTION 4. Section 19.04.350, Maui County Code, is hereby amended to read as follows:

"19.04.350 Dwelling, apartment house. "Apartment house dwelling" means a building or portion thereof, one or more than one story in height designed for [occupancy] and occupied on a long term residential basis by three or more families living independently of each other but under one roof."

SECTION 5. Section 19.04.570, Maui County Code, is hereby amended to read as follows:

"19.04.570 Lodginghouse or roominghouse. "Lodginghouse or roominghouse" means any building or groups of buildings or portion thereof having twenty or less sleeping rooms for hire or rent [where lodging] which is occupied on a long term residential basis and meals are provided."

SECTION 6. Chapter 19.04, Maui County Code, is hereby amended by adding thereto a new section to read as follows:

"19.04.572 Long term residential or long term residential basis. "Long term residential or long term residential basis" means one or more buildings or structures which are occupied by an owner, lessee or tenant for a continuous period of six months or more per year."

SECTION 7. Section 19.12.010, Maui County Code, is hereby amended to read as follows:

"19.12.010 Generally. A. Multiple-family apartment districts are generally established outside of the high density core of the central portion of a town. It is applicable to areas where multiple-family units are indicated; yet, the areas have not reached a transitional stage wherein public, semi-public, institutional and other uses are desirable.

B. Apartment districts shall consist of two types: A-1 apartment district and A-2 apartment district.

C. Buildings and structures within the apartment district shall be occupied on a long term residential basis."

SECTION 8. Section 19.12.020, Maui County Code, is hereby amended to read as follows:

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

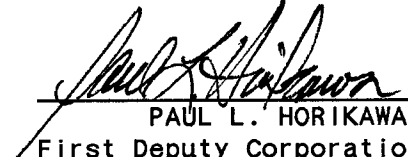
- A. Any use permitted in the residential and duplex districts;
- B. Apartment houses;
- C. Boardinghouses, roominghouses and lodginghouses;
- D. Bungalow courts;
- E. Apartment courts;
- [F. Motels;
- G.]F. Townhouses, under the provisions of conditional permit."

SECTION 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 10. 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 11. This ordinance shall take effect upon its approval; provided that this 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.

APPROVED AS TO FORM AND LEGALITY:

  
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PAUL L. HORIKAWA  
First Deputy Corporation Counsel  
County of Maui  
apart/ords/c(cs)

WE HEREBY CERTIFY that the foregoing BILL NO. 11 (19 89 )


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of April, 19 89, by the following votes:

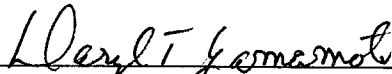
Linda CROCKETT LINGLE	Goro HOKAMA Chairman	Patrick S. KAWANO	Howard S. KIHUNE Vice-Chairman	Alice L. LEE	Ricardo MEDINA	Wayne K. NISHIKI	Velma M. SANTOS	Joe S. TANAKA
Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of April, 19 89.


DATED AT WAILUKU, MAUI, HAWAII, this 7th day of April, 1989.

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1989 APR -7 PM 2:21  
OFFICE OF THE MAYOR

  
Goro HOKAMA, CHAIRMAN  
Council of the County of Maui

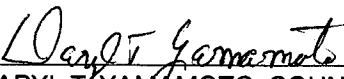
  
DARYL T. YAMAMOTO, COUNTY CLERK,  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 20th DAY OF APRIL, 1989.

  
HANNIBAL TAVARES, MAYOR,  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 1797 of the County of Maui, State of Hawaii.

Passed First Reading on March 17, 1989.  
Effective date of Ordinance April 20, 1989  
(subject to Section 11)

  
DARYL T. YAMAMOTO, COUNTY CLERK,  
County of Maui

RECEIVED  
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OFFICE OF  
THE COUNTY CLERK  
COUNTY OF MAUI

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 1797, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

\_\_\_\_\_  
County Clerk, County of Maui