

Resolution

No. 12-4

APPROVING FOR INCLUSION IN THE 2012 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TIME SHARE ZONING

WHEREAS, pursuant to §46-4, Hawaii Revised Statutes (HRS), counties are granted zoning authority within the frame work of long range and comprehensive general plans to guide development within established districts; and

WHEREAS, §514E-5 HRS restricts time share units with certain exceptions and requires that time share units be addressed consistent with hotel, resort or transient vacation rentals; and

WHEREAS, the demands and impacts of a hotel versus time share units are different on our land use, zoning and infrastructure. Therefore, time share units should not be interpreted and legislated as hotel units, as noted by §514E-5 HRS, which requires that counties legislate these uses equally; and

WHEREAS, counties throughout the State of Hawaii should have the discretion to enact far reaching and more restrictive legislation to protect their respective environs. Thus §514E-5 HRS, currently usurps county authority and repudiates home rule principles; and

WHEREAS, land use zoning policies are likely to have substantial impacts on local economic, social, and environmental conditions. Therefore, local government should retain authority on decisions about time share zoning policies to the greatest possible extent; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A", that authorizes the counties to restrict time share units and time share plans in zoning districts, if they establish a time share zoning district, is approved for inclusion in the 2012 Maui County Legislative Package;
2. That a certified copy of this resolution be transmitted to the Mayors and Council Chairs of the counties of Maui, Hawaii, Kauai and Oahu.

B. NO.

Description:

Authorizes the counties to restrict time share units and time share plans in zoning districts, if they establish a time share zoning district.

A BILL FOR AN ACT

RELATING TO TIME SHARE ZONING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 514E-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"514E-5 Geographic limitations.** Except as provided in
4 this section, time share units, time share plans, and transient
5 vacation rentals are prohibited.

6 (1) Existing time share units, time share plans, and
7 transient vacation rentals are not impaired by the
8 provisions of this section.

9 (2) Time share units, time share plans, and transient
10 vacation rentals are allowed:

11 (A) In areas designated for hotel use, resort use, or
12 transient vacation rentals, pursuant to county
13 authority under section 46-4, or where the
14 county, by its legislative process, designates
15 hotel, transient vacation rental, or resort use;
1 provided that, if a county establishes a time


COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 12-4 was adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of January, 2012, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Joseph PONTANILLA Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye



COUNTY CLERK