

Resolution

No. 25-190

REFERRING TO THE MOLOKAI PLANNING
COMMISSION A PROPOSED BILL TO AMEND
SECTION 19.64.030, MAUI COUNTY CODE, ON
BED AND BREAKFAST HOMES ON MOLOKAI

WHEREAS, the Council is considering a proposed bill to amend the cap for and density of Bed and Breakfast Homes on Molokai; 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 zoning and other 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 refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.64.030, MAUI COUNTY CODE, ON BED AND BREAKFAST HOMES ON MOLOKAI," attached as Exhibit "1," to the Molokai Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, and Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY:

/s/ Thomas Kolbe

Department of the Corporation Counsel
County of Maui

paf:cmn:25-274b

INTRODUCED BY:


KEANI N.W RAWLINS-FERNANDEZ

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.64.030, MAUI COUNTY
CODE, ON BED AND BREAKFAST HOMES ON MOLOKAI

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

SECTION 1. This Ordinance's purpose is to:

1. Set a cap of five for the number of Bed and Breakfast Homes on Molokai.
2. Restrict the proximity of one Bed and Breakfast Home to another on Molokai to avoid the potential for Bed and Breakfast Homes to cluster and change a neighborhood's character.

SECTION 2. Section 19.64.030, Maui County Code, is amended to read
as follows:

"19.64.030 Restrictions and standards. Bed and breakfast homes are subject to the following restrictions and standards:

A. The bed and breakfast home use is permitted in no more than two single-family dwelling units per lot, except that it is not permitted in any accessory dwelling in accordance with chapter 19.35.

B. The owner-proprietor must have a current transient accommodations tax license and general excise tax license for the bed and breakfast home.

C. The owner-proprietor must be a resident of the County. The owner-proprietor must also reside, on a full-time basis, on the same lot being used as the bed and breakfast home; except that if an owner-proprietor applies for a bed and breakfast home permit while their single-family dwelling is being reconstructed or repaired following a disaster described in subsection N:

1. The owner-proprietor does not have to reside, on a full-time basis, on the same lot being used as the bed and

breakfast home until the dwelling has been reconstructed or repaired.

2. The dwelling must be reconstructed or repaired within five years of the disaster.

D. The owner-proprietor must have legal title to the property on which the bed and breakfast home is located.

E. The bed and breakfast home permit must be in the name of the owner-proprietor, who must be a natural person and the owner of the real property where the bed and breakfast home use is permitted, except that a permit may be issued for a lot owned by a family trust if the following criteria are met:

1. The applicant is a natural person or persons who is a trustee or who are trustees of the family trust.

2. All of the trustees are natural persons.

"Family trust" is defined as a self-settled revocable or irrevocable trust where the trustee(s) is also the trustor(s) or grantor(s) or is related by blood, adoption, marriage, or civil union to the beneficiary(ies). The bed and breakfast home permit must not be held by a corporation, partnership, limited liability company, or similar entity. No more than one permit may be approved for any lot.

3. The permit is not transferable; except that a permit may be transferred:

a. To an immediate family member, including a person's parents, spouse, children and their spouses, siblings, stepparents, stepchildren, adopted children and their spouses, and hānai children.

b. To a successor trustee or beneficiary of the trust, if the permit is held by a family trust in accordance with subsection 19.64.030(E).

F. The number of bedrooms used for short-term rental in the bed and breakfast home must be no greater than six on Lānaʻi, six on Maui, and no greater than three on [Molokaʻi,] Molokai, subject to the provisions of section 19.64.050. The total number of guests is limited to up to two adult guests and up to two minor guests per bedroom.

G. A bed and breakfast home may make breakfast available to onsite guests, but must not operate as a food service establishment (for example, restaurant), unless a food service establishment is a permitted use in the zoning district.

H. A bed and breakfast home must be in compliance with all other applicable federal, state, and local laws.

I. In permitting bed and breakfast homes, the planning director, the planning commissions, and the council must not consider, nor be bound by, any private conditions, covenants, or restrictions on the subject parcel. Any such limitations may be

enforced against the property owner through appropriate civil action.

J. All advertising for any bed and breakfast home in a residential district must include the number of the permit granted to the owner-proprietor.

K. Single-station smoke detectors must be provided in all guest bedrooms.

L. Single-family dwellings used as bed and breakfast homes do not qualify for real property tax exemptions in accordance with chapter 3.48.

M. A bed and breakfast home must not create any impact greater than those previously existing in that district[,] and must conform to the character of the neighborhood.

N. Bed and breakfast homes must be limited to a single-family dwelling constructed at least five years before the date of the application for the bed and breakfast home permit, and the dwelling unit must be owned by the applicant for at least five years before the date of the application; except that if a single-family dwelling was constructed and owned at least five years before being destroyed or damaged by a disaster as defined in section 127A-2, Hawai'i Revised Statutes, resulting in a proclamation of a state of emergency or local state of emergency under section 127A-14, Hawai'i Revised Statutes, the applicant does not have to wait to apply and be qualified for a bed and breakfast home permit following reconstruction or repair.

O. Within the Hāna community plan area, on Lāna'i, and on [Moloka'i,] Molokai, a one-square foot sign identifying the bed and breakfast home permit number must be placed at the front of the property along the main access road. On Lāna'i and [Moloka'i,] Molokai, the sign must be attached to an existing structure, such as a fence, and must state the owner-proprietor's telephone number. On Lāna'i, a sign must also be placed on each street frontage.

P. All guest parking must be off-street. Grasscrete and tandem parking are allowed for any required parking stalls.

Q. The proprietor must post "house policies" within each guest room and is responsible for enforcing the policies. The house policies must include the following provisions:

1. Quiet hours must be maintained from 9:00 p.m. to 8:00 a.m., during which noise in the bed and breakfast home must not disturb anyone on a neighboring property.

2. Amplified sound that is audible beyond the property boundaries of the bed and breakfast is prohibited.

3. Vehicles must be parked in the designated onsite parking area and must not be parked on the street overnight. On Lāna'i, on-street parking by bed and breakfast home

guests, operators, service providers, or delivery vehicles is not permitted at any time.

R. The County is restricted in approving permits for bed and breakfast homes as distributed per the following community plan areas and as further restricted by the applicable community plan:

1. Hāna: 48.
2. Kihei-Mākena: 100.
3. Makawao-Pukalani-Kula: 40.
4. Pāi'a-Ha'ikū: 88.
5. Wailuku-Kahului: 36.
6. West Maui: 88.
7. [Moloka'i: no cap.] Molokai: 5.
8. Lāna'i: 15.

S. No bed and breakfast use permit may be issued to any person who holds a valid short-term rental use permit or who has been prohibited from applying for a short-term rental use permit.

T. On the island of Lāna'i, no more than one short-term rental home or bed and breakfast home is permitted within a [three-hundred-foot] 300-foot radius of another short-term rental home or bed and breakfast home, and no more than one short-term rental home or bed and breakfast home is permitted on the same block.

U. On the island of Molokai, no more than one bed and breakfast home is permitted within a 1,000-foot radius of another bed and breakfast home.

[U.] V. The planning director or planning commission may impose conditions on the granting of a request for a bed and breakfast home if the conditions are reasonably conceived to mitigate the impacts emanating from the proposed land use."

SECTION 3. 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 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:25-274a

INTRODUCED BY:


KEANI N.W RAWLINS-FERNANDEZ