

PSLU Committee

From: Jacky Takakura <Jacky.Takakura@co.maui.hi.us>
Sent: Thursday, August 26, 2021 4:04 PM
To: PSLU Committee
Cc: Jordan Hart; Michele McLean
Subject: 8/30/21 PSLU-69
Attachments: PSLU-69Presentation210830.pdf

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Attached please find the PDF of the powerpoint for the 2nd agenda item on Monday 8/30/21 (chapters 19.35, 19.64 and 19.65).

Thank you

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Proposed Bill to Amend Chapters 19.35, 19.64, and 19.65 of the Maui County Code

Department of Planning

County of Maui

August 30, 2021



Purpose of Bill

- ▶ Allows Bed & Breakfast (B&B) and Short-Term Rental Home (STRH) operations in accessory dwellings – with long-term occupancy on the property
- ▶ Limits STRH permits to one per property and per applicant
- ▶ Clarifications of definitions
- ▶ Revisions for consistency
- ▶ Improvements to notification requirements
- ▶ Other housekeeping revisions
 - ▶ “shall” changed to “must”
- ▶ *Green* = more permissive. *Red* = more restrictive. *Black* = neutral.

19.35 Accessory Dwellings

- ▶ 19.35.010.D An accessory dwelling may only be used as a short-term rental home if the main dwelling, and other accessory dwelling if applicable, are occupied on a long-term residential basis.
- ▶ 19.35.010.E Only one accessory dwelling per lot may be used as a bed and breakfast home.
- ▶ What does this mean?
 - ▶ OK for STRH in accessory dwelling if the main dwelling and any other accessory dwellings are used for long-term occupancy
 - ▶ OK for B&B in ONE accessory dwelling.



19.64 Bed and Breakfast Homes

- ▶ 19.64.030.A The bed and breakfast use may be permitted in no more than two single-family dwelling units per lot, pursuant to chapter 19.35 of this title.
- ▶ What does this mean?
 - ▶ OK for B&B in main dwelling(s) and/or ONE accessory dwelling for a total of TWO dwelling units
 - ▶ Any other dwelling units must be occupied long-term

19.64 Bed and Breakfast Homes

- ▶ 19.64.030.N On Lāna`i and Moloka`i, B&Bs are limited to single-family dwelling units constructed at least five years prior to the date of B&B application. On Maui, B&Bs are limited to single-family dwellings units existing and constructed as of the date of the application.
- ▶ 19.64.030.R Lāna`i B&B cap set at 21 permits
- ▶ 19.64.030.S No B&B permit may be issued to any person who holds a valid STRH permit or who has been prohibited from applying for a STRH permit.
- ▶ 19.64.030.T Conditions may imposed to mitigate impact of B&B



19.64 Bed and Breakfast Homes

- ▶ 19.64.040.B.5 Signs. No more than 10 days prior to mailing the notice of application, a 4 square foot project notice sign must be posted at the front of the property along the main access road. The sign must be clearly visible from the roadway and must contain information and wording as prescribed by the department. The sign may be removed after 45 days from the mailing of the notice of application.
- ▶ Purpose: consistency with chapter 19.65.

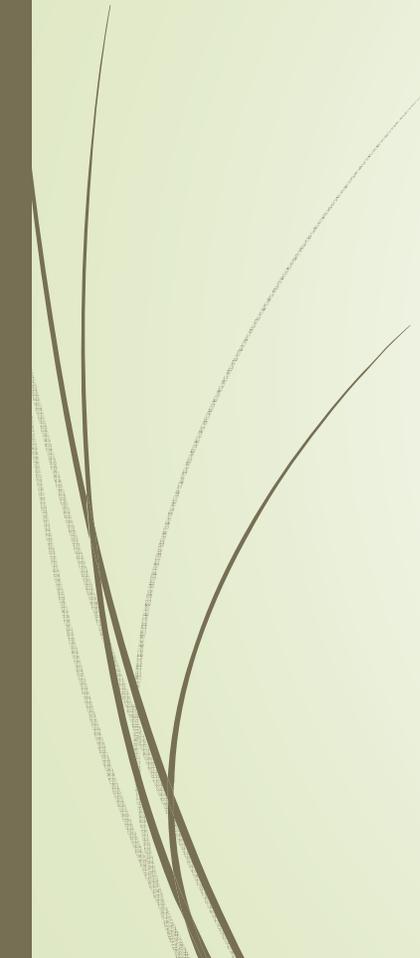


19.64 Bed and Breakfast Homes

- ▶ 19.64.040.N.5 If planning commission review is required, the processing requirements will be same as STRH requirements
- ▶ 19.64.050.3.c Public hearing required if TWO OR MORE existing B&Bs are within 500' distance – same as STRH criteria



19.65 Short-Term Rental Homes

- ▶ 19.65.030.A STRH use permitted in no more than one single-family dwelling unit per lot
 - ▶ What does this mean?
 - ▶ STRH OK in main OR accessory dwelling
 - ▶ Any other dwelling units must be occupied long-term.
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19.65 Short-Term Rental Homes

► Trusts

- 19.65.030.G.2 Trust must be in the name of the applicant
- “Family trust” is defined as a self-settled revocable 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).
- 19.65.030.H ONE permit per applicant whether individual or trustee
- 19.65.030.I Permits held by a trust may be transferred to a beneficiary of the trust.

19.65 Short-Term Rental Homes

- ▶ 19.65.030.N To conform to the character of the neighborhood, planning commission must consider:
 - ▶ The benefits that the short-term rental home will bring to the community.
 - ▶ Justification and reasons for applying for short-term rental home use, and how the property would be used if the permit is not granted.
- ▶ 19.65.030.O STRH limited to single-family dwelling units constructed at least [five] fifteen years prior to the date of permit application, and dwelling unit be owned by applicant for at least [five] fifteen years prior to the date of application.

19.65 Short-Term Rental Homes

- ▶ 19.65.030.R Lāna`i STRH cap set at 21 permits
- ▶ 19.65.030.T No STRH in Experimental & Demonstration Housing Projects
 - ▶ *19.65.030.T Request to Council: Please add Chapter 2.97 (Residential Workforce Housing) in list of developments that cannot have STRH*
- ▶ 19.65.030.U No STRH permit may be issued to any person who holds a valid B&B permit or who has been banned from applying for a B&B permit
- ▶ 19.65.040.A Ads must include Tax Map Key number
- ▶ 19.65.050.A.8.c Owner cannot have financial interest in another B&B or STRH.

19.65 Short-Term Rental Homes

- ▶ 19.65.050, 19.65.060, 19.65.070 Includes the owners and lessees of record and physical addresses located within a 500' radius of the lot of the proposed STRH. OK to use regular mail or hand delivery for notification to physical addresses.
- ▶ 19.65.060A. Written protests from multiple owners, lessees or residents from the same lot will count as ONE protest.
- ▶ 19.65.060.A.2. Public Hearing required for STRH applications if:
 - ▶ A variance is obtained to meet STRH requirements
 - ▶ TWO OR MORE existing STRHs are within 500' distance
 - ▶ Moloka`i or Lāna`i

Summary

- Accessory Dwellings may be used for B&B/STRH if other dwellings are occupied long-term
- Definition of “family trust” clarified
- Ownership requirements updated
- Limits STRH permits to 1 per property and per applicant whether individual or trustee
- Consistency between B&B and STRH rules
- Neighbors included in communication
- Existing permit holders continue to operate and renew under existing rules; STRH permit renewals to comply with the revised renewal procedures for notification in 19.65.070.

Mahalo!