

# Resolution

No. 22-16

REFERRING TO THE LĀNA‘I, MAUI, AND MOLOKA‘I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTERS 19.18 AND 19.20, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN BUSINESS DISTRICTS

WHEREAS, the Council is considering a proposed bill amending the Comprehensive Zoning Ordinance for the Business Districts where Transient Vacation Rentals are permitted uses to establish a cap of six bedrooms, unless a Conditional Permit is obtained; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require the appropriate planning commissions review proposed land use ordinances and amendments 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 THE COMPREHENSIVE ZONING ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN BUSINESS DISTRICTS,” a copy of which is attached as Exhibit “1,” to the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i 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;

2. That it respectfully requests the Lāna‘i, Maui, and Moloka‘i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i Planning Commission.

*Stephanie Chen*

STEPHANIE M. CHEN

Deputy Corporation Counsel

LF 2021-1800

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**Resolution No.** 22-16

INTRODUCED BY:

Yamara A.M. Salatin

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

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN BUSINESS  
DISTRICTS

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

SECTION 1. The purpose of this Ordinance is to require a Conditional Permit for Transient Vacation Rentals of more than six bedrooms in the Business Districts where Transient Vacation Rentals are permitted uses.

SECTION 2. Section 19.18.020, Maui County Code, is amended to read as follows:

**“19.18.020 Permitted uses.** Within the B-2 community business district, the following uses [shall be] are permitted:

Permitted uses	Criteria or limitations
Amusement and recreational activities	
Animal hospitals, including boarding	
Auditoriums, theaters, and gymnasiums including fitness centers, private clubs, and dance halls	
Automobile services	[Provided all] <u>All</u> automobile repair operations [are] <u>must be</u> conducted wholly within a completely enclosed building; and [provided further, that] tire rebuilding or battery manufacturing [shall] <u>is not [be]</u> permitted
Awning or canvas shops	
Baseball, football, and other sports stadiums or activities	

Bed and breakfast homes, in a lawfully existing single-family dwelling	Subject to the restrictions and standards of section 19.64.030 [of this code]
Buildings and premises used, owned, or operated by government agencies, including community centers	
Catering establishments	
Communication equipment, antenna, or towers	
Day care facilities	
Drive-in restaurants	
Eating and drinking establishments	
Education, specialized	
Educational institutions	
Entertainment establishments	
Farmers' markets	
General merchandising	
General office	
Ice cream and milk manufacturing plants	
Libraries	
Marinas	
Multifamily dwellings, duplexes, and bungalow courts	
Museums	
New and used car lots	[Provided all] <u>All</u> repair and maintenance [is] <u>must be</u> conducted wholly within a completely enclosed building
Nursing and convalescent homes	
Nurseries <u>for</u> [(flower or plants)]	[Provided, that all] <u>All</u> incidental equipment and supplies, including fertilizers and empty cans, [are] <u>must be</u> kept within enclosed buildings
Parking structures or lots, [which may include] <u>including</u> solar energy facilities that are installed on overhead canopies or structures, and <u>that</u> may provide power to other lots	
Personal and business services	
Pet shops and boarding facilities	
Recycling collection center	[Conducted] <u>All operations must be conducted</u> wholly within a completely enclosed building or

	within an area enclosed on all sides by a solid fence or wall at least six feet in height; and <del>[provided, that]</del> no goods, materials, or objects <del>[shall]</del> <u>are permitted</u> to be stacked higher than the fence or <del>[walls so erected]</del> <u>wall</u>
Redemption center	
Religious, benevolent, or philanthropic societies, civil organizations, and quasi-public uses	
Sanitariums	
Sign-painting shops	<del>[Conducted]</del> <u>All operations must be conducted</u> wholly within a completely enclosed building
Swap meets or open-air markets	
Taxicab, car rental, and U-drive stations and offices	
Transient vacation rentals	Not exceeding <del>[twenty]</del> <u>six</u> bedrooms; except on Molokai, where a special use permit <del>[shall be]</del> <u>is</u> required
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	

SECTION 3. Section 19.20.020, Maui County Code, is amended to read as follows:

**“19.20.020 Permitted uses.** Within the B-3 central business district, the following uses ~~[shall be]~~ are permitted:

Permitted uses	Criteria or limitations
Amusement and recreational activities	<del>[Conducted]</del> <u>All operations must be conducted</u> wholly within a completely enclosed building
Animal hospitals including boarding	
Auditoriums, theaters, and gymnasiums including fitness centers, private clubs, and dance halls	
Automobile services	No automobile repair <u>is permitted</u>
Awning or canvas shops	

Baseball, [or] football, and other sports stadiums [and other sports] or activities	
Buildings and premises used, owned, or operated by government agencies, including community centers	
Catering establishments	
Communication equipment, antenna, or towers	
Day care facilities	
Drive-in restaurants	
Eating and drinking establishments	
Education, specialized	
Educational institutions	
[Farmer's] Farmers' markets	
General merchandising	
General office	
Libraries	
Marinas	
Multifamily dwellings, duplexes, and bungalow courts	
Museums	
Nursing and convalescent homes	
Parking structures and lots	
Parks and playgrounds	
Personal and business services	
Pet shops and boarding facilities	
Recycling collection center	[Conducted] <u>All operations must be conducted</u> wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height; and [provided, that] no goods, materials, or objects [shall] <u>are permitted</u> to be stacked higher than the fence or [walls so erected] <u>wall</u>
Redemption center	
Religious, benevolent, or philanthropic societies, civil organizations, and quasi-public uses	
Sanitariums	
Service business residential ("SBR") service establishments	[Conducted] <u>All operations must be conducted</u> wholly within a completely enclosed building

Swap meets and open-air markets	
Taxicab, car rental, and U-drive stations and offices	
Transient vacation rentals	Not exceeding [twenty] <u>six</u> bedrooms; except on Molokai, where a special use permit [shall be] <u>is</u> required
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	[Provided, however, that such uses shall] <u>Uses</u> must be approved by the appropriate planning commission as conforming to the intent of this article

SECTION 4. Section 19.22.020, Maui County Code, is amended to read as follows:

**“19.22.020 Permitted uses.** Within the B-R resort commercial district, the following uses [shall] are permitted:

Permitted uses	Criteria or limitations
Amusement and recreational activities	
Art galleries	
Auditoriums, theaters, gymnasiums including fitness centers, private clubs, and dance halls	
Camera shops	
Eating and drinking establishments	
Flower shops	
Gift and curio shops	
Information centers	
Music stores and studios	
Night clubs	
Novelty shops	
Nursing and convalescent homes	
Parking structures and lots	
Personal and business services	
Real estate offices	
Specialized clothing shops	
Taxicab, car rental, and U-drive stations and offices	
Transient vacation rentals	Up to and including [twenty] <u>six</u> bedrooms

Travel agencies	
Other uses of similar character providing foods, services, or facilities primarily to transient visitors	<p>For uses on Maui or Lanai, the director of planning may approve such uses as conforming to the intent of this article, subject to [such] terms and conditions as may be warranted and required by the director of planning;</p> <p>For uses on Molokai, the Molokai planning commission, not the director of planning, [shall] <b>must</b> approve or deny [such] uses</p>

SECTION 5. Section 19.22.040, Maui County Code, is repealed.

**["19.22.040 Special uses.** The following are declared special uses in the B-R resort commercial district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

Permitted uses	Criteria or Limitations
Transient vacation rentals	Twenty-one to fifty bedrooms

”]

SECTION 6. 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.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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