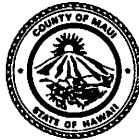


Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

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Director of Council Services  
Traci N. T. Fujita, Esq.

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 28, 2022

RECEIVED  
2022 OCT 28 AM 11:58  
OFFICE OF THE  
COUNTY CLERK

Ms. Kathy L. Kaohu, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. Kaohu:

SUBJECT: **AMENDMENT TO BILL 159, FD1 (2022)** (PAF  
22-265)

I am placing the attached proposed amendment to Bill 159, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO TRANSIENT ACCOMMODATION CAPS," on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice L. Lee", is written over a horizontal line.

ALICE L. LEE  
Council Chair

paf:ljcm:22-265f

Attachment

COUNTY COMMUNICATION NO. 22-280

November 4, 2022 Council meeting

MAUI COUNTY COUNCIL  
Amendment Summary Form

Legislation: Bill 159, FD1 (2022), relating to transient accommodation caps.

Proposer: Chair Alice L. Lee.



Description: Amend Bill 159, FD1 (2022) to an FD2 version to:

- Insert clarifying language related to the publicly available list of all transient vacation rentals allowed.
- Remove the reference to Chapter 19.20 from Section 19.37.010.
- Change “transient vacation rentals” to “hotels” in Section 19.52.090(B)(15).
- Insert clarifying language relating to renewal of County special use and conditional permits in effect as of the effective date of the ordinance.

Motion: Move to:

Amend Subsection 19.12.020(G)(5) to insert after the last sentence “The list is informational only and is not a confirmation of zoning or allowable uses. Inclusion of a property on the list does not establish any right to operate a transient vacation rental unit, and no person may rely upon the list to establish the right to operate as a transient vacation rental unit. Any interested person must consult the department with respect to any specific property’s ability to operate as a transient vacation rental unit.”

Amend Subsection 19.37.010(A) to delete the reference to Chapter 19.20.

Amend Subsection 19.52.090(B)(15) to delete “transient vacation rentals” after “Existing” and insert “hotels.”

November 4, 2022 Council meeting

Amend Section 20 to insert after the last sentence "County Special Use and Conditional Permits for transient accommodations in effect as of the effective date of this ordinance may be renewed in accordance with the provisions in effect prior to the effective date of this ordinance."

Attachments: Proposed FD2 version of Bill 159, FD1 (2022).

paf:lcm:22-265e

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

BILL NO. \_\_\_\_\_ (2022)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE RELATING TO TRANSIENT ACCOMMODATION CAPS

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

SECTION 1. Section 19.11.040, Maui County Code, is repealed.

**["19.11.040 Special uses.** The following uses and structures shall be special uses in the SBR service business residential district and shall require a special use permit from the appropriate planning commission:

Up to five transient vacation rental bedrooms on a lot, subject to further restrictions as provided by the applicable community plan."]

SECTION 2. Section 19.12.020, Maui County Code, is amended to read  
as follows:

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

- A. Any use permitted in the residential and duplex districts
- B. Apartment houses.
- C. Boarding houses, rooming houses, and lodging houses.
- D. Bungalow courts.
- E. Apartment courts.
- F. Townhouses.
- G. Transient vacation rentals in building and structures meeting all of the following criteria:

- 1. The building or structure received a building permit, special management area use permit, or planned development approval that was lawfully issued by and was valid, or is otherwise confirmed to have been lawfully existing, on April 20, 1989.

2. Transient vacation rental use was legally conducted in any lawfully existing dwelling unit within the building or structure prior to September 24, 2020 as determined by real property tax class or payment of general excise tax and transient accommodations tax.

3. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022. Existing transient vacation rentals may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added.

[3.] 4. The property owner or operator holds general excise tax and transient accommodations tax licenses and is current in payment of State and County taxes, fines, or penalties assessed in relation to the transient vacation rental.

[4. If a building or structure is reconstructed, renovated, or expanded, transient vacation rental use is limited to the building envelope and number of bedrooms that can be confirmed as approved or lawfully existing on April 20, 1989.]

5. The planning director and director of finance must maintain a publicly available list of all transient vacation rental units allowed under this section to the best of the departments' knowledge at the time the list is posted. The list is informational only and is not a confirmation of zoning or allowable uses. Inclusion of a property on the list does not establish any right to operate a transient vacation rental unit, and no person may rely upon the list to establish the right to operate as a transient vacation rental unit. Any interested person must consult the department with respect to any specific property's ability to operate as a transient vacation rental unit.

[5.] 6. Advertisements for transient vacation rental use must include the subject property's registration number, which is the subject property's tax map key number, without punctuation marks.

H. Bed and breakfast homes, subject to the provisions of chapter 19.64.

I. Short-term rental homes, subject to the provisions of chapter 19.65."

SECTION 3. Section 19.14.040 Maui County Code, is amended to read as follows:

**"19.14.040 [Reserved.] Restrictions.** The number of rooms or units allowed for transient vacation rental use may not increase

beyond those allowed for such use as of January 7, 2022, unless such rooms or units are situated landward of the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawai'i sea level rise viewer hosted by the Pacific Islands Ocean Observing System as of the effective date of this ordinance. For all such rooms or units, any proposed ground altering activity in culturally sensitive areas as determined by the County archaeologist will be referred to the State Historic Preservation Division pursuant to HRS Chapter 6E."

SECTION 4. Section 19.15.030, Maui County Code, is amended to read as follows:

**"19.15.030 Special uses.** The following are special uses in the B-CT country town business district, and approval of the appropriate planning commission [shall] must be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

| <b>Special uses</b>  | <b>Criteria or limitations</b>  |
|--|---|
| Public utility substations   | [Provided] <u>If</u> there will be no detrimental or nuisance effect upon neighbors   |
| Storage facilities not associated with a permitted use within the district   |   |
| Telecommunication offices and facilities   | [Provided,] <u>Except</u> that all exterior telecommunication equipment [shall] <u>must</u> be set back at least twenty-five feet from any property line and that such telecommunication equipment shall be screened from public view by appropriate means, including[, but not limited to,] landscape planting |
| Transient vacation rentals   | One to twelve bedrooms, <u>if a special use permit was obtained by January 7, 2022.</u>   |
| Upholstery, canvas, sign painting, and surfboard making shops  | Conducted wholly within a completely enclosed building  |
| Vehicle bodywork, frame or body parts straightening, steam cleaning, painting, welding, storage of non-operating vehicles, and tire recapping or re-grooving | Conducted wholly within a completely enclosed building  |
| Other uses that are similar in   | "   |

|  |  |
|--|--|
| character to permitted and special uses and consistent with the unique character, identity, and needs of the country town, and that are not detrimental to the welfare of the surrounding area |  |
|--|--|

SECTION 5. 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 permitted:

| <b>Permitted uses</b>  | <b>Criteria or limitations</b>  |
|--|---|
| 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 conducted wholly within a completely enclosed building; and [provided further, that] tire rebuilding or battery manufacturing [shall not be] <u>is not</u> permitted |
| Automobile upholstery shops  |   |
| 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 (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 solar energy facilities that are installed on overhead canopies or structures, and may provide power to other lots |   |
| Personal and business services   |   |
| Pet shops and boarding facilities  |   |
| Recycling collection center  | Conducted 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>may</u> be stacked higher than the fence or walls so erected |
| Redemption center  |   |
| Religious, benevolent, or philanthropic societies, civil organizations, and quasi-public uses  |   |
| Sanitariums  |   |



|  |  |
|--|--|
| Sign-painting shops  | Conducted wholly within a completely enclosed building   |
| Swap meet or open air market   |  |
| Taxicab, car rental, and U-drive stations and offices  |  |
| Transient vacation rentals   | [Not exceeding twenty bedrooms; except on Molokai, where a special use permit shall be required] <u>If the use was lawfully initiated prior to January 7, 2022. Existing transient vacation rentals may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added.</u> |
| Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area | [Provided that such] <u>The uses [shall] must be approved by the appropriate planning commission as conforming to the intent of this article"</u>  |

SECTION 6. Section 19.18.040, Maui County Code, is amended to read as follows:

**"19.18.040 Special uses.** The following are special uses in the B-2 community business district, and approval of the appropriate planning commission [shall] must be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

| <b>Special uses</b>  | <b>Criteria or limitations</b>  |
|--|---|
| Mortuaries   |   |
| [Transient vacation rentals]   | [Twenty-one to fifty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission.] |
| Other uses that are similar in character to permitted and special uses and that are not detrimental to the welfare of the surrounding area | "   |

SECTION 7. 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:

| <b>Permitted uses</b>  | <b>Criteria or limitations</b>  |
|--|---|
| Amusement and recreational activities  | Conducted wholly within a completely enclosed building  |
| Animal hospitals, including boarding   |   |
| Auditoriums, theaters, gymnasiums including fitness centers, private clubs, and dance halls        |   |
| Automobile services  | No automobile repair  |
| Baseball or football stadiums and other sport activities   |   |
| Building and premises used, owned, or operated by government agencies, including community centers |   |
| Catering establishments  |   |
| Communication equipment, antennae or towers  |   |
| Day care facilities  |   |
| Drive-in restaurants   |   |
| Eating and drinking establishments   |   |
| Education, specialized   |   |
| Educational institutions   |   |
| Farmer's market  |   |
| General merchandising  | Except for equipment rentals, sales yards, and plumbing shops   |
| 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  |   |
| Recycling collection center  | Conducted 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>may</u> be stacked higher than the fence or walls so erected   |
| Redemption center  |   |
| Religious, benevolent, or philanthropic societies, civic organizations, and quasi-public uses                                    |   |
| Sanitariums  |   |
| Service business residential ("SBR") service establishments  |   |
| Swap meets and open air markets  |   |
| [Transient vacation rentals]   | [Not exceeding twenty bedrooms; except on Molokai, where a special use permit shall be required]  |
| Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area | [Provided, however, that such] <u>Such</u> uses [shall] <u>must</u> be approved by the appropriate planning commission as conforming to the intent of this article" |

SECTION 8. Section 19.20.040, Maui County Code, is amended to read as follows:

**"19.20.040 Special uses.** The following are special uses in the B-3 central business district, and approval of the appropriate planning commission [shall] must be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

| <b>Special uses</b>          | <b>Criteria or limitations</b>  |
|------------------------------|---|
| Mortuaries                   |   |
| [Transient vacation rentals] | [Twenty-one to fifty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission]" |

SECTION 9. Section 19.22.020, Maui County Code, is amended to read as follows:

**"19.22.020 Permitted uses.** Within the B-R district, the following uses [shall be] are permitted:

| <b>Permitted uses</b>  | <b>Criteria or limitations</b>  |
|--|---|
| 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   |   |
| News and magazine stands   |   |
| Night clubs  |   |
| Novelty shops  |   |
| 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 rental  | [Up to and including twenty bedrooms.] <u>If a conditional permit is obtained and the use is situated landward of the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawai'i sea level rise viewer hosted by the pacific islands ocean observing system as of the effective date of this ordinance.</u> |
| Travel agencies  |   |
| Other uses of similar character providing foods, services, or facilities primarily to transient visitors | For uses on Maui or [Lanai] <u>Lānaʻi</u> , 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;<br><br>For uses on Molokai, the Molokai planning commission, not the                                     |

|  |   |
|--|---|
|  | director of planning, [shall] <u>must</u><br>approve or deny such uses” |
|--|---|

SECTION 10. 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 must be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

| <b>Special uses</b>        | <b>Criteria or Limitations</b>  |
|----------------------------|---------------------------------|
| Transient vacation rentals | Twenty-one to fifty bedrooms.]” |

SECTION 11. Section 19.32.040, Maui County Code, is amended by amending subsection I to read as follows:

“I. Transient vacation rentals [shall be] are permitted in planned developments, except for developments that have been publicly funded, if:

1. The planned development received a planned development site plan approval that was lawfully issued by and valid on April 20, 1989, and the land is zoned A-1 or A-2 apartment district; or

2. The planned development meets all of the following:

a. The planned development received final approval as provided in this chapter, and at least one unit in the planned development was operating as a vacation rental on or before April 20, 1981.

b. The planned development is located on parcels with at least some residential district zoning.

c. The planned development consists of only:

i. Duplexes or multi-family dwelling units; or

ii. A combination of single-family dwelling units and duplexes or multi-family dwelling units.

3. Existing transient vacation rentals may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added.”

SECTION 12. Section 19.36B.120, Maui County Code, is amended to read

as follows:

**“19.36B.120 Temporary parking.** A. For the purpose of this chapter, temporary parking means the providing of parking spaces and areas for a limited period of time, such as temporary employee parking; temporary construction worker parking; temporary displaced parking; and temporary sales offices, bazaars, fairs, festivals, recreation, parties, and sporting events.

B. After considering the use, duration, potential visual and physical impacts, public health, and public safety, the director [shall] must determine if any of the requirements of this chapter may be waived for temporary parking.

C. In all zoning districts, the director may approve temporary parking on any lot for either a continuous period of up to one hundred eighty days in a twelve-month period, or a total of twelve nonconsecutive days in a twelve-month period. The director may seek the recommendation of the Molokai planning commission before acting on a request to approve temporary parking pursuant to this subsection.

D. In all zoning districts, the commission may approve temporary parking on any lot for either a continuous period of more than one hundred eighty days in a twelve-month period, or more than a total of twelve nonconsecutive days in a twelve-month period.

E. Temporary parking for events organized or sponsored by government agencies with associated parking located on government facilities [shall] do not require director or commission approval and [shall be] are allowed.

F. An applicant for temporary parking [shall] must provide relevant information as required by the director or commission, including a detailed description of the event or circumstances, days of parking use, hours of parking use, anticipated parking demand, description of how parking demand will be satisfied, and a description of how the parking area and any improvements to it will ensure public health, public safety, and visual relief.

G. In all zoning districts, temporary or permanent parking of camper vans, recreational vehicles, trailers, or similar apparatus that are used or rented for commercial transient accommodations is prohibited. Advertising that offers to rent a camper van, recreational vehicle, trailer, or similar apparatus for commercial transient accommodations constitutes prima facie evidence of the operation of the apparatus.”

SECTION 13. Section 19.37.010, Maui County Code, is amended to read as follows:

**“19.37.010 Geographic restrictions.** A. Except as provided in this chapter, time share units and time share plans are prohibited in all zoning districts. Transient vacation rentals are prohibited in all zoning districts, excluding bed and breakfast homes permitted under chapter 19.64 [of this title], short-term rental homes permitted under chapter 19.65 [of this title], transient vacation rental units permitted by a conditional permit under chapter 19.40 [of this title], transient vacation rentals permitted under chapters 19.12, 19.14, 19.15, 19.18, [19.20,] 19.22, and 19.32 [of this title], and hotels that are permitted based on the applicable zoning in the comprehensive zoning ordinance[; and].

B. Existing time share units, time share plans, and transient vacation rentals that were operating [pursuant to] in accordance with and under law and were registered [pursuant to] in accordance with chapter 514E of the Hawaii Revised Statutes as of the effective date of the ordinance codified in this section, [shall] must not be impaired by the provisions of this section; provided that, any time share project operating under law that records in the bureau of conveyances by May 3, 1991, a declaration in a form prescribed by the director [shall] will be deemed exempt from this section as long as the project or apartment unit identified by the declaration continues to operate under a lawful time share plan or registration[; and].

C. [Time] New time share units[, and time share plans[, and transient vacation rentals] are allowed in the hotel district[; transient vacation rentals are allowed in the B-2 community business district, B-3 central business district, and B-R resort commercial district; and transient vacation rentals are allowed as special uses in the SBR service business residential district and B-CT country town business district.] with a conditional use permit provided such time share units are situated landward of the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawai'i sea level rise viewer hosted by the pacific islands ocean observing system as of the effective date of this ordinance . Existing time share may be reconstructed, renovated, or expanded if no new time share rooms or units are added.”

SECTION 14. Section 19.40.070, Maui County Code, is amended to read as follows:

**“19.40.070 Establishment.** A. Upon finding by the appropriate planning commission that reasons justifying granting of a conditional permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience, and welfare, and will be in harmony with the area in which it is to be located; issuance of a conditional permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

B. If the commission determines the permit requested is for a use that is substantially different from those uses permitted in the use zone, the commission must recommend denial of the request and may instruct the applicant to seek a change of zoning if the facts warrant such an application.

C. Every conditional permit must be conditioned upon the proposed development fully complying with all requirements of this title and other applicable governmental requirements.

D. Approval of a conditional permit application must be through enactment of an ordinance by the council, in accordance with the provisions of the charter.

E. A conditional permit is required for a commercial zipline, canopy, or bungee jumping operation in any district where commercial zipline, canopy, or bungee jumping are not permitted uses.

1. Ordinances for conditional permits for commercial zipline, canopy, or bungee jumping may be enacted only for parcels on Maui and Lānaʻi of at least fifty acres or multiple contiguous parcels that together are at least fifty acres; except that the council may enact ordinances for conditional permits for commercial zipline, canopy, or bungee jumping on parcels or multiple contiguous parcels smaller than fifty acres only by a two-thirds vote of its entire membership on two readings.

2. No more than fifteen conditional permits in aggregate for commercial zipline, canopy, or bungee jumping may be in effect at any time on Maui and Lānaʻi.

3. The council may impose conditions setting setback restrictions for commercial zipline, canopy, or bungee jumping.

4. Any commercial zipline, canopy, or bungee jumping in the state agricultural district must comply with section 205-6, Hawaiʻi Revised Statutes, and obtain a state special permit if required.

F. Transient vacation rentals operating with a conditional permit under this chapter must be included in the number of short-term rental homes permitted under section 19.65.030.”



SECTION 15. Section 19.52.090, Maui County Code, is amended by amending subsection B as follows:

“B. Use regulations. Within historic district no. 1 and historic district no. 2, no building, structure, or premises may be used, and no structure may be erected, structurally altered, replaced, or enlarged, except for one or more of the following uses:

1. Amusement centers.
2. Apartments.
3. Assembly areas.
4. Automobile fueling stations, without auto repairing.
5. Boardinghouses.
6. Day care facilities.
7. Duplexes.
8. Eating and drinking establishments.
9. Education, general.
10. Education, specialized.
11. Food and beverage, retail.
12. Greenhouses.
13. Health clubs.
14. Historical tours, only if motor vehicles are used and parked or stored in an off-street parking area, and all customer transactions are conducted within an enclosed commercial building. As used in this subsection, the following terms are defined:

a. "Historical tour" means a tour of all or any part of, and that originates or ends in, historic district no. 1 or historic district no. 2.

b. "Motor vehicle" means motor vehicle as defined in section 10.04.030 of this code, and does not include any vehicle propelled by human or animal power.

c. "Off-street parking area" means a private parking area that meets the requirements of the County's off-street parking ordinance.

15. Hotels[.], if the use was lawfully initiated prior to January 7, 2022. Existing hotels may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added and any proposed ground altering activity in culturally sensitive areas as determined by the County archaeologist is referred to the State Historic Preservation Division pursuant to HRS Chapter 6E.

16. Light manufacturing and processing.
17. Lodging houses.

18. Medical center, minor.
19. Parking areas, public; provided that none abut Front Street.
20. Parks and playgrounds—community, public, or privately operated. Recreation, refreshment, amusement, and service buildings or structures may be permitted in public parks and playgrounds when under the supervision of a government agency charged with the duties and responsibilities of maintaining and operating the parks and playgrounds.
21. Personal and business services, including general office.
22. Philanthropic societies or functions, including private clubs or organizations.
23. Public facilities and public uses.
24. Quasi-public facilities, including dwellings of religious institution leaders and staff connected as an incidental use to the religious institution.
25. Radio transmitting and television stations, provided that antennae conform to the height limitations in historic district no. 1 and historic district no. 2.
26. Retails, stores, and businesses.
27. Single-family dwellings. There may be accessory buildings located on the same lot, the use of which is customary and incidental to that of the main dwelling. These may include an additional dwelling; provided, that the additional dwelling does not have a floor area of more than five hundred square feet, and the lot size is seven thousand five hundred square feet, or greater.
28. Utility facilities, minor.”

SECTION 16. Section 19.64.030, Maui County Code, is amended by amending subsection R as follows:

“R. The County [shall be] 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: [forty-eight] 48.
2. Kīhei-Mākena: [one hundred] 100.
3. Makawao-Pukalani-Kula: [forty] 40.
4. Pā‘ia-Ha‘iku: [eighty-eight] 88.
5. Wailuku-Kahului: [thirty-six] 36.
6. West Maui: [eighty-eight] 88.
7. Molokai: no cap.

[7.] 8. Lānaʻi: [fifteen] 15.”

SECTION 17. Section 19.65.030, Maui County Code, is amended by amending subsection R as follows:

“R. The County [shall be] is restricted in approving the number of permits for short-term rental homes as distributed per the following community plan areas and as further restricted by the applicable community plan:

1. Hāna: [fifteen] 15.
2. Kihei-Mākena: [forty-six] 46; with no more than five permitted short-term rental homes in the subdivision commonly known as Maui Meadows.
3. Makawao-Pukalani-Kula: [fifteen] 15.
4. Pāʻia-Haʻiku: [forty-eight] 48; except that new permits may not be issued for properties within the special management area to avoid proliferation of this use and subsequent changes in the character of the region's coast.
5. Wailuku-Kahului: [six] 6.
6. West Maui: [fifty] 50.
7. Molokaʻi: [zero] 0.
8. Lānaʻi: [fifteen] 15.

The council must review the community plan short-term rental home restrictions when the number of approved short-term rental homes exceeds 90 percent of the restriction number. Transient vacation rentals operating with a conditional permit under chapter 19.40 must be included in the number of short-term rental homes permitted under this subsection.”

SECTION 18. 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 19. Ordinance 5316 is repealed.

SECTION 20. This Ordinance takes effect upon approval. Applications for transient accommodations submitted prior to the effective date of this ordinance may be processed in accordance with the provisions in effect at the time of application. County Special Use and Conditional Permits for transient

accommodations in effect as of the effective date of this ordinance may be renewed in accordance with the provisions in effect prior to the effective date of this ordinance.

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