

# REQUEST FOR LEGAL SERVICES

**Date:** October 15, 2015  
**From:** Don Couch, Chair  
Planning Committee

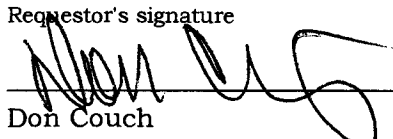
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael J. Hopper, Esq.

**Subject:** TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS (PC-32)

**Background Data:** Please approve as to form and legality the attached resolution to refer to the planning commissions a proposed bill to allow transient vacation rental use in residential zoned planned developments that consist of a combination of single-family dwelling units and duplexes or multifamily dwelling units and meet the other requirements of Section 19.32.040(I), Maui County Code.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

Requestor's signature  Don Couch	Contact Person <u>Greg Garneau or Jordan Molina</u> (Telephone Extensions: 7664 or 7134, respectively)
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☒ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): \_\_\_\_\_  
REASON: Note: Needed no later than October 28, 2015 for posting on the Council's agenda of November 6, 2015.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

pc:ltr:032acc01:gig/jkm

Attachment

# Resolution

No. \_\_\_\_\_

REFERRING TO THE LANAI, MAUI, AND  
MOLOKAI PLANNING COMMISSIONS A  
PROPOSED BILL RELATING TO TRANSIENT  
VACATION RENTALS IN PLANNED  
DEVELOPMENTS

WHEREAS, Section 19.32.040, Maui County Code, permits transient vacation rentals in residentially zoned planned developments consisting solely of duplexes or multi-family dwelling units that had a transient vacation rental in operation before April 20, 1981; and

WHEREAS, the Council is considering a proposed bill to amend Title 19, Maui County Code, to also allow transient vacation rentals when such planned developments consist of a combination of single-family dwelling units and duplexes or multi-family dwelling units and meet the other requirements of Section 19.32.040(I), Maui County Code; 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 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 hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission, pursuant to 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 that the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission transmit their respective findings and recommendations to the Council as expeditiously as possible; and

**Resolution No. \_\_\_\_\_**

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY

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Department of the Corporation Counsel  
County of Maui

pc:032areso01:gig/jkm

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

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS  
IN PLANNED DEVELOPMENTS

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

SECTION 1. Purpose. The Maui County Code allows transient vacation rentals in residentially zoned planned developments consisting solely of duplexes or multi-family dwelling units that had a transient vacation rental use on or before April 20, 1981. The purpose of this ordinance is to also allow transient vacation rentals when such planned developments consist of a combination of single-family dwelling units and duplexes or multi-family dwelling units.

SECTION 2. Section 19.32.040, Maui County Code, is amended to read as follows:

**"19.32.040 Reduction of lot areas and mixed land uses.** A. Upon strict compliance with the standards of development, the commission may reduce the minimum lot area, allow greater building densities, and mixed land uses as [follows:] provided for in this section.

[A.]B. If the development is to be subdivided, the minimum lot size may be reduced by twenty percent from that required for a particular district; [provided,] except that the minimum lot width shall not be reduced.

[B.]C. In a residential planned development, including duplex districts with a minimum tract area of three acres, combining of no more than three dwelling units in a single structure shall be permitted. Only a single, interior-located common club facility shall be permitted. There shall be no increase in the overall dwelling unit density.

EXHIBIT "1"

[C.]D. In a residential planned development, including duplex districts with a minimum tract area of ten acres, combining of no more than five dwelling units in a single structure shall be permitted. Two interior-located common club facilities shall be permitted. Overall dwelling unit density may be increased ten percent.

[D.]E. In a residential planned development, including duplex districts with a minimum tract area of thirty acres, combining of no more than eight dwelling units in a single structure shall be permitted. Four interior-located club or community facilities shall be permitted. Overall dwelling unit density may be increased fifteen percent.

[E.]F. Apartment, hotel, business and industrial planned developments shall be permitted in their respective districts. For planned developments in those districts with a minimum tract area of ten acres, the overall permitted floor area may be increased ten percent; and for a minimum tract area of thirty acres, the overall permitted floor area may be increased fifteen percent.

[F.]G. Overall dwelling unit density shall be determined by dividing the total number of dwelling units by the net land area. Net land area shall be the total lot area minus the area of dedicated streets and other dedicated areas. Base dwelling unit densities, upon which any bonus shall be applied, shall be as follows:

- R-3 residential district- 4.36 dwelling units[/] per acre
- R-2 residential district- 5.81 dwelling units[/] per acre
- R-1 residential district- 7.26 dwelling units[/] per acre
- D-2 duplex district- 8.72 dwelling units[/] per acre
- D-1 duplex district- 11.62 dwelling units[/] per acre
- RR-1 rural residential district- 4.36 dwelling units[/] per acre
- RR-2 rural residential district- 2.00 dwelling units[/] per acre

Permitted dwelling unit densities for other zoning districts not specified in this subsection shall be based upon the allowable densities within the districts.

[G.]H. Planned developments proposed on lands including more than one zoning district may permit a mixture of uses, densities [and/or] and dwelling units; [provided,] except that the total density [and/or] and dwelling units of the planned development shall not exceed the combined allowable densities of each of the zones.

[H.]I. Transient vacation rentals shall be permitted in planned developments, except for developments that have been publicly [funded; provided that either:] 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; and

c. The planned development consists of only [duplexes]:

i. Duplexes or multi-family dwelling units; or

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

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 shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

pc:misc:032abill01:gjg/jkm