

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

October 7, 2016

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on September 3, 2015, September 24, 2015, and September 20, 2016, makes reference to County Communication 15-220, from Councilmember Don Couch, transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS."

The purpose of the proposed resolution is to refer to the planning commissions a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS." The purpose of the proposed bill is to allow transient vacation rental use in planned developments with residential zoning containing a combination of single-family and multifamily dwelling units, but not to allow the use in planned developments containing exclusively single-family dwelling units.

Your Committee notes it previously reported on this matter through Committee Report 15-160, which recommended the proposed resolution be adopted. At its meeting of November 6, 2015, the Council adopted Resolution 15-139.

In response to Resolution 15-139, the Planning Director transmitted to the Lanai, Maui, and Molokai Planning Commissions' comments and recommendations on the proposed bill, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended. The Maui Planning Commission recommended approval of the proposed bill as recommended by the Department of Planning. The Lanai Planning Commission provided no comments. The Molokai Planning Commission recommended denial of the proposed bill and asked that the Council

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consider passing a different bill that would clean up all condominium projects in the County.

Your Committee noted the Planning Director stated the proposed bill will apply only to the Alaeloa development on the island of Maui. Alaeloa is a planned development containing a combination of single-family and multifamily dwelling units.

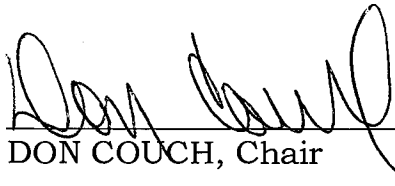
Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Couch, Vice-Chair Carroll, and members Baisa, Cochran, Guzman, Victorino, and White voted "aye."

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Planning Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2016), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-220 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
DON COUCH, Chair

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

BILL NO. \_\_\_\_\_ (2016)

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.

~~[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/acre] units per acre

R-2 residential district - 5.81 dwelling [units/acre] units per acre

R-1 residential district - 7.26 dwelling [units/acre] units per acre

D-2 duplex district - 8.72 dwelling [units/acre] units per acre

D-1 duplex district - 11.62 dwelling [units/acre] units per acre

RR-1 rural residential district - 4.36 dwelling [units/acre] units per acre

RR-2 rural residential district - 2.00 dwelling [units/acre] 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:] , 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 or multi-family dwelling units.] :

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:



MICHAEL J. HOPPER  
Department of the Corporation  
Counsel

County of Maui

2014-3062

PC-32 2016-09-14 Ord Transient Vacation Rentals in  
Planned Developments