

Resolution

No. 21-66

REFERRING TO THE MAUI PLANNING
COMMISSION A PROPOSED BILL RELATING TO
SHORT-TERM RENTAL HOMES AND MAXIMUM
BUILDING HEIGHT IN THE NAPILI BAY CIVIC
IMPROVEMENT DISTRICT (LAHAINA)

WHEREAS, the Council is considering a proposed bill amending the Napili Bay Civic Improvement precise plan to phase-out short-term rental homes in the Napili Bay Civic Improvement District for properties outside the 3.2-foot sea level rise exposure area and clarify the maximum building height; 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 commission 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 refers the proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES AND MAXIMUM BUILDING HEIGHT IN THE NAPILI BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)", a copy of which is attached as Exhibit "1," to the Maui Planning Commissions for appropriate action, in accordance with 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 Maui Planning Commission transmit its 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, and the Maui Planning Commission.

Resolution No. 21-66

APPROVED AS TO FORM AND LEGALITY

2021.03.26



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Deputy Corporation Counsel
County of Maui

paf:alkl:21-061a

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES
AND MAXIMUM BUILDING HEIGHT IN THE NAPILI BAY CIVIC IMPROVEMENT
DISTRICT (LAHAINA)

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

SECTION 1. This Ordinance's purpose is to phase out Short-Term Rental Homes outside of the sea level rise exposure area and establish maximum building height for the Napili Bay Civic Improvement District.

SECTION 2. Section 2.60.030, Maui County Code, is amended to read as follows:

"[Pursuant to] Under chapter 19.34, [of this code,] the precise plan of the Napili Bay civic improvement district [shall be as follows] is the following:

A. Building height [shall] must not exceed two stories[.] or thirty feet in height.

B. Total floor area of structures [shall] must be limited to 50 percent of the lot area.

C. Construction [shall be of] must use new material, and the relocation of old buildings [will not be] is not permitted.

D. Construction and architectural styling of buildings and structures [shall] must be in conformance with present developments in the Napili Bay civic improvement district.

E. The permitted uses [shall be as provided for in the hotel district and as listed in] are consistent with chapter 19.14, [of this code, provided,] except short-term rental homes are prohibited on properties located outside of the 3.2-foot sea level rise exposure area and that any permitted accessory use [shall] must be an integral function of the hotel operation.

[and shall] be operated [by the management provided] only for the convenience of the guests, and [shall] not be an independent commercial venture.

F. Location of accessory uses [shall] must be to the rear of interior of the lot.

G. Signs and advertisements [shall] must not be gaudy or excessive in size.

H. Off-street parking [shall] must be as provided in chapter 19.36B.[of this code.]

I. Special permits may be granted for marginal uses that would conform with the intent of the civic improvement district as approved by the Maui planning commission.”

SECTION 3. Section 19.04.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Sea level rise exposure area” means a geographic location identified and officially designated by the Hawaii climate change mitigation and adaptation commission as a sea level rise exposure area.”

SECTION 4. Short-Term Rental Home permits in the Napili Bay Civic Improvement District existing on the effective date of this ordinance may continue to be renewed under Section 19.65.070, Maui County Code.

SECTION 5. 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 6. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 21-66 was adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of April 2021, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabe JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Excused	Aye	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK