

JAN 25 2006

A BILL FOR AN ACT

RELATING TO TIME SHARE ZONING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 514E-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§514E-5 Geographic limitations.** Except as provided in
4 this section, time share units, time share plans, and transient
5 vacation rentals are prohibited.

6 (1) Existing time share units, time share plans, and
7 transient vacation rentals are not impaired by the
8 provisions of this section.

9 (2) Time share units, time share plans, and transient
10 vacation rentals are allowed:

11 (A) In areas designated for hotel use, resort use, or
12 transient vacation rentals, pursuant to county
13 authority under section 46-4, or where the
14 county, by its legislative process, designates
15 hotel, transient vacation rental, or resort use;
16 provided that, if a county establishes a time
17 share zoning district that allows time share
18 units and time share plans, the county may then



1 restrict time share units and time share plans in
 2 other zoning districts, including areas
 3 designated for hotel use, resort use, or
 4 transient vacation rentals;


5 (B) In a hotel where the county explicitly approves
 6 such use, in advance, as a nonconforming use; or

7 (C) In a county with a population in excess of five
 8 hundred thousand, in an existing hotel which is a
 9 valid nonconforming use under county ordinance;
 10 provided that the property shall have at least
 11 sixty units and at least forty per cent of the
 12 units, upon completion of sales of the time share
 13 intervals in the project, shall be made available
 14 for sale as residential apartments or rented as
 15 residential apartments."

16 SECTION 2. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

By Request

Report Title:

Time Share; Zoning

Description:

Authorizes the counties to restrict time share units and time share plans in zoning districts, if they establish a time share zoning district.

