

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

November 6, 2015

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 August 6, 2015, August 20, 2015, and September 24, 2015, makes reference to County Communication 15-66, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO GENERAL PROVISION AND DEFINITIONS."

The purposes of the proposed bill are to establish within the Comprehensive Zoning Ordinance a definition for "wet bar" and to limit the number of wet bars in dwelling units. A wet bar is an area within a dwelling unit that contains a small sink and limited refrigeration or small appliances for making beverages.

Your Committee notes the Lanai, Maui, and Molokai planning commissions recommended approval of the proposed bill.

The Planning Director informed your Committee the Department considers wet bars to be "kitchens" as defined in Section 19.04.040, Maui County Code. This interpretation has led to the denial of building permits for dwelling units containing both a kitchen and one or more wet bars because dwelling units are allowed only a single kitchen. Separately defining wet bars would enable the Administration to distinguish kitchens from wet bars when reviewing building permits.

The Director further informed your Committee the proposed bill will help address the proliferation of illegal vacation rentals. Regulating the number of wet bars permitted in a dwelling unit will lessen the potential of a dwelling unit being converted into a vacation rental.

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Your Committee acknowledged the need to restrict the number of wet bars allowed in dwelling units but noted allowing only a single wet bar is overly restrictive.

The Chair of your Committee transmitted a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO WET BARS IN DWELLING UNITS," incorporating your Committee's revisions to the definitions of "wet bar" and "kitchen" and allowing up to two wet bars in a dwelling unit.

Your Committee further revised the revised proposed bill to permit up to two wet bars in dwelling units less than 5,000 square feet in total floor area and up to three wet bars in dwelling units 5,000 square feet or more in total floor area.

The Chair of your Committee transmitted a further revised proposed bill to incorporate your Committee's revisions, including placing limits on the number of wet bars permitted within a dwelling unit based on the dwelling unit's size and prohibiting wet bars in bedrooms and bathrooms.

Your Committee noted the importance of defining wet bars to support the County's objective of regulating vacation rental accommodations. Your Committee noted the limitation on the number of wet bars in a single dwelling unit will discourage the proliferation of multiple bedrooms with hotel-type amenities in private residences.

Your Committee voted 5-0 to recommend passage of the further revised proposed bill on first reading, incorporating your Committee's recommended revisions, and filing of the communication. Committee Chair Couch, Vice-Chair Carroll, and members Baisa, Guzman, and White voted "aye." Committee members Cochran and Victorino were excused.

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

Your Planning Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO WET BARS IN DWELLING UNITS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-66 be FILED.

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



DON COUCH, Chair

pc:cr:15016aa:gjg/jkm

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE
ZONING ORDINANCE RELATING TO WET BARS IN DWELLING UNITS

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

SECTION 1. Section 19.04.040, Maui County Code, is amended by
adding a new definition to be appropriately inserted and to read as follows:

“Wet bar” means an area within a dwelling unit, other than a kitchen, used for the preparation and serving of beverages that contains a sink that is one-and-one-half cubic feet or smaller and at least one of the following: refrigeration seven-and-one-half cubic feet or smaller; an ice maker; a small mixing or blending appliance; or a small appliance for the preparation of hot beverages, such as a coffee maker.

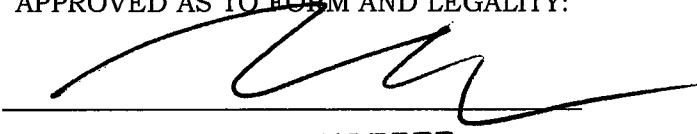
The area is not a wet bar if any of the following is also present: a sink larger than one-and-one-half cubic feet; refrigeration larger than seven-and-one-half cubic feet; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a garbage disposal; a range hood, exhaust vent, or similar equipment; a stove, range, or oven; or any other appliance for the heating or cooking of food.

No more than two wet bars shall be permitted in a dwelling unit that is less than five thousand square feet in total floor area. No more than three wet bars shall be permitted in a dwelling unit that is five thousand square feet or more in total floor area. No wet bar shall be permitted in a bedroom or bathroom.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Michael J. Hopper', written over a horizontal line.

MICHAEL J. HOPPER

Department of the Corporation Counsel
County of Maui

pc:misc:016abill03:gjg