

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

January 25, 2008

Committee
Report No.

08-15

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

Chair and Members:

Your Planning Committee, having met on January 8, 2008, makes reference to County Communication No. 07-284, from Councilmember Gladys C. Baisa, transmitting a draft resolution entitled “REFERRING A DRAFT BILL TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS”. The purpose of the draft resolution is to refer to the planning commissions an attached draft bill entitled “A BILL FOR AN ORDINANCE TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS”. The purpose of the draft bill is to establish “home occupation” as a permitted use in the Residential, R-0 Zero Lot Line Residential, Apartment, Country Town Business, B-1 Neighborhood Business, B-2 Community Business, and B-3 Central Business zoning districts.

By correspondence dated January 2, 2008, the Chair of your Committee transmitted a revised draft resolution, incorporating nonsubstantive revisions to the draft resolution and draft bill.

At its meeting, your Committee met with the Planning Director; the Administrative Planning Officer, Department of Planning; and a Deputy Corporation Counsel.

Your Committee received public testimony from three people and two written testimonies in support of the revised draft resolution. The testifiers contended that allowing for home-based businesses that do not disrupt residential areas would provide numerous economic and social benefits.

The Chair of your Committee noted that the revised draft bill would establish “home occupation” as a permitted use in the Residential, R-0 Zero Lot Line Residential, Apartment, Country Town Business, B-1 Neighborhood Business, B-2 Community Business, and B-3 Central Business zoning districts. As defined in Title 19 of the Maui County Code, a “home occupation” is a residence-based business that provides a product or service subject to certain listed conditions. For instance, signage, the use of outside

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delivery vehicles, and customer visits are prohibited. Transient vacation rentals and automobile-repair shops are not valid home occupations. Currently, “home occupation” is a permitted use only in three zoning districts (Wailuku-Kahului Project Districts I, II, and III).

Your Committee noted that expanding the list of zoning districts in which “home occupation” is a permitted use would promote economic development and lessen the need for commuting.

Your Committee further noted that any countywide land use bill must be referred to the planning commissions for findings and recommendations prior to passage by the Council, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended.

Your Committee voted to further revise the revised draft resolution to request that the Maui Planning Commission obtain the advice of the Hana Advisory Committee.

Your Committee voted to recommend adoption of the revised draft resolution, as further revised.

Your Committee is in receipt of a proposed resolution entitled “REFERRING A DRAFT BILL TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS”, approved as to form and legality by the Department of the Corporation Counsel, consistent with your Committee’s recommendations.

Your Planning Committee RECOMMENDS that Resolution No. _____, as revised herein and attached hereto, entitled “REFERRING A DRAFT BILL TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS”, be ADOPTED.

Adoption of this report is respectfully requested.

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GLADYS C. BAISA Chair

BILL KAUAKEA MEDEIROS Member

JO ANNE JOHNSON Vice-Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Member