

# REQUEST FOR LEGAL SERVICES

**Date:** December 5, 2016  
**From:** Don Couch, Chair  
Planning Committee

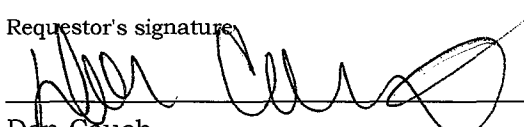
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael J. Hopper, Esq.

**Subject:** BILL 78 (2015) RELATING TO WET BARS IN DWELLING UNITS (PC-16)

**Background Data:** Please review and approve revised Bill 78 (2015) Draft 1, which includes amendments recommended by the Planning Committee at its meeting of December 1, 2016. Note that your office previously approved Bill 78 which was recommitted after passing first reading. A redline version is submitted electronically with this request. A signed, hardcopy of the bill is required.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

|                                                                                                                          |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Requestor's signature<br><br>Don Couch | Contact Person<br><u>Greg Garneau</u><br>(Telephone Extension: <u>x7664</u> ) |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|

☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, December 7, 2016  
REASON: To meet posting deadline for second reading at the Council meeting of Friday, December 16, 2016.

## FOR CORPORATION COUNSEL'S RESPONSE

|              |                |     |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_ (Rev. 7/03)

pc:misc:016acc04

Attachment

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

BILL NO. 78 (2015)  
Draft 1

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 or microwave.

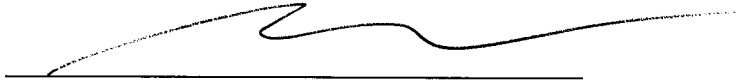
The area is not a wet bar if any of the following is also present: a sink larger than one-and-one-half cubic feet; refrigeration larger than seven-and-one-half cubic feet; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a garbage disposal; a range hood, exhaust vent, 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; however, any area included in plans submitted as part of a building permit application, for which a building permit was approved prior to the effective date of this ordinance, that serves the function of a wet bar or that is labeled as a wet bar, even if it does not meet the definition of “wet bar” as established herein, shall not be subject to this ordinance, and may be reconstructed in accordance with the original building plans.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Department of the Corporation Counsel  
County of Maui

pc:misc:016abill04:gig