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Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

August 30, 2024

Mr. Shayne Agawa, Director
Department of Environmental Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Agawa:

SUBJECT: BILL 104 (2024), AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, RELATING TO KITCHENETTES, KITCHENS, DWELLING UNITS AND WET BARS; AND SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR DWELLING UNITS WITH KITCHENETTES (HLU-33)

The Maui County Council's Housing and Land Use Committee is in receipt of Bill 104 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, ADDING A NEW DEFINITION AND USE FOR KITCHENETTE AND AMENDING THE EXISTING DEFINITIONS OF DWELLING UNIT AND WET BAR, AND AMENDING SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR KITCHENETTES." A copy of the bill is attached for your reference.

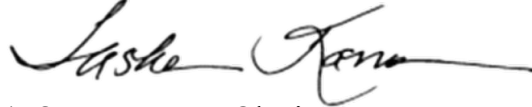
The HLU Committee did not receive comments on the bill from any department other than Planning. May I please request you review and provide your Department's comments on the bill, including any anticipated impacts and suggested amendments to the Maui County Code that may be needed as a result of the proposed changes in the bill.

May I further request you transmit your response to hlu.committee@mauicounty.us by **September 20, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. Shayne Agawa
August 29, 2024
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Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, Carla Nakata at ext. 5519, or Jennifer Yamashita at ext. 7143).

Sincerely,

A handwritten signature in black ink, appearing to read "Tasha Kama". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

TASHA KAMA, Chair
Housing and Land Use Committee

hlu:ltr:033aem01:epa

Attachment

cc: Mayor Richard T. Bissen, Jr.
Deputy Director of Environmental Management

ORDINANCE NO. _____

BILL NO. 104 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, ADDING A NEW DEFINITION AND USE FOR KITCHENETTE AND AMENDING THE EXISTING DEFINITIONS OF DWELLING UNIT AND WET BAR, AND AMENDING SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR KITCHENETTES

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

SECTION 1. The purpose of this Ordinance is to amend Section 19.04.040 – Definitions, and Section 19.36B.020 – designated number of off-street parking Spaces, Maui County Code, in order to provide additional rental opportunities. Said modifications include adding a new definition for “kitchenette”, amending the existing definitions of “kitchen”, “dwelling unit” and “wet bar”, and adding off-street parking requirements for the use of a “kitchenette”.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition of “kitchenette” to be appropriately inserted and to read as follows:

“Kitchenette” means an area within a dwelling unit, in addition to the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink, a refrigerator seven-and-one-half cubic feet or smaller, and small appliances for the preparation of hot food or beverages, such as counter-top appliances and/or a two-burner range. A kitchenette may not contain a 220-volt electrical outlet. A dwelling unit with a kitchenette is to be occupied on a long-term residential basis only, and one additional off-street parking space must be provided for each kitchenette.”

SECTION 3. Section 19.04.040, Maui County Code, is amended by amending the definition of “Kitchen” to read as follows:

“Kitchen” means a room or portion thereof designed, arranged, intended, or used for cooking or otherwise making food ready for consumption and within which there may be appliances for the heating, [or] cooking, and storage of food. This definition excludes “kitchenettes” as defined in this section.”

SECTION 4. Section 19.04.040, Maui County Code, is amended by amending the definition of “wet bar” to read as follows:

“Wet bar” means an area within a dwelling unit, other than a kitchen[,] or kitchenette, 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] cannot qualify as 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.

Except as otherwise provided in this title, [No] no more than two wet bars [shall] may be permitted in a dwelling unit that is less than [five thousand] 5,000 square feet in total floor area. No more than three wet bars [shall] may be permitted in a dwelling unit that is [five thousand] 5,000 square feet or more in total floor area. No wet bar [shall] may be permitted in a bedroom or bathroom.”

SECTION 5. Section 19.08.020, Maui County Code, is amended by adding a new subsection to be appropriately designated and to read as follows:

“M. All dwelling units permitted under this section, and located on the islands of Maui and Lāna‘i, may also contain up to two kitchenettes, two wet bars, or one kitchenette and one wet bar, regardless of the size or square footage of the dwelling unit. Dwelling units on the island of Moloka‘i may not contain a kitchenette, but may contain wet bars in accordance with the definition provided in 19.04.040.”

SECTION 6. Section 19.29.030, Maui County Code, is amended by amending subsection A to read as follows:

“A. Principal uses.

1. One single-family dwelling per one-half acre in the RU-0.5 and County rural districts; one single-family dwelling per one acre in the RU-1 district; one single-family dwelling per two acres in the RU-2 district; one single-family dwelling per five acres in the RU-5 district; and one single-family dwelling per ten acres in the RU-10 district.

2. Growing and harvesting of any agricultural or agricultural crop or product, subject to restrictions set forth in this chapter.

3. Minor utility facilities as defined in section 19.04.040 [of this title].

4. Parks for public use, but not including commercial camping, campgrounds, campsites, overnight camps, and other similar uses.

5. Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, adult day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in dwelling units used for child care services. These facilities shall serve six or fewer clients at any one time on lot sizes of less than [seven thousand five hundred] 7,500 square feet, eight or fewer clients at any one time on lot sizes of [seven thousand five hundred] 7,500 or more square feet, but less than [ten thousand] 10,000 square feet, or twelve or fewer clients at any one time on lot sizes of [ten thousand] 10,000 or more square feet.

6. Home businesses, subject to the provisions of chapter 19.67 [of this title].

7. All principal or accessory dwelling units permitted under this section, and located on the islands of Maui and Lānaʻi, may also contain up to two kitchenettes, two wet bars, or one kitchenette and one wet bar, regardless of the size or square footage of the dwelling unit. Dwelling units on the island of Molokaʻi may not contain a kitchenette, but may contain wet bars in accordance with the definition provided in 19.04.040.”

SECTION 7. Section 19.36B.020, Maui County Code, is amended to read

as follows:

“19.36B.020 Designated number of off-street parking spaces. Unless otherwise provided in this chapter, the following minimum numbers of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles [shall] must be provided in connection with the use of any land or the construction, alteration or improvement of any building or structure. When reviewing a building permit application or proposed change of use, the department [shall] must determine whether the applicant must submit a parking and landscaping plan to establish compliance with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan. The number of required parking spaces [shall] must be based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half [shall] must be disregarded, and a fraction of one-half or more [shall] must require one parking space. The following chart establishes the general requirements for accessible, onsite, off-street parking. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, and with State requirements for electric-vehicle parking is also required.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, multi-family dwelling, single- family dwelling. Note: A dwelling unit's parking spaces may be in tandem.	Floor area of dwelling unit in square feet: Under 3,000 3,000-3,999 4,000-4,999 5,000-5,999 6,000-6,999 7,000-7,999 8,000 and above	Minimum number of parking spaces: 2 3 4 5 6 7 8

Dwelling units: accessory dwelling.	1 for each accessory dwelling.	
<u>Dwelling units: with a kitchenette</u>	<u>1 additional for each kitchenette.</u>	
Home business.	1 for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	
Transient accommodations. Note: A dwelling unit's parking spaces may be in tandem.	Type:	Minimum number of parking spaces:
	Bed and breakfast home	1 parking space for each bedroom used for bed and breakfast home use, plus 2 parking spaces for the operator of the bed and breakfast home or as required for a single-family dwelling, whichever is greater.
	Short-term rental home	2 if the short-term rental home has 4 or fewer bedrooms or as required for the dwelling, whichever is greater; 3 if the short-term rental home has 5 or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	1 per rental unit, except that a transient vacation rental in a single-family

		dwelling shall provide the same number of parking spaces as a single-family dwelling. Units capable of being utilized as 2 or more units are counted as separate rental units.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
Agriculture retail structure, agriculture product stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.	1 per 500 square feet, provided that the minimum shall be 3.	
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	1 per 1,000 square feet for all areas including office, storage, and showroom.	
Animal boarding facility.	3 plus 1 per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.	
Bank.	1 per 300 square feet, provided that the minimum shall be 3.	
Eating and drinking establishment or agricultural food	1 per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), provided that the minimum shall be 4; 2 or more such	

establishment as defined in section 19.30A.015 with dining areas.	establishments in a "food court" configuration may share amusement and dining areas.
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 without dining areas (such as take-out counters or "food retail").	1 per 500 square feet of serving area, provided that the minimum shall be 3 for each establishment.
Mobile food truck.	0 mobile food trucks shall not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	1 per 1,500 square feet, provided that the minimum shall be 3.
SBR mixed-use establishment.	2 for each dwelling unit, plus 1 per 300 square feet of non-residential floor area.
SBR service establishment.	1 per 300 square feet.
Self-storage.	1 per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	1 per 200 square feet, excluding drive-through fueling areas, which shall not be used for required parking, or 1 per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts shall be within an enclosure bounded completely by a wall at least 6 feet in height.
Shopping center.	1 per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	1 per 500 square feet.
Vehicle and equipment rental or sales.	1 per 500 square feet for sales, showrooms, services, offices, and parts facilities, provided that the minimum shall be 3; 0 for outdoor storage of vehicles and equipment.
3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)	

Amusement center, entertainment establishment.	1 per 100 square feet.	
Auditorium, theater, stadium, assembly area, arena, gymnasium.	1 per 300 square feet, 1 per 4 seats, or 1 per 8 feet of bleacher length, whichever is greater.	
Bowling alley.	3 per lane.	
Clubhouse, private club, fitness center, health club.	1 per 200 square feet.	
Golf course.	3 per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range.	1 per tee.	
Miniature golf course.	1 per hole.	
Swimming pool.	1 per 600 square feet of pool and associated buildings.	
Tennis court.	4 for each court.	
Passive recreation.	0 for up to 2 acres; 4 for above 2 acres (paving not required).	
Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium).	50 per athletic field; 0 additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court.	6 per court.
	Children's playground.	0
	Skate park.	1 per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	1 per 2 participants at regular capacity.
Arboretum, botanical garden.	3 plus 1 per acre, except that the maximum number of required parking spaces shall be no more than 20.	
4) SOCIAL OR CIVIC SERVICE		

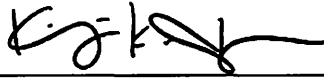
Airport, heliport, other public transportation.	Parking for terminal, hangars, and inter-terminal operations to be determined by the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.
Cemetery, mausoleum.	0; any offices or other accessory uses to be determined separately.
Church, including place of worship.	1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater.
Community center.	1 per 100 square feet.
Day care facility, nursing home, assisted living facility.	1 per 6 clients, plus 1 per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	1 per 500 square feet, provided that the minimum shall be 3.
Minor medical center, medical or dental clinic.	1 per 300 square feet, provided that the minimum shall be 3.
Major medical center.	1 per 2 beds.
Mortuary, funeral home.	1 per 100 square feet.
Public utility substation.	1
Recycling, redemption facility.	3
School, educational institution, general education, specialized education.	1 per classroom if all students are under 16 years of age; 8 per classroom if any student is 16 years of age or older.

”

SECTION 8. 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 9. This ordinance takes effect on approval.

APPROVED AS TO FORM
AND LEGALITY:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF2024-0238
2024-05-03 Ord Amd Ch 19.04.docx

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Mrs. P. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.

HLU Committee

From: HLU Committee
Sent: Friday, August 30, 2024 11:18 AM
To: 'Shayne.Agawa@co.maui.hi.us'
Cc: HLU Committee; 'Michelle Santos'; 'Zeke Kalua'; Robert Schmidt; Nadine Orikasa
Subject: PLEASE READ attached letter re: HLU-33; reply by 09/20/2024
Attachments: 033aem01_Tk.pdf

Director Agawa: Please refer to the attached letter from the Housing and Land Use Committee Chair, dated August 30, 2024. Please respond by **September 20, 2024**.

Mayor's Office: Please forward the attached letter to Mayor Bissen for his information.

Thank you,
HLU Committee