

Planning Department proposes rules on home-based businesses

THE CHAMBER VIEW

by Pamela Tumpap



County Planning Department officials have been working to update, streamline and standardize

Title 19 of the Maui County Code. As part of this effort, they are codifying home-occupations language and adding new provisions to the Residential District, including new language defining home-based businesses in Title 19.04. Long a proponent of home-based business legislation, the Maui Chamber of Commerce is pleased to see the Planning Department proposing language to legitimize many existing home-based businesses and provide options for new startups.

The proposed definition (along with our comments in parentheses to differentiate them from the bill text) follows:

{START ITAL, except copy in parentheses} A "home-based business" is defined as an enterprise or activity conducted by the occupant of the dwelling unit wherein the enterprise or activity takes place and which involves either the growing, processing, or manufacturing of product or the provision of services for consideration and profit; provided:

That only one person other than a member of the family residing on the premises of the dwelling unit shall be employed

by the home-based business; (As long as parking and other neighborhood concerns are addressed, we recommend employment be of more than one person beyond family members because family members may have other jobs.)

That no more than 25 percent of the floor area of the dwelling unit shall be used by the home occupation; (We do not understand the 25 percent floor-area limitation. If more square footage is available, and use is neither harmful nor illegal and does not impact the neighborhood, why limit how someone uses the home? How would 25 percent of the floor area be determined?)

That no group instruction classes or group sales meeting shall be permitted on the premises of the dwelling unit; (This proviso presents challenges for multilevel-marketing types of businesses. Could the provision be addressed from the standpoint of mitigating neighborhood concerns, such as looking at the number of times such interactions/meetings can take place at a given residence? For example, officials propose to limit garage sales to four times a year.)

That retail sales shall be limited to products produced by the home-based business; (Why? What is the relation between this provision and protecting neighborhoods? The customer and other limitations prevent larger retail sales.)

That no sign or display shall advertise the home-based busi-

ness and there shall be no change in the exterior appearance of the dwelling unit to accommodate the home-based business;

That deliveries either to or from the premises of the dwelling unit used for a home-based business shall be limited to two-axle vehicles between the hours of 9 a.m. and 5 p.m.;

That any storage of goods, samples, materials or objects used in connection with the home-based business shall be stored within the dwelling unit or screened from public view; (We agree that stored items should be screened from public view, except for nurseries, gardens, etc., but question limiting storage to the dwelling unit. Would an enclosed garage or shed be acceptable?)

That customers of the home-based business shall be limited to: two at any time and a total of eight per day and between the hours of 9 a.m. and 5 p.m.; (The word "customers" may require definition for better understanding. If a family of four pulls up in a single car, is the group considered one customer?)

That the home-based business shall not impact the residential character of the property or neighborhood; and

That the following shall not be construed to be a home-based business and therefore shall not be permitted:

- Harboring, caring, training or raising dogs, cats, birds, horses, or other animals;

- Repair of automobile and other vehicles with internal

combustion engines;

- Contractor headquarters or dispatch centers to other locations; or

- The repair, manufacture, processing or alteration of goods, materials or objects that produce noise, dust, smoke, glare or odors that negatively impact the neighbors. {END ITAL}

Greenhouses, flower and truck gardens, and nurseries are permitted uses in 1908.020, but their products are not allowed to be sold on the property. Given the new home-based business definition, could sales be included in the definition as well? Furthermore, the two-axle vehicle delivery provision may present challenges for this nursery-related group.

Our goal is to have legislation enacted that allows appropriate home-based businesses and occupations; protects neighborhoods; and provides for activities that are currently acceptable in residential areas without imposing additional restrictions on those who operate a home-based business. We have shared our comments and questions with the Planning Department and Maui Planning Commission for further consideration.

We are excited this effort is moving forward, commend the Planning Department for including home-based businesses in the bill, and will continue to pursue positive home-based business solutions.

■ Pamela Tumpap is president of the Maui Chamber of Commerce.