

# Home occupations on current agenda with old definition

## THE CHAMBER VIEW

by Pamela Tumpap



Home occupations — a legal term describing cottage industries —

are prevalent on Maui, and nearly everyone knows some-

one operating one. Over the years, aided by technological advancements, the numbers have increased in all zoning areas. Yet, our laws haven't kept up with this trend, and the issue is being taken up again with an antiquated definition of "home occupation."

The Planning Department drafted a bill to authorize home occupations in additional zon-

ing districts beyond Wailuku and Kahului, and recommends adding rural zoning to the bill, which is great. However, agricultural zoning is not included, and the definition of "home occupation" is 10-plus years old.

In tackling this matter again, let's establish a feasible definition.

Residential use is the primary use of residential zoning, and we must protect our neighborhoods. Not all home occupations are appropriate, and reasonable regulation is needed. But with reasonable regulation, we feel neighborhood concerns — such as noise, traffic, parking, etc. — can be addressed, and fitting home occupations can be allowed and legitimized. However, the current definition below is extremely limiting.

"Home occupation" means 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 a product or the provision of services for consideration and profit, provided that:

1. No person other than a member of the family residing on the premises of the dwelling unit shall be employed by the home occupation.

2. No more than 25 percent of the floor area of the dwelling unit shall be used by the home

occupation.

3. No group-instruction classes or group-sales meetings shall be permitted on the premises of the dwelling unit.

4. No product shall be exchanged by the operator of the home occupation or the operator's agents to any other person on the premises of the dwelling unit for consideration.

5. No sign, display or change in the exterior appearance of the dwelling unit to advertise the home occupation shall be permitted.

6. No goods, chattel, materials, supplies or items of any kind shall be delivered either to or from the premises of the dwelling unit used for a home occupation other than by a vehicle owned by the residents of the dwelling unit, and limited to cars, jeeps, vans with a maximum capacity of nine passengers, and four-wheel drives and trucks with a maximum load capacity of three-quarters of a ton.

7. Any storage of goods, samples, materials or objects used in connection with the home occupation shall be stored within the dwelling unit and shall receive the approval of all appropriate governmental agencies.

8. Clients, patrons and customers of the home occupation shall be prohibited on the premises except for educational services on a 1-to-1 pupil-

teacher basis so long as such activity is limited to a total of eight persons per day.

9. The following occupations shall not be construed to be a home occupation and therefore shall not be permitted: repair, manufacture, processing or alteration of goods, materials or objects, except baking, dressmaking, tailoring, and the manufacturing of arts and craft items; harboring, training or raising dogs, cats, birds, horses or other animals; and automobile and/or body fender repairing.

For those operating a home-based business, do you meet the definition above?

We believe:

- Neighborhoods must be protected from serious negative impacts.

- Reasonable regulation can be employed and inclusive of different types of home occupations.

- Home occupations should be permitted in all zoning areas.

- A new law should precede any enforcement.

- Any restrictions on home occupations should be based on addressing significant issues, such as noise, parking, traffic impacts, etc.

- Legislation should facilitate suitable home occupations and not be cumbersome.

- The operator of a home occupation, as defined by law, should be allowed to operate

until there are verified complaints that the operator is operating outside of the law.

The Maui Planning Commission approved the draft bill — with the old definition intact, and with the amendment to increase the acceptable area from 250 square feet to 500 square feet. Following recommendations by the planning commissions and Hana Advisory Council, the bill returns to the County Council for review. We are recommending language for bill revisions.

Often, when new legislation or updates to archaic legislation are discussed, some say the county should take "baby steps" because the legislation can be fixed down the road. This rationale is ludicrous and used too often.

Let's be proactive and get things right the first time around, instead of delaying action and requiring future remedies. The process for changing legislation is lengthy and costly. Matters, like home occupations, are not new. Other municipalities have dealt with these issues, and excellent models exist. We can utilize experts and create workable solutions now — and that's what we're doing.

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

## HOW TO READ THE MARKET IN REVIEW

Here are the 477 most active stocks on the New York Stock Exchange; the 355 most active on the NASDAQ National Markets; and the 99 most active on American Stock Exchange. Mutual funds are 1,055 largest. Stocks in **bold** changed 5 percent or more in price.

**Name:** Stocks are listed alphabetically by the company's full name (not its abbreviation). Company names made up of initials appear at the beginning of each letter's list.

**Div:** Current annual dividend rate paid on stock, based on latest quarterly or semiannual declaration, unless otherwise footnoted.

**Last:** Price stock was trading at when exchanged closed for the day.

**Chg:** Loss or gain for the day. No change indicated by .... mark

**Fund Name:** Name of mutual fund and family.

**Sell:** Net asset value, or price at which fund could be sold.

**Chg:** Daily net change in the NAV.

**Stock Footnotes:** cc — PE greater than 99; dd — Loss in last 12 mos; d — New 52-wk low during trading day; g — Dividend in Canadian \$; Stock price in U.S. \$; n — New issue in past 52 wks; q — Closed-end mutual fund; no PE calculated; s — Split or stock dividend of 25 pct or more in last 52 wks; Div begins with date of split or stock dividend; u — New 52-wk high during trading day; v — Trading halted on primary market. Unless noted, dividend rates are annual disbursements based on last declaration; pf — Preferred; pp — Holder owes installment(s) of purchase price; r — Rights; un — Units; wd — when distributed; wi — When issued; wt — Warrants; ww — With warrants; xw — Without warrants.

**Dividend Footnotes:** a — Also extra or extras; b — Annual rate plus stock dividend; c — Liquidating dividend; e — Declared or paid in preceding 12 mos; f — Annual rate increased on last declaration; i — Declared or paid after stock dividend or split; j — Paid this year, dividend omitted, deferred or no action taken at last meeting; k — Declared or paid this year, accumulative issue with dividends in arrears; m — Annual rate, reduced on last declaration; p — Init div, annual rate unknown; r — Declared or paid in preceding 12 mos, plus stock dividend; t — Paid in stock in last 12 mos, estimated cash value on ex-dividend or distribution date; x — Ex-dividend or ex-rights; y — Ex-dividend and sales in full; z — Sales in full; vj — In bankruptcy or receivership or being reorganized under the Bankruptcy Act, or securities assumed by such companies. \* Most active stocks above must be worth \$1 and gainers/losers \$2.

**Mutual Fund Footnotes:** a — Ex-capital gains distribution; f — Previous day's quote; n — No-load fund; p — Fund assets used to pay distribution costs; r — Redemption fee or contingent deferred sales load may apply; s — Stock dividend or split; t — Both p and r; x — Ex-cash dividend.

Source: The Associated Press. Sales figures are unofficial.