



A BILL FOR AN ORDINANCE

RELATING TO USE REGULATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance").

SECTION 2. The Land Use Ordinance (LUO) is amended to update and move use material located in other Articles of the LUO into the new Article 5 and, for consistency with the Article 5 Use Regulations, especially with respect to THE naming of uses and cross-references.

SECTION 3. Chapter 21 Article 5, Revised Ordinances of Honolulu 1990, as amended ("Specific Use Development Standards") is repealed.

SECTION 4. Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"), is amended by adding a new Article 5 to read as follows:

"Article 5. Use Regulations

Sec. 21-5.10 Purpose and intent.

- (a) The purpose of this article is to set forth the table of permitted uses, define permitted uses and identify the development and design standards for particular uses.

Sec. 21-5.20 Use classification.

- (a) Refer to Table 21-5.30 to determine whether a use is allowed as a permitted principal or accessory use in a particular zoning district, requires discretionary land use permit approval, or is not allowed.
- (b) Where a proposed use is not specifically listed in the Use Table in Sec. 21-5.30, the Director will review the proposed use and, based on its characteristics and its similarity to the uses listed in the category, determine the regulatory requirements for that use.
- (c) The following categories of uses apply on the Use Table in Sec. 21-5.30.
- (1) Ministerial Uses:
Ministerial uses are those uses that are approved administratively, without requiring a conditional use permit or Plan Review.
P = A permitted principal or accessory use.
P* = A permitted principal or accessory use that is subject to specific use standards (see link in right-hand column).



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Eu = An existing use with a valid use permit that is allowed to continue and is not considered nonconforming. Does not allow for any new establishment of the use. Such uses may be modified through the minor conditional use permit process.

(2) Discretionary Uses:

Discretionary uses are those uses that require a conditional use permit or Plan Review.

Cm = A use that requires an approved minor conditional use permit.

C = A use that requires an approved major conditional use permit.

Cm* or C* = A use that requires an approved minor or major conditional use permit that must also meet specific use standards (a link to the standards is provided in the right-hand column).

PRU = A use that requires Plan Review approval.

(3) Not Permitted:

-- = A use that is not permitted.

- (d) The specific use standards of this Article apply to both ministerial and discretionary uses designated on the Use Table in Sec. 21-5.30 with an asterisk (*). Development standards located elsewhere in this Land Use Ordinance apply to all uses.
- (e) It is intended that all lands within a state-designated conservation district be zoned P-1 restricted preservation district. Within the P-1 restricted preservation district, all uses, structures, and development standards are governed by the appropriate state agencies. For this reason, the P-1 District is not shown on the use table.

Sec. 21-5.30 Use table.

- (a) The following table does not include the Waikiki Special District – please refer to Table 21-9.6(A).

Table 21-5.1 Table of Allowed Uses	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition/ Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																						
AGRICULTURAL USES																						
Crop Production																						
Aquaculture	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(a)(1)



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P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																						
Composting																						
Minor	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40(a)(2)
Major	C*	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40(a)(2)
Community Garden	P*	P*	P*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	-	-	-	Cm*	Sec. 21-5.40(a)(3)
Crop Raising	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(a)(4)
Forestry	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(a)(5)
Plant Nursery	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	Sec. 21-5.40(a)(6)
Urban Agriculture	-	-	-	-	-	-	-	-	-	Cm*	Cm*	Cm*	-	Cm*	Cm*	Cm*	Cm*	-	-	-	Cm*	Sec. 21-5.40(a)(7)
Vertical Farm	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	-	P	Sec. 21-5.40(a)(8)
Livestock Keeping																						
Animal Raising	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(b)(1)
Animal Raising, Confined	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(b)(2)
Agricultural Support																						
Agricultural Equipment Service	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	Sec. 21-5.40(c)(1)
Collection and Storage																						
Minor	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40(c)(2)
Major	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	P	-	-	Sec. 21-5.40(c)(2)
Feed Store	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40(c)(3)
Livestock Veterinary Service	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(c)(6)
Processing																						
Minor	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	-	P*	Sec. 21-5.40(c)(4)
Major	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40(c)(4)
Sawmill	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 21-5.40(c)(5)
Accessory Agricultural																						
Agricultural Energy Facility	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40(d)(1)
Agritourism	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(d)(2)
Beekeeping	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	Sec. 21-5.40(d)(3)
Biofuel Processing Facility	Cm*	Cm*	Cm*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	Cm*	-	Sec. 21-5.40(d)(4)
Farm Dwelling	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(d)(5)
Farm Stand	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(d)(6)
Farm Worker Housing	-	Cm*	Cm*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(d)(7)



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	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																						
Farmer's Market	-	Cm*	Cm*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40(d)(8)
RESIDENTIAL USES																						
Household Living																						
Single-Unit Dwelling	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-	-	-	-	Sec. 21-5.50(a)(1)
Duplex-Unit Dwelling	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	-	-	-	-	-	Sec. 21-5.50(a)(2)
Two-Unit Dwelling	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	-	-	-	-	-	Sec. 21-5.50(a)(3)
Three-Unit Dwelling	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	-	-	P*	-	-	-	-	-	Sec. 21-5.50(a)(3)
Multi-Unit Dwelling	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	Sec. 21-5.50(a)(4)
Group Living																						
Small	-	Eu*	Eu*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	P*	-	-	-	-	Sec. 21-5.50(b)(1)
Large	-	Eu*	Eu*	C*	C*	C*	C*	C	C	C	C	C	-	-	-	C	Cm	-	-	-	-	Sec. 21-5.50(b)(2)
Accessory Residential																						
Accessory Dwelling Unit	-	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.50(c)(1)
Family Child Care Home	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	-	-	Sec. 21-5.50(c)(2)
Home Occupation	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	-	-	Sec. 21-5.50(c)(3)
Ohana Unit	-	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.50(c)(4)
Poultry Raising	-	-	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.50(c)(5)
Rooming	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	Sec. 21-5.50(c)(6)
PUBLIC, CIVIC AND INSTITUTIONAL USES																						
Assembly																						
Community Recreation Center	-	-	-	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P	P	-	-	-	-	Sec. 21-5.60(a)(1)
Convention Center, Concert or Sporting Venue	-	-	-	-	-	-	-	-	-	-	-	-	PRU	PRU	PRU	PRU	PRU	-	-	-	PRU	Sec. 21-5.60(a)(2)
Meeting Facility																						
Small	-	Eu	Eu	Eu	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P*	P*	-	P	Sec. 21-5.60(a)(3)
Medium	-	Eu	Eu	Eu	C*	C*	C*	C*	C*	C*	C*	C*	Cm	Cm	Cm	Cm	Cm	Cm*	Cm*	-	Cm	Sec. 21-5.60(a)(3)
Large	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	C	Sec. 21-5.60(a)(3)
Communication																						
Dish Antenna	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	P	Sec. 21-5.60(b)(1)
Tower Antenna	Cm*	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Sec. 21-5.60(b)(2)



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Stealth Antenna	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 21-5.60(b)(3)
Accessory Communication Structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60(b)(4)
Education School, K-12	-	-	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	-	P	P	P	P	-	-	-	-	Sec. 21-5.60(c)(1)
School, Vocational Minor	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P	P	P	P	P	P	-	P	Sec. 21-5.60(c)(2)
Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	Sec. 21-5.60(c)(2)
University, College	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60(c)(3)
Government Consulate	-	-	-	-	P*	P*	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	Sec. 21-5.60(d)(1)
Prison	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60(d)(2)
Public Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 21-5.60(d)(3)
Parks and Open Space Cemetery	P	-	Cm*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 21-5.60(e)(1)
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	Sec. 21-5.60(e)(2)
Utility Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60(f)(1)
Medium	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.60(f)(2)
Large	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Sec. 21-5.60(f)(3)
COMMERCIAL USES																						
Day Care Child Day Care	-	-	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P	P	-	P	Sec. 21-5.70(a)(1)
Adult Day Care	-	-	C	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P	-	P	Sec. 21-5.70(a)(2)
Eating and Drinking General Eating and Drinking	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	P	P	P	P	Sec. 21-5.70(b)(1)
Bar/Nightclub Minor	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P*	P*	P*	P*	P	-	P*	Sec. 21-5.70(b)(2)
Major	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P*	-	P*	-	-	-	P*	Sec. 21-5.70(b)(2)
Lodging Bed and Breakfast Home	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	-	-	Sec. 21-5.70(c)(1)



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Hotel																						
Minor	-	-	-	-	-	-	-	-	-	-	-	-	P			Cm*	P	-	-	-	P*	Sec. 21-5.70(c)(2)
Major	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C*	P	-	-	-	-	Sec. 21-5.70(c)(2)
Time Share	-	-	-	-	-	-	-	P*	P*	-	-	-	P	-	-	-	-	-	-	-	-	Sec. 21-5.70(c)(3)
Transient Vacation Unit	-	-	-	-	-	-	P*	P*	-	-	-	-	P*	-	-	-	-	-	-	-	-	Sec. 21-5.70(c)(4)
Medical Services																						
General Medical Services	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	-	-	-	P*	Sec. 21-5.70(d)(1)
Hospital	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.70(d)(2)
Medical Laboratory	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	Sec. 21-5.70(d)(3)
Office																						
General Office	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	P	P	-	P	Sec. 21-5.70(e)(1)
Parking																						
Remote Parking	-	-	-	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.70(f)(1)
Commercial Parking	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	P	P	-	P	Sec. 21-5.70(f)(2)
Personal Services																						
General Personal Services	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	-	-	-	P*	Sec. 21-5.70(g)(1)
Animal Care																						
Minor	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P	-	P*	Sec. 21-5.70(g)(2)
Major	-	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 21-5.70(g)(2)
Wedding Services	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	P	-	-	-	P	Sec. 21-5.70(g)(3)
Recreation, Indoor																						
General Indoor Recreation	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	Sec. 21-5.70(h)(1)
Theater	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	Sec. 21-5.70(h)(2)
Recreation, Outdoor																						
General Outdoor Recreation	-	-	-	-	-	-	-	-	-	-	-	-	C*	C*	C*	-	C*	C*	C*	-	Cm*	Sec. 21-5.70(i)(1)
Golf Course	PRU	-	-	-	-	-	-	-	-	-	-	-	PRU	-	-	-	-	-	-	-	-	Sec. 21-5.70(i)(2)
Retail																						
General Retail																						
Small	-	-	-	-	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70(j)(1)
Medium	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P	P	-	P*	Sec. 21-5.70(j)(1)
Large	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P	P	-	P*	Sec. 21-5.70(j)(1)



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Table 21-5.1 Table of Allowed Uses	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition/ Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																					
Alternative Financial Service	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm	Cm	Cm	Cm	-	-	-	Cm	Sec. 21-5.70(j)(2)
Mobile Commercial Establishment	-	-	-	Cm*	-	-	-	-	-	P*	P*	P*	-	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70(j)(3)
Vehicle-Related																						
Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	P*	Sec. 21-5.70(k)(1)
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	P	P	P	-	P	Sec. 21-5.70(k)(2)
Vehicle Repair																						
Service	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70(k)(3)
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 21-5.70(k)(3)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 21-5.70(k)(3)
Vehicle Sales and Rental																						
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	-	P*	Sec. 21-5.70(k)(4)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	Sec. 21-5.70(k)(4)
Accessory Commercial																						
Caretaker Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	P	Sec. 21-5.70(l)(1)
Drive-Thru	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70(l)(2)
Retail	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	Sec. 21-5.70(l)(3)
Vacation Cabin	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.70(l)(4)
INDUSTRIAL USES																						
Manufacturing and Processing																						
General Manufacturing and Processing																						
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P	P	P	P	Sec. 21-5.80(a)(1)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 21-5.80(a)(1)
Bio-Fuel Processing Facility	C*	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm*	Cm*	-	Sec. 21-5.80(a)(2)
Brewery, Distillery, Winery																						
Minor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	Sec. 21-5.80(a)(3)
Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	Sec. 21-5.80(a)(3)
Explosive/Toxic Chemical Manufacturing, Storage and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	-	-	Sec. 21-5.80(a)(4)



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Table 21-5.1 Table of Allowed Uses	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition/ Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																						
Food Manufacturing and Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	P	P	Sec. 21-5.80(a)(5)
Linen Suppliers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	Sec. 21-5.80(a)(6)
Petrochemical Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	Cm*	-	Sec. 21-5.80(a)(7)
Production Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	P	Sec. 21-5.80(a)(8)
Publishing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	P	Sec. 21-5.80(a)(9)
Marine																						
General Marine																						
Minor	C	-	-	-	-	-	-	-	-	-	-	-	Cm*	-	Cm*	Cm*	Cm*	-	P	P	P*	Sec. 21-5.80(b)(1)
Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 21-5.80(b)(1)
Port	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 21-5.80(b)(2)
Repair																						
General	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P	P	P	P	P	P	P	P	Sec. 21-5.80(c)(1)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 21-5.80(c)(2)
Research and Development																						
General Research and Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	Sec. 21-5.80(d)(1)
Resource Extraction																						
General Resource Extraction	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 21-5.80(e)(1)
Storage and Warehousing																						
General Storage, Warehousing and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	Sec. 21-5.80(f)(1)
Self-Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	-	P	Sec. 21-5.80(f)(2)
Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	Sec. 21-5.80(f)(3)
Transportation																						
Airport	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.80(g)(1)
Base Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	Sec. 21-5.80(g)(2)
Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 21-5.80(g)(3)
Multi-Modal Facility	-	-	-	-	-	-	-	-	-	C	C	C	C	Cm	Cm	Cm	Cm	Cm	-	-	Cm	Sec. 21-5.80(g)(4)
Truck Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 21-5.80(g)(5)
Waste-Related																						



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	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use							
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Table 21-5.1 Table of Allowed Uses																								
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use Eu = Existing Use Only PRU = Plan Review Use * = Use Standards Apply																							
Salvage, Scrap and Junk Storage or Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm*	Cm*	-	Sec. 21-5.80(h)(1)
Waste Disposal and Processing	C*	-	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm*	Cm*	-	Sec. 21-5.80(h)(2)
Accessory Industrial Hellstop	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	C*	-	C*	C*	C*	C*	P*	P*	C*	Sec. 21-5.80(i)(1)
MISCELLANEOUS																								
Historic Structure Re-Use	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.90(a)
Joint Development	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.90(b)
Transfer of Development	-	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.90(c)

Sec. 21-5.40 Agricultural uses.

- (a) Crop production. The production of crops, including growing grains, vegetables, fruits, nuts, flowers, seeds, ornamental plants and grasses, generally for consumption off-site or further processing on- or off-site for off-site use. Crop production uses are consolidated into the following groups in Sec. 21-5.30 Use table.

(1) Aquaculture

- (A) Defined: Cultivating and raising aquatic plants such as limu, wetland taro, kelp, or algae and aquatic animals such as fish or shellfish in controlled natural or artificial bodies of water.

- (B) Standards: None.

(2) Composting

- (A) Defined: Biological decomposition of organic or mixed solid waste materials under controlled conditions that produces a stable



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humus-like mulch or soil amendment. Composting does not include the bioremediation of fuel-contaminated soil.

- (i) Minor: Composting organic materials such as plant matter or animal manure. Includes processing for sale and marketing.
- (ii) Major: Composting non-organic material such as solid waste residue, sewage sludge, and animal food processing waste. Includes processing for sale and marketing.

(B) Standards

(i) Minor

- a. All incoming and outgoing loads must be covered or otherwise managed to prevent material from falling onto the ground while in transport and to mitigate odors.
- b. On-site areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands.
- c. Controls to manage odors, vectors, and surface and groundwater contamination are required.
- d. Compost material must be covered in such a way that no material will leave the site.
- e. All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use or Resort District.

(ii) Major

- a. All incoming and outgoing loads must be covered and managed to prevent material from falling onto the ground while in transport and to mitigate odors.
- b. On-site areas where composting takes place must be located at least 50 feet away from all surface water streams or wetlands.
- c. Controls to manage odors, vectors, and surface and groundwater contamination are required.
- d. Compost material must be covered in such a way that no material will leave the site.
- e. All structures and activities must be set back a minimum of 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use, or Resort District. When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced, provided that at no time may the distance be less than 500 feet.



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(3) Community Garden

(A) Defined: Cultivating, maintaining and harvesting crops primarily for personal or group use, consumption or donation. Does not include commercial use but may allow non-profit sales. Land may be cultivated jointly or divided into designated plots for cultivation by individuals acting independently.

(B) Standards

- (i)** Community gardens are required to prepare a management plan for review as part of the conditional use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:
 - a. A site plan.
 - b. Operating hours.
 - c. A description of the type of equipment necessary or intended for use, and the frequency and duration of anticipated use.
 - d. Disclosure of any intent to spray or apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes for which they are intended.
 - e. Disclosure of the spreading of manure.
 - f. A proposed sediment and erosion control plan.
- (ii)** Only mechanical equipment designed for household use may be used.
- (iii)** A farm dwelling is not allowed as an accessory use to a community garden.



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- (4) Crop Raising
 - (A) Defined: Cultivating, maintaining, and harvesting crops, generally conducted in an open field or greenhouse. Includes cultivating crops with hydroponics.
 - (B) Standards: None.
- (5) Forestry
 - (A) Defined: Creating, conserving, and managing forests or forest lands for commodity benefits such as lumber or edible fruit or non-commodity benefits such as conservation or education.
 - (B) Standards: None.
- (6) Plant Nursery
 - (A) Defined: Propagating and growing plants for off-site sale. On-site accessory sales (both wholesale and retail) are included in this definition.
 - (B) Standards: None.
- (7) Urban Agriculture
 - (A) Defined: Cultivating, maintaining, and harvesting crops, often using intensive agriculture and large-scale farm equipment, primarily for profit, by an organization or business.
 - (B) Standards
 - (i) A management plan must be prepared for review as part of the conditional use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:
 - a. A site plan.
 - b. Operating hours.
 - c. A description of the type of equipment necessary or intended for use in each season, and the frequency and duration of anticipated use.
 - d. Disclosure of any intent to spray or apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes for which they are intended.
 - e. Disclosure of the spreading of manure.
 - f. A proposed sediment and erosion control plan.



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- (ii) Building area for structures such as tool sheds, planting preparation houses, and restrooms must not exceed 15% of lot area.
- (8) Vertical Farm
 - (A) Defined: Cultivating, maintaining, and harvesting crops in indoor environments such as warehouses or tunnels in stacked layers using hydroponic, aeroponic, or aquaponic techniques.
 - (B) Standards: Permitted only on soils that are rated poor (C or worse).
- (b) Livestock Keeping: Uses directly related to the raising, feeding, and keeping of domesticated animals, generally for off-site use or consumption. Livestock keeping uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) Animal Raising
 - (A) Defined: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, and swine, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may be kept indoors overnight. Does not include feedlots. Includes boarding and care of domestic animals.
 - (B) Standards: None.
 - (2) Animal Raising, Confined
 - (A) Defined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, and swine primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. Includes feedlots, defined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.
 - (B) Standards
 - (i) All zoning lots must be a minimum of 3 acres in size.
 - (ii) Feedlots and fowl, poultry, or swine enclosures must be set back a minimum of 300 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
- (c) Agricultural Support: Processing or storage of crop- and animal-related material prior to consumer consumption or use, and services supporting crop production and livestock keeping. Agricultural support uses are consolidated into the following groups in Sec. 21-5.30 Use Table.



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- (1) **Agricultural Equipment Service**
 - (A) **Defined:** Selling and repairing machinery used in agricultural production, such as tractors, planters and harvesters.
 - (B) **Standards**
 - (i) All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, Apartment or Apartment Mixed Use District.
 - (ii) Building area of all agricultural support facilities must not exceed 25% of lot area.
- (2) **Collection and Storage**
 - (A) **Defined:** Collecting and storing crops and animal-related products essential to supporting a variety of agriculture uses for distribution to wholesale and retail markets.
 - (i) **Minor:** Collecting and storing crops and live animal by-products such as milk, eggs and honey.
 - (ii) **Major:** Collecting and storing dead animals and associated by-products.
 - (B) **Standards**
 - (i) **Minor:** Building area of all agricultural support facilities must not exceed 25% of lot area.
 - (ii) **Major**
 - a. All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, Apartment or Apartment Mixed Use District.
 - b. Building area of all agricultural support facilities must not exceed 25% of lot area.



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- (3) **Feed Store**
 - (A) **Defined:** Storing and selling products essential to agricultural production, such as seed, feed, and fertilizer.
 - (B) **Standards**
 - (i) Only products which are clearly incidental to agricultural activities may be sold or stored.
 - (ii) Building area of all agricultural support facilities must not exceed 25% of lot area.
 - (iii) All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
- (4) **Livestock Veterinary Service**
 - (A) **Defined:** Caring for and treating large, domesticated animals such as cows, horses, goats, and swine. Does not include caring for and treating household pets such as cats and dogs.
 - (B) **Standards:** None.
- (5) **Processing**
 - (A) **Defined:** Processing local crops and local animal-related products essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets.
 - (i) **Minor:** Processing crops and live animal by-products such as milk, eggs, and honey.
 - (ii) **Major:** Slaughtering and processing dead animals and associated by-products.
 - (B) **Standards**
 - (i) **Minor:** All structures and activities must be set back a minimum 50 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
 - (ii) **Major**
 - a. All structures and activities must be set back a minimum of 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
 - b. When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced, provided that at no time may the distance be less than 500 feet.



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- (6) Sawmill
 - (A) Defined: Processing timber, including hardwood or softwood, to produce pulp, lumber, logs, poles, posts, or wood chips.
 - (B) Standards: All structures and activities must be set back a minimum of 300 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
- (d) Accessory Agricultural Uses: Uses that provide services that indirectly support crop raising, livestock keeping and agricultural support uses that are in continuous use, including necessary and customary fallowing periods. Generally, accessory agricultural uses are operated by the owner or operator whose primary source of income is from the principal agricultural use. Accessory agricultural uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) Agricultural-Energy Facility
 - (A) Defined: An accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock keeping. Includes operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities necessary for an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility. Does not include solar facilities.
 - (B) Standards: The primary activity on the zoning lot must be crop production or livestock keeping, consistent with the regulation of permissible uses within Agricultural Districts (HRS Section 205-4.5(a)(17)).
 - (2) Agritourism
 - (A) Defined: Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production and livestock keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. Limited destination events, such as weddings, are included in this definition.
 - (B) Standards
 - (i) At least 75% of the activity on the zoning lot must be crop production or livestock keeping.
 - (ii) The agritourism use must not render any portion of the land incapable of being converted to agricultural use with minimal effort.
 - (iii) No excavation, paving, graveling, construction of permanent nonagricultural structures, or other activity that would diminish



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the productive capacity of the soils is permitted in connection with such activities.

- (iv) Structures primarily dedicated to agritourism must not exceed 10% of the total lot area.
- (v) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the site are limited to 10,000 square feet of total floor area for the zoning lot.
- (vi) As a condition of approval, dedication of 50% or more of the project site to active agricultural use, as determined by the Director, is necessary to preserve the purpose and intent of the Agricultural Districts. The dedication must be for a minimum of 10 years and will be required by way of an agricultural easement or comparable mechanism acceptable to the Director. The dedication shall be extended and remain in place as long as the agritourism activity continues.
- (vii) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off-highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a working farm, and require major conditional use approval subject to the following standards:
 - a. Tours must have an educational purpose related to the agricultural use of the property; and
 - b. Tours must not interfere with surrounding farm operations.
- (viii) Weddings and similar accessory destination events are limited as follows:
 - a. Events must take place at a designated event space.
 - b. No more than 2 events may occur each week.
 - c. Attendance at each event is limited to no more than 50 persons.
 - d. No more than 10 parking spaces associated with the event space are allowed, due to the limited road capacity in agricultural areas and to encourage shared ride and shuttle service to events. Full-size tour buses may not be used in association with any wedding or other destination event.
 - e. Predominantly open-air physical improvements associated with destination events, such as a roofed



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pavilion, are allowed, provided the floor area does not exceed 1,000 square feet.

(3) Beekeeping

(A) Defined: Accessory keeping of bees in artificial hives, such as honeybees and varieties of native bees, as a hobby or for commercial purposes. Commercial beekeeping in the Residential or Apartment Districts must comply with standards for home occupations.

(B) Standards: See also Sec. 7-2.5(b) Honeybees.

(i) Lot Size: The minimum lot size required for the keeping of bees is 5,000 square feet.

(ii) Lot Area Required

a. No more than 2 beehives may be established on zoning lots less than 10,000 square feet.

b. No more than 4 beehives may be established on zoning lots from 10,000 to 20,000 square feet.

c. No more than 6 beehives may be established on zoning lots greater 20,000 square feet.

(iii) Setbacks: Hives must be set back a minimum of 25 feet from any property line except:

a. When situated behind a solid fence, dense hedge, or similar barrier, at least 6 feet in height, parallel to the property line, established in front of the entrance of all ground-level hives so that bee departures and arrivals occur no less than 6 feet in height at interior property lines. The barrier for the purpose of influencing the flyway must extend 2 feet from each side of the hive openings.

b. When located at least 8 feet or more above adjacent ground level.

(4) Biofuel Processing Facility

(A) Defined: An accessory facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy. Includes operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products of Biofuel Processing Facilities associated with the



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production and refining of biofuels normally considered directly accessory and secondary to the growing of the energy feedstock.

(B) Standards

- (i) All energy feedstocks must be grown on-site in Preservation or Agricultural Districts.
- (ii) Agricultural land and other agricultural uses in the vicinity must not adversely impacted, consistent with the regulation of permissible uses within the Agricultural Districts in HRS section on permissible uses within Agricultural Districts (HRS Section 205-4.5(a)(16)).
- (iii) Transitional setbacks apply as follows:
 - a. Preservation Districts: 1 additional foot of setback for every 2 feet above 15 feet in height.
 - b. Agricultural Districts: 1 additional foot of setback for every 2 feet above 15 feet in height.
 - c. Industrial Districts: Every 1 foot in structure height requires 2 feet of setback from the vertical projection of the center line of the street.

(5) Farm Dwelling

- (A) Defined:** A self-contained dwelling unit accessory to crop production or livestock keeping, which is occupied by a household earning income from an agricultural activity performed on-site.

(B) Standards

- (i) Crop production and livestock keeping must occupy a minimum of 50% of the lot area.
- (ii) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds and swimming pools) must be contained within an area not to



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- exceed 5,000 square feet confined to a polygon for which no exterior angle is greater than 180 degrees.
- (iii) In the AG-1 District, the number of farm dwellings must not exceed 1 for every 5 acres of lot area.
 - (iv) In the AG-2 District, the number of farm dwellings must not exceed 1 for every 2 acres of lot area.
 - (v) Where multiple farm dwelling lots are allowed, they must not exceed 10% of the total lot area.
 - (vi) Farm dwelling is not allowed as an accessory use to open space, forestry, community garden or urban agriculture uses.
 - (vii) Leasing land, managing labor, or managing a business is not considered performance of an agricultural activity.
- (6) **Farm Stand**
- (A) **Defined:** Selling merchandise primarily grown or made on the property with limited sales of prepackaged food and drinks. Does not include food trucks or mobile vendors.
 - (B) **Standards**
 - (i) No more than 1 farm stand for the growers and producers of agricultural products is allowed on a zoning lot. More than one grower or producer is allowed at the farm stand.
 - (ii) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed but must otherwise be open to the elements. No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.
 - (iii) The farm stand must be located on private property and not on any public right-of-way.
- (7) **Farm Worker Housing**
- (A) **Defined:** Dwelling units accessory to an active agricultural use, exclusively for employees and their immediate family members who currently actively work on agricultural land.
 - (B) **Standards**
 - (i) All structures and facilities associated with farm worker housing must occupy a contiguous total land area limited to whichever of the following is less:
 - a. 5% of the total agricultural land area on the zoning lot; or
 - b. 50 acres.



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- (ii) The plans for farm worker housing must be supported by agricultural plans. The amount of labor necessary must justify the number of dwelling units proposed.
 - (iii) Farm worker housing may be comprised of multiple individual units or attached units or may consist of multifamily units, provided that no more than 1 employee and their immediate family live in each unit or up to 3 unrelated employees may share 1 dwelling unit.
 - (iv) Each dwelling unit must not exceed 800 square feet.
 - (v) No more than 8 dwelling units are allowed in any multifamily structure.
 - (vi) Building area must not exceed 50% of the land area associated with the farm worker housing. Impervious area must not exceed 75% of the area associated with the farm worker housing.
 - (vii) Yards and height setbacks abutting the boundaries of the entire farm worker housing site must not be less than the minimum requirements for the underlying district. Additionally, the front yard for all lots fronting public streets must not be less than the front yard requirement of the underlying district.
 - (viii) The landowner must not plan or develop a residential subdivision on the agricultural land, except in accordance with the plantation community subdivision regulations in the HRS section on permissible uses within the Agricultural Districts (HRS Section 205-4.5(a)(12)).
 - (ix) When the associated farm is no longer in active production or no longer employing workers, no workers may be housed on the property. An exception is allowed to house 1 caretaker and their immediate family.
- (8) **Farmer's Market**
- (A) Defined: An accessory facility on agricultural zoned land with multiple agricultural product producers selling merchandise primarily grown or made in the City or elsewhere in the State of Hawaii with limited sales of prepackaged food and drinks. Does not



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include temporary retail activities in commercial areas or farmer's markets categorized as a public use.

(B) Standards: Farmer's market may include structures for:

- (i) The sale and display of agricultural products grown or produced on-site, in the City, or elsewhere in the State of Hawaii.
- (ii) The preparation, display, sale, and consumption of finished foods, drinks, or other goods primarily made from agricultural products grown or produced on-site, in the City, or elsewhere in the State of Hawaii.
- (iii) The preparation display and sale of non-food items made primarily from agricultural products grown or produced on-site, in the City or elsewhere in the State of Hawaii.
- (iv) All walls must be at least 50% open.
- (v) Hours of operation for a farmer's market are between 6 a.m. and 8 p.m.
- (vi) Must provide adequate parking and vehicular access, as determined by the Director.
- (vii) As a condition of approval, the dedication of 50% or more of the project site, as the Director determines is necessary to preserve the purpose and intent of the Agricultural Districts, for a minimum of 10 years to active agricultural use will be required by way of an agricultural easement or comparable mechanism acceptable to the Director.

Sec. 21-5.50 Residential uses.

(a) Household living. Living in a dwelling unit as a household. Household living is consolidated into the following unit arrangements in Sec. 21-5.30 Use Table.

(1) Single-Unit Dwelling

(A) Defined: One principal dwelling unit in a single structurally independent building.

(B) Standards: None.

(2) Duplex-Unit Dwelling

(A) Defined: Two principal dwelling units, each in a single structurally independent building on a separate zoning lot, attached across a side or rear lot line.

(B) Standards: Each duplex-unit dwelling must be attached by a boundary wall for not less than 15 feet or 50% of the longer dwelling unit, excluding carports or garages, whichever is the



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greater length. A duplex-unit dwelling does not require a demising wall.

- (3) Two-Unit Dwelling
 - (A) Defined: Two principal dwelling units in a single structurally independent building.
 - (B) Standards
 - (i) Each two-unit dwelling must be surrounded by a yard.
 - (ii) Dwelling units may be:
 - a. On separate floors; OR
 - b. Attached by a solid wall a minimum of 15 feet in length, carport, or garage.
- (4) Three-Unit Dwelling
 - (A) Defined: Three principal dwelling units in a single structurally independent building.
 - (B) Standards
 - (i) Each three-unit dwelling must be surrounded by a yard.
 - (ii) Dwelling units may be:
 - a. On separate floors; OR
 - b. Attached by a solid wall, a minimum of 15 feet in length, carport, or garage.
- (5) Multi-Unit Dwelling
 - (A) Defined: Four or more principal dwelling units in a single building, including courtyard apartments and cluster housing. Includes 1 to 3 principal dwelling units in a building with another permitted use.
 - (B) Standards
 - (i) In the B-1 and B-2 Districts, multi-unit dwellings must be located above the first floor of a building occupied by a permitted, principal non-residential use. A residential lobby up to 1,500 square feet of floor area along with other necessary points of ingress or egress may be located on the ground floor. All other residential uses must be located above the non-residential use.
- (b) Group Living: Residential occupancy that is not included in household living, or that is licensed, certified, registered, or monitored by the State. Includes State-licensed facilities such as adult residential care home, assisted living facility, adult daycare center, development domiciliary home, special treatment facility, clean and sober homes, and hospice homes. Includes any other type of special needs housing for the elderly. Also includes cooperative housing. Group living uses are consolidated into the following groups in Sec. 21-5.30 Use Table.



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- (1) Group Living, Small
 - (A) Defined: Group Living of up to 8 residents, not including resident managers or supervisors or their families, in a dwelling unit.
 - (B) Standards: Must be licensed, certified, registered, or monitored by the State.
- (2) Group Living, Large
 - (A) Defined: Group Living of 9 or more residents, not including resident managers or supervisors or their families, or occupancy of a dwelling unit by more than 6 unrelated residents.
 - (B) Standards
 - (i) Must be licensed, certified, registered, or monitored by the State, except where the residential occupancy of a dwelling unit is for 6 or more unrelated residents not subject to State regulation.
 - (ii) Unless directly related to public health and safety, a group living facility must not be located within 1,000 feet of the next closest Large Group Living Facility in the Country, Residential and A-1 Districts. An exception is allowed for multifamily dwellings that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students that are located in the A-1 District within a 0.5-mile radius of the educational institution.
 - (iii) Where special needs housing for the elderly is provided, the district regulations may be modified during consideration of a minor conditional use permit, as follows:
 - a. Maximum unit density may be increased by not more than 25% of the density permitted in the district.
 - b. Maximum Height may be increased by no more than 25% or 30 feet, whichever is less, of the maximum height permitted in the district.
 - c. Off-street parking requirements may be reduced to a minimum of 1 parking stall per 4 dwelling or lodging units and 1 guest parking stall per 10 dwelling or lodging units.
 - d. Where any district modifications are allowed during the conditional use process, an appropriate instrument restricting the use of the property to special needs housing for the elderly for the life of any structure developed or used on the property for this purpose must be recorded with the Bureau of Conveyances or the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as is appropriate, as a covenant running



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with the land. A draft of the instrument must be submitted with the application for a conditional use permit. The instrument is subject to the approval of the Director and the Corporation Counsel. The restriction on use must be part of the conditions of the permit.

- (c) **Accessory Residential Uses:** Activities that provide services that indirectly support household living or group living uses. Accessory residential uses are operated by the owner or occupant of the principal residential use located on the same zoning lot. Accessory residential uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **Accessory Dwelling Unit**
- (A) **Defined:** An accessory residential unit on a zoning lot that includes a principal dwelling unit or a multi-unit dwelling.
- (B) **Standards**
- (i) **General**
- a. Accessory dwelling units are not permitted on lots in planned development housing or clusters.
 - b. The floor area of an accessory dwelling unit must not exceed:
 1. 500 square feet for lots up to 4,999 square feet in area; and
 2. 800 square feet for lots 5,000 square feet or more in area.
 - c. The construction or conversion of an accessory dwelling unit must meet all development standards for the primary use in the underlying district.
 - d. An accessory dwelling unit may be created by:
 1. Building a new structure (attached or detached from the principal dwelling unit); or
 2. Converting a legally established structure (attached to or detached from the principal dwelling unit), attic, or basement.
 - e. Only one accessory dwelling unit is allowed on a lot (including a multi-unit lot).
- (ii) **Advertisement**
- a. If an accessory dwelling unit is advertised as a bed and breakfast home or transient vacation unit, the existence of such advertisement will be prima facie evidence of the following:
 1. That the owner of the advertised unit disseminated or directed the dissemination of



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- the advertisement in that form and manner;
and
 - 2. That a bed and breakfast home or transient vacation unit, as applicable, is being operated at the location advertised.
 - b. The burden of proof is on the owner to establish that the subject property either is not being used as a bed and breakfast home or transient vacation unit or that it is being used legally for such purpose.
- (iii) **Conditions of Approval**
 - a. At the time of building permit application, the applicant must first obtain written confirmation from the responsible agencies that wastewater treatment and disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.
 - b. The owner of a structure constructed without a building permit prior to the effective date of Ordinance 15-41 (September 14, 2015) who wants to convert that structure to an accessory dwelling unit must obtain an after-the-fact building permit. In addition to fulfilling the base requirements of the after-the-fact permit, any adjustments to the structure must conform to the accessory dwelling unit regulations enumerated in this Section and any additional adopted policies and rules.
 - c. **Covenant for Accessory Dwelling Units:** The owner or owners of the lot must record covenants running with the land with the Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as is appropriate. The covenant must be recorded on a form approved by or provided by the Director and may contain such terms as the Director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such covenant will be deemed a violation of Chapter 21 and will be grounds for enforcement by the Director pursuant to Section 21-2.150. The covenant must state:
 - 1. The accessory dwelling unit may only be used for long-term rental and cannot be used as a



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- bed and breakfast home or transient vacation unit.
 - 2. The deed restrictions lapse upon removal of the accessory dwelling unit.
 - 3. All the foregoing covenants are binding upon any and all heirs, successors, and assigns of the owner or owners.
 - 4. Neither the owner nor owners nor the heirs, successors, or assigns of the owner or owners will submit the lot or any portion thereof to a condominium property regime under the provisions of the HRS to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit.
 - (iv) Removal: The Department of Planning and Permitting must be notified upon removal of an accessory dwelling unit.
- (2) Family Child Care Home
 - (A) Defined: An accessory use in a private residence at which care is provided for up to 6 children at any given time who are unrelated to the caregiver by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship.
 - (B) Standards
 - (i) No more than 6 children may be cared for at once.
 - (ii) In the Agricultural Districts, a family child care home must be located in a farm dwelling or farm worker housing.
 - (iii) No internal or external alterations inconsistent with the residential use and character of the building are permitted.
 - (iv) Employees are limited to the following:
 - a. Household members.
 - b. Non-household members serving as a substitute caregiver for family child care home when:
 - 1. The principal caregiver is rendered unavailable by an emergency, including but not limited to illness of the principal caregiver or an immediate relative of the principal caregiver; and
 - 2. Such substitute employment does not exceed 5 days per calendar month plus a single instance of up to 14 days annually.
- (3) Home Occupation
 - (A) Defined: An accessory use providing a service or product for compensation in a dwelling unit, in a building accessory to a



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dwelling unit, or on a zoning lot used primarily for dwelling purposes.

(B) Standards

(i) General

- a. The exterior appearance and character of the dwelling must remain that of a dwelling.
- b. No internal or external alterations that require a building permit and are inconsistent with the residential use and character of the building are permitted.
- c. No outdoor storage of materials or supplies is permitted.
- d. For those activities which may have potential negative noise or odor impacts on adjoining residences, the Director may require that such activities be conducted in fully enclosed, noise-attenuated structures.
- e. Under no circumstances may the home occupation adversely impact the surrounding area due to increased traffic or parking demand, noise, smells or fumes, or the presence of dangerous or noxious activities.

(ii) Permitted Home Occupations: Permitted activities include, but are not limited to:

- a. Group Instruction.
- b. Sale of items produced by the household members.
- c. Occasional grooming or boarding of animals with no more than 5 animals on-site per day.

(iii) Prohibited Home Occupations: The following list identifies some of the activities that are prohibited as part of the Home Occupation Use. Prohibited activities include but are not limited to:

- a. Commercial automobile repair and painting.
- b. Routinely providing care, treatment or boarding of animals in exchange for money, goods or services.
- c. Uses and activities which are only permitted in the Industrial Districts.
- d. Commercial weddings.
- e. Contractor's storage yards.
- f. Mail and package handling and delivery businesses.
- g. Sale of guns and ammunition.
- h. Use of dwellings or lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations.



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- (iv) Employees: Employees are limited to household members.
- (v) Parking
 - a. Home occupations that depend on client visits, including group instruction, must provide 1 off-street parking space per 5 clients on the premises at any given time in addition to the parking required for the dwelling use.
 - b. Residents of multifamily buildings may fulfill their parking requirement using guest parking with the approval of the building owner, manager, or condominium association.
 - c. Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pick-ups and deliveries as a service to the home occupation) must not park on the street and may not be stored on the property unless they can be parked within a garage or carport or similar area fully-screened from the street and neighboring properties.
- (4) Ohana Unit
 - (A) Defined: An accessory attached or detached unit on a zoning lot that includes a principal dwelling unit, for the relatives of a household occupying a principal dwelling unit on the same zoning lot.
 - (B) Standards
 - (i) General: The Ohana Unit and the principal dwelling may be located within a single structure such as a two-unit dwelling or detached from the principal dwelling but located on the same lot.
 - (ii) Occupants: The Ohana Unit must be occupied by persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling; except that Ohana Units for which a building permit was obtained before September 10, 1992, are not subject to this subsection and their occupancy by persons other than family members is permitted.
 - (iii) Covenant for Ohana Unit: The owner or owners of the lot must record covenants running with the land with the Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as is appropriate. The covenant must be recorded on a form approved by or provided by the Director and may contain such terms as the Director deems necessary to ensure its enforceability. The failure of an owner or of an



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owner's heir, successor, or assign, to abide by such covenant will be deemed a violation of Chapter 21 and will be grounds for enforcement by the Director pursuant to Section 21-2.150. The covenant must state:

"Neither the owner or owners, nor the heirs, successors or assigns of the owner or owners will submit the lot or any portion thereof to a condominium property regime under the provisions of the HRS to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit."

- (5) Poultry Raising
 - (A) Defined: The accessory raising, feeding, and keeping of female poultry (hens), but not roosters.
 - (B) Standards
 - (i) The keeping of hens is for non-commercial, personal use only.
 - (ii) No sales are allowed on the premises.
 - (iii) The maximum number of hens allowed is based on total lot size:
 - a. 2 hens for lots up to and including 3,000 square feet in area; and
 - b. 1 hen for each additional 1,000 square feet of area.
 - (iv) Hens must be kept 20 feet from an adjacent property in the Residential, Apartment, and Apartment Mixed Districts.
 - (v) Hens must be kept in the rear or side yard (but not in the front yard) and must be within a fenced area. If an enclosure is permanently affixed to the ground, it must meet all requirements for accessory structures.
- (6) Rooming
 - (A) Defined: Providing accessory overnight living accommodations for compensation for a period of 30 days or more in the same dwelling unit occupied by an owner or occupant.
 - (B) Standards: Rooming is subject to the following specific use development standards.
 - (i) No more than 3 roomers may reside in a dwelling unit (in addition to the members of a related household), provided the dwelling is not used as a Group Living Facility.
 - (ii) Overnight accommodations provided for compensation must be for periods of 30 days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.



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Sec. 21-5.60 Public, civic, and institutional uses.

- (a) **Assembly:** Uses for the assembly of people for a common purpose. Assembly uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **Community Recreation Center**
 - (A) **Defined:** A non-commercial, community-based recreation center, including accessory outdoor recreation, meeting rooms, and maintenance offices.
 - (B) **Standards:** As required by conditional use permit.
 - (2) **Convention Center, Concert, or Sporting Venue**
 - (A) **Defined:** Professional or business convention centers focused primarily on serving the tourist trade, and venues for large-scale concerts and sporting events.
 - (B) **Standards:** As required during Plan Review (PRU).
 - (3) **Meeting Facility**
 - (A) **Defined:** The assembly of public, non-profit, and private, membership-based organizations for educational, fraternal, or social purposes. Facilities may include accessory kitchens, multi-purpose rooms, storage space, training space, and classrooms for teaching religious subjects. Does not include activities considered Home Occupations.
 - (i) **Meeting Facility, Small:** A Meeting Facility accommodating up to 100 persons.
 - (ii) **Meeting Facility, Medium:** A Meeting Facility accommodating from 101 persons and up to 2,000 persons.
 - (iii) **Meeting Facility, Large:** A Meeting Facility accommodating over 2,000 persons.
 - (B) **Standards**
 - (i) **Meeting Facility, Small or Medium**
 - a. In the AG-2 and Country Districts, a Small or Medium Meeting Facility may only be established on land designated by the State as Urban. Existing facilities that do not meet this standard are not considered nonconforming. Such existing facilities are considered a discretionary land use permit, are allowed to continue, and are allowed to make minor modifications, provided they meet the development standards of the district and do not exceed the nonconforming provisions of Sec. 21-4.110.
 - b. In the AG-2, Country, Residential, Apartment, and Apartment Mixed Use Districts, all Small or Medium Meeting Facilities must be located with access to a street



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- or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate agencies.
- c. In the I-1 and I-2 Districts, prior to commencement of a Small or Medium Meeting Facility use in an Industrial District, the owner and operator of the Meeting Facility must file with the Director and record in the Bureau of Conveyances or the Land Court of the State of Hawaii or both, as is appropriate, a declaration acceptable to the Department, stating that the owner and operator recognize that:
 - 1. Structures formerly in industrial use may require upgrades to comply with different governmental regulations governing use of a structure as a Meeting Facility. These regulations include but are not limited to building, electrical, mechanical, fire, and occupancy code requirements.
 - 2. Abutting and neighboring properties can, by right, include potentially annoying or even noxious industrial uses at any time, including after the commencement of the Meeting Facility use. The declaration must also contain provisions that preclude the Meeting Facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws.
 - d. In the I-2 District, no Small or Medium Meeting Facility may be located within 1,000 feet of another Meeting Facility of any size in the same or another Industrial District. Includes Meeting Facilities that are permitted uses and nonconforming uses.
 - e. Under no circumstances may the meeting facility adversely impact the surrounding area due to increased traffic or parking demand, noise, smells or fumes, or the presence of dangerous or noxious activities.
- (ii) Meeting Facility, Large: As required by conditional use permit.
- (b) Communication: Uses for transmitting radio waves or wireless services. Communication uses are consolidated into the following groups in Sec. 21-5.30 Use Table.



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- (1) Dish Antenna
 - (A) Defined: A receiver or transmitter of electromagnetic energy, especially microwaves or radio waves, that consists of a reflector over 1 meter in size shaped like a shallow dish.
 - (B) Standards: None.
- (2) Tower Antenna
 - (A) Defined: A facility designed and constructed primarily to support 1 or more antennas such as self-supporting lattice towers, guyed towers, and monopoles. Includes radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone towers. Does not include amateur radio antennas.
 - (B) Standards
 - (i) Tower antennas that are freestanding must be set back from every property line a minimum of 1 foot for every 5 feet of height.
 - (ii) Tower antennas supported by guy wires must be set back from every property line a minimum of 1 foot for every 1 foot of height.
 - (iii) AM broadcast tower antennas must be set back a minimum of 500 feet from any adjoining Country, Residential, Apartment, or Apartment Mixed Use District.
 - (iv) FM and TV tower antennas must be set back a minimum of 2,500 feet from any adjoining Country, Residential, Apartment, or Apartment Mixed Use District.
 - (v) All tower antennas must be designed to structurally accommodate the maximum number of additional users technically practicable but in no case less than the following:
 - a. For TV tower antennas, at least 3 high power television antennas and 1 microwave facility or 1 low power television antenna, or 2 FM antennas and at least 1 two-way radio antenna for every 10 feet of the tower over 200 feet.
 - b. For any other tower antennas, at least 1 two-way radio antenna for every 10 feet of the tower, or at least 1 two-way radio antenna for every 20 feet of the tower, and at least 1 microwave facility or low power TV antenna.
 - c. These requirements may be reduced if the Federal Communications Commission provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future. These requirements may also be



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- reduced if the size of the tower required significantly exceeds the size of existing towers in the area and would therefore create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.
- (vi) Once a tower antenna or tower antenna site is approved, additional antennas and accessory use proposed within the approved envelope (i.e., height and distance from tower) will be processed without requiring a modification to the permit, unless it is within a Special District. When the site is approved for a tower antenna, but the tower antenna needs to be replaced, a new permit is only required if the replacement facility is taller, or in a substantively different location.
 - (vii) If it is determined that a tower antenna is harmful in any way to the health of the surrounding population or if it causes prolonged interference with the public's radio and television reception, the applicant must correct the situation or discontinue the use and remove the structures at the applicant's expense.
 - (viii) The following must be submitted as part of any application for a tower antenna:
 - a. Where a tower antenna is being requested, a quantitative description of the additional tower capacity anticipated must be submitted, including the approximate number and types of antennas. The applicant must also describe any limitations on the ability of the tower to accommodate other uses such as radio frequency interference, mass, height, or other characteristics.
 - b. Evidence of a lack of space on all existing towers that meet the setback requirements in this section to locate the proposed antenna, and the lack of space on existing tower sites which meet the setback requirements in this section to construct a tower for the proposed antenna.
 - (ix) Tower antennas and associated facilities must be enclosed by fencing not less than 6 feet in height and towers must be equipped with an anti-climbing device.
 - (xi) All requests for tower antenna installations must be accompanied by a landscape plan, which must be approved by the Director. Special emphasis will be placed on visual



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buffering for the installation from adjacent streets and highways.

- (xii) Monotree installations must be designed to fit with surrounding trees.

(3) Stealth Antenna Structure

- (A) Defined: A facility such as a rooftop structure, facade-mounted structure, clock tower, campanile, steeple, light structure, and other wireless communication support structures that support an antenna.

(B) Standards

- (i) At-grade equipment shelters must be surrounded by a minimum 10-foot wide buffer.
- (ii) Stealth antenna structures must be set back a distance equal to the height of the structure from a property line unless the facility is proposed to be located on an existing building.
- (iii) The stealth antenna structure must comply with applicable State and local regulations, including, but not limited to, building and safety codes.
- (iv) When the site is approved for a stealth antenna structure, but the structure needs to be replaced, a new permit is only required if the new facility is higher, in a substantively new location, or is proposing new stealth components to minimize visibility.
- (v) Any facade-mounted, ground-mounted, or roof-mounted stealth antenna structure must be completely screened from view from adjacent streets and utilize stealth technology to physically and visually minimize the visibility of the facility.
- (vi) All requests for stealth antenna structures must be accompanied by a landscape or screening plan, which must be approved by the Director. Special emphasis will be placed



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- on visual buffering for the installation from adjacent streets or public viewing areas.
- (4) **Accessory Communication Structure**
- (A) **Defined:** Any communications structure or system not regulated by the Federal Communications Commission, including a satellite dish up to 1 meter in size and an amateur (ham) radio antenna.
- (B) **Standards**
- (i) All antennas must not be located in the required yard.
 - (ii) All antennas must be set back from all property lines $\frac{1}{3}$ of the height of the antenna or the district setback requirements, whichever is greater.
 - (iii) The antenna must be located at a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.
 - (iv) The antenna must not be lit.
 - (v) All antennas must be equipped with devices that will, in a safe manner, prevent them from being climbed and must be securely fastened.
 - (vi) All guy wires must be anchored on-site and outside of any right-of-way.
 - (vii) Receive-only antennas when mounted on the ground must be screened by walls, earth berms, or landscaping a minimum of 4 feet in height.
- (c) **Education:** Uses that educate students. Education uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **School, K-12**
- (A) **Defined:** A facility educating students enrolled in pre-kindergarten through 12th grade operated by a private institution using a curriculum equivalent to a Hawaii public school.
- (B) **Standards**
- (i) All structures and facilities must be set back a minimum of 20 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District. This requirement may be



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waived by the Director if topography or landscaping makes such a buffer unnecessary.

- (ii) The minimum lot size is 20,000 square feet.
 - (iii) Schools must be located with access to a street or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate agencies.
 - (iv) Parking and loading:
 - a. Schools with a design capacity of more than 25 students must provide an off-street drop-off area, with a minimum capacity equivalent to 4 standard-sized parking spaces. This number may be adjusted by the Director as the design capacity of the school changes, or if a traffic management plan is approved.
 - b. Schools with a design capacity of more than 50 students must provide at least 1 multi-purpose bay that is a minimum of 40 feet in depth by 14 feet in width to accommodate bus pick-up and drop-off. This multipurpose bay may be used for other activities outside of pickup and drop-off hours. These numbers may be adjusted by the Director as the design capacity of the school changes.
 - (v) In the AG-2 District, a school may only be established on land designated by the State as Urban as a minor conditional use or on land designated by the State as AG, by major conditional use permit.
- (2) School, Vocational
- (A) Defined: A facility for post-secondary education with a curriculum devoted primarily to business (including barbers and beauticians),



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- industry, trade or other vocational-technical instruction, or language school.
- (i) Minor: Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.
 - (ii) Major: Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.
- (B) Standards
- (i) Minor: Hours of operation are limited to between 6 a.m. and 10 p.m.
 - (ii) Major: None.
- (3) University, College
- (A) Defined: A facility operated by an institution of higher education that awards an Associate, Bachelor, Master, or Ph. D. degree.
 - (B) Standards: As required during Plan Review (PRU).
- (d) Government: Uses that serve a public purpose. Government uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) Consulate
 - (A) Defined: A facility that includes the offices of an official appointed by a foreign government that serves the interests of foreign citizens, including administrative offices. Consulate may include space for residential occupancy. Consulates are public facilities eligible for waivers.
 - (B) Standards: All structures and facilities must be set back a minimum setback of 20 feet from an adjoining Residential, Apartment or Apartment Mixed Use District unless buffered by a solid wall, screening fence or buffering hedge that is 6 feet tall.
 - (2) Prison
 - (A) Defined: A public facility or a facility run by a State-licensed entity for the confinement, housing, and supervision of persons awaiting trial or serving terms of imprisonment for the violation of criminal law.
 - (B) Standards: As required during Plan Review (PRU).
 - (3) Public Facility
 - (A) Defined: A facility providing a government function, activity or service in accordance with public policy, for public benefit. Does not include buildings leased by the government to a private or nonprofit organization unless the organization is contracted to act as a public



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- entity or execute a public program. Includes administrative offices and transportation stops.
- (B) Standards: None.
- (e) **Park and Open Space:** Uses that provide active or passive outdoor recreation. Park and open space uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **Cemetery**
- (A) **Defined:** A property divided into cemetery lots for sale as burial plots at an interment facility, including columbaria and mausoleums.
- (B) **Standards**
- (i) A certificate of approval must be submitted from the Board of Water Supply, prior to final approval of an application, indicating that there is no danger of contamination of the water supply.
- (ii) No burials are allowed within 50 feet of the cemetery boundary.
- (2) **Park**
- (A) **Defined:** A publicly-accessible area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ball fields, soccer fields, basketball courts, swimming pools, tennis courts, and botanical gardens. May include both passive and active recreation. Includes projects that promote and enhance ecosystem benefits, keeping of wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. This does not include a community recreation center.
- (B) Standards: None.
- (f) **Utility:** A facility for generating and distributing utility services such as electricity, gas, sewer, water, cable, and internet. In order to determine the appropriate category for a particular project, the Director will look at the specific components of the project intended to be located on the affected site, and not to any other off-site components (for example, the addition of a new substation is reviewed based on the substation and its capacity alone, and not on the power generating source it is attached to). Utility uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **Small**
- (A) **Defined:** Utility infrastructure that provides primarily utility services to the site, with no on-site personnel. Includes geothermal, wind, and solar energy generation up to and including 20 kilowatts with supporting storage, control, and transmission equipment;



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stormwater retention or detention pond; aeration and septic system; drainage; and water supply well and water tank.

(B) Standards

(i) General: All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks in Articles 3 and 9 for the underlying zoning district or special district.

(ii) Wind and Solar Energy Generation

a. General

1. Energy generation systems are limited to systems that produce electricity from the sun or the wind.
2. Energy generation systems must be operated so that no disruptive electromagnetic interference is caused. If the Director determines that the system is causing harmful interference, the operator must promptly mitigate the interference.
3. Energy generation systems will be deemed abandoned if not in continuous use for at least 1 year, with the exception of periods related to necessary maintenance or repair. Upon determination by the Director that an energy generation system has been abandoned, the structure must be dismantled and removed within 30 days after written notice.

b. Wind Energy

1. For any ground-mounted wind machine, the tower climbing apparatus and blade tips of the wind machine cannot be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence and cannot be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.
2. A public safety sign must be posted at the base of the tower warning of high voltage and dangerous moving blades.
3. Guy wires must be equipped with devices that will, in a safe manner, prevent them from being climbed and must be securely fastened.
4. All guy wires must be anchored on-site and outside of any right-of-way.



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(2) Medium

(A) Defined: Utility infrastructure that provides primarily on-site utility services to a single commercial or industrial site, or a neighborhood, with no on-site personnel. Includes energy generation over 20 kilowatts that must be carried on transmission lines that handle up to 46 kV, along with supporting storage, control, and transmission equipment, and any expansion of generation capacity up to 5 MW; stormwater retention or detention pond; aeration and septic system; water and wastewater pump station or lift station; drainage; and water supply well, water tank or tower.

(B) Standards

(i) General

- a. All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks in Articles 3 and 9 for the underlying zoning district or special district precinct.
- b. All clearances to utility facilities, including overhead lines and poles, must comply with any standards of the applicable utility provider.

(ii) Energy Generation

a. General

1. Energy generation systems must be operated so that no disruptive electromagnetic interference is caused. If the Director determines that the system is causing harmful interference, the operator must promptly mitigate the interference.
2. Energy generation systems will be deemed abandoned if not in continuous use for at least 1 year, with the exception of periods related to necessary maintenance or repair. Upon determination by the Director that an Energy Generation System has been abandoned, the structure must be dismantled and removed within 30 days after written notice.

(iii) Wind Energy

- a. For any ground-mounted wind machine, the tower climbing apparatus and blade tips of the wind machine cannot be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence and cannot be within 7



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- feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.
- b. A public safety sign must be posted at the base of the tower warning of high voltage and dangerous moving blades.
 - c. Guy wires must be equipped with devices that will, in a safe manner, prevent them from being climbed and must be securely fastened.
 - 1. All guy wires must be anchored on-site and outside of any right-of-way
 - 2. Wind machines must be set back from all property lines 1 foot for each foot of height, measured from the highest vertical extension of the system.
 - 3. Horizontal-axis and ground-mounted vertical-axis wind machines with a rated capacity of up to 100 kilowatts must be set back from all property lines at a minimum distance equal to the height of the system. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the wind machine. Horizontal-axis and ground-mounted vertical-axis wind machines with a rated capacity of 100 kilowatts or greater must be set back a minimum of 1.25 miles from the zoning lot lines of any lot located in the Country, Residential, Apartment, Apartment Mixed Use and Resort Districts.
 - 4. Rooftop mounted vertical-axis wind machines with a rated capacity of up to 100 kilowatts must be set back pursuant to the height setbacks in the underlying zoning district or special district precinct.
- (3) Large
- (A) Defined: Utility infrastructure that provides primarily off-site services to multiple neighborhoods. Includes energy generation that must be carried on transmission lines that handle over 46 kV, along with supporting storage, control, and transmission equipment, and any expansion of generation capacity over 5 MW; water and wastewater pump stations or lift station; waste treatment plant;



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water tanks or tower; telecommunications switching and transmission line; reservoir; and electrical substation.

(B) Standards:

(i) General

- a. All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks in Articles 3 and 9 for the underlying zoning district or special district precinct.
- b. All clearances to utility facilities, including overhead lines and poles, must comply with any standards of the applicable utility provider.

(ii) Energy Generation

a. General

1. Energy generation systems must be operated so that no disruptive electromagnetic interference is caused. If the Director determines that the system is causing harmful interference, the operator must promptly mitigate the interference.
2. Energy generation systems will be deemed abandoned if not in continuous use for at least 1 year, with the exception of periods related to necessary maintenance or repair. Upon determination by the Director that an Energy Generation System has been abandoned, the structure must be dismantled and removed within 30 days after written notice.

(iii) Wind Energy

- a. For any ground-mounted wind machine, the tower climbing apparatus and blade tips of the wind machine cannot be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence and cannot be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.
- b. A public safety sign must be posted at the base of the tower warning of high voltage and dangerous moving blades.
- c. Guy wires must be equipped with devices that will, in a safe manner, prevent them from being climbed and must be securely fastened.
 1. All guy wires must be anchored on-site and outside of any right-of-way



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2. Wind machines must be set back from all property lines 1 foot for each foot of height, measured from the highest vertical extension of the system.
3. Horizontal-axis and ground-mounted vertical-axis wind machines with a rated capacity of up to 100 kilowatts must be set back from all property lines at a minimum distance equal to the height of the system. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the wind machine. Horizontal-axis and ground-mounted vertical-axis wind machines with a rated capacity of 100 kilowatts or greater must be set back a minimum of 1.25 miles from the zoning lot lines of any lot located in the Country, Residential, Apartment, Apartment Mixed Use and Resort Districts.
4. Rooftop mounted vertical-axis wind machines with a rated capacity of up to 100 kilowatts must be set back pursuant to the height setbacks in for the underlying zoning district or special district precinct.

Sec. 21-5.70 Commercial uses.

- (a) Day Care: Providing care and supervision of children or adults on a regular basis in a facility away from their primary residence. Day care is consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) Child Day Care
 - (A) Defined: A facility other than a private home for supervision and care of 7 or more children under 18 years of age for fewer than 24 hours per day, operated by a licensed person, society, agency, corporation, institution, or group for pay. Includes before-school and after-school child care, group child care centers, group child care homes, and infant and toddler child care centers. See also Family Child Care Home in 0.
 - (B) Standards
 - (i) All outdoor activity areas, such as playgrounds, tot lots, play courts, and similar facilities, must be set back a minimum of 15 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District and a 6-foot high solid wall must be provided as a buffer. This requirement may be waived by



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- the Director if topography or landscaping makes such a buffer unnecessary.
- (ii) Facilities with a design capacity exceeding 25 care recipients must provide an on-site pickup and drop-off area equivalent to 4 standard-sized parking spaces.
- (2) **Adult Day Care**
- (A) **Defined:** A licensed facility maintained and operated by an individual, organization or agency for the purpose of providing the opportunity to interact with other adults while being part of a safe and structured environment, with or without charging a fee, for fewer than 24 hours per day. Adult day care typically includes staffed activities such as music and exercise programs and discussion groups.
- (B) **Standards:** As required by conditional use permit.
- (b) **Eating and Drinking:** Preparing and selling food and drink. Eating and drinking are consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **General Eating and Drinking**
- (A) **Defined:** Preparing and selling food and drink for on-site and off-site consumption. Includes restaurant, cafe, coffee, or tea shop, ice cream shop, juice or smoothie bar, and catering facility. See also Drive-Thru in 0.
- (B) **Standards:** The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
- (2) **Bar/Nightclub**
- (A) **Defined:** A facility for preparing and selling liquor for on-site consumption. Does not include liquor production - see Brewery, Distillery, Winery, 0. May include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu Liquor Commission.
- (i) **Minor:** A Bar/Nightclub open until 2:00 am.
- (ii) **Major:** A Bar/Nightclub open until 4:00 am.
- (B) **Standards**
- (i) **Major or Minor:** A Major or Minor Bar/Nightclub must be set back a minimum of 300 feet from a Residential, Apartment, or Apartment Mixed Use District.
- (c) **Lodging:** Accommodations arranged for short-term stays that are typically less than 30 calendar days. Lodging is consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **Bed and Breakfast Home**
- (A) **Defined:** A use in which overnight accommodations are advertised, solicited, offered, or provided, or any combination of the preceding,



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to guests for compensation, for periods of less than 30 days, in the same detached dwelling as that occupied by an owner, lessee, operator or proprietor of the detached dwelling. For purposes of this definition, compensation includes, but is not limited to, monetary payment, services, or labor of guests.

(B) Standards

- (i) Permitted Districts:** Bed and breakfast homes are permitted the A-1 low-density apartment zoning district and A-2 medium-density apartment zoning district provided:

 - a. They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and
 - b. The resort district and the A-1 or A-2 district, as applicable, were rezoned pursuant to the same zone change application as part of a master-planned resort community.
 - c. Notwithstanding any contrary provisions in this chapter, bed and breakfast homes are prohibited and may not operate without a valid nonconforming use certificate in areas where the applicable development plan or sustainable communities plan prohibits or does not permit new bed and breakfast homes.
- (ii) Requirements:** In all zoning districts where bed and breakfast homes are permitted, except for the Resort District, the Resort Mixed Use Precinct of the Waikiki Special District, and the A-1 low-density apartment district and the A-2 Districts pursuant to subsection (i), and except as otherwise provided in subsection (v) below, the following standards and requirements apply:

 - a. **Registration:** The owner or operator of a bed and breakfast home, including for purposes of this subdivision the trustee of a revocable trust that owns the subject property, must register the bed and breakfast home with the department and must submit the following in the initial application for registration:
 - 1. Affirmation that the applicant of the bed and breakfast home is a natural person;
 - 2. Affirmation that the applicant does not hold a registration for or operate more than 1 bed and breakfast home or transient vacation unit in the City at the same time;



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3. A valid current State of Hawaii general excise tax license and transient accommodations tax license for the subject property;
 4. Evidence of a real property tax home exemption for the subject property, and evidence that the applicant has a minimum 50% ownership interest in the subject property;
 5. An initial fee of \$1,000 for the bed and breakfast home;
 6. Evidence that the use as a bed and breakfast home is covered by an insurance carrier for the subject property;
 7. Confirmation that the bed and breakfast home is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;
 8. An affidavit, signed by the owner, indicating that the owner does not own an interest in any other bed and breakfast home or transient vacation unit in the City;
 9. A floor plan showing the location of guest rooms for a bed and breakfast home;
 10. For bed and breakfast homes located in the AG-2 District, evidence that the portion of the subject property that is not being used as a farm dwelling is currently dedicated for a specific agricultural use pursuant to Section 8-7.3; and
 11. Evidence that a dwelling unit proposed for use as a bed and breakfast home:
 - i. Is not an affordable unit subject to income restrictions;
 - ii. Did not receive housing or rental assistance subsidies; and
 - iii. Was not subject to eviction within the last 12 months.
- b. Registration Renewal
1. Annually, by August 30, the owner or operator of a bed and breakfast home, including for purposes of this subdivision the trustee of a revocable trust that



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owns the subject property, must submit to the Department:

- i. Affirmation that the applicant for the bed and breakfast home is a natural person;
 - ii. Affirmation that the applicant does not hold a registration for or operate more than 1 bed and breakfast home or transient vacation unit in the City at the same time;
 - iii. Evidence of having paid State of Hawaii general excise taxes and transient accommodations taxes for the subject property;
 - iv. Evidence of a real property tax home exemption for the subject property;
 - v. A renewal fee of \$2,000 for the bed and breakfast home;
 - vi. Evidence that the use as a bed and breakfast home is covered by an insurance carrier for the property;
 - vii. Confirmation that the bed and breakfast home is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;
 - viii. An affidavit, signed by the owner, indicating that the owner does not own an interest in any other bed and breakfast home or transient vacation unit in the City; and
 - ix. For bed and breakfast homes located in the AG-2 District, evidence that the portion of the subject property that is not being used as a farm dwelling pursuant to Sec. 21-5.40(d)(5), is currently dedicated for a specific agricultural use pursuant to Section 8-7.3.
2. The renewal of a registration for a bed and breakfast home will be granted upon receipt of an application meeting all of the requirements of this section; provided that if complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home is located, or where other



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good cause exists, the Director may deny the renewal application.

- c. **Restrictions and Standards: Bed and breakfast homes must operate in accordance with the following restrictions and standards:**
1. Dwelling units in detached dwellings used as bed and breakfast homes must be occupied by a household, and renters of any room in the detached dwelling other than the bed and breakfast home guests are not permitted;
 2. No more than 2 guest rooms in a bed and breakfast home may be rented to guests, and a maximum of 4 guests are permitted within the bed and breakfast home at any one time;
 3. Functioning smoke and carbon monoxide detectors must be installed in each bedroom;
 4. House rules, including quiet hours between 10:00 p.m. and 8:00 a.m., and emergency contact information for the owner or operator must be provided to all guests and posted in conspicuous locations;
 5. When any guest room in a bed and breakfast home is being rented to guests, the owner or operator must remain on the premises during quiet hours;
 6. The owner or operator must maintain a current 2-year registry setting forth the names and telephone numbers of all guests and the dates of their respective stays;
 7. No exterior signage that shows the dwelling unit is used as a bed and breakfast home is allowed;
 8. Registration as a bed and breakfast home is not transferable, and must not run with the land;
 9. Development Plan Area Density Limit. Excluding bed and breakfast homes and transient vacation units in the Resort District, Resort Mixed Use Precinct of the Waikiki Special District, and the A-2 Districts pursuant to subsection (i) where there is no limit on the number of bed and breakfast homes and transient vacation units allowed, the number of bed and breakfast homes and transient vacation units permitted in each development plan area is limited



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to no more than 0.5% of the total number of dwelling units in that development plan area. The total number of dwelling units in a development plan area will be based on the latest figures from the U.S. Census data. Where the initial number of bed and breakfast home applications for a development plan area exceeds the 0.5% limitation, acceptance of applications will be selected on a lottery basis. When renewal applications fall below the 0.5% limitation, new applications will be accepted on a lottery basis. The Director must adopt rules pursuant to HRS Chapter 91 to implement and administer the lottery;

10. Multifamily Dwelling Density Limit. Excluding multifamily dwellings in the Resort District, Resort Mixed Use Precinct of the Waikiki Special District, and the A-2 Districts pursuant to subsection (i), unless otherwise specified in apartment bylaws, covenants, or correspondence from a homeowners association, apartment owners association, or condominium property regime, the total number of bed and breakfast homes and transient vacation units must not exceed 50% of the total dwelling units in a multifamily dwelling;
11. If a bed and breakfast home is located in the AG-2 District, the portion of the subject property that is not being used as a farm dwelling pursuant to Sec. 21-5.40(d)(5), must be currently dedicated to a specific agricultural use pursuant to Section 8-7.3;
12. A bed and breakfast home must not be located within a 1,000-foot radius of another bed and breakfast home or a transient vacation unit; provided that this spacing requirement:
 - i. Does not apply as between (1) bed and breakfast homes and transient vacation units in the Resort District, resort mixed use precinct of the Waikiki Special District, or the A-1 or A-2 Districts pursuant to subsection (i), and (2) bed and breakfast homes located outside of those districts and precincts; and



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- ii. Does not preclude the continued operation of bed and breakfast homes operating under valid nonconforming use certificates pursuant to Section 21-4.110-2; and
- iii. The owner or operator must provide occupants of dwelling units within 250 feet of the dwelling unit used as a bed and breakfast home with a phone number that must be answered 24 hours a day, to call in complaints regarding the bed and breakfast home. The owner or operator must keep a log of all complaints received during the applicable registration period, and submit the log with each registration renewal application, and at any other time upon the request of the Director. The log must include the name, phone number, and address of the complainant, date of the complaint, date the complaint was resolved, and how the complaint was resolved.
- d. Upon reasonable notice, any bed and breakfast home must be made available for inspection by the Department.
- e. The violation of any provision of this subsection will be grounds for administrative fines and nonrenewal unless corrected before the renewal deadline. Recurring or multiple violations will result in denial of renewal requests.
- f. This subsection does not apply to bed and breakfast homes operating under valid nonconforming use certificates pursuant to Section 21-4.110-2.
- g. The Director may revoke a registration at any time under the following circumstances:
 - 1. Recurring violations of the standards and requirements for bed and breakfast homes in Sec. 21-5.70(c)(3).
 - 2. Complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home is located; or
 - 3. The Director determines that good cause exists for revocation of the registration.



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(iii) Advertisements

a. Definitions: As used in this subsection:

- 1. Advertisement means any form of communication, promotion, or solicitation, including but not limited to electronic media, direct mail, newspapers, magazines, flyers, handbills, television commercials, radio commercials, signage, e-mail, internet websites, text messages, verbal communications, or similar displays, intended or used to induce, encourage, or persuade the public to enter into a contract for the use or occupancy of a bed and breakfast home.**
- 2. Person means a judicial person or a natural person and includes businesses, companies, associations, non-profit organizations, firms, partnerships, corporations, limited liability companies, and individuals.**

b. Prohibition: Advertisements for all bed and breakfast homes are subject to this subsection.

- 1. It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home without including in the advertisement:**
 - i. A current registration number obtained pursuant to this section, or nonconforming use certificate number obtained pursuant to Section 21-4.110-2; or**
 - ii. For bed and breakfast homes or transient vacation units located in the Resort District, Apartment Precinct or Resort Mixed Use Precinct of the Waikiki Special District, or in the A-2 Districts pursuant to subsection (i), the street address, including, if applicable, any apartment unit number, for that bed and breakfast home.**
- 2. Within 7 days after receipt of a notice of violation, the owner or operator of a bed and breakfast home must remove, or cause the removal of, the advertisement identified in the notice, including, without limitation, any advertisement made through a hosting platform. If the advertisement is not removed within 7 days after receipt of the notice of**



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violation, a fine of not less than \$1,000 and not more than \$10,000 per day will be levied against the owner or operator associated with the bed and breakfast home, for each day the advertisement is on public display beyond 7 days from the date the notice of violation is received.

3. The existence of an advertisement will be prima facie evidence that a bed and breakfast home is being operated at the listed address. The burden of proof is on the owner of the subject real property to establish that the property is not being used as a bed and breakfast home, or that the advertisement was placed without the property owner's knowledge or consent.
- c. Exemptions: The following are exempt from the provisions of this subsection.
 1. Legally established hotels, whether owned by 1 person or owned individually as unit owners but operating as a hotel as defined in Chapter 21, Article 10.
 2. Legally established time share units, as provided in Sec. 21-5.70(c)(3).
 3. Legally established dwelling units that are rented for periods of 30 consecutive days or more at any one time.
- (iv) Unpermitted Bed and Breakfast Homes
 - a. Definitions: As used in this subsection:
 1. Unpermitted bed and breakfast home means a bed and breakfast home that is not:
 - i. Located in the Resort District, Resort Mixed Use Precinct of the Waikiki Special District, or A-2 Districts pursuant to subsection (i);
 - ii. Operating under a valid nonconforming use certificate pursuant to Section 21-4.110-2; or
 - iii. Validly registered under this section.
 - b. Unlawful Actions: It is unlawful for any owner or operator of an unpermitted bed and breakfast home, or the owner or operator's agent or representative to:
 1. Rent, offer to rent or enter into a rental agreement to rent, an unpermitted bed and breakfast home for fewer than 30 consecutive days;



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2. Rent, offer to rent, or enter into a rental agreement to rent, an unpermitted bed and breakfast home, where such rental, offer, or rental agreement limits actual occupancy of the premises to a period of less than the full stated rental period, or conditions the right to occupy the rented premises for the full stated rental period on the payment of additional consideration;
 3. Set aside or exclusively reserve an unpermitted bed and breakfast home for rental or occupancy for a period of 30 consecutive days or more, but limit actual occupancy of the premises to a period of less than the full stated rental period, or condition the right to occupy the rented premises for the full stated rental period on the payment of additional consideration; or
 4. Advertise, solicit, offer, or knowingly provide rental of an unpermitted bed and breakfast home to transient occupants for less than 30 consecutive days.
- (v) Complaints: Any person may submit a written complaint to the Director reporting a violation of the provisions of this section regarding bed and breakfast homes.
- a. A complaint reporting a suspected violation of the provisions of this section must:
 1. Identify the address of the bed and breakfast home that is the subject of the suspected violation;
 2. State all the facts that cause the complainant to believe that a violation has occurred;
 3. Identify the provisions of this section that the complainant believes are being violated; and
 4. Provide the complainant's address where the Director may mail a response to the complaint.
 - b. Within 30 days after receiving a written complaint reporting a violation of the provisions of this section, the Director must provide a written response to the complainant either:
 1. Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS Section 46-4(b);



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2. Entering a finding of no violation, which will be appealable to the Zoning Board of Appeals pursuant to Charter Section 6-1516; or
 3. Advising the complainant that the Director has initiated an investigation of the complaint.
- (2) Hotel
- (A) Defined: Providing lodging and dwelling units to guests as overnight accommodations for periods of less than 30 days. Includes services intended primarily for the convenience and benefit of hotel guests, such as restaurants, bars, retail space, meeting rooms, special event facilities, recreational facilities, and entertainment facilities.
- (i) Minor: A minor hotel must not exceed any of the following thresholds:
- a. 180 lodging units per zoning lot.
 - b. 2,000 square feet of total floor area devoted to meeting facilities.
 - c. Only limited meal service for guests may be provided, such as breakfast.
- (ii) Major: A major hotel is any hotel that exceeds one or more of the thresholds for a minor hotel.
- (B) Standards
- (i) Minor
- a. In BMX-3, minor hotels are only permitted within the Primary Urban Center Development Plan, the Ewa Development Plan, or the Central Oahu Sustainable Communities Plan areas as established by Chapter 24.
 - b. In IMX, minor hotels are only permitted within 1 mile of a Daniel K. Inouye International Airport entrance.
- (ii) Major: In BMX-3, major hotels are only permitted within the Primary Urban Center Development Plan, the Ewa Development Plan, or the Central Oahu Sustainable Communities Plan areas as established by Chapter 24.
- (3) Time Share
- (A) Defined: Occupying or possessing 1 or more dwelling or lodging units shared among various persons for less than a 60-day period in any year for any occupant and subject to State law. Includes time share units where the purchaser receives an ownership interest, and where the purchaser does not receive an ownership interest.



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Includes units in hotels, multi-unit dwellings, and transient vacation units.

- (B) Standards: Time Share units are permitted in the A-2 District provided:
- (i) The A-2 District was rezoned with the Resort District pursuant to the same zone change application as part of a master-planned resort community.
 - (ii) All time share units must be within 3,500 feet of a Resort District of greater than 50 contiguous acres measured as the shortest straight-line distance between the edge of each site's zoning lot line.
 - (iii) Time share units may be either a Hotel, Transient Vacation Unit, or Multi-Unit Dwelling.

(4) Transient Vacation Unit

- (A) Defined: A dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or any combination of the preceding, for compensation to transient occupants for less than 30 days, other than a bed and breakfast home. For the purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of transient occupants.

(B) Standards

- (i) Permitted Districts: Transient vacation units are permitted in the A-1 and A-2 Districts provided:
 - a. They are within 3,500 feet of a Resort District of greater than 50 contiguous acres; and
 - b. The Resort District and the A-1 or A-2 Districts, as applicable, were rezoned pursuant to the same zone change application as part of a master-planned resort community.
 - c. Notwithstanding any contrary provisions in this chapter, transient vacation units are prohibited and may not operate without a valid nonconforming use certificate in areas where the applicable development plan or sustainable communities plan prohibits or does not permit new transient vacation units.
- (ii) Advertisements
 - a. Definitions: As used in this subsection:
 - 1. Advertisement means any form of communication, promotion, or solicitation, including but not limited to electronic media, direct mail, newspapers, magazines, flyers, handbills, television commercials,



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- radio commercials, signage, e-mail, internet websites, text messages, verbal communications, or similar displays, intended or used to induce, encourage, or persuade the public to enter into a contract for the use or occupancy of a transient vacation unit.
2. Person means a judicial person or a natural person and includes businesses, companies, associations, non-profit organizations, firms, partnerships, corporations, limited liability companies, and individuals.
- b. Prohibition: Advertisements for all transient vacation units are subject to this subsection.
1. It is unlawful for any person to advertise or cause the advertisement of a transient vacation unit without including in the advertisement:
- i. A current registration number obtained pursuant to this section, or nonconforming use certificate number obtained pursuant to Section 21-4.110-1; or
- ii. For transient vacation units located in the Resort District, Apartment Precinct or Resort Mixed Use Precinct of the Waikiki Special District, or in the A-1 or A-2 Districts pursuant to subsection (i), the street address, including, if applicable, any apartment unit number, for that transient vacation unit.
2. Within 7 days after receipt of a notice of violation, the owner or operator of a transient vacation unit must remove, or cause the removal of, the advertisement identified in the notice, including, without limitation, any advertisement made through a hosting platform. If the advertisement is not removed within 7 days after receipt of the notice of violation, a fine of not less than \$1,000 and not more than \$10,000 per day will be levied against the owner or operator associated with the transient vacation unit, for each day the advertisement is on public display beyond 7 days from the date the notice of violation is received.



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3. The existence of an advertisement will be prima facie evidence that a transient vacation unit is being operated at the listed address. The burden of proof is on the owner of the subject real property to establish that the property is not being used as a transient vacation unit, or that the advertisement was placed without the property owner's knowledge or consent.
- c. Exemptions: The following are exempt from the provisions of this subsection.
 1. Legally established hotels, whether owned by 1 person or owned individually as unit owners but operating as a hotel as defined in Chapter 21, Article 10.
 2. Legally established time share units, as provided in Sec. 21-5.70(c)(3).
 3. Legally established dwelling units that are rented for periods of 30 consecutive days or more at any one time.
- (iii) Unpermitted Transient Vacation Units
 - a. Definitions: As used in this subsection:
 1. Unpermitted transient vacation unit means a transient vacation unit that is not:
 - i. Located in the Resort District, Resort Mixed Use Precinct of the Waikiki Special District, or A-1 or A-2 Districts pursuant to subsection (i); or
 - ii. Operating under a valid nonconforming use certificate pursuant to Section 21-4.110-1.
 - b. Unlawful Actions: It is unlawful for any owner or operator of an unpermitted transient vacation unit, or the owner or operator's agent or representative to:
 1. Rent, offer to rent, or enter into a rental agreement to rent, an unpermitted transient vacation unit for fewer than 30 consecutive days;
 2. Rent, offer to rent, or enter into a rental agreement to rent, an unpermitted transient vacation unit, where such rental, offer, or rental agreement limits actual occupancy of the premises to a period of less than the full stated rental period, or conditions the right to occupy the rented premises for the full



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- stated rental period on the payment of additional consideration;
3. Set aside or exclusively reserve an unpermitted transient vacation unit for rental or occupancy for a period of 30 consecutive days or more, but limit actual occupancy of the premises to a period of less than the full stated rental period, or condition the right to occupy the rented premises for the full stated rental period on the payment of additional consideration; or
 4. Advertise, solicit, offer, or knowingly provide rental of an unpermitted transient vacation unit to transient occupants for less than 30 consecutive days.
- (iv) Complaints: Any person may submit a written complaint to the Director reporting a violation of the provisions of this section regarding transient vacation units.
- a. A complaint reporting a suspected violation of the provisions of this section must:
 1. Identify the address of the transient vacation unit that is the subject of the suspected violation;
 2. State all the facts that cause the complainant to believe that a violation has occurred;
 3. Identify the provisions of this section that the complainant believes are being violated; and
 4. Provide the complainant's address where the Director may mail a response to the complaint.
 - b. Within 30 days after receiving a written complaint reporting a violation of the provisions of this section, the Director must provide a written response to the complainant either:
 1. Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS Section 46-4(b);
 2. Entering a finding of no violation, which will be appealable to the Zoning Board of Appeals pursuant to Charter Section 6-1516; or
 3. Advising the complainant that the Director has initiated an investigation of the complaint.
- (d) Medical: Providing medical, surgical, or dental care to patients such as the diagnosis, treatment, mitigation, cure, or prevention of disease. Includes medical



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research and development. Medical is consolidated into the following groups in Sec. 21-5.30 Use Table.

- (1) General Medical Services
 - (A) Defined: Providing out-patient medical, surgical or dental care by a physician or health care worker in a facility that does not include on-site overnight care. Includes a doctor's office, ambulatory surgery facility, freestanding surgical out-patient facility, freestanding birthing center, chiropractor, dentist, orthodontist, physical therapist, kidney dialysis, blood donation or collection services, acute care, urgent care, and any administrative offices necessary for operation of the facility.
 - (B) Standards
 - (i) In the Apartment Mixed Use Districts, the density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
 - (ii) In the Industrial Mixed Use District, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.
- (2) Hospital
 - (A) Defined: Providing primarily in-patient, intensive, medical, or surgical care, including emergency care services. Includes facilities for extended care, intermediate care and out-patient care, living facilities for staff, research and educational facilities, doctor's offices, and any administrative offices necessary for the operation of the facility.
 - (B) Standards: As required during Plan Review (PRU).
- (3) Medical Laboratory
 - (A) Defined: Conducting medical research or testing and examining of materials derived from the human body, such as fluid, tissue, or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure, or prevention of disease. Includes compounding pharmacy and training of medical students.
 - (B) Standards: None.
- (e) Office: Providing business and professional services in an office setting. Office is consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) General Office
 - (A) Defined: Business and professional services in a private or co-working setting including, accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, design, employment, engineering, insurance, investment, landscape architecture, real



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- estate, security or technology services. Includes data storage centers and call centers.
- (B) Standards: The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
- (f) **Parking; Parking as a principal use on a zoning lot, with or without a fee. Parking is consolidated into the following groups in Sec. 21-5.30 Use Table.**
- (1) **Remote Parking**
- (A) **Defined:** A facility that provides parking on a different zoning lot than the principal use it serves.
- (B) **Standards**
- (i) In the Apartment, Apartment Mixed Use and Resort Districts, there is no minimum lot area, width, or depth for remote parking facilities.
- (ii) For additional requirements for Remote Parking see Sec. 21-6.70.
- (2) **Commercial Parking**
- (A) **Defined:** A facility that provides parking as a principal use on the site.
- (B) **Standards**
- (i) The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
- (ii) All structures and facilities must be set back a minimum of 20 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District.
- (g) **Personal Service: Providing personal and repair services. Personal service uses are consolidated into the following groups in Sec. 21-5.30 Use Table.**
- (1) **General Personal Services**
- (A) **Defined:** Providing personal services. Includes barbershop, beauty shop, computer repair, dance, martial arts, music, photographic studio or classroom, day spa, dry cleaning drop-off, laundry cleaning and pressing, funeral home, funeral parlor, mortuary, undertaking, establishment hairdresser, garment repair, gym, fitness studio, pilates studio, yoga studio, gymnastics, cheerleading training, boxing training, climbing gym, locksmith, nail salon, tanning salon, tutoring, travel agency, tattoo or body piercing, tailoring, shoe repair, watch repair, jewelry repair, eyeglass, and hearing aid repair, and smartphone repair.
- (B) **Standards**
- (i) In the Apartment Mixed Use Districts:
- a. All services involving amplified music or music instruction must be located in a fully enclosed, sound-attenuated



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- structure, and hours of operation are limited to between 6 a.m. and 10 p.m.
- b. The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
- (ii) In the Industrial Mixed Use District, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.
- (2) **Animal Care**
- (A) **Defined:** Grooming, training, boarding, or keeping of household pets. Includes animal shelter, kennel, veterinary clinic, animal clinic, animal hospital, pet grooming, pet day care, or pet spa. Animal care is consolidated into the following groups in Sec. 21-5.30 Use Table.
- (i) Minor: Animal care primarily in an indoor setting.
- (ii) Major: Animal care primarily in an outdoor setting.
- (B) **Standards**
- (i) Minor
- a. Outdoor spaces for animals must be limited to supervised play areas and runs.
- b. All animals kept overnight must be located in a fully enclosed, noise-attenuated structure.
- (ii) Major: All structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from any adjacent zoning lot.
- (3) **Wedding Services**
- (A) **Defined:** Providing wedding services. Includes similar services such as commitment, wedding reception, and vow renewal ceremonies, and supporting services such as catering and entertainment. See also Agritourism, 0.
- (B) **Standards**
- (i) All activity must be located in a fully enclosed, sound-attenuated structure, and hours of operation are limited to between 6 a.m. to 10 p.m.
- (ii) The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.
- (h) **Recreation, Indoor:** Providing daily or regularly scheduled entertainment or recreation activities primarily in an indoor setting. Indoor recreation is consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **General Indoor Recreation**
- (A) **Defined:** Providing primarily indoor entertainment or recreation in a permanent facility. Includes billiard or pool hall, bowling alley, electronic gaming, escape room, ice- or roller-skating rink, playground or trampoline park, sports facility, miniature golf, and



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archery or gun range. Also includes library or museum not meeting the definition of a public facility.

(B) Standards: None.

(2) Theater

(A) Defined: A facility primarily for the performing arts or for the viewing of motion picture films. Includes performing arts center, concert hall, and other types of live theater.

(B) Standards: None.

(i) Recreation, Outdoor: Providing daily or regularly scheduled entertainment or recreation activities primarily in an outdoor setting. Outdoor recreation is consolidated into the following groups in Sec. 21-5.30 Use Table.

(1) General Outdoor Recreation

(A) Defined: Providing primarily outdoor recreation or entertainment in a permanent outdoor facility. Includes amusement park, batting cages, drive-in theater, go-cart or automobile racetrack, golf driving range, horseback riding, miniature golf, sports facility, amphitheater, and water park. Does not include public parks, golf courses, or country clubs.

(B) Standards

(i) All structures and facilities must be set back a minimum of 25 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District. This requirement may be waived by the Director if topography or landscaping makes such a buffer unnecessary.

(ii) For motorized outdoor amusement facilities, additional noise mitigation measures may be required.

(iii) All lighting must meet the following requirements:

a. All light fixtures must be oriented so that lighting and glare are not directed to the sky, adjoining properties, streets, or sidewalks.

b. The maximum light level of any light fixture cannot exceed 0.5 footcandles measured at the property line, except that up to 2.0 footcandles measured at the right-of-way line of a street are allowed.

c. The color-temperature of fixture lamps must not exceed 3200 Kelvin.

d. All service connections for lighting must be installed underground.

e. Recreational field lighting must only be used while activity on the field is being conducted.



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- (2) **Golf Course**
 - (A) **Defined:** A facility for playing 9 holes or more of golf. Includes associated clubhouse and driving range. Does not include miniature golf or a stand-alone driving range.
 - (B) **Standards:** As required during Plan Review (PRU).
- (j) **Retail:** Selling, leasing, or renting new or used goods. Retail is consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) **General Retail**
 - (A) **Defined:** A facility involved in the sale, lease, or rental of new or used products. Includes, appliance store, art gallery, automotive store, bank, bicycle sales/repair and rental, books, clothing, copy center or shipping service, printing, electronics, electronic cigarettes/vaping and similar products, department store, drug or pharmaceutical store, fabric, flowers, furniture, grocery or specialty food store, hardware store, liquor store, scooter sales and rental, musical instrument sales/repair and rental, optician, pet store, shoe store, sporting goods, toy store, and other similar retail activities.
 - (i) **Small:** Up to 2,500 square feet of total floor area.
 - (ii) **Medium:** Up to 25,000 square feet of total floor area.
 - (iii) **Large:** Unlimited floor area.
 - (B) **Standards**
 - (i) **Small**
 - a. In a Residential, Apartment, or Apartment Mixed Use District, all sales, services, displays, or storage must be within a fully enclosed structure.
 - b. All incidental storage of material and equipment must be located in a fully-enclosed structure for lots adjoining a Country, Residential, Apartment, or Apartment Mixed Use District.
 - c. In Residential and Apartment Districts, the following standards apply:
 - 1. The lot must be located at least ½-mile from any zoning district allowing General Retail and any other small general retail use, unless it is located within ½-mile of a rail station or bus transit center.
 - 2. The adjoining street must have a minimum 20-foot paved surface.
 - 3. The use may not be located on a nonconforming lot.
 - d. In the Industrial Mixed Use District, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.



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- e. Neighborhood grocery stores that occupied their present location prior to October 22, 1986, but are located in districts in which they are not permitted as small general retail, are not considered nonconforming, provided they meet the following requirements:
 - 1. No expansion of the floor area occupied on October 22, 1986 is allowed;
 - 2. Hours of operation are limited to between 6 a.m. and 10 p.m.; and
 - 3. All sales, services, or displays must be within a fully-enclosed structure, and there must be no outdoor display, service, or storage of merchandise.
- (ii) Medium
 - a. All incidental storage of material and equipment must be located in a fully enclosed structure for lots adjoining a Country, Residential, Apartment, or Apartment Mixed Use District.
 - b. In the B-1 District, when the principal entrance is less than 75 feet or its parking area is less than 20 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed use District, hours of operation are limited to between 6 a.m. to 10 p.m.
 - c. In the Apartment Mixed Use District, hours of operation are limited to between 6 a.m. and 10 p.m., including any loading associated with the retail use.
 - d. In the Industrial Mixed Use District, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.
- (iii) Large:
 - a. All incidental storage of material and equipment must be located in a fully enclosed structure for lots adjoining a Country, Residential, Apartment, or Apartment Mixed Use District.
 - b. In the B-1 District, when the principal entrance is less than 75 feet or its parking area is less than 20 feet from an adjoining Country, Residential, Apartment or Apartment Mixed Use District, hours of operation are limited to between 6 a.m. to 10 p.m. Affected retail not meeting this standard and intended to operate beyond these hours may be permitted under a minor conditional use permit.



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- d. In the Industrial Mixed Use District, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.
- (2) **Alternative Financial Services**
- (A) **Defined:** Providing non-traditional financial services on a recurring basis. Includes payday lending, check cashing, bail bonds, debt collecting, or pawnshop.
- (B) **Standards:** As required by conditional use permit.
- (3) **Mobile Commercial Establishment**
- (A) **Defined:** A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products or other wares. Includes trailer attachments, push carts, lunch wagons or vans, shipping containers, food trucks, and pop-up tents. Does not include vendors at farmers' markets, fun fairs, special community events, or other special events where mobile commercial establishments are not the majority of the event or are managed by a regulatory entity.
- (B) **Standards**
- (i) A mobile commercial establishment must operate on areas where an all-weather surface is provided, unless otherwise specified in this Chapter.
- (ii) A mobile commercial establishment must operate outside of any required yards.
- (iii) One portable sign per mobile commercial establishment is allowable during hours of operation.
- (iv) When 3 or more mobile commercial establishments operate on 1 zoning lot:
- a. A parking management plan is required. A minimum of 5 parking spaces per mobile commercial establishment is required.
- b. A pedestrian and vehicle circulation plan is required.
- c. Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.
- d. When restrooms are provided, they must be adequately screened from public view.
- (v) The regulations associated with mobile commercial establishments in the Haleiwa special district supersede the standards listed here.
- (k) **Vehicle-Related:** Selling, renting, servicing, and fueling of motor vehicles, including boats, light aircraft, and any type of trailer designed to be towed by a



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motor vehicle. Vehicle-related is consolidated into the following groups in Sec. 21-5.30 Use Table.

- (1) Car Wash
 - (A) Defined: Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of vehicles.
 - (B) Standards
 - (i) The following standards apply to car washing establishments as principal or accessory uses:
 - (ii) The lot must not abut a zoning lot in a Residential or Apartment District.
 - (iii) A closed-loop water recycling system with no off-site discharge or run-off must be used.
- (2) Vehicle Fueling Station
 - (A) Defined: Providing vehicle fueling services such as gasoline, diesel, compressed natural gas or hydrogen pumps, and electric charging stations. Does not include electric charging stations that are accessory to a parking lot.
 - (B) Standards: Hours of operation are limited to between 6 a.m. to 10 p.m. where pump islands exist and are set back less than 75 feet from an adjoining Country, Residential, Apartment or Apartment Mixed Use District. Vehicle fueling stations intended to operate beyond these hours may be permitted under a minor conditional use permit.
- (3) Vehicle Repair
 - (A) Defined: A facility for servicing and repairing vehicles.
 - (i) Service: Routine servicing of light-duty vehicles that generally weigh less than 10,000 pounds (gross vehicle weight) and typically require less than 1 day of work. Includes servicing batteries, brakes or tires, cleaning and flushing radiators, muffler repair, windscreen replacement, emissions testing, inspection station, changing oil and lubricants, installation of audio or alarm equipment, and the sale of automotive parts used in on-site vehicle repairs such as oil, grease, batteries, and tires.
 - (ii) Repair, Light: The repair of light-duty vehicles that generally weigh less than 10,000 pounds (gross vehicle weight) and



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- typically require more than 1 day of work. Includes engine and transmission repair, and body and paint shops.
- (iii) Repair, Heavy: The repair of heavy-duty vehicles that generally weigh more than 10,000 pounds (gross vehicle weight).
- (B) Standards
 - (i) Service
 - a. All servicing of vehicles must occur within a fully enclosed structure.
 - b. No outdoor storage is allowed.
 - (ii) Repair, Light
 - a. All structures and activities must be set back a minimum 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
 - b. Any activities conducted between the hours of 10 p.m. and 6 a.m. must be set back a minimum of 300 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
 - (iii) Repair, Heavy: None.
- (4) Vehicle Sales and Rental
 - (A) Defined: A facility that sells, rents, or leases vehicles. Vehicle rental sites that do not include a building or leasing office, or that provide only car sharing services are not included.
 - (i) Sales and Rental, Light: The sale, rental, or leasing of light-duty vehicles that generally weigh less than 10,000 pounds (gross vehicle weight).
 - (ii) Sales and Rental, Heavy: The sale, rental, or leasing of heavy-duty vehicles that generally weigh more than 10,000 pounds (gross vehicle weight). Includes sales of shipping containers and manufactured or modular homes.
 - (B) Standards
 - (i) Sales and Rental, Light: Vehicle display areas must not be artificially elevated above the general topography of the site.
 - (ii) Sales and Rental, Heavy: None.
- (I) Accessory Commercial Uses: Uses accessory to a permitted commercial use on the same zoning lot. Accessory commercial is consolidated into the following groups in Sec. 21-5.30 Use Table.



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- (1) **Caretaker Unit**
 - (A) **Defined:** An accessory dwelling unit occupied by an owner or caretaker of a principal use in a district that does not allow residential uses.
 - (B) **Standards:** A caretaker unit shall be located above or behind the principal use in such a way that the unit does not interrupt commercial frontage.
- (2) **Drive-Thru**
 - (A) **Defined:** An accessory facility that allows a customer to be served while seated in a vehicle, typically accessory to an eating establishment, bank, dry cleaner, or pharmacy.
 - (B) **Standards**
 - (i) Speaker boxes must be set back a minimum of 75 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District.
 - (ii) Drive-thru lanes must be set back a minimum of 20 feet from an adjoining Country, Residential, Apartment, or Apartment Mixed Use District.
- (3) **Retail**
 - (A) **Defined:** Retail sales accessory to permitted non-retail commercial use.
 - (B) **Standards:** Retailing of products must be limited to those which are manufactured or processed on the premises.
- (4) **Vacation Cabin**
 - (A) **Defined:** A small dwelling unit accessory to a permitted outdoor recreation use.
 - (B) **Standards**
 - (i) Vacation cabins must not exceed 800 square feet in floor area.
 - (ii) The overall density for vacation cabins must not exceed 1 vacation cabin per acre of land area.

Sec. 21-5.80 Industrial uses.

- (a) **Manufacturing and Processing:** Uses for manufacturing and processing. Manufacturing and processing are consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) **General Manufacturing and Processing**
 - (A) **Defined:** The manufacture, processing, assembly, fabrication, refinement, alteration, or packaging by hand or by machinery, from raw materials, component parts, or other products, of finished



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goods, merchandise, or other end products suitable for sale or trade.

- (i) Light: Activities which are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors or particulates; and do not involve chemicals or other substances which pose a threat to health and safety. Includes, but is not limited to, the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other similar types of manufacturing, processing, and packaging uses.
- (ii) Heavy: Activities involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Includes, but is not limited to: paper and textile milling; wood millwork and production of prefabricated structural wood products; soap and detergent manufacturing; rubber processing and rubber products manufacturing; production of plastics and other synthetic materials; primary metals processes; vehicle, machinery, and fabricated metal products manufacturing; electroplating; cement making and concrete production; gypsum and related products; chemical products, perfumes, and pharmaceuticals production; and paving and roofing materials production. Does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; or the processing of salvage, scrap, and junk materials.

(B) Standards

- (i) Light: Total floor area must not exceed 2,000 square feet.
- (i) Heavy
 - a. All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
 - b. The pickup or drop-off of equipment between the hours of 10 p.m. and 6 a.m. must be set back a minimum of 300 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.



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- (2) **Bio-Fuel Processing Facility**
 - (A) **Defined:** A facility that produces liquid or gaseous fuels from organic sources, such as biomass crops, agricultural residues, oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes; that can be used to generate energy.
 - (B) **Standards**
 - (i) All structures and activities must be set back a minimum 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
 - (ii) When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced, provided that at no time may the distance be less than 500 feet.
 - (iii) Transitional height setbacks required based on the underlying zoning district and any adjacent districts apply. See the dimensional tables in Article 3.
- (3) **Brewery, Distillery, Winery**
 - (A) **Defined:** A facility where malt beverages, distilled spirits, or wines are produced.
 - (i) **Minor:** Producing a maximum of 5,000 barrels a year. Includes sale of alcohol for on-site consumption.
 - (ii) **Major:** Producing more than 5,000 barrels a year. Includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced on-site.
 - (B) **Standards**
 - (i) **Minor:** None.
 - (ii) **Major:** None.
- (4) **Explosive/Toxic Chemical Manufacturing, Storage and Distribution**
 - (A) **Defined:** Manufacturing, storing, and distributing poisonous, corrosive, or combustible materials capable of causing death or injury to people or damage to property. Does not include petroleum, liquified petroleum gas, or coal products.
 - (B) **Standards**
 - (i) All structures and activities must be set back a minimum 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
 - (ii) When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may



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be reduced, provided that at no time may the distance be less than 500 feet.

- (iii) Explosives storage must be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The landform or barrier must be of such height that:
 - a. A straight line drawn from the top of any side wall of all magazines or production facilities to any part of the nearest structure will pass through the landform or barrier.
 - b. A straight line drawn from the top of any side wall of all magazines or production facilities, to any point 12 feet above the center line of a public street will pass through the landform or barricade.
 - c. Artificial barricades must be a mound or revetted wall of the earth a minimum thickness of 3 feet.

(5) **Food Manufacturing and Processing**

- (A) Defined: Processing food and drink products that do not handle dead animals or animal by-products that people do not consume.
- (B) Standards
 - (i) Total floor area must not exceed 4,000 square feet.
 - (ii) The slaughter of animals is not permitted.

(6) **Linen Suppliers**

- (A) Defined: Providing linen and off-site laundry services, including delivery and pick-up, to businesses such as hospitals and hotels. Linens include uniforms, towels, aprons, tablecloths, napkins, and fabric for cleaning.
- (B) Standards: None.

(7) **Petrochemical Plant**

- (A) Defined: A facility for processing and refining petroleum, liquefied petroleum gas, and coal products.
- (B) Standards
 - (i) All structures and activities must be set back a minimum 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
 - (ii) When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may



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be reduced, provided that at no time may the distance be less than 500 feet.

- (8) **Production Studio**
 - (A) **Defined:** A facility producing movies, videos, and other similar forms of intellectual property. Includes studios and production, distribution, editing, set construction, and special effects facilities. Does not include sites or facilities used temporarily for production purposes.
 - (B) **Standards:** None.
- (9) **Publishing Facility**
 - (A) **Defined:** Printing, reproducing, or duplicating material such as newspapers, books, and magazines using a printing press, photographic reproduction, or other similar techniques.
 - (B) **Standards:** None.
- (b) **Marine:** Activities and structures supporting marine and other water-related activities. Marine is consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) **General Marine**
 - (A) **Defined:** Activities and structures used to support recreational marine and other water-related activities, commercial boating, and the storage and transfer of goods and services.
 - (i) **Minor:** Land uses on harbor fast lands, lagoons or other inland waters that support recreational marine activities. Includes piers or boathouses, storage and minor repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, and wash racks.
 - (ii) **Major:** Land uses on harbor fast lands support commercial marine activities. Includes construction, vocational training, equipment sales, and repair.
 - (B) **Standards**
 - (i) **Minor**
 - a. Launching ramps, boat repair facilities, establishments for the sale of boating supplies and fuel, clubhouses and drydock facilities or other areas for storage of boats on land must be set back from an adjoining Residential, Apartment, or Apartment Mixed Use District by:
 - 1. 300 feet if open between the hours of 10 p.m. and 6 a.m.
 - 2. 150 feet if not open between the hours of 10 p.m. and 6 a.m.; or where the use is screened by a solid wall at least 6 feet in height.



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- b. A master planned community with an inland waterway designated Preservation District is not subject to these additional zoning district setbacks, provided that the zoning change that created the project occurred as part of a single rezoning action.
 - c. Where a general marine use occurs adjacent to a Preservation District applied to inland waters, no district setback is required for uses not common to both districts.
 - d. Small engine and minor boat repair are allowed within a fully enclosed, noise-attenuated structure.
 - (ii) Major: None.
 - (2) Port
 - (A) Defined: A facility for supporting commercial marine activity, such as cargo shipping, that is located on harbor fast lands. Includes wharves, piers and boathouses, cargo handling systems, storage and repair of boats and ships, sale of marine supplies and fuel, cold storage facilities, power stations, hoists, launching ramps, facilities for embarking and disembarking of passengers, and other facilities necessary for maintenance and operation of the port.
 - (B) Standards: None.
- (c) Repair: The commercial restoration, reconstruction, and repair of consumer goods and industrial equipment and machinery. Does not include motor vehicles (see Sec. 21-5.60(l)) or boats (see Sec. 21-5.70(b)). Repair is consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) General Repair
 - (A) Defined: Repair of household appliances, furniture, upholstery, small engine repair such as lawnmowers, clock repair, production, and repair of prosthetic devices. See also Personal Services, Sec. 21-5.70(g).
 - (B) Standards
 - (i) Hours of operation are limited to between 6 a.m. and 10 p.m.
 - (ii) No small engine repair is allowed.
 - (2) Heavy Repair
 - (A) Defined: Repair of industrial machinery and heavy equipment.
 - (B) Standards
 - (i) All structures and activities must be set back a minimum 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
 - (ii) All activities conducted between the hours of 10 p.m. and 6 a.m. must be set back a minimum of 300 feet from an



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adjoining Residential, Apartment, or Apartment Mixed Use District.

- (d) **Research and Development:** A facility focused primarily on the research and development of new products. Research and development are consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) **General Research and Development**
 - (A) **Defined:** Research and development facilities including laboratories, supporting prototype manufacture, pilot plants used to test manufacturing processes planned for use in production elsewhere and supporting administrative offices. Does not include medical research and development (see 21-5.70 (e) Medical).
 - (B) **Standards:** None.
- (e) **Resource Extraction:** A site or facility for resource extraction. Resource extraction uses are consolidated into the following groups in Sec. 21-5.30 Use Table.
 - (1) **General Resource Extraction**
 - (A) **Defined:** A site or facility for exploration, extracting, and processing of natural resources including natural accumulations of minerals, ores, gemstones, sand, rock, soil, gravel, and water.
 - (B) **Standards**
 - (i) Blasting operations are restricted to Mondays through Fridays between 8 a.m. and 5 p.m.
 - (ii) The application for a conditional use permit must include a plan for the development of the property, which includes the exploitation and the reuse.
 - a. The plan for the exploitation phase must show the proposed development as planned in relation to surrounding property within 300 feet and include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions (including topography, drainage and soils) that will exist at the end of the exploitation phase. Contour intervals for topography must be 5 feet in areas where slope is greater than 10%, 2 feet in areas where the slope is 10% or less.
 - b. The plan for the reuse phase must indicate how the property is to be left in a form suitable for reuse for purposes permissible in the district, relating such reuses to uses existing or proposed for surrounding properties. Among items to be included in the plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil (including measures to be



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taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed reuse, treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In the plan for reuse, intermittent lakes and marshes are not allowed, except in areas included in flood hazard districts and if situated more than 1,000 feet from the nearest Residential, Apartment, Apartment Mixed Use or Resort District boundary.

- (f) **Storage and Distribution:** Storage and distribution of commercial goods, industrial materials, and personal items. Storage and distribution is consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) **General Storage and Distribution**
 - (A) **Defined:** A facility involved in the storage or movement of goods for their business or other firms. Goods are generally delivered to other firms or the final consumer with little on-site customer activity. Includes non-transient storage of automobiles not in operating condition and temporary storage of household goods by a freight mover.
 - (B) **Standards:** None.
 - (2) **Self-Storage**
 - (A) **Defined:** Providing separate storage areas, units, or lockers for personal or business use designed to allow private access by the tenant for storing or removing personal property. Does not include the outdoor storage of fleet vehicles (Base Yard) or the outdoor storage of junk, scrap metal, or old cars (Salvage, Scrap, and Junk Storage and Processing).
 - (B) **Standards**
 - (i) No individual storage area may exceed 3,600 cubic feet in size.
 - (ii) All buildings must have windows or architectural treatments that appear as windows.
 - (iii) No activities other than the dead storage or transfer of non-volatile goods, or leasing of storage space, are permitted, with



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the exception of the supporting sale of boxes, tape, and other packing-related materials.

- (iv) Where storage occurs underground, the zoning applicable to any entrance determines the uses allowed.

(3) Storage Yard

(A) Defined: The open storage of soil, mulch, stone, lumber, pipe, steel, construction materials, or similar products. Includes contractor's storage. Does not include the outdoor storage of fleet vehicles (see Sec. 21-5.70(g)(3)(B) Base Yard) or the outdoor storage of junk, scrap metal or old cars (see Sec. 21-5.70(h)(3)(A) Salvage, Scrap and Junk Storage and Processing).

(B) Standards

- (i) There must be no sale or processing of scrap, salvage, or secondhand material.
- (ii) Yards must be completely enclosed, except for necessary openings for ingress and egress, by a fence or wall not less than 6 feet in height.
- (iii) Within the I-1 District:
- a. All structures and activities must be set back a minimum 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
 - b. If the facility is within 300 feet of a parcel in a Residential, Apartment, or Apartment Mixed Use District, equipment startup, including vehicles, are limited to the hours between 6 a.m. and 10 p.m.

- (g) Transportation: Activities and structures supporting the movement of people or goods from one place to another. Transportation is consolidated into the following groups in Sec. 21-5.30 Use Table.

(1) Airport

(A) Defined: Activities and structures for the landing and takeoff of flying vehicles, including loading and unloading areas such as passenger terminals. Aviation facilities may be improved or unimproved. Includes commercial carrier and private aircraft facilities.

(B) Standards: As required during Plan Review (PRU).

(2) Base Yard

(A) Defined: Outside storage, parking, cleaning, and incidental repair and maintenance of vehicles and associated equipment. Includes



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- supporting dispatching services, administrative offices, kitchens, showers, lounges and similar personnel supporting activities.
- (B) Standards
- (i) Yards must be completely enclosed, except for necessary openings for ingress and egress, by a fence or wall not less than 6 feet in height.
- (ii) Within the I-1 District:
- a. All structures and activities must be set back a minimum 100 feet from an adjoining Residential, Apartment, or Apartment Mixed Use District.
- b. If the facility is within 300 feet of a parcel in a Residential, Apartment or Apartment Mixed Use District, equipment startup, including vehicles, are limited to the hours between 6 a.m. and 10 p.m.
- (3) Heliport
- (A) Defined: A facility for landing and take-off of rotorcraft that includes supporting fueling, maintenance, repair, and storage activities.
- (B) Standards: None.
- (4) Multi-Modal Facility
- (A) Defined: A facility for trains, buses, taxis or car share services. Includes facilities for the following: bus transfer facility or bus station, car-share facility, limousine or taxi service, light rail station, or rail station.
- (B) Standards: As required by conditional use permit.
- (5) Truck Terminal
- (A) Defined: A facility used as an origin or destination point for the loading, unloading, assembling, or transferring of goods transported by truck.
- (B) Standards: None.
- (h) Waste-Related: Storing, processing, or selling waste. Waste-related is consolidated into the following groups in Sec. 21-5.30 Use Table.
- (1) Salvage, Scrap, and Junk Storage or Processing
- (A) Defined: A facility for the storage, sale, dismantling, or other processing of used or waste materials that are not intended for re-



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use in their original forms. Includes automotive wrecking yards, junkyards and salvage yards.

(B) Standards

- (i) All structures and activities must be set back a minimum of 1,500 feet from an adjoining Country, Residential, Apartment, Apartment Mixed Use or Resort District.
- (ii) When it can be determined by the Director that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced, provided that at no time may the distance be less than 500 feet.

(2) Waste Disposal and Processing

(A) Defined: A facility for disposing and processing solid waste. Includes refuse dumps, sanitary landfills, incinerators, and resource recovery plants.

(B) Standards: No person, including the State or any county, may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit without meeting the following standard:

- (i) A buffer zone of no less than ½ mile around the waste or disposal facility is required from any residential, school, or hospital property line.
- (ii) This subsection does not apply to the continued operation of an existing waste or disposal facility that is properly permitted, provided that continued operation does not require vertical or horizontal physical expansion of the facility requiring additional permitting review and a permit modification.
- (iii) This subsection does not apply to any individual, state certified, non-industrial redemption centers.

(i) Accessory Industrial Uses: Uses accessory to a permitted industrial use on the same zoning lot. Accessory industrial is consolidated into the following groups in Sec. 21-5.30 Use Table.



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- (1) Helistop
 - (A) Defined: An accessory facility for landing and take-off of rotorcraft that does not include supporting fueling, maintenance, or repair facilities. Includes commercial use of a drone.
 - (B) Standards
 - (i) No structures for rotorcraft storage are allowed.
 - (ii) May include overnight parking of one rotorcraft.

Sec. 21-5.90 Miscellaneous Uses

- (a) Historic Structure Re-Use: Uses that incentivize the owner of a historic structure to maintain the structure when the use is not otherwise permitted in the underlying district.
 - (1) Any structure on the State or National Register of Historic Places may be occupied by a use not otherwise permitted in the underlying district, provided that any proposed alteration, repair, or renovation beyond its original design and the proposed use are both approved by the appropriate historic preservation entity, and does not result in the destruction or demolition of the structure.
 - (2) The Director may deny any request which is judged to have adverse impacts on the neighborhood that cannot be mitigated.
- (b) Joint Development: The development of 2 or more adjacent subdivision lots under a single, unified project concept.
 - (1) Adjacent Lots
 - (A) Whenever 2 or more adjacent subdivision lots are developed jointly in accordance with the provisions of this section, they will be considered and treated as 1 zoning lot.
 - (B) Owners must be applicants and execute the conditional use permit and joint development agreement.
 - (C) When applying for a conditional use permit for joint development under this section, the applicants must submit to the Director an agreement which binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of joint development proposed in such a way that there will be conformity with applicable zoning regulations. The development standards listed in Section 21-2.90-2(C) may not be modified through a conditional use permit for joint development unless allowed through another discretionary approval. The right to enforce the agreement must also be granted to the City. The agreement is subject to the approval of the Corporation Counsel of the City.
 - (D) If the Director finds that the proposed agreement assures future protection of the public interest and meets the requirements for



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issuance of a conditional use permit, the Director may issue the conditional use permit. Upon issuance of the permit, the agreement, which must be one of the conditions of the permit, must be filed as a covenant running with the land with the Bureau of Conveyances or the Registrar of the Land Court. Proof of such filing in the form of a copy of the covenant certified by the appropriate agency must be filed with the Director prior to the issuance of any building permit.

- (c) **Transfer of Development:** Under a transfer of development, floor area or dwelling units normally attributable to a donor lot is allocated to, and may be used on, a receiving lot.
- (1) **Applicability:** Transfer of development is intended to provide an incentive for the preservation of certain historic or environmentally sensitive properties by permitting qualified property owners to freely sell, trade, broker or otherwise transfer the floor area or dwellings that would normally be permitted under the applicable district regulations on the donor lot. The following transfers may be permitted:
- (A) The transfer of development from a zoning lot with a historic site, building, or structure to a lot or lots without historic significance and with sufficient access to infrastructure to support the additional density; or
- (B) The transfer of development from a zoning lot that is in the Special Management Area to a lot or lots that are:
- (i) Not located within the Special Management Area;
- (ii) Not located within the P-2 General Preservation District; and
- (iii) Not expected to be impacted by 3.2 feet of sea level rise by the year 2100.
- (iv) Not located in a flood hazard area subject to Chapter 21A, ROH.
- (2) **Historic Property, Transfer Standards**
- (A) The historic site, building, or structure must be suitable for preservation or rehabilitation, or both, and any proposed alterations of the site must have no adverse effect on the historic value of the historic site, building, or structure, as determined by the appropriate historic preservation authority.
- (B) The floor area eligible to be transferred must be calculated by determining the maximum allowable floor area for the donor lot on which the historic site, building, or structure is located, including any applicable density bonuses for open space or the preservation



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of the historic site, building or structure, and subtracting from the sum of:

- (i) The floor area of all historic buildings or structures to be retained on the donor lot; and
 - (ii) The floor area of all historic buildings or structures designated in an approved plan for development or redevelopment of the donor lot.
 - (C) The unused floor area from the donor lot with the historic site, building or structure may be transferred to receiving lots, provided that the donor lot and each receiving lot may not be located in a Residential or Preservation District. In no case may the maximum floor area on a receiving lot under transfer of development from a historic property be more than 15% more than the maximum floor area that would otherwise be permitted on the lot. Only floor area may be transferred; all other zoning requirements applicable to the receiving lot are not affected.
 - (D) The owner, owners, or duly authorized agents of the owners, of zoning lots may apply for a conditional use permit to undertake the transfer of development.
 - (E) Additional floor area may be developed on the donor lot, provided there is sufficient remaining permitted floor area that has not been transferred to any receiving lots and the development of the additional floor area will not diminish the value of the historic site, building or structure on the donor lot or conflict with the approved maintenance agreement. The added floor area permitted on receiving lots under transfer of development must not be used in a way that will diminish or destroy the value of a historic site, building or structure or a site, building, or structure that is eligible for listing on the State Register of Historic Places.
- (3) **Special Management Area, Transfer Standards**
- (A) The floor area or dwellings eligible to be transferred must be calculated by determining the maximum allowable floor areas or dwellings for the donor lot, including any applicable density bonuses. All floor area or dwellings eligible to be transferred must be transferred in their entirety, such that the donor site is left



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- undeveloped and vacant, prior to the issuance of a building permit on the receiving lot.
- (B) The added floor area permitted on receiving lots under transfer of development must not be used in a way that will diminish or destroy the value of the Special Management Area.
 - (C) In Residential Districts, receiving lots may not exceed the maximum FAR of 0.8. All other Residential District development standards apply and may not be modified.
- (4) Application Requirements: When applying for the required conditional use permit, applicants must submit the following:
- (A) Zoning lot area calculations for all donors and receiving lots.
 - (B) Documentation demonstrating that the donor lot or lots contain a historic site, building, or structure that is listed on the National or State Register of Historic Places, or both, or is located within a Special Management Area.
 - (C) Where the donor site contains a historic site, a plan approved by the appropriate historic preservation entity for the restoration, renovation, or rehabilitation, if necessary, and for the maintenance of the historic site, building, or structure on the donor lots for a minimum period of 30 years, including calculation of the current floor area of all historic and nonhistorical buildings or structures on the donor lots. The plan for restoration may be phased.
 - (D) Where the donor site is located within a Special Management Area, a plan to maintain and preserve the donor site from the agency or organization that has agreed to manage the donor site.
 - (E) A plan for the development or redevelopment of the receiving lots, which may be phased, including information as to the effect of the development or redevelopment on any historic site, building or structure, or the Special Management Area on or near the receiving lots.
 - (F) A proposed agreement running with the land for all donor and receiving lots, binding all owners of these lots and their lessees, mortgagees, heirs, successors, and assigns, individually and collectively, to comply with the approved plans and permits submitted with the application for a minimum of 30 years. The proposed agreement must be in recordable form enforceable by the



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- City. The proposed agreement must state the consideration to be given for the proposed transfer of density.
- (5) **Approval**
- (A) The Director will grant approval of the application if the Director determines that:
- (i) The proposed agreement provides adequate protection for the historic site, building or structure, or the Special Management Area.
 - (ii) All proposed donor and receiving lots meet the requirements of this Section.
 - (iii) The transfer of density to the receiving lots will not cause the density of any of the receiving lots to exceed the maximum density permitted under this Section.
 - (iv) The plan for development or redevelopment of the receiving lots will not adversely impact the Special Management Area or diminish or destroy the value of any historic site, building or structure or of any site, building or structure that is on, or is eligible to be listed on, the State Register of Historic Places and will not create adverse effects on lots in the vicinity of a receiving lot that is inconsistent with the purpose of the zoning designation of those lots.
 - (v) The proposed plans and agreements submitted with the application will adequately ensure the preservation of the historic site, building, or structure on the donor lot or within the Special Management Area.
- (B) Until the applicants have recorded with the Bureau of Conveyances and the Land Court of the State of Hawaii, as appropriate, the agreement specified in subdivision E above, for all donor and receiving lots, no building permit or construction permit may be approved for a building or structure which would not conform to development standards that would be applicable in the absence of the conditional use permit."

SECTION 5. Sec. 21-2.40-1, Revised Ordinances of Honolulu 1990, as amended, ("Minor permits"), is amended to read as follows:

"Sec. 21-2.40-1 Minor permits.

- (a) **Specific Permits.** The minor permit category consists of the following permits and approvals:



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- (1) Zoning adjustment;
 - (2) Waiver;
 - (3) Existing use permit;
 - (4) Conditional use permit (minor); and
 - (5) Special district permit (minor).
- (b) Pre-application Procedures. Before submitting an application for a minor permit[, except an existing use permit,] for the following uses:
- (1) ~~[Transmitting antennas]~~ Antenna tower ~~[mounted on a building or rooftop]~~ in P-2, AG-1, or AG-2 ~~[residential, A-1, or AMX-1]~~ district ~~[-or a freestanding antenna structure];~~
 - (2) ~~[Meeting]~~ Small or medium meeting facility;
 - (3) ~~[Day care]~~ Child or adult day care facility;
 - (4) ~~[Schools: elementary, intermediate and high]~~ School, K-12; or
 - (5) ~~[Hotel]~~ Minor hotel with up to 180 dwelling and/or lodging units in the B-1, B-2, and BMX-3 district.
- the applicant shall first present the project to the neighborhood board of the district where the project will be located, or, if no such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subsection (b) shall be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:
- (A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days of the date of the written request; or
 - (B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.
- (c) Application and Processing. An applicant seeking a minor permit shall submit the appropriate application to the director for processing. Once the director has accepted an application for a conditional use permit (minor) involving a meeting facility, child or adult day ~~[-]care~~ ~~[facility]~~ facilities, school ~~[(elementary, intermediate and high)]~~ K-12, or minor hotel ~~[with up to 180 dwelling and/or lodging units]~~ in the BMX-3 district, the director shall notify adjoining property owners and the appropriate neighborhood board or community association of receipt of the application. The director shall ask adjoining property owners whether they wish to have a public hearing on the proposed project, and whether they have any concerns about potentially adverse external effects of the proposed project on the immediate neighborhood. If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no sooner than 45 days after



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acceptance of the completed application; and the application will thereafter be subject to the provisions of Section 21-2.40-2(c)(2), (3), (4) and (6), and (d). If the director determines that a public hearing is not necessary, within 45 days of the director's acceptance of the completed application, the director shall either:

- (1) Approve the application as submitted;
- (2) Approve the application with modifications or conditions or both; or
- (3) Deny the application and provide the applicant with a written explanation for the denial;

provided, however, that if an applicant substantially amends an application after its acceptance by the director, the director will have up to 45 days from the date of such amendment to act on the application as provided in this section."

SECTION 6. Sec. 21-2.120-1, Revised Ordinances of Honolulu 1990, as amended, ("Applicability"), is amended to read as follows:

"Sec. 21-2.120-1 Applicability.

- (a) Plan review use (PRU) approval shall be required for the following public and private uses: hospitals, prisons, airports, colleges and universities (except business schools and business colleges), trade or convention centers, and those golf courses described in subsection (d).
- (b) This section is applicable to all of the uses in subsection (a), in all zoning districts and special districts.
- (c) ~~{Trade or convention centers shall}~~ A large meeting facility may not be approved as a plan review use in any preservation, agricultural, country, residential, apartment, apartment mixed use, and industrial zoned districts.
- (d) Golf courses.
 - (1) If, following rezoning of land planned for golf course use to P-2 preservation district either:
 - (A) A grading permit has not been issued for the golf course within two years of the rezoning; or
 - (B) A grading permit that was issued within two years of the rezoning has expired due to suspension or abandonment of work, or is revoked, then the golf course shall require PRU approval.
 - (2) Golf courses shall be permitted as a plan review use in the P-2 preservation and resort districts only when consistent with the city's development plans. Golf courses on P-2 and resort zoned land shall be deemed consistent with the development plans only when situated on lands designated preservation, parks and recreation, or golf courses on the development plan land use maps.



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- (3) Uses accessory to a golf course shall be designed and scaled to meet only the requirements of the members, guests or users of the facility.
- (4) In addition to the general provisions of Section 21-2.120-2, PRU approval of requests for golf courses may be based on the additional criteria enumerated in Section ~~[21-5.280]~~ 21-5.70(i)(2)."

SECTION 7. Sec. 21-2.140-1, Revised Ordinances of Honolulu 1990, as amended, ("Specific circumstances"), is amended to read as follows:

"Sec. 21-2.140-1 Specific circumstances.

The director may approve an adjustment from the requirements of this chapter under the following circumstances.

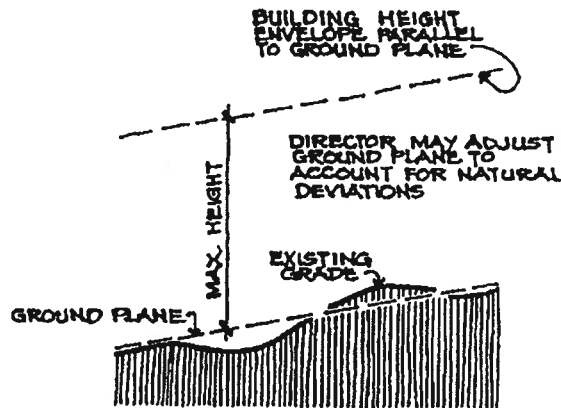
- (a) Carports and garages.
 - (1) When located in a residential district, a one-car or two-car carport or garage may encroach into required front or side yards, including those in special districts, only under the following conditions:
 - (A) No other viable alternative site exists relative to the location of an existing dwelling (including additions), legally constructed prior to October 22, 1986, or to the topography of the zoning lot; and
 - (B) The landowner must authenticate the nonconformity of the existing dwelling, carport or garage, if necessary.Any carport or garage covered by this subsection must not be converted to or be used for a use other than a carport or garage.
 - (2) The maximum horizontal dimensions for the carport or garage generally must not exceed 20 feet by 20 feet; provided that the dimensions may be reasonably increased to accommodate an existing retaining wall or similar condition.
- (b) Energy-saving rooftop designs. Rooftop designs that incorporate energy-saving features, including but not limited to vented ceilings or louvered skylights, may extend above the height limit or height setback of the underlying zoning district by not more than five feet; provided that:
 - (1) The building is not a ~~[detached]~~ dwelling unit or duplex; and
 - (2) The proposal is subject to design review. The roofing treatment must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.
- (c) Flag lot access width. Where unusual terrain or existing development does not allow the required access drive, the director may:
 - (1) Adjust the minimum access width to no less than 10 feet, and
 - (2) Allow more than dual access to an access drive; provided that the following criteria are met:



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- (A) The appropriate government agencies do not object to the proposal;
 - (B) No more than three flag stems or access drives are located adjacent to one another, the access drives do not serve more than five dwelling units, and the combined access drive pavement width does not exceed 32 feet; and
 - (C) If more than dual access to a flag stem or access drive is proposed, the design results in one common driveway and one curb cut to serve all lots adjoining the flag stem(s).
- (d) **Grade irregularities.** Where unusual natural deviations occur in grade, the director may adjust the building height envelope to permit reasonable building design. An adjustment may be made only in accordance with the intent of the pertinent district regulations (See Figure 21-2.2).

Figure 21-2.2
ZONING ADJUSTMENT:
GRADE IRREGULARITIES



ZONING ADJUSTMENT: GRADE IRREGULARITIES

- (e) **Lanai enclosures.** Lanais, which are a part of buildings constructed on or before October 22, 1986 that have reached the maximum permitted floor area, may be enclosed if they meet all of the following criteria:
- (1) The enclosure meets a unified design scheme approved by either the condominium association or the building owner, whichever is applicable;
 - (2) Other lanais in the building have been similarly enclosed; and
 - (3) Lanais that have already been enclosed have been done so legally.



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- (f) Loading requirements—Low-rise multi-unit~~[family]~~ dwellings. The director may adjust or waive the loading requirement for low-rise multi-unit~~[family]~~ dwellings, provided that:
- (1) The project consists of more than one building;
 - (2) Buildings do not exceed three stories; and
 - (3) There is sufficient uncovered parking and aisle or turnaround space to accommodate occasional use for loading.
- (g) Off-street parking and loading requirements upon change in use.
- (1) Change in use on zoning lot with conforming parking and loading. Notwithstanding Article 6, if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, then the director may adjust the number of additional parking or loading spaces required subject to the following conditions:
 - (A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and remote ~~[off-site]~~ parking facilities;
 - (B) There was no previous change in use on the zoning lot to a use with higher parking or loading standards during the five-year period immediately preceding the change in use;
 - (C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision; and
 - (D) The parking and loading will thereafter be deemed to be nonconforming.
 - (2) Change in use on zoning lot with nonconforming parking and loading. Notwithstanding Section 21-4.110(e)(1), if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, nonconforming parking and loading may be continued, with no additional parking or loading spaces being required subject to the following conditions:
 - (A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and remote ~~[off-site]~~ parking facilities;
 - (B) There was no previous change in use on the zoning lot to a use with a higher parking or loading standard during the five-year period immediately preceding the change in use; and



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- (C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision or subdivision (1).
- (h) Rebuilding or expansion of a nonconforming ohana unit [dwelling]. Nonconforming ohana units [dwellings] may be altered, enlarged, repaired, or rebuilt provided that all of the following conditions are satisfied.
 - (1) The ohana unit [dwelling] is a nonconforming structure or dwelling unit. An ohana unit [dwelling] will be deemed nonconforming when the building permit for an ohana unit [dwelling] was issued, and any of the following circumstances apply:
 - (A) The ohana unit [dwelling] is no longer in an ohana-eligible area pursuant to Section 21-2.110-3;
 - (B) The ohana unit [dwelling] is occupied by persons who are not related by blood, marriage, or adoption to the family residing in the primary dwelling, and the building permit for the ohana unit [dwelling] was issued prior to September 10, 1992;
 - (C) A declaration of condominium property regime or declaration of horizontal property regime was filed with either the State of Hawaii bureau of conveyances or the land court of the State of Hawaii on or before December 31, 1988; or
 - (D) The ohana unit [dwelling] was legally established, but is no longer allowed pursuant to Sections 21-8.20(c)(2) and (3).
 - (2) The building area of the ohana unit [dwelling] in combination with the building area of the primary dwelling does not exceed the current maximum building area development standard for the underlying zoning district.
 - (3) The ohana unit [dwelling] complies with all other development standards for the underlying zoning district, including off-street parking standards.
 - (4) Unless the ohana unit [dwelling] was lawfully established prior to December 31, 1988, the owners shall comply with Section 21-8.20(c)(8) prior to the issuance of any building permit.
- (i) Receive-only antenna height. Receive-only antennas may exceed the applicable zoning district height limit subject to the following conditions:
 - (1) The zoning lot is not located in a residential district where utility lines are predominantly located underground;
 - (2) The applicant shall provide evidence to the director that adequate reception by the antenna, for the purposes for which the antenna is designed, cannot be provided anywhere on the zoning lot at or below the applicable zoning district height limit, and the antenna must not extend above a height greater than what is shown by the evidence provided to the



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- director to be necessary to provide adequate reception provided that in no case may the antenna extend more than 10 feet above the applicable zoning district height limit; and
- (3) A receive-only antenna may be placed on top of an existing structure that is nonconforming in height provided that the antenna must not extend above the height of the structure by more than 10 feet.
- (j) Residential height. The director may adjust the second plane of the building height envelope up to a maximum of 35 feet, subject to the following conditions:
- (1) The slope of the lot is greater than 40 percent;
- (2) There is no reasonable development alternative without an increase in the height envelope; and
- (3) The lot must be limited to dwelling use.
- (k) Retaining walls. The director may adjust the maximum height of a retaining wall upon finding that additional height is necessary because of safety, topography, subdivision design, or lot arrangement; provided that the aesthetic impact of the wall would not be adverse to the neighborhood and community as viewed from any street. The director may impose reasonable conditions when granting this additional height, such as material used, color, landscaping, terracing, setbacks and offsets, as may be necessary to maintain the general character of the area.
- (l) Rooftop height exemption. Rooftop structures that principally house elevator machinery and air conditioning equipment may extend above the applicable zoning district height limit for structures or portions of structures; provided that all of the following conditions are satisfied:
- (1) If the elevator cab opens on the roof, machinery must not be placed above the elevator housing.
- (2) The highest point of the rooftop structures must not exceed five feet above the highest point of the equipment structures. Rooftop structures principally housing elevator machinery or air conditioning equipment that were installed under a building permit issued before February 9, 1993, will be permitted even if they exceed the 18-foot limit of Section 21-4.60(c)(1) so long as they do not exceed five feet above the highest point of the equipment structure.
- (3) If the building is located in a special district, the special district requirements will prevail.
- (4) The proposed rooftop structures will be subject to design review. The design must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building; and
- (5) Areas proposed to be covered by the rooftop structure will not be counted as floor area; provided that they are not used for any purpose other than for covering rooftop machinery. Areas used for purposes other than reasonable aesthetic treatment will be counted as floor area.



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- (m) Sign master plan. A sign master plan is a voluntary, optional alternative to the strict sign regulations of this chapter, intended to encourage some flexibility in order to achieve good design (including compatibility and creativity), consistency, continuity and administrative efficiency in the utilization of signs within eligible sites. Under this alternative, and subject to the provisions of this subsection, the director may approve a sign master plan that permits the exceptions to the sign regulations of this chapter set forth in subdivision (2).
- (1) Eligibility. Developments with three or more principal uses on a zoning lot, other than single-unit, duplex-unit, two-unit, or three-unit~~one-family or two-family detached~~ dwellings ~~[or duplex units]~~, are eligible for consideration of a zoning adjustment for a sign master plan. An applicant must have the authority to impose the sign master plan on all developments on the zoning lot.
- (2) Flexibility. The following exceptions to the sign regulations of this chapter may be permitted pursuant to an approved sign master plan.
- (A) Physical characteristics. The maximum number of permitted signs, sign area, and the height and physical dimensions of individual signs, may be modified; provided that:
- (i) No sign may exceed any applicable standard relating to height or dimension by more than 20 percent;
- (ii) The total permitted sign area for signs that are part of a sign master plan may not be increased by more than 20 percent beyond the total sign area permitted by the underlying sign regulations for the site; and
- (iii) The total number of signs that are part of a sign master plan may not exceed 20 percent of the total number of signs permitted by the underlying sign regulations for the site; provided that when computation of the maximum number of permitted signs results in a fractional number, the number of allowable signs will be the next highest whole number.
- (B) Sign types. The types of business signs permitted for ground floor establishments may include hanging, marquee fascia, projecting, roof, and wall signs.
- (i) When marquee fascia signs are used, the signs may be displayed above the face of the marquee; provided that the signs must not exceed a height of more than 36 inches above the marquee face.
- (ii) When wall signs are used, signs displayed as individual lettering placed against a building wall are encouraged.
- (C) Sign illumination



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- (i) Where direct illumination is not otherwise permitted by the underlying sign regulations for the site, sign copy or graphic elements of business or identification signs for ground floor establishments may be directly illuminated; provided that any remaining sign area must be completely opaque and not illuminated.
 - (ii) Signs for second floor establishments may be indirectly illuminated.
 - (D) Sign location. An appropriate, consistent pattern for the placement of regulated signs within the project site must be approved in the sign master plan; provided that all signs must be located on the building containing the identified establishment, and no ground sign may be located within a required yard except as may be permitted by this chapter.
 - (E) The standards and requirements for directional signs, information signs and parking lot traffic control signs may be established by the director, as appropriate.
- (3) Sign master plan approvals. The director may approve a sign master plan only upon a finding that, in addition to the criteria set forth in Section 21-2.140-2, the following criteria have been satisfied:
 - (A) The proposed sign master plan will accomplish the intent of this subsection;
 - (B) The size and placement of each sign will be proportional to and visually balanced with the building facade of the side of the building upon which it is maintained;
 - (C) All signs regulated by this chapter and maintained upon the site will feature the consistent application of not less than one of the following design elements: materials, letter style, color, shape or theme; and
 - (D) Except as may be adjusted by the sign master plan, all signs regulated by this chapter and maintained upon the site must conform to the provisions of this chapter.

The director may impose appropriate conditions and additional controls on the approval of a sign master plan.
- (4) Implementation.
 - (A) The director shall maintain a copy of the approved sign master plan for each project to facilitate the expedited processing of sign permits for that project. The director shall review each sign permit application for an individual sign within an affected project for its conformity to the approved sign master plan. Upon determining



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- that the sign permit application conforms to the approved sign master plan, the director shall issue the sign permit for the sign.
- (B) Except as otherwise provided in this paragraph, no sign may be maintained upon a site subject to an approved sign master plan unless the sign conforms to the sign master plan. If a site has existing signs that will not conform to the approved sign master plan, the master plan must specify a reasonable time period, as approved by the director, for conversion of all existing signs to the design scheme set forth in the approved master plan; provided that in no event may the time period for full conformance exceed one year from the date the sign master plan is approved.
- (n) Conversion of accessory structures. An existing, legally established accessory structure constructed prior to the effective date of this ordinance in the country or residential district may be converted to an accessory dwelling unit and allowed to exceed the maximum floor area established by Section ~~[21-5.720(e)(1)]~~ 21-5.50(c)(1) or be exempted from the off-street parking requirement established by Section ~~[21-5.720(e)(4)]~~ 21-5.70(f)(1) and contained in Table ~~[21-6.4]~~ 21-6.70, subject to the following conditions:
- (1) The director must find that viable constraints do not allow the reduction of the floor area of the existing accessory structure; and
 - (2) The director must find that no feasible alternative off-street parking site exists due to the placement of structure on, or the topography of, the zoning lot."

SECTION 8. Table 21-3, Revised Ordinances of Honolulu 1990, as amended, ("Master Use Table"), is to be removed in its entirety.

SECTION 9. Sec. 21-3.50-2, Revised Ordinances of Honolulu 1990, as amended, ("Agricultural cluster—Site standards"), is amended to read as follows:

"Sec. 21-3.50-2 Agricultural cluster—Site standards.

- (a) The minimum land area required for an AG-1 district agricultural cluster shall be 15 contiguous acres. The minimum land area required for an AG-2 district agricultural cluster shall be six contiguous acres.
- (b) The maximum number of farm dwellings in an AG-1 district agricultural cluster shall not exceed one unit per five acres. The maximum number of farm dwellings in an AG-2 district agricultural cluster shall not exceed one unit per two acres.
- (c) Within agricultural clusters, ~~single-, duplex-, two-, three- and multi-unit [detached, duplex and multifamily]~~ dwellings shall be permitted. ~~Multi-unit~~[Multifamily] dwellings shall not exceed four dwelling units in any structure.



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- (d) Within an agricultural cluster, all principal, accessory and conditional uses and structures permitted within the AG-1 restricted agricultural district and AG-2 general agricultural district shall be permitted, subject to the minimum standards and conditions specified in this chapter for these uses.
- (e) Within an agricultural cluster each dwelling may be sited on a lot not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum lot size shall be a multiple of 5,000 square feet per dwelling.
- (f) Height and yards shall be the same as permitted in AG-1 and AG-2 districts.
- (g) Parking, loading and sign requirements shall be specified in the approval of the agricultural cluster plan."

SECTION 10. Sec. 21-3.60-2, Revised Ordinances of Honolulu 1990, as amended, ("Country cluster—Site standards"), is amended to read as follows:

"Sec. 21-3.60-2 Country cluster—Site standards.

- (a) The minimum land area required for a country cluster shall be three contiguous acres.
- (b) The maximum number of dwelling units in a country cluster shall not exceed one per one acre.
- (c) Within country clusters, single-unit, duplex-unit, two-unit, and multi-unit ~~[detached, duplex and multifamily]~~ dwellings shall be permitted. ~~[Multifamily]~~ Multi-unit dwellings shall not exceed four dwelling units in any structure.
- (d) Within a country cluster, all principal, accessory and conditional uses and structures permitted within the country district and all country district development standards shall apply except those relating to yards and lot dimensions. Conditional uses shall be subject to the standards in Article 4.
- (e) The minimum size of a lot of record for dwellings shall be 5,000 square feet. The following development standards shall apply to dwelling lots:
 - (1) Front yards shall be a minimum of 10 feet.
 - (2) Side and rear yards shall be a minimum of five feet.
- (f) Parking, loading and sign requirements shall be specified in the approval of the country cluster plan.
- (g) All other underlying district development standards shall apply."

SECTION 11. Sec. 21-3.70, Revised Ordinances of Honolulu 1990, as amended, ("Residential districts—Purpose and intent"), is amended to read as follows:

"Sec. 21-3.70 Residential districts--Purpose and intent.



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- (a) The purpose of the residential district is to allow for a range of residential densities. The primary use shall be ~~[detached residences]~~ dwellings. Other types of dwellings may also be allowed, including zero lot line, and ~~cluster-and-common wall housing arrangements~~. Non-dwelling uses which support and complement residential neighborhood activities shall also be permitted.
- (b) The intent of the R-20 and R-10 districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development and may be applied as a transitional district between preservation, agricultural or country districts and urban districts. They would also be applied to lands where residential use is desirable but some development constraints are present.
- (c) The intent of the R-7.5, R-5 and R-3.5 districts is to provide areas for urban residential development. These districts would be applied extensively throughout the island."

SECTION 12. Sec. 21-3.70-1, Revised Ordinances of Honolulu 1990, as amended, ("Residential uses and development standards"), is amended to read as follows:

"Sec. 21-3.70-1 Residential uses and development standards.

- (a) Within the residential districts, permitted uses and structures shall be as enumerated in ~~[Table 21-3]~~ Section 21-5.30.
- (b) Within the residential districts, development standards shall be as enumerated in Table 21-3.2.
- *(c) Additional Development Standards.
 - (1) Maximum Height. The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane (see Figure 21-3.10).
 - (2) Height Setbacks.
 - (A) Any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and
 - (B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.



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- (3) Except for cluster housing and planned development housing developed pursuant to Section 21-8.50, for zoning lots with ~~[one-family or two-family detached]~~ dwellings~~[-or duplexes]~~:

- (A) The maximum density is a floor area ratio of 0.7.
- (B) The number of wet bars in each dwelling unit must not exceed one.
- (C) The number of laundry rooms in each dwelling unit must not exceed one.
- (D) The number of bathrooms in each dwelling unit must not exceed the following:

Zoning lot size (square feet)	Number of bathrooms per dwelling unit must not exceed:	
	One dwelling unit on zoning lot	Two or more dwelling units on zoning lot
Up to 6,999	4	2
7,000 to 9,999	6	3
10,000 and up	8	4

If the dwelling unit is an accessory dwelling unit, this paragraph should not be construed to waive any requirement under Section ~~[21-5.720]~~ 21-5.50(c)(1).

- (E) The conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.
- (F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to Section 21-10.1 to a portion of the structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.
- (G) For ~~[one-family or two-family detached]~~ dwellings~~[-or duplexes]~~ constructed pursuant to building permits applied for after May 1, 2019, the impervious surface area of a zoning lot must not exceed 75 percent of the total zoning lot area.
- (H) If the floor area ratio exceeds 0.6, the following additional standards apply:
 - (i) Side and rear yards.
 - (aa) In the R-3.5 district, side and rear yards must be at least eight feet; and



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- (bb) In the R-5, R-7.5, R-10, and R-20 districts, side and rear yards must be at least 11 feet.
- (ii) Each ~~[dwelling]~~ unit in the ~~[detached]~~ dwelling ~~[or duplex]~~ must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property prior to issuance of a temporary certificate of occupancy.
- (iii) Subsequent inspections.
 - (aa) Upon the completion of construction and the determination by the department that the ~~[detached]~~ dwelling ~~[or duplex]~~ complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of two years after issuance;
 - (bb) During the two-year period that a temporary certificate of occupancy is in effect, the department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the ~~[detached]~~ dwelling ~~[or duplex]~~ to confirm that it is in the same structural form as when the temporary certificate of occupancy was issued; and
 - (cc) At the end of the two-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the ~~[detached]~~ dwelling ~~[or duplex]~~ and close the building permit."



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SECTION 13. Table 21-3.2, Revised Ordinances of Honolulu 1990, as amended, ("Residential Districts Development Standards"), is amended to read as follows:

**"Table 21-3.2
Residential Districts
Development Standards**

Development Standard		District				
		R-3.5	R-5	R-7.5	R-10	R-20
Minimum lot area (square feet)	[One-family] <u>Single-unit</u> [detached] dwelling , and other uses	3,500	5,000	7,500	10,000	20,000
	[Two-family] <u>Two-unit</u> [detached] dwelling	7,000	7,500	14,000	15,000	25,000
	<u>Duplex-unit</u>	3,500	3,750	7,000	7,500	12,500
Minimum lot width and depth (feet)		30 per duplex-unit, 50 for other uses		35 per duplex-unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yards (feet):	Front	10 for dwellings, 30 for other uses				
	Side and rear	5 for dwellings ¹ , 15 for other uses			5 for dwellings ¹ , 15 for other uses	
Maximum building area		50 percent of the zoning lot				
Maximum height (feet) ¹		25-30				
Height setbacks		per Sec. 21-3.70-1(c)				

¹ For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

²Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height."



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SECTION 14. Sec. 21-3.80, Revised Ordinances of Honolulu 1990, as amended, ("Apartment districts—Purpose and intent"), is amended to read as follows:

"Sec. 21-3.80 Apartment districts--Purpose and intent.

- (a) The purpose of the apartment districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include multi[family]-unit dwellings, such as common wall housing, walkup apartments and high-rise apartments. Uses and activities that complement apartment use are permitted, including limited social services.
- (b) The intent of the A-1 low density apartment district is to provide areas for low density, multi[family]-unit dwellings. It may be applied as a buffer between residential districts and other more intense, noncompatible districts. It would be applicable throughout the city.
- (c) The intent of the A-2 medium density apartment district is to provide areas for medium density, multi[family]-unit dwellings. It is intended primarily for concentrated urban areas where public services are centrally located and infrastructure capacities are adequate.
- (d) The intent of the A-3 high density apartment district is to provide areas for high density, high-rise, multi[family]-unit dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present."



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SECTION 15. Table 21-3.3, Revised Ordinances of Honolulu 1990, as amended, ("Apartment and Apartment Mixed Use Districts Development Standards"), is amended to read as follows:

**"Table 21-3.3
Apartment and Apartment Mixed Use Districts
Development Standards"**

Development Standard		District													
		A-1	A-2	A-3	AMX-1	AMX-2	AMX-3								
Minimum lot area (square feet) ¹		7,500	10,000	15,000	7,500 ²	10,000 ²	15,000 ²								
Minimum lot width and depth (feet) ¹		70	70	70	70	70	70								
Yards (feet):	Front	10	10	10	10	10	10								
	Side and rear ³	5 ⁴ or 10	5 ⁴ or 10	5 ⁴ or 10	5 ⁴ or 10	5 ⁴ or 10	5 ⁴ or 10								
Maximum commercial use density (FAR)		n/a			0.3 see Sec. 21-3.90-1(c)	0.4 see Sec. 21-3.90-1(c)	0.6 see Sec. 21-3.90-1(c)								
Maximum building area		<table><tr><th><u>Lot area (sq. ft.)</u></th><th><u>Requirement</u></th></tr><tr><td>Less than 7,500</td><td>60 percent of zoning lot</td></tr><tr><td>7,500 - 20,000</td><td>50 percent of zoning lot</td></tr><tr><td>Over 20,000</td><td>40 percent of zoning lot</td></tr></table>						<u>Lot area (sq. ft.)</u>	<u>Requirement</u>	Less than 7,500	60 percent of zoning lot	7,500 - 20,000	50 percent of zoning lot	Over 20,000	40 percent of zoning lot
<u>Lot area (sq. ft.)</u>	<u>Requirement</u>														
Less than 7,500	60 percent of zoning lot														
7,500 - 20,000	50 percent of zoning lot														
Over 20,000	40 percent of zoning lot														
Maximum height (feet) ⁵		30	per zoning map		30	per zoning map									
Height setbacks		none	per Sec. 21-3.80-1(c)		none	per Sec. 21-3.90-1(c)									
Maximum density (FAR) for A-1 & AMX-1 districts based on zoning lot size		<table><tr><th><u>Lot area (sq. ft.)</u></th><th><u>FAR calculation</u></th></tr><tr><td>Less than 10,000</td><td>FAR = (.00003 x lot area) + 0.3</td></tr><tr><td>10,000 - 40,000</td><td>FAR = (.00001 x lot area) + 0.5</td></tr><tr><td>Over 40,000</td><td>FAR = 0.9</td></tr></table>						<u>Lot area (sq. ft.)</u>	<u>FAR calculation</u>	Less than 10,000	FAR = (.00003 x lot area) + 0.3	10,000 - 40,000	FAR = (.00001 x lot area) + 0.5	Over 40,000	FAR = 0.9
<u>Lot area (sq. ft.)</u>	<u>FAR calculation</u>														
Less than 10,000	FAR = (.00003 x lot area) + 0.3														
10,000 - 40,000	FAR = (.00001 x lot area) + 0.5														
Over 40,000	FAR = 0.9														
Maximum density (FAR) for A-2 & AMX-2 districts based on zoning lot size		<table><tr><th><u>Lot area (sq. ft.)</u></th><th><u>FAR calculation</u></th></tr><tr><td>Less than 10,000</td><td>FAR = (.00009 x lot area) + 0.4</td></tr><tr><td>10,000 - 40,000</td><td>FAR = (.00002 x lot area) + 1.1</td></tr><tr><td>Over 40,000</td><td>FAR = 1.9</td></tr></table>						<u>Lot area (sq. ft.)</u>	<u>FAR calculation</u>	Less than 10,000	FAR = (.00009 x lot area) + 0.4	10,000 - 40,000	FAR = (.00002 x lot area) + 1.1	Over 40,000	FAR = 1.9
<u>Lot area (sq. ft.)</u>	<u>FAR calculation</u>														
Less than 10,000	FAR = (.00009 x lot area) + 0.4														
10,000 - 40,000	FAR = (.00002 x lot area) + 1.1														
Over 40,000	FAR = 1.9														



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Development Standard	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Maximum density (FAR) for A-3 & AMX-3 districts based on zoning lot size	Lot area (sq. ft.)		FAR calculation			
	Less than 10,000		FAR = (.00014 x lot area) + 0.6			
	10,000 - 20,000		FAR = (.00004 x lot area) + 1.6			
	20,000 - 40,000		FAR = (.00002 x lot area) + 2.0			
	Over 40,000		FAR = 2.8			

¹There shall be no minimum lot area, width or depth for ~~remote~~ [off-site] parking facilities.

²There shall be no minimum lot area for ~~remote~~ [off-site] parking facilities.

³Five feet for ~~detached~~ single- and two-unit dwellings ~~[and duplexes]~~ and 10 feet for other uses.

⁴For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

⁵Heights for ~~detached~~ single- and two- unit dwellings ~~[and duplexes]~~ shall comply with residential height and height setback requirements.

n/a = Not applicable"

SECTION 16. Sec. 21-3.100, Revised Ordinances of Honolulu 1990, as amended, ("Resort district—Purpose and intent"), is amended to read as follows:

"Sec. 21-3.100 Resort district--Purpose and intent.

The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multi[family]-unit dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 10 (2022)

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SECTION 17. Table 21-3.4, Revised Ordinances of Honolulu 1990, as amended, ("Retail, Business and Business Mixed Use Districts Development Standards"), is amended to read as follows:

**"Table 21-3.4
Resort, Business and Business Mixed Use Districts
Development Standards**

Development Standard		District				
		Resort	B-1	B-2	BMX-3	BMX-4
Minimum lot area (square feet)		15,000 ¹	5,000	5,000	5,000	5,000
Minimum lot width and depth (feet)		70 ¹	50	50	50	50
Yards (feet):	Front	25	10	<u>10 for dwellings,</u> <u>5 for other uses⁴ [5⁴]</u>	10 for dwellings, 5 for other uses ⁴	5 ^{4,5}
	Side and rear	20 ²	<u>10 for multi-family dwellings,</u> <u>0³ for other uses</u>	<u>10 for multi-family dwellings,</u> <u>0³ for other uses [0³]</u>	5 ² for [detached] dwellings, 10 for multi[family]-unit dwellings, 0 ³ for other uses	0 ³
Maximum building area (percent of zoning lot)		50	not regulated			
Maximum density (FAR) resort district only		<u>Lot area (sq. ft.)</u> <u>FAR calculation</u> Less than 10,000 FAR = (.00006 x lot area) + 0.4 10,000 - 30,000 FAR = (.00002 x lot area) + 0.8 Over 30,000 FAR = 1.4				
Maximum density (FAR) for other districts		see above	1.0	2.5	2.5	4.0
Open space bonus	Available	No		Yes see Sec. 21-3.110-1(c)	Yes see Sec. 21-3.120-2(c)	
	Max FAR	n/a	n/a	3.5	3.5	7.5



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Development Standard	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Maximum height (feet)	per zoning map	40	per zoning map	per zoning map	per zoning map, see Sec. 21-3.120-1 for additional height
Height setbacks	per Sec. 21-3.100-1(c)	per Sec. 21-3.110-1(c)		per Sec. 21-3.120-2(c)	

¹There shall be no minimum lot area, width or depth for remote [off-site] parking facilities.

²For duplex lots, 5 feet for any portion of any structure not located on the common property line, the required side yard is zero feet for that portion of the lot containing the common wall.

³Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment or apartment mixed use district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In addition, see Section 21-4 70-1 for landscaping and buffering requirements.

⁴Where a zoning lot adjoins a residential, apartment or apartment mixed use district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-3.6).

⁵Five feet for structures up to 12 feet in height, provided that where the adjacent street is greater than 50 feet in width, an area of open space or an arcade, equivalent to the required yard area may be provided elsewhere on the zoning lot (see Figure 21-3.8).

n/a = Not applicable*



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SECTION 18. Sec. 21-3.130, Revised Ordinances of Honolulu 1990, as amended, ("Industrial districts—Purpose and intent"), is amended to read as follows:

"Sec. 21-3.130 Industrial districts--Purpose and intent.

- (a) The purpose of the industrial districts is to recognize the importance of industrial uses to the welfare of city residents by providing areas for industrial uses without undue competition from other uses and ensuring compatibility with nonindustrial areas. Typical uses include manufacturing, refining, sorting, processing and storage of materials and products. Limited business activities that directly support the industrial uses or those employed by industries therein are permitted in these districts.
- (b) Heavy industrial uses such as heavy general manufacturing and processing [refining of petroleum] and explosive/toxic chemical manufacturing, storage, and distribution [manufacturing of explosives] will only be allowed under certain conditions and in areas well away from other districts.
- (c) To minimize potential adverse impacts on property and persons in the same or neighboring districts, standards are established for the more noxious uses permitted in these districts.
- (d) The intent of the I-1 limited industrial district is to provide areas for some of the industrial employment and service needs of rural and suburban communities. It is intended to accommodate light industrial uses[manufacturing], including light general manufacturing and processing, linen suppliers, and publishing facility [handcrafted goods as well as "high technology industries" such as telecommunications, computer parts manufacturing, and research and development]. Uses in this district are limited to those which have few environmental impacts and those which complement the development scale of communities they would serve.
- (e) The intent of the I-2 intensive industrial district is to set aside areas for the full range of industrial uses necessary to support the city. It is intended for areas with necessary supporting public infrastructure, near major transportation systems and with other locational characteristics necessary to support industrial centers. It shall be located in areas away from residential communities where certain heavy industrial uses would be allowed.
- (f) The intent of the I-3 waterfront industrial district is to set apart and protect areas considered vital to the performance of port functions and to their efficient operation. It is the intent to permit a full range of facilities necessary for successful and efficient performance of port functions. It is intended to exclude uses which are not only inappropriate but which could locate elsewhere."



A BILL FOR AN ORDINANCE

SECTION 19. Sec. 21-4.60, Revised Ordinances of Honolulu 1990, as amended, ("Heights"), is amended to read as follows:

"Sec. 21-4.60 Heights.

- (a) All structures shall fall within a building height envelope at a height specified by this chapter or as specified on the zoning maps. Exceptions are specified under subsection (c), and others may be specified under special districts.
- (b) The building height envelope shall run parallel to existing or finish grade, whichever is lower (see Figure 21-4.3), except where finish grade is higher than existing grade in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements, or to meet conditions of permits approved under the provisions of this chapter. In these cases, height shall be measured from finish grade.
- (c) The following structures and associated screening shall be exempt from zoning district height limits under the specified restrictions:
 - (1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit, except that structures housing rooftop machinery on detached dwellings and duplex units shall not be exempt from zoning district height limits.
 - (2) Chimneys, which may also project into required height setbacks.
 - (3) Safety railings not to exceed 42 inches above the governing height limit.
 - (4) Utility Poles and Antennas. The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled erection, location, and height of antennas can be and are detrimental to the city's appearance and, therefore, image; that this can cause significant damage to the community's sense of well-being, particularly in residential areas, and can further harm the economy of the city with its tourist trade which relies heavily on the city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas and that there is a clear public interest served by ensuring that those transmissions and receptions providing the public with power and telecommunications services are unobstructed. Therefore, in accord with the health, safety and aesthetic objectives contained in Section 21-1.20, and in view of the particular public interest needs associated with certain types of telecommunications services:
 - (A) Utility poles and broadcasting antennas shall not exceed 500 feet from existing grade.



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- (B) Antennas associated with utility installations shall not exceed 10 feet above the governing height limit, but in residential districts where utility lines are predominantly located underground the governing height limit shall apply.
- (C) Receive-only antennas shall not exceed the governing height limit, except as provided under Section 21-2.140-1(j).
- (5) Spires, flagpoles and smokestacks, not to exceed 350 feet from existing grade.
- (6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.
- (7) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.
- (8) Any energy-savings device, including heat pumps and solar collectors, not to exceed five feet above the governing height limit.
- (9) Construction and improvements in certain flood hazard districts, as specified in Sections 21-9.10-6 and 21-9.10-7.
- (10) ~~[Farm]~~Agricultural structures in agricultural districts, as specified in Article 3, Table 21-3.1.
- (d) The following structures and associated screening may be placed on top of an existing building which is nonconforming with respect to height, under the specified restrictions:
 - (1) Any energy-savings ~~[device]~~equipment, including heat pumps and solar collectors, not to exceed 12 feet above the height of the building.
 - (2) Safety railings not to exceed 42 inches above the height of the building."



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SECTION 20. Sec. 21-4.70, Revised Ordinances of Honolulu 1990, as amended, ("Landscaping and screening"), is amended to read as follows:

"Sec. 21-4.70 Landscaping and screening.

Parking lots, automobile service stations, trash enclosures, ~~utility substations,~~ and rooftop-mounted machinery must be landscaped or screened in all zoning districts as set forth below:

- (a) Parking lots and structures must be landscaped as required in Article 6.
- (b) All outdoor trash storage areas, except those for ~~[one-family or two-family]~~ single-unit, duplex-unit, or two-unit dwelling use, must be screened on a minimum of three sides by a wall or hedge at least six feet in height. The wall must be painted, surfaced, or otherwise treated to blend with the development it serves. All trash storage areas must be curbed or graded to prevent runoff from reaching storm drains or surface water.
- (c) Within the country, residential, apartment, apartment mixed use and resort districts, utility substations, other than individual transformers, must be enclosed by a solid wall or a fence with a screening hedge a minimum of five feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses must be enclosed by a landscape hedge, except for access openings.
- (d) All plant material and landscaping must be provided with a permanent irrigation system.
- (e) All rooftop machinery and equipment, except for solar panels, antennas, plumbing vent pipes, ventilators, and guardrails, must be screened from view from all directions, including from above provided that screening from above is not required for any machinery or equipment whose function would be impaired by the screening. Rooftop machinery and equipment in the strictly industrial districts and on structures or portions of structures less than 150 feet in height will be exempt from this subsection."



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SECTION 21. Sec. 21-4.70-1, Revised Ordinances of Honolulu 1990, as amended, ("Screening wall or buffering"), is amended to read as follows:

"Sec. 21-4.70-1 Screening wall or buffering.

- (a) Any use located in the I-1, I-2 or I-3 district shall be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort district, by a solid wall six feet in height erected and maintained alongside and rear property lines. Such walls shall not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use, or resort district. In addition, a five-foot-wide landscaping strip shall be provided along the outside of the solid wall.
- (b) Any use located in the IMX-1 district shall be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort district, by a landscaped area not less than five feet in width alongside and rear property lines. Such landscaped area shall contain a screening hedge not less than 42 inches in height. The requirements of this subsection (b) shall not apply to necessary drives and walkways, nor to any meeting facility, day[-]care facility, large group living facility, or other use governed by subsection (d).
- (c) Any use located in the B-1, B-2 or BMX-4 district, and any use located in the BMX-3 district except single-, duplex, two-, and multi-unit[detached] dwellings [and unit family dwellings], shall be screened from any adjacent zoning lot in a residential, apartment, or apartment mixed use district, by a landscaped area not less than five feet in width alongside and rear property lines. Such landscaped area shall contain a screening hedge not less than 42 inches in height. The requirements of this subsection (c) shall not apply to necessary drives and walkways, nor to any meeting facility, day-care facility, group living facility, or other use governed by subsection (d).
- (d) Any meeting facility, day-care facility, large group living facility, parking facility, commercial, industrial, or similar use, located in any district other than those already addressed under subsections (a), (b) and (c), shall be screened from any adjacent zoning lot in a country, residential, apartment, apartment mixed use, or resort district by:
 - (1) A solid wall or fence, excepting chain link, six feet in height; or
 - (2) An equivalent landscape buffer such as a six-foot-high screening hedge.Such solid wall or fence, or equivalent landscape buffer, shall be erected and maintained along the common property line. The director may modify the requirements of this subsection (d) if warranted by topography.
- (e) Consulate facility must be buffered or screened as required in Article 5.
- (f) Restrooms for mobile commercial establishments must be screened from public view as required in Article 5.



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(g[e]) This section shall not preclude a public utility from constructing a wall or fence exceeding six feet in height pursuant to Section 21-4.30(c)(2)."

SECTION 22. Sec. 21-4.80, Revised Ordinances of Honolulu 1990, as amended, ("Noise regulations"), is amended to read as follows:

"Sec. 21-4.80 Noise regulations.

For any commercial or industrial development, no public address system or other devices for reproduction or amplifying voices or music, except as described for drive-thru facilities in Section ~~[21-5.100]~~ 21-5.70(l)(1) shall be mounted outside any structure on any lot which is adjacent to any lot in a country, residential, apartment, apartment mixed use, or resort zoning district."

SECTION 23. Sec. 21-4.100, Revised Ordinances of Honolulu 1990, as amended, ("Outdoor lighting"), is amended to read as follows:

"Sec. 21-4.100 Outdoor lighting.

For any commercial~~[,] or industrial use[,] or outdoor recreational development]~~, lighting shall be shielded with full cut-off fixtures to eliminate direct illumination to any adjacent country, residential, apartment, apartment mixed use, or resort zoning district."



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SECTION 24. Sec. 21-4.110, Revised Ordinances of Honolulu 1990, as amended, ("Nonconformities"), is amended to read as follows:

"Sec. 21-4.110 Nonconformities.

Constraints are placed on nonconformities to facilitate eventual conformity with the provisions of this chapter. In other than criminal proceedings, the owner, occupant or user shall bear the burden to prove that a lot, a structure, a use, a dwelling unit, or parking or loading was legally established as it now exists. Nonconforming lots, structures, uses, dwelling units, commercial use density, and parking and loading may be continued, subject to the following provisions:

(a) **Nonconforming Lots.**

- (1) A nonconforming lot shall not be reduced in area, width or depth, except by government action to further the public health, safety or welfare.
- (2) Any conforming structure or use may be constructed, enlarged, extended or moved on a nonconforming lot as long as all other requirements of this chapter are met.

(b) **Nonconforming Structures.**

- (1) If that portion of a structure that is nonconforming is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it may not be reconstructed except in conformity with the provisions of this chapter. All reconstruction and restoration work must comply with building code and flood hazard regulations, and commence within two years of the date of destruction.
 - (A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use that contains multi-unit[family] dwelling units owned by owners under the authority of the State of Hawaii Condominium Property Act or HRS Chapter 421H, or units owned by a "cooperative housing corporation" as defined in HRS Section 421I-1, whether or not the structure is located in a special district, and which is destroyed by any means, may be fully reconstructed and restored to its former permitted condition; provided that such restoration is permitted by the current building code and flood hazard regulations and is started within two years from the date of destruction.
 - (B) A nonconforming structure that is required by law to be razed by the owner thereof may not thereafter be reconstructed and restored except in full conformity with the provisions of this chapter.
- (2) If a nonconforming structure is moved, it must conform to the provisions of this chapter.
- (3) Any nonconforming structure may be repaired, expanded, or altered in any manner that does not increase its nonconformity.



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- (4) Improvements on private property that become nonconforming through the exercise of the government's power of eminent domain may obtain waivers from the provisions of this subsection, as provided by Section 21-2.130.
- (5) Nonconforming commercial use density will be regulated under the provisions of this subsection. For purposes of this section, "nonconforming commercial use density" means a structure that is nonconforming by virtue of the previously lawful mixture of commercial uses on a zoning lot affected by commercial use density requirements in excess of:
 - (A) The maximum FAR permitted for commercial uses; or
 - (B) The maximum percentage of total floor area permitted for commercial uses.
- (c) **Nonconforming Uses.** Strict limits are placed on nonconforming uses to discourage the perpetuation of these uses, and thus facilitate the timely conversion to conforming uses.
 - (1) A nonconforming use shall not extend to any part of the structure or lot which was not arranged or designed for such use at the time of adoption of the provisions of this chapter or subsequent amendment; nor shall the nonconforming use be expanded in any manner, or the hours of operation increased. Notwithstanding the foregoing, a recreational use that is accessory to the nonconforming use may be expanded or extended if the following conditions are met:
 - (A) The recreational accessory use will be expanded or extended to a structure in which a permitted use also is being conducted, whether that structure is on the same lot or an adjacent lot; and
 - (B) The recreational accessory use is accessory to both the permitted use and the nonconforming use.
 - (2) Any nonconforming use that is discontinued for any reason for 12 consecutive months, or for 18 months during any three-year period, shall not be resumed; however, a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period shall not be considered a discontinuation.
 - (3) Work may be done on any structure devoted in whole or in part to any nonconforming use, provided that work on the nonconforming use portion shall be limited to ordinary repairs. For purposes of this subsection, ordinary repairs shall only be construed to include the following:
 - (A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring or plumbing; or
 - (B) May include work required to comply with city, state, or federal mandates such as, but not limited to, the Americans with



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Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); or

- (C) May include interior and exterior alterations, provided that there is no physical expansion of the nonconforming use or intensification of the use.

Further, ordinary repairs shall not exceed 10 percent of the current replacement cost of the structure within a 12-month period, and the floor area of the structure, as it existed on October 22, 1986, or on the date of any subsequent amendment to this chapter pursuant to which a lawful use became nonconforming, shall not be increased.

- (4) Any nonconforming use may be changed to another nonconforming use subject to the prior approval of the director, provided that:
- (A) The change in use may be made only if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use continued; and
 - (B) The director may impose conditions on the change in nonconforming use necessary or appropriate to minimize impact and/or prevent greater adverse effects related to a proposed change in use. Other than as provided as "ordinary repairs" under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant shall not be permitted.
- (5) Any action taken by an owner, lessee, or authorized operator which reduces the negative effects associated with the operation of a nonconforming use -- such as, but not limited to, reducing hours of operation or exterior lighting intensity -- shall not be reversed.
- (d) Nonconforming dwelling units. With the exception of ohana [dwelling] units, which are subject to the provisions of Section 21-2.140-1(h), nonconforming dwelling units are subject to the following provisions:
- (1) A nonconforming dwelling unit may be altered, enlarged, repaired, extended or moved, provided that all other provisions of this chapter are met;
 - (2) If a nonconforming dwelling unit is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it may not be reconstructed; and
 - (3) When [detached] dwellings constructed on a zoning lot prior to January 1, 1950, exceed the maximum number of dwelling units currently permitted, they will be deemed nonconforming dwelling units.
- (e) Nonconforming parking and loading. Nonconforming parking and loading may be continued, subject to the following provisions:



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- (1) If there is a change in use to a use with a higher parking or loading standard, the new use must meet the off-street parking and loading requirements established in Article 6;
- (2) Any use that adds floor area must provide off-street parking and loading for the addition as required by Article 6. Expansion of an individual dwelling unit that results in a total floor area of no more than 2,500 square feet will be exempt from this requirement;
- (3) When nonconforming parking or loading is reconfigured, the reconfiguration must meet current requirements for arrangement of parking spaces, dimensions, aisles, and, if applicable, ratio of compact to standard spaces, except as provided in subdivision (4). If, as a result of the reconfiguration, the number of spaces is increased by five or more, landscaping must be provided as required in Sections 21-6.80 and 21-6.90; and
- (4) Parking lots and other uses and structures with an approved parking plan on file with the department prior to May 10, 1999, and which include compact parking spaces as approved in the plan, may retain up to the existing number of compact spaces when parking is reconfigured."



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SECTION 25. Sec. 21-4.110-1, Revised Ordinances of Honolulu 1990, as amended, ("Nonconforming use certificates for transient vacation units"), is amended to read as follows:

"Sec. 21-4.110-1 Nonconforming use certificates for transient vacation units.

- (a) The purpose of this section is to permit certain transient vacation units that have been in operation since prior to October 22, 1986, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a transient vacation unit who holds a valid nonconforming use certificate issued pursuant to this section on the effective date of this ordinance
- (b) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:
 - (1) Between September 1, 2000 and October 15, 2000; then
 - (2) Between September 1 and October 15 of every even-numbered year thereafter.

Each application to renew shall include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use during each calendar year covered by the nonconforming use certificate being renewed and that there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during each such year and that (ii) there has been no period of 12 consecutive months during the period covered by the nonconforming use certificate being renewed without a transient occupancy. Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 35 days of transient occupancies shall be effective on January 1, 1995 and shall apply to renewal applications submitted on or after January 1, 1996.

- (c) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous common area instead.
- (d) The provisions of Section [21-5.730(e)] 21-5.70(c)(4)(B)(ii) shall apply to advertisements for transient vacation units operating under a nonconforming use certificate pursuant to this section."



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SECTION 26. Sec. 21-4.110-2, Revised Ordinances of Honolulu 1990, as amended, ("Bed and breakfast homes—Nonconforming use certificates"), is amended to read as follows:

"Sec. 21-4.110-2 Bed and breakfast homes--Nonconforming use certificates.

- (a) The purpose of this section is to permit certain bed and breakfast homes, that have been in operation since prior to December 28, 1989, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a bed and breakfast home who holds a valid nonconforming use certificate issued pursuant to this section on August 1, 2019.
- (b) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:
 - (1) between September 1, 2000 and October 15, 2000; then
 - (2) between September 1 and October 15 of every even-numbered year thereafter.

Each application to renew shall include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use for each calendar year covered by the nonconforming use certificate being renewed and that there were bed and breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during each such year and that (ii) there has been no period of 12 consecutive months during the period covered by the nonconforming use certificate being renewed without a bed and breakfast occupancy. Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 28 days of bed and breakfast occupancies shall be effective on January 1, 1995 and shall apply to renewal applications submitted on or after January 1, 1996.

- (c) Section ~~[21-5.350]~~ 21-5.50(c)(4) relating to home occupations shall not apply to bed and breakfast homes.
- (d) Those bed and breakfast homes for which a nonconforming use certificate has been issued and renewed, as required, pursuant to this section shall operate pursuant to the following restrictions and standards:
 - (1) ~~[Detached d]~~ Dwellings used as bed and breakfast homes shall be occupied by a family and shall not be used as a group living facility. Rooming shall not be permitted in bed and breakfast homes.
 - (2) No more than two guest rooms shall be rented to guests, and the maximum number of guests permitted within the bed and breakfast home at any one time shall be four.



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- (3) There shall be no exterior signage that advertises or announces that the dwelling is used as a bed and breakfast home.
- (4) One off-street parking space shall be provided for each guest room, in addition to the required spaces for the dwelling unit.
- (5) The provisions of Section ~~[21-5.730(e)]~~ 21-5.70(c)(1)(B)(iii) shall apply to advertisements for the bed and breakfast home.
- (e) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises."

SECTION 27. Sec. 21-6.20, Revised Ordinances of Honolulu 1990, as amended ("Off-street parking requirements"), is amended to read as follows:

"Sec. 21-6.20 Off-street parking requirements.

- (a) Determining if parking is required, and the appropriate parking ratio. No off-street parking is required in the Primary Urban Center Development Plan area and Ewa Development Plan area, except for those areas thereof located in the residential, agricultural, and preservation zoning districts. Additionally, no off-street parking is required in any zoning district within one-half mile of an existing or future Honolulu rail transit station, as identified in the accepted environmental impact statement, or in the transit-oriented development special districts. The minimum off-street parking ratios shown below in Table 21-6.1 apply to all other areas not identified above. In areas where no parking is required, any parking that is provided must meet the design, dimensions, and other standards set forth in this chapter.

**Table 21-6.1
Minimum Off-Street Parking Ratios**

[Uses] Use Categories	Standard (per floor area unless noted otherwise)
RESIDENTIAL AND LODGING [Dwellings, boarding facilities, consulates, group living facilities, hotels] <u>Household living – single-, two-, three- and multi-unit dwellings, duplex</u> <u>Group living – small and large</u> <u>Accessory residential – accessory dwelling unit, family child care home, ohana unit, poultry raising, rooming</u> <u>Accessory agricultural – farm dwelling, farm worker housing</u>	1 per 1,000 square feet of private dwelling or lodging area, not including areas identified in (b)(2)(A)



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<u>Lodging – hotel, major and minor; time share; vacation rental unit</u>	
<p>COMMERCIAL 1</p> <p>[Convenience stores; retail and sales; food and grocery stores (including neighborhood grocery stores); eating and drinking establishments (including bars, nightclubs, taverns, cabarets, and dance halls); shopping centers; offices; personal services; commercial kennels; business services; laundromats, coin-operated cleaners; repair establishments; broadcasting stations; financial institutions; automotive and boat parts and services; automobile and boat sales and rentals; catering establishments; dance or music schools; home improvement centers; laboratories (medical or research); medical clinics; photographic processing; photography studios; plant nurseries; veterinary establishments]</p> <p><u>Day care – child day care and adult day care</u></p> <p><u>Eating and drinking – general eating and drinking; bar/nightclub, major and minor</u></p> <p><u>Medical services – general medical services, hospital, medical laboratory</u></p> <p><u>Office – general office</u></p> <p><u>Personal services – general personal services; animal care, minor and major; wedding services</u></p> <p><u>Retail – general retail, medium and large; alternative financial service; mobile commercial establishment</u></p>	1 per 500 square feet
<p>COMMERCIAL 2</p> <p>[Data processing facilities; sales of appliances, household and office furniture, machinery, and plumbing and heating supplies; automobile service stations]</p> <p><u>Retail – general retail, small</u></p> <p><u>Vehicle related – car wash; vehicle fueling station; vehicle repair, service, light, and heavy; vehicle sales and rental</u></p> <p><u>Accessory commercial – drive-thru, retail, vacation cabin</u></p>	1 per 1,000 square feet
<p>AGRICULTURE, INDUSTRY AND WAREHOUSING</p> <p>[Agricultural products processing (major or minor); animal products processing; centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets; sale and service of machinery used in agricultural production; sawmills; storage and sale of seed, feed, fertilizer and other products essential to agricultural production; self storage facilities; food manufacturing and processing; freight movers; heavy equipment sales and rentals; linen suppliers;</p>	1 per 2,000 square feet



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<p>manufacturing, processing and packaging (light or general); maritime-related sales, construction, maintenance, and repair; motion picture and television studios; petroleum processing; port facilities; publishing plants for newspapers, books, and magazines; salvage, scrap, and junk storage and processing; storage yards; warehousing facilities; waste disposal and processing; and wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination; wholesaling and distribution}</p> <p><u>Agricultural support – agricultural equipment services; collection and storage, major and minor; feed store; processing, major and minor; sawmills, veterinary services</u></p> <p><u>Manufacturing and processing – general manufacturing and processing, light and heavy; bio-fuel processing facility; brewery, distillery, winery, minor and major; explosive/toxic chemical manufacturing, storage, and distribution; food manufacturing and processing; linen suppliers; petrochemical plant; production studio; publishing facility</u></p> <p><u>Marine – general marine, minor and major; port</u></p> <p><u>Repair – general repair, heavy repair</u></p> <p><u>Research and development – general research and development</u></p> <p><u>Storage and distribution – general storage, warehousing, and distribution; self-storage; storage yard</u></p>	
<p>SCHOOLS [AND CULTURAL FACILITIES]</p> <p>[Art galleries, museums, and libraries; day-care facilities; schools]</p> <p><u>Education – school, k-12; vocational school, minor or major</u></p>	1 per 500 square feet of office, classroom[, gallery space]
<p>PLACES OF ASSEMBLY</p> <p>[Auditoriums; funeral homes and mortuaries; meeting facilities; gymnasiums; sports arenas; theaters]</p> <p><u>Assembly - meeting facility, small, medium, or large</u></p> <p><u>Recreation, indoor – theater</u></p>	1 per 125 square feet of assembly area, or 1 per 5 fixed seats, whichever is less
<p>RECREATION</p> <p>[Amusement and recreation facilities (outdoor and indoor) involving swimming pools and sports played on courts]</p> <p><u>Assembly – community recreation center</u></p> <p><u>Recreation, indoor – general indoor recreation</u></p> <p><u>Recreation, outdoor – general outdoor recreation</u></p>	1 per 250 square feet of assembly area or seating, plus 2 per court, and 10 per field or pool



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SPECIAL USES and CIRCUMSTANCES

~~[Agriculture — aquaculture; composting; crop production; forestry; roadside stands; game preserves; livestock grazing; livestock production; livestock veterinary services; zoos~~

~~Commerce and business — skating rinks; bowling alleys; home occupations; trade or convention centers~~

~~Industrial — base yards; explosive and toxic chemical manufacturing; storage; and distribution; resource extraction~~

~~Outdoor recreation — botanical gardens; golf courses; recreation facilities not otherwise specified herein; marinas and marina facilities; boat ramps; golf driving ranges~~

~~Social and civic service — cemeteries and columbaria; hospitals; prisons; public uses and structures; universities and colleges~~

~~Transportation — airports; heliports; helistops; truck terminals~~

~~Utilities and communications — broadcasting antennas; receive-only antennas; utility installations and wind machines.]~~

Agricultural

Crop production — aquaculture; composting, minor and major, community garden, crop raising; forestry; plant nursery; urban farm; vertical farm

Livestock keeping — animal raising; animal raising, confined

Accessory agricultural — agricultural energy facility, agritourism, beekeeping, biofuel processing facility, farm stand, farmers market

Residential

Accessory residential — home occupation

Public, civic, and institutional

Communication — dish antenna; tower antenna; stealth antenna; accessory communication structure

Government — prison, consulate, public facility

Parks and open space — cemetery, open land, park, wildlife preserve

Utility — small, medium, or large

Commercial — commercial parking

Industrial

Accessory industrial — helistop

Determined by Director



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<u>Resource extraction – general resource extraction</u> <u>Transportation – airport, base yard, heliport, multi-modal facility, truck terminal</u> <u>Waste related – salvage, scrap, and junk storage and processing; waste disposal and processing</u> <u>Miscellaneous – Historic structure re-use, other unique uses not captured elsewhere</u>	
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- (b) Method of calculating the number of required parking spaces.
- (1) When computation of the total required parking spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required parking spaces will be the next highest whole number.
 - (2) When a building or premises includes uses incidental or accessory to a principal use, the total number of required parking spaces will be determined on the basis of the parking requirements of the principal use. Floor area that may be eliminated for purposes of calculating parking requirements includes:
 - (A) Common areas and accessory recreation areas in [multifamily] multiunit dwellings, [hotels] lodging, group living facilities, [boarding facilities], and consulates;
 - (B) Accessory areas in [schools, cultural facilities, places of assembly] assembly, education, government, or other similar uses, except all classrooms, offices, and gallery space;
 - (C) Stairwells and ancillary spaces, when directly and exclusively used for mechanical spaces and not actively used by employees. Mechanical car-wash areas are included in this exemption; and
 - (D) Other areas that do not induce a parking demand, as determined by the director."

SECTION 28. Sec. 21-6.30, Revised Ordinances of Honolulu 1990, as amended, ("Adjustments and exceptions to parking requirements"), is amended to read as follows:

"Sec. 21-6.30 Adjustments and exceptions to parking requirements.

- (a) Change of use. If there is a change in use, the number of off-street parking spaces set forth in Table 21-6.1 for the new use is required, except as provided under Section 21-4.110(e), relating to nonconforming parking and loading.
- (b) For accessory dwelling units, one off-street parking space must be provided in addition to the required off-street parking for the primary dwelling unit, except for accessory dwelling units located within one-half mile of a rail transit station.



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- (c) For bed and breakfast homes in areas where parking is required for the dwelling, one off-street parking space for each guest bedroom is required in addition to the required off-street parking for the dwelling.
- (d) Home occupations.
 - (1) Home occupations that depend on client visits including, but not limited to group instruction, must provide one off-street parking space per five clients on the premises at any one time. This parking requirement is in addition to, and the client parking space must not obstruct, the parking spaces required or provided for the dwelling use. Residents of multifamily dwellings may fulfill this requirement by the use of guest parking with the approval of the building owner, building management, or condominium association.
 - (2) On-street parking of commercial vehicles associated with a home occupation is prohibited; provided that the occasional, infrequent, and momentary parking of a vehicle for pickups or deliveries to service the home occupation is allowed.
- (e) In connection with planned development projects, cluster housing, conditional use permits, existing use permits, and within special districts, the director may impose special parking and loading requirements.
- (f) Except for ~~[multifamily]~~multi-unit dwellings and ~~[hotels]~~lodging, all buildings and uses that are located within the boundaries of any improvement district for public off-street parking, and that have been assessed their share of the cost of the improvement district, are exempt from the off-street parking requirements of this chapter.
- (g) Joint use of parking and loading, on-site and ~~[off-site]~~remote. On-site joint use of parking and loading is permitted on lots with more than one use. ~~[Off-site]~~Remote joint use of parking and loading is permitted, subject to Section 21-6.70 and the provisions of this section. All parking spaces provided under this section must be standard size. The number of required parking and loading spaces may be reduced by applying the rates provided in Table 21-6.2 to the total requirement for the various uses when added together.



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Table 21-6.2
Joint-use Parking and Loading Reduction Matrix

Uses	Residential	Industrial	Office/ Warehouse/ Industrial	Commercial	Retail/ Commercial	Eating and Drinking Establishment	Hotel/Lodging	Other
Residential	100%	80%	80%	90%	90%	90%	90%	90%
Office/ Warehouse/ Industrial	80%	100%	80%	80%	80%	90%	90%	90%
[Retail /-] Commercial	90%	80%	100%	90%	80%	90%	90%	90%
Eating and Drinking Establishment	90%	80%	90%	100%	90%	90%	90%	90%
[Hotel]/Lodging	90%	90%	80%	90%	100%	90%	90%	90%
Other	90%	90%	90%	90%	90%	90%	90%	90%
		All joint-use parking spaces must be standard size.						
Three different uses	90%							
Four or more uses	80%							

- (h) Incentives for sustainable transportation.
- (1) Unbundled parking. Except in the residential zoning districts, in areas where parking is otherwise required under Section 21-6.20, if at least 50 percent of the parking spaces provided by a project is unbundled, the project has no minimum parking requirement.
 - (2) Bicycle parking in excess of the minimum bicycle parking requirements. Four short-term or long-term bicycle parking spaces in excess of the minimum bicycle parking requirement may be substituted for one off-street vehicle parking space, up to a maximum of four vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Bicycle parking must comply with Section 21-6.40.
 - (3) Bicycle sharing. Shared bicycle parking spaces, provided off-street on private property, may be substituted for required bicycle parking spaces, or may be substituted for up to a maximum of two vehicle parking spaces



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or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Four shared bicycle parking spaces are equivalent to one off-street vehicle parking space. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the project's building permit approval:

- (A) A written agreement with the provider of the bicycle sharing service, including the number and a written description of the location of shared bicycles;
 - (B) A floor plan or site plan of the area clearly identifying the location of the shared bicycles;
 - (C) The property owner and provider's contact information, including street address; and
 - (D) Any other pertinent information as determined by the director.
- (4) Car sharing. One shared car parking space may be substituted for three required off-street vehicle parking spaces. Shared car parking spaces must be accessible to the subscribers of the car sharing service, and may include subscribers who access the shared cars from a public street. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the issuance of a building permit for the project:
- (A) A written agreement with the provider of the car share service, which must include the number of shared car parking spaces and a description of the location of the shared car parking spaces;
 - (B) A floor plan or site plan of the parking area clearly identifying the location of the shared car parking spaces;
 - (C) The property owner and provider's contact information, including street address; and
 - (D) Any other pertinent information as required by the director.
- (5) Motorcycle and moped parking. One motorcycle or moped parking space may be substituted for one off-street vehicle parking space, up to a maximum of two spaces, or 10 percent of the required off-street vehicle parking spaces, whichever is greater. Motorcycle and moped parking must comply with Section 21-6.50.
- (i) No additional off-street parking spaces are required for nonconforming zoning lots beyond parking spaces existing on the effective date of this ordinance. Any parking spaces provided on nonconforming zoning lots are subject to the parking space standards in this chapter.
 - (j) The following sections may have additional requirements or opportunities not set forth in this article:
 - ~~[(1) Section 21-5.610A(a)(3), relating to a reduction in off-street parking requirements for special needs housing for the elderly;]~~



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- ~~{{(2)}}(1)~~ Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;
- ~~{{(3)}}(2)~~ Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;
- ~~{{(4)}}(3)~~ Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements;
- ~~{{(5)}} Section 21-5.720(e)(4), relating to accessory dwelling units; and]~~
- ~~{{(6)}}(4)~~ Section ~~[21-5.350(g)]~~ 21-5.50(c)(3)(B)(v) relating to home occupations.
- (k) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot."



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SECTION 29. Sec. 21-6.40, Revised Ordinances of Honolulu 1990, as amended, ("Bicycle parking"), is amended to read as follows:

"Sec. 21-6.40 Bicycle parking.

- (a) Parking for bicycles is required in the apartment, apartment mixed use, business, business mixed use, and resort districts, and in all precincts of the Waikiki special district.
- (b) Number of bicycle parking spaces required. Short-term and long-term bicycle parking spaces must be provided as set forth in Table 21-6.3; provided that no bicycle parking spaces are required for ~~[detached]~~ single-family, duplex, and two-family dwellings~~[-and duplexes]~~. Short-term and long-term bicycle parking spaces must be provided whenever new floor area, new ~~[dwelling]~~ household units, or a new commercial parking lot or structure is proposed. When computation of the total required bicycle parking spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required bicycle parking spaces will be the next highest whole number."

**Table 21-6.3
Bicycle Parking Spaces Required**

	Short-Term Bicycle Parking	Long-Term Bicycle Parking
<u>Commercial, Public, Civic, and Institutional</u> Uses	1 space per 2,000 square feet of floor area or portion thereof, or 1 space for every 10 vehicle spaces or portion thereof, whichever is greater.	1 space per 12,000 square feet of floor area, or 1 space per 30 vehicle spaces, or portion thereof, whichever is greater.
Industrial Uses	1 space per 4,000 square feet of office floor area or portion thereof (excludes storage floor area).	1 space per 18,000 square feet of office floor area or portion thereof (excludes storage floor area).
Residential Uses	1 space for every 10 dwelling or lodging units.	1 space for every 2 dwellings or lodging units.
Hotel Use	1 space for every 20 dwelling or lodging units.	1 space for every 10 dwelling or lodging units."



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SECTION 30. Sec. 21-6.50, Revised Ordinances of Honolulu 1990, as amended, ("Parking space dimensions and access"), is amended to read as follows:

"Sec. 21-6.50 Parking space dimensions and access.

(a) Dimensions of parking spaces.

- (1) Standard parking spaces must be at least 18 feet in length and eight feet three inches in width, with parallel spaces at least 22 feet in length.
- (2) Compact parking spaces must be at least 16 feet in length and seven feet six inches in width, with parallel spaces at least 19 feet in length.
- (3) All provided parking spaces must be standard-sized parking spaces, except that duplex units, detached dwellings, and multifamily dwellings may have up to 50 percent of the total number of provided parking spaces as compact parking spaces, and accessory dwelling units may satisfy the parking requirement with a compact parking space.
- (4) Required parking spaces for boat launching ramps must have minimum dimensions of 40 feet in length and 12 feet in width.
- (5) Motorcycle and moped parking spaces must be at least eight feet in length and four feet in width, and must provide a minimum five-foot wide access way clear of obstructions.
- (6) Minimum aisle widths for parking bays must be provided in accordance with Table 21-6.4.

**Table 21-6.4
Parking Aisle Widths**

Parking Angle	Aisle Width
0° - 44°	12 ft
45° - 59°	13.5 ft
60° - 69°	18.5 ft
70° - 79°	19.5 ft
80° - 89°	21 ft
90°	22 ft

If the parking angle is 90 degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width of eight feet three inches, to a minimum aisle width of 19 feet.



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- (7) Ingress and egress aisles must be provided to a street and between parking bays. Driveways leading into a parking area must be a minimum of 12 feet in width, except that driveways for ~~[detached]~~single-, duplex, or two-unit dwellings, [duplex-units,] and internal one-way driveways connecting parking aisles must be a minimum of 10 feet in width."

SECTION 31. Sec. 21-6.70, Revised Ordinances of Honolulu 1990, as amended, ("Off-site parking and loading"), is amended to read as follows:

"Sec. 21-6.70 ~~[Off-site]~~Remote parking and loading.

- (a) Required parking spaces, loading spaces, or bicycle parking spaces may be located off the premises as off-site parking and loading facilities, in compliance with Section 21-2.90 relating to conditional uses. ~~[Off-site]~~Remote parking and loading may be used in conjunction with the joint use of parking and loading.
- (b) The distance between the entrance to the parking facility and nearest principal entrance of the establishment must not exceed 2,640 feet (a half-mile) using customary pedestrian routes. ~~[Off-site]~~Remote loading facilities must not be separated from the establishment requiring the loading by a street, and must be connected by an improved pedestrian path or sidewalk. The distance between ~~[off-site]remote~~ bicycle parking and the nearest principal pedestrian entrance of the establishment requiring the bicycle parking must not exceed 400 feet by customary pedestrian routes.
- (c) When the ~~[off-site]~~remote parking or loading is necessary to meet minimum parking requirements, a written instrument must be recorded in the State of Hawaii bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, for both the lot containing the principal structure or use and the remote parking lot or structure. The agreement must assure the continued availability of the number of required parking spaces being provided off-site. The agreement must stipulate that if a required parking space is not maintained, or a parking space acceptable to the director is not substituted, the use or the portion of the use that is deficient in the number of required parking spaces must be discontinued. The agreement will be subject to the approval of the department of the corporation counsel as to form and legality."

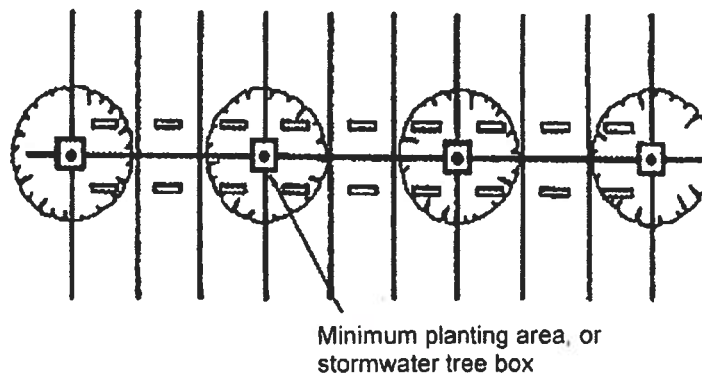


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SECTION 32. Figure 21-6.1, Revised Ordinances of Honolulu 1990, as amended, ("Permitted Vehicle Overhangs"), is amended to read as follows:

Figure 21-6.1
[Permitted Vehicle Overhangs] Canopy Tree Placement

Example: One canopy tree for every six parking spaces.



SECTION 33. Sec. 21-6.110, Revised Ordinances of Honolulu 1990, as amended, ("Off-street loading requirements"), is amended to read as follows:

"Sec. 21-6.110 Off-street loading requirements.

- (a) Required number of loading spaces. Off-street loading requirements apply to all zoning lots exceeding 7,500 square feet in lot area for the types of uses specified in Table 21-6.5.

Table 21-6.5
Required Number of Loading Spaces

Use or Use Category	Floor Area in Square Feet	Loading Space Requirements
A. Retail [stores,] eating and drinking [establishments, shopping centers], wholesale operations, warehousing,]	2,000 - 10,000	1
	10,001 - 20,000	2
	20,001 - 40,000	3



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business services, personal services, repair, [manufacturing,] self-storage facilities	40,001 - 60,000	4
	Each additional 50,000 or major fraction thereof	1
B. Hotels, hospitals or similar institutions, places of public assembly	5,000 - 10,000	1
	10,001 - 50,000	2
	50,001 - 100,000	3
	Each additional 100,000 or major fraction thereof	1
C. Offices [or office buildings]	20,000 - 50,000	1
	50,001 - 100,000	2
	Each additional 100,000 or major fraction thereof	1
D. Multiunit [family] dwellings (units)	20 - 150	1
	151 - 300	2
	Each additional 200 or major fraction thereof	1

- (b) Method of calculating the number of required loading spaces.
- (1) If a building is used for more than one use, and the floor area for each use is less than the minimum floor area that would require a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, a minimum of one loading space is required.
 - (2) Basements devoted to a use having a loading requirement count towards the total floor area for calculating loading requirements.
 - (3) When computation of the total required loading spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required loading spaces will be the next highest whole number.
- (c) Special loading requirements. Day care centers and educational uses~~[schools]~~ have special loading requirements. Day care centers must provide a pickup and drop off area equivalent to four parking spaces pursuant to Section 21-~~[5.480]~~5.70(a). Schools with more than 25 students must provide a pickup and drop off area equivalent to four parking spaces pursuant to Section 21-~~[5.590]~~5.560(c)."



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SECTION 34. Sec. 21-7.40(d), Revised Ordinances of Honolulu 1990, as amended, ("Apartment and Apartment Mixed Use Districts"), is amended to read as follows:

- "(d) Apartment and Apartment Mixed Use Districts. In connection with any use permitted other than ~~[one-family]~~single unit and two-~~[family]~~unit dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian or vehicular entrance to the building. If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each such entry side. The ground sign shall not be located in any required yard. Instead of these signs, one garden sign may be permitted."

SECTION 35. Sec. 21-7.50, Revised Ordinances of Honolulu 1990, as amended, ("Special regulations for certain uses"), is amended to read as follows:

"Sec. 21-7.50 Special regulations for certain uses.

When there is a direct conflict between the special standards in this section and the underlying district standards, the special standards shall apply.

- (a) ~~[Automotive outdoor sales and rental]~~Vehicle sales and rental lots separated from new car dealer showrooms or service facilities.
- (1) A maximum of three business signs not to exceed a total of one square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area, shall be permitted. Signs may be either wall, roof, marquee fascia or projecting signs and may be illuminated.
 - (2) One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but shall not overhang any required yard or public right-of-way.
- (b) ~~[Automobile Service Stations, Gasoline Sales and Car Washes]~~Car wash, vehicle fueling station, vehicle repair, service.
- (1) A maximum of four business signs not to exceed a total sign area of one square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Signs may be illuminated and be either marquee fascia, projecting or wall signs.



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- (2) One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected, provided it does not overhang the public right-of-way. The sign may be a rotating sign. If there is more than one street frontage, two such signs may be erected, provided they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.
- (3) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.
- (4) One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.
- (5) In addition to the price signs allowed under subdivision (4), one price sign may be erected for each street frontage, provided that such sign shall not exceed 24 square feet in sign area and shall not be placed on the identification ground sign specified in subdivision (2). The sign shall be counted as one of the business signs and as part of the total signage allowed under subdivision (1), and, in addition to the types of signs permitted by subdivision (1) may be a ground sign, but shall not exceed 24 square feet in sign area.
- (c) ~~[Gasoline Sales]~~ Vehicle Fueling Accessory to ~~[Convenience Store]~~ Small Retail.
 - (1) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.
 - (2) One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.
 - (3) In addition to the price signs allowed under subdivision (2), one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.
- (d) Drive-in Theaters.
 - (1) One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, shall be permitted; it shall not extend into the public right-of-way.
 - (2) Directional signs which may be illuminated, not to exceed a combined area of 60 square feet with six square feet maximum per sign, may be erected.
 - (3) The restrictions imposed by this section shall not apply to signs within the walls or other enclosed parts of the drive-in and which are not visible from outside the theater.



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- (e) Theaters. Four signs either hanging, marquee fascia, projecting or wall signs, which may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each theater establishment.
- (f) ~~[Shopping centers]~~Commercial facilities with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.
Only wall signs shall be permitted at any level situated above the ground level.
"Ground level" means the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at this level."

SECTION 36. Sec. 21-8.20, Revised Ordinances of Honolulu 1990, as amended, ("Housing—Ohana unit dwellings"), is amended to read as follows:

"Sec. 21-8.20 Housing—Ohana unit [dwellings].

- (a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.
- (b) It is intended that "ohana" units be allowed only in areas where wastewater, water supply and transportation facilities are adequate to support additional density.
- (c) One ohana [dwelling] unit may be located on a zoning lot in the residential, country, or agricultural zoning districts, with the following limitations:
 - (1) The maximum size of an ohana [dwelling] unit is not limited but will be subject to the maximum building area development standard in the applicable zoning district;
 - (2) Ohana [dwelling] units are not permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning district, or on duplex unit lots;
 - (3) An ohana [dwelling] unit is not permitted on any nonconforming lot;
 - (4) The ohana [dwelling] unit and the first dwelling may be located within a single structure, i.e., within the same two-family [detached]dwelling, or the ohana [dwelling]unit may be detached from the first dwelling and located on the same lot as the first dwelling;
 - (5) The ohana [dwelling]unit shall be occupied by persons related by blood, marriage, or adoption to the family residing in the first dwelling; provided that an ohana [dwelling]unit for which a building permit was obtained before September 10, 1992, is not subject to this subdivision and its occupancy by persons other than family members is permitted;
 - (6) All other provisions of the zoning district shall apply;



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- (7) The parking provisions of this chapter applicable at the time the building permit for the ohana [dwelling]unit is issued apply and the provision of this parking is a continuing duty of the owner; and
- (8) The owner of the zoning lot shall record in the State of Hawaii bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as is appropriate, a covenant stating that neither the owner, nor the heirs, successors, or assigns of the owner shall submit the zoning lot or any portion thereof to the condominium property regime pursuant to the State of Hawaii Condominium Property Act. The covenant must be recorded in a form approved or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign to abide by such a covenant will be deemed a violation of this chapter and will be grounds for enforcement of the covenant by the director pursuant to Section 21-2.150, et seq., and grounds for an action by the director to require the owner or owners to remove, pursuant to the State of Hawaii Condominium Property Act, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant."

SECTION 37. Sec. 21-8.20A, Revised Ordinances of Honolulu 1990, as amended, ("Housing—Multiple dwelling units on a single country or residential district zoning lot"), is amended to read as follows:

"Sec. 21-8.20A Housing—Multiple dwelling units on a single country or residential district zoning lot.

A maximum of eight dwelling units may be placed on a single zoning lot in a country or residential district, provided:

- (1) The zoning lot shall have a lot area equal to or greater than the required minimum lot size for the underlying country or residential district multiplied by the number of dwelling units on or to be placed on the lot.
- (2) If the applicant wishes to erect additional dwelling units under the provisions of Section 21-8.20, ohana [dwellings]unit, the zoning lot shall be subdivided.
- (3) The number of dwelling units contained in each structure shall not be greater than permitted in the applicable zoning district.
- (4) This section shall not apply to more than eight dwelling units on a single zoning lot in a country or residential district, which must be processed under the established procedures for cluster housing, planned development housing or subdivision.



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- (5) For more than two dwellings, the zoning lot shall be located with access to a street or right-of-way of sufficient access width as determined by the director to assure public health and safety."

SECTION 38. Sec. 21-8.20-1, Revised Ordinances of Honolulu 1990, as amended, ("Procedures for approval of ohana dwellings"), is amended to read as follows:

"Sec. 21-8.20-1 Procedures for approval of ohana [dwellings]units.

The department, with the assistance of other agencies, as appropriate, shall adopt rules relating to ohana [dwellings]units, including rules to establish the following:

- (a) Procedures for designating ohana-eligible areas, including rules providing that:
- (1) Only those areas that are determined by the appropriate government agencies to have adequate public facilities to accommodate ohana [dwellings]units shall be ohana-eligible.
 - (2) Upon a finding by the responsible agency that wastewater treatment and disposal, water, or transportation facilities are not adequate to accommodate additional ohana [dwellings]units in any ohana-eligible area, no more ohana [dwellings]units shall be approved in that area.
 - (3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the residential-zoned lots in the same census tract sign a petition requesting that residential-zoned lots in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana [dwellings]units shall be approved on residential-zoned lots in that census tract from the date the department certifies the validity of the petition. For purposes of this subdivision, the term "owners" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" shall mean "lease" as that term is defined in HRS Section 516-1.
 - (4) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the agricultural-zoned and country-zoned lots in the same census tract sign a petition requesting that all agricultural-zoned and country-zoned areas in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana [dwellings]units shall be approved on agricultural-zoned or country-zoned lots in that census tract from the date the department certifies the validity of the petition. For purposes of this subdivision, "owner" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this subdivision, the



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term "lease" shall mean a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, 20 years or more (including any periods for which the lease may be extended or renewed at the option of the lessee).

- (5) The director may adopt rules and regulations pursuant to HRS Chapter 91 to establish procedures for, to implement and to further define the terms used in subdivisions (3) and (4). These rules may include, but not be limited to, provisions relating to the form of petitions, determination of necessary signatures where there is more than one owner or when the owner is an entity, the signing of petitions, validity of signatures, the withdrawal of signatures, the time frame for collection of signatures, verification of signatures, certification of results, duration of the prohibition and procedures upon the change of census tract boundaries.
- (6) Before an area is designated eligible for ohana ~~[dwellings]~~units, the director shall publish a notice of the proposed change in a newspaper of general circulation, and notify the neighborhood board(s) in the affected area.
- (b) Standards and criteria for determining adequacy of public facilities, to include but not be limited to:
 - (1) Width, gradients, curves and structural condition of access roadways.
 - (2) Water pressure and sources for domestic use and fire flow.
 - (3) Wastewater treatment and disposal.
 - (4) Any other applicable standards and criteria deemed to be appropriate for the safety, health and welfare of the community.
- (c) Standards and Procedures for Obtaining an Ohana Building Permit. The standards shall, at a minimum, require that planned parking is adequate to meet the parking requirements of this chapter applicable at the time of issuance of the ohana building permit to both the first and ohana ~~[dwellings]~~units."



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SECTION 39. Sec. 21-8.30, Revised Ordinances of Honolulu 1990, as amended, ("Farm dwellings—Agricultural site development plan"), is amended to read as follows:

"Sec. 21-8.30 Farm dwellings—Agricultural site development plan.

Three to six farm dwellings may be placed on a single zoning lot in an agricultural, district, provided an agricultural site development plan for the lot is approved by the director.

- (a) Any agricultural zoning lot which has at least twice the required minimum lot size for the underlying agricultural district may have two ~~[detached]~~ farm dwellings. If the applicant wishes to erect additional farm dwellings under the provisions of Section 21-8.20, ohana ~~[dwellings]~~ units, the zoning lot shall be subdivided.
- (b) The agricultural site development plan shall be in accordance with the requirements of the preliminary subdivision map as stated in the subdivision rules and regulations.
- (c) Prior to granting approval, the director shall determine that:
 - (1) The agricultural site development plan would qualify for approval under the subdivision rules and regulations if submitted in a subdivision application and roadways, utilities and other improvements comply with the subdivision rules and regulations and subdivision standards, unless modified by the director under applicable provisions specified in the subdivision rules and regulations.
 - (2) The number of farm dwellings contained in each structure is not greater than permitted in the applicable zoning district.
 - (3) Except where otherwise provided in this article, each existing and future farm dwelling is located as if the lot were subdivided in accordance with the agricultural site development plan, applicable provisions of this article and the subdivision rules and regulations.
- (d) This section does not apply to applications for more than six farm dwellings on a zoning lot, which must be processed under the established procedures for cluster housing, planned development housing or subdivision."



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SECTION 40. Sec. 21-8.20-1, Revised Ordinances of Honolulu 1990, as amended, ("Procedures for approval of ohana dwellings"), is amended to read as follows:

"Sec. 21-8.40 Housing—Zero lot line development.

The purposes of this section are as follows:

- (a) To allow housing which has the attributes of ~~[detached]~~single-unit dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying district density controls.
 - (b) To offer more usable yard space and allow more efficient use of land.
- It is the intent that zero lot line housing be applied to both new and existing neighborhoods and be used as a method for urban infill."

SECTION 41. Sec. 21-8.50-1, Revised Ordinances of Honolulu 1990, as amended, ("Cluster housing"), is amended to read as follows:

"Sec. 21-8.50-1 Cluster housing.

The intent of cluster housing is:

- (a) To allow development of housing sites which would otherwise be difficult to develop under conventional city subdivision standards.
- (b) To allow flexibility in housing types, including duplex, two-unit, three-unit, and multi-unit dwellings ~~[attached]~~ units.
- (c) To encourage innovative site design and efficient open space.
- (d) To minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted.
- (e) To provide common amenities, when appropriate."



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SECTION 42. Sec. 21-8.50-2, Revised Ordinances of Honolulu 1990, as amended, ("Cluster site design standards"), is amended to read as follows:

"Sec. 21-8.50-2 Cluster site design standards.

Cluster housing may be constructed in all residential and apartment districts, subject to the following standards:

- (a) Within residential and apartment districts, the minimum land area and maximum number of dwelling units for a cluster housing project shall be as follows:

District	Minimum Land Area	Maximum No. of Units
R-20	60,000 sq. ft.	Total project area/20,000
R-10	30,000 sq. ft.	Total project area/10,000
R-7.5	22,500 sq. ft.	Total project area/7,000
R-5	15,000 sq. ft.	Total project area/3,750
R-3.5	10,500 sq. ft.	Total project area/3,500
A-1 - A-3	10,500 sq. ft.	Total project area/3,500

- (b) Within cluster housing projects, single-, two-, and three unit~~[detached]~~, duplex, and multi~~[family]-unit~~ dwellings shall be permitted. Multi~~[family]-unit~~ dwellings shall not exceed eight dwelling units in one structure.
- (c) The director may waive the following requirements if suitable landscaping and/or fence/wall buffering is provided:
- (1) All structures containing more than two ~~[dwelling]~~ units shall be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width.
 - (2) All common activity areas, such as tot lots, play courts, swimming pools and barbecue facilities, shall be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project.
- (d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit, provided the following conditions are met:
- (1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;
 - (2) The building contains multifamily dwellings with gabled and/or hipped roof forms;



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- (3) The highest exterior wall line, equivalent to the structural top plate, shall not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;
- (4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential district. The distance between any three-story buildings shall be at least 30 feet;
- (5) The building shall not exceed a height limit of 34 feet; and
- (6) The exemption will not adversely detract from the surrounding neighborhood character.
- (e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall shall be constructed or landscaped buffering shall be installed along the roadway or a combination of a wall and landscaping, subject to the approval of the director.
- (f) Maximum building area shall be 50 percent of the total land area for the project. Maximum building area for any lot of record may be more than 50 percent in response to design considerations, but in no event shall exceed 80 percent.
- (g) Yards and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all lots fronting public streets shall not be less than the front yard requirement of the underlying zoning district.
- (h) The director may establish supplemental design guidelines further illustrating the above site design standards."

SECTION 43. Sec. 21-8.50-4, Revised Ordinances of Honolulu 1990, as amended, ("Planned development housing (PD-H)"), is amended to read as follows:

"Sec. 21-8.50-4 Planned development housing (PD-H).

The PD-H option is intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood, with:

- (a) A variety of housing types, including ~~[multifamily]~~ multi-unit dwellings;
- (b) Innovative site design and efficient open space;
- (c) Common amenities;
- (d) Reduced construction costs for the developer and housing costs for the consumer;
- (e) A mixing of uses other than allowed in the underlying zoning district;
- (f) Adequate provision for public services;
- (g) More flexibility for infrastructure improvements."



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SECTION 44. Sec. 21-8.50-6, Revised Ordinances of Honolulu 1990, as amended, ("PD-H use regulations"), is amended to read as follows:

"Sec. 21-8.50-6 PD-H use regulations.

Within a PD-H project, all of the following uses and structures shall be permitted:

- (a) ~~[Meeting facilities]~~ Public, civic, and institutional uses; provided, that facilities where the conduct of commercial affairs is a principal activity shall not be permitted;
- (b) Day-care facilities;
- (c) Dwellings—~~[detached]~~ single-unit, two-unit, multifamily and duplex;
- (d) Recreation ~~[facilities]~~, outdoor;
- ~~[(e) Schools elementary, intermediate and high;]~~
- ~~[(f) Utility installations, Type A.]~~

SECTION 45. Sec. 21-9.10, Revised Ordinances of Honolulu 1990, as amended, ("Developments in Flood Hazard Areas"), is amended to read as follows:

"Sec. 21-9.10 Developments in Flood Hazard Areas.

- (a) All permit application subject to the land use ordinance shall, at the time of processing, be reviewed for compliance with the flood hazard areas ordinance. Whenever applicable, the flood hazard area requirements of a development project shall be determined prior to processing for other approvals mandated by other laws and regulations.
- (b) Dwellings in country, residential and agricultural districts, as well as ~~[detached]~~ single- and two-unit dwellings and duplex units in apartment and apartment mixed use districts, may exceed the maximum height in the district by no more than five feet if required to have its lowest floor elevated to or above the base flood elevation, provided such additional height shall not be greater than 25 feet above the base flood elevation.
- (c) Notwithstanding any other provision to the contrary, no more than two dwelling units shall be permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances or regulations."



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SECTION 46. Table 21-9.1, Revised Ordinances of Honolulu 1990, as amended, ("Hawaii Capital Special District Project Classification"), is amended to read as follows:

"Table 21-9.1 Hawaii Capital Special District Project Classification"		
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited in historic precinct
Tree removal over six inches in diameter	m	
[Detached] Single-, two- and three-unit dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition or repair to historic structures	M	This also includes structures listed in Section 21-9.30-3(c)
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor in historic precinct only
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor in historic precinct only
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	This also includes structures listed in Section 21-9.30-3(c)
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	



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New buildings not covered above	M/m	Minor for accessory structures
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*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage

Legend--Project classification:

M = Major
m = Minor
E = Exempt

SECTION 47. Sec. 21-9.40-5, Revised Ordinances of Honolulu 1990, as amended, ("One-family and two-family detached"), is amended to read as follows:

"Sec. 21-9.40-5 [One-family]Single-unit and two-[family detached]unit dwellings.

Duplexes , ~~[and one-family]single-, two-[family detached], and three-unit~~ dwellings shall be exempt from the requirements of the Diamond Head special district, except that those dwellings which are located within the "core area" identified on Exhibit 21-9.5, shall comply with Sections 21-9.40-4(a) and (c)."

SECTION 48. Sec. 21-9.50-5, Revised Ordinances of Honolulu 1990, as amended, ("One-family and two-family detached dwellings"), is amended to read as follows:

"Sec. 21-9.50-5 [One-family]Single-unit and two-[family detached]unit dwellings.

Duplexes , ~~[and one-family]single-, two-[family detached], and three-unit~~ dwellings shall be exempt from the requirements of the Punchbowl special district, except that those dwellings which are located in the "core area" identified on Exhibit 21-9.8, shall comply with Section 21-9.50-4(c) and (e)."



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SECTION 49. Table 21-9.3, Revised Ordinances of Honolulu 1990, as amended, ("Punchbowl Special District Project Classification"), is amended to read as follows:

"Table 21-9.3 Punchbowl Special District Project Classification"		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor in "core" area or along major streets
[Detached]Single-, two-, and three-unit dwellings, [and] duplex units and accessory structures	E	
Grading and stockpiling	m/E	Minor in "core" area if results in greater than 15-foot change in elevation
Major exterior repair, alteration or addition to all structures	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	E	
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor only within "core" area and if visible from viewing areas
Demolition of all structures	E	
Interior repairs, alterations and renovations to all structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	E	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major in "core" area only, except for accessory structures; minor outside "core" area and for



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		accessory structures in "core" area
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*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor

E = Exempt"

SECTION 50. Sec. 21-9.60-8, Revised Ordinances of Honolulu 1990, as amended, ("Historic core precinct objectives"), is amended to read as follows:

"Sec. 21-9.60-8 Historic core precinct objectives.

Historic core precinct objectives are as follows:

- (a) Encourage the retention and renovation of buildings of historic, architectural or cultural value.
- (b) Ensure the design compatibility of new structures with historic structures through low building heights, continuous street frontages and characteristic street facade elements.
- (c) Encourage the continuation and concentration of the long-established ethnic retail and light manufacturing activities by providing space for these uses particularly on the ground level.
- (d) Encourage ~~one~~single- and two-~~family~~unit dwelling use to provide a variety of compatible uses which would contribute to the precinct's social and economic vitality."



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SECTION 51. Sec. 21-9.60-9, Revised Ordinances of Honolulu 1990, as amended, ("Historic core precinct development standards"), is amended to read as follows:

"Sec. 21-9.60-9 Historic core precinct development standards.

- (a) **Maximum Heights.**
Within the historic core precinct, new structures shall not exceed 40 feet.
- (b) **Open Space and Landscaping.**
 - (1) Open space is encouraged in the form of small-scaled interior landscaped courtyards and interior pedestrian walkways.
 - (2) Street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the precinct, especially the desire for continuous building frontages and sidewalk canopies, as well as traffic and pedestrian safety.
 - (3) Along Hotel Street, street trees may complement its strong retail character and public transit corridor function. They shall be a minimum of two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
- (c) **Required Yards.**
 - (1) There shall be no required yards.
 - (2) All buildings on the same block face shall form a continuous street facade, except for necessary driveways, pedestrian entryways and small open space pockets.
- (d) **Permitted Uses.** Ground floor spaces should be used exclusively for retail commercial uses, or [light] food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown. Notwithstanding the underlying zoning, ~~[one]~~single- and two-, and three-~~[family]~~ unit dwellings are permitted, if located above the ground floor.
- (e) **Design guidelines.** All street facades must meet the requirements of Section 21-9.60-12."



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SECTION 52. Table 21-9.4, Revised Ordinances of Honolulu 1990, as amended, ("Chinatown Special District Project Classification"), is amended to read as follows:

"Table 21-9.4 Chinatown Special District Project Classification"		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	E	
[Detached]Single-, two-, and three-unit dwellings, [and] duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M/m	Major for structures listed on Exhibit 21-9.10-A
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor for structures listed on Exhibit 21-9.10-A
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if visible from street
Interior repairs, alterations and renovations to all structures	E	
Demolition of structures	M/m/E	Major for structures listed on Exhibit 21-9.10-A. Exempt for accessory structures such as sheds
Fences and walls	E	
Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE

BILL **10(2022)**

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A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

SECTION 53. Table 21-9.5, Revised Ordinances of Honolulu 1990, as amended, ("Thomas Square/Honolulu Academy of Arts Special District Project Classification"), is amended to read as follows:

"Table 21-9.5 Thomas Square/Honolulu Academy of Arts Special District Project Classification"		
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited fronting Thomas Square
Tree removal over six inches in diameter	m/E	Minor in front yard and sidewalk area only
(Detached) Single-, two-, and three-unit dwellings, and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior modification, alteration, repair or addition to Thomas Square or Honolulu Academy of Arts	M	
Major exterior repair, alteration or addition to all structures except Thomas Square or Honolulu Academy of Arts	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor only when involving Thomas Square or Honolulu Academy of Arts
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	



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Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	m	

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor

E = Exempt"

SECTION 54. Sec. 21-9.80-4(d), Revised Ordinances of Honolulu 1990, as amended, ("Planned Development-Resort (PD-R) and Planned Development-Apartment (PD-A) Projects"), is amended to read as follows:

"(d) Planned Development-Resort (PD-R) and Planned Development-Apartment (PD-A) Projects. The purpose of the PD-R and PD-A options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct, transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department.

PD-R and PD-A projects will be subject to the following:

(1) PD-R and PD-A Applicability.

(A) PD-R projects are only be permitted in the resort mixed use precinct, and PD-A projects [shall] are only permitted in the apartment precinct."



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SECTION 55. Sec. 21-9.80-5, Revised Ordinances of Honolulu 1990, as amended, ("Apartment precinct"), is amended to read as follows:

"Sec. 21-9.80-5 Apartment precinct.

- (a) **Permitted Uses.** Within the apartment precinct, including the apartment mixed use subprecinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) **Development Standards.** Uses and structures within the apartment precinct and the apartment mixed use subprecinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) **Additional Development Standards.**
 - (1) **Commercial Use Location within the Apartment Mixed Use Subprecinct.** Any of the permitted uses designated in Table 21-9.6(A) as a principal use only within the apartment mixed use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, shall be limited to the basement, ground floor or second floor of a building.
 - (2) **Transitional Height Setbacks.** For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) **Additional Use Standards.** Utility installations, small[Type-A], when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².

SECTION 56. Sec. 21-9.80-6, Revised Ordinances of Honolulu 1990, as amended, ("Resort mixed use precinct"), is amended to read as follows:

"Sec. 21-9.80-6 Resort mixed use precinct.

- (a) **Permitted Uses.** Within the resort mixed use precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) **Development Standards.** Uses and structures within the resort mixed use precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) **Additional Development Standards.**
 - (1) **Floor Area Bonus.**
 - (A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added;



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- (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, five square feet of floor area may be added;
 - (C) For each square foot of arcade area provided, exclusive of required yards, three square feet of floor area may be added; and
 - (D) For each square foot of rooftop landscaped area provided, one square foot of floor area may be added.
- (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, ~~[Type-A]~~small, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm²."

SECTION 57. Sec. 21-9.80-8, Revised Ordinances of Honolulu 1990, as amended, ("Public precinct"), is amended to read as follows:

"Sec. 21-9.80-8 Public precinct.

- (a) Permitted Uses. Within the public precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A). Additionally:
- (1) In the public precinct, public uses and structures may include accessory activities operated by private lessees under supervision of a public agency purely to fulfill a governmental function, activity or service for public benefit and in accordance with public policy; and
 - (2) All structures within the public precinct shall comply with the guidelines established by the urban design controls marked Exhibit 21-9.15.
- (b) Development Standards. Uses and structures within the public precinct shall conform to the development standards enumerated in Table 21-9.6(B). The FAR, height and yard requirements for structures shall be approved by the director.
- (c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.
- (d) Utility installations, ~~[Type-A]~~small, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm²."



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SECTION 58. Table 21-9.6(A), Revised Ordinances of Honolulu 1990, as amended, ("Waikiki Special District Precinct Permitted Uses and Structures"), is amended to read as follows:

"Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures"			
Use or Structure	Precinct		
	Apartment	Resort Mixed Use	Public
<u>Agricultural Uses</u>			
None			
<u>Residential Uses</u>			
Dwellings, multi-unit(family) ²	P	P	
Group living (facilities)	C	C	
[Boarding-facilities]	[P]	[P]	
Home occupation[s]	P Ae	P Ae	
<u>Public, Civic and Institutional Uses</u>			
Antenna[s], dish [receive-only]	P Ae	P Ae	P Ae
Public facility[uses and structures]	P	P	P
Stealth antenna	P*	P*	P*
[Schools, language]		P	
<u>Commercial Uses</u>			
[Art galleries and museums]		P	
Bar[s, cabarets, -]/nightclub[s, taverns] ¹		P	
Bed and breakfast home[s]*	P[e]*	P[e]*	
[Business services]		P	
[Convenience stores]	P-AMX	P	
[Dance or music schools]		P	
Day Care (facilities)	C	P	
General eating and drinking[Eating establishments] ¹	P-AMX	P	
[Amusement and recreational facilities]General indoor recreation	C (Museums only)	P	
[Marina accessories]General marine		P	
General medical [clinics]services	P-AMX	P	
[Amusement facilities]General outdoor recreation		C	



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"Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	Precinct		
	Apartment	Resort Mixed Use	Public
General personal services	P-AMX	P	
Hotel[s]		P	
[Laboratories, m]Medical laboratory		P	
Meeting facility[ies]	C	P	
[Neighborhood-grocery stores]	Cm	N/A	
Office[s]	P-AMX	P	
[Real estate offices]	P-AMX	P	
Theater[s]		P	
[Travel agencies]	P-AMX	P	
[Commercial] Parking, commercial [lots and garages]		P	
[Off-site] Parking, remote [facilities]	Cm	Cm	
[Photographic processing]		P	
[Photographic studios]		P	
Retail [establishments]	P-AMX	P	
Schools, vocational, minor [provided they do not involve the operation of woodwork shops, machine shops or similar industrial features]		P	
Time share[ing]		P	
Transient vacation unit[s]		P[e]*	
Utility installations, small or medium [Type-A]	P9	P9	P9
Utility installations, large [Type-B]	Cm	Cm	Cm
[Automobile service stations,] Vehicle fueling station excluding repair facilities			
[Automobile rental establishments] Vehicle sales and rental [(excluding repair facilities and open parking lots)]		P	
Industrial Uses			
[Broadcasting facilities] Production studio		[P]	
Miscellaneous Uses			
Historic structures, use of	C	Cm	Cm
[Joint development] Transfer of development rights	Cm	Cm	
[Joint use of parking]	Cm	Cm	



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"Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	Precinct		
	Apartment	Resort Mixed Use	Public

Ministerial uses:

- Ac = Special accessory use. Also see: Article 10, Accessory use; and Section 21-5.330, Home occupations
P = Permitted principal use
P[c]* = Permitted use subject to standards in Article 5*
P9 = Permitted principal use subject to standards enumerated in Article 9; see Section 21-9.80-5(d), 21-9.80-6(d), 21-9.80-7(d) or 21-9.80-8(d)
P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

Discretionary uses:

- Cm = Requires an approved Conditional Use Permit - minor subject to standards in Article 5; no public hearing required
C = Requires an approved Conditional Use Permit - major subject to standards in Article 5; public hearing required

Other:

- N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category.

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that precinct.

¹ Provided a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct.

² Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes.

*Editor's Note: "April 30, 2021" is substituted for "the effective date of this ordinance" "

SECTION 59. Table 21-9.6(C), Revised Ordinances of Honolulu 1990, as amended,, ("Waikiki Special District Project Classification"), is amended to read as follows:

"Table 21-9.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only when visible from a street, park or other public viewing area; otherwise exempt
[Detached]Single-, two-, and three-unit dwellings, [and] duplex units and accessory structures	E	



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"Table 21-9.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Grading and stockpiling	E	
Major modification, alteration, repair or addition to historic structures	M	
Minor modification, alteration, repair or addition to historic structures	m	
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Planned development projects (PD-R and PD-C)	M	Prior council approval of conceptual plan required. See Sec. 21-9.80-4(d)(4).
Permitted uses and structures under Sections 21-9.80-4(a), uses and activities allowed in required yards and setbacks; 21-9.80-4(e), nonconformity; and 21-9.80-4(g)(1), rooftop height exemption; when not otherwise covered by this table	M/m	Major for the reconstruction of existing nonconforming structures and/or adjustment of open space, off-street parking and/or height provided for nonconforming structures under Section 21-9.80-4(e)(1)
Exterior repainting that significantly changes the character or appearance of the structure	M/m	Major for murals exceeding length or width dimensions of 12 feet
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of non-historic structures	m/E	Minor only when structure is over 50 years old; otherwise exempt
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	



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"Table 21-9.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures

*Notes "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities. A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project Classification:

M = Major
m = Minor
E = Exempt

SECTION 60. Sec. 21-9.90-5, Revised Ordinances of Honolulu 1990, as amended, ("Detached dwellings and duplex units"), is amended to read as follows:

"Sec. 21-9.90-5 Dwellings~~[Detached dwellings and duplex units]~~.

~~[Detached]~~Single-, two-, and three-unit dwellings and duplex units constructed prior to December 21, 2018, shall be exempt from the requirements of the Haleiwa special district, except for Section 21-9.90-4, subsection (d)(3), (4) and (5), relating to landscaping, subsection (f)(1) relating to general architectural appearance and character, subsection (f)(2) relating to roofs, and subsection (f)(4) relating to railings, fences and walls, and subsection (f)(7) relating to colors. Detached dwellings and duplex units constructed after the effective date of this ordinance will fall under the category "New buildings not covered above" in Table 21-9.7.



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SECTION 61. Table 21-9.7, Revised Ordinances of Honolulu 1990, as amended, ("Haleiwa Special District Project Classification"), is amended to read as follows:

"Table 21-9.7 Haleiwa Special District Project Classification"		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
[Detached] Single-, two-, and three unit dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair, or addition to all structures	M/m	Major if listed on Exhibit 21-9.17 and/or if visible from Kamehameha Highway or Haleiwa Road
Minor modification, alteration, repair, or addition to historic structures	m	Also includes structures on Exhibit 21-9.17
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if listed on Exhibit 21-9.17 and/or visible from Kamehameha Highway or Haleiwa Road
Minor exterior repair, alteration, or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Interior repairs, alterations and renovations to all structures	E	
Demolition or obstruction of historic structures	M	Also includes structures on Exhibit 21-9.17
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	



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"Table 21-9.7 Haleiwa Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major above-grade infrastructure* improvements not covered elsewhere, including cell towers, new roadways, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere, all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above and mobile commercial establishments	M/m	Major if visible from Kamehameha Highway or Haleiwa Road
Drive-thru facilities	m	

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable TV, telephone, drainage and recreational facilities. A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt



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SECTION 62. Sec. 21-9.100-5(d), Revised Ordinances of Honolulu 1990, as amended, ("Use Regulations"), is amended to read as follows:

"(d) Use Regulations.

- (1) Permitted uses and structures for all zoning districts other than the BMX-4 central business mixed use district may be any of those uses permitted in the BMX-3 community business mixed use district; except that ~~[a hotel is]~~lodging uses shall not permitted on any zoning lot unless it is otherwise in compliance with the standards enumerated by Section 21-5.70(c), or on a lot within the Convention Center Subdistrict of the Ala Moana neighborhood TOD plan;
- (2) Permitted uses and structures in the BMX-4 central business mixed use district will be as specified in Table 21-3; and
- (3) Ground floors and pedestrian-accessible spaces should be utilized to the extent feasible for active uses, such as, but not necessarily limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations such as, but not necessarily limited to, benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service."



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SECTION 63. Sec. 21-10.1, Revised Ordinances of Honolulu 1990, as amended, ("Definitions"), is amended by revising the definitions for the following terms, to be inserted in the proper alphabetical order by the revisor of ordinances to read as follows:

"Building" ~~[means a structure with a roof which provides shelter for humans, animals or property of any kind.]~~ Anything built, constructed or erected, or established or composed of parts joined together in some definite manner that provides shelter for humans, animals or property of any kind, and requires location on the ground, or which is attached to something having permanent location on the ground. A building may or may not be easily moved from a given location on the ground.

"Dwelling unit" ~~[means a room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen. Two or more essentially separate structures, except for a token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit. Unless specifically permitted in use regulations, a dwelling unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.]~~ A building, or portion of a building, designed, arranged and used for independent living quarters for 1 or more persons living as a single housekeeping unit with permanent facilities for living, sleeping, eating, food preparation (heating/cooking element, sink and refrigerator) and sanitation. Dwelling unit does not include a unit in a hotel or other structures designed for transient residence (see Lodging Unit).

"Lodging unit" ~~[means a room or rooms connected together, constituting an independent living unit for a family which does not contain any kitchen. Unless specifically permitted in use regulations, "lodging unit" shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.]~~ A building, or portion of a building, in a hotel or other structure designed for transient residence that does not include permanent facilities for food preparation (heating/cooking element, sink and refrigerator). Lodging unit does not include a unit designed, arranged and used for independent living quarters for 1 or more persons living as a single housekeeping unit.

~~["Open Space, Public"]~~ **"Public open space"** means open space that is accessible to the public at all times, not including required yards, except where permitted. It adjoins a public street, public way, pedestrian easement or public open space such as a park, playground or shoreline area, for at least 20 percent of its perimeter at an elevation not more than three feet above the adjoining sidewalk. A minimum of 50 percent of its total area is landscaped (see Figure 21-10.5).



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SECTION 64. Sec. 21-10.1, Revised Ordinances of Honolulu 1990, as amended, ("Definitions"), is amended by adding the following definitions for new terms, to be inserted in the proper alphabetical order by the revisor of ordinances to read as follows:

"Accessory" A building or use subordinate to the principal building or use on a lot which is used for purposes incidental to the main or principal building or use located on the same zoning lot.

"Energy generation system" A facility for producing electricity from renewable sources such as the sun, wind, internal heat of the earth, flowing water or waves, or from nonrenewable sources such as petroleum, natural gas or coal.

"Household" One or more persons, all related by blood, adoption, guardianship, marriage or other duly authorized custodial relationship occupying a dwelling unit or lodging unit; or no more than 6 unrelated persons.

"Household pet" Dog, cat, service animal, or other domesticated animals that are customary and usual pets. Does not include cows, horses, camels, llamas, sheep, goats, swine or poultry.

"Renewable energy" Energy generated or produced using the following sources: wind; sun; falling water; biogas, including landfill and sewage-based digester gas; geothermal; ocean water, currents, and waves, including ocean thermal energy conversion; biomass, including biomass crops, agricultural and animal residues and wastes; and municipal solid waste and other solid waste, biofuels, and hydrogen produced from renewable energy sources.

"Spacing distance" The shortest straight-line distance between the closest edge of each site's zoning lot line.

"Transitional setback distance" The shortest straight-line distance between the closest portion of the structure or activity area to the edge of the applicable zoning lot line.

"Unrelated person" One or more persons not related by blood, adoption, marriage or other duly authorized custodial relationship.



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SECTION 65. Sec. 21-10.1, Revised Ordinances of Honolulu 1990, as amended, ("Definitions"), is amended by removing the following definitions:

~~["Accessory dwelling unit" means a second dwelling unit, including separate kitchen, bedroom and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot.]~~

~~["Agribusiness activities" means accessory uses conducted on the same site where agricultural products are cultivated or raised. Included are transportation facilities used to provide for tours of the agricultural parcel.]~~

~~["Agricultural products" include floricultural, horticultural, viticultural, aquacultural, forestry, nut, coffee, dairy, livestock, poultry, bee, animal, tree farm, animals raised by grazing and pasturing, and any other farm, agronomic, or plantation products.]~~

~~["Agricultural Products Processing, Major and Minor. "Major agricultural products processing" means and includes activities involving a variety of operations on crops or livestock which may generate dust, odors, pollutants or visual impacts that could adversely affect adjacent properties. These uses include slaughterhouses, canneries and milk processing plants.~~

~~"Minor agricultural products processing" means and includes activities on a zoning lot not used for crop production, which are not regulated as major agricultural products processing and which perform a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are vegetable cleaning, honey processing, poi-making and other similar activities. Minor activities shall be permitted as an accessory use when conducted on the same zoning lot on which the crop is cultivated.]~~

~~["Amusement and Recreation Facilities, Indoor. "Indoor amusement and recreation facilities" means establishments providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; reducing salon, health and fitness establishments; indoor tennis, handball and racquetball courts; auditoriums; indoor archery and shooting ranges, and gymnasiums and gymnastic schools.]~~

~~["Amusement Facilities, Outdoor. "Outdoor amusement facilities" means permanent facilities providing outdoor amusement and entertainment. Typical uses include: theme and other types of amusement parks, stadiums, skateboard parks, go-cart and automobile race tracks, miniature golf and drive-in theaters.]~~

~~["Amusement Facilities, Outdoor, Motorized. "Motorized outdoor amusement facilities" means outdoor amusement facilities utilizing motorized vehicles or equipment~~



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~~and includes go-cart and automobile race tracks and theme and other amusement parks utilizing motorized amusement rides.]~~

~~["Animal products processing" means establishments primarily involved in the processing of animal products for food and/or other uses, including the handling, storage and processing of meats, fish and fowl, skin, bone, fat and/or other animal byproducts suitable for sale or trade. This term does not include slaughterhouses, canneries or milk processing plants.]~~

~~["Antenna structure, freestanding" means a freestanding tower, pole, mast or similar structure, exceeding three inches in diameter or horizontal dimension, used as the supporting structure for a transmitting antenna. For purposes of this definition, "freestanding" means not attached to a building or similar structure.]~~

~~["Aquaculture" means the production of aquatic plant and animal life for food and fiber within ponds and other bodies of water.]~~

~~["Automobile service station" means a retail establishment which primarily provides gasoline, oil, grease, batteries, tires or automobile accessories and where, in addition, the following routine and accessory services may be rendered and sales made, but no other:~~

- ~~(1) Servicing of spark plugs, batteries, tires;~~
- ~~(2) Radiator cleaning and flushing;~~
- ~~(3) Washing and polishing, including automated, mechanical facilities;~~
- ~~(4) Greasing and lubrication;~~
- ~~(5) Repair and servicing of fuel pumps, oil pumps and lines, carburetors, brakes and emergency wiring;~~
- ~~(6) Motor adjustments not involving repair of head or crankcase;~~
- ~~(7) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation, and not to exceed 400 square feet of floor area;~~
- ~~(8) Provision of road maps and other information material to customers;~~
- ~~(9) Provision of rest room facilities;~~
- ~~(10) Parking as an accessory use;~~
- ~~(11) Towing service.~~

~~The following are not permitted: tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, or non-transient storage of automobiles not in operating condition, or permitted repair activities not conducted within an enclosed structure in any zoning district other than the industrial districts.]~~



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~~["Base yards" means the principal facility for establishments which provide their services off-site, but where a site is needed for the consolidation and integration of various support functions, and where the parking of company vehicles is a prominent if not principal activity. Typical base yards include a construction company's facility or a bus yard. Base yards may include, but are not limited to, the following:~~

- ~~(1) Business office, provided administrative and executive functions are clearly accessory and incidental to the overall operation of the facility on the same zoning lot.~~
- ~~(2) Storage, cleaning and repair of materials, vehicles and equipment used by the establishment.~~
- ~~(3) Vehicle dispatch.~~
- ~~(4) Personnel related support facilities (e.g., locker and shower rooms, kitchen or cafeteria, lounge).]~~

~~["Bed and breakfast home" means a use in which overnight accommodations are advertised, solicited, offered, or provided, or a combination of any of the foregoing, to guests for compensation, for periods of less than 30 days, in the same detached dwelling as that occupied by an owner, lessee, operator or proprietor of the detached dwelling. For purposes of this definition, compensation includes, but is not limited to, monetary payment, services, or labor of guests.]~~

~~["Biofuel processing facility" means a biofuel processing facility as defined under HRS Section 205-4.5(a)(15).]~~

~~["Boarding facilities" means establishments with one kitchen which provide living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. The term does not include group living facilities or monasteries and convents.]~~

~~["Booking service" means any reservation or payment service provided by a person that facilitates a transaction between an owner, operator, or proprietor of a bed and breakfast home or transient vacation unit, and a prospective user of that bed and breakfast home or transient vacation unit, and for which the person collects or receives, directly or indirectly through an agent or intermediary, a fee from any person in connection with the reservation or payment services provided for by the transaction.]~~

~~["Broadcasting antennas" means and includes antennas, towers and other accessory facilities for radio frequency (RF) transmissions for AM and FM radio and television broadcasting. These facilities are regulated by the Federal Communications Commission (FCC) under the Code of Federal Regulations Part 73. These transmissions can be received by anyone with a radio or television. Not included are broadcasting studios and stations.]~~



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~~["Business services" means establishments which primarily provide goods and services to other businesses, including but not limited to minor job printing, duplicating, binding and photographic processing, office security, maintenance and custodial services, and office equipment and machinery sales, rentals and repairing.]~~

~~["Catering establishments" means establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations including, but not necessarily limited to, hotels, restaurants, airlines and social events.]~~

~~["Cemeteries and columbaria" mean interment facilities engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Included are cemetery lots, mausoleums and columbaria. The following are permitted as accessory uses: crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and detached one family dwellings to be occupied only by caretakers of the cemetery.]~~

~~["Commercial parking lots and garages" mean any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same zoning lot and within which no vehicles shall be repaired.]~~

~~["Composting, major and minor," means a process in which organic materials are biologically decomposed under controlled conditions to produce a stable humus-like mulch or soil amendment. The composting process includes, but is not necessarily limited to, receipt of materials, primary processing, decomposition activities, and final processing for sale and marketing. This term does not include bioremediation of fuel-contaminated soil.~~

~~"Major composting operations" involve more complex controls to manage odors, vectors and surface water contamination. For instance, in some cases, on-site odors may not be able to be completely mitigated. Major composting includes, but is not necessarily limited to, the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials.~~

~~"Minor composting operations" involve relatively simple management and engineering solutions to control odors, vectors and surface water contamination. Minor composting includes, but is not necessarily limited to, the composting of clean, source-separated organic materials, including, but not necessarily limited to, greenwaste, animal manure, crop residues, and waste from vegetable food processing operations.]~~

~~["Consulate" means the administrative offices of staff and consul, an official appointed by a foreign government representing the interests of citizens of the appointing country.]~~



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~~["Convenience store" means a small retail establishment intended to serve the daily or frequent needs of surrounding population. Included are grocery stores, drug stores and variety stores. Excluded are automobile service stations, repair establishments and drive thru eating and drinking establishments.]~~

~~["Corporate retreat" means a transient vacation unit which is provided with or without monetary compensation by a business, company or corporation, including a nonprofit corporation, to transient occupants, including but not limited to employees, directors, executives or shareholders of the business, company or corporation.]~~

~~["Crop production" means agricultural and horticultural uses, including production of grains, field crops, and indoor and outdoor nursery crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities.]~~

~~["Dance school" or "music school" means an establishment where instruction in dance or music is provided students for a fee. Establishments where instruction is accessory to cabarets, nightclubs or dancehalls are not included in this definition.]~~

~~["Data processing facilities" means establishments primarily involved in the compiling, storage and maintenance of documents, records and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer related sales establishments, and business or personal services.]~~

~~["Day care facility" means an establishment where seven or more persons who are not members of the family occupying the premises are cared for on an intermittent basis. The term includes day nurseries, preschools, kindergartens and adult day care.]~~

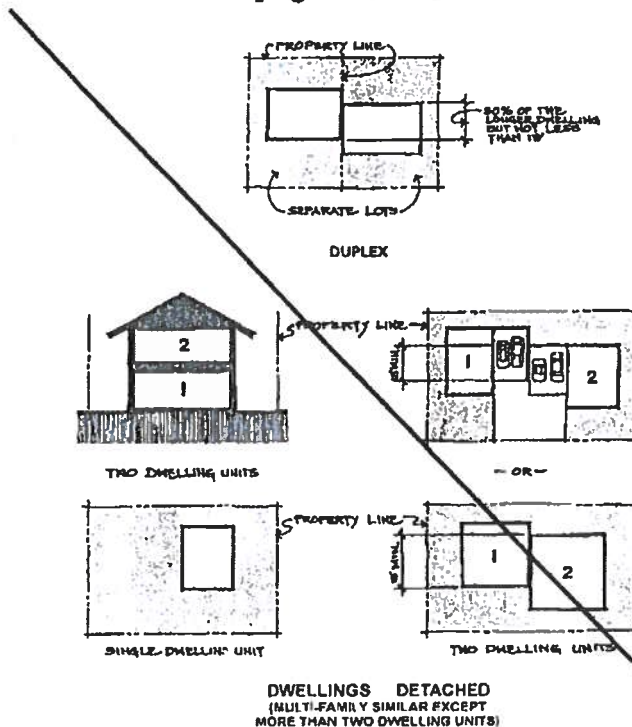
~~["Duplex unit" means a building containing one dwelling unit on a single zoning lot which is to be attached on a side or rear property line with another dwelling. The dwellings shall be structurally independent of each other and attached by means of a boundary wall. The attachment of the wall shall not be less than 15 feet or 50 percent of the longer dwelling on the property line, excluding carports or garages, whichever is the greater length. In lieu of construction with a boundary wall, both dwellings shall be built up independently to the property line (see Figure 21-10.3).]~~

~~["Dwelling, Detached. "Detached dwelling" means a building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots. Dwelling units in a two-family detached dwelling may be either on separate floors or attached by a carport, garage or other similar connection, or attached solid wall without openings which shall not be less than 15 feet or 50 percent of the longer dwelling (see Figure 21-10.3).]~~



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[Figure 21-10.3



DWELLING (TYPES)

[Dwelling, Multifamily. "Multifamily dwelling" means a building containing three or more dwelling or lodging units which is not a hotel.]

["Exclusive agricultural sites" means leasehold parcels within an agricultural zoning district having a minimum leasable area of five acres, and prohibiting any structures for temporary, seasonal, or permanent residential occupancy or habitation.]

["Family" means one or more persons, all related by blood, adoption or marriage, occupying a dwelling unit or lodging unit. A family may also be defined as no more than five unrelated persons.

In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility or other similar facility monitored, registered, certified, or licensed by the State of Hawaii will be considered a family. Resident managers or supervisors are not included in this resident count.



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~~["Farm dwelling" means a dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.]~~

~~["Financial institutions" means those establishments which provide a full range of traditional banking services on the premises, such as savings and checking accounts, loans, safety deposits, fund transfers, trust functions and investments (e.g., certificates of deposit, savings bonds, annuities). This term includes only banks, credit unions, and savings and loan institutions. This term does not include those establishments, such as loan processing companies, accounting firms and other bookkeeping services, investment brokers, insurance offices, and title transfer companies, which are principally involved in providing a limited range of financial services or products on the premises.]~~

~~["Food manufacturing and processing" means establishments primarily involved in the manufacture and processing of food products, other than animal products processing establishments, and which occupy less than 2,000 square feet of floor area. Typical activities include, but are not necessarily limited to, noodle factories, and coffee grinding.]~~

~~["Group living facilities" means facilities which are used to provide living accommodations and, in some cases, care services.~~

- ~~(1) Included are monasteries and convents and dwelling units which are used to provide living accommodations and care services under a residential setting to individuals who are handicapped, aged, disabled or undergoing rehabilitation. These are typically identified as group homes, halfway houses, homes for children, the elderly, battered children and adults, recovery homes, independent group living facilities, hospices and other similar facilities.~~
- ~~(2) Also included are facilities that provide services, often including medical care, and are identified as convalescent homes, nursing homes, sanitariums, intermediate care or extended care facilities, and other similar facilities.~~
- ~~(3) Group living facilities include those with accommodations for more than five resident individuals, except those meeting the definition of family. Resident managers or supervisors shall not be included in this resident count.]~~

~~["Guest house" means a lodging unit for nonpaying guests or household employees not to exceed 500 square feet of floor area.]~~

~~["Heliprot" means an area of land or structures designated or used for the landing or takeoff of helicopters or other rotorcraft. The term includes storage, maintenance or repair facilities, and sale and storage of supplies and fuel.]~~



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~~["Helistop" means an area designed and used only for the landing and takeoff of helicopters or other rotorcraft. Helistops shall not include hangars or repair, maintenance and storage facilities.]~~

~~["Home improvement centers" means single establishments primarily involved in providing a large variety of goods and services directly associated with building and home improvements.]~~

~~["Home occupation" means any activity intended to produce income that is carried on within a dwelling, accessory structure to a dwelling or on a zoning lot used principally for dwelling purposes. Home occupations include the use of any residential premise as a base for an off-premise, income-producing activity.]~~

~~["Home-based child care" means a home occupation in which child care services are provided on a part-time basis to no more than six children who are not members of the household, and which is licensed by the state department of human services.]~~

~~["Hospital" means an institution primarily for in-patient, intensive, medical or surgical care. It may also include facilities for extended care, intermediate care and/or out-patient care, medical offices, living facilities for staff, research and educational facilities, and related services and activities for operation of these facilities.]~~

~~["Hotel" means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities.]~~

~~["Kennel, Commercial. "Commercial kennel" means any structures used to care for, breed, house or keep dogs, cats or other domesticated animals for commercial purposes. Included as kennels are animal pounds or shelters.]~~

~~["Livestock" means and includes all animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine. See definition of "commercial kennel."]~~

~~["Livestock grazing" means the raising or feeding of livestock by grazing or pasturing. Not included are feedlots or the raising and keeping of swine.]~~

~~["Livestock Production, Major or Minor. "Major livestock production" means and includes agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants or visual impacts that could adversely affect~~



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~~adjacent properties. These include piggeries, dairies, dairy and beef cattle feedlots, chicken, turkey and other poultry farms.~~

~~"Minor livestock production" means commercial small animal operations as a principal land use, such as rabbit farms, apiaries or aviaries.]~~

~~["Manufacturing, processing and packaging, light and general" means establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or packaging by hand or by machinery, from raw materials, component parts and/or other products, of finished goods, merchandise and/or other end products suitable for sale or trade.~~

~~"Light manufacturing, processing and packaging establishments" involve activities which are nonoffensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors and/or particulates; and do not involve chemicals or other substances which pose a threat to health and safety. Typical activities include, but are not limited to, the production of handcrafted goods, electronics intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing and packaging uses meeting the criteria prescribed herein.~~

~~"General manufacturing, processing and packaging establishments" are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products, perfumes and pharmaceuticals; and the production of paving and roofing materials.~~

~~This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; and/or the processing of salvage, scrap and junk materials.]~~

~~["Marina accessories" means land uses on harbor fast lands, which are supportive of recreational marine activities, including piers or boathouses, storage and repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, wash racks, and other uses customary and incidental to marine recreation.]~~

~~["Medical clinic" means an office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but can involve the treatment of~~



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~~outpatients. A "medical profession or occupation" is any activity involving the diagnosis, cure, treatment, mitigation or prevention of disease or which affects any bodily function or structure.]~~

~~["Meeting facilities" means permanent facilities for recreational, social or multipurpose use. These may be for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, religious facilities such as churches, temples and synagogues and student centers.]~~

~~["Monasteries" or "Convents" means facilities which provide dwelling or lodging units to clergy members or those who have taken religious vows, which are owned or operated by a religious organization.]~~

~~["Music School. See definition of "dance school" in this article.]~~

~~["Neighborhood grocery store" means small retail establishments which provide a variety of goods to the surrounding community, typically known as "mom and pop" grocery stores. Excluded are drive thru facilities. These establishments are located in country, residential, apartment, industrial or agricultural zoning districts and were nonconforming uses prior to the adoption of this chapter but shall be permitted under the provisions of this chapter.]~~

~~["Ohana dwelling unit", "ohana dwelling", and "ohana unit" mean a second dwelling unit permitted pursuant to the provisions of HRS Section 46-4(c), and of Ordinance 3234 (adopting the Comprehensive Zoning Code), as amended, and thereafter of Ordinance 86-06 (adopting the Land Use Ordinance), as amended.]~~

~~["Personal services" means establishments which offer specialized goods and services purchased frequently by the consumer. They include barbershops, beauty shops, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair and other similar establishments. The term also includes commercial wedding chapels and services.]~~

~~["Plant nurseries" means land, greenhouses, or other similar type of agricultural structures used to raise flowers, shrubs and other plants primarily for wholesale sales. The term includes establishments where retail sales of agricultural products, which are raised or grown on site in containers or directly in the ground, occur. This term does not include retail establishments that are typically categorized as garden shops, which sell to retail customers items other than plants, such as pots and planters, gardening supplies, implements and tools, mulch, potting soil, and fertilizers, decorations, books, and cards.]~~

~~["Public uses and structures" means uses conducted by or structures owned or managed by the federal government, the State of Hawaii or the city to fulfill a~~



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~~governmental function, activity or service for public benefit and in accordance with public policy. Excluded are uses which are not purely a function, activity or service of government and structures leased by government to private entrepreneurs or to nonprofit organizations. Typical public uses and structures include: libraries, base yards, satellite city halls, public schools and post offices.]~~

~~["Real estate office" means an establishment involved in real estate transactions that include but are not limited to the following:~~

- ~~(1) Selling, buying or negotiating the purchase, sale or exchange of real estate; or~~
- ~~(2) Listing, soliciting for prospective purchasers, leasing, renting or managing any real estate, or the improvements thereon, for others.]~~

~~["Receive-only antennas" means antennas used for radio frequency (RF) or microwave receptions only, including but not limited to receptions for television, except as provided under the definition of telecommunications antennas or utility installations.]~~

~~["Recreation Facilities, Outdoor. "Outdoor recreation facilities" means permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks, playgrounds, botanical gardens, golf driving ranges, tennis courts, riding stables, academies and trails, and recreational camps.]~~

~~["Repair establishments, minor and major" means establishments which primarily provide restoration, reconstruction and general mending and repair services. "Minor repair establishment" uses include those repair activities which have little or no impact on surrounding land uses and can be compatibly located with other businesses. "Major repair establishment" uses include those repair activities which are likely to have some impact on the environment and adjacent land uses by virtue of their appearance, noise, size, traffic generation or operational characteristics.~~

- ~~(1) Minor.
 - ~~(A) Automobile (including pickup trucks), motorcycle, moped, motorized bicycle, boat engine, motorized household appliance (e.g., refrigerator, washing machine, dryer) and small equipment (e.g., lawn mower) repairing, including painting, provided all repair work is performed within an enclosed structure in other than the industrial districts, and does not include repair of body and fender, and straightening of frame and body parts.~~
 - ~~(B) Production and repair of eyeglasses, hearing aids and prosthetic devices.~~
 - ~~(C) Garment repair.~~
 - ~~(D) General fixit shop.~~
 - ~~(E) Nonmotorized bicycle repair.~~
 - ~~(F) Radio, television and other electrical household appliance repair.~~~~



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- ~~(G) Shoe repair.~~
- ~~(H) Watch, clock, jewelry repair.~~
- ~~(2) Major.~~
- ~~(A) Blacksmiths.~~
- ~~(B) Ship engine cleaning and repair.~~
- ~~(C) Airplane motor repair and rebuilding.~~
- ~~(D) Furniture repair.~~
- ~~(E) Industrial machinery and heavy equipment repair.~~
- ~~(F) Bus and truck repair.~~
- ~~(G) Repair of vehicle (all types) body and fender, and straightening of frame and body parts.]~~

~~["Resource extraction" means the mining of minerals, including the exploration for, and the removal and processing of natural accumulations of sand, rock, soil and gravel.]~~

~~["Retail establishments" means the sale of commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, motorized scooter and bicycle sales and rentals, and other similar retail activities. This term also includes establishments where food or drink is sold on the premises for immediate consumption, but which lack appropriate accommodations for on-premise eating and drinking. The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages or veterinary clinics and hospitals.]~~

~~["Rooming" means a use accessory to the principal use of a dwelling unit in which overnight accommodations are provided to persons ("roomers") for compensation of periods of 30 days or more in the same dwelling unit as that occupied by an owner, lessee, operator or proprietor.]~~

~~["Self-storage facility" means a structure, or structures, containing individual locker compartments which allow individuals to access and store possessions in these compartments. Each locker or storage area is self-contained, with provisions to secure each individual locker or storage area.]~~

~~["Shopping center" means a group of retail stores and service establishments developed under a single or unified project concept on one or more zoning lots having an aggregate floor area exceeding 40,000 square feet.]~~

~~["Special needs housing for the elderly" means housing developments which meet one of the following criteria and which require a modification in district regulations pursuant to Section 21-2.00-2(e):~~



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- ~~(1) Provide aging in place dwelling units or assisted living facilities, or a combination of both, for residents of a minimum age of 60 years. Aging in place dwelling units typically include a congregate residential setting, such as communal dining facilities and services, housekeeping services, organized social and recreational activities, transportation services and other support services appropriate for elderly residents. Assisted living facilities typically include residences for the frail elderly and provide services such as meals, personal care, and supervision of self-administered medication; or~~
- ~~(2) Provide single room occupancy dwelling units for residents of a minimum age of 60 years. Single room occupancy units typically include small units to accommodate one person. Amenities such as bathrooms, kitchens and common areas may be either shared with other residents, or included within the unit. This type of housing development may be designed to serve as emergency housing for the homeless elderly, transitional housing for the elderly who are progressing to permanent housing, or as permanent housing for the elderly.~~
- ~~The foregoing criteria shall not apply to any resident manager, the manager's immediate family, and the dwelling unit occupied by them.]~~

~~["Theaters" means facilities which are used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls and other types of live theaters. Drive-in theaters are excluded.]~~

~~["Time sharing" means the ownership and/or occupancy of a dwelling or lodging unit regulated under the provisions of HRS Chapter 514E, as amended, relating to time share plan and time share unit hereinafter defined:~~

- ~~(1) "Time share plan" means any plan or program in which the use, occupancy or possession of one or more time share units circulates among various persons for less than a 60-day period in any year for any occupant. The term "time share plan" shall include both time share ownership plans and time share use plans, as follows:~~
- ~~(A) "Time share ownership plan" means any arrangement whether by tenancy in common, sale, deed or by other means, whereby the purchaser received an ownership interest and the right to use the property for a specific or discernible period by temporal division.~~
- ~~(B) "Time share use plan" means any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a time share unit for a specific or discernible~~



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~~period by temporal division, but does not receive an ownership interest.~~

- (2) ~~"Time share unit" means the actual and promised accommodations and related facilities, which are the subject of a time share plan; and, may be either a hotel, transient vacation, or multi-family dwelling unit.]~~

~~["Trade or convention center" means a structure or structures capable of accommodating 10,000 or more persons assembling for a common purpose such as, but not limited to, professional or business conventions, concerts, short-term retail or wholesale activities, the large-scale marketing, buying or selling of goods or services, or sporting events. A trade or convention center may include accessory hotel, multifamily dwellings and retail or other commercial uses.]~~

~~["Transient vacation unit" means a dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 30 days, other than a bed and breakfast home. For purposes of this definition, compensation includes, but is not limited to, monetary payment, services, or labor of transient occupants.~~

~~["Transmitting antenna" means any antenna used for radio frequency (RF) or microwave transmissions other than an independent operational fixed-point (unidirectional) or receive-only antenna. This definition is provided to determine which antennas are required to provide fencing or other barriers to restrict public access within a delineated exclusion distance as may be required by this chapter.]~~

~~["Travel agency" means an establishment that acts or attempts to act as an intermediary between a person seeking to purchase and a person seeking to sell travel services. Typical travel services include transportation by air, sea or rail; related group transportation; hotel accommodations; or package tours, whether offered on a wholesale or retail basis.]~~

~~["Utility installations, Types A and B," means uses or structures, including all facilities, devices, equipment, or transmission lines, used directly in the distribution of utility services, such as water, gas, electricity, telecommunications other than broadcasting antennas, and refuse collection other than facilities included under waste disposal and processing. A utility installation may be publicly or privately owned and does not include wind machines, which are defined separately. Also not included are: cesspools, individual household septic tank systems, individual household aerobic units, and individual water supplies.~~

~~Also not included are private temporary sewage treatment plants which are allowed as an accessory use in all zoning districts, provided such use is approved by the director. These uses so approved shall be permitted notwithstanding the location on a noncontiguous lot or in another zoning district of the principal use or uses served by the plant, and subdivision (1) of the definition of accessory use shall be inapplicable.~~



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~~A utility installation includes accessory uses and structures directly associated with the distribution of the utility service, such as, but not limited to: accessory antennas, maintenance, repair, equipment, and machine rooms; tool sheds; generators and calibration equipment; and accessory offices. Offices permitted as accessory to a utility installation shall be directly associated with the distribution of the utility service, and not principally function as a business or executive center for the utility operation.~~

~~"Type A utility installations" are those with minor impact on adjacent land uses and typically include: 46 kilovolt transmission substations, vaults, water wells and tanks and distribution equipment, sewage pump stations, telecommunications antennas (except as provided in the paragraph below on Type B utility installations), and other similar uses.~~

~~"Type B utility installations" are those with potential major impact, by virtue of their appearance, noise, size, traffic generation or other operational characteristics. Typical Type B uses include: 138 kilovolt transmission substations, power generating plants, base yards, and other similar major facilities. Also included as Type B uses are transmitting antennas in country, residential, A-1, or AMX-1 districts, and freestanding antenna structures.]~~

~~["Warehousing" means establishments primarily associated with the storage of raw materials, finished products, merchandise or other goods, within a structure for subsequent delivery, transfer or pickup, and may include structures used primarily for the storage of files or records.]~~

~~["Waste disposal and processing" means facilities for the disposal and processing of solid waste, including refuse dumps, sanitary landfills, incinerators and resource recovery plants.]~~

~~["Wholesaling and distribution" means establishments primarily involved in the sale and/or distribution of manufactured and/or processed products, merchandise or other goods in large quantities for subsequent resale to retail establishments, and/or industrial, institutional and commercial users.]~~

~~["Wind machines" means devices and facilities, including appurtenances, associated with the production and transmission of wind-generated energy.]~~



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 10 (2022)

A BILL FOR AN ORDINANCE

SECTION 66. Ordinance material to be repealed is bracketed and stricken. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets nor the material that has been bracketed and stricken.

SECTION 67. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 10 (2022)

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SECTION 68. This ordinance takes effect upon its approval.

INTRODUCED BY:

Yang Wahn

(br)

DATE OF INTRODUCTION:

FEB 3 2022

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

Mayor
City and County of Honolulu