

**CITY COUNCIL**  
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**ANDRIA TUPOLA | HONOLULU CITY COUNCIL – DISTRICT 1**  
**‘Ewa Beach, Kapolei, Mā‘ili, Mākaha, Makakilo, Nānākuli, Wai‘anae**

**MEMORANDUM**

**DATE:** AUGUST 2, 2022

**TO:** GAIL UEHARA, COMMITTEE CLERK  
COMMITTEE ON ZONING AND PLANNING

**FROM:** COUNCILMEMBER ANDRIA TUPOLA  
HONOLULU CITY COUNCIL

**SUBJECT:** PROPOSED AMENDMENTS TO BILL 10 (2022), CD1

Attached for consideration by the Committee on Zoning and Planning are amendments to Bill 10 (2022), CD1 (OCS2022-0540/7/8/2022 11:49 AM) relating to the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 (“Land Use Ordinance”).

Mahalo,

A handwritten signature in black ink, appearing to read "A. Tupola", is written over a horizontal line.

COUNCILMEMBER ANDRIA TUPOLA  
HONOLULU CITY COUNCIL – DISTRICT 1

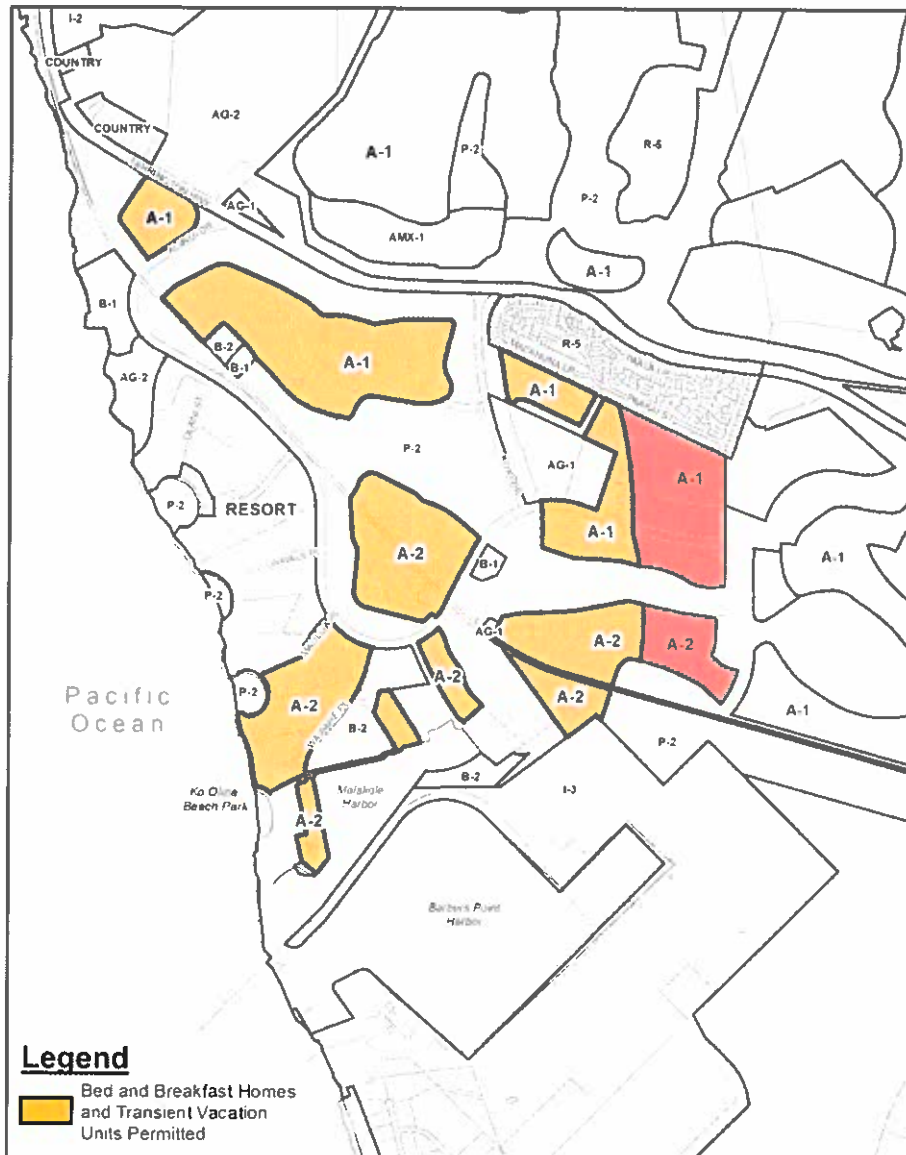
**CC:** OFFICE OF THE CITY CLERK  
OFFICE OF COUNCIL SERVICES

**COUNCIL COM. 237**



**A BILL FOR AN ORDINANCE**

**Figure 21-5.2**  
**Bed and Breakfast Homes and Transient Vacation Units**  
**Permitted Areas – Close Proximity to the Ko Olina Resort**



**AMENDMENT FORM  
BILL 10 (2022), CD1  
Relating to Use Regulations**

TOTAL PAGES: 05

DATE: JULY 27, 2022

COUNCILMEMBER: ANDRIA TUPOLA

STAFF CONTACT: BRAEDON WILKERSON

Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
3	Sec. 21-5.40-4(b)(2)(A) Sec. 21-5.40-4 – Accessory Agricultural Uses (b) Agritourism (2) Standards (A)	19	Amending agritourism standards.	(A) At least <del>[75]</del> <u>50</u> percent of the activity on the zoning lot must be crop production or livestock keeping.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.40-4(b)(2)(F) Sec. 21-5.40-4 – Accessory Agricultural Uses (b) Agritourism (2) Standards (F)	20	Amending agritourism standards.	(F) In order to preserve the purpose and intent of the agricultural districts, as a condition of approval for agritourism use, the dedication of <del>[75]</del> <u>50</u> percent or more of the zoning lot to active agricultural use for as long as the agritourism use is in operation, as the director determines is necessary to preserve the purpose and intent of the agricultural zoning districts, will be required through an agricultural easement or similar legal encumbrance acceptable to the director. By its terms, the dedication must remain in full force and effect for as long as the agritourism activity continues.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).

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3	Sec. 21-5.40-4(e)(2)(A) Sec. 21-5.40-4 – Accessory Agricultural Uses (e) Farm Dwelling (2) Standards (A)	22	Amending farm dwelling standards.	(A) Crop production and livestock keeping must occupy a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area and valid agricultural dedication status must be maintained as evidence of agricultural activity.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.40-4(h)(2)(G) Sec. 21-5.40-4 – Accessory Agricultural Uses (h) Farmers Market (2) Standards (G)	26	Amending farmers market standards.	(G) As a condition of approval, the dedication of <del>[75]</del> <u>50</u> percent or more of the zoning lot to active agricultural use for as long as the farmers market is in operation, as the director determines is necessary to preserve the purpose and intent of the agricultural zoning districts, will be required through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.50-2(a)(2)(B) Sec. 21-5.50-2 – Group Living (a) Group Living, Small (2) Standards (B)	28	Amending small group living standards.	(B) In the AG-1 and AG-2 zoning districts, group living activities must be of an agricultural nature. As a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area must be dedicated to active agricultural use for as long as the group living is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).

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3	Sec. 21-5.50-2(B)(2)(D) Sec. 21-5.50-2 – Group Living (b) Group Living, Large (2) Standards (D)	30	Amending large group living standards.	(D) In the AG-1 and AG-2 districts, group living must be of an agricultural nature. As a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area must be dedicated to active agricultural use for so long as the group living is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.60-1(c)(2)(A)(i) Sec. 21-5.60-1 – Assembly (c) Meeting Facility (2) Standards (A) Meeting Facility, Small or Medium (i)	39	Amending small and medium meeting facility standards.	(i) In the AG-1 and AG-2 districts, a small or medium meeting facility may be permitted if, as a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area is dedicated to active agricultural use for as long as the meeting facility is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.60-3(a)(2)(E) Sec. 21-5.60-3 – Education (a) School, K-12 (2) Standards (E)	45	Amending K-12 school standards.	(E) In the AG-1 and AG-2 districts, K-12 schools may be permitted if, as a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area is dedicated to active agricultural use for as long as the K12 school is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).

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3	Sec. 21-5.60-6(c)(B)(v) Sec. 21-5.60-6 – Utility (c) Large (B) Wind Energy Generation (v)	55	Amending setback requirements for large utilities, specifically wind energy generation facilities.	(v) Large wind energy generation facilities must be set back from all property lines at a minimum distance equal to the height of the facility, measured from the highest vertical extension of the facility, and a minimum of <del>[1-mile]</del> <u>1.25 miles</u> from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.	Increasing the minimum setback requirements for large utilities, specifically wind energy generation facilities, to <u>1.25 miles</u> (instead of 1 mile).
3	Sec. 21-5.70-1(a)(2)(C) Sec. 21-5.70-1 – Daycare (a) Child Daycare (2) Standards (C)	56	Amending child daycare standards.	(C) In the AG-1 and AG-2 districts, child daycare may be permitted if, as a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area is dedicated to active agricultural use for as long as the child daycare is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Sec. 21-5.70-1(b)(2)(ii) Sec. 21-5.70-1 – Daycare (b) Adult Daycare (2) Standards (ii)	56 - 57	Amending adult daycare standards.	(ii) In the AG-1 and AG-2 districts, adult daycare may be permitted if as a condition of approval, a minimum of <del>[75]</del> <u>50</u> percent of the zoning lot area is dedicated to active agricultural use for as long as the adult daycare is in operation, as determined by the director to be necessary to preserve the purpose and intent of the agricultural zoning districts, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).
3	Figure 21-5.2 – Bed and Breakfast Homes and Transient Vacation Units Permitted Areas – Close Proximity to the Ko Olina Resort	61	Amending Figure 21-5.2 to reflect changes to the A-1 (Low Density Apartment) and A-2 (Medium Density Apartment) Districts in the Ko Olina Resort area where short-term rentals are permitted.	See attached figure (areas proposed for addition are shaded red).	Amending Figure 21-5.2 to reflect changes to the A-1 (Low Density Apartment) and A-2 (Medium Density Apartment) Districts in the Ko Olina Resort area where short-term rentals are permitted.

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3	<p><b>Sec. 21-5.70-9(c)(2)(i)</b>            Sec. 21-5.70-9 –            Recreation, Outdoor            (c) Nature-Based            Recreation            (2) Standards            (i)</p>	83	Amending nature-based recreation standards.	(i) In the agricultural zoning districts, a minimum of <del>[76]</del> <u>50</u> percent of the zoning lot must be dedicated to agricultural or passive undeveloped recreational areas, such as natural open space, forests, and trails, through an agricultural easement or similar legal encumbrance acceptable to the director.	Reducing the minimum zoning lot area percentage that must be dedicated to active agricultural use to <u>50 percent</u> (instead of 75 percent).