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20220818-028

August 18, 2022

MEMORANDUM

TO: GAIL UEHARA
CLERK, COMMITTEE ON ZONING AND PLANNING

FROM: BRANDON ELEFANTE, CHAIR 
COMMITTEE ON ZONING AND PLANNING

SUBJECT: PROPOSED ADDITIONAL AMENDMENTS TO BILL 10 (2022)

22AUG18 PM 4:00 CITY CLERK

Attached for consideration by the Zoning and Planning Committee are proposed additional amendments to Bill 10 (2022) relating to the Land Use Ordinance.

These proposed additional amendments are intended to supplement the amendments to Bill 10 (2022) discussed in the July 14 Zoning and Planning Committee and incorporated in Bill 10, CD1 (OCS2022-0540/7/8/2022 11:49 AM)

Thank you!

Attachment

COUNCIL COM. 249
ZP

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

TOTAL PAGES: 14

DATE: August 18, 2022

COUNCILMEMBER: Elefante

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
1	4	Sec. 21-5.20(a) Use classification	1	Amend subsection (a)	(a) [Refer to Table 21-5.1 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 permitted.] <u>Permissible uses of property. Permissible uses of land in each zoning district are identified in Table 21-5.1. Land uses that are allowed with a land use permit or special approval from the director or the council may only be conducted after obtaining all necessary permits and approvals. It is a violation of this chapter to use property in any manner prohibited by Table 21-5.1.</u>	
2	4	Sec. 21-5.20(b) Use classification	1	Amend subsection (b)	(b) [Where a proposed use is not specifically listed in Table 21-5.1, the director shall 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.] <u>If a land use is not identified in Table 21-5.1, the use may only be conducted as an accessory use to a lawful principal use or after obtaining the director's approval to conduct the use under subsection (c).</u>	
3	4	Sec. 21-5.20(c) Use classification	1	Amend subsection (c)	(c) [The following categories of uses apply to Table 21-5.1. (1) Ministerial uses:- Ministerial uses are those uses that are approved administratively, without requiring a conditional use permit or plan review use permit. P = A permitted principal or accessory use. P* = A permitted principal or accessory use that is subject to specific use standards (see reference in far right hand column of Table 21-5.1).	

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					<p>Eu = An existing use with a valid use permit that may continue and is not considered nonconforming. New establishment of the use is not permitted. Such uses may be modified through the minor conditional use permit process.</p> <p>(2) Discretionary uses:</p> <p>Discretionary uses are those uses that require a conditional use permit or plan review use permit.</p> <p>Cm = A use that requires an approved minor conditional use permit.</p> <p>C = A use that requires an approved major conditional use permit.</p> <p>Cm* or C* = A use that requires an approved minor or major conditional use permit that must also meet specific use standards (reference to the applicable standards is provided in the right-hand column).</p> <p>PRU = A use that requires an approved plan review use permit.</p> <p>(3) Not Permitted:</p> <p>— = A use that is not permitted.]</p> <p><u>A person wishing to conduct a land use that is not permitted in Table 21-5.1 as a principal use must submit a written application to the director that describes the proposed land use, the property on which the land use is proposed, and the reasonably foreseeable impacts of the proposed land use on the surrounding areas. The director shall review the application and may require the submission of additional information relevant to the director's decision. After reviewing the application and any additional information requested by the director, the director may:</u></p> <p><u>(1) Determine that the use falls within the definition of a land use identified in Table 21-5.1 and regulate the use according to the applicable requirements;</u></p> <p><u>(2) Determine that the use is not a land use regulated under Table 21-5.1 and allow the proposed use as a principal use of the property if the proposed use is not likely to have significant, adverse impacts on nearby properties;</u></p> <p><u>(3) Determine that the use is not a land use regulated under Table 21-5.1 and require a minor conditional use permit for the use if it appears that the impacts associated with the proposed use may be adequately mitigated by permit conditions; or</u></p> <p><u>(4) Determine that the use is not a land use regulated under Table 21-5.1 and deny the application if the impacts of the proposed use are not able to be adequately mitigated, if allowing the use will undermine the purposes of the underlying zoning district, or if allowing the use may cause the comprehensive zoning scheme established by the chapter to be viewed as arbitrary or unreasonable.</u></p>	

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10	4	Sec. 21-5.40-1 Agricultural uses, Crop production	10	Delete definition of crop production category	[The production of crops, including but not limited to growing grains, vegetables, fruits, nuts, flowers, seeds, ornamental plants, and grasses, generally for off-site consumption or use, or for further processing onsite or offsite for offsite consumption or use.] Uses in the crop production category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
11	4	Sec. 21-5.40-2 Agricultural uses, Livestock keeping	15	Delete definition of livestock keeping category	[Uses directly related to the raising, feeding, and keeping of domesticated animals, generally for off-site consumption or use.] Uses in the livestock keeping category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
12	4	Sec. 21-5.40-3 Agricultural uses, Agricultural support	16	Delete definition of agricultural support category	[Processing or storage of crop-related or animal-related material prior to consumer consumption or use, and services supporting crop production and livestock keeping.] Uses in the agricultural support category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
13	4	Sec. 21-5.40-4 Agricultural uses, Accessory agricultural	18	Delete definition of accessory agricultural category	[Uses providing services that indirectly support crop raising, livestock keeping, and agricultural support uses, and 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.] Uses in the accessory agricultural category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
14	4	Sec. 21-5.40-4(b)((2)(F) Agricultural uses, Accessory agricultural, Agritourism, Standards	20	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(F) [In order to preserve the purpose and intent of the agricultural districts, as a condition of approval for agritourism use, the dedication of 75] A minimum of 50 percent [or more] of the zoning lot [to active agricultural use] area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance 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].	
15	4	21-5.40-4(e)(2)(A) Agricultural uses, Accessory Agricultural, Farm dwelling, Standards	22	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(A) Crop production and livestock keeping must occupy a minimum of [75] 50 percent of the zoning lot area and valid agricultural dedication status must be maintained [as evidence of agricultural activity.] <u>through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues.</u>	

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16	4	21-5.40-4(e)(2)(G) Agricultural uses, Accessory agricultural, Farm dwelling, Standards	23	Delete paragraph (G), which would require occupants of a farm dwelling to actively farm the land	[(G) Leasing land, managing labor, or managing a business is not considered to be an agricultural activity.]	
17	4	21-5.40-4(h)(2)(G) Agricultural uses, Accessory agricultural, Farmers market, Standards	26	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(G) [As a condition of approval, the dedication of 75] A minimum of 50 percent [or more] of the zoning lot [to active agricultural use] area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance 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].	
18	4	21-5.50-1 Residential uses, Household living		Delete definition of household living category	[Living in a dwelling unit as a household.] Uses in the household living category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1 [-:] .	
19	4	Sec. 21-5.50-2 Residential uses, Group living	28	Delete definition of group living category	[Residential occupancy that is not included in household living, or that is licensed, certified, registered, or monitored by the State of Hawaii. Includes State-licensed facilities such as an adult residential care home, assisted living facility, adult daycare center, development domiciliary home, special treatment facility, clean and sober home, and hospice home. Includes any other type of special needs housing for the elderly. Also includes cooperative housing.] Uses in the group living category consist the following [subcategories] <u>land uses</u> in Table 21-5.1 [-:] .	
20	4	Sec. 21-5.50-2(a)(2)(B) Residential uses, Group living, Small group living, Standards	28	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(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 75] A minimum of 50 percent of the zoning lot area must be dedicated to [active agricultural use] crop production or livestock keeping through an agricultural easement or similar <u>legal encumbrance</u> 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].	

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21	4	Sec. 21-5.50-2(b)(2)(D) Residential uses, Group living, Large group living, Standards	30	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(D) In the AG-1 and AG-2 zoning districts, group living must be of an agricultural nature. [As a condition of approval, a minimum of 75] A minimum of 50 percent of the zoning lot area must be dedicated to [active agricultural use] crop production or livestock keeping through an agricultural easement or similar legal encumbrance 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].	
22	4	Sec. 21-5.50-3 Residential uses, Accessory residential	30	Delete definition of accessory residential category	[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.] Uses in the accessory residential category consist of the following [subcategories] land uses in Table 21-5.1 [-].	
23	4	Sec. 21-5.60-1 Public, civic, and institutional uses, Assembly	38	Delete definition of assembly category	[Uses for the assembly of people for a common purpose.] Uses in the assembly category consist of the following [subcategories] land uses in Table 21-5.1 [-].	
24	4	Sec. 21-5.60-1(c)(2)(A)(i) Public, civic, and institutional uses, Assembly, Meeting facility, Standards, Small or medium meeting facility	39	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(i) In the AG-1 and AG-2 zoning districts, [a small or medium meeting facility may be permitted if, as a condition of approval,] a minimum of [75] 50 percent of the zoning lot area [is] must be dedicated to [active agricultural use] crop production or livestock keeping through an agricultural easement or similar legal encumbrance 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].	
25	4	Sec. 21-5.60-2 Public, civic, and institutional uses, Communication	40	Delete definition of communication category	[Uses for transmitting radio waves or wireless services.] Uses in the communication category consist of the following [subcategories] land uses in Table 21-5.1.	

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26	4	21-5.60-2(c) Public, civic, and institutional uses, Communication, Communication tower alternative support structure	43	Amend language	<p>(c) [Communication tower alternative] <u>Alternative communication support structure.</u></p> <p>(1) Defined: A facility such as a rooftop structure, facade-mounted concealed structure, clock tower, campanile, steeple, light structure, or other wireless communication structure that supports or conceals an antenna.</p> <p>(2) Standards:</p> <p>(A) At-grade equipment shelters must be surrounded by a minimum 10-foot wide buffer.</p> <p>(B) [Communication tower alternative] <u>Alternative communication support structures must:</u></p> <p>(i) Be concealed to minimize visual impacts, especially when integrated into an existing building façade. Integration with existing structures or with existing uses must be accomplished through the use of architecture, landscape, and site solutions.</p> <p>(ii) When located on the roof of an existing structure, be set back or located to minimize visual impacts, especially from public rights-of-way and public places.</p> <p>(C) The <u>alternative communication</u> [tower alternative] support structure must comply with all applicable State and city laws, including but not limited to building and safety codes.</p> <p>(D) Once an eligible facilities request for [a] <u>an alternative communication</u> [tower alternative] support structure is approved as required by 47 U.S.C. § 1455 (2018), as may be amended or superseded, no other land use permits are required for the <u>alternative communication</u> [tower facility] <u>support structure</u> unless it is within a special district. For purposes of this paragraph, an eligible facilities request means the same as defined in 47 C.F.R. § 1.6100(b) (2019), as may be amended or superseded.</p>	DPP D-576
27	4	Sec. 21-5.60-3 Public, civic, and institutional uses, Education	44	Delete definition of education category	[Uses that educate students.] Uses in the education category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1:	

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28	4	Sec. 21-5.60-3(a)(2)(E) Public, civic, and institutional uses, Education, K-12 school, Standards	45	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(E) In the AG-1 and AG-2 zoning districts, [K-12 schools may be permitted if, as a condition of approval,] a minimum of [75] 50 percent of the zoning lot area [is] must be dedicated to [active agricultural use] crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the K-12 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].	
29	4	Sec. 21-5.60-4 Public, civic, and institutional uses, Government	46	Delete definition of government category	[Uses that serve a public purpose.] Uses in the government category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
30	4	Sec. 21-5.60-5 Public, civic, and institutional uses, Parks and open space	47	Delete definition of parks and open space category	[Uses that provide active or passive outdoor recreation.] Uses in the parks and open space category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
31	4	Sec. 21-5.60-6 Public, civic, and institutional uses, Utility	48	Delete definition of utility category.	[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 examine the specific components of the project to be located on the affected site, not other offsite components (for example, the addition of a new substation is reviewed based on the substation and its capacity alone, not on the power generating source to which it is attached).] Uses in the utility category consist of the following [groups] <u>land uses</u> in Table 21-5.1[;].	

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32	4	21-5.60-6(a)(1) Public, civic, and institutional uses, Utility, Small, Defined	48	Amend definition of small utility	(1) Defined: Utility infrastructure that primarily provides onsite utility services to a single residential, commercial, or industrial site, or a neighborhood at a facility with no staff or crew, and has minimal impacts on surrounding areas. Includes but is not limited to geothermal, wind, and solar energy generation with supporting storage, control, and electrical equipment; stormwater retention or detention; aeration and septic systems; drainage systems; and water supply wells and water tanks. Also includes nongeneration energy installations with minor impacts on adjacent land uses, such as [facilities, devices, equipment, or distribution lines used directly in the distribution of utility services, such as water, gas, electricity, telecommunications and other broadcasting antennas, and refuse collection other than facilities included in the waste disposal and processing use.] <u>46 kilovolt or lower voltage electrical substations, vaults, distribution equipment, and accessory telecommunication antennas to support these installations, minor residential gas infrastructure, and other similar uses.</u>	DPP D-576
33	4	21-5.60-6(a)(2)(A)(iii) Public, civic, and institutional uses, Utility, Small, Standards, General	49	Amend small utility abandonment provision	(iii) Small utilities will be deemed abandoned if [not in continuous use for a minimum of] <u>operations cease for one continuous year</u> , with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system.	DPP D-576
34	4	21-5.60-6(b)(2)(A)(iii) Public, civic, and institutional uses, Utility, Medium, Standards, General	52	Amend medium utility abandonment provision	(iii) Medium utilities will be deemed abandoned if [not in continuous use for a minimum of] <u>operations cease for one continuous year</u> , with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system.	DPP D-576
35	4	21-5.60-6(b)(2)(A)(iv) Public, civic, and institutional uses, Utility, Medium, Standards, General	53	Amend medium utility emergency work provision to require after-the-fact approval.	(iv) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service [-]; <u>provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.</u>	DPP D-576

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36	4	21-5.60-6(c)(2)(A)(iii) Public, civic, and institutional uses, Utility, Large, Standards, General	54	Amend large utility abandonment provision	(iii) Large utilities will be deemed abandoned if [not in continuous use for a minimum of] <u>operations cease for one continuous year</u> , with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system.	DPP D-576
37	4	21-5.60-6(c)(2)(A)(iv) Public, civic, and institutional uses, Utility, Large, Standards, General	55	Amend large utility emergency work provision to require after-the-fact approval	(iv) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service [-]; <u>provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.</u>	DPP D-576
38	4	Sec. 21-5.70-1 Commercial uses, Daycare	55	Delete definition of daycare category	[Providing care and supervision of children or adults on a regular basis in a facility that is not their primary residence.] Uses in the daycare category consists of the following [subcategories] <u>land uses</u> in Table 21-5.1[-].	
39	4	Sec. 21-5.70-1(a)(2)(C) Commercial uses, Child daycare, Standards	56	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(C) In the AG-1 and AG-2 zoning districts, [child daycare may be permitted if, as a condition of approval,] a minimum of [75] <u>50</u> percent of the zoning lot area [is] must be dedicated to [active agricultural use] <u>crop production or livestock keeping through an agricultural easement or similar legal encumbrance</u> 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].	
40	4	Sec. 21-5.70-1(b)(2)(B) Commercial uses, Adult daycare, Standards	56	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(B) In the AG-1 and AG-2 zoning districts, [adult daycare may be permitted if as a condition of approval,] a minimum of [75] <u>50</u> percent of the zoning lot area [is] must be dedicated to [active agricultural use] <u>crop production or livestock keeping through an agricultural easement or similar legal encumbrance</u> 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].	

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41	4	Sec. 21-5.70-2 Commercial uses, Eating and drinking	57	Delete definition of eating and drinking category	[Preparing and selling food and drink.] Uses in the eating and drinking category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
42	4	Sec. 21-5.70-3 Commercial uses, Lodging	57	Delete definition of lodging category	[Accommodations arranged for short-term stays that are typically less than 90 calendar days.] Uses in the lodging category consist of the following [subcategories] in Table 21-5.1.	
43	4	Sec. 21-5.70-4 Commercial uses, Medical	77	Delete definition of medical category	[Providing medical, surgical, or dental care to patients such as the diagnosis, treatment, mitigation, cure, or prevention of disease. Includes medical research and development.] Uses in the medical category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
44	4	Sec. 21-5.70-5 Commercial uses, Office	78	Delete definition of office category	[Providing business and professional services in an office setting.] Uses in the office category consist of the following [subcategory] <u>land uses</u> in Table 21-5.1[:].	
45	4	Sec. 21-5.70-6 Commercial uses, Parking	79	Delete definition of parking category	[Parking as a principal use on a zoning lot, with or without a fee.] Uses in the parking consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
46	4	Sec. 21-5.70-7 Commercial uses, Personal service	79	Delete definition of personal service category	[Providing personal and repair services.] Uses in the personal service category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
47	4	Sec. 21-5.70-8 Commercial uses, Indoor recreation	81	Delete definition of indoor recreation category	[Providing daily or regularly scheduled entertainment or recreation activities primarily in an indoor setting.] Uses in the indoor recreation category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
48	4	Sec. 21-5.70-9 Commercial uses, Outdoor recreation	82	Delete definition of outdoor recreation category	[Providing daily or regularly scheduled entertainment or recreation activities primarily in an outdoor setting.] Uses in the outdoor recreation category consist of the following [subcategories] in Table 21-5.1.	

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49	4	Sec. 21-5.70-9(c)(2)(A) Commercial uses, Outdoor recreation, Nature-based recreation, Standards	83	Amend agricultural dedication requirement, including to decrease the requirement to 50 percent (instead of 75 percent) of the zoning lot area.	(A) In the [agricultural] AG-1 and AG-2 zoning districts, a minimum of [75] 50 percent of the zoning lot must be dedicated to [agricultural] crop production, livestock keeping, 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.] <u>for as long as the nature-based recreation is in operation.</u>	
50	4	Sec. 21-5.70-10 Commercial uses, Retail	84	Delete definition of retail category	[Selling, leasing, or renting new or used goods.] Uses in the retail category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
51	4	Sec. 21-5.70-11 Commercial uses, Vehicle-related	88	Delete definition of vehicle-related category	[Selling, renting, servicing, or fueling of motor vehicles, including but not limited to boats, light aircraft, and any type of trailer designed to be towed by a motor vehicle.] Uses in the vehicle-related category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
52	4	Sec. 21-5.70-11(d)(2)(A) Commercial uses, Vehicle-related, Vehicle sales and rental, Standards	90	Delete standard for light vehicle sales and rental.	(2) Standards: [(A) Sales and rental, light: Vehicle display areas must not be artificially elevated above the general topography of the site. (B) Sales and rental, heavy:] None.	
53	4	Sec. 21-5.70-12 Commercial uses, Accessory commercial	90	Delete definition of accessory commercial category	[Uses accessory to a permitted commercial use on the same zoning lot.] Uses in the accessory commercial category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[:].	
54	4	Sec. 21-5.70-12(d) Commercial uses, Accessory commercial, Vacation cabin	91	Delete vacation cabin provisions.	[(d) Vacation cabin: (1) Defined: A small dwelling unit accessory to a permitted outdoor recreation use. (2) Standards: (A) Total floor area must not exceed 800 square feet. (B) The overall density must not exceed one vacation cabin per acre of land area.]	

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55	4	Sec. 21-5.80-2 Industrial uses, Marine	96	Delete definition of marine category	[Activities and structures supporting marine and other water-related activities.] Uses in the marine category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;]	
56	4	Sec. 21-5.80-3 Industrial uses, Repair	98	Delete definition of repair category	[The commercial restoration, reconstruction, or repair of consumer goods and industrial equipment and machinery. Does not include motor vehicles (see Section 21-5.60(l)) or boats (see Section 21-5.70(b)).] Uses in the repair category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;]	
57	4	Sec. 21-5.80-4 Industrial uses, Research and development	99	Delete definition of research and development category	[A facility focused primarily on the research and development of new products.] Uses in the research and development category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
58	4	Sec. 21-5.80-5 Industrial uses, Resource extraction	99	Delete definition of resource extraction category	[A site or facility for resource extraction.] Uses in the resource extraction category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
59	4	Sec. 21-5.80-6 Industrial uses, Storage and warehousing	101	Delete definition of storage and warehousing category	[Storage and distribution of commercial goods, industrial materials, and personal items.] Uses in the storage and distribution category consist of the following [subcategories] in Table 21-5.1[;]	
60	4	Sec. 21-5.80-7 Industrial uses, Transportation	102	Delete definition of transportation category	[Activities and structures supporting the movement of people or goods from one place to another.] Uses in the transportation category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
61	4	Sec. 21-5.80-8 Industrial uses, Waste-related	104	Delete definition of waste-related category.	[Storing, processing, or selling waste.] Uses in the waste-related category consist of the following [subcategories] <u>land uses</u> in Table 21-5.1[;].	
62	4	21-5.90-2 Joint Development	106	Delete Joint Development Section	[Sec. 21-5.90-2 Joint development. The development of two or more adjacent subdivision lots under a single, unified project concept. (a) Adjacent lots.	

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(1) Whenever two or more adjacent subdivision lots are developed jointly in accordance with the provisions of this section, they will be considered and treated as one zoning lot.</p> <p>(2) Owners of the zoning lots proposed for joint development shall apply for a conditional use permit and execute a joint development agreement.</p> <p>(3) When applying for a conditional use permit for joint development under this section, the applicants shall submit to the director an agreement that binds the applicants 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 laws and rules. The standards listed in Section 21-2.90-2(c) may not be modified through a conditional use permit for joint development unless permitted by another discretionary approval. The applicants shall grant to the city the right to enforce the development agreement. The development agreement is subject to the approval of the city corporation counsel.</p> <p>(4) If the director finds that the proposed development agreement ensures future protection of the public interest and meets the requirements for issuance of a conditional use permit, the director may issue the conditional use permit. Upon issuance of the permit, the applicants shall record the development agreement (the execution of which must be one of the conditions of the conditional use permit) as a covenant running with the land with the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate. Prior to the issuance of any building permit for the joint development, the applicants shall submit to the director a copy of the recorded development agreement, certified and accepted by the appropriate agency.]</p>	
63	6	Section 21-2.130	N/A	Adds a new Bill SECTION 6 to amend Sec. 21-2.130(a)(1)	(1) Public or public/private uses and structures, <u>communication facilities</u> , and utility installations[-]; <u>provided that wind energy generation facilities are not eligible for a waiver under this section.</u>	
64	80	Bill SECTION 80	238	Adds paragraphs 3 and 4 to the ordinance effective date provisions	<p><u>3. Any conditional use permit-minor application for a joint development submitted to the Department of Planning and Permitting and accepted as complete prior to the effective date of this ordinance is not affected by this ordinance.</u></p> <p><u>4. As of the effective date of this ordinance, any joint development with an approved conditional use permit-minor and related duly executed and recorded joint development agreement may continue in accordance with applicable terms and conditions until its expiration or termination.</u></p>	