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" or "LUO"). The LUO is being amended to update and move provisions located in other articles of the LUO to a new Article 5, and for consistency purposes to amend other LUO articles to conform with term usage and cross-references.

SECTION 2. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990 ("Specific Use Development Standards"), as amended by Ordinance 20-6, Ordinance 20-33, Ordinance 20-41, and Ordinance 22-7, is repealed.

SECTION 3. 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.

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) 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.

(b) 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).

(c) 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:

(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;

(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;

(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

(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.

(d) The specific use standards of this article are designated in Table 21-5.1 with an asterisk (*). Development standards required in other articles of this chapter apply to all uses.

(e) Notwithstanding any law to the contrary, land mlocated in the State land use conservation district will be regulated by the State of Hawaii Department of Land and Natural Resources pursuant to HRS Chapter 183C.

(f) Permitted uses for properties located in the Waikiki Special District are governed by Table 21-9.6(A).

(g) The definitions set forth in this article apply throughout this chapter.

(h) In the event of any conflict between the text of this chapter and the following table, the text of this chapter shall control.

A BILL FOR AN ORDINANCE

Sec. 21-5.30 Use table.

Table 21-5.1
Table of Permitted Uses

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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	Definition and Standards
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
AGRICULTURAL USES																						
Crop Production																						
Aquaculture	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-1(a)
Composting																						
Minor	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	Sec. 21-5.40-1(b)
Major	C*	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	Sec. 21-5.40-1(b)
Community garden	P*	P*	P*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	--	--	--	Cm*	Sec. 21-5.40-1(c)
Crop raising	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-1(d)
Forestry	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-1(e)
Plant nursery	--	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	Sec. 21-5.40-1(f)
Urban agriculture	--	--	--	--	--	--	--	--	--	Cm*	Cm*	Cm*	--	Cm*	Cm*	Cm*	Cm*	--	--	--	Cm*	Sec. 21-5.40-1(g)
Vertical farm	--	P*	P*	P*	--	--	--	--	--	--	--	--	--	P	P	--	--	P	P	--	P	Sec. 21-5.40-1(h)
Livestock Keeping																						
Animal raising	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-2(a)
Animal raising, confined	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-2(b)
Agricultural Support																						
Agricultural equipment Service	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	Sec. 21-5.40-3(a)
Collection and storage																						
Minor	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 21-5.40-3(b)
Major	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	P	--	--	Sec. 21-5.40-3(b)
Feed store	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 21-5.40-3(c)
Livestock veterinary service	--	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-3(d)
Processing																						
Minor	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	--	P*	Sec. 21-5.40-3(e)
Major	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	Sec. 21-5.40-3(e)
Sawmill	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.40-3(f)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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	Definition and Standards
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Accessory Agricultural																						
Agricultural energy facility	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 21-5.40-4(a)
Agritourism	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(b)
Beekeeping	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	--	Sec. 21-5.40-4(c)
Biofuel processing facility	Cm*	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	Cm*	--	Sec. 21-5.40-4(d)
Farm dwelling	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(e)
Farm stand	--	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(f)
Farm worker housing	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(g)
Farmers market	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(h)
RESIDENTIAL USES																						
Household Living																						
Single-unit dwelling	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	--	--	Sec. 21-5.50-1(a)
Duplex-unit dwelling	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	--	--	--	--	--	Sec. 21-5.50-1(b)
Two-unit dwelling	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	--	--	--	--	--	Sec. 21-5.50-1(c)
Multi-unit dwelling	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	--	Sec. 21-5.50-1(d)
Group Living																						
Small	--	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	P*	--	--	--	--	Sec. 21-5.50-2(a)
Large	--	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	Sec. 21-5.50-2(b)
Accessory Residential																						
Accessory dwelling unit	--	--	--	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.50-3(a)
Family child care home	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	P*	--	--	--	--	Sec. 21-5.50-3(b)
Home occupation	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	P*	--	--	--	--	Sec. 21-5.50-3(c)
Ohana unit	--	P*	P*	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.50-3(d)
Poultry raising	--	--	--	P*	P*	P*	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.50-3(e)
Rooming	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	Sec. 21-5.50-3(f)
Teacher and workforce housing	--	--	--	--	--	--	--	P*	--	--	--	--	--	--	P*	--	--	--	--	--	--	Sec. 21-5.50-3(g)
PUBLIC, CIVIC, AND INSTITUTIONAL USES																						
Assembly																						
Community recreation Center	--	--	--	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P	P	--	--	--	--	Sec. 21-5.60-1(a)
Convention center, concert, or sporting venue	--	--	--	--	--	--	--	--	--	--	--	--	PRU	PRU	PRU	PRU	PRU	--	--	--	PRU	Sec. 21-5.60-1(b)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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	Definition and Standards
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Meeting facility																						
Small	--	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P*	P*	--	P	Sec. 21-5.60-1(c)
Medium	--	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Cm	Cm	Cm	Cm	Cm	Cm*	Cm*	--	Cm	Sec. 21-5.60-1(c)
Large	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	C	Sec. 21-5.60-1(c)
Communication																						
Dish antenna	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60-2(a)
Communication tower	Cm*	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	C*	Sec. 21-5.60-2(b)
Alternative communication support structure	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	Sec. 21-5.60-2(c)
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. 21-5.60-2(d)
Education																						
School, K-12	--	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	--	P	P	P	P	--	--	--	--	Sec. 21-5.60-3(a)
School, vocational																						
Minor	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	--	P	Sec. 21-5.60-3(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	Sec. 21-5.60-3(b)
University, college	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60-3(c)
Government																						
Consulate	--	--	--	--	P*	P*	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	Sec. 21-5.60-4(a)
Prison	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60-4(b)
Public facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 21-5.60-4(c)
Parks and Open Space																						
Cemetery	P*	--	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	Sec. 21-5.60-5(a)
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	P	Sec. 21-5.60-5(b)
Utility																						
Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60-6(a)
Medium	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	Cm*	P*	Sec. 21-5.60-6(b)
Large	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Sec. 21-5.60-6(c)
COMMERCIAL USES																						
Day Care																						
Child daycare	--	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-1(a)
Adult daycare	--	C*	C*	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-1(b)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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**	**Definition and Standards**
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Eating and Drinking																						
General eating and drinking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	P	P	Sec. 21-5.70-2(a)
Bar, nightclub																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P*	P*	P*	P*	P	--	P*	Sec. 21-5.70-2(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P*	--	P*	--	--	--	P*	Sec. 21-5.70-2(b)
Lodging																						
Bed and breakfast home	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(a)
Hotel																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P			Cm*	P	--	Cm*	--	C*	Sec. 21-5.70-3(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	C*	P	--	Cm*	--	C*	Sec. 21-5.70-3(b)
Timeshare	--	--	--	--	--	--	--	P*	--	--	--	--	P	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(c)
Transient vacation unit	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(a)
Medical																						
General medical services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	Sec. 21-5.70-4(a)
Hospital	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.70-4(b)
Medical laboratory	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	Sec. 21-5.70-4(c)
Office																						
General office	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-5(a)
Parking																						
Remote parking	--	--	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.70-6(a)
Commercial parking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-6(b)
Personal Services																						
General personal services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	Sec. 21-5.70-7(a)
Animal care																						
Minor	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P	--	P*	Sec. 21-5.70-7(b)
Major	--	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.70-7(b)
Wedding services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P	Sec. 21-5.70-7(c)
Recreation, Indoor																						
General indoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	Sec. 21-5.70-8(a)
Theater	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	P	Sec. 21-5.70-8(b)
Recreation, Outdoor																						
General outdoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	C*	C*	C*	--	C*	C*	C*	--	Cm*	Sec. 21-5.70-9(a)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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**	**Definition and Standards**
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Golf course	PRU	--	--	--	--	--	--	--	--	--	--	--	PRU	--	--	--	--	--	--	--	--	Sec. 21-5.70-9(b)
Nature-based recreation		C*	C*																			Sec. 21-5.70-9(c)
Zoo	C*		C*																			Sec. 21-5.70-9(d)
Retail																						
General retail																						
Small	--	--	--	--	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70-10(a)
Medium	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P	P	--	P*	Sec. 21-5.70-10(a)
Large	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P	P	--	P*	Sec. 21-5.70-10(a)
Alternative financial services	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm	Cm	Cm	Cm	--	--	--	Cm	Sec. 21-5.70-10(b)
Mobile commercial establishment	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70-10(c)
Vehicle-Related																						
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	--	P*	Sec. 21-5.70-11(a)
Vehicle fueling station	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	P	P	P	--	P	Sec. 21-5.70-11(b)
Vehicle repair																						
Service	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70-11(c)
Light	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	Sec. 21-5.70-11(c)
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	Sec. 21-5.70-11(c)
Vehicle sales and rental																						
Light	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	--	P*	Sec. 21-5.70-11(d)
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	Sec. 21-5.70-11(d)
Accessory Commercial																						
Caretaker unit	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	P	P	P	Sec. 21-5.70-12(a)
Drive-thru	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70-12(b)
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	Sec. 21-5.70-12(c)
INDUSTRIAL USES																						
Manufacturing and Processing																						
General manufacturing and processing																						
Light	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P	P	P	P	Sec. 21-5.80-1(a)
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	Sec. 21-5.80-1(a)
Biofuel processing facility	C*	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	Sec. 21-5.80-1(b)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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**	**Definition and Standards**
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Brewery, distillery, winery																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	Sec. 21-5.80-1(c)
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	Sec. 21-5.80-1(c)
Explosive or toxic chemical manufacturing, storage, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	--	--	Sec. 21-5.80-1(d)
Food manufacturing and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	Sec. 21-5.80-1(e)
Linen suppliers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	Sec. 21-5.80-1(f)
Petrochemical plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	Cm*	--	Sec. 21-5.80-1(g)
Production studio	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	--	P	Sec. 21-5.80-1(h)
Publishing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	P	Sec. 21-5.80-1(i)
Marine																						
General marine																						
Minor	C	--	--	--	--	--	--	--	--	--	--	--	Cm*	--	Cm*	Cm*	Cm*	--	P	P	P*	Sec. 21-5.80-2(a)
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	Sec. 21-5.80-2(a)
Port	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Sec. 21-5.80-2(b)
Repair																						
General repair	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	P	P	Sec. 21-5.80-3(a)
Heavy repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	Sec. 21-5.80-3(b)
Research and Development																						
General research and development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	Sec. 21-5.80-4(a)
Resource Extraction																						
General resource extraction	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.80-5(a)
Storage and Warehousing																						
General storage, warehousing, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	Sec. 21-5.80-6(a)
Self-storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	--	P	Sec. 21-5.80-6(b)
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	Sec. 21-5.80-6(c)
Transportation																						
Airport	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.80-7(a)

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				
	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	Definition and Standards
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Base yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	Sec. 21-5.80-7(b)
Heliport	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.80-7(c)
Multimodal facility	--	--	--	--	--	--	--	--	--	C	C	C	C	Cm	Cm	Cm	Cm	Cm	--	--	Cm	Sec. 21-5.80-7(d)
Truck terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	Sec. 21-5.80-7(e)
Waste-Related																						
Salvage, scrap, or junk storage and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	Sec. 21-5.80-8(a)
Waste disposal and processing	C*	--	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--		Cm*	Cm*	--	Sec. 21-5.80-8(b)
Accessory Industrial																						
Helistop	--	C*	C*	--	--	--	--	--	--	--	--	--	C*	--	C*	C*	C*	C*	P*	P*	C*	Sec. 21-5.80-9(a)
MISCELLANEOUS																						
Historic structure reuse	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.90-1
Transfer of development	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.90-2

Sec. 21-5.40 Agricultural uses.

The following sections describe the agricultural use categories.

Sec. 21-5.40-1 Crop production.

Uses in the crop production category consist of the following land uses in Table 21-5.1.

(a) Aquaculture.

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

(2) Standards: None.

(b) Composting.

(1) Defined: Biological decomposition of organic or mixed solid waste materials under controlled conditions that produces a stable humus-like mulch or soil amendment. Composting does not include the bioremediation of fuel-contaminated soil.

(A) Minor: Composting of organic materials such as plant matter or animal manure. Includes processing for sale and marketing.

(B) Major: Composting of nonorganic material such as solid waste residue, sewage sludge, and animal food processing waste. Includes processing for sale and marketing.

(2) Standards:

(A) Minor:

(i) 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;

(ii) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands;

(iii) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required;

(iv) Compost material must be covered in such a way that no material will leave or stray from the site; and

(v) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, apartment mixed use, or resort zoning districts.

(B) Major:

(i) 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;

(ii) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands;

(iii) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required;

(iv) Compost material must be covered in such a way that no material will leave or stray from the site; and

(v) All structures and activities must be set back a minimum of 1,500 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed use, or resort zoning districts. If the director determines that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this minimum distance may be reduced; provided that under no circumstances may the minimum distance be less than 500 feet.

(c) Community garden.

(1) Defined: Cultivating, maintaining, and harvesting crops 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.

(2) Standards:

(A) Community gardens are required to prepare a management plan for review as part of the conditional use permit process, which must address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:

(i) A site plan;

(ii) Operating hours;

(iii) A description of the type of equipment necessary or intended to be used, and the frequency and duration the equipment will be used;

(iv) Disclosure of any intent to spray or apply agricultural chemicals or pesticides, the frequency and duration the chemicals or pesticides will be applied, and the plants, diseases, pests, or other purposes for which they are intended;

(v) Disclosure of the spreading of manure; and

(vi) A proposed sediment and erosion control plan.

(B) Only mechanical equipment designed for household use is allowed.

(C) A farm dwelling is not permitted as an accessory use to a community garden.

(d) Crop raising.

(1) Defined: Cultivating, maintaining, and harvesting crops, generally conducted in an open field or greenhouse. Includes cultivating crops with hydroponics.

(2) Standards: None.

(e) Forestry.

(1) 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.

(2) Standards: None.

(f) Plant nursery.

(1) Defined: Propagating and growing plants for off-site sale, or onsite accessory sales (both wholesale and retail).

(2) Standards: None.

(g) Urban agriculture.

(1) Defined: Cultivating, maintaining, and harvesting crops, often using intensive agriculture and large-scale farm equipment, primarily for profit, by an organization or business.

(2) Standards:

(A) A management plan must be prepared for review as part of the conditional use permit process to address how activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan must include:

(i) A site plan;

(ii) Operating hours;

(iii) A description of the type of equipment necessary or intended for use in each season, and the frequency and duration the equipment will be used;

(iv) Disclosure of any intent to spray or apply agricultural chemicals or pesticides, the frequency and duration the chemicals or pesticides will be applied, and the plants, diseases, pests, or other purposes for which they are intended;

(v) Disclosure of the spreading of manure; and

(vi) A proposed sediment and erosion control plan.

(B) The building area for structures such as tool sheds, planting preparation houses, and restrooms must not exceed 15 percent of the zoning lot area.

(h) Vertical farm.

(1) Defined: Cultivating, maintaining, and harvesting crops in indoor environments such as warehouses or tunnels in stacked layers using hydroponic, aeroponic, or aquaponic techniques.

(2) Standards: Permitted only in areas with soils that are rated poor (D or worse).

Sec. 21-5.40-2 Livestock keeping.

Uses in the livestock keeping category consist of the following land uses in Table 21-5.1.

(a) Animal raising.

(1) 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. May include boarding and care of domestic animals.

(2) Standards: None.

(b) Animal raising, confined.

(1) 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.

(2) Standards:

(A) All zoning lots must be a minimum of 3 acres in size.

(B) Feedlots and fowl, poultry, or swine enclosures must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed use zoning district.

Sec. 21-5.40-3 Agricultural support.

Uses in the agricultural support category consist of the following land uses in Table 21-5.1.

(a) Agricultural equipment service.

(1) Defined: Selling and repairing machinery used in agricultural production, such as tractors, planters, and harvesters.

(2) Standards:

(A) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed use zoning district.

(B) The building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(b) Collection and storage.

(1) Defined: Collecting and storing crops and animal-related products essential for the support of a variety of agriculture uses for distribution to wholesale and retail markets.

(A) Minor: Collecting and storing crops and live animal by-products such as milk, eggs, and honey.

(B) Major: Collecting and storing dead animals and associated by-products.

(2) Standards:

(A) Minor: The building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(B) Major:

(i) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property

within the residential, apartment, or apartment mixed use zoning district; and

(ii) The building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(c) Feed store.

(1) Defined: Storing and selling products essential to agricultural production, such as seed, feed, and fertilizer.

(2) Standards:

(A) Only products that are clearly incidental to agricultural activities may be sold or stored.

(B) The building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(C) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed use zoning districts.

(d) Livestock veterinary service.

(1) 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.

(2) Standards: None.

(e) Processing.

(1) 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.

(A) Minor: Processing crops and live animal by-products such as milk, eggs, and honey.

(B) Major: Slaughtering and processing dead animals and associated by-products.

(2) Standards:

(A) Minor: All structures and activities must be set back a minimum 50 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed use, or resort zoning district.

(B) Major: All structures and activities must be set back a minimum of 1,500 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed use, or resort zoning districts. If the director determines that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this minimum distance may be reduced; provided that under no circumstances may the distance be less than 500 feet.

(f) Sawmill.

(1) Defined: Processing timber, including hardwood or softwood, to produce pulp, lumber, logs, poles, posts, or wood chips.

(2) Standards: All structures and activities must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed use zoning districts.

Sec. 21-5.40-4 Accessory agricultural.

Uses in the accessory agricultural category consist of the following land uses in Table 21-5.1.

(a) Agricultural-energy facility.

(1) 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.

(2) 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 pursuant to HRS Section 205-4.5(a)(17).

(b) Agritourism.

(1) Defined: Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or 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.

(2) Standards:

(A) At least 50 percent of the activity on the zoning lot must be crop production or livestock keeping.

(B) The agritourism use must not render any portion of the land incapable of being converted to agricultural use with minimal effort.

(C) No excavation, paving, graveling, construction of permanent nonagricultural structures, or other activity that would diminish the productive capacity of the soils is permitted in connection with such activities.

(D) Structures primarily dedicated to agritourism must not exceed 10 percent of the total lot area.

(E) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the zoning lot are limited to 10,000 square feet of total floor area for the zoning lot.

(F) A minimum of 50 percent of the zoning lot 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.

(G) Weddings and similar accessory destination events are subject to the following:

(i) Events must take place at a designated event space;

(ii) No more than one event may occur each week;

(iii) Attendance at each event is limited to no more than 50 individuals;

(iv) 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 connection with any wedding or other destination event; and

(v) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet.

(c) Beekeeping.

(1) 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 zoning districts must comply with standards for home occupations.

(2) Standards: See also Section 7-2.5(b), relating to honeybees.

(A) Lot size: The minimum lot size required for beekeeping is 5,000 square feet.

(B) Lot area required:

(i) No more than two beehives may be established on zoning lots less than 10,000 square feet;

(ii) No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet; and

(iii) No more than six beehives may be established on zoning lots greater than 20,000 square feet.

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

(i) 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 beehives so that bee departures and arrivals occur at no less than 6 feet in height at interior property lines. The barrier for purposes of influencing the flyway must extend 2 feet from each side of the hive openings; or

(ii) When located at least 8 feet or more above adjacent ground level.

(d) Biofuel processing facility.

(1) Defined: An accessory 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 may 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 associated with the production and refining of biofuels typically considered directly accessory and secondary to the growing of the energy feedstock.

(2) Standards:

(A) All energy feedstocks must be grown onsite in the preservation or agricultural zoning districts.

(B) Agricultural land and other agricultural uses in the vicinity of the biofuel processing facility must not be adversely impacted, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS Section 205-4.5(a)(16).

(C) Transitional setback requirements are as follows:

(i) Preservation zoning districts: 1 additional foot of setback for every 2 feet above 15 feet in height;

(ii) Agricultural zoning districts: 1 additional foot of setback for every 2 feet above 15 feet in height; or

(iii) Industrial zoning districts: Every 1 foot in structure height requires 2 feet of setback from the vertical projection of the center line of the street.

(e) Farm dwelling.

(1) Defined: A self-contained dwelling unit accessory to crop production or livestock keeping that is occupied by a household earning income from an agricultural activity performed onsite.

(2) Standards:

(A) Crop production and livestock keeping must occupy a minimum of 50 percent of the zoning lot area and valid agricultural dedication status must be maintained through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues.

(B) 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 exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees.

(C) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area.

(D) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area.

(E) If multiple farm dwellings are permitted on a zoning lot, they must not exceed 10 percent of the total zoning lot area.

(F) A farm dwelling is not permitted as an accessory use to open space, forestry, community garden, or urban agriculture uses.

(G) A farm dwelling is not permitted as an accessory use to boarding and care of horses and other domestic animals.

(f) Farm stand.

(1) Defined: Selling merchandise primarily grown or made onsite with limited sales of prepackaged food and drinks. Does not include food trucks or mobile vendors.

(2) Standards:

(A) No more than one farm stand for the growers and producers of agricultural products is permitted on a zoning lot. More than one grower or producer is allowed at a farm stand.

(B) 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.

(C) The farm stand must be located on private property and not on any public right-of-way.

(g) Farm worker housing.

(1) Defined: Dwelling units accessory to an active agricultural use, exclusively for employees and their immediate family members who currently actively work on agricultural land.

(2) Standards:

(A) All structures and facilities associated with farm worker housing must occupy a contiguous total land area limited to the lesser of the following:

(i) 5 percent of the total agricultural land area on the zoning lot; or

(ii) 50 acres.

(B) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed.

(C) Farm worker housing may be comprised of multiple detached dwelling units or attached dwelling units, or may consist of multi-unit dwellings; provided that no more than one employee and the employee's immediate family live in each dwelling unit, or up to three unrelated employees may share one dwelling unit.

(D) Each dwelling unit must not exceed 800 square feet.

(E) No more than eight dwelling units are allowed in any multi-unit dwelling.

(F) The building area must not exceed 50 percent of the land area associated with the farm worker housing. Impervious surface area must not exceed 75 percent of the land area associated with the farm worker housing.

(G) 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 zoning district. The front yard for all zoning lots fronting public streets must not be less than the front yard requirement for the underlying zoning district.

(H) The landowner may not plan or develop a residential subdivision on the agricultural land, except in accordance with the plantation community subdivision regulations in HRS Section 205-4.5(a)(12) (relating to permissible uses within the agricultural districts).

(I) When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family.

(h) Farmers market.

(1) Defined: An accessory facility on land within the agricultural zoning districts 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 include temporary retail activities in commercial areas or farmers markets categorized as a public use.

(2) Standards:

(A) May include a structure for the sale and display of agricultural products grown or produced onsite, in the city, or elsewhere in the State of Hawaii.

(B) May include a structure for the preparation, display, sale, and consumption of finished foods, drinks, or other goods primarily made from agricultural products grown or produced onsite, in the city, or elsewhere in the State of Hawaii.

(C) May include a structure for the preparation, display, and sale of non-food items made primarily from agricultural products grown or produced onsite, in the city or elsewhere in the State of Hawaii.

(D) All walls must be at least 50 percent open.

(E) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.

(F) Adequate parking and vehicular access must be provided, as determined by the director.

(G) A minimum of 50 percent of the zoning lot 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.

Sec. 21-5.50 Residential uses.

The following sections describe the residential use categories.

Sec. 21-5.50-1 Household living.

Uses in the household living category consist of the following land uses in Table 21-5.1.

(a) Single-unit dwelling.

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

(2) Standards: None.

(b) Duplex-unit dwelling.

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

(2) Standards: Each duplex-unit dwelling must be attached by a boundary wall for a minimum of 15 feet or 50 percent of the longer dwelling unit, excluding carports or garages, whichever length is greater. A duplex-unit dwelling does not require a demising wall.

(c) Two-unit dwelling.

(1) Defined: Two principal dwelling units in a single structurally independent building.

(2) Standards:

(A) Each two-unit dwelling must be surrounded by a yard.

(B) Dwelling units may be:

(i) On separate floors; or

(ii) Attached by a solid wall a minimum of 15 feet in length, or attached by a carport or garage.

(d) Multi-unit dwelling.

(1) Defined: Three or more principal dwelling units in a single building. Includes one to two principal dwelling units in a building with a different non-residential permitted use.

(2) Standards:

(A) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted if located above the first floor of a building occupied by a permitted principal non-residential use. A residential lobby of up to 1,500 square feet of floor area and 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) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within neighborhood transit-oriented development plan areas; provided that the following requirements are satisfied:

(i) For zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of 10,000 square feet of nonresidential floor area must be developed on the lot;

(ii) For zoning lots larger than 7 acres, a minimum of 40,000 square feet of nonresidential floor area must be developed on the lot; or

(iii) For zoning lots with a minimum nonresidential floor area ratio of 0.3;

provided that a pedestrian and bicycle access path a minimum of 8 feet in width must be provided from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.

Sec. 21-5.50-2 Group living.

Uses in the group living category consist of the following land uses in Table 21-5.1.

(a) Group living, small.

(1) Defined: Group living of up to eight residents, not including resident managers or supervisors or their families, in a dwelling unit.

(2) Standards:

(A) Must be licensed, certified, registered, or monitored by the State.

(B) In the AG-1 and AG-2 zoning districts, group living activities must be of an agricultural nature. A minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the group living is in operation.

(b) Group living, large.

(1) Defined: Group living of nine or more residents, not including resident managers or supervisors or their families, or occupancy of a dwelling unit by more than five unrelated residents.

(2) Standards:

(A) Must be licensed, certified, registered, or monitored by the State of Hawaii, except where the residential occupancy of a dwelling unit is for more than five unrelated residents and is not subject to State of Hawaii regulation.

(B) 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, or A-1 zoning districts. An exception is allowed for multi-unit dwellings that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students, and located in the A-1 district within a 0.5-mile radius of the educational institution.

(C) Where special needs housing for the elderly is provided, the underlying zoning district standards may be modified pursuant to a minor conditional use permit, as follows:

(i) Maximum density may be increased by not more than 25 percent of the density permitted in the underlying zoning district.

(ii) Maximum height may be increased by not more than 25 percent of the maximum height permitted in the district or 30 feet, whichever is less.

(iii) Off-street parking requirements may be reduced to a minimum of one parking space per four dwelling or lodging units and one guest parking space per 10 dwelling or lodging units.

(iv) If any modifications to the underlying zoning district standards are permitted under the minor conditional use permit, 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 State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate, as a covenant running with the land. A draft of the instrument must be submitted with the application for a minor conditional use permit. The instrument is subject to the approval of the director and the corporation counsel. The use restriction must be included as a condition of the permit.

(D) In the AG-1 and AG-2 zoning districts, group living must be of an agricultural nature. A minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the group living is in operation.

Sec. 21-5.50-3 Accessory residential.

Uses in the accessory residential category consist of the following land uses in Table 21-5.1.

(a) Accessory dwelling unit.

(1) Defined: An accessory residential unit on a zoning lot that includes a principal dwelling unit or a multi-unit dwelling.

(2) Standards:

(A) General.

(i) Accessory dwelling units are not permitted on zoning lots in planned development housing or clusters.

(ii) The total floor area of an accessory dwelling unit must not exceed:

(aa) 500 square feet for zoning lots up to 4,999 square feet in area; and

(bb) 800 square feet for zoning lots 5,000 square feet or more in area.

(iii) The construction or conversion of an accessory dwelling unit must meet all development standards for the primary use in the underlying zoning district.

(iv) An accessory dwelling unit may be created by:

(aa) Building a new structure (attached or detached from the principal dwelling unit); or

(bb) Converting a legally established structure (attached to or detached from the principal dwelling unit), attic, or basement.

(v) Only one accessory dwelling unit is permitted on a zoning lot (including a zoning lot with existing multiple dwelling units).

(B) Advertisement.

(i) 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:

(aa) That the owner of the advertised unit disseminated or directed the dissemination of the advertisement in that form and manner; and

(bb) That a bed and breakfast home or transient vacation unit, as applicable, is being operated at the location advertised.

(ii) 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 purposes.

(C) Conditions of approval.

(i) Prior to submission of a building permit application, the applicant shall first obtain written confirmation from the responsible governmental agencies that wastewater treatment and disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.

(ii) The owners of a structure constructed without a building permit prior to September 14, 2015, who wishes to convert that structure to an accessory dwelling unit shall 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 policies and rules adopted thereunder.

(iii) Covenant for accessory dwelling units. The owners of the zoning lot shall record covenants 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. The covenant must be recorded on a form approved 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 heirs, successors, or assigns to

abide by such covenant will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to Section 21-2.150. The covenant must state:

(aa) The accessory dwelling unit may only be used for long-term rental and may not be used as a bed and breakfast home or transient vacation unit;

(bb) The deed restrictions lapse upon removal of the accessory dwelling unit;

(cc) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and

(dd) Neither the owners nor the heirs, successors, or assigns of the owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit.

(D) Removal: The owners of an accessory dwelling unit shall notify the department upon removal of the accessory dwelling unit.

(b) Family child care home.

(1) Defined: An accessory use in a private residence at which care is provided for up to six children at any one time, who are unrelated to the caregiver by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship.

(2) Standards:

(A) No more than six children may be cared for at any one time.

(B) In the agricultural zoning districts, a family child care home must be located in a farm dwelling or farm worker housing dwelling unit.

(C) Internal or external alterations that are inconsistent with the residential use and character of the private residence are prohibited.

(D) Employees are limited to the following:

(i) Household members.

(ii) Nonhousehold members serving as a substitute caregiver for the family child care home when:

(aa) The principal caregiver is rendered unavailable by an emergency; including but not limited to illness of the principal caregiver or an immediate family member of the principal caregiver; and

(bb) The substitute caregiver responsibilities do not exceed five days per calendar month, and a single instance of up to 14 consecutive days annually.

(c) Home occupation.

(1) Defined: An accessory use providing a service or product for compensation in a dwelling unit, in a building accessory to a dwelling unit, or on a zoning lot used primarily for residential purposes.

(2) Standards:

(A) General.

(i) The exterior appearance and character of the dwelling must remain that of a dwelling.

(ii) Internal or external alterations that require a building permit and are inconsistent with the residential use and character of the dwelling unit are prohibited.

(iii) Outdoor storage of materials or supplies is prohibited.

(iv) For those activities that 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 portions of the dwelling unit.

(v) 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 or substances.

(B) Permitted home occupations: Permitted activities include, but are not limited to:

(i) Group instruction;

(ii) Sale of items produced by the household members; or

(iii) Occasional grooming or boarding of animals with no more than five animals onsite per day.

(C) Prohibited home occupations: Activities that are prohibited as a home occupation use include but are not limited to:

(i) Commercial automobile repair and painting;

(ii) Routinely providing care, treatment, or boarding of animals in exchange for money, goods or services;

(iii) Uses and activities that are only permitted in the industrial zoning districts;

(iv) Commercial weddings;

(v) Contractor storage yards;

(vi) Mail and package handling and delivery businesses;

(vii) Sale of guns and ammunition; and

(viii) Use of dwellings or zoning lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations.

(D) Employees: Employees are limited to household members.

(E) Parking:

(i) Home occupations that depend on client visits, including group instruction, must provide one off-street parking space per five clients on the premises at any given time, in addition to the parking required for the dwelling use.

(ii) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking with the approval of the building owner, manager, or condominium association.

(iii) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) must not park on the street and may not be stored on the property unless the commercial vehicles are parked within a garage or carport or similar area fully-screened from the street and neighboring properties.

(d) Ohana unit.

(1) Defined: An accessory attached or detached dwelling 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.

(2) Standards:

(A) General: The ohana unit and the principal dwelling unit may be located within a single structure, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot.

(B) 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 unit; provided that ohana units for which a building permit was obtained prior to September 10, 1992, are not subject to this subsection and their occupancy by persons other than persons who are related to the family residing in the principal dwelling unit is permitted.

(C) Covenant for ohana unit: The owners of the zoning lot on which an ohana unit is located shall record covenants 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. 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 the recorded covenants will be deemed a violation of this chapter 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 may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an ohana unit from the ownership of its principal dwelling unit."

(e) Poultry raising.

(1) Defined: The accessory raising, feeding, and keeping of female poultry (hens), but not male poultry (roosters).

(2) Standards:

(A) The keeping of hens must be for noncommercial, personal use only.

(B) No sales are allowed on the premises.

(C) The maximum number of hens allowed is based on total zoning lot size:

(i) Two hens for zoning lots up to and including 3,000 square feet in area; and

(ii) One hen for each additional 1,000 square feet of zoning lot area.

(D) Hens must be kept a minimum of 20 feet from an adjacent property in the residential, apartment, or apartment mixed use zoning districts.

(E) Hens must be kept in the rear or side yard, are prohibited in the front yard, and must be kept within a fenced area. If an enclosure is permanently affixed to the ground, it must meet all requirements for accessory structures.

(f) Rooming.

(1) Defined: Providing accessory overnight living accommodations for compensation for a period of 90 consecutive days or more in the same dwelling unit occupied by an owner or occupant.

(2) Standards:

(A) No more than three roomers may reside in a dwelling unit (in addition to the members of a related household occupying the dwelling unit); provided that the dwelling may not be used as a group living facility.

(B) Overnight accommodations provided for compensation must be for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.

(g) Teacher and workforce housing.

(1) Defined: Accessory affordable dwelling units rented to households earning 80 percent and below of the area median income for Honolulu, located on a zoning lot previously or currently used as a State Department of Education public school that is currently owned by the city. "Area medium income" means the current area median income determined by the United States Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical area, as adjusted for household size.

(2) Standards:

(A) The zoning lot must be located within the Primary Urban Center development plan area.

(B) The city shall partner with qualified entities to plan, design, finance, construct, manage, operate, and maintain the teacher and workforce housing under a long-term leasehold interest; provided

that the dwelling units must be rented to eligible households using the following priorities:

(i) First to households earning 80 percent and below of the area median income for Honolulu, with at least one household member employed as a public school teacher within the Primary Urban Center development plan area;

(ii) Second to households earning 80 percent and below of the area median income for Honolulu, with at least one household member employed in that geographic zip code; and

(iii) Third to households earning 80 percent and below of the area median income for Honolulu.

(C) The city shall prioritize teacher and workforce housing as an accessory use over other accessory uses on the zoning lot, including but not limited to storage space.

(D) The development contract and lease for the teacher and workforce housing project must be submitted to the Council for approval by resolution pursuant to Section 28-3.4(g).

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

The following sections describe the public, civic, and industrial use categories.

Sec. 21-5.60-1 Assembly.

Uses in the assembly category consist of the following land uses in Table 21-5.1.

(a) Community recreation center.

(1) Defined: A non-commercial, community-based recreation center, including accessory outdoor recreation, meeting rooms, and maintenance offices.

(2) Standards: As required by the conditional use permit.

(b) Convention center, concert, or sporting venue.

(1) Defined: Professional or business convention centers focused primarily on serving the tourist trade, and venues for large-scale concerts and sporting events.

(2) Standards: As required pursuant to a plan review use permit.

(c) Meeting facility.

(1) 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 subjects related to the mission of the organization. Does not include activities considered to be home occupations.

(A) Meeting facility, small: A meeting facility accommodating up to 100 individuals.

(B) Meeting facility, medium: A meeting facility accommodating from 101 individuals and up to 2,000 individuals.

(C) Meeting facility, large: A meeting facility accommodating over 2,000 individuals.

(2) Standards:

(A) Meeting facility, small or medium:

(i) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the meeting facility is in operation.

(ii) In the agricultural, country, residential, apartment, and apartment mixed use zoning districts, all small or medium meeting facilities 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 government agencies.

(iii) In the I-1 and I-2 zoning districts, prior to commencement of a small or medium meeting facility, the owner and operator of the meeting facility shall file with the director and record in the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate, a declaration acceptable to the director, stating that the owner and operator recognize that:

(aa) Structures formerly in industrial use may require upgrades to comply with governmental regulations governing use as a meeting facility, including but not limited to building, electrical, mechanical, fire, and occupancy code requirements.

(bb) Abutting and neighboring properties may, if permitted by the underlying zoning district, include potentially annoying or noxious industrial uses at any time, including after the commencement of the meeting facility use.

(cc) Owners, operators, and representatives of the meeting facility are precluded from filing nuisance complaints against any industrial use operating in compliance with applicable laws.

(iv) In the I-2 zoning 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 zoning district. Includes meeting facilities that are permitted uses and nonconforming uses.

(v) 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.

(B) Meeting facility, large: As required by the conditional use permit.

Sec. 21-5.60-2 Communication.

Uses in the communication category consist of the following land uses in Table 21-5.1.

(a) Dish antenna.

(1) Defined: A receiver or transmitter of electromagnetic energy, especially microwaves or radio waves, consisting of a reflector shaped like a shallow dish larger than one meter in size.

(2) Standards: All dish antennas must be located or screened to minimize visual impacts, especially from public rights-of-way or public places.

(b) Communication tower.

(1) Defined: Any structure constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and associated facilities, including:

(A) Structures constructed for wireless communications services, including but not limited to private, broadcast, and public safety services;

(B) Structures constructed for unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated cell site;

(C) Radio, television, microwave, common carrier, and other similar communication tower facilities; and

(D) Monopalm, monopine, and other communication towers with partial camouflage that are integrated within a facility.

(2) Standards:

(A) Communication towers that are freestanding must be set back from all property lines a minimum of 1 foot for every 5 feet of height.

(B) AM broadcast communication towers must be set back a minimum of 500 feet from any adjoining property within the country, residential, apartment, or apartment mixed use zoning districts.

(C) FM and TV communication towers must be set back a minimum of 2,500 feet from any adjoining property within the country, residential, apartment, or apartment mixed use zoning districts.

(D) All communication towers must be designed to structurally accommodate the maximum number of additional users technically practicable, while using the smallest, least visually intrusive components.

(E) Once an eligible facilities request for a communication tower 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 communication tower 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.

(F) The following must be submitted as part of any application for a communication tower:

(i) A quantitative description of the additional tower capacity anticipated, including the approximate number and types of antennas;

(ii) If the communications tower does not satisfy the requirements of paragraph (D), a description of any limitations on the ability of the tower to accommodate other uses such as radio frequency interference, mass, height, or other characteristics; and

(iii) Evidence of a lack of space to locate the proposed antenna on existing communication towers that meet the setback requirements of this subsection and are located within 0.5 miles of the proposed communications tower site.

(G) Communication towers must be enclosed by fencing a minimum of 6 feet in height, and towers must be equipped with an anti-climbing device.

(H) All requests for communication towers must be accompanied by a landscape plan, which must be approved by the director. In the industrial zoning districts, screening, such as solid walls, may be used instead of landscaping if the communication tower zoning lot is not adjacent to any zoning lot in the residential, apartment, or apartment mixed use districts. Special emphasis will be placed on minimizing visual impacts from public rights-of-way and public places.

(I) Monotree installations must be designed to be similar to surrounding trees, including appropriate species and heights, to blend in with the surrounding environment. All communication towers in the residential zoning districts must use monotree or other stealth design to minimize visual impacts.

(J) In the industrial zoning districts, a conditional use permit (minor) is required if the zoning lot for the communication tower is adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(c) Alternative communication support structure.

(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.

(2) Standards:

(A) At-grade equipment shelters must be surrounded by a minimum 10-foot wide buffer.

(B) Alternative communication support structures must:

(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.

(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.

(C) The alternative communication support structure must comply with all applicable State and city laws, including but not limited to building and safety codes.

(D) Once an eligible facilities request for an alternative communication 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 alternative communication support structure 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.

(d) Accessory communication structure.

(1) 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.

(2) Standards:

(A) Antennas must not be located in the required yards.

(B) All antennas must be set back from all property lines 1/3 of the height of the antenna or the setback requirements for the underlying zoning district, whichever is greater.

(C) 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.

(D) Antennas must not be illuminated.

(E) All antennas must be equipped with safety devices to prevent them from being climbed, and must be securely fastened.

(F) All guy wires must be anchored onsite and outside of any right-of-way.

(G) When mounted on the ground, receive-only antennas must be screened by walls, earth berms, or landscaping a minimum of 4 feet in height.

Sec. 21-5.60-3 Education.

Uses in the education category consist of the following land uses in Table 21-5.1.

(a) School, K-12.

(1) Defined: A facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution using a curriculum equivalent to the Hawaii public school curriculum for the same grade level.

(2) Standards:

(A) All structures and facilities must be set back a minimum of 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(B) The minimum zoning lot size is 20,000 square feet.

(C) 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 government agencies.

(D) Parking and loading:

(i) Schools with a design capacity of more than 25 students must provide an off-street drop-off area, with a minimum capacity equivalent to four 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.

(ii) Schools with a design capacity of more than 50 students must provide at least one multipurpose bay that is a minimum of 40 feet in depth by 14 feet in width to accommodate bus pickup and drop-off. This multipurpose bay may be used for other activities outside of pickup and drop-off hours. The director may adjust this requirement as the design capacity of the school changes.

(E) In the AG-1 and AG-2 zoning districts, A minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the K-12 school is in operation.

(b) School, vocational.

(1) Defined: A facility for post-secondary education with a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction, or a language school.

(A) Minor: Facilities that do not include the operation of industrial equipment, such as floor-mounted woodworking or machine shop equipment.

(V) Major: Facilities that include the operation of industrial equipment, such as floor-mounted woodworking or machine shop equipment.

(2) Standards:

(A) Minor: Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) Major: None.

(c) University, college.

(1) Defined: A facility operated by an institution of higher education that awards an associate, bachelor, master, or doctorate degree.

(2) Standards: As required pursuant to a plan review use permit.

Sec. 21-5.60-4 Government.

Uses in the government category consist of the following land uses in Table 21-5.1.

(a) Consulate.

(1) Defined: A facility that includes the offices (including administrative offices) of an official appointed by a foreign government who serves the interests of foreign citizens. A consulate may include space for residential occupancy. Consulates are public facilities, and are eligible for waivers that apply to public facilities.

(2) Standards: All structures and facilities must be set back a minimum of 20 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district, unless buffered by a solid wall, screening fence, or buffering hedge that is a minimum of 6 feet in height.

(b) Prison.

(1) 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.

(2) Standards: As required pursuant to a plan review use permit.

(c) Public facility.

(1) 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 entity or execute a public program. Includes administrative offices and public transportation stops.

(2) Standards: None.

Sec. 21-5.60-5 Parks and open space.

Uses in the parks and open space category consist of the following land uses in Table 21-5.1.

(a) Cemetery.

(1) Defined: A property divided into cemetery lots for sale as burial plots at an interment facility, including columbaria and mausoleums.

(2) Standards:

(A) Prior to approval of an application for a cemetery, a certificate of approval must be obtained from the Board of Water Supply prior to approval of an application, indicating that there is no danger of contamination of the water supply.

(B) Burials within 50 feet of the cemetery boundary are prohibited.

(C) A minimum 50-foot landscaped buffer is required from the property lines of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.

(b) Park.

(1) Defined: A publicly-accessible area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, 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, keep 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. Does not include a community recreation center.

(2) Standards: None.

Sec. 21-5.60-6 Utility.

Uses in the utility category consist of the following land uses in Table 21-5.1.

(a) Small.

(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 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.

(2) Standards:

(A) General:

(i) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(ii) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(iii) Small utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a small utility has been abandoned, the structure must be dismantled and removed or repurposed within 90 days after receipt of written notice from the director, unless the small utility owner or operator demonstrates to the director's satisfaction the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the small utility in a timely manner, or to otherwise restore the site on which the abandoned small utility was located.

(iv) In an emergency, a utility may 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.

(B) Solar energy generation.

(i) A solar energy generation facility of any size is considered a small utility if it is mounted to the roof of a permitted structure dedicated to a separate principal use permitted in the underlying zoning district.

(ii) A solar energy generation facility of up to five acres in size is considered a small utility if it is mounted on a structural support over existing surface parking dedicated to a use permitted in the underlying zoning district.

(iii) A ground-mounted solar energy generation facility is considered a small utility if it is less than 20 acres in area.

(iv) Notwithstanding subparagraphs (i), (ii), and (iii), a solar energy generation facility is not considered a small utility if:

(aa) There are proposed or existing solar energy generation facilities on the same zoning lot or abutting zoning lots, so that the total facility size exceeds 20 acres, excluding permitted rooftop solar energy generation facilities;

(bb) The zoning lot is within the State land use agricultural or conservation districts; or

(cc) The solar energy generation facility involves the use of a historic site listed on the Hawaii or National Register of Historic Places.

(v) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees

will be relocated or replaced elsewhere on the zoning lot or surrounding area.

(vi) If a solar energy generation facility exceeds 50,000 square feet in area and is within 500 feet of the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts, the facility must be fully screened from the adjoining zoning lots in those zoning districts by a landscaped hedge, solid wall, or screening fence a minimum of 6 feet in height. If the provision of solid screening is not feasible, the solar energy generation facility will be considered a medium utility.

(C) Wind energy generation.

(i) A wind energy generation facility is considered a small utility if it is within the residential, apartment, apartment mixed use, business, business mixed use, resort, or preservation zoning districts, and has a rated capacity of no more than 15 kilowatts.

(ii) A rooftop wind energy generation facility is considered a small utility if it is accessory to a principal use permitted in the underlying zoning district on the same zoning lot.

(iii) For a ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips must not be lower than 15 feet from ground level, unless enclosed by a fence a minimum of 6-feet in height, and must not be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.

(iv) A small wind energy generation facility must be set back from all property lines at a minimum distance equal to the height of the facility. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.

(b) Medium.

(1) Defined: Utility infrastructure that primarily provides onsite utility services to a single commercial or industrial site, or to a neighborhood. Includes nongeneration energy installations with potential impact on adjacent land uses, by virtue of appearance, noise, size, traffic generation, or other operational characteristics, including 138 kilovolt transmission substations, and base yards. Also includes solar energy generation facilities that are not considered small utilities; wind energy generation facilities; energy storage, control, and electrical equipment; stormwater retention or detention; private water and wastewater pump stations or lift stations; drainage systems; or private water towers.

(2) Standards:

(A) General.

(i) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(ii) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(iii) Medium utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a medium utility has been abandoned, the structure must be dismantled and removed or repurposed with 180 days after receipt of written notice from the director, unless the medium utility owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the medium utility in a timely manner, or to otherwise restore the site on which the abandoned medium utility was located.

(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; provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.

(B) Solar energy generation.

(i) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees will be relocated or replaced elsewhere on the zoning lot or within the surrounding area.

(C) Wind energy generation.

(i) A wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed use zoning districts, and has a rated capacity of up to 100 kilowatts.

(ii) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.

(iii) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.

(iv) All guy wires must be anchored onsite and outside of any right-of-way, equipped with safety devices that will prevent them from being climbed, and securely fastened.

(v) A medium wind energy generation facility, whether mounted on the ground or on a structure, must be set back from all property lines at a minimum distance equal to the height of the facility. Height includes the height of the tower or its

vertical support structure and the farthest vertical extension of the tower.

(c) Large.

(1) Defined: Utility infrastructure that primarily provides regional offsite services to multiple neighborhoods. Includes energy generation facilities, supporting storage, and any generation capacity over 5 megawatts, and utility scale wind energy generation facilities with a rated capacity of 100 kilowatts or more.

(2) Standards:

(A) General.

(i) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district precinct, unless otherwise specified below.

(ii) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(iii) Large utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a large utility has been abandoned, the structure must be dismantled and removed or repurposed within one year after receipt of written notice from the director, unless the large energy generation system owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the large utility in a timely manner, or to otherwise restore the site on which the abandoned large utility was located.

(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; provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.

(B) Wind energy generation.

(i) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed use, business, business mixed use, resort, industrial, and industrial mixed use zoning districts.

(ii) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.

(iii) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.

(iv) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened.

(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 1 mile 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.

Sec. 21-5.70 Commercial uses.

The following sections describe the commercial use categories.

Sec. 21-5.70-1 Daycare.

Uses in the daycare category consist of the following land uses in Table 21-5.1.

(a) Child Daycare.

(1) Defined: A facility, other than a private home, for supervision and care of seven or more children under 18 years of age for fewer than 24 hours per day that is operated by a licensed person, society, agency, corporation, institution, or group for compensation. Includes before-school and after-school childcare, group childcare centers, group childcare homes, and infant and toddler childcare centers. See also family child care home in Section 21-5.50-3(b).

(2) Standards:

(A) All outdoor activity areas, such as playgrounds, toddler lots, play courts, and similar facilities, must be set back a minimum of 15 feet from any adjoining zoning lot within the country, residential, apartment, or apartment mixed use zoning districts, and a minimum 6-foot high solid wall must be provided as a buffer. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(B) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces.

(C) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the child daycare is in operation.

(b) Adult daycare.

(1) 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 daycare typically includes staffed activities such as music and exercise programs and discussion groups.

(2) Standards:

(A) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces.

(B) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the adult daycare is in operation.

Sec. 21-5.70-2 Eating and drinking.

Uses in the eating and drinking category consist of the following land uses in Table 21-5.1.

(a) General eating and drinking.

(1) Defined: Preparing and selling food and drink for onsite and offsite consumption. Includes restaurants, cafes, coffee or tea shops, ice cream shops, juice or smoothie bars, and catering facilities. See also drive-thru in Section 21-5.70-12(b).

(2) Standards: The density requirements in Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

(b) Bar, nightclub.

(1) Defined: A facility for preparing and selling liquor for onsite consumption. Does not include liquor production. See brewery, distillery, winery in Section 21-5.80-1(c). May include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu Liquor Commission.

(A) Minor: A bar or nightclub open until 2:00 a.m.

(B) Major: A bar or nightclub open until 4:00 a.m.

(2) Standards: A major or minor bar or nightclub must be set back a minimum of 300 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district.

Sec. 21-5.70-3 Lodging.

Uses in the lodging category consist of the following land uses in Table 21-5.1.

(a) Bed and breakfast home; Transient vacation unit.

(1) Bed and breakfast home defined: A use in which overnight accommodations are advertised, solicited, offered, or provided, or a combination of any of the foregoing, to transient occupants, for compensation, for periods of less than 90 consecutive days, in the same dwelling unit occupied by an owner, lessee, operator, or proprietor of the dwelling unit. For purposes of this definition:

(A) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and

(B) Month-to-month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded.

(2) Transient vacation unit defined: 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 90 consecutive days, other than a bed and breakfast home, timeshare unit, or hotel unit. For purposes of this definition:

(A) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and

(B) Month-to-month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded.

(3) Standards

(A) Permitted Districts: Bed and breakfast homes and transient vacation units are permitted in the following areas:

(i) The areas located within the Apartment Precinct of the Waikiki Special District mauka of Kuhio Avenue, as designated in Figure 21-5.1;

(ii) The areas located within the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district situated in close proximity to the Ko Olina Resort, as designated in Figure 21-5.2; and

(iii) The area located within the A-1 low-density apartment zoning district situated in close proximity to the Turtle Bay Resort, as designated in Figure 21-5.3.

A BILL FOR AN ORDINANCE

Figure 21-5.1
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Waikiki Special District Mauka of Kuhio Avenue

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

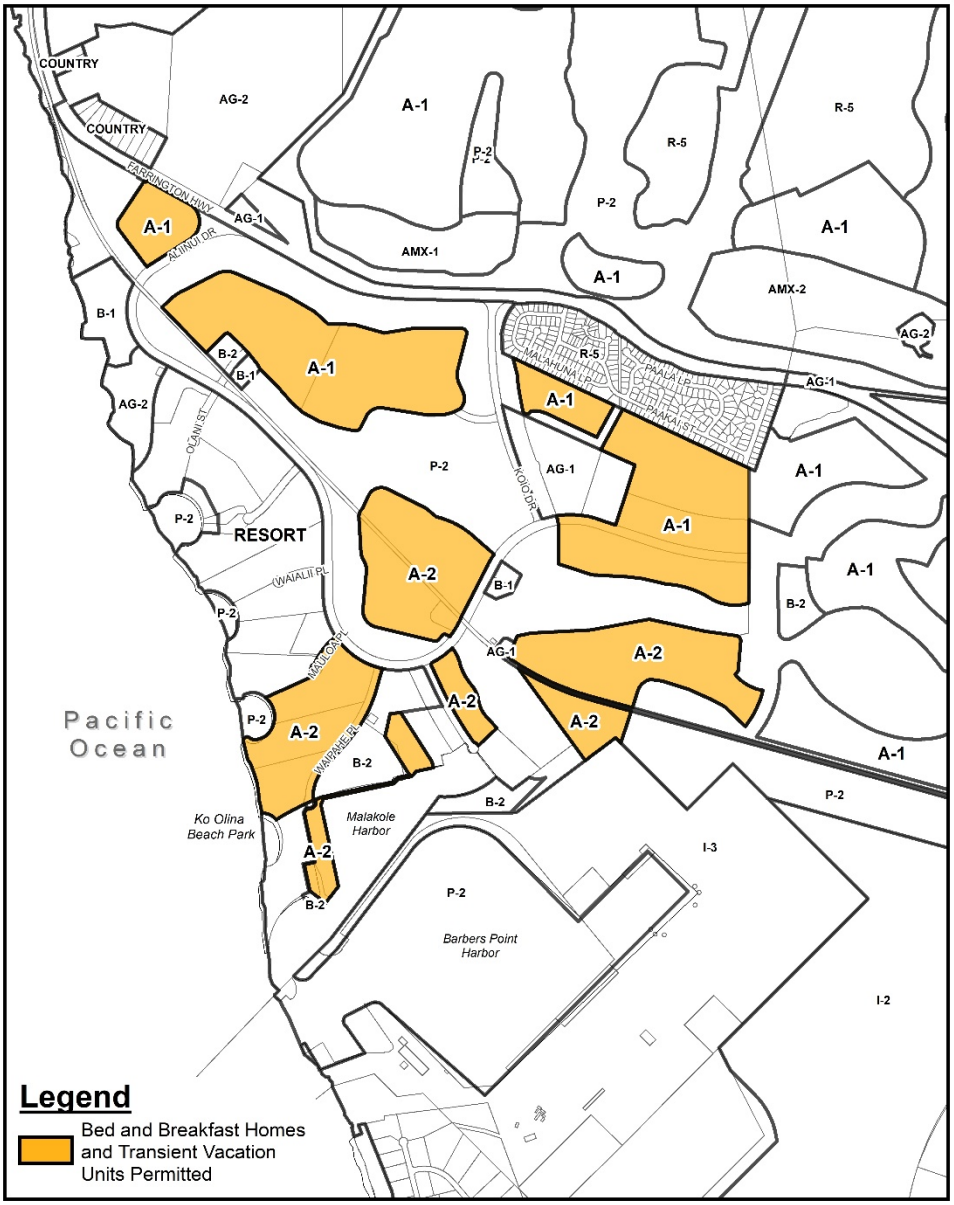
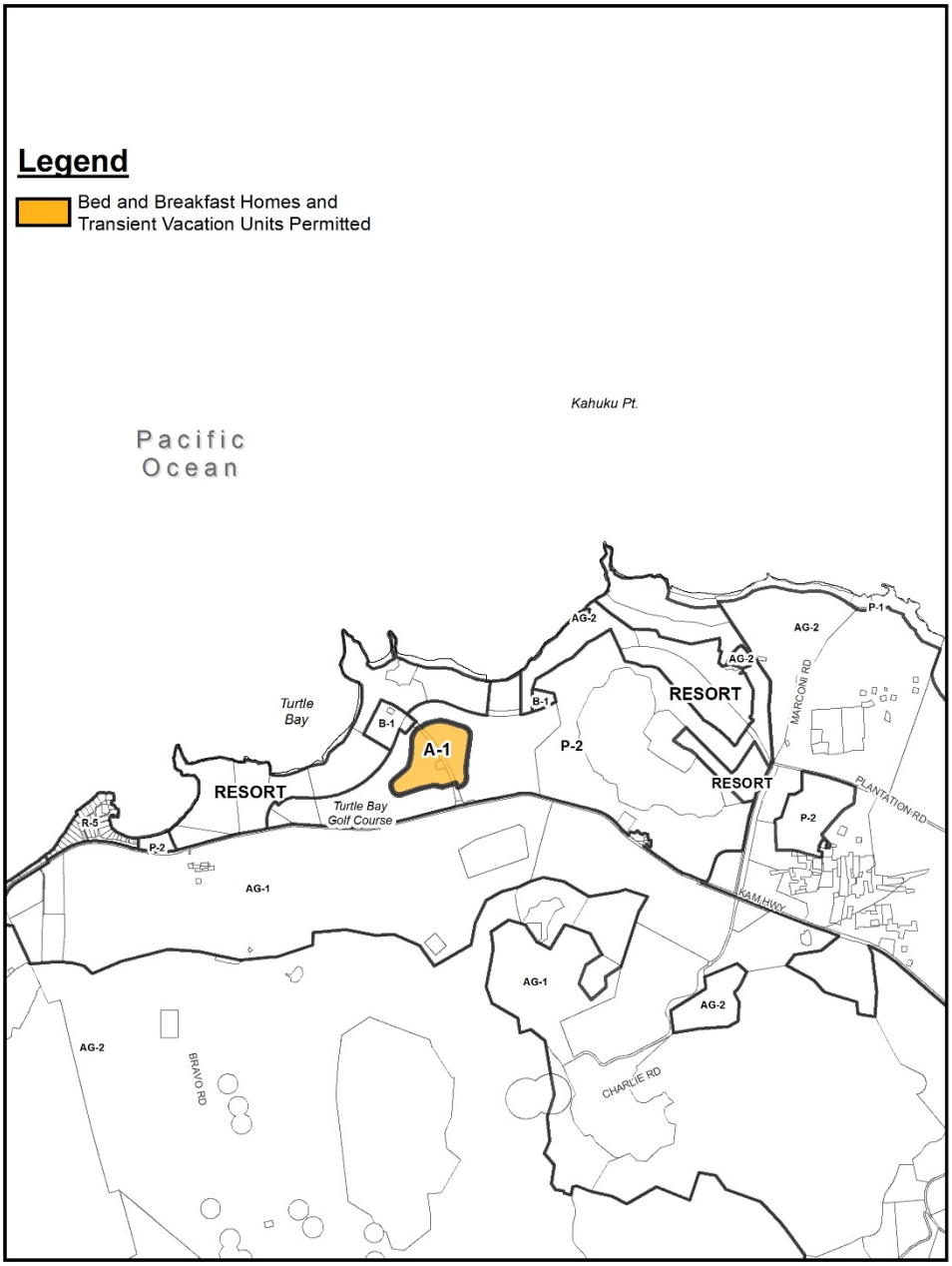


Figure 21-5.3
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Close Proximity to the Turtle Bay Resort



(B) Requirements: The following standards and requirements apply to bed and breakfast homes and transient vacation units; provided that bed and breakfast homes operating under valid nonconforming use certificates pursuant to Section 21-4.110-2, or transient vacation units operating under a valid nonconforming use certificate pursuant to Section 21-4.110-1 need only comply with subdivision (3):

(i) Registration:

(aa) The owner or operator of a bed and breakfast home or transient vacation unit shall register the bed and breakfast home or transient vacation unit with the department on a form prescribed by the director, and submit the following in the initial application for registration:

(AA) A title report for the subject property that has been issued or updated within 30 days prior to its submission, and identifies all persons owning an interest in the property;

(BB) A valid current State of Hawaii general excise tax license, transient accommodations tax license, and city transient accommodations tax license for the subject property;

(CC) For a bed and breakfast home, evidence of a real property tax home exemption for the subject property, and evidence that the applicant has a minimum 50 percent ownership interest in the subject property;

(DD) An initial registration fee of $1,000 for the bed and breakfast home or transient vacation unit;

(EE) Evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the subject property, pursuant to subdivision (3)(B)(iii)(dd);

(FF) Confirmation that the bed and breakfast home or transient vacation unit is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;

(GG) The informational binder required under subdivision (3)(B)(iii)(ff); provided that a copy of a registration certificate need not be included;

(HH) Evidence that a dwelling unit proposed for use as a bed and breakfast home or transient vacation unit:

(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 an eviction within the last 12 months.

(bb) Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually prior to expiration.

(ii) Registration Renewal.

(aa) Annually, no earlier than three months prior to the expiration of the registration certificate, the owner or operator of a bed and breakfast home or transient vacation unit shall renew the registration certificate for a bed and breakfast home or transient vacation unit with the department on a form prescribed by the department, and submit to the department the following in the registration renewal application:

(AA) For a bed and breakfast home, evidence of a real property tax home exemption for the subject property;

(BB) A tax clearance certificate issued by the department of budget and fiscal services certifying that real property taxes were assessed at the rates required by Section 8-7.1 and paid in full during the preceding tax year;

(CC) A tax clearance certificate issued by the State Department of Taxation certifying the payment of State of Hawaii general excise taxes and transient accommodations taxes, and a tax clearance certificate issued by the department of budget and fiscal services certifying the payment of city transient accommodations taxes, for the subject property during the previous tax year;

(DD) If there has been any change in ownership of the subject property, an updated title report that has been issued within 30 days prior to the submission of the renewal application to the department;

(EE) A renewal fee of $500 for the bed and breakfast home or transient vacation unit;

(FF) Evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the property pursuant to subdivision (3)(B)(iii)(dd); and

(GG) Confirmation that the bed and breakfast home or transient vacation unit is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules.

(bb) The director may deny renewal of a registration if:

(AA) The owner or operator receives one or more notices of order for violation of this subsection within a one year period;

(BB) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community, including but not limited to instances where 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 or transient vacation unit is located; or

(CC) Where other good cause exists for denial of the renewal application.

(iii) Restrictions and Standards: Bed and breakfast homes and transient vacation units must operate in accordance with the following restrictions and standards:

(aa) Functioning smoke and carbon monoxide detectors must be installed in each transient occupant bedroom and each hallway connected to a transient occupant bedroom;

(bb) Occupancy limits and sleeping arrangements are as follows:

(AA) All overnight transient occupants must be registered with the owner or operator of the bed and breakfast home or transient vacation unit;

(BB) Except for studio units, sleeping accommodations for all transient occupants must be provided in bedrooms or other rooms that are suitable for sleeping accommodations (such as a living room with a sofabed). No

more than two adults may sleep in each allowable room in which sleeping accommodations are provided;

(CC) The total number of adult overnight transient occupants may not exceed two times the number of rooms provided to transient occupants for sleeping accommodations; and

(DD) The owner or operator shall maintain a current two-year registry setting forth the names and telephone numbers of all transient occupants and the dates of their respective stays;

(cc) Exterior signage indicating that a dwelling unit is used as a bed and breakfast home or transient vacation unit is prohibited;

(dd) Insurance coverage required. The owner or operator must maintain a minimum of $1,000,000 per occurrence in commercial general liability insurance at all times. Owners or operators may fulfill insurance requirements through coverage offered by a hosting platform; provided the insurance coverage satisfies the minimum requirements of this paragraph;

(ee) Gatherings restricted. The property on which a bed and breakfast home or transient vacation unit is located may not be used for gatherings of ten or more individuals who are not registered as overnight transient occupants at the bed and breakfast home or transient vacation unit; and

(ff) Informational binder required. The owner or operator shall create a binder that must be placed and maintained in a conspicuous location within the bed and breakfast home or transient vacation unit at all times. The binder must provide guidance to transient occupants on being respectful of neighbors and responding to emergencies. The binder must be made available for inspection by the department upon

request. At a minimum, the binder must include the following documents and information:

(AA) A floor plan of the dwelling unit used as a bed and breakfast home or transient vacation, identifying the location of all transient occupant bedrooms, the maximum occupancy of each bedroom, and the location of all fire exits;

(BB) Parking plan:

(I) For bed and breakfast homes and transient vacation units that are not located in a multifamily dwelling, a parking plan identifying the location and number of parking stalls available to persons associated with the bed and breakfast home or transient vacation unit (such as owners, transient occupants, visitors, or service providers); the parking plan must include illustrations, drawn to scale, showing the size of designated parking spaces, their location on the zoning lot, and which spaces may be occupied by vehicles of the transient occupants; or

(II) For bed and breakfast homes or transient vacation units located in a multifamily dwelling, a parking plan identifying the location and number of parking stalls within the multifamily dwelling that may be used by persons associated with the bed and breakfast home or transient vacation unit; the parking plan may be provided in narrative form without illustrations or graphics;

(CC) Instructions for trash collection and disposal, including the dates and times of scheduled trash collections;

(DD) A copy of the house rules for the bed and breakfast home or transient vacation unit, which must impose quiet hours between 10:00 p.m. and 7:00 a.m., and for bed and breakfast homes and transient vacation units operating pursuant to nonconforming use certificates and located within the country, residential, or apartment zoning districts, the house rules must prohibit transient occupants from parking vehicles on the public streets in the vicinity of the bed and breakfast home or transient vacation unit;

(EE) A list of emergency contacts, which must include a 24-hour telephone number for the owner or operator of the bed and breakfast home or transient vacation unit, the 911 emergency telephone number, and the website address for the Hawaii Emergency Management Agency;

(FF) A copy of the certificate of insurance for the bed and breakfast home or transient vacation unit;

(GG) Copies of the general excise and transient accommodations tax licenses for the bed and breakfast home or transient vacation unit; and

(HH) A copy of the registration certificate or nonconforming use certificate for the bed and breakfast home or transient vacation unit.

(gg) Upon reasonable notice, any bed and breakfast home or transient vacation unit must be made available for inspection by the department.

(hh) 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.

(ii) The director may revoke a registration at any time by issuing a notice of revocation under the following circumstances:

(AA) The owner or operator receives more than two notices of order within a one year period for violation of this subsection;

(BB) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community; including but not limited to instances where complaints from the public indicate that noise or other nuisances created by transient occupants disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or

(CC) The director determines that good cause exists for revocation of the registration.

(jj) Registration as a bed and breakfast home or transient vacation unit is not transferable, and shall not run with the land.

(C) Advertisements

(i) Definitions: As used in this paragraph, unless the context otherwise requires:

(aa) "Advertisement" means the display or transmission of any communication that may cause a reasonable person to understand that a dwelling unit or portion thereof is available for rent. Advertisements include

but are not limited to written and spoken words, emails, text messages, electronic and hard copy publications, flyers, handbills, signs, websites, and expressive images.

(bb) "Person" means a legal person or a natural person, consisting of individuals and all types of business and legal entities, including but not limited to associations, nonprofit organizations, trusts, estates, partnerships, corporations, and limited liability companies.

(ii) Prohibition: Advertisements for specifically identified bed and breakfast homes and transient vacation units, or for the lease or rental of other specifically identified dwelling units where the advertisement may reasonably be read as being an advertisement for the lease or rental of a bed and breakfast home or transient vacation unit, are subject to this subparagraph.

(aa) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to Section 21-4.110-1 or Section 21-4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located.

(bb) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates,

and must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied.

(cc) Within seven days after receipt of a notice of violation of paragraph (A) or (B), the owner or operator of a dwelling unit shall remove, or cause the removal of, the advertisement identified in the notice, including but not limited to any advertisement made through a hosting platform. If the advertisement is not removed within seven days after receipt of the notice of violation, the following civil fines will be levied against the owner or operator of the dwelling unit:

(AA) An initial fine not to exceed $5,000; and

(BB) A fine not to exceed $10,000 for each day thereafter that the advertisement is on public display.

(dd) The existence of an advertisement that is unlawful under paragraph (A) or (B) will be prima facie evidence that a bed and breakfast home or 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 bed and breakfast home or transient vacation unit, or that the advertisement was placed without the property owner's knowledge or consent.

(iii) Exemptions: The following are exempt from the provisions of this subparagraph.

(aa) Legally established hotels, whether owned by one person or owned individually as unit owners but operating as a hotel as defined in Section 21-5.70-3(b).

(bb) Legally established time share units, as provided in Section. 21-5.70-3(c).

(D) Unpermitted bed and breakfast homes or unpermitted transient vacation units.

(i) Definitions: As used in this paragraph, unless the context otherwise requires:

(aa) Unpermitted bed and breakfast home means a bed and breakfast home that is not:

(AA) Operating under a valid nonconforming use certificate pursuant to Section 21-4.110-2; or

(BB) Validly registered under this section.

(ii) Unlawful actions: It is unlawful for any owner or operator of an unpermitted bed and breakfast home or unpermitted transient vacation unit, or the owner or operator's agent or representative to:

(aa) Rent, offer to rent or enter into a rental agreement to rent, an unpermitted bed and breakfast home for fewer than 90 consecutive days;

(bb) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home or 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 stated rental period on the payment of additional consideration;

(cc) Set aside or exclusively reserve an unpermitted bed and breakfast home or unpermitted transient vacation unit for rental or occupancy for a period of 90 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

(dd) Advertise, solicit, offer, or knowingly provide rental of an unpermitted bed and breakfast home or unpermitted transient vacation unit to transient occupants for less than 90 consecutive days. An advertisement for an unpermitted bed and breakfast home or unpermitted transient vacation unit that includes daily or less than three-month rental rates will be deemed to be in violation of this paragraph.

(E) Complaints: Any person may submit a written complaint to the director reporting a violation of the provisions of this subsection regarding bed and breakfast homes and transient vacation units.

(i) A complaint reporting a suspected violation of the provisions of this section must:

(aa) Identify the address of the bed and breakfast home or transient vacation unit that is the subject of the suspected violation, including the apartment or unit number of the dwelling unit if it is located in a multifamily dwelling;

(bb) State all of the facts that cause the complainant to believe that a violation has occurred;

(cc) Identify the provisions of this section that the complainant believes are being violated; and

(dd) Provide the complainant's name and a mailing address where the director may respond to the complaint.

(ii) Within 30 days after receiving a written complaint reporting a violation of the provisions of this paragraph, the Director shall provide a written response to the complainant either:

(aa) Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS Section 46-4(b);

(bb) Entering a finding of no violation, which may be appealed to the zoning board of appeals pursuant to Charter Section 6-1516; or

(cc) Advising the complainant that the director has initiated an investigation of the complaint.

(F) The provisions of this subsection do not terminate or supersede private restrictive covenants or other restrictions that prohibit the use of real property as a bed and breakfast home or transient vacation unit.

(4) Notwithstanding any contrary provisions in this chapter, bed and breakfast homes and transient vacation units that do not have a valid nonconforming use certificate or registration certificate are not permitted in areas where the applicable development plan or sustainable communities plan prohibits the establishment of new bed and breakfast homes or transient vacation units; provided that bed and breakfast homes or transient vacation units may renew valid registration certificates that were initially issued prior to an amendment to the applicable development plan or sustainable communities plan that prohibits bed and breakfast homes or transient vacation units in the plan area.

(b) Hotel.

(1) Defined: Providing lodging units or dwelling units to guests as overnight accommodations, with a lobby, desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. 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.

(A) Minor: A minor hotel must not exceed any of the following thresholds:

(i) 180 lodging or dwelling units per zoning lot.

(ii) 2,000 square feet of total floor area devoted to meeting facilities.

(iii) Only limited meal service for guests may be provided, such as breakfast.

(B) Major: A major hotel is any hotel that exceeds one or more of the thresholds for a minor hotel.

(2) Standards:

(A) Minor:

(i) In the BMX-3 zoning district, minor hotels are only permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan areas, as established by Chapter 24.

(ii) In the I-2 and IMX-1 zoning districts, minor hotels are only permitted within 1.2 miles of a Daniel K. Inouye International Airport principal entrance located at the intersection of Paiea Street and Nimitz Highway.

(B) Major:

(i) In the BMX-3 zoning district, major hotels are only permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan areas, as established by Chapter 24.

(ii) In the I-2 and IMX-1 zoning districts, major hotels are only permitted within 1.2 miles of the Daniel K. Inouye International Airport principal entrance located at the intersection of Paiea Street and Nimitz Highway.

(c) Timeshare.

(1) Defined: Occupying or possessing one or more dwelling units 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 timeshare units

in which the purchaser receives an ownership interest, or in which the purchaser does not receive an ownership interest. Includes units in hotels, multi-unit dwellings, and transient vacation units.

(2) Standards: Timeshare units are permitted in the A-2 zoning district provided:

(A) All timeshare units are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres, measured as the shortest straight-line distance between the edge of each site's zoning lot line; and

(B) The A-2 zoning district and the resort zoning district were rezoned pursuant to the same zone change application as part of a master-planned resort community.

Sec. 21-5.70-4 Medical.

Uses in the medical category consist of the following land uses in Table 21-5.1.

(a) General medical services.

(1) Defined: Providing out-patient medical, surgical, or dental care by a physician or health care worker in a facility that does not include onsite overnight care. Includes doctor offices, ambulatory surgery facilities, freestanding surgical out-patient facilities, freestanding birthing centers, chiropractor offices, dentist offices, orthodontist offices, physical therapist offices, kidney dialysis centers, blood donation or collection services facilities, acute care facilities, urgent care facilities, and any administrative offices necessary for operation of the facility.

(2) Standards:

(A) In the apartment mixed use zoning districts, the density requirements of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

(B) In the industrial mixed use zoning districts, the density requirements of Table 21-3.5 and Section 21-3.140-1(c) apply.

(b) Hospital.

(1) 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 offices, and any administrative offices necessary for the operation of the facility.

(2) Standards: As required pursuant to a plan review use permit.

(c) Medical laboratory.

(1) 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.

(2) Standards: None.

Sec. 21-5.70-5 Office.

Uses in the office category consist of the following subcategory in Table 21-5.1.

(a) General office.

(1) Defined: Business and professional services in a private or co-working setting, including but not limited to accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, design, employment, engineering, insurance, investment, landscape architecture, legal, real estate, security, or technology services. Includes data storage centers and call centers.

(2) Standards: The density requirements of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

Sec. 21-5.70-6 Parking.

Uses in the parking consist of the following land uses in Table 21-5.1.

(a) Remote parking.

(1) Defined: A facility that provides parking on a different zoning lot from the principal use of the zoning lot it serves.

(2) Standards:

(A) In the apartment, apartment mixed use, and resort zoning districts, there is no minimum lot area, width, or depth for remote parking facilities.

(B) For additional requirements applicable to remote parking see Section 21-6.70.

(b) Commercial parking.

(1) Defined: A facility that provides parking as a principal use on the zoning lot.

(2) Standards:

(A) The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

(B) All structures and facilities must be set back a minimum of 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.

Sec. 21-5.70-7 Personal service.

Uses in the personal service category consist of the following land uses in Table 21-5.1.

(a) General personal services.

(1) Defined: Providing personal services. Includes but is not limited to barbershops, beauty shops, computer repair, dance studios, martial arts studios, music studios, photographic studios or classrooms, day spas, dry cleaning drop-off, laundry cleaning and pressing, funeral homes, funeral parlors, mortuaries, undertaking establishments, hair salons, garment repair, gyms, fitness studios, pilates studios, yoga studios, gymnastic

studios, cheerleading training, boxing training, climbing gyms, locksmith services, nail salons, tanning salons, tutoring, travel agencies, tattoo or body piercing, tailoring, shoe repair, watch repair, jewelry repair, eyeglass repair, hearing aid repair, and smartphone repair.

(2) Standards:

(A) In the apartment mixed use districts:

(i) All services involving amplified music or music instruction must be located in a fully enclosed, sound-attenuated structure, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(ii) The density requirements of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

(B) In the industrial mixed use zoning district, the density requirements of Table 21-3.5 and Section 21-3.140-1(c) apply.

(b) Animal care.

(1) Defined: Grooming, training, boarding, or keeping of household pets. Includes but is not limited to animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet day cares, or pet spas.

(A) Minor: Animal care primarily in an indoor setting.

(B) Major: Animal care primarily in an outdoor setting.

(2) Standards:

(A) Minor:

(i) Outdoor spaces for animals must be limited to supervised play areas and runs.

(ii) All animals kept overnight must be located in a fully enclosed, noise-attenuated structure.

(B) Major: All structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from any adjacent zoning lot.

(c) Wedding services.

(1) 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 in Section 21-5.40-4(b).

(2) Standards:

(A) All activity must be located in a fully enclosed, sound-attenuated structure, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) The density requirements of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.

Sec. 21-5.70-8 Recreation, indoor.

Uses in the indoor recreation category consist of the following land uses in Table 21-5.1.

(a) General indoor recreation.

(1) Defined: Providing primarily indoor entertainment or recreation in a permanent facility. Includes but is not limited to billiard or pool halls, bowling alleys, electronic gaming arcades, escape rooms, ice-skating or roller-skating rinks, playground or trampoline parks, sports facilities, miniature golf courses, or archery or gun ranges. Also includes libraries or museums that do not meet the definition of a public facility.

(2) Standards: None.

(b) Theater.

(1) Defined: A facility primarily for the performing arts or for the viewing of motion picture films. Includes but is not limited to performing arts centers, concert halls, and other types of live theater.

(2) Standards: None.

Sec. 21-5.70-9 Recreation, outdoor.

Uses in the outdoor recreation category consist of the following land uses in Table 21-5.1.

(a) General outdoor recreation.

(1) Defined: Providing primarily outdoor recreation or entertainment in a permanent outdoor facility. Includes amusement parks, batting cages, drive-in theaters, go-cart or automobile racetracks, golf driving ranges, miniature golf courses, sports facilities, amphitheaters, or water parks. Does not include public parks, golf courses, or country clubs.

(2) Standards:

(A) All structures and facilities must be set back a minimum of 25 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

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

(C) All lighting must meet the following requirements:

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

(ii) The maximum light level of any light fixture may not exceed 0.5 footcandles measured at the property line; provided that a maximum of 2.0 footcandles measured at the right-of-way line of a street is allowed.

(iii) The color-temperature of fixture lamps must not exceed 3200 Kelvin.

(iv) All service connections for lighting must be installed underground.

(v) Recreational field lighting must only be used while activity on the field is being conducted.

(b) Golf course.

(1) Defined: A facility for playing nine holes or more of golf. Includes associated clubhouses and driving ranges. Does not include miniature golf courses or stand-alone driving ranges.

(2) Standards: As required pursuant to a plan review use permit.

(c) Nature-based recreation.

(1) Defined: A permanent facility for outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. Includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory courts and fields for sports, non-motorized access to scenic interests, horseback riding stables and trails, recreational tent campgrounds with pavilions and lodges, and cabins. Does not include agritourism, community recreation centers, hotels, and timeshare units.

(2) Standards:

(A) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area must be dedicated to 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 for as long as the nature-based recreation is in operation.

(B) Cabins are limited to one per acre, and must not have kitchens or wet bars.

(d) Zoo.

(1) Defined: A facility usually with indoor and outdoor settings, where animals live in captivity and are put on display for the public to view.

(2) Standards:

(A) All zoo structures and activity areas must be set back a minimum of 300 feet from the property lines of all adjoining zoning lots in the country, residential, apartment, or apartment mixed use zoning districts.

(B) All zoos must be surrounded by a fence or wall a minimum of 6 feet in height, which must be set back a minimum of 10 feet from all property lines.

(C) A conditional use permit application for a zoo must be accompanied by a landscape plan for the area outside the wall required in paragraph (B), and is subject to the approval of the director.

Sec. 21-5.70-10 Retail.

Uses in the retail category consist of the following land uses in Table 21-5.1.

(a) General retail.

(1) Defined: A facility involved in the sale, lease, or rental of new or used products. Includes but is not limited to appliance stores; art galleries; automotive stores; banks; bicycle sales, rentals, and repair; bookstores; clothing stores; copy or shipping service centers; print shops; electronic stores; stores selling electronic cigarettes, vaping, and similar products; department stores; drug or pharmaceutical stores; fabric stores; florists; furniture, grocery or specialty food stores; hardware stores; liquor stores; scooter sales and rentals; musical instrument sales, rentals, and repair; eyeglass sales, pet stores, shoe stores, sporting good stores; toy stores; and other similar retail activities.

(A) Small: Up to 2,500 square feet of total floor area.

(B) Medium: More than 2,500 square feet of total floor area, up to 25,000 square feet of total floor area.

(C) Large: More than 25,000 square feet of total floor area.

(2) Standards:

(A) Small:

(i) In the residential, apartment, or apartment mixed use zoning districts, all sales, services, displays, or storage must be within a fully enclosed structure.

(ii) For zoning lots adjoining any zoning lot in the country, residential, apartment, or apartment mixed use zoning districts, all incidental storage of material and equipment must be within a fully enclosed structure.

(iii) In the residential and apartment zoning districts, the following standards apply:

(aa) The zoning lot must be located at least 0.5 miles from any zoning district in which general retail use is permitted, unless the zoning lot is located within 0.5 miles of a rail station or bus transit center;

(bb) The adjoining street must have a minimum 20-foot paved surface; and

(cc) Small general retail use is not permitted on a nonconforming zoning lot.

(iv) In the industrial mixed use zoning district, the density requirements of Table 21-3.5 and Section 21-3.140-1(c) apply.

(v) Neighborhood grocery stores that operated at their current location prior to October 22, 1986, but are located in zoning districts in which they are not permitted as small general retail, are not considered nonconforming; provided that they meet the following requirements:

(aa) No expansion of the floor area occupied on October 22, 1986 is allowed;

(bb) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.; and

(cc) All sales, services, or displays must be within a fully enclosed structure, and there must be no outdoor display, service, or storage of merchandise.

(B) Medium:

(i) For zoning lots adjoining a zoning lot in the country, residential, apartment or apartment mixed use zoning districts, all incidental storage of material and equipment must be located in a fully enclosed structure.

(ii) In the B-1 zoning district, when the principal entrance is less than 75 feet or its parking area is less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts, hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(iii) In the apartment mixed use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m., including any loading activities associated with the retail use.

(iv) In the industrial mixed use zoning district, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.

(C) Large:

(i) For zoning lots adjoining a zoning lot in the country, residential, apartment, or apartment mixed use zoning districts, all incidental storage of material and equipment must be located in a fully enclosed structure.

(ii) In the B-1 District, when the principal entrance is less than 75 feet or its parking area is less than 20 feet from any adjoining zoning lot in the country, residential, apartment or apartment mixed use zoning districts, hours of operation are

limited to between 6:00 a.m. and 10:00 p.m. Large retail uses that do not meeting this standard and are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(iii) In the industrial mixed use zoning district, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.

(b) Alternative financial services.

(1) Defined: Providing non-traditional financial services on a recurring basis. Includes payday lending, check cashing, bail bonds, debt collecting, or pawnshops.

(2) Standards: As required by a conditional use permit.

(c) Mobile commercial establishment.

(1) 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 do not constitute a majority of the event, or are managed by a regulatory entity.

(2) Standards:

(A) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter.

(B) Mobile commercial establishments must operate outside of any required yards.

(C) One portable sign per mobile commercial establishment is allowed during hours of operation.

(D) When three or more mobile commercial establishments operate on one zoning lot:

(aa) A parking management plan is required. A minimum of five parking spaces per mobile commercial establishment is required.

(bb) A pedestrian and vehicle circulation plan is required.

(cc) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(dd) When restrooms are provided, they must be adequately screened from public view.

(E) In the Haleiwa special district, the mobile commercial establishment requirements in Section 21-9.90-4(j) supersede the standards listed in this subdivision.

Sec. 21-5.70-11 Vehicle-related.

Uses in the vehicle-related category consist of the following land uses in Table 21-5.1.

(a) Car wash.

(1) Defined: Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

(2) Standards: The following standards apply to car wash facilities classified as principal or accessory uses.

(A) The zoning lot must not adjoin any zoning lot in the residential or apartment zoning district.

(B) A closed-loop water recycling system with no offsite discharge or run-off must be used.

(b) Vehicle fueling station.

(1) Defined: Providing vehicle fueling services such as gasoline, diesel, compressed natural gas or hydrogen pumps, or electric charging stations. Does not include electric charging stations that are accessory to a parking lot.

(2) Standards: If pump islands exist and are set back less than 75 feet from any adjoining zoning lot in the country, residential, apartment or apartment mixed use zoning districts, hours of operation are limited to between 6:00 a.m. to 10:00 p.m. Vehicle fueling stations intended to operate beyond these hours may be permitted under a minor conditional use permit.

(c) Vehicle repair.

(1) Defined: A facility for servicing and repairing vehicles.

(A) Service: Routine servicing of light-duty vehicles that weigh less than 10,000 pounds (gross vehicle weight) and typically require less than one day of work. Includes but is not limited to 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 onsite vehicle servicing such as oil, grease, batteries, and tires.

(B) Repair, light: The repair of light-duty vehicles that weigh less than 10,000 pounds (gross vehicle weight) and typically require more than one day of work. Includes but is not limited to engine and transmission repair, and body and paint shops.

(C) Repair, heavy: The repair of heavy-duty vehicles that weigh more than 10,000 pounds (gross vehicle weight).

(2) Standards:

(A) Service:

(i) All servicing of vehicles must occur within a fully enclosed structure.

(ii) Outdoor storage is prohibited.

(B) Repair, light:

(i) All structures and activities must be set back a minimum 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(ii) Any activities conducted between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(C) Repair, heavy: None.

(d) Vehicle sales and rental.

(1) Defined: A facility that sells, rents, or leases motor vehicles. Does not include vehicle rental sites that do not include a building or leasing office, or that provide only car sharing services.

(A) Sales and rental, light: The sale, rental, or leasing of light-duty vehicles that weigh less than 10,000 pounds (gross vehicle weight).

(B) Sales and rental, heavy: The sale, rental, or leasing of heavy-duty vehicles that weigh more than 10,000 pounds (gross vehicle weight). Includes sales of shipping containers and manufactured or modular homes.

(2) Standards: None.

Sec. 21-5.70-12 Accessory commercial.

Uses in the accessory commercial category consist of the following land uses in Table 21-5.1.

(a) Caretaker unit.

(1) Defined: An accessory dwelling unit occupied by an owner or caretaker of a principal use in a zoning district that does not permit residential uses.

(2) Standards: A caretaker unit must be located above or behind the principal use in such a way that the unit does not interrupt the commercial facade.

(b) Drive-thru.

(1) 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.

(2) Standards:

(A) Speaker boxes must be set back a minimum of 75 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.

(B) Drive-thru lanes must be set back a minimum of 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.

(c) Retail.

(1) Defined: Retail sales accessory to permitted non-retail commercial uses.

(2) Standards: Retailing of products must be limited to products that are manufactured or processed on the premises.

Sec. 21-5.80 Industrial uses.

The following sections describe the industrial use categories.

Sec. 21-5.80-1 Manufacturing and processing.

Uses in the manufacturing and processing category consist of the following land uses in Table 21-5.1.

(a) General manufacturing and processing.

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

(A) Light: Activities that 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 that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that 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, or other similar types of manufacturing, processing, and packaging activities.

(B) 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; or 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, or junk materials.

(2) Standards:

(A) Light: Total floor area must not exceed 2,000 square feet.

(B) Heavy:

(i) All structures and activities must be set back a minimum of 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(ii) Areas used for pickup or drop-off of equipment between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(b) Biofuel processing facility.

(1) 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; or animal residues and wastes that may be used to generate energy.

(2) Standards:

(A) All structures and activities must be set back a minimum of 1,500 feet from any adjoining zoning lot in the country, residential, apartment, apartment mixed use, or resort zoning districts.

(B) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(C) Transitional height setbacks required based on the underlying zoning district and any adjacent districts apply.

(c) Brewery, distillery, winery.

(1) Defined: A facility that produces malt beverages, distilled spirits, or wines.

(A) Minor: Producing a maximum of 5,000 barrels a year. Includes the sale of malt beverages, distilled spirits, or wine for onsite consumption.

(B) Major: Producing more than 5,000 barrels a year. Includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.

(2) Standards:

(A) Minor: None.

(B) Major: None.

(d) Explosive or toxic chemical manufacturing, storage, and distribution.

(1) 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, liquefied petroleum gas, or coal products.

(2) Standards:

(A) All structures and activities must be set back a minimum of 1,500 feet from any adjoining zoning lot in the country, residential, apartment, apartment mixed use, or resort zoning districts.

(B) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(C) 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 height of the landform or barrier must meet the following requirements:

(i) 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.

(ii) 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.

(iii) Artificial barricades must be an earthen mound or revetted wall a minimum thickness of 3 feet.

(e) Food manufacturing and processing.

(1) Defined: Processing food or drink products that does not involve the handling of dead animals, or animal by-products not for human consumption.

(2) Standards:

(A) Total floor area must not exceed 4,000 square feet.

(B) The slaughter of animals is not permitted.

(f) Linen suppliers.

(1) Defined: Providing linen and offsite laundry services, including but not limited to delivery and pickup to businesses such as hospitals and hotels. Linens include but are not limited to uniforms, towels, aprons, tablecloths, napkins, and similar fabrics meant to be cleaned.

(2) Standards: None.

(g) Petrochemical plant.

(1) Defined: A facility for processing and refining petroleum, liquefied petroleum gas, or coal products.

(2) Standards:

(A) All structures and activities must be set back a minimum of 1,500 feet from any adjoining zoning lot in the country, residential, apartment, apartment mixed use, or resort zoning districts.

(B) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(h) Production studio.

(1) Defined: A facility producing movies, videos, or other similar forms of intellectual property. Includes but is not limited to studios or other facilities used for production, distribution, editing, set construction, and special effects. Does not include sites or facilities used temporarily for production purposes.

(2) Standards: None.

(i) Publishing facility.

(1) Defined: Printing, reproducing, or duplicating material such as newspapers, books, and magazines using a printing press, photographic reproduction, or other similar techniques.

(2) Standards: None.

Sec. 21-5.80-2 Marine.

Uses in the marine category consist of the following land uses in Table 21-5.1.

(a) General marine.

(1) Defined: Activities and structures used to support recreational marine or other water-related activities, commercial boating, or the storage and transfer of marine or other water-related goods and services.

(A) Minor: Land uses on harbor fast lands, lagoons, or other inland waters that support recreational marine activities. Includes but is not limited to 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.

(B) Major: Land uses on harbor fast lands that support commercial marine activities. Includes but is not limited to construction, vocational training, equipment sales, and repair.

(2) Standards:

(A) Minor:

(i) 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 any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts by:

(aa) 300 feet if open between the hours of 10:00 p.m. and 6:00 a.m.; or

(bb) 150 feet if not open between the hours of 10:00 p.m. and 6:00 a.m., or if the activity or facility is screened by a solid wall at minimum of 6 feet in height.

(ii) A master planned community with an inland waterway designated as within the State land use preservation district is not subject to the additional setback requirements; provided that the master planned community was created pursuant to the same zone change application as part of a single rezoning action.

(iii) Where a general marine use occurs adjacent to an inland waterway designated as within the State land use preservation district, no setback requirement is required for uses not common to both the underlying zoning district and the State land use preservation district.

(iv) Small engine and minor boat repair must be within a fully enclosed, noise-attenuated structure.

(B) Major: None.

(b) Port.

(1) Defined: A facility for supporting commercial marine activity, such as cargo shipping, located on harbor fast lands. Includes but is not limited to 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 the maintenance and operation of the port.

(2) Standards: None.

Sec. 21-5.80-3 Repair.

Uses in the repair category consist of the following land uses in Table 21-5.1.

(a) General repair.

(1) Defined: Repair of household appliances, furniture, upholstery, small engine repair such as lawnmowers, clock repair, and production and repair of prosthetic devices. See also personal service in Section 21-5.70-7.

(2) Standards:

(A) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) Small engine repair is prohibited.

(b) Heavy repair.

(1) Defined: Repair of industrial machinery and heavy equipment.

(2) Standards:

(A) All structures and activities must be set back a minimum 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district.

(B) All activities conducted between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district.

Sec. 21-5.80-4 Research and development.

Uses in the research and development category consist of the following land uses in Table 21-5.1.

(a) General research and development.

(1) Defined: Research and development facilities, including but not limited to 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 Section 21-5.70-4.

(2) Standards: None.

Sec. 21-5.80-5 Resource extraction.

Uses in the resource extraction category consist of the following land uses in Table 21-5.1.

(a) General resource extraction.

(1) Defined: A site or facility for the exploration, extracting, and processing of natural resources, including but not limited to natural accumulations of minerals, ores, gemstones, sand, rock, soil, gravel, or water.

(2) Standards:

(A) Blasting operations are restricted to Mondays through Fridays between 8:00 a.m. and 5:00 p.m.

(B) The application for a conditional use permit must include a plan for the development of the property, which includes the exploitation and reuse of the property.

(i) 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 the slope is greater than 10 percent, or 2 feet in areas where the slope is 10 percent or less.

(ii) 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 underlying zoning district, and the relation between the reuse and the existing or proposed uses for surrounding properties. Among items to be included in the plan are:

(aa) Feasible circulation patterns in and around the site;

(bb) The treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed reuse; and

(cc) The 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 permitted, except in areas within flood hazard districts; provided that the intermittent lake or marsh is situated more than 1,000 feet from the boundary of the nearest zoning lot in the residential, apartment, apartment mixed use, or resort zoning district.

Sec. 21-5.80-6 Storage and warehousing.

Uses in the storage and distribution category consist of the following land uses in Table 21-5.1.

(a) General storage, warehousing, and distribution.

(1) Defined: A facility involved in the storage or movement of goods for a business or other entity. Goods are generally delivered to other entities or the final consumer with little onsite customer activity. Includes the non-transient storage of motor vehicles not in operating condition, and temporary storage of household goods by a freight mover.

(2) Standards: None.

(b) Self-storage.

(1) Defined: Providing separate storage areas, units, or lockers for personal or business use, designed to allow a tenant private access for storing or removing personal property. Does not include the outdoor storage of fleet vehicles (see base yard in Section 21-5.80-7(b)) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing in Section 21-5.80-8(a)).

(2) Standards:

(A) No individual storage area may exceed 3,600 cubic feet in volume.

(B) All buildings must have windows or architectural treatments that look like windows.

(C) Only activities relating to the storage of unused or seldom used items, transfer of non-volatile goods, or leasing of storage space are allowed, except for the supporting sale of boxes, tape, and other packing-related materials.

(D) Where storage occurs underground, permitted uses are determined by the underlying zoning district of the entrance to the self-storage facility.

(c) Storage yard.

(1) Defined: The open storage of soil, mulch, stone, lumber, pipe, steel, construction materials, or similar products. Includes but is not limited to a contractor's storage yard. Does not include the outdoor storage of fleet vehicles (see base yard in Section 21-5.70(g)(3)(B)) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing in Section 21-5.70(h)(3)(A)).

(2) Standards:

(A) Sale or processing of scrap, salvage, or secondhand material is prohibited.

(B) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(C) Within the I-1 zoning district:

(i) All structures and activities must be set back a minimum 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(ii) If the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.

Sec. 21-5.80-7 Transportation.

Uses in the transportation category consist of the following land uses in Table 21-5.1.

(a) Airport.

(1) 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 but is not limited to commercial carriers and private aircraft facilities.

(2) Standards: As required pursuant to a plan review use permit.

(b) Base yard.

(1) Defined: Outside storage, parking, cleaning, and incidental repair and maintenance of vehicles and associated equipment. Includes supporting dispatching services, administrative offices, kitchens, showers, lounges, and similar personnel supporting activities.

(2) Standards:

(A) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(B) Within the I-1 zoning district:

(i) All structures and activities must be set back a minimum of 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.

(ii) If the facility is within 300 feet of a zoning lot in the residential, apartment or apartment mixed use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.

(c) Heliport.

(1) Defined: A facility for landing and takeoff of rotorcraft, including supporting fueling, maintenance, repair, and storage activities.

(2) Standards: None.

(d) Multimodal facility.

(1) Defined: A facility for trains, buses, taxis or car share services. Includes bus transfer facilities, bus stations, car-share facilities, limousine or taxi services, light rail stations, or rail stations.

(2) Standards: As required by a conditional use permit.

(e) Truck terminal.

(1) Defined: A facility used as an origin or destination point for the loading, unloading, assembling, or transferring of goods transported by truck.

(2) Standards: None.

Sec. 21-5.80-8 Waste-related.

Uses in the waste-related category consist of the following land uses in Table 21-5.1.

(a) Salvage, scrap, or junk storage and processing.

(1) Defined: A facility for the storage, sale, dismantling, or other processing of used or waste materials that are not intended for reuse in their original forms. Includes but is not limited to automotive wrecking yards, junkyards, and salvage yards.

(2) Standards:

(A) All structures and activities must be set back a minimum of 1,500 feet from any adjoining zoning lot in the country, residential, apartment, apartment mixed use, or resort zoning district.

(B) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the setback requirement may be reduced; provided that under no circumstances may the distance be less than 500 feet.

(b) Waste disposal and processing.

(1) Defined: A facility for disposing and processing solid waste. Includes but is not limited to refuse dumps, sanitary landfills, incinerators, and resource recovery plants.

(2) Standards: No person, including the State or the city, 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 unless all of the following standards are satisfied:

(A) A minimum 0.5-mile buffer zone is required around the waste or disposal facility from the boundary of any zoning lot used for residential, school, or hospital purposes;

(B) This subsection does not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that the continued operation does not require vertical or

horizontal physical expansion of the facility requiring additional permit review and modification; and

(C) This subsection does not apply to any individual, State-certified, nonindustrial redemption center.

Sec. 21-5.80-9 Accessory industrial.

Uses in the accessory industrial category consist of the following land uses in Table 21-5.1.

(a) Helistop.

(1) Defined: An accessory facility for landing and takeoff of rotorcraft that does not include supporting fueling, maintenance, or repair facilities. Includes but is not limited to the commercial use of a drone.

(2) Standards:

(A) Structures for rotorcraft storage are prohibited.

(B) May include overnight parking of one rotorcraft.

Sec. 21-5.90 Miscellaneous uses

The following sections describe the miscellanous use categories.

Sec. 21-5.90-1 Historic structure reuse.

Uses that incentivize the owner of a historic structure to maintain the structure when the use is not otherwise permitted in the underlying zoning district.

(a) Any use is permitted in a structure listed on the Hawaii or National Register of Historic Places; provided that any proposed alteration, repair, or renovation beyond the structure's 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.

(b) The director may deny any reuse request upon determining that the reuse will result in adverse impacts on the surrounding neighborhood that are not mitigated.

Sec. 21-5.90-2 Transfer of development.

Under a transfer of development, the maximum allowable floor area or number of dwellings normally attributed to a donor zoning lot is allocated to, and may be used on, a receiving zoning lot.

(a) 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 number of dwellings that would normally be permitted under the applicable zoning district regulations on the donor zoning lot. The following types of transfer of development may be permitted:

(1) The transfer of development from donor zoning lots with a historic site, building, or structure to receiving zoning lots without historic significance, and with sufficient access to infrastructure to support the additional density; or

(2) The transfer of development may be made from donor zoning lots located within the special management area to receiving zoning lots that are:

(A) Not located within the special management area;

(B) Not located within the P-2 general preservation zoning district;

(C) Not expected to be impacted by 3.2 feet of sea level rise by the year 2100; and

(D) Not located in a flood hazard area subject to Chapter 21A.

(b) Historic property, transfer standards.

(1) The historic site, building, or structure must be suitable for preservation or rehabilitation, or both, and any proposed alterations to the historic site, building, or structure must not have any adverse effect on the historic value of the historic site, building, or structure, as determined by the appropriate historic preservation authority.

(2) The floor area eligible to be transferred will be calculated by determining the maximum allowable floor area for the donor zoning lot on which the

historic site, building, or structure is located, including any applicable density bonuses for open space or the preservation of the historic site, building or structure, and subtracting from this maximum allowable floor area the sum of:

(A) The floor area of all historic buildings or structures to be retained on the donor zoning lot; and

(B) The floor area of all historic buildings or structures designated in an approved plan for development or redevelopment of the donor zoning lot.

(3) The unused floor area from the donor zoning lot on which the historic site, building, or structure is located, may be transferred to receiving zoning lots; provided that the donor zoning lot and each receiving zoning lot may not be located in the residential or preservation zoning districts. After transfer of floor area from a donor zoning lot to a receiving zoning lot, under no circumstances may the maximum floor area of the receiving zoning lot exceed by more than 15 percent the maximum floor area that would have otherwise be permitted without the transfer. Only floor area may be transferred, and all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.

(4) The owners or duly authorized agents of the owners of the donor and receiving zoning lots shall submit an application for a conditional use permit to effectuate the transfer of development.

(5) Additional floor area may be developed on the donor zoning lot; provided there is sufficient remaining permitted floor area that has not been transferred to any receiving zoning lots, and the development of the additional floor area will not diminish the value of the historic site, building, or structure on the donor zoning lot, or conflict with the approved maintenance agreement. The added floor area permitted on receiving zoning lots under a transfer of development must not be used in a manner that will diminish or destroy the value of any historic site, building, or structure on a receiving zoning lot that it is listed on, or is eligible to be listed on, the Hawaii or National Register of Historic Places.

(c) Special management area, transfer standards.

(1) The floor area or number of dwelling units eligible to be transferred will be calculated by determining the maximum allowable floor area or number of dwellings for the donor zoning lot, including any applicable density bonuses. All floor area or number of dwellings eligible to be transferred must be transferred in their entirety, so that the donor zoning lot is left undeveloped and vacant, and must be confirmed prior to the issuance of a building permit for development on the receiving zoning lot.

(2) Additional floor area permitted on receiving zoning lots under transfer of development must not be used in a way that will diminish or destroy the value of the special management area.

(3) In the residential zoning districts, receiving zoning lots may not exceed a maximum floor area ratio of 0.8. All other residential zoning district standards apply and may not be modified.

(4) Only floor area or number of dwelling units may be transferred, and all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.

(d) Application requirements: When applying for the required conditional use permit, applicants shall submit the following:

(1) Zoning lot floor area calculations for all donors and receiving zoning lots;

(2) Documentation demonstrating that donor zoning lots contain a historic site, building, or structure that is listed on the Hawaii or National Register of Historic Places, or both, or is located within a special management area;

(3) Where the donor site contains a historic site, a plan approved by the appropriate historic preservation entity, for any necessary restoration, renovation, or rehabilitation, and for the maintenance of the historic site, building, or structure on the donor zoning lots for a minimum period of 30 years, including calculation of the current floor area of all historic and non-historic buildings or structures on the donor zoning lots. A plan for restoration may be phased;

(4) Where the donor zoning lot is located within a special management area, a plan to maintain and preserve the donor zoning lot from the agency or organization that has agreed to manage the donor zoning lot;

(5) A plan for the development or redevelopment of the receiving zoning 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 to receiving zoning lots; and

(6) A proposed agreement running with the land for all donor and receiving zoning lots, binding all owners of the donor and receiving zoning 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 period of 60 years. The proposed agreement must be in a recordable form enforceable by the city. The proposed agreement must state the consideration to be given for the proposed transfer of development.

(e) Approval.

(1) The director may approve an application for a conditional use permit to transfer development if the director determines that:

(A) The proposed agreement provides adequate protection for the historic site, building or structure, or the special management area;

(B) All proposed donor and receiving zoning lots meet the requirements of this section;

(C) The transfer of floor area to the receiving lots will not cause the density of any of the receiving lots to exceed the maximum floor area ratio permitted under this section;

(D) The plan for development or redevelopment of the receiving zoning lots will not adversely impact the special management area, or diminish or destroy the value of any historic site, building, or structure on the receiving zoning lot that it is listed on, or is eligible to be listed on, the Hawaii or National Register of Historic Places; and will not result in adverse impacts to zoning lots in the vicinity of receiving zoning lots that are inconsistent with the underlying zoning district uses and standards of those nearby zoning lots; and

(E) The proposed plans and agreements submitted with the application will adequately ensure the preservation of the historic site, building, or structure on the donor zoning lot, or a donor zoning lot within the special management area.

(2) Prior to the recordation of the agreement required in subsection (d)(6) with the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate, no building permit or development permit may be issued for a building or structure on a donor or receiving zoning lot that does not conform to standards otherwise applicable to that zoning lot absent the transfer of development pursuant to an approved conditional use permit."

SECTION 4. Section 21-2.40-1, Revised Ordinances of Honolulu 1990, 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:

(1) Zoning adjustment;

(2) Waiver;

(3) Existing use permit;

(4) Conditional use permit (minor); and

(5) Special district permit (minor).

(b) Preapplication Procedures. Before submitting an application for a minor permit[~~, except an existing use permit,~~] for the following uses:

(1) [~~Transmitting antennas mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure~~] Antenna tower in the P-2, AG-1, or AG-2 zoning districts;

(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~~] or lodging units in the B-1, B-2, or BMX-3 zoning districts.

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~~] the presentation to owners of all properties adjoining the proposed project. [~~Provided, however, that the~~] 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, [~~day-care facility, school (elementary, intermediate and high), or~~] child or adult daycare, K-12 school, or minor hotel [~~with up to 180 dwelling and/or lodging units~~] in the BMX-3 zoning 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 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,~~] provided 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 5. Section 21-2.120-1, Revised Ordinances of Honolulu 1990, 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).~~]

(1) Hospitals;

(2) Prisons;

(3) Airports;

(4) Colleges and universities (except business schools and business colleges);

(5) Trade or convention centers; and

(6) 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 residential zoned district.~~] the preservation,

agricultural, country, residential, apartment, apartment mixed use, or industrial zoning districts.

(d) Golf course~~s~~.

(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 PRU approval is required for the golf course [~~shall require PRU approval~~].

(2) Golf course~~s~~ [~~shall be~~] are permitted as a plan review use in the P-2 [~~preservation district~~] and resort zoning districts only when consistent with the city's development plans. Golf courses [~~on P-2 zoned land shall~~] in the P-2 and resort zoning districts will be deemed consistent with the development plans only when situated on lands designated for preservation, parks and recreation, or golf courses on the development plan land use maps.

(3) Uses accessory to a golf course [~~shall~~] must 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~~] 21-5.70-9(b)."

SECTION 6. Section 21-2.130, Revised Ordinances of Honolulu 1990 ("Waiver of requirements"), is amended by amending subsection (a) to read as follows:

(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following:

(1) Public or public/private uses and structures, communication facilities, and utility installations[~~.~~]; provided that wind energy generation facilities are not eligible for a waiver under this section.

(2) To permit the creation of [~~lots~~] areas designated for landscaping and open space purposes [~~which~~] that do not meet minimum zoning lot area [~~and/or~~] or dimensions.

(3) To permit the replacement of existing improvements on private property when the improvements are[~~, or have been,~~] rendered nonconforming through the exercise of government's power of eminent domain on or after October 22, 1986, which for the purposes of this [~~provision~~] subdivision may also include requirements under Chapter 14, Article 21, [~~and/or~~] or the establishment of street setback lines.

(4) To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates [~~such as~~], including but not limited to[~~,~~] the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided [~~such~~] that the improvements [~~cannot~~] could not otherwise be made without conflicting with [~~the provisions of~~] this chapter.

(5) In the residential, apartment, and apartment mixed use zoning districts, when a zoning lot is subject to a street setback line, the director may reduce the front [~~and/or~~] or rear yard requirement by up to 30 percent[~~, on~~]; provided that the following conditions are satisfied:

(A) The zoning lot does not meet applicable minimum development standards for lot area, lot width, or lot depth, either in its current configuration or after the street setback is taken; and

(B) The appropriate agency or agencies concur in the reduction.

SECTION 7. Section 21-2.140-1, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-41, 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~~] shall 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~~] single-unit, two-unit, or duplex-unit 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:

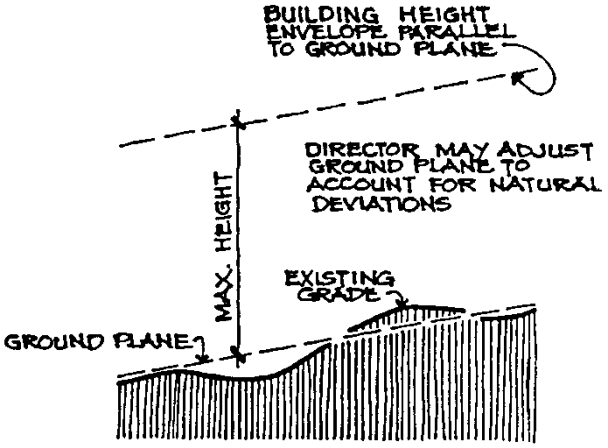
(A) The appropriate government agencies do not object to the proposal;

(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).~~] stem.

(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~~] that 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.

(f) Loading requirements—Low-rise [~~multifamily~~] multi-unit dwellings. The director may adjust or waive the loading requirement for low-rise [~~multifamily~~] multi-unit 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 [~~off-site~~] remote 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 [~~off-site~~] remote 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

(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 [~~dwelling.~~] unit. Nonconforming ohana [~~dwellings~~] units may be altered, enlarged, repaired, or rebuilt; provided that all of the following conditions are satisfied.

(1) The ohana [~~dwelling~~] unit is a nonconforming structure or dwelling unit. An ohana [~~dwelling~~] unit will be deemed nonconforming when the building permit for an ohana [~~dwelling~~] unit was issued, and any of the following circumstances apply:

(A) The ohana [~~dwelling~~] unit is no longer in an ohana-eligible area pursuant to Section 21-2.110-3;

(B) The ohana [~~dwelling~~] unit 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 [~~dwelling~~] unit 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 State of Hawaii land court, or both, as appropriate, on or before December 31, 1988; or

(D) The ohana [~~dwelling~~] unit was legally established, but is no longer allowed pursuant to Section 21-8.20(c)(2) and (3).

(2) The building area of the ohana [~~dwelling~~] unit 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 [~~dwelling~~] unit complies with all other development standards for the underlying zoning district, including off-street parking standards.

(4) Unless the ohana [~~dwelling~~] unit 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 zoning 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 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 zoning 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.

(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 [~~one-family or two-family detached dwellings or duplex units,~~] single-unit, two-unit, or duplex-unit dwellings 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.

(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 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~~] September 14, 2015, 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(c)(1)~~] 21-5.50-3(a), or be exempted from the off-street parking requirement established by Section [~~21-5.720(c)(4)~~] 21-6.20(a) and contained in Table 21-6.1, subject to the following conditions:

(1) The director [~~must~~] shall find that viable constraints do not allow the reduction of the floor area of the existing accessory structure; and

(2) The director [~~must~~] shall 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, ("Master Use Table"), as amended by Ordinance 20-41 and Ordinance 22-7, is deleted in its entirety.

SECTION 9. Section 21-3.50-2, Revised Ordinances of Honolulu 1990, 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 zoning district agricultural cluster [~~shall be~~] is 15 contiguous acres. The minimum land area required for an AG-2 district agricultural cluster [~~shall be~~] is six contiguous acres.

(b) The maximum number of farm dwellings in an AG-1 zoning district agricultural cluster [~~shall~~] may not exceed one unit per five acres. The maximum number of farm dwellings in an AG-2 district agricultural cluster [~~shall~~] must not exceed one unit per two acres.

(c) Within agricultural clusters, [~~detached, duplex and multifamily~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multifamily~~] Multi-unit dwellings [~~shall~~] may not exceed four dwelling units in any structure.

(d) Within an agricultural cluster, all principal, accessory, and conditional uses and structures permitted within the AG-1 restricted agricultural zoning district and AG-2 general agricultural zoning district [~~shall be~~] are 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~~] is a multiple of 5,000 square feet per dwelling.

(f) Height and yards [~~shall be~~] are the same as permitted in AG-1 and AG-2 zoning districts.

(g) Parking, loading, and sign requirements [~~shall be~~] are as specified in the approval of the agricultural cluster plan."

SECTION 10. Section 21-3.60-2, Revised Ordinances of Honolulu 1990, 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~~] is three contiguous acres.

(b) The maximum number of dwelling units in a country cluster [~~shall~~] must not exceed one per one acre.

(c) Within country clusters, [~~detached, duplex and multifamily~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multifamily~~] Multi-unit dwellings [~~shall~~] must 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 for those relating to yards and lot dimensions. Conditional uses [~~shall~~] will be subject to the standards in Article 4.

(e) The minimum size of a lot of record for dwellings [~~shall be~~] is 5,000 square feet. The following development standards [~~shall~~] apply to dwelling lots:

(1) Front yards [~~shall~~] must be a minimum of 10 feet.

(2) Side and rear yards [~~shall~~] must be a minimum of five feet.

(f) Parking, loading, and sign requirements [~~shall~~] must be specified in the approval of the country cluster plan.

(g) All other underlying zoning district development standards [~~shall~~] apply."

SECTION 11. Section 21-3.70, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

(a) The purpose of the residential [~~district~~] zoning districts is to allow for a range of residential densities. The primary use [~~shall be detached residences~~] is for dwellings. Other types of dwellings may also be allowed, including zero lot line[~~,~~] and cluster [~~and common wall housing~~] arrangements. Non-dwelling uses [~~which~~] that support and complement residential neighborhood activities [~~shall~~] are also [~~be~~] permitted.

(b) The intent of the R-20 and R-10 zoning 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 zoning districts, and urban zoning 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 zoning districts is to provide areas for urban residential development. These districts would be applied extensively throughout the island."

SECTION 12. Section 21-3.70-1, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-43, is amended to read as follows:

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

(a) Within the residential zoning districts, permitted uses and structures [~~shall be as enumerated~~] are as set forth in [~~Table 21-3~~] Table 21-5.1.

(b) Within the residential districts, development standards [~~shall be as enumerated~~] are as set forth in Table 21-3.2.

(c) Additional [~~Development Standards.~~] 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.

(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:~~] dwelling units:

(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~~] 21-5.50-3(a).

(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~~] dwelling units 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 zoning district, side and rear yards must be at least eight feet; and

(bb) In the R-5, R-7.5, R-10, and R-20 zoning 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~~] department that the [~~detached dwelling or duplex~~] dwelling unit 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~~] department may

issue a temporary[~~Certificate of Occupancy~~] 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~~] certificate of occupancy is in effect, the [~~Department~~] department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the [~~detached dwelling or duplex~~] dwelling unit to confirm that is in the same structural form as when the temporary[~~Certificate of Occupancy~~] certificate of occupancy was issued; and

(cc) At the end of the two-year period that a temporary [~~Certificate of Occupancy~~] certificate of occupancy is in effect, the [~~Department~~] department may, upon final inspection, issue a [~~Certificate of Occupancy~~] certificate of occupancy for the [~~detached dwelling or duplex~~] dwelling unit and close the building permit."

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

"**Table 21-3.2**
Residential [~~Districts~~] Zoning District
Development Standards

Development Standard		**District**				
		R-3.5	**R-5**	**R-7.5**	**R-10**	**R-20**
Minimum lot area (square feet)	**[~~One-family detached~~] Single-unit dwelling, and other uses**	3,500	5,000	7,500	10,000	20,000
	[~~Two-family detached~~] Two-unit dwelling	7,000	7,500	14,000	15,000	25,000
	[~~Duplex~~] Duplex-unit dwelling	3,500	3,750	7,000	7,500	12,500
Minimum lot width and depth (feet)		30 per [~~duplex unit,~~] duplex-unit dwelling, 50 for other uses		35 per [~~duplex unit,~~] duplex-unit dwelling, 65 for other uses	65 for single-unit, two-unit, and duplex-unit dwellings, 100 for other uses	100
Yards (feet):	**Front**	10 for single-unit, two-unit, and duplex-unit dwellings, 30 for other uses				
	Side and rear	5 for single-unit, two-unit, and duplex-unit dwellings[1], 15 for other uses			5 for single-unit, two-unit, and duplex-unit dwellings[1], 15 for other uses	
Maximum building area		50 percent of the zoning lot				
Maximum height (feet)[2]		25-30				
Height setbacks		per Sec. 21-3.70-1(c)				

[1] For [~~duplex~~] duplex-unit dwelling zoning 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.

[2]Heights 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."

SECTION 14. Section 21-3.80, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

(a) The purpose of the apartment zoning districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include [~~multifamily~~] multi-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 zoning district is to provide areas for low density, [~~multifamily~~] multi-unit dwellings. It may be applied as a buffer between residential districts and other more intense, noncompatible districts[~~. It~~], and would be applicable throughout the city.

(c) The intent of the A-2 medium density apartment zoning district is to provide areas for medium density, [~~multifamily~~] multi-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 zoning district is to provide areas for high density, high-rise, [~~multifamily~~] multi-unit dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present."

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

"Table 21-3.3
Apartment and Apartment Mixed Use [~~Districts~~] Zoning District
Development Standards

Development Standard		Zoning 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		**Lot area (sq. ft.)** / **Requirement** 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 zoning districts based on zoning lot size		**Lot area (sq. ft.)** / **FAR calculation** 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 zoning districts based on zoning lot size		**Lot area (sq. ft.)** / **FAR calculation** 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					

Development Standard	Zoning District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Maximum density (FAR) for A-3 & AMX-3 zoning 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				

[1]There shall be no minimum lot area, width or depth for [~~off-site~~] remote parking facilities.
[2]There shall be no minimum lot area for [~~off-site~~] remote parking facilities.
[3]Five feet for [~~detached~~] single-unit two-unit, and duplex unit dwellings [~~and duplexes~~] and 10 feet for other uses.
[4]For [~~duplex~~] duplex-unit dwelling zoning 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.
[5]Heights for [~~detached~~] single-unit and two-unit dwellings [~~and duplexes shall~~] must comply with residential height and height setback requirements.

n/a = Not applicable"

SECTION 16. Section 21-3.100, Revised Ordinances of Honolulu 1990, 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 [~~multifamily~~] multi-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."

SECTION 17. Table 21-3.4, Revised Ordinances of Honolulu 1990, ("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~~] Zoning District
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	[~~5[4]~~] 10 for dwellings, 5 for other uses[4]	10 for dwellings, 5 for other uses[4]	5[4,5]
	Side and rear	20[2]	[~~0[3]~~] 10 for multi-family dwellings, 0[3] for other uses	[~~0[3]~~] 10 for multi-family dwellings, 0[3] for other uses	5[2] for [~~detached~~] dwellings, 10 for [~~multifamily~~] multi-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		**Lot area (sq. ft.)** / **FAR calculation** 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
Maximum height (feet)		per zoning map	40	per zoning map	per zoning map	per zoning map, see Sec. 21-3.120-1 for

Development Standard	District				
	Resort	B-1	B-2	BMX-3	BMX-4
					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)	

[1]There shall be no minimum lot area, width, or depth for [~~off-site~~] remote parking facilities.
[2]For [~~duplex~~] duplex-unit dwelling zoning 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.
[3]Where 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 zoning district, [~~there shall be a~~] the side or rear yard [~~which conforms~~] must conform to the yard requirements for dwelling use of the adjoining district. In addition, see Section 21-4.70-1 for landscaping and buffering requirements.
[4]Where a zoning lot adjoins a residential, apartment, or apartment mixed use zoning district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) [~~shall~~] must conform to the front yard requirements for the dwelling use of the adjoining zoning district (see Figure 21-3.6).
[5]Five 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"

SECTION 18. Section 21-3.130, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 21-3.130 Industrial zoning districts—Purpose and intent.**

(a) The purpose of the industrial zoning 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 zoning districts.

(b) Heavy industrial uses such as [~~refining of petroleum and manufacturing of explosives~~] heavy general manufacturing and processing, and explosive/toxic chemical manufacturing, storage, and distribution 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 zoning districts.

(d) The intent of the I-1 limited industrial zoning 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 [~~manufacturing, including handcrafted goods as well as "high technology industries" such as telecommunications, computer parts manufacturing, and research and development.~~] industrial uses including light general manufacturing and processing, linen suppliers, and publishing facilities. Uses in this district are limited to those [~~which~~] that 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 zoning 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 to major transportation systems, and with other locational characteristics necessary to support industrial centers. It [~~shall~~] must 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 zoning 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."

SECTION 19. Section 21-4.60, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 21-4.60 Heights.**

(a) All structures [~~shall~~] must 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~~] other exceptions may be specified under special districts.

(b) The building height envelope [~~shall~~] must run parallel to existing or finish grade, whichever is lower (see Figure 21-4.3), except where the finish grade is higher than the 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~~] will be measured from finish grade.

(c) The following structures and associated screening [~~shall~~] will be exempt from zoning district height limits under the following 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~~] ; provided that structures housing rooftop machinery on [~~detached dwellings and duplex units shall~~] single-unit, two-unit, and duplex-unit dwellings are 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.~~] 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,~~] installation, location, and height of antennas [~~can be and~~] are detrimental to the city's appearance and, therefore, image; that this [~~can~~] may cause significant damage to the community's sense of well-being, particularly in residential areas, and [~~can~~] may 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~~] set forth 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~~] may not exceed 500 feet from existing grade[~~.~~];

(B) Antennas associated with utility installations [~~shall~~] may not exceed 10 feet above the governing height limit[~~, but~~]; provided that in residential zoning districts where utility lines are predominantly

located underground the governing height limit [~~shall~~] will apply[~~.~~]; and

(C) Receive-only antennas [~~shall~~] may 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~~] must 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 zoning 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~~] that 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."

SECTION 20. Section 21-4.70, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-41, is amended to read as follows:

"**Sec. 21-4.70 Landscaping and screening.**

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

(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, two-unit, or duplex-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 zoning 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 zoning districts and on structures or portions of structures less than 150 feet in height will be exempt from this subsection."

SECTION 21. Section 21-4.70-1, Revised Ordinances of Honolulu 1990, 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~~] zoning districts must be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort [~~district,~~] zoning districts by a solid wall [~~six~~] 6 feet in height

erected and maintained along side and rear property lines. Such walls [~~shall~~] must not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use, or resort [~~district.~~] zoning districts. In addition, a [~~five-foot-wide~~] 5-foot wide landscaping strip [~~shall~~] must be provided along the outside of the solid wall.

(b) Any use located in the IMX-1 zoning district [~~shall~~] must be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort [~~district,~~] zoning districts by a landscaped area [~~not less than~~] a minimum of [~~five~~] 5 feet in width along side and rear property lines. Such landscaped area [~~shall~~] must contain a screening hedge [~~not less than~~] a minimum of 42 inches in height. The requirements of this subsection [~~(b) shall~~] do not apply to necessary drives and walkways, nor to any meeting facility, [~~day care facility,~~] child daycare, adult daycare, 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,~~] zoning districts, and any use located in the BMX-3 zoning district except [~~detached dwellings and multifamily dwellings, shall~~] for single-unit, duplex-unit, two-unit, and multi-unit dwellings, must be screened from any adjacent zoning lot in a residential, apartment, or apartment mixed use [~~district,~~] zoning districts by a landscaped area [~~not less than~~] a minimum of [~~five~~] 5 feet in width along side and rear property lines. [~~Such~~] The landscaped area [~~shall~~] must contain a screening hedge [~~not less than~~] a minimum of 42 inches in height. The requirements of this subsection [~~(c) shall~~] do not apply to necessary drives and walkways, nor to any meeting facility, [~~day-care facility,~~] child daycare, adult daycare, large group living [~~facility~~], or other use governed by subsection (d).

(d) Any meeting facility, [~~day-care facility,~~] child daycare, adult daycare, large group living [~~facility~~], parking facility, commercial use, industrial use, or similar use, located in any zoning district other than those already addressed under subsections (a), (b), and (c), [~~shall~~] must be screened from any adjacent zoning lot in a country, residential, apartment, apartment mixed use, or resort [~~district~~] zoning districts by:

(1) A solid wall or fence, excepting chain link, [~~six~~] 6 feet in height; or

(2) An equivalent landscape buffer such as a [~~six-foot-high~~] 6-foot-high screening hedge.

[~~Such~~] The solid wall or fence, or equivalent landscape buffer[~~, shall~~] must 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 facilities 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.

[~~(e)~~](g) This section [~~shall~~] does not preclude a public utility from constructing a wall or fence exceeding [~~six~~] 6 feet in height pursuant to Section 21-4.30(c)(2)."

SECTION 22. Section 21-4.80, Revised Ordinances of Honolulu 1990, 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 [~~21-5.190 shall~~] 21-5.70-12(b), may be mounted outside any structure on any lot [~~which~~] that is adjacent to any lot in a country, residential, apartment, apartment mixed use, or resort zoning district."

SECTION 23. Section 21-4.100, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-41, is amended to read as follows:

"**Sec. 21-4.100 Outdoor lighting.**

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

SECTION 24. Section 21-4.110, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-6 and 21-30, 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 space was legally established as it now exists. Nonconforming lots, structures, uses, dwelling units, commercial use density, and parking and loading spaces may be continued, subject to the following provisions[~~:~~].

(a) Nonconforming Lots.

(1) A nonconforming lot [~~shall~~] may 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~~] so 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~~] after the date of destruction.

(A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use that [~~contains multifamily dwelling units~~] consists of a multi-unit dwelling owned by owners under the authority of the State of Hawaii Condominium Property Act or HRS Chapter 421H, or dwelling 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~~] after 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.

(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 to facilitate the timely conversion to conforming uses.

(1) A nonconforming use may not extend to any part of a structure or lot that was not arranged or designed for such use at the time of adoption of the provisions of this chapter or subsequent amendment; nor may the nonconforming use be expanded in any manner, or the hours of operation increased; provided that 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 on 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, may not be resumed; provided that a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period will not be considered a discontinuation.

(3) Work may be done on any structure devoted in whole or in part to a nonconforming use; provided that work on the nonconforming use portion [~~of the structure must~~] will be limited to ordinary repairs. For purposes of this subsection, the term "ordinary repairs" [~~means~~] are only construed to include the following:

(A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing;

(B) Work required to comply with city, [~~state,~~] State, or federal mandates, including but not limited to the Americans with Disabilities Act (ADA) or the National Environmental Policy Act (NEPA); or

(C) Interior and exterior alterations[~~,~~]; provided that there is no physical expansion [~~nor~~] or intensification of the nonconforming use;

[~~provided~~] Provided further that ordinary repairs [~~must~~] may 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, [~~must~~] may not be increased[~~; and further provided that the 10 percent of the current replacement cost limitation does not apply to work involving that portion of a structure devoted to nonconforming hotel use in the Diamond Head special district.~~].

(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 is only permitted if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use were to be continued; and

(B) The director may impose conditions on the change in nonconforming use necessary or appropriate to minimize impact or prevent greater adverse effects related to a proposed change in use.

Other than for ordinary repairs as provided [~~as "ordinary repairs"~~] under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant [~~are~~] is not permitted.

(5) Any action taken by an owner, lessee, or authorized operator that reduces the negative effects associated with the operation of a nonconforming use, including but not limited to reducing hours of operation or exterior lighting intensity, [~~may~~] will 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 spaces may be continued, subject to the following provisions:

(1) If there is a change in use to a use with a higher parking or loading [~~standard,~~] space requirement, 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 spaces 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."

SECTION 25. Section 21-4.110-1, Revised Ordinances of Honolulu 1990, as amended by Ordinance 22-7, is amended to read as follows:

"**Sec. 21-4.110-1 Transient vacation units—Nonconforming use certificates.**

(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 held a valid nonconforming use certificate issued pursuant to this section on August 1, 2019.

(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 year thereafter.

Each application to renew must 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 the calendar year covered by the nonconforming use certificate being renewed and (ii) there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during such year. 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 following additional provisions apply to transient vacation units operating under a nonconforming use certificate pursuant to this section:

(1) Section [~~21-5.730(b)(3)~~] 21-5.70-3(a)(3) relating to restrictions and standards; and

(2) Section [~~21-5.730(c)~~] 21-5.70-3(a)(3)(C) relating to advertisements.

(e) In addition to the requirements in subsection (d), for transient vacation units operating under a nonconforming use certificate pursuant to this section that are located within the country, residential, or apartment zoning districts, transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the transient vacation unit.

(f) A nonconforming use certificate for a transient vacation unit that has been issued and renewed pursuant to this section may be renewed by a new owner, operator, or proprietor of the transient vacation unit, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration."

SECTION 26. Section 21-4.110-2, Revised Ordinances of Honolulu 1990, as amended by Ordinance 22-7, 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 year thereafter.

Each application to renew must 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 the calendar year covered by the nonconforming use certificate being renewed and (ii) there were bed and breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during such year. 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~~] 21-5.50-3(c) relating to home occupations shall not apply to bed and breakfast homes.

(d) 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.

(e) The following additional provisions apply to bed and breakfast homes operating under a nonconforming use certificate pursuant to this section:

(1) Section [~~21-5.730(b)(3)~~] 21-5.70-3(a)(3) relating to restrictions and standards; and

(2) Section [~~21-5.730(c)~~] 21-5.70-3(a)(3)(C) relating to advertisements.

(f) In addition to the requirements in subsection (e), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the residential zoning districts are subject to the following:

(1) A maximum of two rooms may be provided to transient occupants for sleeping accommodations, and a maximum of four adult transient occupants may be accommodated at any one time; and

(2) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit.

(3) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(g) In addition to the requirements in subsections (e) and (f), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the country or apartment zoning districts are subject to the following:

(1) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit; and

(2) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(h) A nonconforming use certificate for a bed and breakfast home that has been issued and renewed pursuant to this section may be renewed by a new owner, operator, or proprietor of the bed and breakfast home, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration."

SECTION 27. Section 21-6.20, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41, 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.~~] <u>in this subsection.</u> 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~~] Household living – single-unit, two-unit, duplex unit, and multi-unit dwellings Group living – small and large Accessory residential – accessory dwelling unit, family child care home, ohana unit, poultry-raising, rooming Accessory agricultural – farm dwelling, farm worker housing Lodging – hotel, major and minor; time share; vacation rental unit	1 per 1,000 square feet of private dwelling or lodging area, not including areas identified in (b)(2)(A)
COMMERCIAL 1 [~~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~~] Daycare – child daycare and adult daycare Eating and drinking – general eating and drinking; bar/nightclub, major and minor Medical services – general medical services, hospital, medical laboratory Office – general office Personal services – general personal services; animal care, minor and major; wedding services Retail – general retail, medium and large; alternative financial service; mobile commercial establishment	1 per 500 square feet

COMMERCIAL 2 [~~Data processing facilities; sales of appliances, household and office furniture, machinery, and plumbing and heating supplies; automobile service stations~~] Retail – general retail, small Vehicle related – car wash; vehicle fueling station; vehicle repair, service, light, and heavy; vehicle sales and rental Accessory commercial – drive-thru, retail, vacation cabin	1 per 1,000 square feet
AGRICULTURE, INDUSTRY AND WAREHOUSING [~~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; 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~~] Agricultural support – agricultural equipment services; collection and storage, major and minor; feed store; processing, major and minor; sawmills; veterinary services 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 Marine – general marine, minor and major; port Repair – general repair, heavy repair Research and development – general research and development Storage and distribution – general storage, warehousing, and distribution; self-storage; storage yard	1 per 2,000 square feet

SCHOOLS [~~AND CULTURAL FACILITIES~~ ~~Art galleries, museums, and libraries; day-care facilities; schools~~] Education – school, K-12; vocational school, minor or major	1 per 500 square feet of office[~~, classroom, gallery space~~] or classroom
PLACES OF ASSEMBLY [~~Auditoriums; funeral homes and mortuaries; meeting facilities; gymnasiums; sports arenas; theaters~~] Assembly - meeting facility, small, medium, or large Recreation, indoor – theater	1 per 125 square feet of assembly area, or 1 per 5 fixed seats, whichever is less
RECREATION [~~Amusement and recreation facilities (outdoor and indoor) involving swimming pools and sports played on courts~~] Assembly – community recreation center Recreation, indoor – general indoor recreation Recreation, outdoor – general outdoor recreation	1 per 250 square feet of assembly area or seating, plus 2 per court, and 10 per field or pool
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	Determined by Director

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, nature-based recreation Industrial Accessory industrial – helistop Resource extraction – general resource extraction Transportation – airport, base yard, heliport, multi-modal facility, truck terminal Waste related – salvage, scrap, or junk storage and processing; waste disposal and processing Miscellaneous – Historic structure re-use, other unique uses not captured elsewhere	

(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~~] multi-unit dwellings, [~~hotels~~] lodging, group living facilities, [~~boarding facilities,~~] and consulates;

(B) Accessory areas in [~~schools, cultural facilities, places of~~] 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. Section 21-6.30, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41, 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. For accessory dwelling units located on zoning lots within the Primary Urban Center development plan area, the off-street parking space requirement is waived if the accessory dwelling unit is located within 800 feet of a city bus stop.

(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. On-site~~] onsite and remote. Onsite 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.

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

Uses	Residential	Office/ Warehouse/ Industrial	Retail/ Commercial	Eating and Drinking Establishment	Hotel/Lodging	Other
Residential	100%	80%	90%	90%	90%	90%
[~~Office/ Warehouse/ Industrial~~] Office/Industrial	80%	100%	80%	80%	90%	90%
[~~Retail/ Commercial~~] Commercial	90%	80%	100%	90%	80%	90%
Eating and Drinking Establishment	90%	80%	90%	100%	90%	90%
[~~Hotel/Lodging~~] Lodging	90%	90%	80%	90%	100%	90%
Other	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 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;~~]

[~~(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(c)(4), relating to accessory dwelling units~~]; and

[~~(6)~~](4) Section [~~21-5.350(g)~~] 21-5.50-3(c) 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."

SECTION 29. Section 21-6.40, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41 ("Bicycle parking"), is amended by amending subsection (b) to read as follows:

"(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 and two-family dwellings, and duplexes.~~] single-unit, two-unit, and duplex-unit dwellings. Short-term and long-term bicycle parking spaces must be provided whenever new floor area, new dwelling 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."

SECTION 30. Section 21-6.50, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41 ("Parking space dimensions and access"), is amended by amending subsection (a) 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
0º - 44º	12 ft.
45º - 59º	13.5 ft.
60º - 69º	18.5 ft.
70º - 79º	19.5 ft.
80º - 89º	21 ft.
90º	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.

(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 dwellings, duplex units,~~] single-unit, two-unit, or duplex-unit dwellings, and internal one-way driveways connecting parking aisles must be a minimum of 10 feet in width."

SECTION 31. Section 21-6.70, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41, 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

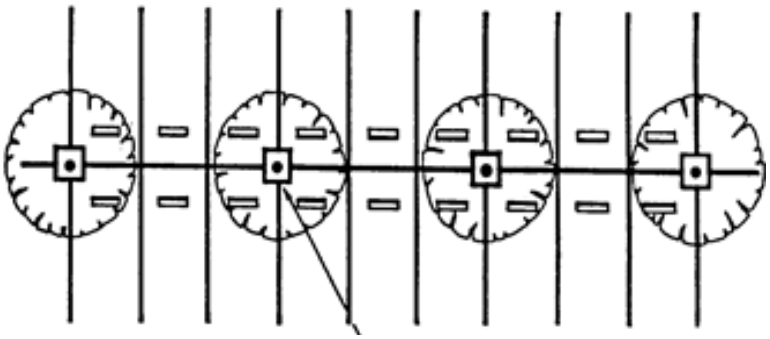
separated from the establishment requiring the loading by a street, and must be connected by an improved pedestrian path or sidewalk. The distance between [~~off-site~~] remote bicycle parking and the nearest principal pedestrian entrance of the establishment requiring the bicycle parking must not exceed 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 zoning 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."

SECTION 32. Figure 21-6.1, Revised Ordinances of Honolulu 1990, ("Permitted Vehicle Overhangs"), as enacted by Ordinance 20-41, 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.



Minimum planting area, or
stormwater tree box"

A BILL FOR AN ORDINANCE

SECTION 33. Section 21-6.110, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-41, 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, [~~business services,~~] personal services, repair, [~~manufacturing~~,] self-storage facilities	2,000 - 10,000	1
	10,001 - 20,000	2
	20,001 - 40,000	3
	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. [~~Multifamily~~] Multi-unit 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 [~~schools~~] educational uses have special loading requirements. [~~Day care~~] Child daycare centers must provide a pickup and drop off area equivalent to four parking spaces pursuant to Section [~~21-5.180.~~] 21-5.70-1(a). Schools, K-12 with more than 25 students must provide a pickup and drop off area equivalent to four parking spaces pursuant to Section [~~21-5.590(c).~~] 21-5.60-3(a)."

SECTION 34. Section 21-7.40, Revised Ordinances of Honolulu 1990, ("Specific district sign standards"), is amended by amending subsection (d) to read as follows:

"(d) Apartment and Apartment Mixed Use Districts. In connection with any use permitted other than [~~one-family and two-family~~] single-unit, two-unit, or duplex-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~~] 8 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."

A BILL FOR AN ORDINANCE

SECTION 35. Section 21-7.50, Revised Ordinances of Honolulu 1990, 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.

(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 Accessory to Convenience Store~~] Vehicle fueling accessory to 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.~~] 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~~] drive-in and which are not visible from outside the theater.

(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~~] are permitted at any level situated above the ground level. "Ground level" means the first level of a shopping center [~~which~~] that contains outdoor parking facilities for the business establishments situated at this level."

SECTION 36. Section 21-8.20, Revised Ordinances of Honolulu 1990, as enacted by Ordinance 20-6, is amended to read as follows:

"**Sec. 21-8.20 [~~Housing—Ohana dwellings.~~] Housing—Ohana units.**

(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"~~] 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;

(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~~] Bureau of Conveyances, or 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. Section 21-8.20A, Revised Ordinances of Honolulu 1990, 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 that:

(1) The zoning lot [~~shall~~] must 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~~] proposes to construct additional dwelling units under the provisions of Section 21-8.20, [~~ohana dwellings~~,] relating to ohana dwelling units, the zoning lot [~~shall~~] must be subdivided.

(3) The number of dwelling units contained in each structure [~~shall~~] must not be greater than permitted in the applicable zoning district.

(4) This section [~~shall~~] does not apply to more than eight dwelling units on a single zoning lot in [~~a~~] the country or residential zoning district, which must be processed under the established procedures for cluster housing, planned development housing, or subdivision.

(5) For more than two [~~dwellings,~~] dwelling units, the zoning lot [~~shall~~] must 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. Section 21-8.20-1, Revised Ordinances of Honolulu 1990, 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 shall~~] units will 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 shall~~] units may be approved in that area.

(3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the [~~residential-zoned lots~~] zoning lots in a residential zoning

district in the same census tract sign a petition requesting that [~~residential-zoned lots~~] zoning lots in the residential zoning district in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana [~~dwellings~~] units [~~shall~~] may be approved on [~~residential-zoned lots~~] zoning lots in the residential zoning district 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~~] means the fee owner of property that is not subject to a lease [~~and shall mean~~], or the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" [~~shall mean~~] means "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~~] zoning lots in the agricultural or country zoning districts in the same census tract sign a petition requesting that all [~~agricultural-zoned and country-zoned areas~~] zoning lots in the agricultural or country zoning districts in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana [~~dwellings shall~~] units may be approved on [~~agricultural-zoned or country-zoned lots~~] zoning lots in the agricultural or country zoning districts in that census tract from the date the department certifies the validity of the petition. For purposes of this subdivision, "owner" [~~shall mean~~] means the fee owner of property that is not subject to a lease [~~and shall mean~~], or the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" [shall mean] means 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, of 20 years or more (including any periods [~~for~~] during 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~~] are not limited to[~~,~~] provisions relating to the form of petitions, determination of necessary signatures [~~where~~] if 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 as 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)~~] boards in the affected area.

(b) Standards and criteria for determining adequacy of public facilities[~~, to~~] include but are 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[~~.~~]; and

(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.~~] procedures for obtaining a building permit for an ohana unit. The standards [~~shall,~~] must, 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~~] for the ohana unit for both the [~~first~~] primary dwelling unit and the ohana [~~dwelling~~] unit."

SECTION 39. Section 21-8.30, Revised Ordinances of Honolulu 1990, 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,~~] the agricultural zoning districts; provided that an agricultural site development plan for the lot is approved by the director.

(a) Any agricultural zoning lot [~~which~~] that has at least twice the required minimum lot size for the underlying agricultural zoning district may have two [~~detached~~] farm dwellings. If the applicant [~~wishes to erect~~] proposes to construct additional farm dwellings under the provisions of Section 21-8.20, [~~ohana dwellings~~] relating to ohana units, the zoning lot [~~shall~~] must be subdivided.

(b) The agricultural site development plan [~~shall~~] must 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~~] as 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~~] underlying zoning district.

(3) Except where otherwise provided in this article, each existing and future farm dwelling [~~is~~] must be located as if the zoning 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."

SECTION 40. Section 21-8.40, Revised Ordinances of Honolulu 1990, 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~~] that 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 zoning 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."

A BILL FOR AN ORDINANCE

SECTION 41. Section 21-8.50-1, Revised Ordinances of Honolulu 1990, 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~~] that would otherwise be difficult to develop under conventional city subdivision standards.

(b) To allow flexibility in housing types, including [~~attached units.~~] two-unit, duplex-unit, and multi-unit dwellings.

(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."

SECTION 42. Section 21-8.50-2, Revised Ordinances of Honolulu 1990, 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 zoning districts, subject to the following standards:

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

Zoning 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, [~~detached, duplex and multifamily~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multifamily dwellings shall~~] Multi-unit dwellings must not exceed eight dwelling units in one structure.

(c) The director may waive the following requirements if suitable landscaping [~~and/or fence/wall buffering~~] or buffering with a fence or wall is provided:

(1) All structures containing more than two [~~dwelling~~] units [~~shall~~] must 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~~] must 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 that the following conditions are [~~met:~~] satisfied:

(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~~] multi-unit dwellings with gabled [~~and/or~~] or hipped roof forms;

(3) The highest exterior wall line, equivalent to the structural top plate, [~~shall~~] must 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~~] must be at least 30 feet;

(5) The building [~~shall~~] must 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~~] must be constructed or landscaped buffering [~~shall~~] must be installed along the roadway, or a combination of a wall and landscaping, subject to the approval of the director.

(f) [~~Maximum~~] The maximum building area [~~shall be~~] is 50 percent of the total land area for the project. Maximum building area for any zoning lot of record may be more than 50 percent in response to design considerations, but [~~in no event shall~~] must not exceed 80 percent.

(g) Yards and height setbacks abutting the boundaries of the entire cluster development site [~~shall~~] must not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all zoning lots fronting public streets [~~shall~~] must 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. Section 21-8.50-4, Revised Ordinances of Honolulu 1990, 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; and

(g) More flexibility for infrastructure improvements."

SECTION 44. Section 21-8.50-6, Revised Ordinances of Honolulu 1990, 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~~] are not permitted;

(b) Day-care facilities;

(c) Dwellings—[~~detached, multifamily and duplex;~~] single-unit, two-unit, duplex-unit, and multi-unit; and

(d) Recreation [~~facilities~~], outdoor[~~;~~].

[~~(e) Schools--elementary, intermediate and high;~~

~~(f) Utility installations, Type A.~~]"

SECTION 45. Section 21-9.10, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 21-9.10 Developments in flood hazard areas.**

(a) All permit applications subject to this chapter [~~shall,~~] must, 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~~] must 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 dwellings and duplex units~~] single-unit, two-unit, and duplex-unit dwellings in apartment and apartment mixed use zoning districts, may exceed the maximum height in the district by no more than [~~five~~] 5 feet if required to have its lowest floor elevated to or above the base flood elevation[~~,~~]; provided that such additional height [~~shall~~] must 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~~] are 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.~~], or rules."

SECTION 46. Table 21-9.1, Revised Ordinances of Honolulu 1990, 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 dwellings and duplex units~~] Single-unit, two-unit, or duplex-unit dwellings, 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	
New buildings not covered above	M/m	Minor for accessory structures

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable [~~tv,~~] television, 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. Section 21-9.40-5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

[~~Duplexes and one-family and two-family detached dwellings shall be~~] Single-unit, two-unit, and duplex-unit dwellings are 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, [~~set out at the end of this article, shall~~] must comply with Sections 21-9.40-4(a) and (c)."

SECTION 48. Section 21-9.50-5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

[~~Duplexes and one family and two-family detached dwellings shall be~~] Single-unit, two-unit, and duplex-unit dwellings are 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, [~~set out at the end of this article, shall~~] must comply with Section 21-9.50-4(c) and (e)."

SECTION 49. Table 21-9.3, Revised Ordinances of Honolulu 1990, 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 dwellings, and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, 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 accessory structures in "core" area

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable [~~tv,~~] television, 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. Section 21-9.60-8, Revised Ordinances of Honolulu 1990, 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- and two-family dwelling use to provide a variety of compatible uses which~~] a variety of dwelling unit types, including single-unit, two-unit, duplex-unit, and multi-unit dwellings that would contribute to the precinct's social and economic vitality."

SECTION 51. Section 21-9.60-9, Revised Ordinances of Honolulu 1990, as amended by Ordiance 20-41, is amended to read as follows:

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

(a) Maximum [~~Heights.~~] heights. Within the historic core precinct, new structures [~~shall~~] must not exceed 40 feet.

(b) Open [~~Space and Landscaping.~~] 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~~] are not required. Any trees planted within a front yard or sidewalk area [~~shall~~] must 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.~~] yards.

(1) There [~~shall be~~] are no required yards.

(2) All buildings on the same block face [~~shall~~] must form a continuous street facade, except for necessary driveways, pedestrian entryways, and small open space pockets.

(d) Permitted [~~Uses.~~] 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- and two-family 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."

SECTION 52. Table 21-9.4, Revised Ordinances of Honolulu 1990, 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 dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, 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,~~] television, 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 53. Table 21-9.5, Revised Ordinances of Honolulu 1990, 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 dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, 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	
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,~~] television, 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"

A BILL FOR AN ORDINANCE

SECTION 54. Section 21-9.80-4, Revised Ordinances of Honolulu 1990, ("General requirements and design controls"), is amended by amending subsection (d) to read as follows:

"(d) Planned [~~Development-Resort~~] development-resort (PD-R) and [~~Planned Development-Apartment~~] planned development-apartment (PD-A) [~~Projects.~~] 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.~~] applicability.

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

(B) The minimum project size is one acre. Multiple zoning lots may be part of a single PD-R or PD-A project if the owners, lessees, developers, or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. [~~Lots~~] Zoning lots may be added to or removed from existing PD-R or PD-A projects upon the application of the owners, lessees, developers, or other designated representatives of the lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD-A project, or [~~its~~] the original applicant's successor. Applications for the addition or removal of [~~lots shall~~] zoning lots will be processed in accordance with other applicable regulations contained in this Chapter. [~~Lots~~] Zoning lots to be removed [~~shall~~] must be able to

comply on their own with applicable zoning regulations as a separate project. Multiple zoning lots in a single project must be contiguous[~~,~~]; provided that lots that are not contiguous may be part of a single project if all of the following conditions are [~~met:~~] satisfied:

(i) The zoning lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and

(ii) Each noncontiguous portion of the project, whether comprised of a single zoning lot or multiple contiguous zoning lots, must have a minimum area of 20,000 square feet, but subject to the minimum overall project size of one acre.

When a project consists of noncontiguous zoning lots as provided [~~above,~~] in this paragraph, bridges or other design features connecting the separated zoning lots are strongly encouraged, to unify the project site. Multiple zoning lots that are part of an approved single PD-R or PD-A project will be considered and treated as one zoning lot for purposes of the project[~~,~~]; provided that no conditional use permit-minor for a joint development will be required therefor.

(2) PD-R and PD-A [~~Use Regulations.~~] use regulations. Permitted uses and structures [~~will be as enumerated~~] are as set forth for the underlying precinct in Table 21-9.6(A).

(3) PD-R and PD-A [~~Site Development and Design Standards.~~] site development and design standards. The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection.

(A) In PD-R projects, the maximum project floor area [~~cannot~~] must not exceed an FAR of 4.0[~~, except:~~]; provided that:

(i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or

(ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density. In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable [~~public uses~~] publicly accessible uses that support culture and the arts within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

(B) In PD-A projects, the maximum project floor area [~~cannot~~] must not exceed an FAR of 3.0[~~, except:~~]; provided that:

(i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or

(ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density. In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable [~~public uses~~] publicly accessible uses that support culture and the arts within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

(C) The maximum building height is 350 feet, but this standard may be reduced.

(D) The precinct transitional height setbacks [~~will be~~] are as set forth in Table 21-9.6(B), but these standards may be modified.

(E) The minimum for yards is 15 feet, but this standard may be modified.

(F) The minimum open space is at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.

(G) The landscaping requirements [~~will be~~] <u>are</u> as set forth in subsection (f), but these standards may be modified.

(H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located [~~will~~] apply.

(4) Approval of PD-R or PD-A Projects.

(A) Application Requirements. An application for approval of a PD-R or PD-A project must contain:

(i) A project name;

(ii) A location map showing the project in relation to the surrounding area;

(iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. The site plan must also note property lines, the shoreline, shoreline setback lines, beach access<u>,</u> and other public and private access, when applicable;

(iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic

circulation, parking and loading, security, sewers, potable water, and public utilities;

(v) An open space plan and integrated pedestrian circulation system;

(vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and

(vii) A parking and loading management plan.

(B) Procedures. Applications for approval of PD-R or PD-A projects will be processed in accordance with Section 21-2.110-2.

(C) No project will be eligible for PD-R or PD-A status unless the council has first approved a conceptual plan for the project.

(D) Guidelines for [~~Review and Approval of the Conceptual Plan for a Project.~~] review and approval of the conceptual plan for a project. Prior to [~~its~~] council approval of a conceptual plan for a PD-R or PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:

(i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection;

(ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and

(iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth [~~under~~] in Chapter 24.

(E) Deadline for [~~Obtaining Building Permit for Project.~~] obtaining a building permit for a project.

(i) A council resolution [~~of approval for~~] approving a conceptual plan for a PD-R or PD-A project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

(ii) The resolution must further provide that a deadline may be extended as follows: [~~The~~] the director may extend the deadline if the applicant demonstrates good cause, but the deadline [~~cannot~~] may not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension[~~, which report~~] that must include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of:

(aa) 60 days after the receipt of the director's report; or

(bb) [~~the~~] The applicant's then-existing deadline for obtaining a building permit, the extension will be deemed denied.

The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(F) Approval by [~~Director.~~] the director. Upon council approval of the conceptual plan for the PD-R or PD-A project, the application for the project, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria will be used by the director to review applications:

(i) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;

(ii) The project also must implement the objectives, guidelines, and standards of the Waikiki special district and this subsection;

(iii) The project must exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features that may fulfill this requirement;

(iv) The project must demonstrate a high level of compliance with the design guidelines of [~~this~~] the Waikiki special district and this subsection;

(v) The project must contribute significantly to the overall desired urban design of Waikiki;

(vi) The project must reflect appropriate "contextual architecture[~~";~~];"

(vii) The project must demonstrate a pedestrian system, open spaces, and landscaping and water features (such as water gardens and ponds) that must be integrated and prominently conspicuous throughout the project site at ground level;

(viii) The open space plan must provide useable open spaces, green spaces, water features, public places, and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;

(ix) The system of proposed pedestrian elements must contribute to a strong pedestrian orientation that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding Waikiki areas; and

(x) The parking management plan must minimize impacts upon public streets where possible, [~~must~~] enhance local traffic circulation patterns, and [~~must~~] make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan will constitute the off-street parking and loading requirements for the project."

SECTION 55. Section 21-9.80-5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 21-9.80-5 Apartment precinct.**

(a) Permitted [~~Uses.~~] uses. Within the apartment precinct, including the apartment mixed use subprecinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth in Table 21-9.6(A).

(b) Development [~~Standards.~~] standards. Uses and structures within the apartment precinct and the apartment mixed use subprecinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B).

(c) Additional [~~Development Standards.~~] development standards.

(1) Commercial [~~Use Location within the Apartment Mixed Use Subprecinct.~~] 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~~] are limited to the basement, ground floor, or second floor of a building.

(2) Transitional [~~Height Setbacks.~~] 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~~] must be provided. Within the height setback, buildings with graduated, stepped forms [~~shall be~~] are encouraged (see Figure 21-9.2).

(d) Additional [~~Use Standards.~~] use standards. Utility installations, [~~Type A,~~] small, [~~when~~] involving transmitting antennas, [~~shall~~] must be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2."

SECTION 56. Section 21-9.80-6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

(a) Permitted [~~Uses.~~] uses. Within the resort mixed use precinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth in Table 21-9.6(A).

(b) Development [~~Standards.~~] standards. Uses and structures within the resort mixed use precinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B).

(c) Additional [~~Development Standards.~~] development standards.

(1) Floor [~~Area Bonus.~~] 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;

(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.~~] 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~~] must be provided. Within the height setback, buildings with graduated, stepped forms [~~shall be~~] are encouraged (see Figure 21-9.2).

(d) Additional [~~Use Standards.~~] use standards. Utility installations, [~~Type A,~~] small, [~~when~~] involving transmitting antennas, [~~shall~~] must be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2."

SECTION 57. Section 21-9.80-8, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 21-9.80-8 Public precinct.**

(a) Permitted [~~Uses.~~] uses. Within the public precinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth 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~~] solely 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] must comply with the guidelines established by the urban design controls [~~marked~~] in Exhibit 21-9.15, set out at the end of this article.

(b) Development [~~Standards.~~] standards. Uses and structures within the public precinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B). The director shall approve FAR, height, and yard requirements for structures [~~shall be approved by the director~~].

(c) [~~Signs shall be approved by the director and shall~~] The director shall approve signs, which must not exceed a total of 24 square feet in area.

(d) Utility installations, [~~Type A,~~] small, involving transmitting antennas [~~shall~~], must be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2."

A BILL FOR AN ORDINANCE

SECTION 58. Table 21-9.6(A), Revised Ordinances of Honolulu 1990, as amended by Ordinance 22-7, 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**
Agricultural Uses			
None			
Residential Uses			
Dwellings, [~~multifamily[2]~~] multi-unit[2]	P	P	
Group living [~~facilities~~]	C	C	
[~~Boarding facilities~~]	[~~P~~]	[~~P~~]	
Home [~~occupations~~] occupation	[~~Ac~~] P	[~~Ac~~] P	
Public, Civic and Institutional Uses			
[~~Antennas, receive-only~~] Antenna, dish	[~~Ac~~] P	[~~Ac~~] P	[~~Ac~~] P
Public [~~uses and structures~~] facility	P	P	P
Stealth antenna	P*	P*	P*
[~~Schools, language~~]		[~~P~~]	
Commercial Uses			
[~~Art galleries and museums~~]	[~~C (Museums only)~~]	[~~P~~]	
[~~Bars, cabarets, nightclubs, taverns[1]~~] Bar/nightclub		P	
Bed and breakfast [~~homes*~~] home*	[~~P/c~~] P*	[~~P/c~~] P*	
[~~Broadcasting facilities~~]		[~~P~~]	
[~~Business services~~]		[~~P~~]	
[~~Convenience stores~~]	[~~P-AMX~~]	[~~P~~]	
[~~Dance or music schools~~]		[~~P~~]	
Day care [~~facilities~~]	C	P	
[~~Eating establishments[1]~~] General eating and drinking[1]	P-AMX	P	
Financial institutions	P-AMX		
[~~Amusement and recreational facilities~~] General indoor recreation	C (Museums only)	P	
[~~Marina accessories~~] General marine		P	

A BILL FOR AN ORDINANCE

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

"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,~~] 21-5.50-3(c), Home occupations

P = Permitted principal use

[~~P/c*~~] P* = 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~~] is constructed 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~~] must be independent from the other uses, and no building floor [~~shall~~] may be used for both dwelling and commercial purposes."

SECTION 59. Table 21-9.6(C), Revised Ordinances of Honolulu 1990, 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
Single-unit, two-unit, and duplex-unit dwellings	E	

"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 nonhistoric 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	
Minor above-grade infrastructure* improvements not covered elsewhere; all	E	

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

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable [~~tv,~~] television, 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. Section 21-9.90-5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

[~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings constructed prior to December 21, 2018 [~~shall be~~], are 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)~~] Section 21-9.90-4(f)(1) relating to general architectural appearance and character, [~~subsection (f)(2)~~] Section 21-9.90-4(f)(2) relating to roofs, [~~subsection (f)(4)~~] Section 21-9.90-4(f)(4) relating to railings, fences, and walls, and [~~subsection (f)(7)~~] Section 21-9.90-4(f)(7) relating to colors. [~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings constructed after December 21, 2018, will fall under the category "New buildings not covered above" in Table 21-9.7."

SECTION 61. Table 21-9.7, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

A BILL FOR AN ORDINANCE

"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 dwellings and duplex units] Single-unit, two-unit, and duplex-unit dwellings, 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	

"**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,~~] television, 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 62. Section 21-9.100-5, Revised Ordinances of Honolulu 1990, ("Interim planned development-transit (IPD-T) projects"), as amended by Ordinance 20-40, is amended by amending subsection (c) to read as follows:

"(c) Use [~~Regulations.~~] regulations.

(1) Permitted uses and structures for all zoning districts other than the BMX-4 central business mixed use zoning district may be any of those uses permitted in the BMX-3 community business mixed use zoning district; [~~except~~] provided that [~~a hotel is~~] lodging uses are not permitted on any zoning lot unless it is otherwise in compliance with the standards enumerated by Section [~~21-5.360(b),~~] 21-5.70-3(b), or on a zoning 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."

SECTION 63. Section 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definitions of "building," "dwelling unit," "lodging unit," and "open space, public" 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 that 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 one 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 one 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)."

SECTION 64. Section 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "accessory," "energy generation system," "household," "household pet," "renewable energy," "spacing distance," "transitional setback distance," and "unrelated person" to read as follows:

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

""Energy generation system" means 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" means one or more natural 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 five unrelated natural persons."

""Household pet" means a 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" means 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" means the shortest straight-line distance between the closest edge of each site's zoning lot line."

""Transitional setback distance" means 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" means one or more persons not related by blood, adoption, marriage, or other duly authorized custodial relationship."

SECTION 65. Sec. 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by deleting the definitions of "accessory dwelling unit," "agribusiness activities," "agricultural products," "agricultural products processing, major and minor," "minor agricultural products processing," "amusement and recreation facilities, indoor," "amusement facilities, outdoor," "amusement facilities outdoor, motorized," "animal products processing," "antenna structure, freestanding," "aquaculture," "automobile service station," "base yards," "bed and breakfast home" (as amended by Ordinance 22-7), "biofuel processing facility," "boarding facilities," "booking service," "broadcasting antennas," "business services," "catering establishments," "cemeteries and columbaria," "commercial parking lots and garages," "composting, major and minor," "consulate," "convenience store," "corporate retreat," "crop production," "dance school or music school," "data processing facilities," "day care facililty," "duplex unit," "dwelling, detached," "dwelling, multifamily," "exclusive agricultural sites," "family," "farm dwelling," "financial institutions," "food manufacturing and processing," "group living facilities," "guest house," "heliport," "helistop," "home improvement centers," "home occupation," "home-based child care," "hospital," "hotel," "kennel, commercial," "livestock," "livestock grazing," "livestock production, major or minor," "manufacturing, processing and packaging, light and general," "marina accessories," "medical clinic," "meeting facilities," "monasteries or convents," "music school," "neighborhood grocery store," "ohana dwelling unit, ohana dwelling, and ohana unit," "personal services," "plant nurseries," "public uses and structures," "real estate office," "receive-only antennas," "recreation facilities, outdoor," "repair establishments, minor and major," "resource extraction," "retail establishments," "rooming" (as amended by Ordinance 22-7), "self storage facility," "shopping center," "special needs housing for the elderly," "theaters," "time sharing," "trade or convention center," "transient vacation unit" (as amended by Ordinance 22-7), "transmitting antenna," "travel agency," "utility installations, types A and B," "warehousing," "waste disposal and processing," "wholesaling and distribution," and "wind machines":

[~~"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~~

~~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.~~]

[~~"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.~~]

[~~"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.~~]

[~~"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.~~]

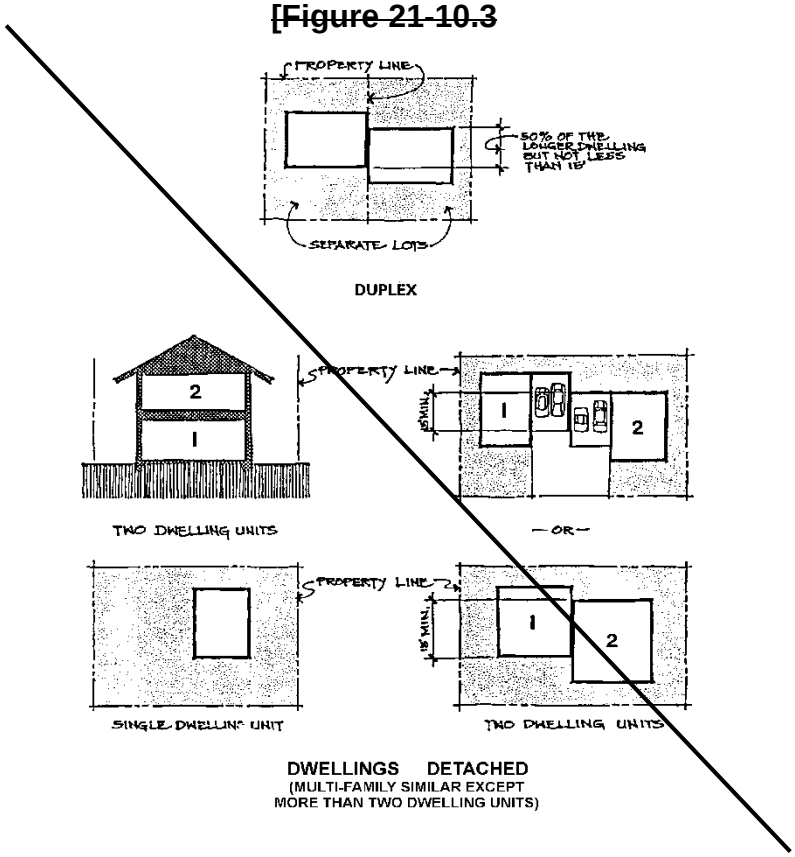
[~~"Day-care facility" means an establishment where seven or more persons who are not members of the family occupying the premises are cared for on an intermittent basis. The term includes day nurseries, preschools, kindergartens and adult day care.~~]

[~~"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).~~]

[~~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.~~]

[~~"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.~~]

[~~"Heliport" 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.~~]

[~~"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 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 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 86-96 (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 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.~~

~~(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 21-2.90-2(e):~~

~~(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 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.~~

~~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.~~]"

A BILL FOR AN ORDINANCE

SECTION 66. Section 8-7.1, Revised Ordinances of Honolulu 1990 ("Valuation—Considerations in fixing"), as amended by Ordinance 19-32, is amended by amending subsection (c) to read as follows:

"(c) (1) Real property shall be classified into the following general classes, upon consideration of its highest and best use, and upon other criteria set forth in this section:

(A) Residential;

(B) Hotel and resort;

(C) Commercial;

(D) Industrial;

(E) Agricultural;

(F) Preservation;

(G) Public service;

(H) Vacant agricultural;

(I) Residential A; and

(J) Bed and breakfast home.

(2) In assigning real property to one of the general classes, the director shall give major consideration to the districting established by the city in its general plan and zoning ordinance, specific class definitions or criteria set forth in this section, and such other factors which influence highest and best use.

Notwithstanding the city's zoning district classification, the director shall assign to the agricultural class any real property classified as tree farm property under HRS Chapter 186.

(3) When real property is subdivided into condominium units, each unit and its appertaining common interest:

(A) Shall be deemed a parcel and assessed separately from other units; and

(B) Shall be classified as follows:

(i) If the unit has a single, legally permitted, exclusive actual use, it shall be classified upon consideration of the unit's actual use into one of the general classes in the same manner as real property; or

(ii) If the unit has multiple, legally permitted uses; it shall be classified:

(aa) Upon consideration of the unit's highest and best use into one of the general classes in the same manner as real property; or

(bb) Residential, only upon approved dedication as provided in Section 8-7.5 when the unit is legally permitted multiple exclusive uses including residential use; or

(iii) If the unit is a condominium parking unit or a condominium storage unit, it shall be classified residential, only upon approved dedication when the unit is used in conjunction with a unit in residential use within the project.

(4) Notwithstanding any provision contained in this subsection, a condominium unit that is used at any time during the assessment year as a time share unit, shall be classified for the following tax year as hotel and resort unless:

(A) The unit is on property zoned as apartment, apartment mixed use, apartment precinct, or apartment mixed use precinct;

(B) The property on which the unit is located does not include a lobby with a clerk's desk or counter with 24-hour clerk service facilities for registration and keeping of records relating to persons using the property; and

(C) The unit is part of a condominium property regime established pursuant to [~~HRS Chapter 514A, as it read prior to its repeal on January 1, 2019, or HRS Chapter 514B.~~] the State of Hawaii Condominium Property Act.

If the requirements of paragraphs (A), (B), and (C) are met, the time share unit shall be classified as residential. For purposes of this subdivision, "assessment year" means the one-year period beginning October 2nd of the previous calendar year and ending October 1st, inclusive, of the calendar year preceding the tax year, and "time sharing" has the same meaning as defined in Section [~~21-10.1.~~] 21-5.70-3(c).

(5) "Vacant agricultural" means a parcel, or portion thereof, that would otherwise be classified agricultural by the director upon major consideration of the districting established by the city in its general plan and zoning ordinance and of such other factors that influence highest and best use, but which parcel, or portion thereof:

(A) Has no residential buildings; and

(B) Is not dedicated for agricultural purposes.

If a portion of a parcel is dedicated as vacant agricultural, the remainder of the parcel that is zoned agricultural must be dedicated for agricultural use.

(6) Notwithstanding any provision contained in this subsection, all real property actually used by a public service company in its public service business shall be classified public service. For purposes of this subsection, "public service company" means a public utility, except airlines, motor carriers, common carriers by water, and contract carriers, where:

(A) "Public utility" includes every person who may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of telecommunications messages, or the furnishing of facilities for the transmission of intelligence by electricity by land, water, or air within the state, or between points within the state, or for the production,

conveyance, transmission, delivery, or furnishing of light, power, heat, cold, water, gas, or oil, or for the storage or warehousing of goods, or the disposal of sewage; provided that the term:

(i) Includes any person insofar as that person owns or operates a private sewer company or sewer facility;

(ii) Includes any telecommunications carrier or telecommunications common carrier;

(iii) Does not include any person insofar as that person owns or operates an aerial transportation enterprise;

(iv) Does not include persons owning or operating taxicabs, as defined in this subsection;

(v) Does not include common carriers transporting only freight on the public highways, unless operating within localities or along routes or between points that the Public Utilities Commission of the State of Hawaii finds to be inadequately serviced without regulation under this chapter;

(vi) Does not include persons engaged in the business of warehousing or storage unless the Public Utilities Commission of the State of Hawaii finds that regulation thereof is necessary in the public interest;

(vii) Does not include:

(aa) The business of any carrier by water to the extent that the carrier enters into private contracts for towage, salvage, hauling, or carriage between points within the state and the carriage is not pursuant to either an established schedule or an undertaking to perform carriage services on behalf of the public generally; and

(bb) The business of any carrier by water, substantially engaged in interstate or foreign commerce, transporting passengers on luxury cruises between

points within the state or on luxury round-trip cruises returning to the point of departure;

(viii) Does not include any person who:

(aa) Controls, operates, or manages plants or facilities for the production, transmission, or furnishing of power primarily or entirely from non-fossil fuel sources; and

(bb) Provides, sells, or transmits all of that power, except such power as is used in its own internal operations, directly to a public utility for transmission to the public;

(ix) Does not include a telecommunications provider only to the extent determined by the Public Utilities Commission of the State of Hawaii, pursuant to applicable state law;

(x) Shall not include any person who controls, operates, or manages plants or facilities developed pursuant to applicable state law for conveying, distributing, and transmitting water for irrigation and such other purposes that shall be held for public use and purpose; and

(xi) Shall not include any person who owns, controls, operates, or manages plants or facilities for the reclamation of wastewater; provided that:

(aa) The services of the facility shall be provided pursuant to a service contract between the person and a state or county agency and at least 10 percent of the wastewater processed is used directly by the state or county which has entered into the service contract;

(bb) The primary function of the facility shall be the processing of secondary treated wastewater that has been produced by a municipal wastewater treatment facility that is owned by a state or county agency;

(cc) The facility shall not make sales of water to residential customers;

(dd) The facility may distribute and sell recycled or reclaimed water to entities not covered by a state or county service contract; provided that, in the absence of regulatory oversight and direct competition, the distribution and sale of recycled or reclaimed water shall be voluntary and its pricing fair and reasonable. For purposes of this subparagraph, "recycled water" and "reclaimed water" mean treated wastewater that by design is intended or used for a beneficial purpose; and

(ee) The facility shall not be engaged, either directly or indirectly, in the processing of food wastes;

(B) "Motor Carrier" means a common carrier or contract carrier transporting freight or other property on the public highways, other than a public utility or taxicab;

(C) "Contract carrier" means a person other than a public utility or taxicab [~~which,~~] that, under contracts or agreements, engages in the transportation of persons or property for compensation, by land, water, or air;

(D) "Carrier" means a person who engages in transportation, and does not include a person such as a freight forwarder or tour packager who provides transportation by contracting with others, except to the extent that such person engages in transportation;

(E) "Taxicab" means and includes:

(i) Any motor vehicle used in the movement of passengers on the public highways under the following circumstances, namely, the passenger hires the vehicle on call or at a fixed stand, with or without baggage for transportation, and controls the vehicle to the passenger's destination; and

(ii) Any motor vehicle having seating accommodations for eight or fewer passengers used in the movement of passengers on the public highways between a terminal, i.e., a fixed stand, in the city of Honolulu, and a terminal in a geographical district outside the limits of the city of Honolulu,

and vice versa, without picking up passengers other than at the terminals or fixed stands; provided that passengers may be unloaded at any point between terminals; and provided further that this definition relating to motor vehicles operating between terminals shall pertain only to those motor vehicles whose operators or owners were duly licensed under any applicable provision of law or ordinance and doing business between such terminals on January 1, 1957;

(F) "Telecommunications carrier" or "telecommunications common carrier" means any person that owns, operates, manages, or controls any facility used to furnish telecommunications services for profit to the public, or to classes of users as to be effectively available to the public, engaged in the provision of services, such as voice, data, image, graphics, and video services, that make use of all or part of their transmission facilities, switches, broadcast equipment, signaling, or control devices; and

(G) "Telecommunications service" or "telecommunications" means the offering of transmission between or among points specified by a user, of information of the user's choosing, including voice, data, image, graphics, and video without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, or other similarly capable means of transmission, with or without benefit of any closed transmission medium, and does not include cable service as defined under applicable state law."

SECTION 67. Section 8-7.5, Revised Ordinances of Honolulu 1990 ("Certain property dedicated for residential use"), is amended by amending subsections (a), (b), (c), and (d) to read as follows:

"(a) [~~As used in this section:~~] <u>For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.</u>

"Apartment building" means a [~~multi-family~~] <u>multi-unit</u> dwelling that is situated on a single parcel, which parcel is not subdivided into condominium units.

"Condominium unit" is a dwelling or lodging unit that is part of a condominium property regime established pursuant to [~~HRS Chapter 514A and/or 514B.~~] <u>the State of Hawaii Condominium Property Act.</u>

"Condominium parking unit" is a unit that is a part of a condominium property regime established pursuant to [~~HRS Chapter 514A and/or 514B~~] the State of Hawaii Condominium Property Act described as a parking stall.

"Condominium storage unit" is a unit that is a part of a condominium property regime established pursuant to [~~HRS Chapter 514A and/or 514B~~] the State of Hawaii Condominium Property Act described as a storage space.

[~~"Detached dwelling" is as defined in Section 21-10.1.~~]

"Dwelling unit" is as defined in Section 21-10.1.

"Lodging unit" is as defined in Section 21-10.1.

[~~"Multi-family dwelling means a building containing three or more dwelling or lodging units,~~] "Multi-unit dwelling" is as defined in Section [~~21-10.1,~~] 21-5.50-1(e), which is not a hotel.

"Owner" means a person who is the fee simple owner of real property, or who is the lessee of real property whose lease term extends at least five years from the date of the petition.

"Residential use" means the actual use of a dwelling unit or lodging unit as a residence:

(1) By occupants for compensation for periods of [~~30~~] 90 or more consecutive days;

(2) By the unit owner personally or

(3) By the unit owner's guest(s) without compensation. For purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees. Residential use specifically excludes the use of the unit as a transient vacation unit or [~~for time sharing.~~] timeshare.

For purposes of this dedication, residential use shall include the use of the dwelling unit as a group living facility, a boarding facility, or as special needs housing for the elderly.

(b) The owner of a parcel may dedicate the parcel for residential use and have the property classified as residential and assessed at its value in residential use, provided that the property:

(1) Is within an apartment, apartment mixed use, resort, business, business mixed use, industrial, or industrial mixed use [~~district;~~] zoning districts; or if it is in the Waikiki special district, is zoned apartment mixed use subprecinct, resort mixed use precinct, or resort-commercial precinct; or is in a transit-oriented development zone pursuant to Section 21-9.100;

(2) Is used exclusively for residential use, except that a portion of the property may be used for nonprofit purposes pursuant to Section 8-10.10; and

(3) [~~The parcel is~~] (A) Is improved with one or more [~~detached dwellings,~~] dwelling units as defined in Section 21-10.1, or with one or more apartment buildings, or with both [~~dwellings~~] dwelling units and apartment buildings; or

[~~(4) is~~] (B) Is a condominium unit that is legally permitted for multiple uses including residential use and is actually and exclusively used as a residence, or a condominium parking unit or a condominium storage unit that is used in conjunction with a unit in residential use within the project.

(c) The owner of real property who wishes to dedicate such property for residential use and have the property assessed at its value in residential use according to subsection (b) shall petition the director and declare in such petition that if the petition is approved, the owner shall meet the applicable requirements of subsection (b) pertaining to the property.

(d) The approval of the petition by the director to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of such person's property for a minimum period of five years, automatically renewable thereafter for additional periods of five years subject to cancellation by either the owner or the director. Cancellation of the dedication by the owner must be in writing and submitted to the director by September 1st only within the 5th year of the date of the dedication, or the latest five-year renewal period. Upon sale or transfer of the dedicated property, the dedication shall continue for the remainder of the five year dedication or latest five-year renewal subject to all restrictions and penalties. Upon expiration of the fifth year the dedication will not automatically renew and will be canceled by the director.

For the purpose of this dedication, there is no change in use if the owner demolishes and constructs or reconstructs one or more [~~detached dwellings~~] dwelling units or multi-family dwellings[~~,~~]; provided that such construction or reconstruction is permitted pursuant to Chapter 21, [~~Revised Ordinances of Honolulu 1990, as amended,~~] the replacement structure or structures are completed no less than 24 months after the building permit is issued, and at least the same number of dwelling or lodging units as those demolished are developed. The five-year dedication will be suspended during this period of demolition and construction or reconstruction, and the parcel and any improvements thereon will continue to be classified and assessed at their value in residential use during the suspension.

SECTION 68. Section 8-10.22, Revised Ordinances of Honolulu 1990 ("Exemption—Historic residential real property dedicated for preservation "), is amended by amending subsection (a) to read as follows:

"(a) As used in this section:

"Alternative visual visitations" means the alternative visual access provided to the public from a viewing point on the property.

"Average condition of property" means a finding by the director that all major components of a property are still functional and contributing toward an extended life expectancy and effective age and utility are standard for like properties of its class and usage; this finding will allow for some deferred maintenance and normal obsolescence with age, in that a few minor repairs and some refurbishing is needed.

"Day" means the seven consecutive hours running from 9:00 a.m. to 4:00 p.m.

"Historic property" means property that has been placed on the Hawaii Register of Historic Places.

"Public way" means and includes any area open to the general public, such as a road, alley, street, way, right-of-way, lane, trail, bikeway, highway, bridge, sidewalk, park or beach and any private property usually open to the public, such as a parking lot.

"Residential property" means property improved with a [~~one or two-family detached dwelling or a duplex unit.~~] single-unit, two-unit, or duplex-unit dwelling. This definition includes associated structures, such as carriage houses, ohana units, and

outbuildings. This definition specifically excludes vacant parcels, districts, areas, or sites, including heiaus, burial, and underwater sites.

"Visual access" means visual access at all times with the unaided eye from a distance of not more than 50 feet from the owner's property line from a public way as defined in this section, of the entire front or rear of the [~~one or two-family detached dwelling or duplex unit~~] single-unit, two-unit, or duplex-unit dwelling that is the subject of the petition for dedication under this section."

SECTION 69. Section 9-3.5, Revised Ordinances of Honolulu 1990 ("Food waste recycling"), is amended by amending subsection (g) to read as follows:

(g) For the purposes of this section[~~:~~], the following definitions apply unless the context clearly indicates or requires a different meaning.

"Catering establishment" means [~~the same as defined in Section 21-10.1.~~] establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations, including but not limited to hotels, restaurants, airlines, and social events.

"Composting facility" means an establishment that conducts either major or minor composting operations, as defined in Section [~~21-10.1.~~] 21-5.40-1(b).

"Food bank" means a facility that receives donations of food for redistribution to needy groups, individuals, or families.

"Food court" means an area within a building or shopping center where five or more food establishments are situated and serviced by a common dining area.

"Food establishment" means a catering establishment, food court, food manufacturer or processor, hospital, hotel, market, or restaurant.

"Food manufacturer or processor" includes an establishment that generates food waste and is primarily involved in the manufacture or processing of food products, including animal products, but excluding baked goods.

"Food waste" means the same as that term is defined under the definition of "recyclable materials" in Section 9-1.2.

"Function room" means an area within a hotel where events are held at which food is served, including but not limited to wedding receptions, business meetings, conferences, banquets, and parties.

"Hospital" means the same as defined in Section [~~21-10.1.~~] 21-5.70-4(b).

"Hotel" means the same as defined in Section [~~21-10.1.~~] 21-5.70-3(b).

"Market" includes establishments where fresh meat, fish, or produce is prepared, handled, and displayed for sale at retail or wholesale.

"Meal" includes any food item or items served as an entree at breakfast, lunch, or dinner, but excludes beverages and desserts, if the beverages or desserts are served by themselves and not part of a breakfast, lunch, or dinner.

"Prepared meals" means meals that have been cleaned, cooked, or otherwise prepared on the premises of the food establishment, and [~~shall exclude~~] excludes prepackaged meals that are cooked or otherwise prepared elsewhere and only sold on the premises of the establishment. [~~"Prepared meals" includes~~] Includes meals, a portion of which have been precooked or prepared off the premises of the establishment.

"Recycling facility" includes a composting facility, waste bioconversion facility, rendering facility, pig farm, or other agricultural facility that uses food waste as animal feed or for other agricultural use, or any other facility that recycles food waste and is approved by the director for that purpose.

"Recycling service" is a service or collection of services that includes the collection and transportation of food waste to a recycling facility by a refuse hauler or other company that collects the food waste, and the recycling or reuse of that food waste by a recycling facility, which may or may not be operated by the company that collects and transports the food waste.

"Rendering facility" means an establishment that converts kitchen grease, cooking oils, meat scraps, or other slaughterhouse waste, waste from meat processing plants, or any combination of the foregoing items, for use in the manufacture of such products as cosmetics, detergents, plastics, paints, tires, and animal feed products.

"Restaurant" means a place of business where food is served for compensation and includes the kitchen or food preparation area of that place of business, but excludes any portion of the establishment that is a bakery serving baked goods for consumption

on or off the premises of the restaurant and excludes a quick-serve food service establishment which offers as the primary method of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter.

"Waste bioconversion facility" means a facility where food and other organic waste are converted into useable byproducts."

SECTION 70. Section 10-1.7, Revised Ordinances of Honolulu 1990 ("Animals in public parks"), is amended by amending subsection (a) to read as follows:

"(a) Persons may bring animals into public parks as provided in this section in accordance with rules adopted by the director pursuant to HRS Chapter 91. Such rules may provide for the following:

(1) Pony rides may be allowed by permit in conjunction with a carnival or fair[~~.~~]<u>;</u>

(2) Shows, classes<u>,</u> and other events for cats, dogs, and other [~~common domestic~~] household pets may be allowed by permit[~~.~~]<u>;</u>

(3) Persons having custody and control of dogs on a leash may use public parks or areas therein designated for dogs on a leash by the director in accordance with subsection (b)[~~.~~]<u>; and</u>

(4) Persons having custody and control of unleashed dogs may use an off-leash park designated by the director in accordance with subsection (b).

For purposes of this subsection, [~~"common domestic household pets" includes animals such as domesticated mice, rats, rabbits, guinea pigs, fish, and birds,~~] <u>"household pet" means the same as defined in Section 21-10.1,</u> but excludes [~~animals which are considered "livestock" as that term is defined in Section 21-10.1.~~] <u>"farm animals" and "poultry," as those terms are defined in Section 7-2.2.</u>"

SECTION 71. Section 14-10.7, Revised Ordinances of Honolulu 1990, is repealed.

"**Sec. 14-10.7 Waiver of wastewater system facility charges for accessory dwelling unit projects.**

The wastewater system facility charges, as set forth in Appendix 14-D of this chapter, for the creation of an "accessory dwelling unit," as defined in Section [~~21-10.1,~~] 21-5.50-3(a) will be waived. The wastewater system facility charges that were collected for the creation of "accessory dwelling units" from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee."

SECTION 72. Section 14-14.4, Revised Ordinances of Honolulu 1990 ("Permit fees"), is amended by amending subsection (g) to read as follows:

"(g) When grading, grubbing or stockpiling permits are processed in conjunction with a building permit for the creation of an "accessory dwelling unit," as defined in Section [~~21-10.1,~~] 21-5.50-3(a), the chief engineer shall waive the collection of the permit fees required in subsections (a), (b), and (c) of this section. The grading, grubbing, and stockpiling permit fees that were collected for the creation of [~~"accessory dwelling units"~~] accessory dwelling units from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee."

SECTION 73. Section 15-29.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "dwelling unit" to read as follows:

""Dwelling unit" means the same as defined in Section 21-10.1. Each unit of a [~~multiple-unit~~] multi-unit dwelling is considered a separate dwelling unit."

SECTION 74. Section 16-15.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "new establishment or use" to read as follows:

"New establishment or use" means the following establishments or uses that are instituted or substantially modified after the effective date of this ordinance:

(1) Airports[~~.~~];

(2) Art galleries and museums[~~.~~];

(3) Automobile sales and rentals[~~.~~];

(4) [~~Automobile service~~] Vehicle fueling stations as defined in [~~Section 21-10.1.~~] 21-5.70-11(b);

(5) [Day-care facilities] Child daycare and adult daycare as defined in [~~Section 21-10.1.~~] Sections 21-5.70-1(a) and 21-5.70-1(b), respectively;

(6) Eating establishments[~~.~~];

(7) Financial institutions [~~as defined in Section 21-10.1.~~];

(8) Home improvement centers [~~as defined in Section 21-10.1.~~];

(9) Hospitals as defined in Section [~~21-10.1.~~] 21-5.70-4(b);

(10) Hotels as defined in Section [~~21-10.1.~~] 21-5.70-3(b);

(11) [~~Indoor amusement and recreation facilities~~] General indoor recreation as defined in Section [~~21-10.1.~~] 21-5.70-8(a);

(12) [~~Medical clinics~~] General medical services as defined in Section [~~21-10.1.~~] 21-5.70-4(a);

(13) Meeting facilities as defined in Section [~~21-10.1.~~] 21-5.60-1(c);

(14) Neighborhood grocery stores [~~as defined in Section 21-10.1.~~];

(15) Office buildings[~~.~~];

(16) Photography studios[~~.~~];

(17) Public [~~uses and structures~~] facilities as defined in Section [~~21-10.1.~~] 21-5.60-4(c);

(18) [~~Retail establishments~~] General retail as defined in Section [~~21-10.1.~~] 21-5.70-10(a);

(19) Theaters as defined in Section [~~21-10.1.~~] 21-5.70-8(b).

(20) [~~Trade or convention centers~~] Convention center, concert or sporting venue as defined in Section [~~21-10.1.~~] 21-5.60-1(b).

A new establishment or use [~~shall~~] will be deemed to be instituted on the date a certificate of occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification prior to occupancy, upon the first date of occupancy for its present use. An establishment or use [~~shall~~] will be deemed to be substantially modified so as to require compliance with this article upon any reconstruction, rehabilitation, addition, or other improvement of the existing building or facility occupied by the establishment or use, if:

(1) Such reconstruction, rehabilitation, addition or other improvement requires more than fifty percent of the gross floor area occupied by the establishment or use to be rebuilt;

(2) The estimated cost of the reconstruction, rehabilitation, addition or other improvement as set forth in the applicable building permit is at least $50,000.00; or

(3) The estimated cost of the new construction or renovation of any restroom or restrooms as set forth in the applicable building permit is at least $10,000.00[~~.~~];

[~~It is provided, however,~~] provided that no establishment or use [~~shall~~] will be deemed to be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use."

SECTION 75. Section 22-7.5, Revised Ordinances of Honolulu 1990 ("Land area required for parks and playgrounds"), is amended by amending subsection (a) to read as follows:

"(a) Country and [~~Residential Districts, Excluding Planned Development Housing Projects.~~] residential zoning districts, excluding planned development housing projects. The minimum land area in the country and residential zoning districts [~~will be:~~] are:

(1) For subdivisions involving three or four zoning lots: 50 square feet per dwelling or lodging unit;

(2) For subdivisions involving five zoning lots: 100 square feet per dwelling or lodging unit;

(3) For subdivisions involving six zoning lots: 200 square feet per dwelling or lodging unit;

(4) For subdivisions involving seven or eight zoning lots: 300 square feet per dwelling or lodging unit; and

(5) For subdivisions involving nine or more zoning lots: 350 square feet per dwelling or lodging unit.

For subdivision actions involving eight or fewer zoning lots, the applicable rate will be based on the total number of potential lots.

A zoning lot that [~~cannot~~] is not able to be further subdivided will count as one potential lot. For a zoning lot that [~~can~~] may be further subdivided, the potential number of lots will be determined by dividing the area of the zoning lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units include existing, proposed, and potentially developable units, [~~except for~~] but exclude "ohana [~~dwelling~~] units" as defined in Section 21-5.50-3(d), and "accessory dwelling units" as defined in Section [~~21-10.1.~~] 21-5.50-3(a)."

SECTION 76. Section 30-4.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Hotel" to read as follows:

""Hotel" means the same as is defined in [~~Article 9 of Chapter 21.~~] Section 21-5.70-3(b)."

SECTION 77. Section 38-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "hotel" and adding new definitions of "accessory dwelling unit," "development," "dwelling unit," "floor area," "group living," "multi-unit dwelling," "ohana unit," "timeshare," and "zoning lot" to read as follows:

""Accessory dwelling unit" means the same as defined in Section 21-5.50-3(a)."

""Development" means the same as defined in Section 21-10.1."

""Dwelling unit" means the same as defined in Section 21-10.1."

""Floor area" means the same as defined in Section 21-10.1."

""Group living" means the same as defined in Section 21-5.50-2."

""Hotel" means the same as defined in Section [~~21-10.1,~~] 21-5.70-3(b), and also condo-hotels owned under a condominium property regime."

""Multi-unit dwelling" means the same as defined in Section 21-5.50-1(e)."

""Ohana unit" means the same as defined in Section 21-5.50-3(d)."

""Timeshare" means the same as defined in Section 21-5.70-3(c)."

""Zoning lot" means the same as defined in Section 21-10.1."

"[~~For purposes of this chapter, the following terms have the meanings given to such terms as set forth in Section 21-10.1: "accessory dwelling unit," "development," "dwelling unit," "dwelling, multifamily," "floor area," "group living facilities," "ohana dwelling unit," "time share unit," and "zoning lot.~~]"

SECTION 78. Section 38-1.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"**Sec. 38-1.3 Applicability.**

(a) This chapter applies to any of the following:

(1) New construction of ten or more for-sale dwelling units developed under a single or unified project concept, on one or more zoning lots;

(2) Any subdivision of land creating ten or more zoning lots for residential use in residential, apartment, apartment mixed use, business mixed use, country, or agricultural zoning districts;

(3) Conversion of hotels, offices, or other uses into [~~multifamily~~] multi-unit dwellings containing ten or more total for-sale dwelling units; or conversion of rental dwelling units into for-sale dwelling units containing ten or more total for-sale dwelling units; or

(4) Any of the following that include ten or more for-sale dwelling units:

(A) Cluster housing permits;

(B) Planned development housing permits; or

(C) [~~Multi-family dwelling units.~~] Multi-unit dwellings.

(b) This chapter does not apply to any of the following:

(1) Any development subject to a unilateral agreement or development agreement approved by the city and recorded prior to April 3, 2018;

(2) Any subdivision granted tentative approval of the preliminary subdivision map prior to April 3, 2018;

(3) Any building permit, cluster housing permit, or planned development housing permit application submitted and accepted as complete prior to April 3, 2018;

(4) Any development that meets or exceeds all aspects of the applicable affordable housing requirements of this chapter pursuant to affordable housing requirements imposed by a legal obligation;

(5) Micro-units;

(6) Accessory dwelling units;

(7) Ohana [~~dwelling~~] units;

(8) Group living [~~facilities~~];

(9) Special needs housing;

(10) [~~Time share~~] Timeshare units; or

(11) Any development for which:

(A) At least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI; or

(B) All of the dwelling units in the development are sold to households earning no more than the HUD AMI income limit, and at least 20

percent of those units are sold to households earning 100 percent and below of the AMI.

SECTION 79. In SECTIONS 4 through 78 of this ordinance, ordinance material to be repealed is bracketed and stricken. New 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 brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 80. This ordinance takes effect upon its approval; provided that:

1. The following sections of the Revised Ordinances of Honolulu 1990 ("ROH"), which incorporate the provisions of Ordinance 22-7, take effect on the same effective date as Ordinance 22-7:

    a. In SECTION 3 of the bill, Table 21-5.1 ("Table of Permitted Uses"), bed and breakfast home entry;

    b. In SECTION 3 of the bill, ROH Section 21-5.70-3(a), relating to bed and breakfast homes and transient vacation units;

    c. In SECTION 24 of the bill, ROH Section 21-4.110-1, relating to nonconforming use certificates for transient vacation units; and

    d. In SECTION 25 of the bill, ROH Section 21-4.110-2, relating to nonconforming use certificates for bed and breakfast homes.

    e. In SECTION 65 of the bill, the repeal of the definitions of "bed and breakfast home," "rooming," and "transient vacation unit."

2. In SECTION 70 of the bill, the amendments made to ROH Section 14-10.7 do not affect the repeal date for that section under Ordinance 20-20.

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.

A BILL FOR AN ORDINANCE

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.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

February 3, 2022
Honolulu, Hawaiʻi

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu