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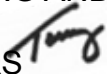
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September 14, 2022

MEMORANDUM

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

FROM: CHAIR TOMMY WATERS 

SUBJECT: Proposed Amendments to Bill 10 (2022), CD1

Attached for consideration by the Zoning and Planning Committee are proposed additional amendments to Bill 10 (2022), CD1, relating to the Land Use Ordinance.

Mahalo for the consideration of these amendments.

COUNCIL COM. 275
ZP

AMENDMENT FORM

Bill 10 CD1 – Land Use Ordinances

TOTAL PAGES: 7
 DATE: September 14, 2022
 COUNCILMEMBER: Waters
 STAFF & PHONE EXT: Davin Aoyagi x85044

MEASURE NO.	SECTION or EXHIBIT or FIGURE	SECTION or EXHIBIT TITLE	PG NO.	AMENDMENT DESCRIPTION/ DETAILS	AMENDMENT TEXT (RAMSEYER NEW LANGUAGE)	CLARIFICATION/ COMMENTS
Bill 10 (2022)	Table 21-5.1 Use Table Accessory Residential category	Use table	4	Amends accessory dwelling units permitted in AG-1 and AG-2	Amend table to add P* in AG-1 and AG-2 for Accessory Dwelling Units.	
Bill 10 (2022)	Sec. 21-5.40-4(b)((2)(F)	Agricultural uses, Accessory agricultural, Agritourism, Standards	18	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p><u>As long as the agritourism use is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> <u>1. Dedicate 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.; or</u> <u>2. Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-5.40-4	Accessory agricultural uses	20	Amends agritourism standards	(F) In order to preserve the purpose and intent of the agricultural districts, as a condition of approval for agritourism use, the dedication of 75 percent or more of the zoning lot to active agricultural use for as long as the agritourism use is in operation, as the director determines is necessary to preserve the purpose and intent of the agricultural zoning districts, will be required through an agricultural easement or similar legal encumbrance acceptable to the director. By its terms, the	

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					<p>dedication must remain in full force and effect for as long as the agritourism activity continues.</p> <p><u>(G) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a working farm, and require major conditional use approval subject to the following standards: (i) Tours must have an educational purpose related to the agricultural use of the property; and (ii) Tours must not interfere with surrounding farm operations.</u></p> <p>(G H) 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 <u>two</u> events 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.</p>	
Bill 10 (2022)	21-5.40-4(e)(2)(A)	Agricultural uses, Accessory Agricultural, Farm dwelling, Standards	21	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p><u>As long as the farm dwelling use continues, the property owner must either:</u></p> <ol style="list-style-type: none"> <u>1. Dedicate a Crop production and livestock keeping must occupy a minimum of 50 percent of the zoning lot area to crop production or livestock keeping 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; or</u> <u>2. Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> 	

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					<u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u>	
Bill 10 (2022)	Sec. 21-5.40-4(e)(2)(G)	Agricultural uses, Accessory agricultural, Farm dwelling standards	22	Requires that farm dwellings that board and care for horses must obtain a major CUP	(G) A farm dwelling is is not permitted as <u>permitted as</u> an accessory use to the boarding and care of horses and other domestic animals, provided that property obtain a major conditional use permit.	
Bill 10 (2022)	21-5.40-4(h)(2) G)	Agricultural uses, Accessory agricultural, Farmers market, Standards	24	Amend 50% dedication requirement to apply only to suitable agricultural land.	<u>As long as the farmers market is in operation, the property owner must either:</u> <ol style="list-style-type: none"> Dedicate a A <u>A</u> 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; or <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u>	
Bill 10 (2022)	Sec. 21-5.50-1	Household living	25	Amends standards for multi-unit dwellings	(A) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted <u>within areas covered under the Primary Urban Core Development Plan, Ewa Development Plan and the Central Oahu Sustainable Communities Plan, provided that:</u> (i) if Multi-unit dwellings are 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 are must be located above the non-residential use; or (ii) Multi-unit dwellings satisfy the following requirements: <ol style="list-style-type: none"> For zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of 10,000 square feet of 	

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					<p>nonresidential floor area is must be developed on the lot;</p> <p>(b) For zoning lots larger than 7 acres, a minimum of 40,000 square feet of nonresidential floor area is must be developed on the lot; or</p> <p>(c) For zoning lots with a minimum nonresidential floor area ratio of 0.3;</p> <p>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.</p>	
Bill 10 (2022)	Sec. 21-5.50-2(a)(2)(B)	Residential uses, Group living, Small group living, Standards	27	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, group living must be of an agricultural nature.</p> <p><u>As long as the group living is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate</u> 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.; <u>or</u> 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-5.50-2(b)(2)(D)	Residential uses, Group living, Large group living, Standards	28	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, group living must be of an agricultural nature.</p> <p><u>As long as the group living is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate</u> 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.; <u>or</u> 	

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					<p>2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u></p> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-5.50-3(a)(2)(vi)	Accessory residential	29	Establishes standards for accessory dwelling units permitted in AG-1 and AG-2.	<p>(vi) <u>In the AG-1 and AG-2 zoning districts, accessory dwelling units must be of an agricultural nature or exclusively for employees and their immediate family members who currently actively work on agricultural land.</u></p> <p><u>As long as the accessory dwelling unit use continues, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate a minimum of 50 percent of the zoning lot area to crop production or livestock keeping through an agricultural easement or similar legal encumbrance; or</u> 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p> <p><u>Accessory dwelling units on AG-1 and AG-2 zoning districts are subject to the standards in Sec. 21-5.720.</u></p>	
Bill 10 (2022)	Sec. 21-5.60-1(c)(2) A)(i)	Public, civic, and institutional uses, Assembly, Meeting facility, Standards, Small or medium meeting facility	38	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, <u>as long as the meeting facility is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate</u> 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.; or 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> 	

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					<u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u>	
Bill 10 (2022)	Sec. 21-5.60-3(a)(2)(E)	Public, civic, and institutional uses, Education, K-12 school, Standards	45	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, <u>as long as the K-12 school is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate a</u> 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; <u>or</u> 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-5.70-1(a)(2)	Commercial uses, Child daycare, Standards	55	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, <u>as long as the child daycare is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate a</u> 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; <u>or</u> 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-5.70-1(b)(2)(B)	Commercial uses, Adult daycare, Standards	56	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, <u>as long as the adult daycare is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> 1. <u>Dedicate a</u> 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; <u>or</u> 2. <u>Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> 	

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Bill 10 (2022)	Sec. 21-5.70-9(c)(2)(A)	Commercial uses, Outdoor recreation, Nature-based recreation, Standards	82	Amend 50% dedication requirement to apply only to suitable agricultural land.	<p>In the AG-1 and AG-2 zoning districts, <u>as long as nature-based recreation is in operation, the property owner must either:</u></p> <ol style="list-style-type: none"> <u>1. Dedicate a 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; or</u> <u>2. Dedicate a minimum of 50 percent of suitable land on the zoning lot to crop production or livestock keeping.</u> <p><u>The director may promulgate rules and regulations pursuant to HRS Chapter 91 to govern the determination of suitable land for crop production or livestock keeping.</u></p>	
Bill 10 (2022)	Sec. 21-7.50	Special regulations for certain uses.	165	Adding special regulations for certain multi-unit dwellings.	<p><u>(g) Multi-unit dwellings built in B-1 or B-2 zoning parcels in the areas covered under the Primary Urban Core Development Plan, Ewa Development Plan and the Central Oahu Sustainable Communities Plan shall be subject to the following conditions: contractors and subcontractors conducting work shall register in a publicly accessible database with the department of planning and permitting, documenting and certifying that the contractor and subcontractors: (1) have health and welfare coverage plans for their employees include medical, dental, vision, and life insurance for all eligible employees, their spouses, domestic partners, and dependents; (2) participate in a state-approved apprenticeship program; (3) have paid time off on sick days, vacation and holidays, or make payments into ERISA fund(s) which accumulate vacation pay for the employee's benefit; (4) have a retirement savings plan; and (5) contractors and subcontractors shall not have a history of illegal, fraudulent, willful or grossly negligent business practices. Contractors and subcontractors are exempt from the requirements of (1)-(4), if the contractor is signatory to a collective bargaining agreement with a labor organization that meet the requirements of (1)-(4), and a copy of the collective bargaining agreement is provided to the department.</u></p>	