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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. These amendments *supersede* my amendments proposed in Council Communication 275.

Mahalo for the consideration of these amendments.

COUNCIL COM. 281
ZP

No.	Bill SECTION	ROH Section, Exhibit, or Figure and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(H) <u>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:</u></p> <p>(i) <u>Tours must have an educational purpose related to the agricultural use of the property; and</u></p> <p>(ii) <u>Tours must not interfere with surrounding farm operations.</u></p>	
4	3	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.	(A) <u>Crop production and livestock keeping must occupy a minimum of 50 percent of the zoning lot area suitable for 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. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
5	3	Sec. 21-5.40-4(e)(2)(G) Agricultural uses, Accessory agricultural, Farm dwelling standards	22	Requires that farm dwellings that are accessory to the boarding and care of horses and other domestic animals must obtain a CUP-major	(G) <u>A farm dwelling is [not] permitted as an accessory use to the boarding and care of horses and other domestic animals with a major conditional use permit.</u>	
6	3	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.	(G) <u>A minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping 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. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
7	3	Sec. 21-5.50-1(d)(2) Residential uses, Household living, Multi-unit dwellings, Standards	26	Amends standards for multi-unit dwellings	<p>(A) <u>In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted [if] within the Primary Urban Core Development Plan, Ewa Development Plan, and Central Oahu Sustainable Communities Plan areas; provided that:</u></p> <p>(i) <u>The multi-unit dwelling is 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[-]; or</u></p>	

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					<p>[(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:]</p> <p>(ii) <u>The multi-unit dwelling satisfies the following requirements:</u></p> <p>[(+)](aa) For zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of 10,000 square feet of nonresidential floor area <u>is must be</u> developed on the lot;</p> <p>[(#)](bb) For zoning lots larger than 7 acres, a minimum of 40,000 square feet of nonresidential floor area <u>is must be</u> developed on the lot; or</p> <p>[(##)](cc) 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>	
8	3	Sec. 21-5.50-1(d)(2) Residential uses, Household living, Multi-unit dwellings, Standards	26	Amends standards for multi-unit dwellings	<p><u>[(B) For multi-unit dwellings in the B-1 or B-2 zoning districts pursuant to paragraph (A), contractors and subcontractors performing work on the multi-unit dwelling shall register in a publicly accessible database with the department, documenting and certifying that the contractor and subcontractors:</u></p> <p><u>(i) 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;</u></p> <p><u>(ii) Participate in a state-approved apprenticeship program;</u></p> <p><u>(iii) Provide their employees with paid time off for sick days, vacation, and holidays, or make payments into ERISA funds that accumulate vacation pay for the employee's benefit;</u></p> <p><u>(iv) Provide their employees the option to participate in a retirement savings plan; and</u></p> <p><u>(v) Have no history of illegal, fraudulent, willful, or grossly negligent business practices.</u></p> <p><u>Contractors and subcontractors are exempt from the requirements of subparagraphs (i) to (iv) if the contractor is signatory to a collective bargaining agreement with a labor organization that satisfies the requirements of subparagraphs (i) to (iv), and a copy of the collective bargaining agreement is provided to the department.</u></p>	

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9	3	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.	(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 <u>suitable for crop production or livestock keeping</u> 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. <u>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
10	3	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.	(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 <u>suitable for crop production or livestock keeping</u> 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>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
11	3	Sec. 21-5.50-3(a)(2)(A)(vi) Residential uses, Accessory residential, Accessory dwelling unit, Standards, General	29	Adds a standard for accessory dwelling units in the AG-1 and AG-2 Districts.	(vi) <u>In the AG-1 and AG-2 zoning districts:</u> (aa) <u>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; and</u> (bb) <u>A minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the accessory dwelling unit is in use. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
12	3	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.	(i) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area <u>suitable for crop production or livestock keeping</u> 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. <u>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	

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13	3	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.	(E) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area <u>suitable for crop production or livestock keeping</u> 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>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
14	3	Sec. 21-5.70-1(a)(2)(C) Commercial uses, Child daycare, Standards	55	Amend 50% dedication requirement to apply only to suitable agricultural land.	(C) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area <u>suitable for crop production or livestock keeping</u> 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. <u>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
15	3	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.	(B) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area <u>suitable for crop production or livestock keeping</u> 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. <u>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	
16	3	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.	(A) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area <u>suitable for crop production or livestock keeping</u> 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. <u>The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</u>	