

CITY COUNCIL

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20220920-036

September 20, 2022

MEMORANDUM

TO: GAIL UEHARA
CLERK, COMMITTEE ON ZONING AND PLANNING

FROM: BRANDON ELEFANTE, CHAIR 
COMMITTEE ON ZONING AND PLANNING

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

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

Thank you!

Attachment

COUNCIL COM. 286
ZP

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

TOTAL PAGES: 6

DATE: September 20, 2022

COUNCILMEMBER: Elefante

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
1	3, 63, 64, and 65	Throughout bill SECTIONS 3, 63, 64, and 65.		Definitions	Move all definitions in Article 5 to ROH Section 21-10.1. Make conforming amendments to Table 21-5.1 (Use Table) to reference the correct section for standards applicable to specific regulated land uses. Make conforming amendments throughout the bill to reference the definitions in ROH Section 21-10.1 and the correct section numbers in Article 5.	
2	3	Table 21-5.1 Use Table, General outdoor recreation	8	Amend general outdoor recreation entry to add C* in the BMX-3 District	General outdoor recreation -- -- -- -- -- -- -- -- -- -- -- -- -- -- C* C* C* [-]C* C* C* -- Cm* Sec. 21-5.70-9(a)	
3	3	Sec. 21-5.40-1(d)(1) Agricultural uses, Crop production, Crop raising, Definition	12	Amend definition to reference aquaponics.	(1) Defined: Cultivating, maintaining, and harvesting crops, generally conducted in an open field or greenhouse. Includes cultivating crops with hydroponics[-] and aquaponics.	M-373 (Farm Bureau)
4	3	Sec. 21-5.40-4 (b)(2)(G)(ii) Agricultural uses, Accessory agricultural, Agritourism, Standards, Weddings and similar destination events	19	Amend language to allow for a maximum of two events (instead of one event) per week.	(ii) No more than [one event] <u>two events</u> may occur each week;	

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5	3	Sec. 21-5.40-4(b)(2) Agricultural uses, Accessory agricultural, Agritourism, Standards	19	Add paragraph to include bus, jeep, or off-road vehicle tours using motorized vehicles as an agritourism use.	(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> <u>a. Tours must have an educational purpose related to the agricultural use of the property; and</u> <u>b. Tours must not interfere with surrounding farm operations.</u>	M-373 (Farm Bureau)
6	3	Sec. 21-5.40-4(d)(2)(A) Agricultural uses, Accessory agricultural, Biofuel processing facility, Standards	20	Amend energy feedstock requirement	(A) [All energy feedstocks must be grown onsite in the preservation or agricultural districts.] <u>For biofuel processing facilities located in the agricultural or preservation zoning districts, the dominant feedstock must be grown onsite, with the exception of feedstocks sourced from waste or invasive species.</u>	M-339 (HSEO)
7	3	Sec. 21-5.50-1(d)(2) Residential uses, Household living, Multi-unit dwelling, Standards	26	Amend language to allow multi-unit dwellings in the B-1 and B-2 zoning districts in the Primary urban Center DP for only five years.	(A) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted [#] <u>within the Primary Urban Center Development Plan and Ewa Development Plan areas; provided that the following requirements are satisfied:</u> <u>(i) 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> [(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:] <u>(ii) The multi-unit dwelling satisfies the following requirements:</u>	

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					<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 is must be 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 is must be developed on the lot; or</p> <p>[(+)](cc) For zoning lots with a minimum nonresidential floor area ratio of 0.2; 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. 21-5.60-6(a)(2)(C)(i) Public, civic, and institutional uses, Utility, Small utility, Standards, Wind energy generation	50	Amend language to include reference to the agricultural zoning district.	(i) A wind energy generation facility is considered a small utility if it is located within the <u>agricultural</u> , 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.	M-339 (HSEO)
9	3	Sec. 21-5.60-6(b)(2)(C)(i) Public, civic, and institutional uses, Utility, Medium utility, Standards, Wind energy generation	52	Amend rated capacity to no more than 99 kilowatts (instead of up to 100 kilowatts)	(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] <u>no more than 99</u> kilowatts.	M-339 (HSEO)
10	3	Sec. 21-5.60-6(c)(2)(B)(v) Public, civic, and institutional	54	Amend the minimum setback requirement for	(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	

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		uses, Utility, Large utility, Standards, Wind energy generation		large wind energy generation facilities from 1 mile to 1.25 miles.	extension of the facility, and a minimum of [4 mile] <u>1.25 miles</u> from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.	
11	3	Sec. 21-5.70-2(b)(2) Commercial uses, Eating and drinking, Bar, nightclub, Standards	57	Delete the standard for major or minor bars or nightclubs.	[(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.]	M-387
12	3	Sec. 21-5.70-11(c)(1)(C) Commercial uses, Vehicle repair, Definition, Heavy vehicle repair	88	Amend definition of heavy vehicle repair to include 10,000 pounds (gross vehicle weight)	(C) Repair, heavy: The repair of heavy-duty vehicles that weigh [more than] <u>10,000 pounds or more</u> (gross vehicle weight).	
13	3	Sec. 21-5.80-1(c)(1) Industrial uses, Manufacturing and processing, Brewery, distillery, winery, Definition	92	Amend definitions of minor and major brewery, distillery, or winery	(1) Defined: A facility that produces malt beverages, distilled spirits, or wines. (A) Minor: Producing a maximum of [5,000] <u>10,000</u> barrels a year. Includes the sale of malt beverages, distilled spirits, or wine for onsite consumption. (B) Major: Producing more than [5,000] <u>10,000</u> barrels a year. Includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.	M-387
14	3	Sec. 21-5.80-2 (a)(2)(A)(ii) Industrial uses, Marine, General marine,	96	Amend language to refer to the preservation zoning district	(ii) A master planned community with an inland waterway designated as within the [State land use] <u>preservation zoning</u> district is not subject to the additional setback	M-373 There is no State land use preservation district.

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		Standards, Minor general marine			requirements; provided that the master planned community was created pursuant to the same zone change application as part of a single rezoning action.	
15	3	Sec. 21-5.80-2 (a)(2)(A)(iii) Industrial uses, Marine, General marine, Standards, Minor general marine	96	Amend language to refer to the preservation zoning district	(iii) Where a general marine use occurs adjacent to an inland waterway designated as within the [State land use] preservation <u>zoning</u> district, no setback requirement is requested for uses not common to both the underlying zoning district and the [State land use] preservation <u>zoning</u> district.	M-373 There is no State land use preservation district.
16	3	Sec. 21-5.80-2(a)(1)(A) Industrial uses, Marine, General marine, Definition, Minor	95	Amend definition of minor marine	(A) Minor: Land uses on <u>or immediately adjacent to</u> harbor fast lands, lagoons, or other inland waters that support recreational marine <u>or other water-related activities</u> . 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.	M-373
17	3	Sec. 21-5.80-6(b)(2)(A) Industrial uses, Storage and warehousing, Self-storage, Standards	100	Amend self-storage standard to increase volume limitation	(A) No individual storage area may exceed [3,600] <u>6,000</u> cubic feet in volume.	
18	3	Sec. 21-5.90-2 Miscellaneous uses, Transfer of development	105	Amend provisions relating to transfer of development.	Delete all transfer of development provisions relating to the transfer of development (floor area or number of dwellings) from a donor zoning lot located within the special management area to a qualified receiving zoning lot.	

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					Retains all transfer of development provisions relating to the transfer of development (floor area) from a donor zoning lot with a historic site, building, or structure to a qualified receiving zoning lot.	