

CITY COUNCIL

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October 13, 2022

MEMORANDUM

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

FROM: CHAIR TOMMY WATERS 

SUBJECT: Proposed Amendments to Bill 10 (2022), CD2

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 *further amend* the proposed CD2 amendments in OCS2022-0792/10/6/2022 1:36 PM.

Mahalo for the consideration of these amendments.

COUNCIL COM. 309
ZP

AMENDMENT FORM

Bill 10 CD2 – Land Use Ordinances

TOTAL PAGES: 4
 DATE: October 13, 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 Agricultural Uses	Use table	3	Adds agricultural distillery permitted in AG-1 and AG-2	Amend table to add P* in AG-1 and AG-2 for agricultural distillery.	
Bill 10 (2022)	Sec. 21-5.40-3	Agricultural support.	18	Adds definition for agricultural distillery.	<p><u>Agricultural Distillery</u></p> <p><u>Defined: Activities on zoning lots which perform operations on local crops after harvest to prepare them for market as a product via fermentation, or further processing and packaging at a distance from the agricultural area. May include onsite consumption and sale of alcohol, subject to licensing by the Honolulu Liquor Commission, and preparation and sale of food, subject to proper licensing from the Department of Health.</u></p> <p><u>(2) Standards:</u></p> <p><u>(A) The applicant shall identify all lots that are utilized for the purposes of supporting the agricultural distillery, and shall abide by the following conditions:</u></p> <p><u>i. Ensure that at least 50% of the total lands dedicated for supporting the distillery are utilized for crop production.</u></p>	

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					<p><u>li. Ensure that structures primarily dedicated to the agricultural distillery must not exceed 10% of the total lands dedicated for supporting the distillery.</u></p> <p><u>iii. At least 60% of the crops utilized for the agricultural distillery be locally produced.</u></p>	
Bill 10 (2022)	Sec. 21-5.70-3(A)(ii)	Lodging	49	Amends registration requirements for certificate of registration.	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]; <u>provided that for a valid owner or operator compliant with this chapter submits a timely and complete initial application with all required supporting documentation to the department, then until that time the initial application is approved or denied by the department, the owner or operator shall be deemed compliant with this section and the bed and breakfast home or transient vacation unit shall be deemed to be validly operating.</u>	
Bill 10 (2022)	Sec. 21-5.70-3(B)(i)	Lodging	49	Amends registration requirements for renewal of certificate of registration.	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]. <u>The renewal of the registration certificate shall not be deemed expired until such time as the renewal application is approved or denied by the department, provided that an owner or operator of a bed and breakfast home or transient vacation unit submits to the department a timely and complete renewal registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the Department. and]. The applicant shall submit to the department the following in the registration renewal application:</u>	

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Bill 10 (2022)	Sec. 21-5.70-3(C)(i)	Lodging	51	Amends requirements for carbon monoxide monitors in transient units.	<p>(iii) Restrictions and Standards: Bed and breakfast homes and transient vacation units must operate in accordance with the following restrictions and standards:</p> <p>(aa) Functioning smoke and carbon monoxide detectors must be installed in each transient occupant bedroom and each hallway connected to a transient occupant bedroom. <u>Functioning carbon monoxide detectors must be installed in each room suitable for sleeping accommodations and each hallway connected to such room if the unit is served by natural gas, propane or other combustible gas;</u></p>	
Bill 10 (2022)	Sec. 21-5.70-3(B)(i)	Lodging	55	Amends registration requirements for certificate of registration.	<p>(i) 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. <u>This restriction shall not apply to those units with a valid owner or operator compliant with this chapter, provided that the owner or operator has submitted a timely and completed initial registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department. Until the time the renewal registration application is approved or denied by the department, the registration certificate number shall be deemed current for those units for which the owner or operator has submitted a timely completed renewal registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department.</u></p>	

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Bill 10 (2022)	Sec. 21-5.70-3(B)(ii)	Lodging	56	Amends registration requirements for renewal of certificate of registration.	(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. <u>This restriction shall not apply to those units with a valid owner or operator that are compliant with this chapter, and have applications pending approval or denial by the department, provided that the owner or operator has submitted to the department a timely completed initial registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department.</u>	