

CITY COUNCIL

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'Aiea, Pearl City, Waipahū
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20221014-050

October 14, 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, CD2 (2022) relating to the Land Use Ordinance.

Thank you!

Attachment

COUNCIL COM. 311
ZP

Agricultural Uses

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 16

DATE: October 14, 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	Sec. 21-5.10 Purpose and intent.	1	Clarify purpose and intent	The purpose of this article is to [set forth the table of permitted uses, and the applicable standards for particular uses.] <u>identify the permissible land uses in the various zoning districts and the conditions in which they may be conducted. Development standards and uses restrictions are imposed on certain uses in order to mitigate and prevent disruptive community impacts that might otherwise result if these specially regulated uses were permitted without restriction.</u>	
2	3	Sec. 21-5.20(c)(3) Use classification.	2	Amend type of permit from CUP to SUP	(3) Determine that the use is not a land use regulated under Table 21-5.1 and require a [minor conditional] <u>special use permit for the use approved by the director if it appears that the impacts associated with the proposed use may be adequately mitigated by permit conditions; or</u>	
3	3	Sec. 21-5.20(d) Use classification.	2	Amend applicable standards	(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.] <u>Land uses that are subject to use specific development standards are identified with an asterisk (*) in Table 21-5.1. Uses subject to use-specific development standards must comply with the general development standards for the underlying zoning district and the use specific standards in this article. If there is a conflict between the general development standards for the underlying zoning district and the use specific standards in this Article, the more stringent requirements will apply.</u>	
4	3	Table 21-5.1 Use Table Legend and footnote	3	Add legend and footnote to denote that "+" means a Planning Commission special use permit for agricultural districts.	<p>P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use</p> <p>* = Use Standards Apply + = Special Use Permit¹</p> <p>¹ Pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission is required prior to seeking permits or approvals from the director or the city council.</p>	

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5	3	Table 21-5.1 Use Table Agicultural uses, Crop production, Minor and major composing	3	Delete minor composting and major composting entries	<table><tr><td>[Composting]</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>[Minor]</td><td>P*</td><td>P*</td><td>P*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>P*</td><td>-</td><td>-</td><td>Sec. 21-5.40-1(a)]</td></tr><tr><td>[Major]</td><td>C*</td><td>C*</td><td>C*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>P*</td><td>-</td><td>-</td><td>Sec. 21-5.40-1(a)]</td></tr></table>	[Composting]																							[Minor]	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40-1(a)]	[Major]	C*	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40-1(a)]	
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6	3	Table 21-5.1 Use Table Agricultural uses, Crop production, Community garden	3	Delete community garden entry	<table><tr><td>[Community garden]</td><td>P*</td><td>P*</td><td>P*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>-</td><td>-</td><td>-</td><td>Cm*</td><td>Sec. 21-5.40-1(b)]</td></tr></table>	[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(b)]																																													
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7	3	Table 21-5.1 Use Table Agricultural uses, Agricultural support, Feed store	3	Amend feed store entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	<table><tr><td>Feed store</td><td>-</td><td><u>[P*] P*+</u></td><td><u>[P*] P*+</u></td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>P</td><td>P</td><td>-</td><td>-</td><td>Sec. 21-5.40-3(d)]</td></tr></table>	Feed store	-	<u>[P*] P*+</u>	<u>[P*] P*+</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40-3(d)]																																													
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8	3	Table 21-5.1 Use Table Agricultural uses, Agricultural support, Livestock veterinary service	3	Amend livestock veterinary service entry to require Planning Commission SUP in the AG-1 and AG-2 DIstricts	<table><tr><td>Livestock veterinary service</td><td>-</td><td><u>[P] P+</u></td><td><u>[P] P+</u></td><td>P</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td></td></tr></table>	Livestock veterinary service	-	<u>[P] P+</u>	<u>[P] P+</u>	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-																																														
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9	3	Table 21-5.1 Use Table Agricultural uses, Accessory Agricultural, Agricultural energy facility	4	Amend agricultural energy facility entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	<table><tr><td>Agricultural energy facility</td><td>--</td><td><u>[P*] P*+</u></td><td><u>[P*] P*+</u></td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P</td><td>P</td><td>--</td><td>--</td><td>Sec. 21-5.40-4(a)</td></tr></table>	Agricultural energy facility	--	<u>[P*] P*+</u>	<u>[P*] P*+</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 21-5.40-4(a)	
Agricultural energy facility	--	<u>[P*] P*+</u>	<u>[P*] P*+</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	Sec. 21-5.40-4(a)							
10	3	Table 21-5.1 Use Table Agricultural uses, Accessory agricultural, Agritourism	4	Amend agritourism entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	<table><tr><td>Agritourism</td><td>--</td><td><u>[C*] C*+</u></td><td><u>[C*] C*+</u></td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Sec. 21-5.40-4(b)</td></tr></table>	Agritourism	--	<u>[C*] C*+</u>	<u>[C*] C*+</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(b)	
Agritourism	--	<u>[C*] C*+</u>	<u>[C*] C*+</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.40-4(b)							
11	3	Sec. 21-5.40-1(a) Agricultural uses, Crop production Composting – standards	9	Delete composting standards	<p>[(a) Composting standards.</p> <p>(1) Minor:</p> <p>(A) 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;</p> <p>(B) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands;</p> <p>(C) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required;</p> <p>(D) Compost material must be covered in such a way that no material will leave or stray from the site; and</p> <p>(E) 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.</p>	Defined in Act 131 (2022). The State DOH regulates significant composting operations. Operations composting their own green waste are not regulated by DOH.																							

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					(2) Major: (A) 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; (B) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands; (C) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required; (D) Compost material must be covered in such a way that no material will leave or stray from the site; and (E) 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.]	
12	3	Sec. 21-5.40-1(b) Agricultural uses, Crop production, Community garden – standards	11	Delete community garden standards	[(b) Community garden – standards. (1) 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: (A) A site plan; (B) Operating hours;	Most community gardens are owned and operated by the DPR. The City community garden program has been in existence since 1975 and has not generated issues that warrant regulatory intervention.

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					(C) A description of the type of equipment necessary or intended to be used, and the frequency and duration the equipment will be used; (D) 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; (E) Disclosure of the spreading of manure; and (F) A proposed sediment and erosion control plan. (2) Only mechanical equipment designed for household use is allowed. (3) A farm dwelling is not permitted as an accessory use to a community garden.]	
13	3	Sec. 21-5.40-1(c) Agricultural uses, Crop production, Urban agriculture – standards	13	Amend urban agriculture standards	(c) Urban agriculture – standards: [(1) 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: (A) A site plan; (B) Operating hours; (C) 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; (D) 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; (E) Disclosure of the spreading of manure; and (F) A proposed sediment and erosion control plan.	Revised standards are intended to address specific use impacts.

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					<p>(2) The building area for structures such as tool sheds, planting preparation houses, and restrooms must not exceed 15 percent of the zoning lot area.]</p> <p>(A) <u>Operations may begin at 7:45 a.m. and must end at sunset or 7:00 p.m., whichever is earlier. Automatically functioning equipment, such as sprinklers, is not considered operation.</u></p> <p>(B) <u>Onsite sales of produce grown onsite and value added products made from produce grown onsite are allowed as accessory to the agriculture use during permitted hours of operation.</u></p> <p>(C) <u>The keeping and raising of livestock and insects is prohibited.</u></p> <p>(D) <u>Signs may not exceed nine square feet in area per side (front or back) and may not exceed 6 feet in height.</u></p> <p>(E) <u>Off-street parking must be provided on all-weather surfaces. Parking on graveled and unpaved surfaces is prohibited.</u></p> <p>(F) <u>Pedestrian walkways for customers must be provided on all-weather surfaces.</u></p> <p>(G) <u>Indoor crop production operations must meet 25 percent or more of their electric demand using energy generated from renewable sources.</u></p>	

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14	3	Sec. 21-5.40-1(d) Agricultural uses, Crop production, Vertical farm – standard	12	Amend vertical farm standard	(d) Standards: [Permitted only in areas with soils that are rated poor (D or worse).] <u>In the agricultural zoning districts, vertical farming may only be conducted on lands with an agricultural lands of importance to the State of Hawaii (ALISH) soils rating of D or worse.</u>	Vertical (indoor) farming only permitted on agricultural lands with poor soils rating in AG-1 and AG-2 Districts. Vertical farms permitted in the B-1, B-2, I-1, I-2, IMX-1 Districts
15	3	Sec. 21-5.40-4(a) Agricultural uses, Accessory agricultural, Agricultural-energy facility – standards	14	Amend agricultural-energy facility standards	(a) Agricultural-energy facility – standards. [The primary] <u>A minimum of 90 percent of the 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).</u>	HRS Chapter 205 requires that at least 90 percent of the zoning lot must be used for agricultural purposes.

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16	3	Sec. 21-5.40-4(b) Agricultural uses, Accessory agricultural, Agritourism – standards	14	Amend agritourism standards. Weddings are limited to no more than three events (instead of two events) per week, and no more than 200 individuals (instead of 50 individuals) per event.	<p>(b) Agritourism – standards.</p> <p>(1) At least [50] <u>51</u> percent of the activity on the zoning lot must be crop production or livestock keeping.</p> <p>[(2) The agritourism use must not render any portion of the land incapable of being converted to agricultural use with minimal effort.</p> <p>[(3) 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.]</p> <p><u>(2) Activities and improvements on the property may not diminish the long-term agricultural potential of the land. Improvements on the land used for agritourism must be capable of removal without unreasonable cost or effort.</u></p> <p>[(4)]<u>(3)</u> Structures primarily dedicated to agritourism must not exceed 10 percent of the total lot area.</p> <p>[(5)]<u>(4)</u> 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.</p> <p>[(6)]<u>(5)</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 agritourism use 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.</p> <p>[(7)]<u>(6)</u> Weddings and similar accessory destination events are subject to the following:</p> <p>(A) Events must take place at a designated event space;</p> <p>(B) No more than [two] <u>three</u> events may occur each week;</p>	HRS Chapter 205 requires that agricultural uses comprise MORE than 50 percent of the land uses.

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					<p>(C) Attendance at each event is limited to no more than [50] 200 individuals;</p> <p>(D) 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</p> <p>(E) 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> <p>[(8)](7) 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:</p> <p>(A) Tours must have an educational purpose related to the agricultural use of the property; and</p> <p>(B) Tours must not interfere with surrounding farm operations.</p>	
17	3	Sec. 21-5.40-4(c)(2) Agricultural uses, Accessory agricultural, Beekeeping – standards	16	Amend beekeeping standards	<p>(2) Lot area required:</p> <p>(A) No more than two beehives may be established on zoning lots less than 10,000 square feet;</p> <p>(B) No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet; and</p> <p>(C) No more than six beehives may be established on zoning lots greater than 20,000 square feet.</p> <p><u>(D) No beehive may exceed 7 cubic feet in volume.</u></p>	Adds a limit on the size of beehives.

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18	3	Sec. 21-5.40-4(e) Agricultural uses, Accessory agricultural, Farm dwelling – standards	17	Amend farm dwelling standards	<p>(e) Farm dwelling – standards.</p> <p>(1) 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.</p> <p>(2) 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.</p> <p>(3) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area.</p> <p>(4) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area.</p> <p>(5) If multiple farm dwellings are permitted on a zoning lot, they must not exceed 10 percent of the total zoning lot area.</p> <p>[(6) A farm dwelling is not permitted as an accessory use to open space, forestry, community garden, or urban agriculture uses.]</p> <p>[(7) A farm dwelling is not permitted as an accessory use to boarding and care of horses and other domestic animals.]</p>	Deleted standards have been incorporated into the definition of farm dwelling.

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19	3	Sec. 21-5.40-4(f) Agricultural uses, Accessory agricultural, Farm stand – standards	18	Amend farm stand standards	(f) Farm stand – standards. (1) 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. (2) 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. [(3) The farm stand must be located on private property and not on any public right-of-way.] (3) <u>Farm stands must be setback a minimum of 5 feet from abutting properties, sidewalks, and roadways.</u> (4) <u>Parking for farm stands must be provided in marked stalls on an all-weather surface.</u> (5) <u>Vehicular access to and from a farm stand must be limited to approved driveways on the zoning lot.</u>	The amendments are intended to mitigate safety issues. Roadside stands may present safety concerns, especially near highways. Frequent vehicular traffic may result in the destruction of ground cover and track gravel and sediment onto roadways.

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20	3	Sec. 21-5.40-4(h) Agricultural uses, Accessory agricultural, Agricultural farmers market – standards	19	Amend agricultural farmers market standards	<p>(h) Agricultural farmers market – standards.</p> <p>[(1) 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.</p> <p>[(2) 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.</p> <p>[(3) 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.</p> <p>[(4) All walls must be at least 50 percent open.]</p> <p>[(5)](1) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.</p> <p>[(6)](2) Adequate parking and vehicular access must be provided, as determined by the director.</p> <p>[(7)](3) 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.</p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 16

DATE: October 14, 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
21	63	Sec. 21-10.1 Definitions Composting	174	Delete composting definition	<p>["Composting" means the 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.</p> <p>(1) Minor: Composting of organic materials such as plant matter or animal manure. Includes processing for sale and marketing.</p> <p>(2) Major: Composting of nonorganic material such as solid waste residue, sewage sludge, and animal food processing waste. Includes processing for sale and marketing.]</p>	
22	63	Sec. 21-10.1 Definitions Farm dwelling	177	Amend farm dwelling definition	<p>"Farm dwelling" means [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.] a dwelling unit that is accessory to a principal agricultural use on the same zoning lot other than open space, forestry, or the boarding and care of animals.</p>	Former standards have been incorporated into the definition.
23	64	Sec. 21-10.1 Definitions Agricultural farmers market	190	Amend agricultural farmers market definition	<p>"Agricultural farmers market" means an [accessory facility] outdoor market 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.] for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producers of the agricultural products. Does not include [temporary retail activities in commercial areas or farmers markets categorized as a public use.] outdoor markets and similar uses conducted outside of the agricultural zoning districts.</p>	Former standards have been incorporated into the definition.
24	64	Sec. 21-10.1 Definitions Community garden	192	Delete community garden definition	<p>["Community garden" means 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.]</p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 16

DATE: October 14, 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
25	64	Sec. 21-10.1 Definitions Farm worker housing	193	Amend farm worker housing definition	"Farm worker housing" means dwelling units <u>that are</u> accessory to an active, <u>principal</u> agricultural use[;] <u>other than open space, forestry, or the boarding and care of animals, and used exclusively [for] to house employees of agricultural operations</u> and their [immediate] family members [who currently actively work on agricultural land].	Farm worker housing should not be permitted as accessory to passive agricultural uses or animal boarding.
26	64	Sec. 21-10.1 Definitions Livestock veterinary service	193	Amend livestock veterinary service definition	"Livestock veterinary service means [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.] <u>providing veterinary services to livestock and domesticated animals.</u>	The land use impacts of treating smaller domestic pets are similar to those associated with providing veterinary services to livestock. Residents living in agricultural areas may have pets that require care.
27	64	Sec. 21-10.1 Definitions Urban agriculture	197	Amend urban agriculture definition	"Urban agriculture" means [cultivating, maintaining, and harvesting crops, often using intensive agriculture and large-scale farm equipment, primarily for profit, by an organization or business.] <u>crop raising and related agricultural activities conducted as a principal or predominant land use outside of the agricultural and country zoning districts. Includes vertical farming operations located outside of the agricultural district.</u>	
28	New				Sec. 21-2.110 Exceptions. The procedures described in Sections 21-2.110-1 through [21-2.110-3] <u>21-2.110-4</u> are exceptions to the major/minor permit process, as provided in those respective sections.	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 16

DATE: October 14, 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
29	New			Add a new ROH Section 21-2.110-4, relating to special use permits	<p><u>Sec. 21-2.110-4 Special use permit.</u></p> <p>(a) <u>The director may issue a special use permit for temporary land uses of a limited duration not to exceed 48 hours and land uses that require a special use permit pursuant to Table 21-5.1. The director may also issue a special use permit to allow land uses that are not specifically permitted or prohibited by this chapter, unless the use will be conducted in the agricultural districts. Special use permits in the agricultural districts will be administered by the planning commission in accordance with HRS Chapter 205.</u></p> <p>(b) <u>Special use permits issued by the director must be processed in accordance with the preapplication and application processing requirements for minor permits; provided that the director may require a discretionary public hearing on the application in the same manner described in Section 21-2.90-1(c). Application fees for special use permits will be required in the same amount as applications for minor conditional use permits.</u></p> <p>(c) <u>The director may approve a special use permit if the applicant is able to establish that:</u></p> <ol style="list-style-type: none"> (1) <u>The site for the proposed use is suitable based on the existing infrastructure for the property and any new infrastructure that will be constructed by the applicant;</u> (2) <u>The proposed use is compatible with the permitted principal and accessory uses allowed in the zoning district because it is not likely to prevent or limit those uses;</u> (3) <u>The proposed use is not likely to cause meaningful adverse impacts to abutting properties or existing land uses on those properties;</u> (4) <u>The proposed will not significantly alter the character of the surrounding area; and</u> (5) <u>The proposed use is consistent with the purposes of the underlying zoning district and the policies and objectives of the General Plan and applicable development plans.</u> 	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 16
DATE: October 14, 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
					(d) <u>In approving a use under subsection (a), the director may impose conditions to prevent or mitigate any negative impacts.</u> (e) <u>Special use permits issued by the director do not create permanent rights to engage in the permitted use. The director may reconsider, modify, or revoke a special use permit at any time based on undesirable impacts.</u>	

Residential Uses

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 13

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification																							
1	3	Table 21-5.1 Use Table Residential uses, Group living Small group living	4	Amend small group living entry to require Planning Commission SUP in the AG-2 District	<table><tr><td>Small</td><td>--</td><td>--</td><td>[C*] C*+</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Sec. 21-5.50-2(a)</td></tr></table>	Small	--	--	[C*] C*+	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	P*	--	--	--	--	Sec. 21-5.50-2(a)	
Small	--	--	[C*] C*+	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	P*	--	--	--	--	Sec. 21-5.50-2(a)							
2	3	Table 21-5.1 Use Table Residential uses, Group living Large group living	4	Amend large group living entry to require Planning Commission SUP in the AG-2 District	<table><tr><td>Large</td><td>--</td><td>--</td><td>[C*] C*+</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>--</td><td>--</td><td>--</td><td>C*</td><td>Cm*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Sec. 21-5.50-2(b)</td></tr></table>	Large	--	--	[C*] C*+	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	Sec. 21-5.50-2(b)	
Large	--	--	[C*] C*+	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	Sec. 21-5.50-2(b)							
3	3	Table 21-5.1 Use Table Residential uses Accessory residential, Family child care home	4	Delete family child care home entry	<table><tr><td>[Family child care home</td><td>-</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>-</td><td>-</td><td>P*</td><td>P*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>Sec. 21-5.50-3(b)]</td></tr></table>	[Family child care home	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	-	-	Sec. 21-5.50-3(b)]	
[Family child care home	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	P*	P*	-	-	-	-	Sec. 21-5.50-3(b)]							
4	3	Table 21-5.1 Use Table Residential Uses Accessory residential, Poultry raising	4	Delete poultry raising entry	<table><tr><td>[Poultry raising</td><td>-</td><td>-</td><td>-</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>Sec. 21-5.50-3(e)]</td></tr></table>	[Poultry raising	-	-	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.50-3(e)]		
[Poultry raising	-	-	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.50-3(e)]								

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification																							
5	3	Table 21-5.1 Use Table Residential Uses Accessory residential, Teacher and workforce housing	4	Delete teacher and workforce housing entry	<table border="1"><tr><td>Teacher and workforce housing</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>P*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>P*</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>Sec. 21-5.50-3(g)]</td></tr></table>	Teacher and workforce housing	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	-	-	-	-	-	-	-	Sec. 21-5.50-3(g)]	
Teacher and workforce housing	-	-	-	-	-	-	-	P*	-	-	-	-	-	P*	-	-	-	-	-	-	-	Sec. 21-5.50-3(g)]							
6	3	Sec. 21-5.50-1(a) Residential uses, Household living, Duplex-unit dwelling – standards	20	Amend duplex-unit dwelling standards	(a) Duplex-unit dwelling – 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.]																								
7	3	Sec. 21-5.50-1(c) Residential uses, Household living, Multi-unit dwelling – standards	20	Amend multi-unit dwelling standards in the B-1 and B-2 Districts	(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within the Primary Urban Center development plan and Ewa development plan areas; provided that the following requirements are satisfied: (A) [The multi-unit dwelling is located above the first floor of a building occupied by a permitted principal non-residential use.] <u>All residential uses and occupancies must be located on consecutive floors that are located above all non-residential uses and occupancies in the building. Non-residential uses and occupancies may not be located on the same floor as residential uses and occupancies. 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;] 20 percent of the floor area in the multi-unit dwelling (floor area ratio of 0.2) must be dedicated to non-residential uses that are permitted in the underlying zoning district; or</u> (B) The multi-unit dwelling satisfies the following requirements: (i) For zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of 10,000 square feet of nonresidential floor area is developed on the lot; (ii) For zoning lots larger than 7 acres, a minimum of 40,000 square feet of nonresidential floor area is developed on the lot; or (iii) The zoning lot has 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.																								

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8	3	Sec. 21-5.50-2(b) Residential uses, Group living, Large group living – standards	22	Amend large group living standards	<p>(b) Group living, large – standards.</p> <p>[(1) 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.</p> <p>(2) 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.</p> <p>(3) 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:</p> <p>(A) Maximum density may be increased by not more than 25 percent of the density permitted in the underlying zoning district.</p> <p>(B) 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.</p> <p>(C) 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.</p> <p>(D) 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.</p> <p>(4)](1) In the AG-2 zoning district, group living must be of an agricultural nature. 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 group living is in operation. The director may</p>	Not all group living uses are subject to State licensing and monitoring. The federal Fair Housing Act prohibits discrimination against protected classes in housing regulation. Large group living may be better regulated on a case-by-case basis pursuant to a CUP.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</p> <p>(2) <u>Access roads must comply with the standards established by the Chapter 22; provided that the director may waive or modify these requirements if the Honolulu fire department determines that substandard roads or driveways provide reasonably safe access to the large group living.</u></p> <p>(3) <u>Minimum parking requirements will be determined by the director based on the number of residents and the nature of the proposed use.</u></p> <p>(4) <u>Visual screening and buffering may be required to reduce the visual and noise impacts to surrounding areas.</u></p> <p>(5) <u>The proposed use must not result in cumulative impacts that are disruptive to or inconsistent with the neighborhood traffic, parking, infrastructure, and community character.</u></p> <p>(6) <u>The director may modify or waive the large group living standards in this subsection and other applicable requirements as necessary to comply with the federal Fair Housing Act or other laws with similar preemptive effect.</u></p>	
9	3	Sec. 21-5.50-36(a)(2) and (3) Residential uses, Accessory residential, Accessory dwelling unit – standards, Advertisement	24	Amend accessory dwelling unit standards	<p>[(2) Advertisement.</p> <p>(A) 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:</p> <p>(i) That the owner of the advertised unit disseminated or directed the dissemination of the advertisement in that form and manner; and</p> <p>(ii) That a bed and breakfast home or transient vacation unit, as applicable, is being operated at the location advertised.</p> <p>(B) 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.</p> <p>(3)](2) Conditions of approval.</p> <p>[(A) Prior to submission of a building permit application, the applicant shall first obtain written confirmation from the responsible governmental agencies that wastewater treatment and</p>	Certain standards restate standards established in other City ordinances and codes, and may be inconsistent with the Building Code and building permit processes in ROH Chapter 18.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.</p> <p>(B) 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.</p> <p>(C)<u>(A)</u> 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:</p> <p class="list-item-l1">(i) 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;</p> <p class="list-item-l1">(ii) The deed restrictions lapse upon removal of the accessory dwelling unit;</p> <p class="list-item-l1">(iii) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and</p> <p class="list-item-l1">(iv) 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.</p> <p>[(D)]<u>(B)</u> Removal: The owners of an accessory dwelling unit shall notify the department upon removal of the accessory dwelling unit.</p>	
10	3	Sec. 21-5.50-3(b) Residential uses, Accessory residential, Family child care home – standards	25	Delete family child care standards	<p>[(b) Family child care home standards.</p> <p>(1) No more than six children may be cared for at any one time.</p> <p>(2) In the agricultural zoning districts, a family child care home must be located in a farm dwelling or farm worker housing dwelling unit.</p>	Retain current LUO provisions of home-based child care as a home occupation.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(3) Internal or external alterations that are inconsistent with the residential use and character of the private residence are prohibited.</p> <p>(4) Employees are limited to the following:</p> <p>(A) Household members.</p> <p>(B) Nonhousehold members serving as a substitute caregiver for the family child care home when:</p> <p>(i) 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</p> <p>(ii) The substitute caregiver responsibilities do not exceed five days per calendar month, and a single instance of up to 14 consecutive days annually.]</p>	
11	3	Sec. 21-5.50-3(c) Residential uses, Accessory Residential, Home occupation – standards	26	Amend home occupation standards	<p>(c) Home occupation – standards.</p> <p>(1) General.</p> <p>(A) The [exterior appearance and character of the dwelling must remain that of a dwelling.] <u>home occupation must be clearly incidental and subordinate to the use of the dwelling unit and zoning lot for residential living. The home occupation use must also be one that is traditionally and customarily conducted as an accessory use to residential living.</u></p> <p>(B) [Internal or external alterations that require a building permit and are inconsistent with the residential use and character of the dwelling unit are prohibited] <u>The home occupation use may not significantly change the exterior appearance of the dwelling unit or zoning lot. Onsite signage or advertisements for the home occupation is prohibited.</u></p> <p>(C) [Outdoor] <u>The outdoor</u> storage of materials or supplies is prohibited.</p> <p>(D) [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.] <u>Noises and obnoxious odors associated with the home occupation must not be detectable from abutting streets or sidewalks. The director may order the mitigation of noise and odor</u></p>	<p>Most jurisdictions recognize home-based childcare, home offices, and personal and professional services (such as hairdressing, cosmetology, manicuring, professional consulting, and real estate brokerage services) as permitted home occupations.</p> <p>Amends the standards to better address impacts of the home occupation.</p>

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p><u>impacts, or the cessation of a home occupation if noise and odor impacts are not able to adequately mitigated.</u></p> <p>(E) [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.] <u>The home occupation use may not create unreasonable risks of harm to persons or property or cause significant adverse impacts to local traffic or parking.</u></p> <p>(2) Permitted home occupations: Permitted activities include, but are not limited to:</p> <p>(A) Group instruction;</p> <p>(B) Sale of items produced by the household members; [or]</p> <p>(C) [Occasional grooming or] <u>Grooming and the occasional</u> boarding of animals [with no more than five animals onsite per day.]; <u>provided that no more than three animals that are not household pets are permitted on the property at any given time;</u></p> <p>(D) <u>Home-based child care;</u></p> <p>(E) <u>Home offices; or</u></p> <p>(F) <u>Personal and professional services such as hairdressing, cosmetology, manicuring, professional consulting, and real estate brokerage services.</u></p> <p>(3) Prohibited home occupations: Activities that are prohibited as a home occupation use include but are not limited to:</p> <p>(A) Commercial automobile repair and painting;</p> <p>[(B) Routinely providing care, treatment, or boarding of animals in exchange for money, goods or services;]</p> <p>[(C)]<u>(B)</u> Uses and activities that are only permitted in the industrial zoning districts;</p> <p>[(D)]<u>(C)</u> Commercial weddings;</p> <p>[(E)]<u>(D)</u> [Contractor storage] <u>Storage yards[;] and base yards;</u></p> <p>[(F)]<u>(E)</u> Mail and package handling and delivery businesses;</p> <p>[(G)]<u>(F)</u> Sale of guns and ammunition; and</p>	

Item 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>(G)</u> 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.</p> <p>(4) Employees: Employees are limited to household members.</p> <p>(5) Parking:</p> <p>(A) Home occupations that [depend on] <u>involve</u> client visits[-, including group instruction,] must provide one off-street parking space [per] <u>for every</u> five clients <u>that may be</u> on the [premises] <u>property</u> at any given time, in addition to the parking required for the dwelling use. <u>This requirement will be calculated as requiring one off-street parking for the first five clients and one additional off-street parking for every fractional increment up to five thereafter.</u></p> <p>(B) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking [with the approval of the building owner, manager, or condominium association,] <u>if allowed by the rules and regulations for the multi-unit dwelling.</u></p> <p>(C) 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.</p>	
12	3	Sec. 21-5.50-3(e) Residential uses, Accessory Residential, Poultry raising – standards	29	Delete poultry raising standards	<p>[(e) Poultry raising standards.</p> <p>(1) The keeping of hens must be for noncommercial, personal use only.</p> <p>(2) No sales are allowed on the premises.</p> <p>(3) The maximum number of hens allowed is based on total zoning lot size:</p> <p>(A) Two hens for zoning lots up to and including 3,000 square feet in area; and</p> <p>(B) One hen for each additional 1,000 square feet of zoning lot area.</p> <p>(4) Hens must be kept a minimum of 20 feet from an adjacent property in the residential, apartment, or apartment mixed use zoning districts.</p> <p>(5) 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.]</p>	Restrictions on the keeping of hens should not be uniform across all zoning districts, and may be unreasonable in certain circumstances, depending on the location and zoning district.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
13	3	Sec. 21-5.50-3(e) Residential uses, Accessory Residential, Teacher and workforce housing – standards	29	Delete teacher and workforce housing standards	<p>[(g) Teacher and workforce housing standards.</p> <p>(1) The zoning lot must be located within the Primary Urban Center development plan area.</p> <p>(2) 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:</p> <p>(A) 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;</p> <p>(B) 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</p> <p>(C) Third to households earning 80 percent and below of the area median income for Honolulu.</p> <p>(3) 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.</p> <p>(4) 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).]</p>	The standards for this use do not relate to development standards, and do not provide for regulation of the use.
14	19	Sec. 21-4.60 Heights	106	Conform to amendments made by Bill 46 (2022), CD2, FD1, which passed third reading at the Council meeting on 10/5/22, and is pending the Mayor's signature	<p>Sec. 21-4.60 Heights.</p> <p>(a) All structures 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 other exceptions may be specified under special districts.</p> <p>(b) The building height envelope 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 will be measured from finish grade.</p> <p>(c) The following structures and associated screening are exempt from zoning district height limits under the <u>following</u> specified restrictions[:].</p>	

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(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; provided that structures housing rooftop machinery on [detached dwellings and duplex units] <u>single-unit, two-unit, and duplex-unit dwellings</u> are not exempt from zoning district height limits.</p> <p>(2) Chimneys, which may also project into required height setbacks.</p> <p>(3) Safety railings not to exceed 42 inches above the governing height limit.</p> <p>(4) Utility [Poles and Antennas,] <u>poles and antennas</u>. 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 installation, location, and height of antennas are detrimental to the city's appearance and image; that this may result in significant damage to the community's sense of well-being, particularly in residential areas; and may have negative economic impacts to the city's tourism industry, 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 telecommunication services are unobstructed. Therefore, in accord with the health, safety, and aesthetic objectives set forth in Section 21-1.20, and considering the public interest needs associated with certain types of power and telecommunication services:</p> <p>(A) Utility poles and broadcasting antennas must not exceed 500 feet from existing grade[-];</p> <p>(B) Antennas associated with utility installations [shall] <u>may</u> not exceed 10 feet above the governing height limit; provided that in residential <u>zoning</u> districts where utility lines are predominantly located underground, the governing height limit will apply[-]; and</p> <p>(C) Receive-only antennas must not exceed the governing height limit, except as provided under Section [21-2.140-4] <u>21-2.140-1(j)</u>.</p> <p>(5) Spires, flagpoles, and smokestacks, not to exceed 350 feet from existing grade.</p> <p>(6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.</p> <p>(7) Wind machines, where permitted; provided that each machine must be set back from all property lines pursuant to the standards in Article 5.</p>	

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(8) Any energy-savings [devices,] <u>equipment</u>, including heat pumps and solar panels, not to exceed 5 feet above the governing height limit; provided that solar panels on buildings other than [detached dwellings or duplex units] <u>single-unit, two-unit, or duplex-unit dwellings</u> must not exceed 12 feet above the governing height limit. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area.</p> <p>(9) Construction and improvements in certain flood hazard districts, as set forth in Sections 21-9.10-6 and 21-9.10-7.</p> <p>(10) [Farm] <u>Agricultural</u> structures in agricultural <u>zoning</u> districts, as specified in Article 3, <u>Table 21-3.1</u>.</p> <p>(d) The following structures and associated screening may be placed on top of an existing building <u>that</u> is nonconforming with respect to height, under the following specified restrictions[-]:</p> <p>(1) Any energy-savings [devices,] <u>equipment</u>, including heat pumps and solar panels, not to exceed 5 feet above the height of the rooftop; provided that solar panels on buildings other than [detached dwellings or duplex units] <u>single-unit, two-unit, or duplex-unit dwellings</u> must not exceed 12 feet above the height of the rooftop. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area.</p> <p>(2) Safety railings not to exceed 42 inches above the height of the rooftop."</p>	
15	63	Sec. 21-10.1 Definitions Family child care home	176	Retain and amend definition of home-based child care and delete new definition of family child care home	<p>"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. ["Family child care home" means 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.] <u>Non-household members may provide child care services to clients on a temporary basis if the resident caregiver becomes unavailable due to illness or emergency.</u></p>	

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
16	63	Sec. 21-10.1 Definitions Dwelling unit	176	Amend dwelling unit definition	"Dwelling unit" means 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. The term does not include a unit in a hotel or other structures designed for transient residence (see Lodging Unit).] <u>room or connected rooms in a single structure that are designed for residential occupancy by one family. A dwelling unit contains one kitchen, sanitary facilities, and space for sleeping. Dwelling unit use is the exclusive occupancy of a dwelling unit by one family for non-transient, residential purposes and permissible accessory uses. Unless specifically permitted in use regulations, a dwelling unit may not be used for timeshare units, bed and breakfast homes, or transient vacation units as defined in this section.</u>	
17	63	Sec. 21-10.1 Definitions Duplex-unit dwelling	176	Amend duplex-unit dwelling definition	"Dwelling, duplex-unit" means [two principal dwelling units, each in a single structurally independent building on separate zoning lots, attached across a side or rear zoning lot line.] <u>a single building that is located on two separate zoning lots. The duplex building must contain two independent dwelling units that are separated by a common wall located along a side or rear yard boundary line for the zoning lots. An interior connection between the dwelling units is prohibited, and each dwelling unit must have a separate entrance. Use of a duplex-unit dwelling is the occupancy of each dwelling unit in the duplex-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses.</u>	
18	63	Sec. 21-10.1 Definitions Multi-unit dwelling	176	Amend multi-unit dwelling definition	"Dwelling, multi-unit" means [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.] <u>a building containing three or more dwelling units, all of which a designed for non-transient, residential use and occupancy. Use of a multi-unit dwelling includes the occupancy of each dwelling unit in the multi-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses. Multi-unit dwellings may include spaces for nonresidential uses that are permitted in the underlying zoning district; provided that these activities will not be considered part of the multi-unit dwelling use and will instead be regulated as a principal land use.</u>	
19	63	Sec. 21-10.1 Definitions Group living, large	177	Amend large group living definition	"Group living, large" means [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.] <u>occupancy of a dwelling unit by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.</u>	Amendment avoids large families from being classified as large group living occupancies.

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20	63	Sec. 21-10.1 Definitions Group living, small	177	Amend small group living definition	"Group living, small" means [group living of up to eight residents, not including resident managers or supervisors or their families, in a dwelling unit.] <u>occupancy of a dwelling unit by six to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.</u>	
21	63	Sec. 21-10.1 Definitions Home occupation	178	Retain existing definition of home occupation (no amendments to definition)	"Home occupation" means [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.] <u>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.</u>	
22	63	Sec. 21-10.1 Definitions Household	179	Amend household definition, use the term family instead of household	["Household"] <u>"Family" 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.</u>	Retains the term "family" (used in the current LUO).
23	64	Sec. 21-10.1 Definitions Single-unit dwelling	192	Amend single-unit dwelling definition	"Dwelling, single-unit" means [one principal dwelling unit in a single structurally independent building.] <u>a detached building containing one dwelling unit that is used exclusively by one family for non-transient residential living and permissible accessory uses.</u>	
24	64	Sec. 21-10.1 Definitions Two-unit dwelling	192	Amend two-unit dwelling definition	"Dwelling, two-unit" means two [principal] dwelling units in a single structurally independent building. Use of a two-unit dwelling is the occupancy of each dwelling unit in the two-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses.	
25	64	Sec. 21-10.1 Definitions Poultry raising	195	Delete poultry raising definition	["Poultry raising" means the accessory raising, feeding, and keeping of female poultry (hens), but not male poultry (roosters).]	
26	64	Sec. 21-10.1 Definitions Teacher and workforce housing	196	Delete teacher and workforce housing definition	["Teacher and workforce housing" means 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 median 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.]	

Public, Civic, and Institutional Uses

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8
DATE: October 14, 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	Sec. 21-5.1 Use Table Public, civic, and institutional uses, Assembly, Community recreation center	4	Delete community recreation center entry	<div><div>[Community recreation center]</div><div>-- -- -- GmGmGmGmGmP P P P P P P P P -- -- -- --</div><div>Sec. 21-5.60-1(a)]</div></div>	
2	3	Sec. 21-5.1 Use Table Public, civic, and institutional uses, Assembly Convention center, concert, or sporting venue	4	Delete convention center, concert, or sporting venue entry	<div><div>[Convention center, concert, or sporting venue]</div><div>-- -- -- -- -- -- -- -- -- PRU PRU PRU PRU PRU -- -- -- PRU</div><div>Sec. 21-5.60-1(b)]</div></div>	

**AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations**

TOTAL PAGES: 8

DATE: October 14, 2022

COUNCILMEMBER: Elefante

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**AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations**

TOTAL PAGES: 8

DATE: October 14, 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
6	3	Sec. 21-5.1 Use Table Public, civic, and institutional uses, Government, Prison	5	Amend prison entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	Prison PRU [PRU] PRU+ [PRU] PRU+ PRU PRU PRU PRU PRU PRU PRU PRU PRU PRU PRU Sec. 21-5.60-4(b)	
7	3	Sec. 21-5.1 Use Table Public, civic, and institutional uses, Government, Public facility	5	Amend public facility entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	Public facility P [P] P+ [P] P+ P P P P P P P P P P P P P P P P P P P	
8	3	Sec. 21-5.1 Use Table Public, civic, and institutional uses, Parks and open space, Cemetery	5	Require Planning Commission special use permit in the AG-2 District with a PRU (instead of "Cm**")	Cemetery P* -- [Cm*] PRU+ -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- P*	Sec. 21-5.60-5(a)
9	3	Sec. 21-5.60-1 Public, civic, and institutional Uses Assembly	30	Delete community recreation center standards. Delete convention center, concert, or sporting venue standard. Amend meeting facility standards.	<p>Sec. 21-5.60-1 Assembly.</p> <p>Uses in the assembly category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.</p> <p>(a) Community recreation center – standards. As required by the conditional use permit.</p> <p>(b) Convention center, concert, or sporting venue – standards. As required pursuant to a plan review use permit.</p> <p>(c)](a) Meeting facility, small, medium, or large – standards.</p>	Community recreation center and convention center, concert, or sporting venue uses are considered to be meeting facilities.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8

DATE: October 14, 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
					<p>(1) [Meeting facility, small or medium:</p> <p>(A)] In the AG-2 zoning district, 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 meeting facility 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.</p> <p>[(B) 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.</p> <p>(C) 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:</p> <p>(i) 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.</p> <p>(ii) 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.</p> <p>(iii) Owners, operators, and representatives of the meeting facility are precluded from filing nuisance complaints against any industrial use operating in compliance with applicable laws.</p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8

DATE: October 14, 2022

COUNCILMEMBER: Elefante

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					<p>(D) 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.</p> <p>(E) 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.</p> <p>(2) Meeting facility, large: As required by the conditional use permit.]</p> <p><u>(2) The owner or operator of the meeting facility shall maintain an event management plan that includes a traffic management plan, trash management plan, spill management plan, and plan for responding to community complaints.</u></p> <p><u>(3) In the apartment and residential zoning districts, noise and odors from the meeting facility use must not be detectable from public streets or sidewalks between the hours of 10:00 p.m. to 7:00 a.m.</u></p> <p><u>(4) Adequate ingress and egress must be provided for all emergency vehicles, to the satisfaction of the Honolulu fire department.</u></p> <p><u>(5) All outdoor lighting associated with the meeting facility must be directed and shielded to minimize glare onto abutting properties.</u></p> <p><u>(6) All parking must be provided on an all-weather surface unless parking on grass or graveled areas is approved by the director, subject to conditions to mitigate sediment tracking and fugitive dust.</u></p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8

DATE: October 14, 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
10	3	Sec. 21-5.60-2(b) Public, civic, and institutional uses, Communication, Communication tower - standards	32	Amend communication tower standards	<p>(b) Communication tower – standards.</p> <p>(1) Communication towers [that are freestanding] must be set back from all property lines a minimum of 1 foot for every 5 feet of height.</p> <p>[(2) AM broadcast communication towers must be set back a minimum of 500 feet from the property line of any adjoining property within the country, residential, apartment, or apartment mixed use zoning districts.</p> <p>(3) FM and TV communication towers must be set back a minimum of 2,500 feet from the property line of any adjoining property within the country, residential, apartment, or apartment mixed use zoning districts.</p> <p>(4) 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.</p> <p>(5) 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.</p> <p><u>(6) The following must be submitted as part of any application for a communication tower:</u></p> <p style="padding-left: 40px;">(A) A quantitative description of the additional tower capacity anticipated, including the approximate number and types of antennas;</p> <p style="padding-left: 40px;">(B) 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</p>	Conformity and consistency with the Telecommunications Act of 1996.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8

DATE: October 14, 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
					<p>(C) 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.</p> <p>(7)<u>(2)</u> Communication towers must be enclosed by fencing a minimum of 6 feet in height, and towers must be equipped with an anti-climbing device.</p> <p>[(8) 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.</p> <p>(9) Monotree installations must be designed to be similar to surrounding trees, including appropriate species and heights, to blend in with the surrounding environment.] <u>(3)</u> All communication towers in the residential zoning districts must use monotree or other stealth design to minimize visual impacts.</p> <p>[(10)]<u>(4)</u> 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.</p>	
11	3	Sec. 21-5.60-2(c)(4) Public, civic, and institutional uses, Communication, alternative communication support structures - standards	34	Delete standard in subdivision (4)	<p>[(4) 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.]</p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 8

DATE: October 14, 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
12	63	Sec. 21-10.1 Definitions Meeting facility	182	Amend meeting facility definition	<p>""Meeting facility" means [the assembly of public, non-profit, and private, membership-based organizations for educational, fraternal, or social purposes. The term may include accessory kitchens, multi-purpose rooms, storage space, training space, and classrooms for teaching subjects related to the mission of the organization. The term does not include activities considered to be home occupations.] <u>a principal use involving periodic gatherings or assemblies of individuals on private property for a common purpose not accessory to a permitted principal use. For the purposes of this definition, the director may liberally construe accessory uses outside of the agricultural districts.</u></p> <p>(1) Small: [A meeting facility accommodating] <u>Meeting facilities with a capacity for more than 25 individuals,</u> up to 100 individuals.</p> <p>(2) Medium: [A meeting facility accommodating from 101] <u>Meeting facilities with a capacity for more than 100 individuals</u> [and], up to 2,000 individuals.</p> <p>(3) Large: [A meeting facility accommodating over] <u>Meeting facilities with a capacity for more than</u> 2,000 individuals.</p>	

Commercial Uses

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification																																																																								
1	3	Table 21-5.1 Use Table Commercial uses, Daycare, Child daycare	5	Amend child daycare entry to require Planning Commission SUP in the AG-2 District Not permitted in industrial districts.	<table><tr><td>Child daycare</td><td>--</td><td>--</td><td><div><div>[G*] C*+</div></div></td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td><div><div>[P] =</div></div></td><td><div><div>[P] =</div></div></td><td>--</td><td>P</td><td>Sec. 21-5.70-1(a)</td></tr></table>	Child daycare	--	--	<div><div>[G*] C*+</div></div>	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	<div><div>[P] =</div></div>	<div><div>[P] =</div></div>	--	P	Sec. 21-5.70-1(a)																																																	
Child daycare	--	--	<div><div>[G*] C*+</div></div>	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	<div><div>[P] =</div></div>	<div><div>[P] =</div></div>	--	P	Sec. 21-5.70-1(a)																																																							
2	3	Table 21-5.1 Use Table Commercial uses, Daycare, Child daycare	5	Amend adult daycare entry to require Planning Commission SUP in the AG-2 District Not permitted in industrial districts	<table><tr><td>Adult daycare</td><td>--</td><td>--</td><td><div><div>[G*] C*+</div></div></td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td><div><div>[P] =</div></div></td><td><div><div>[P] =</div></div></td><td>--</td><td>P</td><td>Sec. 21-5.70-1(b)</td></tr></table>	Adult daycare	--	--	<div><div>[G*] C*+</div></div>	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	<div><div>[P] =</div></div>	<div><div>[P] =</div></div>	--	P	Sec. 21-5.70-1(b)																																																	
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3	3	Table 21-5.1 Use Table Commercial uses, Lodging, Minor and major hotel	6	Minor and major hotels not permitted in the I-2 District. "Cm*" required for minor hotels. "C*" required for major hotels.	<table><tr><td>Hotel</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Minor</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td><div><div>[P] C*</div></div></td><td></td><td></td><td>Cm*</td><td><div><div>[P] C*</div></div></td><td>--</td><td><div><div>[Gm*] =</div></div></td><td>--</td><td><div><div>[G*] C*</div></div></td><td>Sec. 21-5.70-3(b)</td></tr><tr><td>Major</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td><div><div>[P] C*</div></div></td><td>--</td><td>--</td><td>C*</td><td><div><div>[P] C*</div></div></td><td>--</td><td><div><div>[Cm*] =</div></div></td><td>--</td><td>C*</td><td>Sec. 21-5.70-3(b)</td></tr></table>	Hotel																								Minor	--	--	--	--	--	--	--	--	--	--	--	--	--	<div><div>[P] C*</div></div>			Cm*	<div><div>[P] C*</div></div>	--	<div><div>[Gm*] =</div></div>	--	<div><div>[G*] C*</div></div>	Sec. 21-5.70-3(b)	Major	--	--	--	--	--	--	--	--	--	--	--	--	--	<div><div>[P] C*</div></div>	--	--	C*	<div><div>[P] C*</div></div>	--	<div><div>[Cm*] =</div></div>	--	C*	Sec. 21-5.70-3(b)	
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**AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations**

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
4	3	Table 21-5.1 Use Table Commercial uses, Medical, Hospital	6	Amend hospital entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	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)	
5	3	Table 21-5.1 Use Table Commercial uses, Personal services, Major animal care	6	Amend major animal care entry to require Planning Commission SUP in the AG-2 District	Major -- -- [P*] P* -- -- -- -- -- [P*+] -- -- -- -- -- -- P -- -- Sec. 21-5.70-7(b)	
6	3	Table 21-5.1 Use Table Commercial uses, Personal services, Wedding services	6	Delete wedding services entry	[Wedding services] -- -- -- -- -- -- -- -- -- -- -- P* P* P* P P P P P -- -- -- P Sec. 21-5.70-8(e)]	
7	3	Table 21-5.1 Use Table Commercial uses, Recreation, outdoor, Nature-based recreation	7	Delete nature-based recreation entry	[Nature based recreation] -- C* C* -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- Sec. 21-5.70-8(e)]	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

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Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification																																																																																										
8	3	Table 21-5.1 Use Table Commercial uses, Recreation, outdoor, Zoo	7	Amend zoo entry. "PRU" required in P-2 District. "PRU+" required in AG-2 District (Planning Commission special use permit required).	<table><tr><td>Zoo</td><td>[C*] PRU</td><td>--</td><td>[C*] PRU+</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Sec. 21-5.70-8(d)</td></tr></table>	Zoo	[C*] PRU	--	[C*] PRU+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 21-5.70-8(d)																																																																						
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9	3	Table 21-5.1 Use Table Commercial uses, Retail, General retail, small, medium, large	7	Amend general retail, small, medium, large entry. Delete small general retail in residential and apartment districts. Delete small, medium, large general retail in industrial districts.	<table><tr><td>General retail</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Small</td><td>--</td><td>--</td><td>--</td><td>--</td><td>[C*] =</td><td>[C*] =</td><td>[C*] =</td><td>[C*] =</td><td>[C*] =</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>[P] =</td><td>[P] =</td><td>[P] =</td><td>P*</td><td>Sec. 21-5.70-9(a)</td></tr><tr><td>Medium</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>[P] =</td><td>[P] =</td><td>--</td><td>P*</td><td>Sec. 21-5.70-9(a)</td></tr><tr><td>Large</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>[P] =</td><td>[P] =</td><td>--</td><td>P*</td><td>Sec. 21-5.70-9(a)</td></tr></table>	General retail																					Small	--	--	--	--	[C*] =	[C*] =	[C*] =	[C*] =	[C*] =	P*	P*	P*	P*	P*	P*	P*	P*	[P] =	[P] =	[P] =	P*	Sec. 21-5.70-9(a)	Medium	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	[P] =	[P] =	--	P*	Sec. 21-5.70-9(a)	Large	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	[P] =	[P] =	--	P*	Sec. 21-5.70-9(a)	
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10	3	Table 21-5.1 Use Table Commercial uses, Retail, Alternative financial services	7	Delete alternative financial services entry	<table><tr><td>Alternative financial</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Cm</td><td>Cm</td><td>Cm</td><td>Cm</td><td>--</td><td>--</td><td>--</td><td>Cm</td><td>Sec. 21-5.70-9(b)]</td></tr></table>	Alternative financial	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm	Cm	Cm	Cm	--	--	--	Cm	Sec. 21-5.70-9(b)]																																																																				
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**AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations**

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
11	3	Table 21-5.1 Use Table Commercial uses, Vehicle-related, Vehicle repair, service, light, heavy	7	Delete service, light, and heavy vehicle repair entries	<div> <div>[Vehicle repair]</div> <div> <div>[Service]</div> <div>[Light]</div> <div>[Heavy]</div> </div> </div>	
12	3	Table 21-5.1 Use Table Commercial uses, Accessory commercial Caretaker unit	7	Delete caretaker unit entry	<div> <div>[Caretaker unit]</div> </div>	
13	3	Table 21-5.1 Use Table Commercial uses, Accessory commercial, Accessory retail	7	Delete accessory retail entry	<div> <div>[Accessory retail]</div> </div>	
14	3	Sec. 21-5.70-2(a) Commercial uses, Eating and drinking, Bar, nightclub – standards	44	Add new bar, nightclub standards	(b) <u>Bar, nightclub – standards. Mitigation of impacts from noise, odor, and glare may be required by the director.</u>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
15	3	Sec. 21-5.70-3(b) Commercial uses, Lodging, Hotel – standards	59	Amend hotel standards	<p>(b) Hotel – standards.</p> <p>(1) Minor:</p> <p>(A) 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.] <u>designated in Figure 21-5.4.</u></p> <p>(B) In the [I-2 and] IMX-1 zoning [districts,] <u>district</u>, minor hotels are [only] permitted [within 1.2 miles of a] <u>in the areas situated in close proximity to the Daniel K. Inouye International Airport [principal entrance located at the intersection of Paiea Street and Nimitz Highway.], as designated in Figure 21-5.5.</u></p> <p><u>(C) Must include a 24-hour front desk and facilities used to provide housekeeping services to guests.</u></p> <p><u>(D) May not be used or include facilities for weddings, conventions, or special events.</u></p> <p><u>(E) Guest rooms must be offered or used for transient accommodations for a minimum of 275 days per year, unless unavailable for occupancy due to necessary maintenance or repair.</u></p> <p>(2) Major:</p> <p>(A) 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.] <u>designated in Figure 21-5.4.</u></p> <p>(B) In the [I-2 and] IMX-1 zoning [districts,] <u>district</u>, major hotels are [only] permitted [within 1.2 miles of] <u>in the areas in close proximity to the Daniel K. Inouye International Airport [principal entrance located at the intersection of Paiea Street and Nimitz Highway.], as designated in Figure 21-5.5.</u></p>	<p>Adds figures (maps) to designate the areas where hotels are permitted in the BMX-3 District and the IMX-1 District.</p> <p>Adds standards to ensure a minimum quality of hotel service, and prevent hotel units from being converted into multi-family dwellings or rental dwelling units.</p>

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p><u>(C) Must include a lobby, 24-hour front desk, and facilities used to provide valet, bell, and housekeeping services to guests.</u></p> <p><u>(D) All guest rooms must be offered or used for transient accommodations for a minimum of 275 days per year, unless unavailable for occupancy due to needed maintenance or repair.</u></p> <p><u>(E) Architectural style, landscaping, and site design must reflect a Hawaii sense of place or be consistent with the character of the surrounding community.</u></p> <p><i>[Incorporate into the CD2 Figures 21-5.4 and 21-5.5, depicting the BMX-3 and IMX-1 areas in which minor and major hotels are permitted]</i></p>	
16	3	Sec. 21-5.70-3(b) Commercial uses, Lodging, Timeshare – standards	60	Amend timeshare standards	<p>(c) Timeshare – standards. Timeshare units are permitted [in the A-2 zoning district provided:</p> <p>(1) 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</p> <p>(2) 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.] in the following areas:</p> <p><u>(1) 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 designed in Figure 21-5.6; and</u></p> <p><u>(2) 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 5.7.</u></p> <p><i>[Incorporate into the CD2 Figures 21-5.6 and 21-5.7, similar to Figures 21-5.2 and 21-5.3]</i></p>	Adds figures (maps) to designate the areas located within the A-1 and A-2 Districts in close proximity to the Ko Olina Resort, and the area located within the A-1 District in close proximity to the Turtle Bay Resort where Timeshare units are permitted.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
17	3	Sec. 21-5.70-6(a) Commercial uses, Parking, Remote parking – standards	61	Amend remote parking standards	<p>(a) Remote parking – standards.</p> <p>(1) In the apartment, apartment mixed use, and resort zoning districts, there are no minimum lot area, width, or depth for remote parking facilities.</p> <p>(2) For additional requirements applicable to remote parking see Section 21-6.70.</p> <p>(3) <u>Parking spaces must be marked. All parking areas and vehicle paths to parking areas must have an all-weather surface.</u></p> <p>(4) <u>Facilities with a capacity to serve five or more vehicles require site plan approval by the director. Site plans for facilities serving five or more vehicles must include best management practices to reduce runoff off-site, unless not necessary due to the location of the parking areas, the terrain on the property, or the structural improvements used for vehicle parking. The director may condition site plan approval on any mitigation measures necessary to address the impacts of the use, such as best management practices and landscaping.</u></p> <p>(5) <u>Facilities with a capacity to serve 20 or more vehicles and facilities used to accommodate vehicles that transport hazardous waste require the director's approval of a spill management plan. The spill management plan must include procedures for the rapid capture of spilled materials to protect water resources and provisions identifying the circumstances under which notice of a spill must be provided to the director, the department of facilities maintenance stormwater quality division, the Honolulu fire department, or the Honolulu police department. A copy of the approved spill management plan must be kept onsite at all times.</u></p>	Additional standards address impacts of the remote parking use.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
18	3	Sec. 21-5.70-6(b) Commercial uses, Parking, Commercial parking – standards	61	Amend commercial parking standards	<p>(b) Commercial parking – standards.</p> <p>(1) The density controls of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.</p> <p>[(2) All structures and facilities must be set back a minimum of 20 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.]</p> <p><u>(2) Parking spaces must be marked. All parking areas and vehicle paths to parking areas must have an all-weather surface.</u></p> <p><u>(3) Site plan approval by the director is required. Site plans must include best management practices to reduce off-site runoff, unless not necessary due to the location of the parking areas, the terrain on the property, or the structural improvements used for vehicle parking. The director may condition site plan approval on the implementation of best management practices and landscaping to mitigate visual impacts.</u></p> <p><u>(4) The director's approval of a spill management plan is required. The spill management plan must include procedures for the rapid capture of spilled materials to protect water resources and provisions identifying the circumstances under which notice of a spill must be provided to the director, the department of facilities maintenance stormwater quality division, the Honolulu fire department, and the Honolulu police department. A copy of the approved spill management plan must be kept onsite at all times.</u></p>	Additional standards address impacts of the commercial parking use.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20
DATE: October 14, 2022
COUNCILMEMBER: Elefante

19	3	Sec. 21-5.70-7(b) Commercial uses, Personal services, Animal care – standards	62	Amend animal care standards	<p>(b) Animal care – standards.</p> <p>[(1) Minor:</p> <p>(A) Outdoor spaces for animals must be limited to supervised play areas and runs.</p> <p>(B) All animals kept overnight must be located in a fully enclosed, noise-attenuated structure.</p> <p>(2) Major: All structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from the property line of any adjacent zoning lot.]</p> <p><u>(1) Animal recreation areas must provide:</u></p> <p><u>(A) 20 square feet of space per cat;</u></p> <p><u>(B) 60 square feet of space per dog;</u></p> <p><u>(C) 20 square feet of space per animal for other animals weighing less than 10 pounds; and</u></p> <p><u>(D) 40 square feet per animal, for other animals weighing 10 pounds or more.</u></p> <p><u>(2) Animal shelters and areas must:</u></p> <p><u>(A) Have no sharp points or edges that may injure the kept animals;</u></p> <p><u>(B) Allow the kept animal to stand comfortably at full height;</u></p> <p><u>(C) Contain the kept animal securely;</u></p> <p><u>(D) Keep other animals from entering the enclosure;</u></p> <p><u>(E) Enable the kept animal to remain clean and dry; and</u></p> <p><u>(F) Provide shelter and protection from extreme temperatures.</u></p> <p><u>Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. The use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals is prohibited. The floors of outdoor housing facilities may be made of compacted earth, absorbent bedding, sand, gravel,</u></p>	Standards address the number of animals that may be cared for, and ensures that animals are provided a safe environment.
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AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p><u>or grass, and must be maintained and replaced as needed to prevent odors, disease, insects, pests, and vermin. Shelters must be regularly cleaned, sanitized, and repaired or replaced as necessary to prevent visual blight.</u></p> <p><u>Indoor shelter facilities must provide ventilation, lighting, and temperature control as necessary to protect the health and well-being of kept animals.</u></p> <p><u>(3) Associated odors may not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.</u></p> <p><u>(4) Except for occasional and infrequent incidents, animal noises must not be detectable from common areas within a building, abutting properties, or public areas such as streets and sidewalks.</u></p>	
20	3	Sec. 21-5.70-7(c) Commercial uses, Personal services, Wedding services – standards	62	Delete wedding services standards	<p>[(c) Wedding services – standards.</p> <p>(1) 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.</p> <p>(2) The density requirements of Table 21-3.3 and Section 21-3.90-1(c)(4) apply.]</p>	Wedding services are considered to be meeting facilities.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
21	3	Sec. 21-5.70-8(a) Commercial uses, Recreation, outdoor, General outdoor recreation – standards	62	Delete general outdoor recreation standards.	<p>[(a) General outdoor recreation – standards.</p> <p>(1) All structures and facilities must be set back a minimum of 25 feet from the property line of 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.</p> <p>(2) For motorized outdoor amusement facilities, additional noise mitigation measures may be required.</p> <p>(3) All lighting must meet the following requirements:</p> <p>(A) All light fixtures must be oriented so that lighting and glare are not directed to the sky, adjoining properties, streets, or sidewalks.</p> <p>(B) 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.</p> <p>(C) The color temperature of fixture lamps must not exceed 3200 Kelvin.</p> <p>(D) All service connections for lighting must be installed underground.</p> <p>(E) Recreational field lighting must only be used while activity on the field is being conducted.]</p>	Uniform standards for differing types of outdoor recreation activities may not be appropriate. Standards may be better established based on the scope and impacts of specific general outdoor recreation uses via a CUP.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
22	3	Sec. 21-5.70-8(c) Commercial uses, Recreation, outdoor, Nature-based recreation – standards	63	Delete nature-based recreation standards	<p>[(c) Nature-based recreation – standards.</p> <p>(1) In the AG-1 and AG-2 zoning districts, a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping 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. 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.</p> <p>(2) Cabins are limited to one per acre, and must not have kitchens or wet bars.]</p>	Nature-based recreation uses generally fall within outdoor recreation.
23	3	Sec. 21-5.70-8(d) Commercial uses, Recreation, outdoor, Zoo – standards	64	Amend zoo standards.	<p>(d) Zoo – standards.</p> <p>[(1) 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.</p> <p>(2) 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.</p> <p>(3) A conditional use permit application for a zoo must be accompanied by a landscape plan for the area outside the wall required in subdivision (2), and is subject to the approval of the director.] <u>As required pursuant to a plan review use permit.</u></p>	PRU is required.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
24	3	Sec. 21-5.70-9(a) Commercial uses, Retail, General retail – standards	64	Amend general retail standards	<p>(a) General retail – standards.</p> <p>(1) Small:</p> <p>[(A) In the residential, apartment, or apartment mixed use zoning districts, all sales, services, displays, or storage must be within a fully enclosed structure.]</p> <p>[(B)](A) 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.</p> <p>[(C) In the residential and apartment zoning districts, the following standards apply:</p> <p style="padding-left: 40px;">(i) 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;</p> <p style="padding-left: 40px;">(ii) The adjoining street must have a minimum 20-foot paved surface; and</p> <p style="padding-left: 40px;">(iii) Small general retail use is not permitted on a nonconforming zoning lot.]</p> <p>[(D)](B) In the industrial mixed use zoning district, the density requirements of Table 21-3.5 and Section 21-3.140-1(c) apply.</p> <p>[(E) 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:</p> <p style="padding-left: 40px;">(i) No expansion of the floor area occupied on October 22, 1986 is allowed;</p> <p style="padding-left: 40px;">(iii) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.; and</p>	Deletes standards for general retail in the residential, apartment, and industrial districts (no longer permitted in those districts). Permitting general retail as a principal use in the residential, apartment, and industrial districts is not consistent with the purposes of these districts. To some extent, retail sales may be permitted as accessory uses.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					<p>(iii) All sales, services, or displays must be within a fully enclosed structure, and there must be no outdoor display, service, or storage of merchandise.]</p> <p>(2) Medium:</p> <p>(A) 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.</p> <p>(B) 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.</p> <p>(C) 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.</p> <p>(D) In the industrial mixed use zoning district, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.</p> <p>(3) Large:</p> <p>(A) 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.</p> <p>(B) 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.</p>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
					(C) In the industrial mixed use zoning district, the density controls of Table 21-3.5 and Section 21-3.140-1(c) apply.	
25	3	Sec. 21-5.70-9(b) Commercial uses, Retail, Alternative financial services – standards	66	Delete alternative financial services standards	[(b) Alternative financial services – standards. As required by a conditional use permit.]	Alternative financial uses not likely to generate land use impacts. A CUP may not be necessary.
26	3	Sec. 21-5.7010(b) Commercial uses, Vehicle-related, Vehicle fueling station – standards	67	Delete vehicle fueling station standard	[(b) Vehicle fueling station – standards. If pump islands exist and are set back less than 75 feet from the property line of 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.]	
27	3	Sec. 21-5.7010(b) Commercial uses, Vehicle-related, Vehicle repair – standards	67	Delete vehicle repair , service, light, heavy standards	[(c) Vehicle repair – standards. (1) Service: (A) All servicing of vehicles must occur within a fully enclosed structure. (B) Outdoor storage is prohibited. (2) Repair, light: (A) All structures and activities must be set back a minimum 100 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts. (B) 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 the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts.]	Vehicle repair will fall within the heavy repair use in the industrial uses category. Add vehicle service use in the industrial use category.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20
DATE: October 14, 2022
COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
28	3	Sec. 21-5.70-11(a) Commercial uses, Accessory commercial, Caretaker unit – standards	68	Delete caretaker unit standards	[(a) Caretaker unit – 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.]	
29	3	Sec. 21-5.70-11(c) Commercial uses, Accessory commercial, Accessory retail – standards	68	Delete accessory retail standards	[(c) Retail – standards. Retailing of products must be limited to products that are manufactured or processed on the premises.]	
30	63	Sec. 21-10.1 Definitions Daycare, adult	175	Amend adult daycare definition	"Daycare, adult" means [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.] <u>use of a building or property other than a dwelling unit or medical facility to provide supervision and care to adults who need supervision or assisted living services. The term does not include overnight stays and 24-hour care.</u>	
31	63	Sec. 21-10.1 Definitions Daycare, adult	176	Amend child daycare definition	"Daycare, child" means [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. The term includes before-school and after-school childcare, group childcare centers, group childcare homes, and infant and toddler childcare centers.] <u>the use of a building or property other than a dwelling unit, public school, or medical facility to provide supervision and care for seven or more individuals under 18 years of age. See also [family child care home.] home-based childcare.</u>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
32	63	Sec. 21-10.1 Definitions Hotel	178	Amend hotel definition	<p>""Hotel" means [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. The term 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 <u>building containing guest rooms that are offered and used for the provision of overnight accommodations to transient guests. The term does not include dwelling units or activities that are prohibited in the zoning district.</u></p> <p>(1) Minor: A [minor hotel must not exceed any of the following thresholds:</p> <p style="padding-left: 40px;">(i) 180 lodging or dwelling units per zoning lot.</p> <p style="padding-left: 40px;">(ii) 2,000 square feet of total floor area devoted to meeting facilities.</p> <p style="padding-left: 40px;">(iii) Only limited meal service for guests may be provided, such as breakfast.] hotel <u>that contains less than 180 guest rooms or less than 2,000 square feet of total floor area dedicated to meeting facilities.</u></p> <p>(2) Major: A [major hotel is any hotel that exceeds one or more of the thresholds for a minor hotel.] <u>hotel that contains 180 or more guest rooms or 2,000 square feet or more of total floor area dedicated to meeting facilities.</u></p>	Minor hotel contains less than 180 guest rooms. Major hotel contains 180 or more guest rooms.
33	63	Sec. 21-10.1 Definitions Recreation, general outdoor	184	Amend general outdoor recreation definition	<p>"Recreation, general outdoor" means [providing primarily outdoor recreation or entertainment in a permanent outdoor facility.] <u>facilities for outdoor recreation or entertainment and related activities.</u> The term includes amusement parks, batting cages, drive-in theaters, go-cart or automobile racetracks, golf driving ranges, miniature golf courses, sports facilities, amphitheaters, [or] <u>botanical gardens, tennis courts, riding stables, recreational camps, and water parks.</u> [Does] <u>The term does not include public parks, government facilities, hiking and biking trails, nature-based recreation uses that do not involve artificial lighting or support structures other than sanitary facilities, golf courses, or country clubs.</u></p>	Includes uses currently in the "outdoor amusement facilities" use.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
34	63	Sec. 21-10.1 Definitions Timeshare	187	Amend timeshare definition	"Timeshare" means 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. The term includes timeshare units in which the purchaser receives an ownership interest, or in which the purchaser does not receive an ownership interest. The term includes units in hotels, multi-unit dwellings, and transient vacation units.] <u>the use or occupancy of a timeshare unit, as defined in HRS Section 514E-1, or any successor statute.</u>	Avoids any conflict with HRS § 514E-1.
35	64	Sec. 21-10.1 Definitions Alternative financial services	190	Delete alternative financial services definition	["Alternative financial services" means providing non-traditional financial services on a recurring basis. The term includes payday lending, check cashing, bail bonds, debt collecting, or pawnshops.]	
36	64	Sec. 21-10.1 Definitions Animal care	190	Amend animal care definition	"Animal care" means <u>providing medical care, grooming, training, or boarding</u> [, or keeping of] <u>services to household pets[-] as a principal use.</u> The term includes but is not limited to animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet day cares, or pet spas. (1) <u>Minor: Facilities that do not provide overnight boarding.</u> (2) <u>Major: Facilities that provide overnight boarding.</u>	Distinguishes minor versus major animal care by whether overnight boarding is provided.
37	64	Sec. 21-10.1 Definitions Bar, nightclub	191	Amend bar, nightclub definition	"Bar, nightclub" means [a facility for preparing and selling liquor for onsite consumption. The term does not include liquor production. See brewery, distillery, winery. The term may include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu Liquor Commission.]; (1) <u>Minor: Uses that require or have a restaurant or hotel liquor license from the Honolulu Liquor Commission.</u> (2) <u>Major: Uses that require or have a cabaret liquor license from the Honolulu Liquor Commission.</u>	Minor versus major based on the type of liquor license.

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
38	64	Sec. 21-10.1 Definitions Caretaker unit	191	Delete caretaker unit definition	["Caretaker unit" means an accessory dwelling unit occupied by an owner or caretaker of a principal use in a zoning district that does not permit residential uses.]	
39	64	Sec. 21-10.1 Definitions Eating and drinking, general	192	Amend general eating and drinking definition	"Eating and drinking, general" means [preparing and selling food and drink for onsite and offsite consumption. The term includes restaurants, cafes, coffee or tea shops, ice cream shops, juice or smoothie bars, and catering facilities.] <u>the sale of food and nonalcoholic beverages for consumption as a principal use.</u> See also drive-thru.	Does not include serving alcoholic beverages.
40	64	Sec. 21-10.1 Definitions Parking, remote	194	Amend remote parking definition	"Parking, remote" means [a facility that provides parking on a different zoning lot from the principal use of the zoning lot it serves.] <u>use of a zoning lot to provide parking for vehicles to support a principal use occurring on a different zoning lot.</u>	
41	64	Sec. 21-10.1 Definitions Recreation, nature-based	195	Delete nature-based recreation definition	["Recreation, nature-based" means 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. The term does not include agritourism, community recreation centers, hotels, and timeshare units.]	
42	64	Sec. 21-10.1 Definitions Retail, accessory	196	Delete accessory retail definition	["Retail, accessory" means retail sales accessory to permitted non-retail commercial uses.]	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 20

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
43	64	Sec. 21-10.1 Definitions Vehicle repair, service, light repair, heavy repair	197	Delete vehicle repair definition	<p>["Vehicle repair" means a facility for servicing and repairing vehicles.</p> <p>(1) 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.</p> <p>(2) 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. The term includes but is not limited to engine and transmission repair, and body and paint shops.</p> <p>(3) Repair, heavy: The repair of heavy-duty vehicles that weigh 10,000 pounds or more (gross vehicle weight).]</p>	
44	64	Sec. 21-10.1 Definitions Wedding services	198	Delete wedding services definition	<p>["Wedding services" means providing wedding services. The term includes similar services such as commitment, wedding reception, and vow renewal ceremonies, and supporting services such as catering and entertainment. See also Agritourism.]</p>	
45	64	Sec. 21-10.1 Definitions Zoo	198	Amend zoo definition	<p>"Zoo" means a facility [usually with indoor and outdoor settings,] where animals live in captivity and are put on display for the public to view. <u>The term does not include government facilities, uses involving the display of live animals for sale or adoption, or displays that are accessory to principal commercial or hotel use.</u></p>	Excludes the Honolulu Zoo, Waikiki Aquarium, and other government owned facilities. Also excludes pet stores and customary displays (such as fish ponds).

Industrial Uses

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 3

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification																							
1	3	Table 21-5.1 Use Table Industrial Uses, Repair, General repair	8	Amend general repair entry	<table><tr><td>General repair</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>[Sec. 21-5.80-3(a)]</td></tr></table>	General repair	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	P	P	[Sec. 21-5.80-3(a)]	
General repair	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	P	P	[Sec. 21-5.80-3(a)]							
2	3	Table 21-5.1 Use Table Industrial Uses, Repair Heavy repair	8	Amend heavy repair entry	<table><tr><td>Heavy repair</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P</td><td>P</td><td>--</td><td>[Sec. 21-5.80-3(b)] Sec. 21-5.80-3(a)</td></tr></table>	Heavy repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	[Sec. 21-5.80-3(b)] Sec. 21-5.80-3(a)	
Heavy repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	[Sec. 21-5.80-3(b)] Sec. 21-5.80-3(a)							
3	3	Table 21-5.1 Use Table Industrial Uses, Repair, Vehicle service	8	Add new vehicle service entry	<table><tr><td>Vehicle service</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>Sec. 21-5.80-3 (b)</td></tr></table>	Vehicle service	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.80-3 (b)	
Vehicle service	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.80-3 (b)							
4	3	Table 21-5.1 Use Table Industrial Uses, Waste-related, Waste disposal and processing	9	Amend waste disposal and processing entry to require Planning Commission SUP in the AG-2 District	<table><tr><td>Waste disposal and processing</td><td>C*</td><td>--</td><td>$\frac{[G^*]}{C^{*+}}$</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>Cm*</td><td>Cm*</td><td>--</td><td>--</td><td>Sec. 21-5.80-7(b)</td></tr></table>	Waste disposal and processing	C*	--	$\frac{[G^*]}{C^{*+}}$	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	--	Sec. 21-5.80-7(b)	
Waste disposal and processing	C*	--	$\frac{[G^*]}{C^{*+}}$	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	--	Sec. 21-5.80-7(b)							
5	3	Table 21-5.1 Use Table Industrial Uses, Accessory industrial, Helistop	8	Amend helistop entry to require Planning Commission SUP in the AG-1 and AG-2 Districts	<table><tr><td>Helistop</td><td>--</td><td>$\frac{[G^*]}{C^{*+}}$</td><td>$\frac{[G^*]}{C^{*+}}$</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>C*</td><td>--</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>P*</td><td>P*</td><td>C*</td><td>Sec. 21-5.80-8(a)</td></tr></table>	Helistop	--	$\frac{[G^*]}{C^{*+}}$	$\frac{[G^*]}{C^{*+}}$	--	--	--	--	--	--	--	--	--	C*	--	C*	C*	C*	C*	P*	P*	C*	Sec. 21-5.80-8(a)	
Helistop	--	$\frac{[G^*]}{C^{*+}}$	$\frac{[G^*]}{C^{*+}}$	--	--	--	--	--	--	--	--	--	C*	--	C*	C*	C*	C*	P*	P*	C*	Sec. 21-5.80-8(a)							

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 3

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
6	3	Sec. 21-5.80-2(a)(1)(D) Industrial uses, Marine, General marine – standards, Minor	71	Delete minor general marine standard in paragraph (D)	[(D) Small engine and minor boat repair must be within a fully enclosed, noise-attenuated structure.]	Minor boat repair activities may include activities customarily conducted outdoors that do not generate significant noise impacts.
7	3	Sec. 21-5.80-3(a) Industrial uses, Repair, General repair – standards	72	Delete general repair standards	[(a) General repair – standards. (1) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (2) Small engine repair is prohibited.] [Realphabetize heavy repair standards as subsection (a).]	General repair uses are differentiated from heavy repair based on their minimal impacts.
8	3	Sec. 21-5.80-3 Industrial uses, Repair, Vehicle service – standards	72	Add new subsection (b) for vehicle service standards	<u>(b) Vehicle service – standards. All activities conducted within 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district are limited to the hours between 6:00 a.m. to 10:00 p.m.</u>	

AMENDMENT FORM
BILL 10 (2022), CD2
Relating to Use Regulations

TOTAL PAGES: 3

DATE: October 14, 2022

COUNCILMEMBER: Elefante

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
9	3	Sec. 21-5.80-5(a) Industrial uses, Storage and warehousing, Self-storage – standards	73	Amend self-storage standards	<p>(a) Self-storage – standards.</p> <p>(1) No individual storage area may exceed 6,000 cubic feet in volume.</p> <p>(2) All buildings must have windows or architectural treatments that look like windows.</p> <p>(3) 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 <u>Storage spaces may not be used for activities other than the storage of personal property. Accessory uses are limited to the sale of boxes, tape, and other packing-related materials.</u></p> <p>[(4) Where storage occurs underground, permitted uses are determined by the underlying zoning district of the entrance to the self-storage facility.]</p>	Self-storage is for the storage of personal property. Use restrictions and standards typically apply to a zoning lot. Restrictions will apply below grade within the zoning lot.
10	63	Sec. 21-10.1 Definitions Repair, general	185	Amend general repair definition	<p>"Repair, general" means repair of household appliances, [furniture,] upholstery, [small engine repair such as lawnmowers,] <u>repair of non-motorized bicycles, shoe and garment repair, clock repair, [and production and] repair and production of prosthetic devices[-], and general fix-it repair that does not require the use of tools or equipment that generate significant noise.</u> See also personal service.</p>	
11	63	Sec. 21-10.1 Definitions Repair, heavy	185	Amend heavy repair definition	<p>"Repair, heavy" means repair of industrial machinery [and], heavy equipment[-], <u>engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, furniture repair and other repair activities not permitted under general repair and requiring an industrial wastewater discharge permit.</u></p>	
12	64	Sec. 21-10.1 Definitions Vehicle service		Add new definition of vehicle service	<p><u>"Vehicle service" means routine service and maintenance of vehicles limited to the replacement of fluids and minor parts such as brakes, tires, windows, filters, mirrors, and accessories. The term does not include body and fender repair, painting, repair or replacement of powertrain components other than tires, or other significant work.</u></p>	