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March 23, 2023

TO: IRENE LIMOS, COMMITTEE CLERK
COMMITTEE ON PLANNING AND THE ECONOMY

FROM: COUNCILMEMBER MATT WEYER 

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

Attached for consideration by the Committee on Planning and the Economy are proposed additional amendments to Bill 10 (2022), CD1, relating to land use regulations.

These proposed additional amendments relate to commercial uses, and are intended to supplement the amendments to a CD2 version of Bill 10 (2022) that was approved by the Committee on Planning and the Economy on March 02, 2023 (OCS2023-0233/3/16/2023 1:33PM).

Mahalo for the consideration of these amendments.

COUNCIL COM. 86
P&E

AMENDMENT FORM
Bill 10 (2022), CD1
Relating to Use Regulations
COMMERCIAL USES

TOTAL PAGES: 1
DATE: March 23, 2023
COUNCILMEMBER: Weyer

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	SECTION 3	§ 21-5.70-9(b) Commercial Uses Retail Mobile commercial establishment – standards	73	Requires signage to be located within 5 feet of the mobile commercial establishment. If three or more mobile commercial establishments operate on one zoning lot, adds that: (1) if the zoning lot adjoins any zoning lot in the residential zoning district, the hours of operation are limited to between 8:00 a.m. and 9:00 p.m.; and (2) restroom or portable restrooms accessible to patrons must be present on the zoning lot.	(b) <i>Mobile commercial establishment – standards.</i> (1) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter. (2) Mobile commercial establishments must operate outside of any required yards. (3) One portable sign per mobile commercial establishment is allowed during hours of operation. <u>The sign must be located within 5 feet of the mobile commercial establishment.</u> (4) When three or more mobile commercial establishments operate on one zoning lot: (A) A parking management plan is required. A minimum of five parking spaces per mobile commercial establishment is required. (B) A pedestrian and vehicle circulation plan is required. (C) [Hours] <u>For a mobile commercial establishment operating on a zoning lot adjoining any zoning lot in the residential zoning district, the hours of operation are limited to between 8:00 a.m. and 9:00 p.m. For all other zoning lots, the hours of operation are limited to between 6:00 a.m. and 10:00 p.m.</u> (D) [When restrooms are provided, they must be] <u>Restrooms or portable restrooms accessible to patrons must be present on the zoning lot and adequately screened from public view.</u> (5) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this [subdivision.] <u>subsection.</u>	
2	SECTION 71	§ 21-10.1 Definitions Mobile Commercial Establishment	207	Amends the definition to require that a vehicle used for a mobile commercial establishment must be mobile and in a condition that allows it to enter and exit the zoning lot.	<i>Mobile Commercial Establishment.</i> A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products or other wares. <u>The vehicle must be mobile and in a condition that allows it to enter and exit the zoning lot.</u> The term includes trailer attachments, push carts, lunch wagons or vans, shipping containers, food trucks, and pop-up tents. The term does not include vendors at farmers' markets, fun fairs, special community events, or other special events where mobile commercial establishments do not constitute a majority of the event, or are managed by a regulatory entity.	