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MEMORANDUM

DATE: March 30, 2023

TO: Irene Limos
Clerk, Committee on Planning & the Economy

FROM: Esther Kia'āina, Chair *ek*
Committee on Planning & the Economy

SUBJECT: Response to CC-86 (Councilmember Weyer's) and CC-87 (Chair Waters')
re Commercial Uses in Bill 10 (2022), CD1

Attached for consideration by the Committee on Planning & the Economy are proposed recommendations by the Committee on Planning & the Economy Chair to the amendments offered for Commercial Uses in Bill 10 (2022), CD1 by Councilmember Weyer and Council Chair Waters. If adopted by the Committee, the recommendations will be incorporated into the proposed CD2 (OCS2023-0233/3/16/2023 1:33 PM) approved on March 2, 2023.

Attachments (2):
CC-86 (Councilmember Weyer's Proposed Amendments)
CC-87 (Council Chair Water's Proposed Amendments)

COUNCIL COM. 95
P&E

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

TOTAL PAGES: 1

DATE: March 28, 2023

COUNCILMEMBER: Weyer

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	P&E Chair's Recommendation
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</u> adequately screened from public view. (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>	Accept P&E Chair's proposed amendments to mobile commercial establishment standards, which incorporate these proposed amendments, with minor modifications.
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.	Accept

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

TOTAL PAGES: 1

DATE: March 23, 2023

COUNCILMEMBER: Waters

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	P&E Chair's Recommendation
1	SECTION 3	§ 21-5.30 Use Table Commercial Uses Accessory Commercial Drive-thru	8	Amend drive-thru entry to indicate it is an accessory use.	<div> <div>Drive-thru</div> <div>-- -- -- -- -- -- -- -- -- -- -- -- -- --</div> <div> <div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> <div>[P*] Ac*</div> </div> <div>Sec. 21-5.70-11(a)</div> </div> </div>	Accept