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'23MAR30 PM 4:16 CITY CLERK

ESTHER KIA'ĀINA
VICE CHAIR
HONOLULU CITY COUNCIL, DISTRICT 3
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MEMORANDUM

DATE: March 30, 2023

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

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

SUBJECT: Kia'āina Updated Proposed Amendments to Industrial & Commercial Uses
in Bill 10 (2022), CD1, to Supersede CC-88 (2023)

Attached for consideration by the Committee on Planning & the Economy are updated proposed amendments by the Committee on Planning & the Economy Chair to Industrial Uses and Commercial Uses in Bill 10 (2022), CD1, relating to land use regulations. These proposed amendments supersede the amendments proposed in Council Communication 88 (2023). Changes made by the attached amendment matrices (to the matrices included in CC-88 (2023)) are highlighted in yellow. 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):

Amendment Form, Industrial Uses, Bill 10 (2022), CD1, Relating to Use Regulations
Amendment Form, Commercial Uses, Bill 10 (2022), CD1, Relating to Use Regulations

COUNCIL COM. 97
P&E

INDUSTRIAL USES

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

TOTAL PAGES: 4

DATE: March 23, 2023

COUNCILMEMBER: Kia'āina

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	§ 21-5.30 Use Table Industrial Uses Transportation Airport	9	For airport entry, add "+" symbol in AG-1 and AG-2 Districts	<div style="border: 1px solid black; padding: 5px;"> Airport PRU § 21-5.80-6(a) </div>	
2	SECTION 3	§ 21-5.80-1(a) Industrial Uses Manufacturing and Processing General manufacturing and processing - standards	75	For light, increase the maximum total floor area to 10,000 square feet (instead of 2,000 square feet). For heavy, delete "adjoining" in setback requirement.	(a) <i>General manufacturing and processing – standards.</i> (1) <i>Light:</i> Total floor area must not exceed [2,000] <u>10,000</u> square feet. (2) <i>Heavy:</i> (A) All structures and activities must be set back a minimum of 100 feet from the property line of any [adjoining] zoning lot in the residential, apartment, or apartment mixed-use zoning districts. (B) Areas used for pickup or drop-off of equipment 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.	
3	SECTION 3	§ 21-5.80-1(b) Industrial Uses Manufacturing and Processing Biofuel processing facility - standards	75	Delete "adjoining" in setback requirement. Delete subdivision (3) relating to transitional height setbacks.	(b) <i>Biofuel processing facility – standards.</i> (1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any [adjoining] zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts. (2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet. [(3) — Transitional height setbacks required based on the underlying zoning district and any adjacent districts apply.]	
4	SECTION 3	§ 21-5.80-1(c) Industrial Uses Manufacturing and Processing Explosive or toxic chemical manufacturing, storage, and distribution – standards	76	Delete "adjoining" in setback requirement. Amend explosives storage provision to simplify height requirements for the landform or barrier.	(c) <i>Explosive or toxic chemical manufacturing, storage, and distribution – standards.</i> (1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any [adjoining] zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts. (2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet. (3) Explosives storage must be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The height of the landform or barrier [must meet the following requirements: (A) — A straight line drawn from the top of any side wall of all magazines or production facilities to any part of the nearest structure will pass through the landform or barrier.	

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					<p>(B) A straight line drawn from the top of any side wall of all magazines or production facilities, to any point 12 feet above the center line of a public street will pass through the landform or barricade.</p> <p>(C) Artificial barricades must be an earthen mound or revetted wall a minimum thickness of 3 feet.] <u>must be taller than any magazine or production facility and must consist of an earthen mound or revetted wall a minimum thickness of 3 feet.</u></p>	
5	SECTION 3	§ 21-5.80-1(e)(1) Industrial Uses Manufacturing and Processing Petrochemical plant – standards	76	Delete "adjoining" in setback requirement	<p>(e) <i>Petrochemical plant - standards.</i></p> <p>(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any [adjoining] zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.</p> <p>(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.</p>	
6	SECTION 3	§ 21-5.80-3(a)(1) Industrial Uses Repair Heavy repair – standards	78	Delete "adjoining" in setback requirement	<p>(a) <i>Heavy repair – standards.</i></p> <p>(1) 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.</p> <p>(2) All 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.</p>	
7	SECTION 3	§ 21-5.80-3(b) Industrial Uses Repair Vehicle service – standards	78	Delete "adjoining" in setback requirement	<p>(b) <i>Vehicle service – standards.</i> All activities conducted within 300 feet from the property line of any [adjoining] zoning lot in the residential, apartment, or apartment mixed-use zoning districts are limited to the hours between 6:00 a.m. to 10:00 p.m.</p>	
8	SECTION 3	§ 21-5.80-5(b)(3)(A) Industrial Uses Storage and warehousing Storage yard – standards	80	Delete "adjoining" in setback requirement	<p>(b) <i>Storage yard – standards.</i></p> <p>(1) Sale or processing of scrap, salvage, or secondhand material is prohibited.</p> <p>(2) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.</p> <p>(3) Within the I-1 zoning district:</p> <p>(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.</p> <p>(B) If the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.</p>	
9	SECTION 3	§ 21-5.80-6(b)(2)(A) Industrial Uses Transportation Base yard – standards	80	Delete "adjoining" in setback requirement	<p>(b) <i>Base yard – standards.</i></p> <p>(1) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.</p> <p>(2) Within the I-1 zoning district:</p> <p>(A) All structures and activities must be set back a minimum of 100 feet from any [adjoining] zoning lot in the residential, apartment, or apartment mixed-use zoning districts.</p> <p>(B) If the facility is within 300 feet of a zoning lot in the residential, apartment or apartment mixed-use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.</p>	

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10	SECTION 3	§ 21-5.80-7(a)(1) Industrial Uses Waste-related Salvage, scrap, or junk storage and processing – standards	81	Delete "adjoining" in setback requirement	(a) <i>Salvage, scrap, or junk storage and processing – standards.</i> (1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any [adjoining] zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning district. (2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the setback requirement may be reduced; provided that under no circumstances may the distance be less than 500 feet.	
11	SECTION 3	§ 21-5.80-7(b)(1) Industrial Uses Waste-related Waste disposal and processing – standards	81	Amend subdivision (1) for clarification purposes	(b) <i>Waste disposal and processing – standards.</i> No person, including the State or the city, may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit unless all of the following standards are satisfied: (1) [A] <u>No person, including the state or the city, may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit (or any component of a municipal solid waste landfill unit), or a construction and demolition landfill unit (or any component of a construction and demolition landfill unit) unless a minimum 0.5-mile buffer zone is [required] provided around the waste or disposal facility from the property line of any zoning lot used for residential, school, or hospital purposes;</u> (2) This subsection does not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that the continued operation does not require vertical or horizontal physical expansion of the facility requiring additional permit review and modification; and (3) This subsection does not apply to any individual, State-certified, non-industrial redemption center.	
12	SECTION 70	§ 21-10.1 Definitions "Food Manufacturing and Processing"	191	Amend definition to add cross-reference to agricultural processing.	"Food Manufacturing and Processing." Processing food or drink products that does not involve the handling of dead animals, or animal by-products not for human consumption. <u>See agricultural processing.</u>	
13	SECTION 70	§ 21-10.1 Definitions "Manufacturing and Processing, General"	194	Amend definition for heavy manufacturing and processing to add cross-reference to "petrochemical plant," "explosive or toxic chemical manufacturing, storage, and distribution," "waste disposal and processing," and "salvage, scrap, or junk storage and processing."	"Manufacturing and Processing, General." The manufacture, processing, assembly, fabrication, refinement, alteration, or packaging by hand or by machinery, from raw materials, component parts, or other products, of finished goods, merchandise, or other end products suitable for sale or trade. (1) Light: Activities that are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that pose a threat to health and safety. The term includes but is not limited to the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, or other similar types of manufacturing, processing, and packaging activities. (2) Heavy: Activities involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. The term includes, but is not limited to paper and textile milling; wood millwork and production of prefabricated structural wood products; soap and detergent manufacturing; rubber processing and rubber products manufacturing; production of plastics and other synthetic materials; primary metals processes; vehicle, machinery, and fabricated metal products manufacturing; electroplating; cement making and concrete production; gypsum and related products; chemical products, perfumes, and pharmaceuticals production; or paving and roofing materials production. Does not include those activities associated with petroleum processing[;] (<u>see petrochemical plant</u>); the manufacture of explosives and toxic chemicals[;] (<u>see explosive or toxic chemical manufacturing, storage, and distribution</u>); waste disposal and processing[;] (<u>see waste disposal and processing</u>); or the processing of salvage, scrap, or junk materials[;] (<u>see salvage, scrap, or junk storage and processing</u>).	

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14	SECTION 70	§ 21-10.1 Definitions "Repair, General"	199	Amend definition for clarification purposes.	<i>Repair, General.</i> [The] Repair that does not require the use of tools or equipment that generate significant noise or impact to the environment and adjacent land uses, including the repair of household appliances, upholstery, [repair of non-motorized] bicycles, [shoe and garment repair, clock repair, repair and production of prosthetic devices,] shoes, garments, clocks, and general fix-it repair [that does not require the use of tools or equipment that generate significant noise]. <u>The term also includes the production and repair of prosthetic devices.</u> See also personal service.	
15	SECTION 70	§ 21-10.1 Definitions "Repair, Heavy"	199	Amend definition for clarification purposes.	<i>Repair, Heavy.</i> The repair of industrial machinery, heavy equipment, engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, <u>and</u> furniture repair [and] . <u>The term also includes</u> other repair activities not permitted under general repair [and] <u>or activities</u> requiring an industrial wastewater discharge permit.	
16	SECTION 71	§ 21-10.1 Definitions "Brewery, Distillery, Winery"	205	Amend definition to clarify 10,000 barrels or similar level of production.	<i>"Brewery, Distillery, Winery."</i> A facility that produces malt beverages, distilled spirits, or wines. The term does not include facilities that fall within the agricultural processing use or establishments that fall within the bar, nightclub use. The onsite or off-site consumption of malt beverages, distilled spirits, or wine is determined by the type of liquor license obtained from the Honolulu liquor commission. (1) <i>Minor.</i> Producing a maximum of 10,000 barrels a year[-] <u>(or similar level of production).</u> The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite. (2) <i>Major.</i> Producing more than 10,000 barrels a year[-] <u>(or similar level of production).</u> The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.	
17	SECTION 71	§ 21-10.1 Definitions "Explosive or Toxic Chemical Manufacturing, Storage, and Distribution"	206	Amend definition to add cross-reference to petrochemical plant.	<i>"Explosive or Toxic Chemical Manufacturing, Storage, and Distribution."</i> Manufacturing, storing, and distributing poisonous, corrosive, or combustible materials capable of causing death or injury to people or damage to property. The term does not include petroleum, liquefied petroleum gas, or coal products[-] <u>(see petrochemical plant).</u>	
18	SECTION 71	§ 21-10.1 Definitions "Research and Development, General"	209	Amend definition to add cross-reference to medical research and development.	<i>"Research and Development, General."</i> Research and development facilities, including but not limited to laboratories, supporting prototype manufacture, pilot plants used to test manufacturing processes planned for use in production elsewhere, and supporting administrative offices. The term does not include medical research and development[-] <u>(see medical laboratory).</u>	
19	SECTION 71	§ 21-10.1 Definitions "Vehicle Service"	210	Amend definition to cross-reference heavy repair.	<i>"Vehicle Service."</i> The 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>(see heavy repair).</u>	

COMMERCIAL USES

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

TOTAL PAGES: 8
DATE: March 31, 2023
COUNCILMEMBER: Kia'aina

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	§ 21-5.30 Use Table Table legend Footnote 1	3	Amends footnote 1 for clarification purposes	¹ [Pursuant] For land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission [is] may be required [prior to seeking permits or approvals from the director or the City Council]																																																																							
2	SECTION 3	§ 21-5.30 Use Table Commercial Uses Eating and Drinking General eating and drinking	6	Adds an asterisk to resort, business, business mixed use, industrial, and industrial mixed use zoning districts.	<table><tr><td>General eating and drinking</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] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>§ 21-5.70-2(a)</td></tr></table>	General eating and drinking	--	--	--	--	--	--	--	--	--	P*	P*	P*	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	§ 21-5.70-2(a)																																																
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3	SECTION 3	§ 21-5.30 Use Table Commercial Uses Eating and Drinking Bar, nightclub	6	For minor and major, replaces "P" with "P*" to indicate subject to standards. Adds reference to standards in § 21-5.70-2(b)	<table><tr><td>Bar, nightclub</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>[P] P*</td><td>--</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>[P] P*</td><td>--</td><td>[P] P*</td><td>§ 21-5.70-2(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>[P] P*</td><td>--</td><td>[P] P*</td><td>--</td><td>[P] P*</td><td>--</td><td>--</td><td>--</td><td>[P] P*</td><td>§ 21-5.70-2(b)</td></tr></table>	Bar, nightclub																								Minor	--	--	--	--	--	--	--	--	--	--	--	--	[P] P*	--	[P] P*	[P] P*	[P] P*	[P] P*	[P] P*	--	[P] P*	§ 21-5.70-2(b)	Major	--	--	--	--	--	--	--	--	--	--	--	--	[P] P*	--	[P] P*	--	[P] P*	--	--	--	[P] P*	§ 21-5.70-2(b)	
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4	SECTION 3	§ 21-5.30 Use Table Commercial Uses Lodging Hotel	6	For minor hotel entry, replaces "Cm*" with "P" in Resort and BMX-4 Districts. For major hotel entry, replaces "C*" with "P" in Resort and BMX-4 Districts. (Does not require a conditional use permit in the Resort and BMX-4 Districts.)	<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>[Cm*] P</td><td></td><td></td><td>Cm*</td><td>[Cm*] P</td><td>--</td><td>--</td><td>--</td><td>Cm*</td><td>§ 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>[C*] P</td><td>--</td><td>--</td><td>C*</td><td>[C*] P</td><td>--</td><td>--</td><td>--</td><td>C*</td><td>§ 21-5.70-3(b)</td></tr></table>	Hotel																								Minor	--	--	--	--	--	--	--	--	--	--	--	--	[Cm*] P			Cm*	[Cm*] P	--	--	--	Cm*	§ 21-5.70-3(b)	Major	--	--	--	--	--	--	--	--	--	--	--	--	[C*] P	--	--	C*	[C*] P	--	--	--	C*	§ 21-5.70-3(b)	
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5	SECTION 3	§ 21-5.30 Use Table Commercial Uses Lodging Timeshare	6	For timeshare entry, replaces "P*" with Cm* in A-2 District.	<table><tr><td>Timeshare</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>[P*] Cm*</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>--</td><td>§ 21-5.70-3(c)</td></tr></table>	Timeshare	--	--	--	--	--	--	--	[P*] Cm*	--	--	--	--	P	--	--	--	--	--	--	--	--	§ 21-5.70-3(c)																																																
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Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
10	SECTION 3	§ 21-5.70-2(b) Commercial Uses Eating and drinking Bar, nightclub - standards	37	Adds standards relating to setbacks, hours of operation, and mitigation for certain bars or nightclubs located on zoning lots adjoining certain zoning districts.	<p>(b) Bar, nightclub – standards. [Mitigation of impacts from noise, odor, or glare may be required by the director.]</p> <p>(1) <u>Must be set back a minimum of 300 feet from any zoning lot in the residential, apartment, or apartment mixed use zoning district.</u></p> <p>(2) <u>The director may require mitigation of impacts from noise, odor, or glare.</u></p> <p>(3) <u>When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district:</u></p> <p>(A) <u>A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and</u></p> <p>(B) <u>Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. Bars or nightclubs that are intended to operate beyond these hours may be permitted under a minor conditional use permit.</u></p>	
11	SECTION 3	§ 21-5.70-3(b) Commercial Uses Lodging Hotel – standards	52	<p>For minor hotel, provides that facilities may not be used for weddings, conventions, or special events as an accessory use. The specific use must be permitted in the underlying zoning district.</p> <p>For minor and major hotel, moves 24-hour front desk requirements to the definition.</p> <p>For major hotel, deletes design requirement regarding a Hawaii sense of place.</p> <p>Deletes Figures 21-5.4 and 21-5.4(1) through 21-5.4(9), and references to those figures. Retain Figure 21-5.5 but rename it as Figure 21-5.4.</p>	<p>(b) Hotel – standards.</p> <p>(1) Minor:</p> <p>(A) In the BMX-3 zoning district, minor hotels are permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan areas, as designated in Figures 21-5.4 and 21-5.4(1) through 21-5.4(9)].</p> <p>(B) In the IMX-1 zoning district, minor hotels are permitted in the areas situated in close proximity to the Daniel K. Inouye International Airport, as designated in Figure [21-5.5.] <u>21-5.4.</u></p> <p>[(C) Must include a 24-hour front desk and facilities used to provide housekeeping services to guests.</p> <p>(D)](C) <u>May not be used or include facilities for weddings, conventions, or special events[-] as an accessory use. Specific uses must be permitted as a principal use in the underlying zoning district.</u></p> <p>[(E)](D) <u>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 permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan areas, as designated in Figures 21-5.4 and 21-5.4(1) through 21-5.4(9)].</p> <p>(B) In the IMX-1 zoning district, major hotels are permitted in the areas situated in close proximity to the Daniel K. Inouye International Airport, as designated in Figure [21-5.5.] <u>21-5.4.</u></p> <p>[(C) Must include a lobby, 24-hour front desk, and facilities used to provide valet, bell, and housekeeping services to guests.</p> <p>(D)](C) <u>[All-guest] 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>[(E) Architectural style, landscaping, and site design must reflect a Hawaii sense of place or be consistent with the character of the surrounding community.]</p> <p><i>Delete Figures 21-5.4 and 21-5.4(1) through 21-5.4(9). Retain Figure 21-5.5 but rename it as Figure 21-5.4.</i></p>	
12	SECTION 3	§ 21-5.70-3(c) Commercial Uses Lodging Timeshare – standards	65	Retain Figures 21-5.6 and 21-5.7, but rename them as Figures 21-5.5 and 21-5.6, respectively, and amend references to those figures accordingly.	<p>(c) Timeshare – standards. Timeshare units are permitted in:</p> <p>(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;] <u>21-5.5;</u> and</p> <p>(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 [21-5.7.] <u>21-5.6.</u></p> <p><i>Retain Figures 21-5.6 and 21-5.7, but rename them as Figures 21-5.5 and 21-5.6, respectively.</i></p>	

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13	SECTION 3	§ 21-5.70-7(b) Commercial Uses Personal service Animal care, minor and major – standards	70	<p>Deletes subdivisions (1) and (2), and replaces them with standards relating to setbacks, securely containing animals, and prohibiting certain types of confinements for use as shelters.</p> <p>Adds that all animals kept overnight must be located in an enclosed, noise-attenuated structure.</p> <p>Adds that for minor animal care, outdoor areas are limited to supervised play areas and runs.</p>	<p>(b) <i>Animal care, minor and major – standards.</i></p> <p>(1) [Animal recreation areas must provide: (A) 20 square feet of space per cat; (B) 60 square feet of space per dog; (C) 20 square feet of space per animal for other animals weighing less than 10 pounds; and (D) 40 square feet per animal, for other animals weighing 10 pounds or more.] All structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from any adjoining zoning lot.</p> <p>(2) Animal shelters and areas must[; (A) Have no sharp points or edges that may injure the kept animals; (B) Allow the kept animal to stand comfortably at full height; (C) Contain] contain the kept animal securely[; (D) Keep] and keep other animals from entering the enclosure[; (E) Enable the kept animal to remain clean and dry; and (F) Provide shelter and protection from extreme temperatures].</p> <p>(3) [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, 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.</p> <p>Indoor shelter facilities must provide ventilation, lighting, and temperature control as necessary to protect the health and well-being of kept animals.]</p> <p>[(3)](4) Associated odors [may] must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.</p> <p>[(4)](5) 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. All animals kept overnight must be located in a fully-enclosed, noise-attenuated structure.</p> <p>(6) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.</p>	
14	SECTION 3	§ 21-5.70-9 Commercial Uses Retail General Retail – standards	72	<p>Consolidates standards for small, medium, and large general retail.</p> <p>Regarding fully enclosed storage structures, deletes references to zoning lots adjoining any zoning lot in the country, residential, apartment, or AMX zoning districts.</p> <p>Includes mitigation for certain small, medium, or large general retail on zoning lots adjoining certain zoning districts.</p> <p>Adds standards for hours of operation in the</p>	<p>(a) <i>General retail, small, medium, and large – standards.</i></p> <p>(1) [Small]: (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. (B) In the industrial mixed-use zoning district, the density requirements of Table 21-3.5 and § 21-3.140-1(c) apply.</p> <p>(2) Medium: (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 located in a fully enclosed structure. (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. (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. (D) In the industrial mixed-use zoning district, the density controls of Table 21-3.5 and § 21-3.140-1(c) apply.</p> <p>(3) Large:</p>	

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				apartment mixed use districts.	<p>(A) For zoning lots adjoining any zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts, all All incidental storage of material and equipment must be located in a fully enclosed structure.</p> <p>[(B) In the B-1 District, when] (2) 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] district:</p> <p>(i) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and</p> <p>(ii) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. [Large] Small, medium, or large general retail uses that [do not meet this standard and] are intended to operate beyond these hours may be permitted under a minor conditional use permit.</p> <p>(3) 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>[(C)](4) In the industrial mixed-use zoning district, the density controls of Table 21-3.5 and § 21-3.140-1(c) apply.</p>	
15	SECTION 3	§ 21-5.70-9(b) Commercial Uses Retail Mobile commercial establishment – standards	73	<p>Requires signage to be located within 5 feet of the mobile commercial establishment.</p> <p>If three or more mobile commercial establishments operate on one zoning lot, adds that if seating areas are provided, restroom or portable restrooms accessible to patrons must be present on the zoning lot.</p> <p>Adds standards relating to hours of operation for certain mobile commercial establishments on zoning lots adjoining certain zoning districts.</p>	<p>(b) <i>Mobile commercial establishment – standards.</i></p> <p>(1) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter.</p> <p>(2) Mobile commercial establishments must operate outside of any required yards.</p> <p>(3) One portable sign per mobile commercial establishment is allowed during hours of operation. The sign must be located within 5 feet of the mobile commercial establishment.</p> <p>(4) When three or more mobile commercial establishments operate on one zoning lot:</p> <p>(A) A parking management plan is required. A minimum of five parking spaces per mobile commercial establishment is required.</p> <p>(B) A pedestrian and vehicle circulation plan is required.</p> <p>(C) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.</p> <p>(D) [When restrooms are provided, they must be] If seating areas are provided for patrons of the mobile commercial establishments, restrooms or portable restrooms accessible to patrons must be present on the zoning lot and adequately screened from public view.</p> <p>(5) If a mobile commercial establishment is located less than 75 feet from any adjoining zoning lot:</p> <p>(A) In the country, apartment, or apartment mixed use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m.</p> <p>(B) In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m.</p> <p>[(5)](6) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this [subdivision.] subsection.</p>	
16		§ 21-5.70-11(a) Commercial Uses Accessory commercial Drive-thru – standards	74	Deletes "adjoining" in setback requirements.	<p>(a) <i>Drive-thru – standards.</i></p> <p>(1) Speaker boxes must be set back a minimum of 75 feet from the property line of any [adjoining] zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.</p> <p>(2) Drive-thru lanes 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>	

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17	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures General marine entry	177	In WSD Use Table, clarifies minor or major general marine.	<table><tr><td>General marine, <u>minor</u></td><td></td><td>P</td><td></td></tr></table>	General marine, <u>minor</u>		P		
General marine, <u>minor</u>		P								
18	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures Hotel entry	178	In WSD Use Table, clarifies minor or major hotel.	<table><tr><td>Hotel, <u>minor or major</u></td><td></td><td>P</td><td></td></tr></table>	Hotel, <u>minor or major</u>		P		
Hotel, <u>minor or major</u>		P								
19	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures Retail entry	178	In WSD Use Table, clarifies small, medium, or large general retail.	<table><tr><td>[Retail establishments] <u>General retail, small, medium, or large</u></td><td>P-AMX</td><td>P</td><td></td></tr></table>	[Retail establishments] <u>General retail, small, medium, or large</u>	P-AMX	P		
[Retail establishments] <u>General retail, small, medium, or large</u>	P-AMX	P								
20	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures Timeshare entry	178	In WSD Use Table, replaces "time share" with "timeshare."	<table><tr><td>[Time share] <u>Timeshare</u></td><td></td><td>P</td><td></td></tr></table>	[Time share] <u>Timeshare</u>		P		
[Time share] <u>Timeshare</u>		P								
21	SECTION 70	§ 21-10.1 Definitions "Daycare, Child"	189	Clarifies that child daycare includes care for seven or more individuals under 18 years of age, and excludes overnight stays and 24-hour care. Adds reference to home occupation, home-based child daycare, K-12 school.	<p>Daycare, Child. 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. <u>The term includes care for seven or more individuals under 18 years of age. The term does not include overnight stays and 24-hour care. See also home occupation, home-based childcare[-], and K-12 school.</u></p>					
22	SECTION 70	§ 21-10.1 Definitions "Home-Based Childcare"	192	Clarifies that childcare services are provided during any part of a 24-hour day to no more than six children at any given time. Adds reference to child daycare.	<p>Home-Based Childcare. A home occupation in which [child-care] <u>childcare</u> services are provided [on a part-time basis] during any part of a 24-hour day to no more than six children <u>at any given time</u> who are not members of the household, and that is licensed by the State department of human services. Non-household members may provide childcare services to clients on a temporary basis if the resident caregiver becomes unavailable due to illness or emergency. <u>See also child daycare.</u></p>					

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23	SECTION 70	§ 21-10.1 Definitions "Hotel"	192	Deletes reference to the underlying zoning district. Adds the inclusion of activities, facilities, and services that are provided for the benefit and convenience of hotel guests. Adds an exclusion for TVUs, B&Bs, and timeshares. Clarifies thresholds for minor and major hotels, and 24-hour front desk requirements.	<p><u>Hotel.</u> A building or buildings, or a portion of a building or buildings, 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.] Includes activities, facilities, and services that are traditionally and customarily provided for the benefit and convenience of hotel guests. Excludes transient vacation units, bed and breakfast homes, and timeshares.</p> <p>(1) <u>Minor:</u> [A]</p> <p>(a) <u>A hotel that [contains less than] does not exceed any of the following thresholds:</u></p> <p>(i) <u>180 guest rooms; or [less than]</u></p> <p>(ii) <u>2,000 square feet of total floor area [dedicated] devoted to meeting facilities.</u></p> <p>(b) <u>Must include a 24-hour front desk and facilities used to provide housekeeping services to guests.</u></p> <p>(2) <u>Major:</u> [A]</p> <p>(a) <u>A hotel that [contains] exceeds any of the following thresholds:</u></p> <p>(i) <u>180 or more guest rooms; or</u></p> <p>(ii) <u>2,000 square feet or more of total floor area [dedicated] devoted to meeting facilities.</u></p> <p>(b) <u>Must include a lobby, 24-hour front desk, and facilities used to provide valet, bell, and housekeeping services to guests.</u></p>	
24	SECTION 71	§ 21-10.1 Definitions "Bar, nightclub"	204	Amends the definition and provides that minor is open until 2:00 a.m. and major is open until 4:00 a.m.	<p><u>Bar, Nightclub:</u> An establishment that prepares and sells liquor for onsite consumption. Does not include liquor production. See brewery, distillery, winery. May include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu Liquor Commission. A bar or nightclub may also offer food and nonalcoholic drinks for consumption onsite or offsite but is not considered to be a general eating and drinking establishment if the principal offering is the sale of liquor. See also general eating and drinking.</p> <p>(1) <u>Minor:</u> [Uses that require or have a restaurant or hotel liquor license from the Honolulu liquor commission.] <u>A bar or nightclub open until 2:00 a.m.</u></p> <p>(2) <u>Major:</u> [Uses that require or have a cabaret liquor license from the Honolulu liquor commission.] <u>A bar or nightclub open until 4:00 a.m.</u></p>	
25	SECTION 71	§ 21-10.1 Definitions "General Eating and Drinking"	206	Amends the definition for clarification purposes.	<p><u>Eating and Drinking, General.</u> [The sale of food and nonalcoholic beverages for consumption as a principal use. See also drive-thru.] An establishment that serves meals to patrons for compensation as a principal use. Must have suitable kitchen facilities connected therewith, containing the necessary equipment and supplies for cooking an assortment of foods that may be required for ordinary meals. May include the sale of liquor with appropriate Honolulu liquor commission license. See also bar, nightclub. A bona fide eating and drinking establishment is distinguished from a bar or nightclub because the principal offering is the sale of food and nonalcoholic drinks for consumption onsite or offsite. See also drive-thru.</p>	
26	SECTION 71	§ 21-10.1 Definitions "Mobile Commercial Establishment"	207	Amend the definition for clarification purposes and to provides that in the Haleiwa Special District, the definition in § 21-9.90-4(j) supersedes the definition in § 21-10.1.	<p><u>Mobile Commercial Establishment.</u> A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products [or], other wares[. The term includes trailer attachments, push carts, lunch wagons or vans, shipping containers, food trucks, and pop-up tents. The term does not include], or services. Includes but is not limited to lunchwagons, lunch vans, food trucks, and vehicles with attached or associated pop-up tents. Excludes vendors at farmers' markets, fun fairs, special community events, or other special events managed by a regulatory entity where mobile commercial establishments [do not constitute a] are not a majority of the event[, or are managed by a regulatory entity]. In the Haleiwa special district, the definition of mobile commercial establishment in § 21-9.90-4(j) supersedes this definition.</p>	