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April 4, 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 Zoning and Planning on March 03, 2023 (OCS2023-0233/3/16/2023 1:33PM).

These proposed additional amendments relate to Mobile Commercial Establishments. They incorporate, and add to, the updated proposed amendments detailed in CC-97 (2023).

Mahalo for the consideration of these amendments.

**COUNCIL COM. 98**  
**P&E**

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

TOTAL PAGES: 2

DATE: 04/04/23

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
15	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. Requires a pedestrian and vehicle circulation plan for all mobile commercial establishments. If three or more mobile commercial establishments operate on one zoning lot, adds that if seating areas are provided, restrooms or portable restrooms, along with hand-washing facilities, must be accessible to patrons and present on the zoning lot. Adds standards relating to hours of operation for certain mobile commercial establishments on zoning lots adjoining certain zoning districts.	<p><i>(b) 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. <u>The sign must be located within 5 feet of the mobile commercial establishment.</u></p> <p><del>[(4)]</del> <u>(4) A pedestrian and vehicle circulation plan is required for all mobile commercial establishments.</u></p> <p><del>[(4)]</del> <u>(5) When three or more mobile commercial establishments operate on one zoning lot:</u>  (A) A parking management plan is required. A minimum of five parking spaces per mobile commercial establishment is required.  <del>[(B) A pedestrian and vehicle circulation plan is required.]</del>  <del>[(C)]</del> <u>(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.</u>  <del>[(D)]</del> <u>(C) [When restrooms are provided, they must be] If seating areas are provided for patrons of the mobile commercial establishments, restrooms or portable restrooms, along with hand-washing facilities, must be accessible to patrons, present on the zoning lot, and adequately screened from public view.</u></p> <p><u>(5) If a mobile commercial establishment is located less than 75 feet from any adjoining zoning lot:</u>  (A) <u>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.</u>  (B) <u>In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m.</u></p> <p><del>[(5)]</del> <u>(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.</u></p>	
26	SECTION 71	§ 21-10.1 Definitions "Mobile Commercial Establishment"	207	Amend the definition for clarification purposes, including a definition for "itinerant," and provides that in the Haleiwa Special District, the definition in § 21-9.90-4(j) supersedes the definition in § 21- 10.1.	<p><b>Mobile Commercial Establishment.</b> A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products <del>[or], other wares</del>. <del>The term includes trailer attachments, push carts, lunch wagons or vans, shipping containers, food trucks, and pop-up tents. The term does not include</del>, 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 <u>managed by a regulatory entity</u> where mobile commercial establishments <del>[do not constitute a]</del> <u>are not a</u> majority of the event<del>, or are managed by a regulatory entity</del>. <u>Itinerant shall mean moving to a location off-site at least once per week, with</u></p>	

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					documentation of such movement being kept by the vendor. In the Haleiwa special district, the definition of mobile commercial establishment in § 21-9.90-4(j) supersedes this definition.	