CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

ORDINANCE _____

BILL 41 (2023)

A BILL FOR AN ORDINANCE

RELATING TO WIND MACHINES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address wind machine setbacks. This amendment to the Land Use Ordinance is being severed from Bill 10 (2022), as amended, in order to consider it separately.

SECTION 2. Section 21-5.700, Revised Ordinances of Honolulu 2021 ("Wind machines"), is amended by amending subsection (a) to read as follows:

"(a) All horizontal-axis [~~wind machines~~] and ground-mounted vertical-axis wind machines with a rated capacity of less than 100 kilowatts must be set back from all property lines a minimum distance equal to the height of the system[.], measured from the highest vertical extension of the wind machine. All horizontal-axis and ground-mounted vertical-axis wind machines with a rated capacity of 100 kilowatts or more must be set back a minimum of 1.25 miles from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts and a minimum distance equal to the height of the system measured from the highest vertical extension of the machine from property lines of any zoning lot located in any other zoning district. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the wind machine. Section 21-4.60(c)(7) notwithstanding, for rooftop mounted vertical-axis wind machines[,] with a rated capacity of less than 100 kilowatts, the machinery must be set back pursuant to the height setbacks enumerated in Articles 3 and 9 for the underlying zoning district or special district precinct. The setback requirements in this subsection do not apply to the repair, maintenance, or component replacement of any existing wind machine system covered by a power purchase contract with an electric public utility during the term of the contract; provided that the repair, maintenance, or component replacement is allowed under existing facility permits."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

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Councilmembers

DATE OF INTRODUCTION:

JUL 6 2023
Honolulu, Hawai'i

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

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RICK BLANGIARDI, Mayor
City and County of Honolulu