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MEMORANDUM

DATE: February 29, 2024
TO: Pearlene Sotelo
Clerk, Committee on Planning & the Economy
FROM: Esther Kia'āina, Chair *gk*
Committee on Planning & the Economy
SUBJECT: Kia'āina Updated Proposed Amendments to Residential Uses in Bill 64
(2023), FD1, for the P&E Committee Meeting on March 7, 2024, to
Supersede CC-34 (2024)

Attached for consideration by the Committee on Planning & the Economy ("P&E") are updated proposed amendments by the P&E Committee Chair to Residential Uses in Bill 64 (2023), FD1, relating to use regulations, for the P&E Committee meeting on March 7, 2024. These proposed amendments supersede the amendments proposed in Council Communication 34 (2024). Changes made by the attached amendment matrix (to the matrix included in Council Communication 34 (2024)) are highlighted in yellow. If adopted by the Committee, the recommendations will be incorporated into a proposed CD1.

Attachments (1):
Amendment Form, Residential Uses, Bill 64 (2023), FD1, Relating to Use Regulations

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
RESIDENTIAL USES

TOTAL PAGES: 11
DATE: February 29, 2024
COUNCILMEMBER: Esther Kiaʻāina

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	Table 21-5.1 Table of Permitted Uses Residential uses category Accessory residential subcategory Accessory dwelling unit entry	5	Amend accessory dwelling unit entry	<table><tr><td>Accessory dwelling unit</td><td>--</td><td>--</td><td>--</td><td>$\frac{[P^+]}{Ac^+}$</td><td>$\frac{[P^+]}{Ac^+}$</td><td>$\frac{[P^+]}{Ac^+}$</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>§ 21-5.50-3(a)</td></tr></table>	Accessory dwelling unit	--	--	--	$\frac{[P^+]}{Ac^+}$	$\frac{[P^+]}{Ac^+}$	$\frac{[P^+]}{Ac^+}$	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.50-3(a)	Designate as an accessory use.	
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5	SECTION 3	Table 21-5.1 Table of Permitted Uses Commercial uses category Day care subcategory	6	Amend daycare subcategory.	[Day Care] <u>Daycare</u>																									
6	SECTION 3	Table 21-5.1 Table of Permitted Uses Commercial uses category Personal services subcategory Major animal daycare entry	7	Amend major animal care entry.	<table><tr><td>Major</td><td>--</td><td>--</td><td>P*+</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>[P*] I*</td><td>[P*] I*</td><td>[P*] I*</td><td>[P*] I*</td><td>[P*] I*</td><td>[P*] I*</td><td>--</td><td>[P*] I*</td><td>§ 21-5.70-7(b)</td></tr></table>	Major	--	--	P*+	P*	--	--	--	--	--	--	--	--	--	[P*] I*	[P*] I*	[P*] I*	[P*] I*	[P*] I*	[P*] I*	--	[P*] I*	§ 21-5.70-7(b)	Permits (subject to standards) major animal care in the B-1, B-2, BMX-3, BMX-4, I-1, I-2, and IMX-1 zoning districts.	
Major	--	--	P*+	P*	--	--	--	--	--	--	--	--	--	[P*] I*	[P*] I*	[P*] I*	[P*] I*	[P*] I*	[P*] I*	--	[P*] I*	§ 21-5.70-7(b)								

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7	SECTION 3	§ 21-5.50-1(c) Residential uses Household living Multi-unit dwelling – standards	19	Amend multi-unit dwelling standards.	<p>(c) <i>Multi-unit dwelling – standards.</i></p> <p>(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within the Primary Urban Center development plan [and], Ewa development plan, and Central Oahu sustainable communities plan areas; provided that the following requirements are satisfied:</p> <p>(A) All residential uses and occupancies must be located on consecutive floors that are located above all non-residential uses and occupancies in the multi-family dwelling. A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. A building must have at least one nonresidential use; or</p> <p>(B) The multi-unit dwelling satisfies the following requirements:</p> <p>(i) <u>For multi-unit dwellings located on zoning lots of 3 acres or less, a minimum nonresidential floor area ratio of 0.2 must be developed on the lot;</u></p> <p>(i) For multi-unit dwellings located on zoning lots larger than [4] 3 acres, but smaller than 7 acres, a minimum of 10,000 square feet or a floor area ratio of 0.05, whichever is higher, of nonresidential floor area must be developed on the lot; or</p> <p>(ii) For multi-unit dwellings located on zoning lots larger than 7 acres, a minimum of 40,000 square feet or a floor area ratio of 0.05, whichever is higher, of nonresidential floor area must be developed on the lot ; or.</p> <p>[(iii) The zoning lot has a minimum nonresidential floor area ratio of 0.3.]</p> <p>(C) <u>For purposes of this subdivision, nonresidential uses must be fully enclosed within a building and does not include areas used for parking.</u></p>	<p>Adds minimum requirements for non-residential floor area.</p> <p>Provides that nonresidential uses must be fully enclosed within a building and does not include areas used for parking.</p>
8	SECTION 3	§ 21-5.50-2(a) Residential uses Group living Group living, small – standards	20	Amend standards for small group living that is not regulated by the State.	<p>(b) <i>Group living, small, not State regulated – standards.</i></p> <p>(1) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the small group living that is not State regulated is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</p> <p>(2) <u>Within the country, residential, and A-1 zoning districts, except for multifamily dwellings that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students, and are located in the A-1 zoning district within a one-half-mile radius of the educational institution, unless directly related to public health and safety, small group living that is not State regulated must not be located within 1,000 feet of the next closest group living.</u></p>	<p>Adds 1,000-foot distance requirement in the country, residential, and A-1 zoning districts only, subject to certain exceptions.</p>

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9	SECTION 3	§ 21-5.50-2(b) Residential uses Group living Group living, large – standards	20	Amend large group living standards.	<p>(c) <i>Group living, large – standards.</i></p> <p>(1) In the AG-2 zoning district, group living must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the large group living is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.</p> <p>(2) Access roads must comply with the standards established by Chapter 22; provided that the director may waive or modify these requirements if the Honolulu fire department determines that substandard roads or driveways provide reasonably safe access to the large group living.</p> <p>(3) Minimum parking requirements will be determined by the director based on the number of residents and the nature of the proposed use.</p> <p>(4) For special needs housing for the elderly, as defined in § 21-10.1, that are located in the apartment, apartment mixed-use, and business mixed-use zoning districts, the underlying zoning district standards may be modified under a conditional use permit as follows:</p> <p>(A) Density may be increased by a maximum of 25 percent of the maximum density permitted in the underlying zoning district;</p> <p>(B) Height may be increased by a maximum of 25 percent of the maximum height permitted in the underlying zoning district, or 30 feet, whichever is less; and</p> <p>(C) Off-street parking requirements may be reduced; provided that a minimum of one parking space per four dwelling or lodging units and a minimum of one guest parking space per 10 dwelling or lodging units is required.</p> <p>(5) The director may modify or waive the large group living standards in this subsection and other applicable requirements as necessary to comply with the federal Fair Housing Act or other laws with similar preemptive effect.</p> <p><u>(6) Within the country, residential, and A-1 zoning districts, except for multifamily dwellings that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students, and are located in the A-1 zoning district within a one-half-mile radius of the educational institution, unless directly related to public health and safety, large group living must not be located within 1,000 feet of the next closest group living.</u></p>	Adds 1,000-foot distance requirement in the country, residential, and A-1 zoning districts only, subject to certain exceptions.

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10	SECTION 3	§ 21-5.50-3(a) Residential Uses Accessory residential Accessory dwelling unit – standards	21	Amend standards for accessory dwelling units.	<p>(a) <i>Accessory dwelling unit – standards.</i></p> <p>(1) <i>General.</i></p> <p>(A) Accessory dwelling units are not permitted:</p> <p>(i) On zoning lots in planned development housing or cluster housing; or</p> <p>(ii) On zoning lots that are landlocked.</p> <p>(B) The total floor area of an accessory dwelling unit must not exceed:</p> <p>(i) 500 square feet for zoning lots up to 4,999 square feet in area; <u>or</u></p> <p>(ii) 800 square feet for zoning lots 5,000 square feet or more in area.</p> <p>(C) The construction or conversion of an accessory dwelling unit must meet all development standards for the principal use in the underlying zoning district.</p> <p>(D) An accessory dwelling unit may be created by:</p> <p>(i) Building a new structure (attached or detached from the principal dwelling unit); or</p> <p>(ii) Converting a legally established structure (attached to or detached from the principal dwelling unit), attic, or basement.</p> <p>(E) Only one accessory dwelling unit is permitted on a zoning lot (including a zoning lot with existing multiple dwelling units).</p> <p>(F) <u>See § 21-6.30(b) for adjustments and exemptions to parking requirements for accessory dwelling unit.</u></p> <p>(2) <i>Conditions of approval.</i></p> <p>(A) <i>Covenant for accessory dwelling units.</i> The owners of the zoning lot shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. The covenant must be recorded in a form approved by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heirs, successors, or assigns to abide by such covenant will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to § 21-2.150. At a minimum, the covenant must state:</p> <p>(i) The accessory dwelling unit may only be used for long-term residential occupancy and may not be used as a bed and breakfast home or transient vacation unit;</p> <p>(ii) The deed restrictions lapse upon removal of the accessory dwelling unit;</p> <p>(iii) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and</p> <p>(iv) Neither the owners nor the heirs, successors, or assigns of the owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit.</p> <p>(B) <i>Removal.</i> The owners of an accessory dwelling unit shall notify the department upon removal of the accessory dwelling unit.</p>	Adds a reference to the parking requirements for accessory dwelling unit in <u>§ 21-6.30(b)</u> .

11	SECTION 3	§ 21-5.50-3(b) Residential uses Accessory residential Home occupation – standards	23	Amend standards for home occupation.	<p>(b) <i>Home occupation – standards.</i></p> <p>(1) <i>General.</i></p> <p>(A) The home occupation must be clearly incidental and subordinate to the use of the dwelling unit and zoning lot for residential living. [The home occupation use must also be one that is traditionally and customarily conducted as an accessory use to residential living.]</p> <p>(B) The home occupation use may not significantly change the exterior appearance of the dwelling unit [or], zoning lot[-], or the surrounding neighborhood. Onsite signage or advertisements for the home occupation is prohibited.</p> <p>(C) The outdoor storage of materials or supplies is prohibited.</p> <p>(D) <u>(D) The indoor storage of materials or supplies must not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater.</u></p> <p>(D)<u>(E) Noises and obnoxious odors associated with the home occupation must not be detectable from abutting streets or sidewalks. The director may order the mitigation of noise and odor impacts, or the cessation of a home occupation if noise and odor impacts are not able to adequately mitigated.</u></p> <p>(E)<u>(F) The home occupation use may not create unreasonable risks of harm to persons or property or cause significant adverse impacts to local traffic or parking.</u></p> <p><u>(G) In the B-1 and B-2 zoning districts, a home occupation is permitted in a dwelling unit within a multi-unit dwelling.</u></p> <p>(2) <u>Limitations on [Permitted] home occupations: [Permitted activities include, but are not limited to:]</u></p> <p>(A) <u>[Group instruction:] If specifically permitted as a principle use in the underlying zoning district, commercial beekeeping may be a home occupation, subject to the standards of this subsection.</u></p> <p>(B) <u>[Sale of items] Items sold on the property are limited to items produced by the [household members:] home occupation;</u></p> <p>[(C) Grooming and the occasional boarding of animals; provided that no more than three animals that are not household pets are permitted on the property at any given time;</p> <p>(D) [Home-based childcare;</p> <p>(E) Home offices; or</p> <p>(F) Personal and professional services such as hairdressing, cosmetology, manicuring, professional consulting, and real estate brokerage services.]</p> <p>(3) <i>Prohibited home occupations:</i> Activities that are prohibited as a home occupation use include but are not limited to:</p> <p>(A) [Commercial vehicle] Vehicle repair [and] painting[;] <u>that does not include the repair or painting of up to five vehicles owned by a household member;</u></p> <p>(B) Uses and activities that are only permitted in the industrial zoning districts;</p> <p>(C) Commercial weddings[-], including wedding ceremonies and receptions;</p> <p>(D) Storage yards [and], base yards[-], and stockpiling;</p> <p>[(E) Mail and package handling and delivery businesses;]</p> <p>[(F)](E) Sale of guns and ammunition; [and]</p> <p>[(G)](F) Use of dwellings or zoning lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations[.];</p> <p><u>(G) Metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools; and</u></p> <p><u>(H) Commercial events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees.</u></p> <p><u>(I) Animal care, treatment, boarding, or veterinary services. The occasional boarding and the occasional grooming of animals is permitted, so long as it involves no more than three animals that are not household pets on the property at any given time.</u></p> <p>(4) <i>Employees:</i> [Employees are limited to household members.]</p> <p><u>(A) One employee of the home occupation may be on the property at any given time.</u></p>	<p>Moves parking requirements for home occupation to § 21-6.30(d), and reference that section.</p> <p>Adds back existing provision requiring that that the indoor storage of materials or supplies must not exceed 250 cubic feet or 20 percent of the floor area of the dwelling unit, whichever is greater (instead of whichever is less).</p> <p>Replaces the listing of permitted home occupations with a listing of permitted home occupations that are submit to certain limitations.</p> <p>Clarifies the listing of prohibited home occupations, and adds prohibitions for metal fabricating and cutting using welding or cutting torches, and commercial events that involve the renting, for compensation, of any portion of the dwelling for use by guests or invitees.</p> <p>For employees, adds that one employee may be on the property at any given time, and adds an existing LUO provision that if an emergency renders the principal caregiver unavailable, an addition employee may be on the property on a temporary basis to substitute for the principal caregiver.</p>
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					<p>(B) For home-based childcare, in addition to one employee of the home occupation, if an emergency renders unavailable the principal caregiver who is a household member, an additional employee may be on the property on a temporary basis to substitute for the principal caregiver.</p> <p>(5) <i>Parking.</i></p> <p>[(A) Home occupations that involve client visits must provide one off-street parking space for every five clients that may be on the property at any given time, in addition to the parking required for the dwelling use. This requirement will be calculated as requiring on off-street parking for the first five clients and one additional off-street parking for every fractional increment up to five thereafter.</p> <p>(B) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling.</p> <p>(C) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) must not park on the street and may not be stored on the property unless the commercial vehicles are parked within a garage or carport or similar area fully screened from the street and neighboring properties.] See § 21-6.30(d) for adjustments and exemptions to parking requirements for home occupation.</p>	
12	SECTION 3	§ 21-5.70-7(b) Commercial uses Personal service Animal care, minor and major – standards	63	Amend minor and major animal care standards.	<p>(b) <i>Animal care, minor and major – standards.</i></p> <p>(1) 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 contain the kept animal securely and keep other animals from entering the enclosure.</p> <p>(3) The use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals is prohibited.</p> <p>(4) Associated odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.</p> <p>(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> <p>(7) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.</p>	Adds that in the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.
13	SECTION 3	§ 21-5.70-9(b) Commercial uses Retail Mobile commercial establishment – standards	65	Amend mobile commercial establishment standards.	<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.] See § 21-6.30(m) for adjustments and exemptions to parking requirements for mobile commercial establishments.</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) 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>	Moves parking requirements for home occupation to § 21-6.30(m), and reference that section.

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					(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. (B) In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m. (6) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this subsection.	
14		Table 21-6.1 Minimum Off-street Parking Ratios	126	Amend the accessory residential entry in the use category column	Accessory residential – accessory dwelling unit, [home-based childcare,] <u>home occupation</u> , ohana unit, [confined animal raising,] rooming	

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15	SECTION 34	§ 21-6.30 Adjustments and exceptions to parking requirements	131		<p>§ 21-6.30 Adjustments and exceptions to parking requirements.</p> <p>(a) <i>Change of use.</i> If there is a change in use, the number of off-street parking spaces set forth in Table 21-6.1 for the new use is required, except as provided under § 21-4.110(e), relating to nonconforming parking and loading.</p> <p>(b) For accessory dwelling units, one off-street parking space must be provided in addition to the required off-street parking for the primary dwelling unit, except for accessory dwelling units located within one-half mile of a rail transit station. For accessory dwelling units located on zoning lots within the Primary Urban Center development plan area or the Ewa development plan area, the off-street parking space requirement is waived if the accessory dwelling unit is located within 800 feet of a city bus stop.</p> <p>(c) For bed and breakfast homes in areas where parking is required for the dwelling, one off-street parking space for each guest bedroom is required in addition to the required off-street parking for the dwelling.</p> <p>(d) <i>Home occupations.</i></p> <p>(1) Home occupations that depend on involve client visits [, including but not limited to group instruction,] or onsite employees must provide one off-street parking space [per] for every five clients [on the premises] and employees that may be on the property at any [one] given time[. This parking requirement is], in addition to[, and the client parking space must not obstruct, the] parking spaces required [or provided] for the dwelling use. [Residents of multi-unit dwellings may fulfill this requirement by the use of guest parking with the approval of the building owner, building management, or condominium association.]</p> <p>(2) On-street parking of commercial vehicles associated with a home occupation is prohibited; provided that the occasional, infrequent, and momentary parking of a vehicle for pickups or deliveries to service the home occupation is allowed.] <u>This requirement will be calculated as requiring on off-street parking for the first five clients and employees and one additional off-street parking for every fractional increment up to five thereafter.</u></p> <p>(2) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling.</p> <p>(3) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) must not park on the street.</p> <p>(e) In connection with planned development projects, cluster housing, conditional use permits, existing use permits, and within special districts, the director may impose special parking and loading requirements.</p> <p>(f) Except for multi-unit dwellings and lodging, all buildings and uses that are located within the boundaries of any improvement district for public off-street parking, and that have been assessed their share of the cost of the improvement district, are exempt from the off-street parking requirements of this chapter.</p> <p>(g) <i>Joint use of parking and loading, onsite and remote.</i> Onsite joint use of parking and loading is permitted on lots with more than one use. Remote joint use of parking and loading is permitted, subject to § 21-6.70 and this section. All parking spaces provided under this section must be standard size. The number of required parking and loading spaces may be reduced by applying the rates provided in Table 21-6.2 to the total requirement for the various uses when added together.</p> <p>(h) <i>Incentives for sustainable transportation.</i></p> <p>(1) <i>Unbundled parking.</i> Except in the residential zoning districts, in areas where parking is otherwise required under § 21-6.20, if at least 50 percent of the parking spaces provided by a project is unbundled, the project has no minimum parking requirement.</p> <p>(2) <i>Bicycle parking in excess of the minimum bicycle parking requirements.</i> Four short-term or long-term bicycle parking spaces in excess of the minimum bicycle parking requirement may be substituted for one off-street vehicle parking space, up to a maximum of four vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Bicycle parking must comply with § 21-6.40.</p>	<p>Adds parking requirements for home occupation (previously in § 21-5.50-3(b)).</p> <p>Adds parking requirements for large group living (previously in § 21-5.50-2(b)).</p> <p>Adds parking requirements for mobile commercial establishment (previously in § 21-5.70-9(b)).</p>

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					<p>(3) <i>Bicycle sharing.</i> Shared bicycle parking spaces, provided off-street on private property, may be substituted for required bicycle parking spaces, or may be substituted for up to a maximum of two vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Four shared bicycle parking spaces are equivalent to one off-street vehicle parking space. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the project's building permit approval:</p> <p>(A) A written agreement with the provider of the bicycle sharing service, including the number and a written description of the location of shared bicycles;</p> <p>(B) A floor plan or site plan of the area clearly identifying the location of the shared bicycles;</p> <p>(C) The property owner and provider's contact information, including street address; and</p> <p>(D) Any other pertinent information as determined by the director.</p> <p>(4) <i>Car sharing.</i> One shared car parking space may be substituted for three required off-street vehicle parking spaces. Shared car parking spaces must be accessible to the subscribers of the car sharing service, and may include subscribers who access the shared cars from a public street. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the issuance of a building permit for the project:</p> <p>(A) A written agreement with the provider of the car share service, which must include the number of shared car parking spaces and a description of the location of the shared car parking spaces;</p> <p>(B) A floor plan or site plan of the parking area clearly identifying the location of the shared car parking spaces;</p> <p>(C) The property owner and provider's contact information, including street address; and</p> <p>(D) Any other pertinent information as required by the director.</p> <p>(5) <i>Motorcycle and moped parking.</i> One motorcycle or moped parking space may be substituted for one off-street vehicle parking space, up to a maximum of two spaces, or 10 percent of the required off-street vehicle parking spaces, whichever is greater. Motorcycle and moped parking must comply with § 21-6.50.</p> <p>(i) No additional off-street parking spaces are required for nonconforming zoning lots beyond parking spaces existing on December 23, 2020. Any parking spaces provided on nonconforming zoning lots are subject to the parking space standards in this chapter.</p> <p>(j) The following sections may have additional requirements or opportunities not set forth in this article:</p> <p>(1) Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;</p> <p>(2) Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;</p> <p>(3) Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements; and</p> <p>(4) Section 21-5.50-3(c) relating to home occupations.</p> <p>(k) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot."</p> <p>(l) <u>For mobile commercial establishments, when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.</u></p>	

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16	NEW SECTION	§ 21-6.80(a) Surface parking site planning Surface parking location and configuration – setbacks	N/A	Add new SECTION 38 to the bill. Amend § 21-6.80(a) regarding surface parking location and configuration – setbacks. Renumber subsequent bill SECTIONS.	<p>(a) Surface parking location and configuration[. Setbacks.] setbacks.</p> <p>(1) Surface parking, except that in the residential and country districts, must be set back a minimum of 5 feet from all side and rear property lines that adjoin lots in the country, residential, apartment, or apartment mixed use zoning districts.</p> <p>(2) Parking and loading are not permitted in any required yards, except as follows:</p> <p>(A) In the country, agricultural, [and] residential, and A-1 zoning districts, parking and loading may encroach into the required yards;</p> <p>(B) In the A-2, A-3, apartment mixed use, resort, and BMX-3 zoning districts, parking and loading may encroach into the required yards for a single unit, duplex unit, or two unit dwelling; and</p> <p>((B))(C) For lots that are split zoned and have nonresidential parking, the parking and loading spaces may encroach entirely into the side yard created by the zoning boundary that splits the lot.</p> <p>RECOMMEND RESCINDING THIS PROPOSED AMENDMENT.</p>	<p>Adds that in the apartment and A-1 zoning districts, parking and loading may encroach into the required yards.</p> <p>Adds that for a single unit, duplex unit, or two unit dwelling in the A-2, A-3, apartment mixed use, resort, and BMX-3 zoning districts, parking and loading may encroach into the required yards.</p>
17	SECTION 70	§ 21-10.1 Definitions	N/A	Amend existing definition of car sharing	<p>Car Sharing. [A form of vehicle rental whereby users rent a car for short periods of time. The owners of the cars may be a company, an association, or an individual. Offices intended to attract or register customers are not permitted as an accessory use to car sharing. Car sharing facilities with an office or administrative services are considered as automobile rentals.] <u>Has the same meaning as defined in HRS § 251-1.</u></p>	Amends the definition of car sharing to reference HRS § 251-1.
18	SECTION 70	§ 21-10.1 Definitions	188	Amend definition of dwelling unit.	<p>"Dwelling Unit. A room or connected rooms in a single structure that are designed for residential occupancy by one family. A dwelling unit contains one kitchen, sanitary facilities, and space for sleeping. <u>Two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit.</u> Dwelling unit use is the exclusive occupancy of a dwelling unit by one family for non-transient, residential purposes and permissible accessory uses. Unless specifically permitted in use regulations, a dwelling unit may not be used as a timeshare, bed and breakfast home, or transient vacation unit as defined in this section.</p>	Clarifies that two or more separate structures that are attached by an unenclosed or token connection (such as a covered walkway or trellis) are not considered to be a single dwelling unit.
19	SECTION 70	§ 21-10.1 Definitions	189	Amend definition of group living.	<p>Group living. Residential occupancy that is not included in household living. Includes but is not limited to monasteries, convents, dormitories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, [adult daycare center, developmental disabilities domiciliary home, special treatment facility, clean and sober home, hospice home, group home, recovery home, nursing home, rehabilitation facility, and sanitarium. These facilities may be licensed, certified, registered, or monitored by the State.</p>	Deletes reference to adult daycare center.
20	SECTION 70	§ 21-10.1 Definitions	N/A	Amend existing definition of transient occupant.	<p>Transient Occupant. Any person who rents a lodging or dwelling unit, or portion thereof, for less than 90 consecutive days, and whose permanent address for legal purposes is not the lodging or dwelling unit being rented. <u>See also transient vacation unit, bed and breakfast home, rooming, and hotel.</u></p>	References transient vacation unit, bed and breakfast home, rooming, and hotel.
21	SECTION 71	§ 21-10.1 Definitions	204	Amend definition of animal care.	<p>Animal care. Providing medical care, grooming, training, or boarding services to household pets as a principal use. The term includes but is not limited to animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet [day cares, daycare, or pet spas.</p> <p>(1) Minor: Facilities that do not provide overnight boarding.</p> <p>(2) Major: Facilities that provide overnight boarding.</p>	

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22	SECTION 71	§ 21-10.1 Definitions	206	Replace Figure 21-10.3 with an updated Figure 21-10.3.	Replace Figure 21-10.3, which depicts different dwelling types, with an updated Figure 21-10.3.	