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MEMORANDUM

DATE: April 18, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning & the Economy

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

SUBJECT: Kia'āina Proposed Amendments to Public, Civic, and Institutional Uses in Bill 64 (2023), FD1 for the May 2, 2024 P&E Meeting

Attached for consideration by the Committee on Planning & the Economy are my proposed amendments to Public, Civic, and Institutional uses in Bill 64 (2023), FD1, relating to use regulations, for consideration at the May 2, 2024 Committee on Planning & the Economy Meeting.

Attachments (1):
Amendment Form, Public, Civic, and Institutional Uses, Bill 64 (2023), FD1, Relating to Use Regulations

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
PUBLIC, CIVIC, AND INSTITUTIONAL USES

TOTAL PAGES: 6
DATE: April 18, 2024
COUNCILMEMBER: Esther 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	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Assembly subcategory Small meeting facility entry	5	Amend small meeting facility entry in Use Table.	<table><tr><td>Meeting facility</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>Small</td><td>--</td><td>--</td><td>Cm*+ Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm* P*</td><td>Cm* P*</td><td>Cm* P*</td><td>Cm* P*</td><td>Cm* P*</td><td>--</td><td>--</td><td>--</td><td>Cm* P*</td><td>§ 21-5.60-1(a)</td></tr></table>	Meeting facility																					Small	--	--	Cm*+ Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm* P*	Cm* P*	Cm* P*	Cm* P*	Cm* P*	--	--	--	Cm* P*	§ 21-5.60-1(a)	Provide that small meeting facilities are permitted subject to standards (instead of requiring a CUP minor subject to standards) in the Resort, business, BMX, and IMX-1 zoning districts.																						
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Small	--	--	Cm*+ Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm* P*	Cm* P*	Cm* P*	Cm* P*	Cm* P*	--	--	--	Cm* P*	§ 21-5.60-1(a)																																																		
2	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Education subcategory Minor and major vocational school entries	5	Amend minor and major vocational school entry in the Use Table.	<table><tr><td>School, vocational</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>[H] P*</td><td>[H] P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>--</td><td>P</td><td>§ 21-5.60-3(b)</td></tr><tr><td>Major</td><td>--</td><td>[H] P*</td><td>[H] P*</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>P</td><td>P</td><td>--</td><td>P</td><td><u>§ 21-5.60-3(b)</u></td></tr></table>	School, vocational																					Minor	--	[H] P*	[H] P*	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	--	P	§ 21-5.60-3(b)	Major	--	[H] P*	[H] P*	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	<u>§ 21-5.60-3(b)</u>	Permit minor and major vocational schools in the AG-1 and AG-2 Districts, subject to standards.
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4	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Assembly subcategory Cemetery entry	6	Amend cemetery entry in Use Table	<table><tr><td>Cemetery</td><td>P*</td><td>--</td><td>[PRU+] PRU*+</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>P*</td><td>§ 21-5.60-5(a)</td></tr></table>	Cemetery	P*	--	[PRU+] PRU*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	§ 21-5.60-5(a)	Provide that cemeteries in the AG-2 District are subject to standards.	
Cemetery	P*	--	[PRU+] PRU*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	§ 21-5.60-5(a)								
5	SECTION 3	Table 21-5.1 Table of Permitted Uses Commercial uses category Outdoor recreation subcategory General outdoor recreation entry	7	Amend general outdoor recreation standards.	<table><tr><td>General outdoor recreation</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] C*</td><td>[C] C*</td><td>[C] C*</td><td>[C] C*</td><td>[C] C*</td><td>[C] C*</td><td>--</td><td>[Cm] Cm*</td><td><u>§ 21-5.70-8(d)</u></td></tr></table>	General outdoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	[C] C*	[C] C*	[C] C*	[C] C*	[C] C*	[C] C*	--	[Cm] Cm*	<u>§ 21-5.70-8(d)</u>	Provide that general outdoor recreation uses are subject to standards, and reference the standards in § 21-5.70-8(d).
General outdoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	[C] C*	[C] C*	[C] C*	[C] C*	[C] C*	[C] C*	--	[Cm] Cm*	<u>§ 21-5.70-8(d)</u>							
6	SECTION 3	§ 21-5.60-1(a) Public, civic, and institutional uses Assembly Small, medium, or large meeting facility – standards	29	Amend small, medium, or large meeting facility standards.	<p>(a) <i>Meeting facility, small, medium, or large – standards.</i></p> <p>(1) In the AG-2 zoning district, 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 meeting facility 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) The owner or operator of the meeting facility shall maintain an event management plan that includes a traffic management plan, trash management plan, spill management plan, and plan for responding to community complaints[-] <u>including noise or odor complaints.</u></p> <p>(3) In the [apartment and] <u>country</u>, residential, and apartment zoning districts, noise and odors from the meeting facility use must not be detectable from public streets or sidewalks between the hours of 10:00 p.m. to 7:00 a.m.</p> <p>(4) Adequate ingress and egress must be provided for all emergency vehicles, to the satisfaction of the Honolulu fire department.</p> <p>(5) All outdoor lighting associated with the meeting facility must be directed and shielded to minimize glare onto abutting properties.</p> <p>(6) All parking must be provided on an all-weather surface unless parking on grass or graveled areas is approved by the director, subject to conditions to mitigate sediment tracking and fugitive dust.</p> <p><u>(7) In the AG-2 zoning district, the maximum capacity for a meeting facility is 500 individuals.</u></p>	Clarify that meeting facility management plans must include a plan for responding to community complaints, including noise and odor complaints. Provide that noise and odor restrictions apply in the Country District (in addition to the residential and apartment zoning districts). Add that in the AG-2 District, the maximum capacity for a meeting facility is 500 individuals.																						

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7	SECTION 3	§ 21-5.60-1(a) Public, civic, and institutional uses Assembly Small, medium, or large meeting facility – standards	31	Amend K-12 school standards.	<p>(a) <i>School, K-12 – standards.</i></p> <p>(1) All structures and facilities 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. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.</p> <p>[(2)] The minimum zoning lot size is 20,000 square feet.</p> <p>{3}(2) Schools must be located with access to a street or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate government agencies.</p> <p>[(4)](3) <i>Parking and loading.</i></p> <p>(A) Schools with a design capacity of more than 25 students must provide an off-street drop-off area, with a minimum capacity equivalent to four standard-sized parking spaces. This number may be adjusted by the director as the design capacity of the school changes, or if a traffic management plan is approved.</p> <p>(B) Schools with a design capacity of more than 50 students must provide at least one multipurpose bay that is a minimum of 40 feet in depth by 14 feet in width to accommodate bus pickup and drop-off. This multipurpose bay may be used for other activities outside of pickup and drop-off hours. The director may adjust this requirement as the design capacity of the school changes.</p> <p>[(5)](4) In the AG-2 zoning district, 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 K-12 school 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>	Delete minimum zoning lot size of 20,000 square feet.
8	SECTION 3	§ 21-5.60-3(b) Public, civic, and institutional uses Education Vocational school – standards	32	Amend vocational school standards.	<p>(b) <i>School, vocational – standards.</i></p> <p><u>(1) Minor.</u></p> <p><u>(A) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.</u></p> <p><u>(B) In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5 (19).</u></p> <p><u>(2) In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5 (19).</u></p>	Add standard for minor and major vocational schools in the AG-1 and AG-2 Districts.
9	SECTION 3	§ 21-5.60-5(a) Public, civic, and institutional uses Parks and open space Cemetery – standards	33	Amend cemetery standards	<p>(a) <i>Cemetery – standards.</i></p> <p>(1) Prior to approval of an application for a cemetery, a certificate of approval must be obtained from the Board of Water Supply indicating that there is no danger of contamination of the water supply.</p> <p>(2) In the AG-2 zoning district, burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.</p> <p>(3) In the AG-2 zoning district, a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.</p> <p><u>(4) Density and building area flexibility may be permitted pursuant to the plan review use process.</u></p>	Provide that density and building area flexibility may be permitted pursuant to the plan review use process.

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10	SECTION 3	§ 21-5.70-8 Commercial uses Outdoor recreation	67	Add new general outdoor recreation standards.	(d) <u>General outdoor recreation – standards.</u> (1) <u>No more than five horses may be kept for each acre of land within a site used for a horse stable that is not part of a horseback riding tour.</u> (2) <u>For a horse stable that is not part of a horseback riding tour, all buildings housing horses and all corrals in which horses are kept or assembled must be at least 100 feet from any property line adjacent to a zoning lot within the country, residential, apartment, or apartment mixed-use zoning districts.</u>	Add general outdoor recreation standards for horse stables.
11	SECTION 70	§ 21-10.1 Definitions	189	Amend definition of cemetery.	Cemetery. A property divided into cemetery lots for sale as burial plots or air space at an interment facility, including columbaria and mausoleums. <u>Permitted accessory uses include crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers.</u>	Add examples of permitted accessory uses to the cemetery principal use.
12	SECTION 70	§ 21-10.1 Definitions	190	Amend definition of consulate.	Consulate. A facility that includes the offices (including administrative offices) of an official appointed by a foreign government who serves the interests of foreign citizens. A consulate may include space for residential occupancy. Consulates are public facilities, and are eligible for <u>zoning</u> waivers that apply to public facilities.	Clarify that consulates are eligible for zoning waivers that apply to public facilities.
13	SECTION 70	§ 21-10.1 Definitions	190	Amend definition of child daycare.	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 individuals under 18 years of age. 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>and public facility.</u>	Add cross reference to public facility.
14	SECTION 70	§ 21-10.1 Definitions	196	Amend definition of meeting facility.	Meeting Facility. A principal use involving <u>regular or periodic gatherings or assemblies of individuals on private property for a common purpose [not accessory to a permitted principal use]. May be accessory to a principal use if not expressly prohibited.</u> For the purposes of this definition, the director may liberally construe accessory uses outside of the agricultural zoning districts. <u>The term includes private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. See also public facility.</u> (1) Small: Meeting facilities with a capacity for more than 25 individuals, up to 100 individuals. (2) Medium: Meeting facilities with a capacity for more than 100 individuals, up to 2,000 individuals. (3) Large: Meeting facilities with a capacity for more than 2,000 individuals.	Clarify that meeting facilities may be accessory to a principal use unless expressly prohibited. Add examples of meeting facilities. Cross reference public facilities.
15	SECTION 70	§ 21-10.1 Definitions	198	Amend definition of public facility.	Public Facility. A facility providing a government function, activity, or service in accordance with public policy, for public benefit. The term does not include buildings leased by the government to a private or nonprofit organization, unless the organization is contracted to act as a public entity or execute a public program. The term includes <u>public (federal, state, or city) administrative offices [and], public transportation stops[-], libraries, satellite city halls, post offices, schools, parks, zoos, golf courses, and meeting facilities such as the Hawaii Convention Center, the Neal S. Blaisdell Center, and the Waikiki Shell. The term does not include private schools (see K-12 schools and vocational schools), private golf courses (see golf courses), private publicly-accessible parks (see parks), or community centers (see meeting facility).</u>	Add further examples of public facilities. Clarify uses that are not public facilities.

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16	SECTION 70	§ 21-10.1 Definitions	198	Amend definition of general outdoor recreation.	<i>Recreation, General Outdoor.</i> Facilities for outdoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator, and may include motorized activities. The term includes amusement parks, <u>horse stables that are not part of horseback riding tours</u> , batting cages, drive-in theaters, go-cart or vehicle racetracks, golf driving ranges, miniature golf courses, outdoor sport facilities, amphitheaters, sport courts and fields, and water parks. The term does not include publicly-accessible parks (see park), government facilities (see public facility), golf courses (see golf course), privately-owned clubs (see meeting facility, general eating and drinking, golf course, general marine), riding stables <u>horseback riding tours</u> (see animal raising , nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biking trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo[-], <u>animal raising</u> .	Add that horse stables that are not part of horseback riding tours are included in general outdoor recreation (in addition to the other enumerated facilities). Clarify that horseback riding tours are not general outdoor recreation. Cross references animal raising (in addition to agritourism and zoo).
17	SECTION 71	§ 21-10.1 Definitions	212	Amend definition of nature-based recreation.	<i>Nature-Based Recreation.</i> A privately-owned and managed permanent facility or area dedicated to outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. The term includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins. The term does not include <u>private</u> publicly-accessible parks (see park), golf courses (see golf course), <u>horse stables (see general outdoor recreation)</u> , accessory agriculture-related tourism or recreation (see agritourism), community recreation centers (see meeting facility), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation[-], <u>animal raising</u> .	Add that horse stables are not nature-based recreation, and references animal raising and general outdoor recreation. Cross references animal raising (in addition to general outdoor recreation).
18	SECTION 71	§ 21-10.1 Definitions	212	Amend definition of park.	<i>Park.</i> A publicly-accessible area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, <u>sport courts and fields</u> , swimming pools, tennis courts, and botanical gardens. The term may include both passive and active recreation. The term includes projects that promote and enhance ecosystem benefits, keep wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. The term does not include a community recreation center centers (see meeting facility) or public parks (see public facility). See also nature-based recreation and general outdoor recreation.	Add a list of facilities that are not parks. Cross reference nature-based recreation and general outdoor recreation.
19	SECTION 71	§ 21-10.1 Definitions	213	Amend definition of prison.	<i>Prison.</i> A public facility or a facility run by a State-licensed entity for the confinement, housing, and supervision of persons awaiting trial or serving terms of imprisonment for the violation of criminal law. See also public facility.	Cross reference public facility.

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20	SECTION 71	§ 21-10.1 Definitions	214	Amend definition of vocational school.	<p><i>School, Vocational.</i> A facility for post-secondary education with a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction, or a language school. <u>The term does not include vocational training on harbor fast lands that support commercial marine activities (see major general marine). The term also does not include sports classes, tutoring, martial arts studios, dance studios, or gymnastic studios (see general personal services).</u></p> <p>(1) <i>Minor:</i> <u>Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.</u></p> <p>(2) <i>Major:</i> <u>Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.</u></p>	<p>Add a list of facilities that are not vocational schools.</p> <p>Add definitions of minor versus major vocational school.</p>
21	SECTION 71	§ 21-10.1 Definitions	214	Amend definition of university, college.	<p><i>University, College.</i> A facility operated by an institution of higher education that awards an associate, bachelor, master, or doctorate degree. <u>See also public facility.</u></p>	<p>Cross references public facility.</p>