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AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
PUBLIC, CIVIC, AND INSTITUTIONAL USES
HAND CARRIED AMENDMENTS FOR MAY 23, 2024 Planning & Economy Committee Meeting

TOTAL PAGES: 6

DATE: May 23, 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 Public, civic, and institutional uses category Communication subcategory Communication tower entry	5	Amend communication tower entry in the Use Table.	Communication tower | Cm* | Cm* | Cm* | Cm* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[C*]~~ C* | ~~[Cm*]~~ P* | ~~[Cm*]~~ P* | ~~[Cm*]~~ P* | ~~[C*]~~ C* | § 21-5.60-2(b)	Replace "Cm*" with "P*" in the I-1, I-2, and I-3 Districts. Replace "C*" with "Cm*" in the residential, apartment, AMX, Resort, business, and BMX Districts.
2	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Parks and open space subcategory Cemetery entry	5	Amend cemetery entry in the Use Table	Cemetery | P* | -- | PRU*+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | ~~[P*]~~ -- | § 21-5.60-5(a)	Rename "K-12 school" to "PreK-12 school" Cemeteries not permitted in the IMX-1 District.
3	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Parks and open space subcategory Park, non-publicly accessible entry	5	Delete entire non-publicly accessible park entry in the Use Table.	~~[Park, non-publicly accessible~~ | ~~Cm~~ | ~~--~~ | ~~Cm~~ | ~~Cm~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~P~~ | ~~Cm~~ | ~~Cm~~ | ~~Cm~~ | ~~Cm~~ | ~~--~~ | ~~--~~ | ~~--~~ | ~~--]~~ |	Delete non-publicly accessible park entry. No longer distinction between publicly accessible and non-publicly accessible private parks.

Submitted by Councilmember Kiaʻāina for the May 23, 2024 Committee on Planning and the Economy Meeting

COUNCIL COM. 162
P&E

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4	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Parks and open space subcategory Park, publicly accessible entry	5	Rename and amend publicly accessible park entry in the Use Table.	Park[~~, publicly accessible~~] [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* [P] P* -- -- -- [P] P* § 21-5.60-5(b)	All private parks under one entry. Adds asterisks and reference to standards.
5		Table 21-5.1 Table of Permitted Uses Public, civic, and institutional uses category Parks and open space subcategory New community recreation center entry	5	Add community recreation center entry to the Use Table.	Community-based recreation center Cm* -- -- Cm Cm Cm Cm Cm Cm P P P P P P P P -- -- -- -- § 21-5.60-5(c)	Adds an entry for community-based recreation centers.
6		Table 21-5.1 Table of Permitted Uses Commercial uses category Outdoor recreation subcategory General outdoor recreation entry	7	Amend general outdoor recreation entry in the Use Table.	General outdoor recreation -- -- -- -- -- -- -- -- -- -- -- -- [~~C*~~] C [~~C*~~] C [~~C*~~] C [~~C*~~] C [~~C*~~] C [~~C*~~] C [~~C*~~] C [~~C*~~] C -- [~~Cm*~~] Cm [~~§ 21-5.70-8(d)~~]	Delete asterisks and standard reference (no standards for general outdoor recreation).
7		§ 21-5.60-5(b) Public, civic, and institutional uses Parks and open space Park - standards	35	Add park standards.	(b) *Park – standards.* Parks with playgrounds, sport courts, or sport fields must be set back 20 feet from all property lines.	Adds setback requirement for parks with playgrounds, sport courts, or sport fields.

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8		§ 21-5.60-5(c) Public, civic, and institutional uses Parks and open space Community recreation center standards	35	Add community recreation standards.	(c) *Community-based recreation center – standards.* Community-based recreation centers are only permitted in the P-2 zoning district if the community-based recreation center is being used to satisfy park dedication requirements, or is a part of a master planned community.	In the P-2 District, community-based recreation centers are only permitted (subject to a CUP minor) if the community-based recreation center is being used to satisfy park dedication requirements, or is part of a master planned community.
9	SECTION 3	§ 21-5.60-6(a)(3)(D) Public, civic, and institutional uses Utility Small – standards Wind energy generation	37	Amend small wind energy generation facility setback standard.	(D) A small wind energy generation facility must be set back from all property lines at a minimum distance equal to the height of the facility. [~~Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.~~] Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.	Clarifies how height is measured.
10	SECTION 3	§ 21-5.60-6(b)(3)(E) Public, civic, and institutional uses Utility Medium – standards Wind energy generation	38	Amend medium wind energy generation facility setback standard.	(E) A medium wind energy generation facility, whether mounted on the ground or on a structure, must be set back from all property lines at a minimum distance equal to the height of the facility. [~~Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.~~] Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.	Clarifies how height is measured.

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11	SECTION 3	§ 21-5.60-6(c)(2)(E) Public, civic, and institutional uses Utility Large – standards Wind energy generation	40	Amend large wind energy generation facility setback standards. Add shadow flicker and noise standards.	(E) Large wind energy generation facilities must be set back [from] as follows: i. From all property lines a minimum distance equal to the height of the facility[~~, measured from the highest vertical extension of the facility; and a minimum distance of 1.25 miles from~~]; and ii. From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts[~~; provided that the setback requirements in this paragraph only apply to new large wind energy generation facilities and do not apply to the repair, maintenance, or component replacement of any existing facility covered by a power purchase contract with an electric public utility during the term of the contract, including any renewal or extension thereof.~~] a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater. [~~Height includes the height of the tower or its vertical support structure and~~] For purposes of this paragraph, height is measured from the farthest vertical extension of the tower[-], which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application: (i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and (ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings. Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions.	Setback requirement from property lines of any zoning lot located in the country, residential, apartment, AMX, or resort zoning districts is a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater. Clarifies how height is measured. Adds requirements regarding shadow flicker and noise levels.
12		§ 21-5.70-8(c) Commercial uses Outdoor recreation Nature-based recreation – standards	67	Amend nature-based recreation standards.	(c) *Nature-based recreation – standards*. (1) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area must be dedicated to crop production, livestock keeping, or passive undeveloped recreational areas, such as natural open space, forests, and trails, through an agricultural easement or similar legal encumbrance for as long as the nature-based recreation is in operation. (2) The overall density for cabins must not exceed one cabin per acre, and no kitchens or wet bars are allowed. (3) For horseback riding tours, 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.	Add standard for horseback riding tours.
13		§ 21-5.70-8(d) Commercial uses Outdoor recreation General outdoor recreation – standards	68	Delete general outdoor recreation standards (horse stables that are not part of a horseback riding tour are animal raising, not general outdoor recreation).	[~~(d) *General outdoor recreation – standards.*~~ ~~(1) For a horse stable that is not part of a horseback riding tour, no more than five horses may be kept for each acre of land within a site.~~ ~~(2) 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.~~]	Horse stables no longer included in general outdoor recreation.

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14	SECTION 70	§ 21-10.1 Definitions	199	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 public (federal, state, or city) administrative offices, 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 school and vocational school), private golf courses (see golf course), [~~publicly-accessible parks (see publicly accessible park), non-publicly accessible parks (see non-publicly accessible park),~~] parks (see park) or [~~community~~] community-based recreation centers (see [~~meeting facility).~~] community recreation center).	
15	SECTION 70	§ 21-10.1 Definitions	199	Amend definition of general indoor recreation.	***Recreation, General Indoor.*** Permanent facilities for indoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator. The term includes but is not limited to billiard or pool halls, bowling alleys, electronic gaming arcades, escape rooms, ice-skating or roller-skating rinks, playground or trampoline parks, sport facilities, miniature golf courses, or archery or gun ranges. The term also includes libraries or museums that do not meet the definition of a public facility. The term does not include [~~publicly-accessible~~] parks (see park), government facilities (see public facility), or privately-owned clubs (see meeting facility, general eating and drinking, general marine).	General indoor recreation does not include parks.
16	SECTION 70	§ 21-10.1 Definitions	200	Amend definition of general outdoor recreation.	***Recreation, General Outdoor.*** 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, [~~horse stables that are not part of horseback riding tours,~~] 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), horseback riding tours (see nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biding trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo, animal raising.	General outdoor recreation does not include horse stables or parks.
17	SECTION 71	§ 21-10.1 Definitions	N/A	Add new definition of community recreation center.	***Community-Based Recreation Center.*** A community-based recreation center, which may be membership based, that includes outdoor and indoor recreation, including swimming pools, locker rooms, sports courts, gymnasiums, meeting rooms, offices, and supporting facilities. See also park, general outdoor recreation, nature-based recreation, personal services, and public facility.	Adds new definition of community-based recreation center.
18		§ 21-10.1 Definitions	214	Amend definition of nature-based recreation.	***Nature-Based Recreation.*** 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 [~~publicly-accessible~~] parks (see park), golf courses (see golf course), horse stables (see [~~general outdoor recreation),~~] animal raising), accessory agriculture-related tourism or recreation (see agritourism), [~~community~~] community-based recreation centers (see [~~meeting facility),~~] community-based recreation center), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation, animal raising.	Nature-based recreation does not include parks or community-based recreation centers.

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19	SECTION 71	§ 21-10.1 Definitions	214	Delete definition of non-publicly accessible park.	***[Park, Non-Publicly Accessible***. An area that is not publicly-accessible used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, sport courts and fields, swimming pools, 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 public parks (see public facility), or publicly accessible parks (see publicly accessible park). See also nature-based recreation and general outdoor recreation.]	Deletes definition of non-publicly accessible parks. Private parks include publicly accessible and non-publicly accessible parks.
20	SECTION 71	§ 21-10.1 Definitions	214	Amend definition of publicly accessible park.	***Park[, Publicly Accessible***. A publicly-accessible]. An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, [ballfields, soccer fields, basketball courts, swimming pools, tennis courts,] sport courts and fields, and botanical gardens. A park may include small office spaces for managers or groundskeepers, storage structures, and barbeque pavilions. A park does not include swimming pools and gymnasiums (see community recreation center). 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 public parks (see public facility) or [non-publicly accessible parks (see non-publicly accessible park).] community-based recreation centers (see community recreation center). See also nature-based recreation [and], general outdoor recreation[-], meeting facility.	Clarifies the definition of park.
21	SECTION 71	§ 21-10.1 Definitions	216	Amend definition of K-12 School.	***School, [K-12.] PreK-12.*** A facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution or entity that provides educational programs using a curriculum [equivalent] analogous to the Hawaii public school curriculum for the same grade level[.], and when applicable, in compliance with the Hawaii State compulsory attendance laws. The term does not include public schools (see public facility), post-secondary schools (see university, college and vocational school). See also child daycare and home-based childcare.	Clarifies that curriculum is analogous (instead of equivalent) to the Hawaii public school curriculum.