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# HONOLULU CITY COUNCIL

***KE KANIHELA O KE KALANA O HONOLULU***

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**MEMORANDUM**

DATE: October 16, 2024

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

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

SUBJECT: Kia'āina Proposed Amendments to Miscellaneous Uses in Bill 64 (2023), FD1, for the Committee on Planning and the Economy Meeting on October 22, 2024

Attached for consideration by the Committee on Planning and the Economy at its meeting on September 26, 2024, are my proposed amendments to Miscellaneous Uses in Bill 64 (2023), FD1, relating to land use regulations.

Attachments (1):

Amendment Form, Miscellaneous Uses, Bill 64 (2023), FD1, Relating to Use Regulations

COUNCIL COM. 262
P&E

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

TOTAL PAGES: 9

DATE: October 16, 2024

COUNCILMEMBER: Esther Kiaʻāina

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| 1 | SECTION 3 | Table 21-5.1<br>Table of Permitted Uses<br>Agricultural use category<br>Accessory agricultural subcategory<br>Aquaculture entry | 4 | | Aquaculture \| P \| P \| P \| P \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| [+] P \| [+] P \| [+] P \| [+] P \| | Add "P" in the I-1, I-2, I-3, and IMX-1 Districts. |
| 2 | SECTION 3 | Table 21-5.1<br>Table of Permitted Uses<br>Agricultural use category<br>Accessory agricultural subcategory<br>Urban agriculture entry | 4 | | Urban agriculture \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| Cm* \| Cm* \| Cm* \| -- \| Cm* \| Cm* \| Cm* \| Cm* \| [–] Cm* \| [–] Cm* \| [–] Cm* \| Cm* \| § 21-5.40-1(a) | Add "Cm*" in the I-1, I-2, I-3, and IMX-1 Districts. |
| 3 | SECTION 3 | Table 21-5.1<br>Table of Permitted Uses<br>Residential use category<br>Accessory residential subcategory<br>Accessory caretaker dwelling entry | 5 | Add new accessory caretaker dwelling entry in the Use Table. | Caretaker unit \| Ac* \| Ac* \| Ac* \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| -- \| Ac* \| Ac* \| Ac* \| Ac* \| Ac* \| Ac* \| Ac* \| Ac* \| § 21-5.50-3(e) | Add new accessory caretaker dwelling entry.<br>"Ac*" in the P-2, AG-1, and AG-2 Districts. |

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| 4 | SECTION 3 | Table 21-5.1<br>Table of Permitted Uses<br>Miscellaneous use category<br>Transfer of development entry | 10 | Delete transfer of development entry in the Use Table. | [~~Transfer of development~~ – ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~Cm*~~ ~~§ 21-5.90-2~~] | Delete transfer of development entry. |
| 5 | SECTION 3 | § 21-5.40-4(b)<br>Agricultural uses<br>Accessory agricultural<br>Agritourism standards | 15 | Amend agritourism standards. | (b) *Agritourism minor and major – standards.*<br>(1) Activities and improvements on the zoning lot may not diminish the long-term agricultural potential of the zoning lot. Improvements on the zoning lot used for agritourism must be capable of removal without unreasonable cost or effort.<br>(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.<br>(3) Buildings and structures associated with agritourism that are not required as part of crop production or livestock and poultry keeping on the zoning lot are limited to 10,000 square feet of total floor area.<br>(4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the agritourism use is in operation.<br>(5) Accessory destination events, including weddings, are subject to the following:<br>(A) Events must take place at a designated event space; and<br>(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet.<br>(6) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a [~~working~~] currently operational farm or ranch[~~,~~] engaged in crop production or livestock and poultry keeping, and require a major conditional use approval subject to the following standards:<br>(A) Tours must have an educational purpose related to the agricultural use of the property; and<br>(B) Tours may not interfere with surrounding farm or ranch operations. | Clarify that off-road vehicle tours using motorized vehicles may only be conducted on a currently operational farm or ranch engaged in crop production or livestock and poultry keeping. |
| 6 | SECTION 3 | § 21-5.40-4(e)<br>Agricultural uses<br>Accessory agricultural<br>Farm dwelling standards | 18 | Amend farm dwelling standards. | (c) *Farm dwelling – standards.*<br>(1) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds that are not used in connection with agricultural activities, and swimming pools) must be contained within an area not to exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees.<br>(2) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.<br>(3) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.<br>(4) Crop production and livestock and poultry keeping must occupy a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping, and valid agricultural dedication status must be maintained through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues. | Add standard that requires 51 percent of the activity on the zoning lot to be an agricultural activity. |

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| 7 | SECTION 3 | § 21-5.50-2(a)(2)<br>Residential uses<br>Group living<br>Small State regulated group living standards | 20 | Amend small State regulated group living standards. | (2) 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 and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the small group living that is 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~~.] | Delete provision relating to the adoption of rules. |
| 8 | SECTION 3 | § 21-5.50-2(b)(1)<br>Residential uses<br>Group living<br>Small not State regulated group living standards | 20 | Amend small not State regulated group living standards | (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 and poultry keeping must be dedicated to crop production or livestock and poultry 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.~~] | Delete provision relating to the adoption of rules. |
| 9 | SECTION 3 | § 21-5.50-3(b)<br>Residential uses<br>Accessory residential<br>Add accessory caretaker dwelling entry | 28 | Add accessory caretaker dwelling standards. | (e) *Caretaker unit – standards.*<br>(1) In the P-2, AG-1, and AG-2 zoning districts, caretaker units are only allowed as secondary supplemental uses for cemeteries and Hawaiian fishponds, and the maximum total floor area for a caretaker unit is 1,000 square feet.<br>(2) Except in the P-2, AG-1, and AG-2 zoning districts, one accessory caretaker dwelling is permitted for each principal use; provided that:<br>(a) No more than four caretaker units are allowed per zoning lot.<br>(b) The accessory caretaker dwelling must be located in an area that does not interrupt or interfere with the principal use.<br>(c) In the business, business mixed use, industrial, and industrial mixed use zoning districts, the caretaker dwelling must be above or behind the principal use. | Add accessory caretaker dwelling standards. |
| 10 | SECTION 3 | § 21-5.60-1(a)(3)<br>Public, civic, and institutional uses<br>Assembly<br>Small, medium, or large meeting facility standards | 29 | Amend small, medium, or large meeting facility standards. | (3) In the AG-2 zoning district:<br>(A) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry 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.~~]<br>(B) The maximum capacity for a meeting facility is 500 individuals. | Delete provision relating to the adoption of rules. |
| 11 | SECTION 3 | § 21-5.60-3(a)(4)<br>Public, civic, and institutional uses<br>Educational<br>PreK-12 school entry | 36 | Amend PreK-12 school standards | (4) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the PreK-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.~~] | Delete provision relating to the adoption of rules. |

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| 12 | SECTION 3 | § 21-5.60-3(b)<br>Public, civic, and institutional uses<br>Educational<br>Vocational school standards | 36 | Amend vocational school standards. | (b) *School, vocational – standards.*<br>(1) Minor:<br>(A) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.<br>(B) In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming <u>or ranching</u> operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5(19).<br>(2) Major: In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming <u>or ranching</u> operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5(19). | Nonsubstantive amendments. |
| 13 | SECTION 3 | § 21-5.60-6(a)(3)<br>Public, civic, and institutional uses<br>Utility<br>Small wind energy generation standards | 38 | Amend general small utility standards | (3) *Wind energy generation.*<br>(A) A wind energy generation facility is considered a small utility if it is located within the agricultural, residential, apartment, apartment mixed-use, business, business mixed-use, resort, or preservation zoning districts, and has a rated capacity of no more than 15 kilowatts.<br>(B) A rooftop wind energy generation facility is considered a small utility if it is accessory to a principal use permitted in the underlying zoning district on the same zoning lot.<br>(C) For a ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips must not be lower than 15 feet from ground level, unless enclosed by a fence a minimum of 6-feet in height, and must not be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.<br>(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 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.<br>(E) <u>In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the small wind energy generation facility is in operation.</u> | Add standard that requires 51 percent of the activity on the zoning lot to be an agricultural activity. |
| 14 | SECTION 3 | § 21-5.60-6(b)(3)<br>Public, civic, and institutional uses<br>Utility<br>Medium wind energy generation standards | 41 | Amend medium wind energy generation standards. | (3) *Wind energy generation.*<br>(A) A wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed-use zoning districts, and has a rated capacity of no more than 99 kilowatts.<br>(B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.<br>(C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.<br>(D) All guy wires must be anchored onsite and outside of any right-of-way, equipped with safety devices that will prevent them from being climbed, and securely fastened.<br>(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 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.<br><u>(F) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the medium wind energy generation facility is in operation.</u> | Add standard that requires 51 percent of the activity on the zoning lot to be an agricultural activity. |

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| 15 | SECTION 3 | § 21-5.60-6(c)(2)<br>Public, civic, and institutional uses<br>Utility<br>Large wind energy generation standards | 42 | Amend large wind energy generation standards | (2) *Wind energy generation.*<br>(A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts.<br>(B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.<br>(C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.<br>(D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened.<br>(E) Large wind energy generation facilities must be set back as follows:<br>(i) From all property lines a minimum distance equal to the height of the facility; and<br>(ii) From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater.<br>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.<br>(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:<br>(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<br>(ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings.<br>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.<br>(G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows:<br>(i) By an incremental amount not to exceed 7 percent of the original height of the facility; or<br>(ii) Up to a maximum height of 575 feet;<br>whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.<br>(H) In the AG-1 and AG-2 zoning districts, 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 and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the large wind energy generation facility is in operation. | Add standard that requires 51 percent of the activity on the zoning lot to be an agricultural activity. |
| 16 | SECTION 3 | § 21-5.70-1(a)(3)<br>Commercial uses<br>Daycare<br>Child daycare standards | 45 | Amend child daycare standards | (3) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the child daycare 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.~~] | Delete provision relating to the adoption of rules. |

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| 17 | SECTION 3 | § 21-5.70-1(b)(2)<br>Commercial uses<br>Daycare<br>Child daycare standards | 45 | Amend adult daycare standards | (2) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the adult daycare 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.~~] | Delete provision relating to the adoption of rules. |
| 18 | SECTION 3 | § 21-5.70-7(b)<br>Commercial uses<br>Personal service<br>Minor and major animal care standards | 70 | Amend minor and major animal care standards. | (b) *Animal care, minor and major – standards.*<br>(1) All structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from any adjoining zoning lot.<br>(2) Animal shelters and areas must contain the kept animal securely and keep other animals from entering the enclosure.<br>(3) The use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals is prohibited.<br>(4) Associated odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.<br>(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.<br>(6) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.<br>(7) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.<br>(8) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the minor or major animal care is in operation. | Add standard that requires 51 percent of the activity on the zoning lot to be an agricultural activity. |
| 19 | SECTION 3 | § 21-5.90-1<br>Miscellaneous uses<br>Historic structure reuse | 83 | Amend historic structure reuse standards. | Uses that incentivize the owner of a historic structure to maintain the structure when the use is not otherwise permitted in the underlying zoning district.<br>(a) Any use is permitted in a structure listed on the Hawaii or National Register of Historic Places; provided that any proposed alteration, repair, or renovation beyond the structure's original design and the proposed use [~~are both~~] must be approved by the appropriate historic preservation entity, and [~~does~~] may not result in the destruction or demolition of the structure.<br>(b) The director may deny any historic structure reuse request upon determining that the reuse [~~will~~] may result in adverse impacts on the surrounding neighborhood [~~that are not mitigated.~~] for which reasonable mitigative measures are not possible or practicable. | Nonsubstantive amendments. |

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| 20 | SECTION 3 | § 21-5.90-2<br>Miscellaneous uses<br>Historic structure reuse | 83 | Delete transfer of development standards. | **[~~§ 21-5.90-2 Transfer of development.~~**<br>~~Under a transfer of development, the maximum allowable floor area normally attributed to a donor zoning lot is allocated to, and may be used on, a receiving zoning lot.~~<br>~~(a) *Applicability*. Transfer of development is intended to provide an incentive for the preservation of certain historic properties by permitting qualified property owners to freely sell, trade, broker, or otherwise transfer the floor area that would normally be permitted under the applicable zoning district regulations on the donor zoning lot. The transfer of development is permitted from donor zoning lots with a historic site, building, or structure to receiving zoning lots without historic significance, and with sufficient access to infrastructure to support the additional density.~~<br>~~(b) *Historic property transfer standards.*~~<br>~~(1) The historic site, building, or structure must be suitable for preservation or rehabilitation, or both, and any proposed alterations to the historic site, building, or structure must not have any adverse effect on the historic value of the historic site, building, or structure, as determined by the appropriate historic preservation authority.~~<br>~~(2) The floor area eligible to be transferred will be calculated by determining the maximum allowable floor area for the donor zoning lot on which the historic site, building, or structure is located, including any applicable density bonuses for open space or the preservation of the historic site, building or structure, and subtracting from this maximum allowable floor area the sum of:~~<br>~~(A) The floor area of all historic buildings or structures to be retained on the donor zoning lot; and~~<br>~~(B) The floor area of all historic buildings or structures designated in an approved plan for development or redevelopment of the donor zoning lot.~~<br>~~(3) The unused floor area from the donor zoning lot on which the historic site, building, or structure is located, may be transferred to receiving zoning lots; provided that the donor zoning lot and each receiving zoning lot may not be located in the residential or preservation zoning districts. After transfer of floor area from a donor zoning lot to a receiving zoning lot, under no circumstances may the maximum floor area of the receiving zoning lot exceed by more than 15 percent the maximum floor area that would have otherwise be permitted without the transfer. Only floor area may be transferred, and all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.~~<br>~~(4) The owners or duly authorized agents of the owners of the donor and receiving zoning lots shall submit an application for a conditional use permit to effectuate the transfer of development.~~<br>~~(5) Additional floor area may be developed on the donor zoning lot; provided there is sufficient remaining permitted floor area that has not been transferred to any receiving zoning lots, and the development of the additional floor area will not diminish the value of the historic site, building, or structure on the donor zoning lot, or conflict with the approved maintenance agreement. The added floor area permitted on receiving zoning lots under a transfer of development must not be used in a manner that will diminish or destroy the value of any historic site, building, or structure on a receiving zoning lot that it is listed on, or is eligible to be listed on, the Hawaii or National Register of Historic Places.~~<br>~~(c) *Application requirements*. When applying for the required conditional use permit, applicants shall submit the following:~~<br>~~(1) Zoning lot floor area calculations for all donors and receiving zoning lots;~~<br>~~(2) Documentation demonstrating that donor zoning lots contain a historic site, building, or structure that is listed on the Hawaii or National Register of Historic Places, or both;~~<br>~~(3) A plan approved by the appropriate historic preservation entity, for any necessary restoration, renovation, or rehabilitation, and for the maintenance of the historic site, building, or structure on the donor zoning lots for a minimum period of 30 years, including calculation of the current floor area of all historic and non-historic buildings or structures on the donor zoning lots. A plan for restoration may be phased;~~<br>~~(4) A plan for the development or redevelopment of the receiving zoning lots, which may be phased, including information as to the effect of the development or redevelopment on any historic site, building, or structure; and~~<br>~~(5) A proposed agreement running with the land for all donor and receiving zoning lots, binding all owners of the donor and receiving zoning lots and their lessees, mortgagees, heirs, successors, and assigns, individually and collectively, to comply with the approved plans and permits submitted with the application for a minimum period of 60 years. The proposed agreement must be in a recordable form enforceable by the city. The proposed agreement must state the consideration to be given for the proposed transfer of development.~~<br>~~(d) *Approval.*~~ | Delete transfer of development standards. |

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| | | | | | ~~(1) The director may approve an application for a conditional use permit to transfer development if the director determines that:~~<br>~~(A) The proposed agreement provides adequate protection for the historic site, building or structure;~~<br>~~(B) All proposed donor and receiving zoning lots meet the requirements of this section;~~<br>~~(C) The transfer of floor area to the receiving lots will not cause the density of any of the receiving lots to exceed the maximum floor area ratio permitted under this section;~~<br>~~(D) The plan for development or redevelopment of the receiving zoning lots will not diminish or destroy the value of any historic site, building, or structure on the receiving zoning lot that it is listed on, or is eligible to be listed on, the Hawaii or National Register of Historic Places; and will not result in adverse impacts to zoning lots in the vicinity of receiving zoning lots that are inconsistent with the underlying zoning district uses and standards of those nearby zoning lots; and~~<br>~~(E) The proposed plans and agreements submitted with the application will adequately ensure the preservation of the historic site, building, or structure on the donor zoning lot.~~<br>~~(2) Prior to the recordation of the agreement required in subsection (c)(5) with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, no building permit or development permit may be issued for a building or structure on a donor or receiving zoning lot that does not conform to standards otherwise applicable to that zoning lot absent the transfer of development pursuant to an approved conditional use permit.~~] | |
| 21 | SECTION 13 | § 21-3.50(a) and (b)<br>Agricultural districts – Purpose and intent | 104 | Amend subsections (a) and (b). | (a) The purpose of the agricultural zoning districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services, and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, accessory [~~agribusiness activities~~] agricultural uses and secondary supporting uses may be permitted on the same site as an adjunct to agricultural uses. [~~These accessory activities~~] The accessory agricultural uses and secondary supporting uses must be compatible with the onsite agricultural operation and surrounding land uses.<br>(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only accessory [~~agribusiness activities~~] agricultural uses and secondary supporting uses that meet the above intent [~~shall~~] will be permitted in this zoning district. | References accessory agricultural uses and secondary supporting uses. |
| 22 | SECTION 70 | § 21-10.1<br>Definitions | 190 | Deletes amendments to definition of accessory, and reverts back to definition of accessory use in the existing LUO Article 10. | ~~***[Accessory.*** A building or use subordinate to the principal building or use on a zoning lot that is used for purposes incidental to the main or principal building or use located on the same zoning lot.~~]<br>***Accessory Use.*** A use that meets the following conditions:<br>(1) Is conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or an accessory building or structure, or as an accessory use of the zoning lot;<br>(2) Is clearly incidental to and customarily found in connection with the principal use; and<br>(3) Is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use. | Reverts back to the definition of accessory use in the existing LUO Article 10. |

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| 23 | SECTION 70 | § 21-10.1 Definitions | 191 | Amend definition of agricultural processing. | ***Agricultural Processing.*** Processing Hawaii-grown crops and Hawaii-raised animal-related products (grown or raised onsite or offsite) in their original form, such as washing, cutting, bundling, and packaging, which are essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. The term does not include the processing of packaged food or drink products (see food manufacturing and processing). See also agricultural collection and storage.<br>(1) ***Minor:*** Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, and honey. In the agricultural zoning districts, the term includes the processing of Hawaii-grown crops grown onsite or offsite to produce malt beverages, distilled spirits, or wines[-], of which at least 51 percent are Hawaii-grown ingredients other than water.<br>(2) ***Major:*** Slaughtering and processing of dead Hawaii-raised animals and associated by-products." | Clarifies that minor agricultural processing includes the processing of Hawaii-grown crops grown onsite or offsite to produce malt beverages, distilled spirits, or wines, of which at least 51 percent are Hawaii-grown ingredients other than water. |
| 24 | SECTION 71 | § 21-10.1 Definitions | 213 | Amend definition of agricultural energy facility | ***Agricultural Energy Facility*.** An accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock and poultry keeping. The term includes producing, harvesting, and preparing Hawaii-grown feedstock for use at the agricultural energy facility. The term includes operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural energy facilities necessary for an enterprise that integrally incorporates an agricultural activity with an agricultural energy facility. The term does not include utility-scale solar facilities, or the use of grease, food wastes, animal residues, or animal wastes from offsite commercial or industrial uses to generate energy (see biofuel processing facility). | Clarify that the term does not include utility-scale solar facilities. |
| 25 | SECTION 71 | § 21-10.1 Definitions | 215 | Add definition of caretaker unit. | ***Caretaker Unit.*** An accessory dwelling unit occupied by the owner or caretaker of a principal use on a zoning lot for purposes of maintenance and security of the premises. The term includes accessory caretaker units for principal uses involving cemeteries and Hawaiian fishponds. | Adds new definition of caretaker unit. |
| 26 | SECTION 71 | § 21-10.1 Definitions | 219 | Add definition of Hawaiian fishpond | ***Hawaiian Fishpond.*** Has the same meaning as defined in HRS § 183B-1. | Adds new definition of Hawaiian Fishpond. |
| 27 | SECTION 71 | § 21-10.1 Definitions | 217 | Amend definition of urban agriculture. | ***Urban Agriculture*.** Crop raising, aquaculture, and related agricultural activities conducted as a principal or predominant land use outside of the P-2, agricultural, and country zoning districts. The term includes vertical farm operations located outside of the P-2, agricultural, and country zoning districts. | Add reference to aquaculture as urban agriculture. |
| 29 | | | | | Makes conforming amendments throughout the Revised Ordinances of Honolulu 2021, for purposes of the consistent use of terms and citations, including:<br>Use of the term "multi-unit dwelling"<br>Use of the term "duplex-unit dwelling"<br>Use of the term "small, medium, large utility"<br>The term "detached dwelling" no longer used<br>The term "exclusive agricultural sites" no longer used<br>The term "commercial kennel" no longer used<br>Change in definition of the term "livestock" | |