



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

**COMMITTEE ON PLANNING
AND THE ECONOMY**

Voting Members:

Esther Kia'aina, Chair
Radiant Cordero, Vice-Chair
Val A. Okimoto
Calvin K.Y. Say
Matt Weyer

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, OCTOBER 22, 2024
9:00 A.M.

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **85488039655** and Passcode **199984**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Persons wishing to testify in-person in the Council Chamber are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

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Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3825 or send an email to pearlene.sotelo@honolulu.gov.

Meeting materials are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to pearlene.sotelo@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR DISCUSSION ONLY

1. **RESOLUTION 24-243 – RECONVENING THE COUNCIL’S AGRICULTURAL DEVELOPMENT TASK FORCE.** Reconvening the Honolulu City Council’s Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on O’ahu.

FOR ACTION

2. **BILL 24 (2024) – REVISED PRIMARY URBAN CENTER DEVELOPMENT PLAN.** Repealing the existing development plan for the Primary Urban Center ("PUC"), Chapter 24, Article 2, Revised Ordinances of Honolulu 2021, and adopting a new Article 2 incorporating the revised PUC Development Plan. (Transmitted by Communication D-253-A, B, C, D, E) (Bill passed first reading 4/17/24)

Related communications:

CC-248 Councilmember Kia’aina, submitting instructions for amendments to Bill 24 (2024) for the October 22, 2024 P&E meeting

CC-258 Councilmember Cordero, submitting proposed amendments to Bill 24 (2024) for the October 22, 2024 P&E Committee meeting

CC-261 Council Chair Waters, submitting proposed amendments to Bill 24 (2024) for the Committee on Planning and the Economy Meeting on October 22, 2024

CC-263 Councilmember Kia’aina, submitting proposed amendments to Bill 24 (2024) for the Committee on Planning and the Economy Meeting on October 22, 2024

BILL 64 (2023), FD1 AMENDMENTS

"As it relates to item #3 below, the Chair of the Committee will be prioritizing discussion and amendments by land use type and accordingly will consider amendments to the following sections and provisions relating to the Miscellaneous Category:

- Bill SECTION 3 – Table 21-5.1 (Use Table), Miscellaneous Uses listed on page 10 in teal;
- Bill SECTION 3 – ROH Section 21-5.40 *et seq.* (pages 83 to 86), Miscellaneous Uses;
- Bill SECTIONS 70, 71, and 72 (pages 190 to 231) – ROH Section 21-10.1, Miscellaneous Use definitions; and
- Bill SECTIONS 4 through 69 (pages 86 to 190), and 73 through 93 (pages 231 to 264) – Miscellaneous Use conforming amendments.

3. **BILL 64 (2023), FD1 – LUO AMENDMENT RELATING TO USE REGULATIONS.**
Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 2021 ("Land Use Ordinance" or "LUO"). (Bill passed first reading 12/06/23; Committee amended the bill to CD1 and postponed action 9/26/24)

CD1 TO BILL 64 (2023), FD1 (Approved by the Committee at its meeting on September 26, 2024) – The CD1 (OCS2024-0907/10/8/2024 1:45 PM) makes the following amendments:

- A. In SECTION 3 of the bill, amends Table 21-5.1 as follows:
1. Amends the crop raising entry to replace "P" with "P*" in the P-2 Zoning District. References the standards in ROH § 21-5.40-1(b).
 2. Amends the plant nursery entry to replace "P" with "P*" in the AG-1 and AG-2 Zoning Districts. References the standards in ROH § 21-5.40-1(c).
 3. Deletes the vertical farm entry. (Vertical farm will be a type of farming under the crop raising and urban agriculture uses.)
 4. Amends the "Livestock Keeping" subcategory to read "Livestock and Poultry Keeping."

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5. Amends the animal raising entry to refer to the use as "animal raising, outdoor" (add "outdoor").
6. Adds a minor composting entry. Designates "P*" in the P-2, AG-1, AG-2, and I-2 Zoning Districts. References the standards in ROH § 21-5.40-3(f).
7. Adds a major composting entry. Designates "C*" in the AG-1 and AG-2 Zoning Districts. Designates "P*" in the I-2 Zoning District. References the standards in ROH § 21-5.40-3(f).
8. Amends the livestock veterinary service entry to refer to the use as "livestock and poultry veterinary service" (add "poultry").
9. Amends the agricultural energy facility entry to change "P*" to "Cm*" in the AG-1 and AG-2 Districts, and change "P" to "Ac" in the I-1 and I-2 Districts.
10. Amends the agritourism entry to:
 - a. Separate agritourism into a minor and major use;
 - b. For minor agritourism, designate "Cm*" in the AG-1 and AG-2 Zoning Districts; and
 - c. For major agritourism, designate "C*" in the AG-1 and AG-2 Zoning Districts.
11. Deletes the beekeeping entry as an accessory agricultural use (accessory beekeeping will not be regulated as a separate accessory use, and beekeeping as a principal agricultural activity is included under the outdoor animal raising use).
12. Deletes the biofuel processing facility entry as an accessory agricultural use (accessory biofuel processing facility is included under the agricultural energy facility use, and biofuel processing facility as a principal use is regulated under industrial uses).
13. Amends the farm dwelling entry to change "P*" to "Ac*" in the AG-1 and AG-2 Districts, and conform the reference to the standards in ROH § 21-5.40-4(c).

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14. Amends the farm stand entry to change "P*" to "Ac*" in the AG-1, AG-2, and Country Districts, and conform the reference to the standards in ROH § 21-5.40-4(d).
15. Amends the farm worker housing entry to conform the reference to the standards in ROH § 21-5.40-4(e).
16. Amends the multi-unit dwelling entry to remove the asterisk in zoning districts other than the B-1 and B-2 Zoning Districts (multi-unit dwelling standards only apply to the B-1 and B-2 Zoning Districts).
17. Separates the small group living entry into two different entries:
 - a. Small group living – State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "P*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, BMX-3 and BMX-4 Zoning Districts.
 - b. Small group living – not State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "C*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, and BMX-3 Zoning Districts. Indicates "Cm*" in the BMX-4 Zoning District. References the standards in ROH § 21-5.50-2(b).
18. Amends the large group living entry to delete the "C*+" in the AG-2 Zoning District (no longer permitted in the AG-2 Zoning District). Amends the reference to the standards in ROH § 21-5.50-2(c) (instead of ROH § 21-5.50-2(b)).
19. Amends the accessory dwelling unit entry to replace "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts.
20. Amends the home occupation entry to replace "P*" with "Ac*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts (accessory use).

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21. Amends the ohana unit entry to replace "P*" with "Ac*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts (accessory use).
22. Amends the rooming entry to replace "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (accessory use).
23. Amends the small meeting facility entry to replace "Cm*" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4 Zoning Districts, and add "P*" in the I-1 Zoning District.
24. Amends the medium meeting facility entry to add "C*" in the I-1 Zoning District.
25. Adds a new community-based recreation center entry with "Cm*" in the P-2 Zoning District; "Cm" in the Country Zoning District, "P*" in the R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, and A-3 Zoning Districts; and "P" in the AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts. References the standards in ROH § 21-5.60-1(b).
26. Adds a new broadcasting antenna entry, with "Cm*" in the P-2, AG-1, and AG-2 Zoning Districts; and "C*" in the I-1, I-2, I-3, and IMX-1 Zoning Districts. References the standards in ROH § 21-5.60-2(e).
27. Amends the alternative communication support structure entry to refer to the use as "communication support structure (delete "alternative").
28. Amends the communication tower entry to replace "C*" with "Cm*" in the R-20, R-10, R-7.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts.
29. Amends the K-12 school entry to rename "K-12 school" as "PreK-12 school".
30. Amends the minor vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts.

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31. Amends the major vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts. Also adds a reference to the standards in ROH § 21-5.60-3(b).
32. Amends the university and college entry to delete the reference to the standards in ROH § 21-5.60-3(c).
33. Amends the prison entry to delete the reference to the standards in ROH § 21-5.60-4(b).
34. Amends the cemetery entry to replace "PRU+" with "PRU*+" in the AG-2 Zoning District. Deletes "P*" in the IMX-1 Zoning District (cemeteries no longer permitted in the IMX-1 Zoning District).
35. Amends the park entry to replace "P" with "P*" in the P-2, AG-1, AG-2, Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts. Adds a reference to the standards in ROH § 21-5.60-5(b).
36. Adds a new "Accessory Public, Civic, and Institutional" subcategory. Moves the accessory communication structure entry to the new "Accessory Public, Civic, and Institutional" subcategory, and amends the entry to rename "accessory communication structure" as "accessory receive only antenna." Adds "Ac*" to all Zoning Districts and references the standards in ROH § 21-5.60-2(d).
37. Amends the child daycare entry to replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).
38. Amends the adult daycare entry to replace "Cm" with "Cm*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3 Zoning Districts (standards apply). Also replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).
39. Amends the major animal care entry to add "P*" in the B-1, B-2, BMX-3, BMX-4, I-1, and IMX-1 Zoning Districts, and replace "P" with "P*" in the I-2 Zoning District.
40. Amends the biofuel processing facility entry (under the industrial uses category) to delete "C*" in the P-2 District (not permitted in the P-2 District).

41. Amends the helistop entry to change "Ac*+ C" to "C*+" in the AG-1, AG-2 Zoning Districts, and change "Ac*C" to "C*" in the Resort, B-2, BMX-3, BMX-4, I-1, and IMX-1 Districts.

B. In SECTION 3 of the bill:

1. For the ROH sections listed below, where the use is permitted in the AG-2 Zoning District and is subject to a minimum dedication for agricultural use, the 50 percent minimum dedication amount is replaced with 51 percent, to read as follows:

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 so long as the type of use 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.

§ 21-5.40-4(b)(5) relating to agritourism

§ 21-5.40-4(e)(1) relating to farm dwelling

§ 21-5.40-4(h)(3) relating to agricultural farmers market

§ 21-5.60-1(a)(1) relating to meeting facility (small, medium, or large)

§ 21-5.60-3(a)(5) relating to K-12 schools

§ 21-5.70-1(a)(3) relating to child daycare

§ 21-5.70-1(b)(2) relating to adult daycare

2. Amends ROH § 21-5.40-1(a), relating to urban agriculture standards, to:
 - a. Add references to produce and flowers;
 - b. Provide that the keeping of livestock, poultry, and insects is prohibited;
 - c. Delete the hours of operation standard, and the standard providing that onsite sale of produce and flowers grown onsite are allowed during hours of operation;
 - d. Delete sign and off-street parking standards because these are already covered under § 21-7.40 and § 21-6.50(c), respectively; and

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- e. Delete the requirement that indoor crop production operations meet certain electricity needs from renewable sources.
3. Deletes ROH § 21-5.40-1(b), relating to vertical farm standards. (Vertical farm will be a type of farming under the crop raising and urban agriculture uses.)
4. Adds a new ROH § 21-5.40-1(b), relating to crop raising standards, to provide that vertical farms are not permitted in the P-2 Zoning District.
5. Adds a new ROH § 21-5.40-1(c), relating to plant nursery standards, to provide that:
 - a. Retail sales are limited to plants (in its primary form) sold directly from the greenhouse or open field where the plant was grown or cultivated;
 - b. The sale of secondary products such as jams, juices, and baked goods is prohibited; and
 - c. Separate structures used primarily for retail sales are prohibited.
6. Amends ROH § 21-5.40-2, relating to the livestock keeping subcategory, to reference "livestock and poultry keeping."
7. Amends ROH § 21-5.40-2(a), relating to confined animal raising standards, to delete the minimum 3-acre zoning lot size requirement.
8. Amends ROH § 21-5.40-3(a), relating to agricultural collection and storage standards, to add pickup or drop-off hour requirements in the AG-1, AG-2, and I-1 zoning districts if within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning district.
9. Amends ROH § 21-5.40-3(b), relating to agricultural equipment service standards, to increase the minimum setback from 100 feet to 300 feet (from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts).

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10. Amends ROH § 21-5.40-3(c), relating to agricultural processing standards, to provide that a reduction in the 1,500-foot setback requirement (from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning district), to a minimum 500 feet (as determined by the DPP Director) does not apply to the Resort zoning district.
11. Amends ROH § 21-5.40-3(e), relating to sawmill standards, to increase the minimum setback from 300 feet to 500 feet (from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning district).
12. Adds a new ROH § 21-5.40-3(f) to add standards for minor and major composting.
13. Amends ROH § 21-5.40-4(a), relating to agricultural energy facility standards, to:
 - a. Clarify that no more than 10 percent of the portion of the zoning lot or zoning lots used for crop production or livestock and poultry keeping may be used for the agricultural energy facility, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS 205-4.5(a)(17); and
 - b. Add a 300-foot setback requirement from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning district.
14. Amends ROH § 21-5.40-4(b), relating to agritourism standards, to:
 - a. Delete a duplicative standard that requires 51 percent of the of the zoning lot area suitable for crop production or livestock and poultry keeping to be dedicated to crop production or livestock and poultry keeping, and delete the provision regarding the adoption of administrative rules;
 - b. Refer to accessory destination events, including weddings (instead of weddings and similar accessory destination events); and
 - c. Refer to farm or ranch operations.

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15. Deletes ROH § 21-5.40-4(c), relating to accessory beekeeping standards (accessory beekeeping will not be regulated as a separate accessory use, and beekeeping as a principal agricultural activity is included under the outdoor animal raising use).
16. Deletes ROH § 21-5.40-4(d), relating to standards for a biofuel processing facility as an accessory agricultural use (accessory biofuel processing facility is included under the agricultural energy facility use, and biofuel processing facility as a principal use is regulated as an industrial uses). Realphabetizes subsequent subsections in ROH § 21-5.40-4.
17. Amends realphabetized ROH § 21-5.40-4(c), relating to farm dwelling standards, to:
 - a. Delete the standard that requires 51 percent of the of the zoning lot area suitable for crop production or livestock and poultry keeping to be dedicated to crop production or livestock and poultry keeping;
 - b. Clarify that a storage shed that is not used in connection with agricultural activities will be included in the 5,000 square-foot maximum area; and
 - c. In the AG-1 and AG-2 Zoning Districts, provide an exception to maximum number of farm dwellings allowed if more farm dwellings are approved under an agricultural site development plan or agricultural cluster permit.
 - d. Delete the standard requiring that multiple farm dwellings permitted on a zoning lot not exceed 10 percent of the total zoning lot area.
18. Amends realphabetized ROH § 21-5.40-4(d), relating to farm stand standards, to:
 - a. Clarify that one farm stand for the growers and producers of agricultural products is permitted is allowed per zoning lot; and
 - b. Delete the standard that no electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.

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19. Amends realphabetized ROH § 21-5.40-4(e), relating to farm worker housing standards, to:
 - a. Delete the requirement that the farm worker housing must occupy at least 5 percent of the total agricultural land area on the zoning lot;
 - b. Move the building area and impervious surface standards to subdivision (1); and
 - c. Delete the yard and height setback standards.
20. Amends realphabetized ROH § 21-5.40-4(f), relating to agricultural farmers market standards, to:
 - a. Delete the requirement for adequate off-street parking and vehicular access; and
 - b. Delete the provision regarding the adoption of administrative rules.
21. Amends ROH § 21-5.50-1(a), relating to duplex-unit standards, to reference Figure 21-10.3.
22. Amends ROH § 21-5.50-1(b), relating to two-unit standards, to:
 - a. Reference Figure 21-10.3; and
 - b. Provide that dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.
23. Amends ROH § 21-5.50-1(c), relating to multi-unit dwellings, to:
 - a. In ROH § 21-5.50-1(c)(1), adds the Central Oahu Sustainable Communities Plan area (in addition to the Primary Urban Center Development Plan and Ewa Development Plan areas) as the areas where multi-unit dwellings are permitted in the B-1 and B-2 Zoning Districts.

- b. In ROH § 21-5.50-1(c)(1)(A):
 - i. Deletes the requirement that nonresidential uses and occupancies be located on a different floor as residential uses and occupancies; and
 - ii. Provides that a building must have at least one non-residential use (instead of requiring an FAR of 0.2 to be dedicated to nonresidential uses that are permitted in the underlying zoning district).
- c. In ROH § 21-5.50-1(c)(1)(B):
 - i. Adds a new subparagraph (i) to provide that 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 (renumbers subsequent subparagraphs);
 - ii. Amends renumbered subparagraph (ii) to provide that for multi-unit dwellings located on zoning lots larger than 3 acres but smaller than 7 acres, a minimum of 10,000 square feet or a floor area ratio of 0.05, whichever is greater, of nonresidential floor area must be developed on the lot;
 - iii. Amends renumbered subparagraph (iii) to provide that 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;
 - iv. Deletes former subparagraph (iii), which required the zoning lot to have a minimum nonresidential floor area ratio of 0.2; and
 - v. Deletes the requirement for a pedestrian and bicycle access path from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.
- d. Adds a new ROH § 21-5.50-1(c)(1)(C) to provide that nonresidential uses must be fully enclosed within a building and do not include areas used for parking.

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24. Amends ROH § 21-5.50-2(a), relating to small group living standards:
 - a. Specifies that the standards apply to small group living that is State regulated; and
 - b. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.
25. Adds a new ROH § 21-5.50-2(b) to set forth the standards that apply to small group living that is not State regulated:
 - a. Designates as subdivision (1) the standard in the AG-2 Zoning District that requires small group living to be of an agricultural nature and requires a minimum dedication for agricultural use.
 - b. Adds a new subdivision (2) to provide that within the country, residential, and A-1 Zoning Districts, except for multifamily dwellings located in the A-1 Zoning District that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are 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 may not be located within 1,000 feet of the next closest group living.
 - c. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.
 - d. Realphabetizes ROH § 21-5.50-2(b) as ROH § 21-5.50-2(c).

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26. Amends realphabetized ROH § 21-5.50-2(c), relating to large group living standards, to:
 - a. Delete requirements relating to visual screening and buffering (set forth in ROH Chapter 21, Article 4) and cumulative impacts regarding traffic, parking, infrastructure, and community character (set forth in ROH Chapter 21, Article 2 for uses subject to conditional use permits);
 - b. Allow for flexibility with regard to density, height, and off-street parking for special needs housing for the elderly (in the existing LUO); and
 - c. Provide that within the country, residential, and A-1 Zoning Districts, except for multifamily dwellings located in the A-1 Zoning District that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, large group living may not be located within 1,000 feet of the next closest group living.

27. Amends ROH § 21-5.50-3(a), relating to accessory dwelling unit standards, to:
 - a. Add a new ROH § 21-5.50-3(a)(1)(A)(ii) that provides that ADUs are not permitted on zoning lots that are landlocked (existing provision in the LUO);
 - b. Amend ROH § 21-5.50-3(a)(1)(B)(ii) to provide that the maximum size of an ADU is 1,000 (instead of 800) square feet for zoning lots of 5,000 square feet or more in area;
 - c. Clarify in ROH § 21-5.50-3(a)(1)(D) that an ADU may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot;

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- d. Clarify in ROH § 21-5.50-3(a)(1)(E) that only one ADU is permitted on a zoning lot; provided that an ohana unit that is otherwise permitted on a zoning lot is not considered to be an accessory dwelling unit for purposes of limiting the number of ADUs to one per zoning lot.
 - e. Add a new ROH § 21-5.50-3(a)(1)(F) to reference the parking requirements for an accessory dwelling unit in § 21-6.30(b);
 - f. Add a new ROH § 21-5.50-3(a)(1)(G) to provide that ADUs are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ADU.
 - g. Require in ROH § 21-5.50-3(a)(2)(A)(i) that the covenant for an accessory dwelling unit state that, among other things, the accessory dwelling unit may only be used for long-term residential occupancy (as opposed to long-term rental) and may not be used as a bed and breakfast home or transient vacation unit.
28. Amends ROH § 21-5.50-3(c), relating to ohana unit standards to:
- a. In subdivision (1):
 - i. Add that the construction or conversion of an ohana unit must meet all development standards and requirements in the underlying zoning district for the principal dwelling unit and the ohana unit;
 - ii. Clarify that an ohana unit may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot; and

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- iii. Add that an ohana unit may be permitted as accessory to a principal dwelling unit on a zoning lot that already includes one accessory dwelling unit; provided that all development standards and requirements in the underlying zoning district for the principal dwelling unit, the accessory dwelling unit, and the ohana unit are satisfied.
 - b. In subdivision (3), relating to ohana unit covenants, provide that at a minimum, the covenant must state that the deed restrictions lapse upon removal of the ohana unit and the covenants are binding upon all heirs, successors, and assigns of the owners (in addition to a prohibition on submitting the zoning lot to a condominium property regime).
 - c. Add a new subdivision (4) to provide for zoning lot limitations (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below). The zoning lot limitations do not include the prohibition of ohana units on nonconforming zoning lots.
 - d. Add a new subdivision (5) to provide that ohana units are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ohana unit (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below).
 - e. Add a new subdivision (6) to reference the parking requirements for an ohana unit in ROH § 21-6.30(m).
- 29. Amends ROH § 21-5.50-3(b), relating to home occupation standards, to:
 - a. In ROH § 21-5.50-3(b)(1)(A), delete the second sentence, which required the home occupation use to be one that is traditionally and customarily conducted as an accessory use to residential living.

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- b. In ROH § 21-5.50-3(b)(1)(B), provide that the home occupation use may not significantly change the exterior appearance of the dwelling unit, zoning lot, or the surrounding neighborhood.
- c. Add a new ROH § 21-5.50-3(b)(1)(D) to require that the indoor storage of materials or supplies not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater. Realphabetizes subsequent paragraphs.
- d. Add a new ROH § 21-5.50-3(b)(1)(G) to provide that in the B-1 and B-2 Zoning Districts, a home occupation use is permitted in a dwelling unit within a multi-unit dwelling.
- e. Replace former ROH § 21-5.50-3(b)(2), which provided examples of permitted home occupations, with a new ROH § 21-5.50-3(b)(2) that provides for limitations on certain home occupations:
 - i. Commercial beekeeping may be a home occupation if specifically permitted as a principle use in the underlying zoning district, subject to the standards for home occupations; and
 - ii. Items sold on the property are limited to items produced by the home occupation.
- f. In ROH § 21-5.50-3(b)(3)(A), provide that the prohibition on vehicle repair and painting does not include the repair or painting of up to five vehicles owned by a household member.
- g. In ROH § 21-5.50-3(b)(3)(C), provide that the prohibition on commercial weddings includes a prohibition on wedding ceremonies and receptions.
- h. In ROH § 21-5.50-3(b)(3)(D), provide that the prohibition on storage yards and base yards includes a prohibition on stockpiling.
- i. Delete ROH § 21-5.50-3(b)(3)(E), which prohibited mail and package handling and delivery businesses. Realphabetizes subsequent paragraphs.

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- j. Add a new ROH § 21-5.50-3(b)(3)(G) to prohibit metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools.
- k. Add a new ROH § 21-5.50-3(b)(3)(H) to prohibit commercial events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees.
- l. Add a new ROH § 21-5.50-3(b)(3)(I) to prohibit animal care, treatment, boarding, or veterinary services, except for the occasional boarding and the occasional grooming of animals, so long as it involves no more than three animals that are not household pets on the property at any given time.
- m. Amend subdivision (4), relating to employees, to:
 - i. Add a new paragraph (A) to permit one employee of the home occupation to be on the property at any given time; and
 - ii. Add a new paragraph (B) to provide that 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.
- n. Replace former ROH § 21-5.50-3(b)(5), which provided for parking requirements for home occupations, and instead reference the parking adjustments and exemptions for home occupations in ROH § 21-6.30(d) (these parking requirements are being deleted from ROH § 21-5.50-3(b)(5) and modified and incorporated into ROH § 21-6.30(d), see summary paragraph E.2, below).

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30. Amends ROH § 21-5.60-1(a), relating to small, medium, or large meeting facility standards, to:
 - a. Delete the requirement for meeting facility management plans.
 - b. Clarify that ingress and egress must be provided with access to a street or right-of-way of a minimum width and sufficient street frontage as determined by the appropriate government agencies.
 - c. Add that kitchens are allowed as accessory to the meeting facility, but may not be used to support onsite or offsite commercial activities.
 - d. Add that in the AG-2 Zoning District, the maximum capacity for a meeting facility is 500 individuals.
 - e. Provide that noise and odor restrictions apply in the Country Zoning District (in addition to the residential and apartment Zoning Districts).
 - f. Add standards for meeting facilities located in the I-1 Zoning District, including
 - i. A 1,000-foot spacing requirement between meeting facilities;
 - ii. Requiring the recordation of a declaration with the State Bureau of Conveyances or State Land Court (or both as appropriate);
 - iii. Prohibiting accessory uses unless otherwise permitted as an accessory use (or except for accessory uses to a religious facility); and
 - iv. Requiring a parking and landscaping plan.
 - g. Delete outdoor lighting and all-weather surface parking provisions (covered in LUO Articles 4 and 6, respectively).

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31. Adds a new ROH § 21-5.60-1(b), to add community-based recreation center standards to provide that:
 - a. In the P-2 Zoning District, a community-based recreation center is only permitted if it is being used to satisfy park dedication requirements, or is a part of a master planned community; and
 - b. In the residential and apartment Zoning Districts, if a community-based recreation center is not being used to satisfy park dedication requirements, or is not part of a master planned community, a minor conditional use permit is required.

32. Amends ROH § 21-5.60-2(b), relating to communication tower standards, to:
 - a. Provide that in the industrial Zoning Districts, the communication tower must be set back a minimum of 100 feet from the property line of any adjoining zoning lot in the residential, apartment or apartment mixed-use Zoning Districts (instead of requiring a CUP-minor in those circumstances); and
 - b. Add that communication towers that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.

33. Amends ROH § 21-5.60-2(c), relating to alternative communication support structure standards, to:
 - a. Refer to the use as "communication support structure" (delete reference to "alternative").
 - b. Provide that at-grade equipment must be screened by a solid wall or fence, or by a landscape hedge of sufficient height and width to screen the equipment (instead of requiring a 10-foot wide buffer).

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- c. Clarify that antennas must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscaping, or other site solutions. Provide that antennas are not considered to be concealed or designed to minimize visual impacts if the antenna extends above the top of the communication support structure or above the top of screening walls or features. Provide examples of design features that accomplish acceptable antenna concealment.
 - d. Provide that the DPP Director may allow for flexibility from the strict application of the concealment and integration requirements if it would result in the antenna not being able to provide the service it was designed to provide in the desired coverage area; provided that the DPP Director must first determine that there are no feasible alternatives to minimize the antenna's visual impacts, including possible relocation of the antenna.
 - e. Delete the requirement that the communication support structure comply with applicable State and city laws (not necessary as compliance is already required).
 - f. Add that communication support structures that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.
 - g. In the I-1, I-2, and I-3 Zoning Districts, add an exception to the antenna concealment and integration requirements unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use Zoning Districts.
34. Amends ROH § 21-5.60-2(d), relating to accessory communication structure standards, to rename "accessory communication structure" as "accessory receive only antenna."

35. Adds a new ROH § 21-5.60-2(e) to add broadcasting antenna standards as follows:
 - a. Freestanding broadcasting antennas must be set back from all property lines a minimum of 1 foot for every 5 feet of height;
 - b. Broadcasting antennas supported by guy wires must be set back from all property lines a minimum of 1 foot for every 1 foot of height;
 - c. AM antennas must be set back a minimum of 500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;
 - d. FM and TV antennas must be set back a minimum of 2,500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;
 - e. TV broadcasting antennas and broadcasting antennas other than for TV are required to have certain structural capabilities (subject to certain circumstances under which the requirements may be reduced);
 - f. Once a site for a broadcasting antenna is approved, additional antennas and accessory uses proposed within the approved envelope (within a specified height and distance) will be processed without requiring modification to the initial land use permit or approval, unless the broadcasting antenna site is within a special district;
 - g. Broadcasting antennas and associated facilities must be enclosed by fencing a minimum of 6 feet in height; and
 - h. A landscape plan is required for all broadcasting antenna installation requests.
36. Amends ROH § 21-5.60-3(a), relating to K-12 school standards, to rename "K-12 school" as "PreK-12 school," and delete the minimum zoning lot size of 20,000 square feet. Renumbers subsequent subdivisions.

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37. Amends ROH § 21-5.60-3(b), relating to vocational school standards, to provide that in the AG-1 and AG-2 Zoning Districts, minor and major vocation 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).
38. Deletes ROH § 21-5.60-3(c), relating to university and college standards (will be subject to Plan Review Use conditions).
39. Deletes ROH § 21-5.60-4(b), relating to prison standards (will be subject to Plan Review Use conditions).
40. Amends ROH § 21-5.60-5(a), relating to cemetery standards, to provide that in the P-2 Zoning District, the following development standard flexibility may be permitted pursuant to the Plan Review Use process:
 - a. An increase of up to 25 feet above the maximum height limit;
 - b. An increase in the maximum density; and
 - c. An increase in the maximum building area.
41. Adds a new ROH § 21-5.60-5(b), relating to park standards, to require that parks with playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.
42. Amends ROH § 21-5.60-6(a)(3)(D), relating to small wind energy generation facilities, to clarify that 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.
43. Amends ROH § 21-5.60-6(b)(3)(E), relating to medium wind energy generation facilities, to clarify that 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.

44. Amends ROH § 21-5.60-6(c)(2), relating to large wind energy generation facilities, to:
- a. Amend paragraph (E) to provide that large wind energy generation facilities must be set back:
 - i. From all property lines a minimum distance equal to the height of the facility; and
 - 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.

Also clarifies that 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.

- b. Add a new paragraph (F) to provide that with regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's CUP 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.

Also requires an applicant to submit to the DPP site-specific data using software models to demonstrate conformity with shadow flicker and noise restrictions.

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- c. Add a new paragraph (G) to provide that for existing large wind energy generation facilities with approved land use permits, 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:
 - i. By up to 7 percent of the original height of the facility;
or
 - ii. Up to a maximum height of 575 feet;whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Carves out an exception so that any such height increase will not be deemed to increase the facility's setback nonconformity.
- 45. Adds a new ROH § 21-5.70-7(b)(7), relating to minor and major animal care standards, to provide that in the business, business mixed-use, and IMX-1 Zoning Districts, major animal care must be soundproofed and air-conditioned.
- 46. Amends ROH § 21-5.70-8(c), relating to nature-based recreation standards, to provide that for horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be set back a minimum of 100 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use Zoning Districts.
- 47. Amends ROH § 21-5.70-9(b), relating to mobile commercial establishment standards, to:
 - a. In ROH § 21-5.70-9(b)(3), provide an exception to the allowance of one portable sign within 5 feet of a mobile commercial establishment if weather conditions render it unsafe; and

- b. In ROH § 21-5.70-9(b)(4)(A), move the parking requirements to ROH § 21-6.30(m), and references that section (these parking requirements are being deleted from ROH § 21-5.70 9(b)(4)(A) and incorporated into ROH § 21-6.30(m), see summary paragraph E.4, below). Retains the requirement for a parking management plan.
48. Amends ROH § 21-5.80-1(b), relating to standards for a biofuel processing facility as a principal industrial use, to add a standard pursuant to HRS § 205-4.5(a)(16), providing that in the AG-1 and AG-2 Zoning Districts, agricultural land and uses in the vicinity of the biofuel processing facility must not be adversely impacted.
- C. In SECTION 6 of the bill, amends ROH § 21-2.90-2(e), relating to general requirements for conditional use permits, to reference special needs housing for the elderly (instead of large group living) for purposes of modifications of underlying zoning district standards.
 - D. In SECTION 7 of the bill, repeals ROH § 21-2.110-3, relating to the designation of ohana-eligible areas (the previous SECTION 7 of the bill amended the references in ROH § 21-2.110).
 - E. In SECTION 8 of the bill, adds a new ROH § 21-2.110-3 (instead of a new ROH § 21-2.110-4), relating to special use permits.
 - F. In SECTION 10 of the bill, amends ROH § 21-2.130(a)(1), relating to the waiver of zoning requirements, to make conforming amendments to clarify that communication towers and communication support structures (instead of communication facilities) are eligible for zoning waivers.
 - G. In SECTION 11 of the bill, deletes ROH § 21-2.140-1(h)(1)(A), relating to nonconforming status if an ohana dwelling is no longer in an ohana-eligible area (provisions relating to ohana-eligible areas under ROH § 21-2.110-3 and ROH § 21-8.20-1 are being deleted). Realphabetizes subsequent paragraphs.
 - H. In SECTION 25 of the bill, amends ROH § 21-4.60 (Heights) to make conforming amendments to reference communication towers and communication support structures (instead of antennas associated with utility installations), and accessory receive only antennas (instead of receive only antennas).

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- I. In SECTION 33 of the bill, amends Table 21-6.1 (Minimum Off-street Parking Ratios) to amend the accessory residential entry under the Residential and Lodging use category, to delete references to home-based childcare and confined animal raising, and add a reference to home occupation.
- J. In SECTION 34 of the bill, amends ROH § 21-6.30, relating to adjustments and exceptions to parking requirements, to:
 1. Amend ROH § 21-6.30(b), relating to the waiver of off-street parking requirements for accessory dwelling units, to add the Ewa Development Plan area (in addition to the Primary Urban Center Development Plan area) where off-street parking space requirements may be waived if the ADU is located within 800 feet of a City bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an ohana unit located on the same zoning lot.
 2. Amend ROH § 21-6.30(d), relating to home occupations, to:
 - a. For home occupations that involve client visits, require one off-street parking space for every four (instead of five) clients that may be on the property at any given time, and specify how the parking requirement is calculated;
 - b. For home occupations that involve employees, require one off-street parking space for the one onsite employee that may be on the property at any given time;
 - c. Provide that multi-unit dwelling residents may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling; and
 - d. Provide that commercial vehicles associated with the home occupation (other than the occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) may not be parked on the street.
 3. Amend ROH § 21-6.30(h)(4), relating to car sharing, to refer to a car-sharing organization, as that term is defined in HRS § 251-1 (instead referring to a provider of car share services).

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4. Add a new ROH § 21-6.30(l), relating to mobile commercial establishments, to provide that when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.
5. Add a new ROH § 21-6.30(m) to provide that:
 - a. For ohana units, the off-street parking space requirements are the same as required for the primary dwelling unit, which are in addition to the required off-street parking for the primary dwelling unit; and
 - b. For ohana units that are 1,000 square feet or less in size and are 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 zoning lot developed with an ohana unit is located within 800 feet of a city bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an accessory dwelling unit located on the same zoning lot.
- K. In SECTION 42 of the bill, repeals ROH § 21-8.20, relating to ohana dwelling standards. Certain standards relating to zoning lot limitations and infrastructure requirements are being incorporated into ROH § 21-5.50-3(c) (see summary paragraph B.9, above).
- L. In SECTION 43 of the bill, repeals ROH § 21-8.20-1, relating to procedures for approval of ohana dwellings.
- M. In SECTION 64 of the bill, relating to Table 21-9.6(A) ("Waikiki Special District Precinct Permitted Uses and Structures"), amends Table 21-9.6(A) to:
 1. Separate the group living entry (under residential uses) to three different entries:
 - a. Small group living – State regulated. Designates "P*" in the Apartment and Resort Mixed-Use Precincts of the Waikiki Special District ("WSD");

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- b. Small group living – not State regulated. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD; and
 - c. Large group living. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD.
 - 2. Amend the daycare entry (under commercial uses) to two different entries:
 - a. Adult daycare. Designates "C*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD; and
 - b. Child daycare. Designates "Cm*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD.
 - 3. Under public, civic, and institutional uses, add a new communication tower entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.
 - 4. Under public, civic, and institutional uses, add a new dish antenna entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.
- N. In SECTION 70 of the bill:
 - 1. Amends the definition of "accessory dwelling unit" to mean a dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the principal dwelling unit on the zoning lot.
 - 2. Renames "accessory communication structure" as "accessory receive only antenna," and amends the definition to mean an antenna that is not regulated by the Federal Communications Commission, is used primarily to receive radio frequency or microwave transmissions, and is accessory to a principal use. Includes satellite dishes up to 1 meter in size, amateur (ham) radio antennas, and television antennas attached to single-unit, two-unit, and duplex-unit dwellings. Does not include broadcasting antennas, telecommunication facilities such as communication towers and communication support structures, or dish antennas larger than 1 meter in diameter.

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3. Amends the definitions of "minor and major agricultural processing" to reference Hawaii-grown crops and Hawaii-raised animals. Provides that the term does not include the processing of packaged food or drink products (refers to food manufacturing and processing). Cross references agricultural collection and storage.
4. Amends the definition of "agritourism" to:
 - a. Clarify that the term includes accessory destination events, such as weddings;
 - b. Define "minor agritourism" as use of the property for picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, and horseback riding; and
 - c. Define "major agritourism" as all other agricultural-related tourism activities that do not fall within the minor agritourism use.
5. Amends the definition of "animal raising" to:
 - a. Refer to the use as "outdoor animal raising";
 - b. Clarify the definition as the raising, the feeding, and keeping of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, rabbits, and bees that are not raised as household pets or for purposes of personal use or companionship, primarily in unconfined outdoor areas where they are free to roam or graze;
 - c. Provide that the term includes beekeeping as an agricultural use;
 - d. Provide that the term does not include feedlots (refers to confined animal raising) or animal shelters (refers to animal care); and
 - e. Provide that the term may include the boarding and care of livestock and poultry that are not raised as household pets or for purposes of personal use and companionship.

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6. Amends the definition of "confined animal raising" to clarify the definition as the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, and rabbits that are not raised as household pets or for purposes of personal use and companionship, primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. Provides that the term does not include the boarding and care of household pets owned by other persons (see animal care) or animal shelters (see animal care).
7. Amends the definition of "aquaculture" to provide that the term does not include cultivating land-based crops, including with hydroponics (refers to crop raising).
8. Amends the definition of "biofuel processing facility" to delete the definition of biofuel processing facility as an accessory agricultural use, and define biofuel processing facility as an industrial use to mean a facility that produces liquid or gaseous fuels from organic sources, such as biomass crops, agricultural residues, oil crops (including palm, canola, soybean, and waste cooking oils); grease; food wastes; or animal residues and wastes that may be used to generate energy.
9. Adds a definition of "broadcasting antenna" to mean antennas, towers, and other accessory facilities for radio frequency transmissions of AM and FM radio and television broadcasting, which may be received by anyone with a radio or television. Broadcasting antennas are regulated by the Federal Communications Commission, and do not include broadcasting studios and stations, and telecommunication facilities.
10. Amends the definition of "cemetery" to add examples of permitted accessory uses to the cemetery principal use, including crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers.
11. Amends, rather than deletes, definitions of "minor and major composting."
12. Amends the definition of "consulate" to clarify that consulates are eligible for zoning waivers that apply to public facilities.

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13. Amends the definition of "crop raising" to:
 - a. Clarify the definition as the cultivating, maintaining, and harvesting crops for agriculture and horticulture purposes, generally conducted in an open field or greenhouse;
 - b. Provide that the term includes vertical farm operations and cultivating crops with hydroponics, aeroponics, and aquaponics; and
 - c. Provide that the term does not include cultivating aquatic plants or animals (refers to aquaculture), and cross-references to forestry, plant nursery.
14. Amends the definition of "child daycare" to add a cross reference to public facility.
15. Amends the definition of "dwelling unit" to provide that two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or trellis, do not constitute a single dwelling unit.
16. Amends the definition of "multi-unit dwelling" to clarify that:
 - a. A multi-unit dwelling has three or more dwelling units contained in a single building; and
 - b. Any nonresidential uses permitted in the underlying zoning district will be regulated as separate land uses.
17. Amends the definition of "duplex-unit dwelling" to reference Figure 21-10.3.
18. Amends the definition of "farm dwelling" to:
 - a. Provide that a farm dwelling may NOT be accessory to the boarding and care of animals; and
 - b. Require that onsite agricultural activity provide income to the household occupying the farm dwelling.

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19. Amends the definition of "food manufacturing and processing" to clarify the definition as the processing of packaged food or drink products for human consumption that does not involve the handling of dead animals or animal by-products. Provides that the term does not include facilities that fall within the agricultural processing use, if activities include further processing such as cooking and blending.
20. Adds a definition of "group living" as follows:

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, 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.
21. Amends the definition of "lodging unit" to clarify that a lodging unit is designed for transient occupancy, and is used for independent living quarters for one or more persons living as a single family.
22. Amends the definition of "meeting facility" to clarify that meeting facilities may be accessory to a principal use unless expressly prohibited. Also adds examples of meeting facilities, including private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. Cross references public facility.
23. Amends the definition of "ohana unit" to provide that an ohana unit is an accessory attached or detached dwelling unit on a zoning lot that includes a principal dwelling unit, for persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit located on the same zoning lot.

24. Amends the definition of "plant nursery" to:
 - a. Provide that the term includes floriculture operations;
 - b. Provide that the term does not include retail establishments such as garden shops that sell items other than plants, such as gardening supplies, potting soil, and fertilizers (refers to general retail); and
 - c. Cross reference crop raising, aquaculture, forestry, feed store.
25. Amends the definition of "public facility" to add further examples of public facilities, including public (federal, state, or city) 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 (in addition to public administrative offices and transportation stops). Also clarifies uses that are not public facilities, including private K-12 and vocational schools, private golf courses, parks, or community recreation centers.
26. Amends the definition of "general outdoor recreation" to clarify that horseback riding tours are not general outdoor recreation. Cross references animal raising.
27. Amends the definition of "heavy repair" to provide that the term does not include facilities that fall within the agricultural equipment service use if activities include the repair of industrial machinery, heavy equipment, engines, and vehicles that are not used in agricultural production.
28. Amends the definition of "rooming" to clarify that rooming provides accessory overnight living accommodations to persons other than transient occupants, and does not include bed and breakfast homes (references bed and breakfast home).
29. Amends, rather than deletes, the definition of "special needs housing for the elderly" to clarify that the term is a type of group living that meets certain listed criteria and is eligible for the modification of certain development standards pursuant to ROH § 21-2.90-2(e).

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30. Amends the definition of "storage, warehousing, and distribution" to refer to the use as "general storage, warehousing, and distribution." Cross references agricultural collection and storage.
 31. Amends the definition of "transient occupant" to reference transient vacation unit, bed and breakfast home, rooming, and hotel.
 32. Adds a new Figure 21-10.3 after the definitions of "duplex-unit dwelling," "single-unit dwelling," and "two-unit dwelling."
- O. In SECTION 71 of the bill:
1. Amends the definition of "agricultural collection and storage" to provide that the term does not include the storage or movement of non-agricultural products (refers to general storage, warehousing, and distribution).
 2. Amends the definition of "agricultural energy facility" to provide that:
 - a. The term includes producing, harvesting, and preparing Hawaii-grown feedstock for use at the agricultural energy facility; and
 - b. The term does not include the use of grease, food wastes, animal residues, or animal wastes from offsite commercial or industrial uses to generate energy (references biofuel processing facility).
 3. Amends the definition of "agricultural equipment service" to provide that the term does not include the sale, rental, or lease of motor vehicles for use on a road (refers to vehicle sales and rental), the repair of industrial machinery, heavy equipment, and engines that are not used in agricultural production (refers to heavy repair), or the routine maintenance of vehicles that are not used in agricultural production, such as replacing fluids and minor parts (refers to vehicle service).

4. Amends the definition of "agricultural farmers market" to:
 - a. Clarify that the use is an accessory outdoor market for the sale of Hawaii-grown products located on a zoning lot with a principal agricultural use; and
 - b. Provide that the term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts, farm stands, or mobile commercial establishments.
5. Amends the definition of "alternative communication support structure" to delete reference to "alternative" (refers to the use as "communication support structure.") Amends the definition to mean a structure designed for a separate use or purpose that also supports or conceals a telecommunications facility. Equipment may be mounted on and integrated with a roof or facade, light pole, bell tower, clock tower, campanile, steeple, light structure other than a street light pole or traffic signal pole, or similar structure.
6. Amends the definition of "animal care" to clarify the definition as providing medical care, grooming, training, or boarding services to household pets owned by other persons as a principal use. Also provides that the term does not include raising and feeding livestock and poultry in confined areas such as pens, stalls, or cages (refers to confined animal raising), or providing veterinary services to livestock and poultry (refers to livestock and poultry veterinary service).
7. Amends the definition of "beekeeping" to:
 - a. Refer to beekeeping as an agricultural activity;
 - b. Clarify that the term does not include accessory commercial beekeeping in zoning districts where home occupations are permitted, which must comply with home occupation standards; and
 - c. Add that the term does not include accessory backyard beekeeping on the same zoning lot on which the beekeeper's dwelling unit is located, which is subject to the animal nuisance requirements for the keeping of honeybees.

8. Moves the definition of biofuel processing facility as an industrial use to SECTION 70 of the bill.
9. Amends the definition of "brewery, distillery, winery" to clarify that the term does not include facilities that fall within the minor agricultural processing use (refers to minor agricultural processing) or establishments that fall within the bar, nightclub use.
10. Moves the definition of "communication tower" from SECTION 70 to SECTION 71, and amends the definition to mean a freestanding structure that supports a telecommunications facility. Clarifies that communication tower includes monopoles, monopalms, monopines, lattice towers, and similar structures, but does not include broadcasting antennas or structures that support or conceal an antenna.
11. Adds a definition of "community-based recreation center" to mean 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. Cross references park, general outdoor recreation, nature-based recreation, personal services, public facility.
12. Amends the definition of "dish antenna" to mean a receiver or transmitter of radio frequency or microwave transmissions consisting of a reflector-shaped satellite dish that is larger than 1 meter in diameter. Clarifies that dish antenna does not include antennas integrated with telecommunication facilities. Cross references accessory receive only antenna.
13. Amends the definition of "farm stand" to clarify that the term does not include a mobile commercial establishment or agricultural farmers market.
14. Amends the definition of "forestry" to delete reference to edible fruit, and to cross reference plant nursery, crop raising.

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15. Adds a definition of "large group living" as follows:

Type of group living that may be licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

16. Adds a definition of "small group living – State regulated" as follows:

Type of group living that is licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

17. Adds a definition of "small group living – not State regulated" as follows:

Type of group living that is not licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

18. Adds a definition of "livestock" to mean animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. Provides that the term includes cattle, horses, goats, sheep, swine, rabbits, and herding dogs that are not raised as household pets or for purposes of personal use and companionship.

19. Amends the definition of "livestock veterinary service" to:

- a. Refer to the use as "livestock and poultry veterinary service";
- b. Define the use as providing veterinary services to livestock and poultry; and
- c. Provide that the term does not include providing veterinary services to livestock and poultry raised as household pets or for purposes of personal use and companionship (refers to animal care); and

- d. Cross reference confined animal raising.
- 20. Amends the definition of "nature-based recreation" to add that horse stables and community recreation centers are not nature-based recreation. Cross references animal raising.
- 21. Amends the definition of "park" to mean an area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, 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. A park may include both passive and active recreation, and 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. Clarifies that park does not include public parks or community recreation centers. Cross references nature-based recreation, general outdoor recreation, and meeting facility.
- 22. Adds a definition of "poultry" to mean fowls, including chickens, turkeys, geese, ducks, and other birds raised for the production of meat, eggs, or feathers.
- 23. Amends the definition of "prison" to cross reference public facility.
- 24. Renames "K-12 school" as "PreK-12 school," and amends the definition to mean 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 analogous to the Hawaii public school curriculum for the same grade level, and when applicable, in compliance with the Hawaii State compulsory attendance laws. Clarifies that PreK-12 school does not include public schools or post-secondary schools. Cross references child daycare and home-based childcare.
- 25. Amends the definition of "single-unit dwelling" to reference Figure 21-10.3.

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26. Adds a definition of "telecommunications facility" to mean facilities integrated with communication towers or communication support structures that are regulated by the Federal Communications Commission, and may include transmitting panel antennas, GPS antennas, accessory satellite dish antennas, remote radio units, power cables, and similar equipment. Clarifies that telecommunications facility includes accessory structures that may be located elsewhere on the zoning lot, including equipment cabinets, emergency generators, and fencing.
27. Amends the definition of "two-unit dwelling" to reference Figure 21-10.3.
28. Amends the definition of "urban agriculture" to define the term as crop raising and related agricultural activities conducted as a principal or predominant land use outside of the P-2, agricultural, and country zoning districts. Provides that the term includes vertical farm operations located outside of the P-2, agricultural, and country zoning districts.
29. Amends the definition of "vehicle sales and rental" to define the use as a facility that sells, rents, or leases motor vehicles for use on a road, such as cars, trucks, and buses. Provides that the term does not include facilities that fall within the agricultural equipment service use if activities include the sale, rental, or lease of vehicles that are not used in agricultural production.
30. Amends the definition of "vehicle service" to provide that the term does not include facilities that fall within the agricultural equipment service use if activities include the routine service and maintenance of vehicles that are not used in agricultural production.
31. Amends the definition of "vertical farm" to provide that the term does not include cultivating aquatic plants or animals (see aquaculture).
32. Amends the definition of "vocational school" to add a list of facilities that are not vocational schools, including vocational training on harbor fast lands that support commercial marine activities, sports classes, tutoring, martial arts studios, dance studios, gymnastic studios, or institutions of higher education that award associates, bachelors, masters, or doctorate degrees. Also adds definitions of minor versus major vocational school as follows:

Minor: Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

Major: Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

33. Amends the definition of "university, college" to clarify that universities and colleges are for post-secondary education, and to cross reference public facility, vocational school, and PreK-12 school.
34. Adds a new Figure 21-10.3, which depicts dwelling types, including single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.

P. In SECTION 72 of the bill:

1. Removes the deletion of the definition of "major and minor composting," which is being retained and amended (see summary paragraph N.9 above).
2. Removes the deletion of the definition of "special needs housing for the elderly," which is being retained and amended (see summary paragraph N.26, above).
3. Deletes the definition of "car sharing."

Q. In SECTION 94 of the bill, relating to direction to the Revisor of Ordinances, adds that in SECTION 3 of the ordinance, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(1), the Revisor shall replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

R. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, and clarity.

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Related communications:

- CC-254 Councilmember Kia'āina, submitting instructions for amendments to Bill 64 (2023), FD1, for the P&E meeting on October 22, 2024 (Miscellaneous Uses and Clean-up Amendments)
- CC-255 Councilmember Tupola, submitting proposed amendments to Bill 64 (2023), FD1
- CC-259 Councilmember Weyer, submitting proposed additional amendment to Bill 64 (2023), FD1 – Miscellaneous uses
- CC-262 Councilmember Kia'āina, submitting proposed amendments to Miscellaneous Uses in Bill 64 (2023), FD1, for the Committee on Planning and the Economy Meeting on October 22, 2024

EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

ESTHER KIA'ĀINA, Chair
Committee on Planning and the Economy