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HONOLULU CITY COUNCIL

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MEMORANDUM

DATE: November 18, 2024

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

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

SUBJECT: Supplemental Kia'āina Proposed Amendments to Bill 64 (2023), FD1, CD1, for the Committee on Planning and the Economy Meeting on November 21, 2024

Attached for consideration by the Committee on Planning and the Economy at its meeting on November 21, 2024, are my proposed supplemental amendments to Bill 64 (2023), FD1, CD1, relating to land use regulations. These proposed amendments are in addition to my proposed amendments in Council Communication 286 (2024).

Attachments (1):

Amendment Form, Bill 64 (2023), FD1, CD1, Relating to Use Regulations

COUNCIL COM. 290
P&E

AMENDMENT FORM
Bill 64 (2023), FD1, CD1
Relating to Use Regulations

TOTAL PAGES: 10
DATE: November 18, 2024
COUNCILMEMBER: Esther Kiaʻāina

<table>
<tr><th>Item No.</th><th>Bill SECTION</th><th>ROH Section, Exhibit, or Figure, and Title</th><th>Page No.</th><th>Amendment Description</th><th>Amendment Text (in Ramseyer Format)</th><th>Comments or Clarification</th></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>1</td><td>SECTION 3</td><td>§ 21-5.20(c) Use classification Special use permits from the DPP Director.</td><td>2</td><td>Amend provisions relating to special use permits from the DPP Director.</td><td>(c) A person wishing to conduct a land use that is not permitted in Table 21-5.1 as a principal use must submit a written application to the director that describes the proposed land use, the property on which the land use is proposed, and the reasonably foreseeable impacts of the proposed land use on the surrounding areas. The director shall review the application and may require the submission of additional information relevant to the director's decision. After reviewing the application and any additional information requested by the director, the director may:
(1) Determine that the use falls within the definition of a land use identified in Table 21-5.1 and regulate the use according to the applicable requirements;
(2) Determine that the use is not a land use regulated under Table 21-5.1 and [~~allow the proposed use as a principal use of the property if the proposed use is not likely to have significant, adverse impacts on nearby properties;~~
~~(3) Determine that the use is not a land use regulated under Table 21-5.1 and require a special use permit for the use approved by the director if it appears that the impacts associated with the proposed use may be adequately mitigated by permit conditions; or~~]
~~(4) Determine that the use is not a land use regulated under Table 21-5.1 and deny the application if the impacts of the proposed use are not able to be adequately mitigated, if allowing the use will undermine the purposes of the underlying zoning district, or if allowing the use may cause the comprehensive zoning scheme established by the chapter to be viewed as arbitrary or unreasonable.~~] require a zoning variance to allow the proposed use.</td><td>Replace Line Item 1 from Committee Chair's CC-286 (2024).
Clarify that a zoning variance is required to allow a use that is not listed in the Use Table and is not reasonably related to another use listed in the Use Table.
Deletes subdivisions (3) and (4), relating to obtaining a special use permit from the DPP Director.</td></tr>
<tr><td>2</td><td>SECTION 3</td><td>Table 21-5.1
Table of Permitted Uses
Public, civic, institutional use category
Assembly subcategory
Community-based recreation center entry</td><td>5</td><td>Amend community-based recreation center entry.</td><td><table><tr><td>Community-based recreation center</td><td>Cm*</td><td>--</td><td>--</td><td>Cm</td><td>P* Cm*</td><td>P* Cm*</td><td>P* Cm*</td><td>P* Cm*</td><td>P* Cm*</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.60-1(b)</td></tr></table></td><td>A minor CUP is required for community-based recreation centers in the residential and apartment zoning districts, unless they are part of a master planned community, or are satisfying park dedication requirements.</td></tr>
</table>

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3	SECTION 3	Table 21-5.1 Table of Permitted Uses Public, civic, institutional use category Parks and open space subcategory Cemetery entry	6	Amend cemetery entry.	<table><tr><td>Cemetery</td><td>P* PRU*</td><td>--</td><td>PRU*+</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.60-5(a)</td></tr></table>	A PRU is required if a cemetery exceeds the P-2 District standards.
4	SECTION 3	§ 21-5.40-3(b)(2) Agricultural uses Accessory support Agricultural equipment service standards	12	Amend agricultural equipment service standards.	(b) *Agricultural equipment service – standards.* (1) All structures and activities must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts. (2) [~~The~~] In the AG-1 and AG-2 zoning districts, the building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.	Specify that building area is only limited to 25 percent of the zoning lot in the agricultural districts (not in the industrial districts).
5	SECTION 3	§ 21-5.40-3(f) Agricultural uses Accessory support Minor composting standards		Amend minor composting standards.	(f) *Minor and major composting – standards*. (1) *Minor*: [~~(A) All composting materials must be produced onsite.~~ ~~(B)~~](A) Materials storage and composting activities must be located at least 50 feet away from all surface water, streams, and wetlands. [~~(C)~~](B) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required. Odors from composting materials and activities may not be detectable from abutting properties or public areas, including streets and sidewalks. [~~(D)~~](C) Compost material must be securely stored; compost materials may not leave the property as a result of wind, vehicular tracking, runoff, or other similar influences. [~~(E)~~](D) The director may require the implementation of mitigation measures to reduce impacts related to composting activities, including requirements for visual screening, odor control, and pest control. The failure to comply with mitigation measures required by the director under this subdivision will be a violation of this chapter.	Under minor composting, allow for composting materials to be brought onsite from offsite.
6	SECTION 3	§ 21-5.40-4(d) Agricultural uses Accessory agricultural Farm stand standards	17	Amend farm stand standards.	(d) *Farm stand – standards.* (1) One farm stand for the growers and producers of agricultural products is allowed per zoning lot. More than one grower or producer is allowed at a farm stand. (2) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed, but must otherwise be open to the elements. (3) The farm stand must be located on private property and not on any public right-of-way. (4) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.	Add hours of operation for farm stands. Since farm stands now have access to water and electricity, hours of operation are the same as an agricultural farmer's market.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
7	SECTION 3	§ 21-5.40-4(e)(2) Agricultural uses Accessory agricultural Farm worker housing standards	17	Amend farm worker housing standards.	(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed, and the dwelling units must be dedicated to farm worker housing [~~for a minimum period of 50 years~~].	Farm worker housing should be dedicated to farm worker housing indefinitely.
8	SECTION 3	§ 21-5.50-1(c)(1) Residential uses Household living Multi-unit dwelling standards	19	Amend multi-unit dwelling standards.	(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted [~~within the Primary Urban Center development plan, Ewa development plan, and Central Oahu sustainable communities plan areas~~]; provided that the following requirements are satisfied:	State law does not appear to all the counties to allow for multi-unit dwellings in the commercial districts in only specific areas.
9	SECTION 3	§ 21-5.50-2(c)(1) Residential uses Group living Large group living standards	21	Amend large group living standards.	(1) Access roads must comply with the standards established by Chapter 22; provided that the director may waive or modify these requirements if [~~the Honolulu fire department~~], after consulting with the appropriate State or city agencies, the director determines that substandard roads or driveways provide reasonably safe access to the large group living.	Broadens the consulting agencies to include more than HFD, and clarifies that the DPP director makes the final decision on the adequacy of the access way.
10	SECTION 3	§ 21-5.50-3(b)(3) Residential uses Accessory residential Home Occupation standards	25	Amend home occupation standards.	(3) *Prohibited home occupations:* Activities that are prohibited as a home occupation use include but are not limited to: (A) Vehicle repair and painting that does not include the repair or painting of up to five vehicles owned by a household member[~~;~~], per year; (B) Uses and activities that are only permitted in the industrial zoning districts; (C) Commercial weddings, including wedding ceremonies and receptions; (D) Storage yards, base yards, and stockpiling; (E) Sale of guns and ammunition; (F) Use of dwellings or zoning lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations; (G) Metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools; (H) Commercial events and special events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees; and (I) Animal care, treatment, boarding, or veterinary services. The occasional boarding and the occasional grooming of animals is permitted, so long as it involves no more than three animals that are not household pets on the property at any given time.	Clarifies that vehicle repair and painting of up to 5 vehicles owned by a household member per year is allowed. Adds special events (such as parties) to commercial events that are prohibited.
11	SECTION 3	§ 21-5.50-3(e)(1) Residential uses Accessory residential Caretaker unit standards	29	Amend caretaker unit standards.	(1) In the P-2, AG-1, and AG-2 zoning districts, one caretaker [~~units are only~~] unit per zoning lot is allowed only as a secondary supplemental [~~uses~~] use for cemeteries and Hawaiian fishponds, and the maximum total floor area for a caretaker unit is 1,000 square feet.	Limits the caretaker units to one per zoning lot.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
12	SECTION 3	§ 21-5.60-3(a)(3) Public, civic, institutional uses Education PreK-12 school standards	36	Amend PreK-12 school standards.	(3) *Parking and loading.* (A) Schools with a design capacity of more than 25 students must provide an off-street drop-off area, with a minimum capacity equivalent to four standard-sized parking spaces. This number may be adjusted by the director as the design capacity of the school changes, or if a traffic management plan is approved. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods. (B) Schools with a design capacity of more than 50 students must provide at least one multipurpose bay that is a minimum of 40 feet in depth by 14 feet in width to accommodate bus pickup and drop-off. This multipurpose bay may be used for other activities outside of pickup and drop-off hours. The director may adjust this requirement as the design capacity of the school changes.	Similar to the pickup and drop-off standards for child daycare.
13	SECTION 3	§ 21-5.60-5(a)(4) Public, civic, institutional uses Parks and open space Cemetery standards	38	Amend cemetery standards.	(4) 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; and (B) An increase in the maximum [~~density; and~~ ~~(C) An increase in the maximum~~] building area.	There is no maximum density in the P-2 District
14	SECTION 3	§ 21-5.60-3(b) Public, civic, institutional uses Government Park standards	38	Amend park standards.	(b) *Park – standards.* [~~Parks with playgrounds,~~] Playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.	Playgrounds, sport courts, and sport fields are subject to the setback.
15	SECTION 3	§ 21-5.60-6(a)(2)(D) Public, civic, institutional uses Utility Small utility, solar energy generation standards	40	Amend small utility, solar energy generation standards.	(D) Notwithstanding subparagraphs (i), (ii), and (iii), a solar energy generation facility is not considered a small utility, but rather a medium utility, if: (i) There are proposed or existing solar energy generation facilities on the same zoning lot or abutting zoning lots, so that the total facility size exceeds 20 acres, excluding permitted rooftop solar energy generation facilities; (ii) The zoning lot is within the State land use agricultural or conservation districts; or (iii) The solar energy generation facility involves the use of a historic site listed on the Hawaii or National Register of Historic Places.	Clarifies that the solar energy generation facility described in the paragraph will be considered to be a medium utility, not a small utility.
16	SECTION 3	§ 21-5.60-6(a)(3)(A) Public, civic, institutional uses Utility Small utility, wind energy generation standards	40	Amend small utility, wind energy generation standards.	(A) A wind energy generation facility is considered a small utility if it is located within the agricultural, country, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, industrial mixed-use, or preservation zoning districts, and has a rated capacity of no more than 15 kilowatts.	Add the Country, industrial, and industrial mixed-use zoning districts.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
17	SECTION 3	§ 21-5.60-6(b)(3)(A) Public, civic, institutional uses Utility Medium utility, wind energy generation standards	42	Amend medium utility, wind energy generation standards.	(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 15 kilowatts or more, but no more than 99 kilowatts. Medium wind energy generation facilities are not permitted in the other zoning districts.	Clarifies that medium wind energy generation facilities are only permitted in the specified zoning districts.
18	SECTION 3	§ 21-5.60-6(c)(2) Public, civic, and institutional uses Utility Large wind energy generation standards.	43	Amend large wind energy generation facility standards.	(2) *Wind energy generation.* (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. (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. (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. (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. (E) Large wind energy generation facilities must be set back as follows: (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[~~.~~]; provided that the setback requirements in subparagraph (ii) do not apply to the repair, maintenance, or component replacement of any large wind energy generation facility with approved land use permits that were legally established on the effective date of this ordinance, during the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission; provided further that the repair, maintenance, or component replacement of the facility during the stated period is limited to an increase in the height of the facility up to a maximum height of 575 feet, and the facility must operate under and within the scope of its approved land use permits, including any minor modifications (to account for an increase in height), but not including any major modifications thereto. For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) [~~With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application:~~] 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) applicable to legally permitted dwelling units in proximity of the facility that exist on the submission date of the facility's conditional use permit application. Software models (such as WindPro or iNoise) must demonstrate conformity with the following shadow flicker and noise restrictions: (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;~~] legally permitted dwelling units; and (ii) During normal operation, facility noise levels may not exceed [~~10 dBA above ambient sound levels at existing occupied buildings.~~	Incorporate amendments from Councilmember Weyer's CC-284 (2024), Line Item 1 (see highlighted portion), into the amendments in Committee Chair Kiaaina's CC-286 (2024), Line Item 15.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
					~~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.~~] applicable State Department of Health community noise control standards, as set forth in Hawaii Administrative Rules Chapter 11-46. [~~(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:~~ ~~(i) By an incremental amount not to exceed 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. Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.~~] (G) In the AG-1 and AG-2 zoning districts, except for areas of the zoning lot that encompass the large wind energy generation facility footprint, including areas that contain infrastructure and equipment to support the facility, and areas that have been dedicated to the protection of endangered species and their habitats under federal or State of Hawaii laws, 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[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	
19	SECTION 3	§ 21-5.70-2(b) Commercial uses Eating and drinking Bar, nightclub standards	48	Amend bar, nightclub standards.	(b) *Bar, nightclub, minor and major – standards.* (1) Must be set back a minimum of 300 feet from any zoning lot in the country residential, apartment, or apartment mixed-use zoning district. (2) The director may require mitigation of impacts from noise, odor, or glare. [~~(3) When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning district:~~ ~~(A) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and~~ ~~(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. Bars or nightclubs that are intended to operate beyond these hours may be permitted under a minor conditional use permit.~~]	In subdivision (1), adds the Country District. Deletes subdivision (3) because it conflicts with subdivision (1).

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
20	SECTION 3	§ 21-5.70-6(a) Commercial uses Parking Remote parking standards	69	Amend remote parking standards.	(a) *Remote parking – standards.* (1) In the apartment, apartment mixed-use, and resort zoning districts, there are no minimum zoning lot area, width, or depth for remote parking facilities. (2) For additional requirements applicable to remote parking see § 21-6.70. [~~(3) Facilities with a capacity to serve five or more vehicles require site plan approval by the director. Site plans for facilities serving five or more vehicles must include best management practices to reduce off-site runoff, unless not necessary due to the location of the parking areas, the terrain on the property, or the structural improvements used for vehicle parking. The director may condition site plan approval on any mitigation measures necessary to address the impacts of the use, such as best management practices and landscaping to mitigate visual impacts.~~ ~~(4) Facilities with a capacity to serve 20 or more vehicles, and facilities used to accommodate vehicles that transport hazardous waste require the director's approval of a spill management plan. The spill management plan must include procedures for the rapid capture of spilled materials to protect water resources and provisions identifying the circumstances under which notice of a spill must be provided to the director, the department of facilities maintenance stormwater quality division, the Honolulu fire department, or the Honolulu police department. A copy of the approved spill management plan must be kept onsite at all times.~~]	Delete subdivisions (3) and (4) because a conditional use permit is required in all zoning districts, and impacts of the remote parking facility will be evaluated during the CUP process.
21	SECTION 3	§ 21-5.70-6(b) Commercial uses Parking Commercial parking standards	70	Amend commercial parking standards.	(b) *Commercial parking – standards.* [~~(1)~~] The density controls of Table 21-3.3 and § 21-3.90-1(c)(4) apply. [~~(2) The director's approval of a site plan is required. Site plans must include best management practices to reduce off-site runoff, unless not necessary due to the location of the parking areas, the terrain on the property, or the structural improvements used for vehicle parking. The director may condition site plan approval on the implementation of best management practices and landscaping to mitigate visual impacts.~~ ~~(3) The director's approval of a spill management plan is required. The spill management plan must include procedures for the rapid capture of spilled materials to protect water resources and provisions identifying the circumstances under which notice of a spill must be provided to the director, the department of facilities maintenance stormwater quality division, the Honolulu fire department, and the Honolulu police department. A copy of the approved spill management plan must be kept onsite at all times.~~]	Delete duplicative standards. For subdivision (2), LUO Article 6 regulates parking. For subdivision (3), DFM issues violations when stormwater runoff is increased without proper approvals.
22	SECTION 3	§ 21-5.80-1(a) Industrial uses Manufacturing and processing General manufacturing and processing standards	76	Amend general manufacturing and processing standards.	(a) *General manufacturing and processing – standards.* (1) *Light:* [~~Total~~] <u>In the business and business mixed use zoning districts, total</u> floor area must not exceed 10,000 square feet. (2) *Heavy:* (A) All structures and activities 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. (B) Areas used for pickup or drop-off of equipment between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.	Clarify that the limitation on floor area applies in the business and business mixed use zoning districts.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
23	SECTION 3	§ 21-5.80-1(d) Industrial uses Manufacturing and processing Food manufacturing and processing standards	77	Amend food manufacturing and processing standards.	(d) *Food manufacturing and processing – standards.* (1) [~~Total~~] In the business and business mixed use zoning districts, total floor area must not exceed 4,000 square feet. (2) The slaughter of animals is not permitted.	Clarify that the limitation on floor area applies in the business and business mixed use zoning districts.
24	SECTION 3	§ 21-5.80-7(b) Industrial uses Waste-related Waste disposal and processing standards	83	Amend waste disposal and processing standards.	(b) *Waste disposal and processing – standards.* [No person, including the State or the city, may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit unless all of the following standards are satisfied:] (1) No waste disposal and processing facility may be located within 1,500 feet of any zoning lot in the country, residential, apartment, apartment mixed use, or resort zoning districts. If it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the 1,500-foot distance may be reduced, provided that the distance may not be less than 500 feet. [~~(1) No person, including the State or the city, may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit (or any component of a municipal solid waste landfill unit), or a construction and demolition landfill unit (or any component of a construction and demolition landfill unit)~~] (2) Solid waste landfills and construction and demolition landfills may not be constructed, modified, or expanded unless a minimum 0.5-mile buffer zone is provided around the waste or disposal facility from the property line of any zoning lot used for residential, school, or hospital purposes; [~~(2)~~](3) This subsection does not apply to the continued operation of an existing [waste or disposal facility] solid waste or construction and demolition landfill that is properly permitted; provided that the continued operation does not require vertical or horizontal physical expansion of the facility requiring additional permit review and modification; and [~~(3)~~](4) This subsection does not apply to any individual, State-certified, non-industrial redemption center.	Adds provisions for non-landfill facilities, and streamlines provisions for landfill facilities.
25	SECTION 71	§ 21-10.1 Definitions	206	Amend definition of lodging unit.	***Lodging Unit.*** A building, or portion of a building, in a hotel or other structure designed for transient or longer-term occupancy that does not include permanent facilities for food preparation (heating/cooking element, sink, and refrigerator). [~~The term does not include a unit designed, arranged, and used for independent living quarters for one or more persons living as a single family.~~]	Clarify that a lodging unit may be used for transient or more permanent occupancy. Delete the last sentence because lodging units could be used as independent living quarters for a group living facility with lodging units for families and shared facilities.
26	SECTION 72	§ 21-10.1 Definitions	222	Amend definition of single-unit dwelling.	***Dwelling, Single-Unit.*** A detached building containing one dwelling unit that is [~~used exclusively by one family for non-transient occupancy for residential purposes, and permissible accessory uses~~] entirely surrounded by yards or other separation from buildings on adjacent zoning lots (see Figure 21-10.3).	Non-transient occupation is already covered in the definition of dwelling unit.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
27	SECTION 72	§ 21-10.1 Definitions	222	Amend definition of two-unit dwelling.	***Dwelling, Two-Unit.*** Two dwelling units in a single structurally independent building[~~. Use of a two-unit dwelling is the occupancy of each dwelling unit in the two-unit dwelling by one family for non-transient occupancy for residential purposes, and permissible accessory uses~~] that is entirely surrounded by yards or other separation from buildings on adjacent zoning lots (see Figure 21-10.3).	Non-transient occupation is already covered in the definition of dwelling unit.
28	SECTION 71	§ 21-10.1 Definitions		Amend the definition of livestock.	***Livestock.*** [~~All animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine. See definition of "commercial kennel.~~] Animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. The term includes cattle, horses, goats, sheep, swine, and rabbits[~~, and herding dogs~~] that are not raised as household pets or for purposes of personal use and companionship.	Technical amendment. Delete reference to herding dogs, which are considered to be household pets.
29	SECTION 72	§ 21-10.1 Definitions	225	Undo the addition of the definition of livestock.	***[~~Livestock.~~*** ~~Animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. 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.~~]	Technical amendment.
30	SECTION 73	§ 21-10.1 Definitions	235	Undo removal of the definition of livestock.	[~~***Livestock.***~~ ~~All animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine. See definition of "commercial kennel.~~]	Technical amendment.
31	SECTION 72	§ 21-10.1 Definitions	228	Amend the definition of heavy repair.	***Repair, Heavy.*** The repair of industrial machinery, heavy equipment, engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, and furniture repair. The term also includes other repair activities not permitted under general repair or activities requiring an industrial wastewater discharge permit. [~~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.~~]	Heavy repair (under the industrial use category) may include agricultural equipment service.
32	SECTION 72	§ 21-10.1 Definitions	229	Undo the addition of the definition of spacing distance.	**[~~*Spacing Distance.*~~** ~~The shortest straight-line distance between the closest edge of each site's zoning lot line.~~]	Not needed because the LUO makes clear what a required distance refers to.
33	SECTION 72	§ 21-10.1 Definitions	230	Amend the definition of vehicle sales and rental.	***Vehicle Sales and Rental.*** A facility that sells, rents, or leases motor vehicles for use on a road, such as cars, trucks, and buses. [~~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. The term also does not include vehicle rental sites that do not include a building or leasing office, or that provide only car sharing services.~~]	Vehicle sales and rental (under the industrial use category) may include agricultural equipment service, and vehicle rental sites that do not include a building or office.
34	SECTION 72	§ 21-10.1 Definitions	230	Amend the definition of vehicle service.	***Vehicle Service.*** The routine service and maintenance of vehicles limited to the replacement of fluids and minor parts such as brakes, tires, windows, filters, mirrors, and accessories. The term does not include body and fender repair, painting, repair, or replacement of powertrain components other than tires, or other significant work (see heavy repair). [~~The term also 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.~~]	Vehicle service (under the industrial use category) may include agricultural equipment service.

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
35	GLOBAL	Various sections	29, 61, 63, 200, 214, 216, 217	Relating to transient occupancy, change 90 consecutive days to 30 consecutive days.	[~~90~~] 30 consecutive days or more	The DPP regulates and enforces short-term rentals that are rented for less than 30 consecutive days. A subsequent bill may be proposed to address the phasing out of short-term rentals.
36	SECTION 102	Uncodified effective date provisions.	281	Amend effective date provisions.	SECTION 102. This ordinance takes effect [~~upon~~] 270 days after its approval; provided that[~~:~~ ~~1. Any conditional use permit-minor application for a joint development submitted to the Department of Planning and Permitting and accepted as complete prior to the effective date of this ordinance is not affected by this ordinance; and~~ ~~2. As of the effective date of this ordinance, any joint development with an approved conditional use permit-minor and related duly executed and recorded joint development agreement may continue in accordance with applicable terms and conditions until its expiration or termination.~~] the following sections of the Revised Ordinances of Honolulu 2021 ("ROH") take effect upon approval of this ordinance: 1. ROH § 21-5.50-1(c) (relating to multi-unit dwelling standards); and 2. ROH § 21-5.50-3(b) (relating to home occupation standards).	The ordinance will take effect 270 days after its approval (to allow the DPP Director to adopt rules and procedures for implementation purposes, and to educate staff and conduct community outreach), except for certain specified ROH sections that will take effect upon approval of the ordinance for State law compliance purposes.