**SUMMARY OF PROPOSED FLOOR DRAFT:**

**BILL 64 (2023), FD1, CD2**
**RELATING TO USE REGULATIONS.**

**The PROPOSED FD2** makes the following amendments to the proposed CD2:

A. In SECTION 3 of the bill, amends ROH § 21-5.60-6(c)(2), relating to large wind energy generation standards, as follows:

1. Reverts back to and retains the provisions of paragraph (E), relating to setback requirements, as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024.

2. Reverts back to and retains the provisions of paragraph (F), relating to shadow flicker and noise level restrictions, as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024.

3. Adds a new paragraph (G), relating to the repair, maintenance, or component replacement for large wind energy generation facilities with an approved land use permit that were legally established on the effective date of the ordinance, to:

    a. Retain the provisions of former paragraph (G), as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024; and

    b. Provide that any repair, maintenance, or component replacement must comply with the minimum setback required under paragraph (E)(i), which requires a large wind energy generation facility to be set back from all property lines a minimum distance equal to the height of the facility.

    Re-letters subsequent paragraphs.

4. In re-lettered paragraph (H), relating to the 51 percent requirement:

    a. Retains the provisions of paragraph (H), as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024; and

    b. Replaces the requirement for an agricultural easement or similar legal encumbrance with a requirement for a farm plan.

B. In SECTION 3 of the bill, relating to use standards, for the ROH sections listed below, references to transient occupancy of less than 30 consecutive days revert back to references to transient occupancy of less than 90 consecutive days, as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024:

- § 21-5.50-3(d)(2) relating to rooming standards
- § 21-5.70-3(a)(3)(B)(ii) relating to bed and breakfast home and transient vacation unit advertising
- § 21-5.70-3(a)(4)(B) relating to unpermitted bed and breakfast homes and transient vacation units

C. In SECTION 72 of the bill, relating to amended definitions, for the definitions listed below, references to transient occupancy of less than 30 consecutive days revert back to references to transient occupancy of less than 90 consecutive days, as set forth in the CD1 version of the bill that passed Second Reading at the Council meeting on November 7, 2024:

- Bed and breakfast home
- Rooming
- Transient occupant
- Transient vacation unit

D. Makes miscellaneous technical and nonsubstantive amendments.

# HONOLULU CITY COUNCIL

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

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **64 (2023), CD2, FD2**

PROPOSED

## A BILL FOR AN ORDINANCE

RELATING TO USE REGULATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 2021 ("Land Use Ordinance" or "LUO"). The LUO is being amended to update and move provisions located in other articles of the LUO to a new Article 5, and for consistency purposes to amend other LUO articles to conform with term usage and cross-references.

SECTION 2. Chapter 21, Article 5, Revised Ordinances of Honolulu 2021 ("Specific Use Development Standards"), is repealed.

SECTION 3. Chapter 21, Revised Ordinances of Honolulu 2021 ("Land Use Ordinance"), is amended by adding a new Article 5 to read as follows:

"**ARTICLE 5: USE REGULATIONS**

**§ 21-5.10 Purpose and intent.**

The purpose of this article is to identify the permissible land uses in the various zoning districts and the conditions in which they may be conducted. Development standards and uses restrictions are imposed on certain uses in order to mitigate and prevent disruptive community impacts that might otherwise result if these specially regulated uses were permitted without restriction.

**§ 21-5.20 Use classification.**

(a) *Permissible uses of property.* Permissible uses of land in each zoning district are identified in Table 21-5.1. Land uses that are allowed with a land use permit or special approval from the director or the council may only be conducted after obtaining all necessary permits and approvals. It is a violation of this chapter to use property in any manner prohibited by Table 21-5.1.

(b) If a land use is not identified in Table 21-5.1, the use may only be conducted as an accessory use to a lawful principal use or after obtaining the director's approval to conduct the use under subsection (c).

# A BILL FOR AN ORDINANCE

(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; or

(2) Determine that the use is not a land use regulated under Table 21-5.1 and require a zoning variance to allow for the proposed use.

(d) Land uses that are subject to use specific development standards are identified with an asterisk (*) in Table 21-5.1. Uses subject to use specific development standards must comply with the general development standards for the underlying zoning district and the use specific standards in this article. If there is a conflict between the general development standards for the underlying zoning district and the use specific standards in this article, the more stringent requirements will apply.

(e) Notwithstanding any law to the contrary, land located in the State land use conservation district will be regulated by the State department of land and natural resources pursuant to HRS Chapter 183C.

(f) Permitted uses for properties located in the Waikiki Special District are governed by Table 21-9.6(A).

(g) In the event of any conflict between the text of this chapter and the following table, the text of this chapter shall control.

# A BILL FOR AN ORDINANCE

**§ 21-5.30 Use table.**

Table 21-5.1
Table of Permitted Uses

**KEY:**
**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]
[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required
[2] If there is more than one symbol, all symbols apply.

| Uses (Note: Certain uses are defined in Article 10) | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| **AGRICULTURAL USES** | | | | | | | | | | | | | | | | | | | | | | |
| **Crop Production** | | | | | | | | | | | | | | | | | | | | | | |
| Aquaculture | P | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | |
| Crop raising | P* | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-1(b) |
| Forestry | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | |
| Plant nursery | -- | P* | P* | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | P | § 21-5.40-1(c) |
| Urban agriculture | -- | -- | -- | -- | -- | -- | -- | -- | -- | Cm* | Cm* | Cm* | -- | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | § 21-5.40-1(a) |
| **Livestock and Poultry Keeping** | | | | | | | | | | | | | | | | | | | | | | |
| Animal raising | | | | | | | | | | | | | | | | | | | | | | |
| Minor | P | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | |
| Major | -- | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-2(a) |
| **Agricultural Support** | | | | | | | | | | | | | | | | | | | | | | |
| Agricultural collection and storage | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | -- | § 21-5.40-3(a) |
| Major | -- | C* | C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | P | -- | -- | § 21-5.40-3(a) |
| Agricultural equipment service | -- | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | P | § 21-5.40-3(b) |
| Agricultural processing | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | -- | P* | § 21-5.40-3(c) |
| Major | -- | C* | C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | -- | -- | § 21-5.40-3(c) |

## A BILL FOR AN ORDINANCE

KEY:

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Uses** (Note: Certain uses are defined in Article 10) | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | **Standards** |
| Composting | | | | | | | | | | | | | | | | | | | | | | |
| Minor | P* | P* | P* | | | | | | | | | | | | | | | | P* | | | § 21-5.40-3(f) |
| Major | | C* | C* | | | | | | | | | | | | | | | | P* | | | § 21-5.40-3(f) |
| Feed store | -- | P*+ | P*+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | -- | § 21-5.40-3(d) |
| Livestock and poultry veterinary service | -- | P+ | P+ | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | |
| Sawmill | -- | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | § 21-5.40-3(e) |
| **Accessory Agricultural** | | | | | | | | | | | | | | | | | | | | | | |
| Agricultural energy facility | -- | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Ac | Ac | -- | -- | § 21-5.40-4(a) |
| Agricultural farmers market | -- | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-4(f) |
| Agritourism | -- | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-4(b) |
| Farm dwelling | -- | Ac* | Ac* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-4(c) |
| Farm stand | -- | Ac* | Ac* | Ac* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-4(d) |
| Farm worker housing | -- | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.40-4(e) |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | | | | | | | | | | | | |
| Single-unit dwelling | -- | -- | -- | P | P | P | P | P | P | P | P | P | P | -- | -- | P | -- | -- | -- | -- | -- | |
| Duplex-unit dwelling | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | P* | -- | -- | -- | -- | -- | § 21-5.50-1(a) |
| Two-unit dwelling | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | P* | -- | -- | -- | -- | -- | § 21-5.50-1(b) |
| Multi-unit dwelling | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | P | P* | P* | P | P | -- | -- | -- | -- | § 21-5.50-1(c) |
| **Group Living** | | | | | | | | | | | | | | | | | | | | | | |
| Small – State regulated | -- | -- | C*+ | P* | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | -- | P* | P* | -- | -- | -- | -- | § 21-5.50-2(a) |
| Small – not State regulated | | | C*+ | C* | C* | C* | C* | C* | C* | C* | C* | C* | -- | -- | -- | C* | Cm* | -- | -- | -- | -- | § 21-5.50-2(b) |
| Large | -- | -- | -- | C* | C* | C* | C* | C* | C* | C* | C* | C* | -- | -- | -- | C* | Cm* | -- | -- | -- | -- | § 21-5.50-2(c) |
| **Accessory Residential** | | | | | | | | | | | | | | | | | | | | | | |
| Accessory dwelling unit | -- | -- | -- | Ac* | Ac* | Ac* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.50-3(a) |

## A BILL FOR AN ORDINANCE

**KEY:**

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| Uses (Note: Certain uses are defined in Article 10) | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| Caretaker unit | Ac* | Ac*+ | Ac*+ | | | | | | | | | | | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | § 21-5.50-3(e) |
| Home occupation | -- | Ac*+ | Ac*+ | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | -- | -- | -- | -- | § 21-5.50-3(b) |
| Ohana unit | -- | Ac*+ | Ac*+ | Ac* | Ac* | Ac* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.50-3(c) |
| Rooming | -- | -- | -- | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | -- | -- | -- | Ac* | § 21-5.50-3(d) |
| **PUBLIC, CIVIC, AND INSTITUTIONAL USES** | | | | | | | | | | | | | | | | | | | | | | |
| **Assembly** | | | | | | | | | | | | | | | | | | | | | | |
| Meeting facility | | | | | | | | | | | | | | | | | | | | | | |
| Small | -- | -- | Cm*+ | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | P* | P* | P* | P* | -- | -- | Cm* | § 21-5.60-1(a) |
| Medium | -- | -- | C*+ | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | -- | -- | C* | § 21-5.60-1(a) |
| Large | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | PRU | PRU | PRU | PRU | PRU | -- | -- | -- | PRU | § 21-5.60-1(a) |
| Community-based recreation center | Cm* | -- | -- | Cm | P* Cm* | P* Cm* | P* Cm* | P* Cm* | P* Cm* | P | P | P | P | P | P | P | P | -- | -- | -- | -- | § 21-5.60-1(b) |
| **Communication** | | | | | | | | | | | | | | | | | | | | | | |
| Broadcasting antenna | Cm* | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | C* | C* | C* | § 21-5.60-2(e) |
| Communication support structure | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P | P | P | P | § 21-5.60-2(c) |
| Communication tower | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | P* | Cm* | § 21-5.60-2(b) |
| Dish antenna | -- | Cm* | Cm* | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | -- | P* | P* | P* | P* | P* | P* | P* | § 21-5.60-2(a) |
| **Education** | | | | | | | | | | | | | | | | | | | | | | |
| School, PreK-12 | -- | -- | C*+ | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | -- | P | P | P | P | -- | -- | -- | -- | § 21-5.60-3(a) |
| School, vocational | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | P* | P* | -- | -- | -- | -- | -- | -- | P* | P* | P* | -- | P | P | P | P | P | P | -- | P | § 21-5.60-3(b) |
| Major | -- | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | P | § 21-5.60-3(b) |
| University, college | PRU | PRU+ | PRU+ | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | |
| **Government** | | | | | | | | | | | | | | | | | | | | | | |
| Consulate | -- | -- | -- | -- | P* | P* | P | P | P | P | P | P | P | P | P | P | P | -- | -- | -- | -- | § 21-5.60-4(a) |
| Prison | PRU | PRU+ | PRU+ | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | |

# A BILL FOR AN ORDINANCE

KEY:

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| Uses (Note: Certain uses are defined in Article 10) | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| Public facility | P | P+ | P+ | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| **Parks and Open Space** | | | | | | | | | | | | | | | | | | | | | | |
| Cemetery | P* PRU* | -- | PRU*+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.60-5(a) |
| Park | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.60-5(b) |
| **Utility** | | | | | | | | | | | | | | | | | | | | | | |
| Small | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | § 21-5.60-6(a) |
| Medium | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | Cm* | P* | § 21-5.60-6(b) |
| Large | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | C* | § 21-5.60-6(c) |
| **Accessory Public, Civic, and Institutional** | | | | | | | | | | | | | | | | | | | | | | |
| Accessory receive only antenna | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | § 21-5.60-2(d) |
| COMMERCIAL USES | | | | | | | | | | | | | | | | | | | | | | |
| **Daycare** | | | | | | | | | | | | | | | | | | | | | | |
| Child daycare | -- | -- | C*+ | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.70-1(a) |
| Adult daycare | -- | -- | C*+ | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.70-1(b) |
| **Eating and Drinking** | | | | | | | | | | | | | | | | | | | | | | |
| General eating and drinking | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | § 21-5.70-2(a) |
| Bar, nightclub | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | -- | P* | P* | P* | P* | P* | -- | P* | § 21-5.70-2(b) |
| Major | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | -- | P* | -- | P* | -- | -- | -- | P* | § 21-5.70-2(b) |
| **Lodging** | | | | | | | | | | | | | | | | | | | | | | |
| Bed and breakfast home | -- | -- | -- | -- | -- | -- | P* | P* | -- | -- | -- | -- | P* | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-3(a) |
| Hotel | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | C* | P | -- | -- | -- | C* | § 21-5.70-3(b) |
| Timeshare | -- | -- | -- | -- | -- | -- | -- | Cm* | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-3(c) |

# A BILL FOR AN ORDINANCE

**KEY:**

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Uses** (Note: Certain uses are defined in Article 10) | **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** | **Resort** | **B-1** | **B-2** | **BMX-3** | **BMX-4** | **I-1** | **I-2** | **I-3** | **IMX-1** | **Standards** |
| Transient vacation unit | -- | -- | -- | -- | -- | -- | P* | P* | -- | -- | -- | -- | P* | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-3(a) |
| **Medical** | | | | | | | | | | | | | | | | | | | | | | |
| General medical services | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | P | P | P | -- | -- | -- | P* | § 21-5.70-4(a) |
| Hospital | PRU | PRU+ | PRU+ | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | § 21-5.70-4(b) |
| Medical laboratory | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | P | |
| **Office** | | | | | | | | | | | | | | | | | | | | | | |
| General office | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | P | P | P | P | P | -- | P | § 21-5.70-5(a) |
| **Parking** | | | | | | | | | | | | | | | | | | | | | | |
| Commercial parking | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | P | P | P | P | P | -- | P | § 21-5.70-6(b) |
| Remote parking | -- | -- | -- | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | § 21-5.70-6(a) |
| **Personal Services** | | | | | | | | | | | | | | | | | | | | | | |
| General personal services | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | P | P | P | -- | -- | -- | P* | § 21-5.70-7(a) |
| Animal care | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | P* | -- | P* | § 21-5.70-7(b) |
| Major | -- | -- | P*+ | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | -- | P* | § 21-5.70-7(b) |
| **Recreation, Indoor** | | | | | | | | | | | | | | | | | | | | | | |
| General indoor recreation | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | P | P | P | |
| Theater | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | -- | -- | -- | P | |
| **Recreation, Outdoor** | | | | | | | | | | | | | | | | | | | | | | |
| General outdoor recreation | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C | C | C | C | C | C | C | -- | Cm | |
| Golf course | PRU | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | PRU | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-8(a) |
| Nature-based recreation | Cm* C* | -- | Cm* C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-8(c) |
| Zoo | PRU | -- | PRU+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-8(b) |
| **Retail** | | | | | | | | | | | | | | | | | | | | | | |
| General retail | | | | | | | | | | | | | | | | | | | | | | |
| Small | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.70-9(a) |

# A BILL FOR AN ORDINANCE

**KEY:**

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| Uses (Note: Certain uses are defined in Article 10) | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| Medium | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.70-9(a) |
| Large | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | -- | -- | -- | P* | § 21-5.70-9(a) |
| Mobile commercial establishment | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | § 21-5.70-9(b) |
| **Vehicle-Related** | | | | | | | | | | | | | | | | | | | | | | |
| Car wash | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | -- | P* | § 21-5.70-10(a) |
| Vehicle fueling station | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | P | |
| Vehicle sales and rental | | | | | | | | | | | | | | | | | | | | | | |
| Light | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | -- | P | |
| Heavy | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | -- | |
| **Accessory Commercial** | | | | | | | | | | | | | | | | | | | | | | |
| Drive-thru | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | Ac* | § 21-5.70-11(a) |
| **INDUSTRIAL USES** | | | | | | | | | | | | | | | | | | | | | | |
| **Manufacturing and Processing** | | | | | | | | | | | | | | | | | | | | | | |
| General manufacturing and processing | | | | | | | | | | | | | | | | | | | | | | |
| Light | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P | P | P | P | § 21-5.80-1(a) |
| Heavy | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P | P | -- | § 21-5.80-1(a) |
| Biofuel processing facility | -- | C* | C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Cm* | Cm* | -- | § 21-5.80-1(b) |
| Brewery, distillery, winery | | | | | | | | | | | | | | | | | | | | | | |
| Minor | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | P | P | P | |
| Major | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | |
| Explosive or toxic chemical manufacturing, storage, and distribution | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | -- | -- | § 21-5.80-1(c) |
| Food manufacturing and processing | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | P | P | § 21-5.80-1(d) |
| Linen supplier | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | P | |

# A BILL FOR AN ORDINANCE

**KEY:**

**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

| | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Uses** (Note: Certain uses are defined in Article 10) | **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** | **Resort** | **B-1** | **B-2** | **BMX-3** | **BMX-4** | **I-1** | **I-2** | **I-3** | **IMX-1** | **Standards** |
| Petrochemical plant | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | Cm* | -- | § 21-5.80-1(e) |
| Production studio | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | P | P | -- | P | |
| Publishing facility | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | P | P | P | -- | P | |
| **Marine** | | | | | | | | | | | | | | | | | | | | | | |
| General marine | | | | | | | | | | | | | | | | | | | | | | |
| Minor | C | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Cm* | -- | Cm* | Cm* | Cm* | -- | P | P | P* | § 21-5.80-2(a) |
| Major | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | |
| Port | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | |
| **Repair** | | | | | | | | | | | | | | | | | | | | | | |
| General repair | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | -- | P | P | P | P | P | P | P | P | |
| Heavy repair | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P | P | -- | § 21-5.80-3(a) |
| Vehicle service | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | P* | P* | P* | P* | § 21-5.80-3(b) |
| **Research and Development** | | | | | | | | | | | | | | | | | | | | | | |
| General research and development | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | -- | P | |
| **Resource Extraction** | | | | | | | | | | | | | | | | | | | | | | |
| General resource extraction | -- | C* | C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | § 21-5.80-4(a) |
| **Storage and Warehousing** | | | | | | | | | | | | | | | | | | | | | | |
| General storage, warehousing, and distribution | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | |
| Self-storage | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P | P | -- | P | § 21-5.80-5(a) |
| Storage yard | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | -- | § 21-5.80-5(b) |
| **Transportation** | | | | | | | | | | | | | | | | | | | | | | |
| Airport | PRU | PRU+ | PRU+ | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | PRU | § 21-5.80-6(a) |
| Base yard | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | P* | P* | P* | § 21-5.80-6(b) |
| Heliport | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P* | -- | -- | § 21-5.80-6(c) |

# A BILL FOR AN ORDINANCE

KEY:
**P** = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
**Ac** = Accessory Use subject to standards[2]
[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required
[2] If there is more than one symbol, all symbols apply.

| Uses (Note: Certain uses are defined in Article 10) | Preservation, Agricultural, Country | | | | Residential, Apartment | | | | | Apartment Mixed-Use, Resort | | | | Business, Business Mixed-Use | | | | Industrial, Industrial Commercial Mixed-Use | | | | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 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 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| Multimodal facility | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | C* | C* | C* | Cm* | Cm* | Cm* | Cm* | Cm* | -- | -- | Cm* | § 21-5.80-6(d) |
| Truck terminal | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | -- | |
| **Waste-Related** | | | | | | | | | | | | | | | | | | | | | | |
| Salvage, scrap, or junk storage and processing | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Cm* | Cm* | -- | § 21-5.80-7(a) |
| Waste disposal and processing | C* | -- | C*+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | | Cm* | Cm* | -- | § 21-5.80-7(b) |
| **Accessory Industrial** | | | | | | | | | | | | | | | | | | | | | | |
| Helistop | -- | C*+ | C*+ | -- | -- | -- | -- | -- | -- | -- | -- | -- | C* | -- | C* | C* | C* | C* | Ac* | Ac* | C* | § 21-5.80-8(a) |
| **MISCELLANEOUS** | | | | | | | | | | | | | | | | | | | | | | |
| Historic structure reuse | Cm* | Cm* | Cm* | C* | C* | C* | C* | C* | C* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | § 21-5.90-1 |
| Joint development | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | § 21-5.90-2 |

## § 21-5.40 Agricultural uses.

The following sections contain standards for the agricultural use categories.

## § 21-5.40-1 Crop production.

Uses in the crop production category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Urban agriculture – standards.*

(1) The keeping and raising of livestock, poultry, and insects is prohibited.

(2) Pedestrian walkways for customers must be provided on all-weather surfaces.

(b) *Crop raising – standard.* Vertical farms are not permitted in the P-2 zoning district.

(c) *Plant nursery – standards.* In the agricultural zoning districts:

(1) Retail sales are limited to plants sold directly from the greenhouse or open field where the plant was grown or cultivated, and only sales of the plant in its primary form are allowed.

(2) The sale of secondary products such as jams, juices, and baked goods is prohibited.

(3) Separate structures used primarily for retail sales are prohibited.

**§ 21-5.40-2 Livestock and poultry keeping.**

Uses in the livestock and poultry keeping category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Animal raising, major – standards.* Feedlots, poultry, or swine enclosures 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.

**§ 21-5.40-3 Agricultural support.**

Uses in the agricultural support category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Agricultural collection and storage.*

(1) *Minor:* The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.

(2) *Major:*

(A) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts;

(B) The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area; and

(C) In the AG-1, AG-2, and I-1 zoning districts, if the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning district, pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

(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) In the AG-1 and AG-2 zoning districts, the building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(c) *Agricultural processing – standards.*

(1) *Minor:* All structures and activities must be set back a minimum of 50 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) *Major:* All structures and activities must be set back a minimum of 1,500 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning district, unless the director determines that potential impacts will be adequately mitigated by the manner of operations and natural conditions, such as prevailing winds and terrain. Where impacts are deemed adequately mitigated by the director, the minimum distance between a property used for agricultural processing and a property located in the country, residential, apartment, or apartment mixed-use (but not the resort) zoning district may be reduced to no less than 500 feet.

(d) *Feed store – standards.*

(1) Only products that are clearly incidental to agricultural activities may be sold or stored.

(2) The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.

(3) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

(e) *Sawmill – standards.* All structures and activities must be set back a minimum of 500 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

(f) *Minor and major composting – standards*.

(1) *Minor*:

(A) Materials storage and composting activities must be located at least 50 feet away from all surface water, streams, and wetlands.

(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.

(C) Compost material must be securely stored; compost materials may not be allowed to leave the property as a result of wind, vehicular tracking, runoff, or other similar influences.

(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.

(2) *Major*:

(A) All incoming and outgoing loads must be covered and managed to prevent material from falling onto the ground and to mitigate odors while in transport.

(B) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands.

(C) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required.

(D) Compost material must be covered in such a way that no material will leave or stray from the site.

(E) Major composting may not occur on a zoning lot located within 1,500 feet of property within the country, residential, apartment, apartment mixed-use, or resort zoning district, unless the director determines that potential impacts will be adequately mitigated by the manner of operations and natural conditions, such as prevailing winds and terrain. Where impacts are deemed adequately mitigated by the director, the minimum distance between a property used for major composting and a property located in the country, residential, apartment, or apartment mixed-use (but not the resort) zoning district may be reduced to no less than 500 feet.

**§ 21-5.40-4 Accessory agricultural.**

Uses in the accessory agricultural category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Agricultural energy facility – standards.*

(1) 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 agricultural districts pursuant to HRS § 205-4.5(a)(17).

(2) Structures associated with the agricultural energy facility 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 district.

(b) *Agritourism minor and major – standards.*

(1) Activities and improvements on the zoning lot may not diminish the long-term agricultural potential of the zoning lot. Improvements on the zoning lot used for agritourism must be capable of removal without unreasonable cost or effort.

(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.

(3) Buildings and structures associated with agritourism that are not required as part of crop production or livestock and poultry keeping on the zoning lot are limited to 10,000 square feet of total floor area.

(4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the agritourism use 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(5) Accessory destination events, including weddings, are subject to the following:

(A) Events must take place at a designated event space; and

(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet.

(6) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a currently operational farm or ranch engaged in crop production or

livestock and poultry keeping, and require a minor conditional use approval subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours may not interfere with surrounding farm or ranch operations.

(c) *Farm dwelling – standards.*

(1) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds that are not used in connection with agricultural activities, and swimming pools) must be contained within an area not to exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees.

(2) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.

(3) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.

(4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production and livestock and poultry keeping, and valid agricultural dedication status must be maintained for as long as the farm dwelling use continues, as evidenced by:

(A) A farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping; or

(B) Agricultural dedication documents used to obtain a Honolulu real property tax exemption.

(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.

(e) *Farm worker housing – standards.*

(1) All structures and facilities associated with farm worker housing:

(A) Must occupy a contiguous total land area limited to 50 acres;

(B) The building area must not exceed 50 percent of the land area associated with the farm worker housing; and

(C) Impervious surface area must not exceed 75 percent of the land area associated with the farm worker housing.

(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.

(3) Farm worker housing may be composed of multiple detached dwelling units or attached dwelling units, or may consist of multi-unit dwellings; provided that no more than one employee and the employee's family live in each dwelling unit, or up to three unrelated employees may share one

dwelling unit. The employee who occupies a dwelling unit in farm worker housing must be an agricultural worker.

(4) Each dwelling unit must not exceed 800 square feet of floor area.

(5) No more than eight dwelling units are allowed in any multi-unit dwelling.

(6) The landowner may not plan or develop a residential subdivision on the agricultural land, except in accordance with the plantation community subdivision regulations in HRS § 205-4.5(a)(12) (relating to permissible uses within the agricultural districts).

(7) When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family.

(f) *Agricultural farmers market – standards.*

(1) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.

(2) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the agricultural farmers market 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

**§ 21-5.50 Residential uses.**

The following sections contain standards for the residential use categories.

**§ 21-5.50-1 Household living.**

Uses in the household living category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Duplex-unit dwelling – standards.* Each duplex-unit dwelling must be attached by a boundary wall for a minimum of 15 feet or 50 percent of the longer dwelling unit, excluding carports or garages, whichever length is greater (see Figure 21-10.3).

(b) *Two-unit dwelling – standards.*

(1) Each two-unit dwelling must be surrounded by a yard.

(2) Dwelling units may be:

(A) On separate floors; or

(B) Attached by a solid wall a minimum of 15 feet in length, or attached by a carport or garage (see Figure 21-10.3).

(3) Dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.

(c) *Multi-unit dwelling – standards.*

(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted; provided that the following requirements are satisfied:

(A) All residential uses and occupancies must be located on consecutive floors that are located above all nonresidential uses and occupancies in the multi-family dwelling. A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. A building must have at least one nonresidential use; or

(B) The multi-unit dwelling satisfies the following requirements:

(i) 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;

(ii) 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; or

(iii) 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 greater, of nonresidential floor area must be developed on the lot.

(C) For purposes of this subdivision, nonresidential uses must be fully enclosed within a building and do not include areas used for parking.

**§ 21-5.50-2 Group living.**

Uses in the group living category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Group living, small, State regulated – standards.*

(1) Must be licensed, certified, registered, or monitored by the State.

(2) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small group living that is State regulated 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(3) 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 exceed eight, the group living will be considered a large group living.

(b) *Group living, small, not State regulated – standards.*

(1) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small group living that is not State regulated 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(2) 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.

(3) If a zoning lot that 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 not state regulated, if the aggregate number of residents in both dwelling units exceed eight, the group living will be considered a large group living.

(c) *Group living, large – standards.*

(1) Access roads must comply with the standards established by Chapter 22; provided that the director may waive or modify these requirements if, 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.

(2) Minimum parking requirements will be determined by the director based on the number of residents and the nature of the proposed use.

(3) For special needs housing for the elderly, as defined in § 21-10.1, that are located in the apartment, apartment mixed-use, and business mixed-use zoning districts, the underlying zoning district standards may be modified under a conditional use permit as follows:

(A) Density may be increased by a maximum of 25 percent of the maximum density permitted in the underlying zoning district;

(B) Height may be increased by a maximum of 25 percent of the maximum height permitted in the underlying zoning district, or 30 feet, whichever is less; and

(C) Off-street parking requirements may be reduced; provided that a minimum of one parking space per four dwelling or lodging units and a minimum of one guest parking space per 10 dwelling or lodging units is required.

(4) The director may modify or waive the large group living standards in this subsection and other applicable requirements as necessary to comply with the federal Fair Housing Act or other laws with similar preemptive effect.

(5) 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.

**§ 21-5.50-3 Accessory residential.**

Uses in the accessory residential category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Accessory dwelling unit – standards.*

(1) *General.*

(A) Accessory dwelling units are not permitted:

(i) On zoning lots in planned development housing or cluster housing; or

(ii) On zoning lots that are landlocked.

(B) The total floor area of an accessory dwelling unit must not exceed:

(i) 500 square feet for zoning lots up to 4,999 square feet in area; or

(ii) 1,000 square feet for zoning lots 5,000 square feet or more in area.

(C) The construction or conversion of an accessory dwelling unit must meet all development standards for the principal use in the underlying zoning district.

(D) An accessory dwelling unit may be created by:

(i) Building a new structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot); or

(ii) Converting a legally established structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot), attic, or basement.

(E) Only one accessory dwelling unit is permitted on a zoning lot (including a zoning lot with existing multiple dwelling units); 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 accessory dwelling units to one per zoning lot.

(F) See § 21-6.30(b) for adjustments and exemptions to parking requirements for an accessory dwelling unit.

(G) Accessory dwelling units are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply, as well as adequate roadways and first-responder resources to accommodate the accessory dwelling unit.

(2) *Conditions of approval.*

(A) *Covenant for accessory dwelling units.* The owners of the zoning lot shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. The covenant must be recorded in a form approved by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heirs, successors, or assigns to abide by such covenant will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to § 21-2.150. At a minimum, the covenant must state:

(i) The accessory dwelling unit may only be used for long-term residential occupancy and may not be used as a bed and breakfast home or transient vacation unit;

(ii) The deed restrictions lapse upon removal of the accessory dwelling unit;

(iii) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and

(iv) Neither the owners nor the heirs, successors, or assigns of the owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit.

(B) *Removal.* The owners of an accessory dwelling unit shall notify the department upon removal of the accessory dwelling unit.

(b) *Home occupation – standards.*

(1) *General.*

(A) The home occupation must be clearly incidental and subordinate to the use of the dwelling unit and zoning lot for residential living.

(B) The home occupation use may not significantly change the exterior appearance of the dwelling unit, zoning lot, or the surrounding neighborhood. Onsite signage or advertisements for the home occupation is prohibited.

(C) The outdoor storage of materials or supplies is prohibited.

(D) The indoor storage of materials or supplies must not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater.

(E) Noises and obnoxious odors associated with the home occupation must not be detectable from abutting streets or sidewalks. The director may order the mitigation of noise and odor impacts, or the cessation of a home occupation if noise and odor impacts are not able to adequately mitigated.

(F) The home occupation use may not create unreasonable risks of harm to persons or property or cause significant adverse impacts to local traffic or parking.

(G) In the B-1 and B-2 zoning districts, a home occupation use is permitted in a dwelling unit within a multi-unit dwelling.

(2) *Limitations on home occupations:*

(A) Commercial beekeeping may be a home occupation, subject to the standards of this subsection and the animal nuisance provisions in § 12-2.5(b).

(B) Items sold on the property are limited to items produced by the home occupation.

(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.

(4) *Employees:*

(A) In addition to the household member engaging in the home occupation, one employee of the home occupation who is not a household member may be on the property at any given time.

(B) For home-based childcare, in addition to the one non-household member employee of the home occupation who is allowed on the property at any given time under paragraph (A), if an emergency renders unavailable the principal caregiver who is a household member, an additional employee who is not a household member may be on the property on a temporary basis to substitute for the principal caregiver.

(5) *Parking.* See § 21-6.30(d) for adjustments and exemptions to parking requirements for home occupation.

(c) *Ohana unit – standards.*

(1) *General.*

(A) 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.

(B) An ohana unit may be created by:

(i) Building a new structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit) on the same zoning lot; or

(ii) Converting a legally established structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit), attic, or basement.

(C) 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.

(2) *Occupants.* The ohana unit must be occupied by persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit; provided that ohana units for which a building permit was obtained prior to September 10, 1992, are not subject to this subsection and their occupancy by persons other than persons who are related to the family residing in the principal dwelling unit is permitted.

(3) *Covenant for ohana unit.* The owners of the zoning lot on which an ohana unit is located shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as

appropriate. The covenant must be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign, to abide by the recorded covenants will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to § 21-2.150. At a minimum, the covenant must state:

(A) The deed restrictions lapse upon removal of the ohana unit;

(B) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and

(C) Neither the owner or owners, nor the heirs, successors, or assigns of the owner or owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an ohana unit from the ownership of its principal dwelling unit.

(4) *Zoning lot limitations.* Ohana units are not permitted on zoning lots that are:

(A) Within a zero lot line project;

(B) Within a cluster housing project;

(C) Within an agricultural cluster project,

(D) Within a country cluster project;

(E) Within a planned development housing project; or

(F) Within a duplex-unit project.

(5) Ohana units are only permitted where there is sufficient infrastructure, including but not limited to waste water treatment and disposal and water supply, as well as roadways and first-responder resources to accommodate ohana units.

(6) See § 21-6.30(m) for adjustments and exemptions to parking requirements for ohana unit.

(d) *Rooming – standards.*

(1) No more than three roomers may reside in a dwelling unit (in addition to the members of a related household occupying the dwelling unit); provided that the dwelling may not be used as group living.

(2) Overnight accommodations provided for compensation must be for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.

(e) *Caretaker unit – standards.*

(1) In the P-2, AG-1, and AG-2 zoning districts, one caretaker unit per zoning lot is allowed only as a secondary supplemental use for cemeteries and Hawaiian fishponds, and the maximum total floor area for a caretaker unit is 1,000 square feet.

(2) Except in the P-2, AG-1, and AG-2 zoning districts, one accessory caretaker dwelling is permitted for each principal use; provided that:

(A) No more than four caretaker units are allowed per zoning lot;

(B) The accessory caretaker dwelling must be located in an area that does not interrupt or interfere with the principal use; and

(C) In the business, business mixed-use, industrial, and industrial mixed-use zoning districts, the caretaker dwelling must be above or behind the principal use.

**§ 21-5.60 Public, civic, and institutional uses.**

The following sections contain standards for the public, civic, and institutional use categories.

**§ 21-5.60-1 Assembly.**

Uses in the assembly category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Meeting facility, small, medium, or large – standards.*

(1) Adequate 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.

(2) Kitchens are allowed as accessory to the meeting facility, but may not be used to support onsite or offsite commercial activities.

(3) In the AG-2 zoning district:

(A) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the meeting 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(B) The maximum capacity for a meeting facility is 500 individuals.

(4) In the country, residential, and apartment zoning districts, noise and odors from the meeting facility use must not be detectable from public streets or sidewalks between the hours of 10:00 p.m. to 7:00 a.m.

(5) In the I-1 zoning district:

(A) A meeting facility may not be located within 1,000 feet of another meeting facility, whether the other meeting facility is a permitted use or a nonconforming use.

(B) The owner or operator of the meeting facility shall file with the department and record with the State bureau of conveyances or the

land court of the State of Hawaii, or both, as appropriate, a declaration in a form acceptable to the department, stating that the owner or operator acknowledges that:

(i) Structures formerly in industrial use may require upgrades to comply with various government regulations governing use of a structure as a meeting facility. These regulations include but are not limited to building, electrical, plumbing, fire, and occupancy code requirements; and

(ii) Adjacent and neighboring zoning lots may, by right, include potentially annoying or toxic industrial uses at any time, including after the meeting facility use has commenced.

The declaration must also include provisions that preclude the meeting facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws.

(C) No accessory uses are permitted unless otherwise permitted as an accessory use; provided that this paragraph does not prohibit the following accessory uses to a religious facility such as a church, temple, or synagogue:

(i) A school for the vocational training of adults for the priesthood, ministry, or rabbinate; or

(ii) Classes on religious subjects.

(D) A parking area and landscaping plan demonstrating compliance with the minimum requirements of this chapter for off-street parking, loading, and landscaping and screening must be submitted to the director for review, and must be approved by the director prior to any use of the meeting facility.

(b) *Community-based recreation center – standards.*

(1) In the P-2 zoning district, community-based recreation centers are only permitted if the community-based recreation center is being used to satisfy park dedication requirements, or is a part of a master planned community.

(2) In the residential and apartment zoning districts, if the 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.

**§ 21-5.60-2 Communication.**

Uses in the communication category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Dish antenna – standards.* All dish antennas must be located or screened to minimize visual impacts, especially from public rights-of-way or public places.

(b) *Communication tower – standards.*

(1) Communication towers must be set back from all property lines a minimum of 1 foot for every 5 feet of height.

(2) Communication towers must be enclosed by fencing a minimum of 6 feet in height, and towers must be equipped with an anti-climbing device.

(3) All communication towers in the residential zoning districts must use monotree (designed to blend in with surrounding trees) or other stealth design to minimize visual impacts.

(4) 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.

(5) Communication towers that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, as may be amended or superseded, do not require any additional land use permits or approvals under this chapter; provided that the communication tower complies with all conditions of the initial land use permit or approval.

(c) *Communication support structure – standards.*

(1) 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.

(2) Antennas must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscaping, or other site solutions. 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. Acceptable concealment may be accomplished through the use of one or more of the following design features:

(A) Antennas integrated into the architectural features of a structure, or placed in alignment with elements of the structure, such as corners or columns;

(B) Antennas hidden behind screening walls or features, where the screening walls or features are colored to match or otherwise blend in with the existing structure;

(C) Antennas mounted on screening walls or features that do not extend above the screening walls or features, where the antennas and visible mounting supports are colored to match the existing structure; or

(D) Antennas set back from the edge of the structure to minimize visual impacts from the ground level at the closest public right-of-way or public place.

(3) If satisfying the concealment and integration requirements in subdivision (2) results in the antenna not being able to provide the service it was designed to provide in the desired coverage area, the director may allow for flexibility from the strict application of these requirements if the applicant demonstrates that:

(A) The communication support structure is not structurally capable of supporting the design under applicable codes;

(B) The location of the antenna interferes with the existing use of the communication support structure, such as having to locate antennas on balconies or decks; or

(C) The antenna is not able to properly transmit radio frequencies due to technology limitations, such as:

(i) Inability of the antenna to transmit radio frequencies through paint or screening walls or features;

(ii) To transmit properly, the antenna is required to be located close to or at the edge of the roof; or

(iii) Paint or screening walls or features compromise antenna functionality, such as overheating;

provided that the director shall first determine that there are no feasible alternatives to minimize the visual impacts of the antenna, including possible relocation of the antenna.

(4) Communication support structures that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, as may be amended or superseded, do not require any additional land use permits or approvals under this chapter; provided that the communication support structure complies with all conditions of the initial land use permit or approval.

(5) In the I-1, I-2, and I-3 zoning districts, antennas need not satisfy the concealment and integration requirements in subdivision (2) 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.

(d) *Accessory receive only antenna – standards.*

(1) Antennas may not be located in the required yards.

(2) All antennas must be set back from all property lines one-third of the height of the antenna or according to the setback requirements for the underlying zoning district, whichever is greater.

(3) The antenna must be located at a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.

(4) Antennas may not be illuminated.

(5) All antennas must be equipped with safety devices to prevent them from being climbed, and must be securely fastened.

(6) All guy wires must be anchored onsite and outside of any right-of-way.

(7) When mounted on the ground, the accessory receive only antenna must be screened by walls, earth berms, or landscaping a minimum of 4 feet in height.

(e) *Broadcasting antenna – standards*.

(1) Freestanding broadcasting antennas must be set back from all property lines a minimum of 1 foot for every 5 feet of height.

(2) 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.

(3) 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.

(4) 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.

(5) Broadcasting antennas must be designed to structurally accommodate:

(A) For TV broadcasting antennas:

(i) At least three high power television antennas and one microwave facility or one low power television antenna; or

(ii) Two FM antennas and at least one two-way radio antenna for every 10 feet of the tower over 200 feet; or

(B) For broadcasting antennas other than for TV:

(i) At least one two-way radio antenna for every 10 feet of the tower; or

(ii) At least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility or one low power TV antenna;

provided that these requirements may be reduced if the Federal Communications Commission provides a written statement that no additional licenses for those broadcast frequencies will be available in the foreseeable future. These requirements may also be reduced if the height of the tower needed significantly exceeds the height of existing towers in the area and would therefore create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the visual impact of existing towers.

(6) 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.

(7) Broadcasting antennas and associated facilities must be enclosed by fencing a minimum of 6 feet in height.

(8) All requests for broadcasting antenna installations must be accompanied by a landscape plan.

**§ 21-5.60-3 Education.**

Uses in the education category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *School, PreK-12 – standards.*

(1) All structures and facilities must be set back a minimum of 20 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(2) Schools must be located with access to a street or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate government agencies.

(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.

(4) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the PreK-12 school 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *School, vocational – standards.*

(1) Minor:

(A) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming or ranching operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5(19).

(2) Major: In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming or ranching operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5(19).

**§ 21-5.60-4 Government.**

Uses in the government category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Consulate - standards.* All structures and facilities must be set back a minimum of 20 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts, unless buffered by a solid wall, screening fence, or buffering hedge that is a minimum of 6 feet in height.

**§ 21-5.60-5 Parks and open space.**

Uses in the parks and open space category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Cemetery – standards.*

(1) Prior to approval of an application for a cemetery, a certificate of approval must be obtained from the Board of Water Supply indicating that there is no danger of contamination of the water supply.

(2) In the AG-2 zoning district, burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.

(3) In the AG-2 zoning district, a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.

(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 building area.

(b) *Park – standards.* Playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.

**§ 21-5.60-6 Utility.**

Uses in the utility category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Small – standards.*

(1) *General:*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Small utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a small utility has been abandoned, the structure must be dismantled and removed or repurposed within 90 days after receipt of written notice from the director, unless the small utility owner or operator demonstrates to the director's satisfaction the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the small

utility in a timely manner, or to otherwise restore the site on which the abandoned small utility was located.

(D) In an emergency, a utility may undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service.

(2) *Solar energy generation.*

(A) A solar energy generation facility of any size is considered a small utility if it is mounted to the roof of a permitted structure dedicated to a separate principal use permitted in the underlying zoning district.

(B) A solar energy generation facility of up to 5 acres in size is considered a small utility if it is mounted on a structural support over existing surface parking dedicated to a use permitted in the underlying zoning district.

(C) A ground-mounted solar energy generation facility is considered a small utility if it is less than 20 acres in area.

(D) Notwithstanding paragraphs (A), (B), and (C), 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.

(E) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees will be relocated or replaced elsewhere on the zoning lot or surrounding area.

(F) If a solar energy generation facility exceeds 50,000 square feet in area and is within 500 feet of the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts, the facility must be fully screened from the adjoining zoning lots in those zoning districts by a landscaped hedge, solid wall, or screening fence a minimum of 6 feet in height. If the provision of solid screening is not feasible, the solar energy generation facility will be considered a medium utility.

(3) *Wind energy generation.*

(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.

(B) A rooftop wind energy generation facility is considered a small utility if it is accessory to a principal use permitted in the underlying zoning district on the same zoning lot.

(C) For a ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips must not be lower than 15 feet from ground level, unless enclosed by a fence a minimum of 6-feet in height, and must not be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.

(D) A small wind energy generation facility must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(E) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *Medium – standards.*

(1) *General.*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Medium utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a medium utility has been abandoned, the structure must be dismantled and removed or repurposed within 180 days after receipt of written notice from the director, unless the medium utility owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the medium utility in a timely manner, or to otherwise restore the site on which the abandoned medium utility was located.

(D) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service; provided that the utility shall obtain after-the-fact approvals

for the emergency work performed as soon as practicable after the emergency has ended.

(2) *Solar energy generation.*

(A) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees will be relocated or replaced elsewhere on the zoning lot or within the surrounding area.

(3) *Wind energy generation.*

(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 other 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, equipped with safety devices that will prevent them from being climbed, and securely fastened.

(E) A medium wind energy generation facility, whether mounted on the ground or on a structure, must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(F) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the medium 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(c) *Large – standards.*

(1) *General.*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district precinct, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Large utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a large utility has been abandoned, the structure must be dismantled and removed or repurposed within one year after receipt of written notice from the director, unless the large energy generation system owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the large utility in a timely manner, or to otherwise restore the site on which the abandoned large utility was located.

(D) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service; provided that the utility shall obtain after-the-fact approvals

for the emergency work performed as soon as practicable after the emergency has ended.

(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.

For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(F) With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application:

(i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and

(ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings.

Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions.

(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, and must comply with the minimum setback required under paragraph (E)(i). Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.

(H) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

**§ 21-5.70 Commercial uses.**

The following sections contain standards for the commercial use categories.

**§ 21-5.70-1 Daycare.**

Uses in the daycare category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Child daycare – standards.*

(1) All outdoor activity areas, such as playgrounds, toddler lots, play courts, and similar facilities, must be set back a minimum of 15 feet from the property line of any adjoining zoning lot within the country, residential, apartment, or apartment mixed-use zoning districts, and a minimum 6-foot high solid wall must be provided as a buffer. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(2) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

(3) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the child daycare 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *Adult daycare – standards.*

(1) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

(2) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the adult daycare 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 includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

**§ 21-5.70-2 Eating and drinking.**

Uses in the eating and drinking category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General eating and drinking – standards.*

(1) In the apartment mixed-use zoning district, the density requirements in Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the AMX-1, AMX-2, AMX-3, B-1, and I-3 zoning districts, the preparation and selling of liquor must end at 12:00 a.m.

(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. General eating and drinking establishments that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(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.

**§ 21-5.70-3 Lodging.**

Uses in the lodging category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Bed and breakfast home; Transient vacation unit – standards.*

(1) *Permitted districts.* Bed and breakfast homes and transient vacation units are permitted as described in paragraphs (A), (B), and (C), and as depicted in the figures referred to in paragraph (D); provided that if there is any inconsistency between the descriptions in paragraphs (A), (B), and (C), and the depiction in the figures referred to in paragraph (D), the figures referred to in paragraph (D) will prevail.

(A) Bed and breakfast homes and transient vacation units are permitted in the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district; provided that:

(i) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and

(ii) The resort district and the A-1 or A-2 district have been rezoned pursuant to the same zone change application as part of a master-planned resort community;

(B) Bed and breakfast homes and transient vacation units are permitted in the apartment precinct of the Waikiki special district on

the zoning lots identified as tax map keys (1) 2-6-025:005 and (1) 2-6-028:011; and

(C) Bed and breakfast homes and transient vacation units are permitted on certain zoning lots located in the A-2 medium-density apartment zoning district contiguous to the Hoakalei Resort and Lagoon.

(D) The areas in which bed and breakfast homes and transient vacation units are permitted as set forth in paragraphs (A), (B), and (C) are depicted in the following figures:

(i) The areas located within the apartment precinct of the Waikiki special district mauka of Kuhio Avenue, as designated in Figure 21-5.1;

(ii) The areas located within the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district situated in close proximity to the Ko Olina Resort, as designated in Figure 21-5.2;

(iii) The area located within the A-1 low-density apartment zoning district situated in close proximity to the Turtle Bay Resort, as designated in Figure 21-5.3; and

(iv) The area located within the A-2 medium-density apartment zoning district located contiguous to the Hoakalei Resort and lagoon, as designated in Figure 21-5.4.

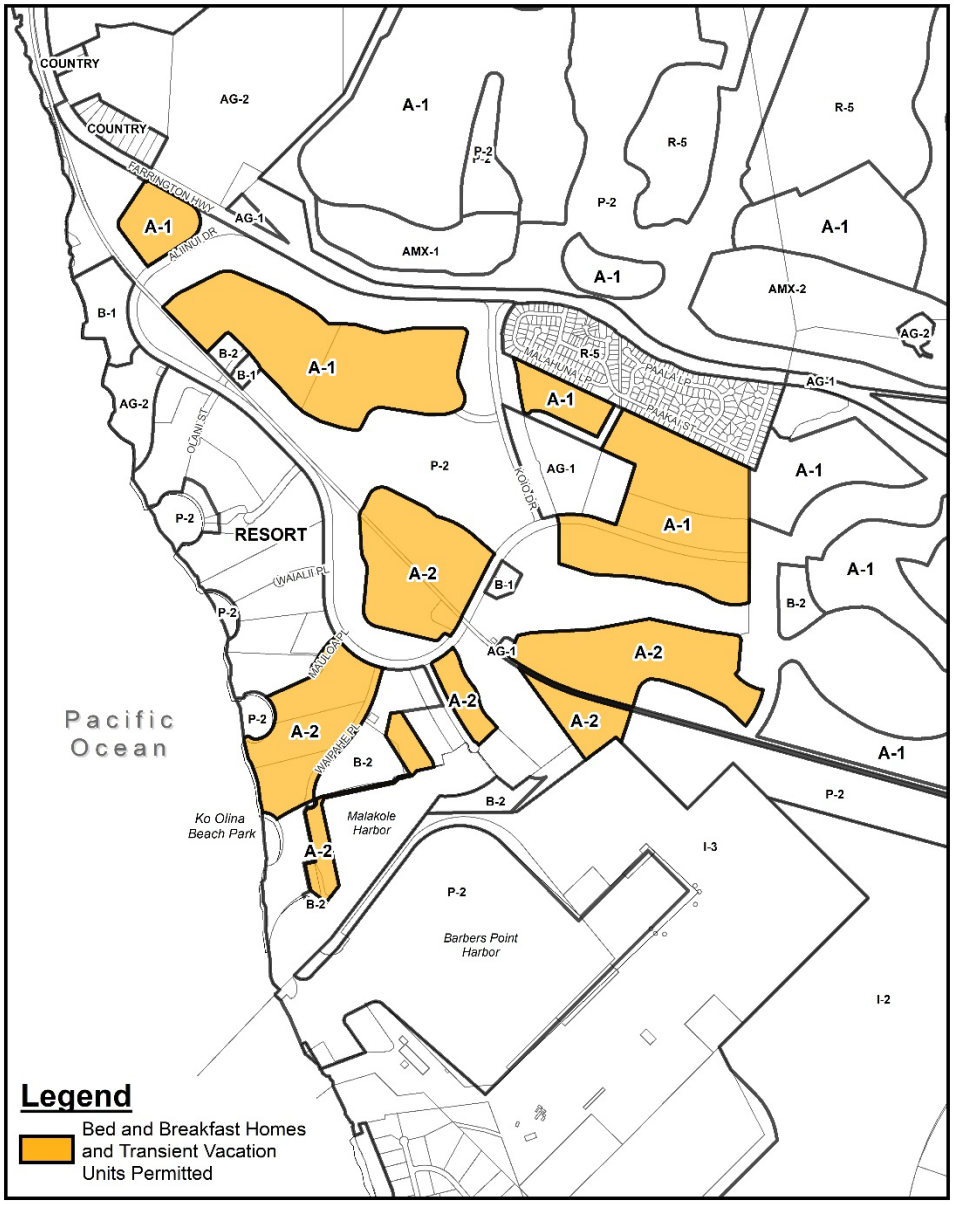
# A BILL FOR AN ORDINANCE

**Figure 21-5.1**
**Bed and Breakfast Homes and Transient Vacation Units**
**Permitted Areas – Waikiki Special District Mauka of Kuhio Avenue**



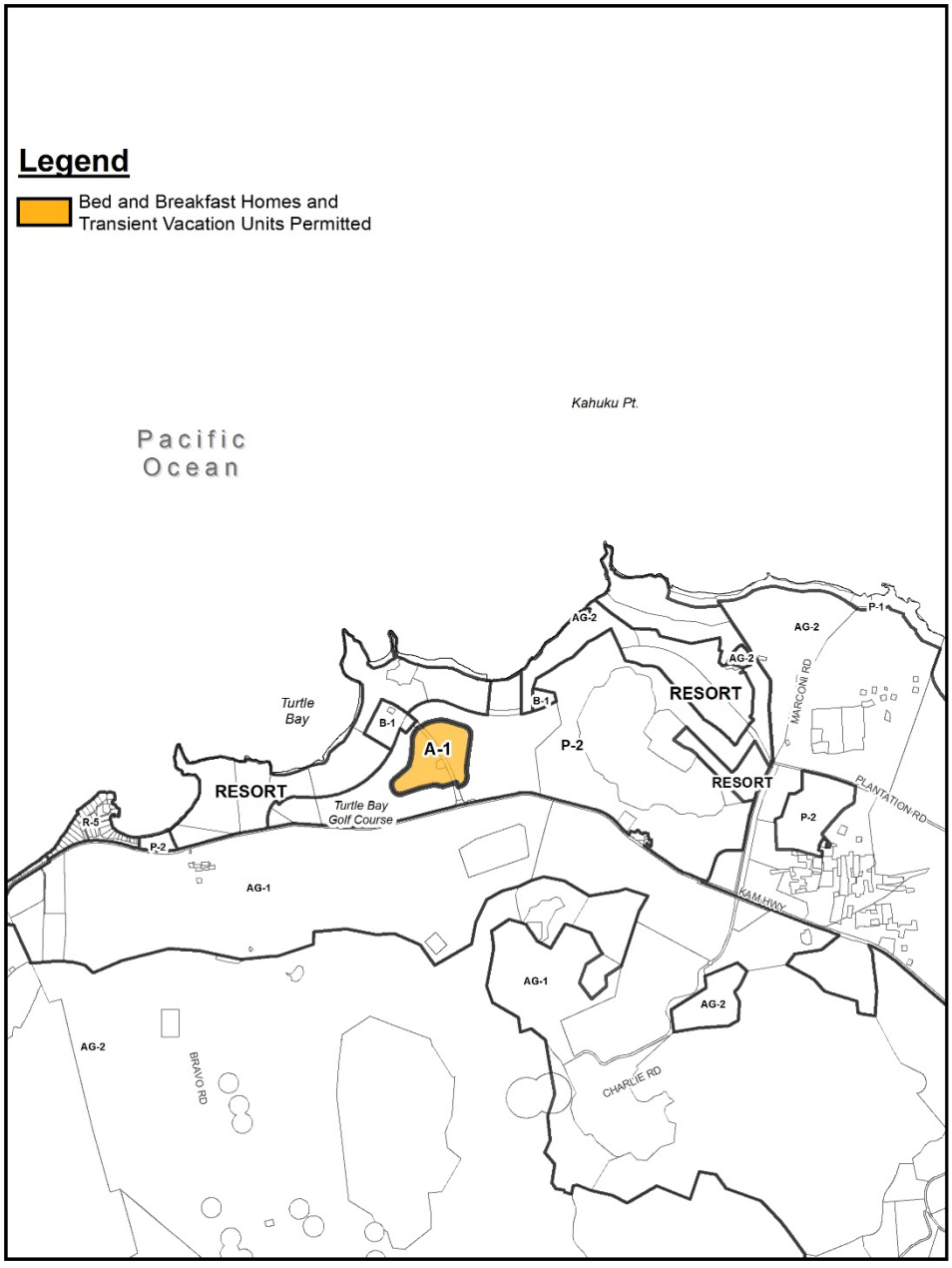
# A BILL FOR AN ORDINANCE

**Figure 21-5.2**
**Bed and Breakfast Homes and Transient Vacation Units**
**Permitted Areas – Close Proximity to the Ko Olina Resort**



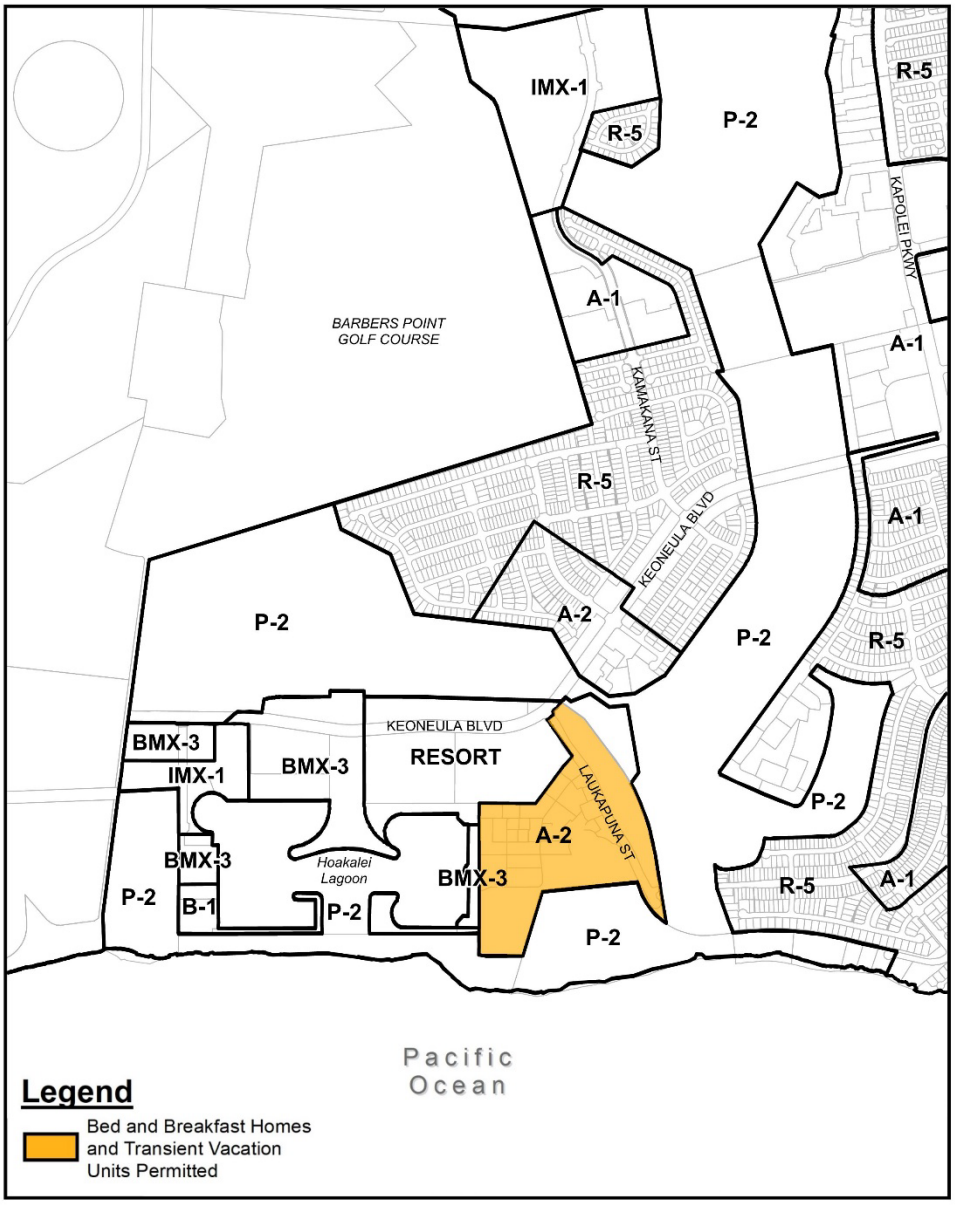
# A BILL FOR AN ORDINANCE

**Figure 21-5.3**
**Bed and Breakfast Homes and Transient Vacation Units**
**Permitted Areas – Close Proximity to the Turtle Bay Resort**



# A BILL FOR AN ORDINANCE

**Figure 21-5.4**
**Bed and Breakfast Homes and Transient Vacation Units**
**Permitted Areas – Contiguous to the Hoakalei Resort and Lagoon**



(2) *Requirements:* The following standards and requirements apply to bed and breakfast homes and transient vacation units; provided that bed and breakfast homes operating under valid nonconforming use certificates pursuant to § 21-4.110-2, or transient vacation units operating under a valid nonconforming use certificate pursuant to § 21-4.110-1 need only comply with paragraph (C):

(A) *Registration:*

(i) The owner or operator of a bed and breakfast home or transient vacation unit shall register the bed and breakfast home or transient vacation unit with the department on a form prescribed by the director, and submit the following in the initial application for registration:

(aa) A title report for the subject property that has been issued or updated within 30 days prior to its submission, and identifies all persons owning an interest in the property;

(bb) A valid current State of Hawaii general excise tax license, transient accommodations tax license, and city transient accommodations tax license for the subject property;

(cc) For a bed and breakfast home, evidence of a real property tax home exemption for the subject property, and evidence that the applicant has a minimum 50 percent ownership interest in the subject property;

(dd) An initial registration fee of $1,000 for the bed and breakfast home or transient vacation unit;

(ee) Evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the subject property, pursuant to subdivision (3)(B)(iii)(dd);

(ff) Confirmation that the bed and breakfast home or transient vacation unit is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;

(gg) The informational binder required under subdivision (2)(C)(vi); provided that a copy of a registration certificate need not be included;

(hh) Evidence that a dwelling unit proposed for use as a bed and breakfast home or transient vacation unit:

(AA) Is not an affordable unit subject to income restrictions;

(BB) Did not receive housing or rental assistance subsidies; and

(CC) Was not subject to an eviction within the last 12 months.

(ii) Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually prior to expiration.

(B) *Registration renewal.*

(i) Annually, no earlier than three months prior to the expiration of the registration certificate, the owner or operator of a bed and breakfast home or transient vacation unit shall renew the registration certificate for a bed and breakfast home or transient vacation unit with the department on a form prescribed by the department, and submit to the department the following in the registration renewal application:

(aa) For a bed and breakfast home, evidence of a real property tax home exemption for the subject property;

(bb) A tax clearance certificate issued by the department of budget and fiscal services certifying that real property taxes were assessed at the rates required by § 8-7.1 and paid in full during the preceding tax year;

(cc) A tax clearance certificate issued by the State department of taxation certifying the payment of State of Hawaii general excise taxes and transient accommodations taxes, and a tax clearance certificate issued by the department of budget and fiscal services certifying the payment of city transient accommodations taxes, for the subject property during the previous tax year;

(dd) If there has been any change in ownership of the subject property, an updated title report that has been issued within 30 days prior to the submission of the renewal application to the department;

(ee) A renewal fee of $500 for the bed and breakfast home or transient vacation unit;

(ff) Evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the property pursuant to subdivision (2)(C)(iv); and

(gg) Confirmation that the bed and breakfast home or transient vacation unit is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules.

(ii) The director may deny renewal of a registration if:

(aa) The owner or operator receives one or more notices of order for violation of this subsection within a one year period;

(bb) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community, including but not limited to instances where complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or

(cc) Where other good cause exists for denial of the renewal application.

(C) *Restrictions and standards:* Bed and breakfast homes and transient vacation units must operate in accordance with the following restrictions and standards:

(i) Functioning smoke detectors must be installed in each room that is suitable and used for transient occupant sleeping accommodations, and each hallway connected to such room. In addition to smoke detectors, functioning carbon monoxide detectors must be installed in each room that is suitable and used for transient occupant sleeping accommodations, and each hallway connected to such room, if the room is served by natural gas, propane, or other combustible gas;

(ii) Occupancy limits and sleeping arrangements are as follows:

(aa) All overnight transient occupants must be registered with the owner or operator of the bed and breakfast home or transient vacation unit;

(bb) Except for studio units, sleeping accommodations for all transient occupants must be provided in bedrooms or other rooms that are suitable for sleeping accommodations (such as a living room with a sofabed). No more than two adults may sleep in each allowable room in which sleeping accommodations are provided;

(cc) The total number of adult overnight transient occupants may not exceed two times the number of rooms provided to transient occupants for sleeping accommodations; and

(dd) The owner or operator shall maintain a current two-year registry setting forth the names and telephone numbers of all transient occupants and the dates of their respective stays;

(iii) Exterior signage indicating that a dwelling unit is used as a bed and breakfast home or transient vacation unit is prohibited;

(iv) *Insurance coverage required.* The owner or operator must maintain a minimum of $1,000,000 per occurrence in commercial general liability insurance at all times. Owners or operators may fulfill insurance requirements through coverage offered by a hosting platform; provided the insurance coverage satisfies the minimum requirements of this paragraph;

(v) *Gatherings restricted.* The property on which a bed and breakfast home or transient vacation unit is located may not be used for gatherings of ten or more individuals who are not registered as overnight transient occupants at the bed and breakfast home or transient vacation unit;

(vi) *Informational binder required.* The owner or operator shall create a binder that must be placed and maintained in a conspicuous location within the bed and breakfast home or transient vacation unit at all times. The binder must provide guidance to transient occupants on being respectful of neighbors and responding to emergencies. The binder must be made available for inspection by the department upon request. At a minimum, the binder must include the following documents and information:

(aa) A floor plan of the dwelling unit used as a bed and breakfast home or transient vacation, identifying the location of all transient occupant bedrooms, the maximum occupancy of each bedroom, and the location of all fire exits;

(bb) *Parking plan:*

(AA) For bed and breakfast homes and transient vacation units that are not located in a multifamily dwelling, a parking plan identifying the location and number of parking stalls available to persons associated with the bed and breakfast home or transient vacation unit (such as owners, transient occupants, visitors, or service providers); the parking plan must include illustrations, drawn to scale, showing the size of designated parking spaces, their location on the zoning lot, and which spaces may be occupied by vehicles of the transient occupants; or

(BB) For bed and breakfast homes or transient vacation units located in a multifamily dwelling, a parking plan identifying the location and number of parking stalls within the multifamily dwelling that may be used by persons associated with the bed and breakfast home or transient vacation unit; the parking plan may be provided in narrative form without illustrations or graphics;

(cc) Instructions for trash collection and disposal, including the dates and times of scheduled trash collections;

(dd) A copy of the house rules for the bed and breakfast home or transient vacation unit, which must impose quiet hours between 10:00 p.m. and 7:00 a.m., and for bed and breakfast homes and transient vacation units operating pursuant to nonconforming use

certificates and located within the country, residential, or apartment zoning districts, the house rules must prohibit transient occupants from parking vehicles on the public streets in the vicinity of the bed and breakfast home or transient vacation unit;

(ee) A list of emergency contacts, which must include a 24-hour telephone number for the owner or operator of the bed and breakfast home or transient vacation unit, the 911 emergency telephone number, and the website address for the Hawaii emergency management agency;

(ff) A copy of the certificate of insurance for the bed and breakfast home or transient vacation unit;

(gg) Copies of the general excise and transient accommodations tax licenses for the bed and breakfast home or transient vacation unit; and

(hh) A copy of the registration certificate or nonconforming use certificate for the bed and breakfast home or transient vacation unit.

(vii) Upon reasonable notice, any bed and breakfast home or transient vacation unit must be made available for inspection by the department;

(viii) The violation of any provision of this subsection will be grounds for administrative fines and nonrenewal unless corrected before the renewal deadline. Recurring or multiple violations will result in denial of renewal requests;

(ix) The director may revoke a registration at any time by issuing a notice of revocation under the following circumstances:

(aa) The owner or operator receives more than two notices of order within a one year period for violation of this subsection;

(bb) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community; including but not limited to instances where complaints from the public indicate that noise or other nuisances created by transient occupants disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or

(cc) The director determines that good cause exists for revocation of the registration; and

(x) Registration as a bed and breakfast home or transient vacation unit is not transferable, and shall not run with the land.

(3) *Advertisements.*

(A) *Definitions:* As used in this paragraph, unless the context otherwise requires:

(i) "Advertisement" means the display or transmission of any communication that may cause a reasonable person to understand that a dwelling unit or portion thereof is available for rent. Advertisements include but are not limited to written and spoken words, emails, text messages, electronic and hard copy publications, flyers, handbills, signs, websites, and expressive images.

(ii) "Person" means a legal person or a natural person, consisting of individuals and all types of business and legal entities, including but not limited to associations, nonprofit organizations, trusts, estates, partnerships, corporations, and limited liability companies.

(B) *Prohibition:* Advertisements for specifically identified bed and breakfast homes and transient vacation units, or for the lease or rental of other specifically identified dwelling units where the advertisement may reasonably be read as being an advertisement

for the lease or rental of a bed and breakfast home or transient vacation unit, are subject to this subparagraph.

(i) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to § 21-4.110-1 or § 21-4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located.

(ii) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to § 21-4.110-1 or § 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied."

(iii) Within seven days after receipt of a notice of violation of paragraph (A) or (B), the owner or operator of a dwelling unit shall remove, or cause the removal of, the advertisement identified in the notice, including but not limited to any advertisement made through a hosting platform. If the advertisement is not removed within seven days after receipt of the notice of violation, the following civil fines will be levied against the owner or operator of the dwelling unit:

(aa) An initial fine not to exceed $5,000; and

(bb) A fine not to exceed $10,000 for each day thereafter that the advertisement is on public display.

(iv) The existence of an advertisement that is unlawful under paragraph (A) or (B) will be prima facie evidence that a bed and breakfast home or a transient vacation unit is being operated at the listed address. The burden of proof is on the owner of the subject real property to establish that the property is not being used as a bed and breakfast home or transient vacation unit, or that the advertisement was placed without the property owner's knowledge or consent.

(C) *Exemptions:* The following are exempt from this subdivision.

(i) Legally established hotels, whether owned by one person or owned individually as unit owners but operating as a hotel as defined in § 21-5.70-3(b).

(ii) Legally established timeshare units, as provided in § 21-5.70-3(c).

(4) *Unpermitted bed and breakfast homes or unpermitted transient vacation units.*

(A) *Definitions:* As used in this paragraph, unless the context otherwise requires:

(i) "Unpermitted bed and breakfast home" means a bed and breakfast home that is not:

(aa) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-2; or

(bb) Validly registered under this section.

(ii) "Unpermitted transient vacation unit" means a transient vacation unit that is not:

(aa) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-1; or

(bb) Validly registered under this section.

(B) *Unlawful actions:* It is unlawful for any owner or operator of an unpermitted bed and breakfast home or unpermitted transient vacation unit, or the owner or operator's agent or representative to:

(i) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home for fewer than 90 consecutive days;

(ii) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home or unpermitted transient vacation unit, where such rental, offer, or rental agreement limits actual occupancy of the premises to a period of less than the full stated rental period, or conditions the right to occupy the rented premises for the full stated rental period on the payment of additional consideration;

(iii) Set aside or exclusively reserve an unpermitted bed and breakfast home or unpermitted transient vacation unit for rental or occupancy for a period of 90 consecutive days or more, but limit actual occupancy of the premises to a period of less than the full stated rental period, or condition the right to occupy the rented premises for the full stated rental period on the payment of additional consideration; or

(iv) Advertise, solicit, offer, or knowingly provide rental of an unpermitted bed and breakfast home or unpermitted transient vacation unit to transient occupants for less than 90 consecutive days. An advertisement for an unpermitted bed and breakfast home or unpermitted transient vacation unit that includes daily or less than three-month rental rates will be deemed to be in violation of this paragraph.

(5) *Complaints:* Any person may submit a written complaint to the director reporting a violation of this subsection regarding bed and breakfast homes and transient vacation units.

(A) A complaint reporting a suspected violation of this section must:

(i) Identify the address of the bed and breakfast home or transient vacation unit that is the subject of the suspected violation, including the apartment or unit number of the dwelling unit if it is located in a multifamily dwelling;

(ii) State all of the facts that cause the complainant to believe that a violation has occurred;

(ii) Identify the provisions of this section that the complainant believes are being violated; and

(iv) Provide the complainant's name and a mailing address where the director may respond to the complaint.

(B) Within 30 days after receiving a written complaint reporting a violation of the provisions of this paragraph, the director shall provide a written response to the complainant either:

(i) Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS § 46-4(b);

(ii) Entering a finding of no violation, which may be appealed to the zoning board of appeals pursuant to Charter § 6-1516; or

(iii) Advising the complainant that the director has initiated an investigation of the complaint.

(6) This subsection does not terminate or supersede private restrictive covenants or other restrictions that prohibit the use of real property as a bed and breakfast home or transient vacation unit.

(7) Notwithstanding any contrary provisions in this chapter, bed and breakfast homes and transient vacation units that do not have a valid nonconforming use certificate or registration certificate are not permitted in areas where the applicable development plan or sustainable communities plan prohibits the establishment of new bed and breakfast homes or transient vacation units; provided that bed and breakfast homes or transient vacation units

may renew valid registration certificates that were initially issued prior to an amendment to the applicable development plan or sustainable communities plan that prohibits bed and breakfast homes or transient vacation units in the plan area.

(b) *Hotel – standards.*

(1) In the BMX-3 zoning district, hotels are permitted within the Primary Urban Center development plan, Ewa development plan, or Central Oahu sustainable communities plan areas; provided that all of the following are satisfied:

(A) The hotel does not exceed a floor area ratio of 2.0, excluding floor area dedicated to separate permitted uses;

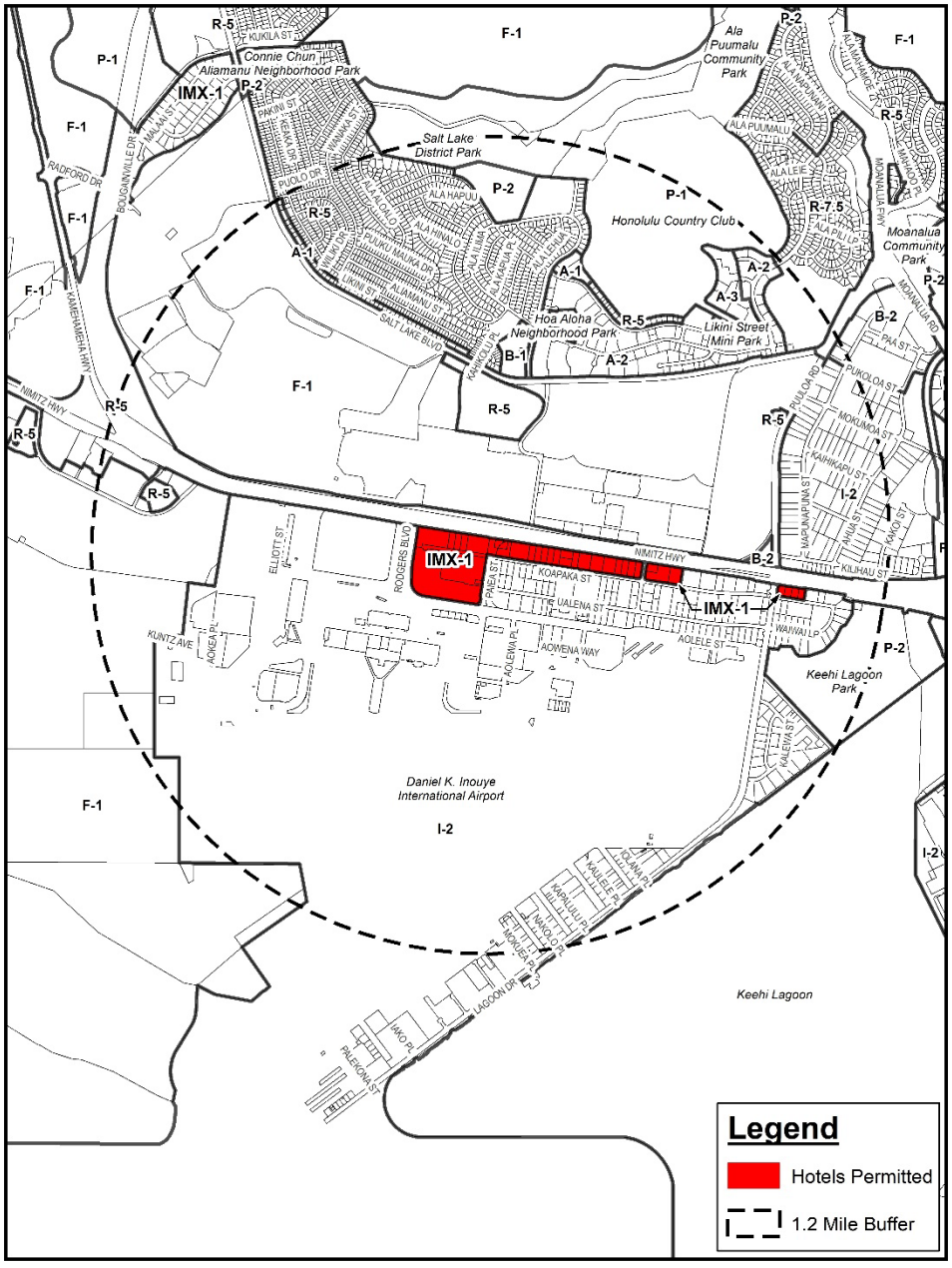
(B) The hotel may not be used or include facilities for weddings, conventions, or special events as an accessory use, and specific uses must be permitted as a principal use in the underlying zoning district; and

(C) Guest rooms must be offered or used for transient accommodations for a minimum of 275 days per year, unless unavailable for occupancy due to necessary repair or maintenance.

(2) In the IMX-1 zoning district, hotels are permitted in the areas situated in close proximity to the Daniel K. Inouye International Airport, as designated in Figure 21-5.4.

# A BILL FOR AN ORDINANCE

**Figure 21-5.4**
**Hotels Permitted Areas – IMX-1 Zoning District**
**Close Proximity to the Daniel K. Inouye International Airport**



(c) *Timeshare – standards.* Timeshare units are permitted as described in subdivision (1) and as depicted in the figure referred to in subdivision (2); provided that if there is any inconsistency between the description in subdivision (1) and the depiction in the figure referred to in subdivision (2), the figure referred to in subdivision (2) will prevail.

(1) Timeshare units are permitted in the A-2 medium density apartment zoning district; provided that:

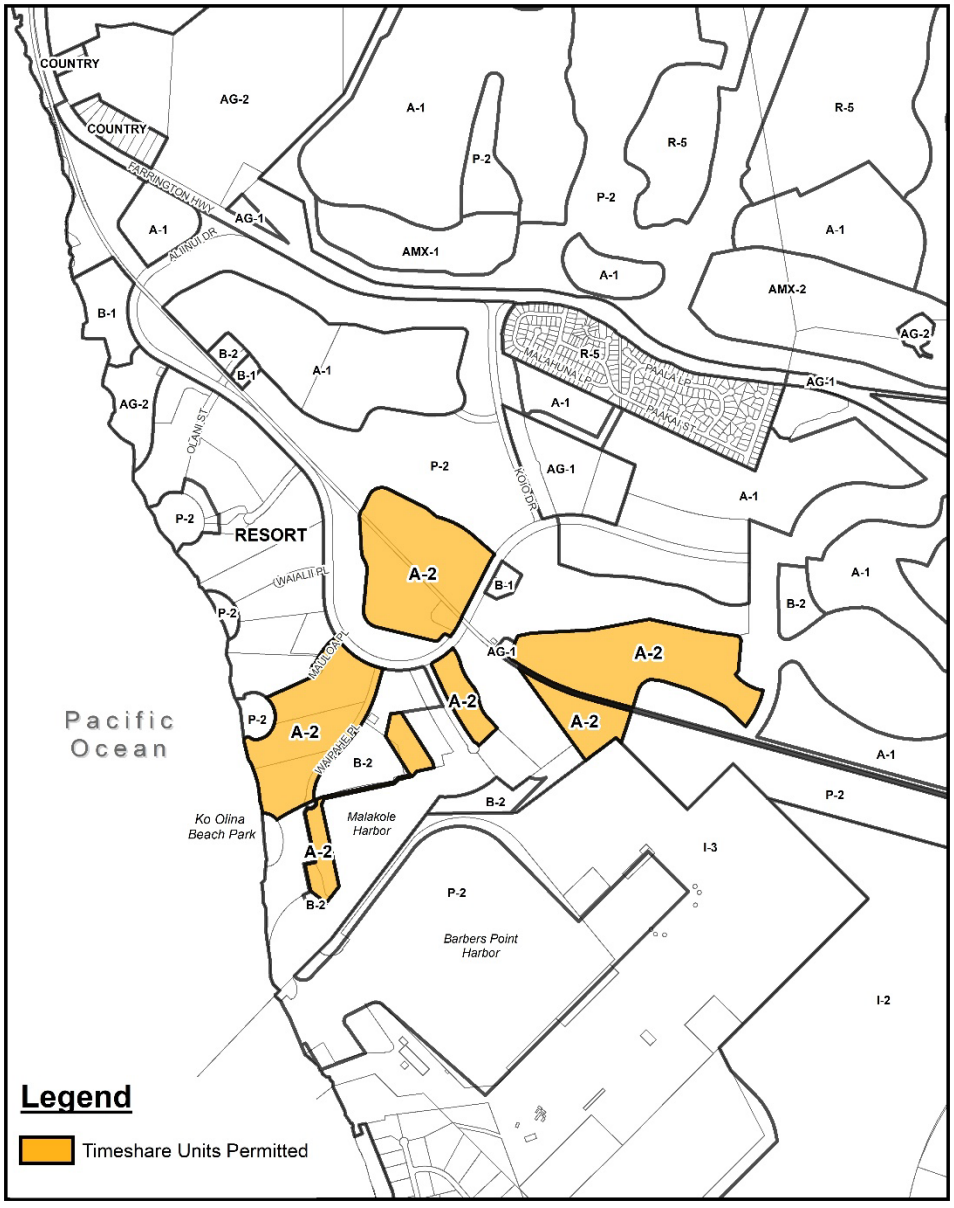
(A) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and

(B) The resort district and the A-2 district have been rezoned pursuant to the same zone change application as part of a master-planned resort community; and

(2) The areas in which timeshare units are permitted as set forth in subdivision (1) are depicted as the areas located within the A-2 medium density apartment zoning district situated in close proximity to the Ko Olina Resort, as designed in Figure 21-5.5.

# A BILL FOR AN ORDINANCE

**Figure 21-5.5**
**Timeshare Permitted Areas – Close Proximity to the Ko Olina Resort**



**§ 21-5.70-4 Medical.**

Uses in the medical category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General medical services – standards.*

(1) In the apartment mixed-use zoning district, the density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the industrial mixed-use zoning district, the density requirements of Table 21-3.5 and § 21-3.140-1(c) apply.

(b) *Hospital – standards.* As required pursuant to a plan review use permit.

**§ 21-5.70-5 Office.**

Uses in the office category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General office – standards.* The density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

**§ 21-5.70-6 Parking.**

Uses in the parking category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Remote parking – standards.*

(1) In the apartment, apartment mixed-use, and resort zoning districts, there is no minimum zoning lot area, width, or depth for remote parking facilities.

(2) For additional requirements applicable to remote parking see § 21-6.70.

(b) *Commercial parking – standards.* The density controls of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

**§ 21-5.70-7 Personal service.**

Uses in the personal service category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General personal services – standards.*

(1) In the apartment mixed-use zoning district:

(A) All services involving amplified music or music instruction must be located in a fully enclosed, sound-attenuated structure, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) The density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the industrial mixed-use zoning district, the density requirements of Table 21-3.5 and § 21-3.140-1(c) apply.

(3) When the principal entrance is less than 75 feet or its parking area is 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. General personal services uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(b) *Animal care, minor and major – standards.*

(1) All structures and facilities associated with keeping animals overnight must either:

(A) Be set back a minimum of 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning district; or

(B) Be fully enclosed, soundproofed, and air-conditioned if it is within 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning district.

(2) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned, and associated odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.

(3) Except for occasional and infrequent incidents, animal noises must not be detectable from common areas within a building, abutting properties, or public areas such as streets and sidewalks.

(4) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.

(5) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the major animal care 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 includes information about a farm or ranch's resources, goals, and business plan to engage in crop production or livestock and poultry keeping.

**§ 21-5.70-8 Recreation, outdoor.**

Uses in the outdoor recreation category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Golf course – standards.* As required pursuant to a plan review use permit.

(b) *Zoo – standards.* As required pursuant to a plan review use permit.

(c) *Nature-based recreation – standards*.

(1) In the P-2 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area must be dedicated to crop production, livestock and poultry keeping, or passive undeveloped recreational areas, such as natural open space, forests, and trails, for as long as the nature-based recreation is in operation, as evidenced by a farm plan or recreational plan that shows the area and percentage of the zoning lot to be in active agricultural use or passive undeveloped recreational use, and includes information about a farm, ranch, or recreational area resources, goals, and business plan to engage in crop production or livestock and poultry keeping, or for passive recreational purposes.

(2) The overall density for cabins must not exceed one cabin per acre, and no kitchens or wet bars are allowed.

(3) For horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be 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.

(4) A minor conditional use permit is required if the nature-based recreation activity does not include overnight stays. A major conditional use permit is required if the nature-based recreation activity includes overnight stays.

**§ 21-5.70-9 Retail.**

Uses in the retail category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General retail, small, medium, large – standards.*

(1) All incidental storage of material and equipment must be located in a fully enclosed structure.

(2) When the principal entrance is less than 75 feet or its parking area is 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. Small, medium, or large general retail uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(3) In the apartment mixed-use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m., including any loading activities associated with the retail use.

(4) In the industrial mixed-use zoning district, the density controls of Table 21-3.5 and § 21-3.140-1(c) apply.

(b) *Mobile commercial establishment – standards.*

(1) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter.

(2) Mobile commercial establishments must operate outside of any required yards.

(3) One portable sign per mobile commercial establishment is allowed during hours of operation. The sign must be located within 5 feet of the mobile commercial establishment, unless weather conditions render it unsafe.

(4) When three or more mobile commercial establishments operate on one zoning lot:

(A) A parking management plan is required. See § 21-6.30(m) for adjustments and exemptions to parking requirements for mobile commercial establishments.

(B) A pedestrian and vehicle circulation plan is required.

(C) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(D) If seating areas are provided for patrons of the mobile commercial establishments, restrooms or portable restrooms accessible to patrons must be present on the zoning lot and adequately screened from public view.

(5) If a mobile commercial establishment is located less than 75 feet from any adjoining zoning lot:

(A) In the country, apartment, or apartment mixed-use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m.

(6) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this subsection.

**§ 21-5.70-10 Vehicle-related.**

Uses in the vehicle-related category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Car wash – standards.*

(1) When the use occurs less than 75 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. Car wash uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(2) A closed-loop water recycling system with no offsite discharge or run-off must be used.

(3) The use must be in a sound-attenuated structure.

**§ 21-5.70-11 Accessory commercial.**

Uses in the accessory commercial category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Drive-thru – standards.*

(1) Speaker boxes must be set back a minimum of 75 feet from the property line of any zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

(2) Drive-thru lanes must be set back a minimum of 20 feet from the property line of any zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

**§ 21-5.80 Industrial uses.**

The following sections contain standards for the industrial use categories.

**§ 21-5.80-1 Manufacturing and processing.**

Uses in the manufacturing and processing category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General manufacturing and processing – standards.*

(1) *Light:* In the business and business mixed-use zoning districts, total 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.

(b) *Biofuel processing facility – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(3) In the AG-1 and AG-2 zoning districts, agricultural land and other agricultural uses in the vicinity of the biofuel processing facility must not be adversely impacted, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS § 205-4.5(a)(16).

(c) *Explosive or toxic chemical manufacturing, storage, and distribution – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(3) Explosives storage must be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The height of the landform or barrier must be taller than any magazine or production facility and must consist of an earthen mound or revetted wall with a minimum thickness of 3 feet.

(d) *Food manufacturing and processing – standards.*

(1) 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.

(e) *Petrochemical plant - standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

**§ 21-5.80-2 Marine.**

Uses in the marine category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General marine – standards.*

(1) *Minor:*

(A) Except as provided in (B) or (C), launching ramps, boat repair facilities, establishments for the sale of boating supplies and fuel, clubhouses and drydock facilities, or other areas for storage of boats on land must be set back from the property line of any

adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts by:

(i) Except as provided in (ii), 300 feet if open between the hours of 10:00 p.m. and 6:00 a.m.; or

(ii) One hundred fifty feet if not open between the hours of 10:00 p.m. and 6:00 a.m., or if the activity or facility is screened by a solid wall at minimum of 6 feet in height.

(B) A master planned community with an inland waterway designated as within the preservation zoning district is not subject to the additional setback requirements; provided that the master planned community was created pursuant to the same zone change application as part of a single rezoning action.

(C) Where a general marine use occurs adjacent to an inland waterway designated as within the preservation zoning district, no setback requirement is required for uses not common to both the underlying zoning district and the preservation zoning district.

**§ 21-5.80-3 Repair.**

Uses in the repair category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Heavy repair – standards.*

(1) All structures and activities must be set back a minimum 100 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(2) All activities conducted 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.

(b) *Vehicle service – standards.* All activities conducted within 300 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts are limited to the hours between 6:00 a.m. to 10:00 p.m.

**§ 21-5.80-4 Resource extraction.**

Uses in the resource extraction category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General resource extraction – standards.*

(1) Blasting operations are restricted to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.

(2) The application for a conditional use permit must include a plan for the development of the property, which includes the exploitation and reuse of the property.

(A) The plan for the exploitation phase must show the proposed development as planned in relation to surrounding property within 300 feet, and include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions (including topography, drainage, and soils) that will exist at the end of the exploitation phase. Contour intervals for topography must be 5 feet in areas where the slope is greater than 10 percent, or 2 feet in areas where the slope is 10 percent or less.

(B) The plan for the reuse phase must indicate how the property is to be left in a form suitable for reuse for purposes permissible in the underlying zoning district, and the relation between the reuse and the existing or proposed uses for surrounding properties. Among items to be included in the plan are:

(i) Feasible circulation patterns in and around the site;

(ii) The treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed reuse; and

(iii) The treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage.

In the plan for reuse, intermittent lakes and marshes are not permitted, except in areas within flood hazard districts; provided that the intermittent lake or marsh is situated more than 1,000 feet from the property line of the nearest zoning lot in the residential, apartment, apartment mixed-use, or resort zoning districts.

**§ 21-5.80-5 Storage and warehousing.**

Uses in the storage and warehousing category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Self-storage – standards.*

(1) No individual storage area may exceed 6,000 cubic feet in volume.

(2) All buildings must have windows or architectural treatments that look like windows.

(3) Storage spaces may not be used for activities other than the storage of personal property. Accessory uses are limited to the sale of boxes, tape, and other packing-related materials.

(b) *Storage yard – standards.*

(1) Sale or processing of scrap, salvage, or secondhand material is prohibited.

(2) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(3) Within the I-1 zoning district:

(A) All structures and activities must be set back a minimum 100 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(B) If the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.

**§ 21-5.80-6 Transportation.**

Uses in the transportation category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Airport – standards.* As required pursuant to a plan review use permit.

(b) *Base yard – standards.*

(1) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(2) Within the I-1 zoning district:

(A) All structures and activities must be set back a minimum of 100 feet from any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(B) If the facility is within 300 feet of a zoning lot in the residential, apartment or apartment mixed-use zoning districts, startup of equipment, including motor vehicles, is limited to the hours between 6:00 a.m. and 10:00 p.m.

(c) *Heliport – standards.* Except for emergency medical operations and search and rescue operations:

(1) Heliports may not exceed one operation per hour.

(2) Takeoff and landing operations are restricted to the hours between 8:00 a.m. and 5:00 p.m.

(3) Rotorcraft are limited to a maximum gross weight of up to 7,000 pounds.

(d) *Multimodal facility – standards.* As required by a conditional use permit.

**§ 21-5.80-7 Waste-related.**

Uses in the waste-related category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Salvage, scrap, or junk storage and processing – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning district.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the setback requirement may be reduced; provided that under no circumstances may the distance be less than 500 feet.

(b) *Waste disposal and processing – standards.*

(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.

(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;

(3) This subsection does not apply to the continued operation of an existing solid waste landfill 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

(4) This subsection does not apply to any individual, State-certified, non-industrial redemption center.

**§ 21-5.80-8 Accessory industrial.**

Uses in the accessory industrial category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Helistop – standards.*

(1) Structures for rotorcraft storage are prohibited.

(2) May include overnight parking of one rotorcraft.

(3) Except for emergency medical operations and search and rescue operations:

(A) Helistops may not exceed one operation per hour.

(B) Takeoff and landing operations are restricted to the hours between 8:00 a.m. and 5:00 p.m.

(C) Rotorcraft are limited to a maximum gross weight of up to 7,000 pounds.

**§ 21-5.90 Miscellaneous uses.**

The following sections set forth the standards for uses in the miscellaneous use categories. Development standards required in other articles of this chapter apply to all uses.

**§ 21-5.90-1 Historic structure reuse.**

Uses that incentivize the owner of a historic structure to maintain the structure when the use is not otherwise permitted in the underlying zoning district.

(a) Any use is permitted in a structure listed on the Hawaii or National Register of Historic Places; provided that any proposed alteration, repair, or renovation beyond the structure's original design and the proposed use must be approved by the appropriate historic preservation entity, and may not result in the destruction or demolition of the structure.

(b) The director may deny any historic structure reuse request upon determining that the reuse may result in adverse impacts on the surrounding neighborhood for which reasonable mitigative measures are not possible or practicable.

**§ 21-5.90-2 Joint development of two or more adjacent zoning lots.**

(a) Whenever two or more adjacent zoning lots are developed jointly in accordance with this section, they will be considered and treated as one zoning lot; provided that whenever the zoning lots involve two or more zoning districts, the lots will be subject to § 21-4.50.

(b) An owner, owners, duly authorized agents of the owners, or duly authorized lessees holding leases with a minimum of 30 years remaining in their terms of adjacent zoning lots who believe that joint development of their properties would result in a more efficient use of land shall apply for a minor conditional use permit to undertake the joint development.

(c) When applying for a minor conditional use permit for joint development under this section, the applicants shall submit to the director a joint development agreement that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of joint development proposed in such a way that there will be conformity with applicable zoning regulations. The development standards listed in § 21-2.90-2(c) may not be modified through a conditional use permit for joint development unless allowed through another discretionary approval. The right to enforce the agreement will also be granted to the city. The joint development agreement is subject to the approval of the corporation counsel of the city.

(d) If the director finds that the proposed agreement assures future protection of the public interest and meets the requirements for issuance of a conditional use permit, the director shall issue the conditional use permit. Upon issuance of the permit, the joint development agreement, which must be one of the conditions of the conditional use permit, must be recorded as a covenant running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or

both, as appropriate. Proof of such recording in the form of a copy of the covenant certified by the appropriate agency must be filed with the director prior to the issuance of any building permit."

SECTION 4. Section 21-2.40-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-2.40-1 Minor permits.**

(a) *Specific permits.* The minor permit category consists of the following permits and approvals:

(1) Zoning adjustment;

(2) Waiver;

(3) Existing use permit;

(4) Conditional use permit (minor); and

(5) Special district permit (minor).

(b) *Preapplication procedures.* Before submitting an application for a minor permit[~~, except an existing use permit,~~] for the following uses:

(1) [~~Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure~~] Communication tower or communication support structure in the P-2, AG-1, or AG-2 zoning districts;

(2) [~~Meeting~~] Small or medium meeting facility;

(3) [~~Day-care facility;~~] Child or adult daycare;

(4) [~~Schools: elementary, intermediate, and high~~] K-12 school; or

(5) [~~Hotel~~] Minor hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 zoning district;

the applicant shall first present the project to the neighborhood board of the district where the project will be located or, if no such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of the presentation to owners of all properties adjoining the proposed project. The requirements of this subsection [~~shall~~] will be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:

(A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days of the date of the written request; or

(B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.

(c) *Application and processing.* An applicant seeking a minor permit shall submit the appropriate application to the director for processing. Once the director has accepted an application for a conditional use permit (minor) involving a meeting facility, [~~day care facility, school (elementary, intermediate and high), or~~] child daycare, adult daycare, K-12 school, or minor hotel [~~with up to 180 dwelling or lodging units, or both,~~] in the BMX-3 zoning district, the director shall notify adjoining property owners and the appropriate neighborhood board or community association of receipt of the application. The director shall ask adjoining property owners whether they wish to have a public hearing on the proposed project, and whether they have any concerns about potentially adverse external effects of the proposed project on the immediate neighborhood. If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no earlier than 45 days after acceptance of the completed application; and the application will thereafter be subject to § 21-2.40-2(c)(2), (3), (4) and (6), and subsection (d). If the director determines that a public hearing is not necessary, within 45 days of the director's acceptance of the completed application, the director shall either:

(1) Approve the application as submitted;

(2) Approve the application with modifications or conditions, or both; or

(3) Deny the application and provide the applicant with a written explanation for the denial;

provided that if an applicant substantially amends an application after its acceptance by the director, the director will have up to 45 days from the date of such amendment to act on the application as provided in this section."

SECTION 5. Section 21-2.90-1, Revised Ordinances of Honolulu 2021 ("Application requirements"), is amended by amending subsection (c) to read as follows:

"(c) The application [~~shall~~] will be processed in accordance with this article, subject to the following:

(1) When the application is for a conditional use permit (minor) for a meeting facility, [~~day-care facility, or school (elementary, intermediate, and high),~~] adult or child daycare, or K-12 school, the director [~~shall have~~] has the discretion to hold a public hearing on the application upon a determination that there is sufficient justification for a public hearing;

(2) If the director holds a public hearing as described in this section, the deadline for the director's action on the application [~~shall~~] will be extended from 45 to 90 days from acceptance of the completed application; and

(3) If the determination is made to hold a public hearing as provided in this section, the applicant shall make a good faith effort to notify all owners of property within 300 feet of the affected property's boundaries of the date, time, and place of the public hearing for the applicant's proposed use of the property as follows:

(A) The notification [~~shall~~] must be sent within 10 working days of the director's written decision notifying the applicant of the date, time, and place that the public hearing will be held;

(B) The notification [~~shall~~] will be sent by regular mail;

(C) The department shall make available to the applicant a list of all properties and owners located within 300 feet of the affected property;

(D) The applicant shall submit an affidavit confirming that the notification requirements have been met; and

(E) The notification may be made to the respective homeowners board or association of an affected condominium property regime or cooperative housing corporation in lieu of individual owners.

The failure of any person to receive a notice pursuant to this subsection [~~shall~~] will not affect the validity of any permit issued under this chapter."

SECTION 6. Section 21-2.90-2, Revised Ordinances of Honolulu 2021 ("General requirements"), is amended by amending subsection (e) to read as follows:

"(e) Notwithstanding the requirements of subsections (b) and (c) relating to minimum development standards, in the apartment, apartment mixed-use, and business mixed-use zoning districts, the director may grant a conditional use permit for [~~special needs housing for the elderly,~~] large group living, as defined in this chapter, which may modify district regulations within the limits and subject to the standards established for this conditional use in Article 5."

SECTION 7. Section 21-2.110-3, Revised Ordinances of Honolulu 2021, is repealed.

["**~~§ 21-2.110-3 Designation of ohana-eligible areas.~~**

~~The procedures for designating ohana-eligible areas shall be as provided in § 21-8.20-1(1) and the rules adopted pursuant thereto.~~"]

SECTION 8. Section 21-2.120-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-2.120-1 Applicability.**

(a) Plan review use (PRU) approval [~~shall be~~] is required for the following public and private uses:

(1) Hospitals;

(2) Prisons;

(3) Airports;

(4) Colleges and universities (except [~~business schools and business colleges);~~] vocational schools);

(5) [~~Trade or convention centers; and~~] Large meeting facilities subject to subsection (c);

(6) Those golf courses described in subsection (d)[~~.~~]; and

(7) Zoos.

(b) This section applies to all of the uses in subsection (a), in all zoning districts and special districts.

(c) [~~Trade or convention centers shall~~] A large meeting facility may not be approved as a plan review use in [~~any residential zoned district.~~] the preservation, agricultural, country, residential, apartment, apartment mixed-use, or industrial zoning districts.

(d) *Golf courses.*

(1) If, following rezoning of land planned for golf course use to P-2 preservation zoning district, either:

(A) A grading permit has not been issued for the golf course within two years of the rezoning; or

(B) A grading permit that was issued within two years of the rezoning has expired due to suspension or abandonment of work, or is revoked, then PRU approval is required for the golf course [~~shall require PRU approval~~].

(2) Golf courses [~~shall be~~] are permitted as a plan review use in the P-2 [~~preservation district~~] and resort zoning districts only when consistent with the city's development plans. Golf courses [~~on P-2 zoned land shall~~] in the P-2 and resort zoning districts will be deemed consistent with the development plans only when situated on lands designated for preservation, parks and recreation, or golf courses on the development plan land use maps.

(3) Uses accessory to a golf course [~~shall~~] must be designed and scaled to meet only the requirements of the members, guests, or users of the facility.

(4) In addition to the general provisions of § 21-2.120-2, PRU approval of requests for golf courses may be based on the additional criteria enumerated in § [~~21-5.280.~~] 21-5.70-8(a)."

SECTION 9. Section 21-2.130, Revised Ordinances of Honolulu 2021 ("Waiver of requirements"), is amended by amending subsection (a) to read as follows:

"(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following:

(1) Public or public/private uses and structures, communication towers, communication support structures, and small, medium, or large utility installations; provided that wind energy generation facilities are not eligible for a waiver under this section;

(2) To permit the creation of zoning lots designated for landscaping and open space purposes that do not meet minimum zoning lot area or dimensions;

(3) To permit the replacement of existing improvements on private property when the improvements are[~~, or have been,~~] rendered nonconforming through the exercise of government's power of eminent domain on or after October 22, 1986, which for the purposes of this [~~provision~~] subdivision may also include requirements under Chapter 14, Article 6, or the establishment of street setback lines;

(4) To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates, including but not limited to the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided that the improvements [~~cannot~~] could not otherwise be made without conflicting with this chapter; and

(5) In the residential, apartment, and apartment mixed-use zoning districts, when a zoning lot is subject to a street setback line, the director may reduce the front or rear yard requirement by up to 30 percent[~~, subject to~~]; provided that the following conditions are satisfied:

(A) The zoning lot does not meet applicable minimum development standards for lot area, lot width, or lot depth, either in its current configuration or after the street setback is taken; and

(B) The appropriate agency or agencies concur in the reduction."

SECTION 10. Section 21-2.140-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-2.140-1 Specific circumstances.**

The director may [~~grant~~] approve an adjustment from the requirements of this chapter under the following circumstances.

(a) *Carports and garages.*

(1) When located in a residential zoning district, a one-car or two-car carport or garage may encroach into required front or side yards, including those in special districts, only under the following conditions:

(A) No other viable alternative site exists relative to the location of an existing dwelling (including additions), legally constructed [~~before~~] prior to October 22, 1986, or to the topography of the zoning lot; and

(B) The landowner [~~must~~] shall authenticate the nonconformity of the existing dwelling, carport, or garage, if necessary.

Any carport or garage covered by this subsection must not be converted to or be used for a use other than a carport or garage.

(2) The maximum horizontal dimensions for the carport or garage generally must not exceed 20 feet by 20 feet; provided that the dimensions may be reasonably increased to accommodate an existing retaining wall or similar condition.

(b) *Energy-saving rooftop designs.* Rooftop designs that incorporate energy-saving features, including but not limited to vented ceilings or louvered skylights, may extend above the height limit or height setback of the underlying zoning district by not more than 5 feet; provided that:

(1) The building is not a [~~detached~~] single-unit, two-unit, or duplex-unit dwelling [~~unit or duplex~~]; and

(2) The proposal is subject to design review. The roofing treatment must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.

(c) *Flag lot access width.* Where unusual terrain or existing development does not allow the required access drive, the director may:

(1) Adjust the minimum access width to no less than [~~ten~~] 10 feet; and

(2) Allow more than dual access to an access drive; provided that the following criteria are met:

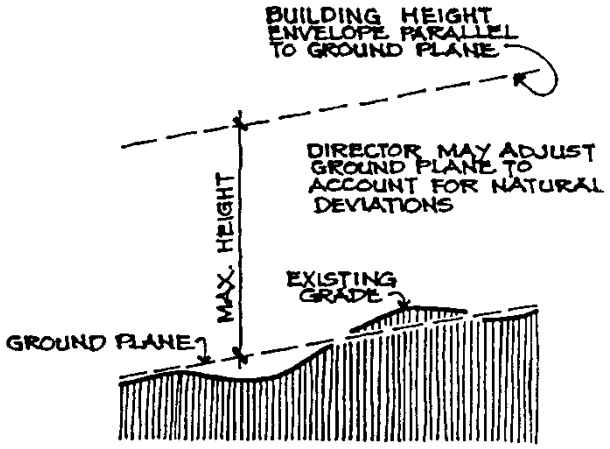
(A) The appropriate government agencies do not object to the proposal;

(B) No more than three flag stems or access drives are located adjacent to one another, the access drives do not serve more than five dwelling units, and the combined access drive pavement width does not exceed 32 feet; and

(C) If more than dual access to a flag stem or access drive is proposed, the design results in one common driveway and one curb cut to serve all lots adjoining the flag stems.

(d) *Grade irregularities.* Where unusual natural deviations occur in grade, the director may adjust the building height envelope to permit reasonable building design. An adjustment may be made only in accordance with the intent of the pertinent district regulations (see Figure 21-2.2).

**Figure 21-2.2**
**ZONING ADJUSTMENT:**
**GRADE IRREGULARITIES**




(e) *Lanai enclosures.* Lanais that are a part of buildings constructed on or before October 22, 1986, that have reached the maximum permitted floor area, may be enclosed if they meet all of the following criteria:

(1) The enclosure meets a unified design scheme approved by either the condominium association or the building owner, whichever [~~applies;~~] is applicable;

(2) Other lanais in the building have been similarly enclosed; and

(3) Lanais that have already been enclosed have been done so legally.

(f) *Loading requirements—low-rise [~~multi-family~~] multi-unit dwellings.* The director may adjust or waive the loading requirement for low-rise [~~multi-family~~] multi-unit dwellings[~~,~~]; provided that:

(1) The project consists of more than one building;

(2) Buildings do not exceed three stories; and

(3) There is sufficient uncovered parking and aisle or turnaround space to accommodate occasional use for loading.

(g) *Off-street parking and loading requirements upon change in use.*

(1) *Change in use on zoning lot with conforming parking and loading.* Notwithstanding Article 6, if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, then the director may adjust the number of additional parking or loading spaces required, subject to the following conditions:

(A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and [~~off-site~~] remote parking facilities;

(B) There was no previous change in use on the zoning lot to a use with higher parking or loading standards during the five-year period immediately preceding the change in use;

(C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision; and

(D) The parking and loading will thereafter be deemed to be nonconforming.

(2) *Change in use on zoning lot with nonconforming parking and loading.* Notwithstanding § 21-4.110(e)(1), if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, nonconforming parking and loading may be continued, with no additional parking or loading spaces being required; subject to the following conditions:

(A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and [~~off-site~~] remote parking facilities;

(B) There was no previous change in use on the zoning lot to a use with a higher parking or loading standard during the five-year period immediately preceding the change in use; and

(C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision or subdivision (1).

(h) *Rebuilding or expansion of a nonconforming ohana [~~dwelling.~~] unit.* Nonconforming ohana [~~dwellings~~] units may be altered, enlarged, repaired, or rebuilt; provided that all of the following conditions are satisfied[~~.~~]:

(1) The ohana [~~dwelling~~] unit is a nonconforming structure or dwelling unit. An ohana [~~dwelling~~] unit will be deemed nonconforming when the building permit for an ohana [~~dwelling~~] unit was issued, and any of the following circumstances apply:

[~~(A) The ohana dwelling is no longer in an ohana-eligible area pursuant to § 21-2.110-3;~~

~~(B)~~](A) The ohana [~~dwelling~~] unit is occupied by persons who are not related by blood, marriage, or adoption to the family residing in the primary dwelling, and the building permit for the ohana [~~dwelling~~] unit was issued before September 10, 1992;

[~~(C)~~](B) A declaration of condominium property regime or declaration of horizontal property regime was filed with either the State of Hawaii bureau of conveyances or the State of Hawaii land court, or both, as appropriate, on or before December 31, 1988; or

[~~(D)~~](C) The ohana [~~dwelling~~] unit was legally established, but is no longer allowed pursuant to [~~§ 21-8.20(c)(2) and (3);~~] § 21-5.50-3(c)(4);

(2) The building area of the ohana [~~dwelling~~] unit in combination with the building area of the primary dwelling does not exceed the current

maximum building area development standard for the underlying zoning district;

(3) The ohana [~~dwelling~~] unit complies with all other development standards for the underlying zoning district, including off-street parking standards; and

(4) Unless the ohana [~~dwelling~~] unit was lawfully established before December 31, 1988, the owners shall comply with [~~§ 21-8.20(c)(8)~~] § 21-5.50-3(c)(3) prior to the issuance of any building permit.

(i) [~~*Receive-only antenna]*~~ *Accessory receive only antenna height.* [~~Receive-only antennas~~] Accessory receive only antennas may exceed the applicable zoning district height limit, subject to the following conditions:

(1) The zoning lot is not located in a residential zoning district where utility lines are predominantly located underground;

(2) The applicant shall provide evidence to the director that adequate reception by the accessory receive only antenna, for the purposes for which the accessory receive only antenna is designed, cannot be provided anywhere on the zoning lot at or below the applicable zoning district height limit, and the accessory receive only antenna must not extend above a height greater than what is shown by the evidence provided to the director to be necessary to provide adequate reception; provided that in no case may the accessory receive only antenna extend more than 10 feet above the applicable zoning district height limit; and

(3) [~~A receive-only~~] An accessory receive only antenna may be placed on top of an existing structure that is nonconforming in height; provided that the accessory receive only antenna must not extend above the height of the structure by more than 10 feet.

(j) *Residential height.* The director may adjust the second plane of the building height envelope up to a maximum of 35 feet, subject to the following conditions:

(1) The slope of the lot is greater than 40 percent;

(2) There is no reasonable development alternative without an increase in the height envelope; and

(3) The zoning lot must be limited to dwelling use.

(k) *Retaining walls.* The director may adjust the maximum height of a retaining wall upon finding that additional height is necessary because of safety, topography, subdivision design, or lot arrangement; provided that the aesthetic impact of the wall would not be adverse to the neighborhood and community as viewed from any street. The director may impose reasonable conditions when granting this additional height, such as material used, color, landscaping, terracing, setbacks, and offsets, as may be necessary to maintain the general character of the area.

(l) *Rooftop height exemption.* Rooftop structures that principally house elevator machinery and air conditioning equipment may extend above the applicable zoning district height limit for structures or portions of structures; provided that all of the following conditions are satisfied:

(1) If the elevator cab opens on the roof, machinery must not be placed above the elevator housing[.];

(2) The highest point of the rooftop structures must not exceed 5 feet above the highest point of the equipment structures. Rooftop structures principally housing elevator machinery or air conditioning equipment that were installed under a building permit issued before February 9, 1993, will be permitted even if they exceed the 18-foot limit of § 21-4.60(c)(1) so long as they do not exceed 5 feet above the highest point of the equipment structure[.];

(3) If the building is located in a special district, the special district requirements will prevail[.];

(4) The proposed rooftop structures will be subject to design review. The design must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building[.]; and

(5) Areas proposed to be covered by the rooftop structure will not be counted as floor area; provided that they are not used for any purpose other than for covering rooftop machinery. Areas used for purposes other than reasonable aesthetic treatment will be counted as floor area.

(m) *Sign master plan.* A sign master plan is a voluntary, optional alternative to the strict sign regulations of this chapter, intended to encourage some flexibility in order to achieve good design (including compatibility and creativity), consistency, continuity, and administrative efficiency in the utilization of signs within eligible sites. Under this alternative, and subject to this subsection, the director may approve a sign master plan that permits the exceptions to the sign regulations of this chapter set forth in subdivision (2).

(1) *Eligibility.* Developments with three or more principal uses on a zoning lot, other than [~~one-family or two-family detached dwellings or duplex units,~~] single-unit, two-unit, or duplex-unit dwellings, are eligible for consideration of a zoning adjustment for a sign master plan. An applicant must have the authority to impose the sign master plan on all developments on the zoning lot.

(2) *Flexibility.* The following exceptions to the sign regulations of this chapter may be permitted pursuant to an approved sign master plan.

(A) *Physical characteristics.* The maximum number of permitted signs, sign area, and the height and physical dimensions of individual signs, may be modified; provided that:

(i) No sign may exceed any applicable standard relating to height or dimension by more than 20 percent;

(ii) The total permitted sign area for signs that are part of a sign master plan may not be increased by more than 20 percent beyond the total sign area permitted by the underlying sign regulations for the site; and

(iii) The total number of signs that are part of a sign master plan may not exceed 20 percent of the total number of signs permitted by the underlying sign regulations for the site; provided that when computation of the maximum number of permitted signs results in a fractional number, the number of allowable signs will be the next highest whole number.

(B) *Sign types.* The types of business signs permitted for ground floor establishments may include hanging, marquee fascia, projecting, roof, and wall signs.

(i) When marquee fascia signs are used, the signs may be displayed above the face of the marquee; provided that the signs must not exceed a height of more than 36 inches above the marquee face.

(ii) When wall signs are used, signs displayed as individual lettering placed against a building wall are encouraged.

(C) *Sign illumination.*

(i) [~~When~~] Where direct illumination is not otherwise permitted by the underlying sign regulations for the site, sign copy or graphic elements of business or identification signs for ground floor establishments may be directly illuminated; provided that any remaining sign area must be completely opaque and not illuminated.

(ii) Signs for second floor establishments may be indirectly illuminated.

(D) *Sign location.* An appropriate, consistent pattern for the placement of regulated signs within the project site must be approved in the sign master plan; provided that all signs must be located on the building containing the identified establishment, and no ground sign may be located within a required yard except as may be permitted by this chapter.

(E) The standards and requirements for directional signs, information signs, and parking lot traffic control signs may be established by the director, as appropriate.

(3) *Sign master plan approvals.* The director may approve a sign master plan only upon a finding that, in addition to the criteria set forth in § 21-2.140-2, the following criteria have been satisfied:

(A) The proposed sign master plan will accomplish the intent of this subsection;

(B) The size and placement of each sign will be proportional to and visually balanced with the building facade of the side of the building on which the sign is located;

(C) All signs regulated by this chapter and maintained on the site will feature the consistent application of not less than one of the following design elements: materials, letter style, color, shape, or theme; and

(D) Except as may be adjusted by the sign master plan, all signs regulated by this chapter and maintained on the site must conform to this chapter.

The director may impose appropriate conditions and additional controls on the approval of a sign master plan.

(4) *Implementation.*

(A) The director shall maintain a copy of the approved sign master plan for each project to facilitate the expedited processing of sign permits for that project. The director shall review each sign permit application for an individual sign within an affected project for its conformity to the approved sign master plan. Upon determining that the sign permit application conforms to the approved sign master plan, the director shall issue the sign permit for the sign.

(B) Except as otherwise provided in this paragraph, no sign may be maintained on a site subject to an approved sign master plan unless the sign conforms to the sign master plan. If a site has existing signs that will not conform to the approved sign master plan, the master plan must specify a reasonable time period, as approved by the director, for conversion of all existing signs to the design scheme set forth in the approved master plan; provided that in no event may the time period for full conformance exceed one year from the date the sign master plan is approved.

(n) *Conversion of accessory structures.* An existing, legally established accessory structure constructed before September 14, 2015, in the country or residential district may be converted to an accessory dwelling unit and allowed to exceed the maximum floor area established by § [~~21-5.720(c)(1)~~] 21-5.50-3(a), or be

exempted from the off-street parking requirement established by § [~~21-5.720(c)(4)~~] 21-6.20(a) and contained in Table 21-6.1, subject to the following conditions:

(1) The director [~~must~~] shall find that viable constraints do not allow the reduction of the floor area of the existing accessory structure; and

(2) The director [~~must~~] shall find that no feasible alternative off-street parking site exists due to the placement of the structure on, or the topography of, the zoning lot."

SECTION 11. Section 21-2.150-2 ("Administrative enforcement"), Revised Ordinances of Honolulu 2021, is amended by amending subsection (e) to read as follows:

"(e) *Contents of the notice of order.* If the violation is not corrected by the date specified in the notice of violation, the director may issue a notice of order imposing penalties for failure to correct a violation.

(1) In addition to any other information or requirements deemed appropriate by the director, the notice of order must include a copy of the applicable notice of violation issued by the director for the violation.

(2) The notice of order may require the person to do any or all of the following:

(A) Cease and desist from the violation;

(B) Correct the violation at the person's own expense before a date specified in the order;

(C) Pay a civil fine not to exceed $5,000 in the manner, at the place, and before the date specified in the order; and

(D) Pay a civil fine not to exceed $5,000 per day for each day in which the violation persists beyond the date specified in paragraph (C), in the manner and at the time and place specified in the order.

(3) Notwithstanding the civil fines specified in subdivision (2)(C) and (D), if the violation is a violation of any provision of this chapter relating to the

requirements for transient vacation units or bed and breakfast homes, then, in addition to the requirements in subdivision (2)(A) and (B), the order may require a person to do any or all of the following:

(A) Pay a civil fine not to exceed $10,000 in the manner, at the place, and before the date specified in the order; and

(B) Pay a civil fine not to exceed $10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.

(4) Notwithstanding the civil fines specified in subdivision (2)(C) and (D), if the violation involves the construction or conversion of a structure in violation of § 21-3.70-1(c)(3), relating to large [~~detached dwellings,~~] dwelling units, then, in addition to the requirements in subdivision (2)(A) and (B), the order may require a person to do any or all of the following:

(A) Pay a civil fine not to exceed $25,000 in the manner, at the place, and before the date specified in the order; and

(B) Pay a civil fine not to exceed $10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.

(5) The order must advise the person that the order will become final 30 days after the date of its mailing or delivery. The order must also advise that the director's action may be appealed to the zoning board of appeals."

SECTION 12. Table 21-3, Revised Ordinances of Honolulu 2021 ("Master Use Table"), is repealed.

SECTION 13. Section 21-3.50, Revised Ordinances of Honolulu 2021 ("Agricultural districts—Purpose and intent"), is amended by amending subsections (a) and (b) to read as follows:

"(a) The purpose of the agricultural zoning districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services, and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing

agricultural operation, accessory [~~agribusiness activities~~] agricultural uses and secondary supporting uses may be permitted on the same site as an adjunct to agricultural uses. [~~These accessory activities~~] The accessory agricultural uses and secondary supporting uses must be compatible with the onsite agricultural operation and surrounding land uses[~~.~~], and the onsite agricultural operation must be in existence prior to the issuance of any land use permit or building permit for the accessory agricultural use or secondary supporting use.

(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only accessory [~~agribusiness activities~~] agricultural uses and secondary supporting uses that meet the above intent [~~shall~~] will be permitted in this zoning district."

SECTION 14. Section 21-3.50-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.50-2 Agricultural cluster—Site standards.**

(a) The minimum land area required for an AG-1 zoning district agricultural cluster [~~shall be~~] is 15 contiguous acres. The minimum land area required for an AG-2 zoning district agricultural cluster [~~shall be~~] is 6 contiguous acres.

(b) The maximum number of farm dwellings in an AG-1 zoning district agricultural cluster [~~shall~~] may not exceed one unit per 5 acres. The maximum number of farm dwellings in an AG-2 zoning district agricultural cluster [~~shall~~] must not exceed one unit per 2 acres.

(c) Within agricultural clusters, [~~detached, duplex, and multi-family~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multi-family~~] Multi-unit dwellings [~~shall~~] may not exceed four dwelling units in any structure.

(d) Within an agricultural cluster, all principal, accessory, and conditional uses and structures permitted within the AG-1 restricted agricultural zoning district and AG-2 general agricultural zoning district [~~shall be~~] are permitted, subject to the minimum standards and conditions specified in this chapter for these uses.

(e) Within an agricultural cluster, each dwelling may be sited on a lot not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum lot size [~~shall be~~] is a multiple of 5,000 square feet per dwelling.

(f) Height and yards [~~shall be~~] are the same as permitted in AG-1 and AG-2 zoning districts.

(g) Parking, loading, and sign requirements [~~shall be~~] are as specified in the approval of the agricultural cluster plan."

SECTION 15. Section 21-3.60-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.60-2 Country cluster—Site standards.**

(a) The minimum land area required for a country cluster [~~shall be~~] is 3 contiguous acres.

(b) The maximum number of dwelling units in a country cluster [~~shall~~] must not exceed one per 1 acre.

(c) Within country clusters, [~~detached, duplex, and multi-family~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multi-family~~] Multi-unit dwellings [~~shall~~] must not exceed four dwelling units in any structure.

(d) Within a country cluster, all principal, accessory, and conditional uses and structures permitted within the country zoning district and all country zoning district development standards [~~shall~~] apply, except for those relating to yards and lot dimensions. Conditional uses [~~shall~~] will be subject to the standards in Article 4.

(e) The minimum size of a lot of record for dwellings [~~shall be~~] is 5,000 square feet. The following development standards [~~shall~~] apply to dwelling lots:

(1) Front yards [~~shall~~] must be a minimum of 10 feet; and

(2) Side and rear yards [~~shall~~] must be a minimum of 5 feet.

(f) Parking, loading, and sign requirements [~~shall~~] must be specified in the approval of the country cluster plan.

# A BILL FOR AN ORDINANCE

(g) All other underlying zoning district development standards [~~shall~~] apply."

SECTION 16. Table 21-3.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-3.1*** | | | | | |
|---|---|---|---|---|---|
| ***P-2, Agricultural, and Country Districts Development Standards*** | | | | | |
| ***Development Standard*** | | ***District*** | | | |
| | | ***P-2*** | ***AG-1*** | ***AG-2*** | ***Country*** |
| Minimum lot area (acres) | | 5 | 5 | 3 for [~~major livestock production,~~] major animal raising, 2 for all other uses | 1 |
| Minimum lot width and depth (feet) | | 200 | 150 | 150 | 100 |
| Yards (feet): | Front | 30 | 15 | 15 | 15 |
| | Side and rear | 15 | 10 | 10 | 10 |
| Maximum building area (percent of zoning lot) | | 5 | 10[2] | 10[2] | 25[2] |
| Maximum height (feet)[1] | | 15-25 | 15-25[3] | 15-25[3] | 15-30 |
| Height setbacks | | per § 21-3.40-1(e) | per § 21-3.50-4(c) | per § 21-3.50-4(c) | per § 21-3.60-4(c) |
| [1] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height. | | | | | |
| [2] For nonagricultural structures. | | | | | |

# A BILL FOR AN ORDINANCE

| ***Table 21-3.1*** | | | | |
|---|---|---|---|---|
| ***P-2, Agricultural, and Country Districts Development Standards*** | | | | |
| ***Development Standard*** | ***District*** | | | |
| | ***P-2*** | ***AG-1*** | ***AG-2*** | ***Country*** |
| [3] Fifteen feet for nonagricultural structures and dwellings; up to 25 feet are permitted if height setbacks are provided. | | | | |

"

SECTION 17. Section 21-3.70, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.70 Residential zoning districts—Purpose and intent.**

(a) The purpose of the residential [~~district~~] zoning districts is to allow for a range of residential densities. The primary use [~~shall be detached residences.~~] is for dwellings. Other types of dwellings may also be allowed, including zero lot line[~~,~~] and cluster [~~and common wall housing~~] arrangements. [~~Nondwelling~~] Non-dwelling uses that support and complement residential neighborhood activities [~~shall~~] are also [~~be~~] permitted.

(b) The intent of the R-20 and R-10 zoning districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development, and may be applied as a transitional district between preservation, agricultural, or country zoning districts, and urban zoning districts. They would also be applied to lands where residential use is desirable but some development constraints are present.

(c) The intent of the R-7.5, R-5, and R-3.5 zoning districts is to provide areas for urban residential development. These districts would be applied extensively throughout the city."

SECTION 18. Section 21-3.70-1, Revised Ordinances of Honolulu 2021, as amended by Ordinance 20-43, is amended to read as follows:

# A BILL FOR AN ORDINANCE

"**§ 21-3.70-1 Residential uses and development standards.**

(a) Within the residential zoning districts, permitted uses and structures [~~shall be as enumerated~~] are as set forth in [~~Table 21-3.~~] Table 21-5.1.

(b) Within the residential zoning districts, development standards [~~shall be as enumerated~~] are as set forth in Table 21-3.2.

(c) *Additional development standards.*

(1) *Maximum height.* The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in § 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane (see Figure 21-3.10).

(2) *Height setbacks.*

(A) Any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height over 15 feet (see Figure 21-3.10); and

(B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet.

(3) Except for cluster housing and planned development housing developed pursuant to § 21-8.50, for zoning lots with [~~one-family or two-family detached dwellings or duplexes:~~] dwelling units:

(A) The maximum density is a floor area ratio of 0.7.

(B) The number of wet bars in each dwelling unit must not exceed one.

(C) The number of laundry rooms in each dwelling unit must not exceed one.

(D) The number of bathrooms in each dwelling unit must not exceed the following:

| **Zoning lot size (square feet)** | **Number of bathrooms per dwelling unit must not exceed:** | |
|---|---|---|
| | One dwelling unit on zoning lot | Two or more dwelling units on zoning lot |
| Up to 6,999 | 4 | 2 |
| 7,000 to 9,999 | 6 | 3 |
| 10,000 and up | 8 | 4 |

If the dwelling unit is an accessory dwelling unit, this paragraph should not be construed to waive any requirement under [~~§ 21-5.720.~~] § 21-5.50-3(a).

(E) The conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.

(F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to § 21-10.1 to a portion of the structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.

(G) For [~~one-family or two-family detached dwellings or duplexes~~] dwelling units constructed pursuant to building permits applied for after May 1, 2019, the impervious surface area of a zoning lot must not exceed 75 percent of the total zoning lot area.

(H) If the floor area ratio exceeds 0.6, the following additional standards apply:

(i) *Side and rear yards.*

(aa) In the R-3.5 zoning district, side and rear yards must be at least 8 feet; and

(bb) In the R-5, R-7.5, R-10, and R-20 zoning districts, side and rear yards must be at least 11 feet.

(ii) Each [~~dwelling~~] unit in the [~~detached~~] dwelling [~~or duplex~~] must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property prior to issuance of a temporary certificate of occupancy.

(iii) *Subsequent inspections.*

(aa) Upon the completion of construction and the determination by the department that the [~~detached dwelling or duplex~~] dwelling unit complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of two years after issuance;

(bb) During the two-year period that a temporary certificate of occupancy is in effect, the department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the [~~detached dwelling or duplex~~] dwelling unit to confirm that is in the same structural form as when the temporary certificate of occupancy was issued; and

(cc) At the end of the two-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the [~~detached dwelling or duplex~~] dwelling unit and close the building permit."

# A BILL FOR AN ORDINANCE

SECTION 19. Table 21-3.2, Revised Ordinances of Honolulu 2021, ("Residential Districts Development Standards"), is amended to read as follows:

"

| ***Table 21-3.2*** | | | | | | |
|---|---|---|---|---|---|---|
| ***Residential [~~Districts~~] Zoning District Development Standards*** | | | | | | |
| ***Development Standard*** | | **District** | | | | |
| | | **R-3.5** | **R-5** | **R-7.5** | **R-10** | **R-20** |
| Minimum lot area (square feet) | [~~One-family~~] Single-unit dwelling, [~~detached,~~] and other uses | 3,500 | 5,000 | 7,500 | 10,000 | 20,000 |
| | [~~Two-family~~] Two-unit dwelling[~~, detached~~] | 7,000 | 7,500 | 14,000 | 15,000 | 25,000 |
| | [~~Duplex~~] Duplex-unit dwelling | 3,500 | 3,750 | 7,000 | 7,500 | 12,500 |
| Minimum lot width and depth (feet) | | 30 per [~~duplex unit,~~] duplex-unit dwelling, 50 for other uses | | 35 per [~~duplex unit,~~] duplex-unit dwelling, 65 for other uses | 65 for single-unit, two-unit, and duplex-unit dwellings, 100 for other uses | 100 |
| Yards (feet): | Front | 10 for single-unit, two-unit, and duplex-unit dwellings, 30 for other uses | | | | |
| | Side and rear | 5 for single-unit, two-unit, and duplex-unit dwellings[1], 15 for other uses | | | 5 for single-unit, two-unit, and duplex-unit dwellings[1], 15 for other uses | |
| Maximum building area | | 50 percent of the zoning lot | | | | |
| Maximum height (feet)[2] | | 25-30 | | | | |
| Height setbacks | | per § 21-3.70-1(c) | | | | |

[1] For [~~duplex~~] duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

[2] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

"

# A BILL FOR AN ORDINANCE

SECTION 20. Section 21-3.80, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.80 Apartment zoning districts—Purpose and intent.**

(a) The purpose of the apartment zoning districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include [~~multi-family~~] multi-unit dwellings, such as common wall housing, walkup apartments, and high-rise apartments. Uses and activities that complement apartment use are permitted, including limited social services.

(b) The intent of the A-1 low density apartment zoning district is to provide areas for low density, [~~multi-family~~] multi-unit dwellings. It may be applied as a buffer between residential zoning districts and other more intense, noncompatible districts[~~. It~~], and would be [~~applied~~] applicable throughout the city.

(c) The intent of the A-2 medium density apartment zoning district is to provide areas for medium density, [~~multi-family~~] multi-unit dwellings. It is intended primarily for concentrated urban areas where public services are centrally located and infrastructure capacities are adequate.

(d) The intent of the A-3 high density apartment zoning district is to provide areas for high density, high-rise, [~~multi-family~~] multi-unit dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present."

SECTION 21. Table 21-3.3, Revised Ordinances of Honolulu 2021, ("Apartment and Apartment Mixed-Use Districts Development Standards"), is amended to read as follows:

# A BILL FOR AN ORDINANCE

"

***Table 21-3.3***

***Apartment and Apartment Mixed-Use [~~Districts~~] Zoning District Development Standards***

| ***Development Standard*** | | **Zoning District** | | | | | |
|---|---|---|---|---|---|---|---|
| | | **A-1** | **A-2** | **A-3** | **AMX-1** | **AMX-2** | **AMX-3** |
| Minimum lot area (square feet)[1] | | 7,500 | 10,000 | 15,000 | 7,500[2] | 10,000[2] | 15,000[2] |
| Minimum lot width and depth (feet)[1] | | 70 | 70 | 70 | 70 | 70 | 70 |
| Yards (feet): | Front | 10 | 10 | 10 | 10 | 10 | 10 |
| | Side and rear[3] | 5[4] or 10 | 5[4] or 10 | 5[4] or 10 | 5[4] or 10 | 5[4] or 10 | 5[4] or 10 |
| Maximum commercial use density (FAR) | | n/a | | | 0.3 see § 21-3.90-1(c) | 0.4 see § 21-3.90-1(c) | 0.6 see § 21-3.90-1(c) |
| Maximum building area | | ***Lot area (sq. ft.)*** | ***Requirement*** | | | | |
| | | Less than 7,500 | 60 percent of zoning lot | | | | |
| | | 7,500 - 20,000 | 50 percent of zoning lot | | | | |
| | | Over 20,000 | 40 percent of zoning lot | | | | |
| Maximum height (feet)[5] | | 30 | per zoning map | | 30 | per zoning map | |
| Height setbacks | | none | per § 21-3.80-1(c) | | none | per § 21-3.90-1(c) | |
| Maximum density (FAR) for A-1 & AMX-1 zoning districts based on zoning lot size | | ***Lot area (sq. ft.)*** | ***FAR calculation*** | | | | |
| | | Less than 10,000 | FAR = (.00003 x lot area) + 0.3 | | | | |
| | | 10,000 - 40,000 | FAR = (.00001 x lot area) + 0.5 | | | | |
| | | Over 40,000 | FAR = 0.9 | | | | |
| Maximum density (FAR) for A-2 & AMX-2 zoning districts based on zoning lot size | | ***Lot area (sq. ft.)*** | ***FAR calculation*** | | | | |
| | | Less than 10,000 | FAR = (.00009 x lot area) + 0.4 | | | | |
| | | 10,000 - 40,000 | FAR = (.00002 x lot area) + 1.1 | | | | |
| | | Over 40,000 | FAR = 1.9 | | | | |
| Maximum density (FAR) for A-3 & AMX-3 zoning districts based on zoning lot size | | ***Lot area (sq. ft.)*** | ***FAR calculation*** | | | | |
| | | Less than 10,000 | FAR = (.00014 x lot area) + 0.6 | | | | |
| | | 10,000 - 20,000 | FAR = (.00004 x lot area) + 1.6 | | | | |
| | | 20,000 - 40,000 | FAR = (.00002 x lot area) + 2.0 | | | | |
| | | Over 40,000 | FAR = 2.8 | | | | |

# A BILL FOR AN ORDINANCE

| |
|---|
| [1]There [~~shall be~~] is no minimum lot area, width, or depth for [~~off-site~~] remote parking facilities. |
| [2]There [~~shall be~~] is no minimum lot area for [~~off-site~~] remote parking facilities. |
| [3]Five feet for [~~detached~~] single-unit, two-unit, and duplex-unit dwellings [~~and duplexes~~] and 10 feet for other uses. |
| [4]For [~~duplex~~] duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall. |
| [5]Heights for [~~detached~~] single-unit and two-unit dwellings [~~and duplexes shall~~] must comply with residential height and height setback requirements. |
| n/a = Not applicable |

"

SECTION 22. Section 21-3.100, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.100 Resort zoning district—Purpose and intent.**

The purpose of the resort zoning district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and [~~multi-family~~] multi-unit dwellings. Retail and business uses that service visitors are also permitted. This zoning district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place."

SECTION 23. Table 21-3.4, Revised Ordinances of Honolulu 2021, ("Resort, Business and Business Mixed-Use Districts Development Standards"), is amended to read as follows:

# A BILL FOR AN ORDINANCE

"

| ***Table 21-3.4*** | | | | | | |
|---|---|---|---|---|---|---|
| ***Resort, Business, and Business Mixed-Use [~~Districts~~] Zoning District Development Standards*** | | | | | | |
| **Development Standard** | | **District** | | | | |
| | | **Resort** | **B-1** | **B-2** | **BMX-3** | **BMX-4** |
| **Minimum lot area (square feet)** | | 15,000[1] | 5,000 | 5,000 | 5,000 | 5,000 |
| **Minimum lot width and depth (feet)** | | 70[1] | 50 | 50 | 50 | 50 |
| **Yards (feet):** | **Front** | 25 | 10 | [~~5~~[4]] 10 for dwellings, 5 for other uses[4] | 10 for dwellings, 5 for other uses[4] | 5[4,5] |
| | **Side and rear** | 20[2] | [~~0~~[3]] 10 for multi-family dwellings, 0[3] for other uses | [~~0~~[3]] 10 for multi-family dwellings, 0[3] for other uses | 5[2] for [~~detached~~] dwellings, 10 for [~~multi-family~~] multi-unit dwellings, 0[3] for other uses | 0[3] |
| **Maximum building area (percent of zoning lot)** | | 50 | not regulated | | | |
| **Maximum density (FAR) resort district only** | | ***Lot area (sq. ft.)*** | ***FAR calculation*** | | | |
| | | Less than 10,000 | FAR = (.00006 x lot area) + 0.4 | | | |
| | | 10,000 - 30,000 | FAR = (.00002 x lot area) + 0.8 | | | |
| | | Over 30,000 | FAR = 1.4 | | | |
| **Maximum density (FAR) for other districts** | | see above | 1.0 | 2.5 | 2.5 | 4.0 |
| **Open space bonus** | **Available** | No | | Yes, see § 21-3.110-1(c) | Yes, see § 21-3.120-2(c) | |
| | **Max FAR** | n/a | n/a | 3.5 | 3.5 | 7.5 |

# A BILL FOR AN ORDINANCE

***Table 21-3.4***
***Resort, Business, and Business Mixed-Use [~~Districts~~] Zoning District Development Standards***

| Development Standard | District | | | | |
|---|---|---|---|---|---|
| | Resort | B-1 | B-2 | BMX-3 | BMX-4 |
| **Maximum height (feet)** | per zoning map | 40 | per zoning map | per zoning map | per zoning map, see § 21-3.120-1 for additional height |
| **Height setbacks** | per § 21-3.100-1(c) | per § 21-3.110-1(c) | | per § 21-3.120-2(c) | |

[1] There [~~shall be~~] is no minimum lot area, width, or depth for [~~off-site~~] remote parking facilities.

[2] For [~~duplex~~] duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, or apartment mixed-use zoning district, [~~there shall be a~~] the side or rear yard [~~which conforms~~] must conform to the yard requirements for dwelling use of the adjoining district. In addition, see § 21-4.70-1 for landscaping and buffering requirements.

[4] Where a zoning lot adjoins a residential, apartment, or apartment mixed-use zoning district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) [~~shall~~] must conform to the front yard requirements for the dwelling use of the adjoining zoning district (see Figure 21-3.6).

[5] Five feet for structures up to 12 feet in height[~~,~~]; provided that where the adjacent street is greater than 50 feet in width, an area of open space or an arcade[~~,~~] equivalent to the required yard area may be provided elsewhere on the zoning lot (see Figure 21-3.8).

n/a = Not applicable

"

SECTION 24. Section 21-3.130, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-3.130 Industrial zoning districts—Purpose and intent.**

(a) The purpose of the industrial zoning districts is to recognize the importance of industrial uses to the welfare of city residents by providing areas for industrial uses without undue competition from other uses, and ensuring compatibility with nonindustrial areas. Typical uses include manufacturing, refining, sorting, processing, and storage of materials and products. Limited business activities that directly support the industrial uses or those employed by industries therein are permitted in these zoning districts.

(b) Heavy industrial uses such as [~~refining of petroleum and manufacturing of explosives~~] heavy general manufacturing and processing, and explosive or toxic chemical manufacturing, storage, and distribution will only be allowed under certain conditions and in areas well away from other zoning districts.

(c) To minimize potential adverse impacts on property and persons in the same or neighboring districts, standards are established for the more noxious uses permitted in these zoning districts.

(d) The intent of the I-1 limited industrial zoning district is to provide areas for some of the industrial employment and service needs of rural and suburban communities. It is intended to accommodate light [~~manufacturing, including handcrafted goods as well as "high technology industries" such as telecommunications, computer parts manufacturing, and research and development.~~] industrial uses including light general manufacturing and processing, linen supplier, and publishing facility. Uses in this district are limited to those that have few environmental impacts and [~~those that~~] complement the development scale of communities they would serve.

(e) The intent of the I-2 intensive industrial zoning district is to set aside areas for the full range of industrial uses necessary to support the city. It is intended for areas with necessary supporting public infrastructure, near to major transportation systems, and with other locational characteristics necessary to support industrial centers. It [~~shall~~] must be located in areas away from residential communities where certain heavy industrial uses would be allowed.

(f) The intent of the I-3 waterfront industrial zoning district is to set apart and protect areas considered vital to the performance of port functions and [~~to~~] their efficient operation. It is the intent to permit a full range of facilities necessary for successful and efficient performance of port functions. It is intended to exclude uses which are not only inappropriate but which could locate elsewhere."

SECTION 25. Section 21-4.60, Revised Ordinances of Honolulu 2021, as amended by Ordinance 22-28, is amended to read as follows:

"**§ 21-4.60 Heights.**

(a) All structures [~~shall~~] must fall within a building height envelope at a height specified by this chapter, or as specified on the zoning maps. Exceptions are

specified under subsection (c), and [~~others~~] other exceptions may be specified under special districts.

(b) The building height envelope [~~shall~~] must run parallel to existing or [~~finished~~] finish grade, whichever is lower (see Figure 21-4.3), except where [~~finished~~] the finish grade is higher than the existing grade in order to meet city construction standards for driveways, roadways, drainage, sewerage, and other infrastructure requirements, or to meet conditions of permits approved under this chapter. In these cases, height [~~shall~~] will be measured from [~~finished~~] finish grade.

(c) The following structures and associated screening are exempt from zoning district height limits under the following specified restrictions:

(1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit; provided that structures housing rooftop machinery on [~~detached dwellings and duplex units~~] single-unit, two-unit, and duplex-unit dwellings are not exempt from zoning district height limits;

(2) Chimneys[~~, which~~] that may also project into required height setbacks;

(3) Safety railings not to exceed 42 inches above the governing height limit;

(4) *Utility poles and antennas.* The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled installation, location, and height of antennas are detrimental to the city's appearance and image; may result in significant damage to the community's sense of well-being, particularly in residential areas; and may have negative economic impacts to the city's tourism industry, which relies heavily on the city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas, and that there is a clear public interest served by ensuring that those transmissions and receptions providing the public with power and telecommunication services are unobstructed. Therefore, in accord with the health, safety, and aesthetic objectives set forth in § 21-1.20, and considering the public interest needs associated with certain types of power and telecommunication services:

(A) Utility poles and broadcasting antennas must not exceed 500 feet from existing grade[~~.~~];

(B) [~~Antennas associated with utility installations~~] Communication towers and communication support structures must not exceed 10 feet above the governing height limit; provided that in residential zoning districts where utility lines are predominantly located underground, the governing height limit will apply[~~.~~]; and

(C) [~~Receive-only~~] Accessory receive only antennas must not exceed the governing height limit, except as provided under [~~§ 21-2.140-1.~~] § 21-2.140-1(j);

(5) Spires, flagpoles, and smokestacks, not to exceed 350 feet from existing grade;

(6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade;

(7) Wind [~~machines,~~] energy generation facilities where permitted; provided that each [~~machine~~] wind energy generation facility must be set back from all property lines pursuant to the standards in Article 5;

(8) Any energy-savings [~~devices,~~] equipment, including heat pumps and solar panels, not to exceed 5 feet above the governing height limit; provided that solar panels on buildings other than [~~detached dwellings or duplex units~~] single-unit, two-unit, or duplex-unit dwellings must not exceed 12 feet above the governing height limit. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area;

(9) Construction and improvements in certain flood hazard districts, as set forth in § 21-9.10; and

(10) [~~Farm~~] Agricultural structures in agricultural zoning districts, as [~~specified~~] set forth in Article 3[~~.~~], Table 21-3.1.

(d) The following structures and associated screening may be placed on top of an existing building that is nonconforming with respect to height, under the following specified restrictions:

(1) Any energy-savings [~~devices,~~] equipment, including heat pumps and solar panels, not to exceed 5 feet above the height of the rooftop; provided that solar panels on buildings other than [~~detached dwellings or duplex units~~] single-unit, two-unit, or duplex-unit dwellings must not exceed 12 feet above the height of the rooftop. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area; and

(2) Safety railings not to exceed 42 inches above the height of the rooftop."

SECTION 26. Section 21-4.70, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.70 Landscaping and screening.**

Parking lots, [~~automobile~~] vehicle service stations, trash enclosures, [~~utility substations,~~] and [~~rooftop~~] rooftop-mounted machinery must be landscaped or screened in all zoning districts as [~~set forth below.~~] follows.

(a) Parking lots and structures must be landscaped as required in Article 6.

(b) All outdoor trash storage areas, except those for [~~one-family or two-family~~] single-unit, two-unit, or duplex-unit dwelling use, must be screened on a minimum of three sides by a wall or hedge at least 6 feet in height. The wall must be painted, surfaced, or otherwise treated to blend with the development it serves. All trash storage areas must be curbed or graded to prevent runoff from reaching storm drains or surface water.

(c) Within the country, residential, apartment, apartment mixed-use, and resort zoning districts, utility substations, other than individual transformers, must be enclosed by a solid wall or a fence with a screening hedge a minimum of 5 feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses must be enclosed by a landscape hedge, except for access openings.

(d) All plant material and landscaping must be provided with a permanent irrigation system.

(e) All rooftop machinery and equipment, except for solar panels, antennas, plumbing vent pipes, ventilators, and guardrails, must be screened from view from all directions, including from above; provided that screening from above is not required for any machinery or equipment whose function would be impaired by the screening. Rooftop machinery and equipment in the [~~strictly~~] industrial zoning districts and on structures or portions of structures less than 150 feet in height will be exempt from this subsection."

SECTION 27. Section 21-4.70-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.70-1 Screening wall or buffering.**

(a) Any use located in the I-1, I-2, or I-3 [~~district shall~~] zoning districts must be screened from any adjacent zoning lot in a residential, apartment, apartment-mixed-use, or resort zoning district, by a solid wall 6 feet in height erected and maintained along side and rear property lines. The walls [~~shall~~] must not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed-use, or resort [~~district.~~] zoning districts. In addition, a 5-foot-wide landscaping strip [~~shall~~] must be provided along the outside of the solid wall.

(b) Any use located in the IMX-1 zoning district [~~shall~~] must be screened from any adjacent zoning lot in a residential, apartment, apartment mixed-use, or resort zoning district, by a landscaped area [~~not less than~~] a minimum of 5 feet in width along side and rear property lines. The landscaped area [~~shall~~] must contain a screening hedge [~~not less than~~] a minimum of 42 inches in height. The requirements of this subsection [~~shall~~] do not apply to necessary drives and walkways, nor to any meeting facility, [~~day-care facility,~~] child daycare, adult daycare, large group living [~~facility~~], or other use governed by subsection (d).

(c) Any use located in the B-1, B-2, or BMX-4 [~~district,~~] zoning districts, and any use located in the BMX-3 zoning district except [~~detached dwellings and multi-family dwellings, shall~~] for single-unit, duplex-unit, two-unit, and multi-unit dwellings, must be screened from any adjacent zoning lot in a residential, apartment, or apartment mixed-use zoning district, by a landscaped area [~~not less than~~] a minimum of 5 feet in width along side and rear property lines. [~~Such~~] The landscaped area [~~shall~~] must contain a screening hedge [~~not less than~~] a minimum of 42 inches in height. The requirements of this subsection [~~shall~~] do not apply to necessary drives and walkways, nor to any meeting facility, [~~day-~~

~~care facility,~~] child daycare, adult daycare, large group living [~~facility~~], or other use governed by subsection (d).

(d) Any meeting facility, [~~day-care facility,~~] child daycare, adult daycare, large group living [~~facility~~], parking facility, commercial[~~,~~] use, industrial[~~,~~] use, or similar use, located in any zoning district other than those already addressed under subsections (a), (b), and (c), [~~shall~~] must be screened from any adjacent zoning lot in a country, residential, apartment, apartment mixed-use, or resort zoning district by:

(1) A solid wall or fence, excepting chain link, 6 feet in height; or

(2) An equivalent landscape buffer such as a 6-foot-high screening hedge.

The solid wall or fence, or equivalent landscape buffer, [~~shall~~] must be erected and maintained along the common property line. The director may modify the requirements of this subsection if warranted by topography.

(e) This section [~~shall~~] does not preclude a public utility from constructing a wall or fence exceeding 6 feet in height pursuant to § 21-4.30(c)(2)."

SECTION 28. Section 21-4.80, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.80 Noise regulations.**

For any commercial or industrial development, no public address system or other devices for reproduction or amplifying voices or music, except as described for [~~drive-through~~] drive-thru facilities in [~~§ 21-5.190, shall~~] § 21-5.70-11(b), may be mounted outside any structure on any zoning lot that is adjacent to any zoning lot in [~~a~~] the country, residential, apartment, apartment mixed-use, or resort zoning district."

SECTION 29. Section 21-4.100, Revised Ordinances of Honolulu 2021, as amended by Ordinance 22-28, is amended to read as follows:

"**§ 21-4.100 Outdoor lighting.**

For any commercial[~~, industrial, or outdoor recreational development,~~] or industrial use, outdoor lighting must be shielded with full cut-off fixtures to eliminate direct illumination to any adjacent country, residential, apartment, apartment mixed-use,

or resort zoning district. For a rooftop gathering space that is not enclosed, outdoor lighting must be shielded, with full cut-off fixtures to eliminate direct illumination beyond the rooftop gathering space."

SECTION 30. Section 21-4.110, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.110 Nonconformities.**

Constraints are placed on nonconformities to facilitate eventual conformity with this chapter. In other than criminal proceedings, the owner, occupant, or user shall bear the burden to prove that a zoning lot, [~~a~~] structure, [~~a~~] use, [~~a~~] dwelling unit, or parking or loading space was legally established as it now exists. Nonconforming lots, structures, uses, dwelling units, commercial use density, and parking and loading spaces may be continued, subject to the following provisions.

(a) *Nonconforming lots.*

(1) A nonconforming lot [~~shall~~] may not be reduced in area, width, or depth, except by government action to further the public health, safety, or welfare.

(2) Any conforming structure or use may be constructed, enlarged, extended, or moved on a nonconforming lot [~~as~~] so long as all other requirements of this chapter are met.

(b) *Nonconforming structures.*

(1) If that portion of a structure that is nonconforming is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it may not be reconstructed except in conformity with this chapter. All reconstruction and restoration work must comply with building code and flood hazard regulations, and commence within two years [~~of~~] after the date of destruction.

(A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use that [~~contains multifamily dwelling units~~] consists of a multi-unit dwelling owned by owners under the authority of the State of Hawaii Condominium Property Act or HRS Chapter 421H, or dwelling units owned by a "cooperative housing

corporation" as defined in HRS § 421I-1, whether or not the structure is located in a special district, and that is destroyed by any means, may be fully reconstructed and restored to its former permitted condition; provided that such restoration is permitted by the current building code and flood hazard regulations, and is started within two years [~~from~~] after the date of destruction.

(B) A nonconforming structure that is required by law to be razed by the owner thereof may not thereafter be reconstructed and restored except in full conformity with this chapter.

(2) If a nonconforming structure is moved, it must conform to this chapter.

(3) Any nonconforming structure may be repaired, expanded, or altered in any manner that does not increase its nonconformity.

(4) Improvements on private property[~~,~~] that become nonconforming through the exercise of the government's power of eminent domain may obtain waivers from this subsection, as provided by § 21-2.130.

(5) Nonconforming commercial use density will be regulated under [~~the provisions of~~] this subsection. For the purposes of this section, "nonconforming commercial use density" means a structure that is nonconforming by virtue of the previously lawful mixture of commercial uses on a zoning lot affected by commercial use density requirements in excess of:

(A) The maximum FAR permitted for commercial uses; or

(B) The maximum percentage of total floor area permitted for commercial uses.

(c) *Nonconforming uses.* Strict limits are placed on nonconforming uses to discourage the perpetuation of these uses, and to facilitate the timely conversion to conforming uses.

(1) A nonconforming use may not extend to any part of a structure or lot that was not arranged or designed for such use at the time of adoption of [~~the provisions of~~] this chapter or subsequent amendment; nor may the nonconforming use be expanded in any manner, or the hours of operation

increased; provided that a recreational use that is accessory to the nonconforming use may be expanded or extended if the following conditions are met:

(A) The recreational accessory use will be expanded or extended to a structure in [~~that~~] which a permitted use also is being conducted, whether that structure is on the same lot or on an adjacent lot; and

(B) The recreational accessory use is accessory to both the permitted use and the nonconforming use.

(2) Any nonconforming use that is discontinued for any reason for 12 consecutive months, or for 18 months during any three-year period, may not be resumed; provided that a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period will not be considered a discontinuation.

(3) Work may be done on any structure devoted in whole or in part to a nonconforming use; provided that work on the nonconforming use portion [~~of the structure must~~] will be limited to ordinary repairs. For the purposes of this subsection, the term "ordinary repairs" [~~means~~] is only construed to include the following:

(A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing;

(B) Work required to comply with city, State, or federal mandates, including but not limited to the Americans with Disabilities Act (ADA) or the National Environmental Policy Act (NEPA); or

(C) Interior and exterior alterations; provided that there is no physical expansion [~~nor~~] or intensification of the nonconforming use;

provided further that[~~,~~] ordinary repairs [~~must~~] may not exceed 10 percent of the current replacement cost of the structure within a 12-month period, and the floor area of the structure, as it existed on October 22, 1986, or on the date of any subsequent amendment to this chapter pursuant to which a lawful use became nonconforming, [~~must~~] may not be increased; and further provided that the 10 percent of the current replacement cost limitation does

not apply to work involving that portion of a structure devoted to nonconforming hotel use in the Diamond Head special district.

(4) Any nonconforming use may be changed to another nonconforming use, subject to the prior approval of the director; provided that:

(A) The change in use is only permitted if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use were to be continued; and

(B) The director may impose conditions on the change in nonconforming use necessary or appropriate to minimize impact or prevent greater adverse effects related to a proposed change in use. Other than for ordinary repairs as provided [~~as "ordinary repairs"~~] under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant are not permitted.

(5) Any action taken by an owner, lessee, or authorized operator that reduces the negative effects associated with the operation of a nonconforming use, including but not limited to reducing hours of operation or exterior lighting intensity, [~~may~~] will not be reversed.

(d) *Nonconforming dwelling units.* With the exception of ohana [~~dwelling~~] units, which are subject to [~~the provisions of~~] § 21-2.140-1(h), nonconforming dwelling units are subject to the following provisions:

(1) A nonconforming dwelling unit may be altered, enlarged, repaired, extended, or moved; provided that all other provisions of this chapter are met;

(2) If a nonconforming dwelling unit is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it may not be reconstructed; and

(3) When [~~detached~~] dwellings constructed on a zoning lot prior to January 1, 1950, exceed the maximum number of dwelling units currently permitted, they will be deemed nonconforming dwelling units.

(e) *Nonconforming parking and loading.* Nonconforming parking and loading spaces may be continued, subject to the following provisions[~~.~~]:

(1) If there is a change in use to a use with a higher parking or loading [~~standard,~~] space requirement, the new use must meet the off-street parking and loading requirements established in Article 6;

(2) Any use that adds floor area must provide off-street parking and loading spaces for the addition as required by Article 6. Expansion of an individual dwelling unit that results in a total floor area of no more than 2,500 square feet will be exempt from this requirement;

(3) When nonconforming parking or loading is reconfigured, the reconfiguration must meet current requirements for arrangement of parking spaces, dimensions, aisles and, if applicable, ratio of compact to standard spaces, except as provided in subdivision (4). If, as a result of the reconfiguration, the number of spaces is increased by five or more, landscaping must be provided as required in §§ 21-6.80 and 21-6.90; and

(4) Parking lots and other uses and structures with an approved parking plan on file with the department prior to May 10, 1999, and that include compact parking spaces as approved in the plan, may retain up to the existing number of compact spaces when parking is reconfigured."

SECTION 31. Section 21-4.110-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.110-1 Transient vacation units—Nonconforming use certificates.**

(a) The purpose of this section is to permit certain transient vacation units that have been in operation since prior to October 22, 1986, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a transient vacation unit who held a valid nonconforming use certificate issued pursuant to this section on August 1, 2019.

(b) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:

(1) Between September 1, 2000, and October 15, 2000; then

(2) Between September 1 and October 15 of every year thereafter.

Each application to renew must include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use during the calendar year covered by the nonconforming use certificate being renewed and (ii) there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during such year.

Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 35 days of transient occupancies [~~shall~~] will be effective on January 1, 1995 and [~~shall apply~~] applies to renewal applications submitted on or after January 1, 1996.

(c) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous common area instead.

(d) The following additional provisions apply to transient vacation units operating under a nonconforming use certificate pursuant to this section:

(1) Section [~~21-5.730(b)(3)~~] 21-5.70-3(a)(2)(C) relating to restrictions and standards; and

(2) Section [~~21-5.730(c)~~] 21-5.70-3(a)(3) relating to advertisements.

(e) In addition to the requirements in subsection (d), for transient vacation units operating under a nonconforming use certificate pursuant to this section that are located within the country, residential, or apartment zoning districts, transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the transient vacation unit.

(f) A nonconforming use certificate for a transient vacation unit that has been issued and renewed pursuant to this section may be renewed by a new owner, operator,

or proprietor of the transient vacation unit, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration."

SECTION 32. Section 21-4.110-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-4.110-2 Bed and breakfast homes—Nonconforming use certificates.**

(a) The purpose of this section is to permit certain bed and breakfast homes that have been in operation since prior to December 28, 1989, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a bed and breakfast home who holds a valid nonconforming use certificate issued pursuant to this section on August 1, 2019.

(b) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:

(1) Between September 1, 2000, and October 15, 2000; then

(2) Between September 1 and October 15 of every year thereafter.

Each application to renew must include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use for the calendar year covered by the nonconforming use certificate being renewed and (ii) there were bed and breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during such year.

Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 28 days of bed and breakfast occupancies [~~shall~~] will be effective on January 1, 1995 and [~~shall apply~~] applies to renewal applications submitted on or after January 1, 1996.

(c) Section [~~21-5.350~~] 21-5.50-3(c) relating to home occupations [~~shall~~] does not apply to bed and breakfast homes.

(d) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises.

(e) The following additional provisions apply to bed and breakfast homes operating under a nonconforming use certificate pursuant to this section:

(1) Section [~~21-5.730(b)(3)~~] 21-5.70-3(a)(2)(C) relating to restrictions and standards; and

(2) Section [~~21-5.730(c)~~] 21-5.70-3(a)(3) relating to advertisements.

(f) In addition to the requirements in subsection (e), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the residential zoning districts are subject to the following:

(1) A maximum of two rooms may be provided to transient occupants for sleeping accommodations, and a maximum of four adult transient occupants may be accommodated at any one time;

(2) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit; and

(3) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(g) In addition to the requirements in subsections (e) and (f), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the country or apartment zoning districts are subject to the following:

(1) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit; and

(2) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(h) A nonconforming use certificate for a bed and breakfast home that has been issued and renewed pursuant to this section may be renewed by a new owner, operator, or proprietor of the bed and breakfast home, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration."

SECTION 33. Section 21-6.20, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-6.20 Off-street parking requirements.**

(a) *Determining if parking is required, and the appropriate parking ratio.* No off-street parking is required in the Primary Urban Center development plan area and Ewa development plan area, except for those areas thereof located in the residential, agricultural, and preservation zoning districts. Additionally, no off-street parking is required in any zoning district within [~~one-half mile~~] 0.5 miles of an existing or future Honolulu rail transit station, as identified in the accepted environmental impact statement, or in the transit-oriented development special districts. The minimum off-street parking ratios shown below in Table 21-6.1 apply to all other areas not identified [~~above.~~] in this subsection. In areas where no parking is required, any parking that is provided must meet the design, dimensions, and other standards set forth in this chapter.

| ***Table 21-6.1***<br>***Minimum Off-Street Parking Ratios*** | |
|---|---|
| ***[~~Uses~~] Use Categories*** | ***Standard (per floor area unless noted otherwise)*** |
| **[~~Residential~~] RESIDENTIAL AND LODGING**<br>[~~Dwellings; boarding facilities; consulates; group living facilities; hotels~~]<br>Household living – single-unit, two-unit, duplex-unit, and multi-unit dwellings<br>Group living – small and large<br>Accessory residential – accessory dwelling unit, home occupation, ohana unit, rooming<br>Accessory agricultural – farm dwelling, farm worker housing<br>Lodging – hotel, major and minor; timeshare; vacation rental unit | 1 per 1,000 square feet of private dwelling or lodging area, not including areas identified in [~~(b)(2)(A)~~] § 21-6.20(b)(2)(A) |

# A BILL FOR AN ORDINANCE

| ***Table 21-6.1<br>Minimum Off-Street Parking Ratios*** | |
|---|---|
| ***[~~Uses~~] Use Categories*** | ***Standard (per floor area unless noted otherwise)*** |
| **[~~Commercial~~] COMMERCIAL 1**<br>[~~Convenience stores; retail and sales; food and grocery stores (including neighborhood grocery stores); eating and drinking establishments (including bars, nightclubs, taverns, cabarets, and dance halls); shopping centers; offices; personal services; commercial kennels; business services; laundromats, coin-operated cleaners; repair establishments; broadcasting stations; financial institutions; automotive and boat parts and services; automobile and boat sales and rentals; catering establishments; dance or music schools; home improvement centers; laboratories (medical or research); medical clinics; photographic processing; photography studios; plant nurseries; veterinary establishments~~]<br>Daycare – child daycare and adult daycare<br>Eating and drinking – general eating and drinking; bar/nightclub, major and minor<br>Medical services – general medical services, hospital, medical laboratory<br>Office – general office<br>Personal services – general personal services; animal care, minor and major<br>Retail – general retail, medium and large; mobile commercial establishment | 1 per 500 square feet |
| **[~~Commercial~~] COMMERCIAL 2**<br>[~~Data processing facilities; sales of appliances, household and office furniture, machinery, and plumbing and heating supplies; automobile service stations~~]<br>Retail – general retail, small<br>Vehicle related – car wash; vehicle fueling station; vehicle sales and rental, light and heavy<br>Accessory commercial – drive-thru | 1 per 1,000 square feet |
| **[~~Agriculture, Industry, and Warehousing~~] AGRICULTURE, INDUSTRY, AND WAREHOUSING**<br>[~~Agricultural products processing (major or minor); animal products processing; centralized bulk collection, storage and distribution of~~ | 1 per 2,000 square feet |

# A BILL FOR AN ORDINANCE

| ***Table 21-6.1<br>Minimum Off-Street Parking Ratios*** | |
|---|---|
| ***[~~Uses~~] Use Categories*** | ***Standard (per floor area unless noted otherwise)*** |
| ~~agricultural products to wholesale and retail markets; sale and service of machinery used in agricultural production; sawmills; storage and sale of seed, feed, fertilizer and other products essential to agricultural production; self-storage facilities; food manufacturing and processing; freight movers; heavy equipment sales and rentals; linen suppliers; manufacturing, processing and packaging (light or general); maritime-related sales, construction, maintenance, and repair; motion picture and television studios; petroleum processing; port facilities; publishing plants for newspapers, books, and magazines; salvage, scrap, and junk storage and processing; storage yards; warehousing facilities; waste disposal and processing; and wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination; wholesaling and distribution~~]<br><br>Agricultural support – agricultural equipment services; agricultural collection and storage, major and minor; feed store; agricultural processing, major and minor; sawmills; veterinary services<br><br>Manufacturing and processing – general manufacturing and processing, light and heavy; bio-fuel processing facility; brewery, distillery, winery, minor and major; explosive or toxic chemical manufacturing, storage, and distribution; food manufacturing and processing; linen supplier; petrochemical plant; production studio; publishing facility<br><br>Marine – general marine, minor and major; port<br><br>Repair – general repair, heavy repair<br><br>Research and development – general research and development<br><br>Storage and distribution – general storage, warehousing, and distribution; self-storage; storage yard | |
| **[~~Schools and Cultural Facilities~~] SCHOOLS**<br><br>~~Art galleries, museums, and libraries; day-care facilities; schools~~]<br><br>Education – school, K-12; vocational school, minor or major | 1 per 500 square feet<br><br>of office[~~, classroom, gallery space~~] or classroom |
| **[~~Places of Assembly~~] PLACES OF ASSEMBLY**<br><br>[~~Auditoriums; funeral homes and mortuaries; meeting facilities; gymnasiums; sports arenas; theaters~~]<br><br>Assembly - meeting facility, small, medium, or large | 1 per 125 square feet<br><br>of assembly area, or 1 per 5 fixed seats, whichever is less |

# A BILL FOR AN ORDINANCE

| ***Table 21-6.1***<br>***Minimum Off-Street Parking Ratios*** | |
|---|---|
| ***[~~Uses~~] Use Categories*** | ***Standard (per floor area unless noted otherwise)*** |
| Recreation, indoor – theater | |
| **[~~Recreation~~] RECREATION**<br>[~~Amusement and recreation facilities (outdoor and indoor) involving swimming pools and sports played on courts~~]<br>Recreation, indoor – general indoor recreation<br>Recreation, outdoor – general outdoor recreation | 1 per 250 square feet<br>of assembly area or seating, plus 2 per court, and 10 per field or pool |
| **[~~Special Uses and Circumstances~~] SPECIAL USES AND CIRCUMSTANCES**<br>[~~Agriculture – aquaculture; composting; crop production; forestry; roadside stands; game preserves; livestock grazing; livestock production; livestock veterinary services; zoos~~<br>~~Commerce and business – skating rinks; bowling alleys; home occupations; trade or convention centers~~<br>~~Industrial – base yards; explosive and toxic chemical manufacturing, storage, and distribution; resource extraction~~<br>~~Outdoor recreation – botanical gardens; golf courses; recreation facilities not otherwise specified herein; marinas and marina facilities; boat ramps; golf driving ranges~~<br>~~Social and civic service – cemeteries and columbaria; hospitals; prisons; public uses and structures; universities and colleges~~<br>~~Transportation – airports; heliports; helistops; truck terminals~~<br>~~Utilities and communications – broadcasting antennas; receive-only antennas; utility installations and wind machines.~~]<br>Agricultural<br>Crop production – aquaculture; crop raising; forestry; plant nursery; urban farm; vertical farm<br>Livestock and poultry keeping – animal raising, minor and major<br>Accessory agricultural – agricultural energy facility, agritourism, beekeeping, biofuel processing facility, farm stand, farmers market<br>Residential | Determined by [~~director~~]<br>Director |

# A BILL FOR AN ORDINANCE

| ***Table 21-6.1<br>Minimum Off-Street Parking Ratios*** | |
|---|---|
| ***[~~Uses~~] Use Categories*** | ***Standard (per floor area unless noted otherwise)*** |
| Accessory residential – home occupation | |
| Public, civic, and institutional | |
| Communication – dish antenna; tower antenna; stealth antenna; accessory receive only antenna | |
| Government – prison, consulate, public facility | |
| Parks and open space – cemetery, open land, park, wildlife preserve | |
| Utility – small, medium, or large | |
| Commercial – commercial parking | |
| Industrial | |
| Accessory industrial – helistop | |
| Resource extraction – general resource extraction | |
| Transportation – airport, base yard, heliport, multi-modal facility, truck terminal | |
| Waste related – salvage, scrap, or junk storage and processing; waste disposal and processing | |
| Miscellaneous – Historic structure re-use, other unique uses not captured elsewhere | |

(b) *Method of calculating the number of required parking spaces.*

(1) When computation of the total required parking spaces for a zoning lot results in a number with a fraction of [~~one-half~~] 0.5 or greater, the number of required parking spaces will be the next highest whole number.

(2) When a building or premises includes uses incidental or accessory to a principal use, the total number of required parking spaces will be determined on the basis of the parking requirements of the principal use. Floor area that may be eliminated for purposes of calculating parking requirements includes:

(A) Common areas and accessory recreation areas in [~~multi-family~~] multi-unit dwellings, [~~hotels,~~] lodging, small or large group living, [~~facilities, boarding facilities,~~] and consulates;

(B) Accessory areas in [~~schools, cultural facilities, places of~~] assembly, education, government, or other similar uses, except all classrooms, offices, and gallery space;

(C) Stairwells and ancillary spaces, when directly and exclusively used for mechanical spaces and not actively used by employees. Mechanical car-wash areas are included in this exemption; and

(D) Other areas that do not induce a parking demand, as determined by the director."

SECTION 34. Section 21-6.30, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-6.30 Adjustments and exceptions to parking requirements.**

(a) *Change of use.* If there is a change in use, the number of off-street parking spaces set forth in Table 21-6.1 for the new use is required, except as provided under § 21-4.110(e), relating to nonconforming parking and loading.

(b) For accessory dwelling units, except for accessory dwelling units located within 0.5 mile of a rail station, one off-street parking space must be provided in addition to the required off-street parking for the primary dwelling unit[~~, except for accessory dwelling units located within one-half mile of a rail transit station~~]. For accessory dwelling units 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 accessory dwelling 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 ohana unit located on the same zoning lot.

(c) For bed and breakfast homes in areas where parking is required for the dwelling, one off-street parking space for each guest bedroom is required in addition to the required off-street parking for the dwelling.

(d) *Home occupations.*

(1) Home occupations that [~~depend on~~] involve client visits [~~including, but not limited to group instruction,~~] must provide one off-street parking space [~~per five~~] for every four clients [~~on the premises~~] that may be on the property at any [~~one~~] given time[~~. This parking requirement is~~] in addition to[~~, and the client parking space must not obstruct,~~] the parking spaces required [~~or provided~~] for the dwelling use. [~~Residents of multi-family dwellings may fulfill this requirement by the use of guest parking with the approval of the building owner, building management, or condominium association.~~

~~(2) On-street parking of commercial vehicles associated with a home occupation is prohibited; provided that the occasional, infrequent, and momentary parking of a vehicle for pickups or deliveries to service the home occupation is allowed~~.] This requirement will be calculated as requiring one off-street parking for the first four clients and one additional off-street parking for every fractional increment up to four thereafter.

(2) Home occupations that involve employees must provide one off-street parking space for the one onsite employee that may be on the property at any given time.

(3) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling.

(4) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) may not park on the street.

(e) In connection with planned development projects, cluster housing, conditional use permits, existing use permits, and within special districts, the director may impose special parking and loading requirements.

(f) Except for [~~multi-family~~] multi-unit dwellings and [~~hotels,~~] lodging, all buildings and uses that are located within the boundaries of any improvement district for public off-street parking, and that have been assessed their share of the cost of the improvement district, are exempt from the off-street parking requirements of this chapter.

(g) *Joint use of parking and loading, [~~on-site and off-site~~. ~~On-site~~] onsite and remote.* ~~On-site~~ joint use of parking and loading is permitted on lots with more than one use. [~~Off-site~~] Remote joint use of parking and loading is permitted, subject to § 21-6.70 and [~~the provisions of~~] this section. All parking spaces provided under this section must be standard size. The number of required parking and loading spaces may be reduced by applying the rates provided in Table 21-6.2 to the total requirement for the various uses when added together.

***Table 21-6.2***
***Joint-use Parking and Loading Reduction Matrix***

| **Uses** | **Residential** | **[~~Office/ Warehouse/ Industrial~~] Office/ Industrial** | **[~~Retail/ Commercial~~] Other Commercial** | **Eating and Drinking [~~Establishment~~]** | **[~~Hotel/Lodging~~] Lodging** | **Other** |
|---|---|---|---|---|---|---|
| ***Residential*** | 100% | 80% | 90% | 90% | 90% | 90% |
| ***[~~Office/ Warehouse/ Industrial~~] Office/ Industrial*** | 80% | 100% | 80% | 80% | 90% | 90% |
| ***[~~Retail/ Commercial~~] Other Commercial*** | 90% | 80% | 100% | 90% | 80% | 90% |
| ***Eating and Drinking [~~Establishment~~]*** | 90% | 80% | 90% | 100% | 90% | 90% |
| ***[~~Hotel/Lodging~~] Lodging*** | 90% | 90% | 80% | 90% | 100% | 90% |
| ***Other*** | 90% | 90% | 90% | 90% | 90% | 90% |
| ***Three different uses*** | 90% | All joint-use parking spaces must be standard size | | | | |
| ***Four or more uses*** | 80% | | | | | |

(h) *Incentives for sustainable transportation.*

(1) *Unbundled parking.* Except in the residential zoning districts, in areas where parking is otherwise required under § 21-6.20, if at least 50 percent of the parking spaces provided by a project is unbundled, the project has no minimum parking requirement.

(2) *Bicycle parking in excess of the minimum bicycle parking requirements.* Four short-term or long-term bicycle parking spaces in excess of the minimum bicycle parking requirement may be substituted for one off-street vehicle parking space, up to a maximum of four vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Bicycle parking must comply with § 21-6.40.

(3) *Bicycle sharing.* Shared bicycle parking spaces, provided off-street on private property, may be substituted for required bicycle parking spaces, or may be substituted for up to a maximum of two vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Four shared bicycle parking spaces are equivalent to one off-street vehicle parking space. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the project's building permit approval:

(A) A written agreement with the provider of the bicycle sharing service, including the number and a written description of the location of shared bicycles;

(B) A floor plan or site plan of the area clearly identifying the location of the shared bicycles;

(C) The property owner and provider's contact information, including street address; and

(D) Any other pertinent information as determined by the director.

(4) [~~*Car sharing.* One shared car~~] *Car-sharing.* A parking space that is utilized by a car-sharing organization, as that term is defined in HRS § 251-1, for a shared car in its fleet may be substituted for three required off-street vehicle parking spaces. [~~Shared~~] The shared car parking spaces must be accessible to the [~~subscribers of the car sharing~~

~~service,~~] members of the car-sharing organization and may include [~~subscribers~~] members of the car-sharing organization who access the shared cars from a public street. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the issuance of a building permit for the project:

(A) A written agreement with the [~~provider of the car share service, which~~] car-sharing organization that must include the number of shared car parking spaces and a description of the location of the shared car parking spaces;

(B) A floor plan or site plan of the parking area clearly identifying the location of the shared car parking spaces;

(C) The property owner and provider's contact information, including street address; and

(D) Any other pertinent information as required by the director.

(5) *Motorcycle and moped parking.* One motorcycle or moped parking space may be substituted for one off-street vehicle parking space, up to a maximum of two spaces, or 10 percent of the required off-street vehicle parking spaces, whichever is greater. Motorcycle and moped parking must comply with § 21-6.50.

(i) No additional off-street parking spaces are required for nonconforming zoning lots beyond parking spaces existing on December 23, 2020. Any parking spaces provided on nonconforming zoning lots are subject to the parking space standards in this chapter.

(j) The following sections may have additional requirements or opportunities not set forth in this article:

[~~(1) Section 21-5.610A(a)(3), relating to a reduction in off-street parking requirements for special needs housing for the elderly;~~]

[~~(2)~~](1) Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;

# A BILL FOR AN ORDINANCE

[~~(3)~~](2) Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;

[~~(4)~~](3) Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements; and

~~[(5) Section 21-5.720(c)(4), relating to accessory dwelling units; and~~

~~(6)~~](4) Section [~~21-5.350(g)~~] 21-5.50-3(c), relating to home occupations.

(k) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot.

(l) For mobile commercial establishments, when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.

(m) 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. 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."

SECTION 35. Section 21-6.40, Revised Ordinances of Honolulu 2021 ("Bicycle parking"), is amended by amending subsection (b) to read as follows:

"(b) *Number of bicycle parking spaces required.* Short-term and long-term bicycle parking spaces must be provided as set forth in Table 21-6.3; provided that no bicycle parking spaces are required for [~~detached single-family and two-family dwellings, and duplexes.~~] single-unit, two-unit, and duplex-unit dwellings. Short-term and long-term bicycle parking spaces must be provided whenever new floor area, new dwelling units, or a new commercial parking lot or structure is

proposed. When computation of the total required bicycle parking spaces for a zoning lot results in a number with a fraction of [~~one-half~~] 0.5 or greater, the number of required bicycle parking spaces will be the next highest whole number.

| ***Table 21-6.3***<br>***Bicycle Parking Spaces Required*** | | |
|---|---|---|
| ***Use or Use Category*** | ***Short-Term Bicycle Parking*** | ***Long-Term Bicycle Parking*** |
| ***Commercial [~~Uses~~]*** | 1 space per 2,000 square feet of floor area or portion thereof, or<br><br>1 space for every 10 vehicle spaces or portion thereof, whichever is greater. | 1 space per 12,000 square feet of floor area or portion thereof, or<br><br>1 space for every 30 vehicle spaces or portion thereof, whichever is greater. |
| ***Industrial [~~Uses~~]*** | 1 space per 4,000 square feet of office floor area or portion thereof (excludes storage floor area). | 1 space per 18,000 square feet of office floor area or portion thereof (excludes storage floor area). |
| ***Residential [~~Uses~~]*** | 1 space for every 10 dwelling or lodging units. | 1 space for every 2 [~~dwellings~~] dwelling or lodging units. |
| ***Hotel [~~Use~~]*** | 1 space for every 20 dwelling or lodging units. | 1 space for every 10 dwelling or lodging units. |

"

SECTION 36. Section 21-6.50, Revised Ordinances of Honolulu 2021 ("Parking space dimensions and access"), is amended by amending subsection (a) to read as follows:

"(a) *Dimensions of parking spaces.*

(1) Standard parking spaces must be at least 18 feet in length and 8 feet 3 inches in width, with parallel spaces at least 22 feet in length.

(2) Compact parking spaces must be at least 16 feet in length and 7 feet 6 inches in width, with parallel spaces at least 19 feet in length.

(3) All provided parking spaces must be standard-sized parking spaces, except that [~~duplex units, detached dwellings, and multi-family~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings may have up to 50 percent of the total number of provided parking spaces as compact parking spaces, and accessory dwelling units may satisfy the parking requirement with a compact parking space.

(4) Required parking spaces for boat launching ramps must have minimum dimensions of 40 feet in length and 12 feet in width.

(5) Motorcycle and moped parking spaces must be at least 8 feet in length and 4 feet in width, and must provide a minimum 5-foot-wide access way clear of obstructions.

(6) Minimum aisle widths for parking bays must be provided in accordance with Table 21-6.4.

***Table 21-6.4***
***Parking Aisle Widths***

| ***Parking Angle*** | ***Aisle Width*** |
|---|---|
| 0 degrees – 44 degrees | 12 [~~feet~~] ft. |
| 45 degrees – 59 degrees | 13.5 [~~feet~~] ft. |
| 60 degrees – 69 degrees | 18.5 [~~feet~~] ft. |
| 70 degrees – 79 degrees | 19.5 [~~feet~~] ft. |
| 80 degrees – 89 degrees | 21 [~~feet~~] ft. |
| 90 degrees | 22 [~~feet~~] ft. |

If the parking angle is 90 degrees, the minimum aisle width may be reduced by 1 foot for every 6 inches of additional parking space width

above the minimum width of 8 feet 3 inches, to a minimum aisle width of 19 feet.

(7) Ingress and egress aisles must be provided to a street and between parking bays. Driveways leading into a parking area must be a minimum of 12 feet in width, except that driveways for [~~detached dwellings, duplex units,~~] single-unit, two-unit, or duplex-unit dwellings, and internal one-way driveways connecting parking aisles must be a minimum of 10 feet in width."

SECTION 37. Section 21-6.70, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-6.70 [~~Off-site~~] Remote parking and loading.**

(a) Required parking spaces, loading spaces, or bicycle parking spaces may be located off the premises as [~~off-site~~] remote parking and loading facilities, in compliance with § 21-2.90 relating to conditional uses. [~~Off-site~~] Remote parking and loading may be used in conjunction with the joint use of parking and loading.

(b) The distance between the entrance to the parking facility and nearest principal entrance of the establishment must not exceed 2,640 feet (a half-mile) using customary pedestrian routes. [~~Off-site~~] Remote loading facilities must not be separated from the establishment requiring the loading by a street, and must be connected by an improved pedestrian path or sidewalk. The distance between [~~off-site~~] remote bicycle parking and the nearest principal pedestrian entrance of the establishment requiring the bicycle parking must not exceed 400 feet by customary pedestrian routes.

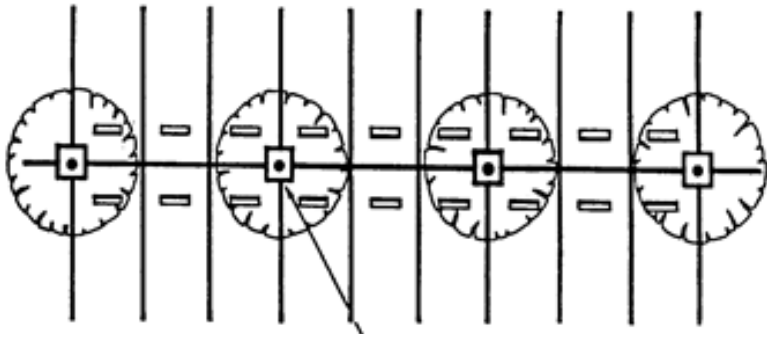
(c) When the [~~off-site~~] remote parking or loading is necessary to meet minimum parking requirements, a written instrument must be recorded in the State [~~of Hawaii~~] bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, for both the zoning lot containing the principal structure or use and the remote parking lot or structure. The agreement must assure the continued availability of the number of required remote parking spaces being provided [~~off-site~~]. The agreement must stipulate that if a required parking space is not maintained, or a parking space acceptable to the director is not substituted, the use or the portion of the use that is deficient in the number of required parking spaces must be discontinued. The agreement

will be subject to the approval of the department of the corporation counsel as to form and legality."

SECTION 38. Figure 21-6.1, Revised Ordinances of Honolulu 2021 ("Permitted Vehicle Overhangs"), is amended to read as follows:

"**Figure 21-6.1**
**~~[Permitted Vehicle Overhangs]~~ Canopy Tree Placement**

Example: One canopy tree for every six parking spaces.



Minimum planting area, or
stormwater tree box"

SECTION 39. Section 21-6.110, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-6.110 Off-street loading requirements.**

(a) *Required number of loading spaces.* Off-street loading requirements apply to all zoning lots exceeding 7,500 square feet in lot area for the types of uses specified in Table 21-6.5.

# A BILL FOR AN ORDINANCE

| ***Table 21-6.5<br>Required Number of Loading Spaces*** | | |
|---|---|---|
| ***Use or Use Category*** | ***Floor Area in Square Feet*** | ***Loading Space Requirements*** |
| A. [~~Retail stores,~~] General retail, general eating and drinking [~~establishments, shopping centers~~], wholesale operations, [~~warehousing,~~] general storage, warehousing, and distribution, [~~business services,~~] general personal services, repair, [~~manufacturing~~,] self-storage [~~facilities~~] | 2,000 - 10,000<br>10,001 - 20,000<br>20,001 - 40,000<br>40,001 - 60,000<br>Each additional 50,000 or major fraction thereof | 1<br>2<br>3<br>4<br>1 |
| B. Hotels, hospitals or similar institutions, places of public assembly | 5,000 - 10,000<br>10,001 - 50,000<br>50,001 - 100,000<br>Each additional 100,000 or major fraction thereof | 1<br>2<br>3<br>1 |
| C. Offices [~~or office buildings~~] | 20,000 - 50,000<br>50,001 - 100,000<br>Each additional 100,000 or major fraction thereof | 1<br>2<br>1 |
| D. [~~Multi-family~~] Multi-unit dwellings (units) | 20 – 150<br>151 – 300<br>Each additional 200 or major fraction thereof | 1<br>2<br>1 |

(b) *Method of calculating the number of required loading spaces.*

(1) If a building is used for more than one use, and the floor area for each use is less than the minimum floor area that would require a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, a minimum of one loading space is required.

(2) Basements devoted to a use having a loading requirement count towards the total floor area for calculating loading requirements.

(3) When computation of the total required loading spaces for a zoning lot results in a number with a fraction of [~~one-half~~] 0.5 or greater, the number of required loading spaces will be the next highest whole number.

(c) *Special loading requirements.* [~~Day care centers~~] Child and adult daycare and [~~schools~~] educational uses have special loading requirements. [~~Day care centers~~] Facilities used for child daycare must provide a pickup and drop off area equivalent to four parking spaces pursuant to [~~§ 21-5.180. Schools~~] § 21-5.70-1(a). K-12 schools with more than 25 students must provide a pickup and drop off area equivalent to four parking spaces pursuant to [~~§ 21-5.590(c).~~] § 21-5.60-3(a)."

SECTION 40. Section 21-7.40, Revised Ordinances of Honolulu 2021, ("Specific district sign standards"), is amended by amending subsection (d) to read as follows:

"(d) *Apartment and apartment mixed-use districts.* In connection with any use permitted other than [~~one-family and two-family~~] single-unit, two-unit, or duplex-unit dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, [~~shall~~] will be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding 8 square feet in area, [~~shall~~] will also be permitted for each such entry side. The ground sign [~~shall~~] may not be located in any required yard. Instead of these signs, one garden sign may be permitted;"

SECTION 41. Section 21-7.50, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-7.50 Special regulations for certain uses.**

When there is a direct conflict between the special standards in this section and the underlying district standards, the special standards [~~shall~~] apply.

# A BILL FOR AN ORDINANCE

(a) [~~*Automotive outdoor sales and rental*~~] *Vehicle sales and rental lots separated from new car dealer showrooms or service facilities.*

(1) A maximum of three business signs not to exceed a total of 1 square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area, [~~shall~~] will be permitted. Signs may be either wall, roof, marquee fascia, or projecting signs and may be illuminated.

(2) One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but [~~shall~~] may not overhang any required yard or public right-of-way.

(b) [~~*Automobile service stations, gasoline sales, and car washes.*~~] *Car wash, vehicle fueling station, heavy repair, and vehicle service.*

(1) A maximum of four business signs not to exceed a total sign area of 1 square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area [~~shall~~] will be permitted. Signs may be illuminated and be either marquee fascia, projecting, or wall signs.

(2) One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected; provided it does not overhang the public right-of-way. The sign may be a rotating sign. If there is more than one street frontage, two such signs may be erected; provided they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.

(3) Pump island information signs located at the pump islands, denoting "Full Service, Self Service," or similar, [~~shall~~] will be permitted; provided that each sign [~~shall~~] may not exceed 3 square feet in sign area.

(4) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, [~~shall~~] will be permitted.

(5) In addition to the price signs allowed under subdivision (4), one price sign may be erected for each street frontage; provided that such sign [~~shall~~] may not exceed 24 square feet in sign area and [~~shall~~] may not be placed on the identification ground sign specified in subdivision (2). The sign

[~~shall~~] will be counted as one of the business signs and as part of the total signage allowed under subdivision (1), and, in addition to the types of signs permitted by subdivision (1) may be a ground sign, but [~~shall~~] may not exceed 24 square feet in sign area.

(c) [~~*Gasoline sales accessory to convenience store.*~~] *Vehicle fueling accessory to small retail.*

(1) Pump island information signs located at the pump islands, denoting "Full Service, Self Service," or similar, [~~shall~~] will be permitted; provided that each sign [~~shall~~] may not exceed 3 square feet in sign area.

(2) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, [~~shall~~] will be permitted.

(3) In addition to the price signs allowed under subdivision (2), one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.

(d) *Drive-in theaters.*

(1) One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, [~~shall~~] will be permitted; provided that it [~~shall~~] may not extend into the public right-of-way.

(2) Directional signs which may be illuminated, not to exceed a combined area of 60 square feet with 6 square feet maximum per sign, may be erected.

(3) The restrictions imposed by this section [~~shall~~] do not apply to signs within the walls or other enclosed parts of the drive-in and which are not visible from outside the theater.

(e) *Theaters.* Four signs either hanging, marquee fascia, projecting, or wall signs, which may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each theater establishment.

# A BILL FOR AN ORDINANCE

(f) [~~*Shopping centers*~~] *Commercial facilities with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.* Only wall signs [~~shall be~~] are permitted at any level situated above the ground level. "Ground level" means the first level of a shopping center [~~which~~] that contains outdoor parking facilities for the business establishments situated at this level."

SECTION 42. Section 21-8.20, Revised Ordinances of Honolulu 2021, is repealed.

["~~§ 21-8.20 Housing—Ohana dwellings.~~

~~(a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.~~

~~(b) It is intended that ohana units be allowed only in areas where wastewater, water supply, and transportation facilities are adequate to support additional density.~~

~~(c) One ohana dwelling unit may be located on a zoning lot in the residential, country, or agricultural zoning districts, with the following limitations:~~

~~(1) The maximum size of an ohana dwelling unit is not limited but will be subject to the maximum building area development standard in the applicable zoning district;~~

~~(2) Ohana dwelling units are not permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning district, or on duplex unit lots;~~

~~(3) An ohana dwelling unit is not permitted on any nonconforming lot;~~

~~(4) The ohana dwelling unit and the first dwelling may be located within a single structure, i.e., within the same two-family detached dwelling, or the ohana dwelling unit may be detached from the first dwelling and located on the same lot as the first dwelling;~~

~~(5) The ohana dwelling unit must be occupied by persons related by blood, marriage, or adoption to the family residing in the first dwelling; provided that an ohana dwelling unit for which a building permit was obtained~~

~~before September 10, 1992, is not subject to this subdivision and its occupancy by persons other than family members is permitted;~~

~~(6) All other provisions of the zoning district apply;~~

~~(7) The parking provisions of this chapter applicable at the time the building permit for the ohana dwelling unit is issued apply and the provision of this parking is a continuing duty of the owner; and~~

~~(8) The owner of the zoning lot shall record in the State bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as is appropriate, a covenant stating that neither the owner, nor the heirs, successors, or assigns of the owner shall submit the zoning lot or any portion thereof to the condominium property regime pursuant to the State of Hawaii Condominium Property Act. The covenant must be recorded in a form approved or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign to abide by such a covenant will be deemed a violation of this chapter and will be grounds for enforcement of the covenant by the director pursuant to §§ 21-2.150, et seq., and grounds for an action by the director to require the owner or owners to remove, pursuant to the State of Hawaii Condominium Property Act, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant."]~~

SECTION 43. Section 21-8.20-1, Revised Ordinances of Honolulu 2021, is repealed.

["**~~§ 21-8.20-1 Procedures for approval of ohana dwellings.~~**

~~The department, with the assistance of other agencies, as appropriate, shall adopt rules relating to ohana dwellings, including rules to establish the following:~~

~~(a) Procedures for designating ohana-eligible areas, including rules providing that:~~

~~(1) Only those areas that are determined by the appropriate government agencies to have adequate public facilities to accommodate ohana dwellings shall be ohana-eligible;~~

~~(2) Upon a finding by the responsible agency that wastewater treatment and disposal, water, or transportation facilities are not adequate to accommodate additional ohana dwellings in any ohana-eligible area, no more ohana dwellings shall be approved in that area;~~

~~(3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the residential-zoned lots in the same census tract sign a petition requesting that residential-zoned lots in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on residential-zoned lots in that census tract from the date the department certifies the validity of the petition. For the purposes of this subdivision, the term "owners" means the fee owner of property that is not subject to a lease and means the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" has the same meaning as defined in HRS § 516-1;~~

~~(4) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the agricultural-zoned and country-zoned lots in the same census tract sign a petition requesting that all agricultural-zoned and country-zoned areas in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on agricultural-zoned or country-zoned lots in that census tract from the date the department certifies the validity of the petition. For the purposes of this subdivision, "owner" means the fee owner of property that is not subject to a lease and means the lessee of property that is subject to a lease. For the purposes of this subdivision, the term "lease" means a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, of 20 years or more (including any periods for which the lease may be extended or renewed at the option of the lessee);~~

~~(5) The director may adopt rules pursuant to HRS Chapter 91 to establish procedures for, to implement and to further define the terms used in subdivisions (3) and (4). These rules may include but not be limited to provisions relating to the form of petitions, determination of necessary signatures where there is more than one owner or when the owner is an entity, the signing of petitions, validity of signatures, the withdrawal of~~

~~signatures, the time frame for collection of signatures, verification of signatures, certification of results, duration of the prohibition, and procedures upon the change of census tract boundaries; and~~

~~(6) Before an area is designated eligible for ohana dwellings, the director shall publish a notice of the proposed change in a newspaper of general circulation, and notify the neighborhood boards in the affected area;~~

~~(b) Standards and criteria for determining adequacy of public facilities, to include but not be limited to:~~

~~(1) Width, gradients, curves, and structural condition of access roadways;~~

~~(2) Water pressure and sources for domestic use and fire flow;~~

~~(3) Wastewater treatment and disposal; and~~

~~(4) Any other applicable standards and criteria deemed to be appropriate for the safety, health, and welfare of the community; and~~

~~(c) *Standards and procedures for obtaining an ohana building permit.* The standards shall, at a minimum, require that planned parking is adequate to meet the parking requirements of this chapter applicable at the time of issuance of the ohana building permit to both the first and ohana dwelling unit."~~]

SECTION 44. Section 21-8.20A, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.20A Housing—Multiple dwelling units on a single country or residential district zoning lot.**

A maximum of eight dwelling units may be placed on a single zoning lot in a country or residential district; provided that:

(a) The zoning lot [~~shall~~] must have a lot area equal to or greater than the required minimum lot size for the underlying country or residential district multiplied by the number of dwelling units on or to be placed on the lot;

(b) If the applicant [~~wishes to erect~~] proposes to construct additional dwelling units under [~~§ 21-8.20, ohana dwellings,~~] § 21-5.50-3(c), relating to ohana units, the zoning lot [~~shall~~] must be subdivided;

(c) The number of dwelling units contained in each structure [~~shall~~] must not be greater than permitted in the applicable zoning district;

(d) This section [~~shall~~] does not apply to more than eight dwelling units on a single zoning lot in [~~a~~] the country or residential zoning district, which must be processed under the established procedures for cluster housing, planned development housing, or subdivision; and

(e) For more than two [~~dwellings,~~] dwelling units, the zoning lot [~~shall~~] must be located with access to a street or right-of-way of sufficient access width as determined by the director to assure public health and safety."

SECTION 45. Section 21-8.30, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.30 Farm dwellings—Agricultural site development plan.**

Three to six farm dwellings may be placed on a single zoning lot in [~~an agricultural district;~~] the agricultural zoning districts; provided that an agricultural site development plan for the lot is approved by the director.

(a) Any agricultural zoning lot [~~which~~] that has at least twice the required minimum lot size for the underlying agricultural zoning district may have two [~~detached~~] farm dwellings. If the applicant [~~wishes to erect~~] proposes to construct additional farm dwellings under [~~§ 21-8.20,~~] § 21-5.50-3(c), relating to ohana units, the zoning lot [~~shall~~] must be subdivided.

(b) The agricultural site development plan [~~shall~~] must be in accordance with the requirements of the preliminary subdivision map as stated in the subdivision rules.

(c) [~~Before~~] Prior to granting approval, the director shall determine that:

(1) The agricultural site development plan would qualify for approval under the subdivision rules if submitted [~~in~~] as a subdivision application; and roadways, utilities, and other improvements comply with the subdivision

rules and subdivision standards, unless modified by the director under applicable provisions specified in the subdivision rules;

(2) The number of farm dwellings contained in each structure is not greater than permitted in the [~~applicable~~] underlying zoning district; and

(3) Except where otherwise provided in this article, each existing and future farm dwelling [~~is~~] must be located as if the zoning lot were subdivided in accordance with the agricultural site development plan, applicable provisions of this article, and the subdivision rules.

(d) This section does not apply to applications for more than six farm dwellings on a zoning lot, which must be processed under the established procedures for cluster housing, planned development housing, or subdivision."

SECTION 46. Section 21-8.40, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.40 Housing—Zero lot line development.**

The purposes of this section are as follows:

(a) To allow housing [~~which~~] that has the attributes of [~~detached~~] single-unit dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying zoning district density controls; and

(b) To offer more usable yard space and allow more efficient use of land.

It is the intent that zero lot line housing be applied to both new and existing neighborhoods, and be used as a method for urban infill."

SECTION 47. Section 21-8.50-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.50-1 Cluster housing.**

The intent of cluster housing is:

(a) To allow development of housing sites [~~which~~] that would otherwise be difficult to develop under conventional city subdivision standards;

(b) To allow flexibility in housing types, including [~~attached units;~~] two-unit, duplex-unit, and multi-unit dwellings;

(c) To encourage innovative site design and efficient open space;

(d) To minimize grading by allowing private roadways, narrower roadway widths, and steeper grades than otherwise permitted; and

(e) To provide common amenities, when appropriate."

SECTION 48. Section 21-8.50-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.50-2 Cluster site design standards.**

Cluster housing may be constructed in all residential and apartment zoning districts, subject to the following standards:

(a) Within residential and apartment zoning districts, the minimum land area and maximum number of dwelling units for a cluster housing project [~~shall be~~] are as follows:

| ***Zoning District*** | ***Minimum Land Area*** | ***Maximum No. of Units*** |
|---|---|---|
| R-20 | 60,000 [~~square feet~~] sq. ft. | Total project area/20,000 |
| R-10 | 30,000 [~~square feet~~] sq. ft. | Total project area/10,000 |
| R-7.5 | 22,500 [~~square feet~~] sq. ft. | Total project area/7,000 |
| R-5 | 15,000 [~~square feet~~] sq. ft. | Total project area/3,750 |
| R-3.5 | 10,500 [~~square feet~~] sq. ft. | Total project area/3,500 |
| A-1 - A-3 | 10,500 [~~square feet~~] sq. ft. | Total project area/3,500 |

# A BILL FOR AN ORDINANCE

(b) Within cluster housing projects, [~~detached, duplex, and multi-family~~] single-unit, two-unit, duplex-unit, and multi-unit dwellings [~~shall be~~] are permitted. [~~Multi-family dwellings shall~~] Multi-unit dwellings must not exceed eight dwelling units in one structure;

(c) The director may waive the following requirements if suitable landscaping [~~or fence/wall buffering, or both,~~] or buffering with a fence or wall is provided:

(1) All structures containing more than two [~~dwelling~~] units [~~shall~~] must be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width; and

(2) All common activity areas, such as tot lots, play courts, swimming pools, and barbecue facilities, [~~shall~~] must be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project;

(d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit; provided that the following conditions are [~~met:~~] satisfied:

(1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;

(2) The building contains [~~multi-family~~] multi-unit dwellings with gabled or hipped roof forms;

(3) The highest exterior wall line, equivalent to the structural top plate, [~~shall~~] must not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;

(4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential zoning district. The distance between any three-story buildings [~~shall~~] must be at least 30 feet;

(5) The building [~~shall~~] must not exceed a height limit of 34 feet; and

(6) The exemption will not adversely detract from the surrounding neighborhood character;

(e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall [~~shall~~] must be constructed or landscaped buffering [~~shall~~] must be installed along the roadway, or a combination of a wall and landscaping must be provided, subject to the approval of the director;

(f) [~~Maximum~~] The maximum building area [~~shall be~~] is 50 percent of the total land area for the project. Maximum building area for any zoning lot of record may be more than 50 percent in response to design considerations, but [~~in no event shall~~] must not exceed 80 percent;

(g) Yards and height setbacks abutting the boundaries of the entire cluster development site [~~shall~~] must not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all zoning lots fronting public streets [~~shall~~] must not be less than the front yard requirement of the underlying zoning district; and

(h) The director may establish supplemental design guidelines further illustrating the above site design standards."

SECTION 49. Section 21-8.50-4, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.50-4 Planned development housing (PD-H).**

The PD-H option is intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood, with:

(a) A variety of housing types, including [~~multi-family~~] multi-unit dwellings;

(b) Innovative site design and efficient open space;

(c) Common amenities;

(d) Reduced construction costs for the developer and housing costs for the consumer;

(e) A mixing of uses other than allowed in the underlying zoning district;

(f) Adequate provision for public services; and

(g) More flexibility for infrastructure improvements."

SECTION 50. Section 21-8.50-6, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-8.50-6 PD-H use regulations.**

Within a PD-H project, all of the following uses and structures [~~shall be~~] are permitted:

(a) [~~Meeting facilities;~~] Public, civic, and institutional uses; provided that facilities where the conduct of commercial affairs is a principal activity [~~shall not be~~] are not permitted;

(b) [~~Day-care~~] Adult or child daycare facilities;

(c) Dwellings—[~~detached, multi-family and duplex;~~] single-unit, two-unit, duplex-unit, and multi-unit; and

(d) [~~Recreation facilities, outdoor;~~] General outdoor recreation.

[~~(e) Schools--elementary, intermediate and high;~~

~~(f) Utility installations, Type A.~~]"

SECTION 51. Section 21-9.10, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.10 Developments in flood hazard areas.**

(a) All permit applications subject to this chapter [~~shall,~~] must, at the time of processing, be reviewed for compliance with [~~the flood hazard areas ordinance.~~] Chapter 21A. Whenever applicable, the flood hazard area requirements of a development project [~~shall~~] must be determined before processing for other approvals mandated by other laws and regulations.

(b) Dwellings in country, residential, and agricultural zoning districts, as well as [~~detached dwellings and duplex units~~] single-unit, two-unit, and duplex-unit dwellings in apartment and apartment mixed-use zoning districts, may exceed

the maximum height in the district by no more than 5 feet if required to have its lowest floor elevated to or above the base flood elevation; provided such additional height [~~shall~~] must not be greater than 25 feet above the base flood elevation.

(c) Notwithstanding any other provision to the contrary, no more than two dwelling units [~~shall be~~] are permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, [~~shall take~~] takes precedence over any less restrictive, conflicting laws, ordinances, or rules."

# A BILL FOR AN ORDINANCE

SECTION 52. Table 21-9.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.1*** | | |
|---|---|---|
| ***Hawaii Capital Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | Directly illuminated signs prohibited in historic precinct |
| Tree removal over 6 inches in diameter | m | |
| [~~Detached dwellings and duplex units~~] Single-unit, two-unit, or duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | E | |
| Major modification, alteration, addition, or repair to historic structures | M | This also includes structures listed in § 21-9.30-3(c) |
| Major exterior repair, alteration, or addition to nonhistoric structures | m | |
| Minor exterior repair, alteration, or addition to all structures, that does not adversely change the character or appearance of the structure | m/E | Minor in historic precinct only |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor in historic precinct only |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition of historic structures | M | This also includes structures listed in § 21-9.30-3(c) |
| Demolition of nonhistoric structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.1*** | | |
|---|---|---|
| ***Hawaii Capital Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| New buildings not covered above | M/m | Minor for accessory structures |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage, and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| Legend--Project classification:<br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 53. Section 21-9.40-5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.40-5** [~~One-family and two-family detached dwellings.~~] **Single-unit, two-unit, and duplex-unit dwellings.**

[~~Duplexes and one-family and two-family detached dwellings shall be~~] Single-unit, two-unit, and duplex-unit dwellings are exempt from the requirements of the Diamond Head special district, except that those dwellings [~~which are~~] located within the "core area" identified on Exhibit 21-9.5 [~~shall~~] must comply with [~~§~~] §§ 21-9.40-4(a) and (c)."

SECTION 54. Section 21-9.40-6, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 21-9.40-6 Project classification.**

Refer to Table 21-9.2 to determine whether specific projects will be classified as major, minor, or exempt.

# A BILL FOR AN ORDINANCE

| ***Table 21-9.2*** | | |
|---|---|---|
| ***Diamond Head Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | |
| Tree removal over 6 inches in diameter | m/E | Minor only within "core" area |
| ~~Detached dwellings and duplex units~~] Single-unit, two-unit, or duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | E | |
| Major exterior repair, alteration, or addition to all structures | m | |
| Minor exterior repair, alteration, or addition to all structures, which does not adversely change the character or appearance of the structure | E | |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor only within "core" area and if visible from street or public vantage points |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition of all structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | E | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks | m | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.2*** | | |
|---|---|---|
| ***Diamond Head Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | M/m | Major in "core" area only, except for accessory structures; minor outside "core" area and for accessory structures in "core" area |
| ***Notes:**<br>"Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage, and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| **Legend—Project classification:**<br><br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 55. Section 21-9.50-5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.50-5** [~~One-family and two-family detached dwellings.~~] **Single-unit, two-unit, and duplex-unit dwellings.**

[~~Duplexes and one family and two-family detached dwellings shall be~~] Single-unit, two-unit, and duplex-unit dwellings are exempt from the requirements of the Punchbowl special district, except that those dwellings [~~which are~~] located in the "core area" identified on Exhibit 21-9.8 [~~shall~~] must comply with § 21-9.50-4(c) and (e)."

SECTION 56. Table 21-9.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.3*** | | |
|---|---|---|
| ***Punchbowl Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | |
| Tree removal over 6 inches in diameter | m/E | Minor in "core" area or along major streets |
| [~~Detached dwellings, and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | m/E | Minor in "core" area if results in greater than 15-foot change in elevation |
| Major exterior repair, alteration, or addition to all structures | m | |
| Minor exterior repair, alteration, or addition to all structures, which does not adversely change the character or appearance of the structure | E | |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor only within "core" area and if visible from viewing areas |
| Demolition of all structures | E | |
| Interior repairs, alterations, and renovations to all structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | E | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | M/m | Major in "core" area only, except for accessory structures; minor outside "core" area and for accessory structures in "core" area |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.3*** | | |
|---|---|---|
| ***Punchbowl Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| **Legend--Project classification:**<br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 57. Section 21-9.60-8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.60-8 Historic core precinct objectives.**

Historic core precinct objectives are as follows:

(a) Encourage the retention and renovation of buildings of historic, architectural, or cultural value;

(b) Ensure the design compatibility of new structures with historic structures through low building heights, continuous street frontages, and characteristic street facade elements;

(c) Encourage the continuation and concentration of the long-established ethnic retail and light manufacturing activities by providing space for these uses, particularly on the ground level; and

(d) Encourage [~~one- and two-family dwelling use to provide a variety of compatible uses, which~~] a variety of dwelling unit types, including single-unit, two-unit, duplex-unit, and multi-unit dwellings that would contribute to the precinct's social and economic vitality."

# A BILL FOR AN ORDINANCE

SECTION 58. Section 21-9.60-9, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.60-9 Historic core precinct development standards.**

(a) *Maximum heights.* Within the historic core precinct, new structures [~~shall~~] must not exceed 40 feet.

(b) *Open space and landscaping.*

(1) Open space is encouraged in the form of small-scaled interior landscaped courtyards and interior pedestrian walkways.

(2) Street trees [~~shall not be~~] are not required. [~~Any trees planted~~] The planting of trees within a front yard or sidewalk area [~~shall~~] must take into consideration the objectives of the precinct, especially the desire for continuous building frontages and sidewalk canopies, as well as traffic and pedestrian safety.

(3) Along Hotel Street, street trees may complement its strong retail character and public transit corridor function. They [~~shall~~] must be a minimum of 2-inch caliper. Species and spacing [~~shall~~] must be chosen from an approved tree list on file with the department and the department of parks and recreation.

(c) *Required yards.*

(1) There [~~shall be~~] are no required yards.

(2) All buildings on the same block face [~~shall~~] must form a continuous street facade, except for necessary driveways, pedestrian entryways, and small open space pockets.

(d) *Permitted uses.* Ground floor spaces should be used exclusively for retail commercial uses, or [~~light~~] food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown. [~~Notwithstanding the underlying zoning, one- and two-family dwellings are permitted, if located above the ground floor.~~]

(e) *Design guidelines.* All street facades must meet the requirements of § 21-9.60-12."

SECTION 59. Table 21-9.4, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.4*** | | |
|---|---|---|
| ***Chinatown Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | |
| Tree removal over 6 inches in diameter | E | |
| [~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | E | |
| Major exterior repair, alteration, or addition to all structures | M/m | Major for structures listed on Exhibit 21-9.10-A |
| Minor exterior repair, alteration, or addition to all structures, which does not adversely change the character or appearance of the structure | m/E | Minor for structures listed on Exhibit 21-9.10-A |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor if visible from street |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition of structures | M/m/E | Major for structures listed on Exhibit 21-9.10-A. Exempt for accessory structures such as sheds |
| Fences and walls | E | |
| Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks | m | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.4*** | | |
|---|---|---|
| ***Chinatown Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | M/m | Minor for accessory structures |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| Legend--Project classification:<br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 60. Table 21-9.5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| *Table 21-9.5* | | |
|---|---|---|
| ***King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District Project Classification*** | | |
| **Activity/Use** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | Directly illuminated signs prohibited fronting Thomas Square |
| Tree removal over 6 inches in diameter | m/E | Minor in front yard and sidewalk area only |
| [~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | E | |
| Major exterior modification, alteration, repair, or addition to King Kamehameha III at Thomas Square or Honolulu Museum of Art | M | |
| Major exterior repair, alteration, or addition to all structures except King Kamehameha III at Thomas Square or Honolulu Museum of Art | m | |
| Minor exterior repair, alteration, or addition to all structures, that does not adversely change the character or appearance of the structure | m/E | Minor only when involving King Kamehameha III at Thomas Square or Honolulu Museum of Art |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition of historic structures | M | |
| Demolition of nonhistoric structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | m | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.5*** | | |
|---|---|---|
| ***King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District Project Classification*** | | |
| **Activity/Use** | ***Required Permit*** | ***Special Conditions*** |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| Legend--Project classification:<br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 61. Section 21-9.80-4, Revised Ordinances of Honolulu 2021, ("General requirements and design controls"), is amended by amending subsections (c), (d), and (e) to read as follows:

"(c) *Design guidelines.*

(1) *General guidelines.* All structures, open spaces, landscape elements, and other improvements within the district must conform to the guidelines for urban design controls specified in Exhibit 21-9.15; the design standards of this section; and other design guidelines adopted by the director to further define and implement these guidelines and standards.

(2) *Yards.* Yard requirements will be as provided under the development standards for the underlying zoning precinct under Table 21-9.6(B).

(3) *Car rental establishments.* Car rental establishments must comply with the following requirements:

(A) Side and rear yards must be a minimum of 5 feet; with a solid fence or wall at least 6 feet in height on the property line, and the required yard substantially landscaped with planting and maintained;

(B) The car rental establishment must be illuminated so that no unshielded, unreflected, or undiffused light source is visible from any public area or private property immediately adjacent to the establishment;

(C) All areas not landscaped must be provided with an all-weather surface; and

(D) No water produced by activities on the zoning lot may fall upon or drain across public streets or sidewalks.

(4) [~~*Utility installations.*~~] *Small, medium, and large utilities.* Except for antennas, [~~utility installations~~] small, medium, and large utilities must be designed and installed in an aesthetic manner so as to hide or screen wires and equipment completely from view, including views from above; provided that any antenna located at a height of 40 feet or less from existing grade should take full advantage of stealth technologies to be adequately screened from view at ground level without adversely affecting operational capabilities.

(5) *Building materials.* Selection and use of building materials should contribute to a Hawaiian sense of place through the use of subdued and natural materials, such as plaster finishes, textured concrete, stone, wood, and limited use of color-coated metal. Freestanding walls and fences should be composed of moss rock, stucco-finished masonry, or architectural concrete whenever possible. Colors and finishes should be characterized as being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces, should be avoided.

(6) *Building scale, features, and articulation.* Project designs should provide a human scale at ground level. Buildings composed of stepped forms are preferred. Articulated facades are encouraged to break up building bulk. Use of the following building features is encouraged: sunshades; canopies; eaves; lanais; hip-form roofs for low-rise, freestanding buildings; recessed windows; projecting eyebrows; and architectural elements that promote a Hawaiian sense of place.

(7) *Exterior building colors.* Project colors should contribute to a tropical resort destination. They should complement or blend with surrounding

colors, rather than call attention to the structure. Principal colors, particularly for high-rise towers, should be of neutral tones with more vibrant colors relegated to accent work. Highly reflective colors are not permitted.

(8) *Ground level features.*

(A) Within a development, attention should be given to pedestrian-oriented ground level features. A close indoor-outdoor relationship should be promoted. Design priority should include the visual links through a development connecting the sidewalk and other public areas with onsite open spaces, mountains, and the ocean.

(B) Building facades at the ground level along open spaces and major streets (including Kalakaua Avenue, Kuhio Avenue, Kapahulu Avenue, Ala Wai Boulevard, and Ala Moana Boulevard) must be devoted to open lobbies, arcade entrances, display windows, and permitted outdoor dining areas.

(C) Where commercial uses are located at ground level, other than as required by paragraph (B), at least one-half of the total length of the building facade along streets must be devoted to open lobbies, arcade entrances, display windows, and permitted outdoor dining areas.

(D) The street facades of ground level hotel lobbies should include wide, open entryways. Ventilation in these lobbies should primarily depend on natural air circulation.

(E) Where buildings are situated between a street and the shoreline, or between a street and open spaces, ground level lobbies, arcades, and pedestrian ways should be provided to create visual links between the street and the shoreline or open space.

(F) Where blank walls necessarily front a street or open space, they must be screened with heavy landscaping or appropriately articulated exterior surfaces.

(G) Effective December 1, 2025, ground level parking facilities should not be located along any street, park, beachfront, public sidewalk, or pedestrian way. Where the site plan precludes any other location, the garage may front these areas if landscaping is provided for screening. Principal landscaping must include trees, and secondary landscape elements may include tall hedges and earth berms.

(H) For the purposes of the Waikiki special district, an "open lobby" means a ground-floor lobby that is not enclosed along the entire length of at least two of its sides or 50 percent of its perimeter, whichever is greater, and that provides adequate breezeways and views to interior or prominent open spaces, intersecting streets, gateways, or significant pedestrian ways.

(9) *Outdoor lighting.* Outdoor lighting must be subdued or shielded so as to prevent glare and light spillage onto surrounding properties and public rights-of-way. Outdoor lighting must not be used to attract attention to structures, uses, or activities; provided that indirect illumination that is integrated with the architectural design of a building may be allowed when it is utilized to highlight and accentuate exterior building facades, and architectural or ground level features. Rotating, revolving, moving, flashing, or flickering lights must not be visible to the public, except lighting installed by a public agency for traffic safety purposes or temporary lighting related to holiday displays.

(d) *Planned development-resort (PD-R) and planned development-apartment (PD-A) projects.* The purpose of the PD-R and PD-A options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct, transitional height setbacks, yards, open space, and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval before more detailed review and approval by the department.

# A BILL FOR AN ORDINANCE

PD-R and PD-A projects will be subject to the following:

(1) *PD-R and PD-A applicability.*

(A) PD-R projects are only be permitted in the resort mixed-use precinct, and PD-A projects are only permitted in the apartment precinct; and

(B) The minimum project size is 1 acre. Multiple zoning lots may be part of a single PD-R or PD-A project if the owners, lessees, developers, or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. [~~Lots~~] Zoning lots may be added to or removed from existing PD-R or PD-A projects upon the application of the owners, lessees, developers, or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD- A project, or [~~its~~] the original applicant's successor. Applications for the addition or removal of [~~lots shall~~] zoning lots will be processed in accordance with other applicable regulations contained in this chapter. [~~Lots~~] Zoning lots to be removed [~~shall~~] must be able to comply on their own with applicable zoning regulations as a separate project. Multiple zoning lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are [~~met:~~] satisfied:

(i) The zoning lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and

(ii) Each noncontiguous portion of the project, whether [~~comprised~~] composed of a single zoning lot or multiple contiguous zoning lots, must have a minimum area of 20,000 square feet, but subject to the minimum overall project size of 1 acre.

When a project consists of noncontiguous zoning lots as provided [~~above,~~] in this paragraph, bridges or other design features

connecting the separated zoning lots are strongly encouraged[~~,~~] to unify the project site. Multiple zoning lots that are part of an approved single PD-R or PD-A project will be considered and treated as one zoning lot for purposes of the project; provided that no conditional use permit-minor for a joint development will be required therefor;

(2) *PD-R and PD-A use regulations.* Permitted uses and structures [~~will be as enumerated~~] are as set forth for the underlying precinct in Table 21-9.6(A);

(3) *PD-R and PD-A site development and design standards.* The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs in this subdivision, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection.

(A) In PD-R projects, the maximum project floor area [~~cannot~~] must not exceed an FAR of 4.0[~~, except:~~]; provided that:

(i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or

(ii) If the existing FAR is greater than 5.0, then the existing FAR [~~may be~~] is the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced;

(B) In PD-A projects, the maximum project floor area [~~cannot~~] must not exceed an FAR of 3.0[~~, except:~~]; provided that:

(i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or

(ii) If the existing FAR is greater than 4.0, then the existing FAR [~~may be~~] is the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced;

(C) The maximum building height is 350 feet, but this standard may be reduced;

(D) The precinct transitional height setbacks [~~will be~~] are as set forth in Table 21-9.6(B), but these standards may be modified;

(E) The minimum for yards is 15 feet, but this standard may be modified;

(F) The minimum open space is at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided;

(G) The landscaping requirements [~~will be~~] are as set forth in subsection (f), but these standards may be modified; and

(H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located [~~will~~] apply;

(4) *Approval of PD-R or PD-A projects.*

(A) *Application requirements.* An application for approval of a PD-R or PD-A project must contain:

(i) A project name;

(ii) A location map showing the project in relation to the surrounding area;

(iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. The site plan must also note property lines, the shoreline, shoreline setback lines, beach access, and other public and private access, when applicable;

(iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;

(v) An open space plan and integrated pedestrian circulation system;

(vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and

(vii) A parking and loading management plan[.]; 

(B) *Procedures.* Applications for approval of PD-R or PD-A projects will be processed in accordance with § 21-2.110-2;

(C) No project will be eligible for PD-R or PD-A status, unless the council has first approved a conceptual plan for the project;

# A BILL FOR AN ORDINANCE

(D) *Guidelines for review and approval of the conceptual plan for a project.* Before its approval of a conceptual plan for a PD-R or PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:

(i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping are consistent with the Waikiki special district objectives and this subsection;

(ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and

(iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth [~~under~~] in Chapter 24;

(E) *Deadline for obtaining a building permit for a project.*

(i) A council resolution [~~of approval for~~] approving a conceptual plan for a PD-R or PD-A project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to § 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

(ii) The resolution must further provide that a deadline may be extended as follows[~~. The~~]: the director may extend the deadline if the applicant demonstrates good cause, but the deadline [~~cannot~~] may not be extended beyond one year

from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension[~~. The report~~] that must include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of:

(aa) Sixty days after the receipt of the director's report; or

(bb) The applicant's then-existing deadline for obtaining a building permit, the extension will be deemed denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval; and

(F) *Approval by the director.* Upon council approval of the conceptual plan for the PD-R or PD-A project, the application for the project, as approved in concept by the council, will continue to be processed by the director as provided under § 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria will be used by the director to review applications:

(i) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;

(ii) The project also must implement the objectives, guidelines, and standards of the Waikiki special district and this subsection;

(iii) The project must exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994)

and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features that may fulfill this requirement;

(iv) The project must demonstrate a high level of compliance with the design guidelines of [~~this~~] the Waikiki special district and this subsection;

(v) The project must contribute significantly to the overall desired urban design of Waikiki;

(vi) The project must reflect appropriate "contextual architecture";

(vii) The project must demonstrate a pedestrian system, open spaces, and landscaping and water features (such as water gardens and ponds) that must be integrated and prominently conspicuous throughout the project site at ground level;

(viii) The open space plan must provide useable open spaces, green spaces, water features, public places, and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;

(ix) The system of proposed pedestrian elements must contribute to a strong pedestrian orientation that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding Waikiki areas; and

(x) The parking management plan must minimize impacts upon public streets where possible, [~~must~~] enhance local traffic circulation patterns, and [~~must~~] make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan will constitute the off-street parking and loading requirements for the project.

(e) *Nonconformity.* The provisions of §§ 21-4.110 et seq. shall apply, except as provided in this subsection.

A BILL FOR AN ORDINANCE

(1) A nonconforming use or structure may be replaced by a new structure with up to the maximum permitted floor area of the precinct for similar uses or existing floor area, whichever is greater; provided that all other special district standards are met. To achieve this, the following special district standards may be modified, subject to a major special district permit approval:

(A) *Open space.* Minimum required open space may be adjusted, as follows:

(i) For each square foot of public open space provided on the lot, the open space may be reduced by 1 square foot. If provided, front yards may be included as public open space;

(ii) For every 2 square feet of arcade space provided on the lot, the open space may be reduced by 1 square foot;

(iii) For every 4 square feet of open lobby space on the lot, the open space may be reduced by 1 square foot; and

(iv) If the cumulative area of the required yards exceeds the minimum open space requirement for the lot, the resultant cumulative yards may be considered the minimum open space requirement for the lot.

[~~In no event shall the~~] The total open space must not be less than: (aa) 25 percent of the lot area; or (bb) the cumulative area of the required yards, whichever is greater. In addition, the open space arrangement [~~shall~~] must not obstruct or diminish any significant views which are to be preserved, protected, or enhanced; [~~shall~~] must not obstruct, prevent, or interfere with any identified gateways or pedestrian ways; and [~~shall~~] must be consistent with the intent and objectives of the Waikiki special district;

(B) *Off-street parking.* Parking and loading requirements may be adjusted, subject to the submission of a parking management plan that [~~shall be~~] is reviewed and approved by the director;

(C) *Height.* If the height of an existing structure exceeds the maximum height for the lot, then the height of the existing structure may be retained; provided that the new structure or structures:

(i) Do not obstruct or diminish any significant views which are to be preserved, protected, and enhanced;

(ii) Do not obstruct, prevent, or interfere with an identified gateway or pedestrian way, or both; and

(iii) Are consistent with the intent and objectives of the Waikiki special district;

(2) In case of the accidental destruction of a nonconforming structure devoted to a conforming use which contains [~~multi-family~~] multi-unit dwelling units, it may be restored to its original condition in accordance with § 21-4.110;

(3) Nonconforming uses [~~shall~~] must not be limited to "ordinary repairs" or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations [~~which~~] that will not modify the arrangement of buildings on a zoning lot may be permitted; provided that all special district standards are met;

(4) Elements of nonconforming structures including but not limited to signs, menu displays, awnings, and building facades may be renovated, reconfigured, or replaced; provided that the work:

(A) Results in a reduction of the nonconformity;

(B) Is an improvement over the existing condition of the structure;

(C) Implements the design intents and requirements of the special district; and

(D) Does not increase floor area;

(5) The floor area of a structure which already meets or exceeds maximum permitted density may be increased to replace or retrofit electrical or mechanical equipment, utilitarian spaces, or improvements specifically required to comply with federal mandates such as the Americans with

Disabilities Act (ADA) or National Environmental Policy Act (NEPA); provided that:

(A) The increase in floor area is relatively insignificant in relation to the existing structure;

(B) Adequate screening of building equipment or machinery is provided when necessary to protect the design intents of the special district;

(C) The increase does not result in a net loss in required open space, arcades, or landscaping; and

(D) Other than for dwelling units, existing onsite parking spaces may be removed; provided that:

(i) There are no feasible alternatives to the location of the equipment or utility room; and

(ii) The number of off-street parking spaces removed is less than:

(aa) Five percent of the total number of existing spaces, if the total number of existing spaces is 100 or less; or

(bb) Three percent of the total number of existing spaces, if the total number of existing spaces is more than 100;

(6) Notwithstanding any ordinance to the contrary, nonconforming hotel units may be time sharing units, subject to applicable State law; and

(7) Unless voluntarily abandoned, nonconforming uses that have been temporarily discontinued for purposes of redevelopment or renovation, as permitted by this subsection, [~~shall~~] must not otherwise be subject to the discontinuation of use provisions in § 21-4.110(c)(2)."

SECTION 62. Section 21-9.80-5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

# A BILL FOR AN ORDINANCE

"**§ 21-9.80-5 Apartment precinct.**

(a) *Permitted uses.* Within the apartment precinct, including the apartment mixed-use subprecinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth in Table 21-9.6(A).

(b) *Development standards.* Uses and structures within the apartment precinct and the apartment mixed-use subprecinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B).

(c) *Additional development standards.*

(1) *Commercial use location within the apartment mixed-use subprecinct.* Any of the permitted uses designated in Table 21-9.6(A) as a principal use only within the apartment mixed-use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, [~~shall be~~] are limited to the basement, ground floor, or second floor of a building.

(2) *Transitional height setbacks.* For any portion of a structure above 40 feet in height, additional front, side, and rear height setbacks equal to 1 foot for each 10 feet in height, or fraction thereof, [~~shall~~] must be provided. Within the height setback, buildings with graduated, stepped forms [~~shall be~~] are encouraged (see Figure 21-9.2).

[~~(d) *Additional use standards.* Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm$^2$.~~]"

SECTION 63. Section 21-9.80-6, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.80-6 Resort mixed-use precinct.**

(a) *Permitted uses.* Within the resort mixed-use precinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth in Table 21-9.6(A).

(b) *Development standards.* Uses and structures within the resort mixed-use precinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B).

(c) *Additional development standards.*

(1) *Floor area bonus.*

(A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added.

(B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, 5 square feet of floor area may be added.

(C) For each square foot of arcade area provided, exclusive of required yards, 3 square feet of floor area may be added.

(D) For each square foot of rooftop landscaped area provided, 1 square foot of floor area may be added.

(2) *Transitional height setbacks.* For any portion of a structure above 40 feet in height, additional front, side, and rear height setbacks equal to 1 foot for each 10 feet in height, or fraction thereof, [~~shall~~] must be provided. Within the height setback, buildings with graduated, stepped forms [~~shall be~~] are encouraged (see Figure 21-9.2).

[~~(d) *Additional use standards.* Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm$^2$.~~]"

SECTION 64. Section 21-9.80-8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.80-8 Public precinct.**

(a) *Permitted uses.* Within the public precinct, permitted uses and structures [~~shall be as enumerated~~] are as set forth in Table 21-9.6(A). Additionally:

(1) In the public precinct, public [~~uses and structures~~] facilities may include accessory activities operated by private lessees under supervision of a public agency [~~purely~~] solely to fulfill a governmental function, activity, or service for public benefit and in accordance with public policy; and

(2) All structures within the public precinct [~~shall~~] must comply with the guidelines established by the urban design controls [~~marked~~] in Exhibit 21-9.15.

(b) *Development standards.* Uses and structures within the public precinct [~~shall~~] must conform to the development standards [~~enumerated~~] set forth in Table 21-9.6(B). The director shall approve FAR, height, and yard requirements for structures [~~shall be approved by the director~~].

(c) [~~Signs shall be approved by the director and shall~~] *Signs.* The director shall approve signs, which must not exceed a total of 24 square feet in area.

[~~(d) *Additional use standards.* Utility installations, Type A, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm$^2$.~~]"

SECTION 65. Table 21-9.6(A), Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.6(A)*** | | | |
|---|---|---|---|
| ***Waikiki Special District Precinct Permitted Uses and Structures*** | | | |
| ***Use or Structure*** | ***Precinct*** | | |
| | ***Apartment*** | ***Resort Mixed-Use*** | ***Public*** |
| **Agricultural Uses** | | | |
| None | | | |
| | | | |
| **Residential Uses** | | | |
| Dwellings, [~~multi-family~~[2]] multi-unit[2] | P | P | |
| Group living, small – State regulated | P* | P* | |
| Group living, small – not State regulated | C* | C* | |
| Group living [~~facilities~~], large | [~~C~~] C* | [~~C~~] C* | |
| [~~Boarding facilities~~] | [~~P~~] | [~~P~~] | |
| Home [~~occupations~~] occupation | [~~Ac~~] Ac* | [~~Ac~~] Ac* | |
| | | | |
| **Public, Civic, and Institutional Uses** | | | |
| [~~Antennas, receive-only~~] Accessory receive only antenna | Ac | Ac | Ac |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.6(A)*** | | | |
|---|---|---|---|
| ***Waikiki Special District Precinct Permitted Uses and Structures*** | | | |
| ***Use or Structure*** | ***Precinct*** | | |
| | ***Apartment*** | ***Resort Mixed-Use*** | ***Public*** |
| Communication support structure | P* | P* | P* |
| Communication tower | Cm | Cm | Cm |
| Dish antenna | Cm | Cm | Cm |
| Meeting [~~facilities~~] facility | C | P | |
| Public [~~uses and structures~~] facility | P | P | P |
| [~~Schools, language~~] | | [~~P~~] | |
| [~~Schools~~,] School, vocational, [~~provided they do not involve the operation of woodwork shops, machine shops or similar industrial features~~] minor | | P | |
| Utility [~~installations, Type A~~], small | [~~P9~~] P* | [~~P9~~] P* | [~~P9~~] P* |
| Utility, medium | Cm | Cm | Cm |
| Utility [~~installations, Type B~~], large | [~~Cm~~] C | [~~Cm~~] C | [~~Cm~~] C |
| | | | |
| **Commercial Uses** | | | |
| [~~Art galleries and museums~~] | [~~C (Museums only)~~] | [~~P~~] | |
| [~~Bars, cabarets, nightclubs, taverns[1]~~] Bar, nightclub | | P | |
| Bed and breakfast [~~homes~~] home* | [~~P/c~~] P* | [~~P/c~~] P* | |
| [~~Broadcasting facilities~~] | | [~~P~~] | |
| [~~Business services~~] | | [~~P~~] | |
| [~~Convenience stores~~] | [~~P-AMX~~] | [~~P~~] | |
| [~~Dance or music schools~~] | | [~~P~~] | |
| [~~Day care facilities~~] Daycare, adult | C | [~~P~~] P* | |
| Daycare, child | Cm | P* | |
| Eating [~~establishments[1]~~] and drinking, general[1] | P-AMX | P | |
| [~~Financial institutions~~] | [~~P-AMX~~] | [~~P~~] | |
| [~~Hotels~~] Hotel | | P | |
| [~~Marina accessories~~] Marine, general, minor | | P | |
| Medical [~~clinics~~] services, general | P-AMX | P | |
| [~~Laboratories, medical~~] Medical laboratory | | P | |
| [~~Neighborhood grocery stores~~] | [~~Cm~~] | [~~N/A~~] | |
| [~~Offices~~] Office, general | P-AMX | P | |
| [~~Commercial parking lots and garages~~] Parking, commercial | | P | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.6(A)*** | | | |
|---|---|---|---|
| ***Waikiki Special District Precinct Permitted Uses and Structures*** | | | |
| ***Use or Structure*** | ***Precinct*** | | |
| | ***Apartment*** | ***Resort Mixed-Use*** | ***Public*** |
| [~~Off-site parking facilities~~] Parking, remote | Cm | Cm | |
| Personal services, general | P-AMX | P | |
| [~~Photographic processing~~] | | [~~P~~] | |
| [~~Photographic studios~~] | | [~~P~~] | |
| [~~Real estate offices~~] | [~~P-AMX~~] | [~~P~~] | |
| [~~Amusement and recreational facilities~~] Recreation, general indoor | C (Museums only) | P | |
| [~~Amusement facilities~~] Recreation, general outdoor | | C | |
| [~~Retail establishments~~] Retail, general, small, medium, or large | P-AMX | P | |
| [~~Theaters~~] Theater | | P | |
| [~~Time sharing~~] Timeshare | | P | |
| Transient vacation [~~units~~] unit | [~~P/c~~] P* | [~~P/c~~] P* | |
| [~~Travel agencies~~] | [~~P-AMX~~] | [~~P~~] | |
| [~~Automobile service stations, excluding repair facilities~~] Vehicle fueling station | | | |
| [~~Automobile rental establishments (excluding repair facilities and open parking lots)~~] Vehicle sales and rental | | P | |
| | | | |
| **Miscellaneous Uses** | | | |
| Historic [~~structures, use of~~] structure reuse | C | Cm | Cm |
| Joint development | Cm | Cm | |
| [~~Joint use of parking~~] | [~~Cm~~] | [~~Cm~~] | |

**Ministerial uses:**
Ac = Special accessory use. Also see: Article 10, Accessory use; and [~~§ 21-5.330,~~] § 21-5.50-3(c), Home occupation
P = Permitted principal use
[~~P/c~~] P* = Permitted use subject to standards in Article 5
[~~P9 = Permitted principal use subject to standards enumerated in Article 9; see § 21-9.80-5(d), 21-9.80-6(d), 21-9.80-7(d), or 21-9.80-8(d)~~]
P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed-use subprecinct

# A BILL FOR AN ORDINANCE

| |
|---|
| **Discretionary uses:**<br>Cm = Requires an approved Conditional Use Permit - minor subject to standards in Article 5; no public hearing required<br>C = Requires an approved Conditional Use Permit - major subject to standards in Article 5; public hearing required |
| **Other:**<br>N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category. |
| **Note:** An empty cell in the above matrix indicates that use or structure is not permitted in that precinct. |
| [1] Provided a solid wall 6 feet in height [~~shall be erected~~] is constructed and maintained on any side or rear boundary adjoining the apartment precinct. |
| [2] Provided that where these uses are integrated with other uses, pedestrian access [~~shall~~] must be independent from the other uses, and no building floor [~~shall~~] may be used for both dwelling and commercial purposes. |

"

# A BILL FOR AN ORDINANCE

SECTION 66. Table 21-9.6(C), Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.6(C)*** | | |
|---|---|---|
| ***Waikiki Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | |
| Tree removal over 6 inches in diameter | m/E | Minor only when visible from a street, park, or other public viewing area; otherwise exempt |
| [~~Detached dwellings and duplex units and accessory structures~~] Single-unit, two-unit, and duplex-unit dwellings | E | |
| Grading and stockpiling | E | |
| Major modification, alteration, repair, or addition to historic structures | M | |
| Minor modification, alteration, repair, or addition to historic structures | m | |
| Major exterior repair, alteration, or addition to nonhistoric structures | m | |
| Minor exterior repair, alteration, or addition to nonhistoric structures, [~~which~~] that does not adversely change the character or appearance of the structure | E | |
| Planned development projects (PD-R and PD-A) | M | Prior council approval of conceptual plan required. See § 21-9.80-4(d)(4) |
| Permitted uses and structures under §§ 21-9.80-4(a), uses and activities allowed in required yards and setbacks; 21-9.80-4(e), nonconformity; and 21-9.80-4(g)(1), rooftop height exemption; when not otherwise covered by this table | M/m | Major for the reconstruction of existing nonconforming structures and/or adjustment of open space, off-street parking and/or height provided for nonconforming structures under § 21-9.80-4(e)(1) |
| Exterior repainting that significantly changes the character or appearance of the structure | M/m | Major for murals exceeding length or width dimensions of 12 feet |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition of historic structures | M | |
| Demolition of nonhistoric structures | m/E | Minor only when structure is over 50 years old; otherwise exempt |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.6(C)*** | | |
|---|---|---|
| ***Waikiki Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | M/m | Minor for accessory structures |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| **Legend—Project classification:**<br><br>M = Major<br>m = Minor<br>E = Exempt | | |

"

SECTION 67. Section 21-9.90-5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.90-5** [~~Detached dwellings and duplex units.~~] **Dwelling units.**

[~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings constructed prior to December 21, 2018 [~~shall be~~], are exempt from the requirements of the Haleiwa special district, except for § 21-9.90-4(d)(3), (d)(4), and

(d)(5), relating to landscaping, § 21-9.90-4(f)(1) relating to general architectural appearance and character, § 21-9.90-4(f)(2) relating to roofs, § 21-9.90-4(f)(4) relating to railings, fences, and walls, and § 21-9.90-4(f)(7) relating to colors. [~~Detached dwellings and duplex units~~] Single-unit, two-unit, and duplex-unit dwellings constructed after December 21, 2018, will fall under the category "New buildings not covered above" in Table 21-9.7."

SECTION 68. Table 21-9.7, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"

| ***Table 21-9.7*** | | |
|---|---|---|
| ***Haleiwa Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Signs | E | |
| Tree removal over 6 inches in diameter | m/E | Minor only if visible from Kamehameha Highway or Haleiwa Road |
| [~~Detached dwellings and duplex units and accessory structures~~] Single-unit, two-unit, and duplex-unit dwellings, and accessory structures | E | |
| Grading and stockpiling | E | |
| Major modification, alteration, repair, or addition to all structures | M/m | Major if listed on Exhibit 21-9.17 and/or if visible from Kamehameha Highway or Haleiwa Road |
| Minor modification, alteration, repair, or addition to historic structures | m | Also includes structures on Exhibit 21-9.17 |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor if listed on Exhibit 21-9.17 and/or visible from Kamehameha Highway or Haleiwa Road |
| Minor exterior repair, alteration, or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure | E | |
| Interior repairs, alterations, and renovations to all structures | E | |

# A BILL FOR AN ORDINANCE

| ***Table 21-9.7*** | | |
|---|---|---|
| ***Haleiwa Special District Project Classification*** | | |
| ***Activity/Use*** | ***Required Permit*** | ***Special Conditions*** |
| Demolition or obstruction of historic structures | M | Also includes structures on Exhibit 21-9.17 |
| Demolition of nonhistoric structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |
| Major above-grade infrastructure* improvements not covered elsewhere, including cell towers, new roadways, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above and mobile commercial establishments | M/m | Major if visible from Kamehameha Highway or Haleiwa Road |
| Drive-thru facilities | m | |
| *Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable [~~TV,~~] television, telephone, drainage, and recreational facilities. | | |
| A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage. | | |
| **Legend–Project classification:**<br><br>M = Major<br>m = Minor<br>E = Exempt | | |

"

# A BILL FOR AN ORDINANCE

SECTION 69. Section 21-9.100 ("Transit-oriented development (TOD) special district"), Revised Ordinances of Honolulu 2021, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Active Ground Floor Activities.*** Those uses and activities that will encourage pedestrian movement and activate the ground floor of buildings, including retail establishments, restaurants, personal service establishments, offices, financial institutions, lobbies for hotels or [~~multifamily~~] multi-unit dwelling uses, galleries, theaters, and other similar uses and activities.

***Bike-Walk Greenway.*** Shared-use paths or trails for pedestrians, cyclists, and other users of non-motorized transportation modes within or adjacent to a TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set forth at the end of this article.

***Community Benefits.*** Those project elements that will mitigate impacts of greater heights or greater density or modifications to TOD special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions to existing community amenities or public uses, and facilities that enhance the pedestrian experience or improve multimodal transportation.

***IPD-T.*** An interim planned development-transit project pursuant to § 21-9.100-5.

***Key Streets.*** Streets within a TOD special district that are most vital to facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of a rail station. Certain development standards will apply only to those zoning lots fronting a designated key street. The key streets are identified on the exhibits set forth at the end of this article.

***Nonconforming Site Development.*** A zoning lot with structures or uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the TOD special district, including but not limited to building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking.

# A BILL FOR AN ORDINANCE

***PD-T*.** A planned development-transit project pursuant to § 21-9.100-10.

***Rail Station*.** An existing or planned rail station identified in the Honolulu Rail Transit Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010.

***Setback*.** The distance from the property line to the front facade of a building.

***Street Tree Plan*.** A street tree planting plan approved in accordance with the city "Standards and Procedures for the Planting of Street Trees."

***TOD*.** Transit-oriented development.

***TOD Development Regulations*.** The regulations establishing the permitted uses and structures and development standards within a TOD special district, which will be established by the council by ordinance, pursuant to this section. TOD development regulations may include provisions specific to certain rail station areas.

***TOD Special District.*** That area surrounding rail stations along the rail alignment and designated in § 21-9.100-12. Lands within a TOD special district are subject to TOD development regulations.

***TOD Station Area* *or* *Station Area*.** The parcels of land around a rail station subject to the TOD development regulations. Generally, the TOD station area will consist of that land within approximately 0.5 miles of the related rail station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set forth at the end of this article."

SECTION 70. Section 21-9.100-5, Revised Ordinances of Honolulu 2021, ("Interim planned development-transit (IPD-T) projects"), is amended by amending subsection (d) to read as follows:

"(d) *Use regulations.*

(1) Permitted uses and structures for all zoning districts other than the BMX-4 central business mixed-use zoning district may be any of those uses permitted in the BMX-3 community business mixed-use zoning district; [~~except~~] provided that [~~a hotel is~~] lodging uses are not permitted on any zoning lot unless [~~it is~~] they are otherwise in compliance with the standards enumerated by [~~§ 21-5.360,~~] § 21-5.70-3(b), or on a zoning lot

within the Convention Center Subdistrict of the Ala Moana neighborhood TOD plan;

(2) Permitted uses and structures in the BMX-4 central business mixed-use zoning district will be as specified in Table 21-3; and

(3) Ground floors and pedestrian-accessible spaces should be used to the extent feasible for active uses, including but not limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations, including but not limited to benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service."

SECTION 71. Section 21-9.100-7, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 21-9.100-7 Use regulations.**

Permitted uses and structures are as enumerated in Table 21-3, except as provided below:

(a) In the business mixed-use district, the ground floor of buildings facing a key street, public open space, or transit station must be designed and used for active ground floor activities, as defined in § 21-9.100(c), for at least 80 percent of the ground-floor building frontage. On corner lots, this requirement must be met on each key-street-facing facade.

(b) In the apartment mixed-use district the ground floor of the building frontage facing any key street, public open space, or transit station must be designed and used as residential dwelling units or active ground floor activities, as defined in § 21-9.100(c). On corner lots, this requirement must be met on each key-street-facing facade.

(c) Up to 10 dwelling units may be permitted per zoning lot above the ground floor in the IMX-1 industrial commercial mixed-use district, subject to a special district permit. [~~Accessory caretaker dwellings do not require a special district permit.~~]"

# A BILL FOR AN ORDINANCE

SECTION 72. Section 21-10.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definitions of "Accessory Dwelling Unit," "Accessory Use," "Agricultural Products Processing, Major," "Agricultural Products Processing, Minor," "Agribusiness Activities," "Amusement and Recreation Facilities, Indoor," "Aquaculture," "Base Yards," "Bed and Breakfast Home," "Bicycle Sharing," "Biofuel Processing Facility," "Broadcasting Antennas," "Building," "Cemeteries and Columbaria," "Commercial Parking Lots and Garages," "Composting, Minor and Major," "Consulate," "Crop Production," "Day-Care Facility," "Duplex Unit," "Dwelling, Multi-family," "Dwelling Unit," "Family," "Farm Dwelling," "Food Manufacturing and Processing," "Group Living Facilities," "Heliport," "Helistop," "Home-Based Child Care," "Home Occupation," "Hospital," "Hotel," "Livestock," "Livestock Grazing," "Livestock Production, Major," Livestock Production, Minor," "Lodging Unit," "Manufacturing, Processing and Packaging, Light and General," "Marina Accessories," "Medical Clinic," "Meeting Facilities," "Plant Nurseries," "Ohana Dwelling Unit," "Open Space, Public," "Personal Services," "Public Uses and Structures," "Receive-Only Antennas," "Recreation Facilities, Outdoor," "Repair Establishments, Minor and Major," "Resource Extraction," "Retail Establishments," "Rooming," "Self-Storage Facility," "Special Needs Housing for the Elderly," "Theaters," "Time Sharing," "Transient Occupant," "Transient Vacation Unit," "Utility Installations, Types A and B," "Warehousing," "Waste Disposal and Processing," and "Yard, Front" to read as follows:

"***Accessory Use.*** A use [~~which~~] that meets the following conditions:

(1) Is [~~a use which is~~] conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or an accessory building or structure, or as an accessory use [~~of land;~~] of the zoning lot;

(2) Is clearly incidental to and customarily found in connection with the principal use; and

(3) Is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use."

"***Accessory Dwelling Unit.*** A [~~second~~] dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the [~~primary~~] principal dwelling unit on the zoning lot."

# A BILL FOR AN ORDINANCE

["***Receive-Only Antennas.*** ~~Antennas used for radio frequency (RF) or microwave receptions only, including but not limited to receptions for television, except as provided under the definition of telecommunications antennas or utility installations.~~"] "***Accessory Receive Only Antenna***. 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. The term 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. The term does not include broadcasting antennas (see broadcasting antenna), telecommunication facilities (see communication tower, communication support structure), or satellite dishes larger than 1 meter in diameter (see dish antenna)."

["***Agricultural Products Processing, Major.*** ~~Activities involving a variety of operations on crops or livestock which may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include slaughterhouses, canneries, and milk processing plants.~~"]

["***Agricultural Products Processing, Minor.*** ~~Activities on a zoning lot not used for crop production, which are not regulated as major agricultural products processing, and which perform a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are vegetable cleaning, honey processing, poi-making, and other similar activities. Minor activities shall be permitted as an accessory use when conducted on the same zoning lot on which the crop is cultivated.~~"] "***Agricultural Processing.*** Processing Hawaii-grown crops and Hawaii-raised animal-related products (grown or raised onsite or offsite) in their original form, such as washing, cutting, bundling, and packaging, which are essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. The term does not include the processing of packaged food or drink products (see food manufacturing and processing). See also agricultural collection and storage.

(1) ***Minor:*** Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, honey, and aquaculture harvests. In the agricultural zoning districts, the term includes the processing of Hawaii-grown crops grown onsite or offsite to produce malt beverages, distilled spirits, or wines, of which at least 51 percent are Hawaii-grown ingredients other than water.

(2) ***Major:*** Slaughtering and processing of dead Hawaii-raised animals and associated by-products."

# A BILL FOR AN ORDINANCE

["***~~Livestock Grazing.~~*** ~~The raising or feeding of livestock by grazing or pasturing. Not included are feedlots or the raising and keeping of swine.~~"]

["***~~Livestock Production, Major.~~*** ~~Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These include piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms.~~"]

["***~~Livestock Production, Minor.~~*** ~~Commercial small animal operations as a principal land use, such as rabbit farms, apiaries, or aviaries.~~"] "***Animal Raising.*** Agricultural establishments primarily engaged in commercial livestock and poultry keeping or feeding as a principal use.

(1) *Minor:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. The term includes small commercial animal operations such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees, and rabbits. The term does not include feedlots (see major animal raising), the boarding and care of household pets (see animal care), or animal shelters (see animal care).

(2) *Major:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. The term includes piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms. The term also includes feedlots, defined as any animal feeding operation that concentrates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets (see animal care) or animal shelters (see animal care)."

["***~~Agribusiness Activities.~~*** ~~Accessory uses conducted on the same site where agricultural products are cultivated or raised; including transportation facilities used to provide for tours of the agricultural parcel.~~"] "***Agritourism.*** Accessory agricultural-

related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock and poultry keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. The term includes accessory destination events, such as weddings. The term does not include agricultural-related tourism for entertainment purposes, including luaus and performance-related shows (see general outdoor recreation)."

"***Aquaculture.*** The [~~production of aquatic plant and animal life for food and fiber within ponds and other~~] cultivating and raising of aquatic plants such as limu, wetland taro, kelp or algae, or aquatic animals such as fish or shellfish in controlled natural or artificial bodies of water. The term does not include cultivating land-based crops, including with hydroponics (see crop raising)."

"***Base* [~~*Yards.*~~] *Yard.*** [~~The principal facility for establishments which provide their services off-site, but where a site is needed for the consolidation and integration of various support functions, and where the parking of company vehicles is a prominent if not principal activity. Typical base yards include a construction company's facility or a bus yard. Base yards may include but are not limited to the following:~~

~~(1) Business office; provided administrative and executive functions are clearly accessory and incidental to the overall operation of the facility on the same zoning lot;~~

~~(2) Storage, cleaning, and repair of materials, vehicles, and equipment used by the establishment;~~

~~(3) Vehicle dispatch; and~~

~~(4) Personnel-related support facilities (e.g., locker and shower rooms, kitchen or cafeteria, lounge).~~] Outside storage, parking, cleaning, and incidental repair and maintenance of vehicles and associated equipment. The term includes supporting dispatching services, administrative offices, kitchens, showers, lounges, and similar personnel supporting activities."

"***Bed and Breakfast Home.*** A use in which overnight accommodations are advertised, solicited, offered, or provided[~~,~~] (or a combination of any of the foregoing[~~,~~]) to transient occupants, for compensation, for periods of less than 90 consecutive days, in the same dwelling unit occupied by an owner, lessee, operator, or proprietor of the

dwelling unit. See also transient vacation unit. For the purposes of this definition:

(1) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and

(2) Month to month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded."

***"Bicycle Sharing.*** Refers to [~~nonrental~~] non-rental bicycles that are shared by multiple users at one location, typically for short trips by employees, guests, or residents of a [~~multifamily~~] multi-unit dwelling. Bicycle sharing may also refer to bicycles offered for rent with designated docking stations, but does not include bicycle sharing offices or onsite staff."

"***Biofuel Processing Facility.*** [~~A biofuel processing facility as defined under HRS § 205-4.5(a)(16).~~] 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."

"***Broadcasting [~~Antennas.~~*** ~~Includes antennas, towers, and other accessory facilities for radio frequency (RF) transmissions for AM and FM radio and television broadcasting. These facilities are regulated by the Federal Communications Commission (FCC) under Title 47 CFR Part 73. These transmissions can be received by anyone with a radio or television. Not included are broadcasting studios and stations.~~] ***Antenna.*** Antennas, towers, and other accessory facilities for radio frequency transmissions of AM and FM radio and television broadcasting. Transmissions may be received by anyone with a radio or television. These facilities are regulated by the Federal Communications Commission under Title 47 CFR Part 73, as may be amended or superseded. The term does not include broadcasting studios and stations, and telecommunication facilities (see communication tower, communication support structure)."

"***Building.*** [~~A structure with a roof which provides shelter for humans, animals, or property of any kind.~~] Anything built, constructed, or erected, or established or composed of parts joined together in some definite manner that provides shelter for humans, animals, or property of any kind and requires location on the ground, or that is attached to something having permanent location on the ground. A building may or may not be easily moved from a given location on the ground."

# A BILL FOR AN ORDINANCE

["***Cemeteries*** and ***Columbaria.*** Interment facilities engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Included are cemetery lots, mausoleums, and columbaria. The following are permitted as accessory uses: crematory operations; cemetery real estate operations; mortuary services; floral and monument sales; and detached one-family dwellings to be occupied only by caretakers of the cemetery."] "***Cemetery.*** A property divided into cemetery lots for sale as burial plots at an interment facility, including columbaria and mausoleums. Permitted accessory uses include crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers."

"***Composting*[*, and Major and Minor.*** A process in which organic materials are biologically decomposed under controlled conditions to produce a stable humus-like mulch or soil amendment. The composting process includes but is not limited to receipt of materials, primary processing, decomposition activities, and final processing for sale and marketing. This]. The recycling of organic waste through natural decomposition and other processes that encourage or speed up the decomposition process. Composting may include the receipt of composting materials, primary processing, decomposition, and final processing for sale and marketing of resulting products. The term does not include bioremediation of fuel-contaminated soil[.], or backyard composting involving small-scale composting of organic materials, primarily yard wastes, at the site where these materials are generated.

(1) [***Composting, Major.*** Involves more complex controls to manage odors, vectors, and surface water contamination. For instance, in some cases, on-site odors may not be able to be completely mitigated. Major composting includes but is not limited to the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials.] ***Minor*:** Involves simple management and engineering solutions to control odors, vectors, and surface water contamination. The term includes the composting of clean, source-separated organic materials, including greenwaste, animal manure, crop residues, and waste from vegetable food processing operations.

(2) [***Composting, Minor.*** Involve relatively simple management and engineering solutions to control odors, vectors, and surface water contamination. Minor composting includes but is not necessarily limited to the composting of clean, source-separated organic materials, including but not limited to greenwaste, animal manure, crop residues, and waste from

~~vegetable food processing operations.~~] ***Major*****:** Involves complex controls to manage odors, vectors, and surface water contamination. For instance, in some cases, onsite odors may not be able to be completely mitigated. The term includes the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials."

"***Consulate.*** [~~The administrative offices of staff and consul, an official appointed by a foreign government representing the interests of citizens of the appointing country.~~] A facility that includes the offices (including administrative offices) of an official appointed by a foreign government who serves the interests of foreign citizens. A consulate may include space for residential occupancy. Consulates are public facilities, and are eligible for zoning waivers that apply to public facilities."

"***Crop [~~Production.~~*** ~~Agricultural and horticultural uses, including production of grains, field crops, and indoor and outdoor nursery crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities.~~] ***Raising*****.** Cultivating, maintaining, and harvesting crops for agriculture and horticulture purposes, generally conducted in an open field or greenhouse. The term includes vertical farm operations and cultivating crops with hydroponics, aeroponics, and aquaponics. The term does not include cultivating aquatic plants or animals (see aquaculture). See also forestry, plant nursery."

["~~***Day-Care Facility*****.** An establishment where seven or more persons who are not members of the family occupying the premises are cared for on an intermittent basis. The term includes day nurseries, preschools, kindergartens, and adult day-care.~~"] "***Daycare, Adult.*** The use of a building or property other than a dwelling unit or medical facility to provide supervision and care to adults who need supervision or assisted living services. The term does not include overnight stays and 24-hour care."

"***Daycare, Child.*** The use of a building or property other than a dwelling unit, public school, or medical facility to provide supervision and care for individuals under 18 years of age. The term includes care for seven or more individuals under 18 years of age. The term does not include overnight stays and 24-hour care. See also home occupation, home-based childcare, K-12 school, and public facility."

["~~***Duplex Unit.*** A building containing one dwelling unit on a single zoning lot that is to be attached on a side or rear property line with another dwelling. The dwellings shall be structurally independent of each other and attached by means of a boundary~~

~~wall. The attachment of the wall shall not be less than 15 feet or 50 percent of the longer dwelling on the property line, excluding carports or garages, whichever is the greater length. In lieu of construction with a boundary wall, both dwellings shall be built up independently to the property line (see Figure 21-10.3).~~"] "***Dwelling, Duplex-Unit.*** A single building that is located on two separate zoning lots. The duplex building must contain two independent dwelling units that are separated by a common wall located along a side or rear yard boundary line for the zoning lots. An interior connection between the dwelling units is prohibited, and each dwelling unit must have a separate entrance. Use of a duplex-unit dwelling is the occupancy of each dwelling unit in the duplex-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses (see Figure 21-10.3)."

"***Dwelling, [~~Multi-Family.~~*** ~~A building containing three or more dwelling or lodging units that is not a hotel.~~] ***Multi-Unit.*** Three or more dwelling units contained in a single building. Use of a multi-unit dwelling includes the occupancy of each dwelling unit in the multi-unit dwelling by one family for non-transient occupancy for residential purposes and permissible accessory uses. If permitted in the underlying zoning district, multi-unit dwellings may include spaces for nonresidential uses; provided that these nonresidential uses will be regulated as separate land uses."

"***Dwelling Unit.*** A room or [~~rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen. Two or more essentially separate structures, except for a token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit. Unless specifically permitted in use regulations, a dwelling unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.~~] connected rooms in a single structure that are designed for residential occupancy by one family. A dwelling unit contains one kitchen, sanitary facilities, and space for sleeping. Two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit Dwelling unit use is the exclusive occupancy of a dwelling unit by one family for non-transient, residential purposes and permissible accessory uses. Unless specifically permitted in use regulations, a dwelling unit may not be used as a timeshare, bed and breakfast home, or transient vacation unit as defined in this section."

"***Family.*** One or more [~~persons, all related by blood, adoption, or marriage, occupying a dwelling unit or lodging unit. A family may also be defined as no more than five unrelated persons. In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility, or other similar facility monitored, registered, certified, or licensed by the State of Hawaii will be considered a family.~~

~~Resident managers or supervisors are not included in this resident count.~~] natural persons, all related by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship occupying a dwelling unit or lodging unit; or no more than five unrelated natural persons."

"***Farm Dwelling.*** A dwelling [~~located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.~~] unit that is accessory to a principal agricultural use on the same zoning lot other than open space or forestry, where onsite agricultural activity provides income to the household occupying the farm dwelling."

"***Food Manufacturing and Processing.*** [~~Establishments primarily involved in the manufacture and processing of food products, other than animal products processing establishments, and which occupy less than 2,000 square feet of floor area. Typical activities include but are not limited to noodle factories and coffee grinding.~~] Processing of packaged food or drink products for human consumption that does not involve the handling of dead animals or animal by-products (see agricultural processing). The term does not include facilities that fall within the agricultural processing use, if activities include further processing such as cooking and blending."

"***Group Living [~~Facilities.~~*** ~~Facilities that are used to provide living accommodations and, in some cases, care services. Included are:~~

~~(1) Monasteries and convents and dwelling units which are used to provide living accommodations and care services under a residential setting to individuals who are handicapped, aged, disabled, or undergoing rehabilitation. These are typically identified as group homes, halfway houses, homes for children, the elderly, battered children and adults, recovery homes, independent group living facilities, hospices, and other similar facilities.~~

~~(2) Facilities that provide services, often including medical care, and are identified as convalescent homes, nursing homes, sanitariums, intermediate-care, or extended-care facilities, and other similar facilities; and~~

~~(3) Facilities with accommodations for more than five resident individuals, except those meeting the definition of family. Resident managers or supervisors shall not be included in this resident count~~]. Residential occupancy that is not included in household living. Includes but is not

limited to monasteries, convents, dormatories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, developmental disabilities domicilary 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."

"***Heliport.*** [~~An area of land or structures designated or used for the landing or takeoff of helicopters or other rotorcraft. The term includes storage, maintenance or repair facilities, and sale and storage of supplies and fuel.~~] A facility for landing and takeoff of rotorcraft, including supporting fueling, maintenance, repair, and storage activities."

"***Helistop.*** An [~~area designed and used only for the landing and takeoff of helicopters or other rotorcraft. Helistops shall not include hangars or repair, maintenance, and storage facilities.~~] accessory facility for landing and takeoff of rotorcraft that does not include supporting fueling, maintenance, or repair facilities."

"***Home-Based [~~Child Care.~~] Childcare.*** A home occupation in which [~~child-care~~] childcare services are provided [~~on a part-time basis~~] during any portion of a 24-hour day to no more than six children at any given time who are not members of the household, and that is licensed by the State department of human services. In addition to one employee of the home occupation who is allowed on the property at any given time, if the principal caregiver that is a household member becomes unavailable due to illness or emergency, an additional non-household member may be allowed on the property to provide childcare services on a temporary basis to substitute for the principal caregiver. See also child daycare."

"***Home Occupation.*** Any activity intended to produce income that is carried on within a dwelling[~~,~~] unit, accessory structure to a dwelling[~~,~~] unit, or on a zoning lot used principally for [~~dwelling~~] residential purposes. Home occupations include the use of any residential premise as a base for an off-premise, income-producing activity."

"***Hospital.*** [~~An institution primarily for in-patient, intensive, medical or surgical care. It may also include facilities for any one or more of the following: extended care, intermediate care and/or out-patient care, medical offices, living facilities for staff, research and educational facilities, and related services and activities for operation of these facilities.~~] An institution providing primarily in-patient, intensive, medical, or surgical care, including emergency care services. The term includes facilities for extended care, intermediate care and out-patient care, living facilities for staff, research

and educational facilities, doctor offices, and any administrative offices necessary for the operation of the facility. See also general medical services."

"***Hotel.*** A building [~~or group of buildings containing lodging or dwelling units, or both, offering transient accommodations, and a lobby, clerk's desk, or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such restaurants, shops, meeting rooms, or recreational and entertainment facilities.~~] or buildings, or a portion of a building or buildings, containing guest rooms that are offered and used for the provision of transient accommodations to transient occupants. A hotel must include a lobby or 24-hour front desk and facilities used to provide housekeeping services to guests. The term includes activities, facilities, and services that are traditionally and customarily provided for the benefit and convenience of hotel guests. The term does not include transient vacation units, bed and breakfast homes, and timeshares."

***"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 that are not raised as household pets or for purposes of personal use and companionship."

"***Lodging Unit.*** [~~A room or rooms connected together, constituting an independent living unit for a family which does not contain any kitchen. Unless specifically permitted in use regulations, lodging unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.~~] A building, or portion of a building, in a hotel or other structure designed for transient or longer-term occupancy that does not include all three permanent facilities for food preparation (heating/cooking element, sink, and refrigerator)."

"***Manufacturing[~~, Processing and Packaging, Light and General.~~***
~~Establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration, or packaging by hand or by machinery, from raw materials, component parts, or other products, of finished goods, merchandise, or other end products suitable for sale or trade.~~

~~Light manufacturing, processing, and packaging establishments involve activities that are nonoffensive to adjacent uses; involve no open storage or other types of~~

~~outdoor accessory uses other than parking and loading; do not involve processes that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that pose a threat to health and safety. Typical activities include but are not limited to the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing, and packaging uses meeting the criteria prescribed herein.~~

~~General manufacturing, processing, and packaging establishments are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery, and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products, perfumes, and pharmaceuticals; and the production of paving and roofing materials.~~

~~This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; or the processing of salvage, scrap, and junk materials.~~] ***and Processing, General.*** The manufacture, processing, assembly, fabrication, refinement, alteration, or packaging by hand or by machinery, from raw materials, component parts, or other products, of finished goods, merchandise, or other end products suitable for sale or trade.

(1) ***Light:*** Activities that are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that pose a threat to health and safety. The term includes but is not limited to the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, or other similar types of manufacturing, processing, and packaging activities.

(2) ***Heavy:*** Activities involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. The term includes but is not limited to paper and textile milling; wood millwork and production of prefabricated structural wood products; soap and detergent manufacturing; rubber processing and rubber products manufacturing; production of plastics and other synthetic materials; primary metals processes; vehicle, machinery, and fabricated metal products manufacturing; electroplating; cement making and concrete production; gypsum and related products production; chemical products, perfumes, and pharmaceuticals production; or paving and roofing materials production. The term does not include those activities associated with petroleum processing (see petrochemical plant); the manufacture of explosives or toxic chemicals (see explosive or toxic chemical manufacturing, storage, and distribution); waste disposal and processing (see waste disposal and processing); or the processing of salvage, scrap, or junk materials (see salvage, scrap, or junk storage and processing)."

["~~***Marina Accessories.*** Land uses on harbor fast lands that support recreational marine activities, including piers or boathouses, storage and repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, wash racks, and other uses customary and incidental to marine recreation.~~"] "***Marine, General.*** Activities and structures used to support recreational marine or other water-related activities, commercial boating, or the storage and transfer of marine or other water-related goods and services.

(1) ***Minor:*** Land uses on harbor fast lands, lagoons, or other inland waters that support recreational marine activities. The term includes but is not limited to piers or boathouses, storage and minor repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, and wash racks.

(2) ***Major:*** Land uses on harbor fast lands that support commercial marine activities. The term includes but is not limited to construction, vocational training, equipment sales, and repair."

"***Medical [~~Clinic.~~*** ~~An office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but may involve the treatment of outpatients. A~~

~~"medical profession or occupation" is any activity involving the diagnosis, cure, treatment, mitigation, or prevention of disease, or that affects any bodily function or structure.~~] ***Services, General.*** Providing out-patient medical, surgical, or dental care by a physician or health care worker in a facility that does not include onsite overnight care. The term includes doctor offices, ambulatory surgery facilities, freestanding surgical out-patient facilities, freestanding birthing centers, chiropractor offices, dentist offices, orthodontist offices, physical therapist offices, kidney dialysis centers, blood donation or collection services facilities, acute care facilities, urgent care facilities, and any administrative offices necessary for operation of the facility. The term does not include emergency care services (see hospital)."

"***Meeting [~~Facilities.~~*** ~~Permanent facilities for recreational, social, or multipurpose use. These may be for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, religious facilities such as churches, temples and synagogues, and student centers.~~] ***Facility.*** A principal use involving regular or periodic gatherings or assemblies of individuals on private property for a common purpose. May be accessory to a principal use if not expressly prohibited. For the purposes of this definition, the director may liberally construe accessory uses outside of the agricultural zoning districts. The term includes private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. See also public facility.

(1) ***Small:*** Meeting facilities with a capacity for more than 25 individuals, up to 100 individuals.

(2) ***Medium:*** Meeting facilities with a capacity for more than 100 individuals, up to 2,000 individuals.

(3) ***Large:*** Meeting facilities with a capacity for more than 2,000 individuals."

"***Plant [~~Nurseries.~~*** ~~Land, greenhouses, or other similar type of agricultural structures used to raise flowers, shrubs, and other plants primarily for wholesale sales. The term includes establishments where retail sales of agricultural products, that are raised or grown onsite in containers or directly in the ground, occur. This term does not include retail establishments that are typically categorized as garden shops, which sell to retail customers items other than plants, such as pots and planters; gardening supplies, implements, and tools; mulch, potting soil, and fertilizers; decorations, books, and cards.~~] ***Nursery.*** Propagating and growing plants for offsite sale or onsite accessory sales (both wholesale and retail). The term includes floriculture operations.

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 (see general retail). See also crop raising, aquaculture, forestry, feed store."

["***Open Space, Public.***"] "***Public Open Space.*** Open space that is accessible to the public at all times, not including required yards, except where permitted. It adjoins a public street, public way, pedestrian easement, or public open space such as a park, playground, or shoreline area, for at least 20 percent of its perimeter at an elevation not more than 3 feet above the adjoining sidewalk. A minimum of 50 percent of its total area is landscaped (see Figure 21-10.5)."

"***Ohana*** [***Dwelling Unit, Ohana Dwelling,*** *and* ***Ohana Unit.*** A second dwelling unit permitted pursuant to HRS § 46-4(c); and this chapter.] ***Unit.*** 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."

["***Commercial Parking Lots and Garages.*** Any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same zoning lot and within which no vehicles shall be repaired."] "***Parking, Commercial.*** A facility that provides parking as a principal use on the zoning lot. See also remote parking."

"***Personal Services*****[.** Establishments that offer specialized goods and services purchased frequently by the consumer. They include barbershops, beauty shops, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments. The term also includes commercial wedding chapels and services.]***, General.*** Providing personal services. The term includes but is not limited to barbershops, beauty shops, computer repair, dance studios, martial arts studios, music studios, photographic studios or classrooms, day spas, dry cleaning drop-off, laundry cleaning and pressing, funeral homes, funeral parlors, mortuaries, undertaking establishments, hair salons, garment repair, gyms, fitness studios, pilates studios, yoga studios, gymnastic studios, cheerleading training, boxing training, climbing gyms, locksmith services, nail salons, tanning salons, tutoring and other schools, travel agencies, tattoo or body piercing, tailoring, shoe repair, watch repair, jewelry repair, eyeglass repair, hearing aid repair, and smartphone repair."

# A BILL FOR AN ORDINANCE

"***Public [~~Uses and Structures.~~*** ~~Uses conducted by or structures owned or managed by the federal government, the State, or the city to fulfill a governmental function, activity, or service for public benefit and in accordance with public policy. Excluded are uses that are not purely a function, activity, or service of government, and structures leased by government to private entrepreneurs or to nonprofit organizations. Typical public uses and structures include: libraries; base yards; satellite city halls; public schools; and post offices.~~] ***Facility.*** A facility providing a government function, activity, or service in accordance with public policy, for public benefit. The term does not include buildings leased by the government to a private or nonprofit organization, unless the organization is contracted to act as a public entity or execute a public program. The term includes public (federal, State, or city) administrative offices, transportation stops, libraries, satellite city halls, post offices, schools, parks, zoos, golf courses, and meeting facilities such as the Hawaii Convention Center, the Neal S. Blaisdell Center, and the Waikiki Shell. The term does not include private schools (see PreK-12 school, vocational school), private golf courses (see golf course), parks (see park), or community recreation centers (see community-based recreation center)."

["***~~Amusement and Recreation Facilities, Indoor.~~*** ~~Establishments providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; reducing salon, health and fitness establishments; indoor tennis, handball, and racquetball courts; auditoriums, indoor archery, and shooting ranges; and gymnasiums and gymnastic schools.~~"] "***Recreation, General Indoor.*** Permanent facilities for indoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator. The term includes but is not limited to billiard or pool halls, bowling alleys, electronic gaming arcades, escape rooms, ice-skating or roller-skating rinks, playgrounds, or trampoline parks, sport facilities, miniature golf courses, or archery or gun ranges. The term also includes libraries or museums that do not meet the definition of a public facility. The term does not include parks (see park), government facilities (see public facility), or privately-owned clubs (see meeting facility, general eating and drinking, general marine)."

["***~~Recreation Facilities, Outdoor.~~*** ~~Permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks; playgrounds; botanical gardens; golf driving ranges; tennis courts; riding stables; academies and trails; and recreational camps.~~"] "***Recreation, General Outdoor.*** Facilities for outdoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator, and may include motorized activities. The term includes amusement parks, batting cages, drive-in theaters, go-cart or vehicle

racetracks, golf driving ranges, miniature golf courses, outdoor sport facilities, amphitheaters, outdoor concert venues, outdoor luaus, unenclosed theaters, sport courts and fields, and water parks. The term does not include parks (see park), government facilities (see public facility), golf courses (see golf course), privately-owned clubs (see meeting facility, general eating and drinking, golf course, general marine), horseback riding tours (see nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biking trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo, animal raising."

"***Repair [~~Establishments, Minor and Major.~~*** ~~Establishments that primarily provide restoration, reconstruction, and general mending and repair services.~~

~~(1) ***Repair Establishments, Major.*** Uses include the following repair activities that are likely to have some impact on the environment and adjacent land uses by virtue of their appearance, noise, size, traffic generation, or operational characteristics:~~

~~(A) Blacksmiths;~~

~~(B) Ship engine cleaning and repair;~~

~~(C) Airplane motor repair and rebuilding;~~

~~(D) Furniture repair;~~

~~(E) Industrial machinery and heavy equipment repair;~~

~~(F) Bus and truck repair; and~~

~~(G) Repair of vehicle (all types) body and fender, and straightening of frame and body parts.~~

~~(2) ***Repair Establishments, Minor.*** Uses include the following repair activities that have little or no impact on surrounding land uses and may be compatibly located with other businesses:~~

~~(A) Automobile (including pickup trucks), motorcycle, moped, motorized bicycle, boat engine, motorized household appliance (e.g., refrigerator, washing machine, dryer), and small equipment (e.g.,~~

~~lawn mower) repairing, including painting; provided that all repair work is performed within an enclosed structure in other than the industrial districts, and does not include repair of body and fender, and straightening of frame and body parts;~~

~~(B) Production and repair of eyeglasses, hearing aids, and prosthetic devices;~~

~~(C) Garment repair;~~

~~(D) General fixit shop;~~

~~(E) Nonmotorized bicycle repair;~~

~~(F) Radio, television, and other electrical household appliance repair;~~

~~(G) Shoe repair; and~~

~~(H) Watch, clock, jewelry repair.~~]**, *General.*** Repair that does not require the use of tools or equipment that generate significant noise or impact to the environment and adjacent land uses, including the repair of household appliances, upholstery, bicycles, shoes, garments, clocks, and general fix-it repair. The term also includes the production and repair of prosthetic devices. See also personal service."

"***Resource [~~Extraction.~~*** ~~The mining of minerals, including the exploration for, and the removal and processing of natural accumulations of sand, rock, soil, and gravel.~~] ***Extraction, General.*** A site or facility for the exploration, extracting, and processing of natural resources, including but not limited to natural accumulations of minerals, ores, gemstones, sand, rock, soil, gravel, or water."

"***Retail [~~Establishments.~~*** ~~The sale of commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, motorized scooter and bicycle sales and rentals, and other similar retail activities. This term also includes establishments where food or drink is sold on the premises for immediate consumption, but which lack appropriate accommodations for on-premise eating and drinking. The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages, or veterinary~~

~~clinics and hospitals.~~]**, *General.*** A facility involved in the sale, lease, or rental of new or used products. The term includes but is not limited to appliance stores; art galleries; automotive stores; banks and other financial institutions; bicycle sales, rentals, and repair; bookstores; clothing stores; copy or shipping service centers; print shops; electronics stores; stores selling electronic cigarettes, vaping, and similar products; department stores; drug or pharmaceutical stores; fabric stores; florists; furniture, grocery or specialty food stores; hardware stores; liquor stores; scooter sales and rentals; musical instrument sales, rentals, and repair; eyeglass sales, pet stores, shoe stores, sporting goods stores; toy stores; and other similar retail activities.

(1) ***Small:*** Up to 2,500 square feet of total floor area.

(2) ***Medium:*** More than 2,500 square feet of total floor area, up to 25,000 square feet of total floor area.

(3) ***Large:*** More than 25,000 square feet of total floor area."

"***Rooming***. [~~A use accessory to the principal use of a dwelling where overnight accommodations are provided to persons ("roomers") for compensation for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor of the dwelling unit.~~] Providing accessory overnight living accommodations to persons other than transient occupants, for compensation, for periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant of the dwelling unit. The term does not include bed and breakfast homes (see bed and breakfast home)."

"***Self-Storage [~~Facility~~].*** [~~A structure, or structures, containing individual locker compartments that allow individuals access to store possessions in these compartments. Each locker or storage area is self-contained, with provisions to secure each individual locker or storage area.~~] Providing separate storage areas, units, or lockers for personal or business use, designed to allow a tenant private access for storing or removing personal property. The term does not include the outdoor storage of fleet vehicles (see base yard) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing)."

"***Special Needs Housing for the Elderly.*** [~~Housing developments that meet~~] Type of group living that meets one of the following criteria and [~~require a modification in district regulations~~] is eligible for the modification of certain development standards pursuant to § 21-2.90-2(e):

(1) Provide aging-in-place dwelling units or assisted living facilities, or a combination of both, for residents of a minimum age of 60 years. Aging-in-place dwelling units typically include a congregate residential setting, such as communal dining facilities and services, housekeeping services, organized social and recreational activities, transportation services, and other support services appropriate for elderly residents. Assisted living facilities typically include residences for the frail elderly and provide services such as meals, personal care, and supervision of self-administered medication; or

(2) Provide single-room-occupancy dwelling units for residents of a minimum age of 60 years. Single-room-occupancy units typically include small units to accommodate one person. Amenities such as bathrooms, kitchens, and common areas may be either shared with other residents, or included within the unit. This type of housing development may be designed to serve as emergency housing for the homeless elderly, transitional housing for the elderly who are progressing to permanent housing, or as permanent housing for the elderly.

The foregoing criteria [~~shall not apply to any resident manager, the manager's immediate family,~~] do not apply to resident managers or supervisors and their families, and the dwelling unit occupied by them."

["***Warehousing.*** ~~Establishments primarily associated with the storage of raw materials, finished products, merchandise, or other goods, within a structure for subsequent delivery, transfer, or pickup, and may include structures used primarily for the storage of files or records.~~"] "***Storage, Warehousing, and Distribution, General.*** A facility involved in the storage or movement of goods for a business or other entity. Goods are generally delivered to other entities or the final consumer with little onsite customer activity. The term includes the non-transient storage of motor vehicles not in operating condition, and temporary storage of household goods by a freight mover. See also agricultural collection and storage."

["***Theaters.*** ~~Facilities that are used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls, and other types of live theaters. Drive-in theaters are excluded.~~"] "***Theater.*** An indoor and enclosed facility primarily for the performing arts or for the viewing of motion picture films. The term includes but is not limited to performing arts centers, concert halls, luau venues, and other types of live theater."

# A BILL FOR AN ORDINANCE

["***Time Sharing.*** ~~The ownership or occupancy of a dwelling or lodging unit regulated under HRS Chapter 514E, relating to a time share plan and a time share unit hereinafter defined:~~

~~(1) ***Time Share Plan.*** Any plan or program in which the use, occupancy, or possession of one or more time share units circulates among various persons for less than a 60-day period in any year for any occupant. The term time share plan shall include both time share ownership plans and time share use plans, as follows.~~

~~(A) ***Time Share Ownership Plan.*** Any arrangement, whether by tenancy in common, sale, deed, or by other means, whereby the purchaser received an ownership interest and the right to use the property for a specific or discernible period by temporal division.~~

~~(B) ***Time Share Use Plan.*** Any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a time share unit for a specific or discernible period by temporal division, but does not receive an ownership interest.~~

~~(2) ***Time Share Unit.*** The actual and promised accommodations and related facilities that are the subject of a time share plan; and, may be either a hotel, transient vacation, or multi-family dwelling unit.~~"] "***Timeshare.*** The use or occupancy of a timeshare unit, as defined in HRS § 514E-1, or any successor statute."

"***Transient Occupant.*** Any person who rents a lodging or dwelling unit, or portion thereof, for less than 90 consecutive days, and whose permanent address for legal purposes is not the lodging or dwelling unit being rented. See also transient vacation unit, bed and breakfast home, rooming, and hotel."

"***Transient Vacation Unit.*** A dwelling unit or lodging unit that is advertised, solicited, offered, or provided[~~,~~] (or a combination of any of the foregoing[~~,~~]) for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home[~~,~~] (see bed and breakfast home), timeshare [~~unit,~~] (see timeshare), or hotel [~~unit,~~] (see hotel). For the purposes of this definition:

1. Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and

2. Month-to-month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded."

"***Utility [~~Installations, Types A and B.~~*** ~~Uses or structures, including all facilities, devices, equipment, or transmission lines, used directly in the distribution of utility services, such as water, gas, electricity, telecommunications other than broadcasting antennas, and refuse collection other than facilities included under waste disposal and processing. A utility installation may be publicly or privately owned and does not include wind machines, which are defined separately. Also not included are: cesspools; individual household septic tank systems; individual household aerobic units; and individual water supplies. Also not included are private temporary sewage treatment plants that are allowed as an accessory use in all zoning districts; provided that such use is approved by the director. These uses so approved shall be permitted notwithstanding the location on a noncontiguous lot or in another zoning district of the principal use or uses served by the plant, and subdivision (1) of the definition of accessory use shall be inapplicable. A utility installation includes accessory uses and structures directly associated with the distribution of the utility service, including but not limited to: accessory antennas, maintenance, repair, equipment, and machine rooms; tool sheds; generators and calibration equipment; and accessory offices. Offices permitted as accessory to a utility installation shall be directly associated with the distribution of the utility service, and not principally function as a business or executive center for the utility operation.~~

~~(1) ***Utility Installations, Types A.*** Those installations with minor impact on adjacent land uses and typically include: 46 kilovolt transmission substations, vaults, water wells and tanks and distribution equipment, sewage pump stations, telecommunications antennas (except as provided in the definition of Type B utility installations), and other similar uses.~~

~~(2) ***Utility Installations, Types B.*** Those installations with potential major impact, by virtue of their appearance, noise, size, traffic generation, or other operational characteristics. Typical Type B uses include: 138 kilovolt transmission substations, power generating plants, base yards, and other similar major facilities. Also included as Type B uses are transmitting antennas in country, residential, A-1, or AMX-1 districts, and freestanding antenna structures.~~]***, Small.*** Utility infrastructure that primarily provides onsite utility services to a single residential, commercial,

or industrial site, or a neighborhood at a facility with no staff or crew, and has minimal impacts on surrounding areas. The term includes but is not limited to geothermal, wind, and solar energy generation with supporting storage, control, and electrical equipment; stormwater retention or detention; aeration and septic systems; drainage systems; and water supply wells and water tanks. The term also includes non-generation energy installations with minor impacts on adjacent land uses, such as 46 kilovolt or lower voltage electrical substations, vaults, distribution equipment, and accessory telecommunication antennas to support these installations, minor residential gas infrastructure, and other similar uses."

"***Utility, Medium.*** Utility infrastructure that primarily provides onsite utility services to a single commercial or industrial site, or to a neighborhood. The term includes non-generation energy installations with potential impact on adjacent land uses, by virtue of appearance, noise, size, traffic generation, or other operational characteristics, including 138 kilovolt transmission substations, and base yards. The term also includes solar energy generation facilities that are not considered small utilities; wind energy generation facilities; energy storage, control, and electrical equipment; stormwater retention or detention; private water and wastewater pump stations or lift stations; drainage systems; or private water towers."

"***Utility, Large.*** Utility infrastructure that primarily provides regional offsite services to multiple neighborhoods. The term includes energy generation facilities, supporting storage, and any generation capacity over 5 megawatts, and utility scale wind energy generation facilities with a rated capacity of 100 kilowatts or more."

"***Waste Disposal and Processing.*** [~~Facilities for the disposal and processing of solid waste, including refuse dumps, sanitary landfills, incinerators, and resource recovery plants.~~] A facility for disposing of and processing solid waste. The term includes but is not limited to refuse dumps, sanitary landfills, incinerators, and resource recovery plants."

"***Yard, Front.*** Any yard bounded by a street, except that a single yard may be designated as a front yard by the owner of a zoning lot containing a [~~single-family or two-family dwelling unit or a duplex~~] single-unit, two-unit, or duplex-unit dwelling bounded by more than one street in residential districts. The front yards designated must conform to district regulations for front yards. All front yards are measured at right angles to the street right-of-way or the established street setback line, whichever is the greater distance from the street centerline set by adopted street right-of-way maps and standards (see Figure 21-10.6)."

# A BILL FOR AN ORDINANCE

SECTION 73. Section 21-10.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by adding new definitions of "Agricultural Collection and Storage," "Agricultural Energy Facility," "Agricultural Equipment Service," "Agricultural Farmers Market," "Aina-Based Education Facility," "Airport," "Animal Care," "Bar, Nightclub," "Beekeeping," "Brewery, Distillery, Winery," "Car Wash," "Caretaker Unit," "Communication Support Structure," "Communication Tower," "Community-Based Recreation Center," "Dish Antenna," "Drive-Thru," "Dwelling, Single-Unit," "Dwelling, Two-Unit," "Eating and Drinking, General," "Energy Generation System," "Explosive or Toxic Chemical Manufacturing, Storage, and Distribution," "Farm Stand," "Farm Worker Housing," "Feed Store," "Forestry," "Group Living, Large," "Group Living, Small – State Regulated," "Golf Course," "Group Living, Small – Not State Regulated," "Hawaiian Fishpond," "Household Pet," "Linen Supplier," "Livestock and Poultry Veterinary Service," "Medical Laboratory," "Mobile Commercial Establishment," "Multimodal Facility," "Nature-Based Recreation," "Office, General," "Park," "Parking, Remote," "Petrochemical Plant," "Port," "Poultry," "Prison," "Production Studio," "Publishing Facility," "Renewable Energy," "Repair, Heavy" "Research and Development, General," "Salvage, Scrap, or Junk Storage and Processing," "Sawmill," "School, PreK-12," "School, Vocational," "Storage Yard," "Telecommunications Facility," "Transitional Setback Distance," "Truck Terminal," "University, College," "Unrelated Person," "Urban Agriculture," "Vehicle Fueling Station," "Vehicle Sales and Rental," "Vehicle Service," "Vertical Farm," and "Zoo" to read as follows:

"***Agricultural Collection and Storage.*** Collecting and storing of crops and animal-related products essential for the support of a variety of agriculture uses for distribution to wholesale and retail markets. The term does not include the storage or movement of non-agricultural products (see general storage, warehousing, and distribution).

(1) ***Minor:*** Collecting and storing crops and live animal by-products such as milk, eggs, and honey.

(2) ***Major:*** Collecting and storing dead animals and associated by-products."

"***Agricultural Energy Facility.*** An accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock and poultry keeping. The term includes producing, harvesting, and preparing Hawaii-grown feedstock for use at the agricultural energy facility. The term includes operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural energy facilities

necessary for an enterprise that integrally incorporates an agricultural activity with an agricultural energy facility. The term does not include utility-scale solar facilities, or the use of grease, food wastes, animal residues, or animal wastes from offsite commercial or industrial uses to generate energy (see biofuel processing facility)."

"***Agricultural Equipment Service.*** Selling and repairing machinery used in agricultural production, such as tractors, planters, and harvesters. The term does not include the sale, rental, or lease of motor vehicles for use on a road (see vehicle sales and rental), the repair of industrial machinery, heavy equipment, and engines that are not used in agricultural production (see heavy repair), or the routine maintenance of vehicles that are not used in agricultural production, such as replacing fluids and minor parts (see vehicle service)."

"***Agricultural Farmers Market.*** An accessory outdoor market for the sale of Hawaii-grown agricultural products and value-added products that were produced using Hawaii-grown agricultural products located on a zoning lot with a principal agricultural use. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts (see general retail), farm stands (see farm stand), or food trucks or mobile vendors (see mobile commercial establishments)."

"***Aina-Based Education Facility.*** A facility designed to support educational programs that are grounded in the cultural, environmental, and community values of aina and is not operated primarily for financial gain."

"***Airport.*** Activities and structures for the landing and takeoff of flying vehicles, including loading and unloading areas such as passenger terminals. Aviation facilities may be improved or unimproved. The term includes but is not limited to commercial carriers and private aircraft facilities."

"***Animal Care.*** Providing medical care, grooming, training, or boarding services to household pets as a principal use. The term includes animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet daycare, and pet spas. The term does not include raising and feeding livestock and poultry in confined areas such as pens, stalls, or cages (see major animal raising), or providing veterinary services to livestock and poultry (see livestock and poultry veterinary service).

(1) ***Minor:*** Facilities that do not provide overnight boarding.

(2) ***Major:*** Facilities that provide overnight boarding."

# A BILL FOR AN ORDINANCE

"***Bar, Nightclub.*** An establishment that prepares and sells liquor for onsite consumption. The term does not include liquor production (see brewery, distillery, winery). A bar or nightclub may include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu liquor commission. A bar or nightclub may also offer food and nonalcoholic drinks for consumption onsite or offsite but is not considered to be a general eating and drinking establishment if the principal offering is the sale of liquor. See also general eating and drinking.

(1) ***Minor:*** A bar or nightclub open until 2:00 a.m. or that closes prior to 2:00 a.m.

(2) ***Major:*** A bar or nightclub open until 4:00 a.m."

"***Beekeeping.*** The keeping of bees in artificial hives, such as honeybees and varieties of native bees as an agricultural activity. The term does not include accessory commercial beekeeping in zoning districts where home occupations are permitted, which must comply with standards for home occupations (see home occupation). The term does not include accessory backyard beekeeping involving small-scale beekeeping for personal use on the same zoning lot on which the beekeeper's dwelling unit is located (see § 12-2.5(b) for animal nuisance requirements relating to the keeping of honeybees)."

"***Brewery, Distillery, Winery***. A facility that produces malt beverages, distilled spirits, or wines. The term does not include facilities that fall within the minor agricultural processing use (see minor agricultural processing) or establishments that fall within the bar, nightclub use. The onsite or offsite consumption of malt beverages, distilled spirits, or wine is determined by the type of liquor license obtained from the Honolulu liquor commission.

(1) ***Minor:*** Producing a maximum of 10,000 barrels a year (or similar level of production). The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.

(2) ***Major:*** Producing more than 10,000 barrels a year (or similar level of production). The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite."

"***Car Wash.*** A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles."

"***Caretaker Unit.*** An accessory dwelling unit occupied by the owner or caretaker of a principal use on a zoning lot for the purposes of maintenance and security of the premises. The term includes accessory caretaker units for principal uses involving cemeteries and Hawaiian fishponds."

"***Communication Support Structure***. 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."

"***Communication Tower.*** A freestanding structure that supports a telecommunications facility. The term includes monopoles, monopalms, monopines, lattice towers, and similar structures. The term does not include broadcasting antennas (see broadcasting antenna) or structures that support or conceal an antenna (see communication support structure)."

"***Community-Based Recreation Center.*** A community-based recreation center, which may be membership based, that includes outdoor and indoor recreation, including swimming pools, locker rooms, sports courts, gymnasiums, meeting rooms, offices, and supporting facilities. See also park, general outdoor recreation, nature-based recreation, personal services, public facility."

"***Dish Antenna.*** 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. The term does not include dish antennas integrated with telecommunication facilities (see communication tower, communication support structure). See also accessory receive only antenna."

"***Drive-Thru.*** An accessory facility that allows a customer to be served while seated in a vehicle, typically accessory to an eating and drinking establishment, bank, dry cleaner, or pharmacy."

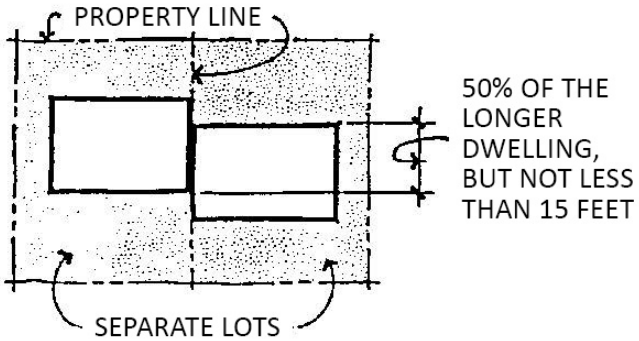
"***Dwelling, Single-Unit.*** A detached building containing one dwelling unit that is used exclusively by one family for non-transient occupancy for residential purposes, and permissible accessory uses (see Figure 21-10.3)."

A BILL FOR AN ORDINANCE

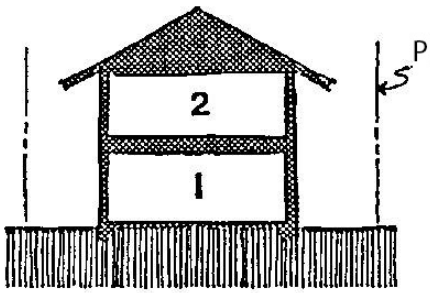
"***Dwelling, Two-Unit.*** Two dwelling units in a single structurally independent building that is entirely surrounded by yards or other separation from buildings on adjacent zoning lots (see Figure 21-10.3).

# A BILL FOR AN ORDINANCE

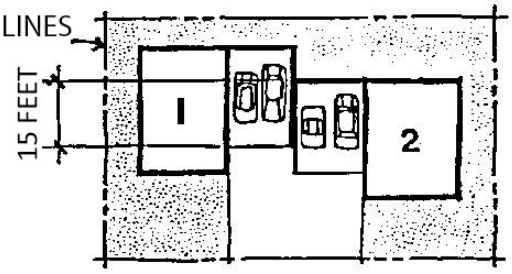
**FIGURE 21-10.3**
**DWELLING TYPES**



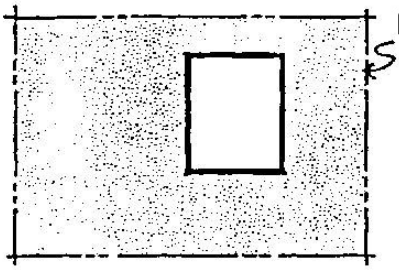

DUPLEX-UNIT DWELLING



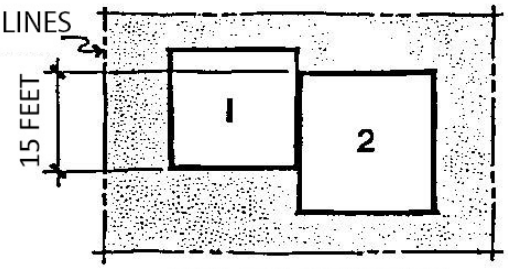

TWO-UNIT DWELLING




OR




SINGLE-UNIT DWELLING




TWO-UNIT DWELLING

DWELLING TYPES
(MULTI-UNIT DWELLING SIMILAR,
EXCEPT THREE OR MORE DWELLING UNITS)

"

# A BILL FOR AN ORDINANCE

"***Eating and Drinking, General*.** An establishment that serves meals to patrons for compensation as a principal use. Must have suitable kitchen facilities connected therewith, containing the necessay equipment and supplies for cooking an assortment of foods that may be required for ordinary meals. General eating and drinking may include the sale of liquor with appropriate Honolulu liquor commission license. See also bar, nightclub. A bona fide general eating and drinking establishment is distinguished from a bar or nightclub because the principal offering is the sale of food and nonalcoholic drinks for consumption onsite or offsite. See also drive-thru."

"***Energy Generation System*.** A facility for producing electricity from renewable sources such as the sun, wind, internal heat of the earth, flowing water, or waves, or from nonrenewable sources such as petroleum, natural gas or coal."

"***Explosive or Toxic Chemical Manufacturing, Storage, and Distribution*.** Manufacturing, storing, and distributing poisonous, corrosive, or combustible materials capable of causing death or injury to people or damage to property. The term does not include petroleum, liquefied petroleum gas, or coal products (see petrochemical plant)."

"***Farm Stand*.** Selling merchandise primarily grown or made onsite with limited sales of prepackaged food and drinks. The term does not include food trucks or mobile vendors (see mobile commercial establishment), or farmers markets (see agricultural farmers market)."

"***Farm Worker Housing*.** Dwelling units that are accessory to an active, principal agricultural use other than open space, forestry, or the boarding and care of animals, and used exclusively to house employees of agricultural operations and their family members."

"***Feed Store*.** Storing and selling products essential to agricultural production, such as seed, feed, and fertilizer."

"***Forestry*.** Creating, conserving, and managing forests or forest lands for commodity benefits such as lumber or non-commodity benefits such as conservation or education. See also plant nursery, crop raising."

"***Golf Course*.** A facility for playing nine holes or more of golf. Includes associated clubhouses and driving ranges. The term does not include miniature golf courses or stand-alone driving ranges (see general outdoor recreation)."

"***Group Living, Large.*** 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."

"***Group Living, Small – Not State Regulated.*** 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."

"***Group Living, Small – State Regulated.*** 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."

***"Hawaiian Fishpond.*** Has the same meaning as defined in HRS § 183B-1."

"***Household Pet.*** A dog, cat, service animal, or other domesticated animals that are customary and usual pets. The term does not include cows, horses, camels, llamas, sheep, goats, swine, or poultry."

"***Linen Supplier.*** Providing linen and offsite laundry services, including but not limited to delivery and pickup to businesses such as hospitals and hotels. Linens include but are not limited to uniforms, towels, aprons, tablecloths, napkins, and similar fabrics meant to be cleaned."

"***Livestock and Poultry Veterinary Service.*** Providing veterinary services to livestock and poultry. The term does not include providing veterinary services to livestock and poultry raised as household pets or for purposes of personal use and companionship (see animal care). See also major animal raising."

"***Medical Laboratory.*** Conducting medical research or testing and examining of materials derived from the human body, such as fluid, tissue, or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure, or prevention of disease. The term includes compounding pharmacy and training of medical students."

"***Mobile Commercial Establishment.*** A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products, other wares, or services. The vehicle must be mobile and in a condition that allows it to enter and exit the zoning lot. The term includes but is not limited to lunch wagons, lunch vans, food

trucks, and vehicles with attached or associated pop-up tents. The term does not include vendors at farmers markets, fun fairs, special community events, or other special events managed by a regulatory entity where mobile commercial establishments are not a majority of the event. In the Haleiwa special district, the definition of mobile commercial establishment in § 21-9.90-4(j) supersedes this definition."

"***Multimodal Facility.*** A facility for trains, buses, taxis or car share services. The term includes bus transfer facilities, bus stations, car-share facilities, limousine or taxi services, light rail stations, or rail stations."

"***Nature-Based Recreation.*** A privately-owned and managed permanent facility or area dedicated to outdoor play, outdoor recreation, or aina-based education facilities, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. The term includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins. The term does not include parks (see park), golf courses (see golf course), horse stables (see major animal raising), accessory agriculture-related tourism or recreation (see agritourism), community recreation centers (see community-based recreation center), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation, minor animal raising."

"***Office, General.*** Business and professional services in a private or co-working setting, including but not limited to accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, design, employment, engineering, insurance, investment, landscape architecture, legal, real estate, security, or technology services. The term includes data storage centers and call centers."

"***Park.*** 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 (see community-based recreation center). The term may include both passive and active recreation. The term includes projects that promote and enhance ecosystem benefits, keep wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. The term does not include public parks (see public facility) or community recreation centers (see community-based

recreation center). See also nature-based recreation, general outdoor recreation, meeting facility."

"***Parking, Remote.*** The use of a zoning lot to provide parking for vehicles to support a principal use occurring on a different zoning lot. See also commercial parking."

"***Petrochemical Plant.*** A facility for processing and refining petroleum, liquefied petroleum gas, or coal products."

"***Port.*** A facility for supporting commercial marine activity, such as cargo shipping, located on harbor fast lands. The term includes but is not limited to wharves, piers and boathouses, cargo handling systems, storage and repair of boats and ships, sale of marine supplies and fuel, cold storage facilities, power stations, hoists, launching ramps, facilities for embarking and disembarking of passengers, and other facilities necessary for the maintenance and operation of the port."

**"*Poultry.*** Fowls, including chickens, turkeys, geese, ducks, and other birds raised for the production of meat, eggs, or feathers."

"***Prison.*** A public facility or a facility run by a State-licensed entity for the confinement, housing, and supervision of persons awaiting trial or serving terms of imprisonment for the violation of criminal law. See also public facility."

"***Production Studio.*** A facility producing movies, videos, or other similar forms of intellectual property. The term includes but is not limited to studios or other facilities used for production, distribution, editing, set construction, and special effects. The term does not include sites or facilities used temporarily for production purposes."

"***Publishing Facility.*** Printing, reproducing, or duplicating material such as newspapers, books, and magazines using a printing press, photographic reproduction, or other similar techniques."

"***Renewable Energy.*** Energy generated or produced using the following sources: wind; sun; falling water; biogas, including landfill and sewage-based digester gas; geothermal; ocean water, currents, and waves, including ocean thermal energy conversion; biomass, including biomass crops, agricultural and animal residues and wastes; and municipal solid waste and other solid waste, biofuels, and hydrogen produced from renewable energy sources."

"***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."

"***Research and Development, General.*** Research and development facilities, including but not limited to laboratories, supporting prototype manufacture, pilot plants used to test manufacturing processes planned for use in production elsewhere, and supporting administrative offices. The term does not include medical research and development (see medical laboratory)."

"***Salvage, Scrap, or Junk Storage and Processing.*** A facility for the storage, sale, dismantling, or other processing of used or waste materials that are not intended for reuse in their original forms. The term includes but is not limited to automotive wrecking yards, junkyards, and salvage yards."

"***Sawmill.*** Processing timber, including hardwood or softwood, to produce pulp, lumber, logs, poles, posts, or wood chips."

"***School, PreK-12.*** A facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution or entity that provides educational programs using a curriculum analogous to the Hawaii public school curriculum for the same grade level, and when applicable, in compliance with the State compulsory attendance laws. The term does not include public schools (see public facility), post-secondary schools (see university, college, vocational school). See also child daycare, home-based childcare."

"***School, Vocational.*** A facility for post-secondary education with a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction, or a language school. The term does not include institutions of higher education that award associates, bachelors, masters, or doctorate degrees (see university, college). The term also does not include vocational training on harbor fast lands that support commercial marine activities (see major general marine). The term also does not include sports classes, tutoring, martial arts studios, dance studios, or gymnastic studios (see general personal services).

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

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

"***Storage Yard.*** The open storage of soil, mulch, stone, lumber, pipe, steel, construction materials, or similar products. The term includes but is not limited to a contractor's storage yard. The term does not include the outdoor storage of fleet vehicles (see base yard) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing)."

"***Telecommunications Facility.*** 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. The term includes accessory structures that may be located elsewhere on the zoning lot, including equipment cabinets, emergency generators, and fencing."

"***Transitional Setback Distance.*** The shortest straight-line distance between the closest portion of the structure or activity area to the edge of the applicable zoning lot line."

"***Truck Terminal.*** A facility used as an origin or destination point for the loading, unloading, assembling, or transferring of goods transported by truck."

"***University, College.*** A facility for post-secondary education operated by an institution of higher education that awards an associate, bachelor, master, or doctorate degree. See also public facility, vocational school, PreK-12 school."

"***Unrelated Person.*** One or more persons not related by blood, adoption, marriage, or other duly authorized custodial relationship."

"***Urban Agriculture.*** Crop raising, aquaculture, and related agricultural activities conducted as a principal or predominant land use outside of the P-2, agricultural, and country zoning districts. The term includes vertical farm operations located outside of the P-2, agricultural, and country zoning districts."

"***Vehicle Fueling Station.*** Providing vehicle fueling services such as gasoline, diesel, compressed natural gas or hydrogen pumps, or electric charging stations. The term does not include electric charging stations that are accessory to a parking lot."

# A BILL FOR AN ORDINANCE

"***Vehicle Sales and Rental.*** A facility that sells, rents, or leases motor vehicles for use on a road, such as cars, trucks, and buses.

(1) ***Sales and Rental, Light:*** The sale, rental, or leasing of light-duty vehicles that weigh less than 10,000 pounds (gross vehicle weight).

(2) ***Sales and Rental, Heavy:*** The sale, rental, or leasing of heavy-duty vehicles that weigh 10,000 pounds or more (gross vehicle weight). The term includes sales of shipping containers and manufactured or modular homes."

"***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)."

"***Vertical Farm.*** Cultivating, maintaining, and harvesting crops in indoor environments such as warehouses or tunnels in stacked layers using hydroponic, aeroponic, or aquaponic techniques. The term does not include cultivating aquatic plants or animals (see aquaculture)."

"***Zoo.*** A facility where animals live in captivity and are put on display for the public to view. The term does not include government facilities (see public facility), uses involving the display of live animals for sale or adoption (see general retail), or displays that are accessory to principal commercial or hotel use."

SECTION 74. Section 21-10.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by deleting the definitions of "Agricultural Products," "Amusement Facilities, Outdoor," "Amusement Facilities, Outdoor, Motorized," "Animal Products Processing," "Antenna Structure, Freestanding," "Automobile Service Station," "Boarding Facilities," "Business Services," "Car sharing," "Catering Establishments," "Convenience Store," "Corporate Retreat," "Dance School or Music School," "Data Processing Facilities," "Dwelling, Detached," "Financial Institutions," "Guest House," "Home Improvement Centers," "Kennel, Commercial," "Monasteries or Convents," "Neighborhood Grocery Store," "Real Estate Office," "Shopping Center," "Special Needs Housing for the Elderly," "Trade or Convention Center," "Transmitting Antenna," "Travel Agency," "Wholesaling and Distribution," and "Wind Machines" as follows:

# A BILL FOR AN ORDINANCE

["***Agricultural Products.*** Includes floricultural, horticultural, viticultural, aquacultural, forestry, nut, coffee, dairy, livestock, poultry, bee, animal, tree farm, animals raised by grazing and pasturing, and any other farm, agronomic, or plantation products."]

["***Amusement Facilities, Outdoor.*** Permanent facilities providing outdoor amusement and entertainment. Typical uses include: theme and other types of amusement parks, stadiums, skateboard parks, go-cart, and automobile race tracks, miniature golf, and drive-in theaters."]

["***Amusement Facilities, Outdoor, Motorized.*** Outdoor amusement facilities using motorized vehicles or equipment, and includes go-cart and automobile race tracks and theme and other amusement parks using motorized amusement rides."]

["***Animal Products Processing.*** Establishments primarily involved in the processing of animal products for food or other uses, including the handling, storage, and processing of meats, fish and fowl, skin, bone, fat, or other animal byproducts suitable for sale or trade. This term does not include slaughterhouses, canneries, or milk processing plants."]

["***Antenna Structure, Freestanding.*** A freestanding tower, pole, mast, or similar structure, exceeding 3 inches in diameter or horizontal dimension, used as the supporting structure for a transmitting antenna. For the purposes of this definition, "freestanding" means not attached to a building or similar structure."]

["***Automobile Service Station.*** A retail establishment which primarily provides gasoline, oil, grease, batteries, tires, or automobile accessories and where, in addition, the following routine and accessory services may be rendered and sales made, but no other:

(1) Servicing of spark plugs, batteries, tires;

(2) Radiator cleaning and flushing;

(3) Washing and polishing, including automated, mechanical facilities;

(4) Greasing and lubrication;

(5) Repair and servicing of fuel pumps, oil pumps and lines, carburetors, brakes, and emergency wiring;

~~(6) Motor adjustments not involving repair of head or crankcase;~~

~~(7) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation, and not to exceed 400 square feet of floor area;~~

~~(8) Provision of road maps and other information material to customers;~~

~~(9) Provision of restroom facilities;~~

~~(10) Parking as an accessory use; and~~

~~(11) Towing service.~~

~~The following are not permitted: tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, or nontransient storage of automobiles not in operating condition, or permitted repair activities not conducted within an enclosed structure in any zoning district other than the industrial districts.~~"]

["***Boarding Facilities.*** ~~Establishments with one kitchen that provide living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. The term does not include group living facilities or monasteries and convents.~~"]

["***Business Services.*** ~~Establishments that primarily provide goods and services to other businesses, including but not limited to minor job printing, duplicating, binding and photographic processing, office security, maintenance and custodial services, and office equipment and machinery sales, rentals, and repairing.~~"]

[***"Car Sharing.*** ~~A form of vehicle rental whereby users rent a car for short periods of time. The owners of the cars may be a company, an association, or an individual. Offices intended to attract or register customers are not permitted as an accessory use to car sharing. Car sharing facilities with an office or administrative services are considered as automobile rentals.~~"]

["***Catering Establishments.*** ~~Establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations, including but not limited to hotels, restaurants, airlines, and social events.~~"]

["***Convenience Store.*** A small retail establishment intended to serve the daily or frequent needs of surrounding population. Included are grocery stores, drug stores, and variety stores. Excluded are automobile service stations, repair establishments, and drive-through eating and drinking establishments."]

["***Corporate Retreat.*** A transient vacation unit that is provided with or without monetary compensation by a business, company, or corporation, including a nonprofit corporation, to transient occupants, including but not limited to employees, directors, executives, or shareholders of the business, company, or corporation."]

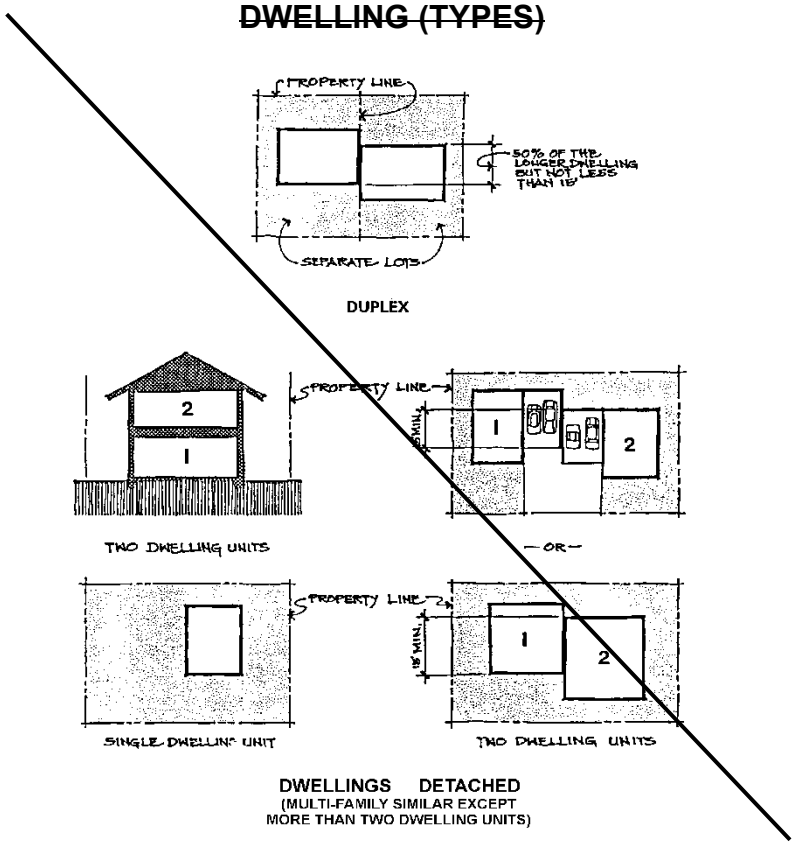
["***Dance School*** or ***Music School.*** An establishment where instruction in dance or music is provided students for a fee. Establishments where instruction is accessory to cabarets, nightclubs, or dancehalls are not included in this definition."]

["***Data Processing Facilities.*** Establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services."]

["***Dwelling, Detached.*** A building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots. Dwelling units in a two-family detached dwelling may be either on separate floors or attached by a carport, garage, or other similar connection, or attached solid wall without openings that shall not be less than 15 feet or 50 percent of the longer dwelling (see Figure 21-10.3)."]

# A BILL FOR AN ORDINANCE

**["~~Figure 21-10.3~~**
**~~DWELLING (TYPES)~~**




"]

["***~~Financial Institutions.~~*** ~~Those establishments that provide a full range of traditional banking services on the premises, such as savings and checking accounts, loans, safety deposits, fund transfers, trust functions, and investments (e.g., certificates of deposit, savings bonds, annuities). This term includes only banks, credit unions, and savings and loan institutions. This term does not include those establishments, such as loan processing companies, accounting firms, and other bookkeeping services, investment brokers, insurance offices, and title transfer companies, that are principally involved in providing a limited range of financial services or products on the premises.~~"]

["***~~Guest House.~~*** ~~A lodging unit for nonpaying guests or household employees not to exceed 500 square feet of floor area.~~"]

["~~***Home Improvement Centers.*** Single establishments primarily involved in providing a large variety of goods and services directly associated with building and home improvements.~~"]

["~~***Kennel, Commercial.*** Any structures used to care for, breed, house, or keep dogs, cats, or other domesticated animals for commercial purposes. Included as kennels are animal pounds or shelters.~~"]

["~~***Monasteries*** or ***Convents.*** Facilities that provide dwelling or lodging units to clergy members or those who have taken religious vows, which are owned or operated by a religious organization.~~"]

["~~***Neighborhood Grocery Store.*** Small retail establishments that provide a variety of goods to the surrounding community, typically known as "mom and pop" grocery stores. Excluded are drive-through facilities. These establishments are located in country, residential, apartment, industrial, or agricultural zoning districts and were nonconforming uses before May 10, 1999 but shall be permitted under this chapter.~~"]

["~~***Real Estate Office.*** An establishment involved in real estate transactions that include but are not limited to the following:~~

~~(1) Selling, buying, or negotiating the purchase, sale, or exchange of real estate; or~~

~~(2) Listing, soliciting for prospective purchasers, leasing, renting, or managing any real estate, or the improvements thereon, for others.~~"]

["~~***Shopping Center.*** A group of retail stores and service establishments developed under a single or unified project concept, on one or more zoning lots having an aggregate floor area exceeding 40,000 square feet.~~"]

["~~***Special Needs Housing for the Elderly.*** Housing developments that meet one of the following criteria and require a modification in district regulations pursuant to § 21-2.90-2(~~e~~):~~

~~(1) Provide aging-in-place dwelling units or assisted living facilities, or a combination of both, for residents of a minimum age of 60 years. Aging-in-place dwelling units typically include a congregate residential setting, such as communal dining facilities and services, housekeeping services, organized social and recreational activities, transportation services, and~~

~~other support services appropriate for elderly residents. Assisted living facilities typically include residences for the frail elderly and provide services such as meals, personal care, and supervision of self-administered medication; or~~

~~(2) Provide single-room-occupancy dwelling units for residents of a minimum age of 60 years. Single-room-occupancy units typically include small units to accommodate one person. Amenities such as bathrooms, kitchens, and common areas may be either shared with other residents, or included within the unit. This type of housing development may be designed to serve as emergency housing for the homeless elderly, transitional housing for the elderly who are progressing to permanent housing, or as permanent housing for the elderly.~~

~~The foregoing criteria shall not apply to any resident manager, the manager's immediate family, and the dwelling unit occupied by them.~~"]

["***Trade or Convention Center.*** ~~A structure or structures capable of accommodating 10,000 or more persons assembling for a common purpose, including but not limited to professional or business conventions; concerts; short-term retail or wholesale activities; the large-scale marketing, buying, or selling of goods or services; or sporting events. A trade or convention center may include an accessory hotel, multi-family dwellings, and retail or other commercial uses.~~"]

["***Transmitting Antenna.*** ~~Any antenna used for radio frequency (RF) or microwave transmissions, other than an independent operational fixed-point (unidirectional) or receive-only antenna. This definition is provided to determine which antennas are required to provide fencing or other barriers to restrict public access within a delineated exclusion distance as may be required by this chapter.~~"]

["***Travel Agency.*** ~~An establishment that acts or attempts to act as an intermediary between a person seeking to purchase and a person seeking to sell travel services. Typical travel services include transportation by air, sea, or rail; related group transportation; hotel accommodations; or package tours, whether offered on a wholesale or retail basis.~~"]

["***Wholesaling and Distribution.*** ~~Establishments primarily involved in the sale or distribution of manufactured or processed products, merchandise, or other goods in large quantities for subsequent resale to any one or more of the following: retail establishments; or industrial, institutional, and commercial users.~~"]

# A BILL FOR AN ORDINANCE

["***Wind Machines.*** ~~Devices and facilities, including appurtenances, associated with the production and transmission of wind-generated energy.~~"]

SECTION 75. Section 6-41.1, Revised Ordinances of Honolulu 2021 ("Fee schedule"), is amended by amending subsection (a) to read as follows:

"(a) The fees set forth in the following schedule for applications under Chapter 21 and for variances therefrom must be paid upon application:

| ***Type of Application*** | ***Fee*** |
|---|---|
| (1) Zone change | $700, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (2) Cluster housing | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (3) Conditional use permit (major), and conditional use permit (minor) for a meeting facility, [~~day-care facility,~~] adult or child daycare, or K-12 school [~~(elementary, intermediate, or high)~~] | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (4) Major project in special districts and downtown building heights in excess of 350 feet | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (5) Plan review use | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (6) Planned development—housing | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (7) Special districts: establishment of, or amendment to | $1,200, plus $300 per acre or major fraction, up to a maximum of $15,000 |
| (8) Conditional use permit (minor), other than for a meeting facility, [~~day-care facility,~~] adult or child daycare, or K-12 school [~~(elementary, intermediate or high)~~] | $600 |
| (9) Existing use | $600, plus $150 per acre or major fraction, up to a maximum of $15,000 |
| (10) Exempt project in special districts | No permit fee required |
| (11) Minor project in special districts | |

# A BILL FOR AN ORDINANCE

| ***Type of Application*** | ***Fee*** |
|---|---|
| (A) Tree removal | $100 per tree |
| (B) Other than tree removal | $600 |
| (12) Waiver | $600 |
| (13) Zoning adjustment | |
| (A) Sign master plan | $1,200 |
| (B) Other than for sign master plan | $600 |
| (14) Signs—estimated value of work | |
| (A) $0.01 to $500 | $18 |
| (B) $500.01 to $1,000 | $35 |
| (C) $1,000.01 and above | $70 |
| (15) Zoning variance | $2,400 |
| (16) Nonconforming use certificate renewal | $500 |
| (17) Minor modifications | |
| (A) To approved cluster housing permit; conditional use permit (major); conditional use permit (minor) for a meeting facility, [~~day-care facility,~~] adult or child daycare, or K-12 school [~~(elementary, intermediate, or high)~~]; plan review use; planned development-housing permit, planned development-apartment, and planned development-resort; major projects in special districts, and downtown building heights in excess of 350 feet; and zoning adjustment for a sign master plan | $600 |
| (B) To conditional use permit (minor) other than for a meeting facility, [~~day-care facility,~~] adult or child daycare, or K-12 school [~~(elementary, intermediate, or high)~~]; existing use; exclusive agriculture site approval; minor projects in special districts other than tree removal; agricultural site development plan; waiver; and zoning adjustment for other than for a sign master plan | $300 |

# A BILL FOR AN ORDINANCE

| ***Type of Application*** | ***Fee*** |
|---|---|
| (C) To temporary use approval | $50 |
| (18) Agricultural site development plan | $600 |
| (19) Planned development—apartment and planned development—resort | $15,000 |
| (20) Written zoning clearance or confirmation, and flood hazard district interpretation | $150 per request or for each tax map key when multiple parcels are involved; or $300 per tax map key for requests involving confirmation of nonconforming status |
| (21) Temporary use approval | |
| (A) For a sales office | $100 |
| (B) For other than a sales office | $200 |
| (22) Exclusive agriculture site approval | $600 |
| (23) Flood variance | $600 |
| (24) Zoning district boundary adjustment | $500 |
| (25) Appeals to zoning board of appeals | $400 |
| (26) Environmental document processing, when the department of planning and permitting is the accepting agency | |
| (A) Environmental assessment | $600 |
| (B) Environmental impact statement | $1,200 |
| (27) Reconsideration | $2,400 |
| (28) Declaratory Ruling | $2,400 |
| (29) Bed and breakfast home or transient vacation unit | |
| (A) Initial registration | $,1000 |
| (B) Renewal registration | $500 |
| (C) Advertisement registration | $50 |

"

# A BILL FOR AN ORDINANCE

SECTION 76. Section 8-7.5, Revised Ordinances of Honolulu 2021 ("Certain property dedicated for residential use"), is amended by amending subsections (a) and (b) to read as follows:

"(a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Apartment Building***. A [~~multi-family~~] multi-unit dwelling that is situated on a single parcel, which parcel is not subdivided into condominium units.

***Condominium Parking Unit.*** A unit that is a part of a condominium property regime established pursuant to [~~HRS Chapter 514A or 514B~~] the State Condominium Property Act described as a parking stall.

***Condominium Storage Unit.*** A unit that is a part of a condominium property regime established pursuant to [~~HRS Chapter 514A or 514B~~] the State Condominium Property Act described as a storage space.

***Condominium Unit.*** A dwelling or lodging unit that is part of a condominium property regime established pursuant to [~~HRS Chapter 514A or 514B.~~] the State Condominium Property Act.

[~~***Detached Dwelling***. Has the same meaning as defined in § 21-10.1.~~]

***Dwelling Unit***. Has the same meaning as defined in § 21-10.1.

***Lodging Unit.*** Has the same meaning as defined in § 21-10.1.

[~~***Multi-Family Dwelling***. A building containing three or more dwelling or lodging units,~~] ***Multi-Unit Dwelling***. Has the same meaning as defined in § 21-10.1, which is not a hotel.

***Owner***. A person who is the fee simple owner of real property, or who is the lessee of real property whose lease term extends at least five years from the date of the petition.

***Residential Use***. The actual use of a dwelling unit or lodging unit as a residence:

(1) By occupants for compensation for periods of [~~30~~] 90 or more consecutive days;

(2) By the unit owner personally; or

(3) By the unit owner's guest(s) without compensation.

For the purposes of this definition, compensation includes but is not limited to monetary payment, services or labor of employees. Residential use specifically excludes the use of the unit as a transient vacation unit or [~~for time sharing.~~] timeshare. For the purposes of this dedication, residential use shall include the use of the dwelling unit [~~as a~~] for large and small group living [~~facility, a boarding facility, or as special needs housing for the elderly~~].

(b) The owner of a parcel may dedicate the parcel for residential use and have the property classified as residential and assessed at its value in residential use[~~,~~]; provided that the property:

(1) Is within an apartment, apartment [~~mixed use,~~] mixed-use, resort, business, business [~~mixed use,~~] mixed-use, industrial, or industrial [~~mixed use district;~~] mixed-use zoning districts; or if it is in the Waikiki special district, is zoned apartment [~~mixed use~~] mixed-use subprecinct, resort [~~mixed use~~] mixed-use precinct, or resort-commercial precinct; or is in a transit-oriented development zone pursuant to § 21-9.100;

(2) Is used exclusively for residential use, except that a portion of the property may be used for nonprofit purposes pursuant to § 8-10.9; and

(3) [~~The parcel is~~] (A) Is improved with one or more [~~detached dwellings,~~] dwelling units as defined in § 21-10.1, or with one or more apartment buildings, or with both [~~dwellings~~] dwelling units and apartment buildings; or

(B) [~~is~~] Is a condominium unit that is legally permitted for multiple uses including residential use and is actually and exclusively used as a residence[~~;~~], or [~~(4) A~~] a condominium parking unit or a condominium storage unit that is used in conjunction with a unit in residential use within the project."

# A BILL FOR AN ORDINANCE

SECTION 77. Section 8-7.5, Revised Ordinances of Honolulu 2021 ("Certain property dedicated for residential use"), is amended by amending subsection (d) to read as follows:

"(d) The approval of the petition by the director to dedicate [~~shall constitute~~] constitutes a forfeiture on the part of the owner of any right to change the use of such person's property for a minimum period of five years, automatically renewable thereafter for additional periods of five years subject to cancellation by either the owner or the director. Cancellation of the dedication by the owner must be in writing and submitted to the director by September 1 only within the fifth year of the date of the dedication, or the latest five-year renewal period.

Upon sale or transfer of the dedicated property, the dedication [~~shall~~] will continue for the remainder of the five year dedication or latest five-year renewal subject to all restrictions and penalties. Upon expiration of the fifth year, the dedication will not automatically renew and will be canceled by the director.

For the purpose of this dedication, there is no change in use if the owner demolishes and constructs or reconstructs one or more [~~detached dwellings~~] dwelling units or [~~multi-family~~] multi-unit dwellings[~~,~~]; provided that such construction or reconstruction is permitted pursuant to Chapter 21, [~~as amended,~~] the replacement structure or structures are completed no less than 24 months after the building permit is issued, and at least the same number of dwelling or lodging units as those demolished are developed. The five-year dedication will be suspended during this period of demolition and construction or reconstruction, and the parcel and any improvements thereon will continue to be classified and assessed at their value in residential use during the suspension."

SECTION 78. Section 8-10.19, Revised Ordinances of Honolulu 2021 ("Exemption—Historic residential real property dedicated for preservation"), is amended by amending subsection (a) to read as follows:

"(a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Alternative Visual Visitations.*** The alternative visual access provided to the public from a viewing point on the property.

***Average Condition of Property.*** A finding by the director that all major components of a property are still functional and contributing toward an extended life

expectancy and effective age and utility are standard for like properties of its class and usage; this finding will allow for some deferred maintenance and normal obsolescence with age, in that a few minor repairs and some refurbishing is needed.

***Day.*** The seven consecutive hours running from 9:00 a.m. to 4:00 p.m.

***Historic Property*.** Property that has been placed on the Hawaii Register of Historic Places.

***Public Way*.** Includes any area open to the general public, such as a road, alley, street, way, right-of-way, lane, trail, bikeway, highway, bridge, sidewalk, park, or beach and any private property usually open to the public, such as a parking lot.

***Residential Property*.** Property improved with a [~~one or two-family detached dwelling or a duplex unit.~~] single-unit, two-unit, or duplex-unit dwelling. This definition includes associated structures, such as carriage houses, ohana units, and outbuildings. This definition specifically excludes vacant parcels, districts, areas, or sites, including heiau, burial, and underwater sites.

***Visual Access*.** Visual access at all times with the unaided eye from a distance of not more than 50 feet from the owner's property line from a public way as defined in this section, of the entire front or rear of the [~~one or two-family detached dwelling or duplex unit~~] single-unit, two-unit, or duplex-unit dwelling that is the subject of the petition for dedication under this section."

SECTION 79. Section 10-1.7, Revised Ordinances of Honolulu 2021 ("Animals in public parks"), is amended by amending subsection (a) to read as follows:

"(a) Persons may bring animals into public parks as provided in this section in accordance with rules adopted by the director pursuant to HRS Chapter 91. Such rules may provide for the following:

(1) Pony rides may be allowed by permit in conjunction with a carnival or fair;

(2) Shows, classes, and other events for cats, dogs, and other [~~common domestic~~] household pets may be allowed by permit;

(3) Persons having custody and control of dogs on a leash may use public parks or areas therein designated for dogs on a leash by the director in accordance with subsection (b); and

(4) Persons having custody and control of unleashed dogs may use an off-leash park designated by the director in accordance with subsection (b).

For the purposes of this subsection, [~~"common domestic household pets" includes animals such as domesticated mice, rats, rabbits, guinea pigs, fish, and birds,~~] "household pet" has the same meaning as defined in § 21-10.1, but excludes [~~animals which are considered "livestock" as that term is defined in § 21-10.1.~~] "farm animals" and "poultry," as those terms are defined in § 7-2.2."

SECTION 80. Section 15-30.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definition of "Dwelling Unit" to read as follows:

"***Dwelling unit.*** Has the same meaning as defined in § 21-10.1. Each unit of a [~~multiple-unit~~] multi-unit dwelling is considered a separate dwelling unit."

SECTION 81. Section 16-15.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definition of "new establishment or use" to read as follows:

"***New Establishment or Use.*** The following establishments or uses that are instituted or substantially modified after August 19, 2015:

(1) Airports[~~,~~] as defined in § 21-10.1;

(2) Art galleries and museums;

(3) [~~Automobile~~] Vehicle sales and rentals[~~,~~] as defined in § 21-10.1;

(4) [~~Automobile service~~] Vehicle service stations as defined in § 21-10.1;

(5) [~~Day-care facilities~~] Child daycare and adult daycare as defined in § 21-10.1;

(6) [~~Eating~~] General eating and drinking establishments[~~,~~] as defined in § 21-10.1;

[~~(7) Financial institutions as defined in § 21-10.1;~~

# A BILL FOR AN ORDINANCE

~~(8) Home improvement centers as defined in § 21-10.1~~;

~~(9)~~] (7) Hospitals as defined in § 21-10.1;

[~~(10)~~] (8) Hotels as defined in § 21-10.1;

[~~(11)~~] (9) [~~Indoor amusement and recreation facilities~~] General indoor recreation as defined in § 21-10.1;

[~~(12)~~] (10) [~~Medical clinics~~] General medical services as defined in § 21-10.1;

[~~(13)~~] (11) Meeting facilities as defined in § 21-10.1;

[~~(14)~~] (12) Neighborhood grocery stores [~~as defined in § 21-10.1~~];

[~~(15)~~] (13) [~~Office buildings;~~] General offices as defined in § 21-10,1;

[~~(16)~~] (14) Photography studios;

[~~(17)~~] (15) Public [~~uses and structures~~] facilities as defined in § 21-10.1;

[~~(18) Retail establishments~~] (16) General retail as defined in § 21-10.1; and

[~~(19)~~] (17) Theaters as defined in § 21-10.1[~~; and~~].

[~~(20) Trade or convention centers as defined in § 21-10.1.~~]

A [~~"new~~] new establishment or [~~use" shall~~] use will be deemed to be instituted on the date a certificate of occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification prior to occupancy, upon the first date of occupancy for its present use.

An [~~"establishment~~] establishment or [~~use" shall~~] use will be deemed to be substantially modified so as to require compliance with this article upon any reconstruction, rehabilitation, addition, or other improvement of the existing building or facility occupied by the establishment or use, if:

(1) Such reconstruction, rehabilitation, addition, or other improvement requires more than 50 percent of the gross floor area occupied by the establishment or use to be rebuilt;

(2) The estimated cost of the reconstruction, rehabilitation, addition, or other improvement as set forth in the applicable building permit is at least $50,000; or

(3) The estimated cost of the new construction or renovation of any restroom or restrooms as set forth in the applicable building permit is at least $10,000[~~.~~];

[~~It is~~] provided that no establishment or use [~~shall~~] will be deemed to be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use."

SECTION 82. Section 18-3.1, Revised Ordinances of Honolulu 2021 ("Required"), is amended by amending subsections (b) and (c) to read as follows:

"(b) *Exemptions.* Except for construction work to be done within any public utility right-of-way or easement, a permit is not required for the types of work listed below. Exemption from the permit requirements of this code does not grant authorization for any work to be done in violation of the technical codes or any other laws or ordinances of this jurisdiction:

(1) Work exempted from building code provisions under Chapter 16. Work on sidewalks, curbs, or driveways regulated under Chapter 14, Article 3, is not exempt from permit requirements;

(2) Temporary construction sheds and temporary construction fences;

(3) Reroofing work that will not adversely affect the structural components for Groups R-3 and U occupancies;

(4) Installation of siding to existing exterior walls that will not adversely affect the structural components or fire protection of the walls of Groups R-3 and U occupancies;

(5) Temporary tents or other coverings, for periods not to exceed 14 consecutive days, used for private family parties or for camping; or

temporary structures that have obtained a lawful permit from another city agency;

(6) The following structures; provided that the structures are not located on a street corner or in a flood zone:

(A) Fences and planter boxes that are not more than 6 feet (1829 mm) in height;

(B) Retaining walls and riprap walls that are not more than 30 inches (762 mm) in height; or

(C) Walkways and outside paving that are within private property;

(7) Individual residential television wireless cable, radio antennas, and dish-type antennas that are less than 39.37 inches (one meter) in diameter or diagonal dimension;

(8) Window awnings supported by the exterior walls of Groups R-3 or U occupancies, when projecting not more than 4 feet 6 inches (1372 mm);

(9) Installation of wallpaper or wall covering that is exempted under Chapter 16;

(10) Repairs and labor that:

(A) Involve the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance;

(B) Do not exceed $10,000 in valuation in the aggregate in any 12-month period; and

(C) Do not involve any electrical, plumbing, or mechanical installations;

(11) Interior remodeling that:

(A) Does not affect building square footage or the number of rooms or bathrooms;

(B) Does not modify the location of rooms, walls, or windows; and

(C) Does not involve any electrical, plumbing, or mechanical installations;

including but not limited to painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures (such as windows, doors, and appliances); provided that the value of the interior remodeling must be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit;

(12) Work located on federal property, except when permits are specifically requested by the federal agency with administrative authority over the property;

(13) Work performed for any government agency, except where permits are specifically requested by the agency;

(14) Playground equipment, monuments, statues, ornamental ponds less than 24 inches in depth, and golf course pedestrian and golf cart bridges;

(15) Temporary motion picture, television, and theater stage sets and scenery;

(16) One-story detached buildings:

(A) Accessory to Group R-3 occupancies and used as tool and storage sheds, playhouses, and similar uses; or

(B) Accessory to [~~crop production~~] crop raising in AG-1 Restricted Agricultural or AG-2 General Agricultural zoning districts and used as storage sheds or for water catchment and not used as dwelling or lodging units;

provided that the aggregate floor area does not exceed 120 square feet (11 $m^2$);

(17) Nonfixed and movable cases, counters, racks, and partitions that do not exceed 5 feet 9 inches (1753 mm) in height;

(18) The following electrical work:

(A) Electrical work and installation to which the provisions of the electrical code are expressly not applicable;

(B) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug, if the cord or cable is permitted by the electrical code;

(C) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another motor having the same horsepower rating and situated at the same location;

(D) Maintenance work for commercial and industrial processing equipment performed by a duly licensed electrician;

(E) Electronic equipment, sound public address systems, cable television, and communication systems for a [~~single-family or two-family detached~~] single-unit or two-unit dwelling;

(F) Radio and television receiving antenna systems other than master or community systems;

(G) Sound recording systems for a [~~single-family or two-family detached~~] single-unit or two-unit dwelling;

(H) Interior telephone work subject to regulation by the State public utilities commission and wiring of interconnecting cable for data processing equipment;

(I) Repair work performed by a licensed electrical contractor valued at $2,500 or less in the aggregate in any 12-month period, and that does not involve service entrance equipment; and

(J) Replacement of solar photovoltaic component parts or equipment with like-for-like materials to restore system operations within the original designed energy output of the system; provided that the original approved system capacity is not exceeded;

(19) The following work by a public utility supplying gas:

(A) Disconnecting defective gas piping or equipment when authorized under Chapter 19; and

(B) Disconnecting or reconnecting existing gas piping or equipment for repair, servicing, replacement, or removal;

(20) Plumbing repair or like-for-like replacement of plumbing components when the repair or replacement is installed by a licensed plumbing contractor valued at $2,500 or less in the aggregate in any 12-month period that only involves valves, pipes, or fixtures;

(21) All structures, other than buildings, that are constructed in conjunction with board of water supply projects or public works projects undertaken by or on behalf of the city;

(22) All structures, other than buildings, that are constructed in conjunction with the subdivision of lands and in accordance with plans approved by the city under its subdivision rules and regulations;

(23) Sidewalks, curbs, and driveways in public street rights-of-way that are:

(A) Constructed in conjunction with public works projects undertaken by or on behalf of the city;

(B) Constructed in conjunction with the subdivision of land and in accordance with plans approved by the city under its subdivision rules and regulations; or

(C) Subject to compliance with Chapter 14, Article 3;

(24) Minor repairs to sidewalks, curbs, or driveways in public street rights-of-way; provided that reconstruction or replacement of any portion of sidewalks, curbs, or driveways will not be construed as a repair that is exempt under this subdivision;

(25) Weather-protected outdoor storage regulated under Chapter 20;

(26) Temporary tents used for commercial purposes or other purposes of assembly, including rallies, festivals, amusements, and sideshows, for periods not to exceed three consecutive days; and

(27) Exterior screen doors for R-3 dwellings or individual residential units of R-2 occupancies, except when openings are required to be fire-rated.

(c) *Special assignment inspection.* The building official may allow construction to proceed prior to the issuance of a building permit required under subsection (a) if the building permit applicant submits to the building official a request for a special assignment inspection and all of the following requirements are satisfied with respect to the project for which the building permit is sought:

(1) A building permit application has been accepted as complete, and the application has been under review for at least 30 days;

(2) All applicable discretionary permits have been obtained; provided that if the only applicable discretionary permits are those issued by the building official and applications for the permits are pending with the building official, then the requirement of this subdivision may be met if the building official determines that the pending discretionary permits are achievable;

(3) Adequate documentation has been submitted showing the satisfaction of, or the intent to satisfy, all applicable requirements for flood hazard certification, stormwater quality compliance, and outstanding conditions of approval associated with discretionary permits;

(4) Except for notices of violation and notices of order that will be corrected by the building permit issued pursuant to the application, there must be no outstanding notices of violation, notices of order, or unpaid civil fines for the subject property;

(5) The building permit application must not involve a [~~single-family or two-family detached~~] single-unit or two-unit dwelling;

(6) The work allowed to proceed must not involve work in a public right-of-way;

(7) The nonrefundable special assignment inspection fee specified in Table No. 18-A must be paid at the time the request for a special assignment inspection is made;

(8) The drawings used for the special assignment inspection, including the jobsite copy, must be identical to the drawings submitted with the building permit application, and the applicant shall ensure that all sets of drawings are consistent throughout the review period and construction phases;

(9) The building official shall find that:

(A) It is reasonably likely that the building permit application, including all documents and materials submitted with or attached to the application, will be approved and the building permit issued;

(B) The construction poses no threat to public health and safety; and

(C) There is a sense of urgency to commence construction in a timely manner; examples include but are not limited to the impending lapse of funding, federal compliance deadlines, financing obligations, or lease obligations;

(10) Special assignment inspections will be conducted as soon as practicable after the approval date of the initial request; if a building permit is not issued within an 18-month period, the applicant may submit a new request for a special assignment inspection, subject to the building official's approval; and

(11) Special assignment inspections must not be used for purposes of obtaining a certificate of occupancy.

The building official may waive any or all of the requirements of this subsection if the building permit applicant demonstrates good cause; provided that the building official shall not approve a waiver that would result in any conflict with other requirements of this chapter.

A building permit applicant requesting to proceed with construction under a special assignment inspection proceeds at the applicant's risk without assurance that a building permit will ultimately be issued. Violations discovered during the special assignment inspection may result in suspension of the special assignment inspection, a notice of violation, a stop work order, or suspension of the review of the building permit application."

# A BILL FOR AN ORDINANCE

SECTION 83. Section 18-6.4, Revised Ordinances of Honolulu 2021 ("Expiration of plan review"), is amended by amending subsection (b) to read as follows:

"(b) Applications relating to a [~~one-family or two-family detached dwelling or duplex~~] single-unit dwelling or two-unit dwelling or duplex-unit dwelling with a floor area ratio that exceeds three to five, for which plan review fees have been paid and for which no permit is issued within 365 days following the date of application will expire, and the expiration date may not be extended."

SECTION 84. Section 18-7.4 ("Administrative enforcement"), Revised Ordinances of Honolulu 2021, is amended by amending subsection (d) to read as follows:

"(d) *Three orders within a three-year period.* If a person incurs three final orders under this section within a period of three years relating to a [~~one- or two-family detached dwelling,~~] single-unit or two-unit dwelling, as those terms are defined in § 21-10.1, then:

(1) For a period of three years after the date the third order becomes final, the building official may not accept any application for a permit under this chapter from the person; and

(2) The civil fine for any subsequent violation by the person within three years after the date the third order became final will be $10,000. The building official may not reduce or waive any portion of the civil fine issued pursuant to this subdivision.

A notice of order that has been appealed will be deemed final when it has been sustained upon appeal.

Any person who has incurred three final orders under this section within a three-year period may not circumvent the application of this subsection through the use of third persons, including employees and agents, and any third person knowingly aiding a person in the circumvention of this subsection shall be subject to the fine prescribed in subdivision (2)."

# A BILL FOR AN ORDINANCE

SECTION 85. Section 20-2.2, Revised Ordinances Honolulu 2021 ("Definitions"), is amended by amending the definition of "Guest" to read as follows:

"***Guest.*** A person whose principal place of residence is other than the dwelling or lodging unit rented or hired out, or in instances involving [~~time sharing units occupied,~~] the occupation of timeshare units, by the person for sleeping purposes."

SECTION 86. Section 22-7.5, Revised Ordinances of Honolulu 2021 ("Land area required for parks and playgrounds"), is amended as follows:

1. By amending subsection (a) to read as follows:

"(a) *Country and residential zoning districts, excluding planned development housing projects.* The minimum land area in the country and residential zoning districts [~~will be:~~] is:

(1) For subdivisions involving three or four zoning lots: 50 square feet per dwelling or lodging unit;

(2) For subdivisions involving five zoning lots: 100 square feet per dwelling or lodging unit;

(3) For subdivisions involving six zoning lots: 200 square feet per dwelling or lodging unit;

(4) For subdivisions involving seven or eight zoning lots: 300 square feet per dwelling or lodging unit; and

(5) For subdivisions involving nine or more zoning lots: 350 square feet per dwelling or lodging unit.

For subdivision actions involving eight or fewer zoning lots, the applicable rate will be based on the total number of potential lots.

A zoning lot that [~~cannot~~] is not able to be further subdivided will count as one potential lot. For a zoning lot that [~~can~~] may be further subdivided, the potential number of lots will be determined by dividing the area of the zoning lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units include existing, proposed, and potentially developable units, [~~except for~~] but exclude "ohana [~~dwelling~~] units" and "accessory dwelling units" as those terms are defined in § 21-10.1."

2. By amending subsection (c) to read as follows:

"(c) *Special district use precincts.*

(1) [~~Dwellings, one- and two-family, and duplex units:~~] Single-unit, two-unit, and duplex-unit dwellings: 350 square feet per dwelling or lodging unit, in accordance with subsection (a) above; and

(2) Multiple family dwelling: 10 percent of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less."

SECTION 87. Section 25-5.3 ("Special management area major permit"), Revised Ordinances of Honolulu 2021, is amended by amending subsection (a) to read as follows:

"(a) Except for [~~one-family and two-family detached dwellings~~] single-unit and two-unit dwellings on a single zoning lot, the applicant shall prepare the applicable environmental disclosure document, which will be processed in accordance with the procedures set forth in HRS Chapter 343 and the rules adopted thereunder. The department of planning and permitting will act as the accepting agency for purposes of HRS Chapter 343; provided that if another agency proposes the action and is preparing the environmental disclosure document, that agency shall act as the accepting agency. The director may allow the application for an SMA major permit application to be processed concurrently with the preparation of the applicable environmental disclosure document."

SECTION 88. Section 29-1.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 29-1.2 Definitions.**

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Accessory Dwelling Unit.*** Has the same meaning as defined in § 21-10.1.

***Area Median Income*** or ***AMI.*** The median income determined by HUD annually for the Honolulu Metropolitan Statistical Area as adjusted for household size.

***Common Entrance.*** Any area regularly used by any resident for ingress to and egress from a [~~multifamily~~] multi-unit dwelling.

***Declarant.*** The person executing the affordable housing agreement and the declaration of restrictive covenants required by § 29-1.8.

***Department.*** The department of planning and permitting.

***Development.*** Has the same meaning as defined in § 21-10.1.

***Development Agreement.*** Has the same meaning as described and authorized under Chapter 33.

***Development Plan Area.*** The area specified within the city's approved [~~development/sustainable~~] development plan or sustainable communities plan for that specific region of Oahu.

***Director.*** The director of planning and permitting or the director's authorized representative.

***Dwelling Unit.*** Has the same meaning as defined in § 21-10.1.

***First Marketing Period.*** The first 120 days during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

***Floor Area.*** Has the same meaning as defined in § 21-10.1.

***Group Living.*** Has the same meaning as defined in § 21-10.1.

***Hotel.*** Has the same meaning as defined in § 21-10.1, and also includes condo-hotels owned under a condominium property regime.

***HUD.*** The United States Department of Housing and Urban Development.

***HUD AMI Income Limit.*** The maximum household income limit for a household

to be eligible for HUD assisted housing programs, as published annually by HUD.

***Interim Planned Development-Transit Project*** or ***IPD-T Project.*** A project for which an application for a permit is submitted pursuant to § 21-9.100-5.

***Legal Obligation.*** An obligation or duty that is enforceable by a court of law, including but not limited to requirements or conditions imposed by unilateral agreements, development agreements, HRS Chapter 201H, or the State of Hawaii's low-income housing tax credit program.

***Micro-Unit.*** A dwelling unit totaling 300 square feet or less of floor area.

***Multi-Unit Dwelling.*** Has the same meaning as defined in § 21-10.1.

***Off-Site.*** Construction or other activities that occur on a zoning lot other than the project site.

***Ohana Unit.*** Has the same meaning as defined in § 21-10.1.

***On-Site.*** Construction or other activities that occur on the project site.

***Person.*** An individual, partnership, association, corporation, limited liability company, or any other form of legal entity.

***Planned Development-Transit Project*** or ***PD-T Project.*** A project for which an application is submitted pursuant to § 21-9.100-10.

***Principal Project.*** A project containing a building or group of buildings with dwelling units and as to which the requirement to provide affordable dwelling units is imposed pursuant to this chapter.

***Project Site.*** One or more zoning lots that are developed under a single or unified project concept.

***Rail Transit Station Area.*** The TOD special district, as defined in § 21-9.100. Where there is no adopted boundary under Chapter 21, then the boundaries reflected in the adopted neighborhood TOD plan will apply. Where there is no adopted neighborhood TOD plan, then the boundaries reflected in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete will apply. As used herein, “draft neighborhood TOD plan”

means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment. Council committee drafts of a plan are deemed under consideration by the council after they have been placed on a full council agenda for public hearing or adoption. Council floor drafts of a plan are deemed under consideration by the council after the council has amended the plan to the floor draft version. Where there is no neighborhood TOD plan that has been adopted or that is under consideration, then the area within, including properties intersecting, a [~~one-half~~] 0.5 mile radius of a future rail transit station identified in the Honolulu High Capacity Transit Corridor Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010, and any future amendments or supplements thereto, will apply.

***Rental*** or ***For-Rental.*** A dwelling unit that is leased or rented for a term of between 30 days and 30 years in length.

***Sale*** or ***For-Sale.*** A dwelling unit that is for sale in fee simple or in leasehold with a term of 30 years or more.

***Second Marketing Period.*** The 120-day period immediately following the first marketing period, during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

***Special Needs Housing.*** Housing that is used to provide living accommodations and, in some cases, care services for certain segments of the population with special living requirements, which include the elderly; persons with physical, mental, or behavioral disabilities; persons with human immunodeficiency virus/acquired immune deficiency syndrome; or persons with alcohol or drug addiction. Often such housing includes special features, such as congregate dining and social rooms; laundry, housekeeping, and personal assistance services; shuttle bus services for project residents; and skilled nursing beds or physical therapy clinics.

***Substantial Rehabilitation.*** Including:

(1) Improvement of a property to a decent, safe, and sanitary condition that requires more than routine or minor repairs or improvements. It may include but is not limited to gutting and extensive reconstruction of a dwelling unit, or cosmetic improvements coupled with the curing of a substantial accumulation of deferred maintenance; or

(2) Renovation, alteration, or remodeling to convert or adapt structurally sound property to the design and condition required for a specific use, such as conversion of a hotel to housing for elders.

***Third Marketing Period.*** The 120-day period immediately following the second marketing period, during which an affordable dwelling is marketed, and may be rented or sold, as applicable, to households earning the applicable AMI.

***Timeshare Unit.*** Has the same meaning as defined in § 21-10.1.

***TOD.*** Transit-oriented development.

***TOD Special District Project.*** A project for which an application for a major TOD special district permit is submitted pursuant to § 21-9.100-9.

***Unilateral Agreement.*** Has the same meaning as defined in § 21-2.80.

***Zoning Lot.*** Has the same meaning as defined in § 21-10.1.

[~~For purposes of this chapter, the following terms have the meanings given to such terms as set forth in § 21-10.1: "accessory dwelling unit," "development," "dwelling unit," "dwelling, multifamily," "floor area," "group living facilities," "ohana dwelling unit," "time share unit," and "zoning lot."~~]"

SECTION 89. Section 29-1.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 29-1.3 Applicability.**

(a) This chapter applies to any of the following:

(1) New construction of [~~ten~~] 10 or more for-sale dwelling units developed under a single or unified project concept, on one or more zoning lots;

(2) Any subdivision of land creating [~~ten~~] 10 or more zoning lots for residential use in residential, apartment, apartment [~~mixed use,~~] mixed-use, business [~~mixed use,~~] mixed-use, country, or agricultural zoning districts;

(3) Conversion of hotels, offices, or other uses into [~~multifamily~~] multi-unit dwellings containing [~~ten~~] 10 or more total for-sale dwelling units; or

conversion of rental dwelling units into for-sale dwelling units containing [~~ten~~] 10 or more total for-sale dwelling units; or

(4) Any of the following that include [~~ten~~] 10 or more for-sale dwelling units:

(A) Cluster housing permits;

(B) Planned development housing permits; or

(C) [~~Multi-family dwelling units.~~] Multi-unit dwellings.

(b) This chapter does not apply to any of the following:

(1) Any development subject to a unilateral agreement or development agreement approved by the city and recorded prior to April 3, 2018;

(2) Any subdivision granted tentative approval of the preliminary subdivision map prior to April 3, 2018;

(3) Any building permit, cluster housing permit, or planned development housing permit application submitted and accepted as complete prior to April 3, 2018;

(4) Any development that meets or exceeds all aspects of the applicable affordable housing requirements of this chapter pursuant to affordable housing requirements imposed by a legal obligation;

(5) Micro-units;

(6) Accessory dwelling units;

(7) Ohana [~~dwelling~~] units;

(8) [~~Group~~] Facilities used for group living [~~facilities~~];

(9) Special needs housing;

(10) [~~Time share~~] Timeshare units; or

(11) Any development for which:

# A BILL FOR AN ORDINANCE

(A) At least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI; or

(B) All of the dwelling units in the development are sold to households earning no more than the HUD AMI income limit, and at least 20 percent of those units are sold to households earning 100 percent and below of the AMI."

SECTION 90. Section 30-4.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definition of "Hotel" to read as follows:

"***Hotel*.** Has the same meaning as defined in [~~Article 9 of Chapter 21.~~] § 21-10.1."

SECTION 91. Section 33A-1.10, Revised Ordinances of Honolulu 2021 ("Exemptions and credits"), is amended by amending subsection (a) to read as follows:

"(a) The following shall be exempted from payment of the Ewa highway master plan impact fee:

(1) Alterations or expansion of an existing residential dwelling unit where no additional dwelling or lodging units are created and the use is not changed;

(2) The construction of accessory buildings or structures, as defined in § 21-10.1, that will not increase the number of external vehicular trips beyond those produced or attracted by the primary buildings or structures;

(3) The replacement of an existing building or structure with a new building or structure of the same size and use that will not increase the number of external vehicular trips beyond those produced or attracted by the original buildings or structures;

(4) Facilities that are part of water, sewer, electrical, telecommunication, or roadway system infrastructure and that do not attract or produce vehicular trips. This includes but is not limited to [~~utility installations,~~] small, medium, and large utilities, as defined in § 21-10.1, that do not have regular [~~on-site~~] onsite employees; and

(5) Mass transit centers or stops that promote a reduction in commuting by private vehicles."

SECTION 92. Section 37-1.5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 37-1.5 Exemptions.**

(a) The following [~~shall be~~] are exempt from this article:

(1) Disposal of real property of the board of water supply;

(2) Disposal of any real property acquired by the city specifically for the purpose of disposing of the property, provided that the ordinance or resolution authorizing the acquisition specifically provides for the disposal of the city real property by means other than those specified in this article; and

(3) Disposal of real property constituting a housing unit or unimproved housing lot acquired or developed by the city when the unit or lot is disposed individually.

(b) A unit or lot is disposed "individually" when disposed:

[~~(A)~~] (1) After a solicitation of bids or offers for that unit or lot by itself; and

[~~(B)~~] (2) In a transaction separate from the transaction disposing any other city real property.

(c) When units or lots in a housing project are placed for sale to the public or class of the public, the solicitation of offers for a unit or lot in the project shall be deemed a solicitation for "that unit or lot by itself" which complies with [~~subdivision (1).~~] subsection (a)(1).

(d) For the purposes of this [~~subsection,~~] section, "housing unit" means a [~~detached dwelling or duplex unit,~~] single-, two-, or duplex-unit dwelling, including the zoning lot [~~on which~~] that the single-, two-, or duplex-unit dwelling is situated on, and other appertaining real property interests. "Housing unit" also means a dwelling unit in a [~~multi-family~~] multi-unit dwelling and the appurtenant real

property interests to the unit. "Unimproved housing lot" means a zoning lot, with no or only infrastructure improvements, on which a [~~detached dwelling or duplex unit~~] single-, two-, or duplex-unit dwelling must be constructed by the acquisitor. [~~"Detached dwelling," "duplex unit," "dwelling unit," "multi-family dwelling," and "zoning lot" mean the same~~] "Duplex-unit dwelling," "multi-unit dwelling," "single-unit dwelling," and "two-unit dwelling" has the same meaning as defined under Chapter 21."

SECTION 93. Section 39-1.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definition of "Residential Apartment" to read as follows:

"***Residential Apartment.*** A condominium apartment [~~which~~] that is used for residential purposes. The term does not include the following:

(1) An apartment used for commercial purposes;

(2) An apartment used as a [~~time share~~] timeshare unit or transient vacation unit, as defined under Chapter 21, Article 10; or

(3) Any parking, recreational, or other nonresidential condominium apartment."

SECTION 94. Section 41-14.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by amending the definition of "Multi-Family Dwelling" to read as follows:

"**[*~~Multi-Family~~*] *Multi-Unit* *Dwelling.*** Has the same meaning as defined in § 21-10.1."

SECTION 95. Section 41-14.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 41-14.2 Prohibition of smoking in certain places.**

Except as otherwise provided herein, smoking is prohibited in the following places within the [~~City:~~] city:

(1) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multi-unit residential buildings;

(2) Patient rooms, wards, waiting rooms, lobbies, and public hallways of public and private health care facilities, including but not limited to hospitals, clinics, and physicians' and dentists' offices;

(3) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance, or other similar performance during the time that the room, hall, or auditorium is open to the public for such exhibition;

(4) Museums, libraries, and galleries;

(5) All areas within city-owned or controlled buildings, except any dwelling unit or lodging unit, as those terms are defined by § 21-10.1, when not being used [~~as a child care, adult day care,~~] for child or adult daycare, or as a health care facility;

(6) Except as provided in § 41-14.3 or as limited by this subsection, all areas in business or charitable establishments. For the purposes of this subdivision, a "business" means any sole proprietorship, partnership, joint venture, business trust, limited liability company, business corporation, professional corporation, or other business entity formed for profit-making purposes, and "business establishment" includes but is not limited to any of the following establishments operated by a business:

(A) Any school;

(B) Any hotel, except individual hotel rooms;

(C) Any financial institution;

(D) Any industrial, commercial, or wholesale establishment;

(E) Any utility;

(F) Any retail establishment where goods or services are sold, leased, or otherwise provided to the public or to another business;

(G) Any bar within an enclosed or partially enclosed food court; or

(H) Any restaurant; except that smoking will be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to subdivision (8);

(7) Rest rooms. Any restroom open to the public in places specified in this section;

(8) Notwithstanding § 41-14.3, any area of any bar, hotel room, restaurant, or governmental property which has been designated by the owner, operator, manager, or other persons having control of such property as a nonsmoking area and marked with a "no smoking" sign or signs;

(9) All enclosed or partially enclosed areas within [~~multi-family~~] multi-unit dwellings that are open to the common use of all unit owners or residents, including but not limited to lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within [~~multi-family~~] multi-unit dwellings. For the purposes of this subdivision, "enclosed or partially enclosed areas" means areas closed in by a roof or overhang and at least one wall. An area commonly described as a lobby or roofed mall is deemed to be enclosed or partially enclosed for purposes of this subdivision;

(10) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to common entrance areas, lobbies, malls, food court seating areas, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings. For the purposes of this subdivision, an enclosed or partially enclosed area is any area for human occupancy that is contained on two or more sides by walls and is covered by a roof, ceiling, or overhang, such that the area of all permanent openings from the space to the open air is less than 50 percent of the combined areas of the walls and ceiling, roof, or overhang. If a wall does not meet the floor or the ceiling, roof, or overhang, the calculation will be based on the vertical projection of the wall to the plane of the floor or the plane of the ceiling, roof or overhang. Permanent openings do not include doors or windows which are capable of being closed;

(11) If a building is both a [~~multi-family~~] multi-unit dwelling and a commercial building as defined in this article, all areas except for private residences;

(12) All motor vehicles:

(A) That are owned or leased by the city; or

(B) In which a person under 18 years of age is present[~~.~~];

(13) All public parks, recreation areas, and facilities under the maintenance of the department of parks and recreation or the department of enterprise services, except for the open air areas of a municipal golf course and such areas within each of the following sites as the department of parks and recreation or the department of enterprise services may designate by appropriate signs as areas within which smoking is permissible:

(A) Honolulu Zoo;

(B) Hanauma Bay Nature Preserve;

(C) Koko Crater Botanical Garden; and

(D) Tom Moffat Waikiki Shell; and

(14) Any bus stop. The smoking prohibition applies to the area of the bus stop that extends out from the bus stop sign or the footprint of the shelter in every direction by 20 feet. The footprint of the shelter is defined by vertical planes extending down from the outermost edges of the shelter overhang or roof. The prohibition contemplated in this subdivision only applies to public places."

SECTION 96. Section 41-14.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 41-14.3 Exceptions.**

Smoking [~~shall~~] must not be prohibited in the following places under this article:

(1) Private residences, except when used [~~as a child care, adult day care,~~] for child or adult daycare, or as a health care facility;

(2) Any hotel room;

(3) Any bar that is not within an enclosed or partially enclosed food court; and

(4) Any separate open air area of a restaurant where smoking is permitted by the business operating the restaurant pursuant to § 41-14.2(6)(H)."

SECTION 97. Section 41-19.2, Revised Ordinances of Honolulu 2021 ("Possession and providing of laser pointers prohibited"), is amended by amending subsection (c) to read as follows:

"(c) The prohibitions in subsections (a) and (b) [~~shall~~] do not apply to any handheld laser devices used in a recreational activity commonly referred to as "laser tag," and which activity is offered for a fee or charge by [~~an outdoor amusement facility, an indoor amusement and recreation facility, or by an outdoor recreation facility, as these recreation and amusement facilities are~~] a facility used for indoor recreation or outdoor recreation as defined in § 21-10.1; provided that the devices [~~shall~~] must be collected by the owner or operator of the facility following their use in the recreational activity."

SECTION 98. Section 42-3.5, Revised Ordinances of Honolulu 2021 ("Food waste recycling"), is amended by amending subsection (g) to read as follows:

"(g) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Catering Establishment.*** [~~Has the same as defined in § 21-10.1.~~] Establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations, including but not limited to hotels, restaurants, airlines, and social events.

***Composting Facility.*** An establishment that conducts [~~either major or minor~~] composting operations[~~, as defined in § 21-10.1~~].

***Food Bank.*** A facility that receives donations of food for redistribution to needy groups, individuals, or families.

***Food Court.*** An area within a building or shopping center where five or more food establishments are situated and serviced by a common dining area.

***Food Establishment.*** A catering establishment, food court, food manufacturer or processor, hospital, hotel, market, or restaurant.

***Food Manufacturer or Processor.*** An establishment that generates food waste and is primarily involved in the manufacture or processing of food products, including animal products, but excluding baked goods.

***Food Waste.*** Has the same meaning as defined under the definition of "recyclable materials" in § 42-1.2.

***Function Room.*** An area within a hotel where events are held at which food is served, including but not limited to wedding receptions, business meetings, conferences, banquets, and parties.

***Hospital.*** Has the same meaning as defined in § 21-10.1.

***Hotel.*** Has the same meaning as defined in § 21-10.1.

***Market.*** Includes establishments where fresh meat, fish, or produce is prepared, handled, and displayed for sale at retail or wholesale.

***Meal.*** Includes any food item or items served as an entree at breakfast, lunch, or dinner, but excludes beverages and desserts, if the beverages or desserts are served by themselves and not part of a breakfast, lunch, or dinner.

***Prepared Meals.*** Meals that have been cleaned, cooked, or otherwise prepared on the premises of the food establishment, and [~~shall exclude~~] excludes prepackaged meals that are cooked or otherwise prepared elsewhere and only sold on the premises of the establishment. [~~Prepared meals includes~~] Includes meals a portion of which have been precooked or prepared off the premises of the establishment.

***Recycling Facility.*** Includes a composting facility, waste bioconversion facility, rendering facility, pig farm, or other agricultural facility that uses food waste as animal feed or for other agricultural use, or any other facility that recycles food waste and is approved by the director for that purpose.

***Recycling Service.*** A service or collection of services that includes the collection and transportation of food waste to a recycling facility by a refuse hauler or other company that collects the food waste, and the recycling or reuse of that food

waste by a recycling facility, which may or may not be operated by the company that collects and transports the food waste.

***Rendering Facility.*** An establishment that converts kitchen grease, cooking oils, meat scraps or other slaughterhouse waste, waste from meat processing plants, or any combination of the foregoing items, for use in the manufacture of such products as cosmetics, detergents, plastics, paints, tires, and animal feed products.

***Restaurant.*** A place of business where food is served for compensation and includes the kitchen or food preparation area of that place of business, but excludes any portion of the establishment that is a bakery serving baked goods for consumption on or off the premises of the restaurant and excludes a quick-serve food service establishment that offers as the primary method of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter.

***Waste Bioconversion Facility.*** A facility where food and other organic waste are converted into useable byproducts."

SECTION 99. Section 43-6.2, Revised Ordinances of Honolulu 2021 ("Customer classifications"), is amended by amending subsection (a) to read as follows:

"(a) "Residential" customers have been defined to include only the following:

(1) [~~Single-family~~] Single-unit dwellings;

(2) [~~Duplexes,~~] Duplex-unit dwellings, apartment buildings, condominiums, and townhouses;

(3) Retirement hotels (permanent guests);

(4) Mobile homes and mobile home parks, if any; or

(5) Housing projects."

SECTION 100. Section 43-10.3, Revised Ordinances of Honolulu 2021 ("Residential wastewater system facility charges"), is amended by amending subsection (b) to read as follows:

"(b) The following weights [~~shall~~] are be assigned to the various categories of residential developments for wastewater system facility charge purposes:

# A BILL FOR AN ORDINANCE

| ***Description*** | ***Number of ESDUs Per Unit*** |
|---|---|
| [~~Single-family dwellings, duplexes,~~] Single-unit dwellings, duplex-unit dwellings, triplexes, and quadraplexes | 1.0 |
| [~~Multiple-family~~] Multi-unit dwellings (five units or more), condominiums, townhouses, retirement homes, mobile homes, and housing projects | 0.7 |

"

SECTION 101. Appendix 43-A, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"APPENDIX 43-A: SEWER SERVICE CHARGE SCHEDULES**

The charges in column 1 apply to all customers, except those customers for which a sewer service contract/agreement exists between the customer and the City and County of Honolulu that provides that column 2 charges shall apply. Sewer service contracts/agreements that allow column 2 charges are intended for customers who have paid their share of capital costs of collection, treatment, and disposal of their wastewater by the city.

| ***Residential Sewer Service Charges*** | | | |
|---|---|---|---|
| | ***Effective July 1 of:*** | ***1*** | ***2*** |
| [~~Single-family and duplex~~] Single-unit and duplex-unit dwellings served by city water system per dwelling unit per month | | | |
| 1. Monthly base charge | 2012 | $63.23 | $49.87 |
| | 2013 | $65.76 | $51.86 |
| | 2014 | $68.39 | $53.94 |
| | 2015 | $71.81 | $56.64 |
| | 2016 | $77.55 | $61.17 |
| 2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |

# A BILL FOR AN ORDINANCE

| ***Residential Sewer Service Charges*** | | | |
|---|---|---|---|
| | ***Effective July 1 of:*** | ***1*** | ***2*** |
| percent; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |
| [~~Single-family and duplex~~] Single-unit and duplex-unit dwellings not served by city water system per dwelling unit per month | 2012 | $90.14 | $84.08 |
| | 2013 | $94.03 | $87.45 |
| | 2014 | $97.79 | $90.94 |
| | 2015 | $102.68 | $95.49 |
| | 2016 | $110.89 | $103.13 |
| [~~Multiple-unit~~] Multi-unit dwellings served by city water system per dwelling unit per month | | | |
| 1. Monthly base charge | 2012 | $43.47 | $34.28 |
| | 2013 | $45.21 | $35.66 |
| | 2014 | $47.02 | $37.08 |
| | 2015 | $49.37 | $38.94 |
| | 2016 | $53.32 | $42.05 |
| 2. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent; provided that residential users who install and maintain a water meter for submetering nonsewer water shall not have the water consumed reduced by the water irrigation factor | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |
| | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |
| [~~Multiple-unit~~] Multi-unit dwellings not served by city water system per dwelling unit per month | 2012 | $70.65 | $55.72 |
| | 2013 | $73.47 | $57.95 |
| | 2014 | $76.41 | $60.27 |
| | 2015 | $80.23 | $63.28 |

# A BILL FOR AN ORDINANCE

| ***Residential Sewer Service Charges*** | | | |
|---|---|---|---|
| | ***Effective July 1 of:*** | ***1*** | ***2*** |
| | 2016 | $86.65 | $68.34 |

| ***Nonresidential Sewer Service Charges*** | | | |
|---|---|---|---|
| | ***Effective July 1 of:*** | ***1*** | ***2*** |
| Domestic Strength Wastewater:<br><br>1. Metered Water Usage | | | |
| (1) Monthly base charge per equivalent [~~single family~~] single-unit dwelling unit (ESDU) | 2012 | $63.23 | $49.87 |
| | 2013 | $65.76 | $51.86 |
| | 2014 | $68.39 | $53.94 |
| | 2015 | $71.81 | $59.64 |
| | 2016 | $77.55 | $61.17 |
| (2) Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |
| | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |
| 2. Metered Wastewater Discharge | | | |
| (1) Monthly base charge per equivalent equivalent [~~single family~~] single-unit dwelling unit (ESDU) | 2012 | $63.23 | $49.87 |
| | 2013 | $65.76 | $51.86 |
| | 2014 | $68.39 | $53.94 |
| | 2015 | $71.81 | $59.64 |
| | 2016 | $77.55 | $61.17 |

# A BILL FOR AN ORDINANCE

| ***Nonresidential Sewer Service Charges*** | | | |
|---|---|---|---|
| | ***Effective July 1 of:*** | ***1*** | ***2*** |
| (2) Charge per 1,000 gallons | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |
| | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |
| Extra Strength Wastewater | | | |
| 1. Charge per 1,000 gallons of metered water consumed, the water consumed reduced by the water irrigation factor of 20 percent, use the following formula:<br><br>0.857 + 0.143(SSm/200) multiplied by applicable rate | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |
| | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |
| 2. Charge per 1,000 gallons of wastewater discharge, use the following formula:<br><br>0.857 + 0.143(SSm/200) multiplied by applicable rate | 2012 | $3.77 | $3.77 |
| | 2013 | $3.93 | $3.93 |
| | 2014 | $4.08 | $4.08 |
| | 2015 | $4.29 | $4.29 |
| | 2016 | $4.63 | $4.63 |

"

SECTION 102. Appendix 43-B, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"APPENDIX 43-B: CESSPOOL CHARGE SCHEDULES**

A. Reserved

B. The following charges shall be effective from July 1, 2004:

1. Pumping cesspool on a per-call basis:

# A BILL FOR AN ORDINANCE

For a single truckload or fraction thereof:

| | | |
|---|---|---|
| a. | Regular rate | $132.90 |
| b. | Reduced rate for owners or occupants determined to be "low-income" by the director pursuant to § 43-7.3(a) | $86.50 |

2. Chemically treated cesspool:

| | | |
|---|---|---|
| a. | [~~Single-family and duplex dwellings,~~] Single-unit and duplex-unit dwellings, per dwelling unit served per month | $55 |
| b. | [~~Multiple-unit~~] Multi-unit dwellings, per dwelling unit served per month | $38.50 |

"

SECTION 103. In SECTIONS 4 through 101 of this ordinance, ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. In SECTION 3 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under Section 1-16.3(b)(1), Revised Ordinances of Honolulu 2021 ("ROH"), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of this ordinance with the actual date on which the ordinance takes effect.

SECTION 104. This ordinance takes effect 270 days after its approval; provided that 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

# HONOLULU CITY COUNCIL

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

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **64 (2023), CD2, FD2**

## A BILL FOR AN ORDINANCE

2. ROH § 21-5.50-3(b) (relating to home occupation standards).

INTRODUCED BY:

Esther Kiaʻāina

DATE OF INTRODUCTION:

November 28, 2023
Honolulu, Hawaiʻi

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

**Report Title:**
Land Use Ordinance; Use Regulations; Conforming Amendments

**Description:**
Repeals and replaces Revised Ordinances of Honolulu 2021 ("ROH") Chapter 21, Article 5, relating to regulation of uses, with a new updated ROH Chapter 21, Article 5 that, among other things, moves provisions located in other articles of Chapter 21 to the updated ROH Chapter 21, Article 5 (e.g. the Master Use Table [Table 21-3]). Makes amendments throughout the ROH to conform with new term usage and cross-references based on the updated ROH Chapter 21, Article 5. Takes effect 270 days after its approval; provided that ROH Sections 21-5.50-1(c) and 21-5.50-3(b) take effect upon approval of the ordinance.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*