

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

November 12, 2015

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
& C OF HONOLULU
2015 NOV 24 PM 3:14

Dear Chair Martin and Councilmembers:

SUBJECT: Notice of Introduction of a Resolution for a Council Proposal
to Amend the Zoning Ordinance

This is to confirm receipt of Resolution No. 15-311, entitled:

"Proposing an Amendment to Chapter 21, Revised Ordinances of Honolulu 1990
(The Land Use Ordinance), as Amended, Relating to Wind Machines"

The Resolution (copy enclosed) was sent to the Department of Planning and Permitting (DPP) by the City Clerk on November 5, 2015; and, was received at 1:09 p.m. on November 6, 2015.

The DPP will notify the Council of the sufficiency of the documentation provided for the proposal within 30 days of the submission of the introduced Resolution and/or accompanying documentation to the Director.

Should you have any questions, please contact me at 768-8000.

Very truly yours,

A handwritten signature in black ink, appearing to read "George I. Atta".

George I. Atta, FAICP
Director

Enclosure

APPROVED:

A handwritten signature in blue ink, appearing to read "Roy K. Amemiya, Jr.".
Roy K. Amemiya, Jr.
Managing Director

DEPT. COM. 789



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO WIND MACHINES.

WHEREAS, utility-scale wind machines, which may be over 400 feet tall, can significantly impact view planes and alter the character of a community; and

WHEREAS, the City's Land Use Ordinance ("LUO") presently requires the procurement of a Conditional Use Permit-minor (CUP-minor) for wind machines; and

WHEREAS, unlike the CUP-major process, the CUP-minor process for wind machines does not require a public hearing, presentation to the area neighborhood board or community association, notification to nearby property owners of the pending permit application, or posting of a "notice of pending permit" sign on the property; and

WHEREAS, the Council desires to provide greater opportunity for public input for utility-scale wind machine projects; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in RCH Section 6-1513, includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, Chapter 2, Article 24, Revised Ordinances of Honolulu 1990, as amended ("ROH"), establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to RCH Section 6-1513, and ROH Chapter 2, Article 24, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and



RESOLUTION

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the Clerk shall transmit copies of this Resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

NOV 4 2015

Honolulu, Hawaii

Councilmembers



A BILL FOR AN ORDINANCE

RELATING TO WIND MACHINES.

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

SECTION 1. Findings and Purpose. The Council finds that large, utility-scale wind machines have the potential to adversely affect view planes and community character. The purpose of this ordinance is to amend the permitting requirements for wind machines.

SECTION 2. Chapter 21, Table 21-3 ("Master Use Table"), Revised Ordinances of Honolulu 1990, as amended, is amended by amending the "Wind machines" use in the Utilities and Communications category to read as follows:

**"TABLE 21-3
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9.6(A).

- KEY:** Ac = Special accessory use subject to standards in Article 5
 Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)
 C = Conditional Use Permit-major subject to standards in Article 5; public hearing required
 P = Permitted Use
 P/c = Permitted use subject to standards in Article 5
 PR = Plan Review Use
 U

USES (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																					
	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	
UTILITIES AND COMMUNICATIONS																						
Wind machines Up to 100 kW		Cm Ac	Cm Ac	Cm Ac	Cm	Cm								Cm	Cm				Cm	Cm		Cm
Wind machines Over 100 kW		C	C	C																		



A BILL FOR AN ORDINANCE

SECTION 3. Chapter 21, Section 21-5.700 ("Wind machines"), Revised Ordinances Honolulu 1990, is amended by amending subsection (c) to read as follows:

"(c) In the agricultural and country zoning districts, accessory wind machines shall have a rated capacity of no more than 100 kilowatts. Wind machines with a rated capacity of more than 100 kilowatts shall not be deemed accessory to other uses and require a conditional use permit [(minor)] (major)."

SECTION 4. In Section 2 and 3 of this Ordinance, new ordinance material is underscored and ordinance material to be deleted is bracketed. 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 bracketed material, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu