



## RESOLUTION

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

WHEREAS, the city's Land Use Ordinance ("LUO") states that the intent of the AG-1 Restricted Agricultural District is "to conserve and protect agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants"; and

WHEREAS, the LUO states that the intent of the AG-2 General Agricultural District is "to conserve and protect agricultural activities on smaller parcels of land"; and

WHEREAS, the council finds that valuable agricultural lands on Oahu are being threatened by the development of so-called "gentlemen's farms"; and

WHEREAS, in such developments, land zoned AG-1 Restricted Agricultural District or AG-2 General Agricultural District is subdivided and the resulting lots are marketed as "estate parcels" where large luxury homes can be built; and

WHEREAS, this type of luxury residential marketing occurs despite the fact that the only dwellings permitted on agriculture-zoned land are "farm dwellings," which the LUO defines as dwellings "located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling"; and

WHEREAS, there is minimal, if any, agricultural activity on gentlemen's farms; and

WHEREAS, the development of gentlemen's farms removes agricultural lands from productive agricultural activity and drives up the value of agricultural land; and

WHEREAS, the council desires to propose amendments to the LUO to ensure that agriculture-zoned lands are utilized for their intended agricultural purposes and not for luxury residential developments; 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



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WHEREAS, Section 6-1513, RCH, further provides that “[a]ny such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director’s usual requirements for the commencement of processing”; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the director of planning and permitting is directed, pursuant to Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended, to process the proposed amendment to Chapter 21, ROH 1990 (the Land Use Ordinance), attached hereto as Exhibit “A,” in the same manner as if the proposal had been proposed by the director; and

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 FURTHER RESOLVED that if the Director of Planning and Permitting submits an alternative proposal to the Planning Commission, that the Planning Commission is requested to make separate recommendations on the attached proposed Land Use Ordinance amendment and on any administration-proposed alternative; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution and the Exhibit attached hereto be transmitted to the director of planning and permitting and the Planning Commission of the City and County of Honolulu.

INTRODUCED BY:

*[Handwritten signature]*  
*[Handwritten signature]*

DATE OF INTRODUCTION:

JAN 10 2008  
Honolulu, Hawaii

Councilmembers

FILED  
JAN 10 2009

PURSUANT TO ROH Sec. 1-2.5

## **EXHIBIT A**



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**A BILL FOR AN ORDINANCE**

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RELATING TO AGRICULTURAL LAND.

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

SECTION 1. The purpose of this ordinance is to amend the Land Use Ordinance to ensure that agriculture-zoned lands are used for their intended agricultural purposes rather than being lost through the development of so-called "gentlemen's farms" which are often luxury residential developments where little or no agricultural activity takes place.

SECTION 2. Table 21-3, Revised Ordinances of Honolulu 1990, as amended ("Master Use Table"), is amended by amending the "Farm dwelling" use entry in the "Dwellings and Lodgings" 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
  - PRU = Plan Review Use

ZONING DISTRICTS																					
<b>USES</b> <small>(Note: Certain uses are defined in Article 10.)</small>	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
<b>DWELLINGS AND LODGINGS</b>																					
Farm dwellings		[P/c] Cm	[P/c] Cm																		



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SECTION 3. Section 21-3.50, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 21-3.50      Agricultural districts--Purpose and intent.**

- (a) The purpose of the agricultural 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 may be permitted on the same site as an adjunct to agricultural uses. These accessory activities must be compatible with the on-site agricultural operation and surrounding land uses.
- (b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district.
- (c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural district:
  - (1) Lands which are within the state-designated agricultural district and designated agricultural by adopted city land use policies; and
  - (2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system[; and
  - (3) Lands where a substantial number of parcels are more than five acres in size].
- (d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.
- (e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:
  - (1) Lands which are in the state-designated agricultural or urban district and designated agricultural by adopted city land use policies; and



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- (2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system[; and
- (3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size].

SECTION 4. Table 21-3.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**Table 21-3.1  
P-2, Agricultural & Country Districts  
Development Standards**

Development Standard		District			
		P-2	AG-1	AG-2	Country
Minimum lot area (acres)		5	[5] <u>25</u>	[3 for major livestock production, 2 for all other uses] <u>10</u>	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 <sup>2</sup>	10 <sup>2</sup>	25 <sup>2</sup>
Maximum height (feet) <sup>1</sup>		15-25	15-25 <sup>3</sup>	15-25 <sup>3</sup>	15-30
Height setbacks		per Sec. 21-3.40-1(e)	per Sec. 21-3.50-4(c)	per Sec. 21-3.50-4(c)	per Sec. 21-3.60-4(c)

<sup>1</sup> 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.

<sup>2</sup> For nonagricultural structures.

<sup>3</sup> Fifteen feet for nonagricultural structures and dwellings; up to 25 feet are permitted if height setbacks are provided.



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SECTION 5. Section 21-5.250, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 21-5.250 Farm dwellings.**

- (a) [In the AG-1 district, the number of farm dwellings shall not exceed one for each five acres of lot area. In the AG-2 district, the number of farm dwellings shall not exceed one for each two acres of lot area.] Active agricultural use requirement.
- (1) No farm dwelling shall be permitted unless the lot upon which the dwelling is to be constructed:
- (A) Has been in active agricultural use for at least three years prior to the date of application for the conditional use permit; and
- (B) Has generated a minimum of \$10,000 in gross receipts per year from the agricultural use.
- (2) The lot upon which the farm dwelling is located shall be maintained in active agricultural use and shall generate a minimum of \$10,000 in gross receipts per year from the agricultural use to the family occupying the dwelling.
- (3) The burden shall be upon the conditional use permit applicant or lot owner to establish to the satisfaction of the director that the requirements of this subsection have been met.
- (b) Only one farm dwelling shall be permitted on the lot.
- (c) The floor area of the farm dwelling shall not exceed 1,500 square feet.
- (d) Each farm dwelling and any accessory uses shall be contained within an area not to exceed 5,000 square feet of the lot."

SECTION 6. Ordinance material to be repealed is bracketed. 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 bracketed material or the underscoring.



CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL                     (2007)

A BILL FOR AN ORDINANCE

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SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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MUFU HANNEMANN, Mayor  
City and County of Honolulu