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**A BILL FOR AN ORDINANCE**

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RELATING TO PLANT NURSERIES.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the Land Use Ordinance (LUO) to clarify LUO provisions relating to plant nurseries.

SECTION 2. Table 21-3, Revised Ordinances of Honolulu 1990, as amended, ("Master Use Table") is amended by amending the "Plant nurseries" use entry in the "Commerce and Business" 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																					
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
<b>COMMERCE AND BUSINESS</b>																					
Plant nurseries		P/c	P/c																[P] P/c	[P] P/c	[P] P/c



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SECTION 3. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

**“Sec. 21-5. Plant nurseries.**

- (a) In the AG-1 and AG-2 zoning districts, the following standards shall apply:
- (1) Retail sales shall be limited to plants sold directly from the greenhouse or open field where the product has been grown or cultivated, and only sales of the products in their primary form shall be allowed. There shall be no retail sales of secondary products such as jams, candies, juices, and baked goods.
  - (2) Except for an accessory roadside stand or an enclosed structure approved by a conditional use permit for accessory agribusiness activities, there shall be no separate structures utilized primarily for retail sales.
- (b) In the I-1, I-2 and IMX-1 zoning districts, all plant cultivation and sales activities shall be within a structure.”

SECTION 4. Section 21-10.1, Revised Ordinances of Honolulu 1990, is amended by adding a new definition of “Plant nurseries” to read as follows:

““Plant nurseries” means 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, which are raised or grown on-site 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.”

SECTION 5. 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.



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SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

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DATE OF INTRODUCTION:

September 08, 2008  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kuterba  
Deputy Corporation Counsel

APPROVED this 9<sup>th</sup> day of September, 2009

Mufi Hannemann  
MUFU HANNEMANN, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE                    09-26

**BILL 55 (2008), FD1**  
(COUNCIL)

Introduced: 09/08/08 By: BARBARA MARSHALL (BR)

Committee: ZONING

Title: A BILL FOR AN ORDINANCE RELATING TO PLANT NURSERIES.

Links: [BILL 55 \(2008\)](#)  
[BILL 55 \(2008\), FD1](#)  
[CR-314](#)  
[CR-279 \(2009\)](#)

COUNCIL	09/24/08	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON ZONING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
ZONING	10/28/08	CR-314 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.				
PUBLISH	11/01/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL/PUBLIC HEARING	11/12/08	CR-314 ADOPTED, BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO ZONING COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL E	OKINO Y	TAM Y		
PUBLISH	11/19/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
NOTE: COUNCILMEMBER BARBARA MARSHALL PASSED AWAY ON SUNDAY, FEBRUARY 22, 2009. THE COUNCIL CONTINUES TO OPERATE IN ACCORDANCE WITH THE 9 MEMBERS IT IS ENTITLED TO PURSUANT TO SECTION 3-102, REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED.						
NOTE: IKAIKA ANDERSON WAS SWORN IN AND TOOK OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL ON THURSDAY, MAY 14, 2009 REPRESENTING DISTRICT III.						
NOTE: COUNCILMEMBER DUKE BAINUM PASSED AWAY ON TUESDAY, JUNE 9, 2009. ALTHOUGH THERE IS A VACANCY, THE COUNCIL CONTINUES TO OPERATE IN ACCORDANCE WITH THE 9 MEMBERS IT IS ENTITLED TO PURSUANT TO SECTION 3-102, REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED. HOWEVER, THE CERTIFICATE WILL NOT REFLECT THE VACANCY ON THE VOTE RECORDED FOR THIS ITEM.						
ZONING	08/18/09	CR-279 (2009) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.				

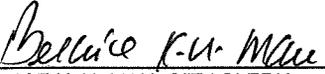
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COUNCIL            08/26/09    BILL 55 (2008) AMENDED TO FD1.

ANDERSON	Y	APO	Y	CACHOLA	Y	DELA CRUZ	Y	DJOU	Y
GARCIA	Y	OKINO	Y	TAM	Y				

CR-279 (2009) ADOPTED AND BILL 55 (2008), FD1 PASSED THIRD READING.

ANDERSON	Y	APO	Y	CACHOLA	Y	DELA CRUZ	Y	DJOU	Y
GARCIA	Y	OKINO	Y	TAM	Y				

  
BERNICE K. N. MAU, CITY CLERK

  
TODD K. APO, CHAIR AND PRESIDING OFFICER