HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 24-220

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 22, REVISED ORDINANCES OF HONOLULU 2021 (THE SUBDIVISION ORDINANCE), RELATING TO PARKS AND PLAYGROUNDS.

WHEREAS, Section 46-6(a), Hawaii Revised Statutes ("HRS"), requires counties to adopt ordinances requiring a subdivider of land, as a condition of subdivision approval, to provide land in perpetuity or to dedicate land for park and playground purposes for the use of purchasers or occupants of lots or units in the subdivision; and

WHEREAS, Section 6-1503(h), Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), requires the Director of Planning and Permitting to prepare amendments to the land subdivision code; and

WHEREAS, the land subdivision code of the City and County of Honolulu ("City") is set out in Chapter 22 (the Subdivision Ordinance) of the Revised Ordinances of Honolulu 2021 ("ROH"); and

WHEREAS, the City's park and playground provision and dedication requirements, as required by HRS Section 46-6(a), are codified in ROH Chapter 22, Article 7; and

WHEREAS, ROH Section 22-7.3(a) provides, in relevant part, that:

Every subdivider, as a condition precedent to the:

(1) Approval of a subdivision by the [Director of Planning and Permitting]; or

(2) Issuance of a building permit for multiple-family development by the [D]epartment of [P]lanning and [P]ermitting;

shall provide land in perpetuity or dedicate land for park and playground purposes, for joint use by the occupants of lots or units in subdivisions as well as by the public; and

WHEREAS, ROH Section 22-7.5 specifies the calculation of land area for parks and playgrounds required to be dedicated or provided by a subdivider in the various zoning districts and special districts, and for certain types of projects in those zoning districts; and

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WHEREAS, generally, dog parks provide a multitude of benefits to dogs, their owners and guardians, and the community as a whole, including opportunities for socialization, behavioral improvements, and promotion of responsible dog ownership; and

WHEREAS, specifically, dog parks can help provide opportunities for physical activity and recreation for purchasers or occupants of lots or units in a subdivision or multi-family development project (and their canine companions) and can foster a sense of community among such purchasers or occupants; and

WHEREAS, the City Council ("Council") believes that lands used for dog parks should be allowed to be credited toward satisfying the park and playground provision and dedication requirements in ROH Chapter 22 based on the aforementioned benefits that dog parks provide to inhabitants of lots or units in subdivisions or multi-family development projects (and their canine companions); and

WHEREAS, the draft bill, attached hereto as Exhibit A, proposes an amendment to ROH Chapter 22, Article 7, that would allow lands used for private dog parks to be credited (up to a certain percentage) toward the park and playground land area that would otherwise be required under ROH Chapter 22, Article 7; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of Council proposals to, among other things, revise or amend the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing such 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 ("Director") is directed, pursuant to Charter Section 6-1503(h), and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 22 (the Subdivision Ordinance), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

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BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the City Clerk shall transmit copies of this resolution and Exhibit A to the Director, and shall advise the Director in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Council.

INTRODUCED BY:

A. Kyola

DATE OF INTRODUCTION:

SEP 3 2024

Honolulu, Hawai'i

Councilmembers

EXHIBIT A

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO PARKS AND PLAYGROUNDS.

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

SECTION 1. Purpose. The purpose of this ordinance is to allow dog parks to be credited toward satisfying the requirements for the provision or dedication of land for park and playground purposes.

SECTION 2. Section 22-7.8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 22-7.8 Credit [~~for~~] toward land required for parks and playgrounds.

(a) *Credit for lands dedicated or provided in perpetuity for [~~parks~~] park and playground purposes before [~~the effective date of this article.~~] October 16, 1976.* Where lands for [~~park and playground~~] parks and playgrounds were dedicated or provided in perpetuity before [~~the effective date of this article,~~] October 16, 1976, such [~~land shall~~] park and playground lands will be credited [~~against~~] toward the [~~park land which could~~] park and playground lands that would otherwise be required under § 22-7.5.

(b) *Credit for subdivisions where the provisions of this article were previously met.* When a subdivision is resubdivided or redeveloped, this article [~~shall~~] will apply to the dwelling or lodging units [~~above~~] that are constructed in addition to those units [~~which~~] that originally complied with this article. Credit [~~shall~~] will be applied [~~to such~~] toward the park and playground land area [~~which~~] that would otherwise be required under § 22-7.5, whether such park and playground lands were dedicated[~~,~~] or provided in perpetuity, or fees were paid in lieu thereof.

(c) *Credit for privately owned parks and playgrounds.* When land is provided in perpetuity or dedicated for a private park and playground in a subdivision and [~~such area~~] the land is to be owned and maintained, and used by the owners (including private parties and public agencies), purchasers, or occupants of the subdivision, such park and playground land [~~shall~~] will be credited [~~against~~] toward the [~~park land area which~~] park and playground lands that would otherwise be required under § 22-7.5.

(d) *Credit for dog parks.* When land is provided in perpetuity or dedicated for use as a dog park:

(1) In a subdivision where the dog park is:

(A) To be owned and maintained, and used by the owners (including private parties and public agencies), purchasers, or occupants of the subdivision; and

(B) Part of a larger contiguous park and playground land area or privately owned park and playground land area; or

(2) As part of a multiple-family development and the dog park is part of a larger contiguous privately owned park and playground land area;

the land area provided in perpetuity or dedicated for use as a dog park will be credited toward the park and playground lands that would otherwise be required under § 22-7.5; provided that any credit for the land area provided in perpetuity or dedicated for use as a dog park must not exceed 10 percent of the total park and playground lands required thereof."

SECTION 3. 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.

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai'i Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

_____

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 24-220

Introduced: 09/03/24 By: ANDRIA TUPOLA Committee: PLANNING, INFRASTRUCTURE & TRANSPORTATION (PI&T)

Title: PROPOSING AN AMENDMENT TO CHAPTER 22, REVISED ORDINANCES OF HONOLULU 2021 (THE SUBDIVISION ORDINANCE), RELATING TO PARKS AND PLAYGROUNDS.

Voting Legend: * = Aye w/Reservations

09/03/24	INTRO	Introduced.
01/02/25		Councilmember Nishimoto took office on January 2, 2025.
01/03/25		CC-4(25) - Resolution re-referred from Zoning to Planning, Infrastructure & Transportation Committee.
01/16/25	PI&T	Reported out for adoption. CR-18(25) 5 AYES: CORDERO, DOS SANTOS-TAM, OKIMOTO, TUPOLA, WEYER
01/29/25	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER