HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-228

FILED
AUG 6 2026

PURSUANT TO ROH Sec. 1-2.5

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO CONDITIONAL USE PERMITS.

WHEREAS, a conditional use permit ("CUP") generally allows for certain uses that are not typical in a particular Zoning District subject to certain development standards; and

WHEREAS, Chapter 21, Table 21-3 ("Master Use Table"), Revised Ordinances of Honolulu ("ROH"), sets forth the uses in each Zoning District that require either a CUP-minor or a CUP-major, subject to certain development standards and conditions set forth in ROH Chapter 21, Article 5; and

WHEREAS, ROH Sections 21-2.90 through 21-2.90-2, set forth provisions relating to the purpose and intent of CUPs, the application requirements for CUPs, and the general requirements relating to the issuance of a CUP by the Director of Planning and Permitting; and

WHEREAS, ROH Sections 21-2.40-1 and 21-2.40-2 set forth the general provisions relating to preapplication procedures and application processing for CUP-minors and CUP-majors, respectively; and

WHEREAS, ROH Section 21-2.90(b) provides, in pertinent part, that the Director of Planning and Permitting is empowered to condition CUPs to ensure compatibility with adjacent uses and structures; and

WHEREAS, ROH Section 21-2.40-2(b)(2) generally provides that before an a CUP-major application is submitted, the respective applicant shall first present the proposed project to the neighborhood board of the district where the proposed project will be located or, if no neighborhood board exists, an appropriate community association; provided that this requirement is deemed satisfied if the applicant makes a written request to present to the proposed project to the neighborhood board or community association and:

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

2. The neighborhood board or community association provides the applicant with written notice that it has no objection to the proposed project or that no presentation of the project is necessary; and

WHEREAS, pursuant to ROH Section 21-2.40-1(b), the above-mentioned neighborhood board or community association presentation requirement applies only to CUP-minor applications for proposed projects involving the following uses:

1. Transmitting antennas mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;

2. Meeting facilities;

3. Day-care facilities;

4. Schools: elementary, intermediate, and high (in certain Zoning Districts); or

5. Hotels with up to 180 dwelling or lodging units, or both, in the BMX-3 Zoning District; and

WHEREAS, the Council believes, however, that all CUP-minor applications should be subject to the above-mentioned neighborhood board or community association presentation requirement to ensure enhanced community engagement in decisions relating to the permitting of proposed projects that involve uses that are not typical in a particular Zoning District; 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 Section 6-1513, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, and Chapter 2, Article 24, Part A, Revised Ordinances of Honolulu 2021 ("ROH"), 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 of Planning and Permitting; and

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

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RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the City 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 of Planning and Permitting's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

DATE OF INTRODUCTION:

AUG 6 2025

Honolulu, Hawai'i

Councilmembers

FILED
AUG 6 2026
PURSUANT TO ROH Sec. 1-2.5

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 CONDITIONAL USE PERMITS.

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 provisions related to the processing of conditional use permits.

SECTION 2. Section 21-2.40-1, Revised Ordinances of Honolulu 2021 ("Minor permits"), is amended by amending subsections (b) and (c) to read as follows:

"(b) *Preapplication procedures.*

(1) Before submitting an application for [a]:

(A) A conditional use permit (minor); or

(B) Any other minor permit, except an existing use permit, for the following uses:

[~~(1)~~] (i) Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;

[~~(2)~~] (ii) Meeting facility;

[~~(3)~~] (iii) Day-care facility;

[~~(4)~~] (iv) Schools: elementary, intermediate, and high; or

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

the applicant shall first present the project to the neighborhood board of the district where the project will be located or, if no 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.

(2) The requirements of [~~this subsection shall~~] subdivision (1) 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 after 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 hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 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 after 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 after the date of such amendment to act on the application as provided in this section."

A BILL FOR AN ORDINANCE

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 bracketed and stricken material, or the underscoring.

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

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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