SUMMARY OF PROPOSED COMMITTEE DRAFT:

RESOLUTION 25-228
PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO CONDITIONAL USE PERMITS.

The PROPOSED CD1 makes the following amendments:

A. Amends the title of the resolution to read as follows:

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

B. Amends the first WHEREAS clause to specify that pursuant to ROH Section 21-2.40, ROH Chapter 21 authorizes major and minor permits.

C. Deletes the second, third, and fourth WHEREAS clauses.

D. Amends the now-second WHEREAS clause to specify that ROH Sections 21-2.40-1 and 21-2.40-2 sets forth the general provisions relating to the review and processing of applications for permits and approvals for minor and major permits.

E. Amends the now-third WHEREAS clause to set forth the neighborhood board or community association presentation requirement for minor permit applications (rather than major permit applications) in ROH Section 21-2.40-1(b).

F. Amends the now-fourth WHEREAS clause by updating the list of uses listed to reflect the amendments made to ROH Section 21-2.40-1(b) by Ordinance 25-2.

G. Adds a new fifth WHEREAS clause that states that both ROH Sections 21-2.40-1(c) and 21-2.90-1(c)(1) provide that the Director of Planning and Permitting has the discretion to hold a public hearing on conditional use permit (minor) ("CUP-minor") applications for proposed projects involving the above-mentioned uses if there is sufficient justification to hold the public hearing.

H. Amends the now-sixth WHEREAS clause to state that the Council believes that minor permit applications for proposed projects involving agritourism should also be subject to the above-mentioned neighborhood board or community association presentation requirement and that the Director of Planning and Permitting should also have the discretion to hold a public hearing on such CUP-minor applications for such proposed projects.

I. Amends attached Exhibit A (the bill attached to the resolution) as follows:

1. Amends SECTION 1 of the bill to clarify that the purpose of the ordinance is to amend the provisions relating to the processing of and procedures for applications for minor permits.

2. Adds a new SECTION 2 of the bill that:

   a. Amends footnote 1 of ROH Figure 21-2.1 with respect to the list of uses that are subject to the neighborhood board or community association presentation requirement (since the terminology for the uses listed were amended by Ordinance 25-2).

   b. Amends footnote 2 of ROH Figure 21-2.1 to update the lists of uses in which the deadline for the action on a permit for such use by the Director of Planning and Permitting may be extended (since the terminology used for the uses listed were amended by Ordinance 25-2), and changes the reference to Section ROH 21-2.40-1 to ROH Section 21-2.90-1 (the correct ROH Section where such language regarding an extension is set forth).

   c. Renumbers subsequent SECTIONS of the bill accordingly.

3. Amends renumbered SECTION 3 of the bill as follows:

   a. Instead of specifying that <u>all</u> conditional use permit (minor) applications be subject to the neighborhood board or community association presentation requirement (prior to submission of the minor permit application to the Department of Planning and Permitting), adds agritourism uses to the list of uses that require a neighborhood board or community association presentation prior to submitting an application for a minor permit involving such uses.

   b. Updates ROH Section 21-2.40-1(b) and (c) to reflect the amendments made by Ordinance 25-2 and remove references to "minor hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 zoning district" since Ordinance 25-2 updated the hotel use to require a conditional use permit (major), rather than a conditional use permit (minor);

4. Adds a new SECTION 4 of the bill that amends ROH Section 21-2.90-1(c)(1) to specify that the Director of Planning and Permitting has the discretion to hold a public hearing on a conditional use permit (minor) permit application for, among other things, agritourism; and

5. Renumbers SECTION 4 and 5 of the bill as SECTIONS 5 and 6, respectively.

J. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-228, CD1**

PROPOSED

RESOLUTION

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

WHEREAS, pursuant to Section 21-2.40, Revised Ordinances of Honolulu 2021 ("ROH"), ROH Chapter 21, otherwise known as the Land Use Ordinance ("LUO"), establishes two categories of permits: Minor and Major; and

WHEREAS, ROH Section 21-2.40 also states that ROH Sections 21-2.40-1 and 21-2.40-2 set forth the general provisions relating to the review and processing of applications for permits and approvals within the above-mentioned two categories of permits; and

WHEREAS, ROH Section 21-2.40-1(b) generally provides that before a minor permit application is submitted, the 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 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, additionally and also pursuant to ROH Section 21-2.40-1(b), the above-mentioned neighborhood board or community association presentation requirement applies only to minor permit applications for proposed projects involving the following uses:

1. Communication tower or communication support structures in the P-2, AG-1, or AG-2 zoning districts;

2. Small or medium meeting facilities;

3. Child or adult daycare; and

4. K-12 schools; and

WHEREAS, moreover, both ROH Sections 21-2.40-1(c) and 21-2.90-1(c)(1) provide that the Director of Planning and Permitting has the discretion to hold a public hearing on conditional use permit (minor) ("CUP-minor") applications for proposed projects involving the above-mentioned uses if there is sufficient justification to hold the public hearing; and

WHEREAS, the Council believes that minor permit applications for proposed projects involving agritourism should also be subject to the above-mentioned neighborhood board or community association presentation requirement and that the Director of Planning and Permitting should also have the discretion to hold a public hearing on CUP-minor applications for such proposed projects; 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

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-228, CD1**

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:

Matt Weyer

DATE OF INTRODUCTION:

August 6, 2025
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 MINOR 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 relating to the processing of and procedures for applications for minor permits.

SECTION 2. Figure 21-2.1, Revised Ordinances of Honolulu 2021, is amended by amending footnotes 1 and 2 to read as follows:

"[1] Before submitting an application for a minor permit for the following uses, the applicant must request an opportunity to present to the appropriate neighborhood board: (a) [~~transmitting antenna mounted on a building or rooftop in a country, residential, A-1 or AMX-1 District or a freestanding antenna structure;~~] communication tower or communication support structure in the P-2, AG-1, or AG-2 zoning districts; (b) small meeting facility; (c) child or adult daycare; [~~facility; or~~] (d) K-12 school [~~(elementary, intermediate and high)~~]; or (e) [~~hotel with up to 180 dwelling and/or lodging units in the BMX-3 district.~~] agritourism. See [~~Sec.~~] § 21-2.40-1.

[2] Deadline for Director's action may be extended for permits concerning a small meeting [~~facilities, day-care facilities and schools (elementary, intermediate and high)~~] facility, child or adult daycare, a K-12 school, or agritourism. See [~~Sec. 21-2.40-1.~~] § 21-2.90-1."

SECTION 3. Section 21-2.40-1, Revised Ordinances of Honolulu 2021 ("Minor permits"), as amended by Ordinance 25-2, is amended by amending subsections (b) and (c) to read as follows:

"(b) *Preapplication procedures.* Before submitting an application for a minor permit for the following uses:

(1) Communication tower or communication support structure in the P-2, AG-1, or AG-2 zoning districts;

(2) Small or medium meeting facility;

(3) Child or adult daycare;

(4) K-12 school; or

(5) [~~Minor hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 zoning district;~~] Agritourism;

the applicant shall first present the project to the neighborhood board of the district where the project will be located or, if no such 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. The requirements of this subsection 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 of 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 small meeting facility, child [~~daycare,~~] or adult daycare, K-12 school, or [~~minor hotel in the BMX-3 zoning district,~~] agritourism, 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 of 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 from the date of such amendment to act on the application as provided in this section."

SECTION 4. Section 21-2.90-1, Revised Ordinances of Honolulu 2021 ("Application requirements"), as amended by Ordinance 25-2, is amended by amending subsection (c) to read as follows:

"(c) The application will be processed in accordance with this article, subject to the following:

(1) When the application is for a conditional use permit (minor) for a small meeting facility, [~~adult or child~~] child or adult daycare, [~~or~~] K-12 school, or agritourism, the director has the discretion to hold a public hearing on the application upon a determination that there is sufficient justification for a public hearing;

(2) If the director holds a public hearing as described in this section, the deadline for the director's action on the application will be extended from 45 to 90 days from acceptance of the completed application; and

(3) If the determination is made to hold a public hearing as provided in this section, the applicant shall make a good faith effort to notify all owners of property within 300 feet of the affected property's boundaries of the date, time, and place of the public hearing for the applicant's proposed use of the property as follows:

(A) The notification must be sent within 10 working days of the director's written decision notifying the applicant of the date, time, and place that the public hearing will be held;

(B) The notification will be sent by regular mail;

(C) The department shall make available to the applicant a list of all properties and owners located within 300 feet of the affected property;

(D) The applicant shall submit an affidavit confirming that the notification requirements have been met; and

(E) The notification may be made to the respective homeowners board or association of an affected condominium property regime or cooperative housing corporation in lieu of individual owners.

The failure of any person to receive a notice pursuant to this subsection will not affect the validity of any permit issued under this chapter."

SECTION 5. 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 6. 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

Report Title:
Zoning; Land Use Ordinance ("LUO"); Conditional Use Permit -- Minor; Agritourism; Public Hearing; Neighborhood Board Presentation; Community Engagement; Planning Commission; Department of Planning and Permitting ("DPP")

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.