



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO HOTELS.

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

SECTION 1. Purpose and intent. The purpose of this ordinance is to permit certain (limited service) hotels in the BMX-3 community business mixed used district. The Council finds that there is a growing demand for appropriately scaled, lower intensity hotel facilities which do not offer many of the same amenities (such as restaurants, retail establishments, or meeting spaces) as full service hotels. Such hotels are used primarily by cost-conscious business or leisure travelers.

SECTION 2. Section 21-2.40-1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-2.40-1 Minor permits.

- (a) **Specific Permits.** The minor permit category consists of the following permits and approvals:
- (1) Zoning adjustment;
 - (2) Waiver;
 - (3) Existing use permit;
 - (4) Conditional use permit (minor); and
 - (5) Special district permit (minor).
- (b) **Preapplication Procedures.** Before submitting an application for a minor permit, except an existing use permit, for the following uses:
- (1) Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;
 - (2) Meeting facility;
 - (3) Day-care facility; [or]
 - (4) Schools: elementary, intermediate and high; or



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(5) Hotel with up to 180 dwelling and/or lodging units 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 such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subsection (b) shall 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 meeting facility, day-care facility, [or] school (elementary, intermediate and high), or hotel with up to 180 dwelling and/or lodging units in the BMX-3 district, adjoining property owners and the appropriate neighborhood board or community association shall be notified of receipt of the application. Adjoining property owners shall be asked whether they wish to have a public hearing on the proposed project, and any 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 sooner than 45 days after acceptance of the completed application. 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 and/or conditions;
- (3) Deny the application and provide the applicant with a written explanation for the denial; or



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- (4) Extend the processing period to 90 days in order to conduct a public hearing for a conditional use permit (minor) involving a meeting facility, day-care facility [or], school (elementary, intermediate and high)[.], or hotel with up to 180 dwelling and/or lodging units in the BMX-3 district.

Provided, however, that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 45 days from the date of such amendment to act on the application as provided in this section."

SECTION 3. Table 21-3, Revised Ordinances of Honolulu 1990, as amended, ("Master Use Table") is amended by amending the "Hotels" 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																					
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

DWELLINGS AND LODGINGS

Hotels														P			C Cm	P		Cm		Cm
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SECTION 4. Section 21-5.360, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-5.360 Hotels.

- (a) Hotels shall be permitted in the I-2 intensive industrial district and IMX-1 industrial-commercial mixed use district provided:



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- [(a)] (1) They are within one-half mile by the usual and customary route of vehicular travel from the principal entrance of an airport utilized by commercial airlines, having regularly scheduled flights. For Honolulu International Airport, the principal entrance shall be the intersection of Paiea Street and Nimitz Highway.
- [(b)] (2) They have frontage on a major or secondary street or highway.
- [(c)] (3) They have a minimum lot area of 15,000 square feet and minimum lot width of 70 feet.
- [(d)] (4) The maximum floor area ratio shall be 2.0.
- [(e)] (5) Parking requirements of at least one space per two lodging or dwelling units shall be provided.
- [(f)] (6) Front yards shall have a minimum depth of 10 feet, and except for necessary driveways and walkways, shall be maintained in landscaping.
- [(g)] (7) Signs shall conform to the sign requirements applicable within B-2 community business district regulations.

(b) Hotels shall be permitted in the BMX-3 community business mixed use district provided:

- (1) They are located within the Primary Urban Center Development Plan, the Ewa Development Plan, or the Central Oahu Sustainable Communities Plan areas, as established by Chapter 24.
- (2) Hotels with more than 180 dwelling and/or lodging units shall require:
 - (A) A conditional use permit (major); and
 - (B) Approval by the council, by adoption of a resolution, for the additional units, based on a determination by the council that the project will contribute to the general welfare of the community-at-large or surrounding neighborhood and will not have a major adverse impact on surrounding land uses. The director shall submit a report and a proposed resolution to the council, which resolution may contain such conditions of approval as the director deems appropriate. Within 60 days after receipt of the director's report and proposed resolution, the council shall approve, approve



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in whole or in part, with or without conditions or modifications, or deny the approval. If the council does not take action within the 60-day period, the approval shall be deemed denied. The applicant may request, and the council may approve, an extension of time if the request is made in writing and approved prior to the requested effective date of the extension. While the application for approval is pending before the council, any deadline imposed on the director by Section 21-2.40-2(c)(6) shall be suspended.

- (3) When eating or drinking establishments, meeting facilities, retail establishments or other commercial establishments are on the same zoning lot, these uses shall be treated as separate permitted uses for purposes of this chapter.
- (4) Multifamily dwellings and hotel use shall not be permitted on the same floor level.
- (5) No hotel unit shall be used as a time share or transient vacation unit."

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:

Ernest Martin (BR)

DATE OF INTRODUCTION:

November 29, 2012
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20_____.

KIRK CALDWELL, Mayor
City and County of Honolulu