CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **70 (2013), CD2**

A BILL FOR AN ORDINANCE

TO AMEND THE REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO FEES FOR CERTAIN PERMITS AND SERVICES ADMINISTERED BY THE DEPARTMENT OF PLANNING AND PERMITTING.

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 amend the fees or fee schedules contained in Chapters 6, 14, 18, 22, 23, 25, 26, 33 and 33A, Revised Ordinances of Honolulu 1990, as amended, with the intent to recover a greater share of the costs related to the processing and administering of zoning, engineering, building, and other land use permits and actions in the city related to the Land Use Ordinance, Public Works Infrastructure Ordinance, Subdivision Ordinance Fees; Permits for Building, Electrical, Plumbing, and Sidewalk Codes; and Petitions for State Land Use District Boundary Changes, general plan, development plan, shoreline setbacks, and the Special Management Area.

SECTION 2. Section 6-27.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 6-27.1 Fees for state special use permits.**

The following [fee] fees shall be charged for a state special use permit:

(a) An application fee of [$600.00] $700.00, plus [$225.00] $300.00 per acre or major fraction thereof, up to a maximum of [$6,000.00] $15,000.00, shall be charged for a state special use permit. In the event of a joint application (conditional use permit and state special use permit), only one fee shall apply.

(b) When an environmental assessment or impact statement must be prepared as a prerequisite to a special use permit, and is submitted to the department of planning and permitting for processing as the accepting agency, there shall be a processing fee of $600.00 for an environmental assessment, and $1,200.00 for an environmental impact statement."

SECTION 3. Section 6-40.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 6-40.2 Fees.**

(a) General plan amendment applications shall be accompanied by a fee of [$600.00] $1,500.00, and development plan amendment applications [for text, land use map or public facilities map amendments to development plans approved prior to 1996] shall be accompanied by a fee of [$500.00] $1,500.00 per amendment.

(b) [Amendments (text or map) for the development plans adopted after 1996 shall be accompanied by a fee of $600.00 per amendment.] When an environmental assessment or impact statement must be prepared as a prerequisite to a general and/or development plan amendment, where the department of planning and permitting is the accepting agency, there shall be a processing fee of $600.00 for an environmental assessment, and $1,200.00 for an environmental impact statement.

(c) [Additions/deletions to the public infrastructure maps shall be accompanied by a fee of $600.00 per amendment.

(d)] The application fee is not refundable, except for applications the director of planning and permitting chooses not to process, in which case such fee shall be refunded upon request of the applicant."

SECTION 4. Section 6-41.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 6-41.1 Fee schedule.

(a) The fees set forth in the following schedule for applications under Chapter 21 and for variances therefrom shall be paid upon application:

	Type of Application	Fee
(1)	Zone change	[$600.00] $700.00, plus [$225.00] $300.00 per acre or major fraction, up to a maximum of [$12,000.00] $15,000.00
(2)	Cluster housing	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00

A BILL FOR AN ORDINANCE

	Type of Application	Fee
(3)	Conditional use permit (major), and conditional use permit (minor) for a meeting facility, day-care facility, or school (elementary, intermediate, or high)	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(4)	Major project in special districts and downtown building heights in excess of 350 feet	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(5)	Plan review use	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(6)	Planned development--housing	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(7)	Special districts: establishment of, or amendment to	[$600.00] $1,200.00, plus $300.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(8)	Conditional use permit (minor), other than for a meeting facility, day-care facility, or school (elementary, intermediate or high)	[$300.00] $600.00
(9)	Existing use	[$300.00] $600.00, plus $150.00 per acre or major fraction, up to a maximum of [$10,000.00] $15,000.00
(10)	Exempt project in special districts	No permit fee required
(11)	Minor project in special districts	[$100.00]
	(A) Tree removal	$100.00 per tree
	(B) Other than tree removal	$600.00
(12)	Waiver	[$300.00] $600.00
(13)	Zoning adjustment	[$300.00]
	(A) Sign master plan	$1,200.00
	(B) Other than for a sign master plan	$600.00

A BILL FOR AN ORDINANCE

	Type of Application	Fee
(14)	Signs--estimated value of work	
	(A) $0.01 to $500.00	$18.00
	(B) $500.01 to $1,000.00	$35.00
	(C) $1,000.01 and above	$70.00
(15)	Zoning variance	[$600.00] $1,200.00
(16)	Nonconforming use certificate renewal	$400.00
(17)	Minor modifications	
	(A) To approved cluster housing permit; conditional use permit (major); conditional use permit (minor) for a meeting facility, day-care facility, or school (elementary, intermediate, or high); plan review use; planned development-housing permit, [planned development-commercial] planned development-apartment, and planned development-resort; major projects in special districts, and downtown building heights in excess of 350 feet; and zoning adjustment for a sign master plan	[$300.00] $600.00

A BILL FOR AN ORDINANCE

	Type of Application	Fee
	(B) To conditional use permit (minor) other than for a meeting facility, day-care facility, or school (elementary, intermediate, or high); existing use; exclusive agriculture site approval; minor projects in special districts other than tree removal; agricultural site development plan; waiver; and zoning adjustment for other than for a sign master plan	[$150.00] $300.00
	(C) To temporary use approval	$50.00
(18)	Agricultural site development plan	[$300.00] $600.00
(19)	[Planned Development-Commercial] Planned Development-Apartment and Planned Development-Resort	$15,000.00
(20)	Written zoning clearance or confirmation, and flood hazard district interpretation	$150.00 per request or for each tax map key when multiple parcels are involved; or $300.00 per tax map key for requests involving confirmation of nonconforming status
(21)	Temporary use approval	[$100.00]
	(A) For a sales office	$100.00
	(B) For other than a sales office	$200.00
(22)	Exclusive agriculture site approval	[$300.00] $600.00
(23)	Flood variance	[$300.00] $600.00
(24)	Zoning district boundary adjustment	[$100.00] $500.00
(25)	Appeals to zoning board of appeals and contested case hearings	[$200.00] $400.00
(26)	Environmental document processing, when the department of planning and permitting is the accepting agency	

Type of Application	Fee
(A) Environmental assessment	$600.00
(B) Environmental impact statement	$1,200.00

(b) Application fees are not refundable, notwithstanding provisions in the Revised Ordinances of Honolulu, as amended, to the contrary, except when the director of planning and permitting determines that a land use ordinance application or variance is not required in order to proceed with the development proposed.

(c) When the city council initiates, by resolution, a zone change application on behalf of a private landowner, the owner shall be required to pay the applicable zone change application fee.

(d) When an application under Chapter 21 or for a variance therefrom is sought subsequent to the applicant's being cited for taking action without having obtained necessary approvals, the application fee set forth in subsection (a) shall be doubled.

(e) The payment of the fee required by this section shall not relieve the applicant from compliance with Chapter 21 or from imposed penalties.

(f) When an application identified in subsection (a) of this section is submitted for processing, there shall be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:

(1) Applications with a minimum fee of $1,200.00 or more shall have an application review fee of $400.00;

(2) Applications with a fee of $600.00 to less than $1,200.00 shall have an application review fee of $200.00;

(3) Applications with a fee of less than $600.00 shall have an application review fee equivalent to one-half the application fee; provided that a request for a sign permit, a nonconforming use certificate renewal, a written zoning clearance or confirmation, a flood hazard district interpretation, or an appeal to the zoning board of appeals or other contested case hearing fee, shall not be subject to the application review fee required by this subsection. When an application under this section has been accepted by the department for processing, the application

review fee for the submitted application shall be counted as partial payment towards the total application fee for that submittal.

(g) The application fees required by this section shall be waived for city projects."

SECTION 5. Section 14-12.12, Revised Ordinances of Honolulu 1990, as amended ("Connection to city-owned separate storm sewer system—Violation"), is amended by amending subsection (f) to read as follows:

"(f) Private Storm Drain Connection Fee.

(1) A license fee of [$100.00] $200.00 shall be collected prior to the issuance of a private storm drain connection license. All license fees collected shall not be refundable.

(2) When the license is issued on behalf of the city, state or federal government, the chief engineer shall waive the collection of the license fee.

(3) All license fees shall be deposited into the highway fund."

SECTION 6. Section 14-12.22, Revised Ordinances of Honolulu 1990, as amended ("Discharge of effluent other than storm water runoff—Violation"), is amended by amending subsection (d) to read as follows:

"(d) A fee of [$100.00] $200.00 shall be required for each permit application. All application fees collected shall not be refundable. When the discharge is performed by or on behalf of the city, state or federal government, the collection of the permit fee shall be waived. All permit fees shall be deposited into the highway fund."

SECTION 7. Section 14-14.4, Revised Ordinances of Honolulu 1990, as amended ("Permit fees"), is amended by amending subsections (a), (b), and (c) to read as follows:

"(a) Prior to issuance of a grading permit, a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, shall be collected according to the following schedule:

Volume of Material	Permit Fee

1,000 cubic yards or less	[$45.00] $55.00 for each 100 cubic yards or fraction thereof
More than 1,000 [-] to less than 10,000 cubic yards	[$450.00] $550.00 for the first 1,000 cubic yards plus [$45.00] $55.00 for each additional 1,000 cubic yards or fraction thereof
10,000 cubic yards or more	[$855.00] $1030.00 for the first 10,000 cubic yards plus [$27.00] $35.00 per 1,000 cubic yards or fraction thereof

The fee for a permit authorizing work additional to that under a valid permit shall be the difference between the fee paid for the original permit and the fee computed for the entire project.

(b) Prior to issuance of a grubbing permit, a permit fee of [$90.00] $110.00 for grubbing areas up to 15,000 square feet plus [$9.00] $15.00 for each additional 1,000 square feet or fraction thereof shall be collected.

(c) Prior to issuance of a stockpiling permit, a permit fee of [$45.00] $55.00 for stockpiling in excess of the first 100 cubic yards plus [$9.00] $15.00 for each additional 1,000 cubic yards or fraction thereof shall be collected."

SECTION 8. Section 14-17.1, Revised Ordinances of Honolulu 1990, as amended ("Permit required—Application—Insurance—Bond—Permit fee") is amended by amending subsection (c) to read as follows:

"(c) Before issuing a permit, the chief engineer shall:

(1) Require the presentation of a plan, drawn to scale, showing the location of each proposed excavation and the dimensions thereof including the surface area of said opening in paving, sidewalk and other structures, the nature, size, length and purpose of the structure to be installed therein, and such other details and information as the chief engineer may require to be shown upon such plan. In lieu of the plan, a single line sketch, drawn to scale, may be submitted to show the location of each excavation for a service connection, for location of trouble or for repair to utilities;

(2) Obtain clearance from city departments having underground installations and from the various utility companies prior to issuance of the permit;

(3) Collect a permit fee based on the schedule below. The permit fee shall not be refundable even if the applicant, after issuance of the permit, decides not to proceed with the construction.

(A)

Work	**Permit Fee**
Service connection	[$13.50] $20.00
Repairs to utilities	[$13.50] $20.00
Trench for installation of pipelines, underground cables, etc. for the first 20 lineal feet, plus [$4.50] $10.00 for each additional 10 lineal feet or any fraction thereof.....	[$45.00] $55.00

(B) When the work is performed by or on behalf of the city except the board of water supply, the state or the federal government, the chief engineer shall waive the collection of any permit fee.

All permit fees shall be deposited in the highway fund."

SECTION 9. Section 14-18.8, Revised Ordinances of Honolulu 1990, as amended ("Standards and specifications for sidewalks"), is amended by amending subsection (c) to read as follows:

"(c) Filing Fee. A fee of [$100.00] $200.00 shall be required for each application submitted under subsection (b)(2) dealing with other surface encroachments. All application fees collected shall not be refundable and shall be deposited into the highway fund."

SECTION 10. Section 14-18.10, Revised Ordinances of Honolulu 1990, as amended ("Standards and specifications for driveways") is amended by amending subsection (f) to read as follows:

"(f) Filing Fee. A fee of [$100.00] $200.00 shall be required for each variance application or request covered under subsections (b) and (c) above. All application fees collected shall not be refundable and shall be deposited into the highway fund."

SECTION 11. Section 18-6.2, Revised Ordinances of Honolulu 1990, as amended ("Building permit fees"), is amended by amending subsection (a) to read as follows:

A BILL FOR AN ORDINANCE

"(a) (1) A fee for each building permit and other fees associated with the administration of the building codes shall be paid to the building official as set forth in Table No. 18-A. set out at the end of this chapter.

(2) Where a plan review fee has been paid prior to June 17, 2013 as set forth in Section 18-6.1, the plan review fee payment shall be credited toward payment of the building permit fee."

SECTION 12. Section 18-7.5, Revised Ordinances of Honolulu 1990, as amended ("Stop work order"), is amended by amending Table No. 18-A to read as follows:

"Table No. 18-A

Fees for Permits

The fees for the issuance of building permits shall be computed in accordance with the following schedule:

TOTAL ESTIMATED VALUATION OF WORK	FEE TO BE CHARGED
From $0.01 to $500.00	$18.00
From $500.01 to $1,000.00	$6.00 + $2.50 per $100.00 or fraction thereof of the total estimated valuation of work
From $1,000.01 to $20,000.00	$11.00 + $2.00 per $100.00 or fraction thereof of the total estimated valuation of work
From $20,000.01 to $50,000.00	$60.00 + $17.00 per $1,000.00 or fraction thereof of the total estimated valuation of work
From $50,000.01 to $100,000.00	$260.00 + $13.00 per $1,000.00 or fraction thereof of the total estimated valuation of work

From $100,000.01 to $500,000.00	$660.00 + $9.00 per $1,000.00 or fraction thereof of the total estimated valuation of work
From $500,000.01 to $2,000,000.00	$2,915.00 + $4.50 per $1,000.00 or fraction thereof of the total estimated valuation of work
From $2,000,000.01 and above	$3,915.00 + $4.00 per $1,000.00 or fraction thereof of the total estimated valuation of work

Other Fees: Inspection fees outside of normal business hours shall be in accordance with Chapter 41, Article 20.

(1)	Renewal of Applications for Material Methods of Approvals	$100.00
(2)	Review of Master Tract Model	$500.00
(3)	Change of contractor designation	$50.00
(4)	Applications for Material Methods of Approvals	$300.00
(5)	Special assignment inspection fee	$200.00
(6)	Plan review of revisions	$200.00 or 10 percent of the original building permit fee, whichever is greater
(7)	Temporary certificate of occupancy	$200.00"

SECTION 13. Section 22-1.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 22-1.1 Filing fee.

A filing fee of [$250.00] $400.00 for every application for subdivision or consolidation of land and an additional charge of [$50.00] $100.00 for each lot noted on the initial preliminary map and for each additional lot resulting from any subsequent amendment of the initial preliminary map, exclusive of any lot set aside for roadway or easement purposes, shall be charged against every such application."

SECTION 14. Section 22-1.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 22-1.2 Exceptions.

(a) The filing fees and charges above prescribed shall not apply to applications for subdivision or consolidation of land submitted by any agency of the State of Hawaii or of the city.

(b) The charge of [$50.00] $100.00 for each lot, above prescribed, shall not apply to subdivision of land into burial or crematory plots within the confines of a duly established cemetery area; provided, however, that the filing fee of [$250.00] $400.00 above prescribed shall be applicable."

SECTION 15. Chapter 22, Article 1, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 22-1.5 to read as follows:

"**Sec. 22-1.5 Research and determination of lots.**

Requests for lot research and determination shall be subject to a filing fee of $400.00. Fees shall not be refundable."

SECTION 16. Section 23-1.12, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 23-1.12 Variance application fee.**

(a) The application fee for a variance under this chapter shall be [$600.00 for a non-seawall and $1,000.00 for a seawall variance and] $1,200.00, which shall not be refundable; provided that the fee shall be waived for [public agency] city projects.

(b) When a shoreline setback variance or minor shoreline structure permit application, or a related environmental assessment or impact statement is submitted subsequent to the applicant's having completed the activity or structure for which the variance or minor shoreline structure permit is sought, or having been cited for the activity or construction without having obtained a variance or minor shoreline structure permit, the application or processing fee shall be [$1,200.00 for a non-seawall structure and $2,000.00 for a seawall structure respectively] doubled.

(c) When a request for a written clearance regarding compliance with the shoreline setback ordinance or confirmation regarding the nonconforming status of a shoreline structure is submitted for processing, the fee shall be $300.00 per tax map key.

(d) When a minor shoreline structure permit application is submitted for processing, the application fee shall be $200.00.

(e) When an environmental assessment or impact statement must be prepared as a prerequisite to a variance required by this chapter, and is submitted to the department of planning and permitting for processing as the accepting agency, there shall be a processing fee of $600.00 for an environmental assessment, and $1,200.00 for an environmental impact statement.

(f) When a shoreline setback variance, minor shoreline structure permit, or prerequisite environmental assessment or impact statement is submitted for processing, there shall be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:

(1) Applications with a fee of $1,200.00 or more shall have an application review fee of $400.00;

(2) Applications with a fee of $600.00 shall have an application review fee of $200.00;

(3) Minor shoreline structure permits shall have an application review fee of $100.00.

When an application under this section has been accepted by the department for processing, the application review fee for the submitted application shall be counted as partial payment towards the total application fee for that submittal."

SECTION 17. Section 25-5.1, Revised Ordinances of Honolulu 1990, as amended ("Required materials"), is amended by amending subsection (c) to read as follows:

"(c) The application fee required by this section shall be as set forth in the following schedule. Application fees are not refundable and shall be waived for [public agency] city projects.

(1) [Special management area use permit application for agriculture, aquaculture or outdoor recreation developments.....$300.00

(2) Special] When a (major) special management area use permit application [for all other developments..... $600.00] is submitted for processing, the application fee shall be $1,200.00, plus an additional

$300.00 per acre or major fraction thereof, up to a maximum of [$10,000.00] $15,000.00.

[(3)](2) When a special management area minor permit application is submitted for processing, the application fee shall be [$100.00] $300.00.

(3) When an environmental assessment or impact statement must be prepared as a prerequisite to a (major) special management area permit required by this chapter, and is submitted to the department of planning and permitting for processing as the accepting agency, there shall be a processing fee of $600.00 for an environmental assessment, and $1,200.00 for an environmental impact statement.

(4) When a (major) special management area use permit or minor permit application, or prerequisite environmental assessment or impact statement is submitted subsequent to the applicant's being cited for undertaking development without having obtained the necessary permit, the application fee set forth shall be doubled.

(5) When an application for a minor modification to a (major) special management area use permit is submitted, there shall be a fee of $200.00.

(6) When an application for a (major) special management area use permit or minor permit, or a minor modification thereto, or a related environmental assessment or impact statement, is submitted for processing, there shall be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:

(i) Applications with a fee of $1,200.00 or more shall have an application review fee of $400.00;

(ii) Applications with a fee of $600.00 shall have an application review fee of $200.00;

(iii) Applications with a fee of $200.00 shall have an application review fee of $100.00.

When an application under this section has been accepted by the department for processing, the application review fee for the submitted application shall be counted as partial payment towards the total application fee for that submittal."

A BILL FOR AN ORDINANCE

SECTION 18. Section 26-1.4, Revised Ordinances of Honolulu 1990, as amended ("Action by the director of planning and permitting—Petition fees"), is amended by amending subsection (c) to read as follows:

"(c) Petitions submitted by nongovernmental parties shall be accompanied by a fee of [$600.00] $700.00, plus [$225.00] $300.00 per acre involved or any major fraction thereof, up to a maximum fee of [$6,000.00] $15,000.00. Fees shall be submitted by the applicant to the director of planning and permitting upon acceptance of an application for a boundary amendment by the director of planning and permitting and fees shall not be refundable."

SECTION 19. Chapter 33, Revised Ordinances of Honolulu 1990 ("Development Agreements"), as amended, is amended by adding a new Section 33-1.5A to read as follows:

"**Sec. 33-1.5A Development Agreements—Fees.**

Applications for development agreements shall be accompanied by a fee of $10,000.00, plus $1,000.00 per acre involved or any major fraction thereof, up to a maximum fee of $30,000.00. Fees shall not be refundable."

SECTION 20. Section 33A-1.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 33A-1.3 Impact fees.**

(a) Ewa highway master plan impact fees shall be charged and assessed for all new land development activities that require a building permit in the Ewa region, except as otherwise provided in Section 33A-1.10(a). Ewa highway master plan impact fees shall be assessed in accordance with Section 33A-1.6, and shall be paid to the City and County of Honolulu prior to the issuance of any building permit.

(b) No building permit shall be issued if an Ewa highway master plan impact fee is due and the Ewa highway master plan impact fee has not been paid.

(c) Applications for refunds or waivers under the Ewa highway impact fee program shall be accompanied by a fee of $50.00 which is not refundable."

A BILL FOR AN ORDINANCE

SECTION 21. 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.

SECTION 22. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

December 3, 2013
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