



A BILL FOR AN ORDINANCE

RELATING TO SHORELINE SETBACKS.

SECTION 1. Purpose. The purpose of this bill is to amend ROH Chapter 23, relating to shoreline setbacks.

SECTION 2. Section 23-1.3, Revised Ordinances of Honolulu 1990, as amended, is amended by adding new definitions of "Beach" and "Minor structure" to read as follows:

"Beach" means an area of the shoreline comprised of sand beach and specifically not including shoreline where the land-water interface is rock or soil."

"Minor structure" means a structure which has a valuation not exceeding \$500,000 and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects, including but not limited to any rock retaining wall or other structure of a height above ground not exceeding six inches on its high side, utilized to landscape or terrace existing residentially zoned property."

SECTION 3. Section 23-1.5, Revised Ordinances of Honolulu 1990, as amended ("Prohibitions within the shoreline area"), is amended by amending subsection (b) to read as follows:

"(b) Structures and activities are prohibited within the shoreline area, with the following exceptions:

- (1) [Minor structures and activities permitted under rules adopted by the department which do not affect beach processes or artificially fix the shoreline and do not interfere with public access, public views or open space along the shoreline. If, due to beach erosion or other cause, the director determines that a minor structure permitted under this section may affect beach processes or public access or has become located seaward of the shoreline, the director or other governmental agency having jurisdiction may order its removal;] Minor structures and activities which do not affect beach processes or artificially fix the shoreline and which do not interfere with public access, public views, or open space along the shoreline. The purpose of this provision is to ease the regulatory process to encourage full use of shoreline residential lots, including structures which limit erosion of terrigenous soil into the ocean, and not to generally restrict such activities or structures except when the



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director affirmatively finds that a proposed structure would artificially fix the shoreline, interfere with beach processes, or interfere with public access, public views, or open space.

- (2) Minor structures and activities necessary for or ancillary to continuation, but not expansion, of agriculture or aquaculture in the shoreline area on June 16, 1989;
- (3) Maintenance, repair, reconstruction, and minor additions to or alterations of legal, publicly owned boating, maritime, or ocean sports recreational facilities, which result in little or no interference with natural shoreline processes. Privately owned boating, maritime, or ocean sports recreational facilities are specifically excluded from this exception;
- (4) Nonconforming structures or structures that have received a shoreline setback variance;
- (5) Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens."

SECTION 4. 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.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 17 (2014)

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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAR 5 2014

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

**FILED
MAR 2 2 34 PM '14
C & C OF HONOLULU
RECEIVED**

**FILED
MAR 05 2016
PURSUANT TO ROH Sec. 1-2.4**