



**A BILL FOR AN ORDINANCE**

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

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 clarify development standards for structures with integrated commercial and dwelling uses; to revise development standards for height and street setbacks in the business, business mixed use, and industrial mixed use districts; and to establish appropriate standards for bicycle parking.

SECTION 2. Section 21-3.90-1(c), ROH 1990, as amended, ("Apartment mixed use district uses and development standards") is amended to read as follows:

"(c) Additional Development Standards.

- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) Optional Yard Siting. In the AMX-2 and AMX 3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:
  - (A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;
  - (B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and
  - (C) Landscaping required under Section 21-4.70 is provided and maintained.



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- (3) Height Setbacks. In the AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).
- (4) Commercial Use Density and Location.
  - (A) The floor area of any use marked with a superscript-<sup>1</sup> under Table 21-3, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR as enumerated in Table 21-3.3, and such floor area shall be counted as part of the total FAR allowed.
  - (B) Where these commercial uses are integrated with dwelling uses, pedestrian access to the dwellings shall be physically, mechanically, or technologically independent from other uses and shall be designed to enhance privacy for residents and their guests. No floor above the ground floor shall be used for both dwelling and commercial purposes.”

SECTION 3. Section 21-3.110-1, Chapter 21, ROH 1990, as amended, (“Business district uses and development standards”) is amended by amending subsection (c) to read as follows:

“(c) Additional Development Standards.

- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) B-1 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential district, the residential district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 21-3.5).
- (3) B-2 District Height Setbacks. Within the B-2 district, any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous



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plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

- (4) B-2 District Transitional Height Setback.
  - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the B-2 zoning lot (see Figure 21-3.5).
  - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the B-2 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
- [(4) Street Setbacks. Within the B-2 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7).]
- (5) Open Space Bonus. Within the B-2 district:
  - (A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
  - (B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.”

SECTION 4. Section 21-3.120-2, Chapter 21, ROH 1990, as amended, (“Business mixed use district uses and development standards”) is amended by amending subsection (c) to read as follows:

“(c) Additional Development Standards.



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- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) BMX-3 District Height Setbacks. Within the BMX-3 district, any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).
- (3) BMX-3 District Transitional Height Setbacks.
  - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 21-3.5).
  - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
- ~~[(3)]~~ (4) BMX-4 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the height setback of the adjoining district shall be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 21-3.5).
- ~~[(4)]~~ (5) BMX-4 District Height Setback. For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street shall exceed a height which is intersected by a plane over the buildable area which makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).



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[(5) Street Setbacks and] (6) Street Trees.

- [(A) Within the BMX-3 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7)
- [(B) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director.

[(6)] (7) BMX-3 District Open Space Bonus.

- [(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
- [(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
- [(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.

[(7)] (8) BMX-4 District Open Space Bonus.

- [(A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space;
- [(B) For each square foot of arcade area provided, five square feet of floor area may be added;
- [(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4; and
- [(D) For developments which exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.



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[(8)] (9) BMX-4 District Heights above 350 Feet. For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 21-3.120-1.

[(9)] (10) Historic Resources Bonus. For developments in the BMX-4 district which exceed a height of 350 feet, refer to Section 21-3.120-1 for provisions relating to additional floor area permitted for preservation of historic resources."

SECTION 5. Section 21-3.140-1, Revised Ordinances of Honolulu 1990, as amended, ("Industrial-commercial mixed use district uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) Additional Development Standards.

(1) Density. For purposes of this subdivision, uses marked by a superscript <sup>2</sup> in Table 21-3 shall be considered "commercial uses." The maximum FAR for a zoning lot shall be as follows:

<b>Maximum FAR</b>	<b>Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses</b>
1.5	0.00
2.0	0.5
2.5	0.75

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses shall be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 21-2.70, which includes limitations on the permitted uses in the technology park.

(2) Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 21-3.5).



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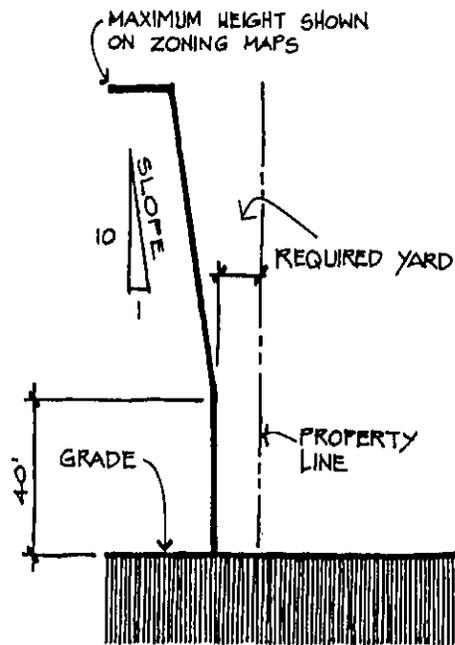
- (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3, or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
- (3) [Street Setbacks. On zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of the street (see Figure 21-3.7).] Height Setbacks. Any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3)."



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SECTION 6. Figure 21-3.3, Revised Ordinances of Honolulu 1990, as amended, is amended as follows:

“Figure 21-3.3  
 A-2, A-3, AMX-2, AMX-3, B-2, BMX-3, AND IMX-1  
 DISTRICT HEIGHT SETBACK



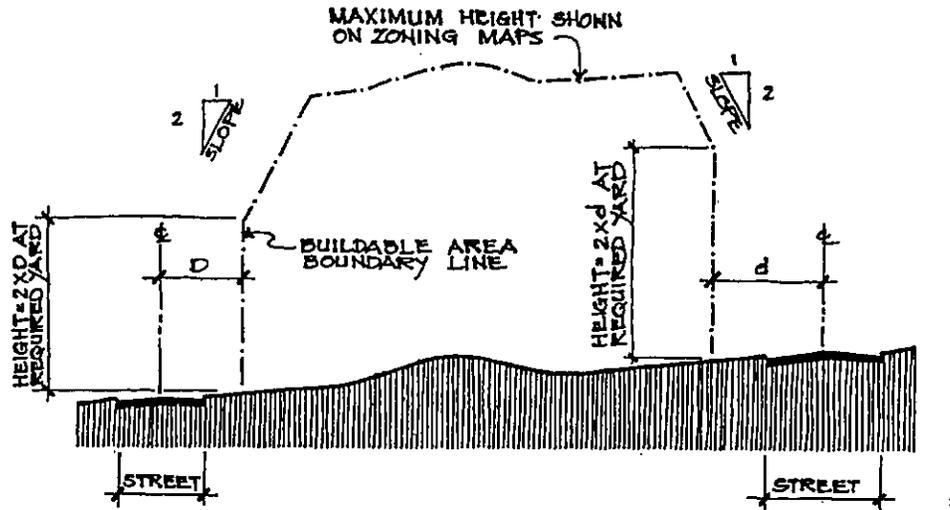
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SECTION 7. Figure 21-3.7, Revised Ordinances of Honolulu 1990, as amended, is amended as follows:

“Figure 21-3.7  
STREET SETBACKS ([B-2, BMX-3,] I-2,  
AND 1-3 [AND IMX] DISTRICTS)



SECTION 8. Section 21-5.210, Revised Ordinances of Honolulu 1990, as amended, (“Dwellings, multifamily”) is amended to read as follows:

“Sec. 21-5.210 Dwellings, Multifamily.

In the BMX-3 zoning district, where multifamily dwellings are integrated with other uses, pedestrian access to the dwellings shall be physically, mechanically, or technologically independent from other uses and shall be designed to enhance privacy for residents and their guests.”

SECTION 9. Section 21-5.490, Revised Ordinances of Honolulu 1990, as amended, (“Off-site parking facilities”) is amended by amending subsections (a) and (b) to read as follows:

“Sec. 21-5.490 Off-site vehicular and bicycle parking facilities.



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- (a) The distance of the entrance to the vehicular parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes. The distance of the entrance to the bicycle parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 200 feet by customary pedestrian routes.
- (b) When the off-site vehicular or bicycle parking is necessary to meet minimum parking requirements, then a written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, with a certified copy to be filed with the director. The agreement shall stipulate that if such space is not maintained, or space acceptable to the director substituted, the use, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. The agreement shall be subject to the approval of the corporation counsel."

SECTION 10. Section 21-6.140, Revised Ordinances of Honolulu 1990, as amended, ("Exceptions to off-street parking and loading requirements") is amended by amending subsection (b) to read as follows:

"Sec. 21-6.140 Exceptions to off-street parking and loading requirements.

- (b) All buildings and uses, except multifamily dwellings and hotels, which are located within the boundaries of any improvement district for public off-street vehicular or bicycle parking and which have been assessed their share of the cost of the improvement district, shall be exempt from off-street parking and/or bicycle parking requirements of this chapter."

SECTION 11. Chapter 21, Article 6, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-6.150 to read as follows:

"Section 21-6.150                      Bicycle Parking

- (a) Short- and long-term bicycle parking.
  - (1) For the purposes of this chapter, short-term bicycle parking shall mean bicycle parking for customers and visitors of an establishment in convenient, accessible, and visible areas. Short-term bicycle parking should be located as close as possible to the entrances of the principal uses on a lot so that it is highly visible and easily identifiable.



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(2) For the purposes of this chapter, long-term bicycle parking shall mean secure, weather protected bicycle parking intended for employees, residents, commuters, and other visitors who generally stay at a site for several hours, or overnight.

(b) In the apartment, apartment mixed use, business, and business mixed use districts, bicycle parking shall be provided as required below:

	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Non-Residential Uses	1 space per 2,000 square feet of floor area or 1 space per 10 vehicle spaces, whichever is greater	1 space per 12,000 square feet of floor area or 1 space per 30 vehicle spaces, whichever is greater
Residential Uses	1 space for every 10 units or 10 spaces, whichever is greater	1 space for every 2 dwellings or lodging units

(c) Both short- and long-term bicycle parking shall be provided whenever new floor area, a new dwelling unit, or a new parking structure is proposed.

(d) Anchoring and Security. For each bicycle parking space required, a bicycle rack shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped lock if both wheels are left on the bicycle. If a bicycle can be locked to each side of the rack without conflict, each side may be counted toward a required space.

(e) Size and Accessibility. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Bicycle parking spaces shall be clear of walls, poles, landscaping (other than ground cover), street furniture, drive aisles, pedestrian ways, and vehicle parking spaces for at least five feet."

SECTION 12. 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 13. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION:

OCT 21 2015

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu