

**SUMMARY OF PROPOSED COMMITTEE DRAFT:**

**BILL 75 (2015)  
RELATING TO THE LAND USE ORDINANCE**

The proposed CD1:

- A. Adds a new Bill Section 7 to revise Figure 21-3.5, which depicts transitional heights in the business, BMX, IMX and all industrial districts, to add references to the resort district, where applicable; and renumbers subsequent bill sections accordingly.
- B. In renumbered Bill Section 12:
  1. Moves the definitions of "long-term bicycle parking" and "short-term bicycle parking" from proposed new ROH Section 21-6.150(a) to LUO Article 10 ("Definitions") (see renumbered Bill Section 13). A substantive provision in the definition of "short-term bicycle parking" is removed from the definition and inserted in proposed new ROH Section 21-6.150(b). Re-designates the subsequent subsections in Section 21-6.150 accordingly.
  2. In re-designated Section 21-6.150(a), revises the short-term bicycle parking requirements for non-residential uses to one space for every 2,000 square feet of floor area or portion thereof, or one space for every ten vehicle spaces or portion thereof, whichever is greater; and revises the long-term bicycle parking requirement for non-residential uses to one space for every 12,000 square feet of floor area or portion thereof, or one space for every 30 vehicle spaces or portion thereof, whichever is greater.
  3. In re-designated Section 21-6.150(a), revises the short-term bicycle parking requirements for residential uses to one space for up to 10 units, and thereafter one space for every 10 units or portion thereof. Also provides an exception from bicycle parking requirements for detached single-family and two-family dwellings and for duplex dwellings.
  4. In re-designated Section 21-6.150(b), adds a provision that Section 21-4.110(e) regarding nonconforming parking and loading does not apply to short- and long-term bicycle parking.
- C. Corrects drafting and format errors, and makes various technical amendments for purposes of grammar, clarity, and style.



**A BILL FOR AN ORDINANCE**

**PROPOSED**

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (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, Revised Ordinances of Honolulu 1990 ("Apartment mixed use 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] must 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] must 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] must be contiguous to the street frontage abutting the zoning lot;
  - (B) Any parking floor in the 10 feet adjacent to the property line [shall] must not be more than four feet above existing grade; and
  - (C) Landscaping required under Section 21-4.70 is provided and maintained.



**A BILL FOR AN ORDINANCE**

---

- (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] must be provided[; for] as follows:
  - (A) For each 10 feet of additional height or portion thereof, an additional one-foot setback [shall] must be provided[.]; and
  - (B) The additional setback [shall] must 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] cannot exceed [an] the FAR as [enumerated in] provided under Table 21-3.3, and such floor area [shall] will 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] must be physically, mechanically, or technologically independent from other uses and [shall] must be designed to enhance privacy for residents and their guests. No floor above the ground floor [shall] may be used for both dwelling and commercial purposes."

SECTION 3. Section 21-3.110-1, Revised Ordinances of Honolulu 1990 ("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] must 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] will be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 21-3.5).



## A BILL FOR AN ORDINANCE

---

- (3) B-2 District Height Setbacks. Within the B-2 district, any portion of a structure over 40 feet in height must have additional height setbacks as follows:
- (A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and
  - (B) The additional setback must be a continuous 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] will 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] may 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] will 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] must 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] cannot exceed [an] the FAR as provided under Table 21-3.4."



## A BILL FOR AN ORDINANCE

SECTION 4. Section 21-3.120-2, Revised Ordinances of Honolulu 1990 ("Business mixed use 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] must be landscaped.
- (2) BMX-3 District Height Setbacks. Within the BMX-3 district, any portion of a structure over 40 feet in height must have additional height setbacks as follows:
  - (A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and
  - (B) The additional setback must 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] will 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] may 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] will 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] must 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] will be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 21-3.5).



A BILL FOR AN ORDINANCE

---

[(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] may exceed a height [which] that is intersected by a plane over the buildable area [which] that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).

[(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] that 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] cannot exceed [an] the 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] cannot exceed [an] the FAR as provided under Table 21-3.4; and

(D) For developments [which] that exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor



**A BILL FOR AN ORDINANCE**

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.

~~[(8)]~~ (9) BMX-4 District Heights above 350 Feet. For developments [which] that 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] that 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 ("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] will be considered "commercial uses." The maximum FAR for a zoning lot [shall be] is as follows:

Maximum FAR	Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses
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] will 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] if a unilateral agreement [pursuant to Section 21-2.70, which] that includes limitations on the permitted uses in the technology park[.] has been recorded pursuant to Section 21-2.80.



## A BILL FOR AN ORDINANCE

---

- (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] will be applicable at the buildable area boundary line of the adjoining side of the IMX-1 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] may 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] will 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] must 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 must have additional height setbacks as follows:
- (A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and
- (B) The additional setback must be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3)."

SECTION 6. Figure 21-3.3 ("A-2, A-3, AMX-2, AMX-3 District Height Setback"), Revised Ordinances of Honolulu 1990, is repealed.

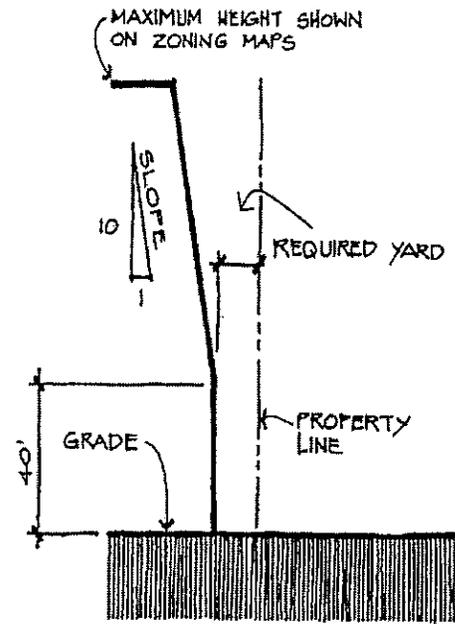
Chapter 21, Article 3, Revised Ordinances of Honolulu 1990, is amended by adding a new Figure 21-3.3 to be inserted by the revisor of ordinances and to read as follows:



A BILL FOR AN ORDINANCE

"Figure 21-3.3

A-2, A-3, AMX-2, AMX-3, B-2, BMX-3, AND IMX-1  
DISTRICT HEIGHT SETBACK



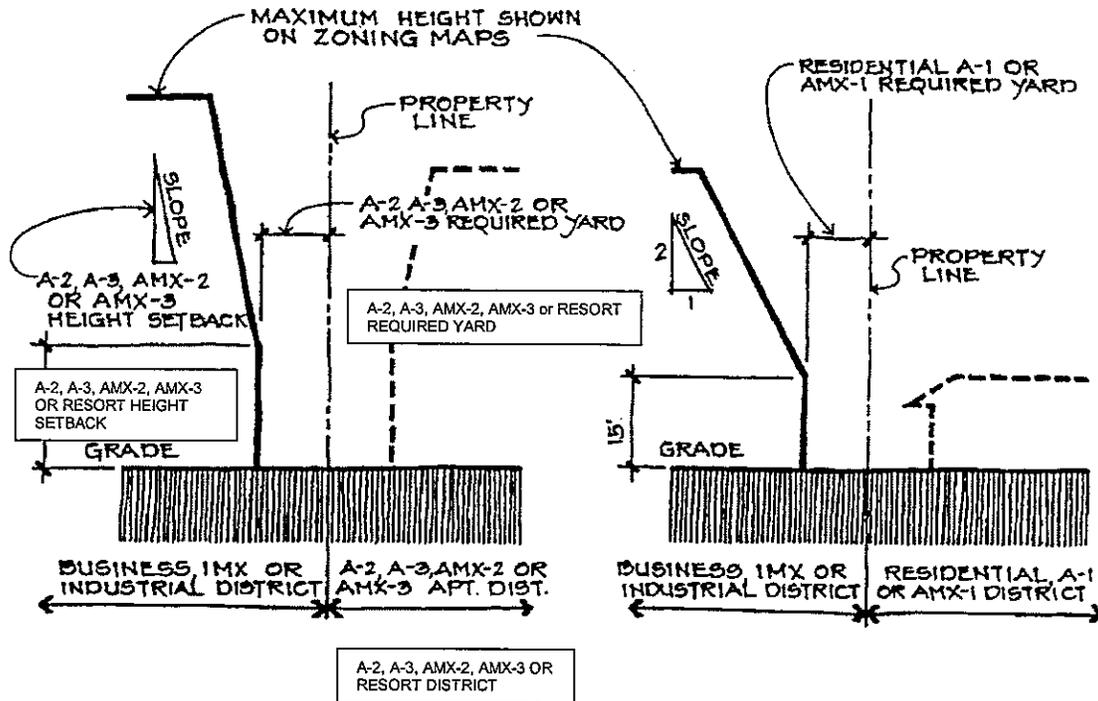


**A BILL FOR AN ORDINANCE**

SECTION 7. Figure 21-3.5 ("Transitional Heights (Business, BMX, IMX and all Industrial Districts")), Revised Ordinances of Honolulu 1990, is repealed and replaced by a new Figure 21-3.5 to read as follows:

"Figure 21-3.5

**TRANSITIONAL HEIGHTS (BUSINESS, BMX,  
IMX AND ALL INDUSTRIAL DISTRICTS)**



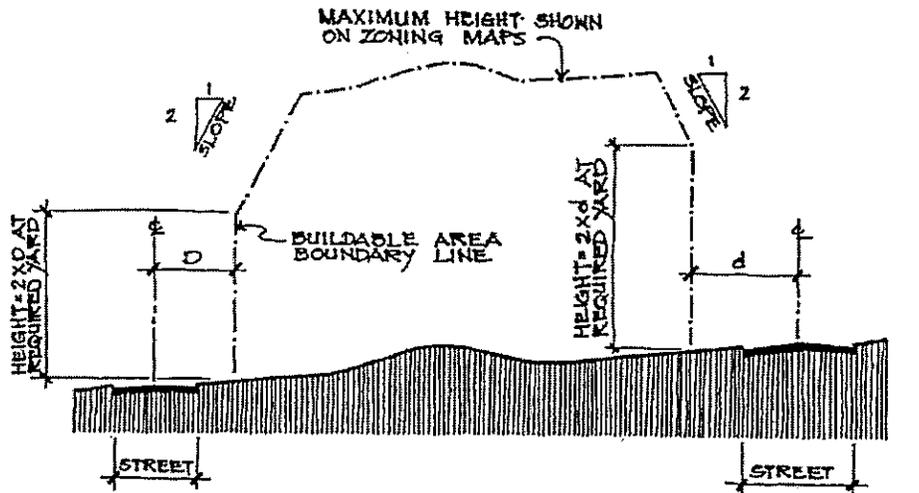


A BILL FOR AN ORDINANCE

SECTION 8. Figure 21-3.7, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Figure 21-3.7

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



SECTION 9. Section 21-5.210, Revised Ordinances of Honolulu 1990, 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] must be physically, mechanically, or technologically independent from other uses and [shall] must be designed to enhance privacy for residents and their guests."

SECTION 10. Section 21-5.480, Revised Ordinances of Honolulu 1990 ("Off-site parking facilities"), is amended to read as follows:

"Sec. 21-5.480 **Off-site vehicular and bicycle parking facilities.**

- (a) The distance of the entrance to the vehicular parking facility from the nearest principal entrance of the establishment or establishments involved [shall not] cannot exceed 400 feet by customary pedestrian routes. The distance of the



A BILL FOR AN ORDINANCE

entrance to the bicycle parking facility from the nearest principal entrance of the establishment or establishments involved cannot exceed 200 feet by customary pedestrian routes.

- (b) [When] if 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] must be drawn and executed, [with] and a certified copy [to] of the agreement must be filed with the director. The agreement [shall] must 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] must be discontinued. The agreement [shall] will be subject to the approval of the corporation counsel.
- (c) In the apartment, apartment mixed use, and resort zoning districts, there [shall be] is no minimum lot area, width or depth for off-site vehicular or bicycle parking facilities."

SECTION 11. Section 21-6.140, Revised Ordinances of Honolulu 1990 ("Exceptions to off-street parking and loading requirements"), is amended by amending subsection (b) to read as follows:

- "(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] will be exempt from off-street parking or bicycle parking requirements of this chapter[.], or both."

SECTION 12. Chapter 21, Article 6, Revised Ordinances of Honolulu 1990, is amended by adding a new section to read as follows:

**"Sec. 21-6.150 Bicycle Parking.**

- (a) In the apartment, apartment mixed use, business, and business mixed use districts, bicycle parking must be provided as follows:



**A BILL FOR AN ORDINANCE**

	<u>Short-Term Bicycle Parking</u>	<u>Long-Term Bicycle Parking</u>
<u>Non-Residential Uses</u>	<u>1 space for every 2,000 square feet of floor area or portion thereof</u> or <u>1 space for every 10 vehicle spaces or portion thereof, whichever is greater</u>	<u>1 space for every 12,000 square feet of floor area or portion thereof</u> or <u>1 space for every 30 vehicle spaces or portion thereof, whichever is greater</u>
<u>Residential Uses</u>	<u>1 space for up to 10 units and thereafter 1 space for every 10 units or portion thereof</u>	<u>1 space for every 2 dwellings or lodging units</u>

provided that no bicycle parking is required for detached single-family and two-family dwellings and duplex dwellings.

- (b) Both short- and long-term bicycle parking must be provided whenever new floor area, a new dwelling unit, or a new parking structure is proposed. 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. Section 21-4.110(e), regarding nonconforming parking and loading, does not apply to short- and long-term bicycle parking.
- (c) Anchoring and Security. For each bicycle parking space required, a bicycle rack must be provided, to which a bicycle frame and one wheel may be secured with a high-security, U-shaped lock if both wheels are left on the bicycle. If a bicycle may be locked to each side of the rack without conflict, each side may be counted toward a required space.
- (d) Size and Accessibility. Each bicycle parking space must be a minimum of two feet in width and six feet in length, and must be accessible without moving another bicycle. Bicycle parking spaces must 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."



---

A BILL FOR AN ORDINANCE

---

SECTION 13. Chapter 21, Article 10, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "long-term bicycle parking" and "short-term bicycle parking" to read as follows:

"Long-term bicycle parking" means secure, weather-protected bicycle parking intended for employees, residents, commuters, and other visitors who generally stay at a site for several hours, or overnight."

"Short-term bicycle parking" means bicycle parking for customers and visitors of an establishment in convenient, accessible, and visible areas."

SECTION 14. 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.



**A BILL FOR AN ORDINANCE**

---

SECTION 15. This Ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

October 21, 2015  
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