



A BILL FOR AN ORDINANCE

RELATING TO THE TRANSMISSION OF PLANNING COMMISSION
RECOMMENDATIONS TO THE COUNCIL.

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

SECTION 1. Findings and Purpose. The Council finds that pursuant to Section 6-1506(b) of the Revised Charter, the planning commission holds public hearings and makes recommendations on all proposals to adopt or amend the general plan, development plans, and zoning ordinances, and transmits its recommendations through the mayor to the council for consideration and action.

In order to implement a procedure to carry out the provision of the charter, the council enacted section 21-2.70(b) of the Land Use Ordinance ("LUO"), ROH Chapter 21, which requires the planning commission to transmit its recommendations on proposals to establish or amend special districts, or zone changes, within 30 days of the close of the planning commission's public hearing on the matter.

However, the LUO procedure imposes no deadline on the mayor to transmit the planning commission recommendations to the council. As a result, there may be substantial delays between the time the planning commission transmits the proposed ordinance and the commission's recommendations thereon to the mayor and the time the mayor actually transmits the proposed ordinance and recommendations to the council for consideration and action.

These delays may cause hardship not only to the zone change applicant but other persons who desire to obtain permits required by the LUO, because LUO Section 21-2.20(a) provides that no LUO permit shall be granted or application accepted for any use, structure or project on any zoning lot that would be in conflict with the proposed special district or zoning ordinance, between the time the proposal is initiated and the time the proposal is withdrawn, or approved or denied by the council, up to a period of one year.

Accordingly, the purpose of this ordinance is to further implement the charter provision for the processing of proposals to establish or amend special districts, or zone changes, by establishing a reasonable deadline for the mayor to transmit the recommendations of the planning commission to the council, and establishing provisions for the failure to meet the stated deadlines.

Ordinance 08-8, effective on May 1, 2008, and codified at ROH Chapter 2, Article 24, established procedures and deadlines for processing council-initiated proposals to



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revise or amend, among other things, the zoning ordinances (including LUO amendments and zone changes for parcels of land). The deadlines include a 30-day deadline for the mayor to transmit to the council the director's report, proposed ordinance, and planning commission recommendations on any council-initiated proposal. This ordinance establishes a similar deadline applicable to zoning ordinance proposals that are not council-initiated and, further, makes reference to ROH Chapter 2, Article 24 for council-initiated proposals.

SECTION 2. Section 21-2.70, Revised Ordinances of Honolulu 1990, as amended ("Review of planning commission and/or council"), is amended by amending subsection (b) to read as follows:

"(b) Special Districts and Zone Changes. When the application is for (i) the establishment of or amendment to a special district, or (ii) a zone change:

- (1) (A) Other than council-initiated. The planning commission shall hold a public hearing within 45 days of receipt of the director's report and proposed ordinance. Within 30 days of the close of the public hearing, the planning commission shall transmit through the mayor to the council the director's report and proposed ordinance with its recommendations. The mayor shall transmit the director's report, proposed ordinance, and planning commission recommendations to the council within 30 days of receipt of the same from the planning commission.
- (B) Council-initiated. Planning commission processing and mayoral transmission of zoning ordinance proposals initiated by the council pursuant to Revised Charter Section 6-1513 and Chapter 2, Article 24, including revisions or amendments to this chapter or ordinances designating and redesignating land to one or more zoning districts specified in this chapter, shall be governed by Chapter 2, Article 24.
- (2) Any person may bring a civil action to enforce any time limit established by subsection (1). The failure to meet any time limit established by subsection (1) shall not render the affected proposal null and void, and the council may act on the proposed ordinance after receipt thereof.

[(2)](3) The council shall hold a public hearing and may act by approving the ordinance as submitted or with modifications, or by denying it. If the council does not take final action within 90 days after receipt of the proposed ordinance from the planning commission, it shall be deemed



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denied, provided that this time limit shall not apply to zoning ordinance [amendments] proposals initiated by the council pursuant to Revised Charter Section 6-1513[.] and Chapter 2, Article 24. 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."

SECTION 3. 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 4. This ordinance shall take effect upon its approval and shall apply to proposals received by the planning commission after its effective date; provided, however, that this ordinance shall also apply to (1) any proposal held by the planning commission on the effective date if, after receiving the proposal from the planning commission, the mayor fails to transmit the proposal to the council within 30 days of receipt; and (2) any proposal held by the mayor on the effective date, if the mayor fails to transmit the proposal to the council within 30 days of the effective date.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

December 18, 2007
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don S. Kutscha
Deputy Corporation Counsel

APPROVED this 7th day of August, 2008.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

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HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 08 - 19

BILL 102 (2007), CD1
(ADMINISTRATION)

Introduced: 12/18/07 By: BARBARA MARSHALL (BR)

Committee: ZONING

Title: A BILL FOR AN ORDINANCE RELATING TO THE TRANSMISSION OF PLANNING COMMISSION RECOMMENDATIONS TO THE COUNCIL.

Links: [BILL 102 \(2007\)](#)
[BILL 102 \(2007\), CD1](#)
[CR-151](#)

COUNCIL	01/23/08	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON ZONING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
COUNCIL	02/20/08	APPROVAL OF REQUEST FOR A 90-DAY EXTENSION OF TIME TRANSMITTED BY CC-20 (2008).				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA E	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
ZONING	05/13/08	CR-151 (2008) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. (Current deadline for Council action: 06/09/08, Extension of time requested for 90 days)				
PUBLISH	05/24/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL/PUBLIC HEARING	06/04/08	CR-151 (2008) ADOPTED, BILL PASSED SECOND READING AS AMENDED (BILL 102 (2007), CD1), PUBLIC HEARING CLOSED AND REFERRED TO ZONING COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	06/11/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
ZONING	06/24/08	CR-195 (2008) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING (Current deadline for Council action: 09/07/08)				
COUNCIL	07/23/08	CR-195 (2008) AND BILL 102 (2007), CD1 PASSED THIRD READING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER