
A BILL FOR AN ACT

RELATING TO COMMUNITY PLANNING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . PLANNING DISTRICTS**

5 **§46-A Definitions.** As used in this part, unless otherwise
6 indicated by the context:

7 "Action" or "action taken" means approval, approval with
8 modification, or disapproval.

9 "Application" means the preliminary plans and
10 specifications for a development project and includes materials,
11 such as plans, information, or specifications, submitted to a
12 planning agency at the request of the agency. A planning agency
13 may adopt rules pursuant to chapter 91 to further specify
14 materials that shall be deemed part of an application for
15 purposes of this part.

16 "Exceptional planning project" or "project" means the
17 planning, financing, and acquisition of real and personal
18 property; demolition of existing structures and clearance of



1 real property; construction, reconstruction, alteration, or
2 repairing of approaches, streets, sidewalks, utilities, and
3 services, or other site improvements; construction,
4 reconstruction, repair, remodeling, extension, equipment, or
5 furnishing of buildings or other structures; any combination of
6 the foregoing with respect to any residential or commercial
7 project located wholly within a planning district; and any and
8 all undertakings necessary for any of the foregoing.

9 "Exceptional planning project" shall not include any of the
10 foregoing activities with respect to any residential or
11 commercial project not located wholly within a planning
12 district.

13 "Legislative body" means the legislative body of the county
14 to which a qualified developer submits an application or final
15 plans and specifications for a development project.

16 "Planning agency" or "agency" means the planning agency of
17 a county to which a qualified developer submits an application
18 for a development project.

19 "Program" means the transit-oriented development program
20 pursuant to section 46-F, as made applicable to a county through
21 adoption by the county.



1 "Qualified developer" means a person, corporation,
2 organization, partnership, association, or other legal entity
3 that is:

- 4 (1) Licensed to do business in the State; and
- 5 (2) Bonded in an amount to be determined by the respective
6 legislative body of each county.

7 **§46-B Planning districts.** There are established planning
8 districts that shall consist of:

- 9 (1) An area within a one-half-mile radius from all county-
10 designated rail transit stations;
- 11 (2) An area within a one-quarter-mile radius from all
12 county-designated bus transit centers;
- 13 (3) The area between the two county-designated rail
14 transit stations located nearest to the Honolulu
15 International Airport; or
- 16 (4) A main-street redevelopment project suitable for
17 development by community financed projects or business
18 improvement districts, as designated by the Hawaii
19 community planning authority subject to the approval
20 of the legislature.

21 The land use commission shall classify or reclassify all
22 planning districts as an urban district under section 205-2.



1 **§46-C Exceptional planning projects; application by**
2 **developer; review.** (a) A qualified developer may submit to the
3 planning agency an application for approval of a commercial or
4 residential exceptional planning project within a planning
5 district. The application shall include a transit ridership
6 study that shall demonstrate the need for development within the
7 proposed area due to population density standards. Upon receipt
8 of the application, the planning agency shall review the
9 application and secure any additional information that the
10 agency deems necessary for the purpose of taking action. The
11 planning agency shall take action within forty-five days of
12 receipt of the application; provided that the time to take
13 action may be extended up to fifteen days for good cause.
14 Within ten days, the planning agency shall notify the developer
15 of the action taken.

16 (b) The planning agency shall forward the application with
17 its action to the legislative body. The legislative body may
18 disapprove an application by a resolution within forty-five days
19 from the date the qualified developer submits the application to
20 the planning agency. If on the forty-sixth day the application
21 is not disapproved by a resolution, it shall be deemed to have
22 been approved by the legislative body; provided that no



1 application shall be deemed approved if the exceptional planning
2 project:

- 3 (1) Is not to be performed by contractors or
- 4 subcontractors licensed pursuant to chapter 444; or
- 5 (2) Contravenes any safety standards, tariffs, or rates
- 6 and fees approved by the public utilities commission
- 7 for public utilities or of any board of water supply
- 8 authorized under chapter 54.

9 **§46-D Indemnity.** No action shall be prosecuted or
10 maintained against any county, its officials, or employees on
11 account of actions taken by them in reviewing, approving,
12 modifying, or disapproving the application or plans and
13 specifications of a development project.

14 **§46-E Use of unlicensed contractor or subcontractor;**
15 **penalty.** (a) No unlicensed contractor or subcontractor shall
16 work on any exceptional planning project authorized under this
17 part. A developer shall be fined not more than \$10,000 for each
18 separate offense under this section. Each date of violation
19 shall constitute a separate offense. The attorney general and
20 the director of labor and industrial relations may bring an
21 action pursuant to this section.



1 (b) The penalties provided in this section shall be
2 cumulative to the remedies or penalties available under all laws
3 of this State.

4 **§46-F County transit-oriented development program.** (a)
5 Any county with a planning district may establish a county
6 transit-oriented development program. The program shall include
7 community-based planning for transit-oriented development,
8 strategies for infrastructure upgrades to support development
9 and redevelopment, and minimum urban design and site plan
10 guidelines.

11 (b) In developing its program, the county shall consider
12 establishing minimum eligibility criteria for exceptional
13 planning projects, including but not limited to:

- 14 (1) Minimum and maximum project sizes;
- 15 (2) Requiring a mix of commercial and residential uses;
- 16 (3) If the project is near a rail transit station:
 - 17 (A) The commercial portion of the project shall
 - 18 provide at least an equivalent of sixty employees
 - 19 per acre or greater;
 - 20 (B) The residential portion of the project shall
 - 21 provide a minimum of fifty per cent of the units
 - 22 be occupied by households with incomes between



- 1 sixty per cent and one hundred per cent of
- 2 adjusted median income, as defined by the
- 3 Department of Housing and Urban Development;
- 4 (C) It may propose a parking ratio of twenty-five per
- 5 cent below any existing required ratio, and a
- 6 maximum cap on the total number of parking spaces
- 7 or propose a centralized public or private
- 8 parking structure;
- 9 (4) If the project is near a bus transit station:
- 10 (A) The commercial portion of the project shall
- 11 provide at least an equivalent of thirty
- 12 employees per acre or greater;
- 13 (B) The residential portion of the project shall
- 14 provide a minimum of thirty per cent of the units
- 15 be occupied by households with incomes between
- 16 sixty per cent and one hundred per cent of
- 17 adjusted median income, as defined by the
- 18 Department of Housing and Urban Development;
- 19 (5) Creating street level activities, such as retail and
- 20 public gathering areas, including early evening hour
- 21 activities; and



1 (6) Providing community benefits including off-site open
2 space, on-site social services space, and major off-
3 site infrastructure upgrades.

4 (c) Any county participating in the program shall adopt
5 ordinances as necessary for the purposes of this section.

6 **§46-G Adoption of rules.** A planning agency may adopt
7 rules pursuant to chapter 91 that are necessary to effectuate
8 the purposes of this part."

9 SECTION 2. In codifying the new sections added by section
10 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Planning Districts; County Transit-oriented Development Program

Description:

Allows the counties to create county transit-oriented development programs. Establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. (Proposed SD1)

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