

Chapter 22**SUBDIVISION OF LAND****Articles:**

- 1. Filing Fees**
- 2. Street Lights**
- 3. Subdivision and Consolidation of Land**
- 4. Sidewalks and Curbs in Residential Subdivisions**
- 5. Utility Lines**
- 6. Public Access to Shoreline and Mountain Areas**
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Article 1. Filing Fees**Sections:**

- 22-1.1 Filing fee.**
- 22-1.2 Exceptions.**
- 22-1.3 Payment.**
- 22-1.4 Refund.**
- 22-1.5 Research and determination of lots.**

Sec. 22-1.1 Filing fee.

A filing fee of \$400.00 for every application for subdivision or consolidation of land and an additional charge of \$100.00 for each lot noted on the initial preliminary map and for each additional lot resulting from any subsequent amendment of the initial preliminary map, exclusive of any lot set aside for roadway or easement purposes, shall be charged against every such application.

(Sec. 22-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 99-31, 03-12, 14-4)

Sec. 22-1.2 Exceptions.

- (a) The filing fees and charges above prescribed shall not apply to applications for subdivision or consolidation of land submitted by any agency of the State of Hawaii or of the city.
- (b) The charge of \$100.00 for each lot, above prescribed, shall not apply to subdivision of land into burial or crematory plots within the confines of a duly established cemetery area; provided, however, that the filing fee of \$400.00 above prescribed shall be applicable.

(Sec. 22-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 99-31, 03-12, 14-4)

Sec. 22-1.3 Payment.

Applicable fees and charges above prescribed shall be paid to the department of land utilization upon the filing of an application for subdivision or consolidation. All such fees collected shall be deposited into the general fund.

(Sec. 22-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 22-1.4 Refund.

In case any application for subdivision or consolidation is withdrawn by the applicant prior to any consideration or action thereon by the department of land utilization, all fees and charges paid on account of such application shall be refunded to the applicant.

(Sec. 22-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 22-1.5 Research and determination of lots.

Requests for lot research and determination shall be subject to a filing fee of \$400.00. Fees shall not be refundable.

(Added by Ord. 14-4)

Article 2. Street Lights**Sections:**

22-2.1 Definitions.

22-2.2 Street lights required.

22-2.3 Installation and energizing of street lighting system.

22-2.4 Approval by the director.

22-2.5 Costs.

22-2.6 Street lighting—Installation, energizing and maintenance—Agreement—Bond.

Sec. 22-2.1 Definitions.

As used in this article:

"City" means the City and County of Honolulu.

"Department" means the department of transportation services, City and County of Honolulu.

"Subdivider" and "subdivision" mean the same as the terms are defined in Article 3 of this chapter.

(Sec. 22-2.1, R.O. 1978 (1983 Ed.))

Sec. 22-2.2 Street lights required.

Street lights, together with the related apparatus and appliances, shall be installed by the subdivider in all subdivisions, including agricultural subdivisions, hereafter laid out within the city. Any ordinance or regulation inconsistent with the provisions of this section is hereby superseded.

(Sec. 22-2.2, R.O. 1978 (1983 Ed.))

Sec. 22-2.3 Installation and energizing of street lighting system.

- (a) Street lights, together with the related apparatus and appliances, shall be installed in accordance with the standard specifications of the department, which incorporate and supplement the standard specifications of the Illuminating Engineering Society of America on file in the department. Street lighting fixtures shall further meet the energy efficiency standards provided in Section 2-12.2 and light pollution standards provided in Section 2-36.2.
- (b) The type of installation which the subdivider shall provide; i.e., whether the system is to be underground or overhead, shall be governed by the provisions of Article 5 of this chapter.
- (c) The subdivider shall, at the subdivider's own expense, make final connection from new street lighting systems to an existing system under the supervision of a street lighting division inspector. For 120V multiple systems intended for individual connection to electric utility lines, the subdivider shall make all necessary arrangements with the Hawaiian Electric Company, Ltd. for the connections and pay all costs therefor.
- (d) In addition to the energizing of the entire street lighting system during the period of the operating test as hereinafter provided, the subdivider shall energize the entire street lighting system within the subdivision when the first home in the subdivision is occupied, and pay all costs involved in the energizing of the street lights from such date until the subdivision roadways, together with the street improvements, are accepted by and dedicated to the city.

(Sec. 22-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 92-01, 13-4)

Sec. 22-2.4 Approval by the director.

- (a) Prior to the installation of the street lighting systems within a subdivision, the plans and specifications pertaining thereto shall be approved by the director or the director's authorized subordinate.
- (b) Plans submitted for final approval shall be prepared in ink on cloth tracings of good quality and shall bear the stamp or seal of a registered electrical engineer.
- (c) Two prints of the final approved plans, with the signature of the director or the director's authorized subordinate affixed thereon, shall be submitted to the department for use in the inspection of the street lighting system during installation.
- (d) After such street lighting system has been installed, and prior to acceptance thereof by the City and County of Honolulu, the director or the director's authorized subordinate shall inspect the same. If the installation is in conformity with the previously approved plans and specifications, and the installation is energized and

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continues in proper operating condition for a period not to exceed one week, the director shall approve the installation and issue a certificate to the subdivider indicating such inspection, test and approval. The subdivider shall bear the cost of the test arrangements and electrical energy used therein.

(e) Upon completion of the street lighting improvements in such subdivision as required by these regulations and certification thereof as provided by subsection (d) of this section, the subdivider shall file with the department cloth tracings of the street lighting construction plans as actually modified to meet construction requirements. (Sec. 22 2.4, R.O. 1978 (1983 Ed.))

Sec. 22 2.5 Costs.

(a) The total cost of the street lighting system and cost of maintenance thereof, including all energy costs up to the date of dedication and acceptance of the subdivision roadways, shall be borne by the subdivider.

(b) In order that the requirements for the energizing of the street lighting system and the payment of the monthly energy consumption costs and the cost of maintenance of such system are fulfilled, the subdivider shall file with the city such surety bonds as are required in Section 22 2.6.

(Sec. 22 2.5, R.O. 1978 (1983 Ed.))

Sec. 22 2.6 Street lighting—Installation, energizing and maintenance—Agreement—Bond.

(a) Notwithstanding any ordinance or regulation to the contrary, final approval of a subdivider's final subdivision map shall not be given unless:

(1) In the case where final approval is sought under Section 6 602(a) of the subdivision rules and regulations of the city, after completion of the construction of the required improvements and utilities in accordance with said rules and regulations, the subdivider enters into an agreement with the city, wherein the subdivider agrees to pay for all costs of energizing the street lighting system and of the maintenance of such system when the first home in the subdivision is occupied until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. Simultaneously with such agreement, the subdivider shall file a surety bond (other than personal surety) with the city as obligee, conditioned upon the faithful performance of said agreement.

(2) In the case where final approval is sought under Section 6 602(b) of the subdivision rules and regulations of the city, the agreement referred to therein shall contain a covenant wherein the subdivider agrees to pay for all costs of energizing the street lighting system when the first home in the subdivision is occupied until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. In order to assure the performance of said covenant, the subdivider shall file a surety bond (other than personal surety) with the city as obligee, conditioned upon the faithful performance thereof. Said surety bond shall be in addition to any other security required under Section 6 602(b) of the subdivision rules and regulations of the city. The surety bonds specified in paragraphs (1) and (2) hereinabove shall be in an amount sufficient to cover the costs of energizing the street lighting system and of the maintenance of such system from the time of installation until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. Such amount shall be based on estimates of the director, or the director's authorized subordinate. The form of the agreements and surety bonds specified in paragraphs (1) and (2) hereinabove shall be referred to the corporation counsel for approval as to form and legality. Such agreements and surety bonds, fully executed, shall be filed with the director of the department of land utilization of the city.

(b) Notwithstanding any ordinance or regulation to the contrary, no subdivider or subdivider's surety shall be discharged from the obligation of any bond required under this section until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city.

(Sec. 22 2.6, R.O. 1978 (1983 Ed.))

Article 3. Subdivision and Consolidation of Land

Sections:

- 22 3.1 Purpose.
- 22 3.2 Definitions.

- 22 3.3 Approval of subdivision or consolidation required.

- 22 3.4 Compliance with regulations and requirements.
- 22 3.5 Regulations governing the subdivision or consolidation of land.
- 22 3.6 Approval or disapproval of maps-Procedure-Legal effect.
- 22 3.7 Appeal.
- 22 3.8 Permits for work of any character in unapproved subdivisions.
- 22 3.9 Improvements in unapproved streets-Acceptance of streets and roadways.
- 22 3.10 Advertisement, offer, contract, sale or transfer before final map approved-Prohibited.
- 22 3.11 Violations-Penalties-Additional remedies.

Sec. 22 3.1 Purpose.

The purpose of this article and of the subdivision regulations is to achieve orderly development of subdivisions and consolidations of land; to secure adequate and convenient placing of open spaces for utilities and adequate light and air; to prevent congestion of population; to provide for adequate water supply, sewage disposal, drainage and other utilities and facilities to serve the needs of the residents of the community; to provide for adequate and safe streets for vehicles, firefighting apparatus and other emergency vehicles; to provide for safety of pedestrians; to promote good civic design and arrangement of lots; and to promote the efficient expenditure of public funds; all of which tend to promote the health, safety, morals, convenience, economy and general welfare of the people. (Sec. 22 3.1, R.O. 1978 (1983 Ed.))

Sec. 22 3.2 Definitions.

For purposes of this article, the following words and phrases used herein are defined as follows:

"Consolidation" means combining of two or more lots into one lot. The term shall include reconsolidation, and when appropriate to the context, shall relate to the land consolidated, and may include consolidation of unregistered land with registered land.

"Director" means the director of the department of land utilization of the city.

"Subdivider" means a person, firm, corporation, partnership, association, trust or other entity, or any combination thereof, who is the owner of the land to be subdivided or consolidated, or the duly authorized agent or lessee of the owner.

"Subdivision" means division of land into two or more lots, parcels, sites or other divisions of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such lots, parcels, sites, easements or other divisions. The term shall include resubdivision, and when appropriate to the context, shall relate to the land subdivided. (Sec. 22 3.2, R.O. 1978 (1983 Ed.))

Sec. 22 3.3 Approval of subdivision or consolidation required.

(a) No person shall subdivide or consolidate any land unless the plans therefor conform to the provisions of this article and the regulations of the planning commission and the board of water supply, and have been duly approved by the director.

(b) No person shall submit a map of a subdivision or consolidation of land for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the land court unless such map has been given final approval by the director.

(Sec. 22 3.3, R.O. 1978 (1983 Ed.))

Sec. 22 3.4 Compliance with regulations and requirements.

(a) No subdivision or consolidation shall be approved by the director unless it conforms to the regulations of the board of water supply governing the extent to which water mains and all necessary appurtenances shall be installed to and within subdivisions, including requirements for a water supply for domestic use and for fire protection.

(b) In addition no subdivision or consolidation shall be approved by the director unless the subdivision or consolidation conforms to the general plan and development plans, and the laws, rules and regulations of the

state or the city, or any department or agency thereof, applicable or relating to the subdivision, consolidation or use of the land, including the zoning ordinances.

(Sec. 22-3.4, R.O. 1978 (1983 Ed.))

Sec. 22-3.5 Regulations governing the subdivision or consolidation of land.

(a) The planning commission shall adopt rules and regulations governing the subdivision or consolidation of land, including the procedure and conditions precedent to approval thereof.

- (b) All regulations when promulgated as provided by law shall have the force and effect of law. Such regulations may be amended or repealed by the same process required for original promulgation.
- (c) Such regulations may provide for the coordination of streets within subdivisions with existing streets, planned streets and other features of the general plan and development plans of the city, or with projected street patterns for adjoining land areas; for compliance with said general plan and development plans; for adequate and convenient open spaces for traffic, recreation, light and air, and for a distribution of traffic and population, which will tend to create conditions favorable to health, safety, convenience and prosperity.
- (d) Such regulations may include provisions for the minimum right of way and pavement widths of streets or roadways within the subdivision to serve the subdivision or to provide access thereto, the extent to which and the manner in which streets and other ways shall be graded and improved, and requirements and standards of construction for street lighting, sidewalks and shoulder areas, curbs, gutters, sanitary sewers, storm drains, flood control, street name signs, traffic signs, and other utilities and facilities to be provided or installed to and within a subdivision or consolidation, as conditions precedent to the approval of a subdivision or consolidation map.
- (e) The regulations may provide that a subdivider, before submitting his or her final map for approval, may submit a preliminary map, showing the proposed subdivision or consolidation in a general way, but not necessarily indicating monuments and other survey points in detail, and that the director may give such preliminary map tentative approval, with or without modifications suggested by the director or agreed upon by the applicant. Such tentative approval shall not be entered on the map nor constitute approval of the map for recording.
- (f) The regulations may require the filing of construction plans for improvements to be constructed, and the construction of improvements as conditions precedent to final approval.
- (g) The regulations may provide that in lieu of the completion of the improvements, utilities and facilities in such subdivision or consolidation prior to approval of the map for recordation, and subject to any conditions which the commission may provide in such rules and regulations, the director may accept a bond or bonds, with surety, or other security deemed sufficient by the director and the manager of the board of water supply to secure the city and the board of water supply the actual construction and installation of such improvements, utilities and facilities at a time and according to specifications fixed by or in accordance with the regulations of the commission and the board of water supply.
- (h) The regulations may provide for the granting of modifications by the director from the construction standards and requirements in the subdivision rules and regulations where the director finds that the land proposed to be subdivided or consolidated is of such size or shape or is affected by such topographical location or condition or is to be devoted to such uses that it is impossible or impracticable in the particular case for the subdivider to conform fully to the provisions of the regulations; provided, that such modifications shall not be contrary to the intent and purpose of the subdivision rules and regulations.
- (Sec. 22 3.5, R.O. 1978 (1983 Ed.))

Sec. 22 3.6 Approval or disapproval of maps Procedure Legal effect.

- (a) Within one year after the tentative approval of the preliminary map, or such extension of time thereafter, not exceeding six months at a time, as may be granted in writing by the director, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof to be prepared and stamped by a licensed surveyor in accordance with the rules and regulations and in conformity with the preliminary map and any alterations and changes required thereto. Such final map shall be filed with the director within said period, subject to compliance with all conditions precedent prescribed in the rules and regulations.
- (b) The director shall approve or disapprove the final map within 45 days after receipt thereof unless the subdivider waives this requirement and consents to an extension of such period in writing; otherwise such map shall be deemed to have been approved. Approval of a final map shall be evidenced by the stamp of approval of the director and the director's signature, or that of an authorized subordinate, on a copy or print of the map.
- (c) If the final map is disapproved, the director shall communicate in writing the reason for such action to the subdivider. The stamp of disapproval shall be placed on a copy or print of the map. The director shall maintain a record of all disapprovals, including the reasons therefor.
- (d) Every map approved by the director shall, by virtue of such approval, be deemed to be an addition to or a detail of the general plan. Approval of the plans shall indicate that the same conform to the subdivision regulations. Approval of a map or a part thereof shall not be deemed to constitute or effect acceptance by the city of any street or other open space shown upon such map.
- (e) Failure to file a final map within the prescribed period shall automatically terminate all proceedings and the application shall become null and void. If the subdivider desires to recommence proceedings, he or she shall file a new application and submit a new preliminary or final map together with the required filing fees. Any subdivision map so submitted shall be required to conform to any changes or amendments to the rules and regulations or other

applicable laws in effect at the time of such filing.
(Sec. 22 3.6, R.O. 1978 (1983 Ed.))

Sec. 22 3.7 Appeal.

(a) An applicant aggrieved by an action of the director in the administration of the subdivision ordinance or rules and regulations may appeal to the zoning board of appeals within 15 days after receipt of the notice of such action. The applicant shall file three copies of the map and state the grounds for such appeal. The zoning board of appeals shall afford the applicant a reasonable opportunity to be heard.

(b) The zoning board of appeals may sustain, modify or overrule the director's action; provided, that it may modify or overrule the director's action only if it finds that the director's action was based on an erroneous finding of a material fact, or that the director had acted in an arbitrary or capricious manner or had manifestly abused his or her discretion.

(Sec. 22 3.7, R.O. 1978 (1983 Ed.))

Sec. 22 3.8 Permits for work of any character in unapproved subdivisions.

(a) No person shall obtain any permit to move any building onto the subdivision or the consolidated property or to construct any building, cut a curb, tap a sewer or water line or install any water, lighting or sewer facility in any subdivision or consolidated property unless the subdivision or consolidation has been approved by the director.

The prohibitions contained in this subsection shall not be applicable to:

(1) Any work done pursuant to subdivision regulations;

(2) Work done by public utilities for the purpose of furnishing water, electricity, gas and telephone service; and

(3) Work that complies with Chapter 21 as applied to both the existing divisions of land and the proposed subdivision or consolidation.

(b) Where a subdivision has been granted tentative approval, permits may be issued for the construction of:

(1) Not more than three model homes in a subdivision consisting of 15 to 50 lots; or

(2) Not more than five model homes in a subdivision consisting of over 50 lots.

(3) Notwithstanding (1) and (2) above, the director may approve up to five model homes for subdivisions consisting of less than 15 lots, or up to five additional model homes for subdivisions consisting of 15 lots or more, provided that:

(A) The subdivider submits, for review and approval by the director, written justification for the number of model homes; and

(B) The models shall be used for sales purposes to market other such dwellings within the proposed subdivision. All such model homes shall have fully landscaped yards.

However, no lot or building thereon shall be sold or any interest therein transferred until the subdivision has been granted final approval by the director.

(Sec. 22-3.8, R.O. 1978 (1983 Ed.); Am. Ord. 95-50)

Sec. 22 3.9 Improvements in unapproved streets Acceptance of streets and roadways.

(a) No street or roadway in any subdivision or consolidation which has not been laid out, improved and approved in conformity with this article and the subdivision regulations shall be taken over, received by dedication or otherwise accepted as public highways; nor shall any street lighting system or sewer system in a subdivision or consolidation in which such nonconforming streets are located be taken over or accepted.

(b) A street or roadway in any subdivision or consolidation which has been laid out, improved and approved in conformity with this article and the subdivision regulations shall be deemed accepted for dedication by the city council, without further action by the council, 30 days from receipt by the council of a letter from the department of design and construction attesting to that fact. The letter to the council shall be accompanied by a map showing the street and roadway to be dedicated to the city, and a copy of the deed or other document conveying the street or roadway to the city. This subsection shall be repealed if HRS Section 264-1(c) is amended to give the council of each county discretion in accepting or rejecting the dedication of streets or roadways that meet county standards.

(Sec. 22 3.9, R.O. 1978 (1983 Ed.); Am. Ord. 10-20)

Sec. 22 3.10 Advertisement, offer, contract, sale or transfer before final map approved Prohibited.

No person shall sell or transfer, or advertise, offer or agree to sell or transfer, any interest in land located in a

subdivision or consolidation until a final map thereof has been duly approved by the director and filed with the department of land utilization. (Sec. 22 3.10, R.O. 1978 (1983 Ed.))

Sec. 22 3.11 Violations Penalties Additional remedies.

Any person, firm or corporation which violates the provisions of this article, or any rule or regulation made pursuant to this article, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. In addition, the corporation counsel may institute an action to prevent, restrain, correct or abate any violation of this article or of the rules and regulations adopted pursuant thereto. (Sec. 22 3.12, R.O. 1978 (1983 Ed.); Sec. 22 3.11, R.O. 1987 Supp.)

Article 4. Sidewalks and Curbs in Residential Subdivisions

Sections:

- 22 4.1 Requirement of sidewalks and curbs.
- 22 4.2 Applicability.

Sec. 22 4.1 Requirement of sidewalks and curbs.

Notwithstanding any ordinance or regulation to the contrary, sidewalks and curbs shall be constructed by the subdivider along all of the streets of any residential subdivision in the city; provided, that the construction of sidewalks in residential subdivisions situated in areas zoned as class "AAAA" residential districts shall be left to the discretion of the subdivider. Such sidewalks and curbs shall be constructed in conformity with the specifications and requirements of the city. (Sec. 22 4.1, R.O. 1978 (1983 Ed.))

Sec. 22 4.2 Applicability.

The requirements of Section 22 4.1 shall apply to all residential subdivisions laid out after the effective date of this article; provided, that such requirements shall not apply to any residential subdivision situated outside of the district of Honolulu where tentative approval of the preliminary map of such subdivision has been granted on or before the effective date of this article and where approval of the final map is granted, or deemed to be granted, in accordance with the subdivision rules and regulations. (Sec. 22 4.2, R.O. 1978 (1983 Ed.))

Article 5. Utility Lines

Sections:

- 22-5.1 Installation of utility lines.
- 22-5.2 Exception.
- 22-5.3 Modification.
- 22-5.4 Appeal.
- 22-5.5 Applicability.
- 22-5.6 Definition.
- 22-5.7 Penalty.

Sec. 22-5.1 Installation of utility lines.

Notwithstanding any ordinance or regulation to the contrary, utility lines, including but not limited to those required for electric, telephone, street lighting, cable television services and other related facilities, shall be installed underground in all subdivisions laid out within the city in accordance with the applicable standards and methods employed for such underground installation by the public utility companies involved; provided, however, if a subdivision consists of three lots or less and if no other lot situated within 500 feet of such subdivision is provided with utility lines and related facilities installed in accordance with the provisions of this article for underground installation, the subdivider may, at the subdivider's discretion, arrange to have such utility lines and related facilities installed overhead in accordance with the standards and methods employed for such overhead installation by the public utility companies; and provided further, that the underground installation of utility lines shall not be required within agricultural subdivisions consisting of lots with minimum area of two acres and which are exempted under Section 1 109 of the subdivision rules and regulations of the city from the requirements applicable to the construction of street improvements and utilities. The subdivider shall be responsible for making

the necessary arrangements with the public utility companies concerned for the installation of such utility lines and related facilities in accordance with the requirements of this article. The utility lines and related facilities shall be installed in such a manner so as not to interfere with other underground utilities of the city or the proposed locations of such underground utilities. (Sec. 22-5.1, R.O. 1978 (1983 Ed.))

Sec. 22-5.2 Exception.

The provisions of this article shall not apply to the following types of utility lines and related facilities:

- (a) Poles used exclusively for police and fire alarm boxes, traffic control facilities, street lighting or similar equipment belonging to or operated by either the state or the city;
- (b) Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location of the building to another location on the same building or to an adjacent building without crossing any street or alley;
- (c) Electric distribution or transmission system in excess of 15 kV;
- (d) Electric distribution transformers and related switching and protective equipment mounted on pads or metal poles without crossarm;
- (e) Electric distribution circuits of the 12 kV class supported by metal poles without crossarm; and
- (f) Communication distribution terminals and television cable apparatuses mounted on pads or aboveground pedestals.

(Sec. 22-5.2, R.O. 1978 (1983 Ed.))

Sec. 22-5.3 Modification.

(a) Whenever the strict application of the requirements of this article would be impractical because of the nature of the surface, subsurface or topographical conditions of the property to be subdivided, or because of the high cost of installing the utility lines and related facilities underground in accordance with the requirements of this article as compared to the cost involved in making similar type of installation in other subdivisions of similar nature and of equivalent size in the city, or because of any requirement under the provisions of Articles 14 23 through 14 30, ROH 1990, which prevents the strict application of the requirement of this article to an improvement district project, the director may make such modification thereof as in the director's opinion is reasonably necessary in the interest of the public and not contrary to the intent and purposes of this article.

(b) Before making any such modification, the director shall refer the request for any such modification to the chief engineer and the director of the department of transportation services of the city for their recommendations.

(Sec. 22-5.3, R.O. 1978 (1983 Ed.))

Sec. 22-5.4 Appeal.

Any person adversely affected by the director's action may appeal from such action to the zoning board of appeals, pursuant to Section 22-3.7. (Sec. 22-5.4, R.O. 1978 (1983 Ed.))

Sec. 22-5.5 Applicability.

The requirements under this article shall apply to all subdivisions laid out after the effective date of this article; provided, however, such requirements shall not apply to any subdivision for which tentative approval of the preliminary map and approval of the construction plans have been granted, and the performance of the work under such construction plans has been secured by bond or in the alternative for a subdivision involving five lots or less, the work under such construction plans has started, on or before the effective date of this article, and that approval of final map of such subdivision is subsequently granted in accordance with the subdivision rules and regulations. (Sec. 22-5.5, R.O. 1978 (1983 Ed.))

Sec. 22-5.6 Definition.

The terms "subdivider" and "subdivision" used herein shall mean the same as the terms are defined in Article 3 of this chapter. (Sec. 22-5.6, R.O. 1978 (1983 Ed.))

Sec. 22-5.7 Penalty.

Any person, firm or corporation which violates the provisions of this article shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. (Sec. 22-5.7, R.O. 1978 (1983 Ed.))

Article 6. Public Access to Shoreline and Mountain Areas

Sections:

- 22-6.1 Statutory authority.
- 22-6.2 Definitions.
- 22-6.3 Scope.
- 22-6.4 Requirements.
- 22-6.5 Dedication of access Approval of subdivision.

Sec. 22-6.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS Section 46 6.5, as amended. (Sec. 22 6.1, R.O. 1978 (1983 Ed.))

Sec. 22-6.2 Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain words used herein are defined as follows:

"Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that, where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term "approval" shall refer to the issuance of the building permit.

"City" means the City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

"Director" means the director of land utilization of the City and County of Honolulu.

"Dedication" means the conveyance of land in fee simple or easement.

"Easement" means a grant of the right to use a strip of land for specific purpose.

"Multiple family development" means a development of a building or group of buildings, placed on a zoning lot containing or divided into six or more dwelling or lodging units.

"Public access" for pedestrian travel means a public right of way in fee or easement for pedestrian traffic, and may also be used as a bikeway, utility easement or for restricted vehicular traffic.

"Shoreline" is defined as determined under the shoreline setback rules and regulations of the City and County of Honolulu and pursuant to the authority of HRS Chapter 205A.

"Subdivision," for the purpose of this article, means any land which is divided or proposed to be divided for the purpose of disposition into six or more lots, parcels, units or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

"Units" means dwelling units and lodging units as defined in the land use ordinance of the city.

"Zoning lot" is defined in the land use ordinance of the city. (Sec. 22-6.2, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 22-6.3 Scope.

In cases where adequate public access is not already provided, every subdivider or developer as a condition precedent to final approval of a subdivision or issuance of a building permit for a multiple family development shall dedicate land for public access by right of way in fee or easement for pedestrian travel from a public highway or public street to the following:

- (a) The land below the shoreline; and
- (b) The mountains where there are existing facilities for hiking, hunting, fruit picking, ti leaf sliding and other recreational purposes, and where there are existing mountain trails.

The provisions of this article shall apply to all subdivisions and to multiple family development.

The provisions of this article shall apply to an existing multiple family development approved prior to the effective date of this article when six or more units are added to the existing development.

All subdivisions and multiple family developments affecting public access, whether separated from the shoreline or mountain areas by intervening parcels, subdivisions or developments, shall be subject to the provisions of this article.

Upon the acceptance of the dedication of land for a right of way in fee or easement by the city, the city shall thereafter assume the cost of improvements for and the maintenance of the public access.

(Sec. 22-6.3, R.O. 1978 (1983 Ed.))

Sec. 22-6.4 Requirements.

(a) Location and Alignment. The location and alignment shall be consistent with the intent and purpose of this article and shall implement the intent and purpose of the general plan and development plan of the city; and consider the topography; other existing access locations; lot layout; access connections; zoning and uses of the properties on and within the surrounding area; safety; traffic circulation; effect on the surrounding area; areawide

traffic; and conform to the standards and requirements of the department of parks and recreation of the city.

(b) Subdivision of Land. The director shall determine the location and alignment of the public access for pedestrian travel on subdivision of land, upon consultation with the director of parks and recreation or other governmental agencies affected by such public access.

(c) Multiple Family Development. All multiple family development building permits along or affecting public access near the shoreline or mountain areas shall be reviewed by the director of parks and recreation of the city.

When it is determined by the director of parks and recreation that adequate public access is already provided, the director of parks and recreation shall notify the building superintendent for approval of the building permit.

When it is determined that adequate access is not provided, the developer shall dedicate land for public access by right of way in fee or easement as a condition precedent to approval of the building permit.

(d) Width of Public Access. The minimum width of such public access shall be 12 feet, except as otherwise approved by the director upon consultation with the director of parks and recreation.

(Sec. 22-6.4, R.O. 1978 (1983 Ed.))

Sec. 22-6.5 Dedication of access Approval of subdivision.

(a) Subdivision of Land. When it is determined that public access must be provided upon review of a subdivision application, the subdivider shall file the necessary deeds of conveyance with the department of parks and recreation or other governmental agency responsible for the maintenance and improvement of the public access. Upon written notification from the director of parks and recreation or other agency that the dedication documents have been reviewed and approved as to form and contents, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations of the city. The public access for pedestrian travel shall be clearly designated on the final map of the subdivision in accordance with the subdivision rules and regulations.

Upon approval of the subdivision, the subdivider shall file the executed deeds of dedication for conveyance of the public access, free and clear of all encumbrances, within 30 days to the city. Failure to file this document within the 30 day period, or such extension as may be granted by the director of parks and recreation, shall be a violation of the provisions of this article. Conveyance shall be in conformity with all applicable statutes, ordinances and regulations.

(b) Multiple Family Development. When it is determined that public access must be provided upon review of a multiple family development, the developer shall file a subdivision application to create the public access right of way or easement in accordance with the subdivision rules and regulations.

The subdivider shall file the necessary deeds of conveyance with the department of parks and recreation. Upon written notification from the director of parks and recreation that the dedication documents have been

reviewed and approved as to form and content, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations.

The subdivider shall file the executed deeds of conveyance free and clear of all encumbrances upon approval of the subdivision. Upon acceptance by the city of the dedication, the director of parks and recreation shall notify the building superintendent for approval of the building permit. The right of way shall be clearly designated on the multiple family development plan.

(Sec. 22-6.5, R.O. 1978 (1983 Ed.))

Article 7. Parks and Playgrounds

Sections:

- 22-7.1 Statutory authority.**
- 22-7.2 Definitions.**
- 22-7.3 Scope.**
- 22-7.4 Exceptions.**
- 22-7.5 Land area required for parks and playgrounds.**
- 22-7.6 In lieu payment Combination in lieu payment and dedication.**
- 22-7.7 In lieu payment Determination of amount.**
- 22-7.8 Credit for parks and playgrounds.**
- 22-7.9 Rules and regulations.**
- 22-7.10 Appeals.**
- 22-7.11 Refund of fees.**
- 22-7.12 Violations and penalties.**

Sec. 22-7.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS Section 46 6, as amended. (Sec. 22-7.1, R.O. 1978 (1983 Ed.))

Sec. 22-7.2 Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that, where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term "approval" shall refer to the issuance of the building permit.

"City" means the City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

"Dedication" means conveyance of land in fee simple.

"Director" means the director of land utilization of the City and County of Honolulu.

" Dwelling unit" is as defined in the land use ordinance of the city.

"Hotel" is as defined in the land use ordinance of the city.

"Lodging unit" is as defined in the land use ordinance of the city.

"Multiple family development" means a building or group of buildings, other than a hotel, placed on a zoning lot and containing or divided into three or more dwelling or lodging units, including planned development and cluster projects under the land use ordinance containing or divided into three more dwelling or lodging units.

"Parks and playgrounds" means areas, including beach parks, used for active or passive recreational pursuits. The areas include parks and playgrounds which implement the intent and purpose of the general plan of the city.

"Provide land in perpetuity" means conveyance of land in fee simple with the option on the part of the grantor to provide for reversionary interest.

"Subdivider" means any person who divides land as specified under the definition of subdivision or who constructs a building or group of buildings containing or divided into three or more dwelling or lodging units.

"Subdivision" means the division of improved or unimproved land into two or more lots, parcels, sites or other divisions of land for residential purposes and for the purpose, whether immediate or future, of sale, lease, rental, or transfer of title to or interest in any or all such lots, parcels, sites or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a building or group of buildings, other than a hotel, which is placed on a zoning lot, containing or divided into three or more dwelling or lodging units.

"Privately owned parks and playgrounds" means parks or playgrounds and their facilities which are not provided in perpetuity or dedicated but which are owned and maintained by or on behalf of the ultimate users of the subdivision pursuant to recorded restrictive covenants. Where the privately owned park is a part of the lot or lots on which a building or group of buildings containing or divided into three or more dwelling units or lodging units is constructed, it shall not be required that the private park or playground meet county subdivision standards, nor shall the area of the private park or playground be deducted from the area of the lot or lots for purposes of zoning or building requirements. (Sec. 22-7.2, R.O. 1978 (1983 Ed.))

Sec. 22-7.3 Scope.*

(a) Every subdivider, as a condition precedent to the:

- (1) Approval of a subdivision by the director; or
- (2) Issuance of a building permit for multiple-family development by the department of planning and permitting;

shall provide land in perpetuity or dedicate land for park and playground purposes, for joint use by the occupants of lots or units in subdivisions as well as by the public. The dedication of land for a park will be subject to the maximum ceiling in land or money in lieu thereof, calculated in accordance with the formula designated in Sections 22-7.5 and 22-7.6. In lieu of providing land in perpetuity or dedicating land, the director may permit a subdivider to pay a fee equal to the value of the land that would otherwise have been required to be provided in perpetuity or dedicated, or combine the payment of a fee with the provision or dedication of land, the total value of such combination being not less than the total value of the land that would otherwise have been required to be provided in perpetuity or dedicated.

- (b) This article applies to all subdivision of land into two or more lots for residential purposes, including developments under Section 21-8.30, and to construction of multiple-family developments. When a new building or group of buildings containing dwelling or lodging units is added to an existing multiple-family development, approved prior to October 16, 1976, the provisions of this article will apply only to such new additions, and not to the previously approved multiple-family development.
- (c) When an existing building in a multiple-family development, approved prior to October 16, 1976, is enlarged or altered to increase the number of dwelling or lodging units, the provisions of this article will apply to the number of dwelling or lodging units added to the enlarged or altered building.
- (d) When an existing building in a multiple-family development, approved prior to October 16, 1976, is enlarged or altered without increasing the total number of dwelling or lodging units, and the cost of such work exceeds 50 percent of the total replacement cost of the building at the time of the building permit application, the provisions of this article will apply to the total number of dwelling or lodging units contained in the enlarged or altered building. The 50 percent replacement cost is calculated on each individual building, and not on the total replacement cost of the multiple-family development. The percentage will be cumulative for each building after October 16, 1976. The provisions of this article apply to all new or existing units in an enlarged or altered building whenever the cumulative 50 percent replacement cost is exceeded.
- (e) Upon acceptance of the land by the city, the city shall thereafter assume the cost of improvements and their maintenance. Fees received will be disbursed for the acquisition or development of parks and playgrounds, including physical facilities.

***Editor's Note:** Section 22-7.3(j) and amendments made in Ord. 19-8 will be repealed on June 30, 2027, in accordance with Ord. 18-1 and Ord. 19-8.

- (f) This article also applies to any change in the use of buildings to multiple-family dwelling use subsequent to October 16, 1976.
- (g) In any zoning district or special district where mixed uses of business, commercial, office, and dwelling units are permitted, the provisions of this article apply to all units where kitchen and bathroom facilities are provided, or electrical and plumbing systems are located and designed so that these units may be readily converted to dwelling units without securing a new building permit or without undertaking any major alterations or renovation work.
- (h) This article does not apply to those units where legal documents are drawn up by the applicant to assure that the units will not be converted to dwelling units. The legal documents must be recorded as covenants running with the land and subject to the review and approval of the director of planning and permitting and the corporation counsel. The legal documents must be fully executed and recorded with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate, and proof of such recordation must be submitted to the director of planning and permitting prior to the issuance of building permits.
- (i) This article applies to any conversion in use of any existing nondwelling unit to a dwelling unit, and such conversion cannot be undertaken unless the provisions of this article have been met.
- (j) This article also does not apply to the following dwelling units:
 - (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter 38;
 - (2) Affordable dwelling units provided pursuant to a planned development transit permit pursuant to ROH Section 21-9.100-10, or an interim planned development-transit permit pursuant to ROH Section 21-9.100-5;
 - (3) Affordable rental dwelling units provided in compliance with HRS Section 201H-36(a)(5); or
 - (4) Affordable rental housing units that are rented to households earning 100 percent and below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less, pursuant to Chapter 42.

(Sec. 22-7.3, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 18-1, 19-8)

Sec. 22-7.4 Exceptions.

The provisions of this article shall not apply to the following:

- (a) Subdivision of land into two or more lots only for the purpose of clarifying records, or for conveyance of portions of land and which is not and will not be developed under this subdivision application into dwelling or lodging units. The subdivider desiring such exception shall file with the director a certified statement therefor, stating fully the grounds for the exception and that the subdivided land shall not be provided with dwelling or lodging units. These conditions shall run with the land. Upon further subdivision or failure of the subdivider to comply with the conditions for the exception, the subdivider shall be required to comply with the requirements of this article;
- (b) Subdivisions for a public utility, public facility or of a public nature, and which will not be provided with dwelling or lodging units;
- (c) Subdivision of land into two or less residential or country lots where these lots cannot be further subdivided.

(Sec. 22-7.4, R.O. 1978 (1983 Ed.); Am. Ord. 90-2)

Sec. 22-7.5 Land area required for parks and playgrounds.

The land area required for parks and playgrounds will be calculated as set forth in this section.

- (a) Country and Residential Districts, Excluding Planned Development Housing Projects. The minimum land area in country and residential districts will be:
 - (1) For subdivisions involving three or four lots: 50 square feet per dwelling or lodging unit;
 - (2) For subdivisions involving five lots: 100 square feet per dwelling or lodging unit;
 - (3) For subdivisions involving six lots: 200 square feet per dwelling or lodging unit;
 - (4) For subdivisions involving seven or eight lots: 300 square feet per dwelling or lodging unit; and
 - (5) For subdivisions involving nine or more lots: 350 square feet per dwelling or lodging unit.

For subdivision actions involving eight or fewer lots, the applicable rate will be based on the total number of potential lots.

A lot that cannot be further subdivided will count as one potential lot. For a lot that can be further subdivided, the potential number of lots will be determined by dividing the area of the lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units include existing, proposed and potentially developable units, except for "ohana dwelling units" and "accessory dwelling units" as defined in Section 21-10.1.

- (b) Other Districts and Planned Development Projects Within Residential Districts. The minimum land area required will be either 10 percent of the maximum permitted floor area or the following, whichever is less:
 - (1) Apartment, resort and mixed use districts: 110 square feet per dwelling or lodging unit;
 - (2) Planned development project: 110 square feet per dwelling or lodging unit.
- (c) Special District Use Precincts.
 - (1) Dwellings, one- and two-family and duplex units: 350 square feet per dwelling or lodging unit, in accordance with subsection (a) above;
 - (2) Multiple family dwelling: 10 percent of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less.

(Sec. 22-7.5, R.O. 1978 (1983 Ed.); Am. Ord. 90-2, 93-93, 16-19)

Sec. 22-7.6 In-lieu payment—Combination in-lieu payment and dedication.

- (a) If the director determines that dedicating or providing of land in perpetuity is not in the best interest of the city, the subdivider shall pay to the city, in lieu thereof, a fee in a sum equal to the fair market value of the area otherwise required under Section 22-7.5.
- (b) If the area of land provided in perpetuity or dedicated by the subdivider and approved by the city is less than the area required under Section 22-7.5, the subdivider shall be required to pay a fee equal to the fair market value of the land area which is the difference between the land area provided in perpetuity or dedicated and the area required under Section 22-7.5.
- (c) If the director determines that the subdivider shall pay a fee to the city in lieu of dedicating or providing land in perpetuity, the subdivider shall pay the fee in one of the two following ways:
 - (1) Payment in full of the fee prior to the director's approval of the subdivider's park dedication application; or
 - (2) The filing with the director of an agreement to pay the fee, such agreement to be accompanied by a financial guaranty bond from a surety company authorized to do business in Hawaii, or other security acceptable to the city to ensure payment of such fee. The agreement and surety bond or other security shall be approved by the director and the corporation counsel as to form and legality. The director of finance shall determine the acceptability of the financial guaranty bond or other security. The agreement shall set forth a certain date, not to exceed two years, within which time the fee shall be paid. The financial guaranty bond or other security that must be filed with the agreement shall be in an amount equal to the fee required under this article. The financial guaranty bond shall be in full force and effect until the fees have been paid. In case of security other than a financial guaranty bond, partial releases may be made equal to the portions of the fee paid to the city.
- (d) Payment of fees shall be made to the director of finance for deposit in a special fund created and established pursuant to Section 9-202 of the Revised City Charter of Honolulu, 1984 Edition. Money in this fund shall be expended for parks and playground purposes in the following manner: Within five years from the date of receipt of the fees the city shall expend such receipts for (1) purchase of land for development of a new or expansion of existing parks and playgrounds, (2) purchase of park and playground equipment, and/or (3) improvement of existing parks and playgrounds, all according to the following locational priorities:

Locational priority for creation, expansion and improvement of parks and playgrounds.

 - (A) Neighborhood and mini park(s) located within one half mile distance from the project site shall be given the first priority.
 - (B) Should the creation, expansion and/or improvement of a neighborhood facility prove to be unfeasible, the second priority should be given to community park(s) located within one mile distance of the project site.

(C) District park(s) within two mile distance of the project site shall be considered in the event the implementation of (A) and (B) above is unfeasible.

(D) Regional parks shall have the last priority.

(Sec. 22-7.6, R.O. 1978 (1983 Ed.))

Sec. 22-7.7 In-lieu payment—Determination of amount.

(a) Valuation. Valuation shall be based upon the fair market value of the land prior to its subdivision.

(b) Appraisal. If the city and subdivider fail to agree on the fair market value of the land, the value shall be fixed and established by majority vote of three land appraisers: one shall be appointed by the subdivider, one appointed by the city, and the third appointed by the first two appraisers. All appraisers shall be members of the American Institute of Real Estate Appraisers, Members Appraisal Institute, or other equal national organizations. The subdivider and the city shall equally bear the fees of appraisal and costs thereof.

(Sec. 22-7.7, R.O. 1978 (1983 Ed.))

Sec. 22-7.8 Credit for parks and playgrounds.

(a) Credit for Lands Dedicated or Provided in Perpetuity for Parks and Playground Purposes Prior to the Effective Date of This Article. Where lands for park and playground were dedicated or provided in perpetuity prior to the effective date of this article, such land shall be credited against the park land which could otherwise be required under Section 22-7.5.

(b) Credit for Subdivisions Where the Provisions of This Article Were Previously Met. When a subdivision is resubdivided or redeveloped, the provisions of this article shall apply to dwelling or lodging units above those units which originally complied with the provisions of this article. Credit shall be applied to such land area which would otherwise be required under Section 22-7.5, whether lands were dedicated, provided in perpetuity or fees were paid in lieu thereof.

(c) Credit for Privately Owned Parks and Playgrounds. When land is provided for a private park and playground in a subdivision and such area is to be owned and maintained, and used by the owners (including private parties and public agencies), purchasers or occupants of the subdivision, such land shall be credited against the park land area which would otherwise be required under Section 22-7.5.

(Sec. 22-7.8, R.O. 1978 (1983 Ed.))

Sec. 22-7.9 Rules and regulations.

The director shall promulgate rules and regulations pursuant to HRS Chapter 91 for implementation of this article. The rules and regulations shall include but not be limited to the following:

(a) Standards and requirements applicable to providing or dedicating land for parks and playgrounds to the city;

- (b) Standards and requirements applicable to credit for private parks and playgrounds, provided that the Primary Urban Center and the city of Kapolei multiple-family developments of three stories or more shall be allowed to receive credit for private parks and playgrounds on a level other than the ground level;
 - (c) Procedural requirements for implementation of this article;
 - (d) Administration and disbursement of fees collected for parks and playgrounds;
 - (e) Standards and requirements applicable to valuation and appraisal of land when fees are to be paid.
- (Sec. 22 7.9, R.O. 1978 (1983 Ed.); Am. Ord. 10-21)

Sec. 22 7.10 Appeals.

An aggrieved party may secure a review of any decision of the director of land utilization by appeal to the zoning board of appeals. (Sec. 22 7.10, R.O. 1978 (1983 Ed.))

Sec. 22 7.11 Refund of fees.

- (a) Refund, or partial refund pursuant to paragraph (3) below, of the amount of fees paid to the city shall be allowed to the subdivider for subdivisions or multiple family developments under the following circumstances:
 - (1) When subdivision applications expire and become null and void, or building permits are not issued by the building department;
 - (2) When subdivision or building permit applications are withdrawn; or
 - (3) When the number of dwelling or lodging units for a project is reduced and the amended project plans are approved by the director.
 - (b) Requests for refunds shall be submitted in writing with justification and return of the approved applications and building permits to the director and shall be submitted within two years from the date of receipt of the fees by the department of land utilization of the City and County of Honolulu. If the director determines that the request meets any of the three circumstances listed above, the director of finance shall be authorized to make the refund. No interest shall be paid on any dedication fee refunded. Partial refund pursuant to paragraph (3) above shall be determined by the director based upon the valuation method contained in this article as used to determine the original fee paid. No refund shall be made for subdivisions or multiple family development when the method of compliance with this article is revised or amended, or when the amount of fees to be paid has changed, or the two year time limit has lapsed.
 - (c) Subdivision or building permit applications considered under this article shall become null and void upon the granting of a total refund. A new application shall be required if a subdivider seeks to renew the project.
- (Sec. 22 7.11, R.O. 1978 (1983 Ed.))

Sec. 22 7.12 Violations and penalties.

Any person violating any provision of this article shall upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. The city may maintain an action for an injunction to restrain any violation of the provisions of this article, and may take any other lawful action to prevent or remedy any violation. (Sec. 22 7.12, R.O. 1978 (1983 Ed.))

Article 8. Street Names

Sections:

- 22 8.1 Authority to name streets.
- 22 8.2 Nomenclature.
- 22 8.3 Further requirements relative to street names.
- 22 8.4 Procedural requirements.
- 22 8.5 Approval.

Sec. 22 8.1 Authority to name streets.

The authority to name streets and to approve the change of street names within the city is delegated to the director of land utilization, to be exercised in accordance with the standards set forth in this article.

(Sec. 22-8.1, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 22 8.2 Nomenclature.

The following nomenclature shall be used in the naming of streets:

- (a) The term "freeway" shall be used to describe a divided arterial roadway for through traffic with full control of access, with grade separations at intersections. Whenever practicable, freeways shall be named after Hawaiian royalty.
- (b) The term "highway" shall be used to describe a roadway generally serving through traffic on a continuous route providing the primary access between communities. Whenever practicable, highways shall be named after Hawaiian royalty.
- (c) The term "parkway" shall be used to describe a major collector roadway, usually containing a medial strip with landscaped setback parklike areas on each side of the right of way, generally heavily planted with trees for its entire length.
- (d) The term "boulevard" shall be used to describe a major collector with or without a medial strip, generally shorter than a highway, usually serving through traffic on a continuous route.
- (e) The term "drive" shall be used to describe a long winding collector roadway, usually through a valley, mountainous area or plateau, having scenic qualities.
- (f) The term "street" shall be used to describe a fully improved through roadway serving local or minor collector traffic.
- (g) The term "avenue" shall be used to describe a fully improved through roadway serving local or minor collector traffic, landscaped and planted with trees.
- (h) The term "circle" shall be used to describe a roadway having a circular form, with only one access point to the adjoining street.
- (i) The term "loop" shall be used to describe a looped roadway having two access points off the same roadway.
- (j) The term "place" shall be used to describe a cul de sac.
- (k) The term "way" shall be used to describe a cul de sac which is off another cul de sac.
- (l) The term "court" shall be used to describe a short roadway partially or wholly enclosed by buildings, giving the impression of a small open square.
- (m) The term "mall" shall be used to describe a street or portions thereof on which vehicular traffic is to be restricted in whole or in part, and which is to be used exclusively or primarily for pedestrian travel or promenade.
- (n) The term "road" shall be used to describe a collector roadway in the rural district, generally without full improvements such as curbs and sidewalks.
- (o) The term "lane" shall be used to describe a narrow and short roadway without curbs or sidewalks. However, a roadway with the characteristics of a "road" or "lane" as above described shall be entitled to be given a name after the effective date of this article only in circumstances where such a roadway constitutes an extension of an already existing and named "road" or "lane." (Sec. 22 8.2, R.O. 1978 (1983 Ed.))

Sec. 22 8.3 Further requirements relative to street names.

Street names within the city shall comply with the following requirements:

- (a) Street names selected shall consist of Hawaiian names, words or phrases and shall be selected with a view to the appropriateness of the name to historic, cultural, scenic and topographical features of the area.
- (b) Street names selected shall not duplicate existing street names in spelling or sound, and shall be as dissimilar as possible in spelling or sound from any existing street names.
- (c) Street names shall be selected so as not to exceed the space limitation of a standard street name sign of the department of transportation services (normally 18 spaces).
- (d) Streets that constitute a continuation of an existing street shall be given the same name as the existing street.
- (e) Streets that are continuous shall bear the same name throughout.
- (f) A street shall be entitled to a street name only if:
 - (1) The roadway has a legally defined right of way, by roadway lot or easement; however, street names shall be considered for subdivisions as to which tentative approval has been granted and construction plans have been approved by the city;
 - (2) The roadway has a minimum right of way of 18 feet and is paved; and
 - (3) The roadway serves two or more lots or units.
- (g) Any street names adopted after the effective date of this article shall include appropriate diacritical marks,

which shall appear on the street name sign prepared by the department of transportation services. Appropriate diacritical marks shall also be required for all replacement signs for street names in effect on the effective date of this article, and to all signs where a newly named street constitutes an extension of a street for which a name is in effect on the effective date of this article. The department of land utilization and the department of transportation services may take all steps necessary to redesignate the names of existing streets to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate.

(Sec. 22 8.3, R.O. 1978 (1983 Ed.))

Sec. 22 8.4 Procedural requirements.

(a) Any property owner of a street or lot fronting a street, including public agencies, may request a new street name or a change of an existing street name by submitting a street name application to the department of land utilization.

(b) Street name applications shall include the following:

(1) A map showing the street(s) for which a name or name change is sought and the surrounding existing streets and their names;

(2) The street name(s) proposed, and their meaning in English; however, the applicant may request the director of land utilization to choose the names;

(3) In the case of a request to name a street, other than as part of the subdivision process, or to change an existing street name, the reasons for the proposed name or name change, and the names and addresses of all property owners fronting the street. Notices that a street name or name change has been proposed shall be circulated to all property owners and residents to determine their desires with respect to the proposal, and shall also be sent to the fire department, the police department and the post office. The director of land utilization may approve a name or name change only as to which the approval of a majority of the owners and residents, together with the approval of the fire department, police department and post office, has been obtained. The applicant for a name or name change shall assume responsibility for conducting a poll to establish that the proposed name is desired by the majority of the property owners and residents; however, the applicant may request the city to conduct the poll for changes affecting 10 or less properties.

(Sec. 22 8.4, R.O. 1978 (1983 Ed.))

Sec. 22 8.5 Approval.

(a) The director of land utilization shall indicate his or her approval of a street name by signing the official street name map. A street name shall become effective on the date of such signature.

(b) Upon approval of the street name, the applicant shall install street name signs for the naming of the streets. The signs shall conform to the standards of the department of transportation services. The applicant shall bear the total cost of the purchase and installation of the signs.

(Sec. 22 8.5, R.O. 1978 (1983 Ed.))

Article 9. Memorials and Names for City Parks, Sites and Facilities

Sections:

22 9.1 Purpose.

22 9.2 Definitions.

22 9.3 Naming of city parks, sites and facilities.

22 9.4 Memorials.

22 9.5 Procedures for naming city parks, sites and facilities and erecting or accepting memorials.

22 9.6 Inventory of official names of parks, sites, facilities, statues and memorials.

22 9.7 Use of official names of parks, sites and facilities.

Sec. 22 9.1 Purpose.

The purpose of this article is to establish guidelines and procedures to be used in the naming of city parks, sites and facilities, and in the use of statues, busts or other memorials. (Added by Ord. 89 95)

Sec. 22 9.2 Definitions.

For purposes of this article, the following terms shall have the meaning given in this section.

"Facility" includes any office building, stadium, arena, police or fire station, or any other facility owned, managed or operated by the City and County of Honolulu.

"Memorial" includes any statue, bust, monument or plaque erected or installed in remembrance of a person or persons or historical event.

"Park" includes any park, park roadway, playground, athletic field, beach, beach right of way, tennis court, golf course, swimming pool, and other recreation areas and facilities under the control, maintenance and management of the department of parks and recreation.

"Site" includes any mall or land parcel owned, managed or operated by the City and County of Honolulu. (Added by Ord. 89 95; Am. Ord. 01-11)

Sec. 22 9.3 Naming of city parks, sites and facilities.*

(a) The names of all city parks, sites and facilities shall be determined in accordance with requirements set forth herein:

(1) Existing city parks, sites and facilities may retain the name which has been historically accepted through common usage.

(2) New or existing parks, sites and facilities may be named:

(A) For the neighborhood, community, district or region in which the park, site or facility is located;

(B) After the primary street which it abuts; or

(C) In the Hawaiian language with a name which describes the site or its use, function or purpose.

(3) In exceptional cases, a new or existing park, site, facility or any portion thereof may be named for a person, or for a belief, ideal, concept or historical event of significance to the community, city, nation or world.

(A) In cases involving a deceased individual, that person shall meet one or more of the following criteria:

(i) The person has a significant association with the park, site, or facility;

(ii) The person has contributed significantly to the community or area in which the park, site or facility is located;

(iii) The person has achieved significant recognition historically on the city, state, national or international level; or

(iv) The person has been honored for service with the armed forces of the United States of America.

(B) In cases involving a living individual, that person shall have contributed 50 or more years of service to the community and only a portion of the park, site or facility may be named for the individual.

(b) When Hawaiian names or words are used to name an existing or new park, site or facility, the authoritative Hawaiian spelling and diacritical marks shall be used.

(c) Any park, site, facility or memorial name adopted after the effective date of this article includes appropriate diacritical marks, which shall appear on the park, site, facility or memorial sign name. Appropriate diacritical marks shall also be required for all replacement signs for park, site, facility or memorial names in effect on the effective date of this article. The department that controls, maintains and manages the park, site, facility or memorial may take all steps necessary to redesignate the names of existing parks, sites, facilities or memorials to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate.

(Added by Ord. 89 95; Am. Ord. 10-29)

Sec. 22 9.4 Memorials.

(a) The city shall erect, install and accept donations for permanent statues, busts or other memorials in accordance with requirements set forth in this section.

(b) Permanent statues, busts or other memorials may be erected, placed or installed in city parks, sites and facilities to honor:

*Editor's Note: Ordinance 06-02 amended Section 22-9.3 to provide that the names of city parks, sites and facilities may be named for former mayors or councilmembers who are still living, but pursuant to Section 4 of Ordinance 06-02, the ordinance was repealed as of July 31, 2006.

(1) Persons or groups that have a significant association with the park, site or facility;

(2) Persons or groups for which a park, site or facility has been named;

(3) A belief, ideal, concept or historical event of significance to the community, city, state, nation or world;

(4) A historical event of significance to the park, site or facility;

- (5) A person or group which has contributed significantly to the park, site or facility;
 - (6) A person or group which has achieved significant recognition historically on the city, state, national or international level; or
 - (7) A person or group which has been honored for service with the armed forces of the United States of America.
- (Added by Ord. 89 95)

Sec. 22 9.5 Procedures for naming city parks, sites and facilities and erecting or accepting memorials.

- (a) When a new park, site or facility is acquired or authorized for construction, or when a memorial is to be accepted or erected, the mayor shall submit his or her recommendations regarding the name or memorial to the council in the form of a resolution, along with any additional information as required in subsections (c) and (d) of this section. Any interested person may recommend names or name changes to the city.
- (b) When a beach, stream, lake, pond or any other geographic feature is involved, the resolution naming, renaming or correcting the name of a geographic feature or place shall request the board of geographic names, office of state planning to name, rename or correct the name of a geographic feature or place in accordance with HRS Chapter 4E.
- (c) When a person or historical event is recommended as the name for a park, site, facility or any portion thereof, the mayor shall submit the following information regarding the proposed name or historical event:
 - (1) The full name of such person, persons, group or event;
 - (2) The date of birth and the date of death, if appropriate, of the person or persons;
 - (3) The residence of the person or persons, if appropriate, including street address, town and district, state or nation;
 - (4) The association, if any, of the person, persons, group or event, if appropriate, with the park, site, facility, or portion thereof, to be named; and
 - (5) A brief biography of the person, persons or group, or account of the historical event, if appropriate, including all other data relevant to the commemorative naming.
- (d) Any recommendation for acceptance or erection of a permanent memorial shall include:
 - (1) The full name of such person, persons, group or event;
 - (2) The date of birth and the date of death of the person or persons;
 - (3) The residence of the person or persons, if appropriate, including street address, town and district, state or nation;
 - (4) The association, if any, of the person, persons, group or event, if appropriate, with the proposed location;
 - (5) A brief biography of the person, persons or group, or account of the historical event, if appropriate, including all data relevant to the memorial; and
 - (6) Detailed information, such as size, shape, type of material, any maintenance costs, and total costs, if appropriate.

Notwithstanding subdivisions (d)(1) and (d)(2), in cases where the memorial will contain human skeletal remains, or iwi, subject to HRS Chapter 6E, or will honor or be dedicated to the remembrance of persons whose identities are unknown, the recommendation for acceptance or erection of a memorial need not include the information specified in subdivisions (d)(1) and (d)(2).
- (e) All naming or renaming of city parks, sites or facilities or any portion thereof shall be by resolution by the council of the City and County of Honolulu. Approval for the erection or placement of permanent memorials shall be by resolution, provided that an appropriate budget ordinance has been enacted where required.

- (f) The council may, on its own motion, designate a name for a new or existing park, site, facility, or any portion thereof, or memorial, consistent with the requirements set forth herein, by adoption of an appropriate resolution.
- (Added by Ord. 89 95; Am. Ord. 01-11, 10-29)

Sec. 22 9.6 Inventory of official names of parks, sites, facilities, statues and memorials.

The mayor shall maintain an inventory of official names of parks, sites, facilities and memorials, which shall be updated annually, and a listing describing or defining names and locations of parks, sites, facilities and memorials under the jurisdiction of the City and County of Honolulu. The inventory and listing shall be accessible at the municipal reference and records center. (Added by Ord. 89 95)

Sec. 22 9.7 Use of official names of parks, sites and facilities.

Official names of parks, sites and facilities shall be used in city communications, maps, plans, documents, signs and any other communications. (Added by Ord. 89 95)