PARK DEDICATION RULES AND REGULATIONS
OF THE
CITY AND COUNTY OF HONOLULU

City and County of Honolulu
Department of Land Utilization

Reprinted February 1997
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PARK DEDICATION RULES AND REGULATIONS OF THE
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RULE 1. AUTHORITY

Pursuant to the authority of Park Dedication Ordinance, Article 7, Chapter 22, R. O. 1969, as amended, the Rules and Regulations hereinafter contained are hereby established. They shall apply to all lands within the City and County of Honolulu, State of Hawaii.

RULE 2. TITLE

These Rules and Regulations may be referred to as the "PARK DEDICATION RULES AND REGULATIONS OF THE CITY AND COUNTY OF HONOLULU."

RULE 3. METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION

3.1 Where obtained

The public may obtain information as to matters within the jurisdiction of the City and County of Honolulu, by inquiring at:

(a) The office of the City Clerk, City Hall.

(b) The office of the Department of Land Utilization, 650 South King Street, Honolulu, Hawaii 96813. All rules, orders or opinions of the Department of Land Utilization are on file and available for public inspection. Copies of compilations of rules and supplements are available to the public at a price to be fixed by the Department of Land Utilization to cover mailing and publication costs.

3.2. Submittals or requests for information

Such inquiry may be made in person at said offices during business hours, or by submitting a request for information in writing to the Director of Land Utilization, City and County of Honolulu, 650 South King Street, Honolulu, Hawaii 96813.
RULE 4. PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES

4.1 Petition

Any interested person may petition the Department of Land Utilization requesting the adoption, amendment, or repeal of any rule or all of these Rules and Regulations.

4.2 Submission

The petition shall be submitted in duplicate to the Director of Land Utilization, City and County of Honolulu, Honolulu, Hawaii 96813. It shall include:

(a) The name, address and telephone number of the petitioner.

(b) A statement of the nature of the petitioner's interest.

(c) A draft or the substance of the proposed rule or amendment and a designation of the provision sought to be repealed.

(d) An explicit statement of the reasons in support of the proposed rule, amendment, or repeal.

4.3 Disposition of petition

The Department of Land Utilization shall within thirty (30) days after the submission of the petition either deny the petition in writing, stating its reasons for such denial, or initiate proceedings in accordance with HRS, Section 91-3, for the adoption, amendment, or repeal of the rules, as the case may be.

RULE 5. DECLARATORY RULINGS BY AGENCY

5.1 Petition

Any interested person may petition the Department of Land Utilization for a declaratory ruling as to the applicability of any statute or ordinance relating to these Rules and Regulations.

5.2 Submission of petition

The petition shall be submitted in duplicate to the Director of Land Utilization, City and County of Honolulu, Honolulu, Hawaii 96813
(a) The name, address and telephone number of the petitioner.

(b) A statement of the nature of petitioner's interest, including reasons for the submission of the petition.

(c) A designation of the specific provision, rule, or order in question.

(d) A complete statement of facts.

(e) A statement of the position or contention of the petitioner.

(f) A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position or contention.

5.3 Rejection of petition

Any petition which does not conform to the foregoing requirements may be rejected.

5.4 Refusal to issue declaratory ruling

The Department of Land Utilization may for good cause refuse to issue a declaratory ruling. Without limiting the generality of the foregoing, the department may so refuse where:

(a) The question is speculative or purely hypothetical and does not involve existing fact, or facts which can reasonably be expected to exist in the near future.

(b) The petitioner's interest is not of the type which would give him standing to maintain an action if he were to seek judicial relief.

(c) The issuance of the declaratory ruling may adversely affect the interests of the City or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

(d) The matter is not within the jurisdiction of the Department of Land Utilization.

5.5 Referral to other agencies

Where any question of law is involved, the Department of Land Utilization may refer the matter to the Corporation
Counsel. The department may also obtain the assistance of other agencies, where necessary or desirable.

5.6 Notification of petitioner

Upon the disposition of his petition, the petitioner shall be promptly informed thereof by the Director.

5.7 Status of orders

Orders disposing of petitions shall have the same status as other departmental orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist.

RULE 6. DEFINITIONS

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

(a) "Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought. 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.

(b) "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.

(c) "Director" means the Director of Land Utilization of the City and County of Honolulu.

(d) "Dwelling unit" is as defined in the Land Use Ordinance.

(e) "Dedication" means conveyance of land in fee simple.

(f) "Hotel" is as defined in the Land Use Ordinance.

(g) "Lodging unit" is as defined in the Land Use Ordinance.
(h) "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 or more dwelling or lodging units.

(i) "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. (Amended Ordinance 81-65 effective 9/1/81)

(j) "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.

(k) "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.

(l) "Subdivision" shall mean 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, or sale, lease, rental, 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.

(m) "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. (added Ordinance No. 77-117 effective 11/29/77)
RULE 7. SCOPE OF RULES AND REGULATIONS

7.1 Applicability

The following shall be subject to these Rules and Regulations:

(a) Subdivision pursuant to the Subdivision Rules and Regulations and Chapter 22, R.O. 1978, as amended, of the City and County of Honolulu.

(b) Multiple Family Development.

(c) Site development under Section 6.30 of the Land Use Ordinance.

(d) Existing multiple family development approved prior to the effective date of the Park Dedication Ordinance and subject to the following:

(1) When a new building or group of buildings containing dwelling or lodging units is added, or when an existing building is enlarged or altered to increase the number of dwelling or lodging units, these Rules and Regulations shall apply only to the number of dwelling or lodging units added, and not to the previously approved multiple family development.

(2) When an existing building is enlarged or altered without increasing the total number of dwelling or lodging units and the cost of such work exceeds 50% of the total replacement cost of the building at the time of the building permit application, those Rules and Regulations shall apply to the total number of dwelling or lodging units contained in the enlarged or altered building. The 50% replacement cost is calculated on each individual building and not on the total replacement cost of the multiple family development. The percentage shall be cumulative for each building from the effective date of this ordinance. The provisions of this article shall apply to all new or existing units in an enlarged or altered building whenever the cumulative 50% replacement cost is exceeded.

(e) Any change in the use of buildings to multiple family dwelling use.
(f) In any zoning district or special design districts where mixed uses of businesses, commercial, office and dwelling units are permitted, the provisions of this article shall apply to all units where kitchen and bathroom facilities are provided, or electrical and plumbing systems are so located and designed, by which these units may be readily converted to dwelling units without securing a new building permit or without undertaking any major alterations or renovation work.

This regulation shall 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 shall be recorded covenants running with the land and subject to the review and approval of the Director of Land Utilization and the Corporation Counsel. The legal documents shall be fully executed and recorded with the appropriate State agency and proof of such recordation shall be submitted to the Director of Land Utilization prior to issuance of building permits.

The provisions of this regulation shall apply to any conversion in use of any existing non-dwelling unit to dwelling units and such conversion shall not be undertaken unless the provisions of this regulation have been met. (added Ordinance No. 82-41 effective 10/12/82)

7.2 Exception

These Rules and Regulations 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 a 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. (amended Ordinance No. 90-2 effective 1/18/90)

(d) Hotels.

7.3 Requirements

Prior to approval of a subdivision by the Director or issuance of a building permit for multiple family development by the Building Department, every subdivider shall provide land in perpetuity or dedicate land for park and playground purposes.

The Director may permit, in accordance with these Rules and Regulations, the following:

(a) Park land to be provided in perpetuity or dedicated to the City; or

(b) Payment of fee equal to fair market value of an area of land required to be dedicated; or

(c) Private parks and playgrounds provided and maintained in private ownership; or

(d) Combination of the above equal to the area of land required to be provided in perpetuity or dedicated for park and playground.

RULE 8: PARKS AND PLAYGROUND LAND AREA REQUIREMENTS

The land area required for parks and playgrounds shall be calculated as follows:

(a) Country and residential districts excluding Planned Development projects. \(^1\) (amended Ordinance No. 90-2 effective 1/18/90)

The minimum land area in country and residential districts shall be 350 square feet per dwelling or lodging unit. Dwelling or lodging units shall include existing, proposed and potentially developable units.

\(^1\) This section has been amended by Ordinance No. 93-93, effective 12/13/93. A copy of Ordinance No. 93-93 is attached to these rules and regulations.
(b) Apartment, Resort, and Mixed Use Districts and Planned Development Housing projects within Residential District. (amended Ordinance No. 90-2 effective 1/18/90)

The minimum land area required shall be either 10% of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less.

(c) Other districts as required pursuant to the Park Dedication Ordinance, Chapter 22, R.O. 1978, as amended.

(d) Special District Use Precincts. (added Ordinance No. 77-29 effective 3/15/77) (amended Ordinance No. 90-2 effective 1/18/90)

(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% of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less.

RULE 9. STANDARDS AND REQUIREMENTS APPLICABLE TO PROVIDING OR Dedicating Land for Parks and Playgrounds

The City shall accept land in perpetuity or dedication for parks and playground purposes subject to the following standards and requirements and subject to the approval of the Director upon recommendation from the Director of Parks and Recreation:

(a) The site for parks and playgrounds shall be located as to serve the occupants of the subdivisions. The site shall generally be located within the following distance from the subdivision:

(1) Neighborhood and mini parks - 1/2 mile

(2) Community parks - 1 mile

(3) District parks - 2 miles

(4) Regional parks - to serve the entire island

(b) The minimum lot area shall be as follows:

(1) 2-1/2 acres in residential districts.

(2) 10,000 square feet in apartment and other districts.
The minimum area may be reduced where such land area is to expand an existing park or where future expansion of the park land is planned and land area is reserved.

(c) The shape of the lot shall be such that the depth of the lot shall not exceed twice the width as taken from the center of the lot area. The shape may be varied based on topography, or existing property lines, subject to approval of the Director.

(d) The topography and geology of the site shall be suitable for parks and playground purposes. A minimum of 60% of the lot area shall be less than 2% finished slope and the remaining area shall not exceed an average of 10%. The slope requirement may be waived based on topography, property lines and proposed park facilities subject to approval of the Director.

(e) The site shall be subdivided as a separate lot, and access shall be provided to the lot in accordance with the Subdivision Rules and Regulations.

(f) The subdivider shall be required to provide the off-site improvements and utilities required under the Subdivision Rules and Regulations such as sewer, water, electrical and telephone laterals, drainage facility and roadway improvements serving and abutting the site.

The subdivider shall also be required to provide the on-site improvements such as grading and grassing of the entire site, and drainage facilities.

(g) Construction plans shall be approved by the Director and appropriate governmental agencies on all work and improvements. All work and improvements not completed shall be bonded with the City in accordance with the Subdivision Rules and Regulations, prior to acceptance of dedication of the park area by the City.

(h) Upon completion of the improvements by the subdivider and upon acceptance of the land and improvements by the City, the City shall thereafter assume the cost of maintenance and any further improvements.

RULE 10. STANDARDS AND REQUIREMENTS APPLICABLE TO CREDIT FOR PRIVATE PARKS AND PLAYGROUNDS

Where land for a private park and playground is provided in a subdivision and such area is to be privately owned and maintained
and used by the occupants in the subdivision, such land area including physical facilities may be credited against the land area which would otherwise be required to be dedicated.

Such credit shall be subject to the following standards and requirements and subject to the approval of the Director upon recommendation from the Director of Parks and Recreation,

(a) The site is located as to serve the occupants of the subdivision and shall be on the ground level and shall not be covered. Vehicular and pedestrian accesses to the site shall be provided to adequately serve the occupants of the subdivision.

(b) The minimum lot area shall be 5,000 square feet. The minimum area may be reduced where such area is to expand an existing park or future expansion of the park is planned and area reserved.

(c) The shape shall be such that the depth of the area shall not exceed twice the width as taken from the center of the area. The shape may be varied based on topography or existing property lines, subject to approval of the Director.

(d) The topography and geology of the site are suitable for parks and playground purposes. The average slope of the lot shall not exceed 5%. The site shall be graded and landscaped. The slope requirement may be waived based on topography, property lines and proposed park facilities subject to approval of the Director.

(e) Physical facilities shall be provided by the subdivider for active recreational use such as outdoor recreational courts (volleyball, basketball, tennis, handball, horseshoe, shuffleboard, lawn bowling); swimming pool; playfield (baseball, softball, football); tot lot facilities, and/or playground apparatus to serve the subdivision and subject to approval of the Director. Detailed plans and documents shall be approved by the Director, Director of Parks and Recreation, and appropriate governmental agencies on all work and improvements.

Credit to the land area required to be dedicated shall be given for the cost of such physical facilities provided by the subdivider. Such credit shall be based on the cost of the facilities provided as approved by the Director of Parks and Recreation.
(f) (deleted Ordinance No. 77-117 effective 11/29/77)

(g) The site improvements and physical facilities shall be provided and constructed by the subdivider and an agreement and surety shall be filed and accepted by the City to guarantee the construction of the improvements and facilities within a specified time as required by the Director.

(h) The use of the site is restricted for park and playground purposes by recorded covenants which shall run with the land for the use of all the purchasers or occupants in the subdivision and which shall not be void without the approval of the Director. Obligate all of the occupants of the subdivision to be mandatory members of the private park and playground.

(i) There shall be adequate assurance for perpetual maintenance of such private parks and playgrounds by recorded covenant running with the land which shall include but not necessarily be limited to the following:

(1) Obligate the subdividers, purchasers or occupants in the subdivision to maintain the private parks and playgrounds in perpetuity.

(2) Empower the Director of Parks and Recreation to enforce the covenants to maintain the private parks and playgrounds and authorize the performance of maintenance work by the Director of Parks and Recreation in the event of failure by the subdivider, purchaser or occupant, to perform such work and permit the subjecting of the land and properties in the subdivision to a lien until paid.

(j) Legal documents shall be drawn up by the subdivider to ensure the above-mentioned conditions and requirements and shall be subject to the review and approval of the Corporation Counsel as to content and form. The subdivider shall be required to file with the Bureau of Conveyances a declaration of the above-mentioned documents. A certified copy of the documents as issued by the Bureau of Conveyances shall be presented to the Director, as evidence of recordation, prior to occupancy of any subdivision.

(k) Golf courses, marinas or other similar uses to serve only a certain group or individuals shall not be considered as credit for private parks.

(l) (deleted Ordinance No. 77-117 effective 11/29/77)
RULE 11. CREDITS FOR LANDS PREVIOUSLY DEDICATED

11.1 Credit to subdivision for lands previously dedicated or provided in perpetuity. Where lands for a park and playground were previously dedicated or provided in perpetuity, such land areas may be credited against such land area which would otherwise be required to be dedicated.

Such credit shall be subject to the approval of the Director upon consultation with the Director of Parks and Recreation provided the following requirements are met:

(a) The lands for parks and playgrounds have been approved and accepted by the City.

(b) The site for such parks and playgrounds meets the needs of the occupants in the subdivision.

11.2 Credit to subdivision where the provisions of these Rules and Regulations were previously met.

Where a subdivision is subsequently resubdivided or redeveloped, the provisions of these Rules and Regulations shall apply to all dwelling or lodging units over and above those units which complied with the provisions of these Rules and Regulations.

RULE 12. STANDARDS AND REQUIREMENTS APPLICABLE TO DETERMINATION OF AMOUNT OF FEES TO BE PAID IN LIEU OF DEDICATING OR PROVIDING LAND (AMENDED ORDINANCE NO. 81-65 EFFECTIVE 9/1/81)

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

12.2 Time of valuation. The valuation shall be based upon the fair market value of the land at the time the subdivision application is accepted by the City.

The Director shall consult with the Director and Chief Engineer, Department of Public Works, for the City's determination of the valuation of land.

12.3 Appraisal. If the City and the subdivider fail to agree on the fair market value of land, such value shall be fixed and established by the majority vote of three land appraisers. One of the appraisers shall be appointed by the subdivider, one shall be appointed by the City, and
the third shall be appointed by the first two appraisers. The subdivider and the City shall equally bear the fees of appraisal and costs thereof.

RULE 13. PROCEDURAL REQUIREMENTS

13.1 Subdivision under the Subdivision Rules and Regulations of the City.

(a) As a part of the filing of a subdivision application under the Subdivision Rules and Regulations of the City, the subdivider shall state whether he wishes to dedicate, provide land in perpetuity, pay a fee, receive credit for a private park, or a combination of the above for park and playground purposes in conformance with the provisions of these Rules and Regulations.

For subdivisions exempted or which are not to be developed for dwelling or lodging units, appropriate information shall be included in lieu of the information stated below.

The subdivider shall show on the application all of the following which shall be subject to the approval of the Director:

(1) The total number of dwelling or lodging units potentially able to be developed under this application including existing dwelling or lodging units, and the number of dwelling or lodging units existing and, potentially able to be developed on each proposed lot. Whenever applicable, appropriate information shall be included for Planned Development, Cluster Development, or other projects which have or will comply with the provisions of these Rules and Regulations by another application.

(2) For subdivisions of multiple family developments, 10% of the maximum permitted floor area for each subdivision lot.

(3) The area of land required to be dedicated or provided in perpetuity as set forth in these Rules and Regulations.

(4) The amount of fee required to be paid to the City in lieu of providing or dedicating land including
the valuation per square foot of land. If available, appraisals or other substantiating data should be submitted.

(5) The site to be dedicated or provided in perpetuity shall be designated on the subdivision map. Such designation shall specify the lot area, boundaries, existing conditions, proposed grading, and improvement work to be done by the subdivider on the proposed site.

(6) Where the subdivider proposes to meet the requirements of these Rules and Regulations by alternative means such as credit for private parks or combination of providing or dedicating land and payment of a fee, the subdivider shall submit such information, data and plans.

(b) The Director shall transmit a copy of the application to the Director of Parks and Recreation for comments and recommendations. The Director of Parks and Recreation shall evaluate other areas in the entire subdivision which would meet the standards of dedication of park lands. The Director may require dedication of land other than the land proposed to be dedicated by the subdivider.

The Director, upon consultation with the Director of Parks and Recreation, shall determine which method is in the best interest of the occupants of the subdivision and the City.

Upon determination by the Director as to the method used to meet the provisions of these Rules and Regulations, the subdivider shall comply with one of the following as required by the Director:

(1) For lands to be dedicated, a subdivision application designating the park site shall be submitted to the Department of Land Utilization. The necessary deeds and other documents of conveyance of lands and easements that are part of the park and playground site required to be provided in perpetuity or dedicated shall be filed with the Department of Parks and Recreation. Any conveyance shall be in conformity with all applicable statutes, ordinances and rules and regulations. The deeds and other documents shall be approved by the City prior to issuance of any building permits in the subdivision,
provided building permits may be issued for structures required pursuant to the Subdivision Rules and Regulations.

(2) Payment of the required fee in accordance with these Rules and Regulations.

(3) Where alternative means such as credit for private parks or combination of the above, to meet the provisions of these Rules and Regulations are required, the subdivider shall comply with the requirements of the Director in accordance with these Rules and Regulations.

Upon compliance by the subdivider as required by the Director in accordance with these Rules and Regulations, the Director shall act on the final map in accordance with the Subdivision Rules and Regulations.

In cases where the actual number of dwelling or lodging units is over and above the total number originally calculated, the eventual developer shall be required to comply with the provisions of these Rules and Regulations for every dwelling or lodging unit over and above those units which complied with the provisions of these Rules and Regulations.

13.2 Multiple Family Development including Planned Development, Cluster Development and development under Section 6.50 of the Land Use Ordinance.

(a) As part of the application for a Multiple Family Development, Planned Development, Cluster Development or development under Section 6.50 of the Land Use Ordinance, the applicant shall state whether he wishes to dedicate, provide land in perpetuity, pay a fee, receive credit for a private park or a combination of the above.

The applicant shall show on the application, all of the following which shall be subject to approval of the Director:

(1) The total number of dwelling or lodging units proposed to be developed under this application including existing dwelling or lodging units.

(2) For multiple family developments, 10% of the maximum permitted floor area.
(3) The area of land required to be dedicated as set forth in these Rules and Regulations.

(4) The amount of fee required to be paid to the City in lieu of dedicating land including the valuation per square foot of land. If available, appraisals or other substantiating data shall be submitted.

(5) The site to be dedicated shall be designated on a subdivision map. Such designation shall specify the area, boundaries, existing conditions, proposed grading and improvement work to be done by the applicant.

(6) Where the applicant proposes alternative means such as private parks, the applicant shall submit such information, data and plans.

(b) The Director shall transmit a copy of the application to the Director of Parks and Recreation for comments and recommendation.

The Director of Parks and Recreation shall evaluate other areas in the development which would meet the standards of dedication of park lands. The Director may require dedication of lands other than those proposed by the applicant.

Upon determination by the Director as to the method used to meet the provisions of these Rules and Regulations, the applicant shall comply with one of the following as required by the Director:

(1) For lands to be dedicated, a subdivision application to designate the park area shall be filed with the Department of Land Utilization, and the necessary deeds and other documents of conveyances of land shall be filed with the Department of Parks and Recreation. The deeds and other documents must be approved by the City prior to issuance of any building permits in the development.

(2) Payment of the required fee in accordance with these Rules and Regulations.

(3) Where alternative means such as credit for private parks or combination of the above are required, the applicant shall comply with the requirements of the Director in accordance with these Rules and Regulations.
For development under Section 6.30 of the Land Use Ordinance, and upon compliance by the applicant as required by the Director, the Director shall take action on the development.

For Planned Developments and Cluster Developments, the applicant shall comply with the conditions of the Planned Development Ordinance or the Cluster Development approval.

Where conditions are not stated, the applicant shall comply with the requirements of the Director in accordance with these Rules and Regulations. Upon compliance, the Director shall notify the Building Department that the building permit may be issued in accordance with other applicable laws and regulations.

For Multiple Family Developments, the Director shall notify the Building Department that the applicant has complied with these Rules and Regulations and that the building permit may be issued in accordance with other applicable laws and regulations.

13.3 Multiple Family Development by payment of fees

(a) In cases where the Multiple Family Development can only comply with these Rules and Regulations by payment of fees as determined by the Director upon recommendation from the Director of Parks and Recreation, the building permit plans shall include the following:

(1) The total number of dwelling or lodging units proposed including existing units.

(2) 10% of the maximum permitted floor area.

(3) The area of land required to be dedicated.

(4) The amount of fee required to be paid to the City including the valuation per square foot of land. If available, appraisals or other substantiating data shall be submitted.

(b) The building permit application shall be submitted to the Director. Upon agreement on the fees to be paid pursuant to these Rules and Regulations, the applicant shall pay the required fee. The Director shall notify the Building Department that the applicant has complied with these Rules and Regulations and the building permit may be issued in accordance with other applicable laws and regulations.
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, said 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 insure 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.

(added Ordinance No. 81-65 effective 9/1/81)

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 Charter of Honolulu, 1979. All monies received shall be used for park and playground purposes for the use of purchasers or occupants of the subdivision.

(added Ordinance No. 81-65 effective 9/1/81)

Refund of Payment of Fees. 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; or

(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.

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 subparagraph (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.

Subdivision or building permit applications 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. (amended Ordinance No. 81-65 effective 9/1/81)

Where a public park and playground presently serves a subdivision, such fees shall be used for the purpose of providing facilities for the existing park and playground.

Within five years from the date of receipt of the fees, the City shall expend the such receipts for purchase of land for development of a new or expansion of existing parks and playgrounds, and/or purchase of parks and playgrounds, all according to the following locational priority for creation, expansion and improvement of parks and playgrounds:

(a) Neighborhood and mini park(s) located within one-half (1/2) 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 distances of the project site shall be considered in the event the implementation of (a) and (b) above are unfeasible.

(d) Regional parks shall have the last priority.
RULE 15. RECORDATION

The Director shall maintain the following record of the subdivision and multiple family development which has complied with the provisions of these Rules and Regulations.

(a) Name and address of the subdivider and owner.

(b) Name, location, tax map key, and plans of the subdivision or multiple family development.

(c) The number of dwelling or lodging units which complied with the provisions of the ordinance.

(d) The method used and all pertinent data, documents, deeds, and maps.

RULE 16. 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. (amended Ordinance No. 81-65 effective 9/1/81)

RULE 17. VALIDITY

If any section or part of these Rules and Regulations is held to be invalid for any reason whatsoever, such validity shall not affect the validity of the remaining sections or part of these Rules and Regulations.

RULE 18. EFFECTIVE DATE OF THESE RULES AND REGULATIONS

These Rules and Regulations shall become effective upon their approval by the Mayor of the City and County of Honolulu and ten (10) days after filing with the City Clerk.
The Park Dedication Rules and Regulations was adopted on October 4, 1976 after a public hearing was held on September 27, 1976, notice of which was published in the Sunday Star Bulletin and Advertiser on September 5, 1976.

Department of Land Utilization
City and County of Honolulu

/s/ George S. Moriguchi
GEORGE S. Moriguchi
Director

APPROVED AS TO FORM:

/s/ Claire M. Marumoto
Deputy Corporation Counsel

October 4, 1976
Date

Approved this 7th day of October, A.D. 1976.

/s/ Frank F. Fasi
FRANK F. FASI, Mayor
City and County of Honolulu

Received this 7th day of October, A.D. 1976.

/s/ Eileen K. Lota
City Clerk
PARK DEDICATION PROCEDURE FLOW CHART

- Subdivision under Subdivision Rules & Regulations
- Multiple Family Development incl. Apartments, Planned Development, Cluster Development.

APPLICATION RULE 13

DEPT OF LAND UTILIZATION

DIRECTOR DLU DETERMINES METHOD

DEPT OF PARKS & RECREATION

DEDICATION

FEES

CREDIT PRIVATE PARK

COMBINATION

APPLICANT COMPLIES

SUBDIVISION

DLU DIRECTOR TAKES ACTION ON FINAL MAP

MULTIPLE FAMILY DEVELOPMENT PROJECT PROCEEDS

TENTATIVE APPROVAL OF SUBDIVISION MAP
METHOD FOR COMPLIANCE

DEDICATION OF LAND

APPLICATION

RULE 13

DEPARTMENT

OF LAND

UTILIZATION

DEPARTMENT

OF PARKS

AND RECREATION

APPLICATION

SUBMISSION

DOCS

DEPARTMENT

OF PUBLIC WORKS

PRIVATE PARKS

APPLICATION

RULE 10

DEPARTMENT

OF LAND

UTILIZATION

APPLICATION

COMPLIES

DEPARTMENT

OF PARKS

AND RECREATION

DEPARTMENT

OF PUBLIC WORKS

DEPARTMENT

OF FINANCE

PROJECT PROCEEDS

PROJECT PROCEEDS

PROJECT PROCEEDS

CORPORATION

COUNSEL

CORPORATION

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

SECTION 1. The purpose of this ordinance is to ease mandatory dedication of land area requirements for parks and playgrounds for subdivisions involving small numbers of lots in residential and country districts.

The intent of this ordinance is to enhance the economic feasibility of single-family infill housing and housing for extended families. By eliminating or decreasing additional land costs for park space, the financial burden is lowered for housing associated with small subdivisions for infill projects and for families subdividing land in order to provide their "ohana" with affordable housing options.

SECTION 2. Section 22-7.5, Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (a) to read as follows:

"(a) Country and Residential Districts, Excluding Planned Development Housing Projects. The minimum land area in country and residential districts shall 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 shall be based on the total number of potential lots. A lot which cannot be further subdivided shall count as one potential lot. For a lot which can be further subdivided, the potential number..."
of lots shall be determined by dividing the area of the lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units shall include existing, proposed and potentially developable units, except for "ohana dwelling units" as defined in the land use ordinance of the city.

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 underscore.

SECTION 4. This ordinance shall take effect upon its approval provided that the provisions of this ordinance shall not be applicable to three-, four-, five-, six-, seven- and eight-lot subdivisions which were granted approval under the subdivision rules and regulations, prior to the effective date of this ordinance.

INTRODUCED BY:

Gary Gill (BR)

DATE OF INTRODUCTION:

July 19, 1993
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 13th day of December, 1993.

FRANK F. PAST, Mayor
City and County of Honolulu