

Department of Planning and Permitting  
City and County of Honolulu

Instructions for Filing the Necessary Documents for a  
**MEETING FACILITY IN THE I-1 LIMITED OR I-2 INTENSIVE  
INDUSTRIAL DISTRICTS**  
[LUO Section 21-5.450(b)]

A meeting facility is a permitted "principal use with conditions" in the I-1 Limited Industrial District or I-2 Intensive Industrial District. Some of these conditions require that the applicant file certain documents with the Department of Planning and Permitting (DPP) for approval. The building permit application package for a meeting facility which will be located in either the I-1 or I-2 Districts ***must*** include the following:

1. **Building Permit:** In order to facilitate approvals for meeting facilities in the industrial districts, a building permit is ***required***, even in those instances where only a change in use of an existing structure may be involved. Whenever construction work is to be performed in conjunction with a new or expanded meeting facility, complete the building permit application in the normal prescribed manner. In those instances where the building permit is only for a change in use, write "Change in use only - new meeting facility" in the "DESCRIPTION OF WORK TO BE DONE" block of the application. A brief description concerning the specific type of meeting facility is also needed, e.g., a church, a community center, a union hall, etc.

Building permit applications and information about completing an application are available on the first floor of the Frank F. Fasi Municipal Building, or on-line at <http://honolulu.dpp.org/downloadpdf/construction/bldperm2.htm>.

Note: The effective approval date for a meeting facility in an industrial district will be the date that the related building permit is issued.

2. **Declaration of Restrictive Covenant.** Prior to the commencement of a meeting facility use in an I-1 or I-2 District, the owner/operator of the meeting facility ***must*** file with the DPP and record in the Bureau of Conveyances or the Land Court, as appropriate, a Declaration:
  - Stating that the owner and operator recognizes that abutting and neighboring properties can, by right, include potentially annoying or even noxious industrial uses at any time, including after the establishment of the meeting facility use; and
  - Precluding the meeting facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws; and

- Stating that the owner and operator recognizes that structures formerly in industrial use may require upgrades in order to comply with different governmental regulations governing the use of a structure as a meeting facility; and
- Pledging that the owner and operator will comply with all regulatory code requirements, including but not limited to building, electrical, mechanical, fire, and occupancy codes.

A sample Declaration of Restrictive Covenant, acceptable to the DPP, is attached for your reference. Please note that this is only a sample document. You must draft your Declaration to fit the particular circumstances of your specific location, as may be appropriate, for instance regarding the Bureau of Conveyances versus Land Court, and I-1 versus I-2 District. The DPP must approve the draft Declaration of Restrictive Covenant before any other necessary steps are taken concerning this particular document. Once the DPP has approved the draft Declaration of Restrictive Covenant, then you must:

- a. Execute the Declaration, and have it notarized;
  - b. Submit the notarized Declaration to the Bureau of Conveyances and/or Land Court, as appropriate, along with its Exhibit "A" (which will be the legal description of the lot). Submit one original and three copies. Request that one copy be **certified** by the Bureau of Conveyances. The other two copies are for the designer and meeting facility owner/operator, if necessary.
  - c. After recordation of the Declaration, submit the **certified** copy to the DPP along with your building permit application.
3. Parking and Landscaping Plan. A parking and landscaping plan demonstrating compliance with the minimum requirements for off-street parking, loading, and landscaping and screening **must** be submitted to the DPP for approval before the building permit will be issued. The off-street parking requirement for a meeting facility is one standard-size stall per 75 square feet of assembly area or one per five fixed seats, whichever is greater. See LUO Article 6 for other parking and loading requirements, and LUO Section 21-4.70 for parking lot landscaping and screening requirements.
  4. One-thousand Foot Rule. No meeting facility within an I-2 District can be located any closer than 1,000 feet from another meeting facility that is also located in an industrial district. For the purposes of implementing this particular condition of approval, the 1,000-foot separation standard is measured from the parcel lines of properties containing existing, legally established meeting facilities. A signed letter from the meeting facility owner/operator **must** be submitted to the DPP certifying that they have researched and, to the best their knowledge, there are no other existing, legally established meeting facilities also within an industrial district located less than 1,000 feet from the proposed meeting facility's location.

**Note: This requirement is only applicable to the I-2 District. It does not apply to meeting facilities in the I-1 District. However, a meeting facility in the I-2 District cannot be located within 1,000 feet of another meeting facility in any industrial district, including a meeting facility that is in the I-1 District.**

**Note: If it is later confirmed that there is another legally established meeting facility located in an I-1 or I-2 District within 1,000 feet of, and which predates your meeting facility, then your right to legally continue your meeting facility use will be in jeopardy. Therefore, please thoroughly research for compliance with this condition.**

5. Accessory Uses: Permitted accessory uses to a meeting facility within an I-1 or I-2 District are restricted to the following activities:
  - a. Accessory uses which are also permitted uses in the zoning district (e.g., bathrooms, offices, storage, caretaker's dwellings, day-care facilities);
  - b. Schools for the vocational training of adults for the priesthood, ministry or rabbinate; and/or
  - c. Classes on religious instruction.
6. Other Permits or Approvals: A building permit for a meeting facility in an industrial district will not be issued unless all other permits, as may be required, have already been obtained.

If you have any questions concerning these instructions or related matters, please call **Zoning Information at phone no. (808) 768-8252.**

Attachment

Minimum 3" margin

SAMPLE  
ONLY

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pick-up ( )

To:

Minimum 1"

DECLARATION OF RESTRICTIVE COVENANT

This declaration made by \_\_\_\_\_, Owner in fee simple of that certain parcel of land at \_\_\_\_\_ also known as Lot \_\_\_\_\_ of \_\_\_\_\_, identified by Tax Map Key \_\_\_\_\_, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, by Deed dated \_\_\_\_\_, recorded in the Bureau of Conveyances (Regular System) of the State of Hawaii in Liber # \_\_\_\_\_, Page \_\_\_\_\_, or Bureau of Conveyances in Document/Instrument No. \_\_\_\_\_, or filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_, became the sole owner of said property and is hereinafter called the "Declarant."

WHEREAS, pursuant to the Land Use Ordinance of the City and County of Honolulu, Chapter 21, Revised Ordinances of Honolulu 1990, as amended, in an I-1 Limited or I-2 Intensive Industrial District a meeting facility may only be erected and maintained on said premises subject to certain specified conditions, as prescribed therein.

NOW, THEREFORE, the undersigned \_\_\_\_\_ hereby covenants and agrees to subject the premises described in Exhibit "A" to the covenants as follows:

1. That the owner and operator of the approved meeting facility use and structure shall recognize and acknowledge that abutting and neighboring properties can, by right, include potentially annoying or even noxious industrial uses at any time, including after the commencement of the meeting facility use.
2. That the owner and operator of the approved meeting facility use and structure shall not file any nuisance complaints against any industrial use operating in compliance with applicable law.

3. That the owner and operator of the approved meeting facility use and structure shall recognize and acknowledge that structures formerly in industrial use may require upgrades in order to comply with different governmental regulations governing the use of a structure as a meeting facility.
4. That the owner and operator of the approved meeting facility use and structure shall comply with all applicable regulatory codes, including but not limited to building, electrical, mechanical, fire, and occupancy codes.
5. That this Declaration of Restrictive Covenant shall run with the land so long as a meeting facility is operated on the land and shall bind, inure to the benefit of, and constitute notice to the respective successors, grantees, assignees, mortgagees, lienor, and any other person who claims in interest in such property, of the parties hereto.
6. That Declarant or their assignee shall file a certified recorded copy of this covenant with the Department of Planning and Permitting of the City and County of Honolulu, as a condition precedent to the issuance of the Building Permit for a meeting facility structure and/or the establishment of the meeting facility use.
7. That this Declaration of Restrictive Covenant shall not terminate, extinguish nor cancel without the express approval of the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii.
8. That failure to operate the meeting facility in accordance with this Restrictive Covenant shall constitute grounds for the City and County of Honolulu to revoke or suspend any building permits or other approvals issued hereunder.
9. That the City and County of Honolulu, State of Hawaii, shall have the right to enforce this Restrictive Covenant and the conditions contained herein by appropriate action at law or suite in equity against Declarant and any persons claiming an interest in such property.

IN WITNESS WHEREOF, the undersigned hereunto sets his/her hand on this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.

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

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) ss  
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On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally  
appeared \_\_\_\_\_ known to me to be the  
\_\_\_\_\_ Declarant hereunder, described in and who executed the foregoing  
instrument, and acknowledged that he/she executed the same as his/her free act and deed and  
as the act and deed of Declarant.

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\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

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