



American Planning Association
Hawai'i Chapter

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August 9, 2018

Ms. Kathy Sokugawa, Acting Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Subject: American Planning Association, Hawaii Chapter, Land Use Ordinance Working Group Report

Dear Ms. Sokugawa:

As you are aware, the American Planning Association, Hawaii Chapter (APAHI), formed a working group in response to the DPP's call for public input regarding potential amendments to the Land Use Ordinance. All APAHI members were invited to attend four working group meetings held in May and June 2018 to provide comments and recommendations. We thank you for assigning DPP staff to the meetings as they were a valuable technical resource.

Attached to this letter are the following:

1. Report on the Chapter's LUO Working Group.
2. Matrix summarizing input received.
3. Meeting notes for the working group's meeting held on June 13, 2018.
4. The American Planning Association Knowledge Collection for Zoning Reform and Code Writing.

Note that the recommendations provided in the report and matrix are not necessarily positions endorsed by the Chapter, but rather input received from the Chapter's members.

We thank you for the opportunity to be involved in this very important endeavor. Should you have questions or require other information, feel free to contact me at 221-3717 or email me at minakamid@gmail.com.

Sincerely,

Dean Minakami, President
APA Hawai'i Chapter

founded in 1962, the hawai'i chapter has over 250 members, including planning officials, public and private sector planners, and community advocates, on the major islands across the state

e mālama pono i ka 'āina;
nānā mai ke ola
take good care of the land;
it grants you life

American Planning Association - Hawaii Chapter
Government Affairs and Public Issues Committee
Report on Chapter's LUO Working Group

The City and County of Honolulu Department of Planning and Permitting (DPP) has begun the first of several phases to update the City's zoning code - Land Use Ordinance (LUO), Chapter 21 of the Revised Ordinances of Honolulu (ROH).

The Hawaii Chapter applauds DPP for undertaking this ambitious project and asks that it be given continued opportunities to provide input and insights throughout the updating process.

Background

The LUO will be updated in multiple phases. The first phase entails reaching out to groups that use the LUO to obtain "specific, substantive input on exactly which components of the LUO are working well and those that can be improved."¹ This phase also includes recommendations by its consultant, RM Towill, that "identify what should be changed in the LUO, why, how, and what groups, if any, advocated for such change. The recommendations should be contrasted against best zoning and land use practices and the Consultant's independent assessment of the LUO."² A subsequent phase will address recommendations that can be developed into LUO amendments, or further explored, as necessary.

DPP wanted to ensure that APA-Hawaii member interests are represented in the update process and asked the Chapter to form a working group to discuss the LUO and provide guidance to the City. The Chapter's Government Affairs and Public Issues Committee invited members to four working group meetings in 2018: May 16, May 23, June 6, and June 13. In addition, a comment matrix on the LUO was posted online for members to directly submit comments and recommendations. Comments made at each of the four meetings were added to the online matrix by a staff member of DPP at the request of the Committee (staff would be most familiar with the LUO sections). The matrix and notes of the discussion at the fourth and final meeting were made available to DPP and its consultant. These are attached.

APA National Knowledge Base on Zoning Reform and Code Writing

The challenges facing DPP and the city are not uncommon across the country. The following excerpts from the APA website on zoning reform³ have application to the update process and are reminiscent of comments made by the Chapter's working group

...in many cities and counties the local zoning code is inconsistent with the policy recommendations in the local comprehensive plan or a dysfunctional patchwork of incremental amendments.

¹ City and County of Honolulu Department of Planning and Permitting. Land Use Ordinance Update PROJECT PURPOSE, SCOPE, AND SERVICES.

² *Id.*

³ *Zoning Reform and Code Writing*, American Planning Association, at <https://www.planning.org/knowledgebase/zoningreform/> (last visited, July 27, 2018).

Many, if not most, new zoning codes blend Euclidean, performance, and form-based zoning techniques. They include at least some use-based zoning districts; establish performance standards for specific uses, structures, or districts; and prescribe the form of some types of development.

Some of the most prominent policy themes in contemporary zoning practice include an increased emphasis on pedestrian- and transit-oriented design, standards that encourage more environmentally-friendly development, and a greater awareness of the need for affordable housing and housing suitable to people at all stages of life.

Most high-profile zoning reform efforts over the past 20 years have emphasized streamlining and reorganization to enhance user friendliness and minimize ambiguity. In many cases, this leads to combining zoning, subdivision, and other land-use and development regulations into unified development codes.

Beyond this, many zoning experts recommend reducing the number of zoning districts, replacing exhaustive enumerations of permissible uses with a categorical approach to use classification and regulation, writing in plain English, using illustrations to clarify provisions, taking advantage of technology to cross-reference related provisions, adding use-specific standards to minimize reliance on discretionary approvals, and presenting district-specific use permissions and development standards in tabular form.

APA's zoning reform webpage lists a series of reports and resources for members. A copy of the webpage list is attached.

Chapter Insights

Our island community is faced with land use development issues that have far-reaching impacts on the quality of life on Oahu. Some of these issues have been around for some time (affordable housing) while others are new (sea-level rise). The LUO update process presents an opportunity to "lean into" these challenges and formulate a land use code that can address and be adaptive to these issues as they evolve.

Comments made by the Chapter working group⁴ ranged from housekeeping to transformative ones. We encourage DPP to allocate resources to focus on the transformative comments while addressing the housekeeping comments on the LUO. Following is a discussion of comment highlights and insights.

1. **Form-based, Euclidean or hybrid code.** We recommend DPP evaluate these techniques before embarking on significant changes to the LUO. The attached APA guidance can inform this evaluation.
2. **Connection to Sustainability Plans and infrastructure plans.** Oahu's General Plan and the various Sustainable Community Plans as well as public infrastructure plans should have a clear connection to the LUO. How is that being done? What is necessary to link the LUO to these plans? Is there a way to evaluate how well the LUO implements these plans (such as a feedback loop)?

⁴ The Excel worksheet, "Copy of Proposed LUO Amendments_6-13-18_0900hrs_sum_4th-mtg" with comments sorted by categories was emailed to DPP on 6/13/18 with notes from the fourth and final Chapter Working Group meeting where attendees discussed all comments.

3. **Sea-level rise.** Oahu’s shorelines may already be experiencing the negative effects of sea-level rise. The recent Charter amendment to create the Office of Climate Change, Sustainability and Resiliency is a testament to the communities’ concerns and desire to address these issues. We encourage DPP to explore ways to modify the LUO to regulate land development now to avoid, minimize or mitigate future adverse effects on property and improvements. The Climate Change Commission Sea Level Rise Guidance, adopted June 5, 2018, recommended:

Given the tools available to planners, stakeholders and policy-makers with the Hawai’i Sea Level Rise Viewer, the NOAA SLR Viewer, and the Climate Central–Surging Seas Risk Finder, the City Climate Change Commission, pursuant to RCH Section 6-107(h), recommends that:

- 1. The mayor, City Council, and executive departments of the City utilize the 2017 Hawai’i Sea Level Rise Vulnerability and Adaptation Report (hereafter “Report”) and online Viewer, for baseline planning activity and infrastructure assessment and development with regard to sea level rise.*
- 4. The Special Management Area (SMA) boundary be revised to include parts of the 3.2SLR-XA that are not currently in the SMA.*
- 8. All ordinances related to land development, such as policy plans and regulations should be reviewed and updated, as necessary.*

Directive No. 18-01 (City and County Of Honolulu Actions To Address Climate Change and Sea Level Rise) was issued on July 16, 2018 by Mayor Kirk Caldwell to all department heads to *“consider the need for both climate change mitigation and adaptation as pressing and urgent matters, to take a proactive approach in both reducing greenhouse gas emissions and adapting to impacts caused by sea level rise, and to align programs wherever possible to help protect and prepare the infrastructure, assets, and citizens of the City for the physical and economic impacts of climate change.”* The Directive includes several procedures, including *“to develop and implement land use policies, hazard mitigation actions, and design and construction standards that mitigate and adapt to the impacts of climate change and sea level rise;”*

Given the connection between the LUO and the city’s Special Management Area regulations; both should be reviewed for sea level rise. Other comments made included: If we are losing shoreline, where else are we building? Densification of what areas? Will TOD help in this regard? How will sea level rise affect existing infrastructure, and is new infrastructure necessary to relocate affected developments?

4. **Residential Standards and Affordable housing.** The Working Group discussed aspects of affordable housing, recognizing that other agencies and legislation also address this fundamental need. To what degree can the LUO be modified to support the production of more affordable housing, or at least not be an impediment? The comment matrix has several comments related to this issue from the aspects of housing types (such as boarding homes⁵), densities, and parking requirements for residential uses.

⁵ Questor Lau, a regular attendee of the meeting, provided a draft report in PDF “Case Study: Boarding Houses in Honolulu” that was forwarded to DPP by email on 6/6/18.

5. **Renewable energy.** Given state and county goals for renewable energy and the momentum to develop utility-scale renewable energy projects and user-based installations (such as rooftop PV panels and batteries) as well as recent efforts to plan and provide for a future of electric vehicles, it may be worthwhile to evaluate the LUO to identify changes that would promote achievement of these goals or at least remove constraints.
6. **TVU/B&B.** One set of comments advocated for allowing an increase of TVUs/B&Bs presence in Waikiki, where such a use would be appropriate in a resort zone. Another set advocated for an evaluation of what is preventing better enforcement against illegal uses that can be a nuisance to surrounding residential uses. Given the recent debates on this issue, an examination of the role of the LUO is in order.
7. **Rezoning.** DPP may wish to consider if comprehensive rezoning would complement the LUO update. For example, are zone changes necessary to promulgate the recommendations of the development/sustainable communities plans? Should certain areas of the city be rezoned to allow higher density to accommodate population growth?
8. **Related ROH Chapters.** Is DPP considering the modification to other related ROH chapters? For example, modifications to Chapter 25 (Special Management Area) in combination with LUO changes would result in consistent measures to address sea-level rise.
9. **Public Availability of Data.** In the discussion at the 4th and final meeting, DPP was encouraged to make data available to the public:
 - a) Open data – can be used to stimulate innovation, stimulate the economy (how to pull data from large areas vs individual TMKs which are always changing and don't necessarily reflect the existing situation).
 - b) What about using data to evaluate whether the LUO is meeting the needs of the communities? (Ex: monster homes, existing FAR analyses, which areas have higher occurrences?) Does DPP have a specific division that could do this, and could they provide this information on a more regular basis? Enforcement is an important component of the code.
 - c) Can DPP make its LUO interpretations available to the public?
10. **Transportation Planning.** Input included comments on transportation. Long-term planning is essential to implementing an integrated transportation system that makes the best use of an island community's most scarce resource: land. Funding and building more roads is inefficient, as studies have shown that more road capacity begets more congestion. Instead, as part of its planning and code revisions, the City should look at policies and regulations that incentivizes and directs investments in community design that makes walking the first option, reduces the need to use single occupancy vehicles, and encourages alternative transportation modes that are safe, convenient, and affordable to the community. A well-planned, integrated transportation system can address many of the City's overarching policy objectives, including reducing the island's carbon footprint, reducing the cost of living, and promoting a health in all policies approach for addressing the complex factors that influence health and equity.

	A	B	C	D	E	F	G
1	Topic	Section	Existing Language	Proposed Language	Background. History. Reason for update?	Name/Email (optional)	Notes/additional conversation/discussion
2	affordable hsg		Affordable housing	Comparison diagram	Make a clarifying section explaining the different affordable housing options. How to use them. Permits for a given use.		
3	ag lands	21-3	Agricultural lands	Make LUC and LUO consistent. (How does SUP interact here) More specific criteria for evaluating special permits. Criteria not accurate enough. Below 15 acres.	Preserve agriculture - inconsistent practices that incentivize non-ag uses w/in the ag district. Prevent urban creep. Soil productivity. Farmers economic survival difficult. Agri-tourism? 50% of land in agriculture? Compatible uses to enhance ability to continue farming. W/o gentleman estates. Transfer of development rights? Urban to ag? To which district could the "right" be transferred. Non Economic considerations? Community interaction necessary to determine what their goal is for ag lands today.		Require public hearing for any subdivisions over a certain size w/in ag district. Chapter 22 Subdivision Ordinance suggestion (not LUO)
4	definition	21-10	LUO Definitions/restrictions	Tie in uses to general/development/sustainable communities plans.			
5	definition	21-3.1	master use table	schools vs. public uses and structure	Clarification. Found in Article 10 - definitions of public/private, etc. Get everyone on the same page - agencies, consultants. Uses in table should be defined somewhere.		Mix of uses for schools? Residential above? Act 153: looking at public lands w/ potential for public-private partnership. School sites, former school sites, zoning issues?
6	definition	21-9.100-4	TOD PD-T permit	Define Community Benefit	Currently, there are no publicly available reference or standards that City Planners use to determine whether the benefits offered by developer are commensurate with the exceptions taken in the proposed development. It is therefore highly subjective and makes each application a negotiated process up to the point the permit is issued. Added uncertainty increases time and costs.		
7	definition	Article 10	Floor Area definition	LUO definition is not consistent with the Building Code.	This requires separate and confusing tabulations of floor area for LUO and for Building Code. For example, garages/carports are not counted as floor area but are counted as building area.	Questor Lau Quarchitect@gmail.com	
8	definition	Article 10	Definition - Hotel (full vs limited service)	Limited service hotel	Need definition and not requiring a separation of services (restaurant, etc.)		
9	definition	Article 10	Definition - Zoning lot	What's included/ not included			
10	definition	Article 10	Definition - BUilding Area	need additional clarification			
11	definition	Article 10		Provide de minimus language	develop a standard		
12	definition	Article 10	Definition - Family	Definition is not enforceable with respect to dwellings.	Need to amend the definition of "Family" to enable enforcement. This is contributing to the issue with large detached dwellings. Difficult to enforce, difficult to prove "relationship."	Dean Minakami	
13	definition	Article 3	Lot coverage -additional clarification needed	Purpose of it for structures	PV, Equipment pads clarification		
14	definition	21-3.80-1(c)(1)	Except for necessary access drives and walkways, all yards shall be landscaped.	(delete necessary) Except for access drives and walkways, all yards shall be landscaped.	"Necessary" is not defined and subject to staff interpretation. For example, yards cannot be used for vehicle maneuvering. But if this were allowed, it would support the feasibility of urban infill projects. In practice, staff have rejected even incidental walkways connecting abutting properties since they weren't technically "necessary," whereas one of the mandates of transit oriented development is to improve walkability and enhance connections between properties.	Questor Lau	
15	definition	Definitions 21-10.1	"Landscaped" means a maintained area of which a minimum of 50 percent shall be devoted exclusively to include plants which are rooted directly in the ground or in permanently fixed planter boxes. The remaining 50 percent may be devoted to rock gardens, fountains and reflecting pools.	Allow grasscrete, and other similar ground stabilizing systems that facilitate water perfolation, to be considered as landscaping.	Grasscrete is preferable to concrete paving because is allows stormwater runoff to percolate into the ground. In practice, apartment zoned properties often pave over or install grasscrete in areas designated as required yards as parking. This provision is often not enforced. Grasscrete would be a preferred treatment to concrete and coincides with the existing pattern of development.	Questor Lau	
16	enforcement	21-2, 21-5, 21-10	Enforcement	Try to address sooner, when structure is being developed.	Enforce housing code. Look more at the structure. What they use it for is sometimes determined by the form of the structure. Minimize entryways into the dwelling, esp when wet bars are included. Hard to regulate design. Structure vs. use. [And what would really happen if code was fully enforced re: affordable housing or sufficient housing supply?]		
17	environment		Climate change and sea level rise		Strategy for sea level rise		
18	format	21-3.50-1	Agricultural Clusters	Move this section to Article 8	This should be in Article 8 since agricultural clusters require a cluster permit (optional development regulation).	Dean Minakami	
19	format	21-8.20A	Multiple dwellings on a single lot	Move this section to Article 3.	Should be article 3 since this section allows multiple dwellings on a single lot by right. Not an optional development regulation.	Dean Minakami	
20	format	LUO	Huge document	Use of graphics and diagrams	How to make it smaller		
21	information	LUO Interpretations	not available to public	make it available			
22	information		Interpretations		Make Interpretations available to the the public.		
23	manufacturing	Article 10	Could "maker spaces" be added to "Light manufacturing, processing and packaging establishments"? Additionally, could "Light manufacturing be added to other zoning districts on Table 21-3 of the Master Use Table?"	Here's a start of a definition from Google: a place in which people with shared interests, especially in computing or technology, can gather to work on projects while sharing ideas, equipment, and knowledge.	Would like to add that this category of land use would be supportive of the "maker movement." The inventory of Industrial space is extremely limited and is concentrated away from neighborhoods that are otherwise robust with mixed commercial and residential	vshigekuni@pbrhawaii.com	
24	mixed use	Section 3	Master Use Table	Allow retail and office use in AMX zoning districts.	Not allowing retail and office use hinders mixed-use development in the AMX district.	Dean Minakami	

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25	park standards	Park Dedication (not in LUO)	Standards missing for required amenities required to satisfy private park areas.	Park Dedication section should provide standards for quality and quantity of park amenities required. Or, at the very least, a minimum valuation of improvements required, should be established (i.e., \$500/dwelling unit). Costs of ongoing maintenance of these amenities should also be considered, not only initial costs.	Although ROH Chapt 22 does provide standards for determining the fee in lieu or park dedication area required, it does not provide standards to determine the quality or quantity or amenities that a private park must provided along with the park land. For example, the number of benches, the style, material, and costs of installation are not specified. Thus, City staff have a high level of discretion to accept or reject park amenities.	Questor Lau	
26	parking	Article 6	Parking maximums		Consider parking maximums, not just in TOD Special District		
27	parking	Article 6	Bicycle Parking offsets	Now that bicycle parking is required, allow it to offset min required car stalls. (i.e., 2 bicycle stalls = 1 car stall. Exact formula to be determined.)	Requiring bicycle parking in addition to car stalls, reduces amount of land avail for development. One way to encourage multimodal transportation is to reduce the number of car stalls required.	Questor Lau	
28	parking	Article 6	Shared parking offsets	Allow drop off stalls or stalls designated for shared vehicles (i.e., vanpool, uber) to be equivalent to X number of regular stalls. (Exact formula to be determined.)	Shared parking facilities are not the same as regular stalls. With a higher turnover rate or passenger carrying capacity, shared parking should be seen as a way to more flexibly address peak parking demand.	Questor Lau	
29	parking	Section 6			Reduce parking requirement for residential developments if the site has a high level of transit service (rail or bus).		
30	parking	Table 21-6.1	Parking Requirements	Reduce min parking required for Dwellings in areas that are within a 10 min walk to frequent public transportation or established commercial/business corridor (i.e., Waialae-Kapahulu business corridor).	Parking is a constraint on redevelopment and reinvestment in neighborhoods.	Questor Lau	
31	parking				Should the LUO look at encouraging or not encouraging charging stations...?		
32	parking		Parking?		Parking standards with autonomous vehicles		
33	permit	Article 2	No timeline provided for minor mods and variance	Establish timelines for minor modifications, variance			
34	permit	Article 2	What qualifies as a minor mod? major mod.		Need better clarification for what qualifies a minor modification. What is major modification--> new permit		
35	permit	Article 3 or 4	Industrial District Height limit	Equipment for allowable industrial use exceeds height limit	Eliminate coming in for a variance or modification.		
36	Planning infrastructure	Long Term Planning (not in LUO)	Capital investments in civic infrastructure do not seem to be coordinated with long term planning (i.e., sewer consent decree compliance is not providing additional capacity in existing neighborhoods).	Civic infrastructure capital investments should be planned/coordinated in consideration of future long term trends: additional density from TOD or future upzoning in non-TOD areas, climate change, demographic, economic and demographic.		Questor Lau	
37	residential	21-8.20A	Multiple dwellings on a single lot	Increase density in areas with adequate infrastructure.	Consider rezoning select residential areas and apartment areas to Apartment/Business/mixed use.	Questor Lau	
38	residential	21-8.20A	Multiple dwellings on a single lot	Clearly identify areas with adequate infrastructure.	How do we define adequate infrastructure -- sewer, roadways, water/fire flow, public transportation (frequency of bus service and/or bike lanes)?	Questor Lau	
39	residential	21-8.20A	Multiple dwellings on a single lot	Clearly state requirements.	8 dwelling units or less is allowed by right and no longer requires a cluster permit. But without the cluster permit, it is not clear what's required. Would help to have a checklist with enumerated standards and approvals required i.e., Approvals needed from: DTS (min roadway width on and off site, fire lane or turnaround provided), HFD (min hydrant flow/pressure, fire sprinklers required), WWB (sewer connection applic), BWS (min off site requirements), Solid Waste or Private Contractor (trash pickup location, turnaround dims adequate). Proj review recommended from USPS (mailbox location/style). Is difficult to design without knowing requirements. Clarify the LUO for multiple units. Can we put in design guidelines to get the benefit from smaller units similar to how CPR is done. Have you considered changing the R-5 standards, to allow for higher density?	Questor Lau	Clarify the LUO for multiple units. Can we put in design guidelines to get the benefit from smaller units similar to how CPR is done. Have you considered changing the R-5 standards, to allow for higher density?
40	residential	Section 21-5.290	Restricts group living facilities from being located within 1,000 feet from one another.	Delete 1,000 foot restriction.	More group living facilities will be needed to accommodate a growing elderly population. The rationale for restricting group living facilities from being within 1,000 feet from one another is questionable.	Dean Minakami	
41	residential	Section 3			Increase allowed density/height in all residential/mixed use zoning districts to allow for more dense residential development.		
42	residential	Section 8-20A(1)	Lot shall have an area equal to or greater than the required minimum lot size... multiplied by the number of dwelling units...	allow equation to reflect two-family dwelling lot size... e.g. R-5 lot with 12500 sq feet could have a two-fam dwelling and single fam dwelling.	development potential is left on the table if the current language is used when compared to subdividing the lots. Some lots are large but may not be subdivided and lend themselves to different patterns of development.		
43	residential		Boarding Facilities	Consider expanding Boarding Facilities as an allowed use in residential properties that meet min district standards and reducing development standards (i.e., min parking required).	Boarding facilities can provide dwellings at higher density than typical multifamily development but market forces are not currently building any.	Questor Lau	
44	residential		Boarding Facilities	Prelim info on Boarding Facilities in Honolulu. See LINK.	https://www.dropbox.com/s/w778alcn1w20jfs/Case%20Study%20of%20Boarding%20Facilities%20in%20Honolulu_v2.pdf?dl=0	Questor Lau	Make the definition differences of group living facility and boarding facilities clearer. Clarifying the definitions may increase construction of these facilities for affordable housing.
45	residential		Development standards		Revisit the A-1 and other residential standards. Find a place for the missing middle housing.... Increased density, smaller lots.... what standards might be optimal to get fourplexes on smaller lots.		
46	residential		ADU and Ohana		Infrastructure capacity maps		

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47	TVU/B&B	[Table 21-9.6(A)]	TVUs are not allowed in Apartment precinct	Allow TVUs in entirety of Waikiki Special District	Apartment zoning in Waikiki and the permitted uses are at odds with the reality of Waikiki District: Its a tourist area and there are multiple major resorts within several hundred feet of Apartment-zoned high-rises. The idea that allowing TVUs in these buildings will change the residential atmosphere of buildings that between Kuhio and Ala Wai does NOT reflect the fact that there are already hotels and resorts there such as Hilton Waikiki Beach, Aston at Waikiki Banyan, Hilton Garden Inn, etc within a block or two of these Apartment zoned buildings. Please update Zoning and/or permitted uses of these buildings to reflect the modern reality of Waikiki Special District -- It is not a quiet residential area, it is where our visitors come to spend their vacation. Please allow TVUs in Waikiki.	Richard Woo	
48	TVU/B&B	21-4.110	TVUs and B&Bs	Require non-conforming use certificate number to be included in advertisements for TVUs and B&Bs.	Will help to identify TVUs and B&Bs that are not permitted. Another way of tracking.	Dean Minakami	
49	TVU/B&B	21-9	Waikiki Special District TVUs B&Bs	Expand area w/in Waikiki where tvus/B&Bs can operate.	Should we open up transient rentals w/in Waikiki? It's already contained, just make the whole area tourist-centric. Illegal operators were paying taxes. Money part to city was happening all along but it might disappear. Apartment Precinct is confusing.		
50	TVU/B&B	Article 2	Enforcement	Need more enforcement in general for illegal TVUs, B&Bs, and non-permitted multi-family dwellings.	DPP needs to be clear about what is preventing enforcement with respect to TVUs and illegal multi-family dwellings (staffing, funding, unclear code requirements, etc.) What is the real issue? Code definitions? Loopholes?	Dean Minakami	[How do AOAOs and town associations compare with other areas of the City & County? Different standards: laws/regs vs. contractual covenants. Covenants cannot violate law & gov't doesn't enforce bylaws. Can association enforce City requirements before City does? What happens with due process? What happens when bylaws precede LUO?]
51	TVU/B&B	Article 5	TVUs and B&Bs	Establish a lottery or auction for TVU and B&B permits. Develop and on-line registry/database and require permit holders to register guests prior to occupancy.	Will help to identify TVUs and B&Bs that are not permitted. Help track occupancy.	Dean Minakami	
52	TVU/B&B	Table 21-9.6(A)	Table specifying permitted uses in Waikiki		This table specifies no TVUs in Waikiki's apartment precinct. Suggest to allow the GET/TAT tax paying TVUs in Waikiki to sustain third largest source of funding into the state programs. Oahu TVUs brought in \$508.4M in TAT in FY 2017; and \$302.1M in corresponding GET taxes. Waikiki brought in majority of those taxes. (Source: Dept of Finance annual report (page 10): http://files.hawaii.gov/tax/stats/stats/annual/17annrpt.pdf) Page 12 indicates that \$292.4M of the transient tax went into General Fund in 2017 as opposed to \$59.8M in 2011. General fund is the source of funding for everything other than tourism, conservation, land & dev fund; these funds will be needed for all the near future projects and long term goals.		
53	use	21-5	Food trucks		Street use, temporary? Appropriate in the LUO?		
54	zone changes	21-2	zoning map updates	Should DPP address the zoning maps?	Seems like a good idea because changing words alone may not resolve the issues we're facing today. Height, utilities, capacity, parking, traffic, density, unintended consequences, FAR, lot coverage are all issues that can be captured on the zoning maps.		
55	zone changes	21-2.40-2	Zone Change	Consider language to allow for "smaller" zone changes	Often we receive inquiries to assist smaller owners of land to upzone their properties, and yet the process of say upzoning a 10,000 sf lot is the same as rezoning 100 or 1,000 acres	vshigekuni@pbrhawaii.com	
56	zz_unique	Setbacks	Confusing and out of date	I have no idea how to fix this. Maybe this is the only instance of this kind of problem.	One parcel in lower Waialae is a flag lot next to a never built road which dead ends against a cliff, yet there are mandatory setbacks (more than the standard "5-ft from property line") on the "side" (unbuilt road) and "front" (existing road). But this parcel is a flag lot behind the parcel which fronts the existing road. Corner of Claudine St and Koko Dr. Both parcels are utilities in an R zone. I don't know what the answer is, but I hope that DPP can fix this language somehow. I suspect this is a dangling problem caused by the original ancient subdivision layout in this neighborhood where very wide setbacks were established because of the availability of large lots, back in the old days.	dashiellplanning@outlook.com	

APAHI LUO Working Group. Meeting #4 on June 13, 2018. Raw notes.

Purpose of the code is public health, safety

Develop what the Chapter's position might be; maybe not take a position, rather, present the issues that have been identified in the form of comments

What should we do with this information to help DPP?

Categorized the comments to consolidate themes

Policy vs Housekeeping - Some suggestions may be more administrative actions (ex: permit processing) vs LUO amendments

Positive to keep the connections between the General Plans/Development Plans. What was necessary to link the LUO to the larger plans. The gaps were identified yet there was no agreement upon how that could be implemented. Is there a process or could there be one to consciously connect the larger plans to the LUO (feedback loop)?

What about using data to evaluate whether the LUO is meeting the needs of the communities? (Ex: monster homes, existing FAR analyses, which areas have higher occurrences?) How do you measure? For a while there were no annual reports produced by DPP. Does DPP have a specific division that could do this and could they provide this information on a more regular basis? Enforcement is an important component of the code.

Open data – can be used to stimulate innovation, stimulate the economy (how to pull data from large areas vs individual TMKs which are always changing and don't necessarily reflect the existing situation).

Degree to which LUO can support the production of more affordable housing or at least not be an impediment. DURP getting a new professor experienced with housing.

Comments on FBC? No position, however, if we are regulating the form vs use (makes regulation and enforcement easier?) – a move toward a more hybrid zoning code. FBC lends itself to more design based elements versus the use elements. Could potentially start/implement FBC in specific zoning districts. Can always create a hybrid approach. It should be evaluated. Best practices should be evaluated.

Desire for DPP to release the final report from RMTTC. Is there an opportunity to receive feedback before moving to the next stage?

Clarity with the definitions vs potential inconsistencies of interpretations.

Any materials in any form can be submitted to the DPP (will forward the input to RMTC for analysis).

Complete applications and submittals will make the permit process much smoother – reminders about the importance of complete applications.

FAQ's – order of operations

Should we look at creating new zoning districts? Ex: TOD and the opportunity that presented itself due to rail. Should zoning maps go hand in hand with zoning revisions? Will there be gap areas? There would be no barrier to prohibit the owner in a rezone if they can prove consistency with the plans.

Does the city keep track of 201H Applications? Yes, any 201H applications that were processed should be on the master list.

Sea Level Rise – examine the LUO's role in connection with SLR, Environment Hawaii, Rail, etc., maybe the next round of the DPs will need to address these issues. Could be included in a discretionary permit not based on the development standards. Would be an SMA item and not an LUO item.

If we are losing shoreline, where else are we building? What about the new infrastructure? Densification of what areas? Buildable land becomes more valuable (around rail stations). Make a requirement when real estate is sold about the risk of SLR...difficulty getting insurance, BPs



American Planning Association

Making Great Communities Happen

<https://www.planning.org/knowledgebase/zoningreform/>

KNOWLEDGEBASE COLLECTION

Zoning Reform and Code Writing

Zoning is among the most powerful tools local governments have to control future land use and development. However, in many cities and counties the local zoning code is inconsistent with the policy recommendations in the local comprehensive plan or a dysfunctional patchwork of incremental amendments. Calls for widespread zoning reform are not new, but changing demographics and societal priorities have lent these calls added urgency.

From this page, you can search various resources that provide background, policy or process guidance, and examples of model codes and local regulations, to help planners lead successful zoning reform and code drafting efforts. And you can filter these search results by resource type and various demographic and geographic characteristics.

APA Resources

Smart Codes: Model Land-Development Regulations

The introductory chapters of this PAS Report provide an annotated outline for a unified development code and discuss examples of model smart growth codes; subsequent chapters provide model ordinances for a wide range of topics.

[Read more](#)

Overhauling Your Zoning Code

This *Zoning Practice* article outlines a process for updating and modernizing local zoning codes to achieve more effective and efficient development regulations.

[Read more](#)

Lessons for In-House Zoning Revisions

This *Zoning Practice* article uses lessons learned from specific in-house revision processes to highlight a series of recommendations for communities considering staff-led comprehensive zoning amendments.

[Read more](#)

Why Can't We Make Zoning Simpler?

This *Zoning Practice* article presents guiding principles for zoning reform efforts and highlights a series of promising techniques for simplifying zoning codes.

[Read more](#)

Zoning Codes in Plain English

This *Zoning Practice* article discusses a series of key plain English principles for planners and zoning professionals to apply in code writing.

[Read more](#)

Aligning Development Codes with the Law

This *Zoning Practice* article provides planners and zoning professionals with guidance about the legal issues to consider when drafting land-use and development regulations.

[Read more](#)

Consolidating Zoning Districts

This *Zoning Practice* article presents a common-sense approach to consolidating zoning districts with an eye toward more effective development regulation and user-friendly administration.

[Read more](#)

Avoiding Common Form-Based Code Mistakes, Part 1

This *Zoning Practice* article highlights some common mistakes communities have made when trying to harmonize form-based coding concepts with existing regulations.

[Read more](#)

Avoiding Common Form-Based Code Mistakes, Part 2

This *Zoning Practice* article discusses recalibrating use permissions and development standards to ensure that a new form-based code produces the desired results.

[Read more](#)

Effective Zoning Methods for Implementing Plans

This *Zoning Practice* article presents considerations to help planners prepare zoning amendments to better bridge the gap between community vision and the realized built environment.

[Read more](#)

Mapping Principles for Rezoning

This *Zoning Practice* article provides guidance to planners as they undertake a remapping project for a new zoning code.

[Read more](#)

Minimizing Reliance on Discretionary Approvals

This *Zoning Practice* article explains how communities can use existing zoning tools to minimize reliance on conditional uses, variances, and PUDs.

[Read more](#)

Codifying Zoning's Little Helpers

This *Zoning Practice* article proposes a framework for making codification decisions about land-use related ordinances.

[Read more](#)

Digital Zoning Codes and Comprehensive Plans

This *Zoning Practice* article discusses the various options for publishing modern, interactive zoning codes and comprehensive plans in a feature-rich, web-ready format.

[Read more](#)

Better Zoning on the Web

This *Zoning Practice* article identifies four technology-related changes that will transform the organization, use, and maintenance of local land-use laws.

[Read more](#)

Ordinances: Best Practices to Follow, Pitfalls to Avoid

This recorded session from NPC 2017 presents a series of recommendations for code drafters to improve the organization and clarity of land-use and development codes while minimizing legal pitfalls.

[Read more](#)

Mechanics of Code Writing

This recorded webinar presents a series of recommendations for code drafters to help them identify priorities, allocate resources, incorporate graphics, and produce effective land-use and development regulations.

[Read more](#)

Trends in Zoning Practice

Many, if not most, new zoning codes blend Euclidean, performance, and form-based zoning techniques. They include at least some use-based zoning districts; establish performance standards for specific uses, structures, or districts; and prescribe the form of some types of development.

Some of the most prominent policy themes in contemporary zoning practice include an increased emphasis on pedestrian- and transit-oriented design, standards that encourage more environmentally-friendly development, and a greater awareness of the need for affordable housing and housing suitable to people at all stages of life.

Code Writing and Organization

Most high-profile zoning reform efforts over the past 20 years have emphasized streamlining and reorganization to enhance user friendliness and minimize ambiguity. In many cases, this leads to combining zoning, subdivision, and other land-use and development regulations into unified development codes.

Beyond this, many zoning experts recommend reducing the number of zoning districts, replacing exhaustive enumerations of permissible uses with a categorical approach to use classification and regulation, writing in plain English, using illustrations to clarify provisions, taking advantage of technology to cross-reference related provisions, adding use-specific standards to minimize reliance on discretionary approvals, and presenting district-specific use permissions and development standards in tabular form.

Background Resources

Code Drafting Guidelines

This short article presents 24 simple guidelines for land-use and development code reform projects.

Drafting Clear Ordinances: Do's and Don'ts

This short article presents a series of recommendations to guide the process of drafting land-use and development codes.

Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes

This guide discusses a series of land-use and development code reform opportunities to support smart growth and environmentally sensitive area protection in rural areas.

Essential Smart Growth Fixes for Urban and Suburban Zoning Codes

This guide discusses a series of zoning reform opportunities to support smart growth.

Lean Code Tool

This guide discusses a wide range of incremental zoning reforms to support walkable, urban development.

Sustainable Community Development Code Framework

This guide presents a series of discussion papers on potential land-use and development code reforms to incorporate various sustainability principles.

The Lay of the Land: A National Survey of Zoning Reform

This report discusses zoning reform efforts undertaken by large cities in the 1990s.

The Lay of the Land: Lessons Learned on Mapping and Community Participation

This report discusses zoning mapping efforts undertaken by large cities that engaged in zoning reform in the 1990s.

Visual Enhancement of Zoning Bylaws

This short article presents a series of recommendations for illustrating development code provisions.

Code Analysis Reports

Austin, TX, Land Development Code Diagnosis

This report provides a thorough critique of Austin, Texas's current land development code.

Cedar Rapids, IA, Zoning Code Assessment Report

This report analyzes Cedar Rapids, Iowa's current zoning code and includes an annotated outline for a new code.

Charlotte, NC, Diagnostic Assessment and Recommendations for the Charlotte Zoning Ordinance

This report analyzes Charlotte, North Carolina's existing zoning code and presents extensive recommendations for a new code.

Columbia, SC, Zoning Ordinance and Land Development Regulations Assessment

This report analyzes Columbia, South Carolina's current zoning code and includes an annotated outline for a new code.

Littleton, CO, Zoning Ordinance Assessment and Annotated Outline

This report analyzes Littleton, Colorado's current zoning code and includes an annotated outline for a new code.

Montgomery County, MD, Zoning Montgomery: Approach & Annotated Outline Report

This report analyzes Montgomery County, Maryland's current zoning code and includes an annotated outline for a new code.

[View all reports](#)

Zoning Diagnostic Tools

Code and Zoning Audit

This guide presents a series of questionnaires to help cities and counties evaluate the consistency of their land-use and development regulations with smart growth principles.

Community Goals Scorecard

This guide presents a series of questionnaires to help coastal cities and counties evaluate the consistency of their plans and land-use and development regulations with smart growth principles.

Community Planning & Zoning Audit: The Zoning Ordinance

This guide presents a series of questionnaires to help cities and counties in Michigan evaluate the consistency of their zoning codes with state law and smart growth principles.

Smart Growth Leadership Institute Code Audit

This guide presents a series of questions to help cities and counties evaluate the consistency of their land-use and development regulations with smart growth principles.

[View all guides](#)

Model Land-Use and Development Codes

Connecticut Model Zoning Code Project

This model zoning code provides a template to help cities in Connecticut draft zoning regulations.

Form Based Code Study

This model unified development code provides a template to help localities in metropolitan Grand Rapids, Michigan, draft form-based land-use and development regulations.

Louisiana Land Use Toolkit

This model unified development code provides a template for regulating zoning nonconformities and variances.

Model Code: Alternatives to Conventional Zoning

This model unified development code addresses design review, farmland protection, nonconformities, residential infill development, scenic view protection, zoning reform and code writing, and variances.

Model Development Code and User's Guide for Small Cities

This model unified development code provides a template for regulating zoning nonconformities and variances.

Model Land Use Code for Counties

This model unified development code provides a template to help counties in Colorado draft land-use and development regulations.

[View all model codes](#)

Reformed Zoning Codes

Albany, NY, City Code

The city adopted a new Unified Sustainable Development Ordinance in 2017.

Anchorage, AK, Code of Ordinances

The city adopted a land use code in 2013 that addresses active transportation, residential infill development, social service uses, and variances.

Arlington County, VA, Zoning Ordinance

The county adopted a new zoning code in 2013. It includes a mix of use-based and form-based zoning standards.

Baltimore, MD, City Code

The city's zoning code addresses off-street parking requirements, transit-oriented development, urban agriculture, zoning reform and code writing, and zoning variances.

Beaufort County, SC, Code of Ordinances

The county adopted a new Community Development Code in 2014 that addresses variances.

Buffalo, NY, Unified Development Ordinance

The city adopted a unified development code in 2017 that does not require any land uses or development to provide off-street parking.

[**View all regulations**](#)