

LAND USE PERMITS DIVISION (LUPD)

The Land Use Permits Division (LUPD) administers the City's zoning ordinance, the Land Use Ordinance (LUO), and other land use regulations mandated by the City, State and Federal governments.

We process a variety of "discretionary" permits. Unlike over-the-counter permits, these permits require more review time. Permit approval will usually include conditions to prevent negative impacts on other uses within a zoning district.

Almost all permits are classified as either Major or Minor, depending on the anticipated impacts within each of our zoning districts. Major permits have a legal deadline of 90 days and require a public hearing in all cases. Minor permits have a legal deadline of 45 days, with no public hearing requirement, in most cases.

We are also responsible for all permits within the shoreline (Shoreline Management Area), as mandated by State regulations, and affordable housing developments under HRS 201G.

These are the permits processed by DPP's Land Use Permits Division (LUPD).

CLUSTER (AGRICULTURAL, COUNTRY, HOUSING): These permits allow the development of housing sites which would otherwise be difficult to develop under conventional subdivision standards. They allow flexibility in housing types, to encourage innovative site design and efficient open space, to minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted, and common amenities when appropriate. Country and Agricultural Clusters are also intended to promote economy of services and utilities, to encourage the retention of large tracts of open space or agricultural lands (for agricultural pursuits) which contribute to a rural character.

CONDITIONAL USE PERMIT (CUP): This type of permit covers uses that are considered appropriate in some zoning districts, if certain standards and conditions are met. Some uses in some zoning districts require either a **MINOR** or a **MAJOR** Conditional Use Permit (CUP), depending on potential adverse impacts to surrounding land uses. Each type has its own filing instructions and requirements, and certain minor conditional uses have separate application instructions, including: **meeting facilities; day-care facilities; and elementary, intermediate and high schools.** **Sample Agreement for Joint Development of Two or More Zoning Lots, Sample Agreement for Off-site or Joint Use of Parking**

EXISTING USE (EU) PERMIT: The purpose of the EU is to recognize the hardship imposed upon uses that were legally established, but may not comply with current zoning standards. EU permits apply to uses that are now subject to Conditional Use Permits, and Cluster Housing, Country Cluster, and Agricultural Cluster provisions. EU status is an alternative to nonconforming status, and may be obtained with the approval of the Director. EU applications for dwellings must meet the minimum land area requirements (per dwelling unit) and cannot exceed the maximum number of units specified under applicable provisions of the LUO.

MINOR MODIFICATIONS: Applicants which have received certain permits, but would like to modify the approved plan, may apply for a Minor Modification. Eligible LUPD permits include: Conditional Use Permits, Plan Review Uses, Clusters, Planned Developments, Special District Permits, Special Management Area Use Permits, and Existing Use Permits. The main criterion in determining whether a proposed modification is considered major or minor is not the size of the project, but its potential impact on surrounding uses. Projects with major impact must apply for a new permit.

MINOR SHORELINE STRUCTURE PERMIT: This permit is used to approve minor structures and activities that may be permitted in the shoreline setback if: they do not affect beach processes or artificially fix the shoreline; do not interfere with public access, public views or open space along the shoreline; and do not otherwise endanger the public health, safety of welfare.

PARK DEDICATION APPLICATION: Developers are required to provide parks and playgrounds in conjunction with any development involving dwelling units. A developer may satisfy Park Dedication requirements by dedicating land, providing parks or playgrounds in perpetuity, paying a fee, receiving credit for previously provided parks, or a combination of these options. Park Dedication is a requirement of Subdivision Approval (including Cluster and Planned Development-Housing) for single-family, two-family and duplex types of residential development, and of the Building

Permit for multi-family dwelling developments.

PLAN REVIEW USE (PRU): The purpose of the PRU approval is to review uses of a permanent and institutional nature which, because of characteristics fundamental to the nature of the uses, provide essential community services but which could also have a major adverse impact on surrounding uses. The design and siting of structures and landscaping, screening and buffering for these uses must be master planned so as to minimize any adverse impacts on other uses permitted in the zoning district. There are separate application requirements for a **Golf Course** requiring a PRU, but please note that not all golf courses require one.

PLANNED DEVELOPMENT-HOUSING (PDH): The PDH option is intended for higher density residential development on large parcels of vacant or redeveloped land, while complementing the surrounding neighborhood with a variety of housing types, innovative site design, common amenities, reduced construction costs, mixed uses, public services, and flexible infrastructure improvements.

PLANNED DEVELOPMENT-COMMERCIAL (PD-C) AND RESORT (PD-R): These options are only available under specified conditions within the Waikiki Special District (WSD). The purpose is to provide opportunities for creative redevelopment in Waikiki not otherwise possible under a strict adherence to WSD development standards. Flexibility may be provided for project density, height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefitting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced. (Note: Applications must be accepted for review by the department by December 31, 2001 to be considered. No applications shall be accepted after that date.)

SHORELINE SETBACK VARIANCE: This permit covers structures and activities in the "Shoreline Area" as defined in **Chapter 23, Revised Ordinances of Honolulu (ROH)**. Note: this is not the same as the "Shoreline Management Area" which is defined under **Chapter 25, ROH**, and is handled by another type of permit; see Shoreline Management Area Use Permit.

SPECIAL DISTRICT PERMIT: This permit is required for development projects in any of the special districts which have been classified by the LUO as a **MINOR** or **MAJOR** project. There are seven special districts on Oahu, including: the Hawaii Capital District, Diamond Head District, Punchbowl District, Chinatown District, Haleiwa District, Thomas Square/Academy of Arts District, and Waikiki District. Minor and Major Special District Permits (SDD) have separate application requirements. There are also Minor SDD guidelines and instructions for the **Removal of Trees** within a special district. Projects involving Downtown heights in excess of 350 feet, where permitted, are processed under the requirements for a Major SDD permit.

SPECIAL MANAGEMENT AREA USE PERMIT (SMP): This permit covers any development, structure, or activity within the Special Management Area (SMA) as defined by Chapter 25, Revised Ordinances of Honolulu (ROH). A **MINOR** project involves development with a valuation that does not exceed \$125,000; and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects. All other developments are considered **MAJOR** projects, and are processed accordingly.

STREET TREE REVIEW AND APPROVAL: Applicable construction projects within the City's right-of-way must comply with city standards for street tree planting. See "**Street Tree Review and Approval Procedures**" to determine which projects are effected.

TEMPORARY USE APPROVAL: Approval of temporary uses and structures is determined on a case-by-case basis, and may include the imposition of conditions. Such conditions would be based on impacts upon the surrounding area, and may cover hours of operation, duration of the activity, and the general manner of operation (including mitigation of impacts from noise, dust, etc.) A letter request should be directed to DPP.

WAIVER: This permit allows waivers from the strict application of the development or design standards of the LUO for: 1) Public uses or structures, and utility installations; 2) to permit the creation of lots designated for landscaping and open space purposes which do not meet minimum lot area and/or dimensions; 3) to permit replacement of improvements on private property when the improvements are rendered nonconforming through the exercise of government's power of eminent domain; and 4) to permit the retrofitting of improvements when the retrofit is required to comply with federal mandates such as but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental

Protection Act (NEPA), if such improvements cannot otherwise be made without conflicting with the provisions of the LUO.

ZONING ADJUSTMENT: The purpose of this type of permit is to permit minor zoning adjustments where practical difficulties or results inconsistent with the general purpose of the Land Use Ordinance (LUO) would occur from its strict literal interpretation. Only the following situations are eligible for zoning adjustment under specified conditions: [carports and garages](#) which may encroach into a required front or side yard; energy-saving rooftop designs; flag lot access width; additional height to compensate for [grade irregularities](#); [lanai enclosures](#); loading requirements - joint use; loading requirements - low-rise multi-family dwellings; off-street parking and loading requirements upon change in use; expansion or reconstruction of existing [ohana \(accessory\) dwellings](#); additional height for [receive-only antennas](#); [residential height](#) where slope exceeds 40 percent; additional height for [retaining walls](#); rooftop height exemption; [sign master plans](#). There are specific application requirements for each type of zoning adjustment.

ZONING VARIANCE: Section 6-910 of the City Charter specifies that a variance to the requirements of the LUO may be granted upon the grounds of "unnecessary hardship" if the record shows that: 1) the applicant would be deprived of the reasonable use of the land or building if the provisions of the LUO were strictly applied; 2) the request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and 3) the request, if approved, will not alter the essential character of the locality nor be contrary to the intent and purpose of the LUO.

CHAPTER 201G, HAWAII REVISED STATUTES: This approval process provides exemptions from City planning, zoning and construction standards for qualified affordable housing projects. See "[Obtaining Exemptions for Affordable Housing Projects Pursuant to Chapter 201G, HRS](#)" for filing instructions. Projects are eligible if at least half of the dwellings are made affordable to specific income target groups (see "[Income Limits For Chapter 201G, HRS, Eligibility](#)") and, except for special needs housing projects, at least 50 dwelling units will be developed. Read our "[Frequently Asked Questions About Affordable Housing Projects Processed Under Chapter 201G, HRS](#)," for more information.