

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ZONING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Many acres of roof tops in the urban districts
2 of the State are covered with tar paper, tar and gravel, or some
3 other equally unsightly material. This space represents
4 unusable areas that could become thriving open green space in a
5 concrete city with the use of rooftop landscaping or
6 agriculture. Scientific testing has shown that roof top
7 landscaping helps reduce the amount of pollutants and dust
8 particles in the air and water. An example of roof top
9 landscaping in the State is the garage of the Hawaii State
10 capitol building and the Kalanimoku building that both have
11 garage roof tops covered with grass, flowers, and shrubs.

12 The purpose of this Act is to require each county to adopt
13 zoning ordinances requiring all new structures to maintain a
14 portion of its roof top as a landscaped area providing a social
15 amenity or aesthetic asset.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46-A Roof top landscaping. (a) Each county shall adopt
5 ordinances to require a developer obtaining a building permit
6 for a structure in a commercial, hotel, multi-family,
7 industrial, or other mixed use district with a commercial
8 component, to develop at least per cent of the roof top of
9 the structure as a landscaped amenity.

10 (b) The permitted uses of the landscaped portion of the
11 roof top may include, in the following order of priority:

- 12 (1) Commercial agricultural operations;
- 13 (2) Produce gardens for cultivation by residents or users
14 of the structure;
- 15 (3) An aesthetic amenity;
- 16 (4) Garden or playground for use by the structure's
17 residents or users;
- 18 (5) An amenity for use in conjunction with the operation
19 of a pre-school, school, or senior facility; or
- 20 (6) Other similar use.



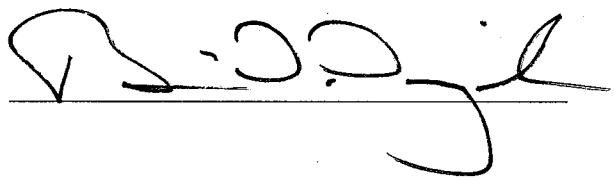
1 (c) The owner of the structure shall be responsible for
2 maintaining the required roof top landscaping for the life of
3 the structure.

4 (d) These ordinances shall be adopted within twenty-four
5 months of the effective date of this Act; provided that the
6 ordinances shall provide that any structures that received a
7 building permit after the effective date of this Act that would
8 have been required to comply with the ordinance, had it been in
9 effect at the effective date of this Act, shall be required to
10 retro-fit the structure to comply with the ordinance."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2009.

13

INTRODUCED BY: 



Report Title:

Zoning; Landscaping

Description:

Requires counties to adopt zoning ordinances to require a minimum percentage of all roof tops on structures in multi-family, hotel, and industrial districts to be landscaped.

