

JAN 26 2011

S.B. NO. 1556

A BILL FOR AN ACT

RELATING TO RAIL TRANSIT STATION DEVELOPMENT.

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

1 SECTION 1. 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- Transit-related development; exemption from
5 statutes, ordinances, charter provisions, and rules. (a)

6 Residential or commercial development located within a one-half-
7 mile radius from a rail train station shall be exempt from all
8 statutes, ordinances, charter provisions, and rules of any
9 government agency relating to planning, zoning, construction
10 standards for subdivisions, development and improvement of land,
11 and the construction of dwelling units; provided that:

12 (1) The development project is carried out by a qualified
13 developer as defined in subsection (b);

14 (2) All work on the development project is performed by
15 contractors and subcontractors licensed pursuant to
16 chapter 444;

17 (3) The county finds that the development project is
18 consistent with the purpose and intent of the long-



1 range, comprehensive general plan prepared pursuant to
2 section 46-4(a), and meets minimum requirements of
3 health and safety;

4 (4) The development of the project does not contravene any
5 safety standards, tariffs, or rates and fees approved
6 by the public utilities commission for public
7 utilities or of the various boards of water supply
8 authorized under chapter 54;

9 (5) The county council of the county in which the project
10 is to be situated shall have approved the project with
11 or without modifications, subject to the following
12 conditions:

13 (A) The council shall approve, approve with
14 modification, or disapprove the project by
15 resolution within forty-five days after the
16 developer has submitted the preliminary plans and
17 specifications for the project to the council.
18 If on the forty-sixth day a project is not
19 disapproved, it shall be deemed approved by the
20 legislative body;

21 (B) No action shall be prosecuted or maintained
22 against any county, its officials, or employees



1 on account of actions taken by them in reviewing,
2 approving, modifying, or disapproving the plans
3 and specifications; and

4 (C) The final plans and specifications for the
5 project shall be deemed approved by the council
6 if the final plans and specifications do not
7 substantially deviate from the preliminary plans
8 and specifications. The final plans and
9 specifications for the project shall constitute
10 the zoning, building, construction, and
11 subdivision standards for that project. For
12 purposes of sections 501-85 and 502-17, the
13 qualified developer or responsible county
14 official may certify maps and plans of lands
15 connected with the project as having complied
16 with applicable laws and ordinances relating to
17 consolidation and subdivision of lands, and the
18 maps and plans shall be accepted for registration
19 or recordation by the land court and registrar;
20 and

21 (6) The land use commission shall approve, approve with
22 modification, or disapprove a boundary change within



1 forty-five days after the developer has submitted a
2 petition to the county as provided in section 205-4.
3 If, on the forty-sixth day, the petition is not
4 disapproved, it shall be deemed approved by the
5 commission.

6 (b) For purposes of this section, "qualified developer"
7 means a person, corporation, organization, partnership,
8 association, or other legal entity licensed to do business in
9 this State and bonded in an amount to be determined by each
10 county council that is engaged in constructing, erecting,
11 enlarging, or altering any structure or infrastructure or any
12 other development activity on property owned or leased by the
13 developer and located within a one-half-mile radius of a rail
14 transit station.

15 (c) Upon the adoption by any county of a form-based zoning
16 code, a developer engaged in development activities pursuant to
17 this section shall adhere to all applicable requirements of the
18 form-based zoning code."

19 SECTION 2. New statutory material is underscored.

20



1 SECTION 3. This Act shall take effect July 1, 2011.

2

INTRODUCED BY:

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Report Title:

Counties; Rail Transit Station Development

Description:

Exempts developments within a half-mile radius of rail transit stations undertaken by qualified developers from generally applicable requirements.

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