

JAN 19 2022

A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

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

1 SECTION 1. Section 205A-22, Hawaii Revised Statutes, is
2 amended by amending the definition of "development" to read as
3 follows:

4 ""Development" means any of the uses, activities, or
5 operations on land or in or under water within a special
6 management area that are included below:

7 (1) Placement or erection of any solid material or any
8 gaseous, liquid, solid, or thermal waste;

9 (2) Grading, removing, dredging, mining, or extraction of
10 any materials;

11 (3) Change in the density or intensity of use of land,
12 including but not limited to the division or
13 subdivision of land;

14 (4) Change in the intensity of use of water, ecology
15 related thereto, or of access thereto; and

16 (5) Construction, reconstruction, or alteration of the
17 size of any structure.



"Development" does not include the following:

- (1) Construction or reconstruction of a single-family residence that is less than [~~seven thousand five hundred~~] five thousand square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development;
- (2) Repair or maintenance of roads and highways within existing rights-of-way;
- (3) Routine maintenance dredging of existing streams, channels, and drainage ways;
- (4) Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;
- (5) Zoning variances, except for height, density, parking, and shoreline setback;
- (6) Repair, maintenance, or interior alterations to existing structures;



- (7) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
- (8) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes;
- (9) Transfer of title to land;
- (10) Creation or termination of easements, covenants, or other rights in structures or land;
- (11) Subdivision of land into lots greater than twenty acres in size;
- (12) Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any land that is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;



(13) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;

(14) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;

(15) Nonstructural improvements to existing commercial or noncommercial structures; and

(16) Construction, installation, maintenance, repair, and replacement of emergency management warning or signal devices and sirens;

provided that whenever the authority finds that any excluded use, activity, or operation may have a cumulative impact, or a significant environmental or ecological effect on a special management area, that use, activity, or operation shall be defined as "development" for the purpose of this part."

SECTION 2. Section 205A-22, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Floor area" means the roofed area of all floors of a structure measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure; the



1 floor area of a structure, or portion of the floor area, that is
2 not enclosed by exterior walls shall be the area under the
3 covering, roof, or floor that is supported by posts, columns,
4 partial walls, or similar structural members that define the
5 wall line. Excluded from the floor area are:

6 (1) Parking structures, such as garages and carports,
7 including covered driveways and accessways, porte
8 cocheres, and parking attendant booths;

9 (2) Attic areas with headroom less than seven feet;

10 (3) Projections such as sunshade devices and architectural
11 embellishments that are decorative only;

12 (4) Areas covered by roofing treatment to screen rooftop
13 machinery only;

14 (5) Areas underneath unsupported roof overhangs or
15 cantilevered building overhangs; provided no portion
16 of the area is enclosed except for a safety railing or
17 wall not exceeding four feet in height;

18 (6) Elevators and vent shafts;

19 (7) Basements that are used exclusively for storage;



(8) Common walkways and other exterior common areas in multi-family and commercial structures, such as stairways, breezeways, and fire escapes; and

(9) Exterior machinery and equipment enclosures, including enclosures for laundry, water heaters, air conditioners, and trash receptacles."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Ann M. Van
By Request



S.B. NO. 2049

Report Title:

Hawaii State Association of Counties Package; Coastal Zone Management Act; Definitions; Development; Floor Area

Description:

Amends the definition of "development" in the Coastal Zone Management Act to exclude construction or reconstruction of a single-family residence that is less than 5,000 square feet of floor area and meets other criteria. Defines "floor area" for purposes of the Act.

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