# CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED
SEP 0 3 2022
PURSUANT TO ROH Sec. 1-2.5

No. 21-202

# RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO DETACHED DWELLINGS.

WHEREAS, the zoning maps and the Land Use Ordinance ("LUO") of the City and County of Honolulu ("City") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"); and

WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the Oahu general plan, and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, Ordinance 19-3, codified as Section 21-3.70-1(c)(3) of the Revised Ordinances of Honolulu 1990 ("ROH"), as amended by Ordinance 20-43, addressed the problem of the illegal use of large residential structures in the City's residential districts; and

WHEREAS, under Section 21-3.70-1(c)(3), certain development standards apply to residential zoning lots on which a one-family or two-family detached dwelling or duplex is constructed, excluding cluster housing and planned development housing developed pursuant to ROH Section 21-8.50; and

WHEREAS, the development standards include limiting the maximum density to a floor area ratio ("FAR") of 0.7; limiting the number of wet bars, laundry rooms, and bathrooms allowed; regulating the conversion or alteration of the structure; and limiting the impervious surface area of a zoning lot to 75 percent of the total zoning lot area; and

WHEREAS, for detached dwellings or duplexes that exceed an FAR of 0.6, up to the maximum permitted FAR of 0.7, additional development standards apply, including requiring minimum side and rear yards; requiring that dwelling units be owner-occupied; and providing for the issuance of a temporary certificate of occupancy (effective for two years), during which period the DPP may conduct additional inspections; and

# RESOLUTION

WHEREAS, Ordinance 20-41, effective on December 23, 2020, comprehensively updated the off-street parking and loading requirements in the LUO, and simplified the minimum parking requirements by arranging uses into broader categories, and eliminating minimum off-street parking requirements entirely where appropriate; and

WHEREAS, under Ordinance 20-41, there are no minimum off-street parking requirements in transit-oriented development ("TOD") special districts and in the Primary Urban Center Development Plan area and Ewa Development Plan area (except for areas located in the residential, agricultural, and preservation zoning districts); and

WHEREAS, the minimum off-street parking ratio for residential uses is 1 per 1,000 square feet of private dwelling or lodging area, not including common areas and accessory recreation areas in certain types of structures; and

WHEREAS, among other things, the residential minimum off-street parking ratio was intended to address single-family residential neighborhoods where the individual-to car ratio is higher, and the size of families and homes tend to be larger, while recognizing that smaller homes with lower parking needs also exist; and

WHEREAS, for detached dwellings with an FAR that exceeds 0.6, the residential minimum off-street parking ratio of 1 per 1,000 square feet of dwelling floor area often results in fewer off-street parking spaces than needed to accommodate the number of cars owned by individuals residing in the detached dwelling; and

WHEREAS, this deficiency in available off-street parking causes individuals living in the large detached dwelling to park their vehicles on neighborhood roadways, often resulting in local traffic congestion, blockage of pedestrian sidewalks and pathways, obstruction of emergency vehicle access, and interference with driveway and waste disposal bin access; and

WHEREAS, larger residential zoning lots of 5,000 square feet or more may reasonably accommodate more off-street parking if the detached dwelling located on the zoning lot exceeds an FAR of 0.6, up to the maximum permitted FAR of 0.7; and

WHEREAS, the Council believes that separate minimum off-street parking requirements should apply to one-family or two-family detached dwellings or duplexes with an FAR of 0.6 to 0.7 that are located on zoning lots of 5,000 square feet or more; and

# RESOLUTION

WHEREAS, Charter Section 6-1513 provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513 includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513, and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

# CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-202

## RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Councilmembers

DATE OF INTRODUCTION:

SEP 3 2021

Honolulu, Hawaii

FILED
SEP 03 2022
PURSUANT TO ROH Sec. 1-2.5

# EXHIBIT A

# CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

## A BILL FOR AN ORDINANCE

RELATING TO DETACHED DWELLINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to further address the regulation of large residential structures in residential districts.

SECTION 2. Section 21-3.70-1, Revised Ordinances Honolulu 1990 ("Residential uses and development standards"), as amended by Ordinance 20-43, is amended by amending subsection (c) to read as follows:

"(c) Additional Development Standards.

(1) Maximum Height. The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane (see Figure 21-3.10).

(2) Height Setbacks.

(A) Any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and

(B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.

(3) Except for cluster housing and planned development housing developed pursuant to Section 21-8.50, for zoning lots with one-family or two-family detached dwellings or duplexes:

(A) The maximum density is a floor area ratio of 0.7.

(B) The number of wet bars in each dwelling unit must not exceed one.

(C) The number of laundry rooms in each dwelling unit must not exceed one.

(D) The number of bathrooms in each dwelling unit must not exceed the following:

| Zoning lot size (square feet) | Number of bathrooms per dwelling unit must not exceed: | |
|---|---|---|
| | One dwelling unit on zoning lot | Two or more dwelling units on zoning lot |
| Up to 6,999 | 4 | 2 |
| 7,000 to 9,999 | 6 | 3 |
| 10,000 and up | 8 | 4 |

If the dwelling unit is an accessory dwelling unit, this paragraph should not be construed to waive any requirement under Section 21-5.720.

(E) The conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.

(F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to Section 21-10.1 to a portion of the structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.

(G) For one-family or two-family detached dwellings or duplexes constructed pursuant to building permits applied for after May 1, 2019, the impervious surface area of a zoning lot must not exceed 75 percent of the total zoning lot area.

(H) If the floor area ratio exceeds 0.6, the following additional standards apply:

(i) Side and rear yards.

(aa) In the R-3.5 district, side and rear yards must be at least eight feet; and

(bb) In the R-5, R-7.5, R-10, and R-20 districts, side and rear yards must be at least 11 feet.

(ii) Each dwelling unit in the detached dwelling or duplex must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property prior to issuance of a temporary certificate of occupancy.

(iii) For zoning lots of 5,000 square feet or more, the minimum number of off-street parking spaces required is as follows:

| Floor area per dwelling unit (square feet) | Number of off-street parking spaces per dwelling unit |
|---|---|
| Up to 3,249 | 5 |
| 3,250 to 3,999 | 6 |
| 4,000 to 4,749 | 7 |
| 4,750 and up | 8 |

[~~(iii)~~](iv) Subsequent inspections.

(aa) Upon the completion of construction and the determination by the department that the detached dwelling or duplex complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of two years after issuance;

(bb) During the two-year period that a temporary certificate of occupancy is in effect, the department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the

detached dwelling or duplex to confirm that it is in the same structural form as when the temporary certificate of occupancy was issued; and

(cc) At the end of the two-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the detached dwelling or duplex and close the building permit."

SECTION 3. Section 21-6.30, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-41 ("Adjustments and exceptions to parking requirements"), is amended by amending subsection (j) to read as follows:

"(j) The following sections may have additional requirements or opportunities not set forth in this article:

(1) Section 21-5.61 0A(a)(3), relating to a reduction in off-street parking requirements for special needs housing for the elderly;

(2) Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;

(3) Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;

(4) Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements;

(5) Section 21-5.720(c)(4), relating to accessory dwelling units; [~~and~~]

(6) Section 21-5.350(g) relating to home occupations[~~.~~]; and

(7) Section 21-3.70-1(c)(3)(H)(iii), relating to one-family or two-family detached dwellings or duplexes with a floor area ratio that exceeds 0.6, located on zoning lots of 5,000 square feet or more."

# A BILL FOR AN ORDINANCE

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION:

_____
Honolulu, Hawaii

_____
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

_____
RICK BLANGIARDI, Mayor
City and County of Honolulu