



A BILL FOR AN ORDINANCE

RELATING TO LARGE DWELLINGS.

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

SECTION 1. The Council finds that monster homes in residential districts continue to be a problem for our communities, and the current penalty of \$250 per day up to a total of \$2,000 is a negligible cost of doing business for monster homes developers.

The Department of Planning and Permitting expends time and incurs costs towards additional audit, revocation and defending the Department's revocation at the Building Board of Appeals on these monster homes, which in part justifies a higher fine.

The purpose of this ordinance is to provide a more effective deterrent and hefty penalty to developers that violate the monster homes ordinance by supplying incorrect information on plans or convert rooms for multi-family uses during or post construction.

SECTION 2. Section 21-3.70-1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

- (a) Within the residential districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the residential districts, development standards shall be as enumerated in Table 21-3.2.
- (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 § 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 1 foot for each 2 feet of additional height over 15 feet (see Figure 21-3.10); and



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- (B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet.
- (3) Except for cluster housing and planned development housing developed pursuant to § 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 fee)	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 § 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 § 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.



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CITY AND COUNTY OF HONOLULU

ORDINANCE

BILL 52 (2023)

A BILL FOR AN ORDINANCE

- (aa) In the R-3.5 district, side and rear yards must be at least 8 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) *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.
- (d) The following violations are subject to an initial fine of up to \$25,000, plus up to \$10,000, per day per violation:
 - (1) A violation of any of the development standards under subsection (c) as a result of incorrect information supplied by the applicant, plan maker, architect, and/or engineer on plans submitted for a building permit application.
 - (2) Construction or conversion of the structure in violation of any of the development standards of subsection (c)."

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the



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Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tony Watson (br)

DATE OF INTRODUCTION:

AUG 31 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 ____.

RICK BLANGIARDI, Mayor
City and County of Honolulu