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MEMORANDUM

DATE: January 25, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning & the Economy

FROM: Esther Kia'āina, Chair *Ek*
Committee on Planning & the Economy

SUBJECT: Kia'āina Proposed Amendments to Residential Uses in Bill 64 (2023), FD1
for the February 8, 2024 P&E Meeting

Attached for consideration by the Committee on Planning & the Economy are my proposed amendments to Residential Uses in Bill 64 (2023), FD1, relating to use regulations for the February 8, 2024 Committee on Planning & the Economy Meeting.

Attachments (1):
Amendment Form, Residential Uses, Bill 64 (2023), FD1, Relating to Use Regulations

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
RESIDENTIAL USES

TOTAL PAGES: 9
DATE: January 25, 2024
COUNCILMEMBER: Esther Kia’aina

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification																								
1	SECTION 3	All			Wherever a use is permitted in the AG-2 District and is subject to a minimum dedication for agricultural use, the 50 percent minimum dedication amount is replaced with 51 percent, to read as follows: In the AG-2 zoning district, a minimum of [50] 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the <i>[type of use]</i> is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.	51 percent dedication to agricultural use is a majority of the zoning lot area suitable for crop production or livestock keeping.																								
2	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Household living subcategory	4	Amend multi-unit dwelling entry.	<table><tr><td>Multi-unit dwelling</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-1(c)</td></tr></table>	Multi-unit dwelling	--	--	--	--	--	--	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	--	--	--	--	§ 21-5.50-1(c)	Removes the asterisk in zoning districts other than B-1 and B-2 because multi-unit dwelling standards only apply to the B-1 and B-2 Districts.
Multi-unit dwelling	--	--	--	--	--	--	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	--	--	--	--	§ 21-5.50-1(c)							
3	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Group living subcategory	4	Amend small group living to small group living – State licensed entry.	<table><tr><td>Small – <u>State regulated</u></td><td>--</td><td>--</td><td>C⁺*</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>P[*]</td><td>--</td><td>--</td><td>--</td><td>P[*]</td><td>P[*]</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-2(a)</td></tr></table>	Small – <u>State regulated</u>	--	--	C ⁺ *	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	--	--	--	P [*]	P [*]	--	--	--	--	§ 21-5.50-2(a)	HRS § 46-4(d) prohibits the counties from prohibiting group living with eight or fewer residents and that are regulated by the State.	
Small – <u>State regulated</u>	--	--	C ⁺ *	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	P [*]	--	--	--	P [*]	P [*]	--	--	--	--	§ 21-5.50-2(a)								
4	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Group living subcategory	5	Add small group living – not State licensed entry.	<table><tr><td>Small – <u>not State regulated</u></td><td>--</td><td>--</td><td>C⁺*</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C[*]}</td><td>--</td><td>--</td><td>--</td><td><u>P[*]</u>_{C[*]}</td><td><u>P[*]</u>_{C^m*}</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-2(a)</td></tr></table>	Small – <u>not State regulated</u>	--	--	C ⁺ *	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	--	--	--	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C^m*}	--	--	--	--	§ 21-5.50-2(a)	Not all group living are regulated by the State	
Small – <u>not State regulated</u>	--	--	C ⁺ *	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C[*]}	--	--	--	<u>P[*]</u> _{C[*]}	<u>P[*]</u> _{C^m*}	--	--	--	--	§ 21-5.50-2(a)								

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5	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Group living subcategory	5	Amend large group living entry to delete C*+ in AG-2.	<table><tr><td>Large</td><td>--</td><td>--</td><td>[C*+]</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>C*</td><td>--</td><td>--</td><td>--</td><td>C*</td><td>Cm*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-2(b)</td></tr></table>	Large	--	--	[C*+]	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	§ 21-5.50-2(b)	HRS § 46-4(d) does not apply to large group living with nine or more residents. Large group living would not be permitted in the AG-2 District.
Large	--	--	[C*+]	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	§ 21-5.50-2(b)							
6	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Accessory residential subcategory	5	Amend home occupation entry to add + in AG-1 and AG-2 (special use permit approved by the Planning Commission may be required).	<table><tr><td>Home occupation</td><td>--</td><td>P*±</td><td>P*±</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-3(b)</td></tr></table>	Home occupation	--	P*±	P*±	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	P*	--	--	--	--	§ 21-5.50-3(b)	In the AG-1 and AG-2 District, a special use permit approved by the Planning Commission may be required.
Home occupation	--	P*±	P*±	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	P*	--	--	--	--	§ 21-5.50-3(b)							
7	SECTION 3	Table 21-5.1 Table of Permitted Uses Residential uses category Accessory residential subcategory	5	Amend ohana unit entry to add + in AG-1 and AG-2 (special use permit approved by the Planning Commission may be required).	<table><tr><td>Ohana unit</td><td>--</td><td>P*±</td><td>P*±</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.50-3(c)</td></tr></table>	Ohana unit	--	P*±	P*±	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.50-3(c)	In the AG-1 and AG-2 District, a special use permit approved by the Planning Commission may be required.
Ohana unit	--	P*±	P*±	P*	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.50-3(c)							
8	SECTION 3	Table 21-5.1 Table of Permitted Uses Commerciall uses category Daycare subcategory	6	Amend child daycare entry to add asterisks to indicate that standards apply.	<table><tr><td>Child daycare</td><td>--</td><td>--</td><td>C*+</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>§ 21-5.70-1(a)</td></tr></table>	Child daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(a)	
Child daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(a)							
9	SECTION 3	Table 21-5.1 Table of Permitted Uses Commerciall uses category Daycare subcategory	6	Amend adult daycare entry to add asterisks to indicate that standards apply.	<table><tr><td>Adult daycare</td><td>--</td><td>--</td><td>C*+</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>Cm*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>§ 21-5.70-1(b)</td></tr></table>	Adult daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(b)	
Adult daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(b)							
10	SECTION 3	§ 21-5.50-1(b) Residential Uses Household living Duplex-unit dwelling - standards	18	Amend duplex-unit dwelling standards to reference Figure 21-10.3.	(a) <i>Duplex-unit dwelling – standards.</i> Each duplex-unit dwelling must be attached by a boundary wall for a minimum of 15 feet or 50 percent of the longer dwelling unit, excluding carports or garages, whichever length is greater[-] (<u>see Figure 21-10.3</u>).																									

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11	SECTION 3	§ 21-5.50-1(b) Residential Uses Household living Two-unit dwelling - standards	19	Amend two-unit dwelling standards.	(b) <i>Two-unit dwelling – standards.</i> (1) Each two-unit dwelling must be surrounded by a yard. (2) Dwelling units may be: (A) On separate floors; or (B) Attached by a solid wall a minimum of 15 feet in length, or attached by a carport or garage[.] (<u>see Figure 21-10.3</u>) (3) <u>Dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.</u>	

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12	SECTION 3	§ 21-5.50-1(c) Household living Multi-unit dwelling – standards	18	Amend multi-unit dwelling standards.	<p>(c) <i>Multi-unit dwelling – standards.</i></p> <p>(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within the Primary Urban Center development plan and Ewa development plan areas; provided that the following requirements are satisfied:</p> <p>(A) All residential uses and occupancies must be located on consecutive floors that are located above all non-residential uses and occupancies in the multi-family dwelling. [Non-residential uses and occupancies may not be located on the same floor as residential uses and occupancies.] A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. [Twenty percent of the floor area in the multi-unit dwelling (floor area ratio of 0.2) must be dedicated to non-residential uses that are permitted in the underlying zoning district;] <u>A building must have at least one non-residential use;</u> or</p> <p>(B) The multi-unit dwelling satisfies the following requirements:</p> <p>(i) For <u>multi-unit dwellings located on</u> zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of [40,000] _____ square feet <u>or a floor area ratio of ____</u> of nonresidential floor area [is] <u>must be</u> developed on the lot;</p> <p>(ii) For <u>multi-unit dwellings located on</u> zoning lots larger than 7 acres, a minimum of [40,000] _____ square feet <u>or a floor area ratio of ____</u> of nonresidential floor area [is] <u>must be</u> developed on the lot; or</p> <p>(iii) The zoning lot has a minimum nonresidential floor area ratio of [0.2; <u>0.3.</u></p> <p>provided that a pedestrian and bicycle access path a minimum of 8 feet in width must be provided from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.]</p>	<p>§ 21-5.50-1(c)(1)(A) applies to any zoning lot in the B-1 or B-2 District. Floor area ratio = the ratio of floor area to total area of the zoning lot expressed as a percent or decimal. Multiplying the permissible floor area ratio by the zoning lot area determines the maximum floor area permitted.</p> <p>§ 21-5.50-1(c)(1)(B) applies to any zoning lot in the B-1 or B-2 District, but includes provisions for large zoning lots.</p> <p>4 acres = approx. 174,240 square feet. For zoning lots larger than 4 acres up to 7 acres, a minimum of _____ square feet of nonresidential area would be required.</p> <p>7 acres = approx. 304,920 square feet. For zoning lots larger than 7 acres, a minimum of _____ square feet of nonresidential area would be required.</p> <p>For other zoning lots, the minimum nonresidential floor area ratio must be 0.3.</p> <p>For example, a zoning lot of 1 acre = approx. 43,560 square feet. An FAR of 0.3 on this zoning lot = approx. 13,068 square feet. So 13,068 square feet of nonresidential area would be required.</p>

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13	SECTION 3	§ 21-5.50-2(a) Group living, small – standards	20	Amend small group living standards to specify the standards are for small group living regulated by the State.	(a) <u>Group living, small, State regulated – standards.</u> (1) Must be licensed, certified, registered, or monitored by the State. (2) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of [50] <u>51</u> percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the <u>small State regulated</u> group living is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.	
14	SECTION 3	§ 21-5.50-2(a) Group living, small – standards	20	Add standards for small group living that is not regulated by the State.	(b) <u>Group living, small, not State regulated – standards.</u> In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of [50] <u>51</u> percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the small group living that is not State regulated is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.	
15	SECTION 3	§ 21-5.50-2(b) Group living, large – standards	20	Amend large group living standards.	[(b)] (c) <u>Group living, large – standards.</u> (1) In the AG-2 zoning district, group living must be of an agricultural nature. A minimum of [50] <u>51</u> percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the <u>large</u> group living is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping. (2) Access roads must comply with the standards established by Chapter 22; provided that the director may waive or modify these requirements if the Honolulu fire department determines that substandard roads or driveways provide reasonably safe access to the large group living. (3) Minimum parking requirements will be determined by the director based on the number of residents and the nature of the proposed use. [(4)] <u>Visual screening and buffering may be required to reduce the visual and noise impacts to surrounding areas.</u> [(5)] <u>The proposed use must not result in cumulative impacts that are disruptive to or inconsistent with the neighborhood traffic, parking, infrastructure, and community character.]</u> (4) <u>For special needs housing for the elderly, as defined in § 21-10.1, that are located in the apartment, apartment mixed-use, and business mixed-use zoning districts, the underlying zoning district standards may be modified under a conditional use permit as follows:</u> (A) <u>Density may be increased by a maximum of 25 percent of the maximum density permitted in the underlying zoning district;</u> (B) <u>Height may be increased by a maximum of 25 percent of the maximum height permitted in the underlying zoning district, or 30 feet, whichever is less; and</u> (C) <u>Off-street parking requirements may be reduced; provided that a minimum of one parking space per four dwelling or lodging units and a minimum of one guest parking space per 10 dwelling or lodging units is required.</u> [(6)] (5) The director may modify or waive the large group living standards in this subsection and other applicable requirements as necessary to comply with the federal Fair Housing Act or other laws with similar preemptive effect.	Visual screening and buffering standards are set forth in LUO Article 4. Consideration of impacts to traffic, parking, infrastructure, and community character for uses subject to conditional use permits are set forth in LUO Article 2. Consistent with existing LUO provisions, allows for limited modification to height and density for special needs housing for the elderly in the apartment, apartment mixed-use, and business mixed use zoning districts.

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16	SECTION 3	§ 21-5.50-3(c) Accessory residential Ohana unit - standards	25	Amend ohana unit standards.	<p>(c) <i>Ohana unit – standards.</i></p> <p>(1) <i>General</i>[:]. The ohana unit and the principal dwelling unit may be located within a single structure, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot.</p> <p>(2) <i>Occupants</i>[:]. The ohana unit must be occupied by persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit; provided that ohana units for which a building permit was obtained prior to September 10, 1992, are not subject to this subsection and their occupancy by persons other than persons who are related to the family residing in the principal dwelling unit is permitted.</p> <p>(3) <i>Covenant for ohana unit</i>[:]. The owners of the zoning lot on which an ohana unit is located shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. The covenant must be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign, to abide by the recorded covenants will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to § 21-2.150. The covenant must state: "Neither the owner or owners, nor the heirs, successors, or assigns of the owner or owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an ohana unit from the ownership of its principal dwelling unit.</p> <p>(4) <i>Size</i>. The maximum size of an ohana unit is subject to the maximum building area development standard for the applicable underlying zoning district set forth in Article 3.</p> <p>(5) <i>Residential districts</i>. In the residential zoning districts, Ohana units are not permitted in the R-3.5 zoning district.</p> <p>(6) <i>Zoning lot limitations</i>. Ohana units are not permitted on zoning lots that are:</p> <p>(A) <i>Within a zero lot line project;</i></p> <p>(B) <i>Within a cluster housing project;</i></p> <p>(C) <i>Within an agricultural cluster project;</i></p> <p>(D) <i>Within a country cluster project;</i></p> <p>(E) <i>Within a planned development housing project;</i></p> <p>(F) <i>Within a duplex-unit project; or</i></p> <p>(G) <i>Nonconforming.</i></p>	Moves the ohana unit standards in § 21-8.20 to new § 21-5.50-3(c).
17	SECTION 6	§ 21-2.90-2(e) Conditional use permit general requirements	81	Amend provision to reference special needs housing for the elderly.	<p>(e) [Notwithstanding the requirements of subsections (b) and (c) relating to minimum development standards in] In the apartment, apartment mixed-use, and business mixed-use zoning districts, the director may grant a conditional use permit for [large group living,] special needs housing for the elderly, as defined in [this chapter,] § 21-10.1, which may modify [district regulations] underlying zoning district standards within the limits and subject to the standards established for this conditional use in Article 5.</p>	

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18	SECTION 42	§ 21-8.20 Housing – Ohana units	143	Amend ohana dwelling provisions in LUO Article 8.	<p>§ 21-8.20 Housing – Ohana dwellings</p> <p>(a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.</p> <p>(b) It is intended that ohana units be allowed only in areas where wastewater, water supply, and transportation facilities are adequate to support additional density.</p> <p>[(c) One ohana unit may be located on a zoning lot in the residential, country, or agricultural zoning districts, with the following limitations:</p> <p>(1) The maximum size of an ohana unit is not limited but will be subject to the maximum building area development standard in the applicable zoning district;</p> <p>(2) Ohana units are not permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning district, or on duplex_unit lots;</p> <p>(3) An ohana unit is not permitted on any nonconforming lot;</p> <p>(4) The ohana unit and the first dwelling may be located within a single structure, i.e., within the same two-family dwelling, or the ohana unit may be detached from the first dwelling and located on the same lot as the first dwelling;</p> <p>(5) The ohana unit must be occupied by persons related by blood, marriage, or adoption to the family residing in the first dwelling; provided that an ohana unit for which a building permit was obtained before September 10, 1992, is not subject to this subdivision and its occupancy by persons other than family members is permitted;</p> <p>(6) All other provisions of the zoning district apply;</p> <p>(7)](c) The parking provisions of this chapter applicable at the time the building permit for the ohana unit is issued apply and the provision of this parking is a continuing duty of the owner; and</p> <p>[(8) The owner of the zoning lot shall record in the State bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as [is] appropriate, a covenant stating that neither the owner, nor the heirs, successors, or assigns of the owner shall submit the zoning lot or any portion thereof to the condominium property regime pursuant to the State of Hawaii Condominium Property Act. The covenant must be recorded in a form approved or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign to abide by such a covenant will be deemed a violation of this chapter and will be grounds for enforcement of the covenant by the director pursuant to §§ 21-2.150, et seq., and grounds for an action by the director to require the owner or owners to remove, pursuant to the State of Hawaii Condominium Property Act, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant.]</p>	Deletes duplicate standards that are now set forth in § 21-5.50-3(c) (ohana unit use standards).												
19	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures	172	Amend group living entry under residential uses portion of Table 21-9.6(A).	<table><tr><td><u>Group living, small – State regulated</u></td><td><u>P*</u></td><td><u>P*</u></td><td></td></tr><tr><td><u>Group living, small – not State regulated</u></td><td><u>C*</u></td><td><u>C*</u></td><td></td></tr><tr><td><u>Group living, large</u></td><td><u>C*</u></td><td><u>C*</u></td><td></td></tr></table>	<u>Group living, small – State regulated</u>	<u>P*</u>	<u>P*</u>		<u>Group living, small – not State regulated</u>	<u>C*</u>	<u>C*</u>		<u>Group living, large</u>	<u>C*</u>	<u>C*</u>		
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20	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures	173	Amend daycare entry under commercial uses portion of Table 21-9.6(A).	<table><tr><td><u>Daycare, [child and] adult</u></td><td><u>C*</u></td><td><u>P*</u></td><td></td></tr><tr><td><u>Daycare, child</u></td><td><u>Cm*</u></td><td><u>P*</u></td><td></td></tr></table>	<u>Daycare, [child and] adult</u>	<u>C*</u>	<u>P*</u>		<u>Daycare, child</u>	<u>Cm*</u>	<u>P*</u>						
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21	SECTION 70	§ 21-10.1 Definitions	186	Amend definition of multi-unit dwelling.	<i>Dwelling, Multi-Unit.</i> [A building containing three or more dwelling units, all of which are designed for non-transient, residential use and occupancy.] Three or more dwelling units contained in a single building. Use of a multi-unit dwelling includes the occupancy of each dwelling unit in the multi-unit dwelling by one family for non-transient [,] <u>occupancy for residential purposes and permissible accessory uses.</u> [Multi-unit] <u>If permitted in the underlying zoning district, multi-unit dwellings may include spaces for nonresidential uses [that are permitted in the underlying zoning district]; provided that these [activities will not be considered part of the multi-unit dwelling use and will instead] nonresidential uses will be regulated as a [principal] separate land use.</u>	Clarifies that multi-unit dwellings may include nonresidential uses if permitted in the underlying zoning district, such as retail use on the ground floor in the BMX-3 District, but those nonresidential uses will be regulated as a separate use.
22	SECTION 70	§ 21-10.1 Definitions	186	Amend definition of duplex-unit dwelling to reference to Figure 21-10.3.	<i>Dwelling, Duplex-Unit.</i> A single building that is located on two separate zoning lots. The duplex building must contain two independent dwelling units that are separated by a common wall located along a side or rear yard boundary line for the zoning lots. An interior connection between the dwelling units is prohibited, and each dwelling unit must have a separate entrance. Use of a duplex-unit dwelling is the occupancy of each dwelling unit in the duplex-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses [-] <u>(see Figure 21-10.3).</u>	
23	SECTION 70	§ 21-10.1 Definitions	187	Add definition of group living, and amends definitions of large group living and small group living.	<i>Group living.</i> Residential occupancy that is not included in household living. Includes but is not limited to <u>monasteries, convents, dormitories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, adult daycare center, developmental disabilities domiciliary home, special treatment facility, clean and sober home, hospice home, group home, recovery home, nursing home, rehabilitation facility, and sanitarium. These facilities may be licensed, certified, registered, or monitored by the State.</u> <i>Group living, large.</i> [Occupancy of] <u>Type of group living that may be licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.</u> <i>Group living, small[-].</i> <u>State regulated. [Occupancy of] Type of group living that is licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by [six] up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.</u> <i>Group living, small – not State regulated.</i> <u>Type of group living that is not licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by [six] up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.</u>	Adds general definition of group living. Distinguishes between small group living that is regulated by the State, versus small group living that is not regulated by the State.
24	SECTION 70	§ 21-10.1 Definitions	189	Amend definition of lodging unit.	<i>Lodging unit.</i> A building, or portion of a building, in a hotel or other structure designed for transient [residence] <u>occupancy</u> that does not include permanent facilities for food preparation (heating/cooking element, sink, and refrigerator). The term does not include a unit designed, arranged, and used for independent living quarters for one or more persons living as a single [housekeeping unit.] <u>family.</u>	
25	SECTION 70	§ 21-10.1 Definitions	197	Amend definition of rooming.	<i>Rooming.</i> Providing accessory overnight living accommodations <u>to persons other than transient occupants, for compensation, for [a period] periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant[-] of the dwelling unit. The term does not include bed and breakfast homes (see bed and breakfast home).</u>	
26	SECTION 71	§ 21-10.1 Definitions	203	Amend definition of single-unit dwelling to reference Figure 21-10.3.	<i>Dwelling, Single-Unit.</i> A detached building containing one dwelling unit that is used exclusively by one family for non-transient <u>occupancy for residential [living] purposes and permissible accessory uses[-] (see Figure 21-10.3).</u>	

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27	SECTION 71	§ 21-10.1 Definitions	203	Amend definition of two-unit dwelling to reference Figure 21-10.3.	<i>Dwelling, Two-Unit.</i> Two dwelling units in a single structurally independent building. Use of a two-unit dwelling is the occupancy of each dwelling unit in the two-unit dwelling by one family for non-transient[,-] <u>occupancy for residential purposes,</u> and permissible accessory uses[-] (<u>see Figure 21-10.3</u>).	
28	SECTION 71	§ 21-10.1 Definitions	213	Replace deleted Figure 21-10.3 relating to dwelling types, with a new Figure 21-10.3 that includes depictions of a single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.	Move deletion of Figure 21-10.3 to SECTION 70 of the bill, and replace with a new Figure 21-10.3.	
29	SECTION 70 and SECTION 72	§ 21-10.1 Definitions	215	Remove deletion of definition of "special needs housing for the elderly" in SECTION 72, and add amended definition to SECTION 70.	<i>Special Needs Housing for the Elderly.</i> [Housing developments that meet] A type of group living that meets one of the following criteria and [require a modification in district regulations] <u>and is eligible for the modification of certain development standards</u> pursuant to § 21-2.90-2(e): (1) Provide aging-in-place dwelling units or assisted living facilities, or a combination of both, for residents of a minimum age of 60 years. Aging-in-place dwelling units typically congregate a residential setting, such as communal dining facilities and services, housekeeping services, organized social and recreational activities, transportation services, and other support services appropriate for elderly residents. Assisted living facilities typically include residences for the frail elderly and provide services such as meals, personal care, and supervision of self-administered medication; or (2) Provide single-room-occupancy dwelling units for residents of a minimum age of 60 years. Single-room-occupancy units typically include small units to accommodate one person. Amenities such as bathrooms, kitchens, and common areas may be either shared with other residents, or included within the unit. This type of housing development may be designed to serve as emergency housing for the homeless elderly, transmittional housing for the elderly who are progressing to permanent housing, or as permanent housing for the elderly.	