



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 and Findings. The purpose of this ordinance is to address the problem of the illegal use of large residential structures in residential districts.

Today's residential development standards have been in place and, for the most part, remained unchanged since the late 1960s.

The City Council finds that additional development standards that are consistent with the purpose and intent of the Land Use Ordinance are necessary to preserve and protect the character and livability of our residential areas, to conserve the beauty and historic character of our neighborhoods, to reduce storm water runoff into our coastal waters, to cool our communities, to address climate change, and to minimize impacts to existing infrastructure.

A select number of new regulations may also curb the growing problem of regulatory abuses and significant negative impacts to our neighborhoods, while leaving much of the existing development standards in place to encourage orderly development. These amendments to the Land Use Ordinance are intended to allow for one-family and two-family households, but not negatively impact the ability of extended families or multigenerational households to build homes in the residential districts.

Residential zoning lots with large detached dwellings that are covered in concrete surfaces from property line to property line increase storm water runoff and raise ambient temperatures. These large structures are also incongruous with the historic and aesthetic integrity of established neighborhoods. The risks associated with large detached dwellings with many occupants include adverse effects on municipal sewage systems, street parking availability, and public safety.



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

"(c) Additional Development Standards.

(1) Maximum Height. The maximum height of structures ~~[shall be]~~ is determined by the building envelope created as the result of the intersection of two planes. The first plane ~~[shall be]~~ is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane ~~[shall run]~~ 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 ~~[shall be]~~ is determined by the first plane (see Figure 21-3.10).

(2) Height Setbacks.

(A) Any portion of a structure exceeding 15 feet ~~[shall]~~ 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 ~~[shall]~~ 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 on one zoning lot (the aggregate of the number of wet bars in each dwelling unit on the zoning lot) must not exceed the following:

<u>Lot size (square feet)</u>	<u>Number of wet bars cannot exceed:</u>
<u>Up to 9,999</u>	<u>1</u>
<u>10,000 and up</u>	<u>2</u>



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- (C) The number of laundry rooms in each dwelling unit must not exceed one.
- (D) The number of bathrooms on one zoning lot (the aggregate of the number of bathrooms in each dwelling unit on the zoning lot) must not exceed the following:

<u>Lot size (square feet)</u>	<u>Number of bathrooms cannot exceed:</u>
<u>Up to 5,999</u>	<u>4 and one 0.5 bathroom</u>
<u>6,000 to 6,999</u>	<u>5 and one 0.5 bathroom</u>
<u>7,000 to 7,999</u>	<u>6 and one 0.5 bathroom</u>
<u>8,000 to 8,999</u>	<u>7 and one 0.5 bathroom</u>
<u>9,000 to 9,999</u>	<u>8 and one 0.5 bathroom</u>
<u>10,000 and up</u>	<u>9 and one 0.5 bathroom</u>

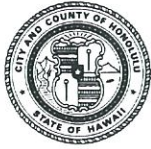
The number of bathrooms on one zoning lot must not under any circumstances exceed 9 and one 0.5 bathroom.

- (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.



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- (G) For one-family or two-family detached dwellings or duplexes constructed pursuant to building permits applied for after the effective date of this ordinance, 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) The side and rear yards must be at least eight 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.
 - (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 one year after issuance;
 - (bb) During the one-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 one-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."



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SECTION 3. Table 21-6.1, Revised Ordinances of Honolulu 1990 ("Off-street Parking Requirements"), is amended by amending the "Dwellings, detached, duplex and farm" use entry in the "Dwellings and Lodgings" category to read as follows:

"

Table 21-6.1 Off-street Parking Requirements	
Use ¹	Requirement ²
DWELLINGS AND LODGINGS	
Dwellings, detached, duplex and farm	[2 per unit plus 1 per 1,000 square feet over 2,500 square feet (excluding carport or garage)] <u>Excluding carport or garage areas:</u> <u>2 per unit up to 3,249 square feet</u> <u>3 per unit from 3,250 to 3,999 square feet</u> <u>4 per unit from 4,000 to 4,749 square feet</u> <u>1 additional for each 750 square feet over 4,000 square feet.</u>

"

SECTION 4. Section 21-6.40, Revised Ordinances of Honolulu ("Arrangement of parking spaces"), is amended by amending subsection (c) to read as follows:

"(c) All spaces must be arranged so that any ~~automobile~~ motor vehicle may be moved without moving another motor vehicle, except that tandem parking is permissible in any of these instances:

- (1) Where two or more parking spaces are assigned to a single dwelling unit ~~[and/or]~~ or a parking space is assigned to an accessory dwelling unit; provided that for one-family or two-family detached dwellings or duplexes, if three or more off-street parking spaces are required, tandem parking is limited to a configuration where if stacked parking does exist that only one car needs to be moved to allow the car that is blocked to exit the property.



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- (2) For use as employee parking, except that at no time can the number of parking spaces allocated for employees exceed 25 percent of the total number of required spaces. Also, for employee parking, [~~tandem~~] tandem parking is limited to a configuration of two stacked parking [~~stalls~~] spaces.
- (3) Where all parking is performed by an attendant at all times, and vehicles may be moved within the lot without entering any street, alley, or walkway.
- (4) For public assembly facilities and temporary events when user arrivals and departures are simultaneous and parking is attendant directed."

SECTION 5. Section 21-10.1, Revised Ordinances Honolulu 1990 ("Definitions"), is amended by adding definitions of "bathroom," "impervious surface," "laundry room," and "wet bar" to read as follows:

"Bathroom" means a room, or combination of adjoining rooms that provide access to one another, that is equipped for taking a bath or shower, and that includes either a sink or toilet, or both. A 0.5 bathroom means any room, or combination of adjoining rooms that provide access to one another, that is equipped with a sink or toilet, or both, but is not equipped with a bath or shower.

"Impervious surface" means a surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall or storm water. Impervious surfaces include, but are not limited to rooftops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.

"Laundry room" means a utility room in a dwelling unit that is used for washing and cleaning clothes and other fabrics, and which contains items such as a washing machine, utility sink, and clothes dryer.

"Tandem parking" means two or more parking spaces configured one behind the other.

"Wet bar" means a serving counter in a dwelling or lodging unit that is equipped with small single compartment sink that is not a part of a kitchen, bathroom, or laundry room."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 19 - 3

BILL 79 (2018), CD2, FD1

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SECTION 6. 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. The Revisor of Ordinances shall insert the actual effective date of this ordinance in place of the phrase "the effective date of this ordinance" wherever the phrase appears in Section 2 of this ordinance.



CITY COUNCIL
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HONOLULU, HAWAII

ORDINANCE 19-3

BILL 79 (2018), CD2, FD1

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SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

November 7, 2018
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel MOLLY A. STEBBINS

APPROVED this _____ day of _____, 20____.

Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **19 - 3**

BILL 79 (2018), CD2, FD1

Introduced: 11/07/18 By: TREVOR OZAWA

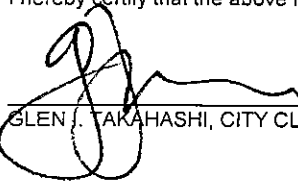
Committee: ZONING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO DETACHED DWELLINGS.

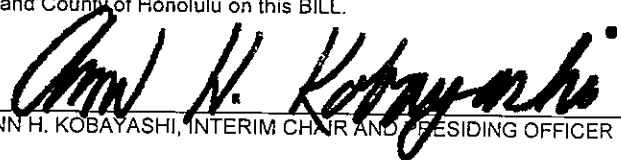
Voting Legend: * = Aye w/Reservations

11/14/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
11/24/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/29/18	ZONING AND HOUSING	CR-408 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
12/05/18	COUNCIL/PUBLIC HEARING	CR-408 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.
12/14/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/24/19	ZONING AND HOUSING	BILL POSTPONED IN COMMITTEE.
03/28/19	ZONING AND HOUSING	CR-94(19) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
04/17/19	COUNCIL	NOTE: PROPOSED FD1 (OCS2019-0368/4/10/2019 8:39 AM) POSTED ON THE AGENDA WAS NOT CONSIDERED. PROPOSED FD1 (OCS2019-0376/4/11/2019 8:42 AM) POSTED ON THE AGENDA WAS NOT CONSIDERED. MOTION TO AMEND TO HAND-CARRIED FD1 (OCS2019-0385/4/15/2019 3:18 PM) FAILED. 1 AYE: TSUNEYOSHI. 8 NOES: ANDERSON, ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. BILL AMENDED TO HAND-CARRIED FD1 (OCS2019-0394/4/17/2019 9:33 AM). 9 AYES: ANDERSON, ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI. CR-94(19) ADOPTED AND BILL 79 (2018), CD2, FD1 PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI*.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN J. TAKAHASHI, CITY CLERK



ANN H. KOBAYASHI, INTERIM CHAIR AND PRESIDING OFFICER

ORDINANCE NO. 19 - 3

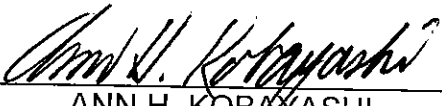
CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

C E R T I F I C A T E

I hereby certify that on April 18, 2019, Bill 79 (2018), CD2, FD1 was presented to the Honorable Kirk Caldwell, Mayor of the City and County of Honolulu, for his approval or otherwise; and that on May 1, 2019, the Mayor returned said Bill without his signature; therefore, pursuant to Section 3-203 of the Revised Charter of Honolulu, said Bill 79 (2018), CD2, FD1 became a duly enacted ordinance on May 1, 2019.

Dated, Honolulu, State of Hawaii, this 1st day of May, 2019.

CITY COUNCIL

By 
ANN H. KOBAYASHI
Interim Chair and Presiding Officer

ATTEST:


GLENY. TAKAHASHI
City Clerk