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# A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1       SECTION 1. The purpose of this Act is to prevent the  
2 proliferation of monster homes.

3       SECTION 2. Section 46-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5       "**§46-4 County zoning.** (a) This section and any  
6 ordinance, rule, or regulation adopted in accordance with this  
7 section shall apply to lands not contained within the forest  
8 reserve boundaries as established on January 31, 1957, or as  
9 subsequently amended.

10       Zoning in all counties shall be accomplished within the  
11 framework of a long-range, comprehensive general plan prepared  
12 or being prepared to guide the overall future development of the  
13 county. Zoning shall be one of the tools available to the  
14 county to put the general plan into effect in an orderly manner.  
15 Zoning in the counties of Hawaii, Maui, and Kauai means the  
16 establishment of districts of such number, shape, and area, and  
17 the adoption of regulations for each district to carry out the



1 purposes of this section. In establishing or regulating the  
2 districts, full consideration shall be given to all available  
3 data as to soil classification and physical use capabilities of  
4 the land to allow and encourage the most beneficial use of the  
5 land consonant with good zoning practices. The zoning power  
6 granted herein shall be exercised by ordinance which may relate  
7 to:

- 8 (1) The areas within which agriculture, forestry,  
9 industry, trade, and business may be conducted;
- 10 (2) The areas in which residential uses may be regulated  
11 or prohibited;
- 12 (3) The areas bordering natural watercourses, channels,  
13 and streams, in which trades or industries, filling or  
14 dumping, erection of structures, and the location of  
15 buildings may be prohibited or restricted;
- 16 (4) The areas in which particular uses may be subjected to  
17 special restrictions;
- 18 (5) The location of buildings and structures designed for  
19 specific uses and designation of uses for which  
20 buildings and structures may not be used or altered;



- 1           (6)    The location, height, bulk, number of stories, and  
2                size of buildings and other structures;  
3           (7)    The location of roads, schools, and recreation areas;  
4           (8)    Building setback lines and future street lines;  
5           (9)    The density and distribution of population;  
6           (10)   The percentage of a lot that may be occupied, size of  
7                yards, courts, and other open spaces;  
8           (11)   Minimum and maximum lot sizes; and  
9           (12)   Other regulations the boards or city council find  
10               necessary and proper to permit and encourage the  
11               orderly development of land resources within their  
12               jurisdictions.

13           The council of any county shall prescribe rules,  
14 regulations, and administrative procedures and provide personnel  
15 it finds necessary to enforce this section and any ordinance  
16 enacted in accordance with this section. The ordinances may be  
17 enforced by appropriate fines and penalties, civil or criminal,  
18 or by court order at the suit of the county or the owner or  
19 owners of real estate directly affected by the ordinances.

20           Any civil fine or penalty provided by ordinance under this  
21 section may be imposed by the district court, or by the zoning



1 agency after an opportunity for a hearing pursuant to chapter  
2 91. The proceeding shall not be a prerequisite for any  
3 injunctive relief ordered by the circuit court.

4 Nothing in this section shall invalidate any zoning  
5 ordinance or regulation adopted by any county or other agency of  
6 government pursuant to the statutes in effect prior to July 1,  
7 1957.

8 The powers granted herein shall be liberally construed in  
9 favor of the county exercising them, and in such a manner as to  
10 promote the orderly development of each county or city and  
11 county in accordance with a long-range, comprehensive general  
12 plan to ensure the greatest benefit for the State as a whole.  
13 This section shall not be construed to limit or repeal any  
14 powers of any county to achieve these ends through zoning and  
15 building regulations, except insofar as forest and water reserve  
16 zones are concerned and as provided in subsections (c) and (d).

17 Neither this section nor any ordinance enacted pursuant to  
18 this section shall prohibit the continued lawful use of any  
19 building or premises for any trade, industrial, residential,  
20 agricultural, or other purpose for which the building or  
21 premises is used at the time this section or the ordinance takes



1 effect; provided that a zoning ordinance may provide for  
2 elimination of nonconforming uses as the uses are discontinued,  
3 or for the amortization or phasing out of nonconforming uses or  
4 signs over a reasonable period of time in commercial,  
5 industrial, resort, and apartment zoned areas only. In no event  
6 shall such amortization or phasing out of nonconforming uses  
7 apply to any existing building or premises used for residential  
8 (single-family or duplex) or agricultural uses. Nothing in this  
9 section shall affect or impair the powers and duties of the  
10 director of transportation as set forth in chapter 262.

11 (b) Any final order of a zoning agency established under  
12 this section may be appealed to the circuit court of the circuit  
13 in which the land in question is found. The appeal shall be in  
14 accordance with the Hawaii rules of civil procedure.

15 (c) Each county may adopt reasonable standards to allow  
16 the construction of two single-family dwelling units on any lot  
17 where a residential dwelling unit is permitted.

18 (d) Neither this section nor any other law, county  
19 ordinance, or rule shall prohibit group living in facilities  
20 with eight or fewer residents for purposes or functions that are  
21 licensed, certified, registered, or monitored by the State;



1 provided that a resident manager or a resident supervisor and  
2 the resident manager's or resident supervisor's family shall not  
3 be included in this resident count. These group living  
4 facilities shall meet all applicable county requirements not  
5 inconsistent with the intent of this subsection, including but  
6 not limited to building height, setback, maximum lot coverage,  
7 parking, and floor area requirements.

8 (e) Neither this section nor any other law, county  
9 ordinance, or rule shall prohibit the use of land for employee  
10 housing and community buildings in plantation community  
11 subdivisions as defined in section 205-4.5(a)(12); in addition,  
12 no zoning ordinance shall provide for the elimination,  
13 amortization, or phasing out of plantation community  
14 subdivisions as a nonconforming use.

15 (f) Neither this section nor any other law, county  
16 ordinance, or rule shall prohibit the use of land for medical  
17 cannabis production centers or medical cannabis dispensaries  
18 established and licensed pursuant to chapter 329D; provided that  
19 the land is otherwise zoned for agriculture, manufacturing, or  
20 retail purposes.



1        (g) Notwithstanding any law, county ordinances, or rule to  
2        the contrary, for single-family and multifamily residential  
3        dwelling units in residential zones, a county with a population  
4        of 500,000 or more shall:

5        (1) Place a limit on the allowable number of bedrooms in  
6        any detached dwelling;

7        (2) Place a limit on the allowable number of residents  
8        living together in any detached dwelling; and

9        (3) Require onsite parking equal to the number of  
10       bedrooms."

11       SECTION 3. The legislative body and any relevant agencies  
12 of any county subject to this Act shall adopt or amend any  
13 ordinances or rules regarding the planning and permitting  
14 process for residential zones as necessary to ensure that all  
15 permits for single-family and multifamily dwelling units issued  
16 on or after the effective date of this Act are in compliance  
17 with section 46-4, Hawaii Revised Statutes, as amended by this  
18 Act.

19       SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2018.

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# H.B. NO. 2483

**Report Title:**

County Zoning; City and County of Honolulu

**Description:**

Amends county zoning power for single-family and multifamily residential dwelling units. Requires the City and County of Honolulu to amend rules for planning and permitting.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

