
A BILL FOR AN ACT

RELATING TO ZONING.

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

1 SECTION 1. The legislature finds that many residents,
2 including the elderly, mentally ill, and disabled, for a variety
3 of reasons and circumstances may benefit from residing in group
4 living facilities that provide deinstitutionalized, residential
5 settings that are more conducive to their care, health and
6 autonomy, and quality of life. However, as the number of group
7 living facilities increases in traditional residential areas,
8 the potential negative impacts that they may unintentionally
9 cause due to increases in care provider and visitor traffic,
10 commercial deliveries, noise, and other impacts resulting from
11 the facilities may affect their surrounding neighbors, thereby
12 reducing the latter's quality of life and quiet, peaceful
13 enjoyment of residential living.

14 Accordingly, the counties, in the exercise of their
15 planning and zoning powers, are directed to review their
16 planning and zoning ordinances and to consider the imposition of
17 certain nondiscriminatory performance zoning standards that may



1 become applicable in all or selected zoning districts within the
2 counties to ease any negative impacts that group living
3 facilities may have on surrounding landowners and residents.

4 SECTION 2. Section 46-4, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) Neither this section nor any other law, county
7 ordinance, or rule shall prohibit group living in facilities
8 with eight or fewer residents and that are licensed by the State
9 as provided for under section 321-15.6, or in an intermediate
10 care facility/mental retardation-community for persons,
11 including mentally ill, elder, disabled, developmentally
12 disabled, or totally disabled persons, who are not related to
13 the home operator or facility staff; provided that those group
14 living facilities meet all applicable county requirements not
15 inconsistent with the intent of this subsection [~~and including~~
16 ~~building~~], including but not limited to:

- 17 (1) Building height, setback, maximum lot coverage, off-
18 street parking, and floor area requirements[~~-~~];
19 (2) Temporal restrictions on commercial deliveries; and
20 (3) Ambient noise and pollutant emission standards at lot
21 boundaries."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Zoning; Performance Standards

Description:

Allows the counties to impose within their zoning ordinances performance standards on group living facilities.

