

JAN 17 2020

A BILL FOR AN ACT

RELATING TO HOUSING DENSITY.

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

1 SECTION 1. Section 205-2, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:
3 "(c) Rural districts shall include activities or uses as
4 characterized by low density residential lots of not more than
5 one dwelling house per one-half acre, except as provided by
6 county ordinance pursuant to section 46-4(c) [7] or section
7 205-5(d), in areas where "city-like" concentration of people,
8 structures, streets, and urban level of services are absent, and
9 where small farms are intermixed with low density residential
10 lots except that within a subdivision, as defined in section
11 484-1, the commission for good cause may allow one lot of less
12 than one-half acre, but not less than eighteen thousand five
13 hundred square feet, or an equivalent residential density,
14 within a rural subdivision and permit the construction of one
15 dwelling on such lot; provided that all other dwellings in the
16 subdivision shall have a minimum lot size of one-half acre or
17 21,780 square feet. Such petition for variance may be processed



1 under the special permit procedure. These districts may include
2 contiguous areas which are not suited to low density residential
3 lots or small farms by reason of topography, soils, and other
4 related characteristics. Rural districts shall also include
5 golf courses, golf driving ranges, and golf-related facilities.

6 In addition to the uses listed in this subsection, rural
7 districts shall include geothermal resources exploration and
8 geothermal resources development, as defined under section
9 182-1, and construction and operation of wireless communication
10 antenna, as defined under section 205-4.5(a)(18), as permissible
11 uses."

12 SECTION 2. Section 205-5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§205-5 Zoning. (a) Except as herein provided, the
15 powers granted to counties under section 46-4 shall govern the
16 zoning within the districts, other than in conservation
17 districts[-] and permitted housing density increases pursuant to
18 subsection (d). Conservation districts shall be governed by the
19 department of land and natural resources pursuant to chapter
20 183C.



1 (b) Within agricultural districts, uses compatible to the
2 activities described in section 205-2 as determined by the
3 commission shall be permitted; provided that accessory
4 agricultural uses and services described in sections 205-2 and
5 205-4.5 may be further defined by each county by zoning
6 ordinance. Each county shall adopt ordinances setting forth
7 procedures and requirements, including provisions for
8 enforcement, penalties, and administrative oversight, for the
9 review and permitting of agricultural tourism uses and
10 activities as an accessory use on a working farm, or farming
11 operation as defined in section 165-2. Ordinances shall include
12 but not be limited to:

- 13 (1) Requirements for access to a farm, including road
14 width, road surface, and parking;
- 15 (2) Requirements and restrictions for accessory facilities
16 connected with the farming operation, including gift
17 shops and restaurants;
- 18 (3) Activities that may be offered by the farming
19 operation for visitors;
- 20 (4) Days and hours of operation; and



1 (5) Automatic termination of the accessory use upon the
2 cessation of the farming operation.

3 Each county may require an environmental assessment under
4 chapter 343 as a condition to any agricultural tourism use and
5 activity. Other uses may be allowed by special permits issued
6 pursuant to this chapter. The minimum lot size in agricultural
7 districts shall be determined by each county by zoning
8 ordinance, subdivision ordinance, or other lawful means;
9 provided that the minimum lot size for any agricultural use
10 shall not be less than one acre, except as provided herein. If
11 the county finds that unreasonable economic hardship to the
12 owner or lessee of land cannot otherwise be prevented or where
13 land utilization is improved, the county may allow lot sizes of
14 less than the minimum lot size as specified by law for lots
15 created by a consolidation of existing lots within an
16 agricultural district and the resubdivision thereof; provided
17 that the consolidation and resubdivision do not result in an
18 increase in the number of lots over the number existing prior to
19 consolidation; and provided further that in no event shall a lot
20 which is equal to or exceeds the minimum lot size of one acre be
21 less than that minimum after the consolidation and resubdivision



1 action. The county may also allow lot sizes of less than the
2 minimum lot size as specified by law for lots created or used
3 for plantation community subdivisions as defined in section
4 205-4.5(a)(12), for public, private, and quasi-public utility
5 purposes, and for lots resulting from the subdivision of
6 abandoned roadways and railroad easements.

7 (c) Unless authorized by special permit issued pursuant to
8 this chapter, only the following uses shall be permitted within
9 rural districts:

- 10 (1) Low density residential uses; provided that higher
11 density residential uses may be permitted pursuant to
12 subsection (d);
- 13 (2) Agricultural uses;
- 14 (3) Golf courses, golf driving ranges, and golf-related
15 facilities;
- 16 (4) Public, quasi-public, and public utility facilities;
17 and
- 18 (5) Geothermal resources exploration and geothermal
19 resources development, as defined under section 182-1.

20 In addition, the minimum lot size for any low density
21 residential use shall be one-half acre and there shall be but



1 one dwelling house per one-half acre, except as provided for in
2 section 205-2.





3 (d) Homeowners within a block may vote to increase the
4 housing density beyond the allowable amount authorized by county
5 ordinance for their respective block; provided that homeowners
6 within a block shall not have the authority to decrease the
7 housing density for their respective block. Upon receiving an
8 affirmative vote of two-thirds of the homeowners within a block,
9 the commission shall increase the housing density for that
10 block."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.
14

INTRODUCED BY:





S.B. NO. 2642

Report Title:

Housing Density; Homeowners; Rural Districts

Description:

Authorizes the land use commission to govern housing density increases. Authorizes homeowners located in a block to vote to increase the housing density for their respective block. Upon receiving an affirmative vote of two-thirds of the homeowners in a block, requires the land use commission to increase the housing density for the block.

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