

JAN 21 2011

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# 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,  
6 autonomy, and quality of life. However, as the number of group  
7 living facilities increases in traditional residential areas,  
8 the negative impacts that they may unintentionally cause due to  
9 increases in care provider and visitor traffic, commercial  
10 deliveries, noise, and other impacts may affect their  
11 surrounding neighbors, reducing their neighbors' quality of life  
12 and enjoyment of quiet, peaceful residential living.

13           Accordingly, the counties, in the exercise of their  
14 planning and zoning powers, are directed to review their  
15 planning and zoning ordinances and to consider the imposition of  
16 certain nondiscriminatory performance zoning standards that may  
17 become applicable in all or selected zoning districts within the



1 counties to ease any negative impacts that group living  
2 facilities may have on surrounding landowners and residents.

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

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

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

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: *[Handwritten Signature]*

*[Handwritten Signature]*

**Report Title:**

Zoning; Performance Standards

**Description:**

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

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

