

OFFICE OF COUNCIL SERVICES
TRANSMITTAL FORM

Transmittal Date/Time: July 12, 2011 03:27

TO: COUNCILMEMBER TOM BERG

ATTN:

FROM:

Andrew Sekine
ANDREW SEKINE

RE: RESO 11-54, CD1, AMENDMENT TO LUO RELATING TO TEMPORARY
SHELTERS (REVISED)

Product(s) Transmitted: Bill: Resolution: Memo/Letter/Report: Other:

(Check all applicable boxes)

Final Product File Name(s): RESO 11-54CD1RECOMMIT3.AKS

Transmitted by Secretary: CT

Approved for Transmittal:

AS

Remarks:



RECEIVED
2011 JUL 12 P 3:36
CITY COUNCIL
HONOLULU, HAWAII



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TEMPORARY SHELTERS.

WHEREAS, the City continues to have a significant population of homeless persons; and

WHEREAS, the Council recognizes that the homeless problem is a complex one that must be addressed on a number of fronts using a variety of creative solutions; and

WHEREAS, a portion of the homeless population may have access to undeveloped or partially developed agricultural zoning lots in the City; and

WHEREAS, the owners of such lots may be amenable to allowing such persons to place certain types of inexpensive shelters on their land; and

WHEREAS, the Council desires to propose amendments to the Land Use Ordinance to allow such a land use in order to assist in providing temporary shelter and housing for Hawaii residents, poor working class and homeless; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended (RCH), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, ROH Chapter 2, Article 24, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the director of planning and permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended, and ROH Chapter 2, Article 24, to process the proposed amendment to Chapter 21, ROH 1990 (the Land Use Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and



RESOLUTION

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the Clerk shall transmit copies of this Resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Tom Berg

Tulsi Gabbard Tamayo

Ann Kobayashi

Ikaika Anderson

DATE OF INTRODUCTION:

February 10, 2011
Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO TEMPORARY SHELTERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to address the homeless problem in the City by amending the Land Use Ordinance to permit certain types of temporary housing to be placed on certain zoning lots.

SECTION 2. Table 21-3, Revised Ordinances of Honolulu 1990, as amended ("Master Use Table"), is amended by amending the "Dwellings and Lodgings" category to add a new "Temporary Shelters" use category to read as follows:

**"TABLE 21-3
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9 6(A).

- KEY:** Ac = Special accessory use subject to standards in Article 5
 Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)
 C = Conditional Use Permit-major subject to standards in Article 5; public hearing required
 P = Permitted use
 P/c = Permitted use subject to standards in Article 5
 PRU = Plan Review Use

| ZONING DISTRICTS | | | | | | | | | | | | | | | | | | | | | | |
|---|-----|------|------|---------|------------|-------------------|-----|-----|-----|-------|-------|-------|--------|-----|-----|-------|-------|-----|-----|-----|-------|--|
| USES | P-2 | AG-1 | AG-2 | Country | R-20, R-10 | R-7.5, R-5, R-3.5 | A-1 | A-2 | A-3 | AMX-1 | AMX-2 | AMX-3 | Resort | B-1 | B-2 | BMX-3 | BMX-4 | I-1 | I-2 | I-3 | IMX-1 | |
| (Note: Certain uses are defined in Article 10.) | | | | | | | | | | | | | | | | | | | | | | |
| DWELLINGS AND LODGINGS | | | | | | | | | | | | | | | | | | | | | | |
| Temporary shelters | | P/c | P/c | | | | | | | | | | | | | | | | | | | |

SECTION 3. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 21-5. Temporary Shelters.

(a) A temporary shelter shall not exceed one story in height.



A BILL FOR AN ORDINANCE

- (b) Temporary shelter use shall be permitted on a zoning lot for no more than five years.
- (c) A temporary shelter shall only be permitted on a zoning lot with a minimum size of five acres.
- (d) The maximum building area permitted for temporary shelter use shall be 10 percent of the zoning lot.
- (e) Prior to occupancy of the temporary shelter, the owner of the zoning lot shall:
 - (1) Present the project to the neighborhood board of the district where the temporary shelter is located or, if no such neighborhood board exists, an appropriate community association. The owner of the zoning lot shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subsection shall be deemed satisfied if the applicant makes a written request to present the application to the neighborhood board or community association, and, within 60 days of the date of the written request, the neighborhood board or community association:
 - (A) Fails to provide the applicant with an opportunity to present the application at a meeting held; or
 - (B) Provides the applicant with written notice that it has no objection to the application or that no presentation of the application is necessary.
 - (2) Send a written notice to the director stating the date of commencement of occupancy of the shelter and providing the street address and Tax Map Key number of its location.
 - (3) Be granted the approval of the director. The director shall grant approval of the application if the director determines that the requirements of this section have been satisfied.
- (f) A temporary shelter shall be exempted from public sewer connection requirements set forth in Section 14-1.6.
- (g) A temporary shelter shall be exempted from any provision in Chapter 19 ("Plumbing Code") requiring plumbing facilities to be located underground."



A BILL FOR AN ORDINANCE

SECTION 4. Section 21-10.1, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new definition of "temporary shelter" to read as follows:

"Temporary shelter" means a living space constituting an independent housekeeping unit, including bathroom and kitchen facilities, for a family for a period of not more than five years, and consisting of a house trailer or intermodal container. For purposes of this chapter, "house trailer" means a trailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place; and "intermodal container" means a standardized cargo container designed to be carried on different modes of transportation such as ships, trains, and semi-trailer trucks, and manufactured to the specifications of the International Organization for Standardization (ISO), but does not include air freight containers."

SECTION 5. New ordinance 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 underscoring.



A BILL FOR AN ORDINANCE

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

PETER B. CARLISLE, Mayor
City and County of Honolulu