New Regulations Relating to Detached Dwellings Units within a Residential District

On May 1, 2019, the Land Use Ordinance (LUO) was amended under Ordinance 19-3 to more closely regulate the size and other aspects of dwellings in residential districts. Single-family dwellings, two-family detached dwellings, and duplexes within residential districts are subject to these additional development standards:

- The maximum allowed density is a floor area ratio (FAR) of 0.7;
- There are new limits on the number of wet bars, laundry rooms, and bathrooms allowed on zoning lots;
- There are new standards for off-street parking; and
- Impervious surfaces may not exceed 75 percent of the lot area.

Furthermore, on lots with an FAR between 0.6 and 0.7, the following regulations apply:

- Side and rear yards must be at least eight feet wide;
- Each dwelling unit must be owner-occupied;
- Dwellings will be subject to inspections for a period of one year after issuance of a temporary certificate of occupancy; and
- A home exemption tax form must be submitted before a certificate of occupancy will be issued.

Frequently Asked Questions

Do these standards apply to me?

- If you live in a dwelling in a residential zoning district, these regulations may apply to you. If you are planning to build a new house, an addition, an ohana unit, or an accessory dwelling unit, you should review the requirements carefully.

- If you live on a lot regulated by a Cluster Permit or Planned Development – Housing Permit, developed pursuant to LUO Section 21-8.50, these standards do not apply.

What if I want multiple dwelling units on my lot?

- Multiple dwelling units are allowed on a lot, pursuant to LUO Section 21-8.20A. Also, ohana dwellings are allowed, pursuant to LUO Section 21-8.20, and Accessory Dwelling Units are allowed, pursuant to LUO Section 21-5.720. However, the combined floor area of all the dwellings cannot exceed an FAR of 0.7. Also, the limits on the number of bathrooms and wet bars apply to the site as a whole.

What is floor area and Floor Area Ratio (FAR)?

- Floor area is defined as the area of all floors of a structure excluding unroofed areas, measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure (See LUO Section 21-10 for the full definition of floor area.) Carports, garages, and some types of lanais do not count as floor area.
- **Floor Area Ratio (FAR)** means the ratio of floor area to total land area of the zoning lot expressed as a percent or decimal. Multiplying the permissible floor area ratio by the area of the zoning lot determines the maximum floor area permitted. For example, a 10,000-square-foot lot area can have no more than 7,000 square feet of floor area, under an FAR of 0.7 (0.7 \times 10,000 = 7,000).

**What if my house exceeds an FAR of 0.7?**

- If your existing house exceeds an FAR of 0.7, it is considered a nonconforming structure and is subject to the regulations in LUO Section 21-4.110(b), relating to nonconforming structures.

**What if my house is between an FAR of 0.6 and 0.7?**

- If an existing dwelling is between an FAR of 0.6 and 0.7 and does not comply with eight-foot side and rear yard requirements, then it is considered a nonconforming structure [see LUO Section 21-4.110 (b)]. However, you may still add floor area to the dwelling provided that the existing dwelling complies with new regulations enumerated in Ordinance 19-3.

- A proposed addition that causes an existing dwelling to be between an FAR of 0.6 and 0.7 can only be allowed if the new addition and all structures on the property comply with the eight foot side and rear yards. The dwelling must also be owner occupied.

- If you propose to construct a new dwelling is over an FAR of 0.6, it must conform to all regulations of the Residential District and have eight foot side and rear yards. The dwelling must also be owner-occupied.

**How many wet bars can I have?**

- If your lot is less than 10,000 square feet, you may have one wet bar on the lot. If your lot is 10,000 square feet or more, you may have two wet bars. This is the maximum for the site regardless of the number of dwellings on the lot.

**How many laundry rooms can I have?**

- One per dwelling unit if located inside the dwelling. There is no limit on the number of laundry rooms located outside the dwelling.

**How many bathrooms can I have?**

- A bathroom is a room containing a shower/bath, as well as a sink and/or toilet. A 0.5 bathroom is defined as a room that is equipped with a sink and/or toilet, but does not have a shower/bath.

- The number of bathrooms is determined by the total lot area. If there is more than one dwelling unit on the site, the owners will need to ensure that the total bathrooms do not exceed the allowed maximum number for the zoning lot. Bathroom limitations are provided in the table below:
<table>
<thead>
<tr>
<th>Lot Area (square feet)</th>
<th>Maximum Bathrooms</th>
<th>Maximum 0.5 Bathrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 5,999</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>6,000-6,999</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>7,000-7,999</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>8,000-8,999</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>9,000-9,999</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>10,000 and up</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

- There may only be a 0.5 bathroom on a zoning lot. If there are multiple dwellings on a zoning lot, then only one of those dwellings may have a 0.5 bathroom. All other bathrooms must be full bathrooms.

- The Building Code requires at least one bathroom in a dwelling unit.

**What if I already have more wet bars, laundry rooms, and/or bathrooms than are allowed?**

- If you have more wet bars, laundry rooms, and/or bathrooms than the maximum allowance, those areas of the dwelling will be considered nonconforming [See LDU Section 21-4.110(b)]. Therefore, they cannot be replaced if removed or destroyed. Ultimately, the goal is to have dwellings that conform to the zoning regulations. While you may keep the additional bathroom, laundry room, or wet bar, if the area with nonconforming element is remodeled, you will need to remove those elements.

**How many parking spaces do I need and can it be tandem parking?**

- Parking requirements are based on the floor area of each dwelling and are summarized in the table below:

<table>
<thead>
<tr>
<th>Floor area (square feet)</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3,249</td>
<td>2</td>
</tr>
<tr>
<td>3,250 - 3,999</td>
<td>3</td>
</tr>
<tr>
<td>4,000 - 4,749</td>
<td>4</td>
</tr>
</tbody>
</table>

- For dwellings with a floor area greater than 4,749 square feet, one additional parking space is required for every 750 square feet over 4,000 square feet. Therefore, the formula to calculate the required number of parking spaces is as follows:

\[
(Floor\ Area\ of\ Dwelling - 4,000) \div 750 = Required\ Parking\ Spaces
\]

- When the computation of total required parking spaces for a zoning lot results in a major fractional number, the number of spaces required shall be the next highest whole number.

- Tandem parking is limited to two stacked stalls.
What is the purpose of the impervious surface regulation and how are impervious surfaces calculated?

- Impervious surfaces prevent the land from naturally absorbing and infiltrating rainfall or stormwater. Ordinance 19-3 limits the amount of impervious surfaces to 75 percent of a lot.

- Impervious surfaces include, but are not limited to all buildings, structures, driveways, access paths, patios, lanais, swimming pools, and most walkways.

How do I comply with the owner-occupied requirement?

- If your home has an FAR of 0.6 to 0.7, then you must live in it. It must be occupied by the owner. The claim form for home exemptions can be found here:


Do I need a building permit to convert a portion of my dwelling into a bathroom, wet bar, or laundry room?

- Yes.

Do I need a building permit to convert a portion of my carport, garage, or uncovered lanai into living space for the dwelling unit?

- Yes.

Is the moratorium on large detached dwellings (Ordinance 18-6) still in effect?

- Any building permit applications that were accepted for dwellings with an FAR greater than 0.7 between March 13, 2018 and May 1, 2019 may still develop under the regulations enumerated in the moratorium and that were otherwise in effect.

- Building permit applications for dwellings accepted prior to May 1, 2019, are not subject to the regulations of Ordinance 19-3.

  The full text of Ordinance 19-3 can be found here:


If you have any additional questions, please contact the Department of Planning and Permitting at (808) 768-8015.