SUMMARY OF PROPOSED FLOOR DRAFT:

Bill 47 (2011), CD1 - RELATING TO SIGNS

THE PROPOSED FD1 AMENDS THE CD1 AS FOLLOWS:

A. Amends proposed new ROH Section 21-7.60A(a)(1) to add the following aggregate sign area limits for noncommercial signs:

   1. In the residential districts, 75 square feet per zoning lot;

   2. In the agricultural districts, 150 square feet per zoning lot.

B. Deletes the provision in proposed new ROH Section 21-7.60A(a)(2) that signs with identical messages be limited to three per zoning lot.

C. The requirement that no sign shall project into the public right of way is moved from Section 21-7.60A(a)(1) to Section 21-7.60A(a)(2).

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 47 (2011), CD1, FD1
Proposed

A BILL FOR AN ORDINANCE

RELATING TO SIGNS.

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

SECTION 1. Findings and purpose. The Council finds as follows:

A. The Land Use Ordinance (LUO), ROH Chapter 21, regulates signs in the city, but currently exempts "political campaign signs" from sign permit requirements and district sign regulations.

B. Recent public elections have seen unprecedented increases in the numbers and sizes of political campaign signs posted in the city. Large banner-type signs, many with portraits of the candidates, are now commonplace.

C. These increases appear to be most acute in the residential and agricultural areas, where the lack of other permitted signage only emphasizes the resulting visual impacts and blight.

D. The LUO's exemption for "political campaign signs" does not include other forms of noncommercial signs whose messages--conveying political, philosophical, social, and cultural ideas--also are protected by the First Amendment. The Council desires to recognize in the LUO the right of the people to display such signs, subject to reasonable regulation that does not unconstitutionally infringe on such right.

Accordingly, the purpose of this ordinance is to advance the purposes of the LUO's sign regulations set forth in ROH Section 21-7.10 while balancing the right of the people in the city to display noncommercial signs.

SECTION 2. Section 21-7.20 ("Definitions and general sign standards"), Revised Ordinances of Honolulu 1990, as amended, is amended as follows:

a. To add a definition of "noncommercial sign" to read as follows:

""Noncommercial sign" means a sign that does not direct attention to a profession, business, product, commodity, service, entertainment or activity conducted, sold, or offered on the premises by any person, including profit and nonprofit entities. Noncommercial signs include those which express an opinion or point of view, such as a political, religious, or other ideological sentiment, or support for or opposition to a candidate or proposition in a public election."

b. To amend the definition of "public signs" to read as follows:

"Public signs" means signs of a public or [noncommercial] incidental nature, which shall include public transit service signs, utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty. As used herein, "incidental" means informational, secondary to the use of the lot on which it is located, and without any commercial message.

SECTION 3. Section 21-7.60 ("Permits and fees"), Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsections (a) and (b) to read as follows:

"(a) Except as otherwise provided in subsection (b) and Section 21-7.60A, [It] it is unlawful for any person to install, construct, erect, alter, relocate, reconstruct, or cause to be installed, constructed, erected, altered, relocated or reconstructed within the city any sign or signs without first having obtained a permit in writing from the director and making payment of the fees required by this section.

(b) No permit shall be required nor shall district sign regulations apply to the following types of signs: subdivision construction signs; pump island information signs, not to exceed three square feet in sign area; gasoline price signs, not to exceed one square foot in sign area and located on a gasoline pump; temporary signs; public signs; flags; plaques; small signs and address signs; directional signs; and [political campaign] noncommercial signs[.]; provided that noncommercial signs shall be subject to Section 21-7.60A."

SECTION 4. Chapter 21, Article 7, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-7.60A to read as follows:

"**Sec. 21-7.60A Noncommercial signs.**

(a) In the residential and agricultural districts, noncommercial signs shall be subject to the following standards:

(1) One or more signs are allowed per zoning lot without sign permits, provided that no sign shall exceed five feet by three feet or 15 square feet of sign area, and the total aggregate area of all such signs shall not exceed 75 square feet per residential zoning lot or 150 square feet per agricultural zoning lot.

(2) No sign shall project into the public right-of-way.

(3) The signs must be erected and maintained by or with the consent of the owner of the zoning lot, and both the owner and any tenant of the zoning lot shall be deemed to be the owners of the sign.

(b) All noncommercial signs shall be deemed to relate to an on-premises activity."

SECTION 5. Ordinance material to be repealed is bracketed. 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 brackets, the bracketed material or the underscoring.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 47 (2011), CD1, FD1

A BILL FOR AN ORDINANCE

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

INTRODUCED BY:

Ikaika Anderson

DATE OF INTRODUCTION:

June 21, 2011
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