LAND USE ORDINANCE

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Department of Land Utilization
City and County of Honolulu

August, 1997

SEP 16 1997

LAND USE ORDINANCE (LUO)

Ordinance No. 86-96, effective October 22, 1986, as amended by:

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
88-45	April 22, 1988	Home Occupations
88-46	April 22, 1988	Miscellaneous LUO
88-47	April 27, 1988	Parking
88-48	April 28, 1988	Ohana Dwellings
88-51	May 11, 1988	Industrial Districts
88-56	May 18, 1988	Height Measurement
88-57	May 18, 1988	Antennas
89-50	April 18, 1989	Convention Center
89-52	April 18, 1989	Special Districts
89-146	December 22, 1989	Miscellaneous LUO
89-154	December 28, 1989	Transient Vacation Units
89-155	December 28, 1989	Ohana Dwellings
90-15	February 23, 1990	Golf Courses
90-93	November 26, 1990	Pet Keeping
92-101	September 10, 1992	Ohana Dwellings
92-110	October 20, 1992	Miscellaneous LUO
93-02	February 9, 1993	Political Campaign Signs
93-03	February 9, 1993	Rooftop Structures
93-46	June 14, 1993	Industrial and IMX Districts
93-70	August 27, 1993	BMX-4 District Height Limits
94-13	March 15, 1994	Minor Zone Changes
94-14	March 15, 1994	IMX-1 Industrial-Commercial Mixed Use District
94-15	March 15, 1994	Conditional Zoning
94-16	March 15, 1994	Flood Hazard Districts
94-17	March 15, 1994	Helistops
94-18	March 15, 1994	Miscellaneous LUO Amendments
94-25	April 28, 1994	Antennas and Utility Installations
94-30	May 18, 1994	Transient Vacation Units
94-31	May 18, 1994	Bed & Breakfast Homes
94-64	September 15, 1994	Composting
95-13	May 18, 1995	Signs for Second Floor Establishments
96-62	October 31, 1996	Miscellaneous LU0 Amendments
96-72	December 18, 1996	Waikiki Special District

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

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Honolulu. Department of Land Utilization. Land Use Ordinance. Final.
1. Zoning law - Honolulu. 2. Land use - Law and legislation - Honolulu. I. Honolulu. Ordinances, etc.,
KFX1512.7.Z9H36 1997

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 98-60

BILL 74 (1997), CD2

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO THE INDUSTRIAL AND INDUSTRIAL-COMMERCIAL MIXED USE DISTRICTS.

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

SECTION 1. The purpose of this ordinance is to make various amendments to the Land Use Ordinance concerning the regulation of uses in industrial and industrial-commercial mixed use districts, as well as certain minor and technical amendments.

SECTION 2. Section 21-4.40-8A, Revised Ordinances of Honolulu 1990, as amended ("Composting, major and minor"), is amended by amending subsection (e) to read as follows:

"(e) No major composting facility shall be located within [300] 1,500 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet. No minor composting facility shall be located within 100 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district."

SECTION 3. Section 21-4.40-13, Revised Ordinances of Honolulu 1990, as amended ("Explosives and toxic chemical manufacturing, storage and distribution"), is amended by adding a subsection (c) to read as follows:

"(c) No explosives and toxic chemical manufacturing, storage and distribution facility shall be located within 1,500 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet."

SECTION 4. Section 21-4.40-29, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-4.40-29 Petroleum processing.

(a) All facilities for petroleum processing shall be approved under applicable rules and regulations governing air pollutants.

(b) No petroleum processing facility shall be located within 1,500 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet."

SECTION 5. Section 21-4.40-33, Revised Ordinances of Honolulu 1990, as amended ("Salvage, scrap and junk storage and processing"), is amended by amending subsection (c) to read as follows:

"(c) [All] No salvage, scrap and junk storage and processing operations shall [not] be located within [500] 1,500 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet."

SECTION 6. Section 21-4.40-40, Revised Ordinances of Honolulu 1990, as amended ("Waste disposal and processing"), is amended by adding a subsection (c) to read as follows:

"(c) No waste disposal and processing facility shall be located within 1,500 feet of any zoning lot in a resort, country, residential, apartment or apartment mixed use district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet."

SECTION 7. Article 4, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-4.40-___, to be numbered by the revisor of ordinances and to read as follows:

"Sec. 21-4.40-__. Centralized mail and package handling facilities.

(a) A centralized mail and package handling facility shall not be located within 100 feet of any residential, apartment or apartment mixed use district.

(b) If the facility is located within 300 feet of any zoning lot in a residential, apartment or apartment mixed use district, there shall be no pickup or drop-off between the hours of 10:00 p.m. and 7:00 a.m.

(c) If the facility adjoins any zoning lot located in a residential, apartment, apartment mixed use or resort district, a six-foot-high solid wall shall be constructed along the common property line; provided that if the facility is located in the industrial-commercial mixed use district, an equivalent landscape buffer may be used in lieu of the wall.

(d) Lighting shall be shielded with full cut off fixtures to eliminate direct illumination to any zoning lot in a residential, apartment, or apartment mixed use district."

SECTION 8. Section 21-5.100-1, Revised Ordinances of Honolulu 1990, as amended ("Industrial uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Where permitted, accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(4) Drive-thru Facilities. No speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) Eating Establishments. Within the I-1 district, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) They shall not adjoin a zoning lot in a residential or apartment district.

(7) Storage Yards. Where permitted, storage yards shall not be used for the sale or processing of scrap, salvage or secondhand material. Yards shall be completely enclosed except for necessary openings for ingress and egress by a fence or wall not less than six feet in height.

(8) Base Yards. All repair work shall be performed within an enclosed structure, and the facility shall be subject to the same minimum development standards for a storage yard provided in Article 4 of this chapter.

(9) Convenience stores. Where permitted, a convenience store shall not exceed 2,500 square feet of floor area.

(10) Meeting facilities. Where permitted, meeting facilities shall be subject to the following:

(A) Prior to commencement of a meeting facility use in an industrial district, the owner and operator of the meeting facility shall file with the department of land utilization and record in the bureau of conveyances and/or the land court of the State of Hawaii, as is appropriate, a declaration acceptable to the department, stating that the owner and operator recognizes that abutting and neighboring properties can, by right, include potentially annoying or even noxious industrial uses at any time, including after the commencement of the meeting facility use. The declaration

shall also contain provisions which preclude the meeting facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws;

(B) No accessory uses shall be permitted unless the accessory use also is a permitted use in the district as enumerated in Table 21-5.5-A, provided that this paragraph shall not prohibit the following accessory uses to a religious facility such as a church, temple or synagogue:

(i) A school for the vocational training of adults for the priesthood, ministry, or rabbinate; and

(ii) Classes on religious subjects;

(C) A parking lot and landscaping plan demonstrating compliance with the minimum requirements of this chapter for off-street parking, loading, and landscaping and screening shall be submitted to the director for review. This plan shall be approved by the director before the space can be used as a meeting facility;

(D) No meeting facility shall be located within 1,000 feet of another meeting facility in the same or another industrial district, whether the other meeting facility is a permitted use or a nonconforming use; and

(E) The space occupied by the meeting facility shall have been vacant and actively marketed for sale or lease for at least three months prior to the date of occupancy by the meeting facility."

SECTION 9. Table 21-5.5-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Agricultural products processing, minor	P	P		P
Agricultural products processing, major		P		
Amusement and recreation facilities, indoor[1]				P
Amusement facilities, outdoor, motorized				CUP1
Amusement facilities, outdoor, not motorized[1]				CUP1
Animal products processing		P	P	
Antennas, receive-only	Ac	Ac	Ac	Ac
Art galleries and museums[1]				P
Automobile service stations	P	P		P
Automobile sales and rentals, including sales and distribution of automobile parts and supplies	P	P		P
Bars, cabarets, nightclubs and taverns	P4 (but not cabarets)	P (but not cabarets)		P5
Base yards	P5	P5	P5	P5
Broadcasting antennas	CUP2	CUP2	CUP2	CUP2
Broadcasting stations[1]	P	P	P	P
Building or similar contracting and home improvement and furnishing services, and materials and equipment sales or distribution; provided incidental storage of materials or equipment is within fully enclosed buildings	P	P		P
Business services[[1]]	P	P		P
Car washing, mechanized	P5	P5		P5
Catering establishments	P	P		P
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets	P4	P		
Centralized mail and package handling facilities	P4	P	P	P4
Commercial parking lots and garages	P	P		P

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Composting, minor		CUP1		
Composting, major		CUP2		
Convenience stores[1]	P5	P5		P
Dance or music schools[1]				P
Data processing facilities[1]	P	P		P
Day-care facilities	P	P		P
Drive-thru establishments	P5	P5	P5	P5
Dwellings, owner's or caretaker's, located above or behind principal uses	Ac	Ac	Ac	Ac
Eating establishments	P5	P	P	P5
Explosive and toxic chemical manufacturing, storage and distribution		CUP2		
Financial institutions	P	P		P
Food manufacturing and processing	P	P	P	P
Freight movers	P4	P		
Heavy equipment sales and rentals	P4	P		
Heliports		P		
Helistops	CUP2	P	P	CUP2
Historic structures, use of	CUP1	CUP1	CUP1	CUP1
Home improvement centers		P		P
Hotels[1]		CUP1		CUP1
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking facilities	CUP1	CUP1	CUP1	CUP1
Kennels, commercial		P		P5
Laboratories, medical and research	P	P		P
Linen suppliers	P	P		
Manufacturing, processing and packaging establishments, light	P	P	P	P
Manufacturing, processing and packaging establishments, general	CUP1	P	P	

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Marina accessories			P	P4
Maritime-related vocational training, sales, construction, maintenance, and repairing			P	
Medical clinics[1]				P
Meeting facilities[[1]]	P5	P5		P
Motion picture and television production studios	P	P		P
Neighborhood grocery stores	CUP1	CUP1	CUP1	
Offices, including administrative and executive offices, provided they are clearly accessory and incidental to uses on the same zoning lot	Ac	Ac	Ac	n/a
Office buildings[1]				P
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1
Personal services[1]				P
Petroleum processing		CUP2	CUP1	
Photographic processing[1]	P	P		P
Photography studios[1]				P
Plant nurseries	P	P		P
Port facilities			P	
Public uses and structures	P	P	P	P
Publishing plants for newspapers, books and magazines	P	P		P
Repair establishments, minor	P	P	P	P
Repair establishments, major		P	P	
Resource extraction		P		
Retail, accessory, provided retailing of products shall be limited to those which are manufactured or processed on the premises, except as otherwise specified under principal uses	Ac	Ac	Ac	n/a
Retail establishments[1]				P
Sale and service of machinery used in agricultural production	P	P		P
Salvage, scrap and junk storage and processing		CUP2	CUP1	

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Sawmills		P		
Schools, vocational, technical, industrial, trade	P	P		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or similar features[1]				P
Self-storage facilities	P	P		P
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production	P	P		
Storage yards	P4	P5	P5	
Theaters[1]				P
Truck terminals		P	P	
Utility installations, Type A	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Veterinary establishments		P		P5
Warehousing	P	P	P	P
Waste disposal and processing		CUP2	CUP1	
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination			P	
Wholesaling and distribution	P	P		P
Wind machines	CUP1	CUP1		CUP1

[1] A "commercial use" subject to special density controls in the IMX-1 district (see Table 21-5.5-B and Sec. 21-5.110-1(d))

Ministerial uses:
Ac = Special accessory use; see Section 21-5.100-1(c) or 21-5.110-1(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.100-1(c) or 21-5.110-1(c)

Discretionary uses:
CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district.

n/a = Not applicable"

SECTION 10. Table 21-5.5-B, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Table 21-5.5-B
Industrial and Industrial Mixed Use Districts
Development Standards

Development Standard		District			
		I-1	I-2	I-3	IMX-1
Minimum lot area (square feet)		7,500	7,500	7,500	5,000
Minimum lot width and depth (feet)		60	60	60	50
Yards (feet):	Front[1]	10	5	0	5
	Side and rear	0[2]	0[2]	0[2]	0[3]
Maximum building area (percent of zoning lot)		80 However, the building area may be increased to include all of the buildable area of the zoning lot provided all structures beyond the designated 80 percent building area shall: a. Provide a minimum clear interior height of 18 feet; b. Contain no interior walls, except for those between a permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and other structural features			
Maximum density (FAR)		1.0	2.5	2.5	1.5 - 2.5[4] see Sec. 21-5.110-1(d)
Maximum height (feet)		40	per zoning map		
Height setbacks		per Sec. 21-5.100-1(d)			per Sec. 21-5.110-1(d)

[1] Except for necessary access drives and walkways, all front yards shall be landscaped. Where a zoning lot adjoins a residential, apartment, apartment mixed use or resort district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-5.6).

[2] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment [or], apartment mixed use or resort district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In the I-3 district only, this yard shall be not less than 15 feet. In addition, solid walls 6 feet in height shall be erected and maintained along all side and rear property lines so adjoining. Such walls shall not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use or resort district.

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district. Within 5 feet of the property line, required yards shall be landscaped with a screening hedge, not less than 42 inches in height, except for necessary drives and walkways.

[4] The floor area of uses marked by [1] under Table 21-5.5-A shall at no time exceed, in aggregate, this FAR on the zoning lot. This restriction shall not apply to zoning lots of 10,000 square feet or less that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement, pursuant to Section 21-8.40, which includes limitations on the permitted uses in the technology park."

SECTION 11. Ordinance material to be repealed is bracketed and new 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.

SECTION 12. This ordinance shall take effect upon its approval.

INTRODUCED BY:

John Henry Felix (BR)

Councilmembers

DATE OF INTRODUCTION:

July 31, 1997

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Jane W. Howell
Deputy Corporation Counsel

APPROVED this 20th day of November, 1998.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/101998/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 98 - 60

BILL 74 (1997)
(DLU)
(Bill 88- Council)

INTRODUCTION DATE: JULY 31, 1997

INTRODUCED BY: JOHN HENRY FELIX/BR

		AYE	NO	A/E
1ST READING DATE: 8/6/97 REMARKS: Felix/Holmes - Bill passed 1st reading and referred to Zoning. - 8. Exc.: Mansho. - 1.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO			E
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	8	0	1
2ND READING DATE: 9/24/97 PUBLICATION DATE: 10/2/97 DRAFT: CD1 COMMITTEE REPORT: ZCR-445 PUBLIC HEARING DATE: 9/24/97 PUBLICATION DATE: 9/13/97 REMARKS: Kim/Holmes - Bill passed 2nd reading, as amended. - 9. Public hearing held concurrently, closed and referred to Zoning.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0
3RD READING DATE: 11/10/98 DRAFT: CD2 COMMITTEE REPORT: ZCR-542 REMARKS: Kim/DeSoto - Bill passed 3rd reading, as amended. - 8. Noes: Holmes. - 1.	BAINUM	X		
	DeSOTO	X		
	FELIX	X		
	HOLMES		X	
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	HANNEMANN	X		
	TOTAL	8	1	0

ORDINANCE PUBLICATION DATE: 11/30/98

Referred to: ZONING
Reference: D-702-98

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

Genevieve G. Wong
GENEVIEVE G. WONG, CITY CLERK

Mufi Hannemann
MUFI HANNEMANN, CHAIR AND PRESIDING OFFICER

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 98-58

BILL 4 (1998), CD2

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, (THE LAND USE ORDINANCE) RELATING TO THE CHINATOWN SPECIAL DISTRICT.

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

SECTION 1. This ordinance amends the provisions of the specific district sign standards and the Chinatown special district of the Land Use Ordinance (LUO) in order to: (1) Enhance the ethnic identity of the district by allowing more diverse signage; (2) promote community safety goals by encouraging outdoor lighting; and (3) support the economic viability of the district by streamlining government approvals.

SECTION 2. Section 21-3.90-3, Revised Ordinances of Honolulu, 1990, as amended, is amended to read as follows:

"**Sec. 21-3.90-3 Specific district sign standards.**

Except <u>for the Chinatown special district and</u> as otherwise provided, signs [permitted] shall be <u>permitted</u> as enumerated below.

(a) P-2 Preservation District. Only one sign, not exceeding 12 square feet in area, shall be permitted on any zoning lot in connection with any use. Only indirectly illuminated or non-illuminated signs shall be permitted. No sign shall be mounted closer than 10 feet to the property line fronting a street or be higher than eight feet above finish grade.

(b) Agriculture Districts. The sign standards applicable to the P-2 preservation district shall apply to all agricultural districts.

(c) Country and Residential Districts. Only one sign or bulletin board per street front per zoning lot for a permitted non-dwelling use, which shall not exceed 24 square feet in area. No such sign shall be directly illuminated, located in any required yard or erected to exceed a height of eight feet above finish grade, except that signs for non-dwelling uses can be located up to the front yard setback line required for dwelling use.

(d) Apartment and Apartment Mixed Use Districts. In connection with any use permitted other than one-family and two-family dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each such entry side. The ground sign shall not be located in any required yard. Instead of these signs, one garden sign may be permitted.

(e) Resort District.

(1) In connection with any use permitted other than one- and two-family dwellings, only one wall or marquee fascia sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each ground floor establishment with building frontage.

One non-illuminated ground sign for identification or directory purposes, not exceeding eight square feet in area and not exceeding six feet in height, shall also be permitted for each street front having a principal pedestrian or vehicular entrance. If the above-ground sign is not used and all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line, one ground identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall also be permitted on each side of the building where a principal pedestrian or vehicular entrance is situated. Instead of the above-ground signs, one garden sign may be permitted.

(2) This subsection shall not apply to the Waikiki special district, which shall be governed by subsection (1).

(f) B-1 Neighborhood Business District.

(1) One wall sign on the building frontage side for each ground floor establishment is permitted. The sign shall not be directly illuminated. The maximum sign area per establishment for each building side on which the sign is permitted shall not exceed one square foot of sign area for each lineal foot of building frontage nor exceed 100 square feet in sign area. No illuminated signs shall be so placed or erected as to be visible in any portion of an adjoining residential lot after 10:00 p.m.

(2) One garden sign per zoning lot instead of the signs permitted above.

(3) One wall or ground sign per building frontage, not directly illuminated and not exceeding 12 square feet in area, may be erected for building identification and directory purposes as part of the total sign area permitted on the building side on which it is located. When used, this ground sign shall not be illuminated and shall not exceed six feet in height.

(4) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(g) B-2 Community Business and BMX-3 Community Business Mixed Use Districts.

(1) Two business signs on the building frontages for each ground floor establishment. The signs may be illuminated and of the following types: hanging, marquee fascia, projecting or wall signs.

(2) The maximum sign area per establishment for each building side on which signs are permitted shall not exceed one and one-half square feet for each lineal foot of building frontage provided that no such sign area shall exceed 250 square feet in area nor shall the total sign area exceed 15 percent of the wall area on which it is displayed or attached.

(3) One ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be erected as part of the total sign area permitted on the building side on which it is located, provided that:

(A) A maximum 24-square-foot sign is permitted if all buildings on the street frontage of the zoning lot are set back greater than 50 feet from the front property line.

(B) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located.

(C) No portion of the sign shall be located in or overhang any required yard or public right-of-way.

(4) One garden sign per zoning lot provided that such sign shall be counted as one of the signs permitted in subdivision (1).

(5) One wall, ground or projecting sign per building frontage, which may be illuminated but not exceed 12 square feet in area, may be erected for building identification or directory purpose as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subdivision (1) for each establishment. When used, this ground sign shall not be directly illuminated and shall not exceed six feet in height.

(6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(h) BMX-4 Central Business Mixed Use District. The sign standards applicable to the B-2 Community Business and BMX-3 Community Business Mixed Use districts shall apply, except for the following:

(1) Business signs: The maximum sign area per establishment for each building side on which signs are permitted shall not exceed two square feet for each lineal foot of building frontage.

(2) No projecting signs are permitted.

(3) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(i) Industrial and Industrial-Commercial Mixed Use Districts.

(1) Two business signs on the building frontage for each ground floor establishment. The signs may be illuminated or moving and of the following types: hanging, marquee fascia, projecting, roof or wall signs.

(2) The maximum sign area per establishment for each building side on which signs are permitted shall not exceed two square feet for each lineal foot of building frontage, provided that no sign area shall exceed 250 square feet nor shall the total sign area exceed 15 percent of the wall on which displayed.

(3) One ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be erected as part of the total sign area permitted on the building side on which it is located, provided that:

(A) A maximum 32-square-foot sign is permitted if all buildings on the street frontage of the zoning lot are set back greater than 50 feet from the front property line.

(B) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located.

(C) No portion of the sign shall be located in or overhang any required yard or public right-of-way.

(4) One garden sign per zoning lot, provided that such sign shall be counted as one of the signs permitted in subdivision (1).

(5) One wall, ground or projecting sign per building frontage, not directly illuminated and not exceeding 12 square feet in area for the ground sign or otherwise 24 square feet in area, may be erected for building identification or directory purposes as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subdivision (1) for each establishment. When used, this ground sign shall not be directly illuminated and shall not exceed six feet in height.

(6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(j) Planned Development-Housing. Not more than one sign, with sign area not exceeding 24 square feet, shall be permitted at any principal entrance to the project.

(k) Plan Review Uses. Signage for plan review uses shall be determined during the review of the request for the plan review use permit.

(l) Waikiki District. Except as otherwise provided by this chapter, the following signs may be permitted for each ground floor establishment with building frontage, provided the signs shall not be directly illuminated, and may be wall, marquee fascia or hanging signs.

(1) Apartment Precinct and Apartment Mixed Use Subprecinct.

(A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one identification sign per building frontage, not exceeding 12 square feet in area.

(B) If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.

(C) In addition to the above, the following may be permitted in the apartment mixed use subprecinct:

(i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

(ii) One building identification sign, not exceeding four square feet in area.

(2) Resort Mixed Use and Resort Commercial Precincts.

(A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one business sign, per building frontage, with a maximum area of one square foot per two linear feet of the building frontage or 24 square feet, whichever is less.

(B) In addition to the sign referred to in paragraph (A) above, the following may be permitted:

(i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

(ii) One building identification sign, not exceeding four square feet in area.

(3) A permitted outdoor vending cart, kiosk or similar vending structure, when visible from a street, sidewalk or public space, may be permitted the following:

(A) One business identification sign not exceeding three square feet in area; and

(B) One price sign, not exceeding two square feet in area, to advertise the cost of goods and services provided by the establishment.

These signs shall be wholly attached to the vending structure.

(4) All signs shall feature English or Hawaiian as the dominant language thereon; other languages are permitted but the lettering thereof must be subordinate to the English or Hawaiian lettering."

SECTION 3. Section 21-7.60-1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 21-7.60-1 Overall objectives.**

The overall objectives of the Chinatown district are as follows:

(a) Help promote the long-term economic viability of the Chinatown district as a unique community of retail, office and residential uses.

(b) Retain the low-rise urban form and character of the historic interior core of Chinatown while allowing for moderate redevelopment at the mauka and makai edges of the district.

(c) Retain and enhance pedestrian-oriented commercial uses and building design, particularly on the ground level.

(d) Preserve and restore, to the extent possible, buildings and sites of historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements these buildings and sites, primarily through building materials and finishes, architectural detailing and provisions for pedestrian amenities, such as storefront windows and historic signage details.

(e) Improve traffic circulation with emphasis on pedestrian linkages within and connecting outside Chinatown.

(f) Retain makai view corridors as a visual means of maintaining the historic link between Chinatown and the harbor.

(g) Encourage a variety of signage and graphics that reflect and complement the district's ethnic vitality and diversity, and which are compatible with and complement buildings and sites within the district.

(h) Encourage outdoor lighting for the purpose of contributing to a lively, friendly, and safe urban environment."

SECTION 4. Section 21-7.60-4, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-7.60-4 Historic and architecturally significant structures.

(a) The Chinatown and Merchant Street historical districts, as included on the National Register of Historic Places, are identified on Exhibit 21-7.10, set out at the end of this article.

(b) Structures within the Chinatown special district that are of historic and architectural significance are identified on Exhibit 21-7.10-A, set out at the end of this article.

SECTION 5. Chapter 21, Article 7, Revised Ordinances of Honolulu 1990, as amended, is amended to add a new Exhibit 21-7.10-A to follow Exhibit 21-7.10 and read as follows:

EXHIBIT 21-7.10-A

CHINATOWN SPECIAL DISTRICT HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

Tax Map Key	Address[1]	Building Name
1-7-01: 2	55 N. Nimitz Hwy.	Pier 13 & 14
1-7-02: 2	800 Nuuanu Ave.	Fisher Hawaii Building
1-7-02: 4		State of Hawaii (shops)
1-7-02: 4	925 Maunakea St.	Fireboat Firestation
1-7-02: 8	83 N. King St.	Goodwill Industries
1-7-02: 9,45	75 N. King St.	D. Dam/N. Tam
1-7-02: 11	900 Maunakea St.	M. Kawahara & T. Sato
1-7-02: 13	128 N. Nimitz Hwy.	C. Q. Yee Hop (stone)
1-7-02: 16	905 Kekaulike St.	Nimitz & Kekaulike
1-7-02: 17,18	915 Kekaulike St., 937 Kekaulike St.	King & Kekaulike
1-7-02: 19,21	943 Kekaulike St., 125 N. King St.	Fish Market
1-7-02: 23	101 N. King St.	Bank of Hawaii
1-7-02: 24	950 Maunakea St.	Dentist
1-7-02: 25	922 Maunakea St.	J. H. Schnack
1-7-02: 26	902 Kekaulike St.	Holau Market
1-7-02: 28	175 N. King St.	McCandless
1-7-02: 29	165 N. King St.	Musashiya
1-7-02: 34	145 N. King St.	Oahu Market
1-7-02: 35	2 Marin St.	T. R. Foster/Spaghetti-2 Bldg.
1-7-02: 39	1 N. King St.	One North King
1-7-02: 40	928 Nuuanu Ave.	Nippu Jiji
1-7-02: 45	69 N. King St.	Oka
1-7-03: 1	2 N. King St.	Hocking Hotel
1-7-03: 2	36 N. King St.	United Chinese Society
1-7-03: 4,97	39 N. Hotel St.	Swing Club
1-7-03: 5	29 N. Hotel St.	29-31 Hotel Street
1-7-03: 6	15 N. Hotel St.	Nuuanu Shops
1-7-03: 7	1 N. Hotel St.	Gallery
1-7-03: 8	1044 Nuuanu Ave.	McCandless Property

Tax Map Key	Address[1]	Building Name
1-7-03: 9	1038 Nuuanu Ave.	Kim Chow
1-7-03: 10	72 N. King St.	Hawaii National Bank
1-7-03: 11	80 N. King St.	Lum Yip Kee
1-7-03: 12	90 N. King St.	Lee & Young
1-7-03: 15	61 N. Hotel St.	Bath Palace
1-7-03: 15	61 N. Hotel St.	Mendonca (makai)
1-7-03: 16	51 N. Hotel St.	Mendonca (small, corner)
1-7-03: 18,90	116 N. King St.	D & B's Lunch
92		
1-7-03: 19	124 N. King St.	Uptown Jewelers
1-7-03: 25	119 N. Hotel St.	Lum Yip Kee 1936
1-7-03: 26	111 N. Hotel St.	Wo Fat
1-7-03: 28	1020 Kekaulike St.	Arita Store
1-7-03: 28	1020 Kekaulike St.	Kekaulike Building
1-7-03: 29,66	170 N. King St.	Lee Building
1-7-03: 30,31	178 N. King St.,	N. King & River Streets
72-74	182 N. King St.	
1-7-03: 32	165 N. Hotel St.	Wong Building
1-7-03: 33	159 N. Hotel St.	LDCST BenevSoc
1-7-03: 37	102 N. Hotel St.	Siu Building
1-7-03: 42	158 N. Hotel St.	Wong
1-7-03: 45	175 N. Pauahi St.	Komeya Apartments
1-7-03: 48	1138 Maunakea St.	Sumida Building 1926
1-7-03: 49	1130 Maunakea St.	Lum Yip Kee 1920
1-7-03: 50	1110 Maunakea St.	Lee Building
1-7-03: 51	54 N. Hotel St.	Mendonca
1-7-03: 52	1125 Maunakea St.	Ket On Society
1-7-03: 55	65 N. Pauahi St.	Barber shop
1-7-03: 56	2 N. Hotel St.	Encore Saloon Building
1-7-03: 57	24 N. Hotel St.	24 Hotel Street (Mel's)
1-7-03: 58	30 N. Hotel St.	Risque
1-7-03: 59	42 N. Hotel St.	Kuo Min Tang
1-7-03: 59	42 N. Hotel St.	Young Market
1-7-03: 59	50 N. Hotel St.	Mini Garden
1-7-03: 62	1126 Nuuanu Ave.	Love's Bakery
1-7-03: 63	1136 Nuuanu Ave.	McCandless Block
1-7-03: 64	1118 Nuuanu Ave.	Lai Fong
1-7-03: 66,29	158 N. King St.	United Press, Ltd.
1-7-03: 75	136 N. King St.	L. Ah Leong

Tax Map Key	Address[1]	Building Name
1-7-03: 76	1034 Maunakea St.	Cindy's Leis
1-7-03: 81	1021 Smith St.	
1-7-03: 83	21 N. Hotel St.	Club Hubba Hubba
1-7-03: 84-89	1023 Maunakea St.	Chung Chong Yuen
1-7-03: 96	1120 Maunakea St.	Colusa Building (part of Maunakea Marketplace)
1-7-03: 98	1128 Smith St.	1128 Smith Street
1-7-04: 1	1150 Nuuanu Ave.	Four Seas Chop Suey
1-7-04: 8	1162 Nuuanu Ave.	Bo San Ton
1-7-04: 9	1158 Nuuanu Ave.	Oweco World Travel
1-7-04: 11	1149 Maunakea St.	Yanin Ltd. Building
1-7-04: 13	1159 Maunakea St.	Tsung Tsin Association
1-7-04: 16	1165 Maunakea St.	Old Jailhouse (stone bldg.)
1-7-04: 18	83 N. Beretania St.	Hai On Tong
1-7-04: 19	73 N. Beretania St.	79 N. Beretania Street
1-7-04: 21,22	53 N. Beretania St.	OK Restaurant (2 sections)
1-7-04: 25	1146 Smith St.	Golden Harvest
1-7-04: 28	1152 Maunakea St.	Minatoya Sukiyaki
1-7-04: 36	171 N. Beretania St.	Fong Building
2-1-02: 12	901 Bethel St.	Kamehameha V Building
2-1-02: 19	63 Merchant St.	Bishop Bank Building
2-1-02: 20	51 Merchant St.	Melcher Building
2-1-02: 24	842 Bethel St.	Old Honolulu Police Station
2-1-02: 32	924 Bethel St.	The Friend
2-1-02: 33	908 Bethel St.	Honolulu Publishing Co.
2-1-02: 34	16 Merchant St.	
2-1-02: 35	2 Merchant St.	Royal Saloon
2-1-02: 36		Wing Wo Tai
2-1-02: 42	2 S. King St.	King's Court/First Federal
2-1-03: 16	1121 Nuuanu Ave.	McLean Block
2-1-03: 17	2 S. Hotel St.	Perry Block 1888
2-1-03: 18	1129 Nuuanu Ave.	Pantheon Bar

[1] In the event the listed addresses are not consistent with the tax map keys or building names, the tax map keys and building names shall prevail.

SECTION 6. Section 21-7.60-12, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 21-7.60-12 Street facade guidelines.**

(a) Building Materials, Colors and Textures.

(1) Building finishes should be of materials such as wood, brick, stone, masonry and plaster. Brick and stone are particularly appropriate.

(2) Where existing buildings are to be rehabilitated, any underlying natural finishes should be retained. To expose brick facades, sand blasting and other cleaning methods that will damage the historic building materials should not be undertaken.

(3) The colors of natural materials should predominate. Accent colors may be used on trim and details around window and door openings.

(b) Architectural Design.

(1) Building facades or fenestration should be "contextual" to existing structures, and incorporate representative architectural features, such as arches, lintel columns, cornices and variated parapets. Uninterrupted blank walls shall be avoided.

(2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.

(3) Above the ground floor, there shall be a regulated "rhythm" to the facades, particularly expressed through window treatments and other detailing.

(4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.

(c) Streetscape.

Street furnishings include planters, benches, street signs, lampposts, sidewalk paving and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown's period of significance, which is from the 1880s to the 1940s, shall not be permitted.

(d) Signs and Graphics.

(1) Lettering should be reminiscent of styles used from the turn of the century to the 1940s.

(2) Symbols, shapes and objects used as signs (such as barber poles) are encouraged.

[(3) Signs should be indirectly illuminated, except for neon signs. Box fluorescents are prohibited.]

[(4)] (3) Use of calligraphy and/or Asian characters and symbols on signs and storefront decorations for ethnic-related functions is also encouraged.

[(5) Ground signs shall be limited to a maximum height of 10 feet.]

(4) The following sign provisions shall apply to the Chinatown special district and shall supersede the specific district sign standards enumerated in Section 21-3.90-3:

(A) Not more than four business signs per ground floor establishment with building frontage may be permitted, provided that the maximum sign area for each ground floor establishment does not exceed two square feet for each lineal foot of building frontage of the establishment. Signs may be of the following types: hanging, marquee fascia, or wall signs. Ground floor establishments in multi-story buildings also may use one projecting sign as one of the signs and as part of the total sign area permitted for each establishment, subject to the following additional limitations: (i) the sign shall be located on the second floor, above the

establishment, and (ii) the sign shall not exceed 18 square feet in area. A projecting sign permitted under this paragraph shall not be deemed to be an off-premises sign under Section 21-3.90-2(b).

(B) One of the following signs per building frontage of the building may be erected:

(i) One wall sign for building identification purposes (not to exceed 24 square feet in area) or for directory purposes (not to exceed 12 square feet in area);

(ii) One ground sign, not to exceed 12 square feet in area, for building identification or directory purposes; or

(iii) One garden sign, not to exceed six square feet in area, for building identification or directory purposes.

The sign shall be counted as one of the signs permitted in paragraph (A) for each ground floor establishment, and the sign area shall count as part of the total sign area permitted for all ground floor establishments on the building side on which the sign is located; provided that this sentence shall not apply to building identification signs which are in existence on the effective date of this ordinance and which are certified by the state historic preservation officer as authentic to the period of the Chinatown special district. A wall sign shall not extend above the exterior wall of the building or exceed a height of 40 feet, whichever is the lower height. Ground signs shall be limited to a maximum height of 10 feet. Notwithstanding the foregoing, no ground or garden signs shall be permitted within the historic core precinct.

(C) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area for such an establishment shall be six square feet.

(D) Projecting signs shall not extend above the roof level or top of the parapet, whichever is higher; provided that on buildings with more than two stories, the projecting signs shall not extend above the second story.

(5) Direct and indirect illumination will be encouraged and allowed for all sign types, provided that (i) garden signs shall not be directly illuminated; (ii) for each ground floor establishment, not more than two permitted signs shall be illuminated; and (iii) directly illuminated signs shall be neon or bulbs that are affixed to the exterior of signs, and shall be appropriate to the period and ambiance of Chinatown. Box fluorescents are prohibited.

(6) No sign shall extend over window openings and trims, or architectural features and embellishments (e.g., cornices, lintels, arches, rosettes, etc.).

[(6)] (7) Exceptions to these sign requirements may be permitted by the director when it can be demonstrated that such exemptions are appropriate to the Chinatown special district.

[(7)] (8) See [Section] Sections 21-3.90 to 21-3.90-8, except Section 21-3.90-3, for additional sign requirements.

(e) Outdoor Lighting.

Outdoor lighting that highlights and accents the building facade is encouraged. Light fixtures shall be shielded from street view and be integrated with the architectural design of the building. Lighting shall be subdued or shielded so as to prevent glare and light trespass onto surrounding properties and public rights-of-way."

SECTION 7. Section 21-7.60-13, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-7.60-13 Project classification.

(a) Refer to Table 21-7.4 to determine whether specific projects will be classified as major, minor or exempt.

(b) Projects involving the demolition of, or the major or minor exterior repair, alteration or addition to structures listed on Exhibit 21-7.10-A, set out at the end of this article, may be referred to the state historic preservation officer and other appropriate agencies for review."

SECTION 8. Table 21-7.4, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Table 21-7.4
Chinatown Special District

Activity/Use	Required Permit	Special Conditions
Signs	m	
Tree removal over six inches in diameter	E	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M/m	Major for structures listed on Exhibit 21-7.10-A.
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor for structures listed on Exhibit 21-7.10-A.
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if visible from street
Interior repairs, alterations and renovations to all structures	E	
Demolition of structures	M/m/E	Major for structures listed on Exhibit 21-7.10-A. Exempt for accessory structures such as sheds
Fences and walls	m/E	Minor if visible from street
Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M	

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend - Project classification:
M = Major
m = Minor
E = Exempt"

SECTION 9. Ordinance material to be repealed is bracketed and new 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 materials or the underscoring.

SECTION 10. This ordinance shall take effect upon its approval.

INTRODUCED BY:

John DeSoto (BR)

Councilmembers

DATE OF INTRODUCTION:

January 22, 1998

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 14 day of October, 1998.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/090298/mg)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 98 - 58

BILL 4 (1998)

INTRODUCTION DATE: JANUARY 22, 1998

INTRODUCED BY: CHAIR JOHN DESOTO (BY REQUEST)

		AYE	NO	A/E
1ST READING DATE: 1/28/98 REMARKS: Felix/Holmes - Bill passed 1st reading and referred to Zoning. - 9.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0
2ND READING DATE: 6/17/98 PUBLICATION DATE: 6/26/98 DRAFT: CD1 COMMITTEE REPORT: ZCR-136, ZCR-302 PUBLIC HEARING DATE: 6/17/98 PUBLICATION DATE: 6/6/98 REMARKS: 4/8/98 - ZCR-136 adopted/90-day extension of time. Kim/DeSoto - Bill passed 2nd reading, as amended. - 9. Public hearing held concurrently, closed and referred to Zoning.	BAINUM	X		
	DeSOTO	X		
	FELIX	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	HANNEMANN	X		
	TOTAL	9	0	0
3RD READING DATE: 9/23/98 DRAFT: CD2 COMMITTEE REPORT: ZCR-361; ZCR-461 REMARKS: 7/8/98 - ZCR-361 adopted/90-day extension of time. 9/23/98 -- Kim/DeSoto - Bill passed 3rd reading, as amended. - 8. Noes: Holmes. - 1.	BAINUM	X		
	DeSOTO	X		
	FELIX	X		
	HOLMES		X	
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	HANNEMANN	X		
	TOTAL	8	1	0

ORDINANCE PUBLICATION DATE: 10/9/98

Referred to: ZONING
Reference: D-45-98

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

GENEVIEVE G. WONG, CITY CLERK

MUFI HANNEMANN, CHAIR AND PRESIDING OFFICER

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 98-11

BILL 97 (1997), CD1

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO CARETAKERS.

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

SECTION 1. Purpose and intent. The purpose of this ordinance is to amend the Land Use Ordinance to permit dwellings for caretakers as an accessory use to cemeteries.

SECTION 2. Section 21-5.10-1, Revised Ordinances of Honolulu 1990, as amended ("Preservation uses and development standards") is amended by amending subsection (e) to read as follows:

"(e) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Uses accessory to outdoor recreation facilities shall be designed and scaled to meet only the requirements of the members, guests, or users of the facility.

(3) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(4) An accessory dwelling unit occupied by the caretaker of a cemetery shall not exceed a floor area of 1,000 square feet. No more than one caretaker's dwelling shall be permitted per cemetery."

SECTION 3. Section 21-5.20-5, Revised Ordinances of Honolulu 1990, as amended ("Agricultural uses and development standards") is amended by amending subsection (c) to read as follows:

"(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Commercial kennels, where permitted, shall not be located within 100 feet of any property line unless soundproofed and air-conditioned.

(3) No more than one roadside stand as an accessory to agricultural production on the same premises shall be permitted, provided that no stand shall exceed 500 square feet in floor area.

(4) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(5) An accessory dwelling unit occupied by the caretaker of a cemetery shall not exceed a floor area of 1,000 square feet. No more than one caretaker's dwelling shall be permitted per cemetery."

SECTION 4. Table 21-5.1-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.1-A
P-2, Agricultural and Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Agricultural products processing, minor:				
Conducted on a lot not used for crop production		P4	P4	
Conducted on a lot used for crop production		Ac	Ac	
Agricultural products processing, major		CUP2 or PRU[1]	CUP2 or PRU[1]	
Antennas, receive-only	Ac	Ac	Ac	Ac
Aquaculture	P	P	P	P
Broadcasting antennas	CUP1	CUP1	CUP1	
Cemeteries and columbaria	P		CUP1	
Centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets		P4	P4	
Composting, minor	CUP1	CUP1	CUP1	
Composting, major	CUP2	CUP2	CUP2	

Table 21-5.1-A
P-2, Agricultural and Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Crop production	P	P	P	P
Day-care facilities			SPR	SPR
Dwellings for cemetery caretakers	Ac		Ac	
Dwellings, detached, one-family				P
Farm dwellings		P	P	
Forestry	P	P	P	
Game preserves	P		P	
Golf courses	P5 or PRU[2]			
Group living facilities		CUP2	CUP2	CUP2
Helistops		CUP2	CUP2	
Historic structures, use of	CUP1	CUP1	CUP1	CUP2
Home occupations		Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking				CUP1
Kennels, commercial			P5	P5
Livestock grazing	P	P	P	P
Livestock production, minor		P	P	P
Livestock production, major		P4	CUP1	
Livestock veterinary services		P	P	P
Marina accessories	CUP1			
Meeting facilities			SPR	SPR
Neighborhood grocery stores		CUP1	CUP1	CUP1
Off-site parking facilities				CUP1
Public uses and structures	P	P	P	P
Recreation facilities, outdoor	CUP1		CUP1	CUP1

Table 21-5.1-A
P-2, Agricultural and Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Resource extraction	CUP2	CUP2	CUP2	
Roadside stand for sale of agricultural products produced on premises		Ac	Ac	Ac
Roomers				Ac
Sale and service of machinery used in agricultural production		P4	P4	
Sawmills		CUP1	CUP1	
Schools: elementary, intermediate, high			SPR	SPR
Schools, language				CUP2
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		P4	P4	
Utility installations, Type A	P5	P5	P5	P
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Vacation cabins	CUP1			
Waste disposal and processing	CUP2		CUP2	
Wind machines (rated capacity no more than 10 kilowatts)		Ac	Ac	Ac
Wind machines (rated capacity no more than 100 kilowatts)		Ac	Ac	Ac
Wind machines (rated capacity more than 100 kilowatts)		CUP1	CUP1	CUP1
Zoos	CUP2		CUP2	

[1] See Sections 21-4.40-1 and 21-3.160-1(c)

[2] See Sections 21-5.10-2 and 21-3.160-1(e)

Ministerial uses:

Ac = Special accessory use; see Sections 21-5.10-1, 21-5.20-5(c) or 21-5.30-4(c) for any applicable standards; see Section 21-3.140-1 for home occupations

P = Permitted principal use

P4 = Permitted principal use subject to standards enumerated in Article 4

P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.10-1(e), 21-5.10-2 or 21-5.20-5(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
PRU = Requires an approved plan review use
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district"

SECTION 5. Section 21-9.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definition of "cemeteries and columbaria" to read as follows:

""Cemeteries and columbaria" mean interment facilities engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Included are cemetery lots, mausoleums and columbaria. The following are permitted as accessory uses: crematory operations, cemetery real estate operations, mortuary services, [and] floral and monument sales, and detached one-family dwellings to be occupied only by caretakers of the cemetery."

SECTION 6. Ordinance material to be repealed is bracketed and new 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.

When printing the tables revised by this ordinance in the Revised Ordinances of Honolulu, the revisor of ordinances may adjust the location of the table and column headings and footnotes as may be appropriate and indicate that a table or column is continued. The revisor of ordinances shall amend Chapter 21, Revised Ordinances of Honolulu 1990, Table 21, as necessary, to conform to this ordinance. To the extent that the tables of contents to Chapter 21, Revised Ordinances of Honolulu 1990, or specific articles thereof, or any tables of Tables or Figures or any number references therein, requires amendment to reflect the amendments made by this ordinance, the revisor of ordinances is directed to make such amendments.

SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

John DeSoto (BR)

Councilmembers

DATE OF INTRODUCTION:

October 8, 1997
Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 23rd day of March, 1998.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/022398/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 98-11

BILL 97 (1997)

INTRODUCTION DATE: OCTOBER 8, 1997

INTRODUCED BY: CHAIR JOHN DESOTO (BY REQUEST)

		AYE	NO	A/E
1ST READING DATE: 10/15/97 REMARKS: Felix/Holmes - Bill passed 1st reading and referred to Zoning. - 9.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0
2ND READING DATE: 1/28/98 PUBLICATION DATE: 2/7/98 DRAFT: COMMITTEE REPORT: ZCR-13 PUBLIC HEARING DATE: 1/28/98 PUBLICATION DATE: 1/17/98 REMARKS: Kim/Holmes - Bill passed 2nd reading. - 8. Absent: Mirikitani. - 1. Public hearing held concurrently, closed and referred to Zoning.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI			A
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	8	0	1
3RD READING DATE: 3/11/98 DRAFT: CD1 COMMITTEE REPORT: ZCR-95 REMARKS: Kim/Holmes - Bill passed 3rd reading, as amended. - 7. Excused: Mirikitani. - 1. *Abstention: Felix. - 1.	BAINUM	X		
	FELIX			*A
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI			E
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	7	0	2

ORDINANCE PUBLICATION DATE: 4/3/98

Referred to: ZONING
Reference: D-870-97

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

Genevieve G. Wong

GENEVIEVE G. WONG, CITY CLERK

JOHN DeSOTO, CHAIR AND PRESIDING OFFICER

An application for the revocation of a conditional use permit for off-site joint development shall be processed in the same manner as an application for a conditional use permit for off-site joint development. Upon the director's approval of the revocation, the agreement recorded pursuant to subsection (e) may be rescinded or revoked if it has not expired.

(g) Notwithstanding any provision of this section to the contrary, all of the owners of all of the donor and receiving lots may jointly apply to the director for modification of the conditional use permit and, after receiving the director's approval, modify the agreement recorded pursuant to subsection (e) in accordance with the director's approval.

The application for the modification of a conditional use permit for off-site joint development shall be processed in the same manner as an application for a conditional use permit for off-site joint development. The director may grant the modification only if the modification meets all of the requirements of this section for the initial approval of a conditional use permit for off-site joint development.

(h) If, after:

(1) Approval of a conditional use permit for off-site joint development; and

(2) Issuance of a building or construction permit for a structure on the receiving lot which would permit development in excess of the maximum floor area that would be permitted without the benefit of off-site joint development,

but before the expiration of the approved maintenance agreement, the state historic preservation officer and any O'ahu historic preservation commission determine that the historic site, building or structure on a donor lot has been destroyed and cannot or should not be restored, the donor lot may be developed in accordance with this chapter and other applicable laws, subject to the following limitations on maximum floor area:

(1) If the owner or lessee of the donor lot or any authorized agent thereof can demonstrate that the destruction of the historic site, building or structure

was not due to the negligence of or otherwise due to the fault of an owner of the donor lot or of any lessee, sublessee or agent of an owner of the donor lot, the maximum floor area permitted on the donor lot shall be reduced by any floor area that has been transferred to a receiving lot; and

(2) If the owner or lessee of the donor lot or any authorized agent thereof cannot demonstrate that the destruction of the historic site, building or structure was not due to the negligence of or otherwise due to the fault of an owner of the donor lot or of any lessee, sublessee or agent of an owner of the donor lot, the maximum floor area permitted on the donor lot shall be determined by subtracting any floor area that has been transferred to a receiving lot from 50% of the maximum floor area normally allowed under the applicable zoning district for the donor lot.

(i) The director may impose any reasonable conditions on the development and maintenance of any donor and receiving lots, including but not limited to additional yards or setbacks, in order to mitigate any potential adverse effects of the planned off-site joint development on the surrounding neighborhood and to facilitate the enforcement of the plans referred to in subdivisions (3) and (4) of subsection (c) and of the agreement referred to in subdivision (5) of subsection (c).

(j) Notwithstanding the expiration of the approved maintenance agreement referred to in subdivision (5) of subsection (c), the donor lot shall not thereafter be entitled to any floor area that has been transferred to a receiving lot. This subsection shall not apply if the conditional use permit for off-site joint development is revoked pursuant to subsection (f)."

SECTION 4. Chapter 21, Revised Ordinances of Honolulu 1990, as amended, is amended by amending Table 21-5.4-A to read as follows:

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Amusement and recreation facilities, indoor	P	P	P	P	P
Amusement facilities, outdoor	CUP2	CUP2	CUP2		CUP2
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac
Art galleries and museums	P	P	P	P	P
Automobile sales and rentals			P	P	P
Automobile service stations		P5 or CUP1	P5	P5	P5
Bars, cabarets, nightclubs and taverns	P		P5	P5 (but not cabarets)	P5
Boarding facilities				P	P
Broadcasting stations			P	P	P
Business services	P	P	P	P	P
Car washing, mechanized			P5	P5	P5
Catering establishments			P	P	P
Colleges, business					P
Commercial parking lots and garages	P	P	P	P	P
Consulates		P	P	P	P
Convenience stores	P	P5 or CUP1	P	P	P
Dance or music schools		P	P	P	P

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Day-care facilities	P	P	P	P	P
Drive-thru facilities		P5	P5	P5	P5
Duplexes	P			P	
Dwellings, owner's or caretaker's, located above or behind a principal use		Ac	Ac		Ac
Dwellings, detached, single- and two-family	P			P	
Dwellings, multi-family	P			P	P
Eating establishments	P	P5	P5	P5	P5
Financial institutions	P	P	P	P	P
Food manufacturing and processing					P5
Golf courses	P				
Group living facilities				CUP2	CUP1
Helistops	CUP2		CUP2	CUP2	CUP2
Historic structures, use of	CUP1	CUP1	CUP1	CUP1	CUP1
Home improvement centers			P5		
Home occupations	Ac			Ac	Ac
Hotels	P				P
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1
Kennels, commercial			P5		P5
Laboratories, medical and research		P (medical only)	P	P	P

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Marina accessories	CUP1		CUP1	CUP1	CUP1
Medical clinics	P	P	P	P	P
Meeting facilities	P	P	P	P	P
Motion picture and television production studios without outdoor sets			P		
Office buildings		P	P	P	P
Off-site joint development				CUP2	CUP2
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1
Personal services	P	P	P	P	P
Photographic processing			P	P	P
Photography studios	P	P	P	P	P
Public uses and structures	P	P	P	P	P
Publishing plants for newspapers, books and magazines			P		P
Recreation facilities, outdoor	P	CUP1	CUP1	CUP1	CUP1
Repair establishments, minor		P	P	P	P
Retail establishments	P	P	P	P	P
Schools, business		P	P	P	P
Schools: elementary, intermediate and high		P	P	P	P
Schools, language		P	P	P	P
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		P	P	P	P
Self-storage facilities			P4	P4	P4
Theaters	P	P	P	P	P
Time sharing	P				
Transient vacation units	P				

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Utility installations, Type A	P5	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1
Veterinary establishments in sound-attenuated buildings		P	P	P	P
Wholesaling and distribution			P5	P5	P
Wind machines (rated capacity no more than 10 kilowatts)		CUP1	CUP1		

Ministerial uses:

Ac = Special accessory use; see Sections 21-5.70-1(c), 21-5.80-1(c) or 21-5.90-3(c) for any applicable standards; see Section 21-3.140-1 for home occupations

P = Permitted principal use

P4 = Permitted principal use subject to standards enumerated in Article 4

P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.70-1(c), 21-5.80-1(c) or 21-5.90-3(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1

CUP2 = Requires an approved conditional use permit, Type 2

SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district."

SECTION 5. Section 21-9.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definition of "joint development" to read as follows:

""Joint development" means the development of two or more adjacent zoning lots under a single or unified project concept. <u>See also "off-site joint development."</u>"

SECTION 6. Section 21-9.1, Revised Ordinances of Honolulu 1990, as amended, is amended by adding five new definitions to be inserted in the proper alphabetical order by the revisor of ordinances and to read as follows:

"<u>"Donor lot" means a zoning lot that will transfer all or a portion of the unused floor area of the zoning lot to a receiving lot under off-site joint development approval.</u>

"O'ahu historic preservation commission" means the O'ahu historic preservation commission established pursuant to Section 3-10.3.

"Off-site joint development" means the development of two or more zoning lots under a single or unified density. Under off-site joint development, floor area normally attributable to a donor lot is allocated to and may be used on a receiving lot.

"Receiving lot" means a zoning lot that may, under off-site joint development approval, utilize floor area normally attributable to a donor lot.

"State historic preservation officer" means that officer appointed by the governor as provided in HRS Section 6E-5.

"State register of historic places" means the Hawaii register of historic places as provided for in HRS Chapter 6E."

SECTION 7. 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.

SECTION 8. When printing the tables revised by this ordinance in the Revised Ordinances of Honolulu, the revisor of ordinances may adjust the location of the table and column headings and footnotes as may be appropriate and indicate that a table or column is continued. The revisor of ordinances shall amend Chapter 21, Revised Ordinances of Honolulu 1990, Table 21-4.1 and Appendix 21-A, as necessary, to conform to this ordinance. To the extent that the tables of contents to Chapter 21, Revised Ordinances of Honolulu 1990, or specific articles thereof, or any tables of Tables or Figures or any number references therein, require amendment to reflect the amendments made by this ordinance, the revisor of ordinances is directed to make such amendments.

SECTION 9. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donna Mercado Kim

Councilmembers

DATE OF INTRODUCTION:

September 5, 1997

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 12th day of February, 1998.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/121597/mg)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 98-03

BILL 84 (1997)

INTRODUCTION DATE: SEPTEMBER 5, 1997

INTRODUCED BY: DONNA MERCADO KIM

1ST READING DATE: 9/24/97
REMARKS: Felix/Holmes - Bill passed 1st reading & referred to Zoning. - 9.

	AYE	NO	A/E
BAINUM	X		
FELIX	X		
HANNEMANN	X		
HOLMES	X		
KIM	X		
MANSHO	X		
MIRIKITANI	X		
YOSHIMURA	X		
DeSOTO	X		
TOTAL	9	0	0

2ND READING DATE: 11/12/97 PUBLICATION DATE: 11/20/97
DRAFT:
COMMITTEE REPORT: ZCR-561
PUBLIC HEARING DATE: 11/12/97 PUBLICATION DATE: 11/1/97
REMARKS: Kim/Holmes - Bill passed 2nd reading. - 9.

Public hearing held concurrently, closed and referred to Zoning.

	AYE	NO	A/E
BAINUM	X		
FELIX	X		
HANNEMANN	X		
HOLMES	X		
KIM	X		
MANSHO	X		
MIRIKITANI	X		
YOSHIMURA	X		
DeSOTO	X		
TOTAL	9	0	0

3RD READING DATE: 1/28/98
DRAFT: CD1
COMMITTEE REPORT: ZCR-11
REMARKS: Kim/Holmes - Bill passed 3rd reading, as amended. - 9.

	AYE	NO	A/E
BAINUM	X		
FELIX	X		
HANNEMANN	X		
HOLMES	X		
KIM	X		
MANSHO	X		
MIRIKITANI	X		
YOSHIMURA	X		
DeSOTO	X		
TOTAL	9	0	0

ORDINANCE PUBLICATION DATE: 2/23/98

Referred to: ZONING
Reference: D-701-97; CC-234-97

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

GENEVIEVE G. WONG, CITY CLERK

JOHN DeSOTO, CHAIR AND PRESIDING OFFICER

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO THE LAND USE ORDINANCE.

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

SECTION 1. Purpose and intent. The purpose of this ordinance is to make miscellaneous minor, technical or nonsubstantive amendments to the Land Use Ordinance.

SECTION 2. Section 21-3.30, Revised Ordinances of Honolulu 1990, as amended ("Yards and street setbacks"), is amended by amending subsection (a) to read as follows:

"(a) No business, merchandising displays, uses, structures or umbrellas, shall be located or carried on within any required yard or street setback except for the following:

(1) Public utility poles.

(2) Customary yard accessories, such as clotheslines and their supports; unroofed trash enclosures not to exceed six feet in height; and bollards.

(3) Structures for newspaper sales and distribution.

(4) Fences and retaining walls as provided in subsection [(d)] (c) of this section and Section 21-3.40.

(5) Hawaiian Electric transformers[;], backflow preventers[.], and other similar public utility equipment.

(6) Signs, other than ground signs, or as restricted by special district provisions.

(7) Other structures not more than 30 inches in height."

SECTION 3. Section 21-3.40, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 21-3.40 Retaining walls.**

(a) Retaining walls containing a fill within required yards shall not exceed a height of six feet, measured from

existing [grade] or finish grade, whichever is lower, to the top of the wall along the exposed face of the wall. Heights of terraced walls or combinations of retaining walls shall be measured combining all walls located in the required yard ([See] see Figure 21-3.2(a) and (b)).

The director may adjust the maximum height of the retaining wall on a finding that additional height is necessary because of safety, topography, subdivision design or lot arrangement and the aesthetic impact of the wall would not be adverse to the neighborhood and community as viewed from any street. The director may impose reasonable conditions when granting this additional height, such as type of materials and colors, landscaping, terracing, setbacks and offsets, as may be necessary to maintain the general character of the area.

(b) A retaining wall that protects a cut below the existing grade may be constructed within a required yard, up to the height of the cut. There shall be no height limit for retaining walls which protect a cut, except that a retaining wall which protects a cut and contains fill shall not exceed a total of six feet in height measured from the intersection of the wall and the existing [grade] or finish grade, whichever is lower, to the top of the wall along the exposed face of the wall.

(c) A safety railing may be erected on top of any retaining wall within a required yard. If the safety railing is generally constructed of a different material than the retaining wall, and is open at intervals so as not to be capable of retaining earth, it shall not exceed a height of six feet above the retaining wall.

(d) Safety railing or fences constructed of the same materials as the retaining wall shall not exceed a total combined height of six feet measured from the finish grade along the exposed face of the wall. Additional fence height of different material not capable of retaining material may be erected, not to exceed a height of six feet measured from the finish grade [or] of the retained material (see Figure 21-3.2(b))."

SECTION 4. Section 21-3.70-12 Revised Ordinances of Honolulu 1990, as amended ("Dimensions of loading spaces"), is amended to read as follows:

"(a) When only one loading space is required and total floor area is less than 5,000 square feet, the horizontal dimensions of the space shall be 19 x 8 1/2 feet. It shall have a vertical clearance of 10 feet.

(b) When more than one loading space is required or total floor area is more than 5,000 square feet, the minimum horizontal dimension of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least 14 feet. The balance of required spaces may have horizontal dimensions of 19 [by eight and one-half] x 8 1/2 feet and vertical clearance of at least 10 feet.

(c) Access to loading spaces shall have the same vertical clearance as required for the loading spaces.

SECTION 5. Section 21-4.10, Revised Ordinances of Honolulu 1990, as amended ("Conditional uses and principal uses with conditions--Purpose and intent"), is amended by amending subsection (c) to read as follows:

"(c) Certain uses may be permitted as principal uses or principal uses with conditions in some zoning districts, but shall be conditional uses in other zoning districts [(see Table 21-4.1)]."

SECTION 6. Section 21-5.20, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-5.20 Agricultural districts--Purpose and intent.

(a) The purpose of the agricultural districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services and to manage the rate and location of physical development consistent with the city's adopted land use policies.

(b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants.

(c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural <u>district</u>:

(1) Lands which are within the state-designated [agriculture] <u>agricultural</u> district and designated agricultural by adopted city land use policies;

(2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system; <u>and</u>

(3) Lands where a substantial number of parcels are more than five acres in size.

(d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.

(e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:

(1) Lands which are in the state-designated [agriculture] <u>agricultural</u> or urban district and designated agricultural by adopted city land use policies;

(2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; <u>and</u>

(3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size."

SECTION 7. Section 21-5.20-2, Revised Ordinances of Honolulu 1990, as amended ("Agricultural cluster--Site standards"), is amended by amending subsection (d) to read as follows:

"(d) Within an agricultural cluster, all principal, accessory and conditional uses and structures permitted within the AG-1 restricted agricultural district and AG-2 general agricultural district shall be permitted, subject to the minimum standards and conditions specified in this chapter for these uses."

SECTION 8. Section 21-5.30-4, Revised Ordinances of Honolulu 1990, as amended ("Country uses and development standards"), is amended by amending subsection (d) to read as follows:

"(d) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-5.1).

(3) Structures on lots with a slope of 15 percent or more shall be governed by a maximum building envelope running parallel to grade at 30 feet in height measured vertically; and which intersects vertical front, rear and side yard planes, each 20 feet in height set at the respective buildable area boundary line. These intersections shall each be made at an angle of 60 degrees measured from the top of the respective yard plane (see Figure [21-5.2A] 21-5.2).

SECTION 9. Table 21-5.1-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

Table 21-5.1-A P-2, Agricultural and Country Districts Permitted Uses and Structures				
	District			
Use or structure	P-2	AG-1	AG-2	Country
Agricultural products processing, minor: Conducted on a lot not used for crop production Conducted on a lot used for crop production		 P4 Ac	 P4 Ac	
Agricultural products processing, major		CUP2 or PRU[1]	CUP2 or PRU[1]	
Antennas, receive-only	Ac	Ac	Ac	Ac
Aquaculture	P	P	P	P
Broadcasting antennas	CUP1	CUP1	CUP1	
Cemeteries and columbaria	P		CUP1	
Centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets		P4	P4	
Composting, minor	CUP1	CUP1	CUP1	
Composting, major	CUP2	CUP2	CUP2	
Crop production	P	P	P	P
Day-care facilities			SPR	SPR
Dwellings, detached, one-family				P
Farm dwellings		P	P	
Forestry	P	P	P	
Game preserves	P		P	
Golf courses	P5 or PRU[2]			
Group living facilities		CUP2	CUP2	CUP2
Helistops		CUP2	CUP2	
Historic structures, use of	CUP1	CUP1	CUP1	CUP2

Table 21-5.1-A
P-2, Agricultural and Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Home occupations		Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking				CUP1
Kennels, commercial			P5	P5
Livestock grazing	P	P	P	P
Livestock production, minor		P	P	P
Livestock production, major		P4	CUP1	
Livestock veterinary services		P	P	P
Marina accessories	CUP1			
Meeting facilities			SPR	SPR
Neighborhood grocery stores		CUP1	CUP1	CUP1
Off-site parking facilities				CUP1
Public uses and structures	P	P	P	P
Recreation facilities, outdoor	CUP1		CUP1	CUP1
Resource extraction	CUP2	CUP2	CUP2	
Roadside stand for sale of agricultural products produced on premises		Ac	Ac	Ac
Roomers				Ac
Sale and service of machinery used in agricultural production		P4	P4	
Sawmills		CUP1	CUP1	
Schools: elementary, intermediate, high			SPR	SPR
Schools, language				CUP2
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		P4	P4	
Utility installations, Type A	P5	P5	P5	P
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Vacation cabins	CUP1			

Table 21-5.1-A P-2, Agricultural and Country Districts Permitted Uses and Structures				
Use or structure	District			
	P-2	AG-1	AG-2	Country
Waste disposal and processing	CUP2		CUP2	
Wind machines (rated capacity no more than 10 kilowatts)		Ac	Ac	Ac
Wind machines (rated capacity no more than 100 kilowatts)		Ac	Ac	Ac
Wind machines (rated capacity more than 100 kilowatts)		CUP1	CUP1	CUP1
Zoos	CUP2		CUP2	

[1] See Sections 21-4.40-1 and 21-3.160-1(c)

[2] See Sections 21-5.10-2 and 21-3.160-1(e)

Ministerial uses:

Ac = Special accessory use; see [Section 21-5.40-1(c)] Sections 21-5.10-1, 21-5.20-5(c) or 21-5.30-4(c) for any applicable standards; see Section 21-3.140-1 for home occupations

P = Permitted principal use

P4 = Permitted principal use subject to standards enumerated in Article 4

P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.10-1(e), 21-5.10-2 or 21-5.20-5(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1

CUP2 = Requires an approved conditional use permit, Type 2

PRU = Requires an approved plan review use

SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district."

SECTION 10. Table 21-5.1-B, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.1-B
P-2, Agricultural and Country Districts
Development Standards

Development Standard		District			
		P-2	AG-1	AG-2	Country
Minimum lot area (acres)		5	5	3 for major livestock production, 2 for all other uses	1
Minimum lot width and depth (feet)		200	150	150	100
Yards (feet):	Front	30	15	15	15
	Side and rear	15	10	10	10
Maximum building area (percent of zoning lot)		5	10[2]	10[2]	25[2]
Maximum height (feet)[1]		15-25	15-25[3]	15-25[3]	15-30
Height setbacks		per Sec. 21-5.10-1(f)	per Sec. 21-5.20-5(d)	per Sec. 21-5.20-5(d)	per Sec. 21-5.30-4(d)

[1] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

[2] For nonagricultural structures.

[3] 15 feet for nonagricultural structures and dwellings; up to 25 feet is permitted if height setbacks are provided."

SECTION 11. Table 21-5.2-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.2-A
Residential Districts
Permitted Uses and Structures

Use or Structure	District				
	R-3.5	R-5	R-7.5	R-10	R-20
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac
Consulates	P4	P4	P4	P4	P4
Day-care facilities	SPR	SPR	SPR	SPR	SPR
Dwellings, detached, one-family	P	P	P	P	P
Dwellings, detached, two-family	P	P	P		
Duplexes	P	P	P		
Group living facilities	CUP2	CUP2	CUP2	CUP2	CUP2
Guesthouses, detached					Ac
Historic structures, use of	CUP2	CUP2	CUP2	CUP2	CUP2
Home occupations	Ac	Ac	Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1
Meeting facilities	SPR	SPR	SPR	SPR	SPR
Neighborhood grocery stores	CUP1	CUP1	CUP1	CUP1	CUP1
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1
Public uses and structures	P	P	P	P	P
Roomers, accessory	Ac	Ac	Ac	Ac	Ac
Schools: elementary, intermediate and high	SPR	SPR	SPR	SPR	SPR
Schools, language	CUP2	CUP2	CUP2	CUP2	CUP2

Table 21-5.2-A Residential Districts Permitted Uses and Structures					
	District				
Use or Structure	R-3.5	R-5	R-7.5	R-10	R-20
Utility installations, Type A	P	P	P	P	P
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1
Wind machines (rated capacity no more than 1 kilowatt)	CUP1	CUP1	CUP1	CUP1	CUP1

Ministerial uses:

Ac = Special accessory use; see Section 21-5.40-1(c) for any applicable standards; see Section 21-3.140-1 for home occupations

P = Permitted principal use

P4 = Permitted principal use subject to standards enumerated in Article 4

P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.40-1(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1

CUP2 = Requires an approved conditional use permit, Type 2

SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district."

SECTION 12. Section 21-5.50-1, Revised Ordinances of Honolulu 1990, as amended ("Apartment district uses and development standards"), is amended by amending subsection (d) to read as follows:

"(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) Optional Yard Siting. In the A-2[,] and A-3[, AMX-2 and AMX-3] districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if

wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 21-3.80 is provided and maintained.

(3) Height Setbacks. In the A-2[,] and A-3[, AMX-2 and AMX-3] districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-5.3)."

SECTION 13. Section 21-5.60-1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the title to read as follows:

"**Sec. 21-5.60-1 Apartment mixed use district[s] uses and development standards.**"

SECTION 14. Section 21-5.60-1, Revised Ordinances of Honolulu 1990, as amended ("Apartment mixed use districts uses and development standards"), is amended by amending subsection (d) to read as follows:

"(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) Optional Yard Siting. In the [A-2, A-3,] AMX-2 and AMX-3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 21-3.80 is provided and maintained.

(3) Height Setbacks. In the [A-2, A-3,] AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-5.3).

(4) Commercial Use Density and Location.

(A) The floor area of any use marked with a superscript [1] under Table 21-5.3-A, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR as enumerated in Table 21-5.3-B, and such floor area shall be counted as part of the total FAR allowed.

(B) Where these commercial uses are integrated with dwelling uses, pedestrian access to the dwellings shall be independent from other uses and shall be designed to enhance privacy for residents and their guests. No floor shall be used for both dwelling and commercial purposes."

SECTION 15. Table 21-5.3-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.3-A
Apartment and Apartment Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac	Ac
Boarding facilities	P	P	P	P	P	P
Commercial parking lots and garages[1]				P4	P4	P4
Consulates	P	P	P	P	P	P
Convenience stores[1]				P4	P4	P4
Dance or music schools[1]				P4	P4	P4
Day-care facilities	SPR	SPR	SPR	SPR	SPR	SPR
Duplexes	P	P	P	P	P	P
Dwellings, detached, one-family	P	P	P	P	P	P
Dwellings, detached, two-family	P	P	P	P	P	P
Dwellings, multi-family	P	P	P	P	P	P
Eating establishments[1]				P4	P4	P4
Financial institutions[1]				P	P	P
Group living facilities	CUP2	CUP2	CUP2	CUP2	CUP2	CUP2
Historic structures, use of	CUP2	CUP2	CUP2	[CUP2] CUP1	[CUP2] CUP1	[CUP2] CUP1
Home occupations	Ac	Ac	Ac	Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1

Table 21-5.3-A
Apartment and Apartment Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Medical clinics[1], provided there are no emergency services				P	P	P
Meeting facilities	SPR	SPR	SPR	SPR	SPR	SPR
Neighborhood grocery stores	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Personal services[1]				P	P	P
Public uses and structures	P	P	P	P	P	P
[Roomers, accessory]	[Ac]	[Ac]	[Ac]			
Schools: elementary, intermediate and high	SPR	SPR	SPR	SPR	SPR	SPR
Schools, language	CUP2	CUP2	CUP2	CUP2	CUP2	CUP2
Utility installations, Type A	P	P5	P5	P	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1

[1] Commercial use subject to special density controls (see Table 21-5.3-B)

Ministerial uses:

Ac = Special accessory use; see Section 21-5.50-1(c) or 21-5.60-1(c) for any applicable standards; see Section 21-3.140-1 for home occupations
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.50-1(c) or 21-5.60-1(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district."

SECTION 16. Table 21-5.3-B, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

Table 21-5.3-B
Apartment and Apartment Mixed Use Districts
Development Standards

Development Standard		District					
		A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Minimum lot area (square feet)[1]		7,500	10,000	15,000	7,500[2]	10,000[2]	15,000[2]
Minimum lot width and depth (feet)[1]		70	70	70	70	70	70
Yards (feet):	Front	10	10	10	10	10	10
	Side and rear[3]	5[4] or 10	5[4] or 10	5[4] or 10	5[4] or 10	5[4] or 10	5[4] or 10
Maximum commercial use density (FAR)		n/a			0.3 see Sec. 21-5.60-1(d)	0.4 see Sec. 21-5.60-1(d)	0.6 see Sec. 21-5.60-1(d)
Maximum building area		Lot area (sq. ft.) / Requirement Less than 7,500: 60 percent of zoning lot 7,500 - 20,000: 50 percent of zoning lot Over 20,000: 40 percent of zoning lot					
Maximum height (feet)[5]		30	per zoning map		30	per zoning map	
Height setbacks		none	per Sec. 21-5.50-1(d)		none	per Sec. 21-5.60-1(d)	
Maximum density (FAR) for A-1 & AMX-1 districts based on zoning lot size		Lot area (sq. ft.) / FAR calculation Less than 10,000: FAR = (.00003 x lot area) + 0.3 10,000 - 40,000: FAR = (.00001 x lot area) + 0.5 Over 40,000: FAR = 0.9					

Table 21-5.3-B Apartment and Apartment Mixed Use Districts Development Standards						
Development Standard	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Maximum density (FAR) for A-2 & AMX-2 districts based on zoning lot size	Lot area (sq. ft.)			FAR calculation		
	Less than 10,000			FAR = (.00009 x lot area) + 0.4		
	10,000 - 40,000			FAR = (.00002 x lot area) + 1.1		
	Over 40,000			FAR = 1.9		
Maximum density (FAR) for A-3 & AMX-3 districts based on zoning lot size	Lot area (sq. ft.)			FAR calculation		
	Less than 10,000			FAR = (.00014 x lot area) + 0.6		
	10,000 - 20,000			FAR = (.00004 x lot area) + 1.6		
	20,000 - 40,000			FAR = (.00002 x lot area) + 2.0		
	Over 40,000			FAR = 2.8		

[1] There shall be no minimum lot area, width or depth for off-site parking facilities

[2] There shall be no minimum lot area for off-site parking facilities

[3] Five feet for detached dwellings and duplexes and 10 feet for other uses

[4] For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall

[5] Heights for detached dwellings and duplexes shall comply with residential height and height setback requirements

n/a = Not applicable"

SECTION 17. Section 21-5.70-1, Revised Ordinances of Honolulu 1990, as amended ("Resort uses and development standards"), is amended by amending subsection (d) to read as follows:

"(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all <u>front</u> yards shall be landscaped. <u>Within 10 feet of the property line, side and rear yards shall be maintained in landscaping, except for necessary access drives and walkways.</u>

(2) Optional Yard Siting. Parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 21-3.80 is provided and maintained.

(3) Height Setbacks. For any portion of a structure over 30 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 30 feet above grade (see Figure 21-5.4)."

SECTION 18. Section 21-5.90-3, Revised Ordinances of Honolulu 1990, as amended ("Business mixed use district uses and development standards"), is amended by amending subsections (c) and (d) to read as follows:

"(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Automobile service stations[, where permitted, shall be erect and maintain a]. A solid wall six feet in height shall be erected and maintained on any side or rear property line which adjoins a zoning lot in a country, residential, apartment or apartment mixed use district.

(4) Drive-thru Facilities. Where permitted, no speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) For eating establishments, bars, cabarets, nightclubs and taverns, where permitted, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C) The lot shall not adjoin a zoning lot in a residential or apartment district.

(7) Commercial kennels, where permitted, for more than two animals shall be sound-attenuated.

(8) Wholesaling and distribution[, where permitted,] in the BMX-3 district shall be subject to the following [except in the BMX-4 district]:

(A) No more than 2,000 square feet of floor area shall be used for wares to be sold at wholesale or to be distributed; and

(B) No vehicle rated at more than 1.5 ton capacity shall be used.

(9) Food manufacturing and processing, where permitted, shall be subject to the following:

(A) The slaughter of animals shall not be permitted; and

(B) Floor area shall not exceed 2,000 square feet.

(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) BMX-3 District Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 21-5.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, [or] AMX-3 <u>or resort</u> district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-5.5).

(3) BMX-4 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential, apartment [or], apartment mixed use <u>or resort</u> district, the height setback of the adjoining district shall be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure [5.5] <u>21-5.5</u>).

(4) BMX-4 District Height Setback. For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street shall exceed a height which is intersected by a plane over the buildable area which makes an angle of 65 degrees with the horizontal at ground elevation at the centerline of the street (see Figure 21-5.9).

(5) Street Setbacks. Within the BMX-3 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the centerline of any street (see Figure 21-5.7).

(6) BMX-3 District Open Space Bonus.

(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards; and

(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-5.4-B.

(7) BMX-4 District Open Space Bonus.

(A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space;

(B) For each square foot of arcade area provided, five square feet of floor area may be added[, exclusive of required yards; and]; <u>and</u>

(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-5.4-B[.]; <u>and</u>

(D) For developments which exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.

(8) BMX-4 District Heights Above 350 Feet. For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 21-5.90-2.

(9) Historic Resources Bonus. For developments in the BMX-4 district which exceed a height of 350 feet, refer to Section 21-5.90-2 for provisions relating to additional floor area permitted for preservation of historic resources."

SECTION 19. Table 21-5.4-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Amusement and recreation facilities, indoor	P	P	P	P	P
Amusement facilities, outdoor	CUP2	CUP2	CUP2		CUP2
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac
Art galleries and museums	P	P	P	P	P
Automobile sales and rentals			P	P	P
Automobile service stations		P5 or CUP1	P5	P5	P5
Bars, cabarets, nightclubs and taverns	P		P5	P5 (but not cabarets)	P5
Boarding facilities				P	P
Broadcasting stations			P	P	P

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Business services	P	P	P	P	P
Car washing, mechanized			P5	P5	P5
Catering establishments			P	P	P
Colleges, business					P
Commercial parking lots and garages	P	P	P	P	P
Consulates		P	P	P	P
Convenience stores	P	P5 or CUP1	P	P	P
Dance or music schools		P	P	P	P
Day-care facilities	P	P	P	P	P
Drive-thru facilities		P5	P5	P5	P5
Duplexes	P			P	
Dwellings, owner's or caretaker's, located above or behind a principal use		Ac	Ac		Ac
Dwellings, detached, single- and two-family	P			P	
Dwellings, multi-family	P			P	P
Eating establishments	P	P5	P5	P5	P5
Financial institutions	P	P	P	P	P
Food manufacturing and processing					P5
Golf courses	P				
Group living facilities				CUP2	CUP1
Helistops	CUP2		CUP2	CUP2	CUP2
Historic structures, use of	CUP1	CUP1	CUP1	CUP1	CUP1
Home improvement centers			P5		
Home occupations	Ac	[Ac]	[Ac]	Ac	Ac
Hotels	P				P

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1
Kennels, commercial			P5		P5
Laboratories, medical and research		P (medical only)	P	P	P
Marina accessories	CUP1		CUP1	CUP1	CUP1
Medical clinics	P	P	P	P	P
Meeting facilities	P	P	P	P	P
Motion picture and television production studios without outdoor sets			P		
Office buildings		P	P	P	P
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1
Personal services	P	P	P	P	P
Photographic processing			P	P	P
Photography studios	P	P	P	P	P
Public uses and strucaures	P	P	P	P	P
Publishing plants for newspapers, books and magazines			P		P
Recreation facilities, outdoor	P	CUP1	CUP1	CUP1	CUP1
Repair establishments, minor		P	P	P	P
Retail establishments	P	P	P	P	P
Schools, business		P	P	P	P
Schools: elementary, intermediate and high		P	P	P	P
Schools, language		P	P	P	P
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		P	P	P	P
Self-storage facilities			P4	P4	P4

Table 21-5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Theaters	P	P	P	P	P
Time sharing	P				
Transient vacation units	P				
Utility installations, Type A	P5	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1
Veterinary establishments in sound-attenuated buildings		P	P	P	P
Wholesaling and distribution			P5	P5	P
Wind machines (rated capacity no more than 10 kilowatts)		CUP1	CUP1		

Ministerial uses:

Ac = Special accessory use; see Sections 21-5.70-1(c), 21-5.80-1(c) or 21-5.90-3(c) for any applicable standards; see Section 21-3.140-1 for home occupations

P = Permitted principal use

P4 = Permitted principal use subject to standards enumerated in Article 4

P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.70-1(c), 21-5.80-1(c) or 21-5.90-3(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1

CUP2 = Requires an approved conditional use permit, Type 2

SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district."

SECTION 20. Section 21-5.100-1, Revised Ordinances of Honolulu 1990, as amended ("Industrial uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Where permitted, accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(4) Drive-thru Facilities. No speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) Eating Establishments. Within the I-1 district, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

[(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C)] <u>(B)</u> They shall not adjoin a zoning lot in a residential or apartment district.

(7) Storage Yards. Where permitted, storage yards shall not be used for the sale or processing of scrap, salvage or secondhand material. Yards shall be completely enclosed except for necessary openings for ingress and egress by a fence or wall not less than six feet in height.

(8) Base Yards. All repair work shall be performed within an enclosed structure, and the facility shall be subject to the same minimum development standards for a storage yard provided in Article 4 of this chapter."

SECTION 21. Section 21-5.110-1, Revised Ordinances of Honolulu 1990, as amended ("Industrial-commercial mixed use district uses and development standards"), is amended by amending subsection (d) to read as follows:

"(d) Additional Development Standards.

(1) Density. For purposes of this subdivision, uses marked by a superscript ["[1]"] [1] in Table 21-5.5-A shall be considered "commercial uses." The maximum FAR for a zoning lot shall be as follows:

Maximum FAR	Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses
1.5	0
2.0	0.5
2.5	0.75

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses shall be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 21-8.40, which includes limitations on the permitted uses in the technology park.

(2) Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 21-5.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3, or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height shall be permitted if the

additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-5.5).

(3) Street Setbacks. On zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the centerline of the street (see Figure 21-5.7)."

SECTION 22. Table 21-5.5-A, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Agricultural products processing, minor	P	P		P
Agricultural products processing, major		P		
Amusement facilities, outdoor, motorized				CUP1
Amusement facilities, outdoor, not motorized[1]				CUP1
Animal products processing		P	P	
Antennas, receive-only	Ac	Ac	Ac	Ac
Art galleries and museums[1]				P
[Amusement facilities, outdoor, motorized				CUP1
Amusement facilities, outdoor, not motorized[1]				CUP1]
Automobile service stations	P	P		P
Automobile sales and rentals	P	P		P
Bars, cabarets, nightclubs and taverns	P4 (but not cabarets)	P (but not cabarets)		P5

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Base yards	P5	P5	P5	P5
Broadcasting antennas	CUP2	CUP2	CUP2	CUP2
Broadcasting stations[1]	P	P	P	P
Business services[1]				P
Car washing, mechanized	P5	P5		P5
Catering establishments	P	P		P
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets	P4	P		
Commercial parking lots and garages	P	P		P
Composting, minor		CUP1		
Composting, major		CUP2		
Convenience stores[1]				P
Data processing facilities[1]	P	P		P
Day-care facilities	P	P		P
Drive-thru establishments	P5	[P] P5	P5	P5
Dwellings, owner's or caretaker's, located above or behind principal uses	Ac	Ac		Ac
Eating establishments	P5	P	P	P5
Explosive and toxic chemical manufacturing, storage and distribution		CUP2		
Financial institutions	P	P		P
Food manufacturing and processing	P	P	P	P
Freight movers	P4	P		
Heavy equipment sales and rentals	P4	P		
Heliports		P		

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Helistops	CUP2	P	P	CUP2
Historic structures, use of	CUP1	CUP1	CUP1	CUP1
Home improvement centers		P		P
Hotels[1]		CUP1		CUP1
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking facilities	CUP1	CUP1	CUP1	CUP1
Kennels, commercial		P		P5
Laboratories, medical and research	P	P		P
Linen suppliers	P	P		
Manufacturing, processing and packaging establishments, light	P	P	P	P
Manufacturing, processing and packaging establishments, general	CUP1	P	P	
Marina accessories			P	P4
Maritime-related sales, construction, maintenance, and repairing			P	
Medical clinics[1]				P
Meeting facilities[1]				P
Motion picture and television production studios	P	P		P
Neighborhood grocery stores	CUP1	CUP1	CUP1	
Offices, including administrative and executive offices, provided they are clearly accessory and incidental to uses on the same zoning lot	Ac	Ac	Ac	n/a
Office buildings[1]				P
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1
Petroleum processing		CUP2	CUP1	
Photographic processing[1]	P	P		P
Photography studios[1]				P
Plant nurseries	P	P		P
Port facilities			P	

Table 21-5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Public uses and structures	P	P	P	P
Publishing plants for newspapers, books and magazines	P	P		P
Repair establishments, minor	P	P	P	P
Repair establishments, major		P	P	
Retail, accessory, provided retailing of products shall be limited to those which are manufactured or processed on the premises, except as otherwise specified under principal uses	Ac	Ac	Ac	n/a
Retail establishments[1]				P
Sale and service of machinery used in agricultural production	P	P		P
Salvage, scrap and junk storage and processing		CUP2	CUP1	
Schools, vocational, technical, industrial, trade		P		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or similar features[1]				P
Self-storage facilities	P	P		P
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production	P	P		
Storage yards	P4	P5	P5	
Theaters[1]				P
Truck terminals		P	P	
Utility installations, Type A	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Veterinary establishments		P		P5
Warehousing	P	P	P	P
Waste disposal and processing		CUP2	CUP1	

Table 21-5.5-A Industrial and Industrial Mixed Use Districts Permitted Uses and Structures				
Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination			P	
Wholesaling and distribution	P	P		P
Wind machines	CUP1	CUP1		CUP1

[1] A "commercial use" subject to special density controls in the IMX-1 district (see Table 21-5.5-B and Sec. 21-5.110-1(d))

Ministerial uses:

Ac = Special accessory use; see Section 21-5.100-1(c) or 21-5.110-1(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 21-5.100-1(c) or 21-5.110-1(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district.

n/a = Not applicable"

SECTION 23. Table 21-5.5-B, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

Table 21-5.5-B Industrial and Industrial Mixed Use Districts Development Standards					
Development Standard		District			
		I-1	I-2	I-3	IMX-1
Minimum lot area (square feet)		7,500	7,500	7,500	5,000
Minimum lot width and depth (feet)		60	60	60	50
Yards (feet):	Front[1]	10	5	0	5
	Side and rear	0[2]	0[2]	0[2]	0[3]

Table 21-5.5-B Industrial and Industrial Mixed Use Districts Development Standards				
Development Standard	District			
	I-1	I-2	I-3	IMX-1
Maximum building area (percent of zoning lot)	80 However, the building area may be increased to include all of the buildable area of the zoning lot provided all structures beyond the designated 80 percent building area shall: a. Provide a minimum clear interior height of 18 feet; b. Contain no interior walls, except for those between a permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and other structural features			
Maximum density (FAR)	1.0	2.5	2.5	[1.0]1.5 - 2.5 see Sec. 21-5.110-1(d)
Maximum height (feet)	40	per zoning map		
Height setbacks	per Sec. 21-5.100-1(d)			per Sec. 21-5.110-1(d)

[1] Except for necessary access drives and walkways, all front yards shall be landscaped. Where a zoning lot adjoins a residential, apartment [or], apartment mixed use or resort district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-5.6).

[2] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment or apartment mixed use or resort district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In the I-3 district only, this yard shall be not less than 15 feet. In addition, solid walls 6 feet in height shall be erected and maintained along all side and rear property lines so adjoining. Such walls shall not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use or resort district.

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district. Within 5 feet of the property line, required yards shall be landscaped with a screening hedge, not less than 42 inches in height, except for necessary drives and walkways.

[4] The floor area of uses marked by [1] under Table 21-5.5-A shall at no time exceed, in aggregate, this FAR on the zoning lot. This restriction shall not apply to zoning lots 10,000 square feet or less that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 21-8.40, which includes limitations on the permitted uses in the technology park."

SECTION 24. Table 21-7.6(C), Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"

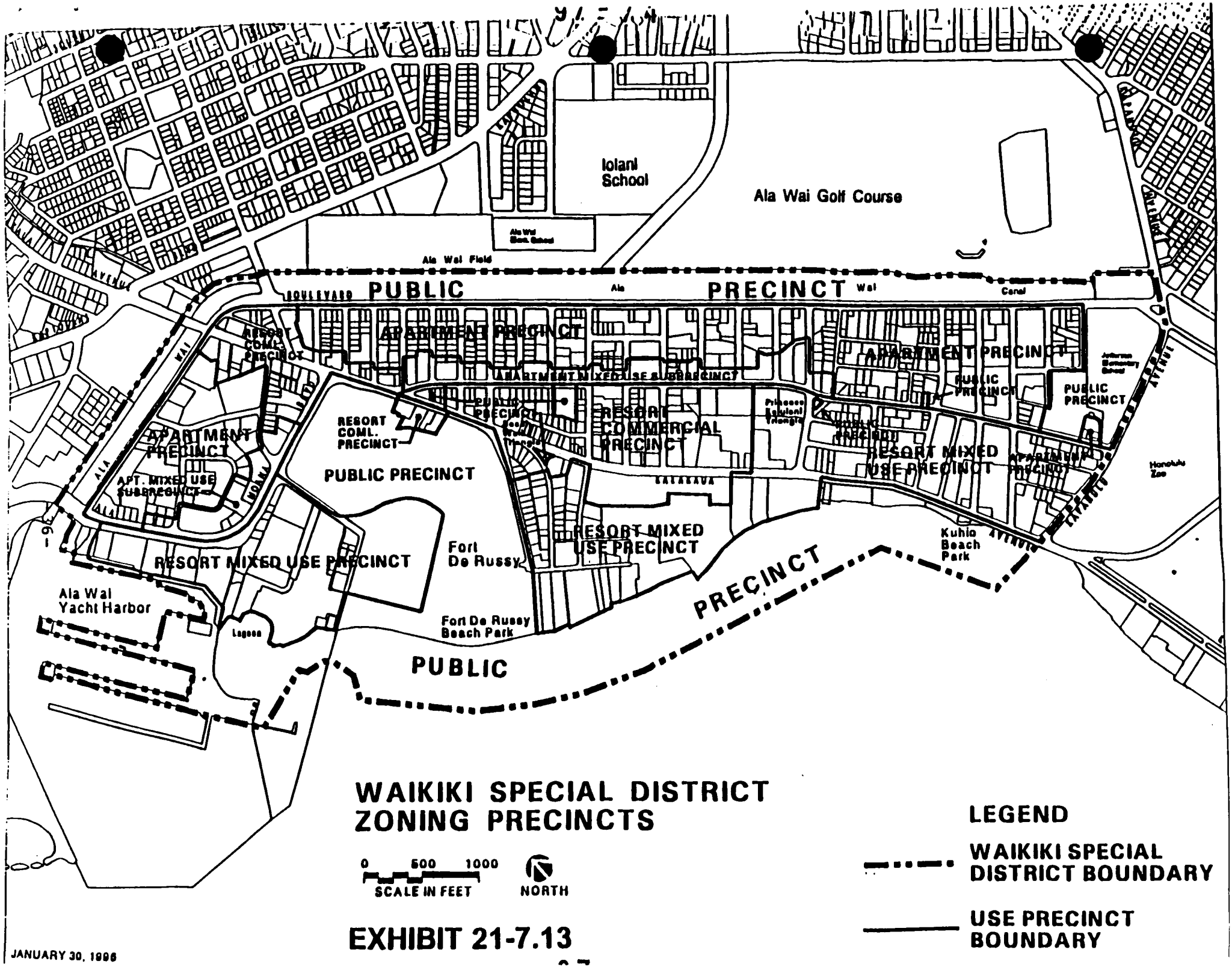
Table 21-7.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor, only when visible from a street, park or other public viewing area; otherwise exempt
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair or addition to historic structures	M	
Minor modification, alteration, repair or addition to historic structures	m	
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or [additions] addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Planned development projects (PD-R and PD-C)	M	Prior council approval of conceptual plan required. See Sec. 21-7.80-4(d)(4).
Permitted uses and structures under Sections 21-7.80-[3]4(a), uses and activities allowed in required yards and setbacks; 21-7.80-[3]4(e), nonconformity; and 21-7.80-4(g)(1), rooftop height exemption; when not otherwise covered by this table	m	
Exterior repainting that significantly changes the character or appearance of the structure	m/M	Major for murals exceeding length or width dimensions of 12 feet
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	m/E	Minor only when structure is over 50 years old; otherwise exempt
Fences and walls	E	

Table 21-7.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	m/M	Minor for accessory structures only

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend–Project classification:
M = Major
m = Minor
E = Exempt*

SECTION 25. Exhibit 21-7.13, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:



WAIKIKI SPECIAL DISTRICT ZONING PRECINCTS

0 500 1000
SCALE IN FEET

NORTH

LEGEND

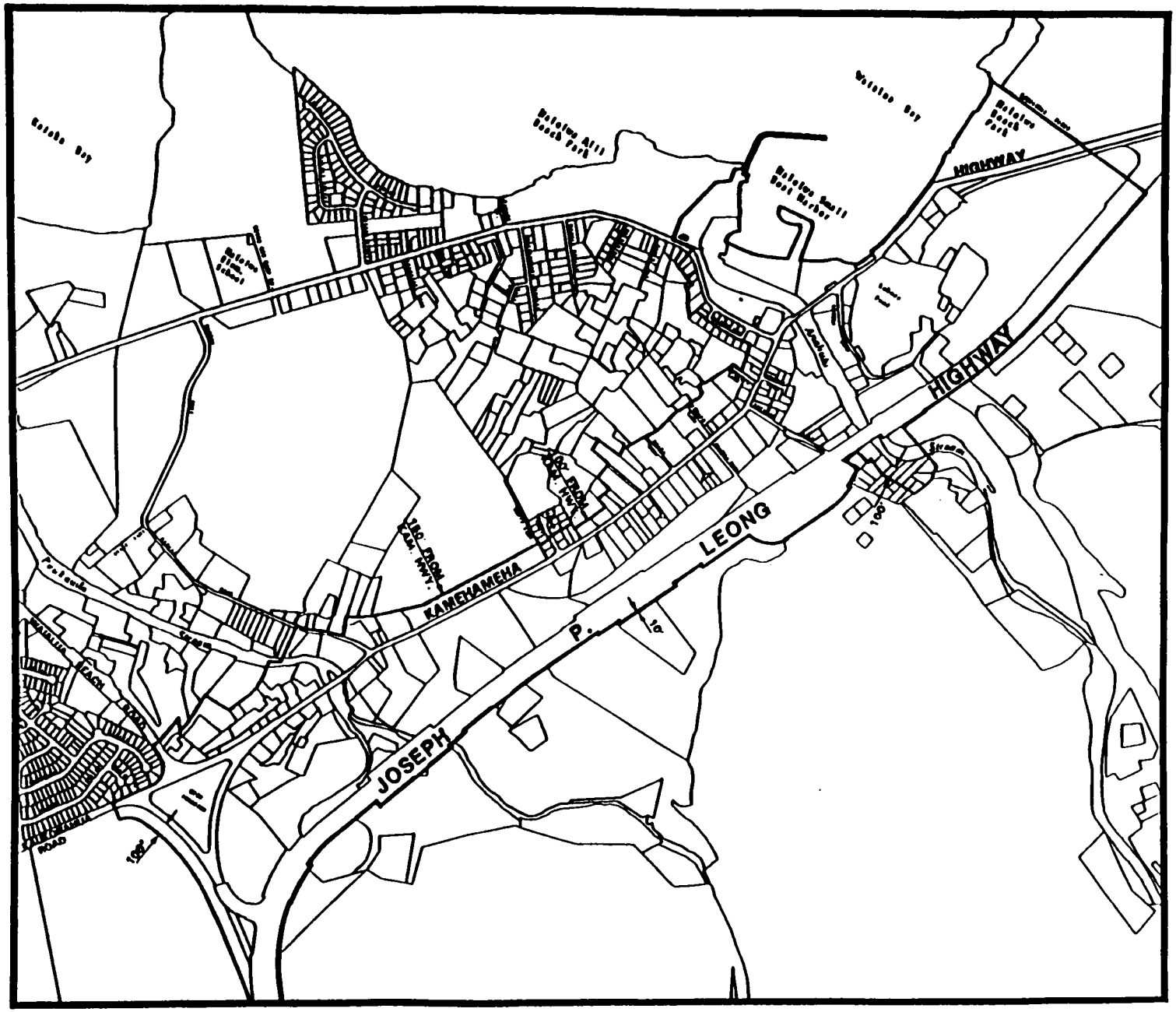
WAIKIKI SPECIAL DISTRICT BOUNDARY

USE PRECINCT BOUNDARY

EXHIBIT 21-7.13

JANUARY 30, 1996

SECTION 26. Exhibits 21-7.16, 21-7.17, and 21-7.18, Revised Ordinances of Honolulu 1990, as amended, are amended to show the correct alignment of the Kamehameha Highway Bypass, and to read as follows:



HALEIWA SPECIAL DISTRICT

DISTRICT BOUNDARY

LEGEND:

DISTRICT BOUNDARY

NOTE:

Boundaries follow existing property lines unless otherwise noted

NORTH

0 625 1250

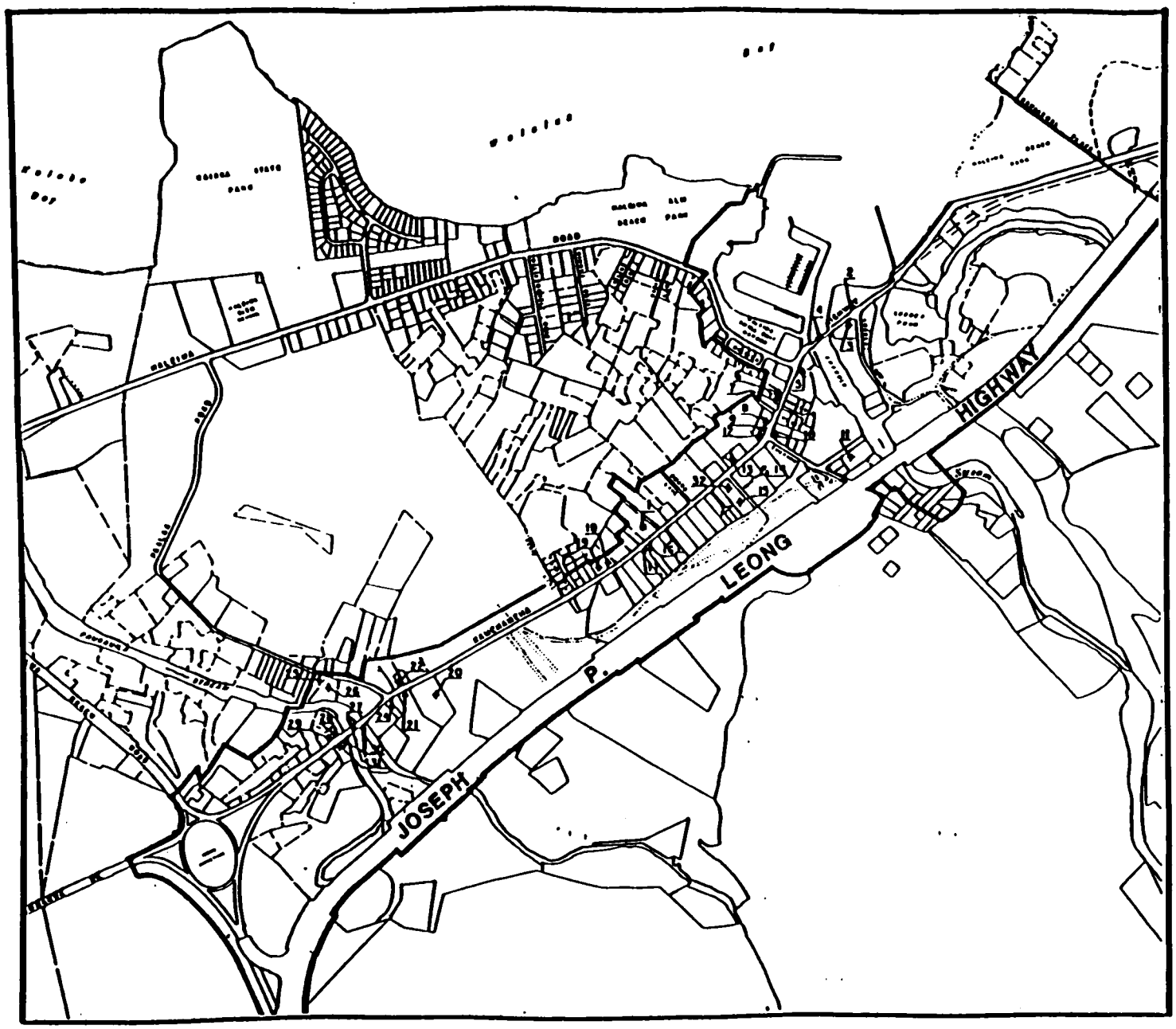
Scale in Feet

4/89

ORD. NO. 89-52

EFF. DATE: 4/18/89

EXHIBIT 21-7.16



HALEIWA SPECIAL DISTRICT

HISTORIC STRUCTURES

LEGEND:

●	**STRUCTURES ON STATE HISTORIC REGISTER**	(TMK)
1	Waialua Court House	6-6-09 23
◆	**STRUCTURES ON INVENTORY FOR STATE HISTORIC REGISTER WITHIN BOUNDARY**	
2	Surf & Sea / Gallery / Windsurf	6-2-03 39
3	B. Panciponci Store	6-2-03 36
4	Anahulu Bridge	
5	Hawaii Thrift & Loan	6-2-12 29
6	Fettig Art Gallery	6-6-01 29
7	H Miura Store	6-6-01 01
8	Yoshida Store (North)	6-6-04 15
9	Yoshida Store (South)	6-6-04 15
10	Bobbo's Boutique	6-2-12 34
11	Old Adobe House on the Emerson Site	6-2-12 10
12	Matsumoto Grocery Store	6-6-04 18
13	Aoki Shave Ice	6-6-04 18
14	Chez Francois Gallery	6-6-04 18
15	Old Telephone Exchange	6-2-03 08
16	Surf & Sod / Kua Aina Sandwich	6-2-05 15
17	Menehune Arts	6-2-05 20
18	Haleiwa Dance Studio / Dogonesse Boutique	6-6-09 01
19	Haleiwa Flower Shop	6-6-09 01
20	Waialua Community Center	6-2-06 15
21	Milton's Service / Koala Art / Country Surf / Saimin	6-2-06 12
22	Vacant / Barber Shop	6-6-17 31
24	Country Foreign Car Parts	6-2-06 18
25	Vacant (Old Hirata Store)	6-6-17 12
26	Waialua Shingon Mission	6-6-17 01
27	Alamuai Bridge	
28	Vacant	6-6-18 20
29	Vacant	6-6-18 20
30	Vacant	6-2-07 20
31	Ishimoto Store	6-2-07 20
32	Haleiwa Town Market	6-2-05 08

NOTE: Building names for reference only, subject to change. Tax map key governs.

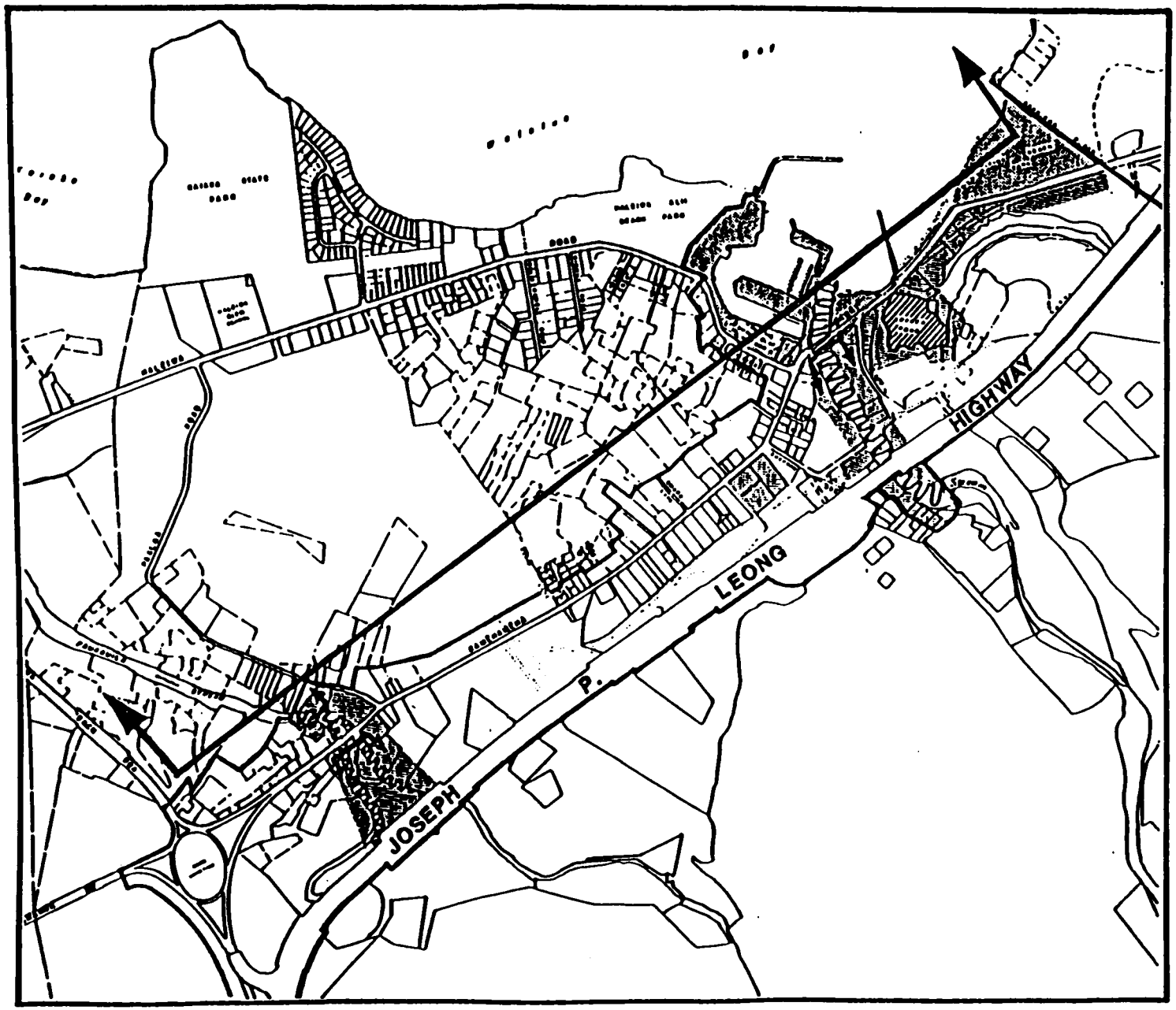
NORTH

0 625 1250
Scale in Feet

EXHIBIT 21-7.17

4/89

ORD. NO. 89-52
EFF. DATE: 4/18/89



HALEIWA SPECIAL DISTRICT

SIGNIFICANT EXISTING NATURAL AND MAN MADE FEATURES, AND VIEWS

ACCEPTABLE STREET TREES

African Mimusops	Madagascar Olive*
Autograph*	Mahogany
Coconut*	Milo*
Diphysa	Mock Orange**
False Olive**	Moir's Pink Tecoma
Fern Tree	Monkeypod*
Fig Species*	Pink Tecoma
Giant Crape Myrtle	Rainbow Shower
Gold Tree	Royal Palm
Golden Rain Tree	Royal Poinciana
Golden Trumpet	Silver Buttonwood*
Haole Kou**	Silver Trumpet
Hong Kong Orchid	Tamarind
Indian Coral*	True Kamani
Jack-in-the Box*	True Kou*
Lignum vitae*	Wiliwili*
Loulu Palm**	

* Salt tolerant
** Partially salt tolerant

LEGEND:

- SIGNIFICANT PHYSICAL FEATURES
- SIGNIFICANT WATERWAYS
- SIGNIFICANT SITES
- PANORAMIC VIEW

NORTH

0 625 1250
Scale in Feet

ORD. NO. 89-52
EFF. DATE: 4/18/89

EXHIBIT 21-7.18

4/89

SECTION 27. Section 21-9.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definitions of "building area," "floor area ratio," "open space, public," and "zoning lot" to read as follows:

a. ""Building area" means the total area of a zoning lot covered by [buildings] structures and covered open areas. The following are not considered building area:

(1) Open areas covered by eaves and normal overhang of roofs.

(2) Uncovered entrance platforms, uncovered terraces and uncovered steps when these features do not themselves constitute enclosures for building areas below them, and do not exceed 30 inches in height.

(3) All-weather surfaces."

b. ""Floor area ratio" means the ratio of floor area to total area of the zoning lot expressed as a percent or decimal. Where rounding of numbers is necessary to determine floor area ratio, the nearest one-hundredth shall be used. Multiplying the permissible floor area ratio by the [zoning] lot area of the zoning lot determines the maximum floor area permitted."

c. "Open Space, Public. "Public open space" means open space that is accessible to the public at all times, not including required yards[.], except where permitted. It adjoins a public street, public way, pedestrian easement or public open space such as a park, playground or shoreline area, for at least 20 percent of its perimeter at an elevation not more than three feet above the adjoining sidewalk. A minimum of 50 percent of its total area is landscaped (see Figure 21-9.5)."

d. ""Zoning lot" means a lot or any portion of a lot, excluding right-of-way lots, within a single zoning district, or precinct, except as permitted under joint development."

SECTION 28. Ordinance material to be repealed is bracketed and new 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.

When printing the tables revised by this ordinance in the Revised Ordinances of Honolulu, the revisor of ordinances may adjust the location of the table and column headings and footnotes as may be appropriate and indicate that a table or column is continued. The revisor of ordinances shall amend Chapter 21, Revised Ordinances of Honolulu 1990, Table 21, as necessary, to conform to this ordinance. To the extent that the tables of contents to Chapter 21, Revised Ordinances of Honolulu 1990, or specific articles thereof, or any tables of Tables or Figures or any number references therein, require amendment to reflect the amendments made by this ordinance, the revisor of ordinances is directed to make such amendments.

SECTION 29. This ordinance shall take effect upon its approval.

INTRODUCED BY:

John Henry Felix (BR)

Councilmembers

DATE OF INTRODUCTION:

October 9, 1997

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 17th day of December, 1997.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/102797/mg)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 97-74

BILL 99 (1997)

INTRODUCTION DATE: OCTOBER 9, 1997

INTRODUCED BY: JOHN HENRY FELIX (BY REQUEST)

		AYE	NO	A/E
1ST READING DATE: 10/15/97 REMARKS: Felix/Holmes - Bill passed 1st reading and referred to Zoning. - 9.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0
2ND READING DATE: 11/12/97 PUBLICATION DATE: 11/20/97 DRAFT: CD1 COMMITTEE REPORT: ZCR-563 PUBLIC HEARING DATE: 11/12/97 PUBLICATION DATE: 11/1/97 REMARKS: Kim/Holmes - Bill passed 2nd reading, as amended. - 9. Public hearing held concurrently, closed and referred to Zoning.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0
3RD READING DATE: 12/3/97 DRAFT: CD1 COMMITTEE REPORT: ZCR-592 REMARKS: Kim/Holmes - Bill passed 3rd reading. - 9.	BAINUM	X		
	FELIX	X		
	HANNEMANN	X		
	HOLMES	X		
	KIM	X		
	MANSHO	X		
	MIRIKITANI	X		
	YOSHIMURA	X		
	DeSOTO	X		
	TOTAL	9	0	0

ORDINANCE PUBLICATION DATE:

Referred to: ZONING
Reference: D-871-97

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

GENEVIEVE G. WONG, CITY CLERK

JOHN DeSOTO, CHAIR AND PRESIDING OFFICER

CONTENTS

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The Department of Land Utilization has prepared this version of the Land Use Ordinance (LUO) for the convenience of the users. However, this is not the official version of the LUO which has been codified as Chapter 21, Revised Ordinances of Honolulu, 1990.

ARTICLE 1. GENERAL PROVISIONS

Sections:

1.10	**Title**
1.20	**Purpose and intent**
1.30	**Administration.**
1.40	**Appeals.**
1.50	**Variances.**
1.60	**Temporary uses.**

1.10 Title.

The provisions of this chapter, inclusive of any amendments, shall be known as the Land Use Ordinance (LUO) of the City and County of Honolulu. The provisions may also be referred to as the zoning ordinance and may, to the extent practicable, contain other ordinances regulating the utilization of land pursuant to Section 6-904 of the Revised Charter of the City and County of Honolulu, as amended.

1.20 Purpose and intent.

(a) The purpose of the LUO is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the Oahu general plan and development plans, and to promote and protect the public health, safety and welfare by, more particularly:

(1) Minimizing adverse effects resulting from the inappropriate location, use or design of sites and structures;

(2) Conserving the city's natural, historic and scenic resources and encouraging design which enhances the physical form of the city; and

(3) Assisting the public in identifying and understanding regulations affecting the development and use of land.

(b) It is the intention of the City Council that the provisions of the LUO provide reasonable development and design standards for the location, height, bulk and size of structures, yard

areas, off-street parking facilities, and open spaces, and the use of structures and land for agriculture, industry, business, residences or other purposes.

1.30 Administration.

The Director of Land Utilization shall administer the provisions of the LUO.

1.40 Appeals.

Appeals form the actions of the director in the administration of the provisions of the LUO shall be to the Zoning Board of Appeals as provided by Section 6-909 of the city charter. Appeals shall be filed within 30 days of the mailing or service of the director's decision.

1.50 Variances.

Petitions for varying the application of the provisions of the LUO shall be determined pursuant to Sections 6-909 and 6-910 of the city charter, including the application of the provisions relating to signs.

1.60 Temporary uses.

Uses and structures of a temporary nature shall not be governed by this chapter, unless the director determines that significant impacts upon the surrounding area warrant review, and when necessary, the imposition of conditions on the use or structure. Conditions shall be based on impacts upon the surrounding area, and may cover hours of operation, duration of the activity, and general manner of operation.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS

Sections:

2.10 Zoning district classifications and map designations.

2.20 Zoning precinct classifications and map designations.

2.30 Zoning maps and interpretations.

2.10 Zoning district classifications and map designations.

To carry out the purposes and provisions of this chapter, the following zoning districts are established:

Title	Map Designation
A. Preservation	
Restricted	P-1
Military and federal	F-1
General	P-2
B. Agricultural	
Restricted	AG-1
General	AG-2
C. Country	C
D. Residential	R-20
	R-10
	R-7.5
	R-5
	R-3.5
E. Apartment	
Low-density	A-1
Medium-density	A-2
High-density	A-3

Title	Map Designation
F. Apartment Mixed Use	
Low-density	AMX-1
Medium-density	AMX-2
High-density	AMX-3
G. Resort	Resort
H. Business	
Neighborhood	B-1
Community	B-2
I. Business Mixed Use	
Community	BMX-3
Central	BMX-4
J. Industrial	
Limited	I-1
Intensive	I-2
Waterfront	I-3
K. Industrial-Commercial Mixed Use	IMX-1

2.20 Zoning precinct classifications and map designations.

To carry out the purposes and provisions of this chapter, the following zoning precincts are established:

Title	Map Designation
Waikiki Special District	
Apartment	Apartment precinct
Apartment mixed use	Apartment mixed used subprecinct
Resort mixed use	Resort mixed use precinct
Resort commercial	Resort commercial precinct
Public	Public precinct

2.30 Zoning maps and interpretations.

(a) The director shall prepare zoning maps for the city. These maps shall be numbered and titled as listed below and, on adoption by ordinance, they shall be cited and referred to as follows:

Zoning Map No.	Area
1	Hawaii Kai
2	Kahala - Kuliouou
3	Moiliili - Kaimuki
4	Nuuanu - McCully
5	Kalihi - Nuuanu
6	Red Hill - Fort Shafter
7	Halawa - Pearl City
8	Waipahu
9	Waipio (Crestview)
10	Waipio (Mililani)
11	Wahiawa - Whitmore
12	Ewa Beach - Iroquois Point
13	Makakilo
14	Barber's Point - Kahe - Nanakuli

Zoning Map No.	Area
15	Lualualei - Makaha
16	Makua - Kaena
17	Mokuleia - Waialua - Haleiwa
18	Kawailoa - Waialee
19	Kahuku - Laie
20	Hauula - Punaluu - Kaaawa
21	Kualoa - Waiahole - Kahaluu
22	Heeia - Kaneohe - Maunawili
23	Kailua - Lanikai - Keolu
24	Waimanalo

On adoption, the zoning designations shown on the map shall be the zoning classification of all parcels on the map and shall supersede any previous zoning classification. The zoning maps may also contain height limits for certain identified parcels of land or land areas; when there is a difference between height limits specified in this chapter and heights shown on the zoning maps, the maps shall prevail.

(b) Whenever uncertainty exists about the boundary lines of a district, the following rules shall apply:

(1) When a discrepancy exists between a district boundary shown on the adopted zoning map and that which is described in the text of an ordinance establishing the boundary, the text of the ordinance shall be the final authority.

(2) Notwithstanding subsection (b)(1), district boundaries which appear to follow center lines of streets, easements, railroad rights-of-way, waterways and similar features shall be construed as following such center lines.

(3) Where district boundaries appear to follow street, lot, property or other lines of similar nature, they shall be construed as following those lines, provided that in the event of closure of a street or alley by the city, where the district boundary is indicated as other than the center line of such street or alley, it shall be construed as having been at the center line.

(4) Where district boundaries appear parallel or perpendicular to, or appear as extensions of center lines, property lines or other features, they shall be so construed.

(5) Where district boundaries do not appear to follow center lines, street, lot, property or other lines of similar nature or do not appear to be extensions of such lines or are not described within any ordinance, the location of these boundaries shall be determined by a measurement of distances shown on the adopted zoning map according to its scale.

(6) Where the street layout on the ground varies from the street layout on the adopted zoning map, or other circumstances not covered by any of the above situations, the director shall determine the location of the boundary in question in accordance with the intent of the zoning ordinance.

(7) Where district boundaries are along the ocean, the boundary shall be construed to follow the shoreline as confirmed by the state surveyor.

(c) Lands unclassified by the adopted zoning map and for which none of the rules of interpretation are applicable shall be construed as being within the P-2 general preservation district until otherwise rezoned.

(d) The director shall preserve the adopted zoning maps and shall maintain them in current form. The director shall see that the maps are updated as soon as practicable after the effective date of any ordinance adopting an amendment and the ordinance number of each amendment shall be noted on the map.

No person shall make any change in the adopted zoning maps except by authorization of the director, in accordance with the procedures and requirements set forth in this chapter.

(e) The director may adjust boundary lines of a district or precinct under the following conditions:

(1) The changes does not result in an increase or decrease in any zoning district affecting more than five percent or one acre of any zoning lot, whichever is less;

(2) The resulting boundary adjustment is in conformance with the general plan and development plan; and

(3) The resulting boundary adjustment does not confer more than five percent net increase in development potential, as measured by the number of dwelling units or floor area, as permitted by the applicable zoning districts. The director shall notify in writing the property owner(s) affected by the boundary line adjustment.

(f) The director may adjust boundary lines of a district or precinct to coincide with a State Land Use Commission boundary interpretation, when the interpretation results in an increase in the more restrictive state land use district. In determining the appropriate district or precinct, the director shall take into account surrounding zoning and the intent of the affected state land use district.

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

Sections:

3.10 General development regulations: Purpose and intent.

3.20 Flag lots.

3.30 Yards and street setbacks.

3.40 Retaining walls.

3.50 Lots in two zoning districts.

3.60 Heights.

1. Zoning adjustment: Grade irregularities.
2. Zoning adjustment: Rooftop height exemption.
3. Reserved.
4. Zoning adjustment: Receive-only antenna height.

3.70 Off-street parking and loading: Intent.

1. Off-street parking requirements.
2. Method of determining number.
3. Arrangement of parking spaces.
4. Minimum dimensions.
5. Improvement of off-street parking spaces, parking lots and driveways.
6. Parking spaces and required yards.
7. Mechanical parking and storage garages.
8. Required parking spaces located off premises.
9. Reserved.
10. Off-street loading requirements.
11. Method of determining number.
12. Dimensions of loading spaces.
13. Location and improvement of loading spaces.
14. Exceptions to off-street parking and loading requirements.

3.80 Landscaping and screening.

3.90 Sign regulations: Purpose and intent.

1. Definitions and general sign standards.
2. Prohibited signs.

3. **Specific district sign standards.**
4. **Special regulations for certain uses.**
5. **Permits and fees.**
6. **Abatement and removal.**
7. **Signs for nonconforming uses.**
8. **Nonconforming signs.**

3.100 **Noise regulations.**
1. **Method of measurement.**
2. **Noise level within specific districts.**

3.110 **Sunlight reflection regulations.**

3.120 **Nonconformities.**
1. **Nonconforming use certificates for transient vacation units.**
2. **Bed and breakfast homes; Nonconforming use certificates.**
3. **Zoning adjustment: Lanai enclosures.**

3.130 **Existing uses.**

3.140 **Special accessory uses.**
1. **Home occupations: Standards and prohibited uses.**

3.150 **Waiver of requirements.**

3.160 **Plan review uses: Purpose and intent.**
1. **Applicability.**
2. **General provisions.**
3. **Application requirements.**

3.10 General development regulations: Purpose and intent.

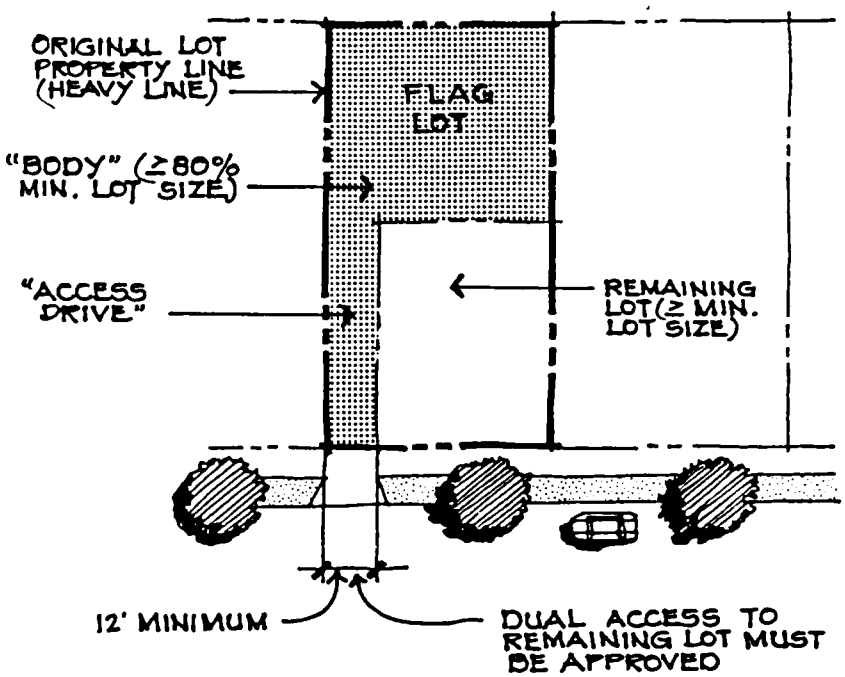
(a) It is the purpose of this article to establish reasonable standards relating to land development which are generally applicable to any use or site, irrespective of the zoning district in which it is located.

(b) It is the intent that where these regulations conflict with Article 6, "Optional development regulations," or Article 7, "Special district regulations," of this chapter, the optional development or special district regulations shall take precedence.

3.20 Flag lots.

(a) Flag lots are permitted when a parcel lacks sufficient street frontage for more than one lot or parcel. This parcel may be subdivided to create a flag lot, provided that the access drive for the flag lot shall be the sole access for only one lot and shall have a minimum width of 12 feet. The director may allow dual access of an access drive after consultation with the Director of Transportation Services (see Figure 3.1).

Figure 3.1



FLAG LOT

(b) The lot area excluding the access drive used for ingress and egress shall be not less than 80 percent of the minimum lot area required for the zoning district. The total lot area shall meet the minimum lot area standard for the zoning district.

(c) The lot width and lot depth of the flag lot shall be not less than the required minimum lot width and depth of the underlying zoning district, with the lesser dimension qualifying as lot width. Dimensions shall be measured as average horizontal distances between property lines, with the lot width being measured at right angles to lot depth.

(d) The location of the access drive shall be subject to the approval of the director after consultation with the Department of Transportation Services.

(e) The finish grade of any portion of the access drive shall not exceed 19 percent, with provisions for horizontal and vertical curves for adequate vehicular access. The director may allow a steeper grade when necessary because of topography, subdivision lot arrangement and design. In granting a steeper grade, the director shall consult with the Departments of Public Works and Transportation Services and the Fire Department for their consideration and recommendation, and the director may impose conditions including but not limited to installation of fencing, walls and safety barriers.

Whenever the finish grade exceeds 12 percent, a reinforced concrete pavement shall be installed. An alternative roadway pavement may be installed on approval of the Director and Chief Engineer of the Department of Public Works.

(f) The minimum yards for a flag lot shall be the minimum side yard required of a zoning lot in the applicable zoning district.

3.30 Yards and street setbacks.

(a) No business, merchandising displays, uses, structures or umbrellas, shall be located or carried on within any required yard or street setback except for the following:

(1) Public utility poles.

(2) Customary yard accessories, such as clotheslines and their supports; unroofed trash enclosures not to exceed six feet in height; and bollards.

(3) Structures for newspaper sales and distribution.

(4) Fences and retaining walls as provided in subsection (d) of this section and Section 3.40.

(5) Hawaiian Electric transformers; backflow preventers. Am. 12/17/97 Ord. 97-74

(6) Signs, other than ground signs, or as restricted by special district provisions.

(7) Other structures not more than 30 inches in height.

(b) Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters and other architectural embellishments or appendages, and minor mechanical and electrical apparatus with no more than a 30-inch vertical thickness may project into required yards and height setbacks as follows:

Required Yard	**Projection**
Less than or equal to 10 feet	30 inches
Greater than 10 but less than or equal to 20 feet	36 inches
Greater than 20 feet	42 inches

Exterior balconies, chimneys, lanais, porte cocheres, arcades, pergolas or covered passageways are not permitted within required yards; however, chimneys may project into required height setbacks.

(c) Other than retaining walls, walls and fences up to a height of six feet may project into or enclose any part of a required yard, except that:

(1) They shall be prohibited in front yards in business, business mixed use, industrial, and industrial-commercial mixed use districts.

(2) Walls and fences constructed by public utilities may be up to eight feet in height, and may be topped with security wire to a total height of nine feet.

(3) Special district regulations under Article 7 may provide for other restrictions.

(d) Parking and loading shall not be allowed in any required yard, except parking in front and side yards in agricultural,

country and residential districts and as provided under Section 3.70-6, which allows parking spaces to overlap required front and side yards by three feet if wheel stops are installed, and Section 3.70-13(f) which allows loading if replacement open space is provided.

Am. 12/17/97
Ord. 97-74

3.40 Retaining walls.

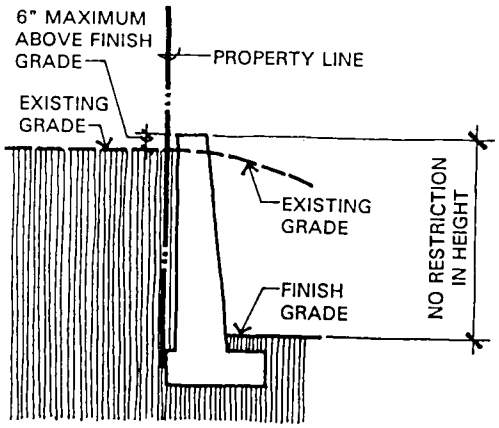
(a) Retaining walls containing a fill within required yards shall not exceed a height of six feet, measured from existing grade to the top of the wall along the exposed face of the wall. Heights of terraced walls or combinations of retaining walls shall be measured combining all walls located in the required yard (see Figure 3.2(A)).

The director may adjust the maximum height of the retaining wall on a finding that additional height is necessary because of safety, topography, subdivision design or lot arrangement and the aesthetic impact of the wall would not be adverse to the neighborhood and community as viewed from any street. The director may impose reasonable conditions when granting this additional height, such as type of materials and colors, landscaping, terracing, setbacks and offsets, as may be necessary to maintain the general character of the area.

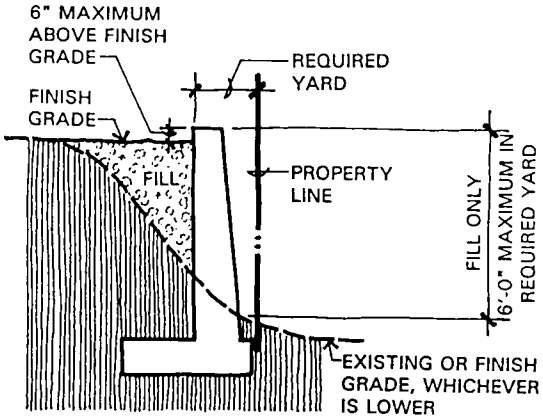
(b) A retaining wall that protects a cut below the existing grade may be constructed within a required yard, up to the height of the cut. There shall be no height limit for retaining walls which protect a cut, except that a retaining wall which protects a cut and contains fill shall not exceed a total of six feet in height measured from the intersection of the wall and the existing grade to the top of the wall along the exposed face of the wall.

(c) A safety railing may be erected on top of any retaining wall within a required yard. If the safety railing is generally constructed of a different material than the retaining wall,

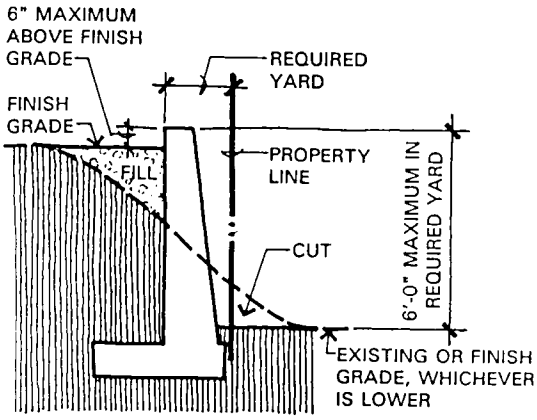
RETAINING WALLS



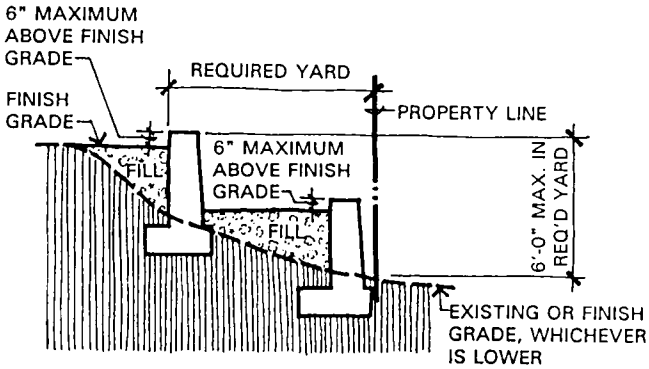
RETAINING WALL PROTECTING A CUT



RETAINING WALL CONTAINING FILL

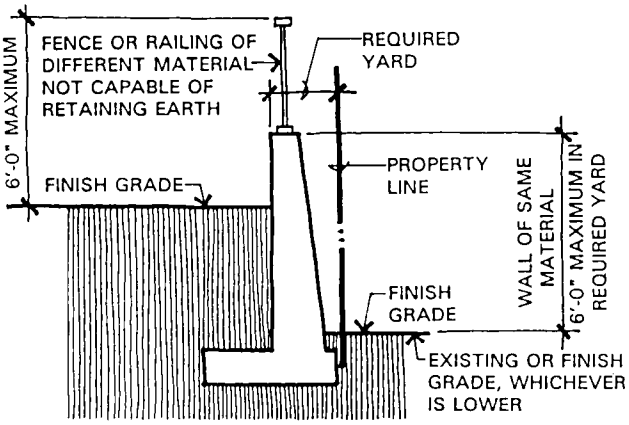


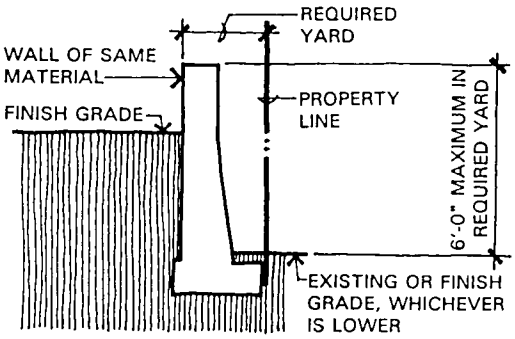
CUT and FILL RETAINING WALL



TERRACED RETAINING WALLS

Figure 3.2(A)





RETAINING WALLS with SAFETY RAILINGS

Figure 3.2(B)

and is open at intervals so as not to be capable of retaining earth, it shall not exceed a height of six feet above the retaining wall.

(d) Safety railing or fences constructed of the same materials as the retaining wall shall not exceed a total combined height of six feet measured from the finish grade along the exposed face of the wall. Additional fence height of different material not capable of retaining material may be erected, not to exceed a height of six feet measured from the finish grade of the retained material (see Figure 3.2(B)).

3.50 Lots in two zoning districts.

The following shall apply to lots within two or more zoning districts or precincts:

(a) For a use common to the districts or precincts, district or precinct boundary lines may be ignored for the purpose of yard and height requirements.

(b) For uses not common to the districts or precincts, yard and height regulations of each individual district or precinct shall be applicable from the lot lines on the portions of the lot lying within that district or precinct.

(c) Where a lot lies in two zoning districts and a permitted use is common to both districts, but the floor area ratios differ, the floor area ratio shall be calculated by the following formula, where:

A = FAR for total parcel in most intense district.

B = FAR for total parcel in least intense district.

C = Area of parcel in most intense district.

$$FAR = (A-B) \times \frac{C}{\text{Total Lot Area}} + B$$

3.60 Heights.

(a) All structures shall fall within a building height envelope at a height specified by this chapter or as specified on the

zoning maps. Exceptions are specified under subsection (c), and others may be specified under special districts.

(b) The building height envelope shall run parallel to existing or finish grade, whichever is lower (see Figure 3.3(A)), except where finish grade is higher than existing grade in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements, or to meet conditions of permits approved under the provisions of this chapter. In these cases, height shall be measured from finish grade.

(c) The following structures and associated screening shall be exempt from zoning district height limits under the specified restrictions:

(1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit, except that structures housing rooftop machinery on detached dwellings and duplex units shall not be exempt from zoning district height limits.

(2) Chimneys.

(3) Safety railings not to exceed 42 inches above the governing height limit.

(4) Utility poles and antennas. The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled erection, location, and height of antennas can be and are detrimental to the city's appearance and, therefore, image; that this can cause significant damage to the community's sense of well-being, particularly in residential areas, and can further harm the economy of the city with its tourist trade which relies heavily on the city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas and that there is a clear

public interest served by ensuring that those transmissions and receptions providing the public with power and telecommunications services are unobstructed. Therefore, in accord with the health, safety and aesthetic objectives contained in Section 1.20, and in view of the particular public interest needs associated with certain types of telecommunications services:

(A) Utility poles and broadcasting antennas shall not exceed 500 feet from existing grade.

(B) Antennas associated with utility installations shall not exceed 10 feet above the governing height limit, but in residential districts where utility lines are predominantly located underground the governing height limit shall apply.

(C) Receive-only antennas shall not exceed the governing height limit, except as provided under Section 3.60-4.

(5) Spires, flagpoles and smokestacks, not to exceed 350 feet from existing grade.

(6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.

(7) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.

(8) Any energy-savings device, including heat pumps and solar collectors, not to exceed five feet above the governing height limit.

(9) Construction and improvements in certain flood hazard districts, as specified in Sections 7.10-6 and 7.10-7.

(10) Farm structures in agricultural districts, as specified in Article 5.

(d) The following structures and associated screening may be placed on top of an existing building which is nonconforming with respect to height, under the specified restrictions:

(1) Any energy-savings device, including heat pumps and solar collectors, not to exceed 12 feet above the height of the building.

(2) Safety railings not to exceed 42 inches above the height of the building.

Figure 3.3

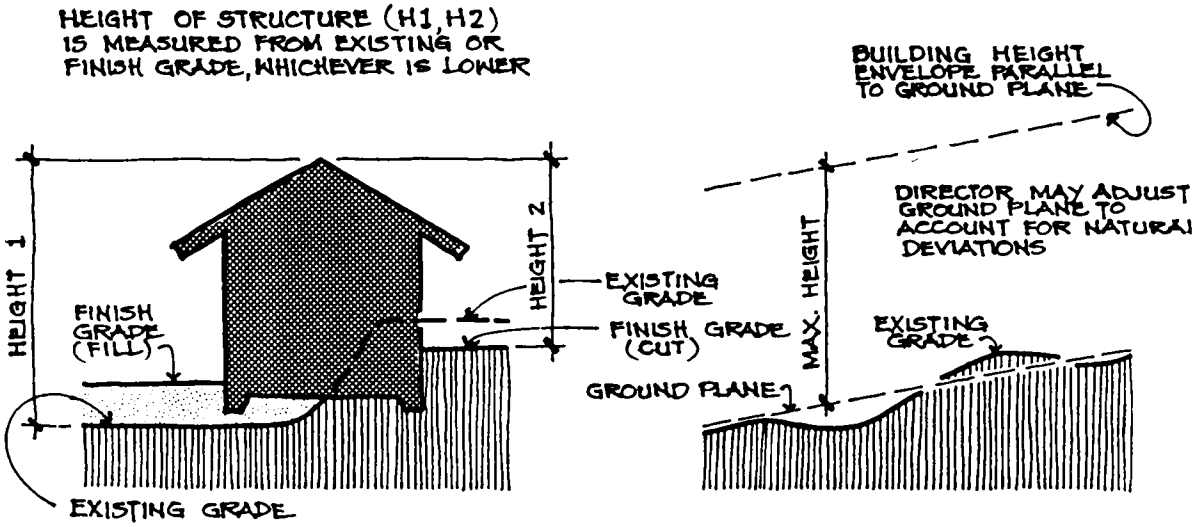


Figure 3.3(A) Figure 3.3(B)

HEIGHT MEASUREMENT

3.60-1 Zoning adjustment: Grade irregularities.

Where unusual natural deviations occur in grade, the director may adjust the building height envelope to permit reasonable building design. An adjustment shall be made only in accordance with the intent of the pertinent district regulations (see Figure 3.3(B)).

3.60-2 Zoning adjustment: Rooftop height exemption.

Roofing treatments which principally house elevator machinery and air conditioning equipment may extend above the governing district height limit for structures or portions of structures 150 feet or greater in height, provided they meet the following conditions:

(a) If the elevator cab opens on the roof, machinery may not be placed above the elevator housing.

(b) The highest point of the roofing treatment shall not exceed five feet above the highest point of the equipment structures. Roofing treatments principally housing elevator machinery or air conditioning equipment that has been installed under a building permit issued before February 9, 1993, shall be permitted even if they exceed the 18-foot limit of paragraph 3.60(c)(1) so long as they do not exceed five feet above the highest point of the equipment structure.

(c) The building is not located in a special district. If the building is located in a special district, the special district requirements shall prevail.

(d) The proposal shall be subject to design review. The roofing treatment design shall be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.

(e) Areas proposed to be covered by the roofing treatment will not be counted as floor area, provided they are not used for any purpose except covering rooftop machinery. If they are used for other purposes, the areas covered by the roofing treatment shall be counted as floor area.

3.60-3 Reserved.

3.60-4 Zoning adjustment: Receive-only antenna height.

Receive-only antennas may exceed the governing height limit under the following conditions:

(a) The zoning lot is not located in a residential district where utility lines are predominantly located underground; and

(b) Either:

(1) Both

(A) The applicant shall provide evidence to the director that adequate reception by the antenna, for the purposes for which the antenna is designed, cannot be provided anywhere on the zoning lot at or below the zoning district height limit; and

(B) The antenna shall not extend above a height greater than is shown by evidence provided to the director to be necessary to provide adequate reception, and in no case shall extend more than 10 feet above the governing height limit; or

(2) A receive-only antenna may be placed on top of an existing structure where the height of the structure is nonconforming, provided the antenna shall not extend above the height of the structure by more than 10 feet.

3.70 Off-street parking and loading: Intent.

(a) Parking and loading standards are intended to minimize street congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services and places of public assembly. Parking standards are not intended to satisfy maximum parking demand.

(b) Off-street parking and loading spaces shall be provided in such numbers, at such location and with such improvements as required by the provisions of Sections 3.70-1 through 3.70-14.

3.70-1 Off-street parking requirements.

Except as otherwise provided in this chapter, the minimum number of required off-street parking spaces shall be as shown on Table 3.1, which follows. When there is a change in use, the number of off-street parking spaces shown on Table 3.1 for the new use shall be provided, except as provided under Section 3.120 (e) relating to nonconforming parking and loading.

3.70-2 Method of determining number.

(a) To determine the required number of off-street parking spaces, floor area shall be as defined in Article 9 of this chapter, except that for the purposes of this section, basement floor area shall be included as floor area for parking purposes when it is devoted to uses having a parking requirement specified in Table 3.1.

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

(c) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.

(d) All required parking spaces shall be standard-sized parking spaces, except that duplex units, detached dwellings and multi-family dwellings may have up to 50 percent compact spaces.

(e) All spaces, other than for one- and two-family dwellings, shall be individually marked if more than four spaces are required. Compact spaces shall be labeled "compact only."

(f) When a building or premises includes uses incidental or accessory to a principal use, the total number of spaces required shall be determined on the basis of the parking requirements of the principal use(s).

(g) Parking requirements for conversion or development of hotels to condominium ownership other than in the resort district shall be as follows:

(1) One parking space per dwelling unit or lodging unit.

(2) One parking space per 800 square feet for any accessory uses.

(3) This subsection shall not apply so long as the structure continues in hotel use.

Table 3.1 (A) Off-street Parking Requirements	
Use[1]	**Requirement[2]**
Amusement facilities, outdoor, other than herein specified	As determined by director under provisions of Article 4
Art galleries, museums, libraries	1 per 400 square feet
Auditoriums	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Automotive and boat parts and services, but not storage and repair	1 per 400 square feet
Automobile and boat sales and rental	1 per 300 square feet
Automobile service stations	3 per repair stall
Boarding facilities	2 plus .75 per unit
Boat launching ramps	10 per launching ramp
Botanical gardens	As determined by director under provisions of Article 4
Bowling alleys	3 per alley
Broadcasting stations	1 per 400 square feet
Business services	1 per 500 square feet
Car washing, mechanized	10 standing spaces for waiting vehicles for each wash rack
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but not less than 5
Convenience stores	1 per 300 square feet
Data processing facilities	1 per 800 square feet
Day-care facilities	1 for each 10 care recipients of design capacity (See Article 4)
Drive-in theaters	As determined by the director under provisions of Article 4
Dwellings, detached and duplex	2 per unit, plus 1 per 1,000 square feet of floor area over 2,500 square feet (excluding carport or garage)

Table 3.1 (A) Off-street Parking Requirements	
Use[1]	**Requirement**[2]
Dwellings, multi-family	**Floor Area of Dwelling or Lodging Units** / **Required Parking per Unit** 600 sq. ft. or less — 1 More than 600 but less than 800 sq. ft. — 1.50 800 sq. ft. and over — 2 Plus 1 guest parking stall per 10 units for all projects
Eating and drinking establishments	1 per 300 square feet, provided the total floor area of all eating and drinking establishments comprises 50 percent or more of the floor area developed on the zoning lot. Otherwise, 1 per 400 square feet, including outdoor dining areas
Financial institutions	1 per 400 square feet, plus 5 stacking spaces per drive-in window or machine
Funeral homes, mortuaries	1 per 75 square feet of parlor or chapel area or 1 per 5 fixed seats, whichever is greater, but no less than 20 spaces
Golf courses	As determined by the director under provisions of Article 4
Golf driving ranges	2 per tee stall
Group living facilities	As determined by the director under the provisions of Article 4
Hotels: Dwelling units	1.25 per unit (See Article 4)
Hotels: Lodging units	.75 per unit (See Article 4)
Kennels (other than as an accessory use)	1 per 400 square feet, but no less than 4
Laundromats, cleaners: coin-operated	1 per 2 washing machines
Lodging units	.75 per unit
Manufacturing, processing and packaging	1 per 1,500 square feet
Marinas	1 per 2 moorage stalls
Medical clinics	1 per 400 square feet

Table 3.1 (A) Off-street Parking Requirements	
Use[1]	**Requirement[2]**
Meeting facilities	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Offices, other than herein specified	1 per 400 square feet
Personal services, other than herein specified	1 per 300 square feet
Publishing plants for newspapers, magazines and books	1 per 600 square feet
Recreation facilities, outdoor or indoor, other than herein specified	1 per 200 square feet, plus 3 per court, e.g., racquetball, tennis or similar
Repair establishments, major	1 per 300 square feet
Repair establishments, minor	1 per 500 square feet
Retail, other than herein specified	1 per 400 square feet
Sales: Appliance, household and office furniture	1 per 900 square feet
Sales: Food and grocery stores	1 per 300 square feet
Sales: Machinery	1 per 900 square feet
Sales: Plumbing and heating supply	1 per 900 square feet
Schools: Elementary and Intermediate	1 for each 20 students of design capacity, plus 1 per 400 square feet of office floor space
Schools: High, language, vocational, business, technical and trade; business colleges	1 for each 10 students of design capacity, plus 1 per 400 square feet of office floor space
Self-storage facilities	1 per 2,000 square feet
Shopping centers[3]	1 per 300 square feet
Skating rinks	1 for each 4 skaters of the rink's maximum capacity or 1 per 1,500 square feet of skating surface, whichever is greater
Sports arenas	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Theaters	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Veterinary establishments	1 per 400 square feet
Warehousing	1 per 1,500 square feet
Wholesaling	1 per 1,000 square feet
Zoos	As determined by director under provisions of Article 4

Table 3.1 (B) Off-street Parking Requirements BMX-4 Central Business Mixed Use	
Use[4]	**Requirement[5]**
Amusement and recreation facilities, indoor, other than herein specified	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Auditoriums	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Automotive equipment and boat sales and service	1 per 1,200 square feet
Bowling alleys	1 per alley
Business services	1 per 500 square feet
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but no less than 5
Dwellings, multi-family	1 per dwelling unit
Eating and drinking establishments	1 per 300 square feet of dining area over 1,500 square feet, plus 1 per 400 square feet of kitchen and other areas
Financial institutions	1 per 600 square feet over 4,000 square feet
Hotels	1 per 4 units
Kennels (other than as an accessory use)	1 per 600 square feet over 4,000 square feet
Medical clinics	1 per 600 square feet over 4,000 square feet
Medical laboratories	1 per 600 square feet over 4,000 square feet
Meeting facilities	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Offices, other than herein specified	1 per 600 square feet over 4,000 square feet
Personal services, other than herein specified	1 per 600 square feet over 4,000 square feet
Repair establishments, minor	1 per 600 square feet over 4,000 square feet
Retail, other than herein specified	1 per 600 square feet over 4,000 square feet
Sales: Appliance, household and office furniture	1 per 1,200 square feet
Sales: Machinery	1 per 1,200 square feet
Self-storage facilities	1 per 2,000 square feet

Table 3.1 (C) Off-street Parking Requirements Waikiki Special District	
Use[6]	**Requirement[5]**
Apartment Precinct	
Art galleries, museums, libraries	1 per 300 square feet or fraction thereof in excess of 1,000 square feet, but no less than 10
Day-care facilities	1 per 10 enrollment capacity
Dwellings, detached, duplex, and multi-family	1 per dwelling or lodging unit
Group living facilities	1 per 4 patient beds
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 square feet
Schools: Elementary and intermediate	1 per 15 seats in the main auditorium
Schools: High	1 per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater
All other permitted uses	1 per 800 square feet
Resort Mixed Use Precinct	
Hotels	.25 per dwelling or lodging unit
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 square feet
All other permitted uses	1 per 800 square feet
Resort Commercial Precinct	
Dwellings, multi-family	1 per dwelling or lodging unit
All other permitted uses	1 per 800 square feet
Public Precinct	
All permitted uses	With respect to projects requiring a major special district permit, as determined by the council by resolution as appropriate for the particular use and its location; with respect to all other projects, as determined by the director as appropriate for the particular use and its location

Notes:

1. Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements.
2. All references to square feet refer to floor area.

3. Parking standards for individual uses shall prevail if they are not part of a commercial use that meets the definition of "shopping center."
4. Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the BMX-4 district.
5. All references to square feet refer to floor area.
6. Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the Waikiki special district.

3.70-3 Arrangement of parking spaces.

(a) Except for landscaping elements as provided under Section 3.80 (b), all spaces shall be unobstructed, provided that building columns may extend a maximum total of six inches into the sides of the parking space. A wall is not considered a building column.

(b) Where four or more parking spaces are required, other than for one-family and two-family dwellings, the parking lot or area shall be designed or arranged in a manner that no maneuvering into or from any street, alley or walkway is necessary in order for a vehicle to enter or leave a space, and which allows all vehicles to enter the street in a forward manner.

(c) All spaces shall be arranged so that any automobile may be moved without moving another except that tandem parking shall be permissible in any of these instances:

(1) Where two or more parking spaces are assigned to a single dwelling unit.

(2) For use for employee parking, except that at no time shall the number of parking spaces allocated for employees exceed 25 percent of the total number of required spaces. Also, for employee parking, "tandem" parking shall be limited to a configuration of two stacked parking stalls.

(3) Where all parking is performed by an attendant at all times, and vehicles may be moved within the lot without entering any street, alley or walkway.

(4) For public assembly facilities and temporary events when user arrivals and departures are simultaneous and parking is attendant directed.

3.70-4 Minimum dimensions.

(a) Standard-sized automobile parking spaces shall be at least 18 feet in length and 8 feet three inches in width, with parallel spaces at least 22 feet in length.

(b) Compact spaces shall be at least 16 feet in length and 7-1/2 feet in width, with parallel spaces at least 19 feet in length.

(c) Parking spaces for boat launching ramps shall have a minimum dimension of 40 feet in length and 12 feet in width.

(d) Minimum aisle widths for parking bays shall be provided in accordance with the following:

Parking Angle	Aisle Width
0° - 44°	12 ft.
45° - 59°	13.5 ft.
60° - 69°	18.5 ft.
70° - 79°	19.5 ft.
80° - 89°	21 ft.
90°	22 ft.

Notwithstanding the foregoing, with a parking angle of 90 degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width of eight feet three inches, to a minimum aisle width of 19 feet.

(e) Ingress and egress aisles shall be provided to a street and between parking bays, and no driveway leading into a parking area shall be less than 12 feet in width, except that driveways for detached dwellings and duplex units shall be no less than 10 feet in width.

3.70-5 Improvement of off-street parking spaces, parking lots and driveways.

(a) All off-street parking spaces, parking lots and driveways shall be provided and maintained with an all-weather surface except in preservation, agriculture and country districts where parking lots and driveways may be surfaced with crushed rock or limestone, or as determined by the director under the provisions of Article 4 of this chapter.

(b) Parking lots or areas, if illuminated, shall be shielded to prevent any direct illumination toward any zoning lot within a country, residential, apartment or apartment mixed use district.

(c) All parking lots shall be landscaped as specified in Section 3.80 of this chapter.

3.70-6 Parking spaces and required yards.

Parking spaces may overlap three feet of required yards, open spaces or required landscaping, if wheel stops are installed, except in special districts and as may be allowed in Article 5, under optional yard siting provisions.

3.70-7 Mechanical parking and storage garages.

Mechanical means of providing parking spaces or access to these parking spaces are permitted, provided the following conditions are met:

(a) The director shall determine that adequate waiting and maneuvering space is provided on the zoning lot in order to minimize on-street traffic congestion, after consultation with the Department of Transportation Services.

(b) All mechanical parking systems shall be visually screened by providing a solid wall or facade a minimum of 42 inches in height at each level of the mechanical parking system.

3.70-8 Required parking spaces located off premises.

Off-street parking spaces required for any use may be permitted off the premises as joint use of parking facilities or

off-site parking facilities but shall be subject to compliance with the provisions of Article 4, conditional uses.

3.70-9 Reserved.

3.70-10 Off-street loading requirements.

Off-street loading requirements shall apply to all zoning lots exceeding 5,000 square feet in area for the class or kind of uses indicated below. The minimum number of off-street loading spaces shall be as follows:

Use or Use Category	Floor Area in Square Feet	Loading Space Requirements
A. Retail stores, eating and drinking establishments, shopping centers, wholesale operations, warehousing, business services, personal services, repair, manufacturing, and self-storage facilities	2,000 - 10,000 10,001 - 20,000 20,001 - 40,000 40,001 - 60,000 Each additional 50,000 or major fraction thereof	1 2 3 4 1
B. Hotels, hospitals or similar institutions, and places of public assembly	5,000 - 10,000 10,001 - 50,000 50,001 - 100,000 Each additional 100,000 or major fraction thereof	1 2 3 1
C. Offices or office buildings	20,000 - 50,000 50,001 - 100,000 Each additional 100,000 or major fraction thereof	1 2 1
D. Multi-family dwellings	**Number of Units** 20 - 150 151 - 300 Each additional 200 or major fraction thereof	 1 2 1

3.70-11 Method of determining number.

(a) To determine the required number of loading spaces, floor area shall be as defined in Article 9 of this chapter, except that when a basement is devoted to a use having a loading requirement, loading spaces shall be required as specified in Section 3.70-10.

(b) When a building is used for more than one use, and the floor area for each use is below the minimum requiring a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, at least one loading space shall be required.

(c) The director may adjust the number of loading spaces to 50 percent of the required number when such spaces are to be jointly used by two or more uses on the same zoning lot; provided that:

(1) Each use has access to the loading zone without crossing driveways, public streets or sidewalks;

(2) All joint loading spaces are in reasonable proximity to the uses they serve, and can be jointly used without disrupting other activities on the lot; and

(3) The adjustment shall not be used to reduce the loading available for any single use below the minimum required for that use.

(d) The director may adjust or waive the loading requirement for low-rise multi-family dwellings provided that:

(1) The project consists of more than one building;

(2) Buildings do not exceed three stories; and

(3) There is sufficient uncovered parking and aisle or turnaround space to accommodate occasional use for loading.

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Ord. 97-74

3.70-12 Dimensions of loading spaces.

(a) When only one loading space is required and total floor area is less than 5,000 square feet, the horizontal dimensions of

the space shall be 19 x 8-1/2 feet. It shall have a vertical clearance of 10 feet.

(b) When more than one loading space is required or total floor area is more than 5,000 square feet, the minimum horizontal dimension of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least 14 feet. The balance of required spaces may have horizontal dimensions of 19 x 8-1/2 feet and vertical clearance of at least 10 feet.

3.70-13 Location and improvement of loading spaces.

(a) No required loading space shall be in any street or alley but shall be provided within the building or adjacent to the building.

(b) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct illumination toward any country, residential, apartment or apartment mixed use districts.

(c) Each required loading space shall be identified as such and shall be reserved for loading purposes.

(d) No loading space shall occupy required off-street parking spaces or restrict access.

(e) All loading spaces and maneuvering areas shall be paved or covered with an all-weather surface.

(f) Except in front and side yards in agricultural, country and residential districts, no loading space or maneuvering area shall be located within a required yard, except if the area displaced by the loading space or maneuvering area is provided as open space immediately abutting the required yard, and the design is approved by the director.

3.70-14 Exceptions to off-street parking and loading requirements.

(a) In connection with planned development-housing projects, cluster housing, and conditional use permits, and within special districts, the director may impose special parking and loading requirements.

(b) All buildings and uses, except multi-family dwellings and hotels, which are located within the boundaries of any improvement district for public off-street parking and which have been assessed their share of the cost of the improvement district, shall be exempt from off-street parking requirements of this chapter.

3.80 Landscaping and screening.

Parking lots, automobile service stations, service and loading spaces, trash enclosures, utility substations and rooftop machinery shall be landscaped or screened in all zoning districts as follows:

(a) Parking lots of five or more spaces and automobile service stations shall provide a minimum five-foot landscape strip adjacent to any adjoining street right-of-way. This five-foot strip shall contain a continuous screening hedge not less than 36 inches in height with plantings no more than 18 inches on center. If the landscape strip is wider than five feet, the hedge may be placed elsewhere in the strip. A minimum 36-inch-high wall or fence may be placed behind the setback line in lieu of a hedge. If a wall or solid fence is erected, either a vine or shrub shall be planted at the base of the wall or solid fence on the side fronting the property line. One canopy form tree a minimum of two-inch caliper shall be planted in the landscape strip for each 50 feet or major fraction of adjacent lineal street frontage.

(b) To provide shade in open parking lots and minimize visibility of paved surfaces, parking lots with more than 10 parking stalls shall provide one canopy form tree a minimum of two-inch caliper for every six parking stalls or major fraction thereof, or one canopy form tree of six-inch caliper or more for every 12 parking stalls or major fraction thereof. Each tree shall be located in a planting area and/or tree well no less than nine square feet in area. If wheel stops are provided, continuous planting areas with low ground cover, and tree wells with trees centered at the corner of parking stalls may be located within the three-foot overhang space of parking

stalls. Hedges and other landscape elements, including planter boxes over six inches in height, are not permitted within the overhang space of the parking stalls. Trees shall be sited so as to evenly distribute shade throughout the parking lot (see Figure 3.4).

(c) Parking lots of five or more spaces shall be screened from adjoining lots in country, residential, apartment or apartment mixed use districts by walls, continuous screening hedges, or earth berms a minimum of 42 inches high on the abutting property line.

(d) Parking structures with open or partially open perimeter walls which are adjacent to zoning lots with side or rear yard requirements shall meet the following requirements:

(1) An 18-inch landscaping strip along the abutting property line shall be provided. This strip shall consist of landscaping a minimum of 42 inches in height. A solid wall 42 inches in height may be substituted for this requirement.

(2) A minimum two-inch caliper tree shall be planted for every 50 linear feet of building length, abutting a required yard.

(3) Each parking deck along the abutting property line shall have a perimeter wall at least two feet in height to screen vehicular lights otherwise cast onto adjacent property.

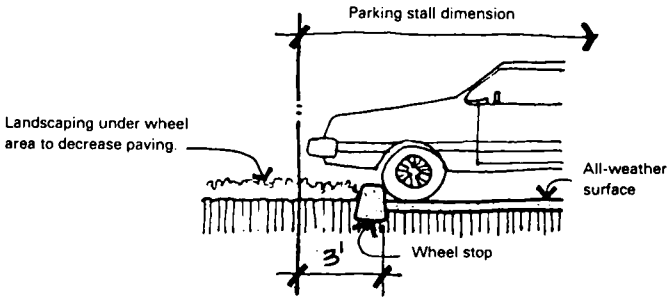
(e) All outdoor trash storage areas, except those for one-family or two-family dwelling use, shall be screened on a minimum of three sides by a wall or hedge at least six feet in height. The wall shall be painted, surfaced or otherwise treated to blend with the development it serves.

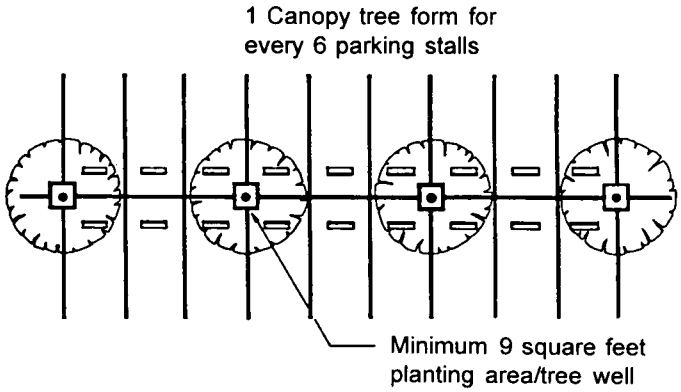
(f) All service areas and loading spaces shall be screened from adjoining lots in country, residential, apartment and apartment mixed use districts by a wall six feet in height.

(g) Within country, residential, apartment, apartment mixed use and resort districts, utility substations, other than individual transformers, shall be enclosed by a solid wall or

a fence with a screening hedge a minimum of five feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses shall be enclosed by a landscape hedge, except for access openings.

Figure 3.4





PARKING LOT LANDSCAPING

(h) All plant material and landscaping shall be provided with a permanent irrigation system.

(i) All rooftop machinery and equipment, except for solar panels, antennas, plumbing vent pipes, ventilators and guardrails, shall be screened from view from all directions, including from above, provided that screening from above shall not be required for any machinery or equipment whose function would be impaired by such screening. Rooftop machinery and equipment in the strictly industrial districts and on structures or portions of structures less than 150 feet in height shall be exempt from this subsection (i).

3.90 Sign regulations: Purpose and intent.

The council finds and declares:

(a) That the people of the city have a primary interest in controlling the erection, location and maintenance of outdoor signs in a manner designed to protect the public health, safety and morals, and to promote the public welfare.

(b) That the rapid economic development of the city has resulted in a great increase in the number of businesses with a marked increase in the number and size of signs advertising such business activities.

(c) That the increased number and size of such signs, coupled with the increased use of motor vehicles, make it imperative that the public streets and highways be kept free from signs which distract motorists' attention from driving and which detract from traffic safety signs promoting traffic safety.

(d) That the indiscriminate erection, location, illumination, coloring and size of outdoor signs constitute a significant contributing factor in increasing the number of traffic accidents on the public streets and highways by detracting from the visibility of official traffic lights and signals, and by tending to distract and divert the attention of drivers away from the flow of traffic movement.

(e) That in addition, thereto, the construction, erection and maintenance of large outdoor signs suspended from, or placed on top of buildings, walls or other structures, constitute a direct danger to pedestrian traffic below such signs, especially during periods when winds of high velocity are prevalent.

(f) That the size and location of such outdoor signs may, if uncontrolled, constitute an obstacle to effective fire fighting techniques.

(g) That the natural beauty of landscape, view and attractive surroundings of the Hawaiian Islands, including the city, constitutes an attraction for tourists and visitors.

(h) That a major source of income and revenue of the people of the city is derived from the tourist trade.

(i) That the indiscriminate erection and maintenance of large signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the city which, in turn, injuriously affect the tourist trade and thereby the economic well-being of the city.

(j) That it is necessary for the promotion and preservation of the public health, safety and welfare of the people of the city that the erection, construction, location and maintenance of signs be regulated and controlled.

3.90-1 Definitions and general sign standards.

This section applies to signs in all zoning districts and zoning precincts. Specific sign standards for the zoning districts and zoning precincts are found in Section 3.90-3.

Unless specifically prohibited, all signs except ground signs may project into required yards. All signs except ground signs and garden signs may project into the public right-of-way, provided that the horizontal clearance between the sign and the street line shall not be less than two feet, and provided that the lower edge of the sign shall have a vertical clearance of at least eight feet.

Address signs. Signs indicating a street address.

Standard: Not to exceed one square foot in area.

Building frontage. That portion of the principal building of an establishment which faces a street. If the principal buildings are arranged on the lot in such a manner as to face a parking area, then the area facing the parking area may be considered the building frontage. Signs may be placed facing the street or the parking area in any combination, but shall not exceed two signs.

Business signs. Signs which direct attention to a profession, business, commodity, service, entertainment or activity conducted, sold, or offered on the premises where the sign is located.

Directional signs. Signs indicating entrances and exits, including those for parking lots and garages.

Standard: No more than one sign per entrance or exit, not to exceed 30 inches in height and one square foot in sign area.

Directory sign. A sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

Flags. Weather flags and official flags of government jurisdictions, including flags which are emblems of on-premises business firms and enterprises, religious, charitable, public and nonprofit organizations.

Standard: Not to exceed 50 square feet each in area and five in number per street frontage per zoning lot.

Flashing sign. A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

Garden sign. A freestanding sign or a sign attached to the face of a freestanding wall.

Standard: Not to exceed six square feet in sign area; may be indirectly illuminated. A freestanding garden sign shall not exceed 30 inches in height; when attached to a wall, it may not project more than six inches from the face of the wall or exceed six feet in height above finish grade.

Ground signs. Freestanding, self-supported structures erected or supported from the ground containing one or more faces for sign or display purposes. A ground sign includes a pole sign.

Standard: Not to exceed a height of 16 feet above finish grade.

Hanging signs. Signs which hang down from and are supported by or attached to the underside of a canopy, awning or marquee.

Standard: When extending over walkways, no less than 7-1/2 feet of clearance between the lower edge of the sign and the ground level below.

Identification signs. Signs which depict the name or address of a building or establishment on the premises where the sign is located as a means of identifying the building or establishment.

Illuminated signs. Signs which are designed to give forth artificial light from an artificial source. Such signs may be directly or indirectly illuminated and shall include interior lighted signs.

Directly illuminated sign. A sign with its light source as an integral part of the sign, including interior lighting and backlighting.

Indirectly illuminated signs. Signs illuminated with a light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

Non-illuminated signs. Signs which do not give forth artificial light from an artificial source.

Marquee. A canopy or covered structure projecting from and supported by a building.

Marquee fascia signs. Signs attached to or painted on the face of a marquee and not projecting above or beneath the marquee face.

Moving signs. Signs designed to attract attention by physical movement of all or parts of the sign, including rotation, motion or the perception of motion.

Rotating signs. Signs or portions of signs which physically revolve about an axis.

Standard: Not to exceed 10 revolutions per minute.

Wind sign. Any sign or display fastened in such a manner to move upon being subjected to pressure by wind or breeze.

Standard: Not to exceed 16 square feet in area or 16 feet in height including but not limited to flags, banners, balloons, streamers and rotating devices.

Plaques. Commemorative plaques placed by historical agencies recognized by the city or the State of Hawaii.

Portable signs. Signs which have no permanent attachment to a building or the ground, including but not limited to A-frame signs, pole attachments, searchlights, stands and business signs not related to window displays.

Standard: Not to exceed 16 square feet in sign area or 16 feet in height above ground level.

Projecting signs. Identification signs which are affixed or attached to, and supported solely by, an exterior building wall and which extends beyond the building wall more than 15 inches but not greater than five feet.

Standard: Not to exceed six feet in height above the roof level of a one-story building or four feet in height above the roof level of the second story of a building over one story in height.

Public signs. Signs of a public or non-commercial 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.

Roof level. The lowest point of intersection between the plane of the roof and the plane of the exterior wall.

Roof signs. Signs erected on a vertical framework supported by or located entirely over the roof of a building.

Standard: Not to exceed a height of five feet above the roof level of a one-story building in the industrial districts and three feet above the roof level in business and business mixed use districts. Not permitted in any district on buildings exceeding one story in height or 16 feet above ground level, whichever is the lower height.

Second floor establishment. For the purposes of Section 3.90-3, any establishment, the operation of which is located on the second floor of a building of no more than three stories in height; provided that the establishment is accessible form the ground floor by a stairway which is not separated from the rest of the second floor by a door. No part of the operation of the establishment, except for primary access to the establishment, may be located on the ground floor of the building. For purposes of this definition, a story excludes any basement.

Sign. Any structure, billboard, marquee, awning, canopy, street clock, announcement, declaration, demonstration, display, flag, pennant, banner, balloon, illustration or insignia used to advertise, attract or promote the interests of any person when it is placed on any property, building or structure in view of the general public provided that window displays or merchandise displays shall not be considered signs.

Sign area. The entire area within a single, continuous perimeter of regular geometric form enclosing the extreme limits of writing, representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign

from the background against which it is placed, excluding poles, supports or uprights (see Figure 3.5).

Where a sign has two or more faces, the area shall be computed as the largest area projected on the vertical plane.

Street clock. Any timepiece erected on a stand on the sidewalk or on the exterior of any building or structure for the convenience of the public or placed and maintained for the purpose of advertising a place of business.

Subdivision name signs. Signs identifying the street entrance to a subdivision.

Standard: One non-illuminated sign, not to exceed 24 square feet in area, or two non-illuminated signs, not to exceed 24 square feet in total per exclusive entrance and restricted to the subdivision name.

Temporary signs.

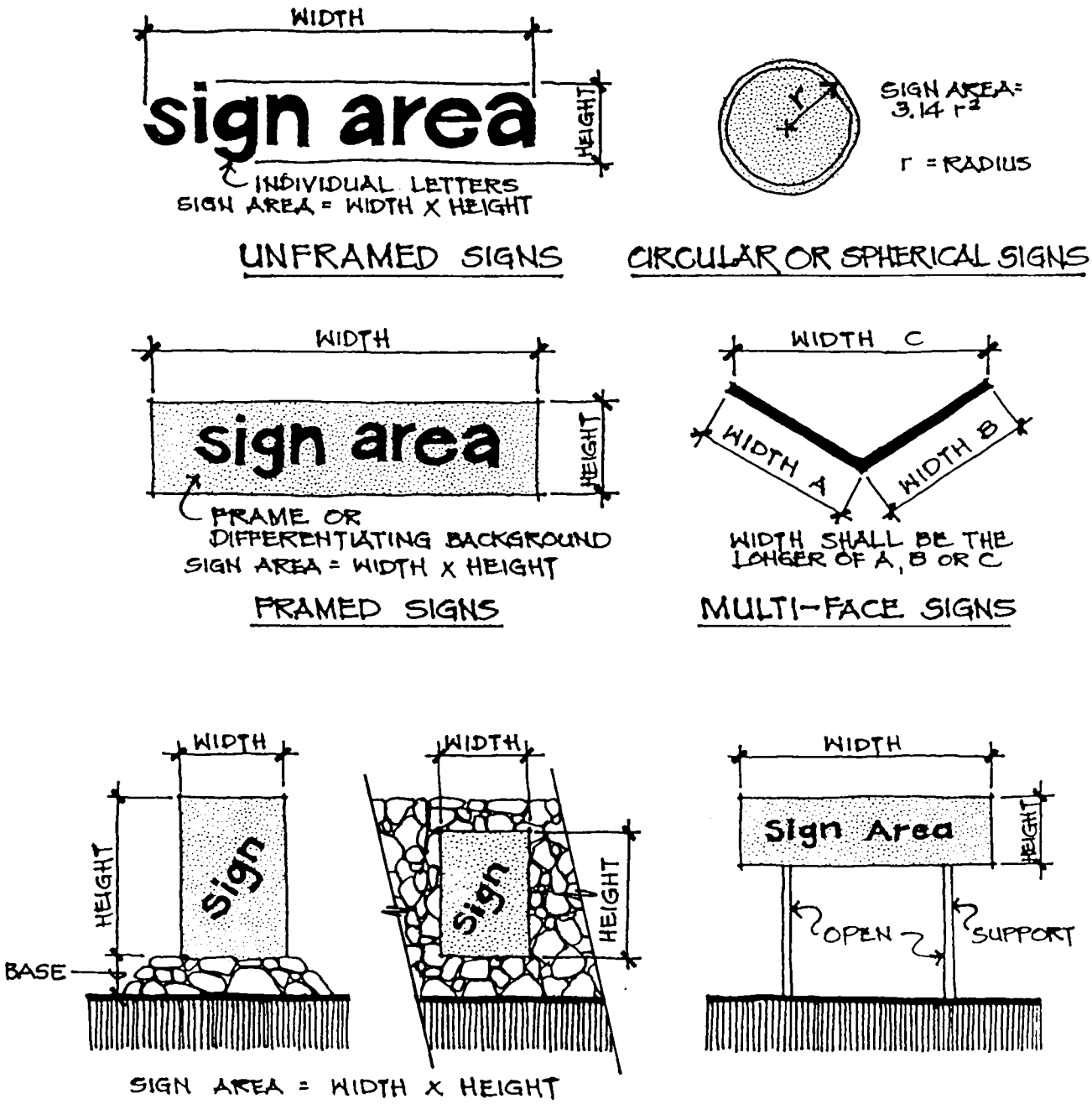
Announcing signs. Signs announcing the character of a building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers and others.

Standard: One sign per street frontage of a building under construction, structural alteration or repair not to exceed 16 square feet of sign area in residential districts or 32 square feet of sign area in other districts.

Real estate signs. Signs advertising the sale, rental or lease of the premises on which the sign is displayed.

Standard: One sign per street frontage, not to exceed four square feet in residential districts or eight square feet in other districts.

Figure 3.5



SIGN AREA

Special event displays. Signs erected on the premises of an establishment having a grand opening or special event. Special event signs are to advertise an opening, occasion, or particular event, and not an establishment, service, price, product, or commodity.

Standard: The special event display may include portable signs, banners and wind signs erected on the premises of the event. Special event displays are limited to one event per six-month period, and shall not be displayed for more than seven consecutive days.

Subdivision construction signs. Signs at the entrance to the subdivision and located on the property to be subdivided.

Standard: One sign per street entrance to the subdivision and located on the property to be subdivided, not to exceed 32 square feet in sign area.

The sign may not be erected until the subdivision has been approved by the appropriate city officials and may be displayed for a period of one year from the date of erection, which date must be filed with the director within 30 days after erection. Erection date will be determined to be the same as the subdivision approval date if not filed within the 30-day period. The display period may be extended by written approval of the director for a reasonable period of time, not to exceed one year at any one time.

Wall signs. Signs affixed to an exterior wall of any building.

Standard: Not to project more than 15 inches from the building wall, not to extend above the exterior wall of the building and not to exceed a height of 20 feet or the third floor level of buildings over two stories in height, whichever is the lower height.

For the purpose of this section, exterior wall shall include parapet wall above the exterior wall and roof facade with face slope 60 percent or greater with the horizontal

plane provided that where a wall sign is to be located on a parapet wall or facade, the parapet wall or facade shall extend entirely across the side of the building and provided further that no portion of a wall sign shall exceed six feet above the roof level. Exterior wall and parapet wall shall be as defined in Chapter 16 (Building Code), as amended.

Window display. The showing of any announcement, illustration, insignia or lettering relating to merchandise for sale on the premises of a ground floor establishment, within a window or other similar building wall opening.

Standard: If the window display includes an announcement, illustration, insignia or lettering, such representations shall be limited to the inside of the glass surface of the window. Any window display shall be limited to the first floor of a building.

3.90-2 Prohibited signs.

It is unlawful to erect or maintain:

(a) Any sign which is not included under the types of signs permitted in this chapter;

(b) Any sign which advertises or publicizes an activity not conducted on the premises on which the sign is maintained;

(c) Any wind or portable sign, except as otherwise permitted in this chapter;

(d) Any sign which by reason of its size, location, movement, content, coloring or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device, or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement of the public streets and roads;

(e) Flashing signs.

3.90-3 Specific district sign standards. Am. 10/1/98 Ord. 98-58

Except as otherwise provided, signs permitted shall be as enumerated below.

(a) **P-2 Preservation District.** Only one sign, not exceeding 12 square feet in area, shall be permitted on any zoning lot in connection with any use. Only indirectly illuminated or non-illuminated signs shall be permitted. No sign shall be mounted closer than 10 feet to the property line fronting a street or be higher than eight feet above finish grade.

(b) **Agricultural Districts.** The sign standards applicable to the P-2 preservation district shall apply to all agricultural districts.

(c) **Country and Residential Districts.** Only one sign or bulletin board per street front per zoning lot for a permitted non-dwelling use, which shall not exceed 24 square feet in area. No such sign shall be directly illuminated, located in any required yard or erected to exceed a height of eight feet above finish grade, except that signs for non-dwelling uses can be located up to the front yard setback line required for dwelling use.

(d) **Apartment and Apartment Mixed Use Districts.** In connection with any use permitted other than one-family and two-family dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each such entry side. The ground sign shall not be located in any required yard. Instead of these signs, one garden sign may be permitted.

(e) **Resort District.**

(1) In connection with any use permitted other than one- and two-family dwellings, only one wall or marquee fascia sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each ground floor establishment with building frontage.

One non-illuminated ground sign for identification or directory purposes, not exceeding eight square feet in area and not exceeding six feet in height, shall also be permitted for each street front having a principal pedestrian or vehicular entrance. If the above ground sign is not used and all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line, one ground identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall also be permitted on each side of the building where a principal pedestrian or vehicular entrance is situated. Instead of the above ground signs, one garden sign may be permitted.

(2) This subsection shall not apply to the Waikiki special district, which shall be governed by subsection (l).

(f) **B-1 Neighborhood Business District.**

(1) One wall sign on the building frontage side for each ground floor establishment is permitted. The sign shall not be directly illuminated. The maximum sign area per establishment for each building side on which the sign is permitted shall not exceed one square foot of sign area for each lineal foot of building frontage nor exceed 100 square feet in sign area. No illuminated signs shall be so placed or erected as to be visible in any portion of an adjoining residential lot after 10:00 p.m.

(2) One garden sign per zoning lot instead of the signs permitted above.

(3) One wall or ground sign per building frontage, not directly illuminated and not exceeding 12 square feet in

area, may be erected for building identification and directory purposes as part of the total sign area permitted on the building side on which it is located. When used, this ground sign shall not be illuminated and shall not exceed six feet in height.

(4) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(g) **B-2 Community Business and BMX-3 Community Business Mixed Use Districts.**

(1) Two business signs on the building frontages for each ground floor establishment. The signs may be illuminated and of the following types: hanging, marquee fascia, projecting or wall signs.

(2) The maximum sign area per establishment for each building side on which signs are permitted shall not exceed 1-1/2 square feet for each lineal foot of building frontage provided that no such sign area shall exceed 250 square feet in area nor shall the total sign area exceed 15 percent of the wall area on which it is displayed or attached.

(3) One ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be erected as part of the total sign area permitted on the building side on which it is located, provided that:

(A) A maximum 24-square-foot sign is permitted if all buildings on the street frontage of the zoning lot are set back greater than 50 feet from the front property line.

(B) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located.

(C) No portion of the sign shall be located in or overhang any required yard or public right-of-way.

(4) One garden sign per zoning lot provided that such sign shall be counted as one of the signs permitted in subdivision (1).

(5) One wall, ground or projecting sign per building frontage, which may be illuminated but not exceed 12 square feet in area, may be erected for building identification or directory purpose as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subdivision (1) for each establishment. When used, this ground sign shall not be directly illuminated and shall not exceed six feet in height.

(6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(h) **BMX-4 Central Business Mixed Use District.** The sign standards applicable to the B-2 Community Business and BMX-3 Community Business Mixed Use districts shall apply, except for the following:

(1) Business signs: The maximum sign area per establishment for each building side on which signs are permitted shall not exceed two square feet for each lineal foot of building frontage.

(2) No projecting signs are permitted.

(3) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

(i) **Industrial and Industrial-Commercial Mixed Use Districts.**

(1) Two business signs on the building frontage for each ground floor establishment. The signs may be illuminated or moving and of the following types: hanging, marquee fascia, projecting, roof or wall signs.

(2) The maximum sign area per establishment for each building side on which signs are permitted shall not exceed two square feet for each lineal foot of building frontage, provided that no sign area shall exceed 250 square feet nor shall the total sign area exceed 15 percent of the wall on which displayed.

(3) One ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be erected as part of the total sign area permitted on the building side on which it is located, provided that:

(A) A maximum 32-square-foot sign is permitted if all buildings on the street frontage of the zoning lot are set back greater than 50 feet from the front property line.

(B) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located.

(C) No portion of the sign shall be located in or overhang any required yard or public right-of-way.

(4) One garden sign per zoning lot, provided that such sign shall be counted as one of the signs permitted in subdivision (1).

(5) One wall, ground or projecting sign per building frontage, not directly illuminated and not exceeding 12 square feet in area for the ground sign or otherwise 24 square feet in area, may be erected for building identification or directory purposes as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subdivision (1) for each establishment. When used, this ground sign shall not be directly illuminated and shall not exceed six feet in height.

(6) For each second floor establishment with building frontage, one wall identification sign may be permitted.

The maximum sign area shall be six square feet and the sign shall not be illuminated.

(j) **Planned Development-Housing.** Not more than one sign, with sign area not exceeding 24 square feet, shall be permitted at any principal entrance to the project.

(k) **Plan Review Uses.** Signage for plan review uses shall be determined during the review of the request for the plan review use permit.

(l) **Waikiki District.** Except as otherwise provided by this chapter, the following signs maybe permitted for each ground floor establishment with building frontage, provided the signs shall not be directly illuminated, and may be wall, marquee fascia or hanging signs.

(1) Apartment Precinct and Apartment Mixed Use Subprecinct.

(A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one identification sign, per building frontage, not exceeding 12 square feet in area.

(B) If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.

(C) In addition to the above, the following may be permitted in the apartment mixed use subprecinct:

(i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

(ii) One building identification sign, not exceeding four square feet in area.

(2) Resort Mixed Use and Resort Commercial Precincts.

(A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one business sign, per building frontage, with a maximum area of one square foot per two linear feet of the building frontage or 24 square feet, whichever is less.

(B) In addition to the sign referred to in paragraph (A) above, the following may be permitted:

(i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

(ii) One building identification sign, not exceeding four square feet in area.

(3) A permitted outdoor vending cart, kiosk or similar vending structure, when visible from a street, sidewalk or public space, may be permitted the following:

(A) One business identification sign not exceeding three square feet in area; and

(B) One price sign, not exceeding two square feet in area, to advertise the cost of goods and services provided by the establishment.

These signs shall be wholly attached to the vending structure.

(4) All signs shall feature English or Hawaiian as the dominant language thereon; other languages are permitted but the lettering thereof must be subordinate to the English or Hawaiian lettering.

3.90-4 Special regulations for certain uses.

When there is a direct conflict between the special standards in this section and the underlying district standards, the special standards shall apply.

(a) Automotive outdoor sales and rental lots separated from new car dealer showrooms or service facilities.

(1) A maximum of three business signs not to exceed a total of one square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area, shall be permitted. Signs may be either wall, roof, marquee fascia or projecting signs and may be illuminated.

(2) One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but shall not overhang any required yard or public right-of-way.

(b) Automobile Service Stations, Gasoline Sales and Car Washes.

(1) A maximum of four business signs not to exceed a total sign area of one square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Signs may be illuminated and be either marquee fascia, projecting or wall signs.

(2) One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected, provided it does not overhang the public right-of-way. The sign may be a rotating sign. If there is more than one street frontage, two such signs may be erected, provided they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.

(3) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.

(4) One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.

(5) In addition to the price signs allowed under paragraph (4), one price sign may be erected for each street frontage, provided that such sign shall not exceed 24

square feet in sign area and shall not be placed on the identification ground sign specified in paragraph (2). The sign shall be counted as one of the business signs and as part of the total signage allowed under subsection (1), and, in addition to the types of signs permitted by paragraph (1) may be a ground sign, but shall not exceed 24 square feet in sign area.

(c) Gasoline Sales Accessory to a Convenience Store.

(1) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.

(2) One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.

(3) In addition to the price signs allowed under paragraph (2), one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.

(d) Drive-in Theaters.

(1) One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, shall be permitted; it shall not extend into the public right-of-way.

(2) Directional signs which may be illuminated, not to exceed a combined area of 60 square feet with six square feet maximum per sign, may be erected.

(3) The restrictions imposed by this section shall not apply to signs within the walls or other enclosed parts of the drive-in and which are not visible from outside the theater.

(e) Theaters. Four signs either hanging, marquee fascia, projecting or wall signs, which may be illuminated, not to

exceed a total sign area of 300 square feet, may be erected for each theater establishment.

(f) Shopping centers with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.

Only wall signs shall be permitted at any level situated above the ground level. "Ground level" means the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at this level.

3.90-5 Permits and fees.

(a) 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 building superintendent 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; pump island information, 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; public; flags; plaques; address; directional; and political campaign signs.

(c) Applicants for permits shall file with the building superintendent applications signed by the owner of the sign or the owner's agent, on forms furnished by the Building Department, containing the following information:

(1) The name and address of the applicant and of the person by whom such sign is to be constructed, erected, altered, relocated or reconstructed.

(2) An accurate description of the location or proposed location, type and character of each sign.

(3) A plan or design of the sign showing its weight, dimensions, lighting equipment, materials, details of

its attachment and hanging and its position relative to the building, property lines and street lines.

(4) Any electrical design required and approved for the sign.

(5) Other information pertinent to the application as may be required by the building superintendent.

(d) Every applicant, before being granted a permit, shall pay to the Director of Finance, for each sign regulated by this chapter, a fee which shall be as specified in Chapter 6, Article 41 of this code, as amended.

(e) Except when sign work may be commenced without a permit, the fee for a permit for work commenced without a permit shall be $100 plus the fee specified by the building superintendent.

(f) If the applicant complies with all the requirements of this chapter and all other applicable ordinances, statutes and regulations, the building superintendent shall issue a permit.

(g) If the work on any sign authorized under a permit has not been completed within six months after date of permit issuance, then the permit shall become void and any sign installed, constructed, erected, relocated or altered thereafter under the permit shall constitute a violation of the terms of this chapter.

(h) The building superintendent is authorized and empowered to revoke any issued permit on failure of the holder to comply with any provision of this chapter or any other applicable statute, ordinance or regulation.

3.90-6 Abatement and removal.

(a) Whenever it appears to the building superintendent that any sign has been constructed, erected or is being maintained in violation of this chapter, or after a permit has been revoked or becomes void, or that a sign is unsafe, insecure or in such condition as to be a menace to the safety of the public, a written notice shall be issued to the owner of the sign or the tenant of the premises on which the sign is erected or maintained.

(b) This notice shall inform the person of the violation or the dangerous condition of the sign and direct the person to make such alteration or repair or do such things or acts necessary to make the sign comply with the requirements of this chapter.

(c) A reasonable time limit for this action shall be stated in the notice, which in no case shall be more than 30 days. The notice may be given by personal service, by depositing a copy in the U.S. mail in a postage prepaid wrapper addressed to the street address of the premises on which the sign is erected or maintained, or by posting a copy on the premises.

(d) On failure to comply with the notice within the time allowed, the building superintendent shall cause the sign, or such part of it as is constructed or maintained in an unsafe condition or otherwise in violation of this chapter, to be removed, altered or repaired so as to make it a conforming sign and shall charge the expenses to the person so notified.

3.90-7 Signs for nonconforming uses.

Nonconforming uses are allowed signage not to exceed the sign regulations of the underlying zoning district for each establishment unless otherwise specified.

3.90-8 Nonconforming signs.

Any sign erected which complied with existing statutes, ordinances and regulations applicable at that time shall be permitted, provided:

(a) Nonconforming signs shall be maintained in a safe condition and shall not in any respect be dangerous to the public or to property.

(b) Upon the alteration or relocation of any nonconforming sign or the discontinuance or removal from the premises of the activity to which such sign relates, the sign shall cease to be a nonconforming sign and shall thereafter be permitted to be maintained only upon compliance with all requirements of this chapter. All framing, poles, mountings, supports and other appurtenances shall be removed with the sign.

"Alteration" shall not be construed to mean repairs and maintenance for the purpose of keeping the sign in a clean and safe condition.

3.100 Noise regulations.

The purpose of this section through Section 3.100-2 is to provide additional noise controls which supplement those established by the State Department of Health.

3.100-1 Method of measurement.

Sound level meters and octave band filters shall be employed in measurements used in the enforcement of these regulations. Location and timing of measurements shall be so arranged as to exclude noises emanating from off the premises involved, or a correction factor reasonable under the circumstances shall be applied to compensate for off-premises noises.

3.100-2 Noise level within specific districts.

(a) In I-2 intensive industrial and I-3 waterfront industrial districts, sound pressure levels from any use shall not exceed, at any point at or beyond the district boundary, the maximum number of decibels for each of the octave bands as set forth in the table in subsection (b), provided, however, that where the I-2 intensive industrial or I-3 waterfront industrial district adjoins any district which permits residences, apartments or hotels, the maximum sound pressure levels at or beyond the I-2 intensive industrial or I-3 waterfront industrial district boundary shall be reduced seven decibels from levels indicated in the table for the hours between 8 a.m. and 6 p.m., and shall be reduced 10 decibels between 6 p.m. and 8 a.m.

(b) In all other districts, sound pressure levels from any activity shall not exceed, at any point at or beyond the lot boundaries, the maximum number of decibels for each of the octave bands as set forth in the table below, provided, however, that where such districts permit residences or where

such districts adjoin districts which permit residences, apartments or hotels, the maximum sound pressure levels at or beyond the lot boundary shall be reduced seven decibels from the levels indicated in said table for hours between 8 a.m. and 6 p.m., and shall be reduced 10 decibels between 6 p.m. and 8 a.m.

Octave Band Center Frequency (Hertz)	Sound Pressure Level (Decibels)
31.5	79
63	79
125	74
250	66
500	59
1,000	53
2,000	47
4,000	41
8,000	39

3.110 Sunlight reflection regulations.

(a) Where a building wall contains a reflective surface for more than 30 percent of that wall's surface area, diagrams, charts and other documents shall be submitted to the director, under the provisions of Section 8.30-5 of this chapter, which clearly indicate the impact of reflection from the wall on public rights-of-way, designated as major and secondary streets by the Department of Transportation Services, within 1,000 feet of the reflective wall during the two daily periods of 6:30 a.m. to 8 a.m., and 3:30 p.m. to 6 p.m. throughout the year.

(b) Denial or modification of the project may be made where adverse reflection can be shown.

3.120 Nonconformities.

Constraints are placed on nonconformities to facilitate eventual conformity with the provisions of this chapter. In other than criminal proceedings, the owner, occupant or user shall bear the burden to prove that a lot, a structure, a use, a dwelling unit, or parking or loading was legally established as it now exists. Nonconforming lots, structures, uses, dwelling units, commercial use density, and parking and loading may be continued, subject to the following provisions:

(a) Nonconforming Lots.

(1) A nonconforming lot shall not be reduced in area, width or depth, except by government action to further the public health, safety or welfare.

(2) Any conforming structure or use may be constructed, enlarged, extended or moved on a nonconforming lot as long as all other requirements of this chapter are met.

(b) Nonconforming Structures.

(1) If that portion of a structure which is nonconforming is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use which contains multi-family dwelling units owned by owners under the authority of Hawaii Revised Statutes (HRS) Chapter 514A or 421G, or units owned by a "cooperative housing corporation" as defined in HRS Section 403-98(b), whether or not the structure is located in a special district, and which is destroyed by accidental means, including destruction by fire, hurricane, other calamity, or act of God, may be restored to its former condition, provided that such restoration is permitted by the Building Code and Flood Hazard Regulations and is started within two years.

(B) The burden of proof to establish that the destruction of a structure was due to accidental means as described above and that the structure was legally nonconforming shall be on the owner.

(C) Except as otherwise provided in this section, no nonconforming structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the provisions of this chapter.

(2) If a nonconforming structure is moved, it shall conform to the provisions of this chapter.

(3) Any nonconforming structure may be repaired, expanded or altered in any manner which does not increase its nonconformity.

(4) Improvements on private property, which become nonconforming through the exercise of government's power of eminent domain, may obtain waivers from the provisions of this subsection, as provided by Section 3.150.

(5) Nonconforming commercial use density shall be regulated under the provisions of this subsection. For purposes of this section, "nonconforming commercial use density" means a structure which is nonconforming by virtue of the previously lawful mixture of commercial uses on a zoning lot affected by commercial use density requirements in excess of:

(A) The maximum FAR permitted for commercial uses; or

(B) The maximum percentage of total floor area permitted for commercial uses.

(c) Nonconforming Uses.

Strict limits are placed on nonconforming uses to discourage the perpetuation of these uses, and thus facilitate the timely conversion to conforming uses.

(1) A nonconforming use shall not extend to any part of the structure or lot which was not arranged or designed for such use at the time of adoption of the provisions of

this chapter or subsequent amendment; nor shall the nonconforming use be expanded in any manner, or the hours of operation increased.

(2) Any nonconforming use that is discontinued for 12 consecutive months, or for 18 months during any three-year period, shall not be resumed; however, a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period shall not be considered a discontinuation.

(3) Work may be done on any structure devoted in whole or in part to any nonconforming use, provided that work is limited to ordinary repairs. For purposes of this subsection, ordinary repairs shall only be construed to include the repair or replacement of existing walls, roofs, fixtures, wiring or plumbing. Ordinary repairs may also include work required to comply with federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA). Ordinary repairs do not include interior and exterior alterations. Further, ordinary repairs shall not exceed 10 percent of the current replacement cost of the structure within a 12-month period, and the floor area of the structure, as it existed at the time of the effective date of this chapter or subsequent amendment, shall not be increased.

(4) Any nonconforming use may be changed to another nonconforming use of the same nature and general impact, or to a more restricted use, provided that the change to a more restricted use may be made only if the relation of the use to the surrounding property is such that adverse effects on occupants and neighboring properties will not be greater than if the original nonconforming use continued. Other than as provided as "ordinary repairs" under subdivision (3), improvements intended to

accommodate a change in nonconforming use or tenant shall not be permitted.

(5) Any action taken by an owner, lessee, or authorized operator which reduces the negative effects associated with the operation of a nonconforming use--such as, but not limited to, reducing hours of operation or exterior lighting intensity--shall not be reversed.

(d) Nonconforming Dwelling Units.

With the exception of ohana (accessory) dwelling units, which are subject to the provisions of Section 6.20-1, nonconforming dwelling units are subject to the following provisions:

(1) A nonconforming dwelling unit may be altered, enlarged, repaired, extended or moved, provided that all other provisions of this chapter are met, except the requirements of Section 6.30.

(2) If a nonconforming dwelling unit is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed.

(3) When detached dwellings constructed on a zoning lot prior to January 1, 1950 exceed the maximum number of dwelling units currently permitted, they shall be deemed nonconforming dwelling units.

(e) Nonconforming Parking and Loading.

Nonconforming parking and loading may be continued, subject to the following provisions:

(1) If there is a change in use to a use with a higher parking or loading standard, the new use shall meet the off-street parking and loading requirements established in Section 3.70, et seq.

(2) Any use that adds floor area shall provide off-street parking and loading for the addition as required by Section 3.70, et seq. Expansion of an individual dwelling unit that results in a total floor area of no more than 2,500 square feet shall be exempt from this requirement.

(3) (A) When nonconforming parking or loading is reconfigured, the reconfiguration shall meet current requirements for arrangement of parking spaces, dimensions, aisles, and, if applicable, ratio of compact to standard stalls, except as provided in paragraph (B). If, as a result of the reconfiguration, the number of spaces is increased by five or more, landscaping shall be provided as required in Section 3.80 based on the number of added stalls, not on the entire parking area.

(B) Parking lots and other uses and structures with an approved parking plan on file with the Department of Land Utilization or Building Department prior to October 31, 1996, and which include compact parking spaces as approved in the plan, may retain up to the existing number of compact spaces when parking is reconfigured.

3.120-1 Nonconforming use certificates for transient vacation units.

(a) The purpose of this section is to treat certain transient vacation units which have been in operation since prior to October 22, 1986 as nonconforming uses and to allow them to continue subject to obtaining a nonconforming use certificate as provided by this section.

(b) The owner, operator, or proprietor of any transient vacation unit which is operating in an area where such use is not expressly permitted by this chapter shall, within nine months of December 28, 1989, establish to the satisfaction of the director that the use was in existence prior to October 22, 1986 and has continued through December 28, 1989, or shall cease its operation. The owner, operator, or proprietor shall have the burden of proof in establishing that the use is nonconforming. Documentation substantiating existence may include records of occupancy or tax documents, such as State of Hawaii general excise tax records, transient accommodations

tax records, and federal and/or State of Hawaii income tax returns, for the years 1986 to 1989. Upon a determination that the use was in existence prior to October 22, 1986 and has continued through December 28, 1989, the director shall issue a nonconforming use certificate for the transient vacation unit.

(c) Failure to obtain a nonconforming use certificate within nine months of December 28, 1989 shall mean that the alleged nonconforming use, as of December 28, 1989, is not a bona fide nonconforming use, and shall not continue as a nonconforming use but shall be treated as an illegal use.

(d) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate annually during the 30-day period preceding the anniversary date of the issuance of the certificate by submitting to the director proof that there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use for the prior calendar year and that there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during that calendar year and that there has been no period of 12 consecutive months without a transient occupancy. Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 35 days of transient occupancies shall be effective on January 1, 1995 and shall apply to renewal applications submitted on or after January 1, 1996.

(e) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that

address holding current certificates may be displayed in a conspicuous common area instead.

3.120-2 Bed and breakfast homes; Nonconforming use certificates.

(a) The purpose of this section is to prohibit bed and breakfast homes, while permitting certain bed and breakfast homes which have been in operation since prior to December 28, 1989 to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section.

(b) The owner, operator, or proprietor of any bed and breakfast home shall, within nine months of December 28, 1989, establish to the satisfaction of the director that the use was in existence as of December 28, 1989, or shall cease its operation. The owner, operator, or proprietor shall have the burden of proof in establishing that the use is nonconforming. Documentation substantiating existence of a bed and breakfast home as of December 28, 1989 may include records of occupancy or tax documents, such as State of Hawaii general excise tax records, transient accommodations tax records, and federal and/or State of Hawaii income tax returns, for the year preceding December 28, 1989. Upon a determination that the use was in existence as of December 28, 1989, the director shall issue a nonconforming use certificate for the bed and breakfast home.

(c) Failure to obtain a nonconforming use certificate within nine months of December 28, 1989 shall mean that the alleged nonconforming use as of December 28, 1989, is not a bona fide nonconforming use, and shall not continue as a nonconforming use, but shall be treated as an illegal use.

(d) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate annually during the 30-day period preceding the anniversary date of the issuance of the certificate by submitting to the director proof that there were in effect a State of Hawaii general excise tax license and transient

accommodations tax license for the nonconforming use for the prior calendar year and that there were bed and breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during that calendar year and that there has been no period of 12 consecutive months without a bed and breakfast occupancy. Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 28 days of bed and breakfast occupancies shall be effective on January 1, 1995 and shall apply to renewal applications submitted on or after January 1, 1996.

(e) Except those bed and breakfast homes which are nonconforming uses, and, after nine months from December 28, 1989, for which a nonconforming use certificate has been issued and renewed, as required, pursuant to this section, bed and breakfast homes are prohibited in all zoning districts. Section 3.140-1 relating to home occupations shall not apply to bed and breakfast homes.

(f) Those bed and breakfast homes for which a nonconforming use certificate has been issued and renewed, as required, pursuant to this section shall operate pursuant to the following restrictions and standards:

(1) Detached dwellings used as bed and breakfast homes shall be occupied by a family and shall not be used as a group living facility. Rooming shall not be permitted in bed and breakfast homes.

(2) No more than two guest rooms shall be rented to guests, and the maximum number of guests permitted within the bed and breakfast home at any one time shall be four.

(3) There shall be no exterior signage that advertises or announces that the dwelling is used as a bed and breakfast home.

(4) One off-street parking space shall be provided for each guest room, in addition to the required spaces for the dwelling unit.

(g) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises.

3.120-3 Zoning adjustment: Lanai enclosures.

Lanais, which are part of buildings which have reached the maximum permitted floor area, may be enclosed if they meet all of the following criteria:

(a) The enclosure meets a unified design scheme approved by either the condominium association or the building owner, whichever is applicable;

(b) Other lanais in the building have been similarly enclosed;

(c) Lanais which have already been enclosed have been done so legally.

3.130 Existing uses.

(a) The purpose of this section is to recognize the hardship imposed upon uses which were legally established, but which now fall under the procedures and standards of the following permits: cluster housing, country cluster, agricultural cluster, site plan review and conditional use. Subject to the director's approval, the existing use procedure is an option to nonconforming status for qualifying uses. In the event of destruction, uses may be continued and structures may be rebuilt under the approved existing use plan, provided that such restoration is permitted by the Building Code and Flood Hazard Regulations and is started within two years.

(b) Existing use approval is subject to the following:

(1) The existing uses and associated structures do not substantially limit, impair or preclude the use of surrounding properties for the principal uses permitted in the underlying district. This assessment may include impacts on traffic flow and control, off-street parking and loading, sewerage, drainage and flooding, refuse and service areas, utilities, screening and buffering,

signs, yards and other open spaces, lot dimensions, height, bulk and location of structures, hours and manner of operation, noise, lights, dust, odor and fumes.

(2) Existing uses and structures shall meet the applicable zoning requirements at the time the uses and structures were approved. They need not meet the current underlying district regulations, nor the minimum development standards of Article 4; however existing uses that involve dwelling units must conform to the requirements relating to minimum land area and maximum number of units specified in Section 6.50-2 for cluster housing, in Section 5.30-2 for country clusters, and in Section 5.20-2 for agricultural clusters, whichever is applicable.

(3) When granting existing use approval the director may impose conditions consistent with the purposes of this section and the permit which would otherwise be required.

(4) Developments existing on the site shall be considered as an approved plan after review by the director.

(5) Minor alterations, additions or modifications may be approved by the director, provided the proposal is consistent with the intent of the respective permit otherwise required by this chapter, and does not create adverse land use impacts upon the surrounding neighborhood. Major alterations, additions or modifications shall be processed under the applicable permit.

(6) Any previous variance, conditional use permit or similar actions granted for the particular use shall continue in effect until superseded.

(7) An existing use application shall be processed in accordance with Section 8.30-5 of this chapter.

3.140 Special accessory uses.

The purpose of this section through Section 3.140-1 is to assure that certain accessory uses permitted under Article 5 of this chapter are consistent with the zoning district intent and are compatible with principal and other uses allowed in the district.

3.140-1 Home occupations: Standards and prohibited uses.

The purpose of this section is to permit home occupations as an accessory use to dwelling units under the following restrictions and standards:

(a) Home occupations shall be incidental and subordinate to the principal use of the site as a residence and shall not change the character and external appearance of the dwelling.

(b) Only household members shall be employed under the home occupation. Notwithstanding the foregoing, when the home occupation is home-based child care, one caregiver, not a member of the household, may be employed as a substitute for the principal caregiver if an emergency renders the principal caregiver unavailable, provided that in no event shall such substitute employment exceed five days per calendar month. As used in this subsection, "emergency" includes but is not limited to illness of the principal caregiver or an immediate relative of the principal caregiver.

(c) There shall be no exterior sign that shows the building is used for anything but residential use. There shall be no exterior displays or advertisements.

(d) There shall be no outdoor storage of materials or supplies.

(e) Indoor storage of materials and supplies shall be enclosed and shall not exceed 250 cubic feet or 20 percent of the total floor area, whichever is less.

(f) Articles sold on the premises shall be limited to those produced by the home occupation and to instructional materials pertinent to the home occupation.

(g) Home occupations which depend on client visits, including group instruction, shall provide one parking space per five clients on the premises at one time. This shall be in

addition to parking required for dwelling use. Residents of multi-family buildings may fulfill the requirement by the use of guest parking with the approval of the building owner (management) or condominium association.

(h) Activities which exceed the allowable noise levels as set forth in Chapter 43, Title 11, Department of Health Administrative Rules, as amended, must be conducted in fully enclosed, noise-attenuated structures.

(i) The following activities are not permitted as home occupations:

(1) Automobile repair and painting. However, any repair and painting of vehicles owned by household members shall be permitted, provided that the number of vehicles repaired or painted shall not exceed five per year per dwelling unit. A household member providing any legal document showing ownership of an affected vehicle shall be deemed to satisfy this requirement.

(2) Contractor's storage yards.

(3) Care, treatment or boarding of animals in exchange for money, goods or services. The occasional boarding and the occasional grooming of animals not exceeding five animals per day shall be permitted as home occupations.

(4) Those on-premises activities and uses which are only permitted in the industrial districts.

(5) Use of dwellings or lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations.

(6) Sale of guns and ammunition.

3.150 Waiver of requirements.

(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following:

(1) Public uses and structures, and utility installations.

(2) To permit the creation of lots designated for landscaping and open space purposes which do not meet minimum lot area and/or dimensions.

(3) To permit replacement of improvements on private property when the improvements are rendered nonconforming through the exercise of government's power of eminent domain.

(4) To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided such improvements cannot otherwise be made without conflicting with the provisions of this chapter.

(b) The granting of the waiver shall not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking it.

(c) This provision shall not be applicable to uses which fall under Section 3.160.

3.160 Plan review uses: Purpose and intent.

(a) The purpose of this section is to establish a review and approval mechanism for uses of a permanent and institutional nature which, because of characteristics fundamental to the nature of the use, provide essential community services but which could also have a major adverse impact on surrounding land uses.

(b) It is the intent that the design and siting of structures and landscaping, screening and buffering for these uses be master planned so as to minimize any objectionable aspects of the use or the potential incompatibility with other uses permitted in the zoning district.

3.160-1 Applicability.

(a) Plan review use (PRU) approval shall be required for the following public and private uses: hospitals, prisons, airports, colleges and universities (except business schools and business colleges), trade or convention centers, and those golf courses described in subsection (e).

(b) This section is applicable to all of the uses in subsection (a), in all zoning districts and special districts.

(c) PRU approval is also required for agricultural products processing uses under certain circumstances. Refer to Article 4.

(d) Trade or convention centers shall not be approved as a plan review use in any residential zoned district.

(e) Golf courses.

(1) If, following rezoning of land planned for golf course use to P-2 preservation district either:

(A) A grading permit has not been issued for the golf course by the Department of Public Works within one year of the rezoning; or

(B) A grading permit that was issued within one year of the rezoning has expired due to suspension or abandonment of work, or is revoked,

then the golf course shall require PRU approval.

(2) Golf courses shall be permitted as a plan review use in the P-2 preservation district only when consistent with the city's development plans. Golf courses on P-2 zoned land shall be deemed consistent with the development plans only when situated on lands designated preservation, parks and recreation, or golf courses on the development plan land use maps.

(3) Uses accessory to a golf course shall be designed and scaled to meet only the requirements of the members, guests or users of the facility.

(4) In addition to the general provisions of Section 3.160-2, PRU approval of requests for golf courses may

be based on the additional criteria enumerated in Section 5.10-2(c).

3.160-2 General provisions.

(a) A proposed master plan spanning at least five years shall be submitted by the applicant for a PRU and shall be accompanied by a review and comment from all applicable city, state and federal planning and development agencies. The application and proposed master plan shall encompass the entire lot or the entirety of all lots for which the PRU is applied for.

(b) The master plan shall be approved by City Council resolution. The approved master plan shall apply to the entire lot or the entirety of all lots for which the PRU is approved. No uses or structures, other than the uses and structures in the approved master plan, shall be permitted on the lot or lots. The master plan may consist of both existing and future development. Future development in the plan shall indicate general height and bulk concepts, land expansion, landscaping, setbacks and buffering of adjacent parcels.

(c) Density, height and yards shall be determined by taking into consideration the surrounding land use, adopted land use policy and applicable zoning regulations.

(d) Parking, loading and sign requirements shall be specified in the approval of the plan.

(e) The director shall approve drawings before building permits are issued, in accordance with the approved plan. Deviations from the plan, other than those of minor impact, shall require council approval; the director may approve minor impact deviations.

3.160-3 Application requirements.

An applicant for a PRU shall submit to the director an application, accompanied by:

(a) A location map showing the development in relation to the surrounding area.

(b) A site plan drawn to scale showing:

(1) Property lines and easements with dimensions and area.

(2) Location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures, improvements and utilities.

(3) The building elevations, sections and floor plan and site sections to clearly define the character of the development.

(4) Topographic information showing existing features and conditions and proposed grading.

(5) Landscaping plans showing open spaces, planting and trees.

(6) Existing streets showing access to the project, proposed roads and parking layout with dimensions.

(7) Shoreline, shoreline setback lines, stream and other setback lines.

(c) Information regarding land use designations, surrounding land uses and development schedules.

(d) Information on the following:

(1) The manner in which the plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of light and air.

(2) The relationship, beneficial and adverse, of the proposed development on the neighborhood in which it is established.

(3) Confirmation from applicable public agencies that sewer, water and drainage facilities are or will be available and adequate, before the construction of the proposed development.

(4) Project justification.

(5) Existing and projected number of employees, teachers, students, residents or patients, as appropriate.

(6) Planned hours of operation.

ARTICLE 4. CONDITIONAL AND SITE PLAN REVIEW USES

Sections:

4.10 Conditional uses and principal uses with conditions: Purpose and intent.

4.20 Application requirements.

4.30 General requirements.

4.40 Minimum development standards.

1. Agricultural products processing, major and minor.
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4. Broadcasting antennas.
5. Reserved.
6. Cemeteries and columbaria.
7. Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
8. Commercial parking lots and garages.

8A. Composting, major and minor.

9. Consulates.
10. Convenience stores.
11. Dance or music schools.
12. Eating establishments.
13. Explosives and toxic chemical manufacturing, storage and distribution.
14. Freight movers.
15. Group living facilities.
16. Heavy equipment sales and rentals.
17. Helistops.
18. Use of historic structures.
19. Reserved.
20. Hotels.
21. Joint development of two or more adjacent zoning lots.
22. Joint use of parking facilities.
23. Language schools.

24. Livestock production, major.
25. Manufacturing, processing and packaging, general.
26. Marina accessories.
27. Neighborhood grocery stores.
28. Off-site parking facilities.
29. Petroleum processing.
30. Recreational facilities, outdoor.
31. Resource extraction.
32. Sale and service of machinery used in agricultural production.
33. Salvage, scrap and junk storage and processing.
34. Sawmills.
35. Self-storage facilities.
36. Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
37. Storage yards.
38. Utility installations, Type B.
39. Vacation cabins.
40. Waste disposal and processing.
41. Wind machines.
42. Zoos.

4.50 Site plan review: Purpose and intent.

4.60 Application requirements.

4.70 General requirements.

4.80 Minimum development standards.

1. Day-care facilities.
2. Meeting facilities.
3. Schools: Elementary, intermediate and high.

4.10 Conditional uses and principal uses with conditions: Purpose and intent.

(a) The purpose of this article is to specify minimum development standards for the establishment of uses considered appropriate in some zoning districts if certain standards and conditions are met. Minimum development standards provided by Section

4.40, et seq., shall apply to conditional uses and principal uses with conditions as provided by Article 5.

(b) The applicant must demonstrate that the proposed use meets all pertinent standards. The director is further empowered to condition the conditional use permit to ensure compatibility with adjacent uses and structures. When a standard from this article differs from that of the zoning district, the standard from this article shall apply.

(c) Certain uses may be permitted as principal uses or principal uses with conditions in some zoning districts, but shall be conditional uses in other zoning districts.

Am. 12/17/97
Ord. 97-74

4.20 Application requirements.

(a) A developer, owner or lessee (holding a recorded lease for the property, the unexpired term of which is more than five years from the date of filing of the application) may file an application for a conditional use permit with the director, provided that the conditional use sought is permitted in the particular district.

(b) The application shall be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures and open areas. The director may request additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required in the circumstances of the case. The application shall not be accepted until the information is provided.

(c) The use regulations of each specific zoning district shall list all conditional uses allowed in the district, and shall identify the use as either Type 1 or Type 2. The application shall be processed in accordance with Article 8 of this chapter.

4.30 General requirements.

(a) The director may allow a conditional use on a finding that the proposed use satisfies the following criteria:

(1) The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of this chapter.

(2) The site is suitable for the proposed use considering size, shape, location, topography, infrastructure and natural features.

(3) The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district.

(4) The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

(b) In addition to the general or specific standards set forth in this article concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions and safeguards may be added by the director as required for the protection of the public interest in the specific case.

(c) The director may grant conditional use permits by modifying application of the district regulations relating to yards, landscaping, lot dimensions and parking requirements for uses which have an unusual peak-hour parking demand. No such modification shall be made unless the proposed conditional use otherwise meets the requirements of subsections (a) and (b). At no time may the director modify the minimum standards for a specific conditional use.

(d) In determining whether the proposed conditional use meets the requirements of subsections (a) and (b), the director will, where applicable, consider traffic flow and control; access to and circulation within the property; off-street parking and loading; sewerage; drainage and flooding; refuse and service

areas; utilities; screening and buffering; signs; setbacks; yards and other open spaces; lot dimensions; height, bulk and location of structures; location of all proposed uses; hours and manner of operation; and noise, lights, dust, odor and fumes.

4.40 Minimum development standards. Am. 11/20/98 Ord. 98-60 Sec. 4.40-__. Centralized mail and pkg handling facilities

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the standards which follow shall apply to the respective conditional uses and structures, and principal uses with conditions, as enumerated for each zoning district in the Article 5 tables.

4.40-1 Agricultural products processing, major and minor.

(a) No major agricultural products processing use shall be located within 300 feet of any residential, apartment, or apartment mixed use district. No minor agricultural products processing use shall be located within 50 feet of any residential, apartment, or apartment mixed use district.

(b) Before final approval, any major agricultural products processing use must have all appropriate approvals from the State Department of Health.

(c) Any major agricultural products processing use which meets the conditions which follow shall not be processed as a conditional use, but as a plan review use, under Section 3.160 of this chapter:

(1) The use is proposed to be located in any agricultural district.

(2) The use involves a site area of more than one acre. A site area for a major agricultural products processing use is that area containing all uses and activities directly related to the proposed facility, including but not limited to the proposed facility, parking areas, storage and warehousing structures, motor pools and garages, employee support activities, such as

cafeterias, first-aid clinics, administrative offices and related infrastructure.

4.40-2 Amusement facilities, outdoor.

(a) Traffic lanes shall be provided for adequate ingress and egress to and from the project in accordance with the specifications and approvals of the State Department of Transportation and the City Department of Transportation Services.

(b) Off-street parking or storage lanes for waiting patrons of a drive-in theater shall be available to accommodate not less than 30 percent of the vehicular capacity of the theater. However, if at least six entrance lanes are provided, each with a ticket dispenser, then the amount may be reduced to 10 percent of the vehicular capacity.

(c) All structures and major activity areas shall be set back a minimum of 25 feet from adjoining lots in country, residential, apartment or apartment mixed use districts. This requirement may be waived by the director if topography makes such a buffer unnecessary. Additional protection may be required along property lines through the use of landscaping, berms and/or solid walls.

(d) For motorized outdoor amusement facilities, additional noise mitigation measures may be required.

4.40-3 Bars, nightclubs and taverns.

(a) Lighting shall be shielded to eliminate direct illumination to any adjacent residential, apartment or apartment mixed use zoning district.

(b) No public address system or other devices for reproducing or amplifying voices or music shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any property line affecting a residential, apartment or apartment mixed use zoning district.

(c) This use is not permitted on any lot which adjoins a parcel in a residential, apartment or apartment mixed use zoning district.

4.40-4 Broadcasting antennas.

(a) Once a new tower or tower site is approved, additional antennas and accessory uses shall be processed under Type 1 procedures.

(b) All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:

(1) For TV antenna towers, at least three high-power television antennas and one microwave facility or one low-power television antenna, or two FM antennas and at least one two-way radio antenna for every 10 feet of the tower over 200 feet.

(2) For any other towers, at least one two-way radio antenna for every 10 feet of the tower, or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility or low-power TV antenna.

(3) These requirements may be reduced if the Federal Communications Commission provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future. These requirements may also be reduced if the size of the tower required significantly exceeds the size of existing towers in the area and would therefore create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.

(c) (1) Freestanding antennas and towers shall be set back from every property line a minimum of one foot for every five feet of antenna or tower height.

(2) Antennas and towers supported by guy wires shall be set back from every property line a minimum of one foot for every one foot of antenna or tower height.

(3) AM broadcast antennas shall be set back a minimum of 500 feet from any country, residential, apartment or apartment mixed use district.

(4) FM and TV antennas shall be set back a minimum of 2,500 feet from any country, residential, apartment or apartment mixed use district.

(d) If it is determined that an antenna is harmful in any way to the health of the surrounding population or if it causes prolonged interference with the public's radio and television reception, the applicant shall be required to correct the situation or discontinue the use and remove the structures at the applicant's expense.

(e) The following shall be submitted as part of any application for a broadcasting antenna:

(1) Statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation.

(2) Statement from the Federal Communications Commission that the application complies with the regulations of the commission, or a statement that no such compliance is necessary.

(3) Where a new tower is being requested, a quantitative description of the additional tower capacity anticipated shall be submitted, including the approximate number and types of antennas. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass, height or other characteristics.

(4) Evidence of a lack of space on all existing towers which meet the setback requirements in this section, to locate the proposed antenna and the lack of space on existing tower sites which meet the setback requirements in this section, to construct a tower for the proposed antenna.

4.40-5 Reserved.

4.40-6 Cemeteries and columbaria.

(a) No application shall be approved until a certificate of approval from the State Department of Health is obtained.

(b) A certificate of approval must be submitted from the Board of Water Supply, prior to final approval of an application, indicating that there is no danger of contamination of the water supply.

(c) If a cemetery or columbarium adjoins lots in country, residential, apartment or apartment mixed use districts, there shall be a minimum 50-foot landscaped buffer.

4.40-7 Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.

(a) No facility or structure which handles the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets shall be located within 100 feet of any residential, apartment or apartment mixed use zoning district.

(b) If the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(c) If the facility adjoins a parcel in a residential, apartment or apartment mixed use zoning district, a six-foot-high solid wall shall be constructed on the common property line.

(d) Lighting shall be shielded to eliminate direct illumination to any adjacent parcel in a residential, apartment or apartment mixed use zoning district.

4.40-8 Commercial parking lots and garages.

All commercial parking lots and garages shall be set back a minimum of 20 feet from all side and rear property lines which adjoin lots in country, residential, apartment or apartment mixed use zoning districts.

4.40-8A Composting, major and minor.

(a) Permits of approval as required from the State of Hawaii Department of Health shall be required.

(b) Outgoing and incoming materials shall b received or delivered only between the hours of 7:00 a.m. and 5:00 p.m.

(c) All incoming and outgoing loads shall be covered or otherwise managed to prevent material from falling onto the ground while in transport and to mitigate odors.

(d) Areas on-site where composting takes place shall be located at least 50 feet away from all surface water sources.

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(e) No major composting facility shall be located within 300 feet of any residential, apartment or apartment mixed use district. No minor composting facility shall be located within 100 feet of any residential, apartment or apartment mixed use district.

(f) Accessory uses may include, but are not necessarily limited to, packaging and the incidental retailing of finished compost material.

(g) Compost material shall be covered in such a way that no fugitive material shall leave the site.

(h) Controls shall be required to manage odors, vectors, and surface and groundwater contamination.

4.40-9 Consulates.

All consulates shall be set back a minimum of 20 feet from all adjoining residentially zoned lots.

4.40-10 Convenience stores.

(a) At least one-half of the total length of the building facade at ground level, running parallel to and facing a street, shall be devoted to entrances, windows or other displays.

(b) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the Director of the Department of Parks and Recreation.

(c) Drive-through windows or services shall not be allowed.

(d) Floor area shall be limited to 2,500 square feet.

4.40-11 Dance or music schools.

All dance or music schools shall be located in enclosed, sound-attenuated structures and shall limit hours of operation to between 8:00 a.m. and 10:00 p.m.

4.40-12 Eating establishments.

(a) At least one-half of the total length of the building facade at ground level, running parallel to and facing a street, shall be devoted to entrances, windows or other displays.

(b) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the Director of the Department of Parks and Recreation.

(c) Drive-through windows or services shall not be allowed.

4.40-13 Explosives and toxic chemical manufacturing, storage and distribution.

The manufacture, storage and distribution of explosives and other materials hazardous to life or property are subject to the following standards:

(a) Explosives storage shall not be located closer than 500 feet to any property line.

(b) Explosives storage shall be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The landform or barrier shall be of such height that:

(1) A straight line drawn from the top of any side wall of all magazines or production facilities to any part of the nearest structure will pass through the landform or barrier.

(2) A straight line drawn from the top of any side wall of all magazines or production facilities, to any point 12 feet above the centerline of a public street will pass through the landform or barricade.

(3) Artificial barricades shall be a mound or revetted wall of earth a minimum thickness of three feet.

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(c)

4.40-14 Freight movers.

(a) No facility or structure which involves freight movers shall be located within 100 feet of any residential, apartment or apartment mixed use zoning district.

(b) If the facility is within 300 feet of a parcel in a residential, apartment or apartment mixed use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(c) If the facility adjoins a parcel in a residential, apartment or apartment mixed use zoning district, a six-foot-high solid wall shall be constructed on the common property line.

(d) Lighting shall be shielded to eliminate direct illumination to any adjacent parcel in a residential, apartment or apartment mixed use zoning district.

4.40-15 Group living facilities.

(a) Group living facilities shall be buffered from adjoining lots in country, residential, apartment or apartment mixed use districts by either a solid wall six feet in height or a landscaped buffer subject to the approval of the director. The director may waive this requirement if topography makes buffering unnecessary.

(b) Unless directly related to public health and safety, no group living facility shall be located within 1,000 feet from the next closest group living facility.

(c) Within agricultural districts, activities associated with group living facilities shall be of an agricultural nature.

4.40-16 Heavy equipment sales and rentals.

(a) No facility or structure which handles heavy equipment sales and rentals shall be located within 100 feet of any residential, apartment or apartment mixed use zoning district.

(b) If the facility is within 300 feet of a parcel in a residential, apartment or apartment mixed use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(c) If the facility adjoins a parcel in a residential, apartment or apartment mixed use zoning district, a six-foot-high solid wall shall be constructed on the common property line.

(d) Lighting shall be shielded to eliminate direct illumination to any adjacent parcel in a residential, apartment or apartment mixed use zoning district.

4.40-17 Helistops.

(a) All helistops shall be accessory to a principal use otherwise permitted in the underlying zoning district.

(b) The maintenance, repair or storage of helicopters, or the storage of equipment for the maintenance and repair of helicopters, or the storage of aviation fuel, shall not be allowed within a helistop, or the use which it serves.

4.40-18 Use of historic structures.

It is the intent of this section to provide an incentive for owners of historic structures to retain them, by allowing uses not otherwise permitted in the underlying zoning district. The director may deny any request which is judged to have major adverse effects on the neighborhood that cannot be mitigated. Any structure on the State or National Register of Historic Places may be occupied by a use not otherwise permitted in the underlying zoning district, provided that any proposed alteration, repair or renovation beyond its original design and the proposed use is approved by the State Historic Preservation Officer.

4.40-19 Reserved.

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Ord. 98-03

4.40-~~20~~ 19 Hotels.

Hotels shall be permitted in the I-2 intensive industrial district and IMX-1 industrial-commercial mixed use district provided:

(a) They are within one-half mile by the usual and customary route of vehicular travel from the principal entrance of an airport utilized by commercial airlines, having regularly scheduled flights. For Honolulu International Airport, the principal entrance shall be the intersection of Paiea Street and Nimitz Highway.

(b) They have frontage on a major or secondary street or highway.

(c) They have a minimum lot area of 15,000 square feet and minimum lot width of 70 feet.

(d) The maximum floor area ratio shall be 2.0.

(e) Parking requirements of at least one space per two lodging or dwelling units shall be provided.

(f) Front yards shall have a minimum depth of 10 feet, and except for necessary driveways, shall be maintained in landscaping.

(g) Signs shall conform to the sign requirements applicable within B-2 community business district regulations.

Am. 2/12/98
Ord. 98-03

4.40-20 Off-site joint development of two or more zoning lots.

4.40-21 Joint development of two or more adjacent zoning lots.

(a) Whenever two or more zoning lots are developed in accordance with the provisions of this section, they shall be considered and treated as one zoning lot.

(b) An owner, owners, duly authorized agents of the owners or duly authorized lessees holding leases with a minimum of 30 years remaining in their terms of adjacent lots who believe that joint development of their property would result in a more efficient use of land shall apply for a conditional use permit to undertake such development.

(c) When applying for a conditional use permit, the applicants shall submit an agreement which binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning

regulations. The right to enforce the agreement shall also be granted to the city. The agreement shall be subject to the approval of the Corporation Counsel of the city.

(d) If the director finds that the proposed agreement assures future protection of the public interest, the director shall issue the conditional use permit. Upon issuance of the permit, the agreement, which shall be part of the conditions of the permit, shall be filed as a covenant running with the land with the Bureau of Conveyances or the Registrar of the Land Court. Proof of such filing in the form of a copy of the covenant certified by the appropriate agency shall be filed with the director prior to the issuance of the building permit by the Building Department.

4.40-22 Joint use of parking facilities.

(a) Joint use of private off-street parking facilities in satisfaction of appropriate portions of off-street parking requirements may be allowed, provided the requirements of the following subsections are met.

(b) The distance of the entrance to the parking facility from the nearest principal entrance of the establishment or establishments involved in such joint use shall not exceed 400 feet by normal pedestrian routes.

(c) The amount of off-street parking which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably anticipated to be available during differing periods of peak demand.

(d) A written agreement assuring continued availability of the number of spaces at the periods indicated shall be drawn and executed by the parties involved, and a certified copy shall be filed with the Department of Land Utilization. In such cases, no change in use or new construction shall be permitted which increases the requirements for off-street parking space unless such additional space is provided. The agreement shall be subject to the approval of the Corporation Counsel.

(e) When joint parking facilities serving eating or drinking establishments adjoin a zoning lot in a residential, apartment, or apartment mixed use district, the director may require a solid fence or wall six feet in height to be erected and maintained on the common property line.

4.40-23 Language schools.

All classrooms shall be set back a minimum of 20 feet from all side and rear property lines.

4.40-24 Livestock production, major.

(a) Any feedlot or fowl or poultry enclosures shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district.

(b) The operation must have all appropriate approvals from the State Department of Health.

(c) Piggeries shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district.

4.40-25 Manufacturing, processing and packaging, general.

(a) No facility or structure involving manufacturing, processing and packaging establishments, other than those specified under principal uses, shall be located within 100 feet of any residential, apartment or apartment mixed use zoning district.

(b) If the facility is within 300 feet of a parcel in a residential, apartment or apartment mixed use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(c) If the facility adjoins a parcel in a residential, apartment or apartment mixed use zoning district, a six-foot-high solid wall shall be constructed on the common property line.

(d) Lighting shall be shielded to eliminate direct illumination to any adjacent parcel in a residential, apartment, or apartment mixed use zoning district.

4.40-26 Marina accessories.

(a) Launching ramps, boat repair facilities, establishments for sale of boating supplies and fuel, clubhouses and drydock facilities or other areas for storage of boats on land, which are to be open for use between the hours of 9:00 p.m. and 7:00 a.m., shall be located at least 300 feet from the nearest zoning lot of any zoning district that permits a residence as a principal use. If any of those uses or facilities are not open between the hours of 9:00 p.m. and 7:00 a.m., then the distance to the nearest lot line may be reduced to 150 feet. Also, if boat storage areas other than drydock facilities are enclosed by a solid wall at least six feet in height, the distance may be reduced to 150 feet.

(b) Lighting shall be shielded to eliminate direct illumination to any adjacent residential or apartment district.

(c) All piers and boathouses shall have written approval from the Harbors Division of the State Department of Transportation.

4.40-27 Neighborhood grocery stores.

(a) Neighborhood grocery stores which request a conditional use permit shall have occupied their present location prior to the adoption of this chapter.

(b) All neighborhood grocery stores shall be limited to the floor area occupied on the effective date of this chapter; provided, that total floor area shall not exceed 5,000 square feet.

(c) Neighborhood grocery stores shall be limited to the hours between 6:00 a.m. and 10:00 p.m. for operation on any day.

(d) All sales, services or displays shall be within enclosed structures, and there shall be no display, service or storage of merchandise outside such structures.

(e) No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any adjacent property line.

(f) Drive-through windows or services shall not be allowed.

4.40-28 Off-site parking facilities.

(a) Off-site parking facilities may be permitted by the director subject to the guidelines of the following subsections.

(b) The distance of the entrance to the parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes.

(c) When the off-site parking is necessary to meet minimum parking requirements, then a written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, with a certified copy to be filed with the director. The agreement shall stipulate that if such space is not maintained, or space acceptable to the director substituted, the use, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. The agreement shall be subject to the approval of the Corporation Counsel.

(d) When off-site parking facilities serving eating or drinking facilities adjoin a zoning lot in a residential, apartment, or apartment mixed use district, the director may require a solid fence or wall six feet in height to be erected and maintained on the common property line.

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4.40-29 Petroleum processing.

All facilities for petroleum processing shall be approved under applicable rules and regulations governing air pollutants.

4.40-30 Recreational facilities, outdoor.

(a) Not more than five riding animals shall be kept for each acre of land within a site used for a riding academy or stable.

(b) All buildings housing animals, and all corrals in which animals are kept or assembled, shall be at least 100 feet from any property line when they adjoin zoning lots in country, residential, apartment or apartment mixed use districts.

(c) All sources of illumination shall be shielded to prevent any direct illumination towards any adjoining country, residential, apartment or apartment mixed use district.

4.40-31 Resource extraction.

(a) The site of an extractive industry shall be of sufficient size and dimensions to accommodate proposed operations in accordance with the noise standards of the State Department of Health, with measurements made at site boundaries; provided, however, that upon written agreement by adjoining property owners, the points of measurement may be extended to include their property. In addition to limitations established by these noise standards, blasting operations shall be restricted to Mondays through Fridays between 8:00 a.m. and 5:00 p.m. Undrained pockets and stagnant pools resulting from surface drainage shall be sprayed in accordance with requirements of the State Department of Health to eliminate breeding places for mosquitoes and other insects.

(b) The plan to be submitted with the application for a conditional use permit shall include a plan for development of the property which shall consist of two phases: the exploitation phase and the re-use phase.

(1) The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within 300 feet, and shall include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions (including topography, drainage and soils) which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five feet in areas where slope is greater than 10 percent, two feet in areas where slope is 10 percent or less.

(2) The plan for the reuse phase shall indicate how the property is to be left in a form suitable for re-use for purposes permissible in the district, relating such re-uses to uses existing or proposed for surrounding

properties. Among items to be included in the plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In the plan for re-use, intermittent lakes and marshes shall not be allowed, except in areas included in flood hazard districts and if situated more than 1,000 feet from the nearest residential, apartment, apartment mixed use or resort district boundary.

4.40-32 Sale and service of machinery used in agricultural production.

(a) No such facility shall be located within 300 feet of any residential, apartment or apartment mixed use district.

(b) Building area shall not exceed 25 percent of lot area.

4.40-33 Salvage, scrap and junk storage and processing.

(a) Any salvage, scrap or junk storage and processing facility shall be enclosed by a solid fence or wall.

(b) Any conditional use permit for such an operation shall be issued for no longer than five years, after which time the director shall review the operation to determine its compliance with the conditions of the permit. If the operation is found to be in compliance, the director may reissue the permit for another five-year period, at a maximum. If the operation is not in compliance, the director may revoke the permit and initiate action to remove the operation.

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(c) All salvage, scrap and junk storage and processing operations shall not be located within 500 feet of any residential, apartment or apartment mixed use district.

4.40-34 Saw mills.

All saw mills shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district.

4.40-35 Self-storage facilities.

(a) Lighting shall be shielded to eliminate direct illumination to any adjacent country, residential, apartment or apartment mixed use district.

(b) No public address system or other devices for reproducing or amplifying sound shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any adjacent property line.

(c) No individual storage area shall exceed 3,600 cubic feet in size.

4.40-36 Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.

(a) Only products which are clearly incidental to agricultural activities shall be permitted.

(b) Maximum building area shall not exceed 25 percent of lot area.

(c) No such facility shall be located within 300 feet of any adjoining residential, apartment or apartment mixed use district.

4.40-37 Storage yards.

(a) Lighting shall be shielded to eliminate direct illumination to any adjacent residential, apartment or apartment mixed use zoning district.

(b) There shall be no sale or processing of scrap, salvage or secondhand material.

(c) Yards shall be completely enclosed, except for necessary openings for ingress and egress, by a fence or wall not less than six feet in height.

(d) If the facility is within 300 feet of a parcel in a residential, apartment or apartment mixed use zoning district,

equipment start-up, including vehicles, shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(e) No facility shall be located within 100 feet of any parcel in a residential, apartment or apartment mixed use zoning district.

4.40-38 Utility installations, Type B.

(a) All requests for Type B utility installations shall be accompanied by a landscape plan which shall be approved by the director. Special emphasis shall be placed on visual buffering for the installation from adjacent streets and highways.

(b) Type B utility installations for telecommunications shall provide fencing or other barriers to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2 for all associated antennas involving radio frequency (RF) or microwave transmissions.

(c) In residential districts where utility lines are predominantly located underground, antennas shall not exceed the governing height limit.

4.40-39 Vacation cabins.

(a) Vacation cabins shall not exceed 800 square feet in floor area.

(b) Vacation cabins shall be permitted only as an accessory use to outdoor recreation facilities.

(c) The overall density for vacation cabins shall not exceed one vacation cabin per acre of land area.

4.40-40 Waste disposal and processing.

(a) Certificates of approval shall be required from the State Department of Health, the Fire Department, the Board of Water Supply and the Department of Public Works.

(b) No conditional use permit shall be issued for a term of more than five years. Any expired permit may be renewed by the director for a similar period upon application; provided, that

such renewal may be refused to any person who has violated the conditions of the permit during its term, or if conditions in the area have changed in such a manner as to justify refusal of the renewal. No fee shall be charged for the renewal application.

Am. 11/20/98
Ord. 98-60 (c)

4.40-41 Wind machines.

(a) All wind machines shall be set back from all property lines a minimum distance equal to the height of the system. Height shall include the height of the tower and the farthest vertical extension of the wind machine.

(b) In residential zoning districts, in addition to the above, the following shall be applicable:

(1) Tower climbing apparatus and blade tips of the wind machine shall be no lower than 15 feet from ground level, unless enclosed by a six-foot-high fence and shall not be within seven feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.

(2) A public safety sign shall be posted at the base of the tower warning of high voltage and dangerous moving blades.

(3) The system base and rotor blade shall be a minimum of 15 feet from any overhead electrical transmission or distribution lines.

(4) Anchor points for guy wires for the wind machine shall be located within property lines and not on or across any overhead electrical transmission or distribution lines. Guy wires shall be equipped with devices that will, in a safe manner, prevent them from being climbed and shall be securely fastened.

(5) The applicant shall provide manufacturer's specifications which certify the safety of the machine; provided, that the appropriate tower was used and proper installation procedures followed, as outlined in the manual.

(6) The wind machine shall be operated so that no disruptive electromagnetic interference is caused. If it can be demonstrated to the director that the system is causing harmful interference, the operator shall promptly mitigate the interference.

(7) The system shall be kept in good repair and shall not violate noise regulations of the State Department of Health.

(8) The system shall be deemed abandoned if not in continuous use for at least one year. Upon determination that the use is abandoned, the structure shall be dismantled and removed within 30 days upon written notice.

4.40-42 Zoos.

(a) All zoo structures and activity areas shall be set back a minimum of 300 feet from all adjoining country, residential, apartment or apartment mixed use districts.

(b) All zoos must be surrounded by a fence or wall six feet in height, which shall be set back a minimum of 10 feet from all property lines.

(c) Any application for a zoo shall be accompanied by a landscape plan for the area outside the wall required in subsection (b) of this section and shall be subject to the approval of the director.

4.50 Site plan review: Purpose and intent.

(a) The purpose of this section is to specify minimum development standards for the establishment of uses considered as principal uses in some zoning districts if certain standards are met.

(b) The applicant must demonstrate that the proposed use meets all pertinent standards. The director is empowered to add additional reasonable requirements to the site plan review permit consistent with Section 4.70 to ensure compatibility with adjacent uses and structures.

4.60 Application requirements.

(a) A developer, owner or lessee may file an application for a site plan review permit with the director; provided, that the site plan review use sought is permitted in the particular zoning district.

(b) The application shall be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the lot, the approximate size and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures and open areas. The director may request additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required in the circumstances of the case. The application shall not be accepted until the information is provided.

(c) The project shall meet the minimum standards established under Section 4.80, and shall be processed in accordance with Section 8.30-7 of this chapter.

4.70 General requirements.

(a) In determining whether the proposed site plan review meets the requirements of this section, the director shall, where applicable, consider traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; screening and buffering; location of structures; location of proposed uses; hours of operation; and noise, lighting, dust, odor and fumes.

(b) The director shall also consider whether the use, at its proposed location, will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

(c) The director may modify the underlying district regulations relating to yards, landscaping, lot dimensions and parking requirements for uses which have an unusual peak-hour parking demand. No such modification shall be made unless the proposed use otherwise meets the requirements of subsections (a) and (b) of this section.

(d) At no time may the director modify any minimum development standard below for a specific site plan review use.

4.80 Minimum development standards.

In addition to the general requirements set forth in Section 4.70, the following standards shall apply to the respective site plan review uses.

4.80-1 Day-care facilities.

(a) All common activity areas, such as playgrounds, tot lots, play courts and similar facilities, identified on the site plan shall be set back a minimum of 15 feet from adjoining lots in country, residential, apartment or apartment mixed use districts, unless a six-foot-high solid wall is provided as a buffer. This requirement may be waived by the director if topography or landscaping makes such a buffer unnecessary.

(b) All day-care facilities shall be located with access to a street or right-of-way that provides a 22-foot travelway.

(c) All day-care facilities shall meet the minimum indoor and outdoor space requirements of the State Department of Human Services.

(d) Facilities with a design capacity exceeding 25 care recipients shall provide an on-site pickup and drop-off area equivalent to four standard sized parking spaces.

4.80-2 Meeting facilities.

(a) Accessory eating and drinking establishments shall not be permitted, except in the apartment mixed use district.

(b) The director may require that certain structures be sound-proofed and may establish hours of operation for amplification equipment.

(c) When a meeting facility adjoins a lot in a country, residential, apartment or apartment mixed use district, a six-foot-high, solid wall and/or landscape treatments may be required. This requirement may be waived by the director if topography makes buffering unnecessary.

(d) The minimum lot size shall be 20,000 square feet.

(e) The minimum street frontage shall be 75 feet.

(f) New accessory uses shall be subject to a site plan review when the new structures would substantially alter the capacity of the facility, existing traffic patterns, hours of operation or have any potentially adverse external effect on the immediate neighborhood.

(g) All meeting facilities shall be located with access to a street or right-of-way that provides a 22-foot travelway.

4.80-3 Schools: Elementary, intermediate and high.

(a) All structures shall be set back a minimum of 20 feet from all adjoining lots in country, residential, apartment or apartment mixed use districts. This requirement may be waived by the director if topography or landscaping makes such a buffer unnecessary.

(b) All requests for a site plan review shall be accompanied by a landscape plan which shall be approved by the director.

(c) New accessory uses shall be subject to a site plan review when the new structures would substantially alter the capacity of the facility, existing traffic patterns or hours of operation or have any potentially adverse external effect on the immediate neighborhood.

(d) The minimum lot size shall be 20,000 square feet.

(e) Schools with a design capacity in excess of 25 students shall provide an off-street drop-off area, with a minimum capacity equivalent to four standard sized parking spaces. This number may be increased by the director as the design capacity of the school increases.

(f) Schools with a design capacity in excess of 50 students shall provide at least one bus bay. This number may be increased by the director as the design capacity of the school increases.

(g) All schools shall be located with access to a street or right-of-way that provides a 22-foot travelway.

ARTICLE 5. ZONING DISTRICT REGULATIONS

Sections:

5.10 Preservation districts: Purpose and intent.
- 1. Preservation uses and development standards.
- 2. Golf courses.

5.20 Agricultural districts: Purpose and intent.
- 1. Agricultural clusters.
- 2. Agricultural cluster: Site standards.
- 3. Agricultural cluster: Application requirements.
- 4. Additional controls: Farm dwellings.
- 5. Agricultural uses and development standards.

5.30 Country district: Purpose and intent.
- 1. Country clusters.
- 2. Country cluster: Site standards.
- 3. Country cluster: Application requirements.
- 4. Country uses and development standards.

5.40 Residential districts: Purpose and intent.
- 1. Residential uses and development standards.
- 2. Residential district: Zoning adjustments.

5.50 Apartment districts: Purpose and intent.
- 1. Apartment district uses and development standards.

5.60 Apartment mixed use districts: Purpose and intent.
- 1. Apartment mixed use districts uses and development standards.

5.70 Resort districts: Purpose and intent.
- 1. Resort uses and development standards.

5.80 Business districts: Purpose and intent.
- 1. Business uses and development standards.

5.90 Business mixed use districts: Purpose and intent.
- 1. BMX-3 business mixed use special controls.
- 2. BMX-4 business mixed use special height controls.
- 3. Business mixed use district uses and development standards.

5.100 Industrial districts: Purpose and intent.

1. Industrial uses and development standards.

5.110 Industrial-commercial mixed use district: Purpose and intent.

1. Industrial-commercial mixed use district uses and development standards.

5.10 Preservation districts: Purpose and intent.

(a) The purpose of the preservation districts is to preserve and manage major open space and recreation lands and lands of scenic and other natural resource value.

(b) It is intended that all lands within a state-designated conservation district be zoned P-1 restricted preservation district.

(c) The purpose of creating the F-1 military and federal preservation district is to identify areas in military or federal government use and to permit the full range of military or federal government activities.

(d) Should lands be removed from either the state-designated conservation district or from federal jurisdiction, all uses, structures and development standards shall be as specified for the P-2 general preservation district.

(e) It is also the intent that lands designated urban by the state, but well-suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical considerations related to public health, safety and welfare concerns shall also be placed in this district.

5.10-1 Preservation uses and development standards.

(a) Within the P-1 restricted preservation district, all uses, structures and development standards shall be governed by the appropriate state agencies.

(b) Within an F-1 military and federal preservation district, all military and federal uses and structures shall be permitted.

(c) Within the P-2 general preservation district, permitted uses and structures shall be as enumerated in Table 5.1-A.

(d) Within the P-2 general preservation district, development standards shall be as enumerated in Table 5.1-B.

(e) Additional Use Standards. Am. 3/23/98 Ord. 98-11

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Uses accessory to outdoor recreation facilities shall be designed and scaled to meet only the requirements of the members, guests, or users of the facility.

(3) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(f) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 5.1).

5.10-2 Golf courses.

(a) Golf courses shall be permitted in the P-2 general preservation district only when consistent with the city's development plans. Golf courses on P-2 zoned land shall be deemed consistent with the development plans only when situated on lands designated preservation, parks and recreation, or golf course on the development plan land use maps.

(b) Uses accessory to a golf course shall be designed and scaled to meet only the requirements of the members, guests or users of the facility.

(c) Approval of requests for golf courses may be based on the following additional criteria:

(1) Encouraging the use of nonpotable water for irrigation, including sewage effluent and brackish water, or other means to reduce the need for use of potable water, subject to the approval of a proposed irrigation plan by the state Departments of Health and Land and Natural Resources, the city Board of Water Supply and the Department of Public Works;

(2) Provisions to enhance the opportunities for public play for Hawaii residents;

(3) Programs to minimize and monitor the environmentally detrimental effects of the application of fertilizers, pesticides and herbicides;

(4) Programs to address any displacement of existing uses and residents;

(5) The compatibility of the proposed golf course with both existing and planned surrounding uses;

(6) Preservation or enhancement of greenbelts or open space, historic and natural resources, and public views; and

(7) Any other impacts which may potentially affect surrounding uses and residents.

(d) Those golf courses described in Section 3.160-1 shall require plan review use approval.

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5.20 Agricultural districts: Purpose and intent.

(a) The purpose of the agricultural districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services and to manage the rate and location of physical development consistent with the city's adopted land use policies.

(b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the

production of food, feed, forage, fiber crops and horticultural plants.

(c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural:

(1) Lands which are within the state-designated agriculture district and designated agricultural by adopted city land use policies;

(2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system;

(3) Lands where a substantial number of parcels are more than five acres in size.

(d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.

(e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:

(1) Lands which are in the state-designated agriculture or urban district and designated agricultural by adopted city land use policies;

(2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system.

(3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size.

5.20-1 Agricultural clusters.

To promote economy of services and utilities and the most efficient use of the remainder area for agricultural pursuits, agricultural clusters shall be permitted in any agricultural district.

5.20-2 Agricultural cluster: Site standards.

(a) The minimum land area required for an AG-1 district agricultural cluster shall be 15 contiguous acres. The

minimum land area required for an AG-2 district agricultural cluster shall be six contiguous acres.

(b) The maximum number of farm dwellings in an AG-1 district agricultural cluster shall not exceed one unit per five acres. The maximum number of farm dwellings in an AG-2 district agricultural cluster shall not exceed one unit per two acres.

(c) Within agricultural clusters, detached, duplex and multi-family dwellings shall be permitted. Multi-family dwellings shall not exceed four dwelling units in any structure.

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(d) Within an agricultural cluster, all principal, accessory and conditional uses and structures permitted within AG-1 restricted agricultural district and AG-2 general agricultural district shall be permitted, subject to the minimum standards and conditions specified in this chapter for these uses.

(e) Within an agricultural cluster each dwelling may be sited on a lot not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum lot size shall be a multiple of 5,000 square feet per dwelling.

(f) Height and yards shall be the same as permitted in AG-1 and AG-2 districts.

(g) Parking, loading and sign requirements shall be specified in the approval of the agricultural cluster plan.

5.20-3 Agricultural cluster: Application requirements.

(a) The application shall be accompanied by:

(1) Project name;

(2) A location map showing the project in relation to the surrounding area;

(3) (A) An analysis of agricultural use of the proposed cluster, based on projected sales prices and terms, marketability, soils analysis, availability of water, consideration of climate, rainfall and other factors related to agricultural productivity, sufficient to demonstrate that agricultural use will constitute the primary activity undertaken on the land.

(B) The director shall refer the proposal for review and commentary of this analysis to the state Department of Agriculture or appropriate soil and water conservation district;

(4) A site plan showing:

(A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions,

(B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots,

(C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse,

(D) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units,

(E) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable,

(F) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private,

(G) Finished condition to be achieved by proposed grading shown by contours, cross sections, spot elevations or other means, and estimated

quantities of cut and fill. Elevations shall be marked on such contours based on city data;

(5) Verification by the Board of Water Supply of the availability of sufficient agricultural quality water to support agricultural use, whether such water is to be supplied by the board or another water supplier;

(6) Draft covenants, leases, agreements of sale, mortgages and other instruments of conveyance requiring lot purchasers to maintain land in agricultural use in conformity with federal, state and city laws and regulations, enforceable by the city and either by the applicant, lessee or owner, or an association composed of all lot owners and indicating applicable laws and penalties for violation thereof. All subsequent sales of property, lease and rental agreements shall include these restrictions;

(7) Notice of all restrictions contained in laws and regulations to be provided to all prospective subdivision lot purchasers, in the sales agreement, deeds, covenants and other instruments of conveyance.

(8) Notice that building permit applications shall include an agricultural plan for farm dwellings indicating how feasible agricultural use on the lots will be carried out within a period not to exceed five years, to be provided in the sales agreements, deeds, covenants and other instruments of conveyance;

(9) Other information and documentation as may be required by the director to review and ensure feasible agricultural use within the agricultural cluster in conformity with applicable federal, state, and city laws and regulations;

(10) Proposals for maintenance and conservation of all common elements.

(b) All agricultural clusters shall be processed in accordance with Section 8.30-6.

(c) The director shall approve, modify or deny the agricultural cluster application based on whether the application meets the intent of the agricultural district, the intent of the agricultural cluster provision, and the applicant's compliance with requirements of other government agencies.

(d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the agricultural cluster plan final drawings by the director, certified deed covenants and/or horizontal property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the Department of Land Utilization.

5.20-4 Additional controls: Farm dwellings.

(a) In the AG-1 district, the number of farm dwellings shall not exceed one for each five acres of lot area. In the AG-2 district, the number of farm dwellings shall not exceed one for each two acres of lot area.

(b) Each farm dwelling and any accessory uses shall be contained within an area not to exceed 5,000 square feet of the lot.

5.20-5 Agricultural uses and development standards.

(a) Within the agricultural districts, permitted uses and structures shall be as enumerated in Table 5.1-A.

(b) Within the agricultural districts, development standards shall be as enumerated in Table 5.1-B.

(c) Additional Use Standards. Am. 3/23/98 Ord. 98-11

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Commercial kennels, where permitted, shall not be located within 100 feet of any property line unless soundproofed and air-conditioned.

(3) No more than one roadside stand as an accessory to agricultural production on the same premises shall be

permitted, provided that no stand shall exceed 500 square feet in floor area.

(4) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(d) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 5.1).

5.30 Country district: Purpose and intent.

(a) The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses.

(b) It is the intent that basic public services and facilities be available to support the district but that the full range of urban services at urban standards need not be provided. Typically, the country district would be applied to areas outside the primary and secondary urban centers, which are identified by city-adopted land use policies.

(c) The following guidelines shall be used to identify lands which may be considered for this district:

(1) Lands which are within the state-designated urban district and designated either agricultural or residential by adopted city land use policies.

(2) Lands which are not predominately classified as prime, unique or other under the agricultural lands of importance to the State of Hawaii system.

(3) Lands where a substantial number of existing parcels are less than two acres in size.

(4) Lands where existing public facility capacities preclude more intense development.

5.30-1 Country clusters.

To promote economy of services and utilities and to encourage the retention of large tracts of open space or agricultural lands which contribute to rural character, country clusters shall be permitted in any country district.

5.30-2 Country cluster: Site standards.

(a) The minimum land area required for a country cluster shall be three contiguous acres.

(b) The maximum number of dwelling units in a country cluster shall not exceed one per one acre.

(c) Within country clusters, detached, duplex and multi-family dwellings shall be permitted. Multi-family dwellings shall not exceed four dwelling units in any structure.

(d) Within a country cluster, all principal, accessory and conditional uses and structures permitted within the country district and all country district development standards shall apply except those relating to yards and lot dimensions. Conditional uses shall be subject to the standards in Article 4 of this chapter.

(e) The minimum size of a lot of record for dwellings shall be 5,000 square feet. The following development standards shall apply to dwelling lots.

(1) Front yards shall be a minimum of 10 feet.

(2) Side and rear yards shall be a minimum of five feet.

(f) Parking, loading and sign requirements shall be specified in the approval of the country cluster plan.

(g) All other underlying district development standards shall apply.

5.30-3 Country cluster: Application requirements.

(a) The application shall be accompanied by:

(1) A project name;

(2) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one-half-mile radius of the project;

(3) A prose description of the project including: objectives of the cluster, unique site conditions and development schedule;

(4) A site plan showing:

(A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions,

(B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots,

(C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse,

(D) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features,

(E) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units,

(F) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable,

(G) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;

(5) Other information and documentation as may be required by the director to review and ensure the proposed project is in conformity with applicable federal, state, and city laws and regulations;

(6) Proposals for maintenance and conservation of all common elements.

(b) Country clusters shall be processed in accordance with Section 8.30-6.

(c) The director shall approve, modify or deny the country cluster application based on whether the application meets the intent of the country district, the intent of the country cluster provision, and the applicant's compliance with requirements of other government agencies.

(d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the country cluster final drawings by the director, certified deed covenants and/or horizontal property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the Department of Land Utilization.

5.30-4 Country uses and development standards.

(a) Within the country district, permitted uses and structures shall be in accordance with Table 5.1-A.

(b) Within the country district, development standards shall be in accordance with Table 5.1-B.

(c) Additional Use Standards.

(1) Commercial kennels, where permitted, shall not be located within 100 feet of any property line unless soundproofed and air-conditioned.

(2) No more than one roadside stand as an accessory to agricultural production on the same premises shall be permitted, provided that no stand shall exceed 500 square feet in floor area.

(3) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(4) Accessory roomers shall be limited to a maximum of three, provided the dwelling is also occupied by a family composed of persons related by blood, marriage or adoption, and is not used as a group living facility.

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(d) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 5.1).

(3) Structures on lots with a slope of 15 percent or more shall be governed by a maximum building envelope running parallel to grade at 30 feet in height measured vertically; and which intersects vertical front, rear and side yard planes, each 20 feet in height set at the respective buildable area boundary line. These intersections shall each be made at an angle of 60 degrees measured from the top of the respective yard plane (see Figure 5.2A).

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Table 5.1-A
P-2, Agricultural & Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Agricultural products processing, minor: Conducted on a lot not used for crop production Conducted on a lot used for crop production		 P4 Ac	 P4 Ac	
Agricultural products processing, major		CUP2 or PRU[1]	CUP2 or PRU[1]	
Antennas, receive-only	Ac	Ac	Ac	Ac
Aquaculture	P	P	P	P
Broadcasting antennas	CUP1	CUP1	CUP1	
Cemeteries and columbaria	P		CUP1	
Centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets		P4	P4	
Composting, minor	CUP1	CUP1	CUP1	
Composting, major	CUP2	CUP2	CUP2	
Crop production	P	P	P	P
Day-care facilities				SPR
Dwellings, detached, one-family				P
Farm dwellings		P	P	
Forestry	P	P	P	
Game preserves	P		P	
Golf courses	P5 or PRU[2]			
Group living facilities		CUP2	CUP2	CUP2
Helistops		CUP2	CUP2	
Historic structures, use of	CUP1	CUP1	CUP1	CUP2
Home occupations		Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking				CUP1
Kennels, commercial			P5	P5
Livestock grazing	P	P	P	P
Livestock production, minor		P	P	P

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Table 5.1-A
P-2, Agricultural & Country Districts
Permitted Uses and Structures

Use or structure	District			
	P-2	AG-1	AG-2	Country
Livestock production, major		P4	CUP1	
Livestock veterinary services		P	P	P
Marina accessories	CUP1			
Meeting facilities			SPR	SPR
Neighborhood grocery stores		CUP1	CUP1	CUP1
Off-site parking facilities				CUP1
Public uses and structures	P	P	P	P
Recreation facilities, outdoor	CUP1		CUP1	CUP1
Resource extraction	CUP2	CUP2	CUP2	
Roadside stand for sale of agricultural products produced on premises		Ac	Ac	Ac
Roomers				Ac
Sale and service of machinery used in agricultural production		P4	P4	
Sawmills		CUP1	CUP1	
Schools: elementary, intermediate, high			SPR	SPR
Schools, language				CUP2
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		P4	P4	
Utility installations, Type A	P5	P5	P5	P
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Waste disposal and processing	CUP2		CUP2	
Wind machines (rated capacity no more than 100 kilowatts)		Ac	Ac	Ac
Wind machines (rated capacity more than 100 kilowatts)		CUP1	CUP1	CUP1
Zoos	CUP2		CUP2	

[1] See Sections 4.40-1 and 3.160-1(c)

[2] See Sections 5.10-2 and 3.160-1(e)

Ministerial uses:

Ac = Special accessory use; see Section 5.40-1(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 5.10-1(e), 5.10-2 or 5.20-5(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
PRU = Requires an approved plan review use
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district

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Table 5.1-B P-2, Agricultural & Country Districts Development Standards					
Development Standard		**District**			
		P-2	**AG-1**	**AG-2**	**Country**
Minimum lot area (acres)		5	5	3 for major livestock production, 2 for all other uses	1
Minimum lot width and depth (feet)		200	150	150	100
Yards (feet):	**Front**	30	15	15	15
	Side and rear	15	10	10	10
Maximum building area (percent of zoning lot)		5	10	10	25
Maximum height (feet)[1]		15-25	15-25	15-25	15-30
Height setbacks		per Sec. 5.10-1(f)	per Sec. 5.20-5(d)	per Sec. 5.20-5(d)	per Sec. 5.30-4(d)

[1] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height

5.40 Residential districts: Purpose and intent.

(a) The purpose of the residential district is to allow for a range of residential densities. The primary use shall be detached residences. Other types of dwellings may also be allowed, including zero lot line, cluster and common wall housing arrangements. Nondwelling uses which support and complement residential neighborhood activities shall also be permitted.

(b) The intent of the R-20 and R-10 districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development and may be applied as a transitional district between preservation, agricultural or country districts and urban districts. They would also be applied to lands where residential use is desirable but some development constraints are present.

(c) The intent of the R-7.5, R-5 and R-3.5 districts is to provide areas for urban residential development. These districts would be applied extensively throughout the island.

5.40-1 Residential uses and development standards.

(a) Within the residential districts, permitted uses and structures shall be as enumerated in Table 5.2-A.

(b) Within the residential districts, development standards shall be as enumerated in Table 5.2-B.

(c) Additional Use Standards.

(1) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(2) Accessory guesthouses shall only be permitted in the R-20 district on zoning lots with a minimum lot size of 20,000 square feet.

(3) Accessory roomers shall be limited to a maximum of three, provided the dwelling is also occupied by a family composed of persons related by blood, marriage or adoption, and is not used as a group living facility.

(d) Additional Development Standards.

(1) Maximum Height. The maximum height of structures shall be determined by the building envelope created as the result of the intersection of two planes. The first plane shall be measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane shall run parallel to grade, as described in subsection 3.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope shall be determined by the first plane (see Figure 5.10).

(2) Height Setbacks.

(A) Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 5.10); and

(B) Any portion of a structure exceeding 20 feet shall be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.

5.40-2 Residential districts: Zoning adjustments.

(a) Carports and Garages. A one-car or two-car carport or garage may encroach into required front and/or side yards, including those in special districts, only under the following conditions:

(1) That no other viable alternative site exists relative to the location of an existing dwelling (including additions), legally constructed prior to October 22, 1986, and/or to the topography of the zoning lot; and

(2) That the landowner must authenticate the nonconformity of the existing dwelling, carport or garage, if necessary.

Any carport or garage covered by subsection (a) shall not be converted to or be used for a use other than a carport or garage.

(b) Height. The director may adjust the second plane of building height envelope up to a maximum of 35 feet, only under the following conditions:

(1) The lot has a slope greater than 40 percent;

(2) There is no other reasonable development alternative without an increase in the height envelope; and

(3) The lot shall be limited to dwelling use.

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Table 5.2-A
Residential Districts
Permitted Uses and Structures

Use or Structure	District				
	R-3.5	**R-5**	**R-7.5**	**R-10**	**R-20**
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac
Consulates	P4	P4	P4	P4	P4
Day-care facilities	SPR	SPR	SPR	SPR	SPR
Dwellings, detached, one-family	P	P	P	P	P
Dwellings, detached, two-family	P	P	P		
Duplexes	P	P	P		
Group living facilities	CUP2	CUP2	CUP2	CUP2	CUP2
Guesthouses, detached					Ac
Historic structures, use of	CUP2	CUP2	CUP2	CUP2	CUP2
Home occupations	Ac	Ac	Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1
Meeting facilities	SPR	SPR	SPR	SPR	SPR
Neighborhood grocery stores	CUP1	CUP1	CUP1	CUP1	CUP1
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1
Public uses and structures	P	P	P	P	P
Roomers, accessory	Ac	Ac	Ac	Ac	Ac
Schools: elementary, intermediate and high	SPR	SPR	SPR	SPR	SPR
Schools, language	CUP2	CUP2	CUP2	CUP2	CUP2
Utility installations, Type A	P	P	P	P	P
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1
Wind machines (rated capacity no more than 1 kilowatt)	CUP1	CUP1	CUP1	CUP1	CUP1

Ministerial uses:
Ac = Special accessory use; see Section 5.40-1(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 5.40-1(c)

Discretionary uses:
CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district

Table 5.2-B Residential Districts Development Standards						
Development Standard		**District**				
		R-3.5	**R-5**	**R-7.5**	**R-10**	**R-20**
Minimum lot area (square feet)	**One-family dwelling, detached, and other uses**	3,500	5,000	7,500	10,000	20,000
	Two-family dwelling, detached	7,000	7,500	14,000	Use not permitted	Use not permitted
	Duplex	3,500	3,750	7,000	Use not permitted	Use not permitted
Minimum lot width and depth (feet)		30 per duplex unit, 50 for other uses		35 per duplex unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yards (feet):	**Front**	10 for dwellings, 30 for other uses				
	Side and rear	5 for dwellings[1], 15 for other uses			5 for dwellings, 15 for other uses	
Maximum building area		50 percent of the zoning lot				
Maximum height (feet)[2]		25-30				
Height setbacks		per Sec. 5.40-1				

[1] For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall

[2] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height

5.50 Apartment districts: Purpose and intent.

(a) The purpose of the apartment districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include multi-family dwellings, such as common wall housing, walkup apartments and high-rise apartments. Uses and activities that complement apartment use are permitted, including limited social services.

(b) The intent of the A-1 low density apartment district is to provide areas for low density, multi-family dwellings. It may be applied as a buffer between residential districts and other more intense, noncompatible districts. It would be applicable throughout the city.

(c) The intent of the A-2 medium density apartment district is to provide areas for medium density, multi-family dwellings. It is intended primarily for concentrated urban areas where public services are centrally located and infrastructure capacities are adequate.

(d) The intent of the A-3 high density apartment district is to provide areas for high density, high-rise, multi-family dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present.

5.50-1 Apartment district uses and development standards.

(a) Within the apartment districts, permitted uses and structures shall be as enumerated in Table 5.3-A.

(b) Within the apartment districts, development standards shall be as enumerated in Table 5.3-B.

(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas in the A-2 and A-3 districts, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

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(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) Optional Yard Siting. In the A-2, A-3, AMX-2 and AMX-3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 3.80 is provided and maintained.

(3) Height Setbacks. In the A-2, A-3, AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 5.3).

5.60 Apartment mixed use districts: Purpose and intent.

The purpose of the apartment mixed use districts is to allow some commercial uses in apartment neighborhoods. The additional commercial uses shall be permitted under varying intensities and are intended to support the daily and weekly commercial service needs of the neighborhood, conserve transportation energy by lessening automobile dependency, create more diverse neighborhoods and optimize the use of both land and available urban services and facilities. Mixing may occur horizontally and vertically, but controls are established to maintain the character of these neighborhoods primarily as apartment neighborhoods.

5.60-1 Apartment mixed use districts uses and development standards. Am. 12/17/97 Ord. 97-74

(a) Within apartment mixed use districts, all uses and structures shall be as enumerated in Table 5.3-A.

(b) Within the apartment mixed use districts, development standards shall be as enumerated in Table 5.3-B.

(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas in the AMX-2 and AMX-3 districts, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) Optional Yard Siting. In the A-2, A-3, AMX-2 and AMX-3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use

structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 3.80 is provided and maintained.

(3) Height Setbacks. In the A-2, A-3, AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 5.3).

(4) Commercial Use Density and Location.

(A) The floor area of any use marked with a superscript [1] under Table 5.3-A, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR as enumerated in Table 5.3-B, and such floor area shall be counted as part of the total FAR allowed.

(B) Where these commercial uses are integrated with dwelling uses, pedestrian access to the dwellings shall be independent from other uses and shall be designed to enhance privacy for residents and their guests. No floor shall be used for both dwelling and commercial purposes.

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Table 5.3-A
Apartment and Apartment Mixed Use Districts
Permitted Uses and Structures

Use or structure	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac	Ac
Boarding facilities	P	P	P	P	P	P
Commercial parking lots and garages[1]				P4	P4	P4
Consulates	P	P	P	P	P	P
Convenience stores[1]				P4	P4	P4
Dance or music schools[1]				P4	P4	P4
Day-care facilities	SPR	SPR	SPR	SPR	SPR	SPR
Duplexes	P	P	P	P	P	P
Dwellings, detached, one-family	P	P	P	P	P	P
Dwellings, detached, two-family	P	P	P	P	P	P
Dwellings, multi-family	P	P	P	P	P	P
Eating establishments[1]				P4	P4	P4
Financial institutions[1]				P	P	P
Group living facilities	CUP2	CUP2	CUP2	CUP2	CUP2	CUP2
Historic structures, use of	CUP2	CUP2	CUP2	CUP2	CUP2	CUP2
Home occupations	Ac	Ac	Ac	Ac	Ac	Ac
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Medical clinics[1], provided there are no emergency services				P	P	P
Meeting facilities	SPR	SPR	SPR	SPR	SPR	SPR
Neighborhood grocery stores	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1
Personal services[1]				P	P	P
Public uses and structures	P	P	P	P	P	P
Roomers, accessory	Ac	Ac	Ac			
Schools: elementary, intermediate and high	SPR	SPR	SPR	SPR	SPR	SPR
Schools, language	CUP2	CUP2	CUP2	CUP2	CUP2	CUP2
Utility installations, Type A	P	P5	P5	P	P5	P5

Table 5.3-A Apartment and Apartment Mixed Use Districts Permitted Uses and Structures						
	District					
Use or structure	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1	CUP1

[1] Commercial use subject to special density controls (see Table 5.3-B)

Ministerial uses:

Ac = Special accessory use; see Section 5.50-1(c) or 5.60-1(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 5.50-1(c) or 5.60-1(c)

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district

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Table 5.3-B
Apartment and Apartment Mixed Use Districts
Development Standards

Development Standard		District					
		A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Minimum lot area (square feet)[1]		7,500	10,000	15,000	7,500[2]	10,000[2]	15,000[2]
Minimum lot width and depth (feet)[1]		70	70	70	70	70	70
Yards (feet):	**Front**	10	10	10	10	10	10
	Side and rear[3]	5 or 10	5[4] or 10	5[4] or 10	5 or 10	5[4] or 10	5[4] or 10
Maximum commercial use density (FAR)		n/a			0.3 see Sec. 5.60-1(d)	0.4 see Sec. 5.60-1(d)	0.6 see Sec. 5.60-1(d)
Maximum building area		**Lot area (sq. ft.)**		**Requirement**			
		Less than 7,500		60 percent of zoning lot			
		7,500 - 20,000		50 percent of zoning lot			
		Over 20,000		40 percent of zoning lot			
Maximum height (feet)[5]		30	per zoning map		30	per zoning map	
Height setbacks		none	per Sec. 5.50-1(d)		none	per Sec. 5.60-1(d)	
Maximum density (FAR) for A-1 & AMX-1 districts based on zoning lot size		**Lot area (sq. ft.)**		**FAR calculation**			
		Less than 10,000		FAR = (.00003 x lot area) + 0.3			
		10,000 - 40,000		FAR = (.00001 x lot area) + 0.5			
		Over 40,000		FAR = 0.9			
Maximum density (FAR) for A-2 & AMX-2 districts based on zoning lot size		**Lot area (sq. ft.)**		**FAR calculation**			
		Less than 10,000		FAR = (.00009 x lot area) + 0.4			
		10,000 - 40,000		FAR = (.00002 x lot area) + 1.1			
		Over 40,000		FAR = 1.9			
Maximum density (FAR) for A-3 & AMX-3 districts based on zoning lot size		**Lot area (sq. ft.)**		**FAR calculation**			
		Less than 10,000		FAR = (.00014 x lot area) + 0.6			
		10,000 - 20,000		FAR = (.00004 x lot area) + 1.6			
		20,000 - 40,000		FAR = (.00002 x lot area) + 2.0			
		Over 40,000		FAR = 2.8			

[1] There shall be no minimum lot area, width or depth for off-site parking facilities

[2] There shall be no minimum lot area for off-site parking facilities

[3] 5 feet for detached dwellings and duplexes and 10 feet for other uses

[4] For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall

[5] Heights for detached dwellings and duplexes shall comply with residential height and height setback requirements

n/a = Not applicable

5.70 Resort district: Purpose and intent.

The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multi-family dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population.

5.70-1 Resort uses and development standards.

(a) Within the resort district, permitted uses and structures shall be as enumerated in Table 5.4-A.

(b) Within the resort district, development standards shall be as enumerated in Table 5.4-B.

(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

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(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) Optional Yard Siting. Parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 3.80 is provided and maintained.

(3) Height Setbacks. For any portion of a structure over 30 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 30 feet above grade (see Figure 5.4).

5.80 Business districts: Purpose and intent.

(a) The purpose of the business districts is to set aside areas for commercial and business activities to meet and support the economic growth of the city. The districts provide for the buying and selling of goods and services, the transportation and distribution of commodities and other complementary economic activities. Other uses which are supportive of or compatible with business activities are also permitted. These districts help to ensure a favorable business climate and support the economic and social well-being of city residents.

(b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large scale basis. It would also be applied to rural and urban fringe town centers which may or may not be located along major travel routes.

(c) The intent of the B-2 community business district is to provide areas for community-wide business establishments, serving several neighborhoods and offering a wider range of uses than is permitted in the B-1 district. The intent is to

apply this district to areas conveniently accessible by vehicular and pedestrian modes and served by adequate public facilities. Typically, this district would be applied to lots along major streets and in centrally located areas in urban and urban fringe areas.

5.80-1 Business uses and development standards.

(a) Within the business districts, permitted uses and structures shall be as enumerated in Table 5.4-A.

(b) Within the business districts, development standards shall be as enumerated in Table 5.4-B.

(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Automobile service stations, where permitted, shall be subject to the following:

(A) A solid wall six feet in height shall be erected and maintained on any side or rear property line which adjoins a zoning lot in a country, residential, apartment or apartment mixed use district.

(B) Within the B-1 district only, when a pump island is less that 75 feet from a zoning lot in a country, residential, apartment or apartment mixed use district, hours of operation shall be limited to 6 a.m. to midnight. Automobile service stations not meeting this condition and intended to operate beyond these hours may be permitted under a conditional use permit, Type 1.

(4) Accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be

located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(5) Within the B-1 district only, when the principal entrance to a convenience store is less than 75 feet or its parking area is less than 20 feet from a country, residential, apartment or apartment mixed use district, hours of operation shall be limited to 6 a.m. to midnight. Affected convenience stores not meeting this condition and intended to operate beyond these hours may be permitted under a conditional use permit, Type 1.

(6) Drive-thru Facilities. Where permitted, no speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(7) Eating establishments, bars, cabarets, nightclubs and taverns. Where permitted, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(8) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C) The lot shall not adjoin a zoning lot in a residential or apartment district.

(9) Home improvement centers, where permitted, shall locate incidental storage of material and equipment in fully enclosed buildings.

(10) Commercial kennels, where permitted, for more than two animals shall be sound-attenuated.

(11) Wholesaling and distribution, where permitted, shall be subject to the following:

(A) No more than 2,000 square feet of floor area shall be used for wares to be sold at wholesale or to be distributed; and

(B) No vehicle rated at more than 1.5 ton capacity shall be used.

(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) B-1 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential district, the residential district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 5.5).

(3) B-2 District Transitional Height Setback.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the B-2 zoning lot (see Figure 5.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the B-2 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 5.5).

(4) Street Setbacks. Within the B-2 district, no portion of a structure shall exceed a height equal to twice the

distance from the structure to the vertical projection of the centerline of any street (see Figure 5.7).

(5) Open Space Bonus. Within the B-2 district:

(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;

(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 5.4-B.

5.90 Business mixed use districts: Purpose and intent.

(a) The purpose of the business mixed use districts is to recognize that certain areas of the city have historically been mixtures of commercial and residential uses, occurring vertically and horizontally and to encourage the continuance and strengthening of this pattern. It is the intent to provide residences in very close proximity to employment and retail opportunities, provide innovative and stimulating living environments and reduce overall neighborhood energy consumption.

(b) The intent of the BMX-3 community business mixed use districts is to provide areas for both commercial and residential uses outside of the central business mixed use district and at a lower intensity than the central business mixed use district. Typically, this district would be applied to areas along major thoroughfares adjacent to B-2, BMX-4, A-3, AMX-2 and AMX-3 zoning districts. It is also intended that it be applied to areas where the existing land use pattern is already a mixture of commercial and residential uses, occurring horizontally, vertically or both.

(c) The intent of the BMX-4 central business mixed use district is to set apart that portion of Honolulu which forms the city's center for financial, office and governmental activities and housing. It is intended for the downtown area and not

intended for general application. It provides the highest land use intensity for commerce, business and housing.

5.90-1 BMX-3 business mixed use special controls.

In addition to Section 5.90-2, all new construction projects in the BMX-3 district shall abide by the following controls.

(a) Where multi-family dwellings are integrated with other uses, pedestrian access to the dwellings shall be independent from other uses and shall be designed to enhance privacy for residents and their guests.

(b) At least one-half of the total width of a building parallel to and facing a provided arcade shall be devoted at the ground floor to entrances, show windows or other displays.

(c) For commercial uses, at least one-half of the total length of the building facade at ground level, running parallel to and facing a street, shall be devoted to entrances, show windows or other displays.

(d) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director of the Department of Parks and Recreation.

(e) All loading and unloading areas shall be either enclosed in a building or located on the rear or the side of the building and screened from public view.

5.90-2 BMX-4 business mixed use special height controls.

(a) Any development which is proposed to exceed a height limit of 350 feet shall comply with the following:

(1) Minimum Project Size. The minimum project size shall be 35,000 square feet.

(2) Site Plan. The request for additional height shall include a proposed site plan, which shall include the location and height of building towers, and shall take into consideration adjacent uses and structures. Specifically, the following principles shall be

reflected in the site plan, and the applicant shall demonstrate how these principles are being met:

(A) Building towers shall not significantly obstruct or intrude on adopted public views.

(B) Proposed open spaces shall complement and relate to adjacent open spaces.

(C) Ground level parking lots and structures should not front streets. Where this is not possible, canopy and vertical form trees, hedges and other landscaping elements shall be provided to visually screen them.

(D) The additional tower height shall not unreasonably block the provision of light and air to other buildings and public open spaces, nor obliterate direct exposure to the sun in any given 24-hour period.

(3) Public Open Space. A minimum of 35 percent of the lot area shall be devoted to public open space in accordance with Table 5.4-B.

(4) Public Views. The additional tower height shall not significantly intrude on any adopted public views, including the view of the central business district from the Punchbowl lookouts.

(5) Pedestrian Orientation. Project design at the ground level shall reflect a strong pedestrian orientation, especially fronting streets. Contributing elements include, but are not limited to:

(A) Arcades, with at least one-half of the arcade perimeter open or devoted to entrances and show windows.

(B) Public open spaces, with provisions for shade, seating areas, landscaping, water features and outdoor sculptures.

(C) Outdoor dining areas.

(D) Interesting paving design and finishes.

(E) Building materials, finishes and details which are human-scaled, nonglaring and not harsh.

(6) Wind Analysis. The request for additional height shall include a wind study of the effects of towers over 350 feet, particularly anticipated impacts at the ground level. Where adverse impacts are anticipated, mitigative measures shall be included in the proposal.

(7) Historic Resources. Any development which includes sites and/or structures on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places shall be evaluated as to the feasibility and appropriateness of retaining the site and/or structure.

For every square foot of building area of a site and/or structure on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places, 10 square feet of additional floor area may be permitted above 350 feet of building height. This bonus shall be available even if the minimum open space requirements for subdivision (3) are not met.

(8) FAA Clearance. The request for additional height shall include a statement from the Federal Aviation Administration that the proposed building heights will not interfere with the operation of the Honolulu International Airport.

(9) Maximum Density. The maximum density as set forth in Table 5.4-B shall not be exceeded.

(10) For purposes of this section, an "adopted public view" is a view that has been recognized as significant or otherwise worthy of protection by an adopted ordinance, including Article 7.

(b) Applications to exceed a height limit of 350 feet shall be processed pursuant to the requirements for major permits (special district), as set forth in Section 8.30-8.

5.90-3 Business mixed use district uses and development standards.

(a) Within the business mixed use districts, permitted uses and structures shall be as enumerated in Table 5.4-A.

(b) Within the business mixed use districts, development standards shall be as enumerated in Table 5.4-B.

(c) Additional Use Standards. 'Am. 12/17/97 Ord. 97-74

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Automobile service stations, where permitted, shall be erect and maintain a solid wall six feet in height on any side or rear property line which adjoins a zoning lot in a country, residential, apartment or apartment mixed use district.

(4) Drive-thru Facilities. Where permitted, no speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) For eating establishments, bars, cabarets, nightclubs and taverns, where permitted, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C) The lot shall not adjoin a zoning lot in a residential or apartment district.

(7) Commercial kennels, where permitted, for more than two animals shall be sound-attenuated.

(8) Wholesaling and distribution, where permitted, shall be subject to the following except in the BMX-4 district:

(A) No more than 2,000 square feet of floor area shall be used for wares to be sold at wholesale or to be distributed; and

(B) No vehicle rated at more than 1.5 ton capacity shall be used.

(9) Food manufacturing and processing, where permitted, shall be subject to the following:

(A) The slaughter of animals shall not be permitted; and

(B) Floor area shall not exceed 2,000 square feet.

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Ord. 97-74

(d) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards shall be landscaped.

(2) BMX-3 District Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 5.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, or AMX-3 district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to

the beginning of the additional height (see Figure 5.5).

(3) BMX-4 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential, apartment or apartment mixed use district, the height setback of the adjoining district shall be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 5.5).

(4) BMX-4 District Height Setback. For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street shall exceed a height which is intersected by a plane over the buildable area which makes an angle of 65 degrees with the horizontal at ground elevation at the centerline of the street (see Figure 5.9).

(5) Street Setbacks. Within the BMX-3 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the centerline of any street (see Figure 5.7).

(6) BMX-3 District Open Space Bonus.

(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards; and

(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 5.4-B.

(7) BMX-4 District Open Space Bonus.

(A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space; and

(B) For each square foot of arcade area provided, five square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 5.4-B.

(D) For developments which exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.

(8) BMX-4 District Heights Above 350 Feet. For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 5.90-2.

(9) Historic Resources Bonus. For developments in the BMX-4 district which exceed a height of 350 feet, refer to Section 5.90-2 for provisions relating to additional floor area permitted for preservation of historic resources.

'Am. 12/17/97
Ord. 97-74

Am. 2/12/98
Ord. 98-03

Table 5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Amusement and recreation facilities, indoor	P	P	P	P	P
Amusement facilities, outdoor	CUP2	CUP2	CUP2		CUP2
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac
Art galleries and museums	P	P	P	P	P
Automobile sales and rentals			P	P	P
Automobile service stations		P5 or CUP1	P5	P5	P5
Bars, cabarets, nightclubs and taverns	P		P5	P5 (but not cabarets)	P5
Boarding facilities				P	P
Broadcasting stations			P	P	P
Business services	P	P	P	P	P
Car washing, mechanized			P5	P5	P5
Catering establishments			P	P	P
Colleges, business					P
Commercial parking lots and garages	P	P	P	P	P
Consulates		P	P	P	P
Convenience stores	P	P5 or CUP1	P	P	P
Dance or music schools		P	P	P	P
Day-care facilities	P	P	P	P	P
Drive-thru facilities		P5	P5	P5	P5
Duplexes	P			P	
Dwellings, owner's or caretaker's, located above or behind a principal use		Ac	Ac		Ac
Dwellings, detached, single- and two-family	P			P	
Dwellings, multi-family	P			P	P
Eating establishments	P	P5	P5	P5	P5
Financial institutions	P	P	P	P	P
Food manufacturing and processing					P5

Am. 2/12/98
Ord. 98-03

Table 5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	B-1	B-2	BMX-3	BMX-4
Golf courses	P				
Group living facilities				CUP2	CUP1
Helistops	CUP2		CUP2	CUP2	CUP2
Historic structures, use of	CUP1	CUP1	CUP1	CUP1	CUP1
Home improvement centers			P5		
Home occupations	Ac	Ac	Ac	Ac	Ac
Hotels	P				P
Joint development	CUP1	CUP1	CUP1	CUP1	CUP1
Joint use of parking	CUP1	CUP1	CUP1	CUP1	CUP1
Kennels, commercial			P5		P5
Laboratories, medical and research		P (medical only)	P	P	P
Marina accessories	CUP1		CUP1	CUP1	CUP1
Medical clinics	P	P	P	P	P
Meeting facilities	P	P	P	P	P
Motion picture and television production studios without outdoor sets			P		
Office buildings		P	P	P	P
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1	CUP1
Personal services	P	P	P	P	P
Photographic processing			P	P	P
Photography studios	P	P	P	P	P
Public uses and structures	P	P	P	P	P
Publishing plants for newspapers, books and magazines			P		P
Recreation facilities, outdoor	P	CUP1	CUP1	CUP1	CUP1
Repair establishments, minor		P	P	P	P
Retail establishments	P	P	P	P	P
Schools, business		P	P	P	P
Schools: elementary, intermediate and high		P	P	P	P

Am. 2/12/98
Ord. 98-03

Table 5.4-A
Resort, Business and Business Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District				
	Resort	**B-1**	**B-2**	**BMX-3**	**BMX-4**
Schools, language		P	P	P	P
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		P	P	P	P
Self-storage facilities			P4	P4	P4
Theaters	P	P	P	P	P
Time sharing	P				
Transient vacation units	P				
Utility installations, Type A	P5	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1	CUP1
Veterinary establishments in sound-attenuated buildings		P	P	P	P
Wholesaling and distribution			P5	P5	P
Wind machines (rated capacity no more than 10 kilowatts)		CUP1	CUP1		

Ministerial uses:
Ac = Special accessory use; see Sections 5.70-1(c), 5.80-1(c) or 5.90-3(c) for any applicable standards
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P5 = Permitted principal use subject to standards enumerated in Article 5; see Section 5.70-1(c), 5.80-1(c) or 5.90-3(c)

Discretionary uses:
CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district

Table 5.2-B
Resort, Business and Business Mixed Use Districts
Development Standards

Development Standard		District				
		Resort	**B-1**	**B-2**	**BMX-3**	**BMX-4**
Minimum lot area (square feet)		15,000[1]	5,000	5,000	5,000	5,000
Minimum lot width and depth (feet)		70[1]	50	50	50	50
Yards (feet):	**Front**	25	10	5[4]	10 for dwellings, 5 for other uses[4]	5[4,5]
	Side and rear	20[2]	0[3]	0[3]	5[2] for detached dwellings, 10 for multi-family dwellings, 0[3] for other uses	0[3]
Maximum building area (percent of zoning lot)		50	not regulated			
Maximum density (FAR) resort district only		**Lot area (sq. ft.)**		**FAR calculation**		
		Less than 10,000		FAR = (.00006 x lot area) + 0.4		
		10,000 - 30,000		FAR = (.00002 x lot area) + 0.8		
		Over 30,000		FAR = 1.4		
Maximum density (FAR) for other districts		see above	1.0	2.5	2.5	4.0
Open space bonus	**Available**	No		Yes see Sec. 5.80-1(d)	Yes see Sec. 5.90-3(d)	
	Max FAR	n/a	n/a	3.5	3.5	7.5
Maximum height (feet)		per zoning map	40	per zoning map	per zoning map	per zoning map, see Sec. 5.90-2 for additional height
Height setbacks		per Sec. 5.70-1(d)	per Sec. 5.80-1(d)		per Sec. 5.90-3(d)	

[1] There shall be no minimum lot area, width or depth for off-site parking facilities

[2] For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment or apartment mixed use district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. Within 5 feet of the property line the yards shall be landscaped, with a screening hedge not less than 42 inches in height, except for necessary drives and walkways

[4] Where a zoning lot adjoins a residential, apartment or apartment mixed use district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 5.6)

[5] 5 feet for structures up to 12 feet in height, provided that where the adjacent street is greater than 50 feet in width, an area of open space or an arcade, equivalent to the required yard area may be provided elsewhere on the zoning lot (see Figure 5.8)

n/a = Not applicable

5.100 Industrial districts: Purpose and intent.

(a) The purpose of the industrial districts is to recognize the importance of industrial uses to the welfare of city residents by providing areas for industrial uses without undue competition from other uses and ensuring compatibility with nonindustrial areas. Typical uses include manufacturing, refining, sorting, processing and storage of materials and products. Limited business activities that directly support the industrial uses or those employed by industries therein are permitted in these districts.

(b) Heavy industrial uses such as refining of petroleum and manufacturing of explosives will only be allowed under certain conditions and in areas well away from other districts.

(c) To minimize potential adverse impacts on property and persons in the same or neighboring districts, standards are established for the more noxious uses permitted in these districts.

(d) The intent of the I-1 limited industrial district is to provide areas for some of the industrial employment and service needs of rural and suburban communities. It is intended to accommodate light manufacturing, including handcrafted goods as well as "high technology industries" such as telecommunications, computer parts manufacturing, and research and development. Uses in this district are limited to those which have few environmental impacts and those which complement the development scale of communities they would serve.

(e) The intent of the I-2 intensive industrial district is to set aside areas for the full range of industrial uses necessary to support the city. It is intended for areas with necessary supporting public infrastructure, near major transportation systems and with other locational characteristics necessary to support industrial centers. It shall be located in areas away from residential communities where certain heavy industrial uses would be allowed.

(f) The intent of the I-3 waterfront industrial district is to set apart and protect areas considered vital to the performance of port functions and to their efficient operation. It is the intent to permit a full range of facilities necessary for successful and efficient performance of port functions. It is intended to exclude uses which are not only inappropriate but which could locate elsewhere.

5.100-1 Industrial uses and development standards.

(a) Within the industrial districts, permitted uses and structures shall be as enumerated in Table 5.5-A.

(b) Within the industrial districts, development standards shall be as enumerated in Table 5.5-B.

Am. 12/17/97 Ord. 97-74 (c) Additional Use Standards. Am. 11/20/98 Ord. 98-60

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Where permitted, accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(4) Drive-thru Facilities. No speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) Eating establishments. Within the I-1 district, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C) They shall not adjoin a zoning lot in a residential or apartment district.

(7) Storage Yards. Where permitted, storage yards shall not be used for the sale or processing of scrap, salvage or secondhand material. Yards shall be completely enclosed except for necessary openings for ingress and egress by a fence or wall not less than six feet in height.

(8) Base Yards. All repair work shall be performed within an enclosed structure, and the facility shall be subject to the same minimum development standards for a storage yard provided in Article 4 of this chapter.

(d) Additional Development Standards.

(1) Transitional Height Setbacks. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the residential, apartment, apartment mixed use or resort district height setbacks shall be applicable at the buildable area boundary line on the side of the industrial zoning lot (see Figure 5.5).

(2) Street Setbacks. In the I-2 and I-3 districts, on zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the centerline of the street (see Figure 5.7).

5.110 Industrial-commercial mixed use district: Purpose and intent.

(a) The purpose of the industrial-commercial mixed use district is to allow mixing of some industrial uses with other uses. The

intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing non-industrial uses to unsafe and unhealthy environments. To a limited extent, some residential uses shall be permitted.

(b) This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

5.110-1 Industrial-commercial mixed use district uses and development standards.

(a) Within the industrial-commercial mixed use district, permitted uses and structures shall be as enumerated in Table 5.5-A.

(b) Within the industrial-commercial mixed use district, development standards shall be as enumerated in Table 5.5-B.

(c) Additional Use Standards.

(1) Utility installations, Type A, when involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

(2) Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of four feet in height.

(3) Accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(4) Drive-thru Facilities. No speaker boxes and drive-thru lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment or apartment mixed use district.

(5) For eating establishments, bars, cabarets, nightclubs and taverns, a solid fence or wall six feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district.

(6) Car washing, mechanized, where permitted, shall be subject to the following:

(A) There shall be no water runoff onto adjacent properties or public rights-of-way;

(B) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and

(C) They shall not adjoin a zoning lot in a residential or apartment district.

(7) Base yards. All repair work shall be performed within an enclosed structure, and the facility shall be subject to the same minimum development standards for a storage yard provided in Article 4 of this chapter.

(8) Commercial kennels involving more than two animals and veterinary establishments shall be in sound-attenuated buildings.

(d) Additional Development Standards. Am. 12/17/97 Ord. 97-74

(1) Density. For purposes of this subdivision, uses marked by a superscript "[1]" in Table 5.5-A shall be considered "commercial uses." The maximum FAR for a zoning lot shall be as follows:

Maximum FAR	Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses
1.5	0
2.0	0.5
2.5	0.75

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses shall be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any

technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 8.40, which includes limitations on the permitted uses in the technology park.

(2) Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 5.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 5.5).

(3) Street Setbacks. On zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the centerline of the street (see Figure 5.7).

Am. 12/17/97 Ord. 97-74 Am. 11/20/98 Ord. 98-60

Table 5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Agricultural products processing, minor	P	P		P
Agricultural products processing, major		P		
Animal products processing		P	P	
Antennas, receive-only	Ac	Ac	Ac	Ac
Art galleries and museums[1]				P
Amusement facilities, outdoor, motorized				CUP1
Amusement facilities, outdoor, not motorized[1]				CUP1
Automobile service stations	P	P		P
Automobile sales and rentals	P	P		P
Bars, cabarets, nightclubs and taverns	P4 (but not cabarets)	P (but not cabarets)		P5
Base yards	P5	P5	P5	P5
Broadcasting antennas	CUP2	CUP2	CUP2	CUP2
Broadcasting stations[1]	P	P	P	P
Business services[1]				P
Car washing, mechanized	P5	P5		P5
Catering establishments	P	P		P
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets	P4	P		
Commercial parking lots and garages	P	P		P
Composting, minor		CUP1		
Composting, major		CUP2		
Convenience stores[1]				P
Data processing facilities[1]	P	P		P
Day-care facilities	P	P		P
Drive-thru establishments	P5	P	P5	P5
Dwellings, owner's or caretaker's, located above or behind principal uses	Ac	Ac		Ac
Eating establishments	P5	P	P	P5
Explosive and toxic chemical manufacturing, storage and distribution		CUP2		

Table 5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Financial institutions	P	P		P
Food manufacturing and processing	P	P	P	P
Freight movers	P4	P		
Heliports		P		
Helistops	CUP2	P	P	CUP2
Heavy equipment sales and rentals	P4	P		
Historic structures, use of	CUP1	CUP1	CUP1	CUP1
Home improvement centers		P		P
Hotels[1]		CUP1		CUP1
Joint development	CUP1	CUP1	CUP1	CUP1
Joint use of parking facilities	CUP1	CUP1	CUP1	CUP1
Kennels, commercial		P		P5
Laboratories, medical and research	P	P		P
Linen suppliers	P	P		
Manufacturing, processing and packaging establishments, light	P	P	P	P
Manufacturing, processing and packaging establishments, general	CUP1	P	P	
Marina accessories			P	P4
Maritime-related sales, construction, maintenance, and repairing			P	
Medical clinics[1]				P
Meeting facilities[1]				P
Motion picture and television production studios	P	P		P
Neighborhood grocery stores	CUP1	CUP1	CUP1	
Offices, including administrative and executive offices, provided they are clearly accessory and incidental to uses on the same zoning lot	Ac	Ac	Ac	n/a
Office buildings[1]				P
Off-site parking facilities	CUP1	CUP1	CUP1	CUP1
Petroleum processing		CUP2	CUP1	
Photographic processing[1]	P	P		P
Photography studios[1]				P

Table 5.5-A
Industrial and Industrial Mixed Use Districts
Permitted Uses and Structures

Use or Structure	District			
	I-1	I-2	I-3	IMX-1
Plant nurseries	P	P		P
Port facilities			P	
Public uses and structures	P	P	P	P
Publishing plants for newspapers, books and magazines	P	P		P
Repair establishments, minor	P	P	P	P
Repair establishments, major		P	P	
Retail, accessory, provided retailing of products shall be limited to those which are manufactured or processed on the premises, except as otherwise specified under principal uses	Ac	Ac	Ac	n/a
Retail establishments[1]				P
Sale and service of machinery used in agricultural production	P	P		P
Salvage, scrap and junk storage and processing		CUP2	CUP1	
Schools, vocational, technical, industrial, trade		P		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or similar features[1]				P
Self-storage facilities	P	P		P
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production	P	P		
Storage yards	P4	P5	P5	
Theaters[1]				P
Truck terminals		P	P	
Utility installations, Type A	P5	P5	P5	P5
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1
Veterinary establishments		P		P5
Warehousing	P	P	P	P
Waste disposal and processing		CUP2	CUP1	
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination			P	
Wholesaling and distribution	P	P		P
Wind machines	CUP1	CUP1		CUP1

[1]A "commercial use" subject to special density controls in the IMX-1 district (see Table 5.5-B and Sec. 5.110-1(d))

Ministerial uses:

Ac	= Special accessory use; see Section 5.100-1(c) or 5.110-1(c) for any applicable standards
P	= Permitted principal use
P4	= Permitted principal use subject to standards enumerated in Article 4
P5	= Permitted principal use subject to standards enumerated in Article 5; see Section 5.100-1(c) or 5.110-1(c)

Discretionary uses:

CUP1	= Requires an approved conditional use permit, Type 1
CUP2	= Requires an approved conditional use permit, Type 2
SPR	= Requires an approved site plan review

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that district

n/a = Not applicable

Am. 12/17/97 Ord. 97-74

Am. 11/20/98 Ord. 98-60

Table 5.5-B
Industrial and Industrial Mixed Use Districts
Development Standards

Development Standard		District			
		I-1	I-2	I-3	IMX-1
Minimum lot area (square feet)		7,500	7,500	7,500	5,000
Minimum lot width and depth (feet)		60	60	60	50
Yards (feet):	**Front**[1]	10	5	0	5
	Side and rear	0[2]	0[2]	0[2]	0[3]
Maximum building area (percent of zoning lot)		80 However, the building area may be increased to include all of the buildable area of the zoning lot provided all structures beyond the designated 80 percent building area shall: a. Provide a minimum clear interior height of 18 feet; b. Contain no interior walls, except for those between a permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and other structural features			
Maximum density (FAR)		1.0	2.5	2.5	1.0 - 2.5 see Sec. 5.110-1(d)
Maximum height (feet)		40	per zoning map		
Height setbacks		per Sec. 5.100-1(d)			per Sec. 5.110-1(d)

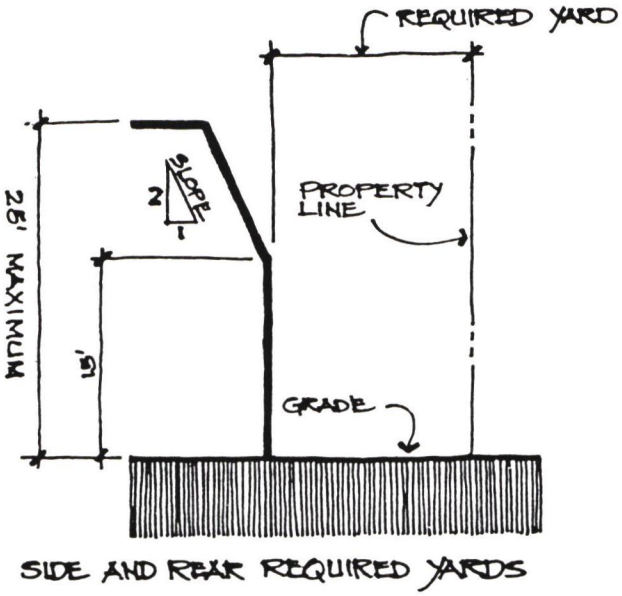
[1] Except for necessary access drives and walkways, all front yards shall be landscaped. Where a zoning lot adjoins a residential, apartment or apartment mixed use district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 5.6)

[2] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment or apartment mixed use or resort district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In addition, solid walls 6 feet in height shall be erected and maintained along all side and rear property lines so adjoining. Such walls shall not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use or resort district.

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district. Within 5 feet of the property line, required yards shall be landscaped with a screening hedge, not less than 42 inches in height, except for necessary drives and walkways.

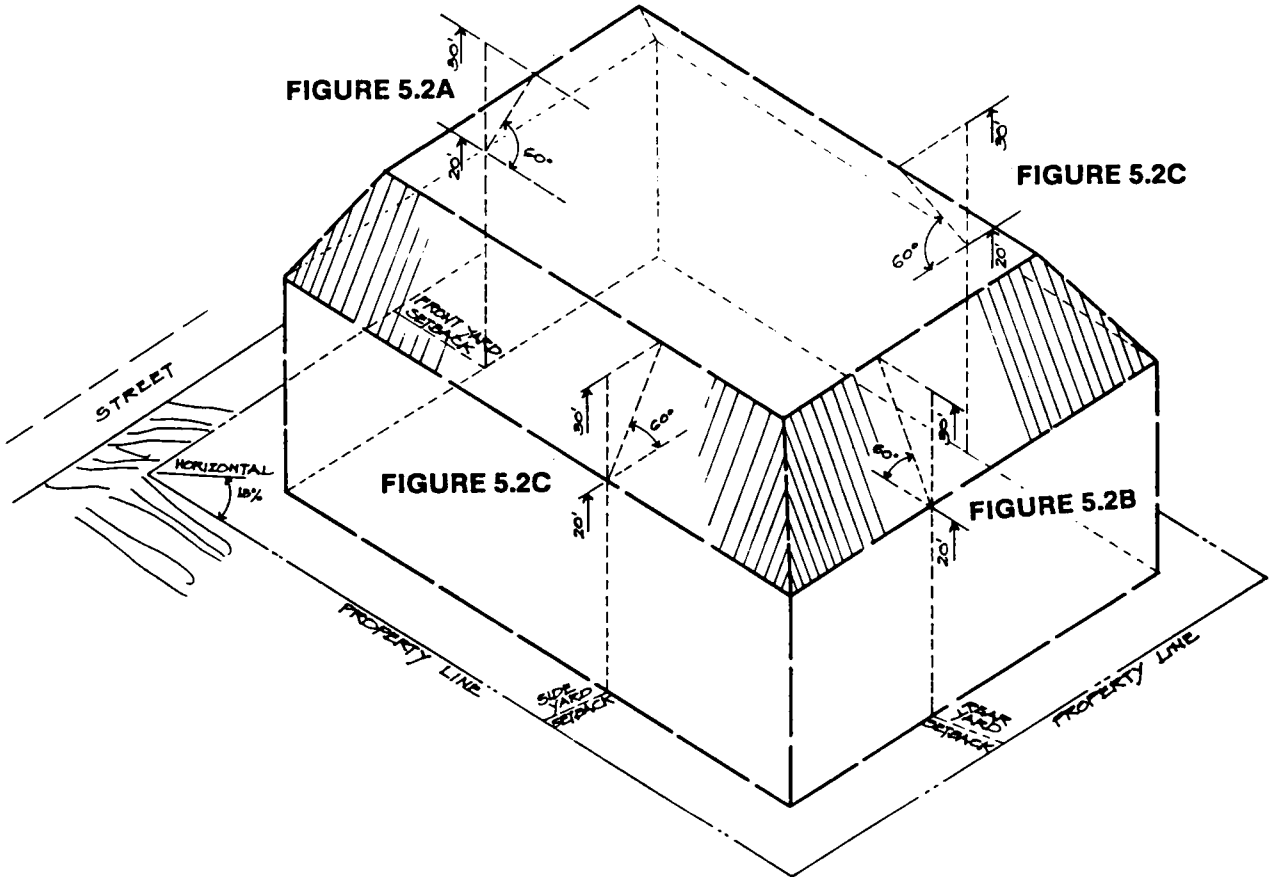
[4] The floor area of uses marked by [1] under Table 5.5-A shall at no time exceed, in aggregate, this FAR on the zoning lot. This restriction shall not apply to zoning lots 10,000 square feet or less that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 8.40, which includes limitations on the permitted uses in the technology park.

Figure 5.1



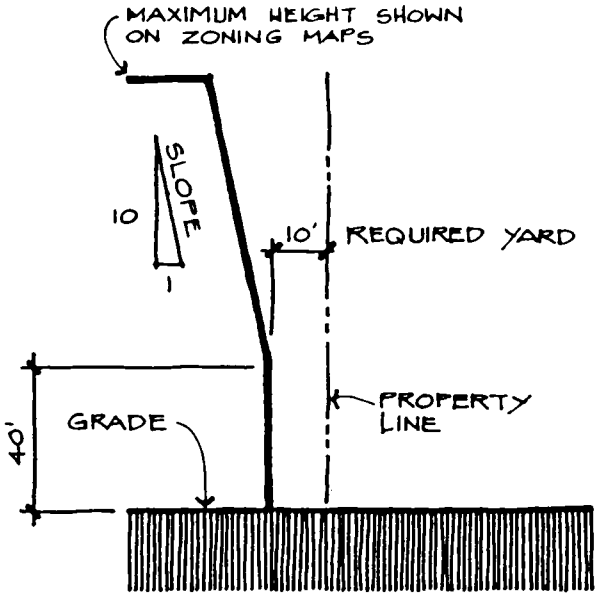
HEIGHT SETBACKS (P-2, AGRICULTURAL AND COUNTRY DISTRICTS)

Figure 5.2



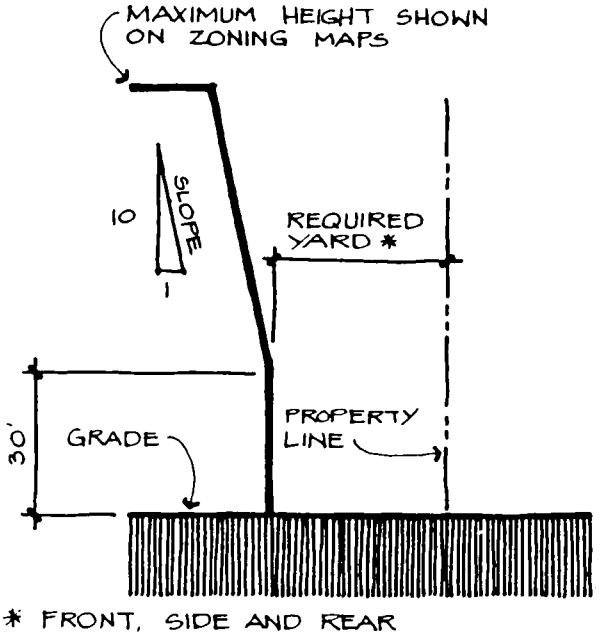
HEIGHTS ON SLOPING LOTS (COUNTRY DISTRICT)

Figure 5.3



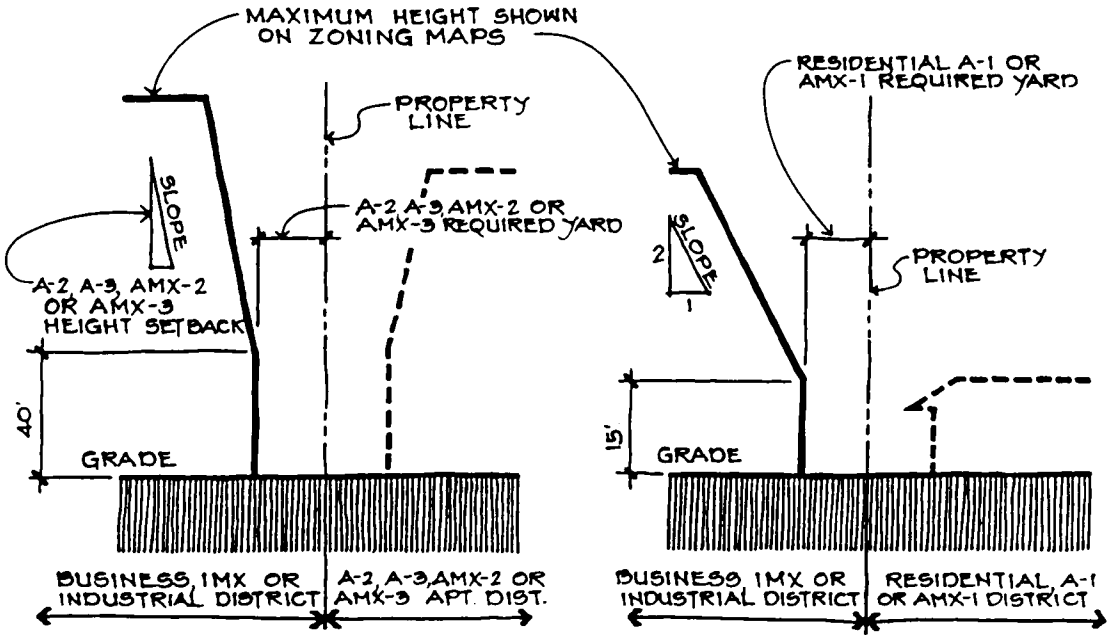
A-2, A-3, AMX-2, AMX-3 DISTRICT HEIGHT SETBACK

Figure 5.4



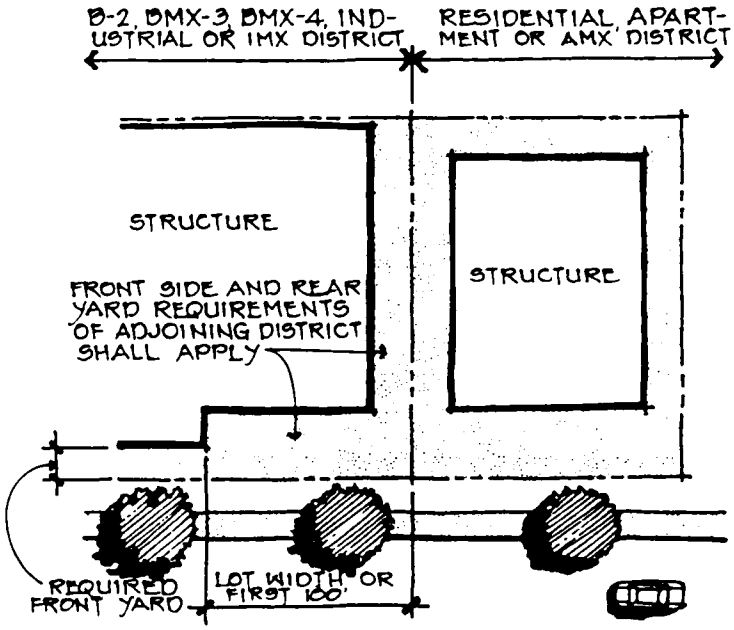
RESORT DISTRICT HEIGHT SETBACK

Figure 5.5



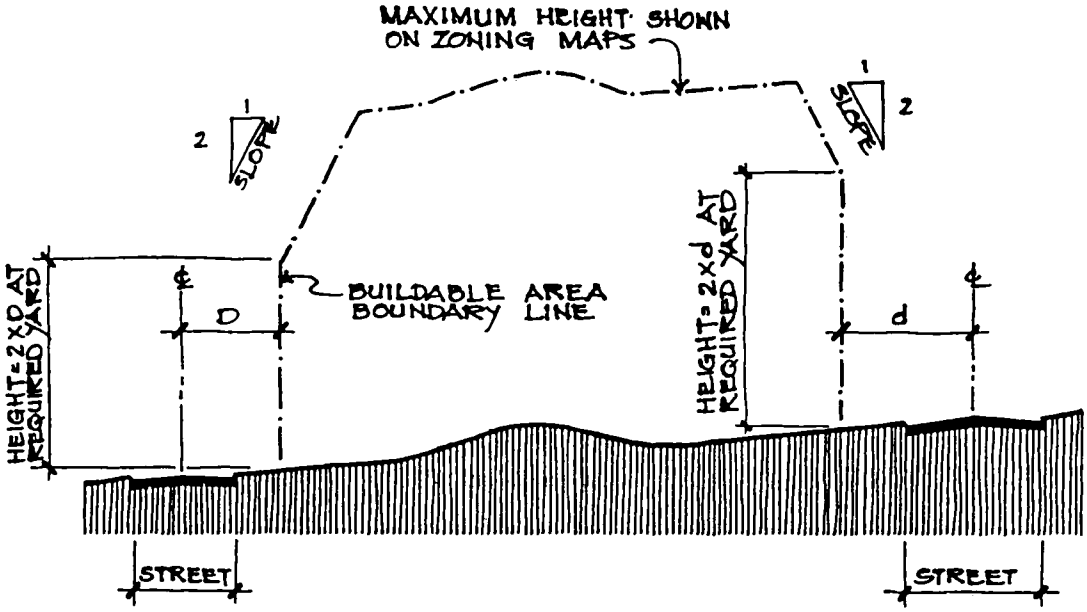
TRANSITIONAL HEIGHTS (BUSINESS, BMX, IMX AND ALL INDUSTRIAL DISTRICTS)

Figure 5.6



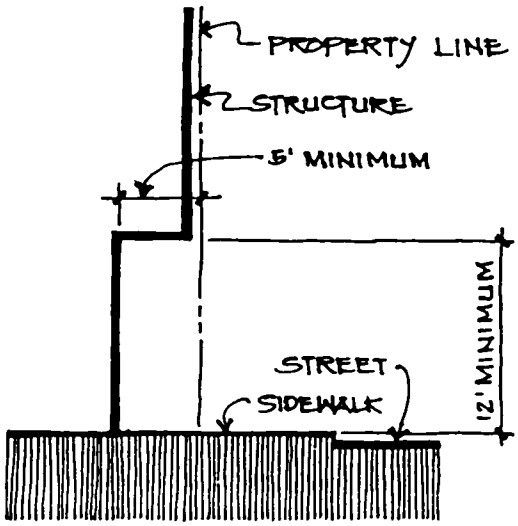
FRONT YARDS (B-2, BMX-3, BMX-4, IMX AND ALL INDUSTRIAL DISTRICTS)

Figure 5.7



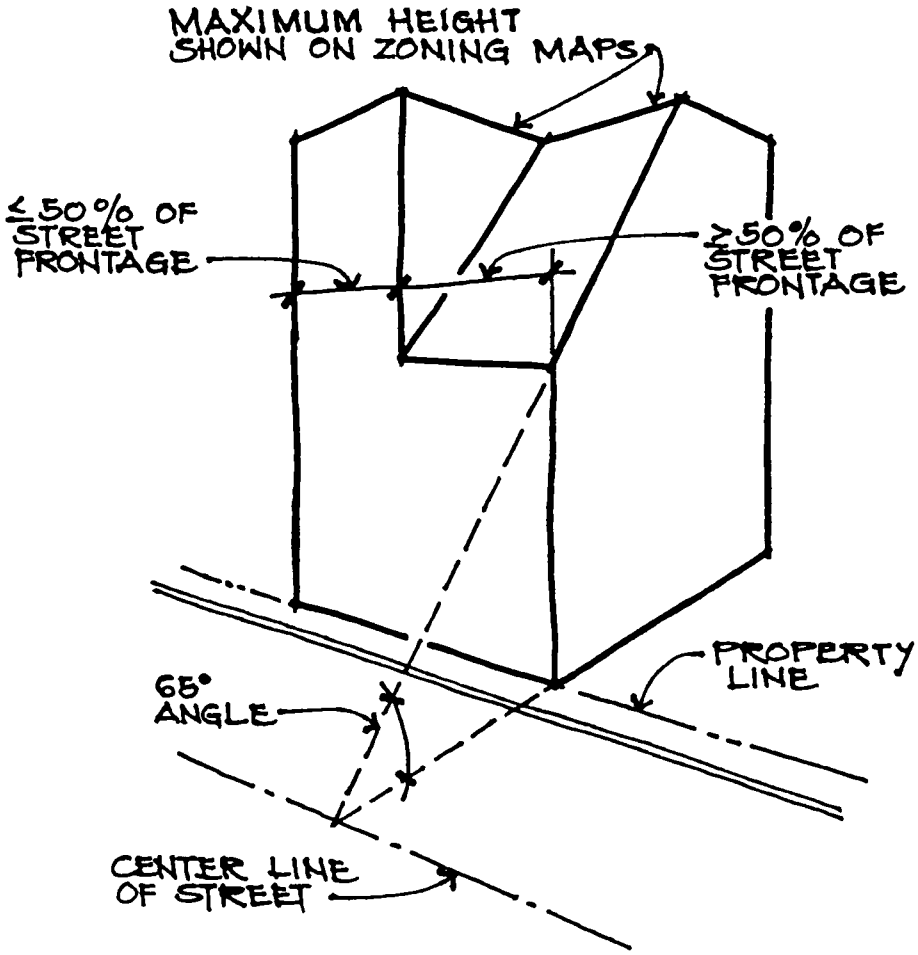
STREET SETBACKS (B-2, BMX-3, I-2, I-3 AND IMX DISTRICTS)

Figure 5.8



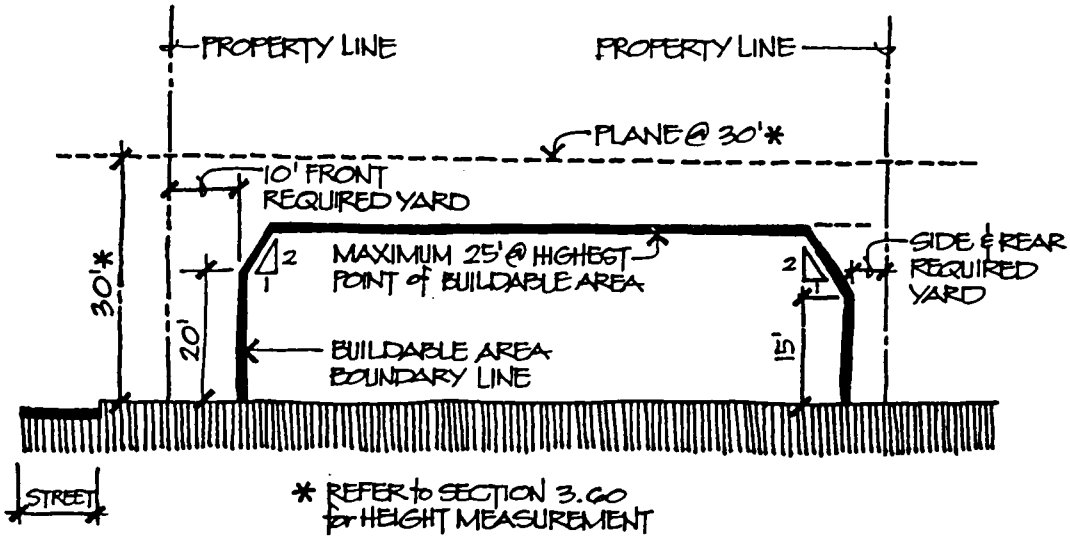
FRONT YARD BMX-4 DISTRICT

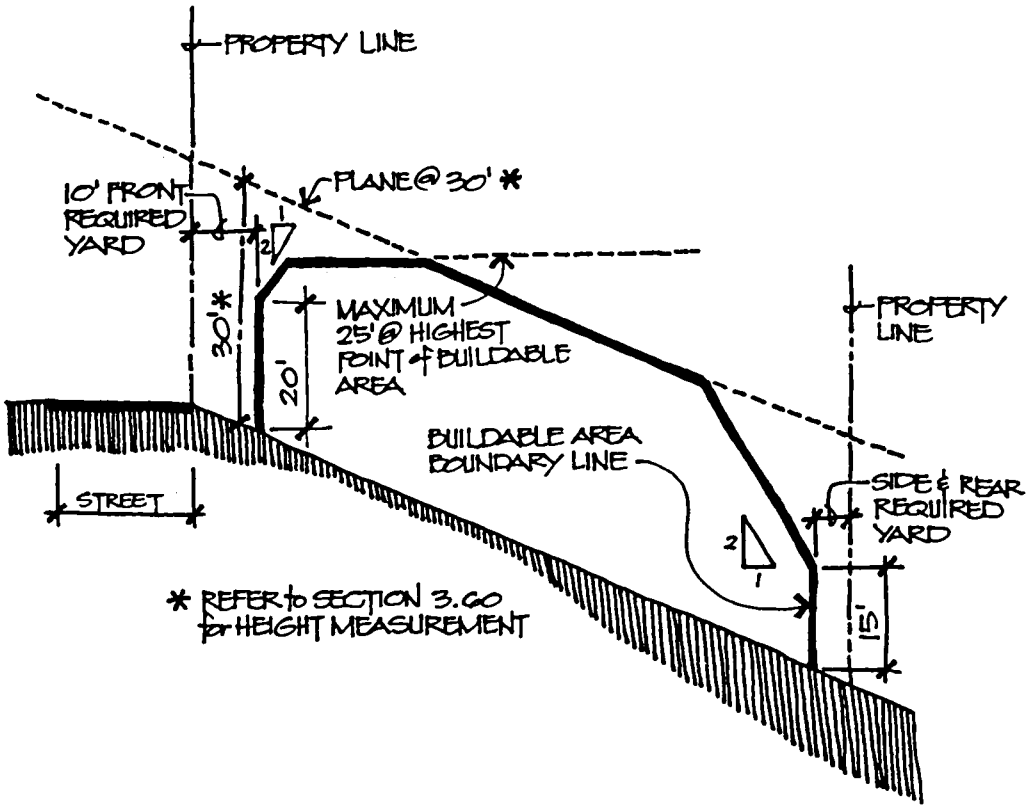
Figure 5.9



65 DEGREE ANGLE HEIGHT LIMIT (BMX-4 DISTRICT)

Figure 5.10





HEIGHT MEASUREMENT IN RESIDENTIAL DISTRICTS

Article 6. OPTIONAL DEVELOPMENT REGULATIONS

Sections:

6.10 Purpose and intent.
6.20 Housing: Ohana (accessory) dwellings.
1. Zoning adjustments: Ohana (accessory) dwellings.
2. Procedures for approval of ohana (accessory) dwellings.
6.30 Housing: Site development plan.
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6.50 Housing: Flexible site design.
1. Cluster housing.
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7. PD-H density and minimum land area.
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6.10 Purpose and intent.

It is the purpose of this article to enable flexibility in the design and development of land to promote its most efficient use in a manner consistent with the city's adopted land use policies and desired public objectives; to encourage creative and cost-effective methods of housing development; to allow the integrated and unified development of structures and facilities within a single site or district, and to encourage the development or redevelopment of land which cannot be used to its fullest potential through the conventional application of the provisions of this chapter or the city's Subdivision Rules and Regulations.

6.20 Housing: Ohana (accessory) dwellings.

(a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.

(b) It is intended that "ohana" units be accessory to the principal permitted single-family dwelling on the zoning lot and that they be allowed only in areas where wastewater, water supply and transportation facilities are adequate to support additional density.

(c) One ohana accessory dwelling unit may be located on a lot zoned for residential, country, or agricultural use, with the following limitations:

(1) The maximum size of an ohana accessory dwelling unit shall be as follows:

Zoning District	Maximum Floor Area
AG-1 restricted agricultural	1,000 sq. ft.
AG-2 general agricultural	1,000 sq. ft.
Country	1,000 sq. ft.
R-20 residential	1,000 sq. ft.
R-10	900 sq. ft.
R-7.5	700 sq. ft.
R-5	700 sq. ft.

(2) Ohana dwelling units shall not be permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning districts, or on duplex unit lots.

(3) An ohana dwelling unit shall not be permitted on any nonconforming lot.

(4) The ohana dwelling unit and the principal dwelling shall be located within a single structure, i.e., within the same two-family detached dwelling.

(5) The ohana dwelling unit shall be occupied by persons who are related by blood, marriage or adoption to the family residing in the principal dwelling. Notwithstanding this provision, ohana dwelling units for which a building permit was obtained before September 10, 1992 are not subject to this restriction and their occupancy by persons other than family members is permitted.

(6) All other provisions of the zoning district shall apply.

(7) The parking provisions of this chapter applicable at the time the ohana building permit is issued shall apply and the provision of such parking shall be a continuing duty of the owner.

(8) The owner or owners of the lot shall record in the Bureau of Conveyances of the State of Hawaii, or if the lot is subject to Land Court Registration under Chapter 501, Hawaii Revised Statutes, they shall record in the Land Court, a covenant that neither the owner or owners, nor the heirs, successors or assigns of the owner or owners shall submit the lot or any portion thereof to the Condominium Property Regime established by Chapter 514A, Hawaii Revised Statutes. The covenant shall be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant shall be deemed a violation of Chapter 21 and be grounds for enforcement of the covenant by the director pursuant to Section 8.60 et.seq. and shall be grounds for an action by the director to require the owner or owners to remove, pursuant to Section 514A-21, Hawaii Revised Statutes, the property from a submission of the lot or any portion

thereof to the Condominium Property Regime made in violation of the covenant.

6.20-1 Zoning adjustments: Ohana (accessory) dwellings.

(a) Rebuilding.

Any ohana dwelling unit that is destroyed by any means to the extent of more than 50 percent of the unit's replacement value may be rebuilt to its previously existing dwelling type under the following conditions:

(1) It can be demonstrated that the ohana dwelling unit was legally constructed.

(2) It can be demonstrated that the replacement ohana dwelling unit will meet all current underlying district standards including but not limited to height limits, required yards and setbacks, maximum building area and parking.

(3) Any ohana dwelling unit rebuilt under the provisions of this subsection shall not be expanded to increase the floor area beyond the larger of:

(A) The floor area shown on approved building plans prior to its destruction; or

(B) The current maximum floor area for ohana dwellings in the applicable residential zoning district.

(b) Expansion.

(1) Notwithstanding subsection (a) of this section, an ohana dwelling unit owned under the provisions of Chapter 514A, Hawaii Revised Statutes, may be expanded, provided that:

(A) The Declaration of Condominium Property Regime or Declaration of Horizontal Property Regime was filed with the Bureau of Conveyances of the State of Hawaii on or before December 31, 1988; and

(B) The building permit was issued prior to April 28, 1988, the effective date of Ordinance No. 88-48 which placed floor area restrictions on ohana dwellings.

(2) Expansion of an ohana dwelling unit pursuant to this subsection is subject to the following conditions:

(A) The maximum building area for each dwelling unit on the zoning lot shall not exceed the ratio of that unit's proportionate share of the common interest to the total common interest of all units on the same zoning lot multiplied by the maximum building area of the zoning lot. The common interest shall be as specified in the applicable Condominium Property Regime documents.

(B) Any such expansion shall conform to yard requirements and other development standards for the applicable zoning district.

(C) In the event the maximum building area has already been reached or exceeded, no additional expansion shall be permitted.

(c) Notwithstanding the provisions of subsection (c) of Section 6.20, requiring all new ohana units to be attached units, detached ohana dwelling units for which the building permit was issued prior to September 10, 1992 may be rebuilt and/or expanded as provided by subsections (a) and (b).

6.20-2 Procedures for approval of ohana (accessory) dwellings.

The Department of Land Utilization, with the assistance of other agencies, as appropriate, shall adopt rules relating to ohana (accessory) dwellings, including rules to establish the following:

(a) Procedures for designating ohana-eligible areas, including rules providing that:

(1) Only those areas that are determined by the appropriate government agencies to have adequate public facilities to accommodate ohana dwellings shall be ohana-eligible.

(2) Upon a finding by the responsible agency that wastewater treatment and disposal, water, or transportation facilities are not adequate to accommodate additional

ohana dwellings in any ohana-eligible area, no more ohana dwellings shall be approved in that area.

(3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the residential-zoned lots in the same census tract sign a petition requesting that residential-zoned lots in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on residential-zoned lots in that census tract from the date the department certifies the validity of the petition. For purposes of this paragraph, the term "owners" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this paragraph, the term "lease" shall mean "lease" as that term is defined in Section 516-1, Hawaii Revised Statutes.

(4) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the agricultural-zoned and country-zoned lots in the same census tract sign a petition requesting that all agricultural-zoned and country-zoned areas in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on agricultural-zoned or country-zoned lots in that census tract from the date the department certifies the validity of the petition. For purposes of this paragraph, "owner" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this paragraph, the term "lease" shall mean a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, twenty years or more (including any

periods for which the lease may be extended or renewed at the option of the lessee).

(5) The director may adopt rules and regulations pursuant to Chapter 91, Hawaii Revised Statutes, to establish procedures for, to implement and to further define the terms used in paragraphs (3) and (4). These rules may include, but not be limited to, provisions relating to the form of petitions, determination of necessary signatures where there is more than one owner or when the owner is an entity, the signing of petitions, validity of signatures, the withdrawal of signatures, the time frame for collection of signatures, verification of signatures, certification of results, duration of the prohibition and procedures upon the change of census tract boundaries.

(6) Before an area is designated eligible for ohana dwellings, the director shall publish a notice of the proposed change in a newspaper of general circulation, and notify the neighborhood board(s) in the affected area.

(b) Standards and criteria for determining adequacy of public facilities, to include but not be limited to:

(1) Width, gradients, curves and structural condition of access roadways.

(2) Water pressure and sources for domestic use and fire flow.

(3) Wastewater treatment and disposal.

(4) Any other applicable standards and criteria deemed to be appropriate for the safety, health and welfare of the community.

(c) Standards and procedures for obtaining an ohana building permit. The standards shall, at a minimum, require that planned parking is adequate to meet the parking requirements of this chapter applicable at the time of issuance of the ohana building permit to both the principal and accessory (ohana) dwelling unit.

6.30 Housing: Site development plan.

Three to six dwelling units may be placed on a single zoning lot in an agricultural, country or residential district, provided a site development plan for the lot is approved by the director.

(a) Any zoning lot which has at least twice the required minimum lot size for the underlying agricultural, country or residential district may have two detached dwellings. If the applicant wishes to erect additional dwelling units under the provisions of Section 6.20, ohana dwellings, the zoning lot shall be subdivided.

(b) The site development plan shall be in accordance with the requirements of the preliminary subdivision map as stated in the Subdivision Rules and Regulations.

(c) Prior to granting approval, the director shall determine that:

(1) The site development plan would qualify for approval under the Subdivision Rules and Regulations if submitted in a subdivision application and roadways, utilities and other improvements comply with the Subdivision Rules and Regulations and subdivision standards, unless modified by the director under applicable provisions specified in the Subdivision Rules and Regulations.

(2) The number of dwelling units contained in each structure is not greater than permitted in the applicable zoning district.

(3) Except where otherwise provided in this article, each existing and future dwelling unit is located as if the lot were subdivided in accordance with the site development plan, applicable provisions of this article and the Subdivision Rules and Regulations.

(d) This section does not apply to applications for more than six dwelling units on a zoning lot, which must be processed under the established procedures for cluster housing, planned development-housing or subdivision.

6.40 Housing: Zero lot line development.

The purposes of this section are as follows:

(a) To allow housing which has the attributes of detached dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying district density controls.

(b) To offer more usable yard space and allow more efficient use of land.

It is the intent that zero lot line housing be applied to both new and existing neighborhoods and be used as a method for urban infill.

6.40-1 Zero lot line site plan.

All zero lot line housing projects shall be processed in accordance with the Subdivision Rules and Regulations, including application requirements; provided, that a site plan shall be submitted with other application materials which meets the criteria of Section 6.40-2 of this article.

6.40-2 Zero lot line site design standards.

(a) Zero lot line housing may be constructed in the R-7.5, R-5 and R-3.5 residential districts.

(b) The minimum lot and yard dimensions shall be the underlying district requirements for duplex units, except that a side and/or a rear yard need not be provided, and corner lots in a zero lot line project shall have a minimum lot width of 10 feet more than the underlying district minimum lot width for duplex units.

(c) The maximum building area shall be 50 percent of the zoning lot.

(d) The maximum building height shall be the underlying district requirements.

(e) Height setbacks on the zero lot line shall be measured from five feet on the other side of the property line.

(f) The following siting standards shall be applied to all zero lot line housing projects:

(1) To create useful outdoor areas, dwelling units may be sited on any side and/or rear lot line.

(2) Dwelling units shall not be sited on lot lines between a zero lot line dwelling and a lot not included in the project.

(3) A minimum distance equivalent to double the yard requirement in the underlying zoning district shall be maintained between any two dwelling units. This requirement can be met entirely on one zoning lot or shared between the lots. This control shall be made a part of deed restrictions as a use easement.

(4) Siting of dwelling units shall be staggered a minimum of two feet on adjacent zoning lots. Setbacks shall be varied in a random manner to avoid repetition.

(g) Walls of structures built along the lot line shall not contain windows, doors or other openings, except that windows may be allowed for light and ventilation purposes; provided, that the height from window sill to finished floor shall be at least six feet.

(h) For the purposes of construction, upkeep and repair of structures located on a lot line, a minimum five foot maintenance easement shall be recorded between the owner of the property containing the structure and the owner of the property upon which entry must take place.

(i) All zoning lots within a zero lot line housing project shall carry a record of agreement or deed restriction limiting the use of the lots to zero lot line housing, including all restrictions on yards.

(j) The director may establish supplemental design guidelines further illustrating the above site design standards.

6.50 Housing: Flexible site design.

The purpose of this section is to provide for cluster housing and planned development-housing, two development options which offer more flexible site design opportunities than conventional subdivision.

6.50-1 Cluster housing.

The intent of cluster housing is:

(a) To allow development of housing sites which would otherwise be difficult to develop under conventional city subdivision standards.

(b) To allow flexibility in housing types, including attached units.

(c) To encourage innovative site design and efficient open space.

(d) To minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted.

(e) To provide common amenities, when appropriate.

6.50-2 Cluster site design standards.

Cluster housing may be constructed in all residential and apartment districts, subject to the following standards:

(a) Within residential and apartment districts, the minimum land area and maximum number of dwelling units for a cluster housing project shall be as follows:

District	Minimum Land Area	Maximum No. of Units
R-20	60,000 sq. ft.	Total project area/20,000
R-10	30,000 sq. ft.	Total project area/10,000
R-7.5	22,500 sq. ft.	Total project area/7,000
R-5	15,000 sq. ft.	Total project area/3,750
R-3.5	10,500 sq. ft.	Total project area/3,500
A-1 - A-3	10,500 sq. ft.	Total project area/3,500

(b) Within cluster housing projects, detached, duplex and multi-family dwellings shall be permitted. Multi-family dwellings shall not exceed eight dwelling units in one structure.

(c) The director may waive the following requirements if suitable landscaping and/or fence/wall buffering is provided:

(1) All structures containing more than two dwelling units shall be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width.

(2) All common activity areas, such as tot lots, play courts, swimming pools and barbecue facilities, shall be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project.

(d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit, provided the following conditions are met:

(1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;

(2) The building contains multi-family dwellings with gabled and/or hipped roof forms;

(3) The highest exterior wall line, equivalent to the structural top plate, shall not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;

(4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential district. The distance between any three-story buildings shall be at least 30 feet;

(5) The building shall not exceed a height limit of 34 feet; and

(6) The exemption will not adversely detract from the surrounding neighborhood character.

(e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall shall be constructed or landscaped buffering shall be

installed along the roadway or a combination of a wall and landscaping, subject to the approval of the director.

(f) Maximum building area shall be 50 percent of the total land area for the project. Maximum building area for any lot of record may be more than 50 percent in response to design considerations, but in no event shall exceed 80 percent.

(g) Yards and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all lots fronting public streets shall not be less than the front yard requirement of the underlying zoning district.

(h) The director may establish supplemental design guidelines further illustrating the above site design standards.

6.50-3 Cluster housing procedures.

All cluster housing applications shall be processed in accordance with Section 8.30-6.

6.50-4 Planned development-housing (PD-H).

The PD-H option is intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood, with:

(a) A variety of housing types, including multi-family dwellings;

(b) Innovative site design and efficient open space;

(c) Common amenities;

(d) Reduced construction costs for the developer and housing costs for the consumer;

(e) A mixing of uses other than allowed in the underlying zoning district;

(f) Adequate provisions of public services;

(g) More flexibility for infrastructure improvements.

6.50-5 PD-H applicability.

PD-H projects may be constructed in all residential and apartment districts.

6.50-6 PD-H use regulations.

Within a PD-H project, all of the following uses and structures shall be permitted:

(a) Meeting facilities; provided, that facilities where the conduct of commercial affairs is a principal activity shall not be permitted;

(b) Day-care facilities;

(c) Dwellings: detached, multi-family and duplex;

(d) Recreation facilities, outdoor;

(e) Schools: Elementary, intermediate and high;

(f) Utility installations, Type A.

6.50-7 PD-H density and minimum land area.

The following floor area ratios and minimum land area requirement shall apply to PD-H projects, based on the underlying zoning district:

District	FAR	Minimum Land Area
R-20	.13	4 acres
R-10	.24	2 acres
R-7.5	.26	1.5 acres
R-5	.35	1 acre
R-3.5	.40	1 acre
A-1	.79	.5 acre
	1.00	If project size is greater than 1 acre
A-2	1.61	.5 acre
	2.00	If project size is greater than 1 acre
A-3	2.60	.5 acre
	3.00	If project size is greater than 1 acre

6.50-8 PD-H site design standards.

All PD-H projects shall comply with the following design review criteria:

(a) When a PD-H project adjoins a residential zoning district without an intervening secondary or major street or a permanent open space at least 15 feet wide, then a 15-foot open space buffer shall be provided. This buffer requirement may be waived by the director when topography makes buffering unnecessary.

(b) All intensive recreational uses, such as play courts, ball fields, tot lots and swimming pools, shall be set back a minimum of 25 feet from all adjoining residential districts and 25 feet from the walls of dwelling units within the planned development project. This requirement may be waived by the director when topography or the installation of

landscaping and/or a fence or wall or other design features makes the setback unnecessary.

(c) A minimum of 50 percent of the land area of the project shall be maintained in open space.

(d) Minor streets within the project shall not be connected to streets outside the development in such a way as to encourage the use of minor streets for through traffic.

(e) Walkways may be required for pedestrian access to all dwelling units and project facilities.

(f) The director may establish supplemental design guidelines further illustrating the above site design standards.

6.50-9 PD-H procedures.

All PD-H applications shall be processed in accordance with Section 8.30-4.

6.50-10 Application requirements.

Any application for a cluster or a PD-H project shall be accompanied by:

(a) Project name;

(b) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one-half mile radius of the project;

(c) A site plan showing:

(1) A metes and bounds map of site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;

(2) Lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot, total number of lots and total area of project;

(3) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements;

existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;

(4) Approximate location of areas subject to inundation or stormwater overflow, and all areas covered by waterways, including ditches, gullies, streams and drainage courses within or abutting the site and features such as slide areas or falling boulder areas likely to be harmful to the project or the surrounding area;

(5) Existing contours at vertical intervals of five feet where the slope is greater than 10 percent, and contours not more than two feet where the slope is less than 10 percent;

(6) The finished condition to be achieved by proposed grading to be shown by contours, cross sections, spot elevations or other means, and estimated quantities of cut and fill. Elevations shall be marked on such contours based on established benchmark;

(7) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features;

(8) Location, size, spacing, setbacks and dimensions of all existing and proposed structures, and improvements, including the number and type of dwelling units;

(9) The shoreline, shoreline setback lines, beach access and stream and other setback lines, when applicable;

(10) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;

(11) Number and location of dwelling units and guest parking (covered and uncovered);

(12) Abutting land uses.

(d) Architectural plans which show prototype dwelling units, including floor plans and elevation drawings, with sections, dimensions and floor area;

(e) A landscape plan which includes identification of proposed trees by caliper and other plant material by species;

(f) A prose description of the project including: objectives of the design concept; unique site conditions; development schedule (number of units and other development features for each phase);

(g) Proposals for maintenance and conservation of all common elements.

6.50-11 Director's decision.

The director shall approve, approve with modifications, or deny with reasons the cluster housing or the PD-H application, based on the following criteria:

(a) The applicant's compliance with the provisions of Section 6.50-2, for cluster housing projects, or Section 6.50-8, for PD-H projects;

(b) The applicant's compliance with requirements of other government agencies;

(c) The applicant's compliance with all other application requirements, as specified in Section 6.50-10, Application requirements;

(d) Assurance that the proposed development will be of quality and character compatible with surrounding land uses and will have the same beneficial effect on the health, safety and welfare of persons living or working in the area, as would any use or uses generally permitted in the district.

(e) No cluster or PD-H shall be granted approval if the land is found by the director, upon consultation with other governmental agencies, to be unsuitable for the proposed use, based on the following conditions:

(1) Susceptibility to flooding;

(2) Poor drainage;

(3) Unstable subsurface;

(4) Groundwater or seepage conditions;

(5) Inundation or erosion by seawater;

(6) Susceptibility to slides or similar hazards;

(7) Adverse earth or rock formation or topography; and

(8) Other features or conditions likely to be harmful or dangerous to the health, safety or welfare of future residents of the proposed project or to the surrounding neighborhood or community.

Approval shall not be granted unless satisfactory protective improvements or other measures have been proposed by the applicant and approved by the director in consultation with other governmental agencies.

ARTICLE 7. SPECIAL DISTRICT REGULATIONS

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1. **Objectives.**
2. **District boundaries.**
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4. **Design controls.**
5. **Detached dwellings and duplex units.**
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7.10 Flood hazard districts: Purpose.

(a) Certain areas within the city are subject to periodic inundation by flooding and/or tsunami which may result in loss of life and property, creation of health and safety hazards, disruption of commerce and governmental services as well as extraordinary public expenditures for flood and tsunami protection and relief.

(b) The purposes of establishing flood hazard districts are to protect life and property and reduce public costs for flood control and rescue and relief efforts, thereby promoting the safety, health, convenience and general welfare of the community.

7.10-1 Authority.

This section is enacted pursuant to the U.S. National Flood Insurance Act of 1968 (Public Laws 90-448 and 91-152), as amended, and the U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended.

7.10-2 Establishment of districts.

(a) Flood Hazard Districts.

This section shall apply to all lands within the flood hazard districts delineated on the flood insurance rate maps, as prepared by the Federal Insurance Administration, Federal Emergency Management Agency. The following flood hazard districts are established:

(1) Floodway district;

(2) Flood fringe district;

(3) Coastal high hazard district;

(4) General floodplain district.

(b) The flood hazard districts are delineated on the flood insurance rate maps and any amendments by the Federal Emergency Management Agency, on file with the Department of Land Utilization, City and County of Honolulu, and which hereinafter are called flood maps.

(c) The flood boundary and regulatory flood elevations shall be determined by the flood maps. Where interpretation is needed as to whether or not a project lies within a certain flood district, or interpretation is needed on the regulatory flood elevation in the floodway, flood fringe or coastal high hazard districts, a request for interpretation shall be submitted to the director for determination. The request shall include the project site and location plan, property lines and dimensions and tax map key.

(d) Where interpretation on the regulatory flood elevation or other data is needed, other than as stated in subsection (c) of this section, the director with the recommendation of the chief engineer shall make the determination. The request for interpretation under this section shall be submitted to the director and include three sets of documents, stamped and signed by a registered professional engineer, containing adequate information and substantiating data consistent with this part, such as flood study, flood data, project site and location plan, property lines and dimension, tax map key, and

topographic data, contours or spot elevations based on reference marks on flood maps. Upon review by the director, other related information may be required to evaluate the request.

7.10-3 Warning and disclaimer of liability.

(a) The degree of flood and tsunami protection required by the flood hazard districts is considered reasonable for regulatory purposes and is based on standard engineering methods of study. Larger floods or tsunamis than the regulatory flood as designated on the flood maps may occur on occasions, or flood or tsunami elevations may be increased by manmade or natural causes. This section does not imply that areas outside the flood hazard area will be free from flooding or damage.

(b) This section shall not create liability on the part of the city or any officer, official or employee for any flood or tsunami damages that result from reliance on this part or any administrative decision lawfully made thereunder.

7.10-4 Development standards.

Developments within the flood hazard districts shall:

(a) Be designed and structures adequately anchored to resist flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including effects from buoyancy caused by the regulatory flood.

(b) Use construction materials and equipment that are resistant to flood damage caused by the regulatory flood elevation.

(c) Use construction methods and practices that will minimize damage caused by the regulatory flood.

(d) Be consistent with the need to minimize damage by the regulatory flood to the best available technological and practical design and construction.

(e) Provide utilities and facilities (including but not limited to sewers, water, electric, telephone and gas) to be designed, located and constructed to minimize or eliminate flood damage caused by the regulatory flood.

(f) Provide drainage to minimize damage by the regulatory flood in accordance with the storm drainage standards of the Department of Public Works.

(g) For new or replacement potable water system and facilities, be designed to minimize or eliminate infiltration of flood waters into the systems.

(h) For new or replacement sanitary sewer system and waste disposal system, be designed, located and constructed so as to minimize impairment to them or contamination from them during and subsequent to flooding by regulatory flood.

7.10-5 Floodway district.

(a) Within the floodway district, the following uses having a low flood damage potential and not obstructing the regulatory flood shall be permitted as under the underlying zoning district and which are not prohibited by any other laws or ordinances; and provided, they do not affect the capacity of the floodway or any tributary or any other drainage facility or system:

(1) Public and private outdoor recreational facilities, lawn, garden and play areas;

(2) Agricultural uses including farming, grazing, pasture and outdoor plant nurseries;

(3) Drainage improvements, such as dams, levees, channels and bridges.

(b) Temporary or permanent structures, fill, storage of material or equipment or other improvements which affect the capacity of the floodway or increase the regulatory flood elevations shall not be allowed. Construction and improvements shall be subject to documentation by studies and data by a registered professional engineer that, to the best available technical knowledge and information, encroachment shall not result in any increase in the regulatory flood elevations during occurrence of the regulatory flood.

7.10-6 Flood fringe district.

(a) Within the flood fringe district, the uses permitted in the underlying zoning district shall be permitted, provided such uses, improvements, structures and utilities are in compliance with the provisions of Sections 7.10 through 7.10-14.

(b) In addition to Section 7.10-4, the following standards shall be applicable in the flood fringe district:

(1) All construction and improvements of residential structures shall have the lowest floor including basements but not including floors used for access purposes such as stairways, storage purposes, garages, carports and lanais, elevated to or above the regulatory flood elevation. Maximum height in country, agricultural or residential districts may be exceeded by no more than five feet, provided such additional height shall not be greater than 25 feet above the regulatory flood elevation. This provision shall also apply to detached dwellings and duplex units in apartment and apartment mixed use districts.

(2) (A) All construction and improvements of nonresidential structures shall have the lowest floor elevated to or above the regulatory flood elevation; or, together with attendant utility and sanitary facilities, be designed and constructed so that below the regulatory flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy due to the regulatory flood.

(B) A registered professional architect or engineer shall develop or review the design, specifications and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of

this section and include the specific elevation to which such structures are floodproofed.

(3) The structure above the regulatory flood elevation shall be securely anchored to the foundation to resist movement and flotation due to the regulatory flood.

(4) All construction, improvements, portions of structures and foundations below the regulatory flood elevation shall be designed to be floodproof, anchored to resist movement and flotation and be able to resist the impact and calculated forces of the regulatory flood.

(5) (A) In areas of shallow flooding, as designated on the flood maps as AO zone, all construction and improvements of residential structures, including but not limited to dwelling or lodging units, shall have the lowest floor, including basements elevated above the highest adjacent grade at least as high as the depth number specified on the flood maps. All new construction and improvements of nonresidential structures within the AO zone shall have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified on the flood maps; or, together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(B) A registered professional architect or engineer shall develop or review the design, specifications and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section and include the specific elevation to which such structures are floodproofed. Highest

adjacent grade means the highest natural elevation of the ground surface prior to construction and measured next to the proposed walls of the structure.

(6) All construction of fully enclosed areas for access purposes, storage, garages and carports below the regulatory flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this criteria must be certified by a registered professional engineer or architect, or provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(7) Within the flood fringe district, the top of the lowest floor shall be at or above the regulatory flood, except for nonresidential floodproofed structures.

7.10-7 Coastal high hazard district.

(a) Within the coastal high hazard district, the uses permitted in the underlying zoning district shall be permitted, provided such uses, improvements, structures and utilities are in compliance with the provisions of Sections 7.10 through 7.10-14.

(b) In addition to Section 7.10-4, the following standards shall be applicable in the coastal high hazard district:

(1) (A) All construction and improvements shall have the lowest floor, including basements elevated to or above the regulatory flood elevation and securely anchored to piles or columns to resist movement and flotation and such foundation is able to resist the

impact and calculated forces of the regulatory flood. Maximum height in agricultural, country or residential districts may be exceeded by no more than five feet, provided such additional height shall not be greater than 25 feet above the regulatory flood elevation. This provision shall also apply to detached dwellings and duplex units in apartment and apartment mixed use districts.

(B) Piles or column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year.

(C) A registered professional architect or engineer shall develop or review the design, specifications and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Sections 7.10 through 7.10-14.

(2) (A) All construction and improvements shall have the space below the regulatory flood elevation reasonably free of obstruction or constructed with "breakaway walls," open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or supporting foundation.

(B) A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot, or a registered professional architect or engineer certifies that the breakaway wall shall collapse from a water load less than that which would occur during the

regulatory flood. Such enclosed space shall be usable solely for parking of vehicles, building access or storage.

(3) The use of fill for structural support of buildings shall be prohibited.

(4) All new development shall be constructed landward of the reach of the mean high tide.

(5) Prohibit man-made alterations of sand dunes and mangrove stands which would increase potential flood damage.

(6) Within the coastal high hazard district, the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) shall be at or above the regulatory flood.

7.10-8 General floodplain district.

(a) All proposed developments within the general floodplain district shall be subject to review and approval of the director. The application, signed and stamped by a registered professional engineer, shall include the following information to evaluate the flooding and to determine whether it is located on a floodway or flood fringe area:

(1) Project location and site plan showing dimensions, topographic data, contours or spot elevation based on reference marks on flood maps, relationship of project to floodway and flood fringe areas as determined by the flood study and existing and proposed flood control measures and requirements.

(2) (A) Flood study and drainage report, including cross section and profile of the area and the regulatory flood elevation and riverine flood velocities at the project.

(B) Upon review by the director, other information may be required to evaluate the flooding of the site.

(b) The director, with the recommendation of the chief engineer or other appropriate agency, shall evaluate and determine whether the proposed project is located within a floodway or flood

fringe area and review the related flood data such as flood elevation, riverine flood velocities, boundaries, etc.

(c) If it is determined that the proposed project is within a floodway area, the project shall comply with the provisions and standards of the floodway district. If it is determined that the proposed project is within a flood fringe area, the project shall comply with the provisions and standards of the flood fringe district. Until a floodway or flood fringe district is designated, no development shall be allowed that would increase the water surface elevation of the regulatory flood more than one foot at any point.

(d) For developments in areas where the flood study and report have been previously reviewed and accepted by the city, the flood study and drainage report information may be waived by the director.

7.10-9 Developments adjacent to drainage facility outside the flood hazard district.

(a) Applications for building permits or development projects located on property encompassing or adjacent to a property with any stream, river or drainage facility shall be subject to review and approval of the chief engineer. Upon request by the chief engineer, the application shall include information signed and stamped by a registered professional engineer, in accordance with Section 7.10-10, to evaluate the potential flooding of the area.

(b) If it is determined that the proposed project is within a floodway area, the project shall comply with the provisions and standards of the floodway district. If it is determined that the proposed project is within a flood fringe area, the project shall comply with the provisions and standards of the flood fringe district.

(c) No drainage facility, river or stream shall be modified, constructed, lined or altered in any way unless approved by the chief engineer.

7.10-10 Application procedures.

(a) All permits required by this chapter, subdivisions and other projects within the flood hazard districts shall include the stamp, signature and the following statements of a registered professional engineer and/or architect that, to the best available technical knowledge and information:

(1) The studies, plans, specifications and other documents comply with the standards of the flood hazard district. The structural design, specifications and plans for the construction have been developed or reviewed, and the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of the flood hazard district.

(2) The floodproofing measures are consistent with the regulatory flood elevation.

(3) The project is adequate to resist the regulatory flood forces.

(4) (A) Structures in the coastal high hazard district are securely anchored to adequately anchored pilings or columns in order to resist the forces of the regulatory flood and not adversely affect the regulatory flood on surrounding properties.

(B) Information shall also include the location of the flood hazard boundaries; location, dimensions and elevations of the property in relation to elevation reference marks on flood maps; regulatory flood elevations, velocity and data; location and elevations of existing and proposed structures, utilities, streets and improvements; and the existing and proposed flood-proofing measures and improvements.

(C) Development applications within the general floodplain district shall include the flood documents which were reviewed and accepted by the director.

(D) Whenever applicable, the flood hazard district requirements of a development project shall be determined prior to processing for other approvals mandated by other laws and regulations.

7.10-11 Flood hazard variance.

(a) The following, as permitted by other ordinances and regulations, unless otherwise stated, may be permitted as a flood hazard variance from Sections 7.10 through 7.10-14 subject to review and approval of the director:

(1) New structures, except in the floodway district, which are to be erected on a lot of one-half acre or less in area, contiguous to and surrounded by lots with existing structures constructed below the regulatory flood elevation;

(2) Uses, structures and standards in the floodway district as permitted under the underlying zoning district, which do not result in any increase in the regulatory flood elevation;

(3) Standards in the flood fringe and coastal high hazard districts, except for height standards.

(b) The application shall be submitted to the director and signed and stamped by a registered professional architect or engineer, and shall include three sets of documents with the following information as may be applicable:

(1) Plans and specifications showing the site and location; dimensions of all property lines and topographic elevation of the zoning lot; existing and proposed structures and improvements, fill, storage areas; location and elevations of existing and proposed streets and utilities; floodproofing measures; relationship of the site to the location of the flood boundary; and the existing and proposed flood control measures and improvements.

(2) Cross-sections and profile of the area and the regulatory flood elevations and profile based on elevation reference marks on flood maps.

(3) Flood study and drainage report in areas where study and report have not been reviewed and accepted by the city.

(4) Description of surrounding properties and existing structures and uses and the effect of the regulatory flood on them caused by the variance.

(5) Justification and reasons for the variance with consideration of the intent and provisions of this part and information as may be applicable on the following:

(A) The danger to life and property, including surrounding properties due to increased flood elevations or velocities caused by the variance.

(B) The danger that materials may be swept on to other lands or downstream to the injury of others.

(C) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(E) The importance of the services provided by the proposed facility to the community.

(F) The availability of alternative locations not subject to flooding for the proposed use.

(G) The compatibility of the proposed use with existing development anticipated in the foreseeable future.

(H) The relationship of the proposed use to the floodplain management program for the area.

(I) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(J) The expected elevations and velocity of the regulatory flood expected at the site due to the variance.

(K) That failure to grant the variance would result in exceptional hardship to the applicant.

(L) That the variance will not result in increase to the regulatory flood elevations, additional threat to surrounding properties and to public safety, extraordinary public expense or conflict with other laws or regulations.

(6) An agreement whereby a covenant will be inserted in the deeds and other conveyance documents of the property and filed with the Bureau of Conveyances of the State of Hawaii that the property is located in a flood hazard area and is subject to flooding and flood damage. The covenant shall contain a statement that a flood hazard variance to construct a structure below the regulatory flood elevation will result in increased premium rates for flood insurance and such construction below the regulatory flood elevation increases risks to life and property. The covenant shall also state that the property owner or owners will not file any lawsuit or action against the city for costs or damages or any claim, and shall indemnify and save harmless the city from any liability when such loss, damage, injury or death results due to the flood hazard variance and the flooding of the property. Upon approval of the flood hazard variance, such covenants shall be fully executed, and proof of filing with the Bureau of Conveyances shall be submitted to the director prior to issuance of any building permits.

(7) Such other factors which are relevant to the purposes of this section.

(c) The director shall refer the request to the chief engineer, building superintendent or other appropriate agency for their comments and recommendations. A flood hazard variance may be granted upon showing of good and sufficient cause, and determination that (1) failure to grant the variance would result in exceptional hardship to the applicant; (2) the

variance will not result in increase to flood elevations, additional threat to public safety, extraordinary public expense or conflict with other laws or regulations, except as otherwise stated; and (3) a variance granted within a floodway district would not result in increase of the regulatory flood elevation.

The director may approve, approve with conditions or deny the application. Such conditions may include:

(1) Modification of the project, including the sewer and water supply facilities.

(2) Limitations on periods of use and operation.

(3) Imposition of operational controls, sureties and deed restrictions.

(4) Requirements for construction of channels, dikes, levees and other flood-protective measures.

(5) Floodproofing measures designed consistent with the regulatory flood elevation, flood velocities, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood.

(6) Other conditions as may be required by the director.

7.10-12 Nonconforming structures within the flood hazard districts.

(a) Any nonconforming structures which were previously lawful prior to the effective date of the flood hazard districts but which are not in conformity with them, may be continued subject to the following conditions:

(1) Repairs and Maintenance.

Exemption from the standards of the flood hazard districts shall be permitted for any repair and maintenance work done on any nonconforming structure; provided that the cost of the work done in any period of 12 consecutive months is less than 50 percent of the replacement value of the structure before the work is started, and, if the structure has been damaged and is being restored, that the cost of restoring the structure

to its previous condition is less than 50 percent of the replacement value of the structure before the damage occurred.

(2) Damage, Destruction or Demolition.

Reconstruction and improvements shall be permitted on any nonconforming structure that is damaged, destroyed, or demolished to the extent that the cost of restoring the structure to its before-damage condition equals or exceeds 50 percent of the replacement value of the structure before the damage or demolition occurred; provided:

(A) The entire structure is reconstructed in conformity with the standards and provisions of the flood hazard district in which it is located;

(B) The damage or demolition occurred within the previous 12 months; and

(C) Reconstruction and improvements within the floodway district shall comply with the standards and provisions of the flood fringe district, and a registered professional engineer shall submit documentation showing that to the best technical knowledge and information, the reconstruction will not increase the regulatory flood elevations that existed during existence of the nonconforming structure.

(3) Exterior Improvements to an Existing Structure.

Exemption from the standards of the flood hazard district shall be permitted for any exterior alteration, addition, or remodeling to any nonconforming structure; provided that the cost of the work done in a period of 12 consecutive months is less than 50 percent of the replacement value of the existing structure before the work is started. This cost includes all work, including repairs and maintenance as stated above.

(4) Relocation.

If a nonconforming structure is relocated, it shall thereafter conform to the applicable flood hazard district standards, except that any nonconforming structure relocated within the same floodway district shall be exempt from the floodway district standards, subject to the following requirements:

(A) The nonconforming structure is relocated within the same zoning lot within the floodway district;

(B) The relocated structure shall comply with the standards and provisions of the flood fringe district; and

(C) A registered professional engineer shall submit documentation showing that to the best technical knowledge and information, the relocation will not increase the regulatory flood elevations that existed prior to relocation of the nonconforming structure.

(b) Every application for an exemption involving repair, reconstruction, exterior improvements, or relocation for a nonconforming structure in the coastal high hazard or floodway districts, as provided in subsection (a), shall be subject to the following:

(1) Within the coastal high hazard district, a registered professional engineer or architect shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice, and that the structures and improvements would not affect the regulatory flood nor aggravate existing flood-related erosion hazards; or

(2) Within the floodway district, a registered professional engineer or architect shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice, and that the

structures and improvements would not result in any increase of the regulatory flood levels.

7.10-13 Exemptions.

(a) The following structures and improvements shall be exempted:

(1) Structures listed on the National Register of Historic Places or State Inventory of Historic Places for reconstruction, rehabilitation or restoration;

(2) Fences and retaining walls;

(3) Interior renovations and improvements;

(4) Repair and maintenance to strengthen or restore any existing building or structure to a safe condition, as declared to be unsafe by an official charged with protecting the public safety;

(5) Demolition;

(6) Outdoor swimming pools;

(7) Signs;

(8) Temporary structures and uses incidental to building construction or land development;

(9) Carnivals, circuses, luaus, and fairs, and camping tents of a temporary nature;

(10) Storage sheds for agricultural, lawn equipment, and other similar storage sheds, including garages and carports;

(11) Streets, roadways, off-street parking lots, including private driveways, bridges and walkways;

(12) Bathhouses, comfort stations, open park pavilions, boathouses, picnic tables and benches, playground equipment, recreational open play courts, and recreational outdoor lighting and landscaping;

(13) Seawalls, bulkheads, wharves, piers and docks; and

(14) Other structures similar to those as stated above which meet the intent and purpose of this section as determined to be exempt by the director.

(b) Structures and improvements listed under subdivisions (2), (3), (8), and (10) through (14) of subsection (a) shall not be exempted in the coastal high hazard or floodway districts except as follows:

(1) Within the coastal high hazard district, a registered professional engineer or architect shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice and that the structures and improvements would not affect the regulatory flood nor aggravate existing flood-related erosion hazards.

(2) Within the floodway district, a registered professional engineer or architect shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice and that the structures and improvements would not result in any increase of the regulatory flood levels.

7.10-14 Other laws and regulations.

All construction and improvements subject to this section shall comply with other applicable laws and regulations including, but not limited to, the Building, Housing, Plumbing and Electrical Codes, and Grading Ordinances. This section, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances or regulations.

7.20 Special districts: Purpose.

The purpose of a special district is to provide a means by which certain areas in the community in need of restoration, preservation, redevelopment or rejuvenation may be designated as special districts to guide development to protect and/or enhance the physical and visual aspects of an area for the benefit of the community as a whole.

7.20-1 Design controls.

(a) To fulfill district design objectives, each special district may contain regulations which provide guidance for the design of new development and the renovation of existing development.

(b) Regulations may supplement or modify underlying zoning district regulations. Sections 7.20-2 through 7.20-5 shall apply to all special districts.

(c) The director may establish supplemental design guidelines for special districts to illustrate further the objectives and design controls of each special district.

7.20-2 Major, minor and exempt projects.

All development in any special district shall be classified into one of three categories: major, minor or exempt. Major and minor projects shall require a special district permit and shall be processed under Sections 8.30-8 and 8.30-5, respectively. Tables 7.1 through 7.8 shall be used as a guide to determine the category of a particular project within each special district.

(a) Major Permits.

These permits are intended for projects that may significantly change the intended character of the special district. All major permits shall be reviewed by the design advisory committee as specified in Section 8.30-8.

(b) Minor Permits.

Minor permits are intended for projects which will have limited impact and are considered minor in nature. The director shall have the right to review and modify such projects.

(c) Exempt Projects.

Exempt projects will have negligible or no impact and therefore do not require review. They include projects which require emergency repairs, interior work and do not change the exterior appearance of a structure.

7.20-3 Time limits.

The special district permit shall be null and void if the applicant fails to secure building permits within two years of the date of issuance of the permit. The applicant shall be notified in writing of the change in the time period. On show of cause, the applicant may request the director to extend the time limit.

7.20-4 Utility lines.

Notwithstanding any ordinance or regulation to the contrary, utility companies shall place their utility lines underground within any special district. The director may grant an exemption to utility lines based on the applicant's satisfactory justification that no other alternative will better achieve the district's purpose and objectives.

7.20-5 Design advisory committee.

(a) The director shall appoint a design advisory committee which shall provide design input to the director on significant proposals in the special districts. The committee shall hear proposals for major special district permits and advise the director concerning the approval, denial or modification of these projects based on the purposes, objectives and design controls of the particular special district.

(b) The committee shall consist of a minimum of seven members as follows:

(1) Two architects;

(2) Two landscape architects;

(3) Two urban planners;

(4) State Historic Preservation Officer from the Department of Land and Natural Resources or designated representative.

7.20-6 Conflicting regulations.

If any regulation pertaining to the special districts conflicts with any provision contained within Article 5, the more restrictive regulation shall take precedence.

7.30 Hawaii Capital special district.

(a) As the seat of state and county government, Honolulu enjoys the clustering of government facilities and buildings. Many of the buildings are listed on the State and National Registers of Historic Places. Because of their close proximity, these facilities, and the areas adjacent to them, contribute significantly to the urban design of Honolulu.

(b) The purpose of this section is to establish a special district to be called the "Hawaii Capital special district" and to provide for its protection, preservation, enhancement and orderly development.

(c) It is also the purpose of this section to emphasize that the Hawaii Capital special district and its landmarks are sources of education, pleasure and intangible benefit for the people of the State of Hawaii and to foster civic pride in the beauty of the district and accomplishments of the past.

7.30-1 Objectives.

The objectives of the Hawaii Capital special district are:

(a) To provide safeguards for the preservation and enhancement of buildings and landmarks within the Hawaii Capital special district which represent or reflect elements of the state's civic, aesthetic, cultural, social, economic, political and architectural heritage, and encourage new development which is compatible with and complements those buildings and sites.

(b) To preserve and enhance the park-like setting of the Hawaii Capital special district, including its view from the Punchbowl lookout.

7.30-2 District boundaries.

The Hawaii Capital special district and its precinct boundaries are shown on Exhibit 7.1.

7.30-3 Prominent views and historic places.

(a) The following streets and locations identify important pedestrian and vehicular corridors by which one experiences

the Hawaii Capital special district, as well as views of the mountains and the waterfront. The design of all proposed projects within the district shall be guided by the required yards as shown on Exhibit 7.2.

(1) Beretania Street between Alapai Street and Alakea Street.

(2) The Hotel Street Mall between Alapai Street and Richards Street.

(3) Hotel Street between Richards Street and Alakea Street.

(4) King Street between South Street and Alakea Street.

(5) Kapiolani Boulevard at the intersection of South Street and King Street.

(6) Ala Moana between Punchbowl Street and the district boundary.

(7) Mililani Street and Mall between Halekauwila Street and King Street.

(8) Punchbowl Street between Beretania and Ala Moana.

(9) South Street between King and Pohukaina Streets.

(10) Richards Street between Halekauwila and Beretania Street.

(11) Alapai Street between King and Beretania Streets.

(12) The fifth floor lanais of the State Capitol Building, emphasizing a mauka-makai orientation.

(b) The following is a listing of sites, structures and objects which are on the State and/or National Registers of Historic Sites and, therefore, are worthy of preservation. They are identified by number on Exhibit 7.3.

(1) Kawaiahao Church and grounds.

(2) Adobe School House.

(3) Lunalilo Mausoleum.

(4) Kekuanaoa Building.

(5) Kapuaiwa Building.

(6) Hale Auhau.

(7) Kamehameha I Statue.

(8) Aliiolani Hale.

(9) U.S. Post Office.

(10) Hawaiian Electric Building.

(11) Honolulu Hale and grounds.

(12) Mission Memorial Building Annex.

(13) Honolulu Hale Annex (Mission Memorial Building and Auditorium).

(14) Iolani Palace and grounds.

(15) Iolani Barracks.

(16) Royal Burial Ground and Fence.

(17) Coronation Bandstand.

(18) Captain Cook Memorial Tablet.

(19) YWCA and grounds.

(20) Banyan tree on the Iolani Palace grounds.

(21) Old Archives Building (Attorney General's Building).

(22) Hawaii State Library.

(23) State Capitol and grounds.

(24) Armed Services YMCA and grounds.

(25) St. Andrew's Cathedral, including St. Andrew's Close - Davies and Tenney Halls and Parke Memorial Chapel adjacent to the cathedral.

(26) Washington Place and grounds.

(27) Mission Houses.

(28) Aloha Tower.

(29) Royal Brewery.

(30) Podmore Building.

(31) Old Kakaako Fire Station.

(c) Several other buildings contribute to the character of the district. In reviewing applications for modifications and/or removal of the following structures, efforts to retain them are to be encouraged.

(1) St. Andrew's Priory.

(2) St. Peter's Church.

(3) Aliiolani Hale Annex.

(4) Mabel Smythe Building.

(5) Harkness Nurses Home.

(6) Board of Water Supply Buildings.

(7) Arcade Building.

(8) 1919 Hawaiian Electric Company Building.

7.30-4 Design controls.

(a) Landscaping.

(1) Open space and yard requirements for each precinct shown on Exhibits 7.1 and 7.2, respectively, shall be landscaped in accordance with landscape guidelines and regulations contained in this subsection. If no yard or open space requirement is shown, underlying zoning district regulations shall prevail.

(2) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.

(3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.

(4) Rooftop parking and mechanical equipment shall be substantially screened and/or painted to soften their appearance from the capitol building and the Punchbowl lookouts.

(5) All required trees shall be provided in conformance with subdivision (7), and shall be a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet. All tree planting shall be in conformance with the requirements and standards set forth by the Department of Parks and Recreation, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian Islands,

including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director. Other exceptions to accommodate special conditions may be approved by the director.

(6) Landscaping for the Iolani Palace grounds shall be in conformance with the master plan as approved by the City Department of Land Utilization, the National Council on Historic Preservation and the State Department of Land and Natural Resources.

(7) Street trees shall be provided along major streets as delineated below, and shown on Exhibit 7.4.

(A) Beretania Street, except fronting the State Capitol.

(i) Species: Monkeypod (Samanea saman).

(ii) Maximum spacing: 60 feet on center.

(iii) Location: Within the required front yard.

(B) King Street, except fronting the Iolani Palace grounds and Aliiolani Hale.

(i) Species: Rainbow Shower (Cassia hybrida) or Monkeypod (Samanea saman).

(ii) Maximum spacing: 50 feet on center.

(iii) Location: First five feet of required front yard.

(C) Richards Street, except fronting Iolani Palace grounds.

(i) Species: Royal Poinciana (Delonix regia).

(ii) Maximum spacing: 60 feet on center.

(iii) Location: First five feet of required front yard.

(D) Punchbowl Street.

(i) Species: Monkeypod (Samanea saman).

(ii) Maximum spacing: 60 feet on center.

(iii) Location: Within the required front yard.

(E) Alapai Street.

(i) Species: Monkeypod (Samanea saman).

(ii) Maximum spacing: 60 feet on center.

(iii) Location: Within the required front yard.

(F) Ala Moana/Nimitz Highway.

(i) Species: Coconut Palm (Cocos nucifera).

(ii) Maximum spacing: Three palm trees shall be provided per 50 feet of street frontage.

(iii) Location: First five feet of required front yard.

(G) South Street.

(i) Species: Autograph (Clusea rosea).

(ii) Maximum spacing: 40 feet on center.

(iii) Location: Within the required front yard.

(H) Alakea Street and Queen Emma Street.

(i) Species: False Olive.

(ii) Maximum spacing: 20 feet on center.

(iii) Location: Within the sidewalk area.

(I) Vineyard Boulevard.

(i) Species: Monkeypod (Samanea saman).

(ii) Maximum spacing: 60 feet on center.

(iii) Location: Within the required front yard.

(8) For all other streets, except those along the State Capitol and Iolani Palace Grounds, street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the Building Department, the Department of Land Utilization and the Department of Parks and Recreation.

(9) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.

(10) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.

(11) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.

(12) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(13) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.

(14) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(b) Design Guidelines for the Historic Precinct.

The following design guidelines shall be used in the design and review of new construction and renovation in the historic precinct. They are intended to promote the concept of "contextualism," wherein new developments are sensitive to the existing historic and other significant structures.

(1) Roof Treatment.

Roof treatment should reflect existing roofscape by using combinations of overhanging eaves and pitches greater than 1:3. Roofing materials should be green or reddish earth-toned tile or gray slate roofing surfaces, or roofing surfaces which closely resemble existing tile or slate roof in color, texture and appearance.

(2) Architectural Style.

Architectural elements to be encouraged are the open design of arcades, porches, entryways, internal pedestrian spaces and courtyards. New developments should be influenced by the following architectural styles: modified Mediterranean, Spanish Mission,

Victorian, U.S. Greek Revival, Italianate Revival, and French Second Empire.

(3) Facade.

Facade elements common to the precinct include recessed window openings and strong horizontal lines expressed by combinations of fenestrations, openings, wall edges and decorations. New development should incorporate and employ these elements to visually relate new buildings to adjacent facades of established historic value. Typical is the use of projections, columns, balconies and recessed openings.

(4) Color and Surface.

(A) Colors and surfaces in the precinct are characterized by being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided. Colors and surfaces which predominate include warm white walls, earth tones, natural colors of stone, coral and cast concrete. Concrete, stone, terra cotta, plaster and wood should be principal finish materials.

(B) If the use of metal surfaces is required, they should be used with black or dark earth-toned matte finishes. Copper and brass may be acceptable metal surfaces. Glass surfaces, where used, should be recessed and clear, or of light earth-toned tints.

(5) Texture.

Characteristic textures include those of stucco, tile, concrete, cut coral, cut stone, cast iron, grass and foliage. Development should employ surface qualities which are sympathetic to historic and original uses of material.

(6) Details.

(A) Details are of prime interest and importance at the pedestrian scale and constitute an important design

element. The use of terra cotta, plaster work, ironwork, ornament painting and sculptural elements is highly encouraged.

(B) Respect for historic design including detailing should be maintained on elements such as pavers, curbs, signs, planters, benches, trash cans, fountains, lighting, bus shelters and flag and utility poles.

(7) Entry Treatment.

Characteristic of places within the precinct is the treatment of building entry which provides comfortable transitions from outside to inside. These elements include arcades and porches recessed or projecting from the building mass.

(8) Orientation.

In order to protect mauka views within the precinct, new development should be oriented on a mauka-makai axis.

(9) Signs.

Signs shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination should be from a detached source shielded from direct view. No box fluorescent signs shall be allowed.

(10) Landscape Treatment.

(A) Large open spaces, lawns and canopy-type shade trees, fountains and sculptures shall be compatible with the grounds of Iolani Palace and the capitol building.

(B) In small open areas, combinations of ground covers, shrub masses, flowering trees and palms may be used either to introduce rich foliage patterns, for screening purposes, or to provide contrast to large, open lawn areas.

(C) Small-scale landscape features such as courtyards, resting places, entrances and intimate gardens are

encouraged and should be compatible with, and secondary to, the larger park-like landscape.

(c) Design Guidelines for Other Precincts.

(1) Open Space.

All parcels shall comply with the minimum open space expressed as a percentage of lot area designated on Exhibit 7.1.

(2) Visual Impacts.

All major development, especially on those parcels and building facades visible and adjacent to the historic precinct, shall be reviewed to ensure that new structures do not visually intrude into the historic precinct. Articulated building walls are encouraged. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.

(d) Height Regulations.

(1) Heights for all precincts are identified on Exhibit 7.1.

(2) The director may exempt the following architectural features from the height regulations of the Hawaii Capital special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Hawaii Capital special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(3) Except for flagpoles and smokestacks, all items listed in Section 3.60 (c) of this chapter shall also be exempt from the height provisions of this section.

7.30-5 Project classifications.

Refer to Table 7.1 to determine whether specific projects will be classified as major, minor or exempt.

Table 7.1

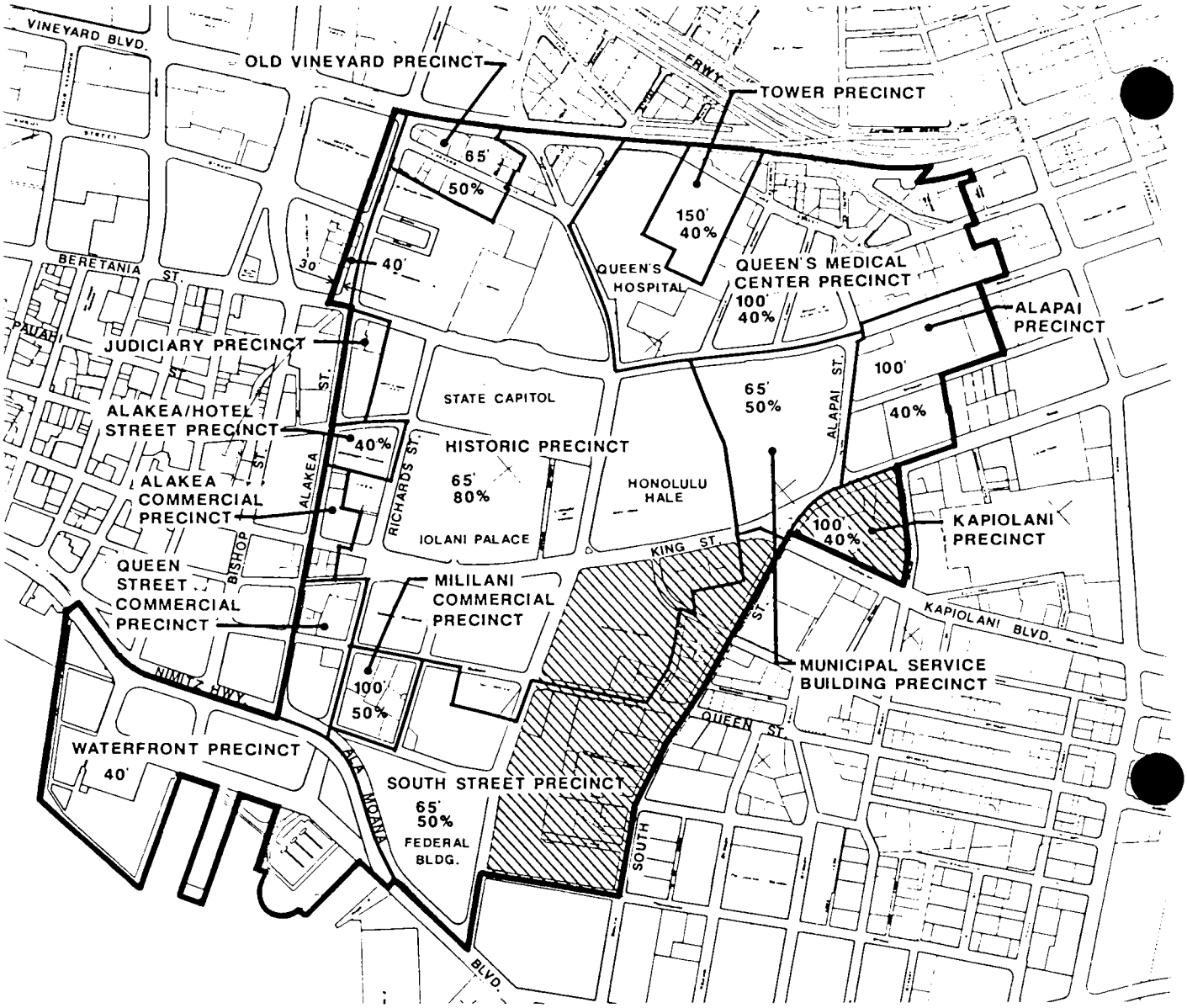
Hawaii Capital Special District

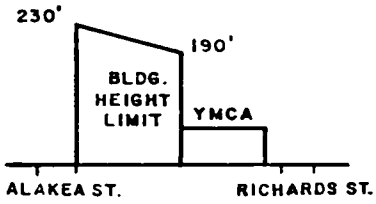
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited in historic precinct
Tree removal over six inches in diameter	m	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition or repair to historic structures	M	This also includes structures listed in Section 7.30-3(c)
Minor modification, alteration, addition or repair to historic structures	m	This also includes structures listed in Section 7.30-3(c)
Major exterior repair, alteration or addition to nonhistoric structures	M/m	Major in Historic Precinct only
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	m/E	Minor in Historic Precinct only
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor in Historic Precinct only
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	This also includes structures listed in Section 7.30-3(c)
Demolition of nonhistoric structures	E	
Fences and walls	m/E	Minor in Historic Precinct only
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M	

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

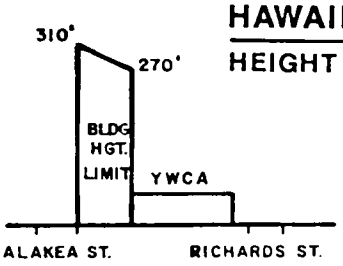
Legend - Project classification:
M = Major
m = Minor
E = Exempt

EXHIBIT 7.1



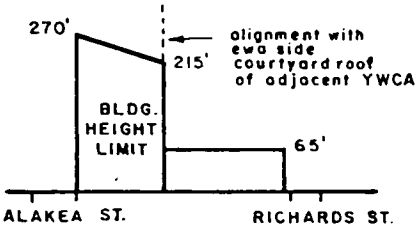


JUDICIARY PRECINCT

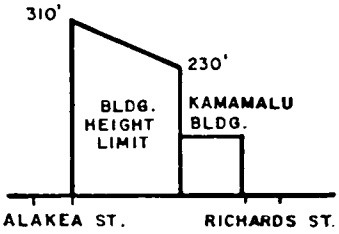


HAWAII CAPITAL SPECIAL DISTRICT

HEIGHT AND OPEN SPACE PRECINCTS



ALAKEA/HOTEL ST. PRECINCT



ALAKEA COMMERCIAL PRECINCT

LEGEND

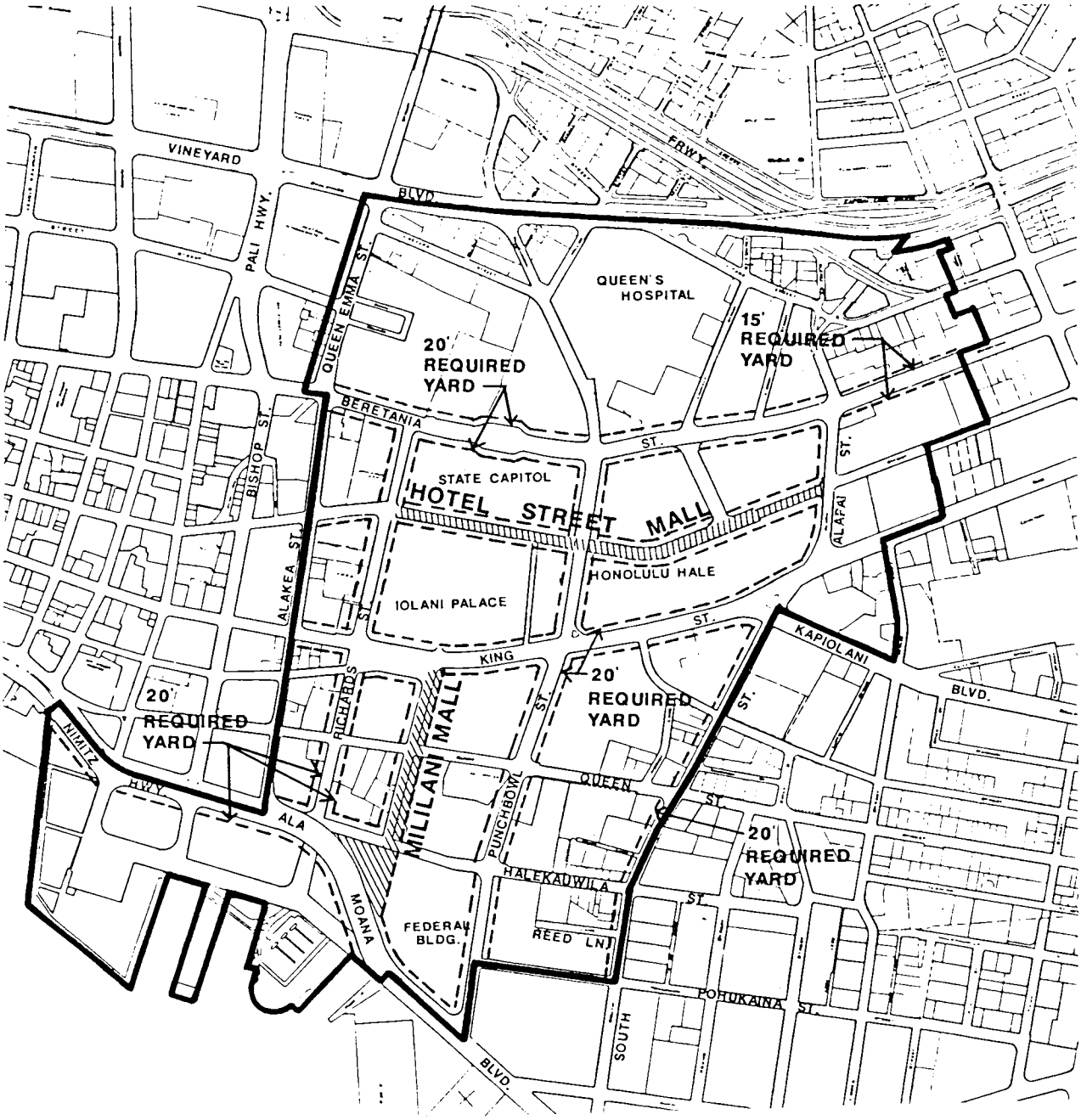
SUPERCEDED BY HCDA

NORTH

0 200 400 800
SCALE IN FEET

4/89

EXHIBIT 7.2



LEGEND

PEDESTRIAN MALL

NORTH

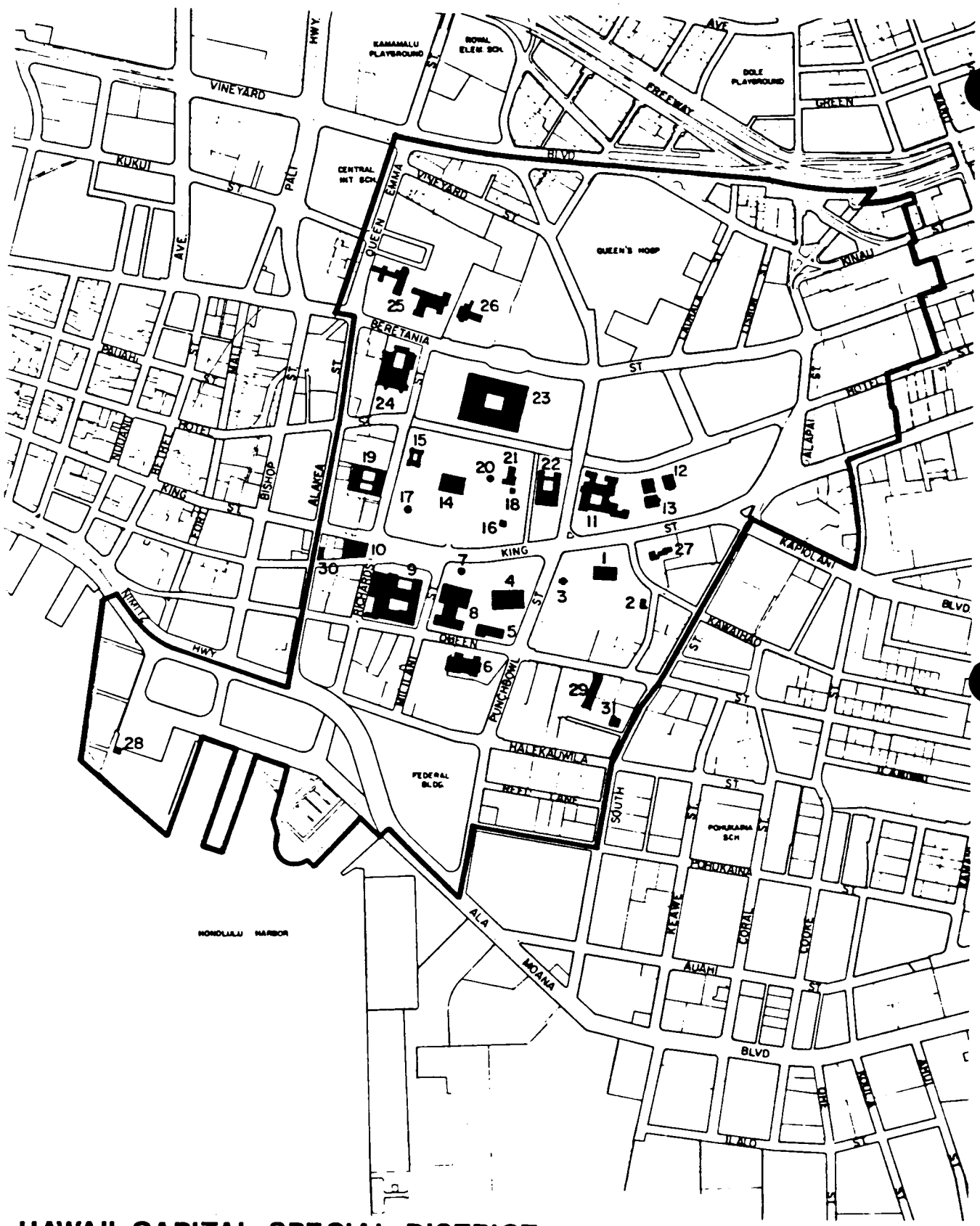
200 800
0 400
SCALE IN FEET

HAWAII CAPITAL SPECIAL DISTRICT

REQUIRED YARDS AND PEDESTRIAN MALLS

4/89

EXHIBIT 7.3

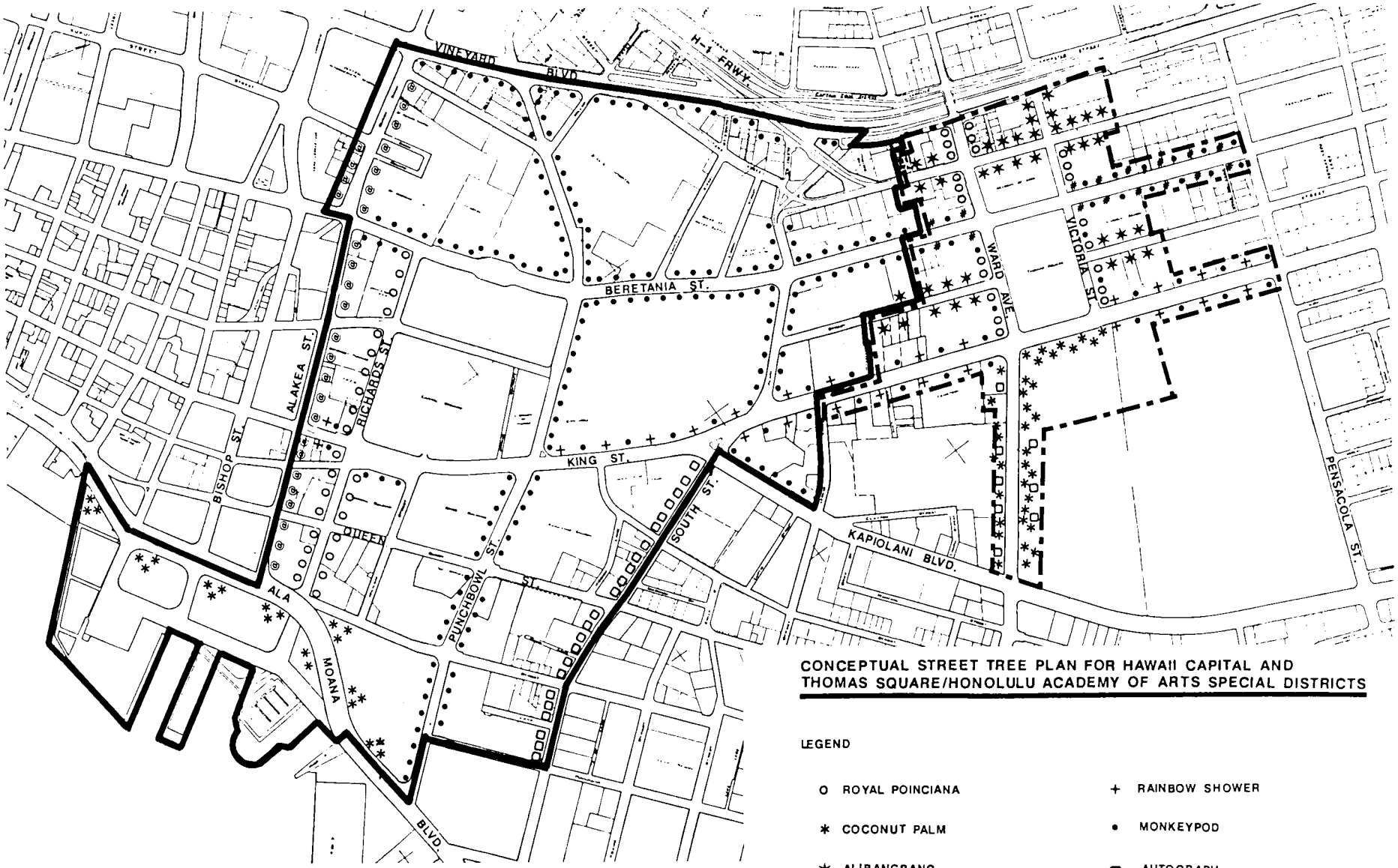


HAWAII CAPITAL SPECIAL DISTRICT

HISTORIC STRUCTURES

NORTH 0 200 400 800

4/89



CONCEPTUAL STREET TREE PLAN FOR HAWAII CAPITAL AND THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICTS

LEGEND

- O ROYAL POINCIANA
- * COCONUT PALM
- ✱ ALIBANGBANG
- @ FALSE OLIVE
- + RAINBOW SHOWER
- • MONKEYPOD
- □ AUTOGRAPH
- # TRUE KOU

NORTH

200 800
0 400
SCALE IN FEET

HAWAII CAPITAL SPECIAL DISTRICT BOUNDARY

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT BOUNDARY

EXHIBIT 7.4

4/89

7.40 Diamond Head special district.

(a) Diamond Head is a volcanic crater that has been declared a state and national monument. Its natural appearance and prominent public views have special values of local, state, national and international significance and are in danger of being lost or seriously diminished through changes in land use and accompanying land development.

(b) In accordance with these findings and established public policies, it is necessary to preserve and protect the views of the Diamond Head monument.

7.40-1 Objectives.

The objectives of the Diamond Head special district are:

(a) To preserve existing prominent public views and the natural appearance of Diamond Head by modifying construction projects that would diminish these resources.

(b) To preserve and enhance the park-like character of the immediate slopes of the Diamond Head monument, which includes Kapiolani Park.

7.40-2 District boundaries.

The Diamond Head special district boundaries are designated on Exhibit 7.5.

7.40-3 Prominent public vantage points.

The prominent public vantage points from which significant public views of Diamond Head exist are the following:

(a) Public Streets.

(1) Ala Wai Boulevard from McCully Street to Kapahulu Avenue.

(2) Paki Avenue from Kapahulu Avenue to Diamond Head Road.

(3) Diamond Head Road.

(4) Date Street from the Manoa-Palolo Drainage Canal to Kapahulu Avenue.

(5) Campbell Avenue from Kapahulu Avenue to Monsarrat Avenue.

(6) Kalakaua Avenue from Kapahulu Avenue to Coconut Avenue.

(7) Kapahulu Avenue in the vicinity of the intersection of Date Street and Campbell Avenue.

(8) Monsarrat Avenue.

(9) 12th Avenue from Maunaloa Avenue to Alohea Avenue.

(10) 18th Avenue from Kilauea Avenue to Diamond Head Road.

(11) Kilauea Avenue from Elepaio Street to 12th Avenue.

(b) Public Viewing Sites.

(1) Ala Moana Beach, including Magic Island.

(2) The beaches extending from the Ala Wai Yacht Harbor to Sans Souci Beach.

(3) Kapiolani Park.

(4) Honolulu Zoo.

(5) Ala Wai Golf Course.

(6) Ala Wai Park.

(7) Kapaolono Field.

(8) Fort Ruger Park (Kahala Triangle Park).

(9) Ala Wai Elementary School.

(10) Jefferson Elementary School.

(11) Waikiki Elementary School.

(12) Kilauea Playground.

(13) Kaimuki Intermediate School.

(14) H-1 Freeway near the Kapahulu Avenue overpass.

(15) Punchbowl lookouts.

(16) Puu Ualakaa State Park Lookout.

7.40-4 Design controls.

Implementation of the district objectives shall consist primarily of landscaping requirements, height limitations and architectural design review. Specific regulations are enumerated below.

(a) Landscaping.

(1) All required yards within the district shall be landscaped and maintained.

(2) On the ocean side of Diamond Head, including makai of Kalakaua Avenue, palm trees are appropriate since they

convey the tropical characteristics of Hawaii, and provide vertical accents in counterpoint to the high crater behind them.

(3) Within the core area, along Diamond Head Road, Monsarrat Avenue and Kalakaua Avenue, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).

(4) Street trees shall be provided at a minimum 2-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the Building Department, the Department of Land Utilization and the Department of Parks and Recreation.

(5) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.

(6) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.

(7) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.

(8) Any tree six inches or greater in trunk diameter located within the core area identified on Exhibit 7.5 shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(9) Any tree removed which is visible from any street, park or other public viewing area identified in Section 7.40-3(b) shall be replaced by an approved tree of minimum two inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.

(10) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two-inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet, shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.

(b) Heights.

(1) Height precincts for the district are identified on Exhibit 7.5.

(2) The director may grant exceptions to special district height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:

(A) That the proposed construction would not substantially diminish any views from any of the prominent public vantage points described for the special district; or

(B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:

(i) Information which provides a basis for the objective in terms of a public need or problem;

(ii) Other reasonable alternatives to achieve the objective; and

(iii) An appropriate analysis of the alternatives which indicate that the proposed construction is the most beneficial to the public's interest.

(3) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Diamond Head special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(4) Except for flagpoles and smokestacks, all items listed in Section 3.60 (c) of this chapter shall also be exempt from the height provisions of this section.

(c) Architectural Appearance and Character.

(1) The exterior facades of all structures and structural forms shall be designed to have architectural scale, exterior finish, material, colors, components and features that relate in a compatible manner to nearby existing structures, particularly small scale development.

(2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in nature.

7.40-5 One-family and two-family detached dwellings.

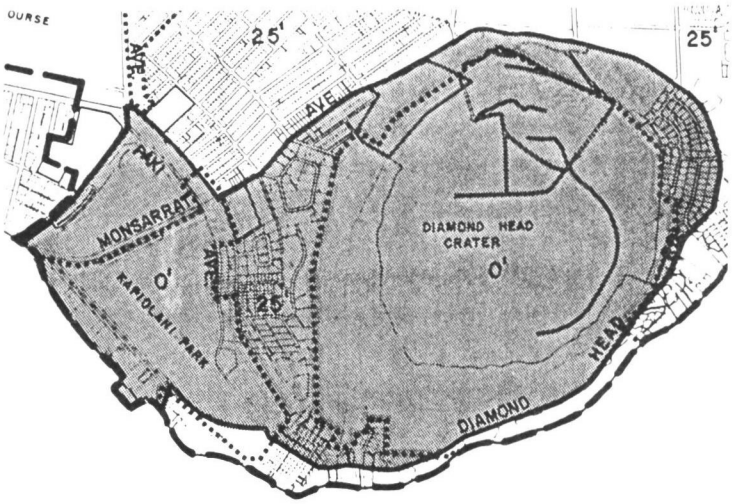
Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Diamond Head special district, except that those dwellings which are located within the "core area" identified on Exhibit 7.5, shall comply with Sections 7.40-4 (a) and (c).

7.40-6 Project classifications.

Refer to Table 7.2 to determine whether specific projects will be classified as major, minor or exempt.

Table 7.2 Diamond Head Special District		
Activity/Use	**Required Permit**	**Special Conditions**
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only within "core" area
Detached dwellings and duplex units and accessory structures	m/E	Minor only within "core" area
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M/m	Major only in "core" area
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor only within "core" area and if visible from street
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor only within "core" area and if visible from street or public vantage points
Interior repairs, alterations and renovations to all structures	E	
Demolition of all structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	E	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	m/M	Major in "core" area only

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.



Legend - Project classification:
M = Major
m = Minor
E = Exempt

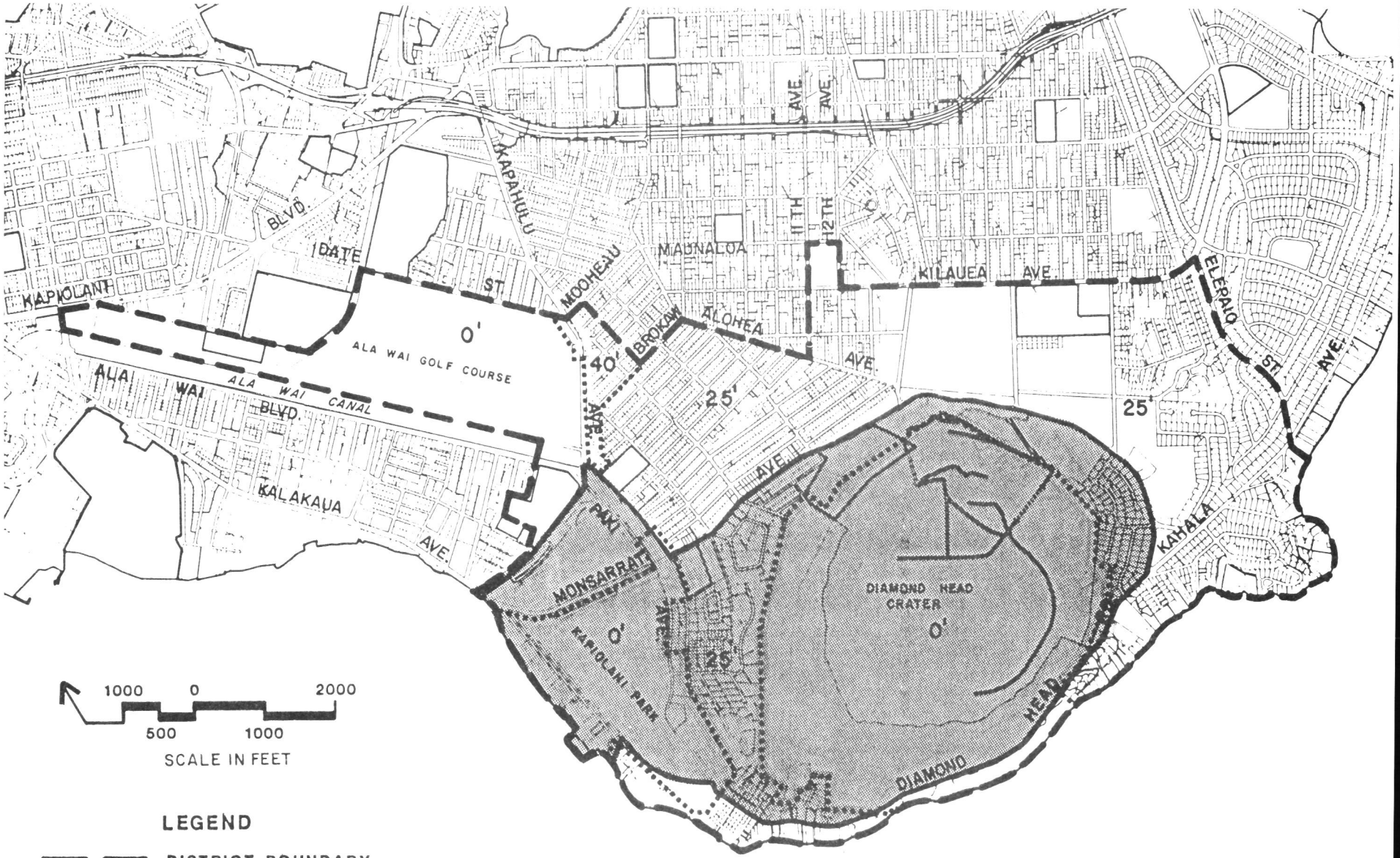


EXHIBIT 7.5

DIAMOND HEAD SPECIAL DISTRICT

HEIGHT PRECINCTS AND CORE AREA BOUNDARY

4/89

7.50 Punchbowl special district.

(a) The significance of the National Memorial Cemetery of the Pacific as a national monument and as one of Hawaii's important landmarks has long been recognized. Over the years, however, land development and land use changes in the area have posed a serious threat to the views of its slopes and diminished the serenity of the natural appearance and sanctity of the national cemetery and its environs.

(b) The natural appearance of Punchbowl and the prominent public views of Punchbowl have special values of local, state, national and international significance and are in danger of being lost or further diminished through adjacent and surrounding land development. Therefore, it is necessary to preserve and protect the public views of Punchbowl, and the appearance of its slopes and surrounding areas.

7.50-1 Objectives.

The specific objectives of the Punchbowl district are to:

(a) Preserve and enhance Punchbowl's form and character as a significant landmark.

(b) Preserve and enhance the park-like character of the immediate slopes of Punchbowl and its major streets.

(c) Preserve and enhance significant public views to and from Punchbowl, especially those from the Punchbowl lookouts and long-range views of Punchbowl, by modifying construction projects that would diminish those views.

(d) Provide landscaping and open space which will enhance views and the general character of the Punchbowl area.

(e) Preserve, enhance and restore to the extent possible, the serene and scenic qualities within the national cemetery.

7.50-2 Boundaries.

The Punchbowl special district boundaries are designated on Exhibit 7.6.

7.50-3 Prominent vistas and viewing areas.

Prominent vistas and viewing areas are identified on Exhibit 7.7.

7.50-4 Design controls.

Implementation of the district objectives shall consist primarily of height and lot coverage limits, architectural design review and landscaping controls. Specific regulations are enumerated below.

(a) Height Regulations.

(1) The district's height limit precincts are delineated on Exhibit 7.6.

(2) The maximum heights of structures at the required front yard shall not exceed 15 feet. An additional height setback equal to one foot for each two feet in height shall be provided to extend a maximum of 30 feet from the street property line, at which point the permitted maximum height shall prevail.

(3) The director may grant exceptions to zero height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:

(A) That the proposed construction would not substantially diminish any views of Punchbowl from any of the prominent vistas and viewing areas identified on Exhibit 7.7, or

(B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:

(i) Information which provides a basis for the objective in terms of a public need or problem;

(ii) Other reasonable alternatives to achieve the objective; and

(iii) An appropriate analysis of the alternatives which indicate that the proposed construction is the most beneficial to the public's interest.

(4) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Punchbowl special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(5) Except for flagpoles and smokestacks, all items listed in Section 3.60 (c) of this chapter shall also be exempt from the height provisions of this subsection.

(b) Maximum Building Area.

In addition to the requirements for maximum building area in underlying residential, apartment and apartment mixed use zoning districts, the percentage of maximum building area for zoning lots in business, business mixed use and industrial districts shall be 50 percent.

(c) Architectural Appearance and Character.

(1) Articulated facades are encouraged to break up building mass. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.

(2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in appearance.

(d) Required Yards.

(1) The minimum required front yard shall be as designated by the underlying zoning district, except that those streets identified as major streets on Exhibit 7.7 shall have a minimum 20-foot front yard.

(e) Landscaping.

(1) All required yards shall be landscaped.

(2) Street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the Building Department, the Department of Land Utilization and the Department of Parks and Recreation.

(3) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.

(4) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.

(5) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.

(6) Flat rooftop areas visible from the Punchbowl lookout shall incorporate landscaping and/or architectural features, such as screening to substantially offset any adverse visual impact on views from the lookout areas.

(7) All fences and walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all streets identified as major streets on Exhibit 7.7 and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.

(8) Any tree six inches or greater in trunk diameter, located within the "core area," or along major streets, as identified on Exhibits 7.8 and 7.7, respectively, shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area;

(B) Appropriate development of the site cannot be achieved without removal of the tree;

(C) The tree is a hazard to the public safety or welfare;

(D) The tree is dead, diseased or otherwise irretrievably damaged;

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(9) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two inches caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.

(10) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two-inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.

7.50-5 One-family and two-family detached dwellings.

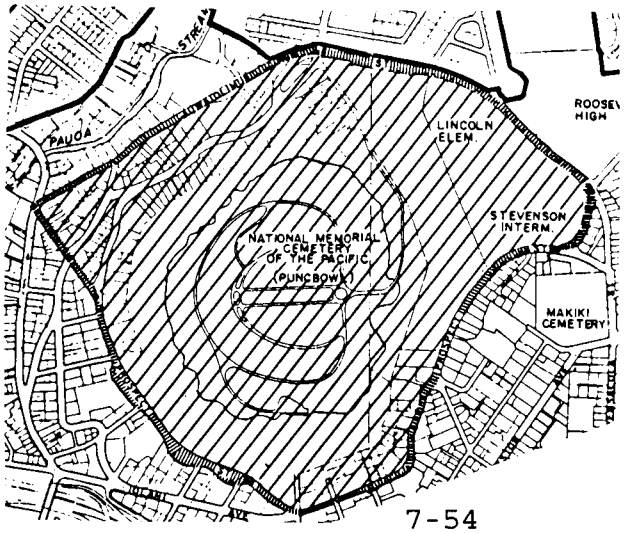
Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Punchbowl special district, except that those dwellings which are located in the "core area" identified on Exhibit 7.8 shall comply with Section 7.50-4 (c) and (e).

7.50-6 Project classification.

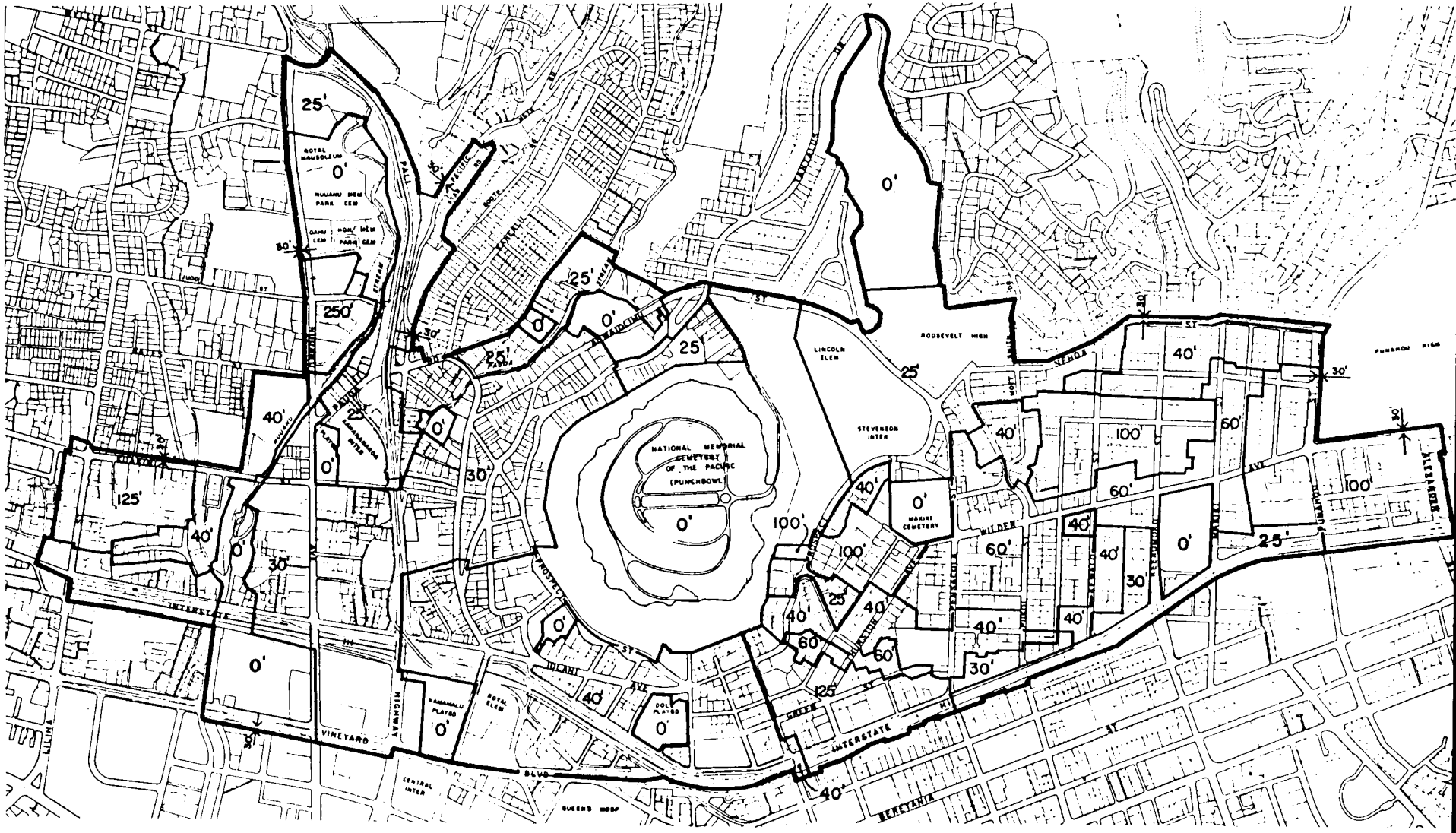
Refer to Table 7.3 to determine whether specific projects will be classified as major, minor or exempt.

Table 7.3 Punchbowl Special District		
Activity/Use	**Required Permit**	**Special Conditions**
Signs	E	
Tree removal over six inches in diameter	m/E	Minor in "core" area or along major streets
Detached dwellings and duplex units and accessory structures	m/E	Minor in "core" area only
Grading and stockpiling	m/E	Minor in "core" area if results in greater than 15-foot change in elevation
Major exterior repair, alteration or addition to all structures	M/m	Major in "core" area only
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor in "core" area only
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor only within "core" area and if visible from viewing areas
Demolition of all structures	E	
Interior repairs, alterations and renovations to all structures	E	
Fences and walls	E/m	Minor only along major streets
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	E	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major in "core" area only

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.



Legend - Project classification:
M = Major
m = Minor
E = Exempt



PUNCHBOWL SPECIAL DISTRICT

HEIGHT PRECINCTS

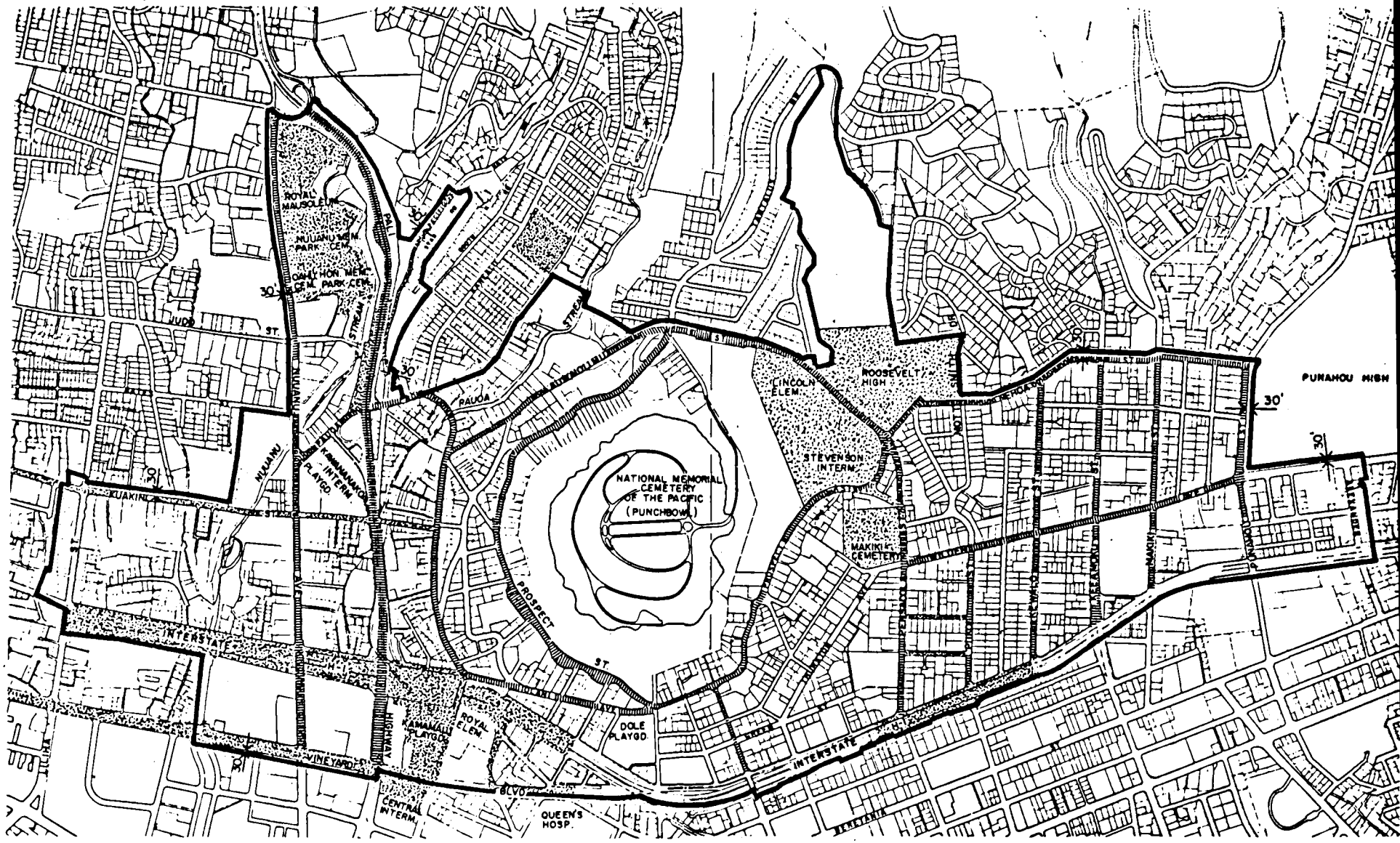
NORTH

250 1000
0 500

NOTE: WHEN THE UNDERLYING ZONING DISTRICT HEIGHT REGULATION IS MORE RESTRICTIVE, THAT REGULATION SHALL CONTROL.

EXHIBIT 7.6

4/89



PUNCHBOWL SPECIAL DISTRICT

PUBLIC VIEWS & MAJOR STREETS

NORTH

250 500

500 0 1000

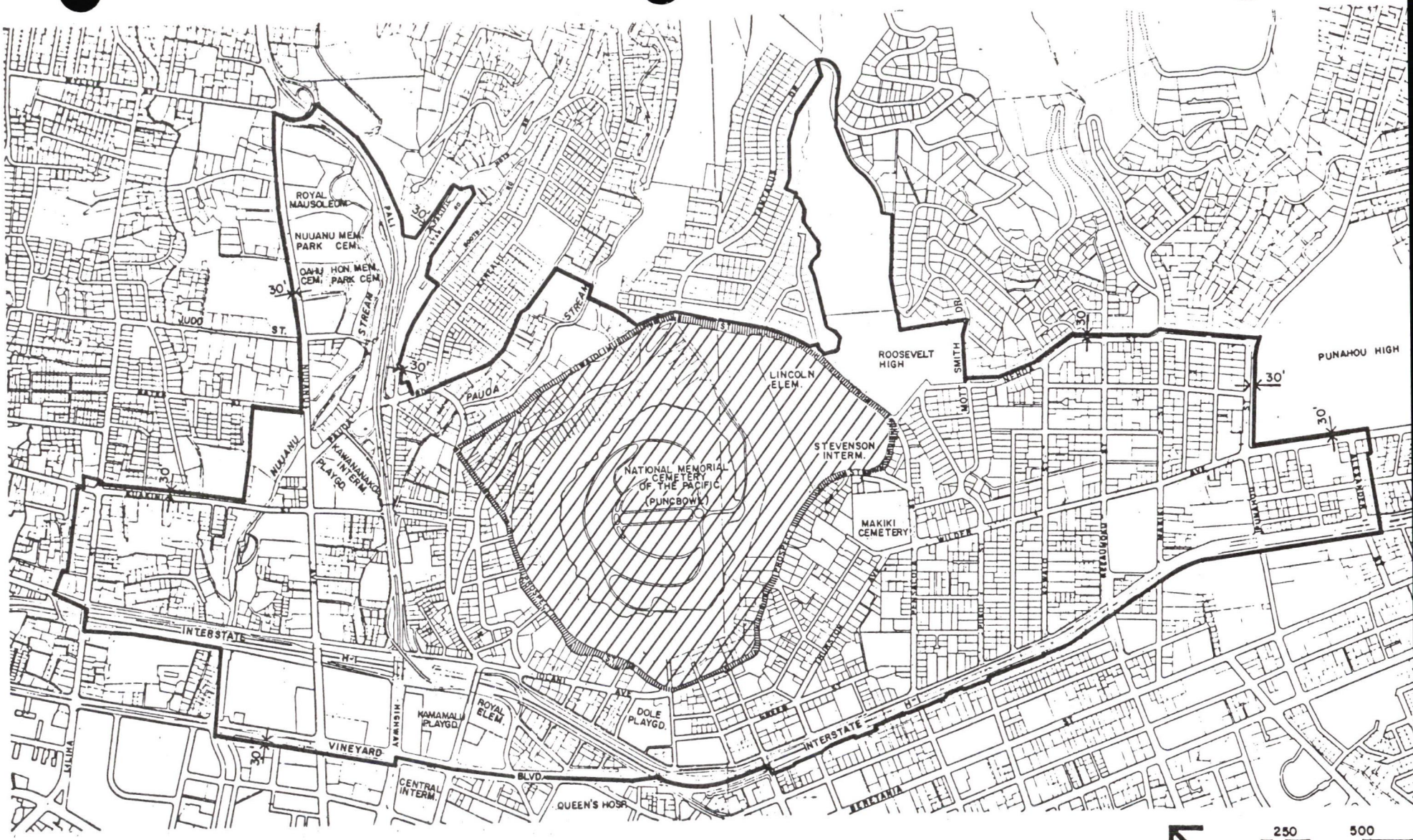
LEGEND:

PUNCHBOWL VIEWING SITE

MAJOR STREETS

4/89

EXHIBIT 7.7



PUNCHBOWL SPECIAL DISTRICT

CORE AREA

LEGEND:

CORE AREA

4/89

EXHIBIT 7.8

7.60 Chinatown special district.

(a) Chinatown is the oldest section of downtown Honolulu. In addition to its historic role in the growth of the city, and its architectural significance as reflected in its placement on the National Register of Historic Places, it reflects a dynamic ethnic population and business community.

(b) However, like other central city areas, it has faced numerous physical, social and economic problems in the past, resulting in the deterioration of commercial and residential structures, a decline in business activity and an erosion in housing stock. While government programs, including urban renewal and tax incentives for renovation of older buildings, have been introduced to address these problems, there is a concern that architectural and historic elements of the district may still be lost. Further, Chinatown's location adjacent to the central business district continues to produce pressures to redevelop the area to a higher density.

(c) Therefore, it is necessary to preserve the historic significance and architectural characteristics of Chinatown, and to ensure the compatibility of new development within this context. The perpetuation of architectural character dominant during the 1880s to the 1940s is particularly important.

Am. 10/1/98
Ord. 98-58

7.60-1 Overall objectives.

The overall objectives of the Chinatown district are as follows:

(a) Help promote the long-term economic viability of the Chinatown district as a unique community of retail, office and residential uses.

(b) Retain the low-rise urban form and character of the historic interior core of Chinatown while allowing for moderate redevelopment at the mauka and makai edges of the district.

(c) Retain and enhance pedestrian-oriented commercial uses and building design, particularly on the ground level.

(d) Preserve and restore, to the extent possible, buildings and sites of historic, cultural and/or architectural significance,

and encourage new development which is compatible with and complements these buildings and sites, primarily through building materials and finishes, architectural detailing and provisions for pedestrian amenities, such as storefront windows and historic signage details.

(e) Improve traffic circulation with emphasis on pedestrian linkages within and connecting outside Chinatown.

(f) Retain makai view corridors as a visual means of maintaining the historic link between Chinatown and the harbor.

7.60-2 District boundaries.

The Chinatown special district and its three precinct boundaries are designated on Exhibit 7.9.

7.60-3 Prominent view corridors.

(a) Maunakea Street and Nuuanu Avenue are makai view corridors, and provide a visual connection between Honolulu Harbor and the heart of Chinatown, reflecting the historic ties between the two areas.

(b) In addition, the street level view along River Street, in an ewa direction, including Aala Park, is an important public viewing area.

7.60-4 Historic structures. Am. 10/1/98 Ord. 98-58

The Chinatown and Merchant Street historical districts, as included on the National Register of Historic Places, are identified on Exhibit 7.10.

7.60-5 Design controls.

(a) Implementation of the district objectives shall consist primarily of open space, landscaping and yard regulations, use regulations, architectural review and sign controls. Specific regulations are enumerated below.

(b) Unless specified herein all development shall comply with the underlying district permitted uses and development standards, including density.

7.60-6 Mauka precinct objectives.

(a) Provide multi-family dwellings for a range of household incomes, while supporting and contributing to Chinatown's retail-commercial function, particularly at street level.

(b) Create a transition between the high-rise Kukui Urban Renewal district and the low-rise historic core of Chinatown.

(c) Promote pedestrian movement and linkages within the district by providing pedestrian malls and adequate sidewalks.

(d) Provide commercial, cultural, recreational and public facilities for residents by encouraging them on the ground floor street exposure of buildings.

7.60-7 Mauka precinct development standards.

(a) Maximum Heights.

(1) Within the mauka precincts, height limits are identified on Exhibit 7.9.

(2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 7.9).

(b) Open Space and Landscaping.

(1) Where there are low-level rooftops, roof gardens should be provided, particularly for residents. Otherwise, open space is encouraged in the form of landscaped interior courts.

(2) With the exception of Beretania and River Streets, street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the district, including the provisions of sidewalk canopies, a strong continuous street frontage and traffic safety.

(3) Along Beretania and River Streets, street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the Building Department, the Department of Land Utilization and the Department of Parks and Recreation. If location of street trees in the sidewalk area is infeasible, the tree(s) may be located within the front yard, if present. In the event there are no feasible locations for street trees, the director may approve substitute landscaping or waive this requirement.

(A) Along Beretania Street, street trees shall strengthen the streetscape image of this major travel corridor, and help maintain a human-scaled orientation at the ground level.

(B) Along River Street, street trees shall help to emphasize this "edge" of Chinatown, and shall serve as a transition to Aala Park.

(4) The block bounded by Smith, Beretania, Pauahi and Maunakea Streets shall have an informal, landscaped character with large canopy form trees.

(c) Required Yards.

There shall be a minimum front yard of 15 feet along Beretania Street. There shall be no required front yards along other streets.

(d) Permitted Uses.

(1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail-commercial and light manufacturing.

(2) Parking may be located on any level within a block's interior.

(e) Design Guidelines.

(1) Except for those facades fronting Beretania Street, street facades shall meet the requirements of Section 7.60-12, street facade guidelines.

(2) Buildings above 40 feet shall avoid a long axis aligned in a ewa-diamond head direction. Their design shall relate to the lower level street facades, including architectural scale, embellishments, color and detailing.

7.60-8 Historic core precinct objectives.

Historic core precinct objectives are as follows:

(a) Encourage the retention and renovation of buildings of historic, architectural or cultural value.

(b) Ensure the design compatibility of new structures with historic structures through low building heights, continuous street frontages and characteristic street facade elements.

(c) Encourage the continuation and concentration of the long-established ethnic retail and light manufacturing activities by providing space for these uses particularly on the ground level.

7.60-9 Historic core precinct development standards.

(a) Maximum Heights.

Within the historic core precinct, new structures shall not exceed 40 feet.

(b) Open Space and Landscaping.

(1) Open space is encouraged in the form of small scaled interior landscaped courtyards and interior pedestrian walkways.

(2) Street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the precinct, especially the desire for continuous building frontages and sidewalk canopies, as well as traffic and pedestrian safety.

(3) Along Hotel Street, street trees may complement its strong retail character and public transit corridor function. They shall be a minimum of two-inch caliper. Species and spacing shall be chosen from an approved

tree list on file with the Building Department, the Department of Land Utilization and the Department of Parks and Recreation.

(c) Required Yards.

(1) There shall be no required yards.

(2) All buildings on the same block face shall form a continuous street facade, except for necessary driveways, pedestrian entryways and small open space pockets.

(d) Permitted Uses.

Ground floor spaces should be used exclusively for retail commercial uses, or light food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown.

(e) Parking Exemption.

Dwelling units within the 40-foot height limit shall be exempt from off-street parking requirements.

(f) Design Guidelines.

All street facades shall meet the requirements of Section 7.60-12, street facade guidelines.

7.60-10 Makai precinct objectives.

Makai precinct objectives are as follows:

(a) Provide for expansion of housing and office development from the central business district, compatible with the overall revitalization of Chinatown, including an active retail-oriented ground level and distinctive facade treatments.

(b) Create a transition between the high-rise central business district and the historic core of Chinatown.

(c) Provide a visible connection between Nimitz Highway and the interior of Chinatown.

(d) Develop a continuous street landscaping theme along Nimitz Highway to emphasize its role as a major accessway into the central business district and Waikiki.

7.60-11 Makai precinct development standards.

(a) Maximum Heights.

(1) Within the makai precinct, height limits are identified on Exhibit 7.9.

(2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 7.9).

(b) Open Space and Landscaping.

(1) Where there are low-level rooftops, roof gardens should be provided. Otherwise, open space shall be provided in the form of landscaped front yards along Nimitz Highway. Landscaped interior courts are also encouraged.

(2) With the exception of Nimitz Highway, street trees shall not be required.

(3) Along Nimitz Highway, three coconut palm trees (Cocos nucifera) shall be provided for every 50 feet of street frontage. Palm trees with a minimum trunk height of 15 feet shall be clustered together rather than evenly spaced. In addition, all parking structures fronting Nimitz Highway shall have planter boxes along the length of the facade on all floors. Bougainvillea shall be planted and maintained in these planter boxes. The director may approve substitute plants due to physical constraints.

(c) Required Yards.

There shall be a minimum front yard of 10 feet along Nimitz Highway. There shall be no required front yards along other streets.

(d) Permitted Uses.

(1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail shops,

community centers and light manufacturing. Lower levels other than the ground level should be used for residential, office or other commercial uses.

(2) Parking may be located on any level within a block's interior and fronting Nimitz Highway.

(e) Design Guidelines.

(1) Except for those facades fronting Iwilei Road and Nimitz Highway, all facades shall meet the requirements of Section 7.60-12, street facade guidelines.

(2) Parking structures should have vehicular entrances and exits on Nimitz Highway, when practical.

(3) Buildings above 40 feet shall avoid a long axis aligned in a ewa-diamond head direction. Their design shall relate to the design of the lower level street facades, including architectural scale, embellishments, color and detailing.

7.60-12 Street facade guidelines. Am. 10/1/98 Ord. 98-58

(a) Building Materials, Colors and Textures.

(1) Building finishes should be of materials such as wood, brick, stone, masonry and plaster. Brick and stone are particularly appropriate.

(2) Where existing buildings are to be rehabilitated, any underlying natural finishes should be retained. To expose brick facades, sand blasting and other cleaning methods that will damage the historic building materials should not be undertaken.

(3) The colors of natural materials should predominate. Accent colors may be used on trim and details around window and door openings.

(b) Architectural Design.

(1) Building facades or fenestration should be "contextual" to existing structures, and incorporate representative architectural features, such as arches, lintel columns, cornices and variated parapets. Uninterrupted blank walls shall be avoided.

(2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.

(3) Above the ground floor, there shall be a regulated "rhythm" to the facades, particularly expressed through window treatments and other detailing.

(4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.

(c) Streetscape.

Street furnishings include planters, benches, street signs, lampposts, sidewalk paving and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown's period of significance, which is from the 1880s to the 1940s, shall not be permitted.

(d) Signs and Graphics.

(1) Lettering should be reminiscent of styles used from the turn of the century to the 1940s.

(2) Symbols, shapes and objects used as signs (such as barber poles) are encouraged.

(3) Signs should be indirectly illuminated, except for neon signs. Box fluorescents are prohibited.

(4) Use of calligraphy on signs and storefront decorations for ethnic-related functions is encouraged.

(5) Ground signs shall be limited to a maximum height of 10 feet.

(6) Exceptions to these sign requirements may be permitted by the director when it can be demonstrated that such exemptions are appropriate to the Chinatown special district.

(7) See Section 3.90 for additional sign requirements.

7.60-13 Project classification. Am. 10/1/98 Ord. 98-158

Refer to Table 7.4 to determine whether specific projects will be classified as major, minor or exempt.

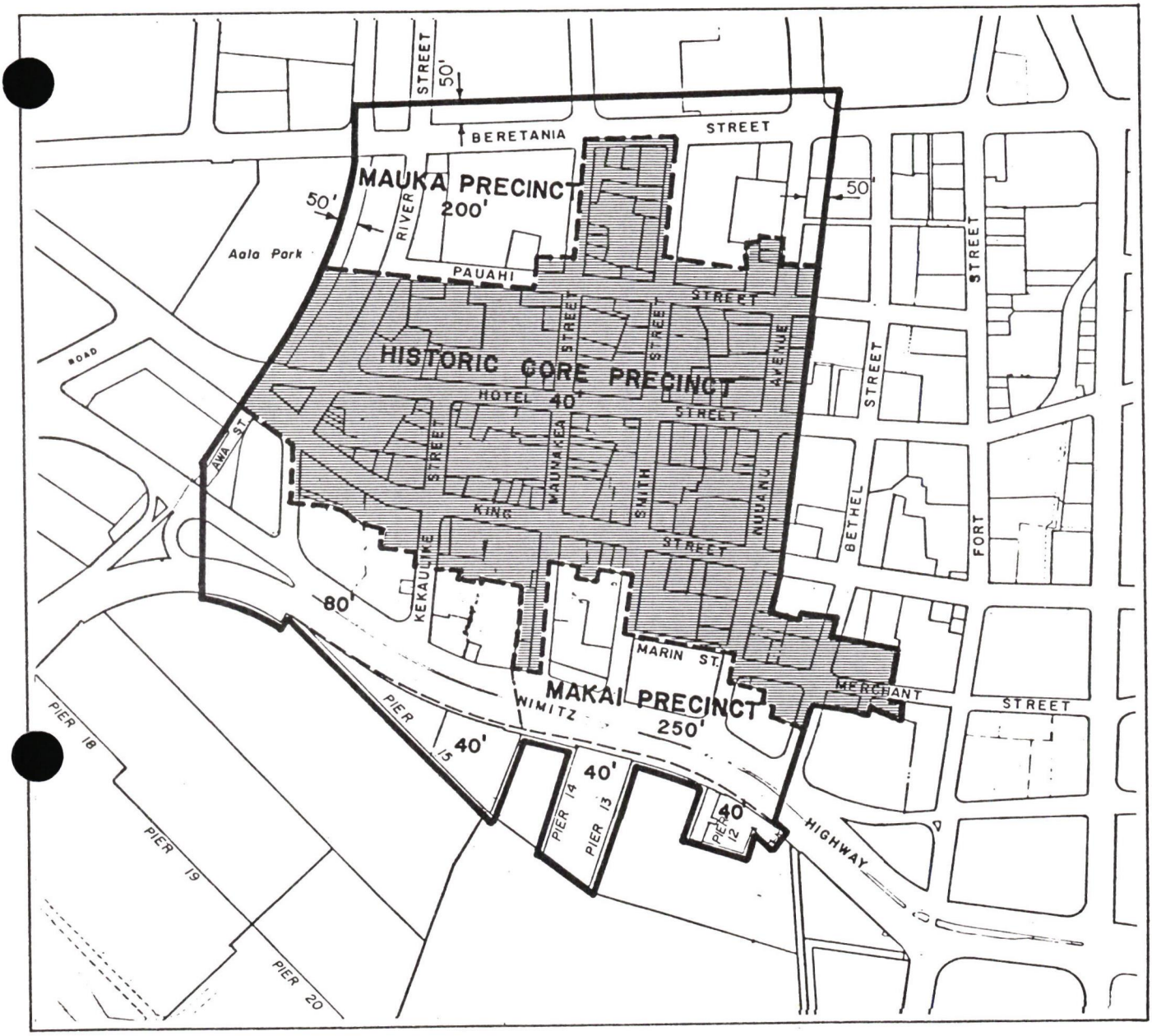
Am. 10/1/98
Ord. 98-58

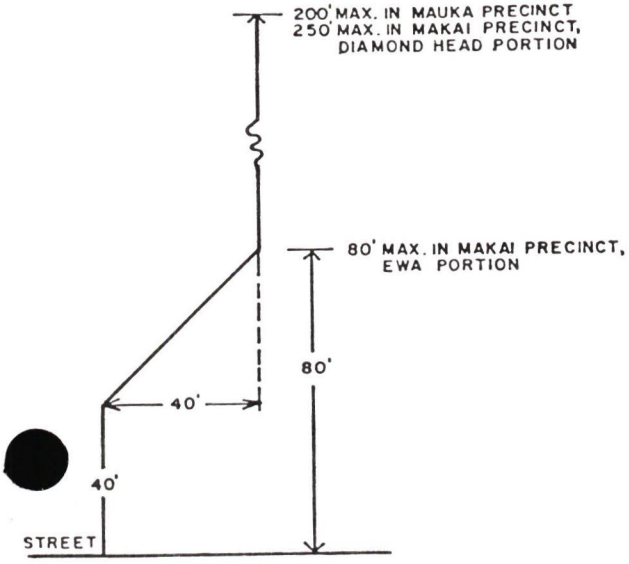
Table 7.4 Chinatown Special District		
Activity/Use	**Required Permit**	**Special Conditions**
Signs	m	
Tree removal over six inches in diameter	E	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m	
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if visible from street
Interior repairs, alterations and renovations to all structures	E	
Demolition of structures	M/E	Exempt for accessory structures such as sheds
Fences and walls	m/E	Minor if visible from street
Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M	

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend - Project classification:
M = Major
m = Minor
E = Exempt

EXHIBIT 7.9





HEIGHT SETBACK FOR MAUKA AND MAKAI PRECINCTS

CHINATOWN SPECIAL DISTRICT

PRECINCT BOUNDARIES AND HEIGHT LIMITS

NORTH

150 200
200 100 0 400
SCALE IN FEET

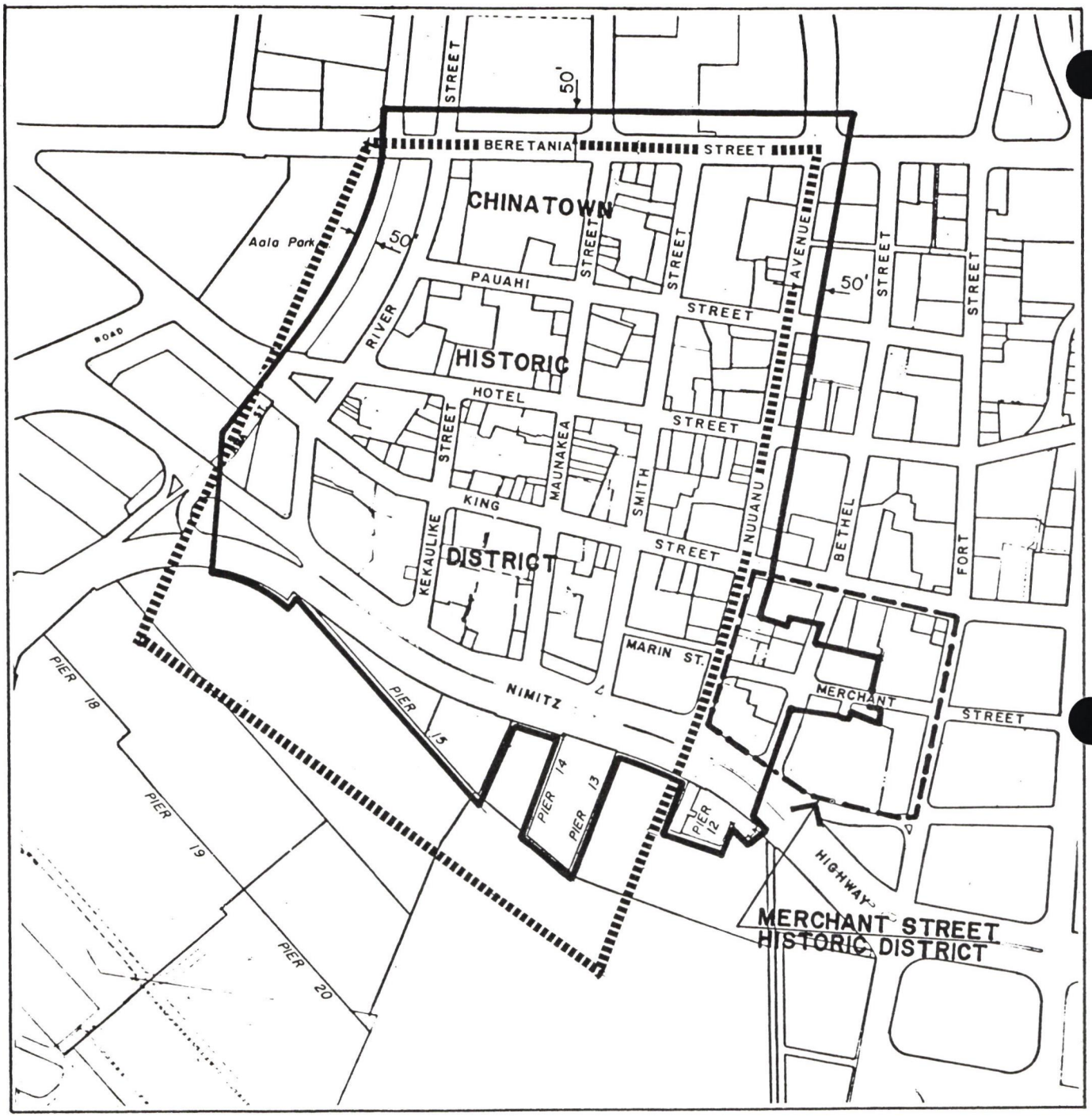
LEGEND:

DISTRICT BOUNDARY

PRECINCT BOUNDARY

4/89

EXHIBIT 7.10



NORTH

100 0 400
200 200
SCALE IN FEET

CHINATOWN SPECIAL DISTRICT
REGISTERED HISTORIC AREAS

LEGEND:

- DISTRICT BOUNDARY
- CHINATOWN
- MERCHANT ST.

4/89

Am. 10/1/98
Ord. 98-58

Exhibit 7.10-A

7.70 Thomas Square/Honolulu Academy of Arts special district.

(a) Thomas Square and the Honolulu Academy of Arts are designated for preservation on the State and National Register of Historic Places. Thomas Square is an urban park with a formal symmetrical design. It has historic significance as the site where the sovereignty of the Hawaiian kingdom was restored to King Kamehameha III by Great Britain. It is a focal point for the Honolulu Academy of Arts, the Neal S. Blaisdell Center and Linekona School and has been increasingly used for recreation and special activities. The Academy of Arts has architectural significance as an example of nationally renowned architect Bertram Goodhue's work, and cultural significance as a major art gallery and museum.

(b) Without special controls, high-rise buildings in the immediate vicinity will have a negative impact on the serenity of these two landmarks. In view of this threat, and established public policies to protect important resources, it is necessary to preserve and protect Thomas Square and the Honolulu Academy of Arts.

7.70-1 Objectives.

The objectives of the Thomas Square/Honolulu Academy of Arts special district are as follows:

(a) Preserve and enhance Thomas Square's formal park design by modifying construction projects which would diminish its serene and scenic quality.

(b) Protect the serene scenic quality of the interior courts of the Honolulu Academy of Arts by prohibiting the visual intrusion of neighboring high rise buildings.

(c) Create a landscaping theme which takes into consideration the park qualities of Thomas Square and the Honolulu Academy of Arts, and the transition from these two low-rise sites to taller developments nearby and their location as a gateway to the Hawaii Capital district.

(d) Notwithstanding the underlying zoning, the Honolulu Academy of Arts shall be treated as a principal permitted use within the Thomas Square/Honolulu Academy of Arts special district.

7.70-2 District boundaries.

The boundaries of the district are shown on Exhibit 7.11.

7.70-3 Significant public views.

The following are significant public views within the Thomas Square/Honolulu Academy of Arts special district.

(a) Views of Thomas Square from Ward Avenue, Victoria Street, Beretania Street, Hotel Street, Young Street, King Street, the Neal S. Blaisdell Center and the Honolulu Academy of Arts.

(b) Views of the Honolulu Academy of Arts and the Neal S. Blaisdell Center from Thomas Square.

(c) Views from the academy courtyards skywards.

(d) Notwithstanding the underlying zoning, the Honolulu Academy of Arts shall be treated as a principal permitted use within the Thomas Square/Honolulu Academy of Arts special district.

7.70-4 Design controls.

Implementation of the district objectives shall consist primarily of open space requirements, building height limitations, yard requirements, tree plantings along streets and sign controls. Specific regulations are enumerated below.

The district shall consist of four precincts as indicated on Exhibit 7.11. Special restrictions for the precincts are as follows:

(a) Open Space.

The percentage of open space shall be as required by the underlying zoning district, except for the following precincts:

(1) One hundred percent for precinct one, Thomas Square. The intent is to maintain the existing character and landscape elements in the square and to prohibit all permanent structures except for public restrooms and the

enhancement and function of the landscaped square as a passive park.

(2) Fifty percent for precinct two, Honolulu Academy of Arts. The intent is to maintain a maximum amount of open space along Beretania Street to complement and extend the landscaped qualities of Thomas Square.

(3) Sixty percent for Neal S. Blaisdell Center within precinct three. The intent is to maintain a park-like setting for the structures of the center by maximizing landscaping on the site and extending the visual open space qualities of Thomas Square along Ward Avenue to and including Kapiolani Boulevard.

(b) Building Heights and Setbacks.

(1) Permitted maximum heights of buildings and structures, and height setbacks shall be as indicated in Exhibits 7.11 and 7.12.

(2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Thomas Square/Honolulu Academy of Arts special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(3) Except for flagpoles and smokestacks, all items listed in Section 3.60(c) shall also be exempt from the height provisions of this subsection.

(c) Landscaping.

(1) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.

(2) Street trees shall be provided in conformance with paragraph (4) of this subsection and shall be a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet. Exceptions to the provisions of this subsection to accommodate special conditions shall be reviewed and may be approved by the director.

(3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. One tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.

(4) The character and standards for major landscaping in the sidewalk area and required yards are delineated below. All tree planting shall be in conformance with the requirements and standards set forth by the Department of Parks and Recreation as shown on Exhibit 7.4, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian Islands, including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director.

(A) Thomas Square and the Honolulu Academy of Arts.

(i) Unless otherwise provided, all landscaping and tree planting located in, or adjacent to required yards shall be subject to review and approval.

(ii) All new landscaping and tree planting shall preserve, enhance and complement the existing trees and landscaping.

(B) Kinau Street and Victoria Street (from Kinau Street to H-1 Freeway).

(i) Character. Continuous planting of medium-sized canopy street trees between the sidewalk and buildings to provide a transition of scale to taller structures.

(ii) Street tree species: Alibangbang (Bahina binata).

(iii) Maximum spacing: 25 feet on center.

(iv) Location: In the sidewalk area.

(C) Beretania Street (except from Ward Avenue to Victoria Street).

(i) Character. A major approach street to the Hawaii Capital district with a continuous canopy of large trees. Hedges, walls, fences and high plant material or shrubs near the sidewalk would not be appropriate.

(ii) Street tree species: Monkeypod (Samanea saman) or True Kou (Cordia Subcordata).

(iii) Maximum spacing: 60 feet on center.

(iv) Location: Within the required front yard.

(v) Other landscaping and landscape elements: Shall not exceed two feet in height within the first 10 feet of the front yard, including fences and walls.

(D) Hotel Street and Young Street.

(i) Character. A formal continuation of the entry walks focusing on the fountain and banyan trees of Thomas Square with

preservation of views to and from Thomas Square.

(ii) Street tree species: Alibangbang (Bahina binata).

(iii) Maximum spacing: 25 feet on center.

(iv) Location: In the sidewalk area.

(E) South King Street (except from Ward Avenue to Victoria Street).

(i) Character. A major street of flowering trees. Other trees and landscaping should give evidence of variety to contrast and complement the continuity of the street trees.

(ii) Street tree species: Rainbow Shower (Cassia hybrida) or Monkeypod (Samanea saman).

(iii) Maximum spacing: 30 to 50 feet on center for Rainbow Shower and 50 feet on center for Monkeypod.

(iv) Location: First five feet of required front yard.

(F) Ward Avenue (from South King Street to H-1 Freeway except for the diamond head side at Thomas Square and the Honolulu Academy of Arts) and Victoria Street (from South King Street to Kinau Street except for the ewa side at Thomas Square and the Honolulu Academy of Arts).

(i) Character. Large canopy trees to complement the Honolulu Academy of Arts and Thomas Square and provide continuity of streetscape from Kapiolani Boulevard to the H-1 Freeway.

(ii) Street tree species: Royal Poinciana (Delonix regia): in combination with Monkeypod (Samanea saman) opposite Thomas Square only.

(iii) Maximum spacing: 60 feet on center.

(iv) Location: Within the first five feet of the front yard.

(v) Other landscaping and landscape elements: Fronting Thomas Square and the Honolulu Academy of Arts shall not exceed two feet in height within the first 10 feet of the front yard.

(G) Ward Avenue (from Kapiolani Boulevard to South King Street) and South King Street (makai side from Ward Avenue to Victoria Street).

(i) Character. Extension of the open "palm grove" at the Neal S. Blaisdell Center with interspersed lower canopy planting to vary scale and provide color along the street, and to provide continuity of streetscape from Kapiolani Boulevard to the H-1 Freeway.

(ii) Street tree species: Royal Poinciana (Delonix regia), and Coconut Palm (Cocos nucifera).

(iii) Quantity. Three Palm trees and one Royal Poinciana tree shall be provided per 100 feet of street frontage.

(iv) Location: Palm trees within the front yard and informally grouped; Royal Poinciana trees within five feet of the front yard and interspersed with the palms. Royal Poinciana trees shall be used only on the ewa side of Ward Avenue and along the front of the Neal S. Blaisdell Center Exhibition Hall.

(v) Other landscaping and landscape elements: Shall not exceed two feet in height except at the last five feet of the front yard.

(H) Except as provided, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).

(5) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(6) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.

(7) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(d) Signs.

Signs which directly front Thomas Square and/or the Honolulu Academy of Arts shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination shall be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.

(e) Exterior Lighting.

Lighting fronting Thomas Square and/or the Honolulu Academy of Arts shall recognize the serene quality of these resources, and shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.

7.70-5 Project classification.

Refer to Table 7.5 to determine whether specific projects will be classified as major, minor or exempt.

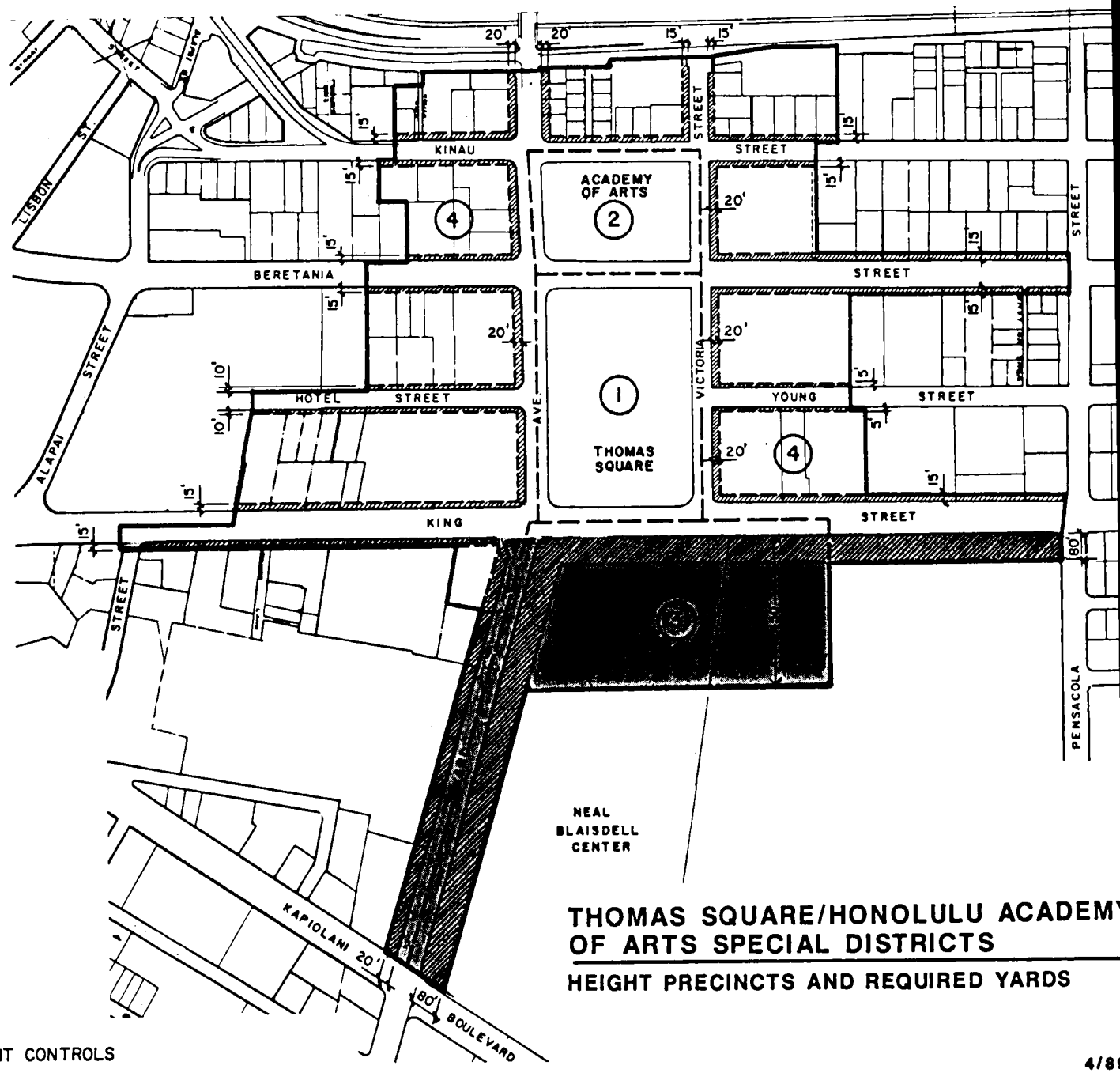
Table 7.5

Thomas Square/Honolulu Academy of Arts Special District

Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited fronting Thomas Square
Tree removal over six inches in diameter	m/E	Minor in front yard and sidewalk area only
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior modification, alteration, repair or addition to Thomas Square or Honolulu Academy of Arts	M	
Major exterior repair, alteration or addition to all structures except Thomas Square or Honolulu Academy of Arts	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor only when involving Thomas Square or Honolulu Academy of Arts
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	m	

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend - Project classification:
M = Major
m = Minor
E = Exempt



NORTH

150 200
200 100 0 400
SCALE IN FEET

LEGEND:

- DISTRICT BOUNDARY
- BUILDING SETBACK AREA
- (1) PRECINCT NUMBER
- PRECINCT BOUNDARY
- SUPERCEDED BY HCDA

HEIGHT REGULATIONS

PRECINCT 1 THOMAS SQUARE 0'
PRECINCT 2 ACADEMY OF ARTS 50'
PRECINCT 3 25'
PRECINCT 4 BUILDING ENVELOPE HEIGHT CONTROLS (ON EXHIBIT 12)

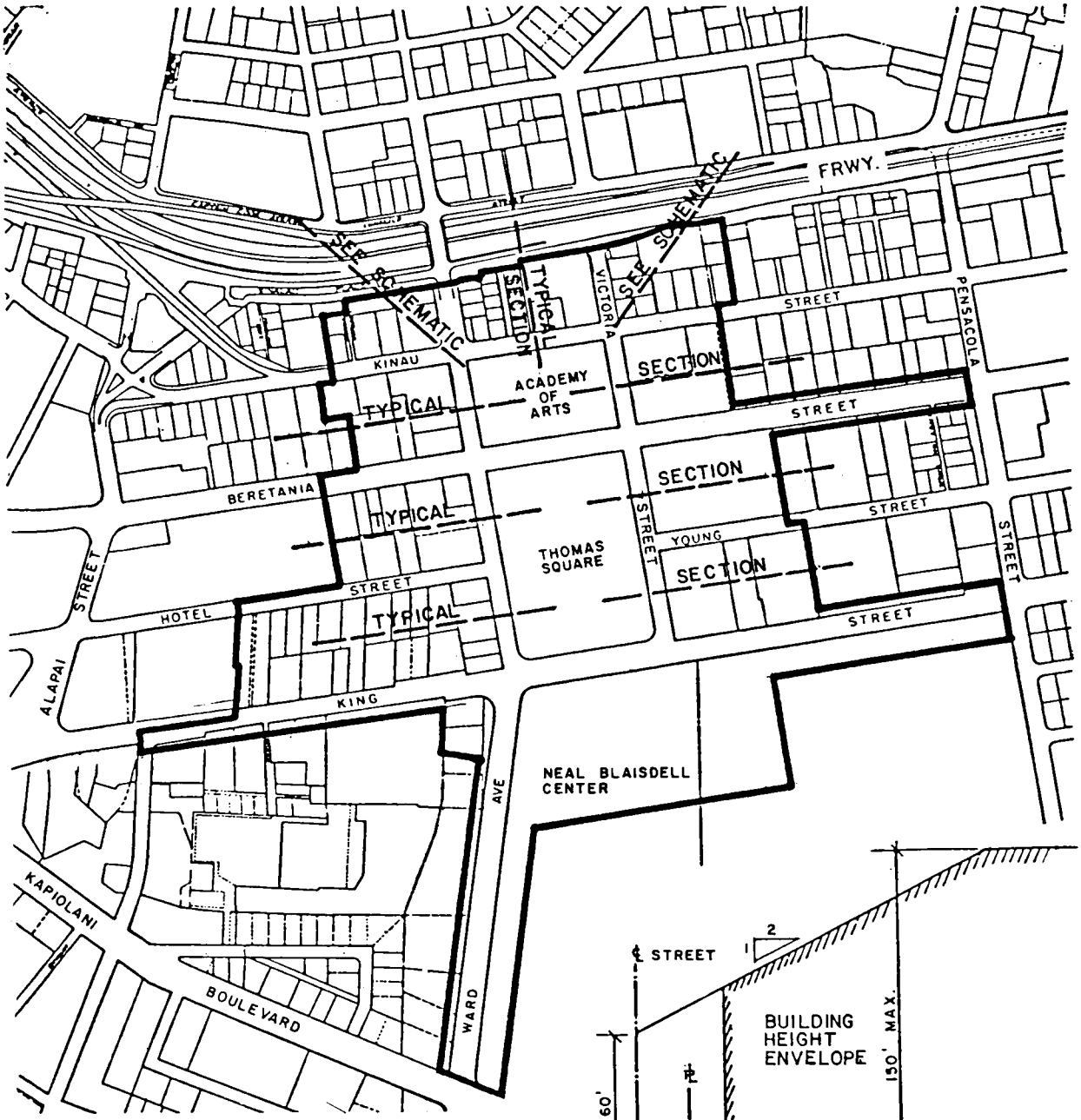
THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICTS

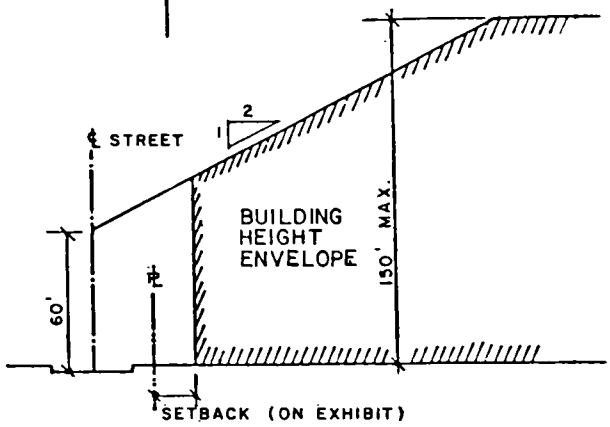
HEIGHT PRECINCTS AND REQUIRED YARDS

4/81

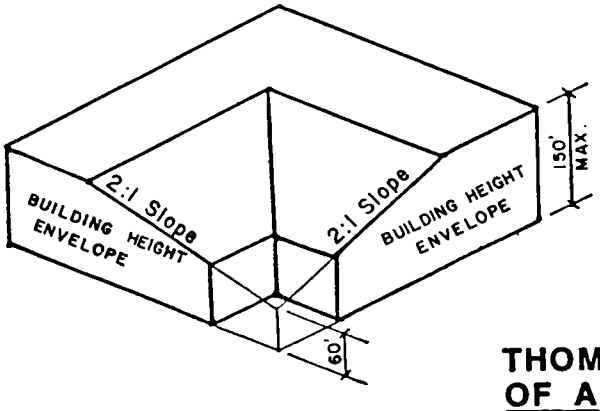
EXHIBIT 7.11

EXHIBIT 7.12





TYPICAL SECTION
BUILDING ENVELOPE CONTROL DIAGRAM
NOT TO SCALE



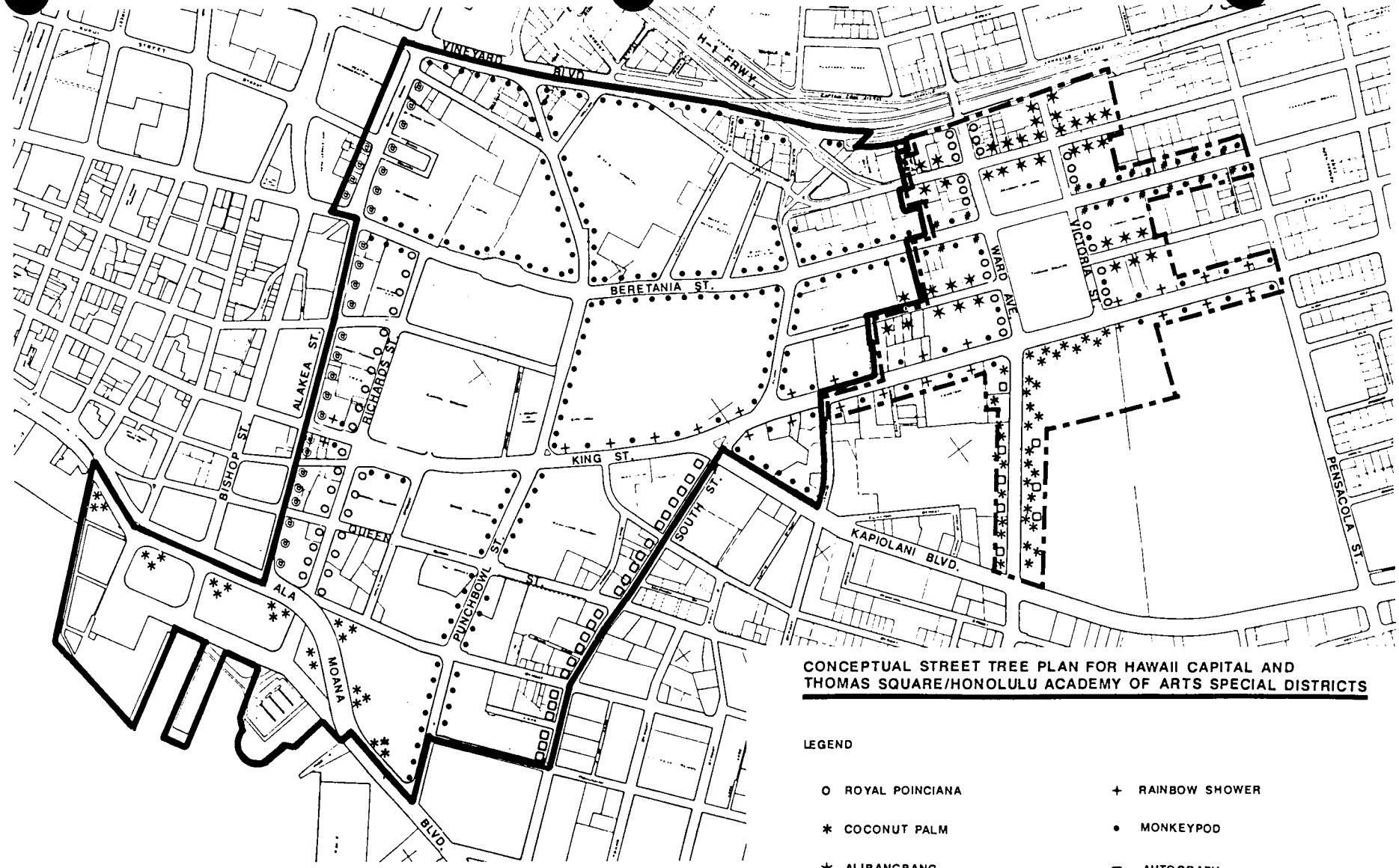
SCHEMATIC DIAGRAM
NOT TO SCALE

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT

BUILDING ENVELOPE HEIGHT CONTROLS

NORTH 200 150 200 0 400
SCALE IN FEET

4/89



CONCEPTUAL STREET TREE PLAN FOR HAWAII CAPITAL AND THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICTS

LEGEND

- O ROYAL POINCIANA
- + RAINBOW SHOWER
- * COCONUT PALM
- • MONKEYPOD
- ✱ ALIBANGBANG
- □ AUTOGRAPH
- @ FALSE OLIVE
- # TRUE KOU

NORTH

200 800
0 400
SCALE IN FEET

HAWAII CAPITAL SPECIAL DISTRICT BOUNDARY

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT BOUNDARY

EXHIBIT 7.4

4/89

7.80 Waikiki special district: Findings.

(a) To the world, Waikiki is a recognized symbol of Hawaii; and the allure of Waikiki continues, serving as the anchor for the state's tourist industry. In addition to its function as a major world tourist destination, Waikiki serves as a vital employment center and as a home for thousands of full-time residents.

(b) The creation of the Waikiki special district was largely a response to the rapid development of the 1960s and 1970s, and the changes produced by that development. Now, Waikiki can be described as a mature resort plant and residential locale. Waikiki needs to maintain its place as one of the world's premier resorts in an international market; yet, the sense of place that makes Waikiki unique needs to be retained and enhanced.

(c) Because of the city's commitment to the economic, social and physical well-being of Waikiki, it is necessary to guide carefully Waikiki's future and protect its unique Hawaiian identity.

7.80-1 Waikiki special district: Objectives.

The objectives of the Waikiki special district are to:

(a) Promote a Hawaiian sense of place at every opportunity.

(b) Guide development and redevelopment in Waikiki with due consideration to optimum community benefits. These shall include the preservation, restoration, maintenance, enhancement and creation of natural, recreational, educational, historic, cultural, community and scenic resources.

(c) Support the retention of a residential sector in order to provide stability to the neighborhoods of Waikiki.

(d) Provide for a variety of compatible land uses which promote the unique character of Waikiki, emphasizing mixed uses.

(e) Support efficient use of multimodal transportation in Waikiki, reflecting the needs of Waikiki workers, businesses, residents, and tourists. Encourage the use of public transit

rather than the private automobile, and assist in the efficient flow of traffic.

(f) Provide for the ability to renovate and redevelop existing structures which otherwise might experience deterioration. Waikiki is a mature, concentrated urban area with a large number of nonconforming uses and structures. The zoning requirements of this special district should not, therefore, function as barriers to desirable restoration and redevelopment lest the physical decline of structures in Waikiki jeopardize the desire to have a healthy, vibrant, attractive and well-designed visitor destination.

(g) Enable the city to address concerns that development maintain Waikiki's capacity to support adequately, accommodate comfortably, and enhance the variety of worker, resident and visitor needs.

(h) Provide opportunities for creative development capable of substantially contributing to rejuvenation and revitalization in the special district, and able to facilitate the desired character of Waikiki for areas susceptible to change.

(i) Encourage architectural features in building design which complement Hawaii's tropical climate and ambience, while respecting Waikiki's urbanized setting. The provision of building elements such as open lobbies, lanais, and sunshade devices is encouraged.

(j) Maintain, and improve where possible: mauka views from public viewing areas in Waikiki, especially from public streets; and a visual relationship with the ocean, as experienced from Kalakaua Avenue, Kalia Road and Ala Moana Boulevard. In addition, improve pedestrian access, both perpendicular and lateral, to the beach and the Ala Wai Canal.

(k) Maintain a substantial view of Diamond Head from the Punchbowl lookouts by controlling building heights in Waikiki that would impinge on this view corridor.

(l) Emphasize a pedestrian-orientation in Waikiki. Acknowledge, enhance and promote the pedestrian experience to benefit both commercial establishments and the community as a whole.

Walkway systems shall be complemented by adjacent landscaping, open spaces, entryways, inviting uses at the ground level, street furniture, and human-scaled architectural details. Where appropriate, open spaces should be actively utilized to promote the pedestrian experience.

(m) Provide people-oriented, interactive, landscaped open spaces to offset the high-density urban ambience. Open spaces are intended to serve a variety of objectives including visual relief, pedestrian orientation, social interaction, and fundamentally to promote a sense of "Hawaiianness" within the district. Open spaces, pedestrian pathways and other ground level features should be generously supplemented with landscaping and water features to enhance their value, contribute to a lush, tropical setting and promote a Hawaiian sense of place.

(n) Support a complementary relationship between Waikiki and the convention center.

7.80-2 District boundaries and land use control system.

(a) The district is identified on Exhibit 7.13.

(b) Within the district there are four types of zoning precincts and one type of zoning subprecinct, the boundaries of which are indicated on Exhibit 7.13.

7.80-3 Prominent view corridors and historic properties.

(a) The following streets and locations identify significant public views of Waikiki landmarks, the ocean, and the mountains from public vantage points:

(1) Intermittent ocean views from Kalia Road across Fort DeRussy Park and from the Ala Wai Bridge on Ala Moana Boulevard;

(2) Continuous ocean views along Kalakaua Avenue, from Kuhio Beach to Kapahulu Avenue;

(3) Ocean views from Ala Wai Yacht Harbor;

(4) Ocean views from Kuhio Beach Park;

(5) Views of Ala Wai Yacht Harbor from Ala Moana Park (Magic Island Park);

(6) Mauka views from the portions of the following streets mauka of Kuhio Avenue:

(A) Nohonani Street;

(B) Nahua Street;

(C) Kanekapolei Street;

(D) Kaiolu Street;

(E) Lewers Street;

(F) Walina Street; and

(G) Seaside Avenue;

and

(7) View of Diamond Head from Ala Wai Boulevard between McCully Street and Kapahulu Avenue.

(b) Development should preserve, maintain and enhance these views whenever possible. Additional yard area and spacing between buildings may be required by the director, in connection with the issuance of special district permits, and the Council and/or the director, in connection with planned development-resort and planned development-commercial approvals pursuant to Section 8.30-9, to protect these significant views.

(c) Development should preserve, maintain and enhance historic properties whenever possible. Special district permit applications involving buildings over 50 years old shall be submitted to the State Department of Land and Natural Resources for review and comments.

7.80-4 General requirements and design controls.

The design of buildings and structures in the Waikiki special district should always reflect a Hawaiian sense of place, as outlined in the design controls of this section. These design controls shall be supplemented by a design guidebook prepared and made available to the public by the director. The director shall submit the design guidebook and any revisions thereof to the council for review and comment prior to making the guidebook and any revisions available to the public. The following requirements

shall be applied in all precincts within the district. Where the following reuirements are silent, the applicable provisions of this chapter shall apply.

(a) Uses and Structures Allowed in Required Yards and Setbacks. The provisions of Section 3.30 shall apply except as provided by this subsection. No business activity of any kind, including advertising, promotion, solicitation, merchandising or distribution of commercial handbills, or structures or any other use or activity, except as provided by this subsection, shall be located or carried out within any required yard, street or building setback area, except those areas occupied by enclosed nonconforming buildings. The following may be allowed in required yards and setbacks, and when used as provided by this subsection shall not be considered to change a yard's status as open space:

(1) Newspaper sales and distribution.

(2) Garden signs.

(3) Porte-cocheres no less than five feet back from the property line or road widening setback.

(4) Roof eaves, awnings (including retractable awnings) and other sunshade devices not more than 42 inches vertically or horizontally beyond the building face, except as otherwise provided by this subsection. On buildings over 60 feet in height, roof eaves may extend more than 42 inches into a required yard, street setback or height setback area if the resulting roof form is integral to a cohesive, coherent design character for the structure. In no case, however, shall such extension exceed one-half the width of the required yard or height setback.

(5) Outdoor dining areas accessory to permitted eating establishments in required front yards, subject to the following:

(A) A planter or hedge of not more than 30 inches in height may be provided to define the perimeter of the outdoor dining area.

(B) An outdoor dining area shall be no less than five feet from any property line.

(C) Outdoor dining facilities shall be limited to portable chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.

(D) No more than 40 percent of the front yard may be used as an accessory outdoor dining area, subject to an acceptable design. The remainder of the front yard shall be landscaped except for necessary access drives and walkways, and where lei stands are used as permitted under subdivision (6).

(E) Retractable awnings directly associated with an outdoor dining area may extend from the building face into the front yard by no more than 50 percent of the depth of the front yard.

(F) Sidewalk improvements such as, but not limited to, street trees, paving and landscaping, may be required.

(G) Outdoor dining areas shall not be used after 11:00 p.m. and before 7:00 a.m.

(H) No dancing, entertainment, or live or recorded music shall be permitted in outdoor dining areas, provided that strolling musicians using non-amplified acoustic stringed instruments or traditional Hawaiian wind instruments shall be permitted to perform no later than 10 p.m. when the dining areas are in use.

(6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:

(A) The activity shall be no less than five feet from any property line.

(B) No more than 10 percent of the front yard may be used for lei stands. The remainder of the front yard shall be landscaped except for necessary

access drives or walkways, and where outdoor dining is used as permitted under subdivision (5).

(C) Signs. Refer to Section 3.90-3(1)(3) for permitted signs.

(D) The operator of a lei stand shall provide for the concealed disposal of trash associated with the use.

(7) Vending carts in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:

(A) The front yard shall conform to the applicable front yard standard set forth in Table 7.6(B).

(B) Only food, non-alcoholic drinks and fresh cut or picked flowers may be sold. Food consistent with a Hawaiian sense of place shall be encouraged.

(C) The cart shall be no less than five feet from any property line.

(D) Only one cart per front yard per zoning lot shall be permitted.

(E) Permitted signs shall be in accordance with Section 3.90-3(1)(3).

(F) The cart operator shall provide for the concealed disposal of trash associated with the use.

(8) Walls and fences in the apartment precinct, up to a maximum height of 6 feet, provided the wall or fence shall be set back not less than 24 inches from the front property line and shall be acceptably screened with planting material from the street side. The wall or fence shall consist of an open material, preferably wrought iron or lattice work, but not chain link. Solid walls are discouraged, but may be permitted when constructed of an acceptable material, such as wood, moss rock or stucco-finished masonry, set back at least 5 feet from the front property line and acceptably screened with planting material from the street side.

(b) Curb Cuts. Curb cuts for driveway openings and sight distances at all intersections shall comply with Chapter 15 and the Design Standards of the Department of Transportation Services unless modified by the city council. The number of curb cuts should be kept to a minimum in order to enhance pedestrian movement along sidewalks.

(c) Design Guidelines.

(1) General Guidelines. All structures, open spaces, landscape elements and other improvements within the district shall conform to the guidelines specified on the urban design controls marked Exhibit 7.15, the design standards contained in this section and other design guidelines promulgated by the director to further define and implement these standards.

(2) Yards. Yard requirements shall be as enumerated under development standards fro the appropriate zoning precinct under Table 7.6(B).

(3) Automobile Service Stations and Car Rental Establishments. Automobile service stations and car rental establishments shall comply with the following requirements:

(A) A minimum side and rear yard of five feet shall be required with a solid fence or wall at least six feet in height on the property line with the required yard substantially landscaped with planting and maintained.

(B) The station shall be illuminated so that no unshielded, unreflected or undiffused light source is visible from any public area or private property immediately adjacent to the station.

(C) All areas not landscaped shall be provided with an all-weather surface.

(D) No water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks.

(4) Utility Installations. Utility installations shall be designed and installed in an aesthetic manner so as to hide or screen wires and equipment completely from view, including views from above (except for antennas).

(5) Building Materials. Selection and use of building materials should contribute to a Hawaiian sense of place through the use of subdued and natural materials, such as plaster finishes, textured concrete, stone, wood and limited use of color-coated metal. Free-standing walls and fences should be composed of moss rock, stucco-finished masonry or architectural concrete whenever possible. Colors and finishes shall be characterized as being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided.

(6) Building Scale, Features and Articulation. Project designs should provide a human scale at ground level. Buildings composed of stepped forms are preferred. Articulated facades are encouraged to break up building bulk. Use of the following building features are encouraged: sunshades; canopies; eaves; lanais; hip-form roofs for low-rise, freestanding buildings; recessed windows; projecting eyebrows; and architectural elements that promote a Hawaiian sense of place.

(7) Exterior Building Colors. Project colors should contribute to a tropical resort destination. They should complement or blend with surrounding colors, rather than call attention to the structure. Principal colors, particularly for high-rise towers, should be of neutral tones with more vibrant colors relegated to accent work. Highly reflective colors shall not be permitted.

(8) Ground Level Features.

(A) Within a development, attention should be given to pedestrian-oriented ground level features. A close indoor-outdoor relationship should be promoted.

Design priority should include the visual links through a development connecting the sidewalk and other public areas with on-site open spaces, mountains and the ocean.

(B) Building facades at the ground level along open spaces and major streets (including Kalakaua Avenue, Kuhio Avenue, Kapahulu Avenue, Ala Wai Boulevard and Ala Moana Boulevard) shall be devoted to open lobbies, arcade entrances, and display windows, and to outdoor dining where it is permitted.

(C) Where commercial uses are located at ground level, other than as required by paragraph (B), at least one-half of the total length of the building facade along streets shall be devoted to open lobbies, arcade entrances, display windows and outdoor dining where permitted.

(D) The street facades of ground level hotel lobbies should include wide, open entryways. Ventilation in these lobbies should primarily depend on natural air circulation.

(E) Where buildings are situated between a street and the shoreline or between a street and open spaces, ground level lobbies, arcades and pedestrian ways should be provided to create visual links between the street and the shoreline or open space.

(F) Where blank walls must front a street or open space, they shall be screened with heavy landscaping or appropriately articulated exterior surfaces.

(G) Ground level parking facilities should not be located along any street, park, beachfront, public sidewalk or pedestrian way. Where the site plan precludes any other location, the garage may front these areas provided landscaping is provided for screening. Principal landscaping shall include

trees, and secondary landscape elements may include tall hedges and earth berms.

(9) Outdoor Lighting. Outdoor lighting shall be subdued or shielded so as to prevent glare and light spillage onto surrounding properties and public rights-of-way. It shall not be used to attract attention to structures, uses or activities. Rotating, revolving, moving, flashing and flickering lights shall not be visible to the public, except lighting installed by a public agency for traffic safety purposes or temporary lighting related to holiday displays.

(d) Planned Development-Resort (PD-R) and Planned Development-Commercial (PD-C) Projects. The purpose of the PD-R and PD-C options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefitting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department.

PD-R and PD-C projects shall be subject to the following:

(1) PD-R and PD-C Applicability.

(A) PD-R projects shall only be permitted in the resort mixed use precinct, and PD-C projects shall only be permitted in the resort commercial precinct.

(B) The minimum project size shall be one acre. Multiple lots may be part of a single PD-R or PD-C project, including lots which may not be adjoining

lots. Lots not adjoining one another may be part of a single project, provided:

(i) Each lot has minimum lot size of 20,000 square feet;

(ii) The lots are separated only by a street or right-of-way which is not a major street as shown on Exhibit 7.15; and

(iii) The lots are under a single ownership. When non-adjoining lots are involved, bridges or other design features connecting the separated lots are strongly encouraged, to unify the project site.

Multiple lots that are part of an approved single PD-R or PD-C project shall be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit (Type 1) for a joint development shall be required therefor.

(2) PD-R and PD-C Use Regulations. Permitted uses and structures shall be as enumerated for the underlying precinct in Table 7.6(A).

(3) PD-R and PD-C Site Development and Design Standards. The standards set forth by this subdivision are general requirements for PD-R and PD-C projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection (d).

(A) Maximum project floor area shall not exceed an FAR of 4.0, except:

(i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or

(ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

(B) Maximum building height shall be 350 feet, but this standard may be reduced.

(C) Precinct transitional height setbacks shall be as set forth in Table 7.6(B), but these standards may be modified.

(D) Minimum yards shall be 15 feet, but this standard may be modified.

(E) Minimum open space shall be at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.

(F) Landscaping requirements shall be as set forth in subsection (f), but these standards may be modified.

(G) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located shall apply.

(4) Approval of PD-R or PD-C Projects.

(A) Application Requirements. An application for approval of a PD-R or PD-C project shall contain:

(i) A project name;

(ii) A location map showing the project in relation to the surrounding area;

(iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. It shall also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, when applicable;

(iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and dwelling units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;

(vi) An open space plan and integrated pedestrian circulation system;

(vii) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and

(viii) A parking and loading management plan.

(B) Procedures. Applications for approval of PD-R or PD-C projects shall be processed in accordance with Section 8.30-9.

(C) No project shall be eligible for PD-R or PD-C status unless the council has first approved a conceptual plan for the project.

(D) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a PD-R or PD-C project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:

(i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space and landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection (d);

(ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and

(iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24.

(E) Deadline for Obtaining Building Permit for Project.

(i) A council resolution of approval for a conceptual plan for a PD-R or PD-C project shall establish a deadline within which the building permit for the project shall be obtained. For multi-phase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any

building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multi-phase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.

(ii) The resolution shall further provide that a deadline may be extended as follows: The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of (aa) 60 days after the receipt of the director's report

or (bb) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(F) Approval by Director. Upon council approval of the conceptual plan for the PD-R or PD-C project, the application for the project, as approved in concept by the council, shall continue to be processed by the director as provided under Section 8.30-9. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:

(i) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;

(ii) The project also shall implement the objectives, guidelines, and standards of the Waikiki special district and this subsection (d);

(iii) The project shall exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features which may fulfill this requirement;

(iv) The project shall demonstrate a high level of compliance with the design guidelines of this special district and this subsection (d);

(v) The project shall contribute significantly to the overall desired urban design of Waikiki;

(vi) The project shall reflect appropriate "contextual architecture";

(vii) The project shall demonstrate a pedestrian system, open spaces, landscaping and water features (such as water gardens and ponds) which are integrated and prominently conspicuous throughout the project site at ground level;

(viii) The open space plan shall provide useable open spaces, green spaces, water features, public places and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;

(ix) The system of proposed pedestrian elements shall contribute to a strong pedestrian orientation which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding Waikiki areas; and

(x) The parking management plan shall minimize impacts upon public streets where possible, shall enhance local traffic circulation patterns, and shall make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan shall constitute the off-street parking and loading requirements for the project.

(5) Applications for approval of a PD-R or PD-C project must be accepted for review by the Department of Land Utilization by December 31, 2001, in order to be

considered. No applications shall be accepted after that date.

(e) Nonconformity. The provisions of Section 3.120, et seq., shall apply, except as provided in this subsection.

(1) Within the resort mixed use and resort commercial precincts, and with respect to hotels located in the apartment mixed use subprecinct, a nonconforming use or structure may be replaced by a new structure with up to the maximum permitted floor area of the precinct for similar uses or existing floor area, whichever is greater, provided all other special district standards are met.

(2) In case of the accidental destruction of a nonconforming structure devoted to a conforming use which contains multi-family dwelling units, it may be restored to its original condition in accordance with Section 3.120.

(3) Nonconforming uses shall not be limited to "ordinary repairs" or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations which will not modify the arrangement of buildings on a zoning lot may be permitted, provided all special district standards are met.

(4) Elements of nonconforming structures, including but not limited to, signs, menu displays, awnings and building facades may be renovated, reconfigured, or replaced, provided the work:

(A) Results in a reduction of the nonconformity;

(B) Is an improvement over the existing condition of the structure;

(C) Implements the design intents and requirements of the special district; and

(D) Does not increase floor area.

(5) The floor area of a structure which already meets or exceeds maximum permitted density may be increased to replace or retrofit electrical or mechanical equipment, utilitarian spaces, or improvements specifically

required to comply with federal mandates such as the Americans with Disabilities Act (ADA) or National Environmental Policy Act (NEPA), provided:

(A) The increase in floor area is relatively insignificant in relation to the existing structure;

(B) Adequate screening of building equipment or machinery is provided when necessary to protect the design intents of the special district;

(C) The increase does not result in a net loss in required open space, arcades, or landscaping; and

(D) Other than for dwelling units, existing on-site parking spaces may be removed, provided:

(i) There are no feasible alternatives to the location of the equipment or utility room; and

(ii) The number of off-street parking spaces removed is less than (aa) five percent of the total number of existing spaces, if the total number of existing spaces is 100 or less; or (bb) three percent of the total number of existing spaces, if the total number of existing spaces is more than 100.

(f) Landscaping.

(1) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(2) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet, or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Larger replacement trees may be required depending on the size of the trees removed.

(3) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(4) Parking structures shall be landscaped. Rooftop parking areas shall also be landscaped wherever they are visible to the public.

(5) Landscaped screening shall be required to prevent undesirable vistas and sight lines, and to reduce the visual impact of blank walls and parked vehicles. Spacing and other design elements shall be determined by species, plant size and mix of plant material.

(6) Whenever landscaping is required, the use of fragrant, lush, tropical vegetation and native plant species is encouraged.

(7) All fences and walls exceeding 36 inches in height, except for moss rock walls, shall be landscaped with vine or hedge planting, or other approved vegetation on the street side.

(8) All landscaped areas shall include an adequate irrigation system.

(g) Height Regulations.

(1) Rooftop Height Exemption. The director may exempt necessary mechanical appurtenances, and utilitarian and architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose they serve, but in no case exceeding 18 feet above the maximum height limit for roof forms and 12 feet above the maximum height limit for all other appurtenances and

features. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Waikiki Special district. The design of roof treatment shall be attractive, contextual and an integral part of the building's design scheme.

Except for flagpoles and smokestacks, all items listed in Section 3.60(c) shall also be exempt from the height provisions of this subsection.

(2) Coastal Height Setbacks. In addition to the above limits, there is a need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources. Accordingly, the following minimum setbacks shall apply to all zoning lots along the shoreline:

(A) There shall be a building height setback of 100 feet in which no structure shall be permitted. This setback shall be measured from the certified shoreline; and

(B) Beyond the 100-foot line there shall be a building height setback of 1:1 (45 degrees) measured from the certified shoreline. (See Exhibit 7.15.)

(h) Parking. Off-street parking shall be provided in accordance with Article 3 and Table 3.1(C). Notwithstanding the foregoing, the following ground floor uses in the Waikiki special district shall be exempt from off-street parking requirements if not located in a hotel:

(1) Ground floor uses located in buildings of no more than two stories in height and having a floor area of 1,500 square feet or less; and

(2) Ground floor uses having a floor area of 600 square feet or less, if not located in a shopping center.

(i) Vending Carts. Outdoor vending carts located at ground level, except for those permitted in required yards, shall be

generally screened from view to the general public from any street, sidewalk or public space by landscaping or a wall or fence no less than 42 inches in height, which shall be located at the front property line.

7.80-5 Apartment precinct.

(a) Permitted Uses. Within the apartment precinct, including the apartment mixed use subprecinct, permitted uses and structures shall be as enumerated in Table 7.6(A).

(b) Development Standards. Uses and structures within the apartment precinct and the apartment mixed use subprecinct shall conform to the development standards enumerated in Table 7.6(B).

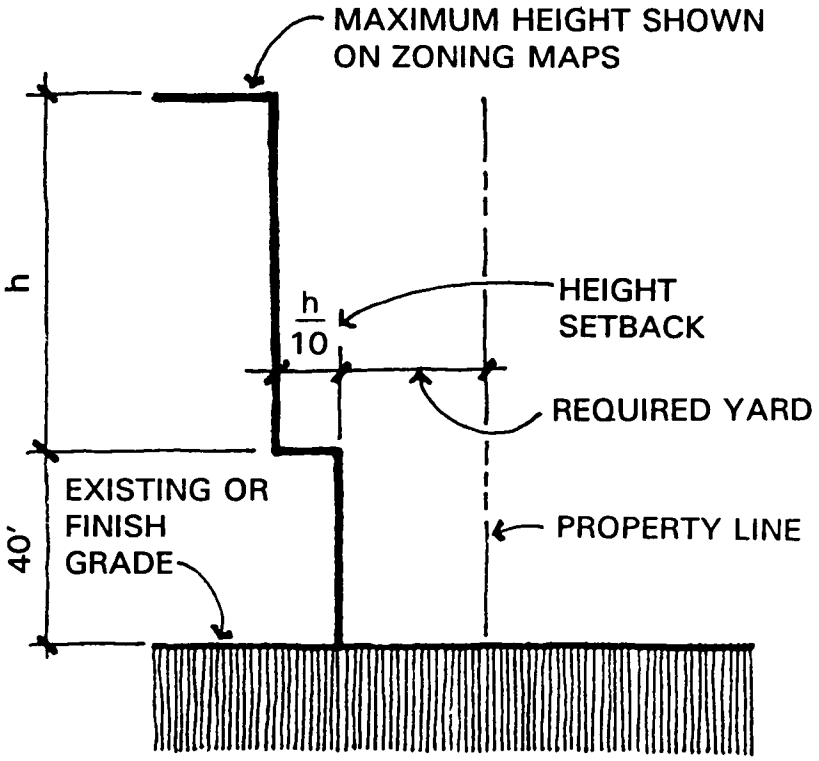
(c) Additional Development Standards.

(1) Commercial Use Location Within the Apartment Mixed Use Subprecinct. Any of the permitted uses designated in Table 7.6(A) as a principal use only within the apartment mixed use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, shall be limited to the basement, ground floor or second floor of a building.

(2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. This additional setback shall be a continuous vertical plane from the top of the structure to the height of 40 feet above existing grade (see Figure 7.2).

(d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

Figure 7.2



RESORT MIXED USE & APARTMENT PRECINCTS:
ADDITIONAL HEIGHT SETBACKS SHALL BE PROVIDED FROM THE FRONT, SIDE AND REAR YARD OR PROPERTY LINE

RESORT COMMERCIAL PRECINCT:
ADDITIONAL HEIGHT SETBACK SHALL BE PROVIDED FROM THE FRONT YARD; ALSO FROM ANY SIDE OR REAR YARD WHICH ADJOINS THE APARTMENT PRECINCT

ADDITIONAL HEIGHT SETBACK -- WAIKIKI

7.80-6 Resort mixed use precinct.

(a) Permitted Uses. Within the resort mixed use precinct, permitted uses and structures shall be as enumerated in Table 7.6(A).

(b) Development Standards. Uses and structures within the resort mixed use precinct shall conform to the development standards enumerated in Table 7.6(B).

(c) Additional Development Standards.

(1) Minimum Open Space Requirements. A minimum percentage of the zoning lot shall be devoted to open space for all developments in the resort mixed use precinct. Minimum open space for a zoning lot shall be as provided below, except that when required yards exceed this standard, the minimum standard for required yards shall be considered the minimum open space requirement for the zoning lot.

FAR	Percent of zoning lot
Less than 1.0	10
1.0 - 1.25	25
1.26 - 1.5	35
Greater than 1.5	50

(2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. This additional setback shall be a continuous vertical plane from the top of the structure to the height of 40 feet above existing grade (see Figure 7.2).

(d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

7.80-7 Resort commercial precinct.

(a) Permitted Uses. Within the resort commercial precinct, permitted uses and structures shall be as enumerated in Table 7.6(A).

(b) Development Standards. Uses and structures within the resort commercial precinct shall conform to the development standards enumerated in Table 7.6(B).

(c) Additional Development Standards.

(1) Open Space Bonus.

(A) For each square foot of public open space provided, 10 square feet of floor area may be added, exclusive of required yards;

(B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, five square feet of floor area may be added; and

(C) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards.

(2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, an additional front height setback equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. This additional setback shall be a continuous vertical plane from the top of the structure to the height of 40 feet above existing grade. When a zoning lot adjoins a zoning lot in the apartment precinct, the same additional side and rear height setbacks shall also be provided (see Figure 7.2).

(d) Additional use standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

7.80-8 Public precinct.

(a) Permitted Uses. Within the public precinct, permitted uses and structures shall be as enumerated in Table 7.6(A). Additionally:

(1) In the public precinct, public uses and structures may include accessory activities operated by private lessees under supervision of a public agency purely to fulfill a governmental function, activity or service for public benefit and in accordance with public policy; and

(2) All structures within the public precinct shall comply with the guidelines established by the urban design controls marked Exhibit 7.15.

(b) Development Standards. Uses and structures within the public precinct shall conform to the development standards enumerated in Table 7.6(B). The FAR, height and yard requirements for structures shall be approved by the director.

(c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.

(d) Utility installations, Type A, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2.

7.80-9 Tables for permitted uses and structures, development standards and project classification.

Refer to Table 7.6(A) for permitted uses and structures for each precinct. Refer to Table 7.6(B) for development standards for each precinct. Refer to Table 7.6(C) to determine whether specific categories of projects will be classified as major, minor or exempt.

Table 7.6(A)
Waikiki Special District Precincts
Permitted Uses and Structures

Use or Structure	Precinct			
	Apartment	Resort Mixed Use	Resort-Commercial	Public
Amusement and recreational facilities, indoor		P	P	
Amusement facilities, outdoor		CUP2		
Antennas, receive-only	Ac	Ac	Ac	Ac
Art galleries and museums	CUP2 (Museums only)	P	P	
Automobile rental establishments (excluding repair facilities and open parking lots)		P	P	
Automobile service stations, excluding repair facilities			P	
Bars, cabarets, nightclubs, taverns[1]		P	P	
Boarding facilities	P	P	P	
Broadcasting facilities		P	P	
Business services		P	P	
Commercial parking lots and garages		P	P	
Convenience stores	P-AMX	P	P	
Dance or music schools		P	P	
Day-care facilities	SPR	P	P	
Dwellings, multi-family[2]	P	P	P[3]	
Eating establishments[1]	P-AMX	P	P	
Financial institutions	P-AMX	P	P	
Group living facilities	CUP2	CUP2	CUP2	
Historic structures, use of	CUP2	CUP1	CUP1	CUP1
Home occupations	Ac	Ac	Ac	
Hotels		P		
Joint development	CUP1	CUP1	CUP1	
Joint use of parking	CUP1	CUP1	CUP1	
Laboratories, medical		P	P	
Marina accessories		P	P	

Table 7.6(A) Waikiki Special District Precincts Permitted Uses and Structures				
	Precinct			
Use or Structure	Apartment	Resort Mixed Use	Resort-Commercia l	Public
Medical clinics	P-AMX	P	P	
Meeting facilities	SPR	P	P	
Neighborhood grocery stores	CUP1	N/A	N/A	
Offices		P	P	
Off-site parking facilities	CUP1	CUP1	CUP1	
Personal services	P-AMX	P	P	
Photographic processing		P	P	
Photographic studios		P	P	
Public uses and structures	P	P	P	P
Retail establishments		P	P	
Schools, language		P	P	
Schools, vocational, provided they do not involve the operation of woodwork shops, machine shops or similar industrial features		P	P	
Theaters		P	P	
Time sharing		P		
Transient vacation units		P		
Utility installations, Type A	P7	P7	P7	P7
Utility installations, Type B	CUP1	CUP1	CUP1	CUP1

Ministerial uses:

Ac = Special accessory use. Also see: Article 9, Accessory use; and Section 3.140-1, Home occupations
P = Permitted principal use
P4 = Permitted principal use subject to standards enumerated in Article 4
P7 = Permitted principal use subject to standards enumerated in Article 7; see Section 7.80-5(d), 7.80-6(d), 7.80-7(d) or 7.80-8(d)
P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

Discretionary uses:

CUP1 = Requires an approved conditional use permit, Type 1
CUP2 = Requires an approved conditional use permit, Type 2
SPR = Requires an approved site plan review

Other:

N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that precinct

[1] Provided a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct

[2] Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes

[3] Multi-family dwelling units shall only be permitted between Ala Wai Boulevard and Kuamoo Avenue in the resort commercial precinct

Table 7.6(B)
Waikiki Special District Precincts
Development Standards

Development standard		Precinct: Apartment	Resort mixed use	Resort-commercial	Public
Minimum lot area (square feet)		10,000	10,000	5,000	n/a
Minimum lot width and depth (feet)		50	50	50	
Yards[1] (feet)	**Front**	15	15-20[2]	15-20[2]	As approved by director
	Side and rear	10	0-10[3]	0-10[3]	
Maximum density (FAR) apartment precinct only[4,5]		**Lot Area (sq. ft.)** / **FAR calculation** Less than 7,500: FAR = (.00009 x lot area) + .08 7,500 - 69,999: FAR = (.000009 x lot area) + .85 70,000 or more: FAR = 1.50			
Maximum density (FAR) resort mixed use precinct only[5]		**Lot area (sq. ft.)** / **FAR calculation** Less than 10,000: FAR = (.00013 x lot area) + .03 10,000 - 29,999: FAR = (.00003 x lot area) + 1.05 30,000 - 89,999: FAR = (.000014 x lot area) + 1.54 90,000 or more: FAR = 2.8			
Maximum density (FAR) other precincts		n/a		1.75[5]	As approved by director
Minimum open space (percent of zoning lot)		50	0-50 see Sec. 7.80-6(c)(1)	0	n/a
Open space bonus	**Available**	No	No	Yes see Sec. 7.80-7(c)(1)	
	Max FAR	n/a	n/a	3.5[5]	
Maximum height (feet)		Per zoning map and Exhibit 7.15			As approved by director
Transitional height setbacks		Per Sec. 7.80-5(c)(2)	Per Sec. 7.80-6(c)(2)	Per Sec. 7.80-7(c)(2)	

n/a = Not applicable

[1] Except for necessary access drives and walkways, all yards shall be landscaped

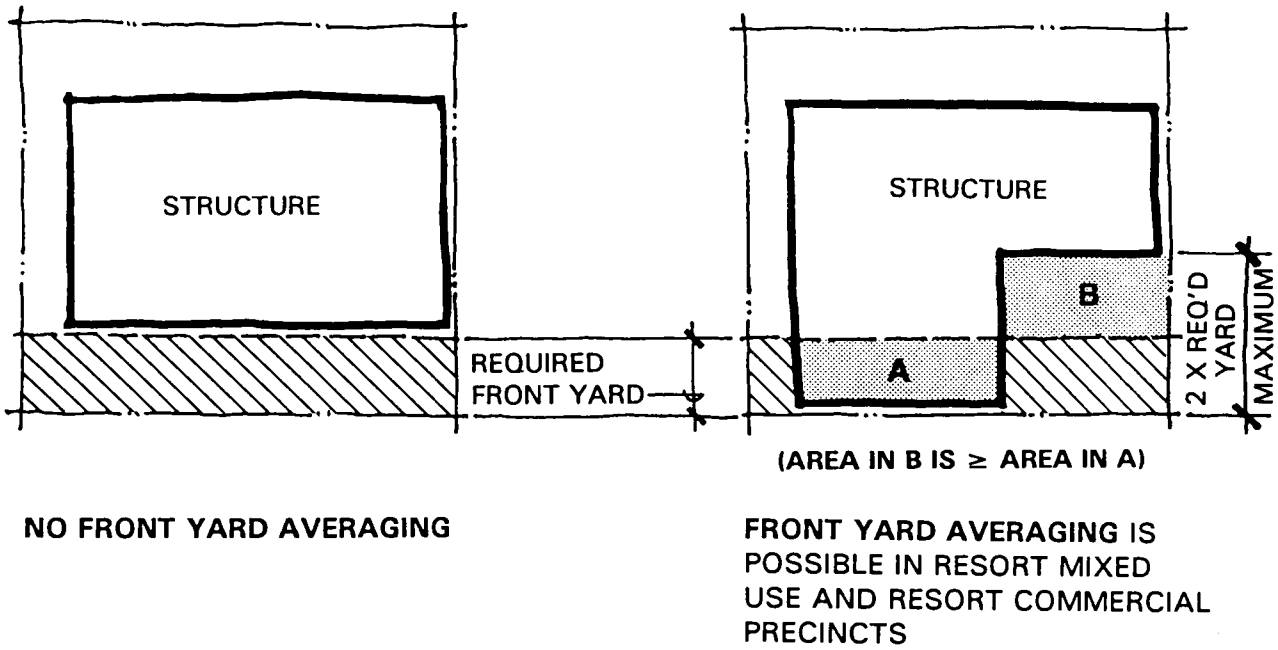
[2] An average of 20 feet for zoning lots fronting Kuhio Avenue, Kalakaua Avenue, Ala Moana and Ala Wai Boulevard, and an average of 15 feet for all other zoning lots, provided: (1) The average yard may vary between the front property line and twice the minimum front yard so long as the yard area street-side of the required yard is equal to the yard area behind the required yard, (2) the yard configuration shall be integrated to the extent feasible with yards and open spaces provided by adjoining lots, and (3) the undulation of the setback line shall result in a design acceptable by the director (see Figure 7.1).

[3] Except for zoning lots adjoining an apartment precinct, side and rear yards shall not be required. Ten feet where a zoning lot adjoins an apartment precinct, unless there is a parking structure or lot on the adjacent apartment precinct zoning lot located within 10 feet of the common property line for more than 75 percent of the length of the common property line. In this case, there shall not be a required yard.

[4] See Sec. 7.80-5(c)(1) for commercial use location standards within the apartment mixed use subprecinct.

[5] In computing the permissible floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Portions of buildings devoted to lanais and balconies shall not count as floor area.

Figure 7.1



FRONT YARD -- WAIKIKI SPECIAL DISTRICT

Am. 12/17/97
Ord. 97-74

Table 7.6(C)
Waikiki Special District
Project Classification

Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor, only when visible from a street, park or other public viewing area; otherwise exempt
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair or addition to historic structures	M	
Minor modification, alteration, repair or addition to historic structures	m	
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or additions to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Planned development projects (PD-R and PD-C)	M	Prior council approval of conceptual plan required. See Sec. 7.80-4(d)(4).
Permitted uses and structures under Sections 7.80-3(a), uses and activities allowed in required yards and setbacks; 7.80-3(e), nonconformity; and 7.80(g)(1), rooftop height exemption; when not otherwise covered by this table	m	
Exterior repainting that significantly changes the character or appearance of the structure	m/M	Major for murals exceeding length or width dimensions of 12 feet
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	m/E	Minor only when structure is over 50 years old; otherwise exempt
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	

Table 7.6(C) Waikiki Special District Project Classification		
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	m/M	Minor for accessory structures only

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend - Project classification:
M = Major
m = Minor
E = Exempt

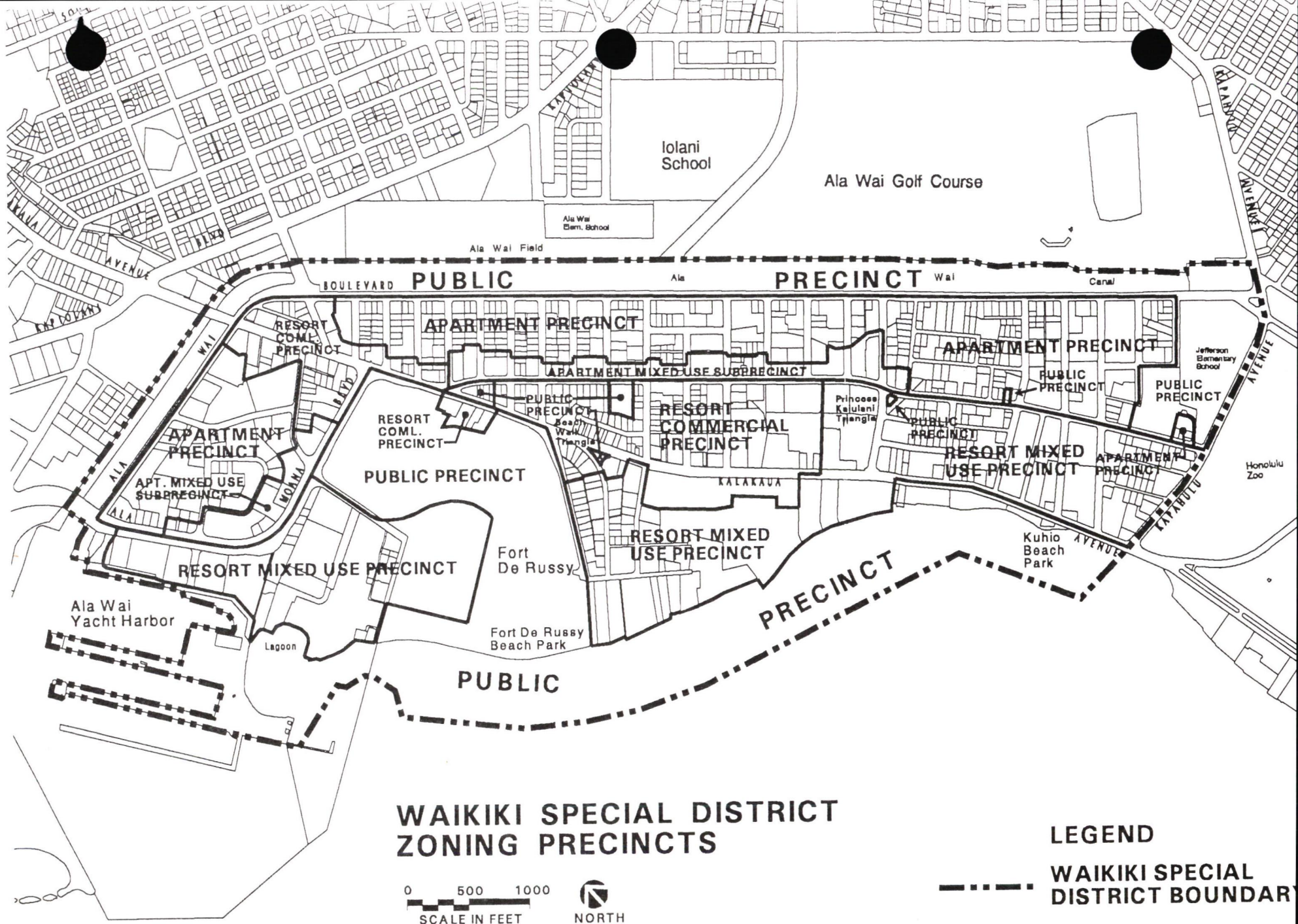


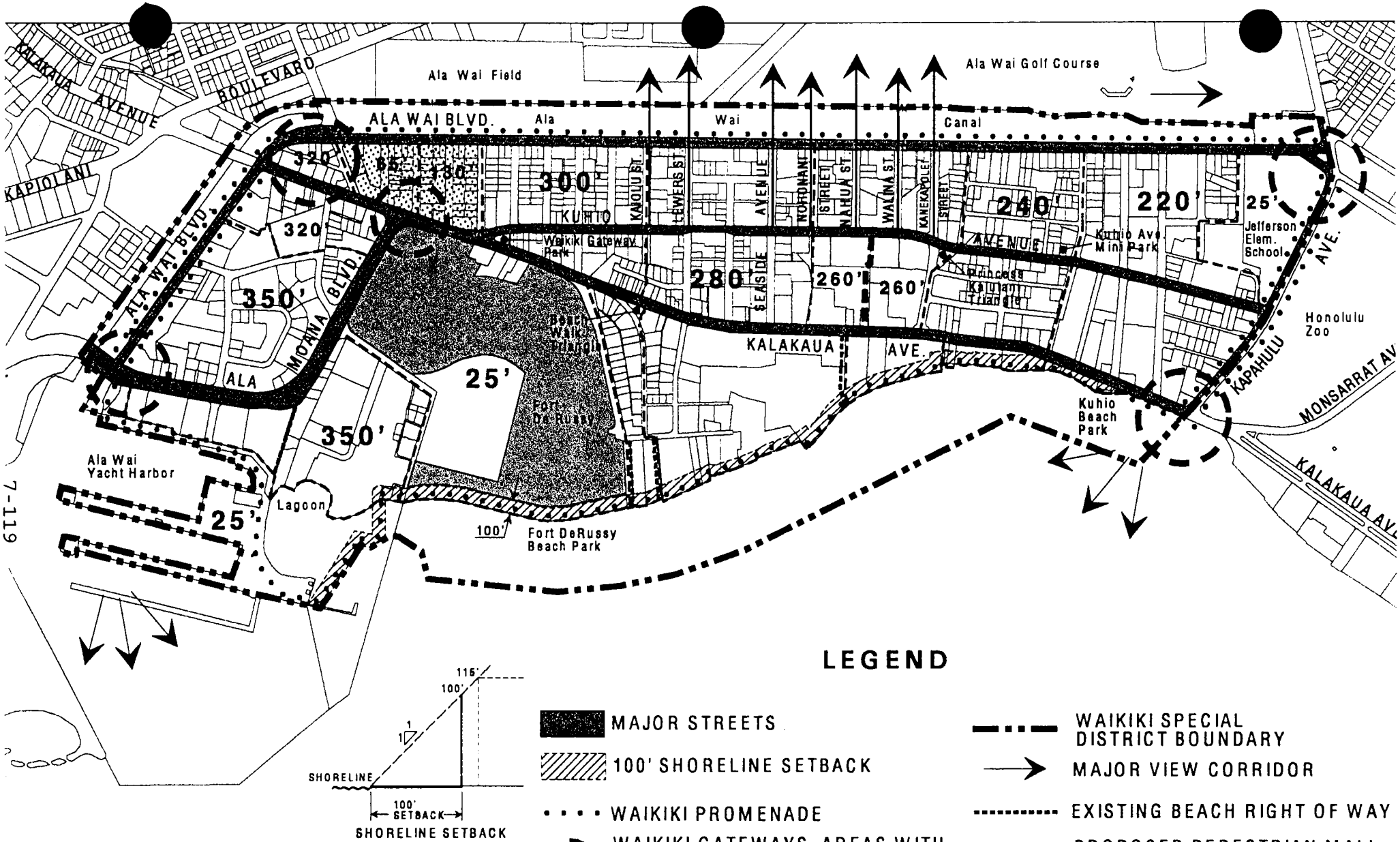
EXHIBIT 7.13

JANUARY 30, 1996

Am. 12/17/97
Ord. 97-74

EXHIBIT 7.14

(Reserved)



WAIKIKI SPECIAL DISTRICT URBAN DESIGN CONTROLS

EXHIBIT 7.15

7.90 Haleiwa special district.

Established in the late 1800s, Haleiwa town provides a historical encounter with a rural commercial setting which is an integral part of Hawaii's history. It is necessary to preserve and enhance its plantation era character. By designating a special district, it is intended that the character of future developments be compatible with that of the existing community.

7.90-1 Objectives.

The objectives of the Haleiwa special district are to:

(a) Preserve and enhance Haleiwa's existing rural low rise, human-scaled form and character, especially along Kamehameha Highway and Haleiwa Road.

(b) Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features and subdued materials.

(c) As entry points to Haleiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.

(d) Encourage new development which will complement the significant physical features, waterways, open space, mature trees and sites in Haleiwa.

(e) Retain a distinctive pedestrian oriented commercial area for residents and visitors.

(f) Provide for safe and pleasant pedestrian and vehicular circulation, while avoiding parking areas along the streetscape.

(g) Enhance the attractiveness and general landscaped open space character of the area.

(h) Preserve and enhance significant views in Haleiwa, especially those within the highly developed and heavily traveled areas.

(i) Provide public improvements such as roadways, street lights, street furniture and signage compatible with the rural

character of the community, rather than at conventional urban standards.

7.90-2 District boundaries.

The boundaries of the district are designated on Exhibit 7.16. The district is generally comprised of parcels abutting Kamehameha Highway between Weed Junction south and Haleiwa Beach Park north.

7.90-3 Significant public views and resources.

The following are significant views within the Haleiwa special district.

(a) Views of Mount Kaala, the Waianae Range, Lokoea Pond and Waialua Bay from Kamehameha Highway.

(b) Views of Anahulu Stream from Kamehameha Highway, at the old arched Anahulu ("Haleiwa") Bridge.

(c) Views of Paukauila Stream, with landscaped buffer material, from Kamehameha Highway.

(d) Views of other significant features delineated on Exhibit 7.18.

7.90-4 Design controls.

Implementation of the district objectives shall consist primarily of use restrictions, building height limitations, yard and landscaping requirements, parking, architectural design requirements, choice of exterior colors, and sign and exterior furniture design controls. Specific regulations are enumerated below.

(a) Prohibited Uses.

All uses permitted in the respective underlying zoning district are permitted in the Haleiwa special district, except drive-thru facilities.

(b) Heights.

(1) Permitted maximum heights of buildings and structures within the district shall not exceed 30 feet, except as

provided under paragraph (2) of this subsection. Where the underlying zoning district has a lower height limit, the lower height shall prevail.

(2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Haleiwa special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, parapet walls or ornamental cornices.

(3) Except for flagpoles and smokestacks, all items listed in Section 3.60(c) shall also be exempt from the height provisions of this subsection.

(c) Required Yards.

(1) The required front yard for any building or structure shall be 10 feet. Ground level porches, walkways, roof canopies or eaves for other than residential structures may extend a maximum of five feet into the front yard.

(2) Business uses and structures, except for service stations shall be located at the front yard setback line for a minimum of 50 percent along the front yard setback line.

(3) The minimum required setback for any new building or structure from any significant waterways as identified

40 FRONT

on Exhibit 7.18, shall be 20 feet as measured from the water's edge.

(d) Landscaping.

(1) All required front yards shall be landscaped. A minimum 10-foot wide buffer landscape strip shall be provided for all service stations, between the Kamehameha Highway property line or street setback lines, whichever is greater, and the service lanes or area.

(2) The setback area within 20 feet from any significant waterways shall be maintained in an indigenous state. Additional planting material shall be provided in this area to screen any new structures or parking and drive areas as viewed from Kamehameha Highway. This requirement may be reduced for roadways and access drives where visibility is required for the safety of vehicles and pedestrians.

(3) Street trees shall be provided along Kamehameha Highway and Haleiwa Road in an informal arrangement, planted within front yards or the sidewalk area, and shall be a minimum two-inch caliper. Species shall be chosen from the list shown on Exhibit 7.18 and shall be a minimum two-inch caliper. Number, spacing and location of trees shall be determined by the director in consultation with the Director of the Department of Parks and Recreation.

(4) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(5) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Where possible, trees proposed for removal shall be relocated to another area of the project site.

(e) Off-street Parking.

(1) Open parking areas of five or more cars shall be screened from view of Kamehameha Highway and adjacent lots and streets by fences, walls, earth berms, depression and/or landscaping a minimum of 48 inches high. This height may be reduced, subject to review and approval of the director, where visibility is required for the safety of vehicles and pedestrians.

(2) All other landscaping requirements of Section 3.80 shall apply.

(3) Except for necessary access drives, parking and loading spaces shall be prohibited in all required yards.

(4) Off-street parking and loading shall be located at the side and rear of buildings only.

(f) Architectural Appearance and Character.

(1) General.

The architectural form, scale and character for new or renovated structures and modifications of existing structures shall be similar to the existing traditional building forms of Haleiwa. Typical characteristics for business districts are low structures with sloped roof canopies or overhanging second floors, false front facades or parapets, metal roofs, ground floors with entrances to the street, wood porches, generous window openings, and small scale architectural detailing of facades.

(2) Roofs.

Roof projections or canopies shall be provided at the first floor roof level along Kamehameha Highway. Roofs visible from Kamehameha Highway shall have a minimum slope of five inches vertically to 12 inches horizontally. Flat roofs are prohibited in the district except for screened portions to accommodate mechanical equipment or enclosed by parapets or otherwise not visible from within the district. Roof materials shall be limited to wood shingles or shakes, patterned metal, patterned clay or concrete tiles for all sloping roofs visible from the district.

(3) Sun Control.

Awnings shall be either roll-up construction, or fixed and projecting. They shall be subdued in color and pattern. Fixed commercially made metal awnings or "modern style" sun control devices are not permitted except by approval of the director in accordance with the purpose and objectives of the district.

(4) Railings, Fences and Walls.

Within the front yard railings and fences shall be constructed from wood and refined in detail. Walls exceeding 36 inches in height shall be set back a minimum of 18 inches along Kamehameha Highway and Haleiwa Road and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.

(5) Exterior Lighting.

Private light fixtures shall complement the character of the architecture of the district. Lighting shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.

(6) Exterior Wall Materials.

Wall materials shall be subdued and visually compatible with existing materials. Materials should be selected to weather and mature with time and exposure such as stained or natural finish wood, coral, lava rock, wattled stucco, field stone and concrete with exposed aggregates, or wood impressions. Board and batten or board on board wood siding walls are particularly encouraged.

(7) Colors.

Colors for all materials shall be natural or earth tones in subdued ranges and combinations. Colors for architectural trim or accent shall not be so limited.

(8) Street Facades.

(A) A minimum of 50 percent of the area of the first floor street facade for business uses shall be devoted to windows and entrances. The area shall be measured along the length of the first floor street facade to a height of eight feet from the finish grade.

(B) All glass on street facades shall be transparent and untinted.

(9) Walkways.

Private walkway and sidewalk material shall be visually compatible with natural materials such as wood planks or concrete with wood impressions or exposed aggregate.

(10) Exceptions.

Exceptions to the above requirements for architectural appearance and character may be approved by the director if adequate justification for the exception is submitted and the exception requested is consistent with the objectives of the Haleiwa special district.

(g) Signs.

(1) Signs shall be designed to enhance the historic and architectural character of Haleiwa. An appropriate sign design would use a carved or sandblasted wood sign with

serif style lettering typical of the turn of the century, incorporating symbols when appropriate, and suspended from canopies or mounted on the building wall.

(2) Pole-mounted signs shall be limited to a maximum height of 10 feet.

(3) Signs which are self-illuminating, with moving parts, luminous paints or reflective materials are not permitted. Any illumination should be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.

(4) Notwithstanding the provisions for ground signs under Section 3.90-3, one ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be permitted in the required 10-foot front yard, if there are more than three establishments. If it is used as a directory sign for more than three establishments, a maximum 18-square foot ground sign is permitted.

(5) A second business sign on the building frontage for each ground floor establishment may be allowed, provided the sign is a hanging or projecting sign.

(6) In lieu of the second business sign described above, a garden sign may be permitted within the required front yard for each ground floor establishment with building frontage, provided parking is not located within the front yard. Garden signs shall be spaced a minimum of 50 feet apart.

(h) Exterior Furniture.

Any exterior furniture located within the public right-of-way by a public agency, or on private property by an owner, lessee or tenant, shall be designed to enhance the rural character of Haleiwa and shall be subject to approval by the director.

7.90-5 Detached dwellings and duplex units.

Detached dwellings and duplex units shall be exempt from the requirements of the Haleiwa special district, except for Section

7.90-4, subsections (d)(3), (d)(4) and (d)(5), relating to landscaping, subsection (f)(2) relating to roofs, and subsection (f)(4) relating to railings, fences and walls.

7.90-6 Project classification.

(a) Refer to Table 7.7 to determine whether specific projects will be classified as major, minor or exempt.

(b) Projects involving demolition or relocation of structures listed on Exhibit 7.17 may be referred to appropriate public or private agencies for review, which may include submittal for review to the State Historic Preservation Office to investigate public and private alternatives to preserve buildings of scenic, historic, cultural or architectural significance consistent with the legislative intent and objectives of this ordinance. If required, such review shall not exceed a period of 90 days, and shall precede acceptance of the application for a special design permit.

Table 7.7

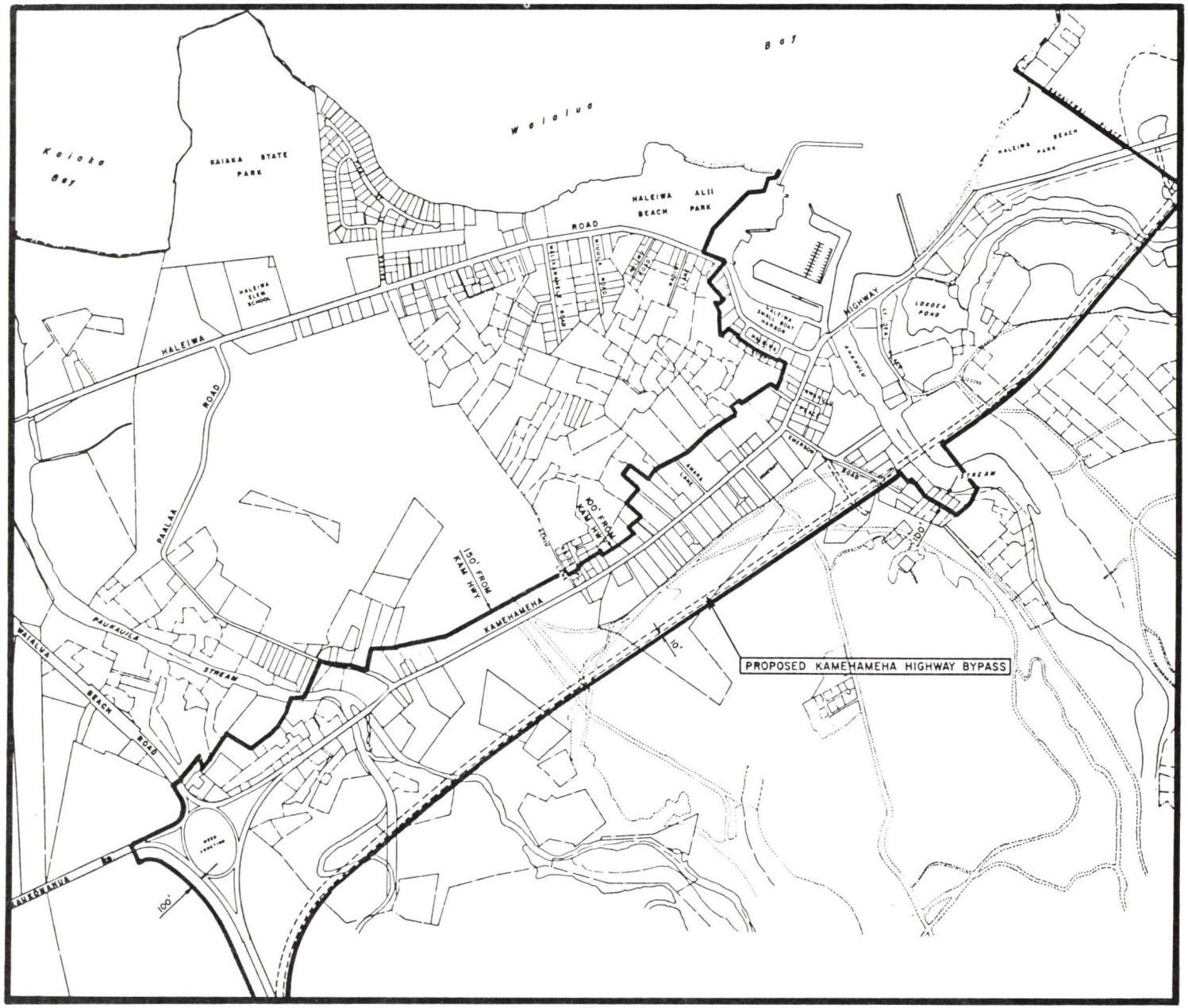
Haleiwa Special District

Activity/Use	Required Permit	Special Condition
Signs	m	
Tree removal over six inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
Detached dwellings and duplex units and accessory structures	m/E	Minor if fronting Kamehameha Highway or Haleiwa Road
Grading and stockpiling	E	
Major modification, alteration, repair or addition to historic structures	M	
Minor modification, alteration, repair or addition to historic structures	m	Also includes structures on Exhibit 7.17
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if listed on Exhibit 7.17 and/or visible from Kamehameha Highway or Haleiwa Road
Major exterior repair, alteration or addition	M/m	Major if listed on Exhibit 7.17 and/or visible from Kamehameha Highway or Haleiwa Road
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	m/E	Minor if listed on Exhibit 7.17
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	Also includes structures on Exhibit 7.17
Demolition of nonhistoric structures	E	
Fences and walls	m/E	Minor only within front yard
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	M/m	Major, if includes features identified on Exhibit 7.18
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major if visible from Kamehameha Highway or Haleiwa Road

*Note: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

Legend - Project classification:
M = Major
m = Minor
E = Exempt

Am. 12/17/97
Ord. 97-74



HALEIWA SPECIAL DISTRICT
DISTRICT BOUNDARY

LEGEND:

DISTRICT BOUNDARY

NOTE:

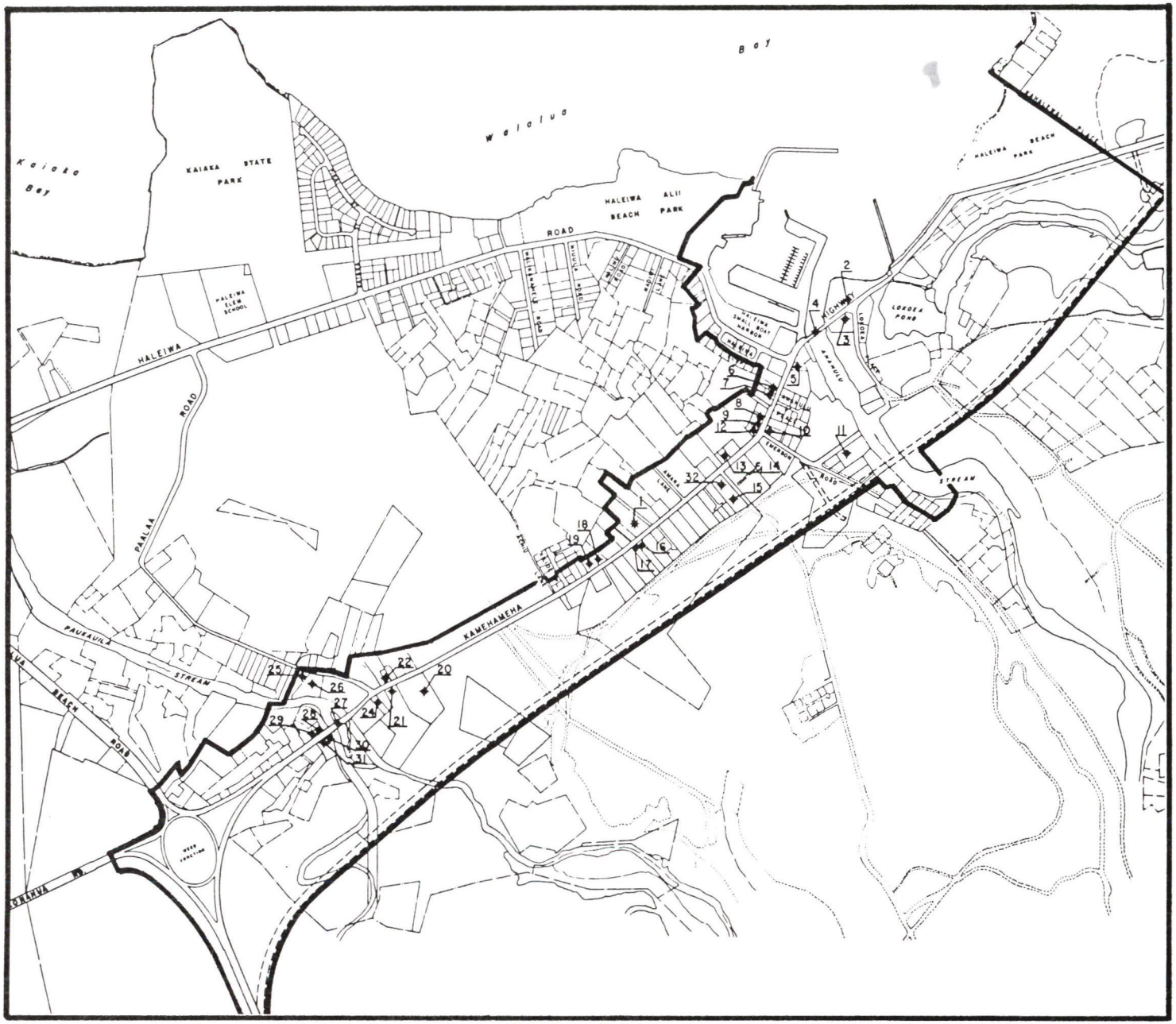
Boundaries follow existing property lines unless otherwise noted.

NORTH

200 800
0 400

4/89

EXHIBIT 7.16



HALEIWA SPECIAL DISTRICT

HISTORIC STRUCTURES

LEGEND:

		(TMK)
✱	STRUCTURES ON STATE HISTORIC REGISTER	
1	Waialua Court House	6-6-09:23
✦	STRUCTURES ON INVENTORY FOR STATE HISTORIC REGISTER WITHIN BOUNDARY	
2	Surf & Sea / Gallery / Windsurf	6-2-03:39
3	D. Pancipanci Store	6-2-03:36
4	Anahulu Bridge	
5	Hawaii Thrift & Loan	6-2-12:29
6	Fettig Art Gallery	6-6-01:29
7	H. Miura Store	6-6-01:01
8	Yoshida Store (North)	6-6-04:15
9	Yoshida Store (South)	6-6-04:15
10	Babee's Boutique	6-2-12:34
11	Old Adobe House on the Emerson Site	6-2-12:10
12	Matsumoto Grocery Store	6-6-04:16
13	Aoki Shave Ice	6-6-04:18
14	Chez Francois Gallery	6-6-04:18
15	Old Telephone Exchange	6-2-05:08
16	Surf & Sail / Kua Aina Sandwich	6-2-05:15
17	Menehune Arts	6-2-05:20
18	Haleiwa Dance Studio / Oogenesis Boutique	6-6-09:01
19	Haleiwa Flower Shop	6-6-09:01
20	Waialua Community Center	6-2-06:13
21	Milton's Service / Kaala Art / Country Surf / Saimin	6-2-06:12
22	Vacant / Barber Shop	6-6-17:31
24	Country Foreign Car Parts	6-2-06:18
25	Vacant (Old Hirota Store)	6-6-17:12
26	Waialua Shingon Mission	6-6-17:01
27	Alamuki Bridge	
28	Vacant	6-6-18:20
29	Vacant	6-6-18:20
30	Vacant	6-2-07:20
31	Ishimoto Store	6-2-07:20
32	Haleiwa Town Market	6-2-05:08

NOTE Building names for reference only, subject to change. Tax map key governs

NORTH

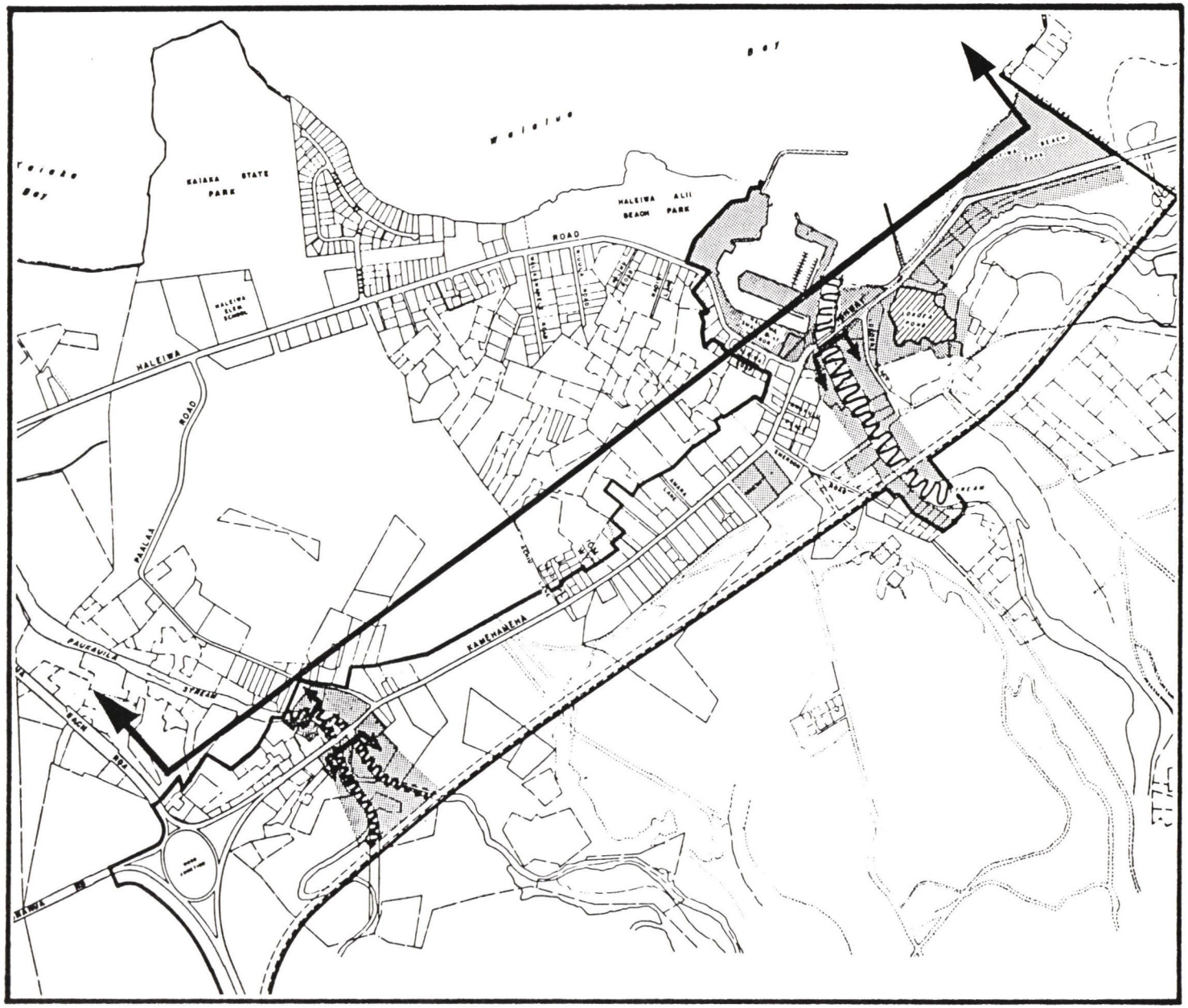
0 200 400 800

EXHIBIT 7.17

Am. 12/17/97
Ord. 97-74

4/89

Am. 12/17/97
Ord. 97-74



HALEIWA SPECIAL DISTRICT

SIGNIFICANT EXISTING NATURAL AND MAN MADE FEATURES, AND VIEWS

ACCEPTABLE STREET TREES

African Mimusops	Madagascar Olive*
Autograph*	Mahogany
Coconut*	Milo*
Diphysa	Mock Orange**
False Olive**	Moir's Pink Tecoma
Fern Tree	Monkeypod*
Fig Species*	Pink Tecoma
Giant Crape Myrtle	Rainbow Shower
Gold Tree	Royal Palm
Golden Rain Tree	Royal Poinciana
Golden Trumpet	Silver Buttonwood*
Haole Kou**	Silver Trumpet
Hong Kong Orchid	Tamarind
Indian Coral*	True Kamani
Jack-in-the Box*	True Kou*
Lignum vitae*	Wiliwili*
Loulu Palm**	

* Salt tolerant
** Partially salt tolerant

LEGEND:

SIGNIFICANT PHYSICAL FEATURES
SIGNIFICANT WATERWAYS
SIGNIFICANT SITES
PANORAMIC VIEW

NORTH

0 200 400 800

EXHIBIT 7.18

4/89

Article 8. ADMINISTRATION AND ENFORCEMENT

Sections:

8.10 Purpose.

8.20 Administrative procedures.

8.30 Application procedures.

1. Plan review uses.
2. Special districts.
3. Zone changes.
4. Conditional use permits (Type 2) and planned development-housing.
5. Sunlight reflection, Existing use, Conditional use permits (Type 1), Waivers, Minor projects (special districts) and Zoning adjustments.
6. Cluster housing, agricultural and country clusters.
7. Site plan review permits.
8. Major permits (Special districts); Downtown heights in excess of 350 feet.
9. Planned development-resort and planned development-commercial projects.

8.40 Conditional zoning (Agreements).

8.50 Zoning adjustments.

8.60 Violation.

1. Criminal prosecution.
2. Administrative enforcement.

8.10 Purpose.

The purpose of this article is to describe how permit applications are to be processed and to ensure compliance with all provisions of this chapter. Concurrent processing is encouraged for projects that require multiple permits.

8.20 Administrative procedures.

(a) No permit required by this chapter shall be granted or application accepted for any use, structure or project on any

zoning lot in conflict with a proposed zone change, including an amendment to or establishment of any special district, between the time the proposal is initiated by the director or the City Council and the time the proposal is withdrawn, or approved or denied by the council. This provision shall not apply for a period of more than one year from the date of initiation of the proposal.

(b) If a permit required by this chapter requires a public hearing, no request for postponement of the hearing shall be allowed after notice has been published; however, the applicant may withdraw the permit application. In the event the permit is denied, or in the event of a withdrawal by the applicant, one year shall elapse before it is resubmitted in the same or substantially the same form; provided, that if the denial or withdrawal was the result of infrastructure inadequacies and these inadequacies are subsequently corrected, then the director may accept a new application prior to the lapse of the one-year period.

(c) The director shall notify an applicant in writing of the completeness or incompleteness of an application for a permit required by this chapter within a period no later than 10 days after the application is received by the director. When the notice is of incompleteness, it shall inform the applicant of the specific requirements necessary to complete the application. The application shall not be accepted by the director until it is completed.

(d) Applications previously approved by ordinance shall continue to be regulated by the provisions of that ordinance, except that:

(1) The director may administratively modify cluster housing and planned development-housing projects that were originally approved by ordinance;

(2) All such modifications shall be processed in accordance with current site design standards and application procedures.

(e) Applications previously approved, other than by an ordinance, shall continue as approved; provided, that any reference to an approving body shall be construed as the approving body contained in the applicable regulation of this chapter.

(f) Nothing contained in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of any building, or any part of any building, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8.30 Application procedures.

(a) The application procedures specified in this section shall be followed in the administration of this chapter. When more than one permit with a public hearing requirement is required for a project, a single application shall be made addressing all issues required. As used in this section, "applicant" includes but is not limited to any governmental agency or entity.

(b) An applicant for a permit under this chapter requiring a public hearing shall be required to erect a "notice of pending permit" sign on the affected lot(s), subject to the following:

(1) The sign shall be three square feet in area.

(2) One sign shall be posted along each street frontage of the lot, and may be posted in a required yard. The sign shall not be obstructed from view by the general public.

(3) The sign shall contain the following:

(A) The words "Notice of pending land use permit application for (the name of the permit type)";

(B) A summary description of the nature of the request covered by the application;

(C) The name of the applicant or agent, and the address and phone number where the applicant or agent can be contacted;

(D) The date, time and place of the public hearing.

(4) The sign shall be erected no less than 14 days before the public hearing date, and shall be removed no more

that seven days after the public hearing has been closed.

(5) Failure to comply with the requirements of this subsection may result in the denial of the affected permit application.

(6) The sign shall be considered and treated as a "public sign" as provided under Section 3.90-1.

(c) An applicant for a permit under this chapter requiring a public hearing shall make a good faith effort to notify owners of all property within 300 feet of the affected property's boundaries informing the owners of the applicant's proposed use of the property, subject to the following:

(1) The notification shall be sent within 10 days of an application being accepted by the department;

(2) The notification shall be sent by certified mail;

(3) The department shall make available to the applicant a list of all properties and owners located within 300 feet of the affected property; and

(4) The applicant shall submit adequate evidence to the department that the notification was completed or that the postal service was unable to complete delivery.

(5) In the event that a property located within 300 feet of an affected property involves a multi-family dwelling associated with a condominium property regime or cooperative housing corporation, the notification may be made to the respective homeowners board or association in-lieu of individual owners within the multi-family dwelling.

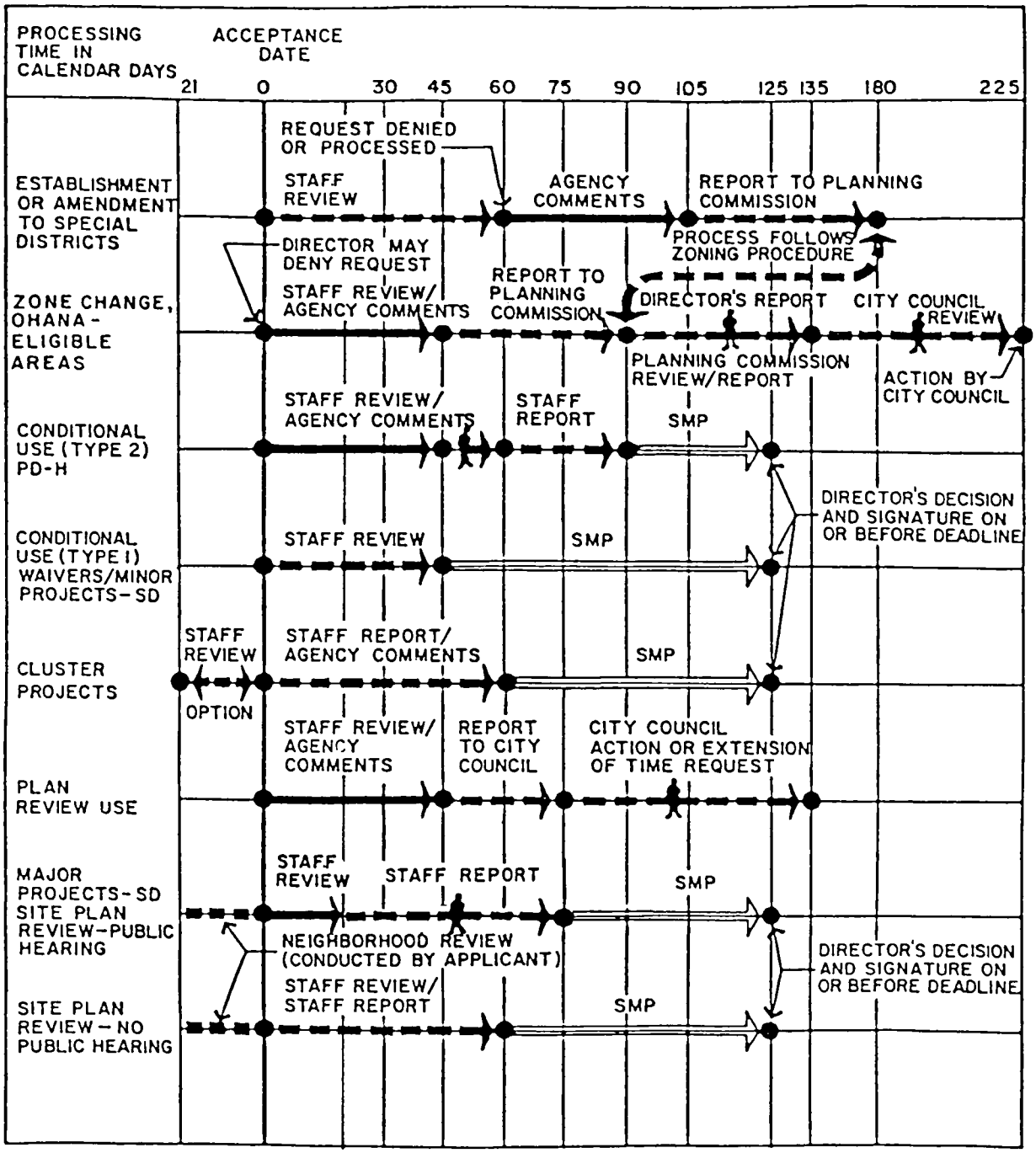
The failure of any person to receive a notice pursuant to this subsection shall not affect the validity of any permit issued under this chapter.

(d) Application fees are not refundable and shall be required as specified in Chapter 6, Article 41.

(e) See Figure 8.1 for application processing.

Figure 8.1

APPLICATION PROCESSING



LEGEND:

- MANDATORY DEADLINE
- MANDATORY TIME PERIOD
- VARIABLE TIME PERIOD
- SMP — TIME EXTENSION FOR SPECIAL MANAGEMENT AREA USE PERMIT (IF REQUIRED)
- PUBLIC HEARING TO OCCUR DURING THIS TIME PERIOD

8.30-1 Plan review uses.

Plan review uses shall be processed as follows:

(a) On receipt of the completed application, the director shall submit a request in writing to pertinent agencies for their comments and recommendations on the application. The agencies shall submit their comments and recommendations in writing, to the director, within 45 days of receipt of the request for comment.

(b) Within 75 days of acceptance of a completed application, the director shall prepare and submit to the City Council a report on the application.

(c) After holding a public hearing, the council shall approve the application in whole or in part, with or without conditions or modifications, by resolution, or shall deny the application. If council does not take final action within 60 days after receipt of the application, it shall be deemed denied. This time limit may be extended, on council's approval of the applicant's request and justification in writing for an extension of time to council at least two weeks in advance of the requested effective date of the extension.

8.30-2 Special districts.

Establishment of or amendments to special districts shall be processed as follows:

(a) Within 60 days of receiving a request to initiate an ordinance, the director shall either deny the request or shall initiate it by submitting a request in writing to pertinent agencies for their comments and recommendations. The agencies shall, within 45 days of receipt of the request, submit their comments and recommendations in writing to the director.

(b) Upon a decision to initiate the request, the director shall submit a report and a proposed ordinance to the Planning Commission. The commission shall, within 45 days of receipt of the director's report and proposed ordinance, hold a public hearing. The commission shall, within 30 days of the close of the public hearing, transmit to the City Council the

director's report and proposed ordinance with the commission's recommendations.

(c) The council shall hold a public hearing on the proposed ordinance and shall act by approving the ordinance as submitted or with modifications or by denying it.

(d) If the council does not take final action within 90 days after receipt of the proposed ordinance, it shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing at least two weeks in advance of the requested effective date of the extension.

8.30-3 Zone changes.

Zone changes shall be processed as follows:

(a) On receipt of a completed application, the director shall either deny the request or shall initiate it by submitting a request in writing to pertinent agencies for their comments and recommendations. The agencies shall, within 45 days of receipt of the request, submit their comments and recommendations in writing to the director.

(b) Within 90 days of the acceptance of the completed application, the director shall either deny the request or submit a report and a proposed ordinance to the Planning Commission.

(c) The Planning Commission and the City Council shall act on the proposed zone change within the time limits and procedural requirements of subsections (b), (c) and (d) of Section 8.30-2.

8.30-4 Conditional use permits (Type 2) and planned development-housing.

Conditional use permits (Type 2), and planned development-housing shall be processed as follows:

(a) On receipt of a completed application, the director shall submit a request in writing to the pertinent agencies for their comments and recommendations. The agencies shall, within 45 days of receipt of the request, submit their recommendations in writing to the director.

(b) The director shall hold a public hearing, which may be held within the area, no sooner than 45 days after acceptance of the completed application.

(c) Within 30 days after closing the public hearing, the director shall approve as submitted, approve with modifications and/or reasonable conditions, or deny, with reasons for denial sent in writing to the applicant.

(d) Final action must be taken by the director within 90 days from the date of the completed application, unless the development requires a special management area use permit, in which case the time limit may be extended by the director; not to exceed 10 working days after action has been taken on the special management area use permit by the City Council.

8.30-5 Sunlight reflection, Existing use, Conditional use permits (Type 1), Waivers, Minor projects (special districts) and Zoning adjustments.

Sunlight reflection, existing use, conditional use permits (Type 1), waivers, minor projects in special districts and zoning adjustments shall be processed as follows: Within 45 days of acceptance of the completed application, the director shall approve as submitted, approve with modifications and/or conditions, or deny, with reasons for denial sent in writing to the applicant. An applicant for a conditional use permit (Type 1) for a transmitting antenna in a country, residential, A-1, or AMX-1 district, or for a freestanding antenna structure, shall, prior to acceptance of the completed application by the director, send written notice of the proposed use and structure, and the proposed location thereof, to the neighborhood board in whose district the structure is to be located, provided that this requirement shall not apply if the structure is proposed for an area not represented by a neighborhood board.

8.30-6 Cluster housing, agricultural and country clusters.

(a) Before the submission of a cluster housing, agricultural or country cluster application, the applicant may undergo a

21-day conceptual review of the project by submitting a preliminary site plan drawn to scale showing the approximate location and dimensions of all proposed structures, roadways, common open areas and recreational facilities. Included on the preliminary site plan shall be a conceptual landscaping plan, with existing contours at vertical intervals of five feet where the slope is greater than 10 percent and not more than two feet where the slope is less than 10 percent. Any areas designated for grading shall be indicated and approximate amounts of cut or fill shown.

(b) This review shall indicate the director's comments on the basic project concept, the number and general location of all dwelling units and other structures, the location of all common areas and the preliminary landscape plan.

(c) Either after the 21-day conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements listed in Section 6.50-10. Within 60 days of acceptance of a completed application, the director shall approve as submitted, approve with modifications and/or conditions, or deny, with reasons for denial sent in writing to the applicant. During this 60-day period, the director shall solicit comments on the project from appropriate agencies. Agencies shall submit comments on the project within 45 days of receipt of the request.

(d) If the development requires a special management area use permit, the time limit may be extended by the director; not to exceed 10 working days after action has been taken on the special management area use permit by the City Council.

8.30-7 Site plan review permits.

(a) Before the submission of an application for a site plan review permit, the applicant is encouraged to present the proposed project to the Department of Land Utilization for an informal review. During this informal review, suggestions may be made

by the department staff to improve the compatibility of the proposal with its future neighborhood.

(b) Before the submission of an application for a site plan review permit, the applicant shall first present the applicant's proposal to the neighborhood board in whose district the project is to be located. If no duly designated neighborhood board exists for the project site, then the presentation may be given to an appropriate community association. Notice of the presentation shall be given in writing to all owners of adjoining properties to the proposed project.

(c) The applicant shall submit a description of any issues identified at the presentation which were believed to be a cause of concern, and any measures taken by the applicant to mitigate those concerns.

(d) Once the director has accepted an application, adjoining property owners and the pertinent neighborhood board and/or community association shall be notified of receipt of the application. Adjacent property owners shall be asked whether they wish to have a public hearing on the proposed project, and any potentially adverse external effects of the proposed project on the immediate neighborhood, if it is so desired.

(e) If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no sooner than 45 days after acceptance of the completed application.

(f) If a public hearing is required, within 90 days of the acceptance of the completed application, the director shall approve as submitted, approve with modifications and/or reasonable conditions, or deny the request, with reasons for final action sent in writing to the applicant. If no public hearing is required, this action shall be completed within 60 days.

(g) If the application requires a special management area use permit, final action may be extended by the director, but not to exceed 10 working days after action has been taken on the special management area use permit by the City Council.

8.30-8 Major permits (Special districts); Downtown heights in excess of 350 feet.

Activities and uses requiring a major permit, as designated under Tables 7.1 through 7.7, and applications to increase building heights in the BMX-4 business mixed use district to heights in excess of 350 feet pursuant to Section 5.90-2, shall be processed as follows:

(a) Before the submission of an application, the applicant shall first present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation shall be given to all owners of properties adjoining the proposed project.

(b) The director shall hold a public hearing, which may be held in the area, no sooner than 20 days after acceptance of the completed application.

(c) The application shall be presented to the design advisory committee after the public hearing. The committee shall then make appropriate recommendations on the application to the director. Within 90 days of the acceptance of the completed application, the director shall approve as submitted, approve with modifications and/or reasonable conditions, or deny the request, with reasons for final action sent in writing to the applicant.

(d) If the application requires a special management area use permit, final action may be extended by the director, but not to exceed 10 working days after action has been taken on the special management area use permit by the City Council.

8.30-9 Planned development-resort and planned development-commercial projects.

(a) Applications for approval of planned development-resort (PD-R) and planned development-commercial (PD-C) projects in the Waikiki special district shall be processed in accordance with the following subsections.

(b) Before the submission of an application, the applicant shall first present the proposal to the neighborhood board in whose

district the project is to be located. Notice of the presentation shall be given to all owners of properties adjoining the proposed project.

(c) Upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing concerning the conceptual plan for the project at a date set no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to be located no less than 15 days prior to the public hearing.

(d) The conceptual plan for the project shall also be presented to the design advisory committee for their appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.

(e) Upon conclusion of the public hearing and design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.

(f) The council shall approve the application in whole or in part, with or without conditions or modifications, by resolution, or shall deny the application. The council may deny the application by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing, prior to the requested effective date of the extension. An application for

council approval of a conceptual plan for a PD-R or PD-C project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.

(g) Upon approval of a conceptual plan for the project by the council, the application shall continue to be processed for further detailed review and final approval by the director.

(1) The director shall present the detailed plan for the project to the design advisory committee for their recommendation.

(2) Within 45 days of council approval the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.

(3) The applicant may request, in writing to the director an extension of time as may be necessary for good cause.

(h) A final approval by the director shall be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 8.30-8.

8.40 Conditional zoning (Agreements).

Before the enactment of an ordinance for a zone change, the City Council may impose conditions on the applicant's use of the property. The fulfillment of these conditions shall be a prerequisite to the adoption of the ordinance or any applicable part of it.

(a) The conditions to be imposed must have already been performed before council action on the zone change, or be enforceable by the city to ensure performance after council action. The conditions shall be fulfilled within the time limitation set by the council or, if no time limitation is set, within a reasonable time.

(b) The conditions shall be imposed only if the council finds them necessary to prevent circumstances which may be adverse to the public health, safety, and welfare.

(c) The conditions shall be reasonably conceived to fulfill needs directly emanating from the land use proposed in the following respects:

(1) Protection of the public from the potentially deleterious effects of the proposed use; or

(2) Fulfillment of the need for public service demands created by the proposed use.

(d) Changes or alterations of conditions shall be processed in the same manner as the zone change.

(e) The conditions shall be set forth in a unilateral agreement running in favor of the council, acting by and through its chair. No ordinance with conditions shall be effective until the agreement, properly executed, has been recorded with the Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate, so that the conditions imposed by the agreement shall run with the land and shall bind and give notice to all subsequent grantees, assignees, mortgagees, lienors and any other person who claims an interest in such property. The agreement shall be properly executed and delivered to the city prior to council action on the ordinance with conditions; provided, however, that the council may grant reasonable extension in cases of practical difficulty. The agreement shall not restrict the power of the council to rezone with or without conditions. The agreement shall be enforceable by the city, by appropriate action at law or suit in equity, against the parties and their heirs, successors and assigns.

(1) Declarants, or the declarant's heirs, successors or assigns, shall prepare and submit to the director an annual report detailing the status of compliance with each condition associated with the agreement, which shall include supporting documentation as appropriate, such as, but not limited to, copies of construction and

building permits, copies of deeds and restrictive covenants, financial records, phasing plans, build-out summaries, site plans, master plans, or other relevant information verifying compliance. Failure on the part of the declarant, or the declarant's heirs, successors or assigns, to fulfill this requirement shall be grounds for establishing a violation of this subsection.

(2) When the conditions of an agreement have been fully performed and none of the conditions are of a continuing nature, the director may fully release the declarant, or the declarant's heirs, successors or assigns, from the agreement. The director may also execute and record a partial release from the conditions of an agreement upon the successful performance of any specific condition which is not of a continuing nature. Any required fees associated with such a release shall be the responsibility of the declarant, or the declarant's heirs, successors or assigns.

(3) The director shall prepare and submit to the City Council an annual report summarizing the status of compliance with conditions associated with outstanding agreements. This report shall also include a list of agreements for which a full or partial release has been executed by the director for that year, which shall include at least the liber and page or land court document number of the recorded release.

(f) Failure to fulfill any conditions to the zone change within the specified time limitations may be grounds for the enactment of ordinances making further zone changes upon initiation by the proper parties in accordance with the Revised Charter of the City and County of Honolulu.

(g) The council may require a bond, in a form acceptable to it, or a cash deposit from the property owner or contract purchaser in an amount that will assure compliance with the conditions imposed. The bond shall be posted at the same time the agreement containing the conditions is recorded with the

Bureau of Conveyances or Land Court of the State of Hawaii, or both, as appropriate.

(h) For the enactment of an ordinance for a zone change where conditions are to be imposed on the applicant's use of the property, and there exists applicable conditions associated with an earlier ordinance for a zone change, the pre-existing conditions, in whole or in part, may be repealed by the new ordinance for a zone change or incorporated into the new unilateral agreement.

8.50 Zoning adjustments.

When a development standard contained in the Land Use Ordinance identifies specific circumstances under which a modification of the standards is appropriate, an applicant may request an adjustment to the standard. An adjustment request is to be filed with the Department of Land Utilization, with supporting materials specifying the standard requested for adjustment and documenting the manner in which the proposed project qualifies for the adjustment. The request shall not be accepted unless it is within the range of adjustments prescribed in the standard. A request for adjustment shall be approved by the director on a finding that criteria for the adjustment specified in the standard are satisfied.

8.60 Violation.

Any approval or permit issued pursuant to the provisions of this chapter shall comply with all applicable requirements of this chapter. Failure to comply with conditions imposed as part of any approval or permit, including variances from the provisions of this chapter, shall constitute a violation of this chapter.

8.60-1 Criminal prosecution.

(a) Any person convicted of a violation of this chapter, as amended, shall be sentenced as follows:

(1) For a first offense, by a fine not exceeding $1,000 and one of the following:

(A) Thirty-two hours of community service, as authorized by and defined in Hawaii Revised Statutes (HRS) Section 706-605(1)(f), as amended; or

(B) Forty-eight hours imprisonment.

(2) For a second conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine not exceeding $1,000 and one of the following:

(A) Sixty-four hours of community service, as authorized by and defined in HRS Section 706-605(1)(f), as amended; or

(B) Ninety-six hours imprisonment.

(3) For a subsequent conviction which occurs within five years of any two prior convictions under this chapter, by a fine of not less than $500 but not exceeding $1,000 and one of the following:

(A) Not less than 64 hours but not exceeding 140 hours of community service as authorized by and defined in HRS Section 706-605(1)(f), as amended; or

(B) Not less than 96 hours but not exceeding 30 days imprisonment.

(b) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.

(c) The imposition of a fine under this section shall be controlled by the provisions of the Hawaii Penal Code relating to fines, HRS Sections 706-641 through 706-645.

(d) The city may maintain an action for an injunction to restrain any violation of the provisions of this chapter and may take any other lawful action to prevent or remedy any violation.

(e) Any authorized personnel may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by

complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

(f) Any authorized personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

(g) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(h) In every case when a citation is issued, the original of the same shall be given to the violator, provided, that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

(i) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

8.60-2 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to Section 8.60-1, if the director determines that any person is violating any provision of this chapter, any rule adopted thereunder or any permit issued pursuant thereto, the director may have the person served, by mail or delivery, with a Notice of Violation and order pursuant to this section.

(a) Contents of the Notice of Violation. The notice shall include at least the following information:

(1) Date of the notice;

(2) The name and address of the person noticed;

(3) The section number of the provision or rule, or the number of the permit which has been violated;

(4) The nature of the violation; and

(5) The location and time of the violation.

(b) Contents of Order.

(1) The order may require the person to do any or all of the following:

(A) Cease and desist from the violation;

(B) Correct the violation at the person's own expense before a date specified in the order;

(C) Pay a civil fine not to exceed $1,000 in the manner, at the place and before the date specified in the order;

(D) Pay a civil fine not to exceed $1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

(2) The order shall advise the person that the order shall become final 30 days after the date of its mailing or delivery. The order shall also advise that the director's action may be appealed to the Zoning Board of Appeals.

(c) Effect of Order; Right to Appeal.

The provisions of the order issued by the director under this section shall become final 30 days after the date of the mailing or delivery of the order. The person may appeal the order to the Zoning Board of Appeals as provided in Section 6-909 of the city charter. However, an appeal to the Zoning Board of Appeals shall not stay any provision of the order.

(d) Judicial Enforcement of Order.

The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order,

the director need only show that the Notice of Violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.

ARTICLE 9. DEFINITIONS

For the purposes of this chapter, words used in the present tense shall include the future; words used in the singular include the plural, and the plural the singular. The use of any gender shall be applicable to all genders. The word "shall" is mandatory; the word "may" is permissive; the word "land" includes inland bodies of water and marshes.

Where a proposed use is not specifically listed in this chapter or included in a definition in this article, the director will review the proposed use and, based upon the characteristics of the use, determine which listed and/or defined use is equivalent to that proposed.

A

Accessory use. A use which meets the following conditions:

(1) Is a use which is conducted on the same zoning lot as the principal use to which it is related whether located within the same building or an accessory building or structure, or as an accessory use of land;

(2) Is clearly incidental to and customarily found in connection with the principal use; and

(3) Is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the zoning lot with the principal use.

Adjoin, adjoining and adjoins. Without an intervening street or permanent open space over 25 feet in width.

Adverse reflection. A glare toward any oncoming traffic within a 45-degree cone of vision to each side and a 30-degree cone of vision vertically which could create a traffic hazard.

Agricultural cluster. An area accommodating joint facilities for farming activities, including the clustering of homes within a larger site, by individuals, associations or corporations.

Agricultural products processing, major and minor. "Major agricultural products processing" means and includes activities involving a variety of operations on crops or livestock which may generate dust, odors, pollutants or visual impacts that could adversely affect adjacent properties. These uses include slaughterhouses, canneries and milk processing plants. "Minor agricultural products processing" means and includes activities on a zoning lot not used for crop production, which are not regulated as major agricultural products processing and which perform a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are vegetable cleaning, honey processing, poi-making and other similar activities. Minor activities shall be permitted as an accessory use when conducted on the same zoning lot on which the crop is cultivated.

All-weather surface. A four-inch base course with a two-inch asphaltic concrete surface or a four-inch reinforced concrete pavement or any other similar materials as determined to be acceptable by the Building Department. These materials should combine the load-bearing characteristics, durability and level surface of asphalt and concrete. "Grass bloc" and "grasscrete" may be considered all-weather surfaces.

Amusement Facilities, Outdoor. Permanent facilities providing outdoor amusement and entertainment. Typical uses include: theme and other types of amusement parks, stadiums, skateboard parks, go-cart and automobile race tracks, miniature golf and drive-in theaters.

Amusement Facilities, Outdoor, Motorized. Outdoor amusement facilities utilizing motorized vehicles or equipment and includes go-cart and automobile race tracks and theme and other amusement parks utilizing motorized amusement rides.

Amusement and Recreation Facilities, Indoor. Establishments providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; reducing salon, health and fitness establishments; indoor tennis, handball and racquetball courts; auditoriums, and indoor archery and shooting ranges.

Animal products processing. Establishments primarily involved in the processing of animal products for food and/or other uses, including the handling, storage and processing of meats, fish and fowl, skin, bone, fat and/or other animal byproducts suitable for sale or trade. This term does not include slaughterhouses, canneries or milk processing plants.

Antenna structure, freestanding. A freestanding tower, pole, mast or similar structure, exceeding three inches in diameter or horizontal dimension, used as the supporting structure for a transmitting antenna. For purposes of this definition, "freestanding" means not attached to a building or similar structure.

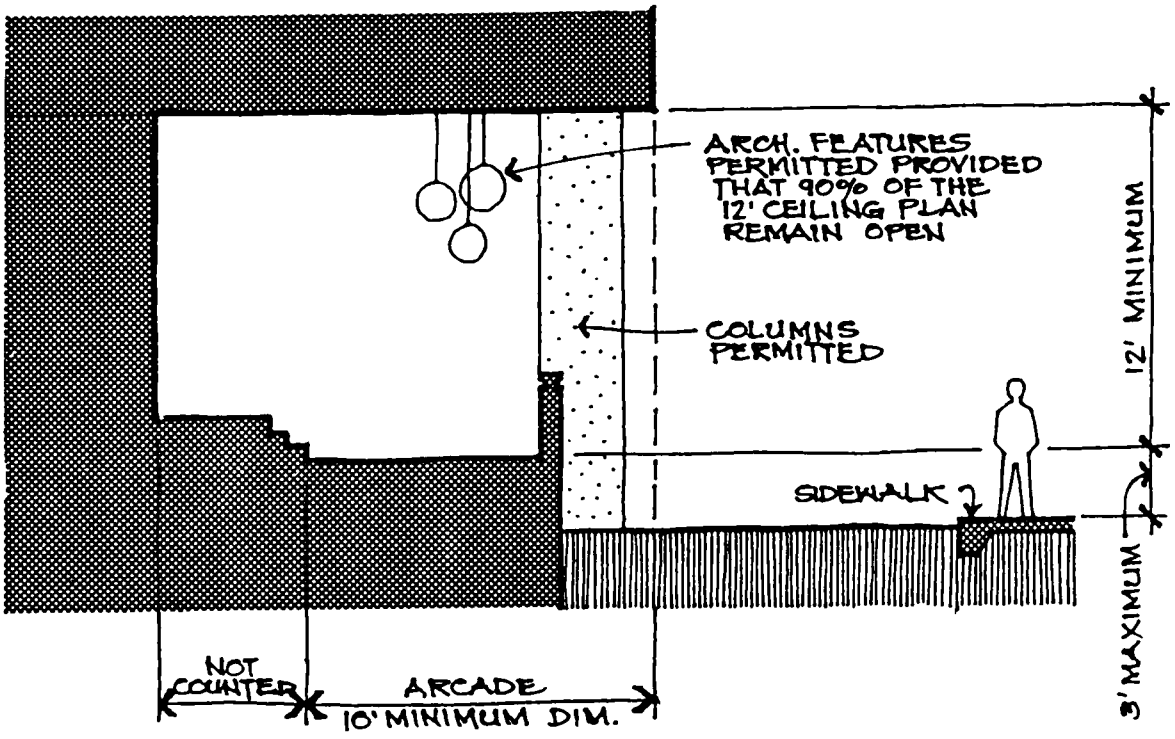
Aquaculture. The production of aquatic plant and animal life for food and fiber within ponds and other bodies of water.

Arcade. A contiguous area with access to a street designed to provide pedestrian access to more than one abutting establishment. It is open and unobstructed to a height of not less than 12 feet, is accessible to the public during business hours and has an area of not less than 500 square feet including portions occupied by building columns. It has minimum length and width dimensions of 10

feet. An arcade is not more than three feet above the level of the sidewalk which it adjoins. At least 50 percent of its perimeter is open to a street, sidewalk or public open space, except for a railing or wall with a maximum height of 42 inches (see Figure 9.1).

Attic. A portion of a building wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation. Attic areas with a head room of less than seven feet shall not be included as floor area.

Figure 9.1



ARCADE

Automobile service station. A retail establishment which primarily provides gasoline, oil, grease, batteries, tires or automobile accessories and where, in addition, the following routine and accessory services may be rendered and sales made, but no other:

(1) Servicing of spark plugs, batteries, tires;
(2) Radiator cleaning and flushing;
(3) Washing and polishing, without automated, mechanical facilities;
(4) Greasing and lubrication;
(5) Repair and servicing of fuel pumps, oil pumps and lines, carburetors, brakes and emergency wiring;
(6) Motor adjustments not involving repair of head or crankcase;
(7) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation, and not to exceed 400 square feet of floor area;
(8) Provision of road maps and other information material to customers;
(9) Provision of restroom facilities;
(10) Parking as an accessory use;
(11) Towing service.

The following are not permitted: tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition.

Base yards. The principal facility for establishments which provide their services off-site, but where a site is needed for the consolidation and integration of various support functions, and where the parking of company vehicles is a prominent if not principal activity. Typical base yards include a construction company's facility or a bus yard. Base yards may include, but are not limited to, the following:

(1) Business office, provided administrative and executive functions are clearly accessory and incidental to the overall operation of the facility on the same zoning lot.

(2) Storage, cleaning and repair of materials, vehicles and equipment used by the establishment.

(3) Vehicle dispatch.

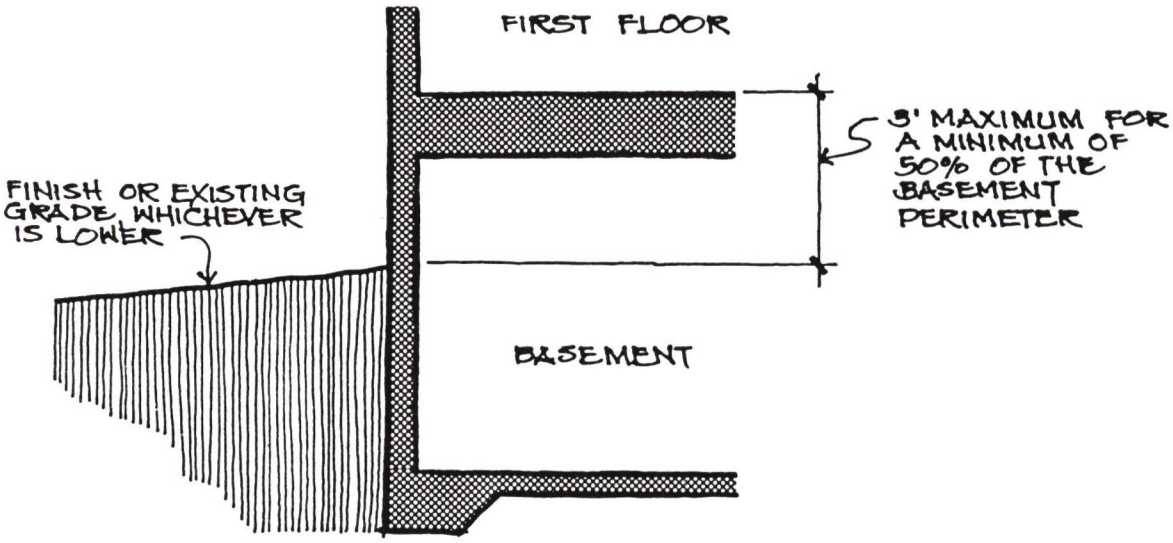
(4) Personnel-related support facilities (e.g., locker and shower rooms, kitchen or cafeteria, lounge).

Basement. A floor which is wholly below grade, or which is partly below grade such that the floor above is no more than three feet above grade for at least 50 percent of the floor's perimeter. For the purpose of the flood hazard district regulations of Article 7, "basement" shall be as defined in Section 59.1 of Title 44 of the Code of Federal Regulations: the National Flood Insurance Program and Related Regulations.

Grade shall be either existing or finish grade, whichever is lower at all points (see Figure 9.2).

Bed and breakfast home. A use in which overnight accommodations are provided to guests for compensation, for periods of less than 30 days, in the same detached dwelling as that occupied by an owner, lessee, operator or proprietor of the detached dwelling.

Figure 9.2



BASEMENT

Boarding facilities. Establishments with one kitchen which provide living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. The term does not include group living facilities or monasteries and convents.

Boundary wall. A solid wall without openings, which is part of a building and erected on the boundary line between adjacent zoning lots.

Broadcasting antennas. Includes antennas, towers and other accessory facilities for radio frequency (RF) transmissions for AM and FM radio and television broadcasting. These facilities are regulated by the Federal Communications Commission (FCC) under the Code of Federal Regulations Part 73. These transmissions can be received by anyone with a radio or television. Not included are broadcasting studios and stations.

Buildable area. A portion of a zoning lot excluding required yards, stream setbacks, shoreline setbacks and street setbacks.

Buildable area boundary line. Any of the imaginary lines which constitute a perimeter separating the buildable area from the nonbuildable area of a zoning lot.

Building. A structure with a roof which provides shelter for humans, animals or property of any kind.

Am. 12/17/97
Ord. 97-74

Building area. The total area of a zoning lot covered by buildings and covered open areas. The following are not considered building area:

(1) Open areas covered by eaves and normal overhang of roofs.

(2) Uncovered entrance platforms, uncovered terraces and uncovered steps when these features do not themselves constitute enclosures for building areas below them, and do not exceed 30 inches in height.

(3) All-weather surfaces.

Business services. Establishments which primarily provide goods and services to other businesses including but not limited to minor job printing, duplicating, binding and photographic processing, office security, maintenance and custodial services, and office equipment and machinery sales, rentals and repairing.

C

Carport. An accessory structure or portion of a principal structure consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor vehicles.

Catering establishments. Establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations including, but not necessarily limited to, hotels, restaurants, airlines and social events.

Cemeteries and columbaria. Interment facilities engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Included are cemetery lots, mausoleums and columbaria. The following are permitted as accessory uses: crematory operations, cemetery real estate operations, mortuary services, and floral and monument sales. Am. 3/23/98 Ord. 98-11

Chief engineer. The Director and Chief Engineer, Department of Public Works, City and County of Honolulu.

Coastal high hazard district. The district consisting of the area subject to high velocity waters including but not limited to tsunamis and delineated on the flood maps as the colored or shaded area and designated Zone VE on the flood insurance rate maps.

Commercial parking lots and garages. Any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same zoning lot and within which no vehicles shall be repaired.

Composting, minor and major. A process in which organic materials are biologically decomposed under controlled conditions to produce a stable humus-like mulch or soil amendment. The composting process includes, but is not necessarily limited to, receipt of materials, primary processing, decomposition activities, and final processing for sale and marketing. This term does not include bioremediation of fuel-contaminated soil.

Minor composting operations involve relatively simple management and engineering solutions to control odors, vectors and surface water contamination. Minor composting includes, but is not

necessarily limited to, the composting of clean, source separated organic materials, including but not necessarily limited to, greenwaste, animal manure, crop residues, and waste from vegetable food processing operations.

Major composting operations involve more complex controls to manage odors, vectors and surface water contamination. For instance, in some cases, on-site odors may not be able to be completely mitigated. Major composting includes, but is not necessarily limited to, the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials.

Consulate. The administrative offices of staff and consul, an official appointed by a foreign government representing the interests of citizens of the appointing country.

Convenience store. A small retail establishment intended to serve the daily or frequent needs of surrounding population. Included are grocery stores, drug stores and variety stores. Excluded are automobile service stations, repair establishments and drive-thru eating and drinking establishments.

Corporate retreat. A transient vacation unit which is provided with or without monetary compensation by a business, company or corporation, including a nonprofit corporation, to transient occupants, including but not limited to employees, directors, executives or shareholders of the business, company or corporation.

Crop production. Agricultural and horticultural uses, including production of grains, field crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities.

CUP. Conditional use permit.

D

Dance school or music school. An establishment where instruction in dance or music is provided students for a fee. Establishments where instruction is accessory to cabarets, nightclubs or dancehalls are not included in this definition.

Data processing facilities. Establishments primarily involved in the compiling, storage and maintenance of documents, records and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer related sales establishments, and business or personal services.

Day-care facility. An establishment where seven or more persons who are not members of the family occupying the premises are cared for on an intermittent basis. The term includes day nurseries, preschools, kindergartens and adult day care.

Decibel. A unit of measurement of the intensity of sound (the sound pressure level).

Developer. A landowner or any person with written authorization from the owner who intends to improve or to construct improvements upon a zoning lot or portion of a zoning lot.

Development. Any manmade change to improved or unimproved real property, including but not limited to buildings or other structures, filling, grading or excavation operation.

Director. The Director of Land Utilization of the city or designated representatives of the director. As appropriate to the circumstances, approval by the director shall include approval by designated representatives.

Am. 2/12/98 Donor lot
Ord. 98-03

Drive-thru facility. Any portion of a retail establishment which offers service to patrons via a drive-thru counter or window so that patrons need not leave their vehicles for service. The term drive-thru does not include automobile service stations.

Duplex unit. A building containing one dwelling unit on a single zoning lot which is to be attached on a side or rear property line with another dwelling. The dwellings shall be structurally independent of each other and attached by means of a boundary wall. The attachment of the wall shall not be less than 15 feet or 50 percent of the longer dwelling on the property line, excluding carports or garages, whichever is the greater length. In lieu of construction with a boundary wall, both dwellings shall be built up independently to the property line (see Figure 9.3).

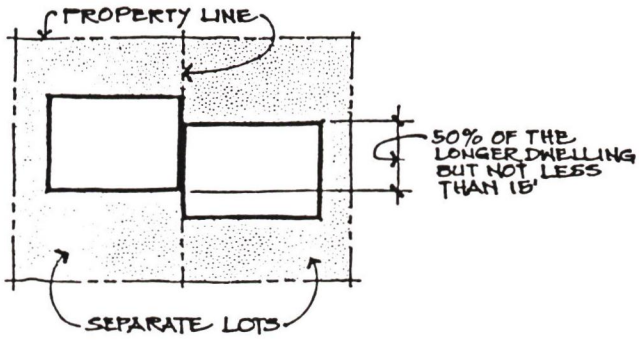
Dwelling, detached. A building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots.

Dwelling units in a two-family detached dwelling may be either on separate floors or attached by a carport, garage or a solid wall without openings which shall not be less than 15 feet or 50 percent of the longer dwelling (see Figure 9.3).

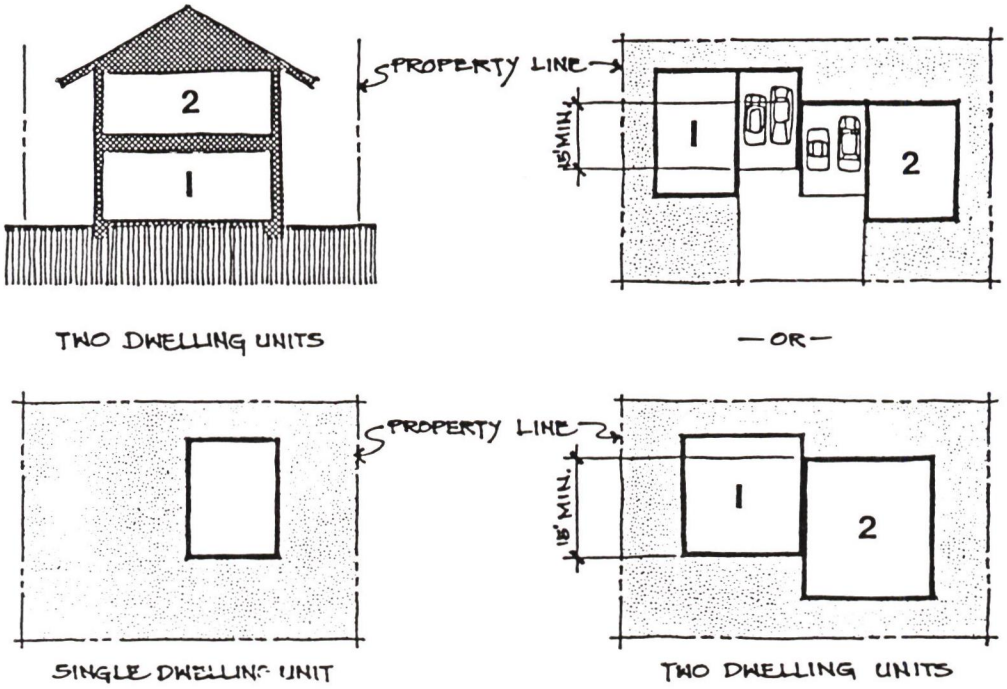
Dwelling, multi-family. A building containing three or more dwelling or lodging units which is not a hotel.

Dwelling unit. A room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen. Two or more essentially separate structures, except for a token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit. Unless specifically permitted in use regulations, dwelling unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.

Figure 9.3



DUPLEX



DWELLINGS, DETACHED
(MULTI-FAMILY SIMILAR EXCEPT MORE THAN TWO DWELLING UNITS)

DWELLINGS (TYPES)

E

Energy savings device. Any facility, equipment, apparatus or the like which makes use of nonfossil fuel sources for lighting, heating or cooling or which reduces the use of other types of energy dependent on fossil fuel for generation.

F

FAR. See definition of floor area ratio in this article.

Family. One or more persons, all related by blood, adoption or marriage, occupying a dwelling unit or lodging unit. A family may also be defined as no more than five unrelated persons.

In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility or other similar facility monitored and/or licensed by the State of Hawaii shall be considered a family. Resident managers or supervisors shall not be included in this resident count.

Farm dwelling. A dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.

Financial institutions. Those establishments which provide a full range of traditional banking services on the premises, such as savings and checking accounts, loans, safety deposits, fund transfers, trust functions and investments (e.g., certificates of deposit, savings bonds, annuities). This term includes only banks, credit unions, and savings and loans. This term does not include those establishments, such as loan processing companies, accounting firms and other bookkeeping services, investment brokers, insurance offices, and title transfer companies, which are principally involved in providing a limited range of financial services or products on the premise.

Flag lot. A zoning lot consisting of an access drive and a body in such a manner that the body would be landlocked from a public street or private way except for connection by the access drive (see Figure 3.1).

Flag lot access drive. A strip of land which provides access for a flag lot (see Figure 3.1).

Flag lot body. The landlocked portion of a flag lot (see Figure 3.1).

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal water resulting from any source, such as tsunamis, or the unusual and rapid accumulation of surface water runoff from any source.

Flood elevation. The water surface elevation of the regulatory flood in relation to elevation reference marks on flood maps.

Flood fringe. The portion of the floodplain outside of the floodway.

Flood fringe district. The district consisting of the area of the flood fringe as delineated on the flood maps as the colored or shaded area and designated Zones AE, AO and AH on the flood insurance rate maps.

Flood hazard districts. The districts consisting of the general floodplain district, the floodway district, the flood fringe district and the coastal high hazard district as delineated on the flood maps.

Flood hazard variance. A grant of relief from the requirements of Article 7 of this chapter.

Floodplain. Any land area susceptible to being inundated by the regulatory flood.

Floodproof. Any combination of structural and/or nonstructural additions, changes or adjustments to structures and/or properties which reduce flood damage.

Floodway. The watercourse or portions of the floodplain which must be reserved in order to carry or discharge the regulatory flood without cumulatively increasing the flood elevation of the floodplain more than one foot at any point.

Floodway district. The district consisting of the area of the floodway as delineated on the flood maps as the diagonally lined colored or shaded area and designated Zone AE on the flood insurance rate maps.

Floor area. The area of the several floors of a structure excluding unroofed areas, measured from the exterior faces of the exterior walls or from the centerline of party walls separating portions of a structure. The floor area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the supported horizontal projection of the covering, roof or floor above, including but not limited to balconies, stairways or elevator shafts (see Figure 9.4).

Excluded from the floor area are:

(1) Accessory parking facilities including their driveways and accessways;
(2) Attic areas with head room less than seven feet;
(3) Basements;
(4) Lanais;
(5) Projections such as sunshade devices and architectural embellishments with no more than 30 inches of thickness;
(6) Covered rooftop areas as provided under Section 3.60-2; and

(7) Areas underneath unsupported building overhangs such as, but not limited to, retractable awnings, provided the area is not otherwise enclosed.

Floor area ratio. The ratio of floor area to total area of the zoning lot expressed as a percent or decimal. Where rounding of numbers is necessary to determine floor area ratio, the nearest one-hundredth shall be used. Am. 12/17/97 Ord. 97-74

Multiplying the permissible floor area ratio by the zoning lot area determines the maximum floor area permitted.

Food manufacturing and processing. Establishments primarily involved in the manufacture and processing of food products, other than animal products processing establishments, and which occupy less than 2,000 square feet of floor area. Typical activities include, but are not necessarily limited to, noodle factories, and coffee grinding.

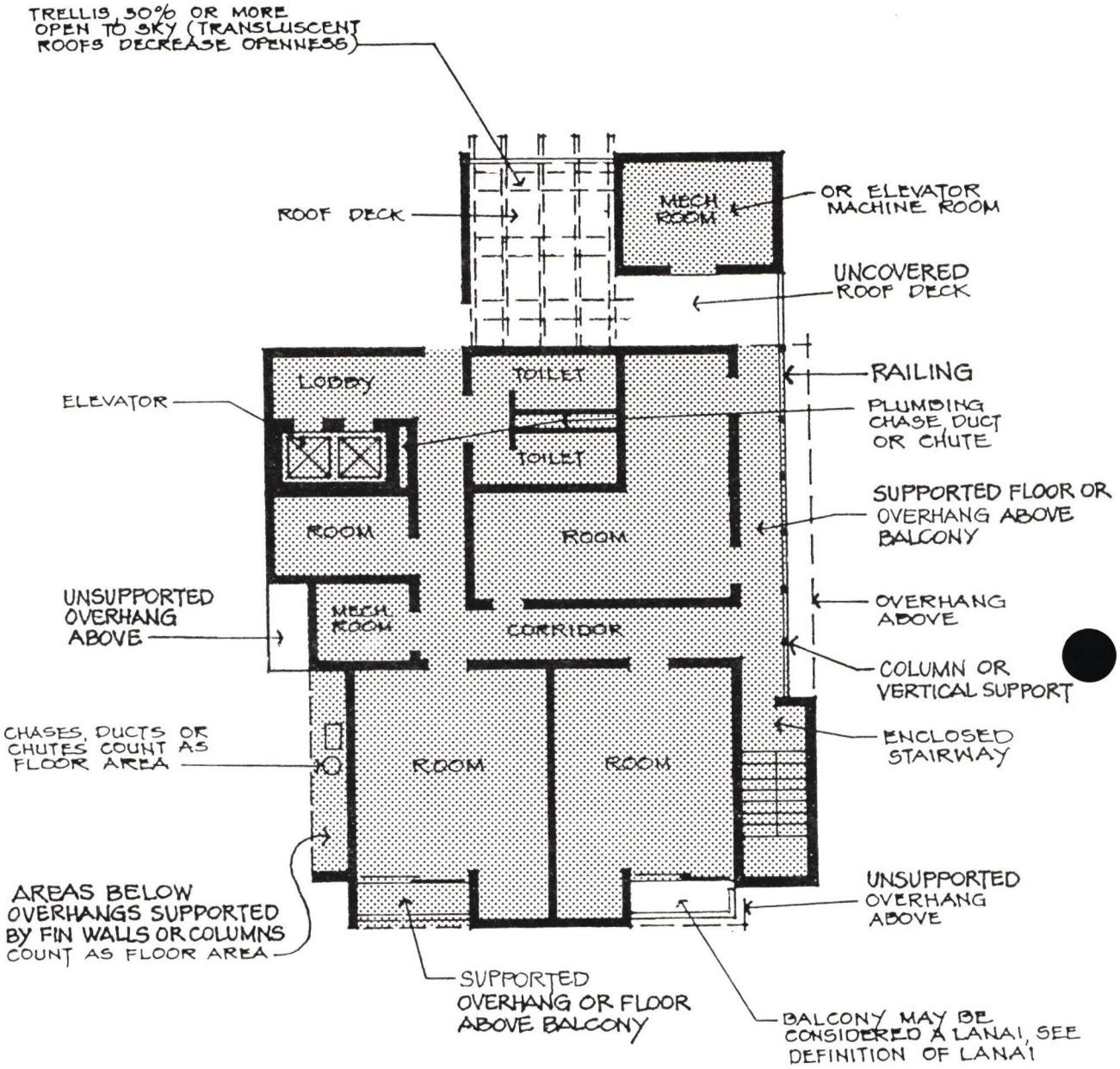
Frequency. A noise measurement which is the number of oscillations per second of a vibration.

G

General floodplain district. District consisting of the approximate floodplain area, where detailed engineering studies have not been conducted to designate the flood fringe or floodway areas delineated as the colored or shaded area and designated Zone A on the flood insurance rate maps.

Grading. Any excavation or cut or fill or combination thereof.

Figure 9.4



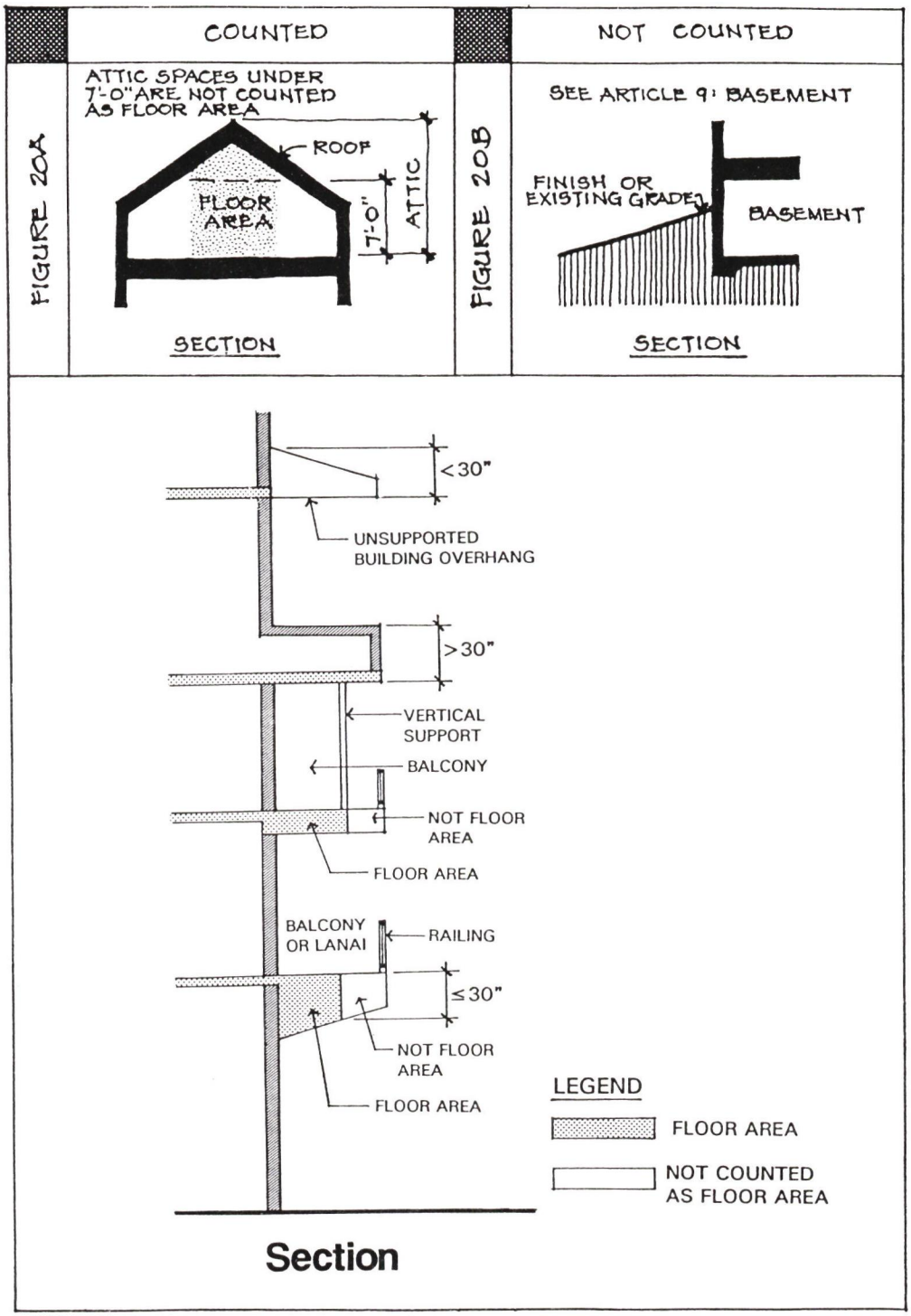
LEGEND

FLOOR AREA

NOT COUNTED AS FLOOR AREA

FLOOR AREA

Figure 9.4 (Continued)



Group living facilities. Facilities which are used to provide living accommodations and, in some cases, care services.

(1) Included are monasteries and convents and dwelling units which are used to provide living accommodations and care services under a residential setting to individuals who are handicapped, aged, disabled or undergoing rehabilitation. These are typically identified as group homes, halfway houses, homes for children, the elderly, battered children and adults, recovery homes, independent group living facilities, hospices and other similar facilities.

(2) Also included are facilities that provide services, often including medical care, and are identified as convalescent homes, nursing homes, sanitariums, intermediate-care or extended-care facilities, and other similar facilities.

(3) Group living facilities include those with accommodations for more than five resident individuals, except those meeting the definition of family. Resident managers or supervisors shall not be included in this resident count.

Grubbing. Any act to clear the ground surface of any or all trees, large shrubbery and/or large groupings of plants.

Guest house. A lodging unit for nonpaying guests or household employees not to exceed 500 square feet of floor area.

H

Heliport. An area of land or structures designated or used for the landing or takeoff of helicopters or other rotorcraft. The term includes storage, maintenance or repair facilities, and sale and storage of supplies and fuel.

Helistop. An area designed and used only for the landing and takeoff of helicopters or other rotorcraft. Helistops shall not include hangars or repair, maintenance and storage facilities.

Historic site or structure. Any site or structure which has been placed on either the National or State Register of Historic Places, or which is specifically listed as a site or structure of significance in a special district under Article 7 of this chapter.

Home improvement centers. Single establishments primarily involved in providing a large variety of goods and services directly associated with building and home improvements.

Home-based child care. A home occupation in which child-care services are provided on a part-time basis to no more than six children who are not members of the household, and which is licensed by the state Department of Human Services.

Home occupation. Any activity intended to produce income that is carried on within a dwelling, accessory structure to a dwelling or on a zoning lot used principally for dwelling purposes. Home occupations include the use of any residential premise as a base for an off-premise, income-producing activity.

Hospital. An institution primarily for in-patient, intensive, medical or surgical care. It may also include facilities for extended care, intermediate care and/or out-patient care, medical offices, living facilities for staff, research and educational facilities, and related services and activities for operation of these facilities.

Hotel. A building or group of buildings containing lodging and/or dwelling units in which 50 percent or more of the units are lodging units. A hotel includes a lobby, clerk's desk or counter with 24-hour clerk service and facilities for registration and keeping of records relating to hotel guests.

J

Am. 2/12/98
Ord. 98-03

Joint development. The development of two or more adjacent zoning lots under a single or unified project concept.

K

Kennel, commercial. Any structure used to care for, breed, house or keep dogs, cats or other domesticated animals for commercial purposes. Included as kennels are animal pounds or shelters.

Kitchen. A kitchen facility for a housekeeping unit exists when there are, on the premises of the housekeeping unit, an item from all three of the following categories:

(1) Fixtures, appliances or devices for heating or cooking food;

(2) Fixtures, appliances or devices for washing utensils used for dining and food preparation and/or for washing and preparing food;

(3) Fixtures, appliances or devices for refrigeration of food.

L

Lanai. An area projecting from the face of a building which meets the following conditions:

(1) It is an accessory area to a dwelling or lodging unit.

(2) At least 50 percent of the area's perimeter is permanently open to the exterior except for a safety railing not exceeding four feet in height, and is without structural columns or walls.

(3) The area is solely accessible from the dwelling unit to which it is appurtenant.

Recessed areas within the main building face are not lanais.

Landscaped. A maintained area of which a minimum of 50 percent shall be devoted exclusively to include plants which are rooted directly in the ground or in permanently fixed planter boxes. The remaining 50 percent may be devoted to rock gardens, fountains and reflecting pools.

Lei making and selling. A retail use or structure exclusively involved with the preparation and retail sale of leis made from fresh plant materials, subject to the following limitations:

(1) Any structure used, such as a kiosk or vending cart, is not fixed to a particular location for more than 24 hours at a time; and

(2) Any structure used has no more than one umbrella or canvas overhead directly attached to the structure, and is not fixed at any point to the ground or to another structure.

Livestock. Includes all animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine. See definition of "commercial kennel."

Livestock grazing. The raising or feeding of livestock by grazing or pasturing. Not included are feedlots or the raising and keeping of swine.

Livestock production, major or minor. "Major livestock production" means and includes agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants or visual impacts that could adversely affect adjacent properties. These include piggeries, dairies, dairy and beef cattle feedlots, chicken, turkey and other poultry farms. "Minor livestock production" means and includes

commercial small animal operations as a principal land use, such as a rabbit farms, apiaries or aviaries.

Lodging unit. A room or rooms connected together, constituting an independent living unit for a family which does not contain any kitchen. Unless specifically permitted in use regulations, "lodging unit" shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.

Lot area. The total area within the lot lines of the zoning lot but exclusive of right-of-way for ingress or egress in favor of others, and easements for open drainage systems.

Lot depth. The average horizontal distance between the front and rear lot line.

In the case of zoning lots with more than one front yard, either one of the zoning lot dimensions may be used to calculate lot depth.

Lot width. The average horizontal distance between side lot lines measured at right angles to lot depth.

In the case of zoning lots with more than one front yard, either one of the zoning lot dimensions may be used to calculate lot width.

Lowest floor. The lowest floor of an enclosed area including basements of a building. An enclosure, usable solely for parking vehicles, building access or storage area is not considered a building's lowest floor.

M

Manufacturing, processing and packaging, light and general. Establishments primarily involved in the manufacture, processing, assembly, fabrication, refinement, alteration and/or packaging by hand or by machinery, from raw materials, component parts and/or

other products, of finished goods, merchandise and/or other end products suitable for sale or trade.

Light manufacturing, processing and packaging establishments involve activities which are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes which generate significant levels of heat, noise, odors and/or particulate; and do not involve chemicals or other substances which pose a threat to health and safety. Typical activities include, but are not limited to, the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, and other manufacturing, processing and packaging uses meeting the criteria prescribed herein.

General manufacturing, processing and packaging establishments are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include, but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products; perfumes and pharmaceuticals; and the production of paving and roofing materials.

This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; and/or the processing of salvage, scrap and junk materials.

Marina accessories. Land uses on harbor fast lands, which are supportive of recreational marine activities, including piers or

boathouses, storage and repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, wash racks, and other uses customary and incidental to marine recreation.

Medical clinic. An office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but can involve the treatment of outpatients. A "medical profession or occupation" is any activity involving the diagnosis, cure, treatment, mitigation or prevention of disease or which affects any bodily function or structure.

Meeting facilities. Permanent facilities for recreational, social or multi-purpose use. These may be for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily intended for community purposes. Typical uses include private clubs, union halls, community centers, religious facilities such as churches, temples and synagogues and student centers.

Monasteries or convents. Facilities which provide dwelling or lodging units to clergy members or those who have taken religious vows, which are owned or operated by a religious organization.

N

Neighborhood grocery store. Small retail establishments which provide a variety of goods to the surrounding community, typically known as "mom and pop" grocery stores. Excluded are drive-thru facilities. These establishments are located in country, residential, apartment, industrial or agricultural zoning districts and were nonconforming uses prior to the adoption of this chapter but shall be permitted under the provisions of this chapter.

Nonconforming dwelling unit. Any combination of legally established one-family or two-family detached dwellings that exceed the permitted maximum number currently allowed on a single zoning lot.

Nonconforming lot. A zoning lot which was previously lawful but which does not comply with the applicable lot requirements of the district in which it is located, either on the effective date of this chapter or as a result of any subsequent amendment to this chapter, a zoning map amendment, or government action associated with eminent domain.

Nonconforming parking. Parking spaces and parking areas which were previously lawful but which do not conform to current parking standards, including number, dimensions and arrangement of spaces; surface treatment; and landscaping and screening, either on the effective date of this chapter or as a result of any subsequent amendment to this chapter, a zoning map amendment, or government action associated with eminent domain.

Nonconforming structure. A structure which was previously lawful but which does not comply with the sign, density, yard, setback or height regulations of the district, or design requirements of the special district in which it is located, either on the effective date of this chapter or as a result of any subsequent amendment to this chapter, zoning map amendment, or government action associated with eminent domain.

Nonconforming use. Any use of a structure or a zoning lot which was previously lawful but which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of this chapter or as a result of any subsequent amendment to this chapter, or a zoning map amendment.

o

Am. 2/12/98
Ord. 98-03

O'ahu historic preservation commission

Octave band filter. An instrument or combination of instruments used in conjunction with a sound level meter to take measurements in specific octave bands. An octave band filter meets or exceeds the requirements specified in "Octave, Half-Octave and Third-Octave Band Filter Sets," ANSI S1.11-1966.

Am. 2/12/98
Ord. 98-03

Off-site joint development

Ohana (accessory) dwelling unit; ohana dwelling unit; ohana dwelling; and ohana unit. A second dwelling unit permitted pursuant to the provisions of Section 46-4(c), Hawaii Revised Statutes; and of Ordinance 3234 (adopting the Comprehensive Zoning Code) as amended; and thereafter of Ordinance 86-96 (adopting the Land Use Ordinance), as amended.

Open space. Any portion of a zoning lot essentially free of structures that serves the purpose of visual relief and buffering from building and structural mass. These areas may be privately or publicly owned, and may or may not be accessible to the general public. Open space includes but is not limited to parks, playgrounds, playfields, plazas, outdoor dining areas, botanical gardens, fountains, reflecting pools and other bodies of water, walkways and nonbuildable easements. Simple structures which contribute to the enjoyment of the area may be permitted, including stages for performances, street furniture, sculpture, umbrellas, and other similar features. In determining whether an area is open space, the following shall apply:

(1) It shall be unobstructed from its lowest level to the sky, except for umbrellas, and unsupported roof eaves and roof overhangs.

(2) It shall be at finish grade unless otherwise specified in this chapter.

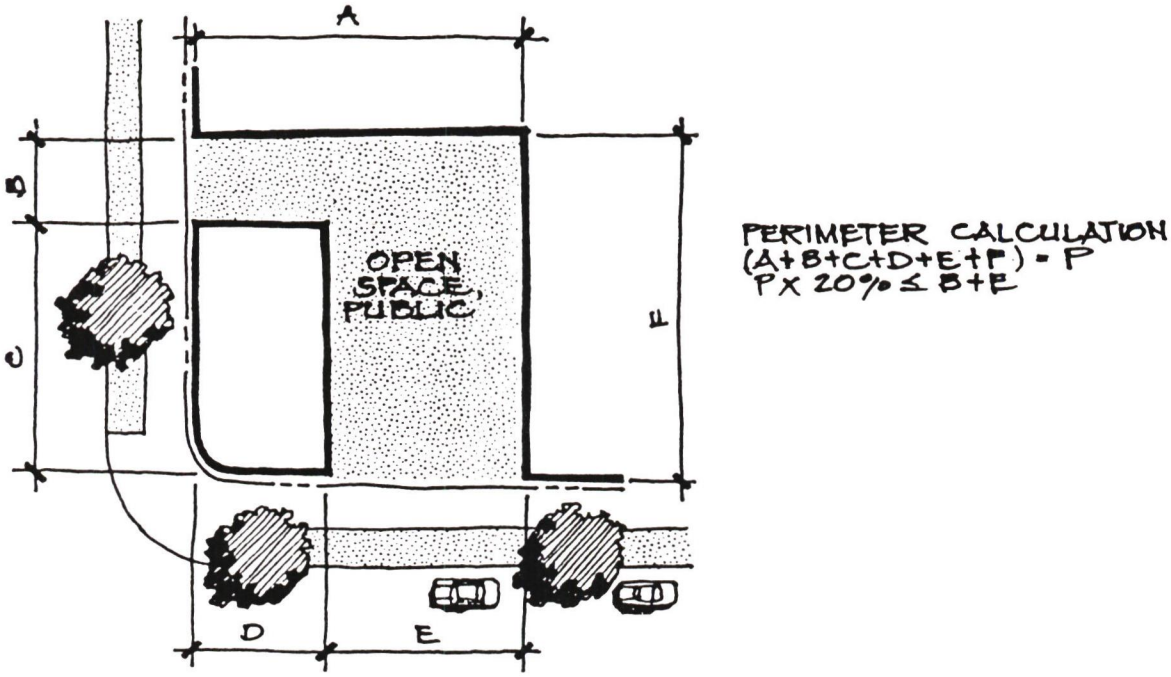
(3) It shall not be used for parking, loading, maneuvering of vehicles, or storage of equipment or refuse.

(4) A required yard may be considered open space.

Am. 12/17/97
Ord. 97-74

Open space, public. Open space that is accessible to the public at all times, not including required yards. It adjoins a public street, public way, pedestrian easement or public open space such as a park, playground or shoreline area, for at least 20 percent of its perimeter at an elevation not more than three feet above the adjoining sidewalk. A minimum of 50 percent of its total area is landscaped (see Figure 9.5).

Figure 9.5



OPEN SPACE, PUBLIC

Owner. The recorded owner of land in fee simple.

P

Parking lot. An open area of land other than a street used or intended to be used to provide space for the parking of motor vehicles for private purposes or is available to the public. It shall include parking spaces, loading spaces, maneuvering aisles and other areas providing access to parking or loading spaces but does not mean an area providing no more than four spaces accessory to dwelling units. The term also includes parking of vehicles for sale or rental.

Personal services. Establishments which offer specialized goods and services purchased frequently by the consumer. They include barbershops, beauty shops, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair and other similar establishments.

Porte-cochere. A covered access drive or walkway leading to the entrance of a building.

Public uses and structures. Uses conducted by or structures owned or managed by the federal government, the State of Hawaii or the city to fulfill a governmental function, activity or service for public benefit and in accordance with public policy. Excluded are uses which are not purely a function, activity or service of government and structures leased by government to private entrepreneurs or to nonprofit organizations. Typical public uses and structures include: libraries, base yards, satellite city halls, public schools and post offices.

R

Receive-only antennas. Antennas used for radio frequency (RF) or microwave receptions only, including but not limited to receptions for television, except as provided under the definition of telecommunications antennas or utility installations.

Am. 2/12/98
Ord. 98-03

Receiving lot

Recreation facilities, outdoor. Permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks, playgrounds, botanical gardens, golf driving ranges, tennis courts, riding stables, academies and trails, and recreational camps.

Reflective surfaces. Any glass or other specular surface such as polished metal, specified in manufacturer's literature, having reflectance (designated by such terminology as average daylight reflectance, visible light reflectance, visible outdoor reflectance and comparable terms) of over 30 percent.

Regulatory flood. Flood having a one percent chance of being equalled or exceeded in any given year.

Repair establishments, minor and major. Establishments which primarily provide restoration, reconstruction and general mending and repair services. "Minor repair establishment" uses include those repair activities which have little or no impact on surrounding land uses and can be compatibly located with other businesses. "Major repair establishment" uses include those repair activities which are likely to have some impact on the environment and adjacent land uses by virtue of their appearance, noise, size, traffic generation or operational characteristics.

(1) Minor.

(A) Automobile (including pickup trucks), motorcycle, moped, motorized bicycle, boat engine, motorized household appliance (e.g., refrigerator, washing machine, dryer) and small equipment (e.g., lawn mower) repairing, including painting, provided all repair work is performed within an enclosed structure and does not include repair of body and fender, and straightening of frame and body parts.

(B) Production and repair of eyeglasses, hearing aids and prosthetic devices.

(C) Garment repair.

(D) General fixit shop.

(E) Nonmotorized bicycle repair.

(F) Radio, television and other electrical household appliance repair.

(G) Shoe repair.

(H) Watch, clock, jewelry repair.

(2) Major.

(A) Blacksmiths.

(B) Ship engine cleaning and repair.

(C) Airplane motor repair and rebuilding.

(D) Furniture repair.

(E) Industrial machinery and heavy equipment repair.

(F) Bus and truck repair.

(G) Repair of vehicle (all types) body and fender, and straightening of frame and body parts.

Resource extraction. The mining of minerals, including the exploration for, and the removal and processing of natural accumulations of sand, rock, soil and gravel.

Retail establishments. The sale of commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, and other similar retail activities. This term also includes establishments where food or drink is sold on the premises for immediate consumption, but which lack appropriate accommodations for on-premise eating and drinking.

The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages or veterinary clinics and hospitals.

Retaining wall. That portion of a wall which resists the lateral displacement of soil or other material up to a maximum height of six inches above the finish grade of the retained material.

Rooming. A use accessory to the principal use of a dwelling unit in which overnight accommodations are provided to persons ("roomers") for compensation for periods of 30 days or more in the same dwelling unit as that occupied by an owner, lessee, operator or proprietor of the dwelling unit.

S

Self-storage facility. A structure, or structures, containing individual locker compartments which allow individuals access to store possessions in these compartments. Each locker or storage area is self-contained, with provisions to secure each individual locker or storage area.

Shopping center. A group of retail stores and service establishments developed under a single or unified project concept, on one or more zoning lots having an aggregate floor area exceeding 40,000 square feet.

Signs. See Article 3 for all terms related to signs.

Slope. The incline of grade across the buildable area of a zoning lot, expressed as a percentage and calculated by the following formula:

$$\frac{\text{Highest elevation point - Lowest elevation point}}{\text{Horizontal linear distance between highest and lowest points.}} \times 100$$

Sound level meter. An instrument or combination of instruments used for measurement of the intensity of sound, and

calibrated in decibels. A sound level meter meets or exceeds the requirements for type 1 or type 2 sound level meter, with SLOW meter characteristics specified in "Specification for Sound Level Meters," ANSI S1.4-1983.

Special management area use permit. A permit defined by and implemented under Chapter 25, ROH 1990, as amended. (Commonly known as shoreline management permit.)

Am. 2/12/98
Ord. 98-03

State historic preservation officer
State register of historic places

Stockpiling. The temporary open storage of earthen materials upon any premises except the premises for which a grading permit has been issued for the purpose of using the materials as fill material at some other premises at a future time.

Street. Any public right-of-way for vehicle purposes or a private right-of-way for vehicle purposes, which provides access to more than two zoning lots and does not include freeways (controlled-access facilities) which are defined under HRS Chapter 264-61, as amended.

Street frontage. That portion of a zoning lot which has access rights to a street abutting the lot.

Street, major. A street of considerable continuity which can carry a large volume of traffic and is used primarily as a route between communities and large urban areas or from one section of the city to another.

Street, minor. A street other than a major or secondary street providing access to abutting property and serving local traffic only.

Street, secondary. A street which carries or collects traffic from minor streets either directly or via other secondary streets.

Street setback line. A future right-of-way line for a street or highway as located and/or dimensioned under adopted street right-of-way maps and standards.

Structure. Anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term "structure" includes the term "building."

T

Theaters. Facilities which are used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls and other types of live theaters. Drive-in theaters are excluded.

Time sharing. The ownership and/or occupancy of a dwelling or lodging unit regulated under the provisions of HRS Chapter 514E, as amended, relating to time share plan, time share unit hereinafter defined:

(1) "Time share plan" means any plan or program in which the use, occupancy or possession of one or more time share units circulates among various persons for less than a 60-day period in any year for any occupant. The term "time share plan" shall include both time share ownership plans and time share use plans, as follows:

(A) "Time share ownership plan" means any arrangement whether by tenancy in common, sale, deed or by other means, whereby the purchaser received an ownership interest and the right to use the property for a specific or discernible period by temporal division.

(B) "Time share use plan" means any arrangement, excluding normal hotel operations, whether by membership agreement, lease rental agreement,

license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a time share unit for a specific or discernible period by temporal division, but does not receive an ownership interest.

(2) "Time share unit" means the actual and promised accommodations and related facilities, which are the subject of a time share plan.

Trade or convention center. A structure or structures capable of accommodating 10,000 or more persons assembling for a common purpose such as, but not limited to, professional or business conventions, concerts, short-term retail or wholesale activities, the large-scale marketing, buying or selling of goods or services, or sporting events. A trade or convention center may include accessory hotel, multi-family dwellings and retail or other commercial uses.

Transient vacation unit. A dwelling unit or lodging unit which is provided for compensation to transient occupants for less than 30 days, other than a bed and breakfast home. For purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees.

Transmitting antenna. Any antenna used for radio frequency (RF) or microwave transmissions other than an independent operational fixed-point (unidirectional) or receive-only antenna. This definition is provided to determine which antennas are required to provide fencing or other barriers to restrict public access within a delineated exclusion distance as may be required by this chapter.

U

Use. Refers to either one of the following:

(1) Any purpose for which a structure or a tract of land is designed, arranged, intended, maintained or occupied; or

(2) Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Utility installations, Types A and B. Uses or structures, including all facilities, devices, equipment, or transmission lines, used directly in the distribution of utility services, such as water, gas, electricity, telecommunications other than broadcasting antennas, and refuse collection other than facilities included under waste disposal and processing. A utility installation may be publicly or privately owned and does not include wind machines, which are defined separately. Also not included are: cesspools, individual household septic tank systems, individual household aerobic units, and individual water supplies.

Also not included are private temporary sewage treatment plants which are allowed as an accessory use in all zoning districts, provided such use is approved by the director. These uses so approved shall be permitted notwithstanding the location on a noncontiguous lot or in another zoning district of the principal use or uses served by the plant, and paragraph (1) of the definition of accessory use shall be inapplicable.

A utility installation includes accessory uses and structures directly associated with the distribution of the utility service, such as, but not limited to: accessory antennas, maintenance, repair, equipment, and machine rooms; tool sheds; generators and calibration equipment; and accessory offices. Offices permitted as accessory to a utility installation shall be directly associated with the distribution of the utility service, and not principally function as a business or executive center for the utility operation.

Type A utility installations are those with minor impact on adjacent land uses and typically include: 46 kilovolt transmission substations, vaults, water wells and tanks and distribution equipment, sewage pump stations, telecommunications antennas (except as provided in the paragraph below on Type B utility installations), and other similar uses.

Type B utility installations are those with potential major impact, by virtue of their appearance, noise, size, traffic generation or other operational characteristics. Typical Type B uses include: 138 kilovolt transmission substations, power generating plants, base yards, and other similar major facilities. Also included as Type B uses are transmitting antennas in country, residential, A-1, or AMX-1 districts, and freestanding antenna structures.

V

Vending cart. A stand-alone, portable outdoor cart on wheels used to dispense prepared food and drinks, or merchandise for retail sale. It shall be considered a retail use and structure, although not fixed to a particular location for more than 24 hours at a time, and is not fixed at any point to the ground or another structure. No more than one umbrella or canvas overhead may be directly attached to these structures. Associated food preparation activities are limited to warming and steaming, and the dispensing of condiments.

W

Warehousing. Establishments primarily associated with the storage of raw materials, finished products, merchandise or other goods, within a structure for subsequent delivery, transfer or pickup, and may include structures used primarily for the storage of files or records.

Waste disposal and processing. Facilities for the disposal and processing of solid waste, including refuse dumps, sanitary landfills, incinerators and resource recovery plants.

Wholesaling and distribution. Establishments primarily involved in the sale and/or distribution of manufactured and/or processed products, merchandise or other goods in large quantities for subsequent resale to retail establishments, and/or industrial, institutional and commercial users.

Wind machines. Devices and facilities, including appurtenances, associated with the production and transmission of wind-generated energy.

Y

Yard. An open space required for the purpose of light and air access, bounded on at least one side by a property line, measured at right angles from the property line or the established street setback line (see "Yard, front") and unobstructed by any structure or portion of a structure, except as specifically permitted.

Yard, Front. Any yard bounded by a street except that a single yard may be designated as a front yard by the owner of a zoning lot containing a single-family or two-family dwelling unit or a duplex bounded by more than one street in residential districts. The front yards designated must conform to district regulations for front yards. All front yards are measured at right angles to the street right-of-way or the established street setback line, whichever is the greater distance from the street centerline set by adopted street right-of-way maps and standards (see Figure 9.6).

Yard, Rear. A yard extending across a zoning lot at the opposite end of the lot from the front yard, except that when a zoning lot has more than one front yard, there will be no rear yards but only front and side yards.

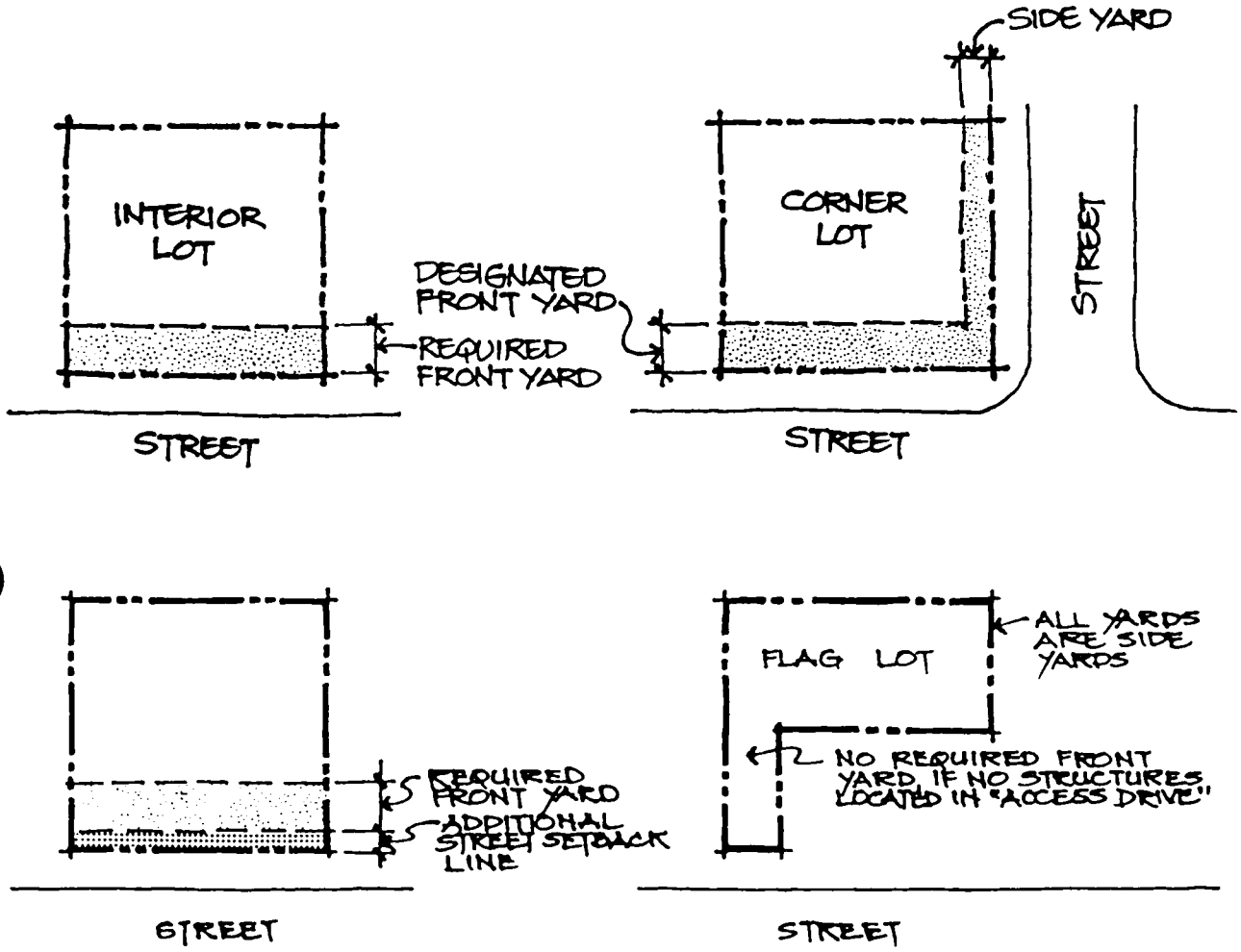
Yard, Side. A yard extending from the rear line of a required front yard to the lot line at the opposite end of the zoning lot or in the absence of a clear definition of such a lot line, to the point on the lot farthest from the street side of a front yard. For lots with more than one front yard, the side yards are any yards remaining after the front yards have been established.

Z

Am. 12/17/97
Ord. 97-74

Zoning lot. A lot or any portion of a lot within a single zoning district, or precinct, except as permitted under joint development.

Figure 9.6



YARD, FRONT

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