LAND USE ORDINANCE

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City & County of Honolulu
City Hall Annex, 558 S. King Street
Honolulu, Hawaii 96813

Department of Land Utilization
City and County of Honolulu
December, 1993

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432

FRANK F. FASI
MAYOR

DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

April 4, 1994

LAND USE ORDINANCE
REPLACEMENT PAGES

We are pleased to provide you with a set of new covers and replacement sheets for the Land Use Ordinance (LUO). This edition updates the 1993 edition by reflecting changes as a result of Ordinance No. 93-46, Industrial and IMX Districts, and Ordinance No. 93-70, BMX-4 District Height Limits.

Six additional ordinances (No. 94-13 to 94-18) amending the LUO, were signed by the Mayor on March 15, 1994. These ordinances amend various provisions of the LUO, including those relating to minor modifications of zoning maps; commercial use density and permitted uses in the Industrial Commercial Mixed Use District; flood hazard districts; the monitoring of unilateral agreements; helistops; and other miscellaneous provisions. Replacement sheets reflecting these changes will be issued sometime early next year. However, copies of these ordinances are available at the City Clerk's office.

Donald Clegg

DONALD A. CLEGG
Director of Land Utilization

DAC:fm
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1993 EDITION OF LAND USE ORDINANCE (LUO)

Attached is a new edition of the LUO, incorporating the adoption of Ordinance Nos. 93-46 and 83-70. These ordinances amended rules and regulations relating to industrial and industrial-commercial mixed use districts, and central business mixed use district height limits.

Please note that we have changed the cover of the LUO to easily identify this as the latest version. In addition, we have added the revised date at the bottom left hand corner of the pages where the amendments were incorporated. Any changes only involving page numbering do not have the revised date.

New Page	LUO Section Affected	Changes Made
Title Sheet	---	Updating of LUO Amendments List
3-1	---	Amended titles
3-2 to 3-10	---	Renumbering of Article 3 Sections
3-13	Table 3.1	Added "Data processing facilities" by Ord. 93-46
3-50 to 3-53	Sec. 3.120 Nonconformities (introductory paragraph, (b)(A), (c)(5), (d)(1)	Amended by Ord. 93-46
3-53 to 3-56	Sec. 2.120(f)	Added by Ord. 93-46
3-57 to 3-66	---	Renumbering of Article 3 Sections
4-1, 4-2	---	Amended titles
4-4 to 4-5	Conditional Uses Table	Corrected typo of table number
4-10	Sec. 4.40-5	Deleted by Ord. 93-46
4-11 to 4-14	---	Renumbering of Article 4 Sections
4-15	Sec. 4.40-20	Amended by Ord. 93-70
4-16	---	Renumbering of Article 4 Sections
4-17	Sec. 4.40-25	Title amended by Ord. 93-46
4-18 to 4-28	---	Renumbering of Article 4 Sections
5-1	---	Inserted new titles

5-60	Table 5.13-A	Corrected a typo under Principal use - deleted "1" before "Amusement"
5-73 to 5-75	Sec. 5.90-2	Added by Ord. 93-70
5-75	Sec. 5.90-3	Sec. 5.90-2 renumbered to Sec. 5.90-3 by Ord. 93-70
5-76 to 5-87	---	Renumbering of Article 5 Sections
5-88 to 5-90	Table 5.16-B	Amended by Ord. 93-70 Amended language under "Front yards," "Maximum density," "Open space bonus," and "Maximum height" Added "Historic resources bonus"
5-91 to 5-92	---	Renumbering Article 5 tables
5-93 to 5-95	Table 5.17-A	Amended by Ord. 93-46 <u>Added under Use column</u> "Data processing facilities" "Food manufacturing and processing" "Manufacturing, processing & packaging, light" "Plant nurseries" <u>Deleted under Use column</u> "Greenhouses, plant nurseries" "Light manufacturing, processing and packaging" Conditions attached to "Wholesaling and distribution"

		<u>Under Special accessory column</u> Added "Dwelling units" Amended language for "offices" <u>Under Conditional use column</u> Deleted "Bulk merchandise delivery establishments" Added "general" to Manufacturing, processing and packaging
5-96 to 5-97	Table 5.17-B	Amended by Ord. 93-46 Amended language under "Front, side and rear yards," and "Maximum height" Added "Maximum building area"
5-98 to 5-101	Table 5.18-A	Amended by Ord. 93-46 <u>Added under Principal use column</u> "Animal products processing" "Data processing facilities" "Food manufacturing and processing" "Home improvement centers" "Plant nurseries" Amended "Manufacturing, processing and packaging establishments" <u>Deleted under Principal use column</u> "Bulk merchandise delivery establishments"

		"Can, bottle and paper recycling" "Fabricating establishments" "Greenhouses, plant nurseries" Conditions attached to "Wholesaling and distribution"
5-102 to 5-103	Table 5.18-B	Amended by Ord. 93-46 Amended language under "Front, side and rear yards," and "Maximum height" Added "Maximum building area"
5-104 to 5-105	Table 5.19-A	Amended by Ord. 93-46 <u>Added under Use column</u> "Animal products processing" "Food manufacturing and processing" Added "light and general" to "Manufacturing, processing and packaging establishments <u>Under Special accessory</u> Amended language for "offices"
5-106 to 5-107	Table 5.19-B	Amended by Ord. 93-46 Amended language under "Front, side and rear yards," and "Maximum height"
5-108	Sec. 5.110 Industrial-Commercial Mixed Use District	Amended by Ord. 93-46
5-109 to 5-112	Table 5.20-A	Amended by Ord. 93-46

		<u>Added under Principal use column</u>
		"Convenience stores"
		"Data processing facilities"
		"Food manufacturing and processing"
		"Home improvement centers"
		"Plant nurseries"
		Amended "Light manufacturing"
		Amended "Wholesaling and distribution"
		<u>Deleted from Principal use column</u>
		"Amusement and recreation facilities, indoor"
		"Can, bottle and paper recycling"
		"Centralized bulk collection, storage and distribution"
		"Dance or music schools"
		"Greenhouses, plant nurseries"
		"Personal services"
		"Saw mills"
		"Schools, business"
		"Storage and sale of seed, feed and fertilizer"
5-113 to 5-115	Table 5.20-B	Amended by Ord. 93-46
		Amended language under "Front, side and rear yards," and "Maximum height"
		Added "Commercial use density" and "Maximum building area"

5-116 to 5-122	---	Renumbering of figures
8-9	Sec. 8.30-8 Major Permits (Special Districts); Downtown Heights in Excess of 350 Feet Subsection (a)	Language amended by Ord. 93-70
9-1 to 9-2	---	Renumbering of Article 9
9-3	Article 9, "Animal Products Processing"	Added new definition
9-4 to 9-7	---	Renumbering of Article 9
9-8	Article 9, "Catering Establishments"	Added new definition
9-9	---	Renumbering of Article 9
9-10	Article 9, "Data Processing Facilities"	Added new definition
9-11 to 9-17	---	Renumbering of Article 9
9-18	Article 9, "Food Manufacturing and Processing"	Added new definition
9-19	Article 9, "Home Improvements Centers"	Added new definition
9-20 to 9-22	---	Renumbering of Article 9
9-23	Article 9, "Manufacturing, Processing and Packaging, Light and General"	Added new definition
9-24 to 9-35	---	Renumbering of Article 9
9-36	Article 9, Warehousing	Added new definition
9-36	Article 9, "Wholesaling and Distribution"	Added new definition
9-37 to 9-38	---	Renumbering of Article 9
A-1 to A-6	Master Use Table	Same as previously stated to reflect changes

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Department of Land Utilization
City and County of Honolulu
August, 1993

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CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432

FRANK F. FASI
MAYOR

DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

August 25, 1993

LAND USE ORDINANCE

Enclosed is the 1993 edition of the Land Use Ordinance (LUO), which incorporates the following ordinances:

Ordinance No. 92-101	Ohana dwellings
Ordinance No. 92-110	Miscellaneous LUO
Ordinance No. 93-02	Political campaign signs
Ordinance No. 93-03	Rooftop structures

Ordinance No. 93-46 amending the Industrial and Industrial-Commercial Mixed Use Districts provisions of the LUO was signed on June 14, 1993. Replacement sheets reflecting these changes will be issued sometime early next year. However, copies of this ordinance are available at the City Clerk's office.

Since the Corporation Counsel has recodified the Revised Ordinances of Honolulu (ROH), including the Land Use Ordinance, the Department of Land Utilization's version of the LUO has been reformatted to be consistent with the ROH.

Donald Clegg

DONALD A. CLEGG
Director of Land Utilization

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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

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LAND USE ORDINANCE
(LUO)

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

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92-110	October 20, 1992	Miscellaneous LUO
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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

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Honolulu. Department of Land Utilization. Land Use Ordinance. Final.
1. Zoning law - Honolulu. 2. Land use - Law and legislation - Honolulu. 1. Honolulu. Ordinances, etc.,
KFX1512.7.Z9H36 1993

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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.

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LIST OF ILLUSTRATIONS

Illustrations are added for the benefit of the users of the LUO, but are not an official part of the ordinance. They are included to illustrate specific provisions and to make those provisions easier to interpret. Each illustration is referenced with the Subsection it illustrates.

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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.

Am. 3/15/94
Ord. 94-18

1.40 Appeals.

Appeals from the actions of the director in the administration of the provisions of the LUO shall be as provided by Section 6-909 of the City Charter.

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
Resort Hotel	Resort Hotel 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
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

Zoning Map No.	Area
23	Kailua - Lankikai - 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 map except by authorization of the director, in accordance with the procedures and requirements set forth in this chapter.

Am. 3/15/94 (e)
Ord. 94-13 (f)

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.

3.70 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. Parking for the Physically Disabled.
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 for Public Uses and Utility Installations.**
3.160 **Plan Review Uses: Purpose and Intent.**
1. **Applicability.**
2. **General Provisions.**
3. **Application Requirements.**

3.10 General Development Regulations: Purpose and Intent.

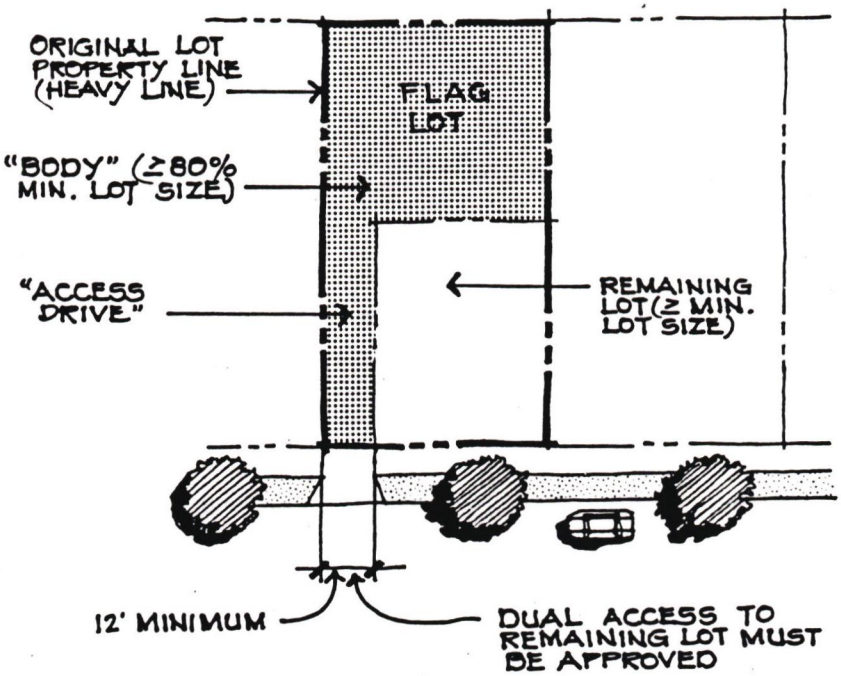
(a) It is the purpose of this article to establish reasonable standards relating to land development which are generally applicable to any use or site, irrespective of the zoning district in which it is located.

(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 except for the following:

(1) Poles, posts, wires.

(2) Customary yard accessories.

(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) Other structures not more than 30 inches.

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

(1) Poles, posts, wires.

(2) Customary yard accessories.

(3) Structures for newspaper sales and distribution.

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

(5) Other structures not over 30 inches.

(c) Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters and other architectural embellishments or appendages, and minor mechanical apparatus with less 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, lanais, porte cocheres, arcades, pergolas or covered passageways are not permitted within required yards.

(d) 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 topped with security wire to a height of seven feet.

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

(e) 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 of this chapter, 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.

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 may be constructed within a yard which protects a cut below the existing grade, up to the height of the cut. There shall be no height limit for retaining walls which protect a cut.

(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 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.

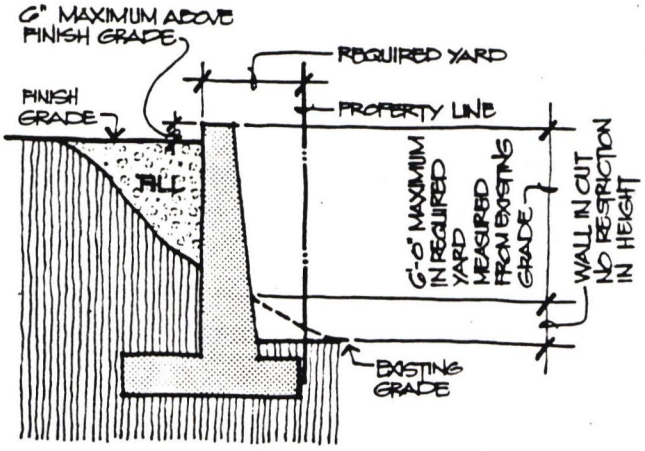
$$FAR = (A-B) \times \frac{C}{\text{Total Lot Area}} + B$$

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

Figure 3.2(A)



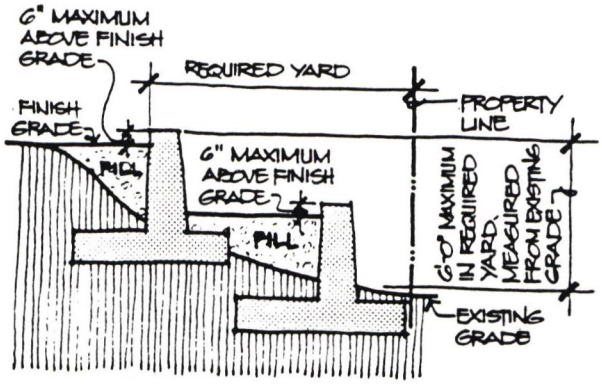
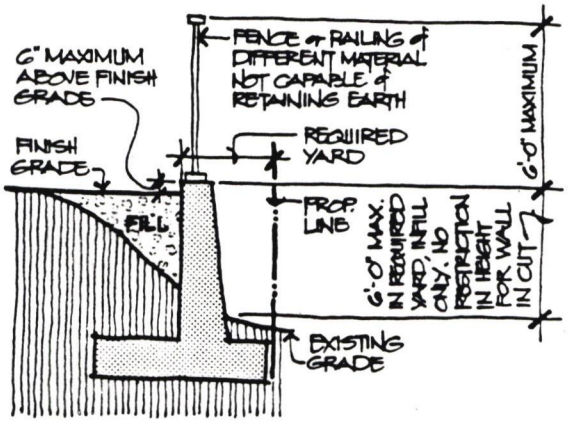
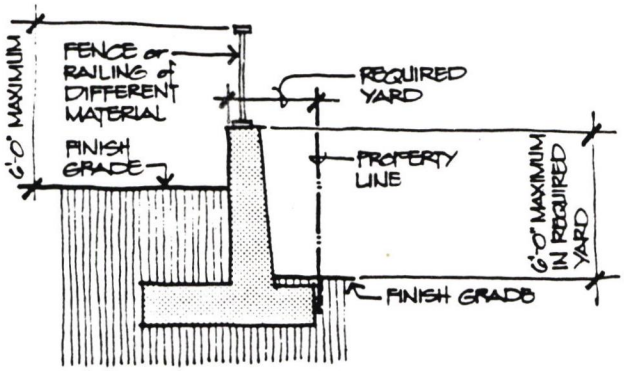
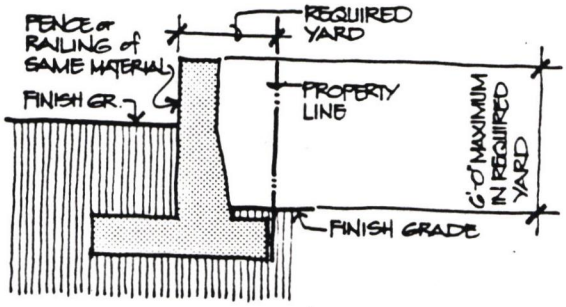


Figure 3.2(B)







RETAINING WALLS

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: Am. 4/28/94 Ord. 94-25

(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.

(2) Chimneys.

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

(4) Utility poles, radio and television mast antennas, but not dish antennas, not to exceed 500 feet from existing grade. Other mast antennas shall not exceed 25 feet above the governing height limit.

(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 Subsections 7.10-6 and 7.10-7.

(10) Farm structures in Agricultural Districts, as specified in Article 5.

Figure 3.3

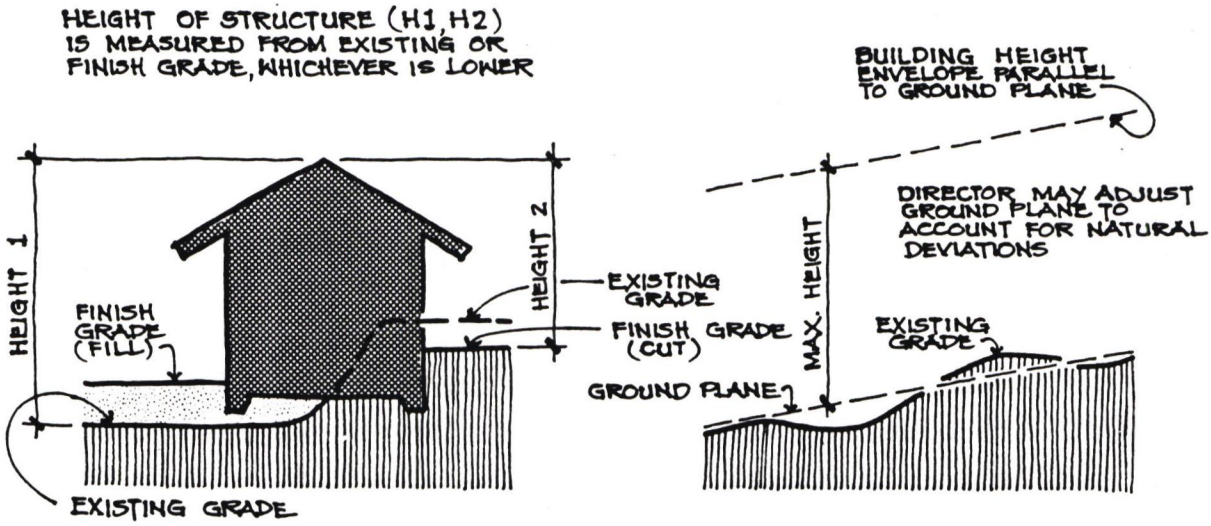


Figure 3.3(A) **Figure 3.3(B)**

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:

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

(2) The highest point of the roofing system 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.

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

(4) 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.

(5) 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.

Am. 4/28/94 Ord. 94-25 } 3.60-3 3.60-4

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.

(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 Subsection 3.120 (e) relating to nonconforming parking and loading.

3.70-2 Method of Determining Number.

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.

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

(b) 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.

(c) At least 60 percent of required parking shall be standard sized parking spaces and 40 percent may be compact spaces, except that duplex units, detached dwellings and multifamily dwellings may have 50 percent compact spaces.

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

(e) 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).

(f) Parking requirements for conversion or development of hotels to condominium 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.

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 300 sq. ft.
Auditoriums	1 per 75 sq. ft. 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 sq. ft.
Automobile and boat sales and rental	1 per 300 sq. ft.
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 sq. ft.
Business services	1 per 500 sq. ft.
Car washing, mechanized	10 standing spaces for waiting vehicles for each wash rack
Consulates	1 per dwelling or lodging unit, plus 1 per 400 sq. ft. of office floor area, but not less than 5
Convenience stores	1 per 300 sq. ft.
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 sq. ft. of floor area over 2,500 sq. ft. (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 100 sq. ft. of eating and drinking area, plus 1 per 25 sq. ft. of dance floor area, plus 1 per 400 sq. ft. of kitchen and other areas, provided the establishment comprises 50 percent or more of the floor area developed on the parcel on which it is located. Otherwise, 1 per 400 sq. ft.
Financial institutions	1 per 400 sq. ft., plus 5 stacking spaces per drive-in window or machine
Funeral homes, mortuaries	1 per 75 sq. ft. 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 sq. ft., but no less than 4
Laundromats, cleaners: coin-operated	1 per 2 washing machines
Lodging units	.75 per unit

Table 3.1 (A) Off-street Parking Requirements	
Use[1]	**Requirement[2]**
Manufacturing, processing and packaging	1 per 1,500 sq. ft.
Marinas	1 per 2 moorage stalls
Medical clinics	1 per 400 sq. ft.
Meeting facilities	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater
Offices, other than herein specified	1 per 400 sq. ft.
Personal services, other than herein specified	1 per 300 sq. ft.
Publishing plants for newspapers, magazines and books	1 per 600 sq. ft.
Recreation facilities, outdoor or indoor, other than herein specified	1 per 200 sq. ft., plus 3 per court, e.g. racquetball, tennis or similar
Repair establishments, Major	1 per 300 sq. ft.
Repair establishments, Minor	1 per 500 sq. ft.
Retail, other than herein specified	1 per 400 sq. ft.
Sales: Appliance, household and office furniture	1 per 900 sq. ft.
Sales: Food and grocery stores	1 per 300 sq. ft.
Sales: Machinery	1 per 900 sq. ft.
Sales: Plumbing and heating supply	1 per 900 sq. ft.
Schools: Elementary and Intermediate	1 for each 20 students of design capacity, plus 1 per 400 sq. ft. 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 sq. ft. of office floor space
Self-storage facilities	1 per 2,000 sq. ft.
Shopping centers[3]	1 per 300 sq. ft.
Skating rinks	1 for each 4 skaters of the rink's maximum capacity or 1 per 1,500 sq. ft. of skating surface, whichever is greater
Sports arenas	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater

Table 3.1 (A) Off-street Parking Requirements	
Use[1]	**Requirement[2]**
Theaters	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater
Veterinary establishments	1 per 400 sq. ft.
Warehousing	1 per 1,500 sq. ft.
Wholesaling	1 per 1,000 sq. ft.
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 sq. ft., or 1 per 10 fixed seats, whichever is greater
Auditoriums	1 per 300 sq. ft., or 1 per 10 fixed seats, whichever is greater
Automotive equipment and boat sales and service	1 per 1,200 sq. ft.
Bowling alleys	1 per alley
Business services	1 per 500 sq. ft.
Consulates	1 per dwelling or lodging unit, plus 1 per 400 sq. ft. of office floor area, but no less than 5
Dwellings, multifamily	1 per dwelling unit
Eating and drinking establishments	1 per 300 sq. ft. of dining area over 1,500 sq. ft., plus 1 per 400 sq. ft. of kitchen and other areas
Financial institutions	1 per 600 sq. ft. over 4,000 sq. ft.
Hotels	1 per 4 units
Kennels (other than as an accessory use)	1 per 600 sq. ft. over 4,000 sq. ft.
Medical clinics	1 per 600 sq. ft. over 4,000 sq. ft.
Medical laboratories	1 per 600 sq. ft. over 4,000 sq. ft.
Meeting facilities	1 per 300 sq. ft., or 1 per 10 fixed seats, whichever is greater
Offices, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Personal services, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Repair establishments, Minor	1 per 600 sq. ft. over 4,000 sq. ft.
Retail, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Sales: Appliance, household and office furniture	1 per 1,200 sq. ft.
Sales: Machinery	1 per 1,200 sq. ft.
Self-storage facilities	1 per 2,000 sq. ft.

Table 3.1 (C) Off-street Parking Requirements Waikiki Special District	
Use[6]	**Requirement[5]**
Apartment Precinct	
Art galleries, museums, libraries	1 per 300 sq. ft. or fraction thereof in excess of 1,000 sq. ft., but no less than 10
Day-care facilities	1 per 10 enrollment capacity
Dwellings, detached, duplex, and multifamily	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 sq., ft.
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
Resort-Hotel Precinct	
Hotels	.25 per dwelling or lodging unit
All other permitted uses	1 per 800 sq. ft.
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 sq. ft.
Resort-Commercial Precinct	
Dwellings, multi-family	1 per dwelling or lodging unit
All other permitted uses	1 per 800 sq. ft.
Public Precinct	
All permitted uses	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.

(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 19 feet in length and 8-1/2 feet 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.

Am. 3/15/94 Ord. 94-18

(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.

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 structures shall be visually screened.

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 Parking for the Physically Disabled. Am. 3/15/94 Ord. 94-18

(a) For all non-dwelling uses, parking for the physically disabled shall be provided as follows:

Total Required Parking Spaces	Spaces for Physically Disabled
11 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	10
more than 1,000	10 plus 1 for each additional 500 or fraction thereof

(b) Parking spaces for the disabled shall be identified by a posted upright sign and blue paint on the curb or on the pavement edge of the space and shall be at least eight feet wide and shall have an adjacent access aisle a minimum of five feet. Parking access aisles shall be part of an accessible route to the building or facility. Surface slope shall not exceed four percent in any direction. Two adjacent spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

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, wholesale operations, warehousing, business services, personal services, repair, manufacturing industrial establishments or 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. Multifamily 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 number of loading spaces required may be adjusted to 50 percent of the required number when such spaces are assigned to serve two or more uses jointly, provided that each use has access to the loading zone without crossing public streets or sidewalks.

(d) When there is a change in use, the number of loading spaces shown in Section 3.70-10 for the new use shall be provided, except as provided under Subsection 3.120(e) relating to nonconforming parking and loading.

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 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.

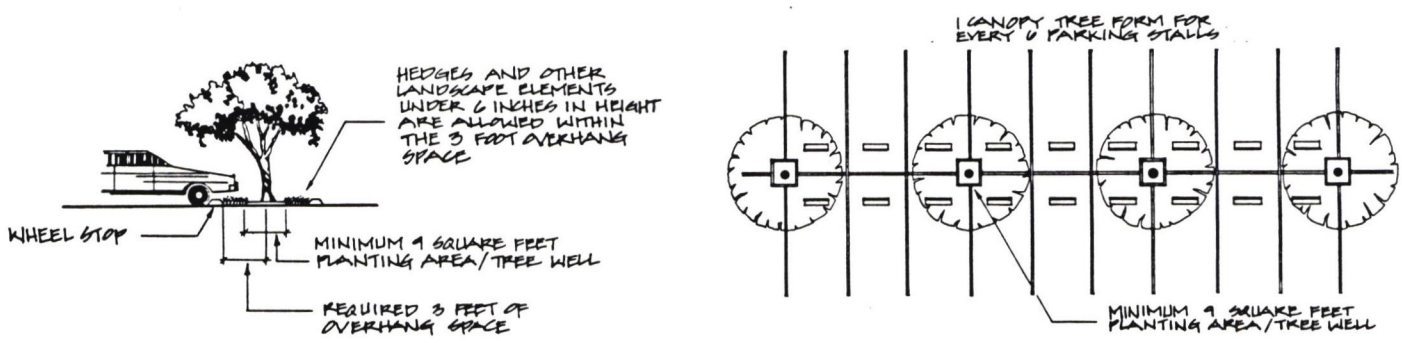
Parking lots, automobile service stations, service and loading spaces, trash enclosures, utility substations and rooftop machinery shall be landscaped or screened in all zoning districts as follows:

(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).

Figure 3.4



PARKING LOT LANDSCAPING

(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.

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

Am. 4/28/94 Ord. 94-25

(i) All rooftop machinery and equipment, except for solar panels, whip, dish, pole and other antennas, plumbing vent pipes, ventilators and guardrails, shall be screened from view from all directions, including from above. Rooftop machinery and equipment in the I-1 Limited Industrial District, the I-2 Intensive Industrial District, or the I-3 Waterfront Industrial District and rooftop machinery and equipment 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.

<u>Address Signs</u>. 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 non-profit organizations.

Standard: Not to exceed 50 square feet each in area and five in number.

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.

Am. 5/18/95
Ord. 95-12 Second floor establishment

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.

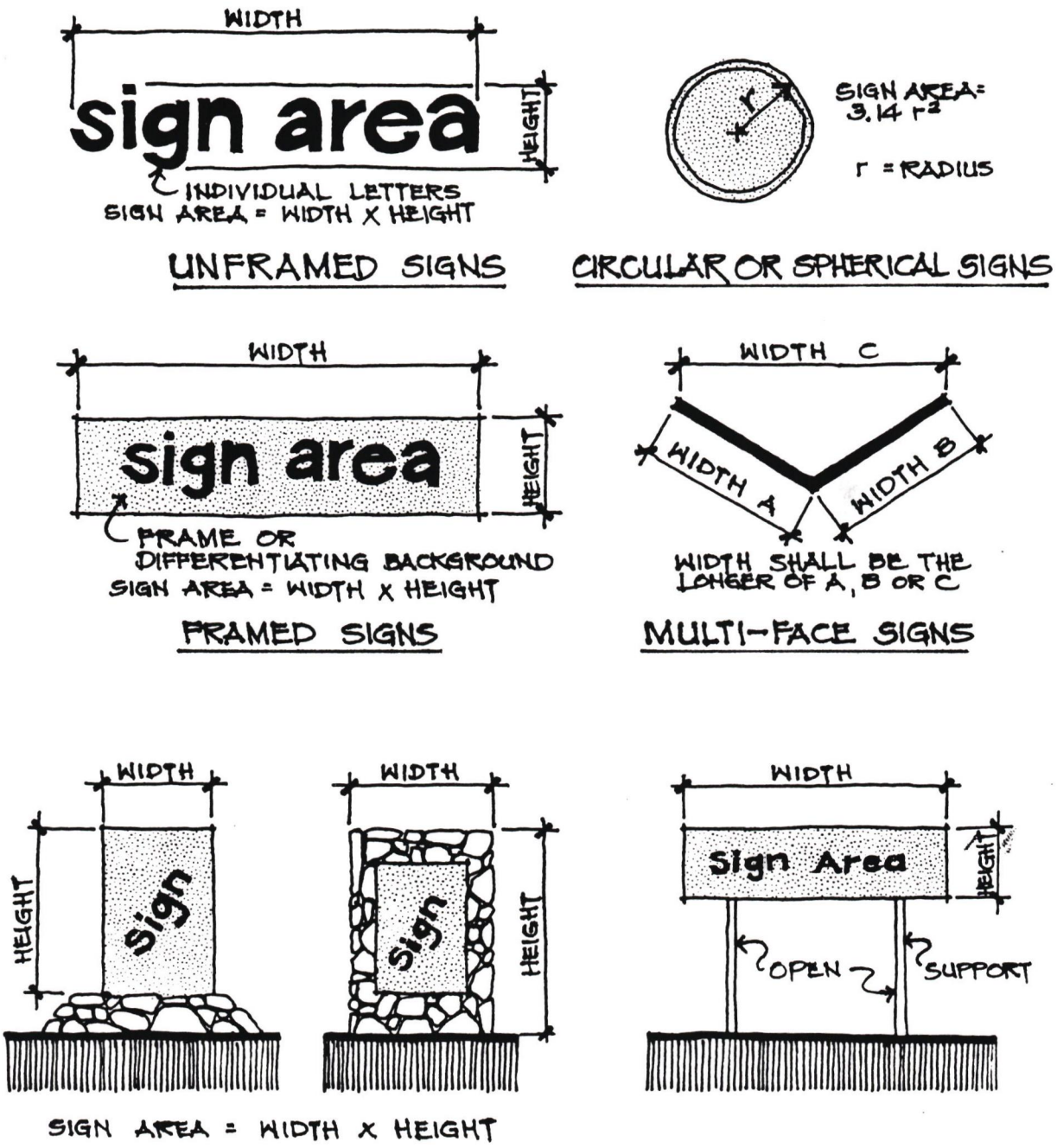
Standard: One sign per street frontage of a building under construction, structural alteration or repair not to exceed 16 square feet of sign area in residential districts or 32 square feet of sign area in other districts.

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.

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

Figure 3.5



SIGN AREA

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.

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.

Am. 5/18/95
Ord. 95-13

(e) **Resort District.** In connection with any use permitted other than one-family 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.

If 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 signs, one garden sign may be permitted.

(f) **B-1 Neighborhood Business.** Am. 5/18/95 Ord. 95-13

(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 p.m.

(2) One non-illuminated ground sign per zoning lot for identification or directory purposes, provided that:

(A) All buildings on the street frontage of the zoning lot are set back a minimum of 25 feet from the front property line.

(B) No portion of the sign is located in or overhangs any required yard area or public right-of-way.

(C) The sign area does not exceed 12 square feet.

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

(4) One wall 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.

Am. 5/18/95
Ord. 95-13

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

(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 12-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back between 25 to 50 feet from the front property line.

(B) 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.

(C) 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.

(D) 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 Subsection A above.

(5) One wall 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 Subsection A above for each establishment.

(h) **BMX-4 Central Business Mixed Use.** The sign standards applicable to the B-2 Community and BMX-3 Community Business Mixed Use districts shall apply, except for the following: Am. 5/18/95 Ord. 95-13

(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.

(i) **Industrial and Industrial-Commercial Mixed Use Districts.** Am. 5/18/95 Ord. 95-13

(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 12-square-foot sign is permitted if all buildings on the street frontage of the zoning lot are set back between 25 to 50 feet from the front property line.

(B) 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.

(C) 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.

(D) 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 Subparagraph (A).

(5) One wall or projecting sign per building frontage, not directly illuminated and not exceeding 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 Subparagraph (A) for each establishment.

(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.**

(1) Apartment Precinct. In connection with any use permitted other than one-family and two-family dwellings, located on the ground floor, only one wall or marquee fascia identification sign, not directly illuminated and not exceeding one square foot per two linear feet of the building frontage or 12 square feet in area, whichever is less, shall be permitted for each street front having a principal pedestrian entrance, provided that 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.

(2) Resort Hotel and Resort Commercial Precincts. In connection with any use permitted, only one wall or marquee fascia identification sign of one square foot per two linear feet of the building frontage, not directly illuminated and not exceeding 24 square feet in area, shall be permitted per street front for each ground floor establishment having a principal pedestrian entrance, provided that if all buildings on the street frontage are set back a minimum of 50 feet from the property line, one ground identification sign, not directly illuminated and not exceeding 12 square feet in area, shall also be permitted for each principal pedestrian entrance side. These ground signs shall not be located closer than 10 feet to any property line. Instead of one of the above signs, one garden sign may be permitted.

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.

Nonconforming lots, structures, uses, dwelling units, commercial use density and parking 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 a nonconforming structure 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 multifamily dwelling units owned by owners under the authority of Hawaii Revised Statutes (HRS), Chapters 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.

(c) Nonconforming 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.

(2) Any nonconforming use that is discontinued for 12 consecutive months, or for 18 months during any three-year period, shall not be resumed.

(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, including repair or replacement of walls, roofs, fixtures, wiring or plumbing. Further, this work 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, 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.

(5) This Subsection (c) shall not apply when the only basis for the nonconforming status of a use is that it exceeds the percentage floor area limitations or FAR limitations established in the commercial density provisions of Table 5.20-B.

(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.

(e) Nonconforming Parking and Loading.

Nonconforming parking may be continued, subject to the following provisions:

(1) If there is a change in use, the new use shall meet the off-street parking and loading requirements established in Section 3.70 of this chapter.

(2) Except for expansion of individual dwelling units, any use that adds floor area shall provide off-street parking and loading for the addition as required by Section 3.70 of this chapter.

(f) Nonconforming Commercial Use Density in the IMX-1 Industrial-Commercial Mixed Use District.

(1) This Subsection (f) applies to those zoning lots in the IMX-1 Industrial-Commercial Mixed Use District that are required to conform to the commercial use density provisions of Table 5.20-B.

(2) If, after June 14, 1993, a commercial enterprise discontinues occupancy of the zoning lot or any portion thereof, except due to an Act of God, and the mixture of uses on the zoning lot at the time of discontinuance includes in excess of a 1.75 FAR of commercial uses or the aggregate floor area of all commercial uses on the zoning lot exceeds 75 percent of the floor area of all uses on the zoning lot, the floor area previously

occupied by the commercial enterprise discontinuing occupancy, or so much of that floor area necessary to bring the FAR and mixture of uses into compliance with the commercial use density provisions of Table 5.20-B, may only be occupied by an industrial use. For the purposes of this paragraph, a commercial enterprise shall not be deemed to have discontinued its occupancy of a zoning lot if it temporarily ceases operation for purposes of renovating its premises.

(3) If, as a result of an Act of God, a building or structure that is located on a zoning lot:

(A) Containing commercial floor area in excess of 75 percent of the aggregate floor area of all uses on the zoning lot; or

(B) With commercial floor area exceeding an FAR of 1.75,

is destroyed, the commercial floor area shall be permitted to exceed 75 percent of the aggregate floor area of all uses on the zoning lot and/or exceed an FAR of 1.75 following the destruction of the building or structure under the following conditions:

(A) The aggregate percentage of the floor area and the FAR of all commercial uses continuing after the date of destruction shall not exceed the aggregate percentage of the floor area and the FAR of commercial uses existing at the time of the Act of God;

(B) Any buildings or structures housing commercial uses, the floor area of which exceeds 75 percent of the aggregate floor area of all uses on the zoning lot, or which exceed an FAR of 1.75, shall be constructed pursuant to a building permit issued within two years of the date of the Act of God and shall obtain a Certificate of Occupancy within four years of the date of destruction;

(C) The burden of proof to establish the cause of the destruction of a building or structure shall be on the owner;

(D) The building or structure shall meet all current requirements of this chapter applicable to parking, yards, maximum density (but not commercial use density) and maximum building area or meet the requirements for reconstruction of a nonconforming structure under Subsection (b);

(E) No commercial enterprise that was not in operation on the zoning lot prior to the date of the destruction of the building or structure will be permitted to locate on the zoning lot following the date of destruction, if the floor area to be occupied by the commercial enterprise would cause the commercial use density limitations of Table 5.20-B to be exceeded; and

(F) No commercial enterprise that was in operation on the zoning lot prior to the date of destruction of the building or structure will be permitted to expand following the destruction of the building or structure if the expansion would cause the commercial use density limitations of Table 5.20-B to be exceeded.

(4) For the purposes of this Subsection (f), a "commercial" use is a principal permitted use marked by a footnote 1 on Table 5.20-A or any use accessory to such use and an "industrial" use is a principal permitted use not marked by a footnote 1 on Table 5.20-A or any use accessory to such use. For purposes of this Subsection (f), an "Act of God" includes any accidental fire and any hurricane, tsunami, earthquake or other sudden, calamitous natural event.

(5) The director may adopt rules, as necessary, to implement this subsection, including rules to determine whether a

commercial enterprise proposing to locate on a zoning lot following an Act of God was in operation on the zoning lot or a portion thereof prior to the Act of God.

Am. 5/18/94
Ord. 94-30

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 be presumptive evidence that the alleged nonconforming use was not in lawful existence prior to October 22, 1986 or has not continued through 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 the nonconforming use was continued during that calendar year. Failure to renew the Nonconforming Use Certificate shall create a presumption that the nonconforming use of the transient vacation unit was discontinued for the prior calendar year.

3.120-2 Bed and Breakfast Homes; Nonconforming Use Certificates. Am. 5/18/94 Ord. 94-31

(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 be presumptive evidence that the alleged nonconforming use was not in lawful existence 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 the nonconforming use was continued during that calendar year. Failure to renew the Nonconforming Use Certificate shall create a presumption that the nonconforming bed and breakfast use was discontinued for the prior calendar year.

(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.

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, 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 or the site design standards of Article 6.

(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.

(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, except that repair and painting of vehicles owned by household members for purposes of maintenance shall be permitted, provided that the number of vehicles repaired or painted shall not exceed five per year.

(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.

3.150 Waiver of Requirements for Public Uses and Utility Installations.

(a) A waiver of the strict application of the development or design standards of this chapter for public uses and utility installations may be granted by the director. 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.

(b) This provision shall not be applicable to uses which fall under Section 3.160 of this chapter.

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 five-year master plan 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: Purpose and Intent.

4.20 Application Requirements.

4.30 General Requirements.

4.40 Minimum Development Standards.

1. Agricultural Products Processing, Major and Minor.
2. Amusement Facilities, Outdoor.
3. Bars, Nightclubs and Taverns.
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.
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: 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.

(b) The applicant must demonstrate that the proposed use meets all pertinent standards. The director is further empowered to condition the permit to ensure compatibility with adjacent uses and structures. When a conditional use standard differs from that of the zoning district, the conditional use standard shall apply.

(c) Certain uses may be permitted as principal uses in some zoning districts, but shall be conditional uses in other zoning districts (see Table 4.1).

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.

TABLE 4.1
CONDITIONAL USES

This Table is provided for the convenience of the users of the LUO. In instances of apparent conflict with Article 5, Article 5 shall prevail.

NOTES:
a. Type 1 does not require a public hearing; Type 2 requires a public hearing.
b. A use which is to be located in a State Agricultural district may also require a State Special Use Permit.
c. These uses are only conditional in the districts shown. They may be principal in other districts.

USES	ZONING DISTRICTS																
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Agricultural products processing, minor		1	1														
Agricultural products processing, major		2	2														
Amusement facilities, outdoor										2	2		2				2
Automobile service stations										1							
Bars, nightclubs, taverns														1			
Broadcasting antennas	2	2	2											2	2	2	2
Bulk merchandise delivery establishments														1			
Cemeteries and columbaria			1														
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets		1	1												1		
Commercial parking lots and garages								1									
Consulates					1	1											
Convenience stores								1		1							
Dance or music schools								1									
Eating establishments								1									
Explosive and toxic chemical manufacturing, storage and distribution															2		
Freight movers														1			
Group living facilities		2	2	2	2	2	2	2				2	1				
Heavy equipment sales and rentals														1			
Helistops		1	1						1		1	1	1	2			1
Historic structures, Use of	1	1	1	2	2	2	2	1	1	1	1	1	1	1	1	1	1
Hotels															1		1
Joint development				1	1	1	1	1	1	1	1	1	1	1	1	1	1
Joint use of parking facilities				1	1	1	1	1	1	1	1	1	1	1	1	1	1
Livestock production, major			1														
Manufacturing, processing and packaging establishments														1			
Marina accessories	1								1		1	1	1				1
Neighborhood grocery stores		1	1	1	1	1	1	1						1	1	1	
Off-site parking facilities				1	1	1	1	1	1	1	1	1	1	1	1	1	1
Petroleum processing															2	1	

TABLE 4.1
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USES	ZONING DISTRICTS																
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Recreation facilities, outdoor			1	1						1	1	1	1				1
Resource extraction	1	1	1														
Sale and service of machinery used in agricultural production		1	1														
Salvage, scrap and junk storage and processing															2	1	
Saw mills		1	1														
Schools, language				2	2	2	2	2									
Self-storage facilities											1	1	1				
Storage yards														1			
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		1	1														
Utility installations, Type B	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Vacation cabins	1																
Waste disposal and processing	2		2												2		
Wind machines		1	1	1	1	1				1	1			1	1		1
Zoos	2		2														

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, lot dimensions and all-weather surface 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. 9/15/94 Ord. 94-64

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.

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.

Am. 3/15/94 Ord. 94-14 (d)

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 p.m. and 7 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.

4.40-9 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 a.m. and 10 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.

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 p.m. and 7 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 p.m. and 7 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.

4.40-20 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.

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.

Joint use of private off-street parking facilities in satisfaction of appropriate portions of off-street parking requirements may be allowed, provided:

(a) 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.

(b) 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.

(c) 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 of the City.

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 p.m. and 7 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 p.m. and 7 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 p.m. and 7 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 a.m. and 10 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.

Off-site parking facilities may be permitted by the director subject to the following guidelines:

(a) 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.

(b) 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.

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 a.m. and 5 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.

(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 a.m. and 10 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. Am. 4/28/94 Ord. 94-25

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.

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.

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 grant site plan review permits by modifying application of the underlying district regulations relating to yards, lot dimensions and all-weather surface 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. 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 Social Services and Housing.

(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. Zoning Adjustments: Carports and Garages.
2. Residential Uses and Development Standards.

5.50 Apartment Districts: Purpose and Intent.

1. Apartment Uses and Development Standards.

5.60 Apartment Mixed Use Districts: Purpose and Intent.

1. Apartment Mixed Use 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 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 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, all uses, structures and development standards shall be in accordance with Table 5.3.

5.10-2 Golf Courses.

(a) Golf courses shall be permitted 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 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 PRU* approval.

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* **Plan Review Use.** See Sec. 3.160.

Am. 3/15/94
Ord. 94-18

TABLE 5.3-A

Am. 9/15/94
Ord. 94-64

P-2 GENERAL PRESERVATION DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Aquaculture	See Article 9, Accessory Use	See Article 4
Cemeteries and columbaria		Conditional Uses, Type 1:
Crop production		Historic structures, Use of
Forestry	In addition:	Marina accessories
Game preserves	Roadside stands shall not be permitted as an accessory use	Recreation facilities, outdoor
Golf courses*		Resource extraction
Livestock grazing	For outdoor recreation facilities, accessory uses shall be designed and scaled to meet only the requirements of the members, guests, or users of the facility	Utility installations, Type B
Public uses and structures		Vacation cabins
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Conditional Uses, Type 2:
		Broadcasting antennas
Utility installations, Type A		Waste disposal and processing
		Zoos

* See Sections 5.10-2 and 3.160-1(e)

TABLE 5.3-B

P-2 GENERAL PRESERVATION DISTRICT DEVELOPMENT STANDARDS

Standards	P-2
Minimum Lot Area	5 acres
Minimum Lot Width and Depth	200 feet
Yards	
Front	30 feet
Side and Rear	15 feet
Maximum Building Area	5 percent of the zoning lot
Maximum Height	15 feet; up to 25 feet is permitted if height setbacks are provided Height Setbacks: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height above 15 feet (See Figure 5.1)

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 multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed four dwelling units in any structure.

(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 datum;

(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, lease, agreement of sale, mortgage and other instrument 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 instrument 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 agreement, deeds, covenants and other instrument of conveyances;

(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.

Within the AG-1 Restricted Agricultural District and the AG-2 General Agricultural District, all uses, structures and development standards shall be in accordance with Tables 5.4 and 5.5, respectively.

Am. 3/15/94 Ord. 94-17 **TABLE 5.4-A** Am. 3/15/94 Ord. 94-18 Am. 9/15/94 Ord. 94-64

AG-1 RESTRICTED AGRICULTURAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Aquaculture	See Article 9, Accessory Use	See Article 4
Crop production		Conditional Uses, Type 1:
Farm dwellings		Agricultural products processing, minor, if conducted on a zoning lot not used for crop production
Forestry	In addition:	
Livestock grazing	No more than 1 roadside stand for sale of agricultural products produced on the premises, provided that no stand shall exceed 500 square feet in floor area	Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets
Livestock production, major, provided: 1. 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. 2. The operation must have all appropriate approvals from the State Department of Health. 3. Piggeries shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district.	Agricultural products processing, minor, if conducted on the same zoning lot on which the crop is cultivated	Helistops
	Home occupations, see also Article 3	Historic structures, Use of
	Wind machines with a rated capacity of no more than 100 kilowatts	Neighborhood grocery stores
		Resource extraction
		Sale and service of machinery used in agricultural production
		Saw mills
Livestock production, minor		Storage and sale of seed, feed, fertilizer and other products essential to agricultural production
Livestock veterinary services		
Public uses and structures		Utility installations, Type B

TABLE 5.4-A

AG-1 RESTRICTED AGRICULTURAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Wind machines with a rated capacity of more than 100 kilowatts
Utility installations, Type A		Conditional Uses, Type 2:
		Agricultural products processing, major, on a site area of one acre or less
		Broadcasting antennas
		Group living facilities

TABLE 5.4-B

AG-1 RESTRICTED AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS

Standards	AG-1
Minimum Lot Area	5 acres
Minimum Lot Width and Depth	150 feet
Yards	
Front	15 feet
Side and Rear	10 feet
Maximum Building Area	10 percent of the zoning lot for non-agricultural structures
Maximum Height	15 feet for non-agricultural structures and dwellings. Up to 25 feet is permitted if height setbacks are provided <u>Height Setbacks</u>: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height above 15 feet (See Figure 5.1)

Am. 3/15/94 Ord. 94-17 **TABLE 5.5-A** Am. 3/15/94 Ord. 94-18 Am. 9/15/94 Ord. 94-64

AG-2 GENERAL AGRICULTURAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Aquaculture	See Article 9, Accessory Uses	See Article 4
Crop production		Conditional Uses, Type 1:
Day-care facilities*		Agricultural products processing, minor, if conducted on a zoning lot not used for crop production
Farm dwellings	In addition:	Cemeteries, columbaria
Forestry	No more than 1 roadside stand for sale of agricultural products produced on the premises, provided that no stand shall exceed 500 square feet in floor area	Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets
Game preserves	Agricultural products processing, minor, if conducted on the same zoning lot on which the crop is cultivated	Helistops
Kennels, commercial, provided structures shall not be located within 100 feet of any property line unless sound-proofed and air-conditioned	Home occupations, see also Article 3	Historic structures, Use of
Livestock grazing	Wind machines with a rated capacity of no more than 100 kilowatts	Livestock production, major
Livestock production, minor		Neighborhood grocery stores
Livestock veterinary services		Recreation facilities, outdoor
Meeting facilities*		Resource extraction
Public uses and structures		Sale and service of machinery used in agricultural production
Schools: Elementary, intermediate, high*		Saw mills

* Subject to site plan review

TABLE 5.5-A

AG-2 GENERAL AGRICULTURAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Storage and sale of seed, feed, fertilizer and other products essential to agricultural production
		Utility installations, Type B
Utility installations, Type A		Wind machines with a rated capacity of more than 100 kilowatts
		<u>Conditional Uses, Type 2</u>:
		Agricultural products processing, major, on a site area of one acre or less
		Broadcasting antennas
		Group living facilities
		Waste disposal and processing
		Zoos

TABLE 5.5-B

AG-2 GENERAL AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS

Standards	AG-2
Minimum Lot Area	3 acres for livestock production, major 2 acres for all other uses
Minimum Lot Width and Depth	150 feet
Yards	
Front	15 feet
Side and Rear	10 feet
Maximum Building Area	10 percent of the zoning lot for non-agricultural structures
Maximum Height	15 feet for non-agricultural structures and dwellings. Up to 25 feet is permitted if height setbacks are provided <u>Height Setbacks</u>: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 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 multifamily dwellings shall be permitted. Multifamily 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.

Within the country district, all uses, structures and development standards shall be in accordance with Table 5.6 which follows.

Am. 4/28/94
Ord. 94-25

TABLE 5.6-A

COUNTRY DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Aquaculture	See Article 9, Accessory Uses	See Article 4
Crop production		Conditional Uses, Type 1:
Day-care facilities*		Joint development
Dwellings, detached, one-family	In addition:	Joint use of parking
Kennels, commercial, provided structures shall not be located within 100 feet of any property line, unless sound-proofed and air-conditioned	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Neighborhood grocery stores
Livestock grazing	Home occupations, see also Article 3	Off-site parking facilities
Livestock production, minor	Roomers, up to 3, provided the dwelling is occupied by a family composed of persons related by blood, adoption or marriage and is not used as a group living facility	Recreation facilities, outdoor
Livestock veterinary services	Wind machines with a rated capacity of no more than 10 kilowatts	Utility installations, Type B
Meeting facilities*	No more than 1 roadside stand for sale of agricultural products produced on the premises, provided that no stand shall exceed 500 square feet in floor area	Wind machines with a rated capacity of no more than 100 kilowatts
Public uses and structures		Conditional Uses, Type 2:
Schools: Elementary, intermediate, high*		Group living facilities
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Historic structures, Use of
		Schools, language

* Subject to site plan review

TABLE 5.6-A

COUNTRY DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Utility installations, Type A		

TABLE 5.6-B

COUNTRY DISTRICT DEVELOPMENT STANDARDS

Standards	Country
Minimum Lot Area	1 acre
Minimum Lot Width and Depth	100 feet
Yards	
Front	15 feet
Side and Rear	10 feet
Maximum Building Area	25 percent of the zoning lot for non-agricultural structures
Maximum Height	15 feet. Up to 25 feet is permitted if height setbacks are provided Height Setbacks: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height above 15 feet (See Figure 5.1) Structures on lots with a slope of 15 percent or more shall be governed by a maximum building height envelope running parallel to grade at 30 feet in height measured vertically which intersects a vertical front yard plane 20 feet in height set at the front buildable area boundary line (this intersection shall be made at an angle of 60 degrees measured from the top of the front yard plane) (See Figure 5.2A) and which intersects a vertical rear yard plane 20 feet in height set at the rear buildable area line (this intersection shall be made at a 60-degree angle measured fom the top of the rear yard plane) (See Figure 5.2B) and which intersects a side yard plane 20 feet in height set at the

TABLE 5.6-B

COUNTRY DISTRICT DEVELOPMENT STANDARDS

Standards	Country
	side buildable area line (this intersection shall be made at a 60-degree angle measured from the top of the side yard plane) (See Figure 5.2C)

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 Zoning Adjustments: Carports and Garages. Am. 3/15/94 Ord. 94-18

(a) A one-car or two-car carport or garage may encroach into required front and side yards, including those in special districts, only under the following conditions:

(1) That no other viable alternative site exists relative to existing dwelling or to the topography of a vacant zoning lot.

(2) That the landowner must authenticate the nonconformity of the existing dwelling, carport or garage, if necessary.

(b) Any carport or garage covered by Subsection (a) of this section shall not be converted to a use other than a carport or garage.

5.40-2 Residential Uses and Development Standards.

(a) Within the R-20 and R-10 districts, all uses, structures and development standards shall be in accordance with Table 5.7 which follows.

(b) Within the R-7.5 and R-5 districts, all uses, structures and development standards shall be in accordance with Table 5.8 which follows.

(c) Within the R-3.5 district, all uses, structures and development standards shall be in accordance with Table 5.9 which follows.

'Am. 4/28/94
Ord. 94-25

TABLE 5.7-A

R-20 & R-10 RESIDENTIAL DISTRICTS PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Day-care facilities*	See Article 9, Accessory Uses	See Article 4
Dwellings, detached, one-family		<u>Conditional Uses, Type 1</u>:
Meeting facilities*		Consulates
Public uses and structures	In addition:	Joint development
Schools: Elementary, intermediate, high*	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Joint use of parking
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2	Guest houses, detached, in R-20, provided the zoning lot is greater than 20,000 square feet	Neighborhood grocery stores
Utility installations, Type A	Home occupations, see also Article 3	Off-site parking facilities
	Roomers, up to 3, provided the dwelling is occupied by a family composed of persons related by blood, adoption or marriage, and is not used as a group living facility	Utility installations, Type B
		Wind machines, with a rated capacity of no more than 1 kilowatt
		<u>Conditional Uses, Type 2</u>:
		Group living facilities
		Historic structures, Use of
		Schools, language

* Subject to site plan review

Am. 3/15/94
Ord. 94-18

TABLE 5.7-B

R-20 & R-10 RESIDENTIAL DISTRICTS
DEVELOPMENT STANDARDS

Standards	R-20	R-10
Minimum Lot Area	20,000 square feet	10,000 square feet
Minimum Lot Width and Depth	100 feet	65 feet for dwelling use 100 feet for other uses
Yards		
Front	10 feet for dwelling use 30 feet for other uses	
Side and Rear	5 feet for dwelling use 15 feet for other uses	
Maximum Building Area	50 percent of the zoning lot	
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 5.2). Height Setbacks: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height over 15 feet (See Figure 5.1)	

TABLE 5.7-B

R-20 & R-10 RESIDENTIAL DISTRICTS DEVELOPMENT STANDARDS

Standards	R-20	R-10
	Any portion of a structure exceeding 20 feet shall be set back from the front yard buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet	
	Zoning Adjustment: Height Setback	
	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; 3. The lot shall be limited to dwelling use.	

Am. 4/28/94
Ord. 94-25

TABLE 5.8-A

R-7.5 & R-5 RESIDENTIAL DISTRICTS PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Day-care facilities*	See Article 9, Accessory Use	See Article 4
Duplex units		Conditional Uses, Type 1:
Dwellings, detached, one-family, two-family		Consulates
	In addition:	Joint development
Meeting facilities*		Joint use of parking
Public uses and structures	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Neighborhood grocery stores
Schools: Elementary, intermediate, high*		Off-site parking facilities
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2	Home occupations, see also Article 3	Utility installations, Type B
	Roomers, up to 3, provided the dwelling is occupied by a family composed of persons related by blood, adoption or marriage, and not used as a group living facility	Wind machines with a rated capacity of no more than 1 kilowatt
Utility installations, Type A		
		Conditional Uses, Type 2:
		Group living facilities
		Historic structures, Use of
		Schools, language

* Subject to site plan review

'Am. 3/15/94
Ord. 94-18

TABLE 5.8-B

R-7.5 & R-5 RESIDENTIAL DISTRICTS DEVELOPMENT STANDARDS

Standards	R-7.5	R-5
Minimum Lot Area	7,500 square feet for one-family detached dwelling and other uses	5,000 square feet for one-family detached dwelling and other uses
	14,000 square feet for two-family detached dwelling	7,500 square feet for two-family detached dwelling
	7,000 square feet per duplex unit	3,750 square feet per duplex unit
Minimum Lot Width and Depth	65 feet for detached dwelling and other uses	50 feet for detached dwelling and other uses
	35 feet per duplex unit	30 feet per duplex unit
Yards		
Front	10 feet for detached dwelling and duplex unit	
	30 feet for other uses	
Side and Rear	5 feet for detached dwelling	
	For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall	
	15 feet for other uses	
Maximum Building Area	50 percent of the zoning lot	

TABLE 5.8-B

R-7.5 & R-5 RESIDENTIAL DISTRICTS DEVELOPMENT STANDARDS

Standards	R-7.5	R-5
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 Section 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 5.2). Height Setbacks: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height over 15 feet (See Figure 5.1) Any portion of a structure exceeding 20 feet shall be set back from the front yard buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet. Zoning Adjustment: Height Setback 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; 3. The lot shall be limited to dwelling use.	

'Am. 4/28/94
Ord. 94-25'

TABLE 5.9-A

R-3.5 RESIDENTIAL DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Day-care facilities*	See Article 9, Accessory Use	See Article 4
Duplex units		<u>Conditional Uses, Type 1</u>:
Dwellings, detached, one-family, two-family		Consulates
Meeting facilities*	In addition:	Joint development
Public uses and structures	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Joint use of parking
Schools: Elementary, intermediate, high*		Neighborhood grocery stores
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2	Home occupations, see also Article 3	Off-site parking facilities
Utility installations, Type A	Roomers, up to 3, provided the dwelling is occupied by a family composed of persons related by blood, adoption or marriage, and not used as a group living facility	Utility installations, Type B
		Wind machines, with a rated capacity of no more than 1 kilowatt
		<u>Conditional Uses, Type 2</u>:
		Group living facilities
		Historic structures, Use of
		Schools, language

* Subject to site plan review

Am. 3/15/94
Ord. 94-18

TABLE 5.9-B

R-3.5 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Standards	R-3.5
Minimum Lot Area	3,500 square feet for one-family detached dwelling, duplex unit and other uses 7,000 square feet for two-family detached dwelling
Minimum Lot Width and Depth	50 feet for detached dwelling and other uses 30 feet per duplex unit
Yards	
Front	10 feet for detached dwelling and duplex unit 30 feet for other uses
Side and Rear	5 feet for detached dwelling For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall 15 feet for other uses
Maximum Building Area	50 percent of the zoning lot
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 Section 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 5.2).

TABLE 5.9-B

R-3.5 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Standards	R-3.5
	Height Setbacks: Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height over 15 feet (See Figure 5.1) Any portion of a structure exceeding 20 feet shall be set back from the front yard buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet
Zoning Adjustment: Height Setback	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; 3. The lot shall be limited to dwelling use.

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, walk-up 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, multifamily 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, multifamily 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, highrise, multifamily dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present.

5.50-1 Apartment Uses and Development Standards.

(a) Within the apartment districts, all uses and structures shall be in accordance with Table 5.10-A which follows.

(b) Within the A-1 Low Density Apartment District, development standards shall be as shown in Table 5.10-B, which follows.

(c) Within the A-2 Medium Density Apartment District, development standards shall be as shown in Table 5.10-C, which follows.

(d) Within the A-3 High Density Apartment District, development standards shall be as shown in Table 5.10-D, which follows.

Am. 4/28/94
Ord. 94-25

TABLE 5.10-A

A-1, A-2 & A-3 APARTMENT DISTRICTS PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Boarding facilities	See Article 9, Accessory Use	See Article 4
Consulates		Conditional Uses, Type 1:
Day-care facilities*		Joint development
Duplex units	In addition:	Joint use of parking
Dwellings, detached, one-family, two-family	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Neighborhood grocery stores
Dwellings, multi-family		Off-site parking facilities
Meeting facilities*	Home occupations, see also Article 3	Utility installations, Type B
Public uses and structures		
Schools: Elementary, intermediate, high*		Conditional Uses, Type 2:
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Group living facilities
		Historic structures, Use of
		Schools, language
Utility installations, Type A		

* Subject to site plan review

Am. 3/15/94
Ord. 94-18

TABLE 5.10-B

A-1 LOW DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-1	
Minimum Lot Area	7,500 square feet There shall be no minimum lot area for off-site parking facilities	
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities	
Yards	Except for necessary access drives and walkways, all yards shall be landscaped	
Front	10 feet	
Side and Rear	5 feet for off-site parking facilities, detached dwellings, and duplex units 10 feet for other uses For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall	
Maximum Density	Lot Size (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
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot

TABLE 5.10-B

A-1 LOW DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-1
Maximum Height	30 feet

Am. 3/15/94
Ord. 94-18

TABLE 5.10-C

A-2 MEDIUM DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-2
Minimum Lot Area	10,000 square feet There shall be no minimum lot area for off-site parking facilities
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities
Yards	Except for necessary access drives and walkways, all yards shall be landscaped
Front	10 feet
Side and Rear	5 feet for off-site parking facilities, detached dwellings, and duplex units 10 feet for other uses For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall
Optional Yard Siting	Parking lots and garages may extend to side and rear property lines, provided the following requirements are met: 1. An area or areas of open space equivalent to the area to be used for parking or accessory use structures is 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 3 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. 2. Any parking floor in the 10 feet adjacent to the property line shall not be more than 4 feet above existing grade.

TABLE 5.10-C

A-2 MEDIUM DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-2	
	3. Landscaping required under Section 3.80 of this chapter is provided and maintained	
Maximum Density	Lot Size (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
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot
Maximum Height	Maximum heights shall be as shown on the zoning maps Height Setbacks: 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 1 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)	

Am. 3/15/94
Ord. 94-18

TABLE 5.10-D

A-3 HIGH DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-3
Minimum Lot Area	15,000 square feet There shall be no minimum lot area for off-site parking
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities
Yards	Except for necessary access drives and walkways, all yards shall be landscaped
Front	10 feet
Side and Rear	5 feet for off-site parking facilities, dwellings, and duplex units 10 feet for other uses For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall
Optional Yard Siting	Parking lots and garages may extend to side and rear property lines, provided the following requirements are met: 1. An area or areas of open space equivalent to the area to be used for parking or accessory use structures is 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 3 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. 2. Any parking floor in the 10 feet adjacent to the property line shall not be more than 4 feet above existing grade.

TABLE 5.10-D

A-3 HIGH DENSITY APARTMENT DISTRICT DEVELOPMENT STANDARDS

Standards	A-3	
	3. Landscaping required under Section 3.80 of this chapter is provided and maintained	
Maximum Density	Lot Size (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
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot
Maximum Height	Maximum heights shall be as shown on the zoning maps Height Setbacks: 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 fraction thereof, an additional 1 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 District: 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 Uses and Development Standards.

(a) Within apartment mixed use districts, all uses and structures shall be in accordance with Table 5.11-A which follows.

(b) Within the AMX-1 low density apartment mixed use district, development standards shall be in accordance with Table 5.11-B which follows.

(c) Within the AMX-2 medium density apartment mixed use district, development standards shall be in accordance with Table 5.11-C which follows.

(d) Within the AMX-3 high density apartment mixed use district, development standards shall be in accordance with Table 5.11-D which follows.

Am. 4/28/94
Ord. 94-25

TABLE 5.11-A

AMX-1, AMX-2 & AMX-3 APARTMENT MIXED USE DISTRICTS PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Boarding facilities	See Article 9, Accessory Uses	See Article 4
Consulates		Conditional Uses, Type 1:
Day-care facilities*		Commercial parking lots and garages[1]
Duplex units	In addition:	Convenience stores[1]
Dwellings, detached, one-family, two-family	Antennas, dish, provided ground dish antennas shall be screened by walls, earth berms and/or landscaping a minimum of 4 feet in height	Dance or music schools[1]
Dwellings, multifamily		Eating establishments[1]
Financial institutions[1]	Home occupations, see also Article 3	Historic structures, Use of
Medical clinics[1] provided there are no emergency services		Joint development
Meeting facilities*		Joint use of parking
Personal services[1]		Neighborhood grocery stores
Public uses and structures		Off-site parking facilities
Schools: Elementary, intermediate, high*		Utility installations, Type B
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		Conditional Uses, Type 2:
		Group living facilities
		Schools, language
Utility installations, Type A		

[1] See Table 5.11-B for special density controls
* Subject to site plan review

'Am. 3/15/94
Ord. 94-18

TABLE 5.11-B

AMX-1 LOW DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-1	
Minimum Lot Area	7,500 square feet	
	There shall be no minimum lot area for off-site parking facilities	
Minimum Lot Width and Depth	70 feet	
	There shall be no minimum lot width or depth for off-site parking facilities	
Yards	Except for necessary access drives and walkways, all yards shall be landscaped	
Front	10 feet	
Side and Rear	5 feet for off-site parking facilities, detached dwellings, and duplex units	
	10 feet for other uses	
	For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall	
Maximum Density	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 5.11-B

AMX-1 LOW DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-1	
Commercial Use Density and Location	The floor area of any of the uses marked by [1] under Table 5.11-A, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR of 0.3, and such floor area shall be counted as part of the total FAR allowed above Further, where these 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	
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot
Maximum Height	30 feet	

Am. 3/15/94
Ord. 94-18

TABLE 5.11-C

AMX-2 MEDIUM DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-2
Minimum Lot Area	10,000 square feet There shall be no minimum lot area for off-site parking facilties
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities
Yards	Except for necessary access drives and walkways, all yards shall be landscaped
Front	10 feet
Side and Rear	5 feet for off-site parking facilities, detached dwellings, and duplex units 10 feet for other uses For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall
Optional Yard Siting	Parking lots and garages may extend to side and rear property lines, provided the following requirements are met: 1. An area or areas of open space equivalent to the area to be used for parking or accessory use structures is 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 3 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. 2. Any parking floor in the 10 feet adjacent to the property line shall not be more than 4 feet above existing grade.

TABLE 5.11-C

AMX-2 MEDIUM DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-2	
	3. Landscaping required under Section 3.80 of this chapter is provided and maintained.	
Maximum Density	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
Commercial Use Density and Location	The floor area of any of the uses marked by [1] under Table 5.11-A, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR of 0.4, and such floor area shall be counted as part of the total FAR allowed above Further, where these 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	
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot
Maximum Height	Maximum heights shall be as shown on the zoning maps Height Setbacks: For any portion of a structure over 40 in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional 1 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)	

Am. 3/15/94
Ord. 94-18

TABLE 5.11-D

AMX-3 HIGH DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-3
Minimum Lot Area	15,000 square feet There shall be no minimum lot area for off-site parking facilities
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities
Yards	Except for necessary access drives and walkways, all yards shall be landscaped
Front	10 feet
Side and Rear	5 feet for off-site parking facilities, detached dwellings, and duplex units 10 feet for other uses For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall
Optional Yard Siting	Parking lots and garages may extend to side and rear property lines, provided the following requirements are met: 1. An area or areas of open space equivalent to the area to be used for parking or accessory use structures is 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 3 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. 2. Any parking floor in the 10 feet adjacent to the property line shall not be more than 4 feet above existing grade.

TABLE 5.11-D

AMX-3 HIGH DENSITY APARTMENT MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	AMX-3	
	3. Landscaping required under Section 3.80 of this chapter is provided and maintained.	
Maximum Density	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
Commercial Use Density and Location	The floor area of any of the uses marked by [1] under Table 5.11-A, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR of 0.6, and such floor area shall be counted as part of the total FAR allowed above Further, where these 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	
	Lot Area	Requirement
Maximum Building Area	Less than 7,500 sq. ft.	60 percent of the zoning lot
	7,500 sq. ft. - 20,000 sq. ft.	50 percent of the zoning lot
	Over 20,000 sq. ft.	40 percent of the zoning lot
Maximum Height	Maximum heights shall be as shown on the zoning maps Height Setbacks: 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 fraction thereof, an additional 1 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)	

5.70 Resort District: Purpose and Intent.

The pupose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multifamily 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.

Within the Resort District, all uses, structures and development standards shall be in accordance with Table 5.12 which follows.

'Am. 3/15/94
Ord. 94-17

TABLE 5.12-A

RESORT DISTRICTS
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Art galleries, museums	See Article 9, Accessory Use	See Article 4
Bars, nightclubs, taverns		Conditional Uses, Type 1:
Cabarets, dance halls		Helistops
Commercial parking lots and garages	In addition:	Historic structures, Use of
Convenience stores	Amusement and recreation facilities, indoor	Joint development
Dwellings, multi-family	Business services	Joint use of parking
Eating establishments	Day-care facilities	Marina accessories
Golf courses	Duplex units	Off-site parking facilities
Hotels	Dwellings, detached, one-family, two-family	Utility installations, Type B
Meeting facilities	Financial institutions	
Public uses and structures	Home occupations, see also Article 3	Conditional Uses, Type 2:
Recreation facilities, outdoor	Medical clinics	None
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2	Personal services	
	Photography studio	
	Retail establishments	
Theaters		
Time sharing		

TABLE 5.12-A

RESORT DISTRICTS
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Transient vacation units		
Utility installations, Type A		

TABLE 5.12-B

RESORT DISTRICT DEVELOPMENT STANDARDS

Standards	Resort
Minimum Lot Area	15,000 square feet There shall be no minimum lot area for off-site parking facilities
Minimum Lot Width and Depth	70 feet There shall be no minimum lot width or depth for off-site parking facilities
Yards	
Front	25 feet Except for necessary access drives and walkways, all front yards shall be landscaped
Side and Rear	20 feet Within 10 feet of the property line, yards shall be maintained in landscaping, except for necessary access drives and walkways For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall
Optional Yard Siting	Parking lots and garages may extend to side and rear property lines, provided the following requirements are met: 1. An area or areas of open space equivalent to the area to be used for parking or accessory use structures is 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 3 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.

TABLE 5.12-B

RESORT DISTRICT DEVELOPMENT STANDARDS

Standards	Resort	
	2. Any parking floor in the 10 feet adjacent to the property line shall not be more than 4 feet above existing grade.	
	3. Landscaping required under Section 3.80 of this chapter is provided and maintained.	
Maximum Density	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 Building Area	50 percent of the zoning lot	
Maximum Height	Maximum heights shall be as shown on the zoning maps 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 1 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 B-1 Neighborhood Business District, all uses, structures and development standards shall be as shown in Table 5.13 which follows.

(b) Within the B-2 Community Business District, all uses, structures and development standards shall be as shown in Table 5.14 which follows.

TABLE 5.13-A

B-1 NEIGHBORHOOD BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Amusement and recreation facilities, indoor	See Article 9, Accessory Use	See Article 4
Art galleries, museums		<u>Conditional Uses, Type 1</u>:
Automobile service stations, provided: 1. A solid wall 6 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. 2. When a pump island is less than 75 feet from a zoning lot in a country, residential, apartment or apartment mixed use district, hours of opertation 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.	In addition: Dwelling units, provided: 1. They are occupied by owners or caretakers of the principal use on the zoning lot. 2. They are located above or behind the principal uses in such a way that they do not interrupt commercial frontage. 3. No more than 4 are located on a zoning lot, with only one dwelling unit per establishment.	Automobile service stations, other than those permitted under the principal use column Convenience stores, other than those permitted under the principal use column Historic structures, Use of Joint development Joint use of parking Off-site parking facilities Recreation facilities, outdoor Utility installations, Type B Wind machines with a rated capacity of no more than 10 kilowatts
Business services		
Commercial parking lots and garages		<u>Conditional Uses, Type 2</u>:
Consulates		Amusement facilities, outdoor

TABLE 5.13-A

B-1 NEIGHBORHOOD BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Convenience stores, provided that when a principal entrance is less than 75 feet or a parking area is less than 20 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. Convenience stores not meeting this condition and intended to operate beyond these hours may be permitted under a Conditional Use Permit, Type 1		
Dance or music schools		
Day-care facilities		
Drive-thru facilities, provided that 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 zoning district		

TABLE 5.13-A

B-1 NEIGHBORHOOD BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Eating establishments, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		
Financial institutions		
Greenhouses, plant nurseries		
Laboratories, medical		
Medical clinics		
Meeting facilities		
Office buildings		
Personal services		
Photography studios		
Public uses and structures		
Repair establishments, minor		
Retail establishments		
Schools, business		
Schools, language		
Schools: Elementary, intermediate and high		

TABLE 5.13-A

B-1 NEIGHBORHOOD BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Theaters		
Utility installations, Type A		
Veterinary establishments in sound-attenuated buildings		

TABLE 5.13-B

B-1 NEIGHBORHOOD BUSINESS DISTRICT DEVELOPMENT STANDARDS

Standards	B-1
Minimum Lot Area	5,000 square feet
Minimum Lot Width and Depth	50 feet
Yards	
Front	10 feet Except for necessary access drives and walkways, all front yards shall be landscaped
Side and Rear	Except for lots adjoining residential, apartment or apartment mixed use districts, side and rear yards shall not be required 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
Maximum Density	Floor Area Ratio (FAR): 1.0
Maximum Height	40 feet Transitional Height Setbacks: Where a zoning lot adjoins* a zoning lot in a residential district, the residential district height setbacks shall be applicable at the buidable area boundary line of the adjoining side of the B-1 zoning lot (See Figure 5.5)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

Am. 3/15/94 Ord. 94-17 **TABLE 5.14-A** Am. 3/15/94 Ord. 94-18

B-2 COMMUNITY BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Amusement and recreation facilities, indoor	See Article 9, Accessory Use	See Article 4
Art galleries, museums		<u>Conditional Uses, Type 1</u>:
Automobile service stations, provided a solid wall 6 feet in height shall be erected and maintained on any side or rear property line which adjoins* a zoning lot in a residential, apartment or apartment mixed use district	In addition:	Helistops
Automobile sales and rentals	Dwelling units, provided: 1. They are occupied by owners or caretakers of the principal use on the zoning lot. 2. They are located above or behind the principal uses in such a way that they do not interrupt commercial frontage. 3. No more than 4 units shall be permitted on any zoning lot, with only one dwelling unit per establishment.	Historic structures, Use of
Bars, nightclubs, taverns, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		Joint development
Broadcasting stations		Joint use of parking
Business services		Marina accessories
Cabarets, dance halls, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		Off-site parking facilities
		Recreation facilities, outdoor
		Self-storage facilities
		Utility installations, Type B
		Wind machines with a rated capacity of no more than 10 kilowatts
		<u>Conditional Uses, Type 2</u>:
		Amusement facilities, outdoor

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.14-A

B-2 COMMUNITY BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public rights-of-way. 2. The use is in a sound-attenuated structure or sound attenuation walls are erected and maintained at the property line. 3. The lot does not adjoin a residential or apartment district.		
Catering establishments		
Commercial parking lots and garages		
Consulates		
Convenience stores		
Dance or music schools		
Day-care facilities		
Drive-thru facilities, provided that 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 zoning district		

TABLE 5.14-A

B-2 COMMUNITY BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Eating establishments, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		
Financial institutions		
Greenhouses, plant nurseries		
Kennels, commercial, including animal pounds and shelters, provided kennels for more than 2 animals shall be sound-attenuated		
Laboratories, medical and research		
Medical clinics		
Meeting facilities		
Office buildings		
Personal services		
Photographic processing		
Photography studios		
Public uses and structures		
Publishing plants for newspapers, books and magazines		

TABLE 5.14-A

B-2 COMMUNITY BUSINESS DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Repair establishments, minor		
Retail establishments		
Schools, business		
Schools, language		
Schools: Elementary, intermediate and high		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or similar features		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Theaters		
Utility installations, Type A		
Veterinary establishments in sound-attenuated buildings		

TABLE 5.14-A

B-2 COMMUNITY BUSINESS DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Wholesaling and distribution operations, provided: 1. No more than 2,000 square feet of floor area is used for wares to be sold at wholesale or to be distributed. 2. No vehicle rated at more than 1.5 ton capacity is used.		

TABLE 5.14-B

B-2 COMMUNITY BUSINESS DISTRICT DEVELOPMENT STANDARDS

Standards	B-2
Minimum Lot Area	5,000 square feet
Minimum Lot Width and Depth	50 feet
Yards	
Front	5 feet 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 dwelling use of the adjoining district (See Figure 5.6)
Side and Rear	Except for lots adjoining* residential, apartment or apartment mixed use districts, side and rear yards shall not be required 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 required yards shall be landscaped, with a screening hedge not less than 42 inches in height, except for necessary drives and walkways
Maximum Density	Floor Area Ratio (FAR): 2.5

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.14-B

B-2 COMMUNITY BUSINESS DISTRICT DEVELOPMENT STANDARDS

Standards	B-2
Open Space Bonus	For each square foot of public open space provided, 5 square feet of floor area may be added, exclusive of required yards For each square foot of arcade area provided, 3 square feet of floor area may be added, exclusive of required yards Maximum density with open space bonuses shall not exceed an FAR of 3.5
Maximum Height	Maximum heights shall be as shown on the Zoning Maps In addition, all of the following provisions applicable to a particular zoning lot shall apply: <u>Street Setbacks</u>: 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) <u>Transitional Height Setbacks</u>: Where a zoning lot adjoins* a zoning lot in a residential, A-1 Apartment or AMX-1 Apartment Mixed Use 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) Where a zoning lot in this district adjoins* a zoning lot in an A-2 or A-3 Apartment District, AMX-2 or AMX-3 Apartment Mixed Use District or Resort District, the following shall apply to the buildable area boundary line on the adjoining side of the B-2 zoning lot: No portion of a structure shall exceed 40 feet in height, provided that additional height shall be permitted if the additional height is set back 1 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 begining of the additional height (See Figure 5.5)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

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 used 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 multifamily 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 5.16-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, non-glaring 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 O'ahu 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 O'ahu Register of Historic Places, ten 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 of paragraph (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 5.16-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 of this chapter.

(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 Uses and Development Standards.

(a) Within the BMX-3 Community Business Mixed Use District, all uses, structures and development standards shall be in accordance with Table 5.15 which follows.

(b) Within the BMX-4 Central Business Mixed Use District, all uses, structures and development standards shall be in accordance with Table 5.16 which follows.

TABLE 5.15-A

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Amusement and recreation facilities, indoor	See Article 9, Accessory Use	See Article 4
Art galleries, museums		<u>Conditional Uses, Type 1</u>:
Automobile sales and rentals		Helistops
Automobile service stations, provided a solid wall 6 feet in height shall be erected and maintained on any side or rear property line which adjoins* a zoning lot in a residential, apartment or apartment mixed use district.	In addition:	Historic structures, Use of
	Home occupations, see also Article 3	Joint development
		Joint use of parking
		Marina accessories
		Off-site parking facilities
		Recreation facilities, outdoor
Bars, nightclubs, taverns, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		Self-storage facilities
		Utility installations, Type B
Boarding facilities		<u>Conditional Uses, Type 2</u>:
Broadcasting stations		Group living facilities
Business services		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-A

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public rights-of-way. 2. The use is in a sound-attenuated structure or sound-attenuated walls are erected and maintained at the property line. 3. The lot does not adjoin* a residential or apartment district.		
Catering establishments		
Commercial parking lots and garages		
Consulates		
Convenience stores		
Dance or music schools		
Day-care facilities		
Drive-thru facilities, provided that 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 zoning district		
Duplex units		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-A

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Dwellings, detached, one-family, two-family		
Dwellings, multi-family		
Eating establishments, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining* a residential or apartment district		
Financial institutions		
Greenhouses, plant nurseries		
Laboratories, medical and research		
Medical clinics		
Meeting facilities		
Office buildings		
Personal services		
Photographic processing		
Photography studios		
Public uses and structures		
Repair establishments, minor		
Retail establishments		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-A

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Schools, business		
Schools, language		
Schools: Elementary, intermediate and high		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Theaters		
Utility installations, Type A		
Veterinary establishments in sound-attenuated buildings		
Wholesaling and distribution operations, provided: 1. No more than 2,000 square feet of floor area is used for wares to be sold at wholesale or to be distributed. 2. No vehicle rated at more than 1.5 ton capacity is used.		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-B

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-3
Minimum Lot Area	5,000 square feet
Minimum Lot Width and Depth	50 feet
Yards	
Front	10 feet for dwelling use 5 feet for other uses 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 dwelling use of the adjoining district (See Figure 5.6)
Side and Rear	5 feet for detached dwellings 10 feet for multi-family dwellings For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is 0 (zero) feet for that portion of the lot containing the common wall Except as noted below, side and rear yards shall be landscaped, except for necessary access drives and walkways For all other uses, side and rear yards shall not be required unless the zoning lot adjoins* a residential, apartment or apartment mixed use district

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-B

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-3
	Where the side or rear property line of a zoning lot in this district 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 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
Maximum Density	Floor Area Ratio (FAR): 2.5
Open Space Bonus	For each square foot of public open space provided, 5 square feet of floor area may be added, exclusive of required yards For each square foot of arcade area provided, 3 square feet of floor area may be added, exclusive of required yards Maximum density with open space bonuses shall not exceed an FAR of 3.5
Maximum Height	Maximum heights shall be as shown on the zoning maps In addition, all of the following provisions applicable to a particular zoning lot shall apply: <u>Street Setbacks</u>: 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) <u>Transitional Height Setbacks</u>: Where a zoning lot in this district adjoins* a zoning lot in a residential, A-1 Apartment or AMX-1 Apartment Mixed Use District, the residential district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (See Figure 5.5)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.15-B

BMX-3 COMMUNITY BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-3
	Where a zoning lot in this district adjoins* a zoning lot in an A-2 or A-3 Apartment District, AMX-2 or AMX-3 Apartment Mixed Use District or Resort District, the following shall apply to the buildable area boundary line on the adjoining side of the BMX-3 zoning lot: No portion of a structure shall exceed 40 feet in height, provided that additional height shall be permitted if the additional height is set back 1 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 begining of the additional height (See Figure 5.5)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-A

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Amusement and recreation facilities, indoor	See Article 9, Accessory Use	See Article 4
Art galleries, museums		Conditional Uses, Type 1:
Automobile sales and rentals		Group living facilities
Automobile service stations, provided a solid wall 6 feet in height shall be erected and maintained on any side or rear property line which adjoins* a zoning lot in a residential, apartment or apartment mixed use district		Helistops
Bars, nightclubs, taverns, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		Historic structures, Use of
Boarding facilities		Joint development
Broadcasting stations		Joint use of parking
Business services		Marina accessories
Cabarets, dance halls, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining a residential or apartment district		Off-site parking facilities
		Recreation facilities, outdoor
		Self-storage facilities
		Utility installations, Type B
		Conditional Uses, Type 2:
		Amusement facilities, outdoor

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-A

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public rights-of-way. 2. The use is in a sound-attenuated structure or sound attenuation walls are erected and maintained at the property line. 3. The lot does not adjoin* a residential or apartment district.		
Catering establishments		
Colleges, business		
Commercial parking lots and garages		
Consulates		
Convenience stores		
Dance or music schools		
Day-care facilities		
Drive-thru facilities, provided that 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 zoning district		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-A

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Dwellings, multi-family		
Eating establishments, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining* a residential or apartment district		
Financial institutions		
Food manufacturing and processing provided: 1. There is no animal slaughtering. 2. Floor area does not exceed 2,000 sq. ft.		
Greenhouses, plant nurseries		
Hotels		
Kennels, commercial, including animal pounds and shelters, provided kennels for more than 2 animals shall be sound-attenuated		
Laboratories, medical and research		
Medical clinics		
Meeting facilities		
Office buildings		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-A

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Personal services		
Photographic processing		
Photography studios		
Public uses and structures		
Publishing plants for newspapers, books and magazines		
Repair establishments, minor		
Retail establishments		
Schools, business		
Schools, language		
Schools: Elementary, intermediate and high		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or other similar features		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-A

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Theaters		
Utility installations, Type A		
Veterinary establishments in sound-attenuated buildings		
Wholesaling and distribution operations from sample stocks		

TABLE 5.16-B

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-4
Minimum Lot Area	15,000 square feet for lots containing multifamily dwellings 5,000 square feet for other uses
Minimum Lot Width and Depth	70 feet for lots containing multifamily dwellings 50 feet for other uses
Yards	
Front	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) 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 dwelling use of the adjoining district (See Figure 5.6)
Side and Rear	Except for zoning lots adjoining* residential, apartment or apartment mixed use districts, side and rear yards shall not be required 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 access drives and walkways.

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-B

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-4
Maximum Density	Floor Area Ratio (FAR): 4.0 Maximum density with an open space bonus, historic resources bonus, or combination of these bonuses shall not exceed an FAR of 7.5
Open Space Bonus	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. For each square foot of arcade area provided, 5 square feet of floor area may be added. If provided, front yards may be included as public open space. 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.
Historic Resources Bonus	For developments 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
Maximum Height	Maximum height shall be as shown on the zoning maps. For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 5.90-2. <u>Height Setbacks</u>: 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)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.16-B

BMX-4 CENTRAL BUSINESS MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	BMX-4
	Transitional Height Setbacks: Where a zoning lot adjoins* a zoning lot in a residential, apartment or apartment mixed use or resort 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)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

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 I-1 Limited Industrial District, all uses, structures and development standards shall be in accordance with Table 5.17 which follows.

(b) Within the I-2 Intensive Industrial District, all uses, structures and development standards shall be in accordance with Table 5.18 which follows.

(c) Within the I-3 Waterfront Industrial District, all uses, structures and development standards shall be in accordance with Table 5.19 which follows.

TABLE 5.17-A

I-1 LIMITED INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Agricultural products processing, minor	See Article 9, Accessory Use	See Article 4
Automobile sales and rentals		Conditional Uses, Type 1:
Automobile service stations		Bars, nightclubs, taverns
Broadcasting stations	In addition:	Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public right-of-ways. 2. The lot does not adjoin* a zoning lot in a residential or apartment district.	Dwelling units, provided: 1. They are occupied by owners or caretakers of the principal uses on the zoning lot. 2. They are located above or behind the principal uses in such a way that they do not interrupt industrial frontage. 3. No more than 4 are located on a zoning lot, with only one dwelling unit per establishment.	Freight movers
Catering establishments		Heavy equipment sales and rentals
Commercial parking lots and garages		Historic structures, Use of
Data processing facilities		Joint development
Day-care facilities		Joint use of parking
Drive-thru facilities, provided that 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 zoning district	Offices, including administrative and executive offices, provided that they are clearly accessory and incidental to uses on the same zoning lot	Manufacturing, processing and packaging, general
		Neighborhood grocery stores
		Off-site parking facilities
	Retailing of products which are manufactured or processed on the premises, except as otherwise specified under Principal Uses	Storage yards
		Utility installations, Type B
		Wind machines

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.17-A

I-1 LIMITED INDUSTRIAL DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Eating establishments, provided a solid fence or wall 6 feet high shall be erected and maintained on any side or rear boundary adjoining* a residential or apartment district		Conditional Uses, Type 2:
Financial institutions		Broadcasting antennas
Food manufacturing and processing		Helistops
Laboratories, medical and research		
Linen suppliers		
Manufacturing, processing and packaging, light		
Motion picture and television production studios without outdoor sets		
Photographic processing		
Plant nurseries		
Public uses and structures		
Publishing plants for newspapers, books and magazines		
Repair establishments, minor		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.17-A

I-1 LIMITED INDUSTRIAL DISTRICT
PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Sale and service of machinery used in agricultural production		
Self-storage facilities		
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Utility installations, Type A		
Warehousing		
Wholesaling and distribution		

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.17-B

I-1 LIMITED INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-1
Minimum Lot Area	7,500 square feet
Minimum Lot Width and Depth	60 feet
Yards	
Front	10 feet Except for necessary access drives and walkways, all front yards shall be landscaped Where a zoning lot in this district 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 dwelling use of the adjoining district (See Figure 5.6).
Side and Rear	Except for zoning lots in this district adjoining* residential, apartment, apartment mixed use or resort districts, side and rear yards shall not be required 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. 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.
Maximum Density	Floor Area Ratio (FAR): 1.0

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.17-B

I-1 LIMITED INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-1
Maximum Building Area	80 percent of the zoning lot 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 principal permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and/or other structural supports.
Maximum Height	40 feet <u>Transitional Height Setbacks</u>: 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 I-1 zoning lot (See Figure 5.5).

*Adjoining: without an intervening street or permanent open space over 25 feet in width

Am. 9/15/94
Ord. 94-64

TABLE 5.18-A

I-2 INTENSIVE INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Agricultural products processing, minor and major	See Article 9, Accessory Use	See Article 4
Animal products processing		<u>Conditional Uses, Type 1</u>:
Automobile service stations		Historic structures, Use of
Automobile sales and rentals	In addition:	Hotels
Bars, nightclubs, taverns	Dwelling units, provided: 1. They are occupied by owners or caretakers of the principal use on the zoning lot.	Joint development
Broadcasting stations		Joint use of parking
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public right-of-ways. 2. The lot does not adjoin* a zoning lot in a residential or apartment district.	2. They are located above or behind the principal uses in such a way that they do not interrupt industrial frontage. 3. No more than 4 units shall be permitted on any zoning lot, with only one dwelling unit per establishment.	Neighborhood grocery stores
		Off-site parking facilities
		Utility installations, Type B
		Wind machines
Catering establishments		
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets	Offices, including administrative and executive offices, provided that they are clearly accessory and incidental to uses on the same zoning lot	<u>Conditional Uses, Type 2</u>:
		Broadcasting antennas
Commercial parking lots and garages		Explosive and toxic chemical manufacturing, storage and distribution
Data processing facilities	Retailing of products which are manufactured or processed on the premises, except as otherwise specified under Principal Uses	Petroleum processing
Day-care facilities		Salvage, scrap and junk storage and processing

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.18-A

I-2 INTENSIVE INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Drive-thru facilities, provided that 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 zoning district		Waste disposal and processing
Eating establishments		
Financial institutions		
Food manufacturing and processing		
Freight movers		
Heavy equipment sales and rentals		
Heliports		
Helistops		
Home improvement centers		
Kennels, commercial, including animal pounds and shelters		
Laboratories, medical and research		
Linen suppliers		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.18-A

I-2 INTENSIVE INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Manufacturing, processing and packaging, light and general		
Motion picture and television production studios		
Photographic processing		
Plant nurseries		
Public uses and structures		
Publishing plants for newspapers, books and magazines		
Repair establishments, minor		
Repair establishments, major		
Resource extraction		
Sale and service of machinery used in agricultural production		
Saw mills		
Schools: vocational, technical, industrial, trade		
Self-storage facilities		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.18-A

I-2 INTENSIVE INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		
Storage yards, but not the sale or processing of scrap, salvage or second-hand material; yards shall be completely enclosed except for necessary openings for ingress and egress by a fence or wall not less than 6 feet in height		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Truck terminals		
Utility installations, Type A		
Veterinary establishments		
Warehousing		
Wholesaling and distribution		

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.18-B

I-2 INTENSIVE INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-2
Minimum Lot Area	7,500 square feet
Minimum Lot Width and Depth	60 feet
Yards	
Front	5 feet Except for necessary access drives and walkways, all front yards shall be landscaped Where a zoning lot in this district 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 dwelling use of the adjoining district (See Figure 5.6).
Side and Rear	Except for zoning lots adjoining* residential, apartment, apartment mixed use or resort districts, side and rear yards shall not be required 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. 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.
Maximum Density	Floor Area Ratio (FAR): 2.5

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.18-B

I-2 INTENSIVE INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-2
Maximum Building Area	80 percent of the zoning lot 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 those between a principal permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and/or other structural supports
Maximum Height	Maximum heights shall be as shown on the zoning maps In addition, all of the following provisions applicable to a particular zoning lot shall apply: <u>Street Setbacks</u>: 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). <u>Transitional Height Setbacks</u>: Where a zoning lot adjoins* a residential, apartment or apartment mixed use or resort district, the district height setbacks shall be applicable at the buildable area boundary line on the adjoining side of the I-2 zoning lot (See Figure 5.5).

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.19-A

I-3 WATERFRONT INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Animal products processing	See Article 9, Accessory Use	See Article 4
Broadcasting stations		<u>Conditional Uses, Type 1</u>:
Drive-thru facilities provided that 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 zoning district	In addition:	Historic structures, Use of
	Offices, including administrative and executive offices, provided that they are clearly accessory and incidental to uses on the same zoning lot	Joint development
		Joint use of parking
		Neighborhood grocery stores
		Off-site parking facilities
Eating establishments		Petroleum processing
Food manufacturing and processing		Salvage, scrap and junk storage and processing
Helistops		Utility installations, Type B
Manufacturing, processing and packaging establishments, light and general		<u>Conditional Uses, Type 2</u>:
Marina accessories		Broadcasting antennas
Maritime related sales, construction, maintenance, and repairing		
Port facilities		
Public uses and structures		
Repair establishments, major		

TABLE 5.19-A

I-3 WATERFRONT INDUSTRIAL DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Repair establishments, minor		
Storage yards, but not 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 6 feet in height		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Truck terminals		
Utility installations, Type A		
Warehousing		
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination		

TABLE 5.19-B

I-3 WATERFRONT INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-3
Minimum Lot Area	7,500 square feet
Minimum Lot Width and Depth	60 feet
Yards	Except for zoning lots adjoining* residential, apartment, apartment mixed use or resort districts, yards shall not be required
Front	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 dwelling use of the adjoining district (See Figure 5.6) Such yards shall be landscaped, except for necessary access drives and walkways
Side and Rear	Where the side or rear property line of a zoning lot in this district 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 (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
Maximum Density	Floor Area Ratio (FAR): 2.5

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.19-B

I-3 WATERFRONT INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Standards	I-3
Maximum Height	Maximum heights shall be as shown on the zoning maps 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) Transitional Height Setbacks: Where a zoning lot adjoins* a zoning lot in a residential, apartment, apartment mixed use or resort district, the residential district height setbacks shall be applicable at the buildable area boundary line on the adjoining side of the I-3 zoning lot (See Figure 5.5)

*Adjoining: without an intervening street or permanent open space over 25 feet in width

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 Uses and Development Standards.

Within the industrial-commercial mixed use district, all uses, structures an development standards shall be in accordance with Table 5.20 which follows.

TABLE 5.20-A

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Agricultural products processing, minor	See Article 9, Accessory Uses	See Article 4
Art galleries, museums[1]	In addition:	<u>Conditional Uses, Type 1</u>:
Automobile service stations	Dwelling units, provided: 1. They are occupied by owners or caretakers of the principal uses on the zoning lot. 2. They are located above or behind the principal uses in such a way that they do not interrupt industrial frontage. 3. No more than 4 are located on a zoning lot, with only one dwelling unit per establishment.	Amusement facilities, indoor and outdoor, motorized
Automobile sales and rentals		Helistops
Bars, nightclubs, taverns, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining* a residential, apartment or apartment mixed use district		Historic structures, Use of
Broadcasting stations[1]		Hotels
Business services[1]		Joint development
Cabarets, dance halls, provided a solid fence or wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining* a residential or apartment district[1]		Joint use of parking
Car washing, mechanized, provided: 1. There is no water runoff onto adjacent properties and public right-of-ways. 2. The lot does not abut a residential or apartment district.		Marina accessories
		Off-site parking facilities
		Utility installations, Type B
		Wind machines
		<u>Conditional Uses, Type 2</u>:
		Broadcasting antennas

[1] See Part B of this table for special density controls.

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.20-A

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Catering establishments		
Commercial parking lots and garages		
Convenience stores[1]		
Data processing facilities[1]		
Day-care facilities[1]		
Drive-thru establishments, provided that 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 zoning district		
Eating establishments, provided a solid fence or wall 6 feet high shall be erected and maintained on any side or rear boundary adjoining* a residential or apartment district		
Financial institutions		
Food manufacturing and processing		
Home improvement centers		

[1] See Part B of this table for special density controls.

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.20-A

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Kennels, commercial, including animal pounds and shelters, provided kennels for more than 2 animals shall be sound-attenuated		
Laboratories, medical and research		
Manufacturing, processing and packaging establishments, light		
Medical clinics[1]		
Meeting facilities[1]		
Motion picture and television production studios		
Office buildings[1]		
Photographic processing[1]		
Photography studios[1]		
Plant nurseries		
Public uses and structures		
Publishing plants for newspapers, books and magazines		
Repair establishments, minor		
Retail establishments[1]		

[1] See Part B of this table for special density controls.

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.20-A

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT PERMITTED USES AND STRUCTURES

Principal	Special Accessory	Conditional
Sale and service of machinery used in agricultural production		
Schools, vocational, which do not involve the operation of woodwork shops, machine shops or similar features[1]		
Self-storage facilities		
Telecommunications antennas, provided that fencing or other barriers are provided to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm^2		
Theaters[1]		
Utility installations, Type A		
Veterinary establishments in sound-attenuated buildings		
Warehousing		
Wholesaling and distribution		

[1] See Part B of this table for special density controls.

* Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.20-B

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	IMX-1
Minimum Lot Area	5,000 square feet
Minimum Lot Width and Depth	50 feet
Yards	
Front	5 feet 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 dwelling use of the adjoining district (See Figure 5.6)
Side and Rear	Except for zoning lots adjoining* residential, apartment, apartment mixed use or resort districts, side and rear yards shall not be required 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.
Maximum Density	Floor Area Ratio (FAR): 2.5

*Adjoining: without an intervening street or permanent open space over 25 feet in width

TABLE 5.20-B

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	IMX-1
Commercial Use Density	The floor area of uses marked by [1] under Part A of this Table shall at no time exceed, in aggregate, an FAR of 1.75 and shall at no time exceed, in aggregate, 75 percent of the floor area of all uses on the zoning lot This restriction shall not apply to lots of 10,000 square feet or less that were of record on June 14, 1993, or to 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.
Maximum Building Area	80 percent of the zoning lot 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 principal permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and/or other structural supports
Maximum Height	Maximum heights shall be as shown on the zoning maps. In addition, all of the following provisions applicable to a particular zoning lot shall apply: <u>Street Setbacks</u>: 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).

*Adjoining: without an intervening street or permanent open space over 25 feet in width

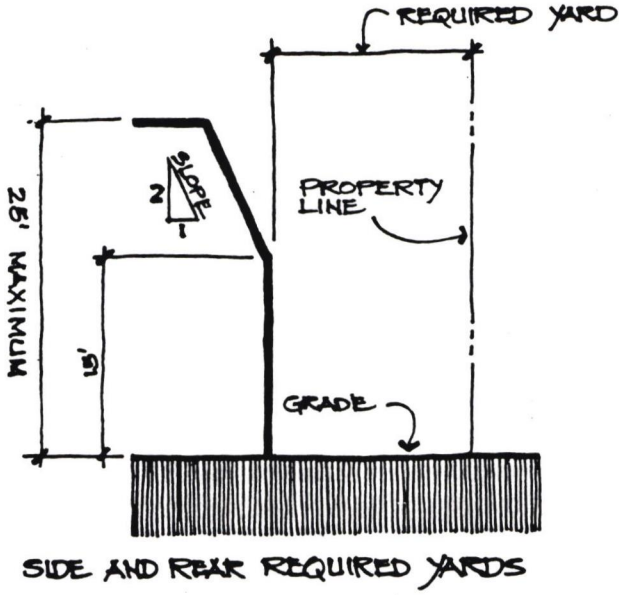
TABLE 5.20-B

IMX-1 INDUSTRIAL-COMMERCIAL MIXED USE DISTRICT DEVELOPMENT STANDARDS

Standards	IMX-1
	Transitional Height Setbacks: Where a zoning lot adjoins* a zoning lot in a residential, A-1 Apartment or AMX-1 Apartment Mixed Use District, the district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (See Figure 5.5). Where a zoning lot in this district adjoins* a zoning lot in an A-2 or A-3 Apartment District or Resort District, the following shall apply to the buildable area boundary line on the adjoining side of the IMX-1 zoning lot: No portion of a structure shall exceed 40 feet in height, provided that additional height shall be permitted if the additional height is set back 1 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).

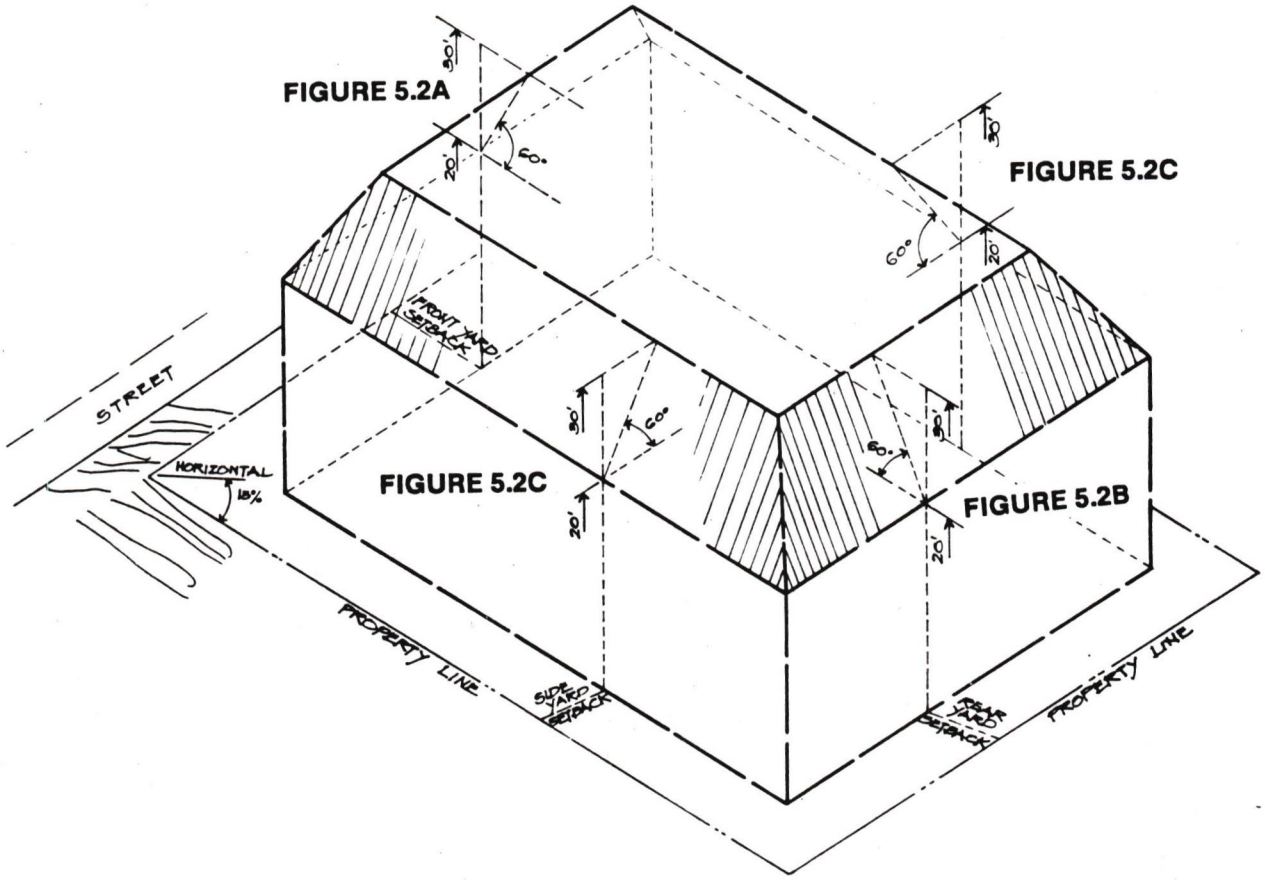
*Adjoining: without an intervening street or permanent open space over 25 feet in width

Figure 5.1



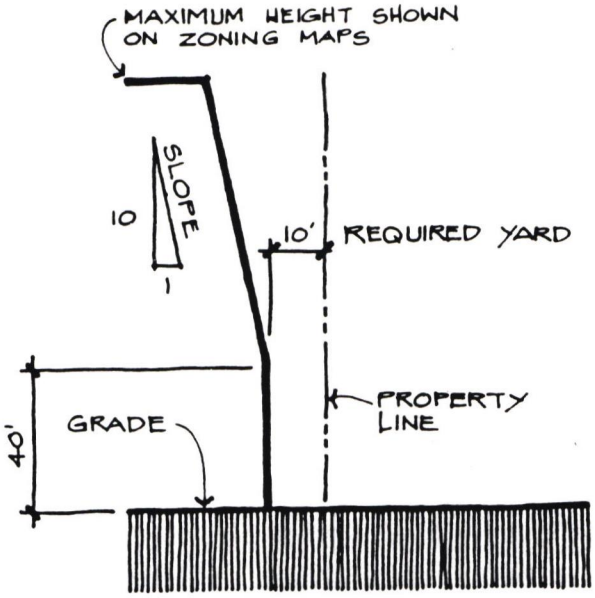
HEIGHT SETBACKS (P-2, AGRICULTURAL AND COUNTRY DISTRICTS)

Figure 5.2



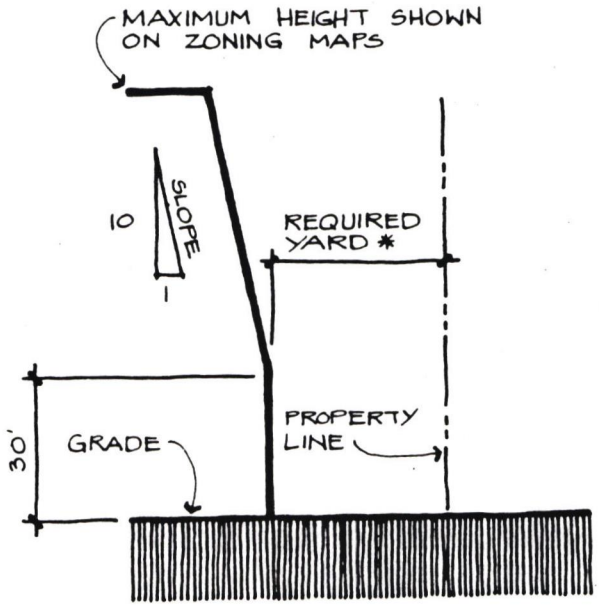
HEIGHTS ON SLOPING LOTS (COUNTRY DISTRICT)

Figure 5.3



A-2, A-3, AMX-2, AMX-3, DISTRICT HEIGHT SETBACK

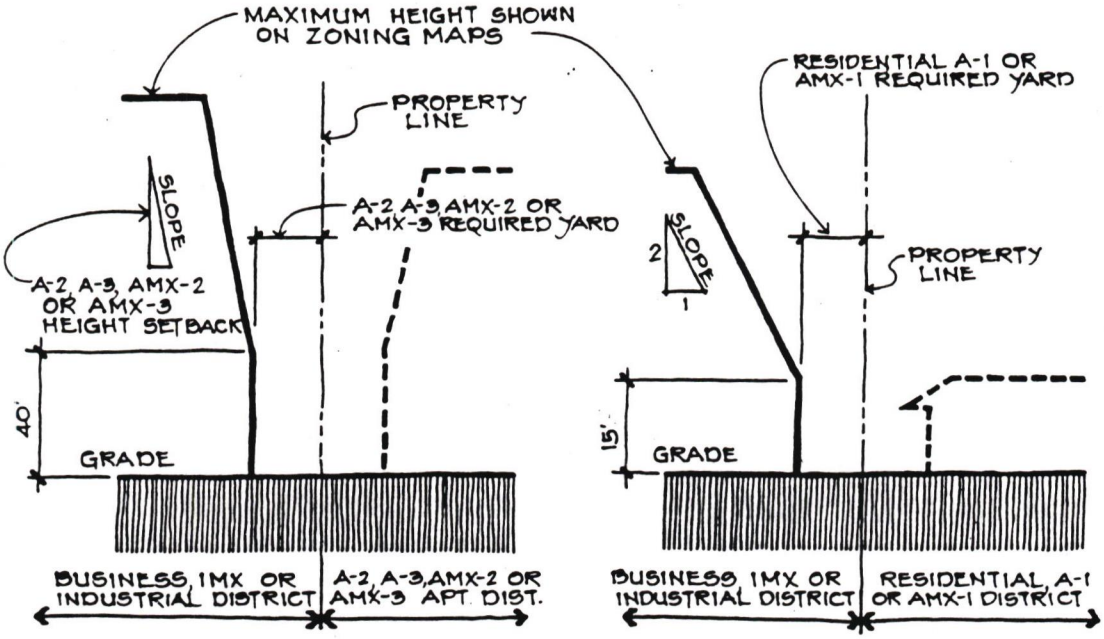
Figure 5.4



* FRONT, SIDE AND REAR

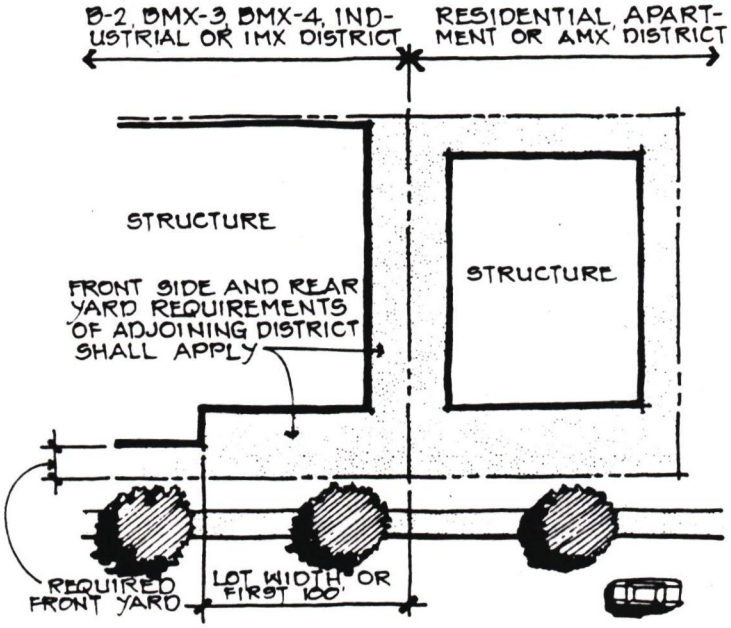
RESORT DISTRICT HEIGHT SETBACK

Figure 5.5



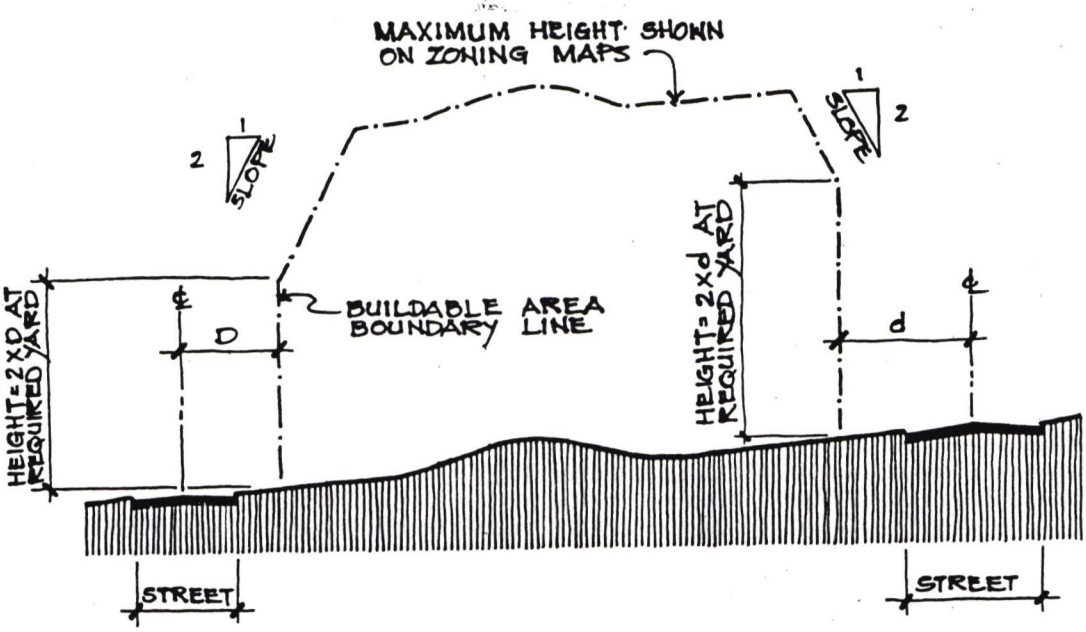
TRANSITIONAL HEIGHTS (BUSINESS, IMX AND ALL INDUSTRIAL DISTRICTS)

Figure 5.6



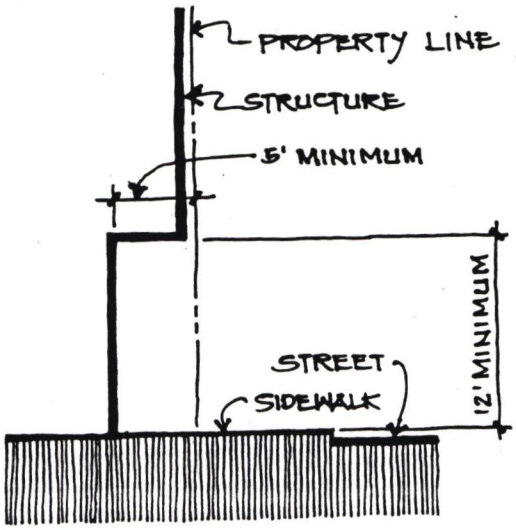
FRONT YARDS (B-2, BMX-3, BMX-4, IMX AND ALL INDUSTRIAL DISTRICTS)

Figure 5.7



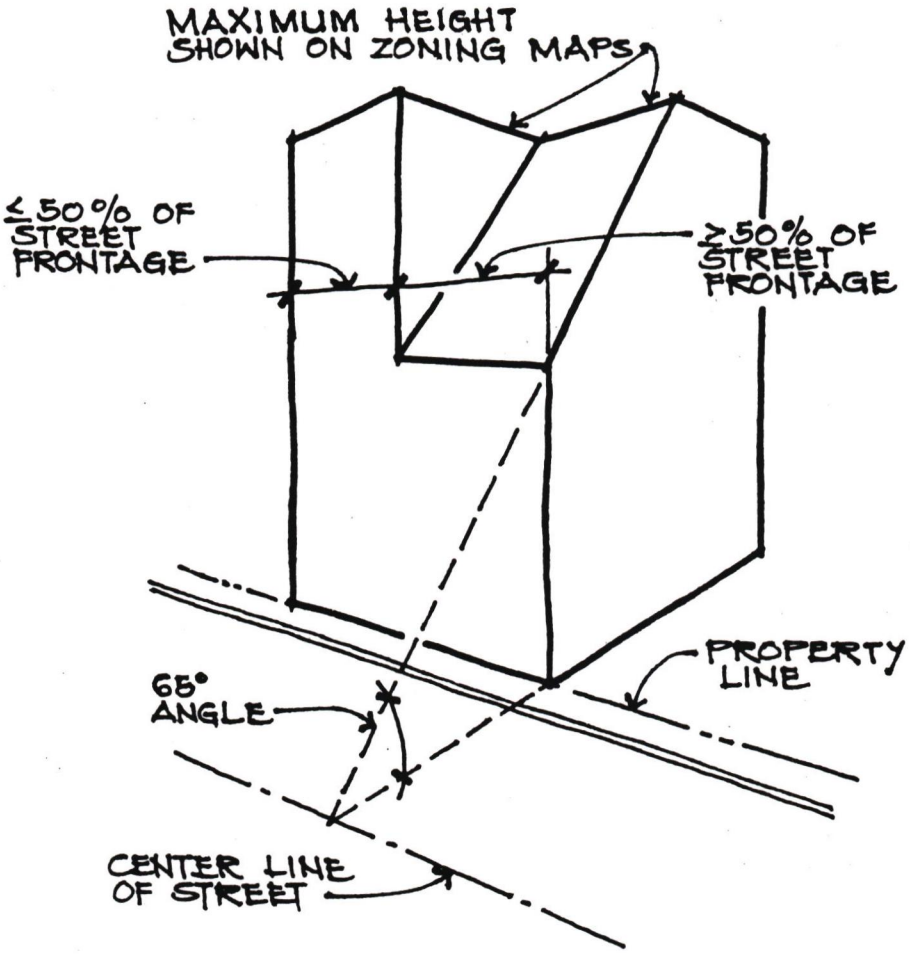
STREET SETBACKS (B-2, BMX-3, I-2, I-3 AND IMX DISTRICTS)

Figure 5.8



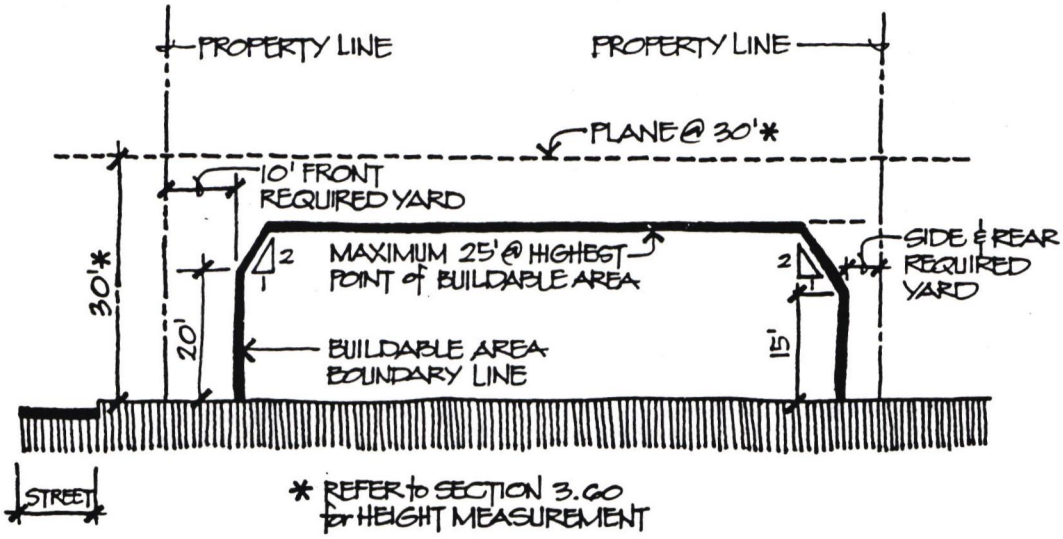
FRONT YARD
BMX-4 DISTRICT

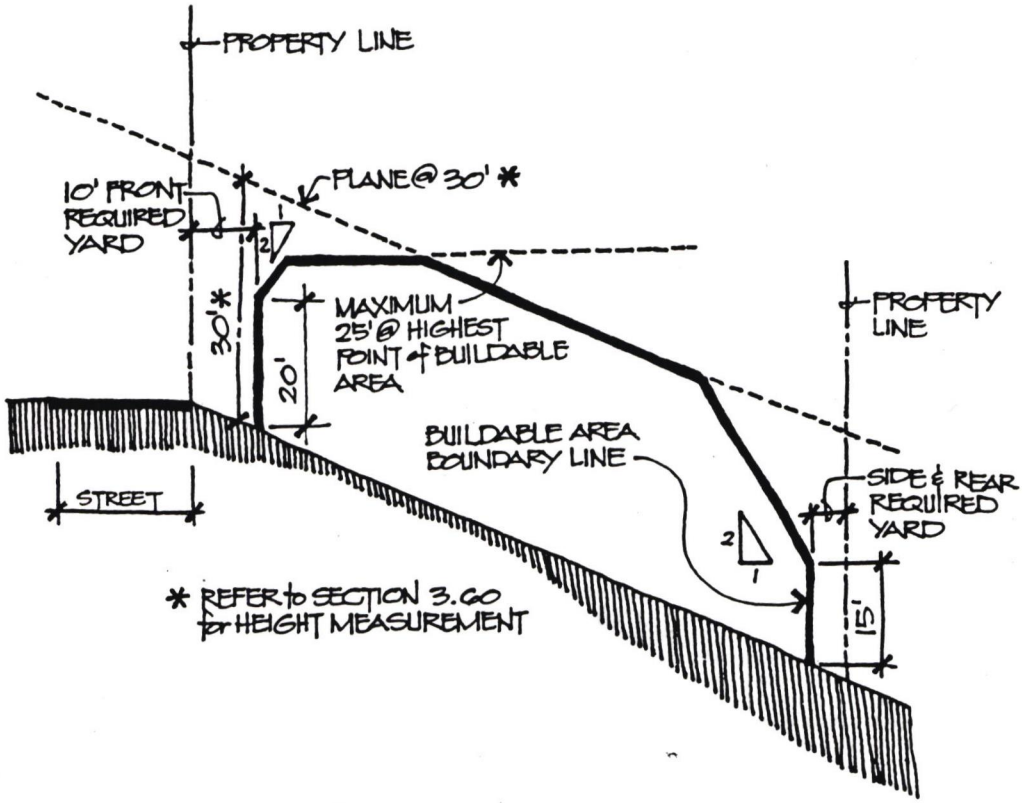
Figure 5.9



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.

6.40 Housing: Zero Lot Line Development.

1. Zero Lot Line Site Plan.

2. Zero Lot Line Site Design Standards.

6.50 Housing: Flexible Site Design.

1. Cluster Housing.

2. Cluster Site Design Standards.

3. Cluster Housing Procedures.

4. Planned Development-Housing (PD-H).

5. PD-H Applicability.

6. PD-H Use Regulations.

7. PD-H Density and Minimum Land Area.

8. PD-H Site Design Standards.

9. PD-H Procedures.

10. Application Requirements.

11. Director's Decision.

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 size and 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 relating to height limits, required yards, 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 maximum floor area for ohana dwellings in the applicable residential zoning district at the time the ohana building permit was issued.

(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. Am. 3/15/94 Ord. 94-18

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 multifamily dwellings shall be permitted. Multifamily 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) 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.

(e) 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.

(f) 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.

(g) 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 multifamily 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, multifamily 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.

ARTICLE 7. SPECIAL DISTRICT REGULATIONS

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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 Flood Plain 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.

(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 before 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.

(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 manmade 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. Am. 3/15/94 Ord. 94-16

(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 it, may be continued and subject to the conditions in Paragraphs (b)(1) through (b)(4) of this section, as follows.

(b) Application for development for a nonconforming structure in the Floodway District shall be accompanied by documentation by a registered professional engineer that to the best available technical knowledge and information, the development would not result in any increase in the regulatory flood elevations.

(1) Repairs and Maintenance.

Exemption from the standards of the Flood Hazard Districts shall be permitted for any work done on any

nonconforming structure in any period of 12 consecutive months on repairs and maintenance, the cost of which does not exceed 50 percent of the replacement value of the structure before the work is started or, if the structure has been damaged and is being restored, before the damage occurred.

(2) Damage, Destruction or Demolition.

(A) Reconstruction and improvements shall be permitted for any work done on any damaged, destroyed or demolished nonconforming structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure before the damage or demolition occurred, provided it is constructed in conformity with the standards and provisions of the Flood Hazard District in which it is located and the damage or demolition occurred within a prior period of 12 months.

(B) 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 as 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 work done on any exterior alteration, additional work or remodeling to any nonconforming structure, provided work is done in a period of 12 consecutive months, the cost of which does not exceed 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.

(c) Relocation.

If a structure is relocated, it shall thereafter conform to the Flood Hazard District; however, exemption from the standards of the Flood Hazard District shall be permitted for any relocation of an existing nonconforming structure which is in the same zoning lot and Flood Hazard District.

7.10-13 Exemptions. Am. 3/15/94 Ord. 94-16

Structures and improvements as listed under the following items (b)(2), (b)(3), (b)(8) and (b)(10) through (b)(14) of this section shall not be exempted in the Coastal High Hazard or Floodway Districts except as follows:

(a) 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 the structure and improvements would not affect the regulatory flood nor aggravate existing flood related erosion hazards.

(b) 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 the structures and improvements would not result in increase of the regulatory flood levels.

(c) 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;

(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.

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.

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, set out at the end of this article, 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 Paragraph 7 of this subsection, 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

instance 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 set out at the end of this article.

(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.

(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 minimum two inches 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.

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 Classification.

Refer to Table 7.1 to determine whether specific projects will be classified as major, minor or exempt.

Am. 3/15/94
Ord. 94-18

TABLE 7.1

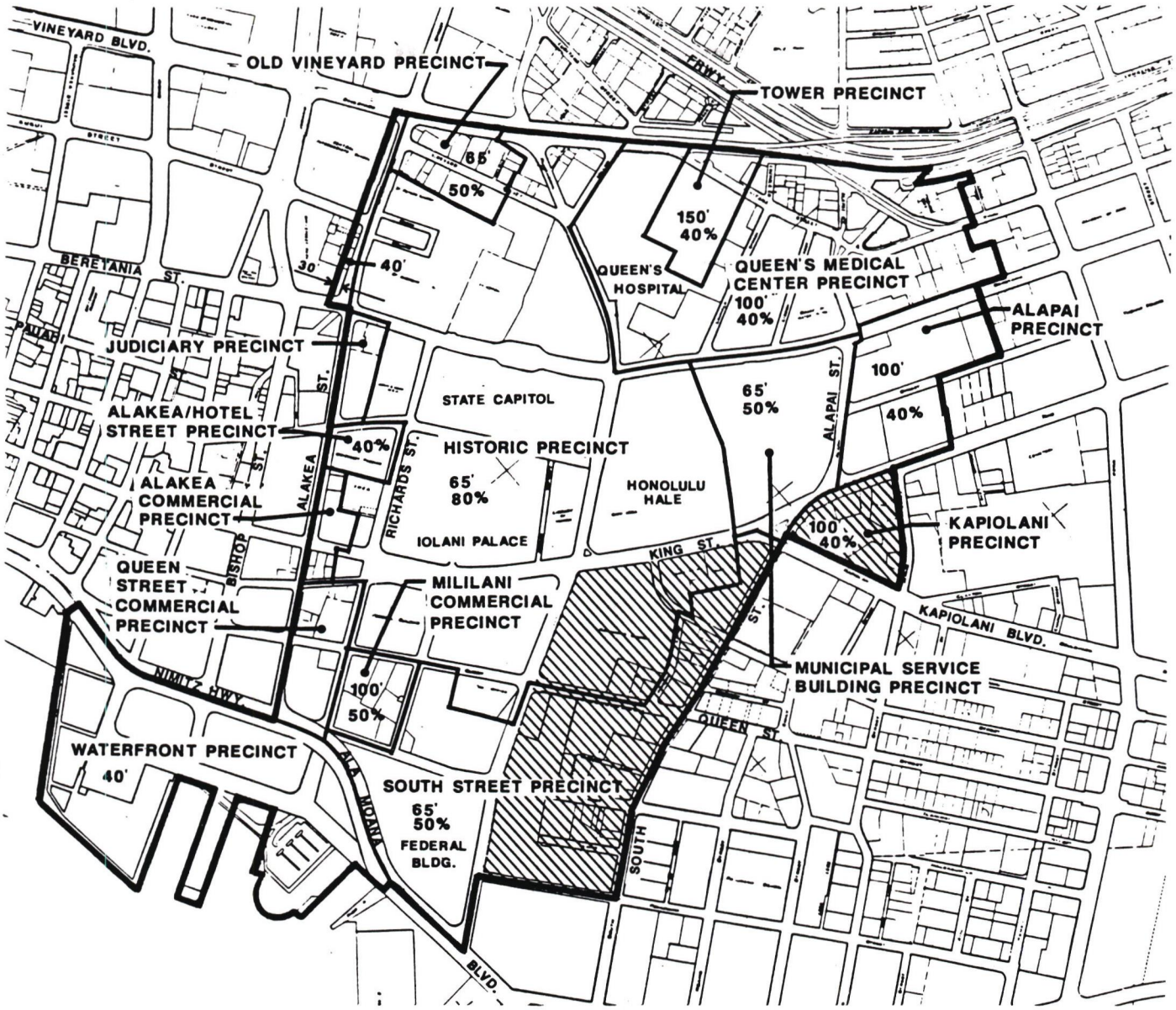
HAWAII CAPITAL SPECIAL DISTRICT

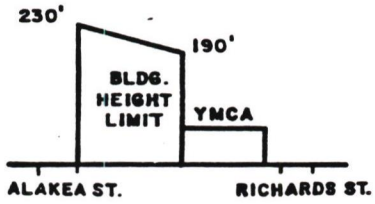
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited in historic precinct
Tree removal over six inches in diameter	m	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition or repair 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
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.

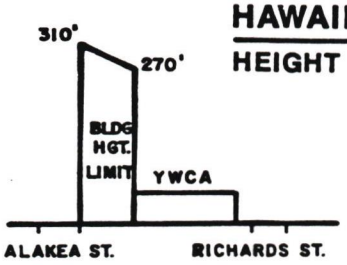
Legend - Project classification:
M = Major
m = minor
E = Exempt

EXHIBIT 7.1



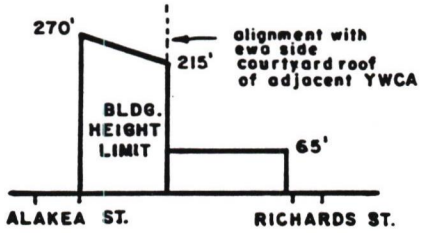


JUDICIARY PRECINCT

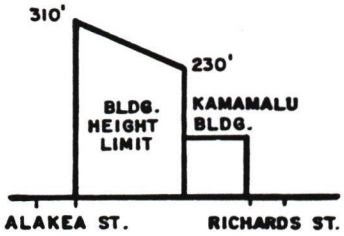


HAWAII CAPITAL SPECIAL DISTRICT

HEIGHT AND OPEN SPACE PRECINCTS



ALAKEA/HOTEL ST. PRECINCT



ALAKEA COMMERCIAL PRECINCT

LEGEND

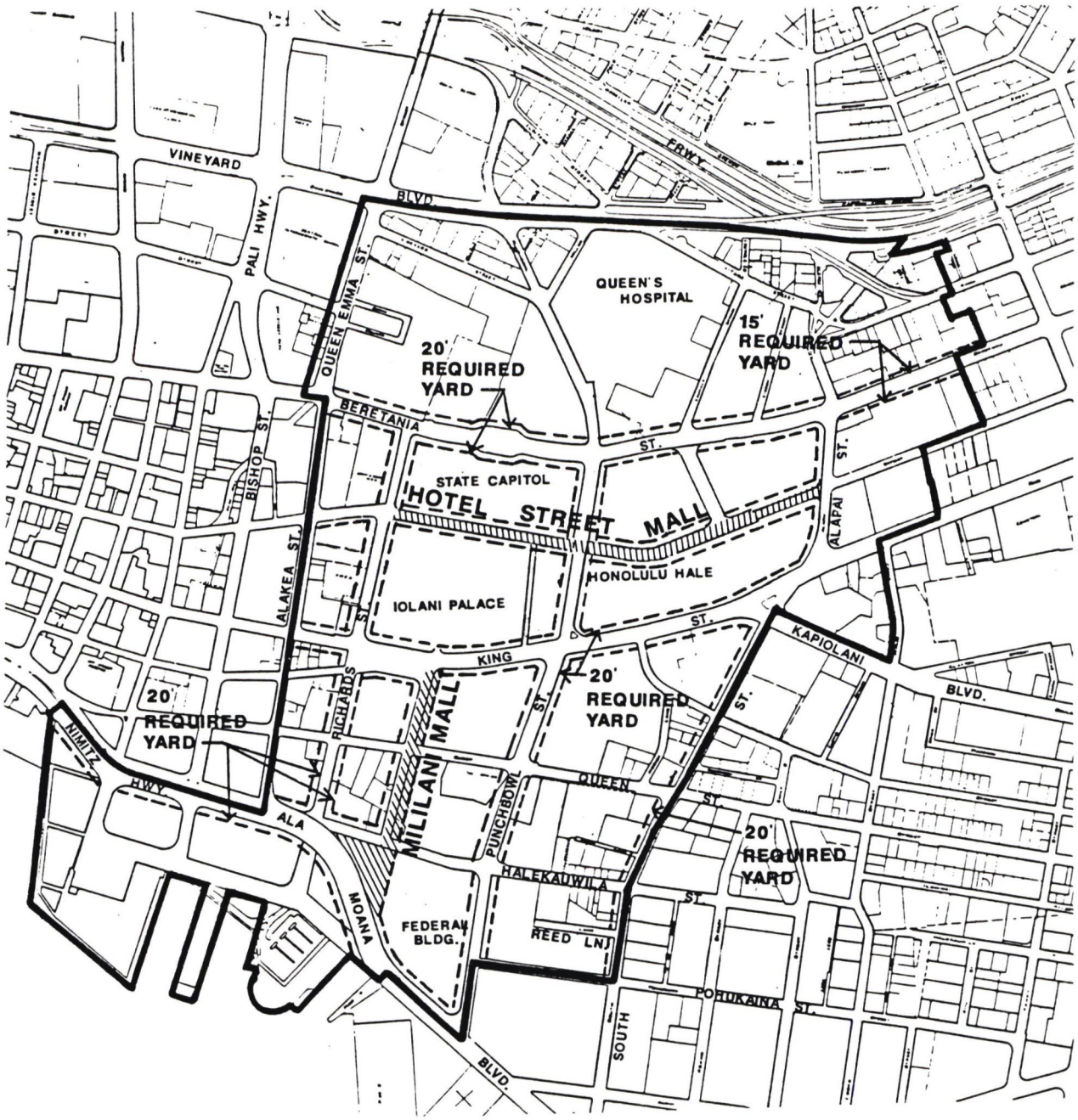
SUPERSEDED BY HCDA

NORTH

200 800
0 400
SCALE IN FEET

4/89

EXHIBIT 7.2



LEGEND

PEDESTRIAN MALL

NORTH

200 0 400 800
SCALE IN FEET

HAWAII CAPITAL SPECIAL DISTRICT

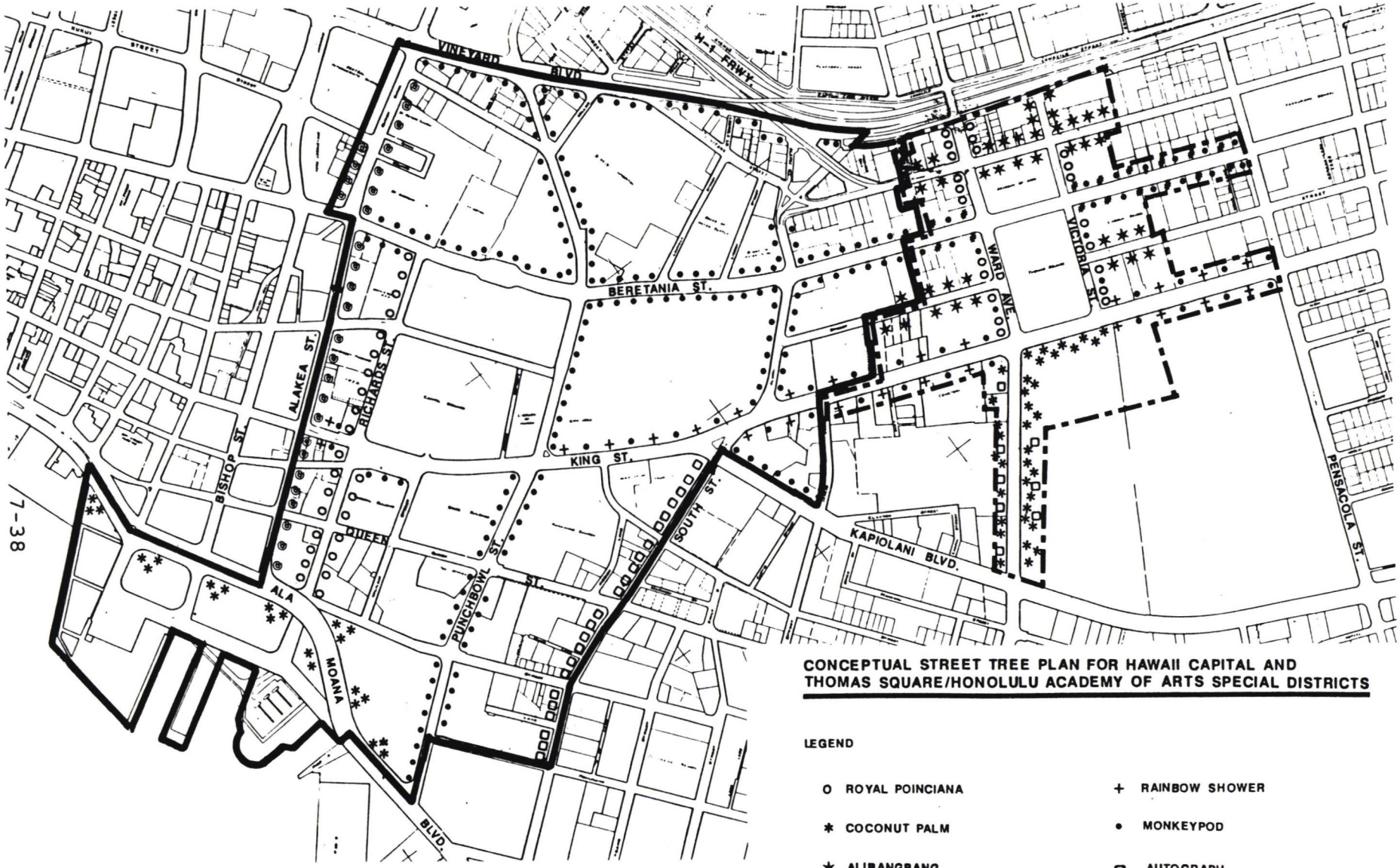
REQUIRED YARDS AND PEDESTRIAN MALLS

EXHIBIT 7.3

HAWAII CAPITAL SPECIAL DISTRICT

HISTORIC STRUCTURES

NORTH 200 800 0 400



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

HAWAII CAPITAL SPECIAL DISTRICT BOUNDARY

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT BOUNDARY

NORTH

200 0 400 800
SCALE IN FEET

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 set out at the end of this article, 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 Classification.

Refer to Table 7.2 to determine whether specific projects will be classified as major, minor or exempt.

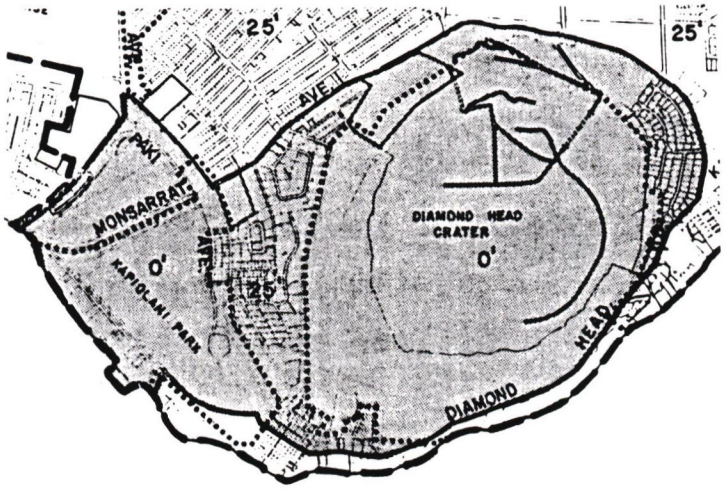
Am. 3/15/94
Ord. 94-18

TABLE 7.2

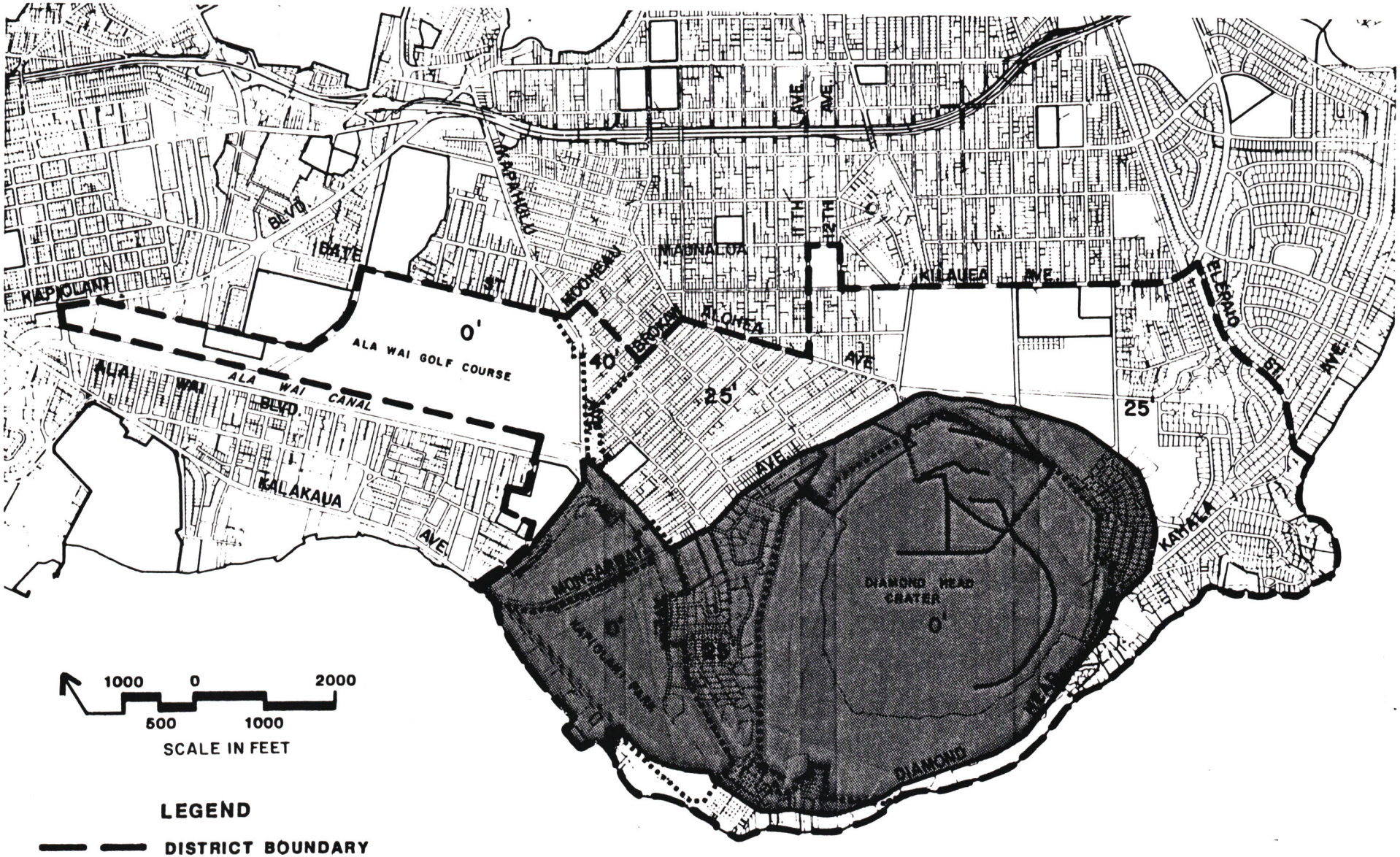
DIAMOND HEAD SPECIAL DISTRICT

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
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



1000 0 2000
500 1000
SCALE IN FEET

LEGEND

- DISTRICT BOUNDARY
- 25' HEIGHT LIMITATION
- CORE AREA

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.

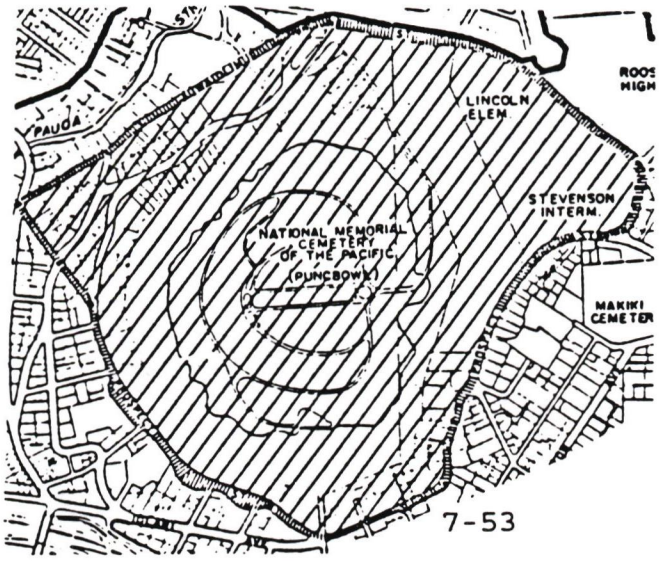
'Am. 3/15/94
Ord. 94-18

TABLE 7.3

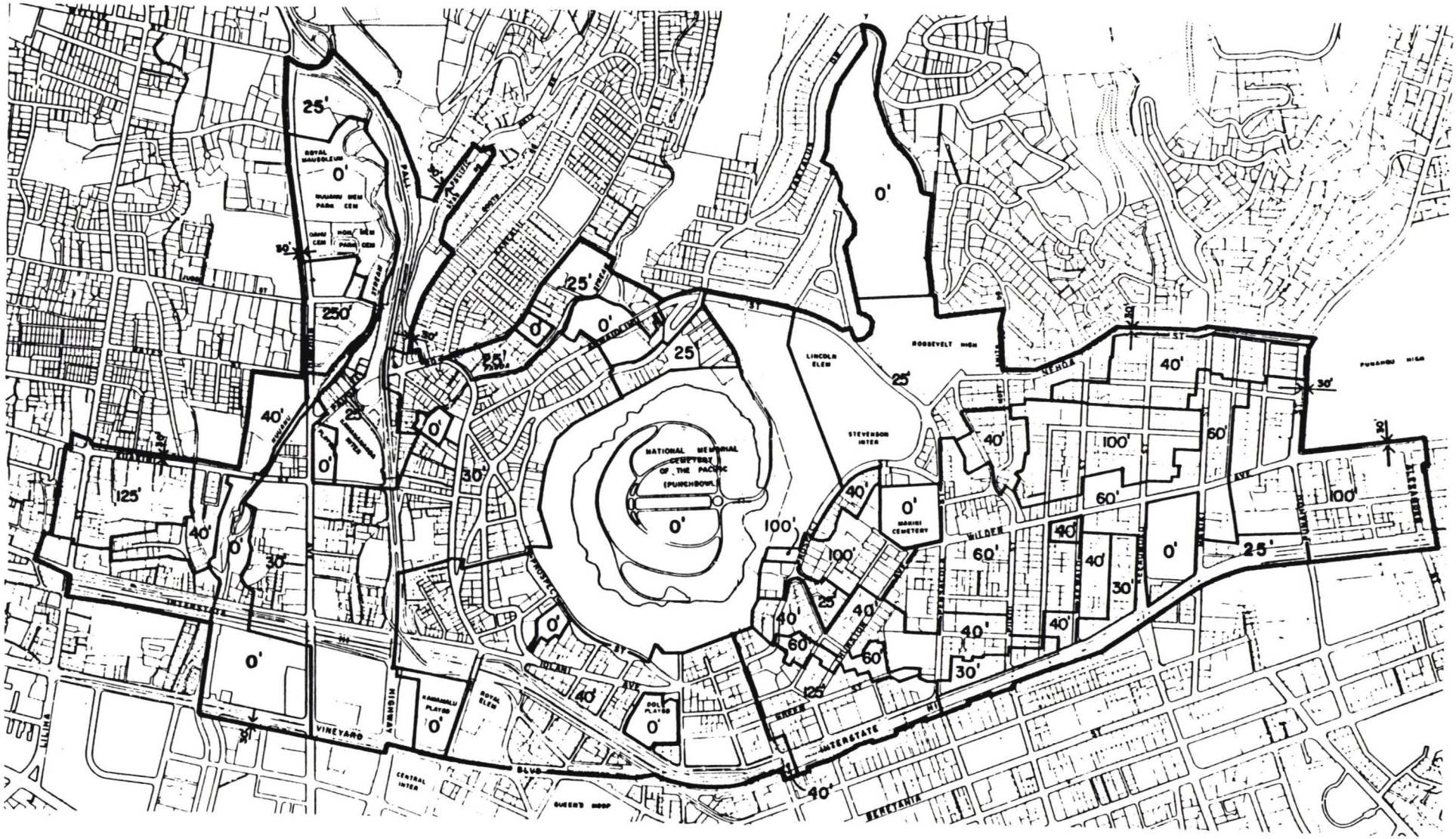
PUNCHBOWL SPECIAL DISTRICT

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
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

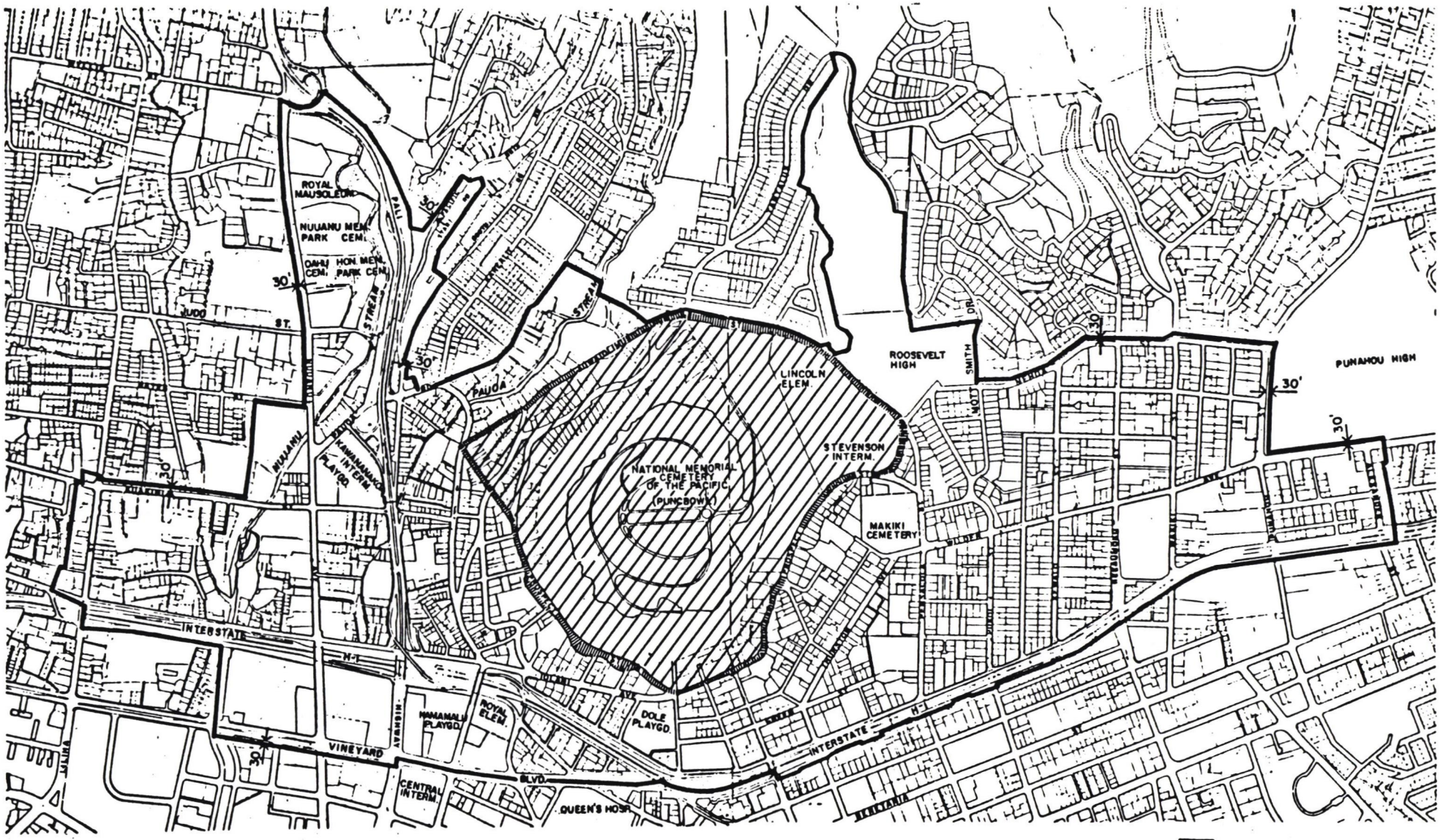
LEGEND:

PUNCHBOWL VIEWING SITE

MAJOR STREETS

EXHIBIT 7.7

4/89



PUNCHBOWL SPECIAL DISTRICT

CORE AREA

EXHIBIT 7.8

4/89

LEGEND:

CORE AREA

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.

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.

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 multifamily 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, set out at the end of this article.

(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.

(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. Am. 3/15/94 Ord. 94-18

(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) Lighting 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 are 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.

Refer to Table 7.4 to determine whether specific projects will be classified as major, minor or exempt.

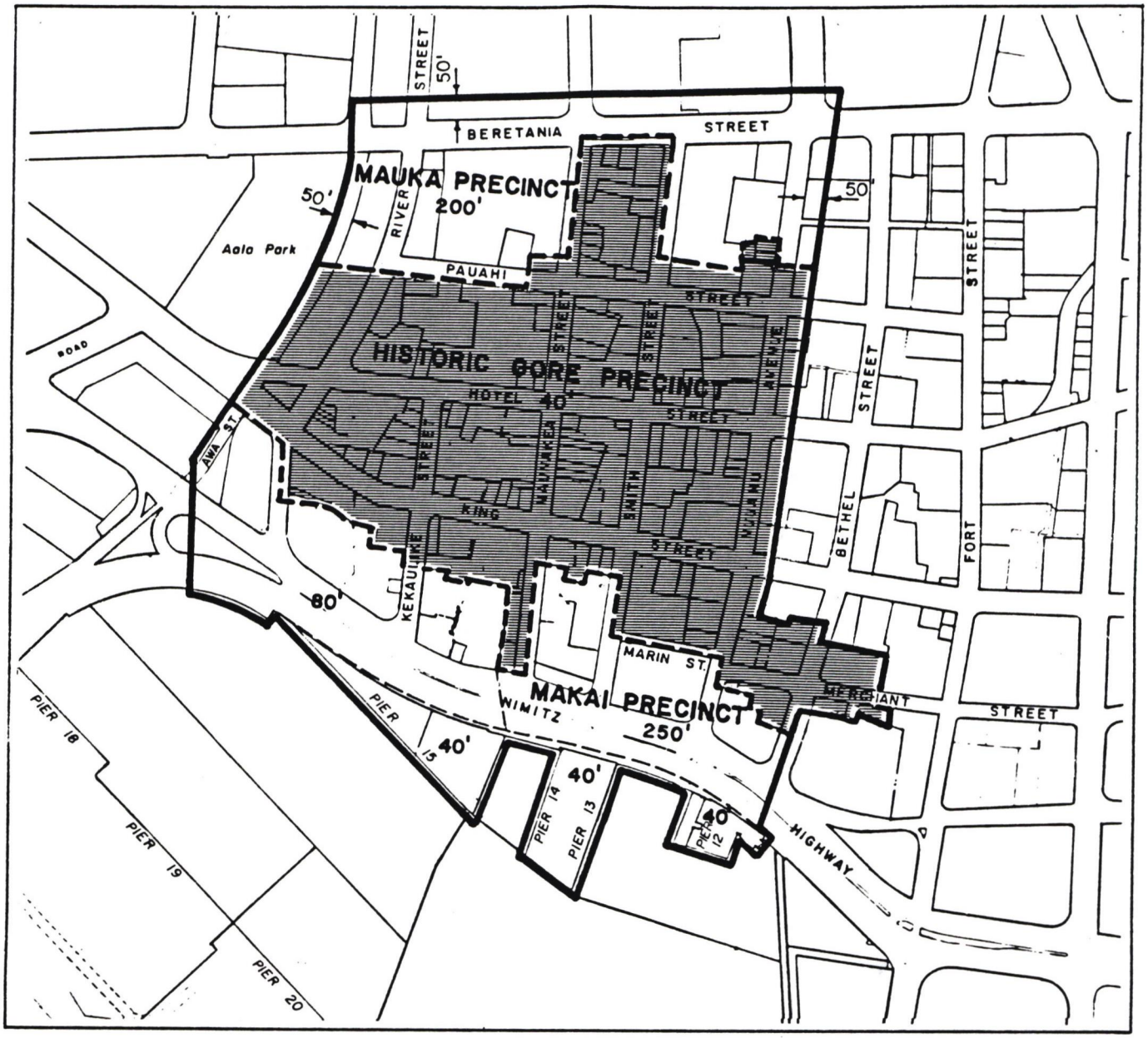
Am. 3/15/94
Ord. 94-18

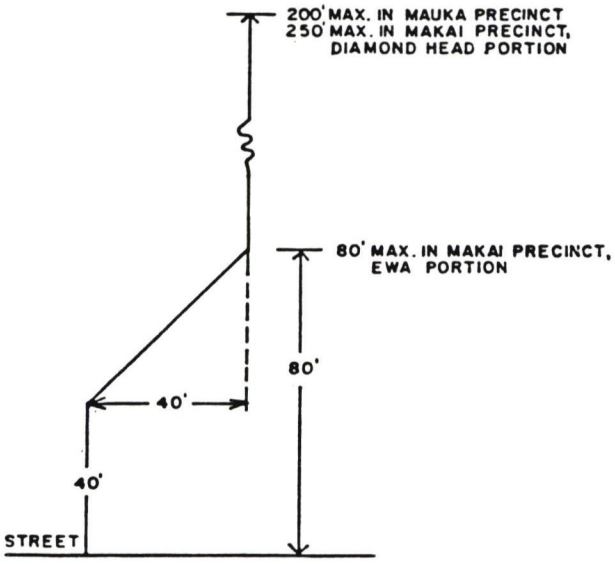
TABLE 7.4 CHINATOWN SPECIAL DISTRICT		
Activity/Use	**Required Permit**	**Special Conditions**
Signs	m	
Tree removal over six inches in diameter	E	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m	
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

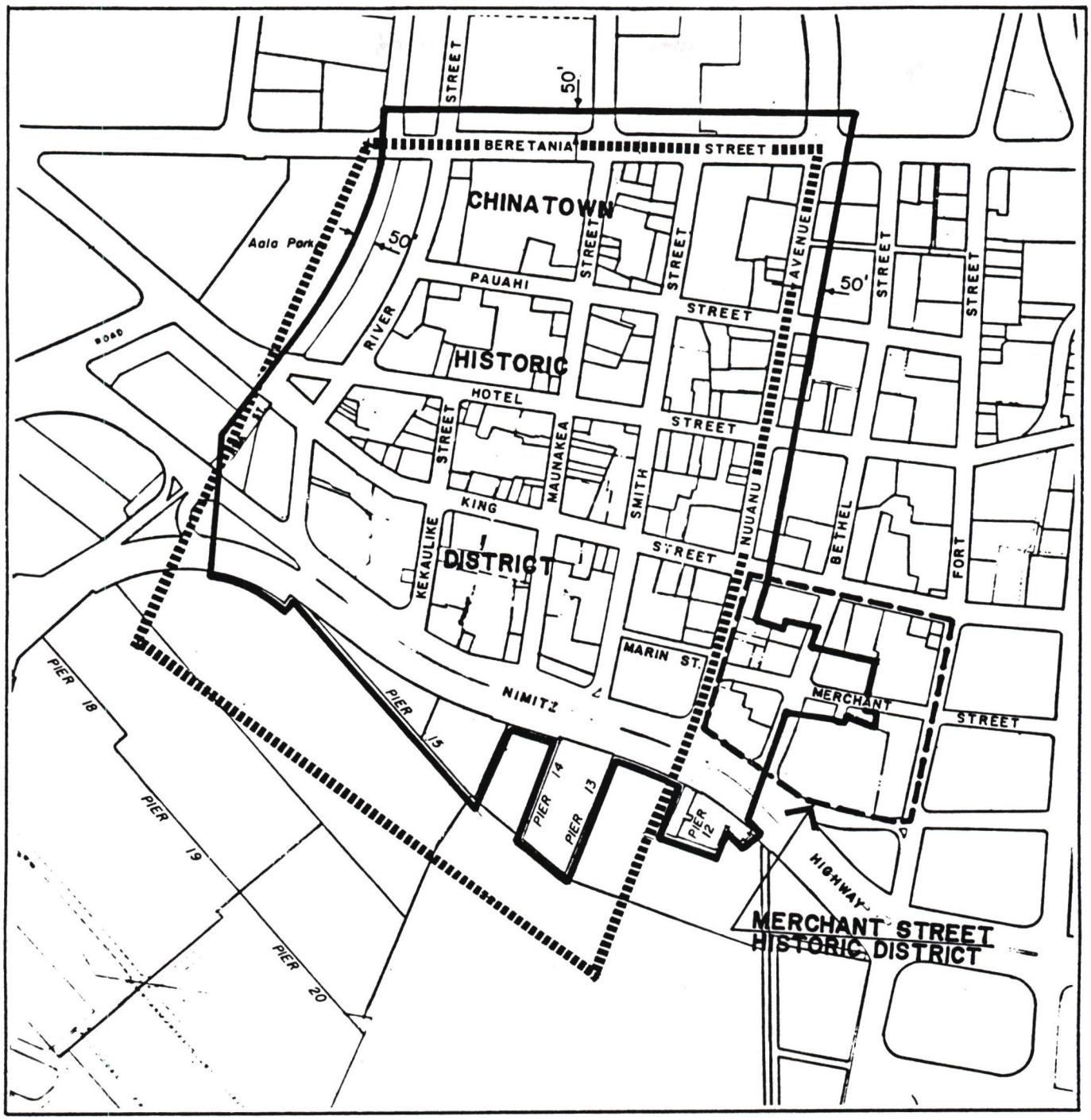
LEGEND:

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

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.

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.

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 1, 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 2, 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 3. 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.

EXHIBIT 7.11

7.70-5 Project Classification.

Refer to Table 7.5 to determine whether specific projects will be classified as major, minor or exempt.

Am. 3/15/94
Ord. 94-18

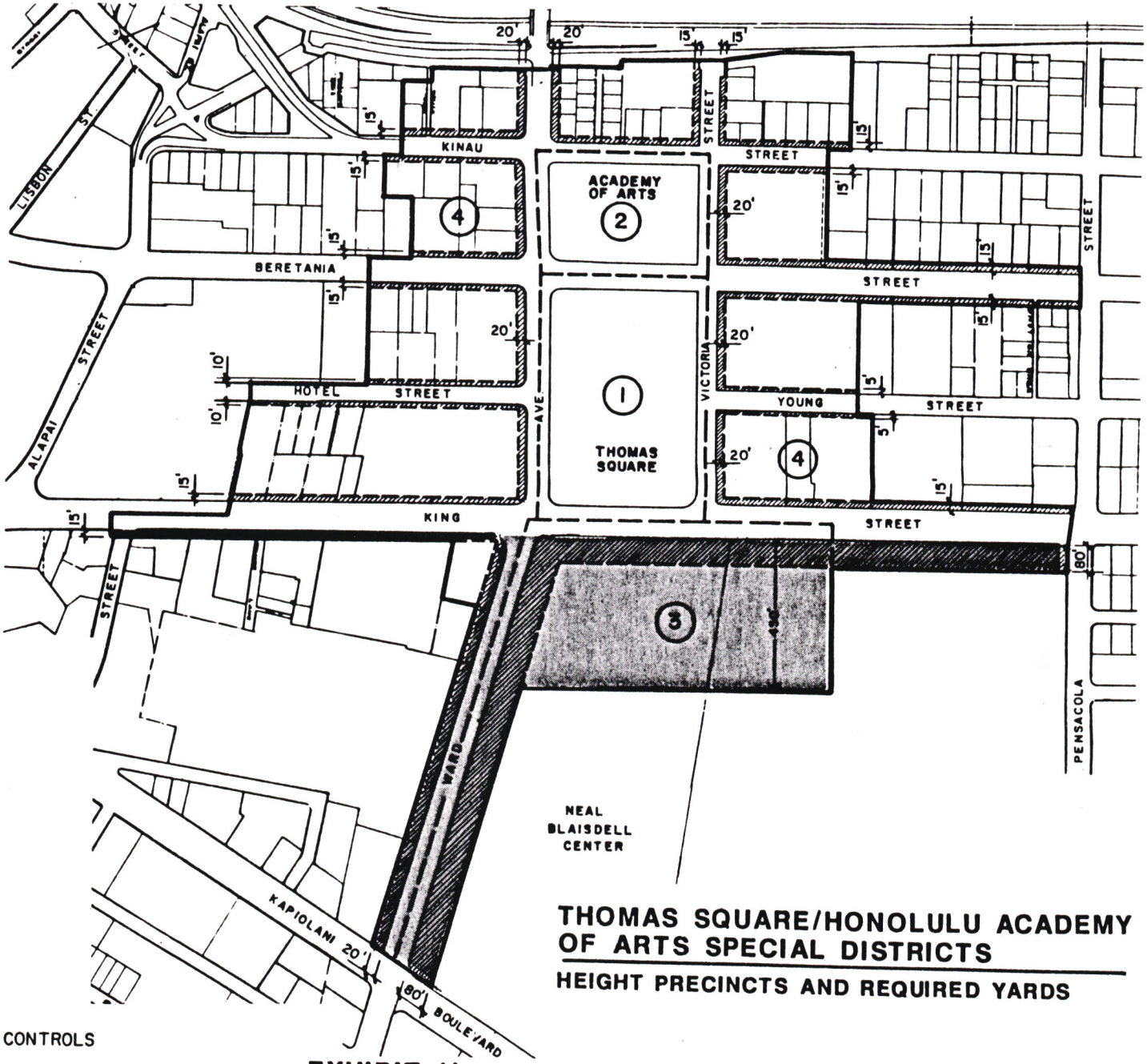
TABLE 7.5

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	
Any modification, alteration, repair or addition to Thomas Square or Honolulu Academy of Arts	M	
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	E	
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)

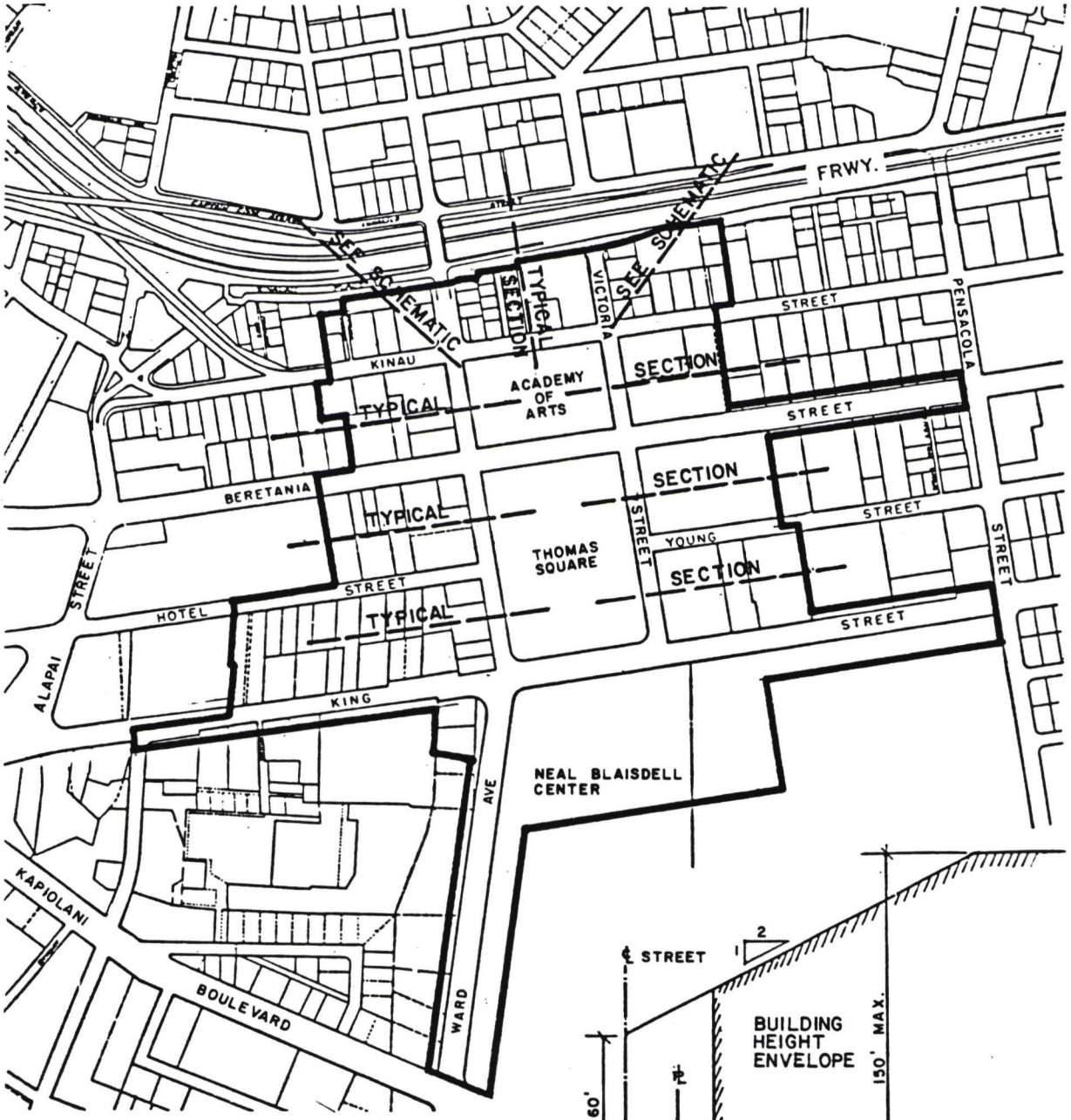
THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICTS

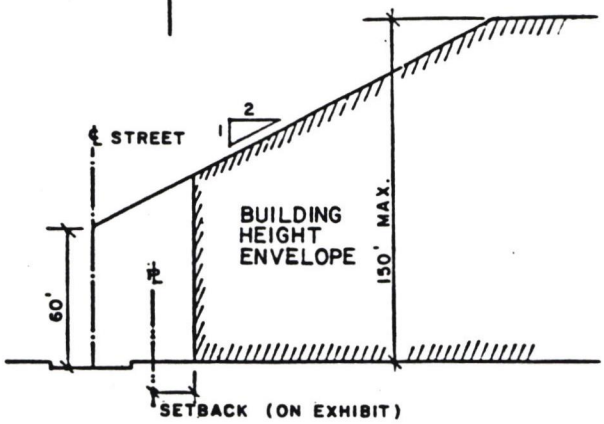
HEIGHT PRECINCTS AND REQUIRED YARDS

EXHIBIT 11

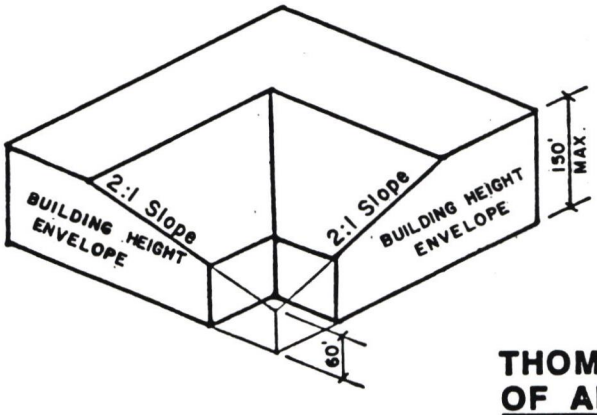
4/89

EXHIBIT 7.12





TYPICAL SECTION
BUILDING ENVELOPE CONTROL DIAGRAM
NOT TO SCALE



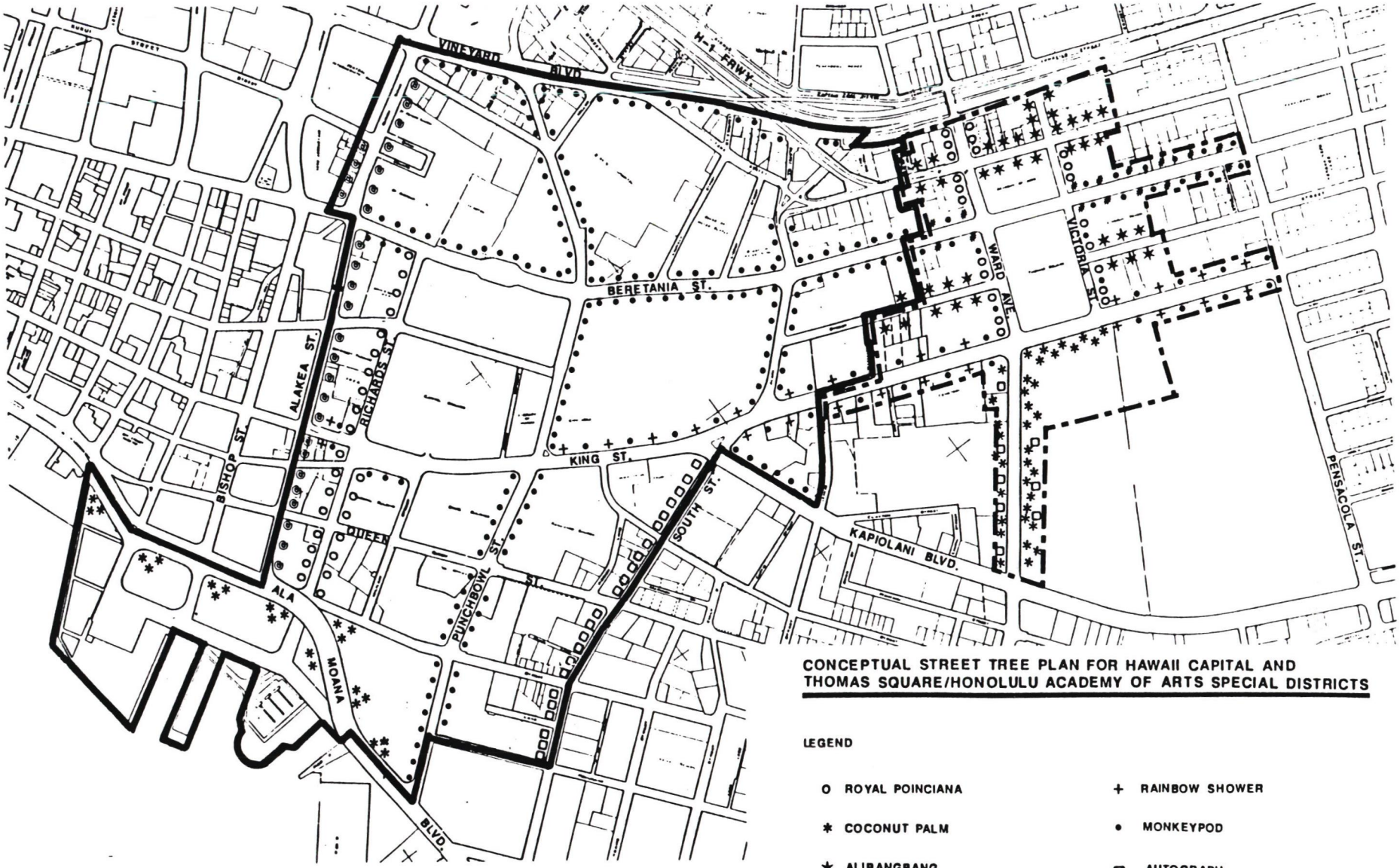
SCHEMATIC DIAGRAM
NOT TO SCALE

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT

BUILDING ENVELOPE HEIGHT CONTROLS

NORTH 200 150 0 200 400
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

HAWAII CAPITAL SPECIAL DISTRICT BOUNDARY

THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT BOUNDARY

NORTH

200 0 400 800

SCALE IN FEET

EXHIBIT 7.4

4/89

7.80 Waikiki Special District.

The purpose of the Waikiki Special District is:

(a) To guide the development of Waikiki with due consideration to optimum community benefits.

(b) To promote health, safety, social and economic well-being for the community as a whole.

(c) To protect, by means of proper planning and control, the value of private and public investment within the district and its surrounding communities.

(d) To encourage developments that would improve and complement the public facilities and utilities in Waikiki and the physical and visual aspects of the urban environment in the area.

(e) To ensure that future developments would alleviate traffic and utility problems and would prevent detrimental impact on the existing development.

(f) To provide for utilities and off-site improvements, either publicly or privately in advance of new development.

(g) To provide for the efficient and safe movement of people and goods.

(h) To bring about a desirable level of urban design compatible with the climate and the character of Hawaii within the district.

(i) To provide a means to control apartment, commercial and hotel density in Waikiki.

(j) To provide greater access to public beach areas.

(k) To encourage the development of a variety of land uses which are compatible with and will enhance the unique character of the district.

(l) To provide additional, properly distributed open spaces and vistas.

7.80-1 Description of Waikiki Special District.

The district is identified on Exhibit 7.13.

7.80-2 Land Use Control System.

Within the district there are four types of zoning precincts, the boundaries of which are indicated on Exhibit 7.13.

7.80-3 General Requirements.

The following requirements shall be applied in all precincts within the district:

(a) Uses and Activities Permitted in Yards.

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 newspaper sales and distribution, shall be located or carried out within any required yard, street or building setback area except those areas occupied by enclosed nonconforming buildings.

(b) Circulation Plan.

(1) All developments within the district shall comply with the guidelines prescribed on the Circulation Plan marked Exhibit 7.14.

(2) Curb cuts for driveway openings and sight distances at all intersections shall comply with the Traffic Code and the Design Standards of the Department of Transportation Services unless modified by the City Council.

(c) Urban Design Guidelines.

(1) All structures within the district shall conform to the guidelines specified on the Urban Design Controls marked Exhibit 7.15.

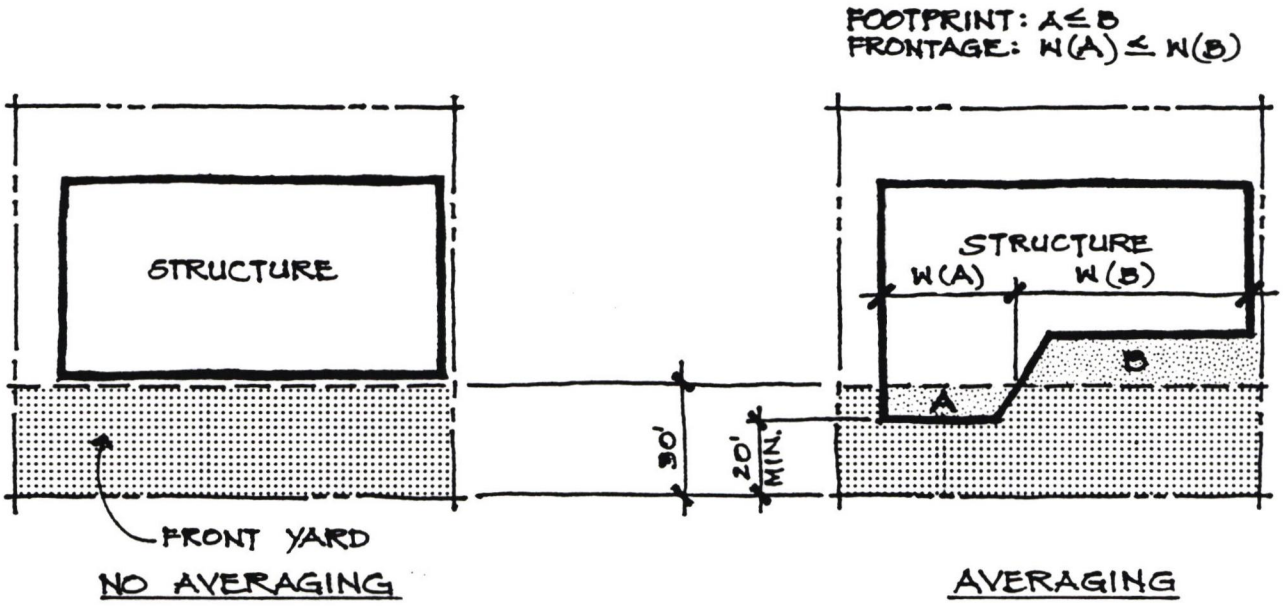
(2) Yard Requirements.

(A) An average front yard of 30 feet shall be provided, measured from the existing right-of-way on Kapahulu Avenue, Kalakaua Avenue, Ala Moana and Ala Wai Boulevard, and measured from the street setback line for Kuhio Avenue, as shown on adopted street right-of-way maps, except for zoning lots less than 65 feet in depth (see Paragraph (b) of this subsection) and for Apartment Precinct zoning lots

less than 4,000 square feet in area (see Section 7.80-4(b)(1)). The front yard may vary between 20 feet and 30 feet, provided that (1) at least 50 percent of the lot frontage shall have no less than a 30-foot front yard and (2) the undulation of setback line shall result in a design acceptable by the director (see Figure 7.1).

Unless otherwise permitted by this section, a minimum front yard of 20 feet shall be provided along all other streets, measured from the street setback line as shown on adopted street right-of-way maps.

Figure 7.1



30' FRONT YARD - WAIKIKI

(B) When the depth of a zoning lot is less than 65 feet, the director may make exception to the yard requirements subject to design review and based on the lot configuration and the effect of the proposal on surrounding properties.

(3) Within the district, it may be necessary to provide additional yard area and spacing between buildings to ensure:

(A) Provision of light and air;

(B) Protection of significant views as seen from major buildings; and

(C) Orientation of buildings according to the urban design guidelines.

(4) Landscape treatment in the form of street furniture, trees and other off-site treatment, as deemed appropriate by the director, and on-site landscaping with irrigation system of yard areas and other grounds within the project shall be provided and maintained. In addition, the use of planters on buildings at various elevations, including rooftop parking, is encouraged and may be required where appropriate. All rooftop mechanical appurtenances, stairwells and elevator enclosures, ventilators and air conditioning equipment shall be screened by architectural and/or landscape treatments.

(5) 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.

(6) Screening in the form of landscape treatment shall be required to prevent undesirable vistas or sight lines.

(7) 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.

(8) When a proposed development contains mixed uses, the sum of ratios of the floor area of each use divided by the maximum permitted floor area for that use on the lot shall not exceed one, as indicated below.

Proposed Floor Area Devoted to Use A	+	**Proposed Floor Area Devoted to Use B**	+	**Proposed Floor Area Devoted to Use N**	≤ 1
Maximum floor area permitted by the Waikiki District if only Use A is developed on the lot		Maximum floor area permitted by the Waikiki District if only Use B is developed on the lot		Maximum floor area permitted by the Waikiki District if only Use N is developed on the lot	

(d) Minimum Lot Width Requirement.

The minimum lot width for all precincts is 45 feet.

(e) Nonconformity.

(1) In case of total voluntary destruction, a nonconforming use or structure may be replaced by a new structure containing either (1) up to the same floor area of the structure prior to its destruction, with the same use, or (2) up to the permitted floor area limit of the precinct for similar uses, whichever is less. In any event, the new structure shall comply with the height and yard requirements of the Urban Design Controls

(Exhibit 7.15) and other applicable regulations of this section.

(2) In case of the accidental destruction of a nonconforming structure devoted to a conforming use which contains multifamily dwelling units, it may be restored to its original condition in accordance with Section 3.120.

(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 minimum two-inches caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.

(3) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(g) Height Regulations.

(1) 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 Waikiki 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.

(2) Except for flagpoles and smokestacks, all items listed in Section 3.60(c) shall also be exempt from the height provisions of this subsection.

7.80-4 Apartment Precinct.

(a) Permitted Uses.

(1) Art galleries and museums;

(2) Boarding facilities;

(3) Day-care facilities;

(4) Detached dwellings;

(5) Group living facilities;

(6) Meeting facilities, provided that commercial activities as a principal activity within the meeting facility shall not be allowed;

(7) Multifamily dwellings;

(8) Public uses and structures;

(9) Recreational facilities, outdoor;

(10) Schools: elementary, intermediate and high;

(11) Uses and structures customarily and clearly incidental and subordinate to permitted uses and structures, including parking garages and recreational facilities provided for residents of apartment structures;

(12) Utility installations, Type A.

(b) Yard Requirements.

(1) Front yards for zoning lots of less than 4,000 square feet and less than 3,500 square feet shall have a

minimum depth of 20 feet and 10 feet, respectively. Front yards of larger lots shall comply with the requirements of Section 7.80-3(c)(2). Side and rear yards shall be at least 10 feet, provided that all of the front yard and the nearest five feet of the side and rear yards to lot lines shall be landscaped.

(2) In addition to the yard regulations stated above, 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).

(c) Density.

(1) The determination of the permissible Floor Area Ratio (FAR) in the Apartment Precinct for dwelling use shall be found by the application of the following formula, according to zoning lot size:

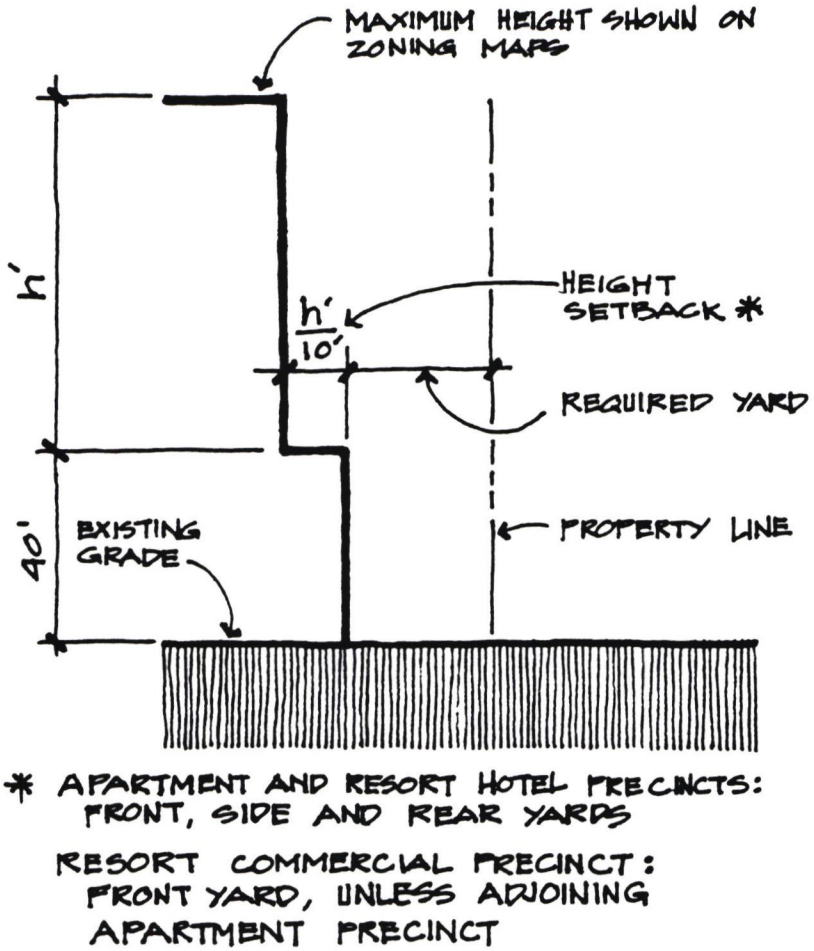
Zoning Lot Area in Square Feet	Formula to Find FAR
Less than 7,500	(lot area) x (.00009) + .08
Greater than or equal to 7,500 but less than 70,000	(lot area) x (.000009) + .85
Greater than or equal to 70,000	FAR equals 1.50

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.

(2) No parcel within an Apartment Precinct shall be subdivided into lots of less than 10,000 square feet. Consolidation of lots regardless of size, in conformity with the subdivision regulations, is permitted.

(3) Maximum FAR of other permitted uses within an apartment precinct shall be 1.0.

Figure 7.2



ADDITIONAL HEIGHT SETBACK - WAIKIKI

(d) Open Space Requirements.

A minimum of 50 percent of the zoning lot shall be devoted to open space for all developments within an Apartment Precinct.

7.80-5 Resort Hotel Precinct.

(a) Permitted Uses.

(1) Art galleries and museums;

(2) Car rental establishments, excluding repair facilities;

(3) Commercial parking lots and garages;

(4) Day-care facilities;

(5) Hotels;

(6) Marina accessories;

(7) Meeting facilities;

(8) Other uses and structures: Uses and structures customarily associated with and clearly incidental and subordinate to permitted uses and structures;

(9) Public uses and structures;

(10) Recreational facilities, outdoor;

(11) Retail establishments, provided there is no outdoor storage or display of merchandise, financial institutions, office buildings for visitor industry-oriented activities, including eating establishments, theaters, indoor amusement and recreation facilities, excluding amusement arcades;

(12) Time sharing;

(13) Transient vacation units;

(14) Utility installations, Type A.

(b) Yard Requirements.

(1) Front yards shall comply with the requirements established in Section 7.80-3(c). Additionally, all front yards shall be maintained in landscaping.

(2) Where a Resort Hotel Precinct abuts an Apartment Precinct or an apartment use, the abutting side and/or rear yard shall be at least 10 feet, provided that the nearest five feet of such yards to the lot line shall be maintained in landscaping.

(3) In addition to Subsections (b)(1) and (b)(2) of this section, 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).

(c) Density.

(1) The determination of the permissible Floor Area Ratio (FAR) in the Resort Hotel Precinct shall be found by the application of the following formulae:

Zoning Lot Area in Square Feet	Formula to Find FAR
Less than 10,000	(lot area) x (.00013) + .03
Greater than or equal to 10,000 but less than 30,000	(lot area) x (.00003) + 1.05
Greater than or equal to 30,000 but less than 90,000	(lot area) x (.000014) + 1.54
Greater than 90,000	FAR equals 2.8

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.

(2) No parcel within a Resort Hotel Precinct shall be subdivided into lots of less than 10,000 square feet. Consolidation of lots regardless of size, in conformity with the subdivision regulations, is permitted.

(3) Maximum floor area for commercial development projects within a Resort Hotel Precinct shall be in accordance with the FAR prescribed for commercial resort uses under Section 7.80-6(c).

(4) Except for uses permitted for hotel and commercial development use above, the maximum floor area of other permitted uses within a Resort Hotel Precinct shall not

exceed 60 percent of the FAR stipulated for hotel use, stated above.

(d) Open Space Requirements.

A minimum of 50 percent of the zoning lot shall be devoted to open space for all developments within a Resort Hotel Precinct.

7.80-6 Resort Commercial Precinct.

(a) Permitted Uses.

(1) Amusement and recreation facilities, indoor;

(2) Art galleries and museums;

(3) Automobile service stations and car rental establishments excluding repair facilities;

(4) Bars, taverns and nightclubs;

(5) Cabarets, dancehalls;

(6) Commercial parking lots and garages;

(7) Day-care facilities;

(8) Dwellings, multifamily, between Ala Wai Boulevard and Kuamoo Avenue;

(9) Eating establishments;

(10) Financial institutions;

(11) Marina accessories;

(12) Medical clinics;

(13) Meeting facilities;

(14) Office buildings;

(15) Photography studios;

(16) Public uses and structures;

(17) Recreation facilities, outdoor;

(18) Retail establishments including the incidental manufacturing of goods for sale only as retail on the premises; retail sales and display rooms, but storage of new or used vehicles, building materials or any scrap or salvage operations or storage or display of any scrap, salvage or secondhand building materials or automobile parts shall not be permitted;

(19) Theaters;

(20) Uses and structures customarily accessory and clearly incidental and subordinate to principal uses and structures, but amusement arcades shall not be permitted;

(21) Utility installations, Type A;

(22) Zoos.

(b) Yard Requirements.

(1) Front yards shall comply with the setback limits established in Section 7.80-3(c) and Figure 7.1.

(2) Within a Resort Commercial Precinct, the following shall constitute yard and open space requirements:

(A) Where a resort commercial use adjoins an Apartment Precinct without an intervening street, alley or permanent open space over 25 feet in width, a side yard or rear yard equal to that required for the apartment use, Section 7.80-4(b), shall be provided.

(B) Except as required in Subparagraph (A) of this paragraph, no rear or side yard shall be required.

(C) Within a Resort Commercial Precinct, at least 50 percent of the front yard shall be landscaped.

(c) Density.

(1) The FAR of all buildings and structures situated on a lot shall not exceed 1.75. However, in addition to such maximum, five square feet of floor area may be added for each square foot of open space devoted to pedestrian use and landscape area at ground level, exclusive of the front 20 feet of the required yards, and three square feet of floor area may be added for each square foot of arcade area.

(2) For the purpose of subdivision, the lot area for resort commercial uses shall not be less than 5,000 square feet.

(3) In computing the permissible floor area, in the case of residential-commercial mixed use buildings, the FAR may be applied to the zoning lot area plus one-half the

abutting right-of-way area of any public street from which the required building setback is at least 30 feet. However, in no event shall the total FAR exceed 3.5.

7.80-7 Public Precinct.

(a) Permitted Uses.

(1) Public uses and structures, including accessory activities operated by private lessees under supervision of a public agency.

(2) All structures within the Public Precinct shall comply with the guidelines established by the Urban Design Controls marked Exhibit 7.15.

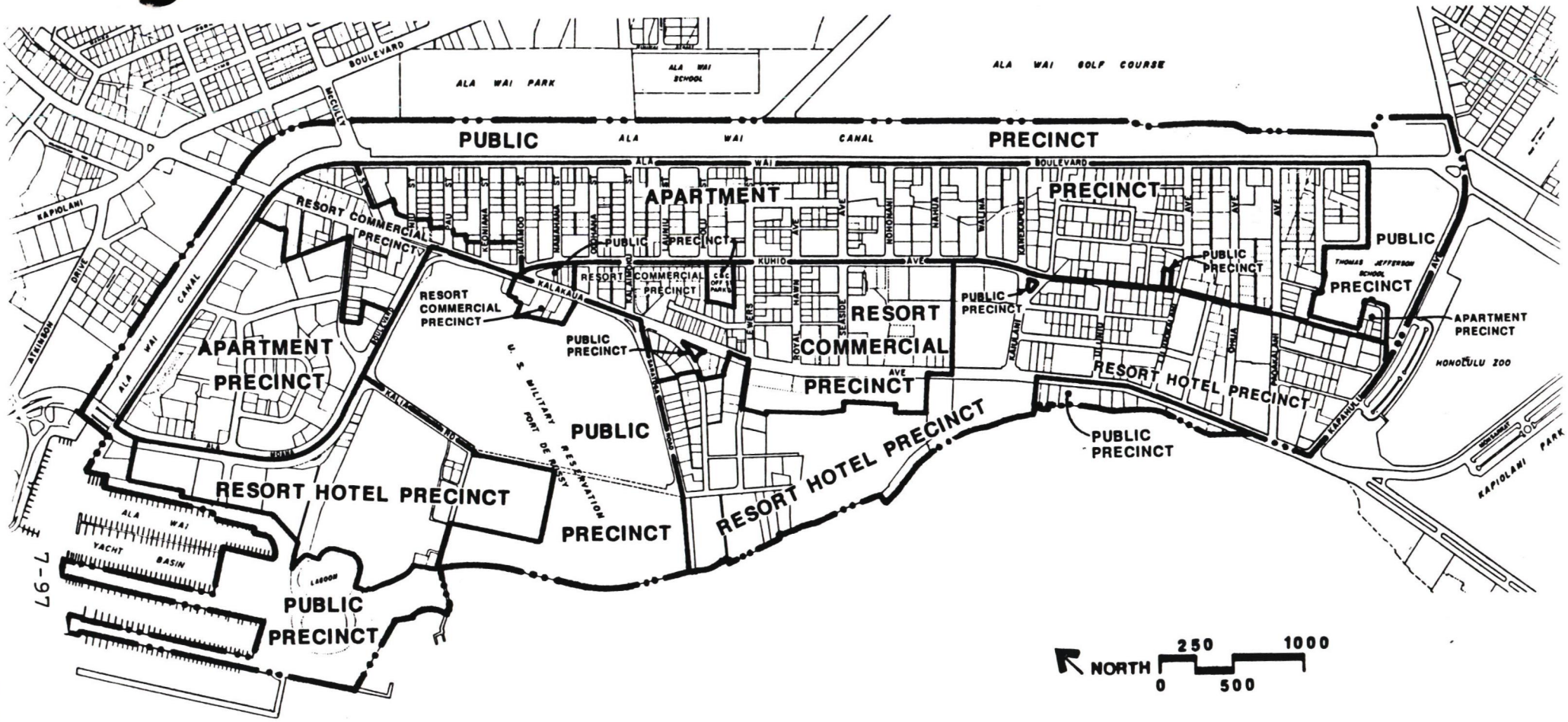
(b) The FAR, height and yard requirements for structures shall be approved by the director.

(c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.

TABLE 7.6 WAIKIKI SPECIAL DISTRICT		
Activity/Use	**Required Permit**	**Special Conditions**
Signs	E	
Tree removal over six inches in diameter	m	
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	
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



LEGEND

WAIKIKI SPECIAL DISTRICT BOUNDARY

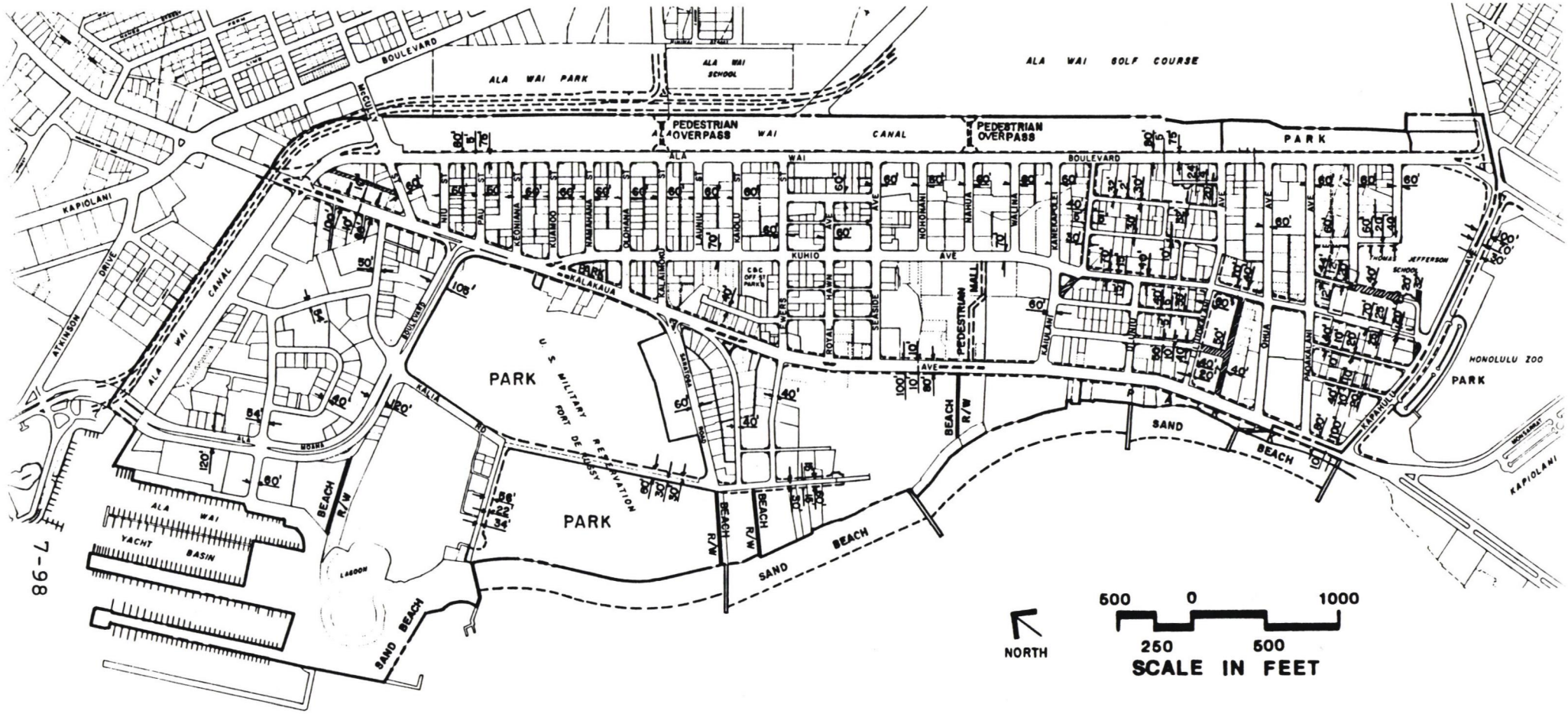
USE PRECINCT BOUNDARY

WAIKIKI SPECIAL DISTRICT

USE PRECINCTS

EXHIBIT 7.13

4/89



LEGEND

WAIKIKI SPECIAL DISTRICT BOUNDARY

STREETS AND HIGHWAYS:

EXISTING

PROPOSED

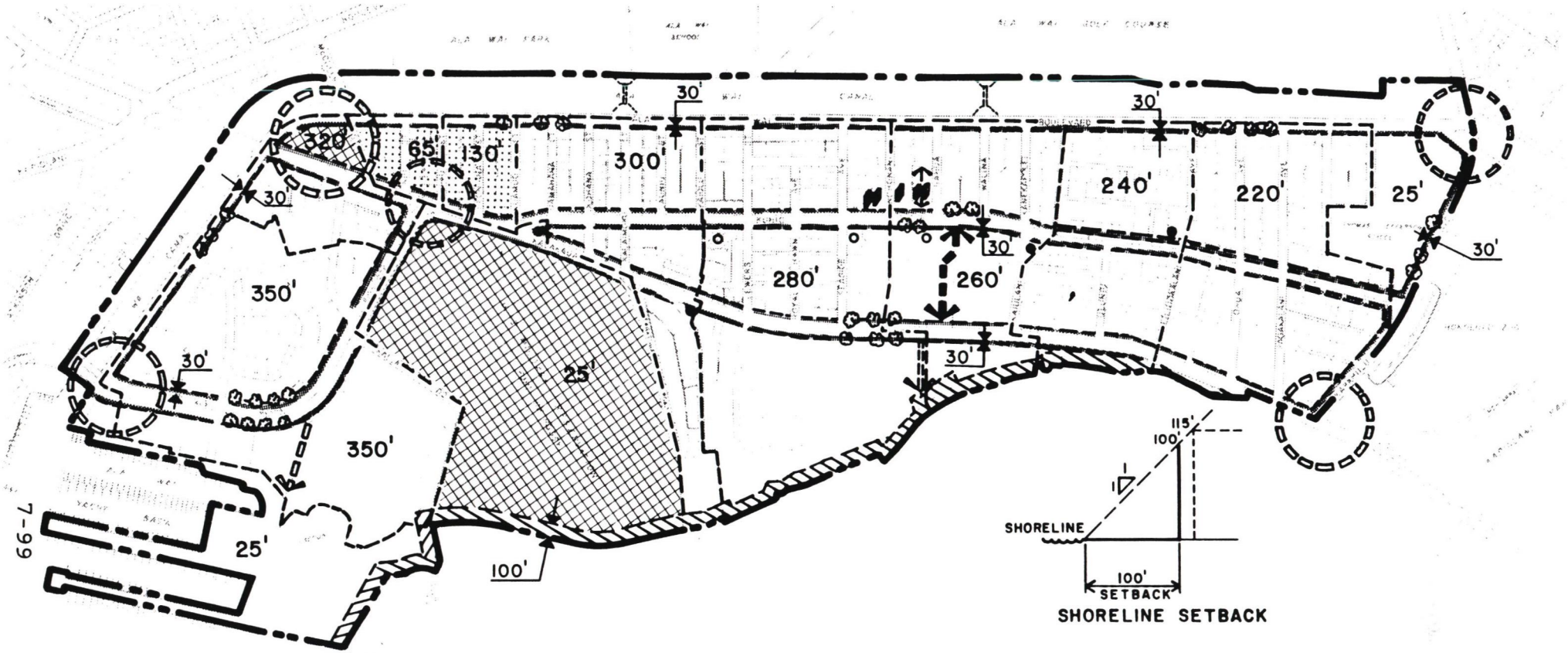
WIDENING

DELETION

WAIKIKI SPECIAL DISTRICT
CIRCULATION PLAN

EXHIBIT 7.14

4/89



LEGEND

- WAIKIKI SPECIAL DESIGN DISTRICT BOUNDARY
- WAIKIKI GATEWAYS. AREAS WITH SPECIAL DESIGN CONSIDERATION FOR OPEN SPACE AND ARCHITECTURAL TREATMENT
- AN AVERAGE 30' SETBACK ALONG MAJOR STREETS MEASURED FROM EXISTING RIGHT-OF-WAY ON KAPAHULU AVE., KALAKAUA AVE., ALA MOANA AND ALA WAI BOULEVARDS AND MEASURED FROM DEVELOPMENT PLAN RIGHT-OF-WAY ON KUHIO AVE. AVERAGE 30' SETBACK
- ALL MAJOR STREETS SHALL BE LANDSCAPED WITH STREET TREES
- 100' SHORELINE SETBACK WITH A BUILDING HEIGHT ENVELOPE OF 1 TO 1 (45°) MEASURED FROM SHORELINE
- FORT DE RUSSY MAUKA-MAKAI VIEW CORRIDOR
- HEIGHT LIMIT PLANE TO PRESERVE PUNCHBOWL/DIAMOND HEAD VIEW PLANE
- EXISTING MINI-PARKS. ADDITIONAL SHOULD BE PROVIDED
- EXAMPLE OF POTENTIAL MINI-PARK LOCATIONS. MINI-PARKS SHOULD FOLLOW AREAS OF MAJOR PEDESTRIAN CONCENTRATION
- DEVELOPMENT PLAN BEACH RIGHTS-OF-WAY. OTHER PEDESTRIAN BEACH RIGHTS-OF-WAY SHOULD BE PROVIDED. ALL BEACH RIGHTS-OF-WAY SHOULD BE ATTRACTIVELY IMPROVED AND LANDSCAPED.
- DEVELOPMENT PLAN PEDESTRIAN MALL. ADDITIONAL MALL AREAS SHOULD BE PROVIDED
- LONG AXIS OF ALL NEW STRUCTURES SHOULD BE LOCATED ON A MAUKA-MAKAI DIRECTION WHENEVER POSSIBLE. BULK STRUCTURES SHOULD MINIMIZE MAUKA-MAKAI VIEW OBSTRUCTION
- DEVELOPMENT PLAN PEDESTRIAN BRIDGE
- LAND AREAS RECOMMENDED AS OPEN SPACE

NORTH

500 250 500
375 0 1000
SCALE IN FEET

WAIKIKI SPECIAL DISTRICT

URBAN DESIGN CONTROLS

NOTE: FOR OTHER DESIGN CONTROLS, SEE ORDINANCE TEXT

EXHIBIT 7.15

4/89

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

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.

Am. 3/15/94
Ord. 94-18

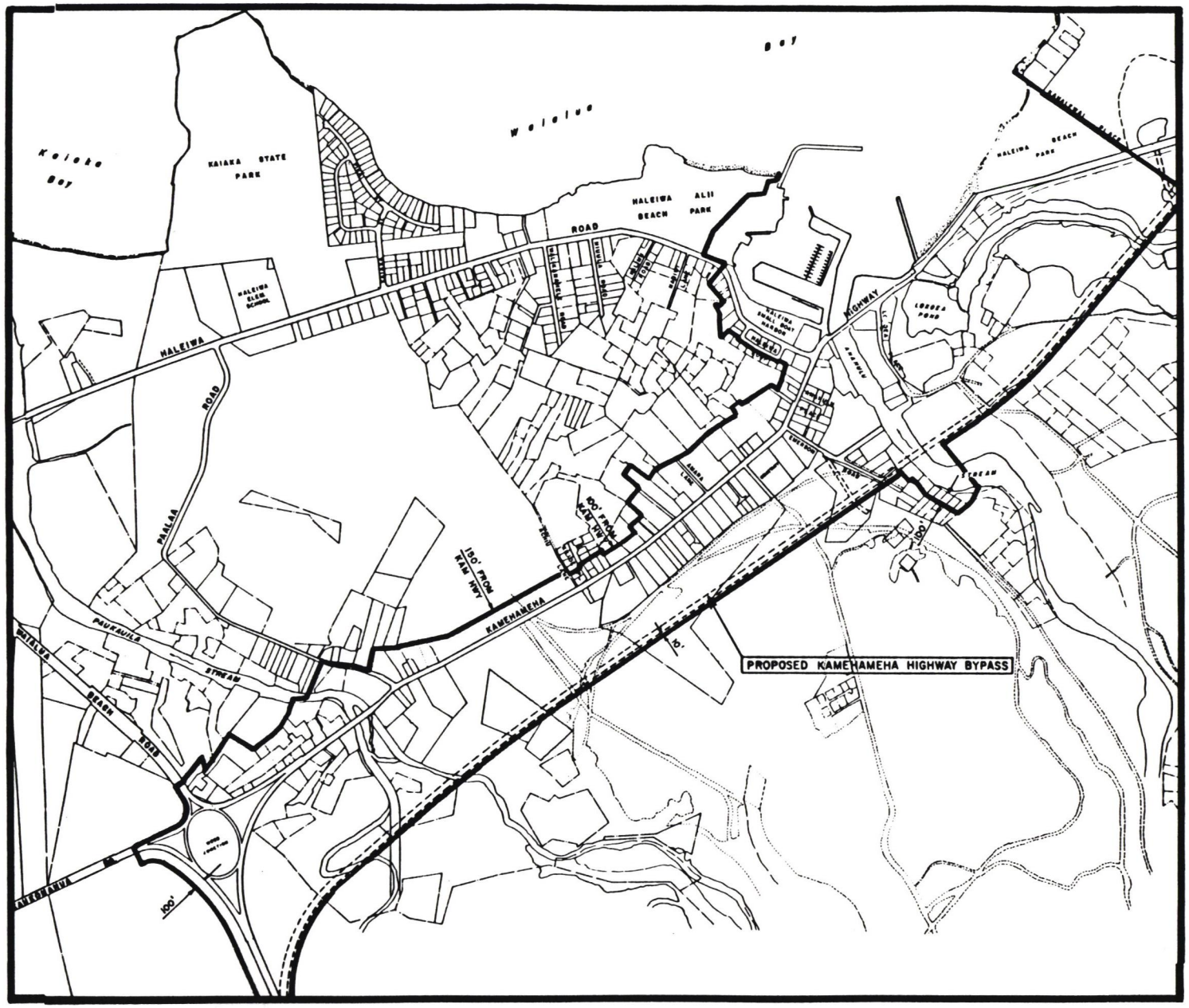
TABLE 7.7

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
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



HALEIWA SPECIAL DISTRICT

DISTRICT BOUNDARY

LEGEND:

DISTRICT BOUNDARY

NOTE:

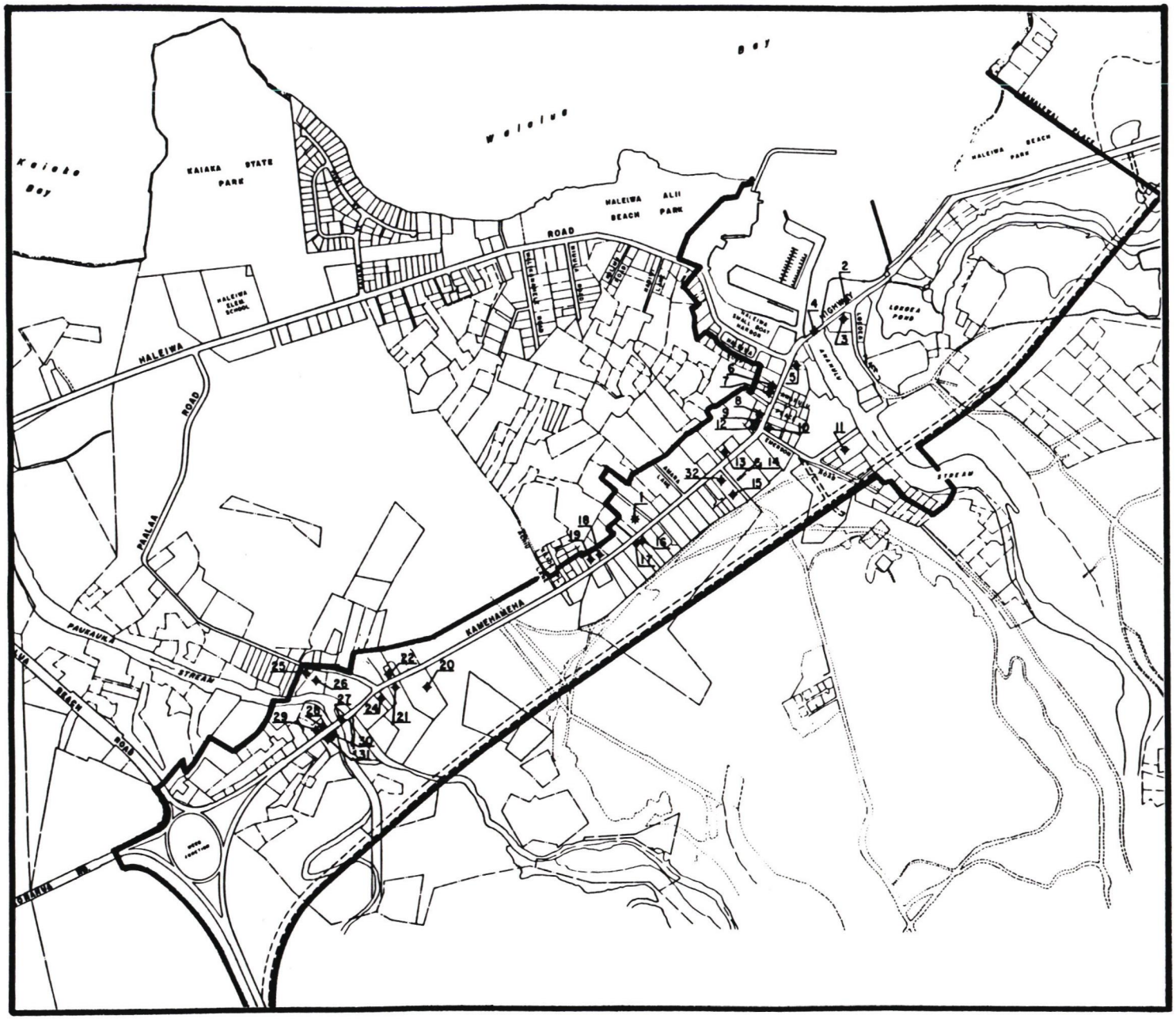
Boundaries follow existing property lines unless otherwise noted.

NORTH

200 800
0 400

EXHIBIT 7.16

4/89



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	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

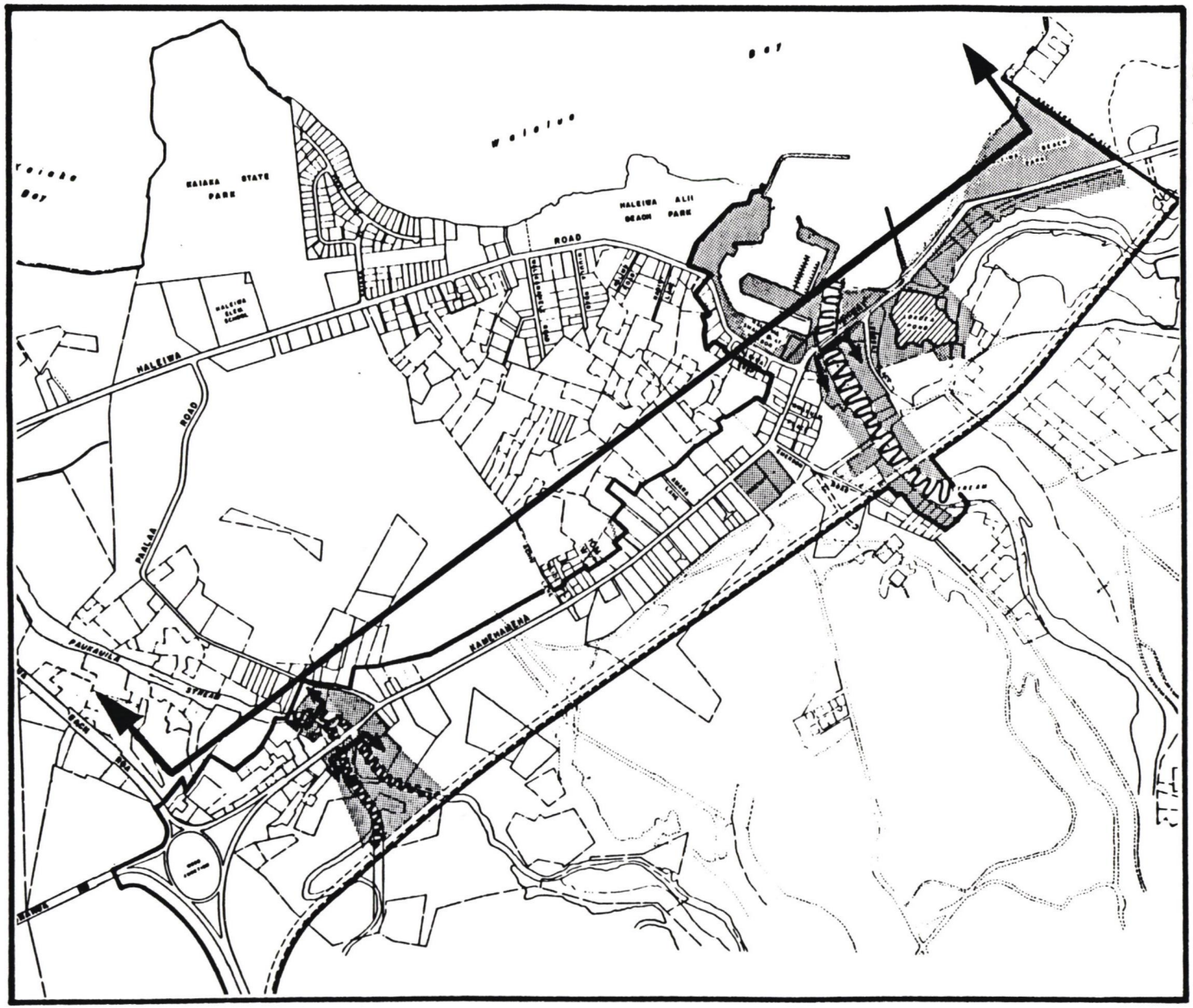
NOTE Building names for reference only, subject to change. Tax map key governs

NORTH

200 800
0 400

EXHIBIT 7.17

4/89



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
0 200 400 800

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.**

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.

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 15 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.

(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.

(b) When a joint hearing is held for more than one permit for a single project required by this chapter, only one fee shall be charged, whichever is the greater.

(c) Application fees are not refundable and shall be required as specified in Chapter 6, Article 41.

(d) See Figure 8.1 for Application Processing.

8.30-1 Plan Review Uses.

Plan Review Uses shall be processed as follows:

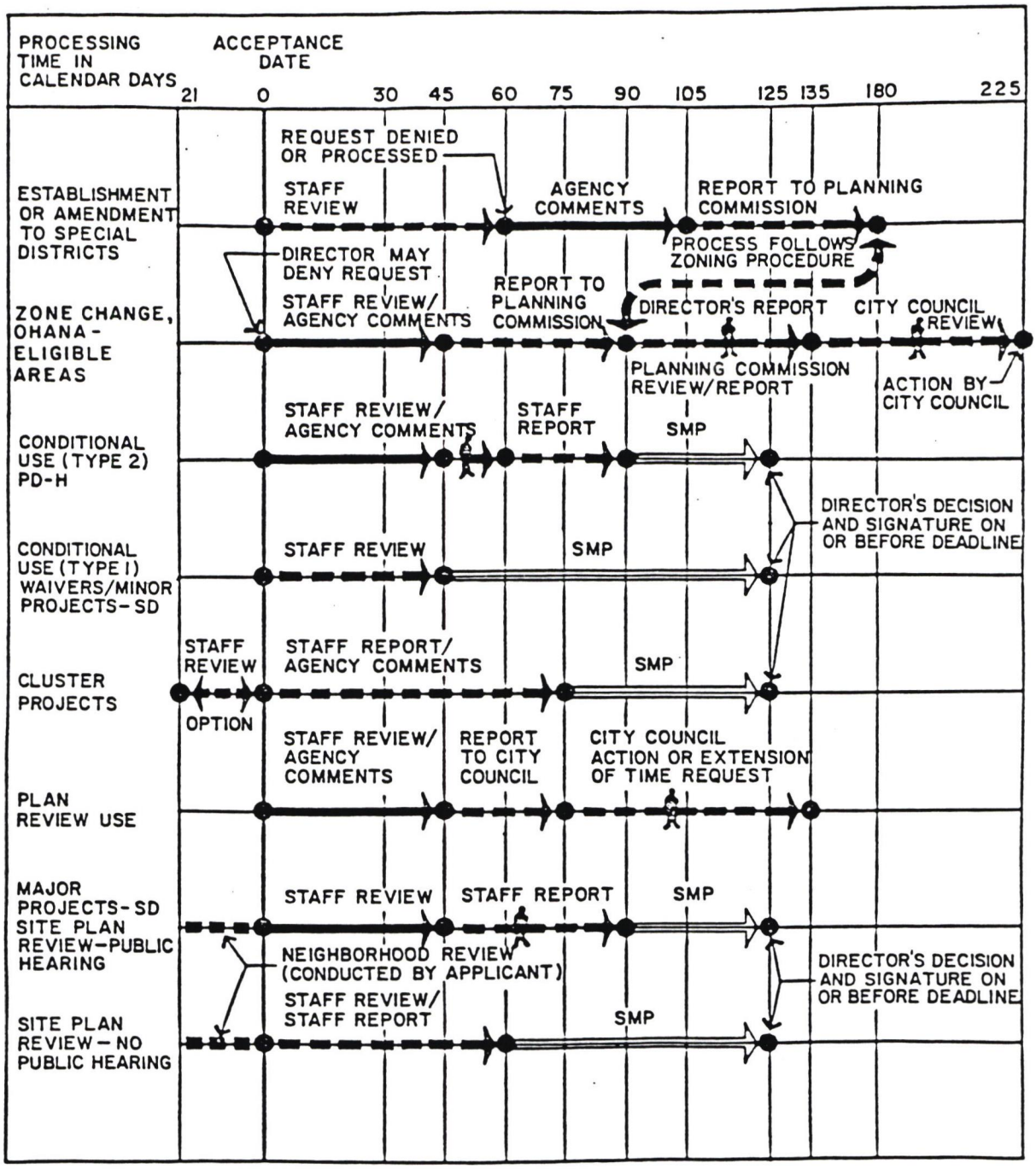
(a) On receipt of the completed application, the director shall submit a request in writing to pertinent agencies for their comments and recommendations on the application. The agencies shall submit their comments and recommendations in writing, to the director, within 45 days of receipt of the request 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.

Figure 8.1

APPLICATION PROCESSING



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.

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 75 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 75-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 45 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.

8.40 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 of the State of Hawaii, 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.

(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 of the State of Hawaii.

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, or which is conducted on a contiguous lot in the same ownership;

(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.

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 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.

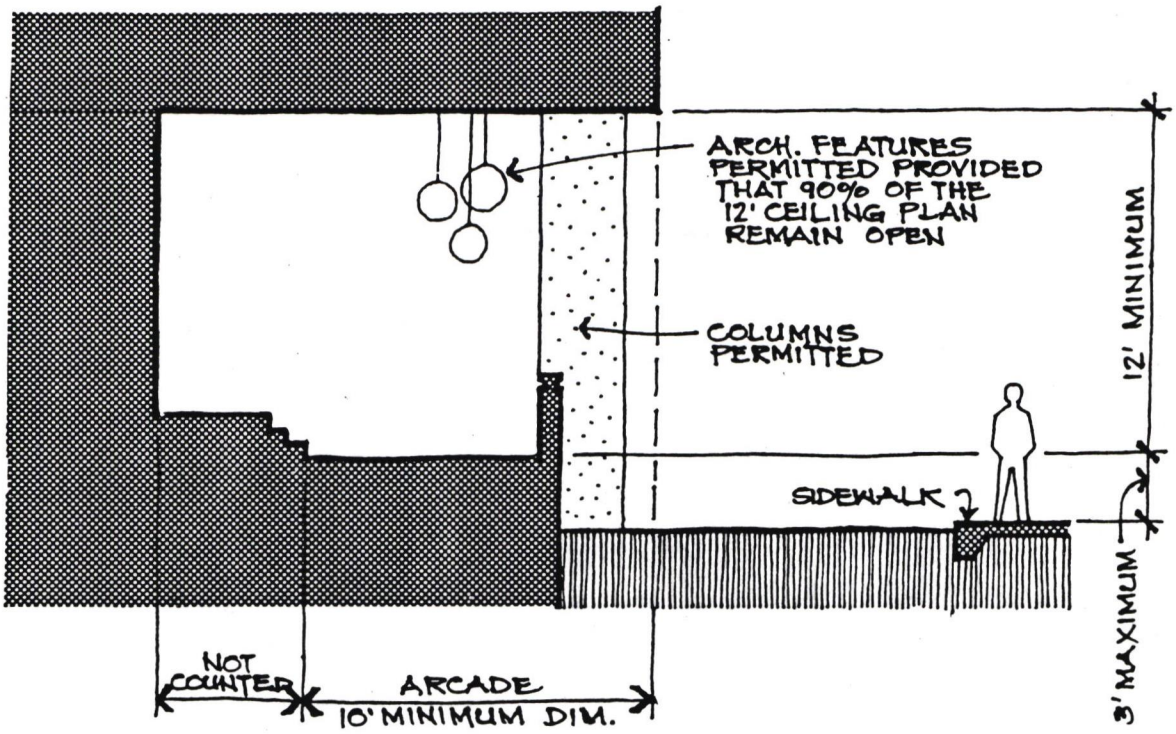
Animal Products Processing. Establishments primarily involved in the processing of animal products for food and/or other uses, including the handling, storage and processing of meats, fish and fowl, skin, bone, fat and/or other animal byproducts suitable for sale or trade. This term does not include slaughterhouses, canneries or milk processing plants.

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 (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.

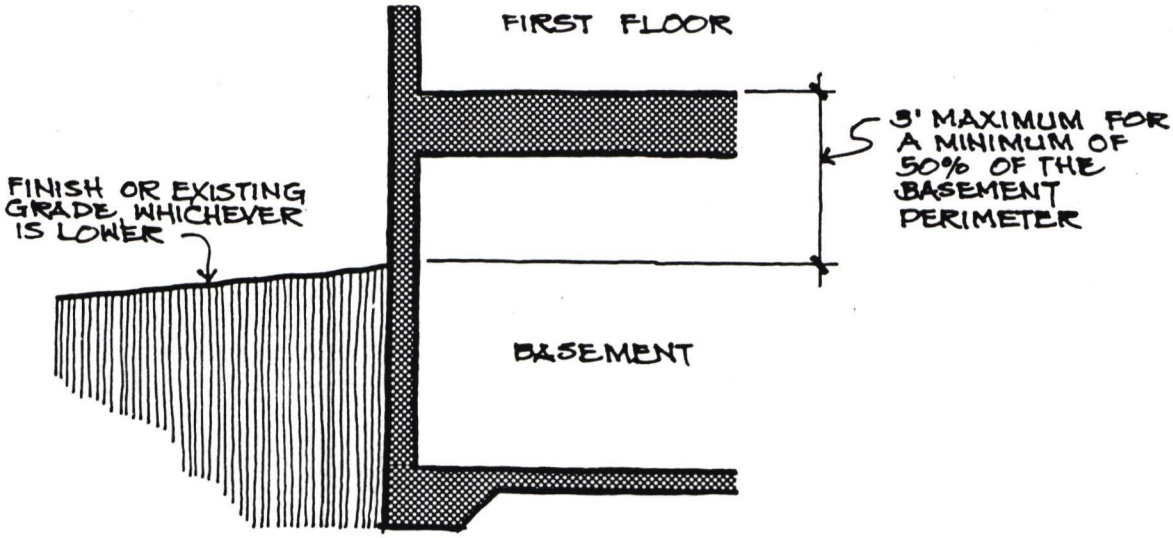
The following are not permitted: tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition.

B

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.

Grade shall be either existing or finish grade, whichever is lower at all points (see Figure 9.2).

Figure 9.2



BASEMENT

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.

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.

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.

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

Am. 9/15/94 Ord. 94-64

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.

Am. 5/18/92 Ord. 94-30

Corporate Retreat. A transient vacation unit which is furnished with or without compensation to transient occupants, including but not limited to employees, directors, executives or shareholders of a business, company or corporation, including nonprofit corporations.

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, pre-schools, 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.

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).

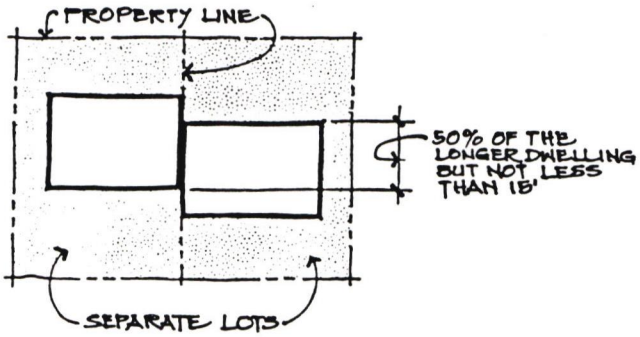
Dwelling, Detached. A building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots.

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).

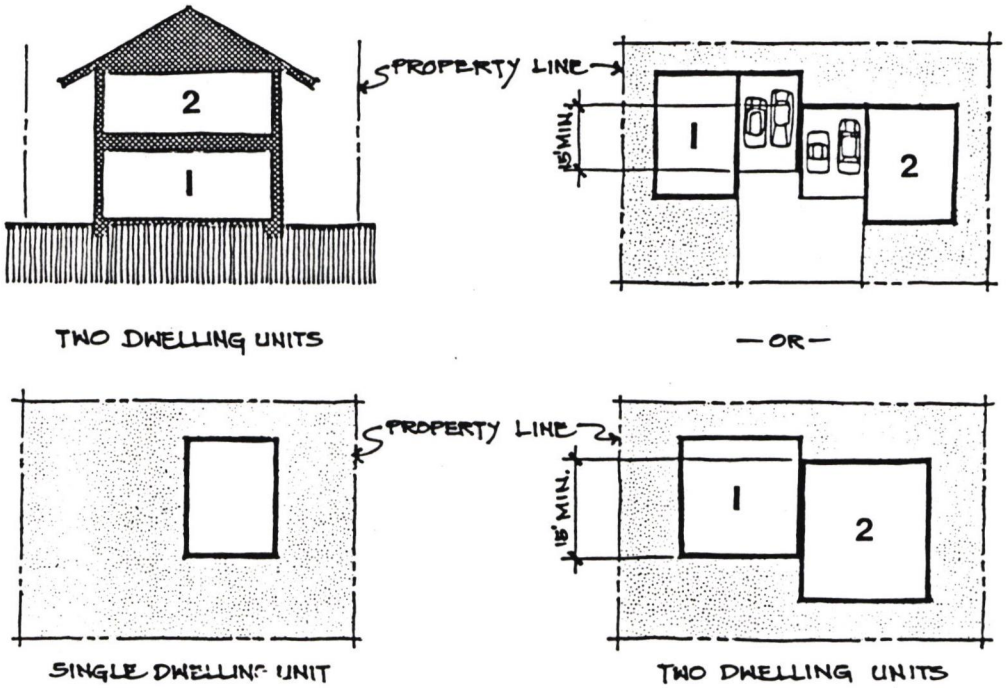
Dwelling, Multifamily. A building containing three or more dwelling or lodging units which is not a hotel.

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.

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. 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 building excluding unroofed areas measured from the exterior faces of the exterior walls or from the centerline of party walls separating portions of a building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above, including but not limited to balconies, stairways or elevator shafts (see Figure 9.4).

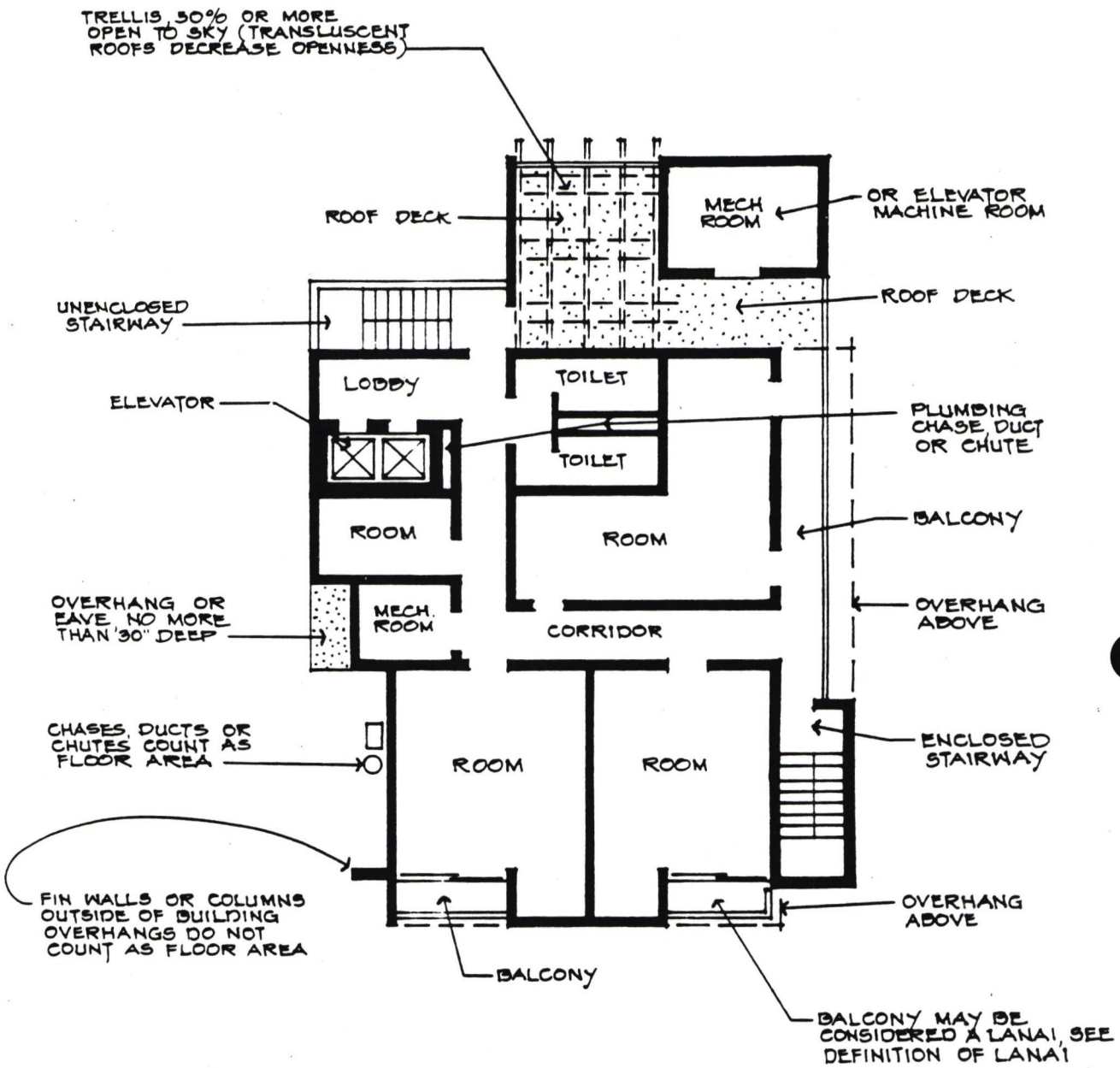
Excluded from the floor area are:

(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 with no more than 30 inches of thickness;
(6) Covered rooftop areas as provided under Section 3.60-2.

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.

Multiplying the permissible floor area ratio by the zoning lot area determines the maximum floor area permitted.

Figure 9.4



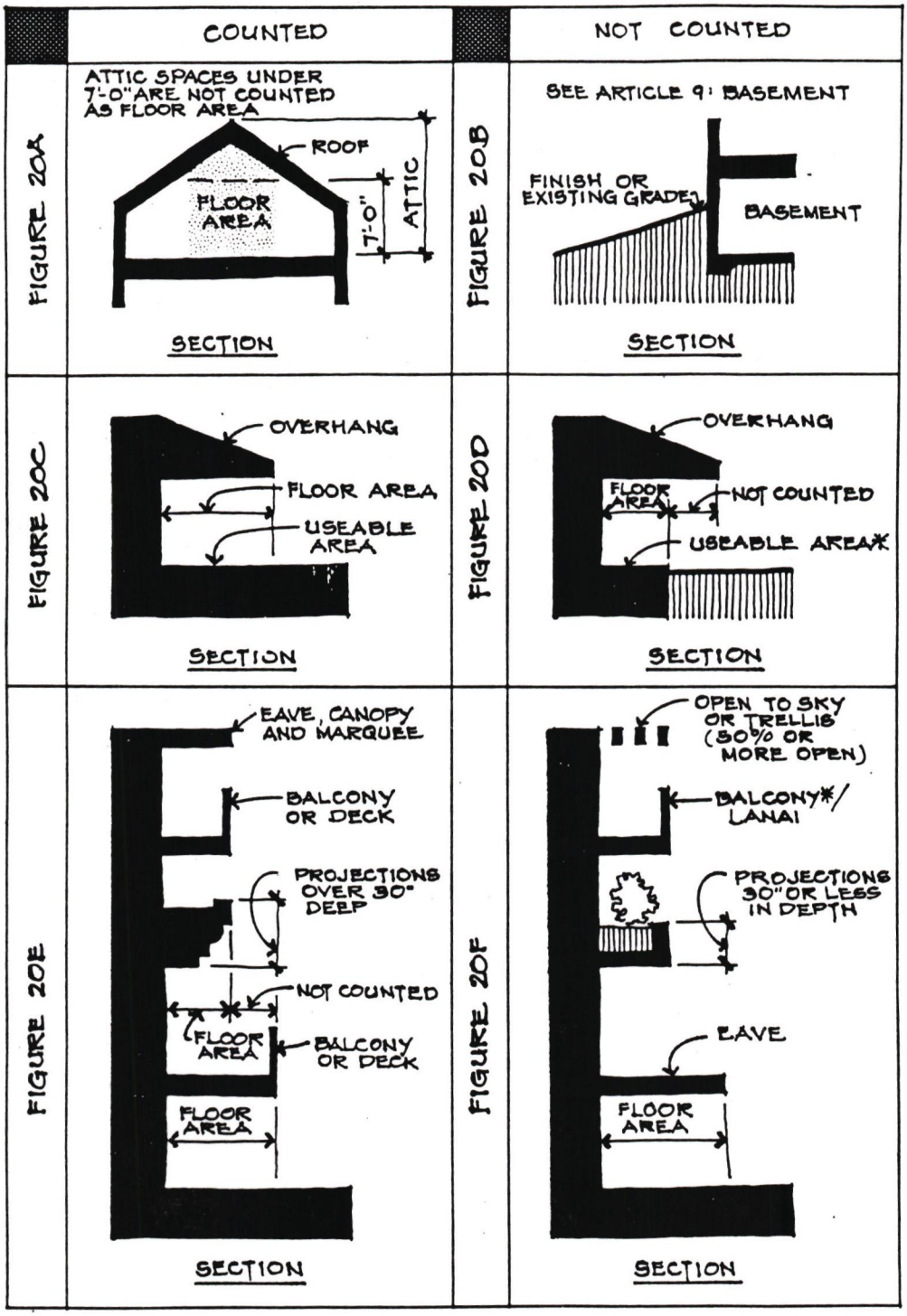
LEGEND

FLOOR AREA

NOT COUNTED AS FLOOR AREA

FLOOR AREA

Figure 9.4 (Continued)



*BALCONY MAY BE CONSIDERED A LANAI, SEE DEFINITION OF LANAI

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.

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 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

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.

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 one-family or two-family detached dwellings that exceed the permitted maximum number 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.

Nonconforming Parking. A number of parking spaces which were previously lawful but which do not conform to applicable parking regulations, either on the effective date of this chapter or as a result of any subsequent amendment.

Nonconforming Structure. A structure which was previously lawful but which does not comply with the density, yard, setback or height 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.

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.

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.

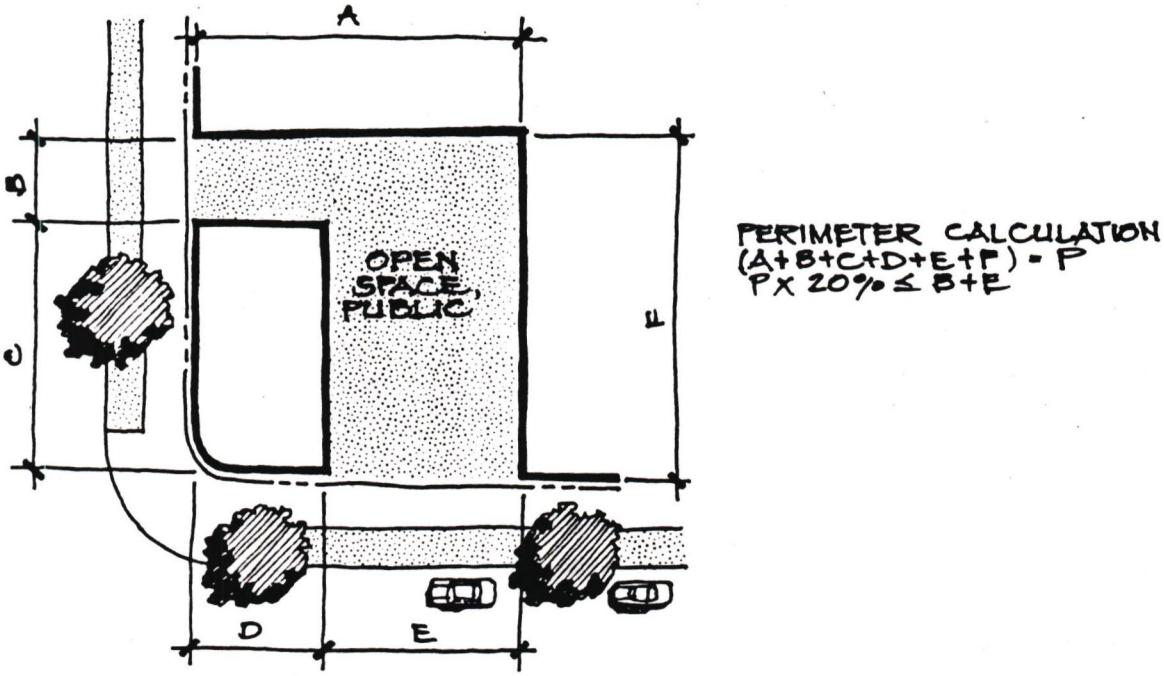
Ohana (Accessory) Dwellling Unit; Ohana Dwelling Unit; Ohana Dwelling; and Ohana Unit. A second dwelling unit permitted pursuant to the provisions of Section 46-4(c), Hawaii Revised Statutes; and of Ordinance 3234 (adopting the Comprehensive Zoning Code) as amended; and thereafter of Ordinance 86-96 (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, botanical gardens, fountains, reflecting pools and other bodies of water, walkways and nonbuildable easements. 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 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, maneuvering of vehicles, or storage of equipment or refuse.
(4) A required yard may be considered open space.

Open Space, Public. Open space that is accessible to the public at all times, not including required yards. It adjoins a public street or public way 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.

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

Am. 4/28/94
Ord. 94-35

Receive-only antennas

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 repairing, including auto painting and motorized bicycle repair, 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 household appliance repair, except for those appliances with gasoline engines.

(G) Shoe repair.

(H) Watch, clock, jewelry repair.

(2) Major.

(A) Blacksmiths.

(B) Boat cleaning and repair.

(C) Electrical, gasoline and diesel motor repair and rebuilding.

(D) Furniture repair.

(E) Industrial machinery and heavy equipment repair.

(F) Vehicular repair, including repair of 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.

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.)

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

Am. 4/28/94
Ord. 94-25

Telecommunications Antennas. Includes antennas, towers and other accessory structures for radio frequency (RF) transmissions intended for specific users who must have special equipment for transmission and/or reception. Also included are broadcasting facilities regulated by the Federal Communications Commission (FCC) under The Code of Federal Regulations Part 74, which includes low power television. Included are land-mobile or two-way radio, and one-way radio paging service broadcasting. Also included are independent receiving facilities which do not qualify as accessory uses. Not included are portable, handheld and vehicular transceivers or radios; industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC); marketed consumer products, such as microwave ovens, citizens band radios and remote control toys; and facilities for the receiving of these transmissions, including individual radio and television appliances.

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, multifamily dwellings and retail or other commercial uses.

Am. 5/18/94
Ord. 94-30

Transient Vacation Unit. A dwelling unit or lodging unit which is furnished for compensation to transient occupants for less than 30 days, other than a bed and breakfast home. For purposes of this definition, compensation includes monetary payment, services or labor of employees.

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.

Am. 4/28/94
Ord. 94-25

Utility Installations, Types A and B. Uses or structures, including transmission lines, used directly in the distribution of utility services, such as water, gas, electricity and telecommunications, except as provided under broadcasting antennas and telecommunications antennas. 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.

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 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.

W

Warehousing. Establishments primarily associated with the storage of raw materials, finished products, merchandise and/or other goods, within a building for subsequent delivery, transfer and/or pick-up.

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.

Waste Disposal and Processing. Facilities for the disposal and processing of solid waste, including refuse dumps, sanitary landfills, incinerators and resource recovery plants.

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 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).

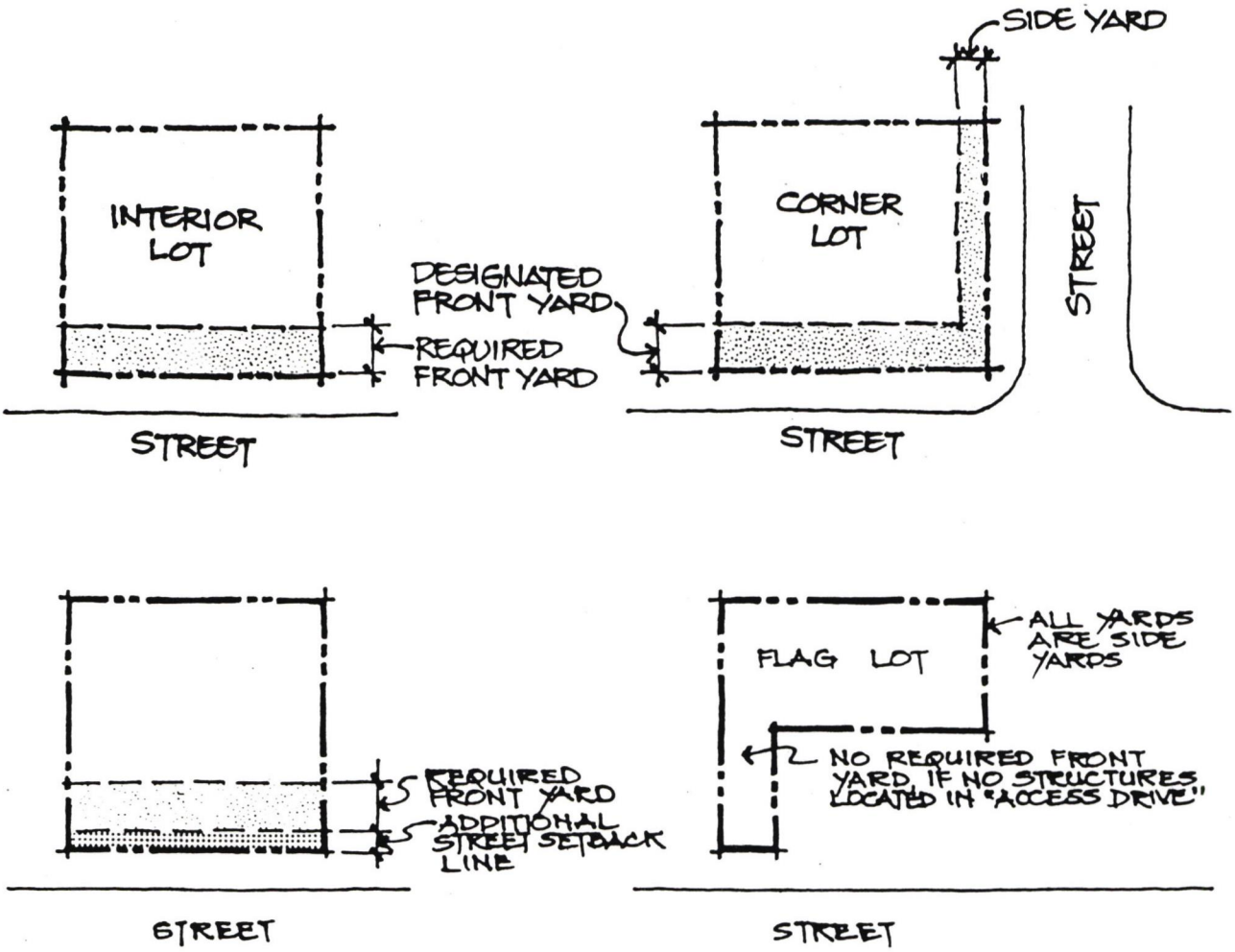
Yard, Rear. A yard extending across a zoning lot at the opposite end of the lot from the front yard, except that when a zoning lot has more than one front yard, there will be no rear yards but only front and side yards.

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

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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ZONING DISTRICTS

USES	DEFINITION ON PAGE	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
AGRICULTURE																		
Agricultural products processing, minor	9-2		C-1 Ac	C-1 Ac											P	P		P
Agricultural products processing, major	9-2		C-2 PRU	C-2 PRU												P		
Animal products processing	9-3															P	P	
Aquaculture	9-3	P	P	P	P													
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets			C-1	C-1											C-1	P		
Crop production	9-9	P	P	P	P													
Farm dwellings	9-13		P*	P*														
Forestry		P	P	P														
Roadside stands			Ac	Ac	Ac													
Sale and service of machinery used in agricultural production			C-1	C-1											P	P		P
Saw mills			C-1	C-1												P		
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production			C-1	C-1											P	P		
ANIMALS																		
Game preserves		P		P														
Kennels, commercial	9-20			P*	P*							P*		P*		P		P*
Livestock grazing	9-21	P	P	P	P													
Livestock production, minor	9-22		P	P	P													
Livestock production, major	9-22		P*	C-1														
Livestock veterinary services			P	P	P													
Zoos		C-2		C-2														
OUTDOOR RECREATION																		
Amusement facilities, outdoor	9-2										C-2	C-2		C-2				
Amusement facilities, indoor and outdoor, motorized																		P
Golf courses		PRU P								P								
Marina accessories	9-24	C-1								C-1		C-1	C-1	C-1			P	C-1
Recreation facilities, outdoor	9-28	C-1		C-1	C-1					P	C-1	C-1	C-1	C-1				

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USES	DEFINITION ON PAGE	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
UTILITIES AND COMMUNICATIONS																		
Broadcasting antennas	9-7	C-2	C-2	C-2											C-2	C-2	C-2	C-2
Broadcasting stations												P	P	P	P	P	P	P
Dish antennas					Ac	Ac	Ac	Ac	Ac									
Telecommunications antennas	9-33	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Utility installations, Type A	9-35	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility installations, Type B	9-35	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1
Wind machines	9-36		C-1 Ac	C-1 Ac	C-1 Ac	C-1	C-1				C-1	C-1			C-1	C-1		C-1
TRANSPORTATION/PARKING																		
Airports		PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Automobile service stations	9-4										C-1 P*	P*	P*	P*	P	P		P
Car washing, mechanized												P*	P*	P*	P*	P*		P*
Commercial parking lots and garages	9-9								C-1	P	P	P	P	P	P	P		P
Heliports	9-19															P		
Helistops	9-19		C-1	C-1						C-1		C-1	C-1	C-1	C-2	P	P	C-1
Joint use of parking facilities					C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1
Off-site parking facilities					C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1
Truck terminals																P	P	
DWELLINGS AND LODGINGS																		
Boarding facilities	9-6							P	P				P	P				
Consulates	9-9					C-1	C-1	P	P		P	P	P	P				
Duplex units	9-11						P	P	P	Ac			P					
Dwelling units	9-11										Ac	Ac			Ac	Ac		Ac
Dwellings, detached, one-family	9-11				P	P	P	P	P	Ac			P					
Dwellings, detached, two-family	9-11						P	P	P	Ac			P					
Dwellings, multifamily	9-11							P	P	P			P	P				
Farm dwellings	9-13		P*	P*														
Group living facilities	9-18		C-2	C-2	C-2	C-2	C-2	C-2	C-2				C-2	C-1				
Guest houses	9-19					Ac												
Hotels	9-20									P				P		C-1		C-1

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DWELLINGS AND LODGINGS (contd.)																		
Roomers/Rooming	9-30				Ac	Ac	Ac											
Time-sharing	9-33									P								
Transient Vacation Unit	9-34									P								
Vacation Cabins		C-1																
SOCIAL AND CIVIC SERVICE																		
Art galleries, museums										P	P	P	P	P				P
Cemeteries and columbaria	9-8	P		C-1														
Colleges, business														P				
Day-care facilities	9-10			P**	P**	P**	P**	P**	P**	Ac	P	P	P	P	P	P		P
Hospitals	9-20	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Meeting facilities	9-24			P**	P**	P**	P**	P**	P**	P	P	P	P	P				P
Prisons		PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Public uses and structures	9-28	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools: Elementary, intermediate and high				P**	P**	P**	P**	P**	P**		P	P	P	P				
Schools, language					C-2	C-2	C-2	C-2	C-2		P	P	P	P				
Schools, business											P	P	P	P				
Schools, vocational											P*	P*	P*	P*		P		P*
Schools: technical, industrial, trade																P		
Theaters	9-33									P	P	P	P	P				P
Universities, colleges		PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU

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USES	DEFINITION ON PAGE	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
COMMERCE, BUSINESS																		
Amusement and recreation facilities, indoor	9-3									Ac	P	P	P	P				
Amusement facilities, indoor and outdoor, motorized																		C-1
Automobile sales and rentals												P	P	P	P	P		P
Bars, nightclubs, taverns										P		P*	P*	P*	C-1	P		P*
Business services	9-8									Ac	P	P	P	P				P
Cabarets, dance halls										P		P*		P*				P*
Catering establishments	9-8											P	P	P	P	P		P
Convenience stores	9-9								C-1	P	C-1 P	P	P	P				P
Dance or music schools	9-9								C-1		P	P	P	P				
Data processing facilities	9-10														P	P		P
Drive-thru facilities	9-10										P*	P*	P*	P*	P*	P*	P*	P*
Eating establishments									C-1	P	P*	P*	P*	P*	P*	P	P	P*
Financial institutions									P*	Ac	P	P	P	P	P	P		P
Greenhouses											P	P	P	P				
Home improvement centers	9-19															P		P
Home occupations	9-20		Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac			Ac					
Laboratories											P*	P	P	P	P	P		P
Medical clinics	9-24								P*	Ac	P	P	P	P				P
Neighborhood grocery stores	9-25		C-1	C-1	C-1	C-1	C-1	C-1	C-1						C-1	C-1	C-1	
Office buildings											P	P	P	P	Ac	Ac	Ac	P
Personal services	9-28								P*	Ac	P	P	P	P				
Photographic processing												P	P	P	P	P		P
Photography studios										Ac	P	P	P	P				P
Plant nurseries											P	P	P	P	P	P		P
Retail establishments	9-30									Ac	P	P	P	P	Ac	Ac		P
Self-storage facilities	9-31											C-1	C-1	C-1	P	P		P
Trade or Convention center	9-34	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Veterinary establishments											P*	P*	P*	P*		P		P*

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INDUSTRIAL																		
Explosive and toxic chemical manufacturing, storage and distribution																C-2		
Food manufacturing and processing	9-18													P*	P	P	P	P
Freight movers															C-1	P		
Heavy equipment sales and rentals															C-1	P		
Linen suppliers															P	P		
Manufacturing, processing and packaging, light	9-23														P	P	P	P
Manufacturing, processing and packaging, general	9-23														C-1	P	P	
Maritime-related sales, construction, maintenance and repairing																	P	
Motion picture and television production studios															P*	P		P
Petroleum processing																C-2	C-1	
Port facilities																	P	
Publishing plants for newspapers, books and magazines												P		P	P	P		P
Repair establishments, major	9-29															P	P	
Repair establishments, minor	9-29										P	P	P	P	P	P	P	P
Resource extraction	9-30	C-1	C-1	C-1												P		
Salvage, scrap and junk storage and processing																C-2	C-1	
Storage yards															C-1	P*	P*	
Warehousing	9-36														P	P	P	P
Waste disposal and processing	9-36	C-2		C-2												C-2		
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	9-36											P*	P*	P*	P	P		P

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MISCELLANEOUS																		
Historic structures, Use of	9-19	C-1	C-1	C-1	C-2	C-2	C-2	C-2	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1
Joint development	9-20				C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1	C-1

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