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# COMPREHENSIVE ZONING CODE

## (CZC)

## ORDINANCE NO. 3234

Revised thru
8/27/69

Aug. '68 G

## CITY AND COUNTY OF HONOLULU

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PLANNING DEPARTMENT
**CITY AND COUNTY OF HONOLULU**
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January 15, 1970

TO HOLDERS OF THE COMPREHENSIVE ZONING CODE

Attached are revised pages for your copy of the Comprehensive Zoning Code encompassing all amendments made through Ordinance No. 3454, which became effective on August 27, 1969.

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ORDINANCE NO. 3234

BILL NO. 179 (1967)
(As Amended)

AN ORDINANCE RELATING TO ZONING AND AMENDING CHAPTER 21, R.O. 1961, AS AMENDED; ESTABLISHING ZONING DISTRICTS AND CONVERTING EXISTING ZONED LAND INTO SUCH NEW ZONING DISTRICTS; AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 1. Chapter 21 of the Revised Ordinances of Honolulu, 1961, as amended, is hereby further amended to read as follows:

"CHAPTER 21. ZONING

ARTICLE 1. GENERAL PROVISIONS

Sec. 21-101. Title.

This Chapter may be cited as the Comprehensive Zoning Code of the City and County of Honolulu.

Sec. 21-102. Legislative Intent.

This Chapter is enacted to promote and protect the health, safety and general welfare of the people of the City and County. It is the intention of the City Council that the provisions of this Chapter will implement the purpose and intent of the General Plan of the City by encouraging the most desirable use of land for residential, recreational, agricultural, commercial, industrial and other purposes, and the most desirable density of population in the several parts of the City, and by encouraging the most appropriate use and occupancy of buildings, and by promoting good civic design and arrangement. The provisions of this Chapter provide reasonable standards with respect to the location, height, bulk, size of buildings and other structures, yard areas, courts, off-street parking facilities and other open spaces, density of population, and the use of buildings, structures, and land for trade, industry, business, residence, or other purposes.

Sec. 21-103. Administration.

The Planning Director shall administer the provisions of this Chapter.

Sec. 21-104. Appeals.

Appeals from the actions of the Planning Director in the administration of the provisions of this Chapter shall be as provided by Section 5-507 of the City Charter (Act 261, S.L.H. 1959).

Sec. 21-105. Variances.

The Zoning Board of Appeals shall hear and determine petitions for varying the application of the provisions of this Chapter pursuant to Section 5-507 of the City Charter (Act 261, S.L.H. 1959).

Sec. 21-106. Violations and Penalties.

(a) 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.

(b) Any person violating any provision of this Chapter shall upon conviction, be punished by a fine not exceeding $1,000 or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance.

Sec. 21-107. Nonconforming Uses.

(a) Nonconforming lots, nonconforming structures, nonconforming uses of land and nonconforming uses of structures may be continued, subject to the provisions hereinafter specified.

(b) Nonconforming uses of land.

(1) Enlargement or extension. No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this Chapter.

(2) Discontinuance. No nonconforming use of land shall continue if it ceases for any reason (except where governmental action impedes access to the premises) for a period of more than six consecutive months or for twelve months during any three-year period.

(3) Movement. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the provisions of this Chapter.

(c) Nonconforming uses of structure.

(1) Enlargement or extension. No nonconforming use of structure may extend to any part of the structure which was not manifestly arranged or designed for such use at the time of adoption of the provisions of this Chapter; and no such use shall be extended to occupy any land outside the structure. Moreover, said structure shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered.

(2) Discontinuance. No nonconforming use of structure shall continue if it is discontinued for 12 consecutive months or for eighteen months during any three-year period.

(3) Change in use. If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use of the same nature, or to a more restricted use, or to a conforming use; provided, however, that change to a more restricted use or to another nonconforming use may be made only if the relation of structure to surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued.

(4) Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of the effective date of the provisions of this Chapter shall not be increased.

Nothing contained in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(d) Nonconforming structure. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) Enlargement or alteration. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity.

(2) Damage or destruction. If a nonconforming structure is destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(3) Relocation. If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(e) Nonconforming lots.

(1) A nonconforming lot shall not be reduced in area or width.

(2) Any conforming use or conforming structure on a nonconforming lot may be enlarged, extended, constructed, or moved so long as other requirements of this Chapter are met.

(3) In apartment, hotel, and B-4 Central Business and B-5 Resort Commercial districts, any nonconforming lot to be used for dwelling or lodging purposes shall be subject to the density requirements of such district.

(4) Any provision to the contrary notwithstanding, a single-family dwelling and customary accessory buildings may be erected on any nonconforming lot located in any district in which single-family dwellings are permitted.

(5) If two or more lots or combinations of lots or portions of lots with continuous frontage in single ownership or lease do not meet the requirements established for lot area, the lands involved shall be considered to be an undivided parcel for purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes degree of compliance with lot width and area requirements, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

Sec. 21-108. Establishment of Districts.

In order to carry out the purposes and provisions of this Chapter, the following districts are hereby established:

(a) Preservation District. The Preservation District shall consist of:

P-1 Preservation

(b) Agricultural Districts. Agricultural districts shall consist of:

AG-1 Restricted Agricultural
AG-2 General Agricultural

(c) Residential Districts. Residential districts shall consist of:

R-1 Residential
R-2 "
R-3 "
R-4 "
R-5 "
R-6 "
R-7 "

(d) Apartment Districts. Apartment districts shall consist of:

A-1 Apartment
A-2 "
A-3 "
A-4 "
A-5 "

(e) Hotel Districts. Hotel districts shall consist of:

H-1 Resort Hotel
H-2 Hotel

(f) Business Districts. Business districts shall consist of:

B-1 Neighborhood Business
B-2 Community Business
B-3 Business-Residential
B-4 Central Business
B-5 Resort Commercial

(g) Industrial Districts. Industrial districts shall consist of:

I-1 Light Industrial
I-2 Heavy Industrial
I-3 Waterfront Industrial

Sec. 21-109. Zoning Map.

(a) Preparation and Adoption.

The Planning Director shall prepare a zoning map showing the location and boundaries of all zoning districts established within the City and County of Honolulu. Upon adoption by the Council, the zoning map shall replace all prior zoning maps. In the event that any question should arise as to the status of any zoning lot by virtue of inconsistencies between the provisions of a zoning ordinance and the area delineated on a zoning map, the provisions of the zoning ordinance shall control.

(b) Public Inspection.

The official zoning map shall be on file in the Office of the City Clerk and shall be available for public inspection.

Sec. 21-110. Definitions.

For purposes of this Chapter words used in the present tense shall include the future; words used in the singular number 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; and the word 'person' includes an individual, a partnership, an association or a corporation.

In addition the following terms shall be defined as herein indicated:

Accessory Use. An 'accessory use':

(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), and

(2) Is clearly incidental to, and customarily found in connection with such 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.

All-Weather Surface. An 'all-weather surface' shall mean a 4-inch base course with a 2-inch asphaltic concrete surface or a 4-inch re-enforced concrete pavement.

Arcade. An 'arcade' is a contiguous area with access to a street or other public way, which is open and unobstructed to a height of not less than 12 feet, is accessible to the public during business hours, has an area of not less than 500 square feet including portions occupied by building columns, and has a minimum dimension of 10 feet. Such area shall not be more than 3 feet above the level of the street which it adjoins.

Automobile Service Station. An 'automobile service station' shall mean buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

(1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;

(2) Tire servicing and repair, but not recapping or regrooving;

(3) Replacement or adjustment of automobile accessories;

(4) Radiator cleaning and flushing; provision of water, antifreeze and other additives;

(5) Washing and polishing, and sale of automotive washing and polishing materials;

(6) Greasing and lubrication;

(7) Providing and repairing fuel pumps, oil pumps and lines;

(8) Servicing and repair of carburetors;

(9) Adjusting and repairing brakes;

(10) Emergency wiring repairs;

(11) Motor adjustments not involving removal of the head or crankcase;

(12) 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;

(13) Provision of road maps and other information material to customers; provision of restroom facilities;

(14) Parking lot as an accessory use.

Uses permissible at a service station do not include body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition nor the operation of a commercial garage as an accessory use.

Beneficial Open Space. 'Beneficial open space' means open space performing a necessary or desirable function in relation to the adjoining residential use. Beneficial open space may include among other similar areas ocean, rivers, lakes, public parks, and grounds around public buildings.

Boundary Wall. A 'boundary wall' is a solid wall without openings, situated within a building and erected on the boundary line between adjacent lots and which is to be jointly maintained.

Buildable Area. 'Buildable area' is that portion of a zoning lot excluding required yards. Buildings may be placed in any part of the buildable area as long as maximum lot coverage requirements are met.

Buildable Area Boundary Line. A 'buildable area boundary line' is any of the imaginary lines which constitutes a perimeter separating the buildable area from the required yards of a zoning lot.

Building. A 'building' is a structure with a roof intended for shelter.

Building Area. 'Building area' is total area covered by enclosed building space including total area of all covered open space (except for open space covered by eaves and normal overhang of roofs) but not including uncovered entrance platforms, uncovered terraces, or uncovered steps where such features do not themselves constitute enclosures for building areas below them.

Building Frontage. 'Building frontage' is 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 said parking area may be considered the building frontage.

Business Sign. A 'business sign' is a sign which directs attention to a profession, business, commodities, services, entertainment or activities conducted, sold, or offered on the premises where the sign is located.

Canopy Sign. A 'canopy sign' is a sign painted on or attached to a canopy or awning. A canopy or awning for purposes of this definition is a non-illuminated cover suspended from the outside wall of a building face.

Car Area. 'Car area' is open space (covered and uncovered) used for automotive traffic and maneuvering, and for parking and loading areas. Also included are all automotive traffic ways and parking areas within the land area; provided, however, that pedestrian ways used only for emergency vehicles, shall not be included in computation of car area.

Carport. A 'carport' is 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 owned and used by the occupants of the building to which it is accessory.

Child Care Center. A 'child care center' is an establishment where five or more children, under the age of 6 and excluding members of the family occupying the premises, are cared for. The term includes day nurseries and kindergartens.

Clinic. A 'clinic' is an office building or group of offices wherein only persons engaged in the practice of a medical profession or occupation are located, but which does not have beds for overnight care of patients. 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.

Convenience Establishments. 'Convenience establishments' as used in this Chapter are small establishments designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry and dry-cleaning establishments, beauty shops, barber shops, and medical and dental offices. Specifically excluded are automobile service stations and repair garages and drive-in eating and drinking establishments.

Cross Slope. The term 'cross slope' shall mean the percentage of natural grade across a tract or parcel of land measured from the highest point to the lowest point.

Decibel. 'Decibel' means a unit of measurement of the intensity of sound (the sound pressure level).

Design Flood. 'Design flood' is the selected flood against which protection is provided, or eventually will be provided, by means of flood protective or control works. It is the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies and potentials, and economic and other practical considerations.

Developer. 'Developer' shall mean an owner or any person with written authorization from the owner, who intends to improve or to construct improvements upon his property.

Drive-in Eating and Drinking Establishment. A 'drive-in eating and drinking establishment' is any commercial establishment serving food or drinks, making provisions encouraging consumption of food or beverages in automobiles, whether such consumption in automobiles is on the premises or at the curb adjacent to the premises.

Dwelling Unit. A 'dwelling unit' is a room or rooms connected together, constituting an independent housekeeping unit for a family, and containing a single kitchen.

Dwelling, One-Family. A 'one-family dwelling' is a building containing one dwelling unit. Mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing are not included within the definition.

Dwelling, Two-Family. A 'two-family dwelling' is a building containing two dwelling units.

Dwelling, Multiple-Family. A 'multiple-family dwelling' is a building or group of attached buildings, other than a hotel, containing three or more dwelling or lodging units.

Dwelling, Detached. A 'detached dwelling' is a building containing one or two dwelling units, entirely surrounded by a yard or other separation from buildings on adjacent lots.

Dwelling, Semi-detached. A 'semi-detached dwelling' is a building containing two sections separated by a boundary wall with each section containing one or two dwelling units and with each section having a separate lot with at least minimum dimensions required by district regulations for such sections.

Dwelling, Attached. An 'attached dwelling' is a building containing three or more attached sections, each section separated by a boundary wall and each containing one or two dwelling units. Side yards shall be required only at the ends of the building. Such sections shall have individual lots, or shall be so located on land in the same ownership that individual lots meeting the requirements of district regulations could be provided for each, or shall be so located and grouped on land in the same ownership that individual lots plus common open space for each, and for all groups, would yield a lot area per dwelling unit at least equal to that required for the district. The term 'attached dwelling' is intended to apply to row houses, townhouses, patio houses and other forms with three or more sections attached to each other.

Eligible Covered Open Space. 'Eligible covered open space' is exterior space open on its sides but not open above to weather, including (if otherwise meeting this definition) roofed carports, roofed porches, lanais, and exterior spaces covered by portions of buildings supported on columns or cantilevered, subject to the limitation that the maximum horizontal area of any covered open space shall not exceed twice the sum of the verticle area of sides or portions thereof which are open and unobstructed.

Extractive Industries. 'Extractive industries' are commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel or any mineral.

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Family. The term 'family' shall mean one or more persons, all related by blood, adoption, or marriage, occupying a dwelling unit or lodging unit, provided that domestic servants employed only on the premises, may be housed on the premises and included as part of the family, provided further, that in lieu of the above family and domestic servants no more than five unrelated persons may occupy a dwelling or lodging unit. With reference to domestic servant it is the intent of the Council that where one member of the family of domestic servants is employed full time as a domestic servant, such domestic servant's spouse need not be employed full time as a domestic servant for the same employer.

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

Floodway. A 'floodway' is a natural or artificial water course with definite bed and banks to confine and conduct flood flows. The top of the banks form the dividing lines between the floodway and the flood plain.

Flood Plain. A 'flood plain' is the relatively flat area or low lands adjoining a floodway which has been or may be covered by flood water.

Floor Area. Except for uses requiring the application of LUI ratings, 'floor area' shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings; provided that the following areas shall be excluded from the determination of floor area: attic areas with headroom of less than 7 feet, unenclosed stairs or fire escapes, elevator structures on the roof, cooling towers, areas devoted exclusively to air conditioning, ventilating and other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of 30 inches above the ground elevation of the adjacent portion of the lot.

Floor Area Ratio. 'Floor area ratio' means the ratio of floor area to land area expressed as a percent or decimal which shall be determined by dividing the total floor area on a zoning lot by the lot area of that zoning lot.

Freeway. A 'freeway' shall mean a controlled-access facility as defined by Act 3, S.L.H. 1960.

Frequency. 'Frequency' as used in the noise regulations is the number of oscillations per second of a vibration.

Garage, Parking. A 'parking garage' is a building or portion thereof designed or used for temporary parking of automotive vehicles, and within which motor fuels and oils may be sold, but within which no vehicles shall be stored, equipped, repaired, hired or sold.

Garage, Private. A 'private garage' is an accessory structure or part of the principal structure which is intended for parking or temporary storage of automobiles of owners or occupants of the premises.

Garage, Repair. A 'repair garage' is a building or portion thereof, other than a private, storage or parking garage, designed or used for repairing, equipping or servicing of automotive vehicles. Such garages may also be used for hiring, storage or sale of automotive vehicles.

Garage, Storage. A 'storage garage' is a building or portion thereof designed and used exclusively for the storage of automotive vehicles, and within which temporary parking may also be permitted.

Ground Elevation. 'Ground Elevation' shall mean the finished grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalk exists. On side and rear property line 'Ground Elevation' shall be the natural grade of said side or rear property line.

Ground Sign. A 'ground sign' is a freestanding, self-supported structure erected or supported from the ground containing one or more faces for sign or display purposes. A ground sign includes a pole sign.

Guest House. A 'guest house' is a lodging unit for temporary nonpaying guests in an accessory building. No such living quarters shall be rented, leased, or otherwise made available for compensation of any kind, nor shall such quarters include over 500 square feet of floor area.

Hanging Sign. A 'hanging sign' is a sign which hangs down from and is supported by or attached to the underside of a canopy, awning or marquee.

Hotel. A 'hotel' is a building or group of attached or detached buildings containing dwelling or lodging units in which 50% or more of the units are lodging units. A hotel shall include a lobby, clerk's desk or counter with 24-hour clerk service and facilities for registration and keeping of records relating to hotel guests.

Identification Sign. An 'identification sign' is a sign which depicts 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 Sign. An 'illuminated sign' is a sign designed to give forth artificial light from an artificial source. Such signs shall include interior lighted signs.

Impact Vibrations. 'Impact vibrations' are earth-borne oscillations occurring at or less than 100 times per minute.

Indirectly Illuminated Sign. An 'indirectly illuminated sign' is a sign illuminated with a light directed primarily toward such sign, including backlighting and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

Kennel, Commercial. A 'commercial kennel' is any premises in which caring, breeding, housing or keeping of dogs, cats or other domestic animals is done for monetary purposes.

Kennel, Residential. A 'residential kennel' is an accessory use to a principal dwelling where dogs owned by the occupant are kept for pets or the hobby of using them for hunting, exhibiting, dog shows, field and obedience trials or for guarding the property of the principal use. The number of dogs, 1 year in age or older, permitted as a residential kennel shall not exceed five plus one additional dog for each 1,000 square feet of zoning lot area in excess of 5,000 square feet. In no case shall the number of dogs, 1 year in age or older, exceed 10 on a zoning lot.

Kitchen. A 'kitchen' is an area within a housekeeping unit which contains a cooking facility, a sink and a refrigerator.

Lanai. A 'lanai' is a platform, either covered or uncovered, not used for access to a dwelling or lodging unit and is attached to and extends beyond the exterior building wall line. It shall be permanently open to the exterior except for a railing or parapet not exceeding 4 feet in height.

Landscaped. 'Landscaped' means a maintained area of which a minimum of 50 percent shall be devoted exclusively to plants which are rooted directly in the ground or in permanently fixed planter boxes.

Living Open Space. 'Living open space' is that portion of open space not used by automotive vehicles, but reserved for outdoor living space, recreational space and landscaping.

Lodging Unit. A 'lodging unit' is a room or rooms connected together constituting an independent housekeeping unit for a family which does not contain any kitchen.

Major Thoroughfare. 'Major thoroughfare' shall have the same meaning as defined in the Subdivision Rules and Regulations of the City.

Marquee Facia Sign. A 'marquee facia sign' is a sign attached to or painted on the face of a marquee and not projecting above or beneath said marquee face. A marquee for purposes of this definition is an illuminated cover suspended over the entrance of a building extending from the wall of said building.

Moving Sign. A 'moving sign' is a sign designed to attract attention by physical movement of all or parts of the sign including rotation, motion or the perception of motion.

Nonconforming Lot. A 'nonconforming lot' is a lot which was previously lawful but which does not comply with the minimum lot area or width 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 thereto.

Nonconforming Structures. A 'nonconforming structure' is any structure which was previously lawful but which does not comply with the bulk, 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 thereto.

Nonconforming Use of Land. A 'nonconforming use of land' is any use of 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 thereto; provided that the foregoing shall include a nonconforming use of structure with a replacement cost of not more than $2,500, or a combination of structures with a total replacement cost of not more than $10,000.

Nonconforming Use of Structures. A 'nonconforming use of structure' is any use of a building or other structure 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 thereto; provided that the foregoing shall not include a nonconforming use within any individual permanently fixed structure with a replacement cost of $2,500 or less, or a combination of permanently fixed structures with a total replacement cost of $10,000 or less.

Non-Illuminated Sign. A 'non-illuminated sign' is a sign which has no source of illumination either directly or indirectly.

Octave Band Filter. An 'octave band filter' is an instrument standardized by the American Standards Association, used in conjunction with a sound level meter to take measurements in specific octave bands.

Owner. 'Owner' shall mean the owner of land in fee simple.

Plan. 'Plan' as used in Article 10, relating to Planned Development, shall mean the proposal for a planned development project, including the subdivision map, all covenants, grants of easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, and public facilities.

Planned Development Project. 'Planned development project' shall mean:

(1) Land under unified control, planned and developed as a whole;

(2) In a single development operation or a definitely programmed series of development operations, including all lands and buildings;

(3) For principal and accessory structures and uses substantially related to the character of the district;

(4) According to comprehensive and detailed plans which include not only streets, utilities and lots or building sites, but also site plans, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and

(5) With a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated or maintained at general public expense.

Planning Director. 'Planning Director' means the Planning Director of the City but it shall also include designated representatives of the Director. As appropriate to the circumstances, approval by the Director shall include approval by his designated representative.

Portable Sign. A 'portable sign' is a sign which has 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 and which do not exceed 16 square feet in area or 16 feet in height above ground level.

Projecting Sign. A 'projecting sign' is an identification sign which is affixed or attached to, and is supported solely by an exterior building wall and extends beyond said building wall or structure more than 15 inches but not greater than 5 feet.

Private Utilities. For the purposes of this Chapter, private utilities are intended to include private sewage treatment plants and private water supplies serving residential subdivisions or other groups of uses or structures; provided that the term 'private utilities' shall not include cesspools, individual household septic tank systems, individual household aerobic units, and individual water supplies.

Public Open Space. 'Public open space' is defined as that part of the net lot area which is open and unobstructed from its lowest level to the sky, except for roof eaves and overhangs is open to the public at all times, adjoins a public street for at least 20% of its perimeter at an average elevation which is not more than 30 inches above the adjoining public street and has a minimum of 25% of its total area devoted to and maintained in plants which shall be rooted directly in the ground and not in portable containers. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed public open space.

Recreation Space. 'Recreation space' is open space for both passive and active recreation. Passive recreation facilities include outdoor sitting areas in the form of sundecks, balconies or roof gardens, shaded areas along walkways or portions of walkways overlooking open areas. Active recreation areas include pedestrian ways located and landscaped to provide for strolling activities, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, playlots, playgrounds and playfields.

Retaining Wall. A 'retaining wall' shall mean any wall which function is to resist the lateral displacement of any material.

Roof Level. 'Roof level' shall mean the highest point of the coping, not including any parapet or facade, of a flat roof or the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

Roof Sign. A 'roof sign' is a sign erected on a vertical framework supported by or located entirely over the roof of a building.

Servants' Quarters. 'Servants' quarters' mean lodging units for domestic servants employed on the premises. Such lodging units may be in either a principal or accessory building, and if in an accessory building, may be used alternatively as a guest house, but no such living quarters shall be rented, leased or otherwise made available for compensation of any kind other than as compensation in the form of housing for servants, and no such quarters shall include over 500 square feet of floor area.

Sign. A 'sign' is 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 the same is placed on any property, building or structure in view of the general public; provided that window displays relating to merchandise for sale on the premises shall not be considered as signs.

Sign Area. The area of a sign shall include 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 the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces the area shall be computed as the largest area projected on the vertical plane for each face exceeding two.

Sound Level Meter. A 'sound level meter' is an instrument standardized by the American Standards Association, used for measurement of the intensity of sound, and calibrated in decibels.

Steady-state Vibrations. 'Steady-state vibrations' are earth-borne oscillations occurring more than 100 times per minute.

Street. A 'street' is 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.

Street Clock. A 'street clock' is any timepiece erected upon a standard upon the sidewalk, or on the exterior of any building or structure for the convenience of the public or placed and maintained by some person for the purpose of advertising his place of business.

Street Frontage. 'Street frontage' is that portion of a lot which has access rights to a street abutting said lot.

Street, Major. 'Major street' shall have the same meaning as defined in the Subdivision Rules and Regulations of the City.

Street, Minor. 'Minor street' shall have the same meaning as defined in the Subdivision Rules and Regulations of the City.

Street, Secondary. 'Secondary street' shall have the same meaning as defined in the Subdivision Rules and Regulations of the City.

Structure. 'Structure' is anything 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.

Student Center. A 'student center' shall mean a building or structure devoted to active or passive recreational facilities for students of a college or university.

Student Dormitory. A 'student dormitory' shall mean a building or structure devoted to housing of regularly enrolled students of a college or university which contains lodging units or sleeping rooms and may contain a common kitchen and dining facility for the occupants.

Three-Component Measuring System. A 'three-component measuring system' is a device for recording the intensity of any vibration in three mutually perpendicular directions.

Usable Roof Area. 'Usable roof area' is total roof area of residential buildings, garages, and accessory buildings which has been landscaped or improved as recreation space for use of residents of the development.

Use. A 'use' is:

(1) Any purpose for which a structure or a tract of land is designed, arranged, intended, maintained, or occupied, or

(2) Any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Utility Installation. A use or structure used directly in distribution or transmission of utility services, but not including storage yards, offices, warehouses, machine shops and the like.

Vacation Cabin. 'Vacation cabin' refers to a dwelling unit consisting of not more than 4 sleeping rooms, containing not more than 800 square feet of gross floor area and which is used for recreational purposes.

Wall Sign. A 'wall sign' is a sign which is affixed to an exterior wall of any building, projecting not more than 15 inches from the building wall and does not extend above the exterior wall of said building.

Wind Sign. A 'wind sign' is any sign or display not exceeding 16 square feet in area or 16 feet in height above ground elevation including but not limited to flags, banners, balloons, streamers, and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze.

Yard. A 'yard' is a required open space unobstructed by any structure or portion of a structure from 30 inches above the ground elevation; provided, however, that fences, walls, poles, posts, wires and customary yard accessories, roof overhangs or eaves extending not more than 30 inches into a yard, and carports and garages may occupy portions of certain yards as provided herein; subject, however, to height limitations and other requirements limiting obstruction of visibility applying to such yards.

Yard, Front. A 'front yard' is a yard extending between side lot lines across the front of a lot.

Yard, Rear. A 'rear yard' is a yard extending across the rear of the lot between inner side yard lines, except that in the case of through lots, and corner lots there will be no rear yards, but only front and side yards.

Yard, Side. A 'side yard' is a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved from the public street, except as indicated below.

(a) On through lots, side yards shall extend from the rear lines of required front yards.

(b) On corner lots, yards remaining after front yards have been established pursuant to Sec. 21-202 of this Chapter shall be considered side yards.

Yard, Special. A 'special yard' is any yard other than a yard adjacent to a public street, required to perform the same functions as side or rear yards, but adjacent to a lot line so placed or oriented that neither the term 'side yard' nor the term 'rear yard' clearly applies.

Zoning Lot. A 'zoning lot' is a lot or any portion thereof, or contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Sec. 21-111. Transmittals.

Notwithstanding any provisions contained in this Chapter to the contrary, any and all Planning Commission's recommendations mentioned in this Chapter shall be transmitted by the Mayor to the Council within ten working days after the date of receipt of such recommendations from the Planning Commission.

## ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN VARIOUS DISTRICTS

A. Regulations Relating to Lots, Yards, Heights, Off-Street Parking and Off-Street Loading.

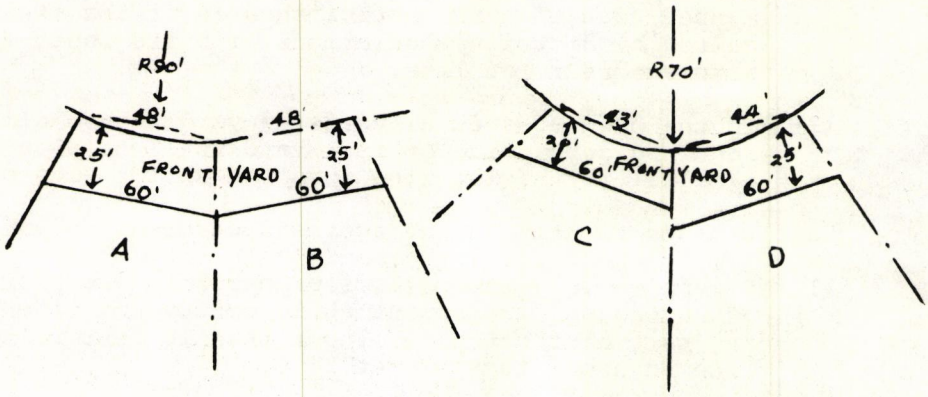
Sec. 21-201. Zoning Lots.

(a) Lot area. The area of a zoning lot shall be the total area within the lot lines of the zoning lot, exclusive of rights-of-way for ingress or egress in favor of others and easements for drainage channels.

The area of a zoning lot shall not include land more than the indicated distances from buildings housing the principal use as listed hereinbelow:

| | |
|---|---|
| Dwellings for less than 50 families | 100 feet |
| Dwellings for 50-99 families | 150 feet |
| Dwellings for 100-199 families | 200 feet |
| Dwellings for 200-299 families | 300 feet |
| Dwellings for more than 300 families | 500 feet |
| Other uses | 300 feet |

(b) Lot width. The width of a zoning lot shall be determined by measuring across the rear of the required front yard; provided, however, the street line width of a zoning lot shall be determined by measurement across the width between the side lot lines of said zoning lot at the points where they intersect the street line. Said street line width shall not be less than 80% of required minimum lot width. Exception: In the case of lots on the turning circle of cul-de-sacs or at points of street curvature where the radius at the right-of-way line of the street (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than 90 feet, the 80% requirement shall not apply. The diagrams below indicate the requirements and relationships involved:




Lot 'taper' permissible at 90' curve radius (A) or along straight street (B), with required front yard depth 25', required lot width 60'. (Street line 30% of lot width as measured at rear of required front yard.)

Lots with lines radial to a curved street line with curve radius less than 90' (in this case 70') need not comply with 80% rule. Lot C shows application with 20' front yard, D with 25' applies in turning circles of cul-de-sacs, or at sharp bends in streets.

Sec. 21-202. Yards.

(a) Front Yards. Front yards shall be provided on all street frontages in accordance with the general regulations of the district relating to minimum depth of front yards. Required front yards shall be measured perpendicular to and parallel with the street frontage line; provided, however, where Master Plans or Development Plans have been approved and adopted by the City Council, the yard requirements shall be measured from the setback line established on said Master Plan or Development Plan or the street frontage line, whichever is the greater distance from the established center line on the Master Plan or Development Plan.

(b) Other Yards.

(1) The width of a required side yard shall be measured in such a manner that the yard established is of the minimum width required by district regulations with its inner line parallel with the side lot line.

(2) The depth of a required rear yard shall be measured in such a manner that the yard established is of the minimum width required by district regulations with its inner line parallel with the rear lot line.

(3) In the case of special yards, a yard with minimum dimensions required for a side or rear yard shall be provided, running parallel to the lot line involved as for side or rear yards.

(c) Requirements relating to garages and carports in yards.

(1) Except where joint garages or carports are provided, no portion of any garage or carport shall occupy any side or rear yard, or any part of front yard closer than 10 feet to the property line adjacent to a street.

(2) Joint garages or carports, which are garages or carports providing parking for adjoining property owners in a continuous structure crossing a property line, with or without a boundary wall at the property line, may occupy required side or rear yard space, or required front yard space but not closer than 10 feet to the property line adjacent to a street.

(d) Requirements relating to fences and walls in yards. Retaining walls containing a fill within yards shall not exceed a height of six feet, provided that the Planning Director may allow a greater height provided he finds such additional height is necessary because of topography, subdivision design or lot arrangement. In granting said additional height, the Director may impose reasonable conditions to protect the health, safety and general welfare of the surrounding area. Walls and fences, other than retaining walls, may project into or enclose any part of any yard other than a required front yard in a business or industrial district; provided, however, that any fence or wall so constructed shall not exceed a height of six feet and shall be subject to other applicable provisions of law.

Where a retaining wall protects a cut below the natural grade and is located on a line separating lots, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at this location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall shall be considered as part of the permissible height of such fence or wall.

Notwithstanding the above provisions, no wall, fence or other structure shall exceed a height of 30 inches above the finished elevation of a driveway within a visibility triangle created by measure 10 feet in from the intersection of a driveway boundary and property lines, and 10 feet along the property lines away from the driveway with the ends of the two 10-foot lines connected in a straight line to form the visibility triangle. The 30-inch height for any portion within the triangle shall be computed from the elevation of the driveway which is perpendicular to that portion of wall or structure within the triangle.

(e) Optional yard regulations. In A-2, A-3, A-4, and A-5 Apartment districts and H-1 Resort Hotel and H-2 Hotel districts, an area or areas of open space may be provided on the zoning lot, equal or greater than the area derived from the side and rear yards normally required on such zoning lot. This open space shall be in conformance with the requirements of subsection (a) hereinabove and shall be maintained in landscaping, except for drives or alleyways necessary for access to adjacent streets, and a minimum of 50% of such open space shall be contiguous to the street frontage abutting the zoning lot.

When this optional yard regulation is utilized, parking or accessory use structures partially below and partially above ground elevation may extend to side and rear property lines, provided they do not encroach into the open space described in the first paragraph above; and further provided that any above ground elevation shall not be more than 4 feet above ground elevation in the 10 feet adjacent to the property line and a solid wall 2 feet high shall be provided and maintained to screen parked cars.

(f) Waiver of Requirements for Public Uses or Utility Installations. Minimum requirements for public uses and utility installations may be waived if the Planning Director finds that the proposal will have no more adverse effect on the health, safety, or comfort of persons living or working in the area, and will be no more injurious economically or otherwise to property or improvements in the surrounding area than would any use generally permitted in the district. Prior to granting approval, plans shall be submitted to the Planning Director for his review, subject to such conditions as he may determine necessary to insure compliance with the intent of this provision.

Sec. 21-203. Height Regulations.

Whenever height limits for buildings and other structures are established, no portion of any building or other structure shall extend beyond such height limits, except residential chimneys, roof overhangs or eaves which do not extend more than 30 inches, residential radio or television antennas, spires, flagpoles or monuments otherwise approved for erection; provided, however, that smokestacks and water tanks may also extend beyond such limits, if they do not exceed in height the distance of any portion of the building or structure to the nearest lot line; and further provided that one antenna for purposes of an amateur radio station operation may extend beyond said height limits but shall not exceed 90 feet in height above ground elevation.

Sec. 21-204. Off-Street Parking Requirements.

(a) General standards. Except as otherwise provided herein, any off-street parking space shall have minimum dimensions of 8-1/2 by 19 feet; provided that minimum dimensions for parallel parking spaces shall be 8-1/2 by 22 feet. Each space shall be unobstructed, shall have access to a street and shall be so arranged that any automobile may be moved without moving another, except in the case of parking for one- and two-family dwellings and in the case of parking for employees on the premises. All spaces shall be provided and maintained with an all-weather surface. Where parking areas are illuminated, all sources of illumination shall be so shielded as to prevent any direct reflection toward adjacent premises in residential, apartment or hotel districts. In addition:

(1) Parking areas for three or more automobiles shall have individual spaces marked, and spaces shall be so arranged that no maneuvering directly incidental to entering or leaving a parking space shall be on any public street, alley or walkway.

(2) Side and rear boundaries shall be screened by solid fence not less than 4 feet in height, except for necessary ingress and egress, when parking areas for 10 or more spaces are provided on a zoning lot within or abutting a residential, apartment or hotel district.

(3) Where eight or more spaces are provided on a zoning lot a suitable turn-around area shall be provided in order that all vehicles shall enter the street in a forward manner.

(4) Minimum aisle widths required for parking areas shall be according to the following table:

| Parking Angle (in degrees) | Aisle Width (in feet) |
|---|---|
| 0-44 | 12 |
| 45-59 | 13.5 |
| 60-69 | 18.5 |
| 70-79 | 19.5 |
| 80-89 | 24 |
| 90 | 25 |

(b) Parking for accessory uses. Unless otherwise specified in the district regulations, accessory uses shall conform to the parking requirements applicable to such uses, which requirement shall be in addition to any parking required of the principal use.

(c) Exemptions. All buildings or uses except multiple-family dwellings and hotels on lands 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 said improvement district, shall be exempt from off-street parking requirements of this chapter.

Sec. 21-205. Off-Street Loading Requirements.

The off-street loading requirements herein specified shall apply to all zoning lots exceeding 5,000 square feet in area for the class or kind of uses indicated. In addition, in connection with planned development zoning and conditional use permits involving such classes or kinds of uses, special requirements may be imposed.

Moreover, if any building existing on the effective date of these provisions is subsequently altered to increase floor area by 50% or more, or converted from any other use to the uses listed in column 1 of the chart below, off-street loading spaces shall be provided as indicated.

Where a building is used for more than one use, and floor area for each use is below the minimum requiring a loading space, the aggregate floor area of the several uses shall be used in determining the number of loading spaces required, provided that such calculation shall be based on the use category requiring the greatest number of loading spaces.

| Column 1<br>Use or Use Category | Column 2<br>Floor Area in Square Feet | Column 3<br>Loading Space Requirements |
|---|---|---|
| Retail stores, eating and drinking establishments, wholesale houses, warehouse, repair, general service, manufacturing or industrial establishments. | 2,000 - 10,000<br>10,001 - 20,000<br>20,001 - 40,000<br>40,001 - 60,000<br>Each 50,000 over 60,000 | One<br>Two<br>Three<br>Four<br>One additional |
| Hotels, hospital or similar institution, or places of public assembly. | 5,000 - 10,000<br>10,001 - 50,000<br>50,001 - 100,000<br>Each 100,000 over 100,000 | One<br>Two<br>Three<br>One additional |
| Funeral home or Mortuary | 2,500 - 4,000<br>4,001 - 6,000<br>Each 10,000 over 6,000 | One<br>Two<br>One additional |
| Multiple-family dwellings, offices or office buildings | 20,000 - 50,000<br>50,001 - 100,000<br>Each 100,000 over 100,000 | One<br>Two<br>One additional |

No loading space required under the provisions of this Chapter shall be in any street or alley, but shall be provided within the building or on the lot. No less than half of the required number of off-street loading spaces, but in all cases at least one space, shall have a vertical clearance of at least 14 feet, and the balance of required spaces shall have a vertical clearance of at least 10 feet. Each loading space shall have minimum horizontal dimensions of 12 x 35 feet. Each space shall be unobstructed and shall be so arranged that any using vehicle may be moved without moving another. Adequate maneuvering areas and access to a street shall be provided and shall have a vertical clearance of at least 14 feet. All spaces shall be provided and maintained with an all-weather surface. Where loading areas are illuminated, all sources of illumination shall be so shielded as to prevent any direct reflection toward adjacent premises in residential, apartment or hotel districts. In addition, loading spaces for three or more vehicles shall have individual spaces marked, and spaces shall be so arranged that no maneuvering directly incidental to entering or leaving a loading space shall be on any public street, alley, or walkway.

B. Land Use Intensity.

Sec. 21-211. Land Use Intensity Scale.

The land use intensity (LUI) scale provides a series of density ratings which include floor area, open space, living space, and recreation space for all dwelling and lodging uses as regulated in apartment, hotel, and B-3 Business Residential, B-4 Central Business and B-5 Resort Commercial districts sections of this Chapter. The land use intensity scale has a range from LUI 30 to LUI 85 and is expressed in ratios as follows:

| Land Use Intensity Rating<br>LUI | Floor Area Ratio<br>FAR | Open Space Ratio<br>OSR | Living Space Ratio<br>LSR | Recreation Space Ratio<br>RSR |
|---|---|---|---|---|
| 30 | .10 | 8.0 | 6.4 | .25 |
| 31 | .11 | 7.4 | 5.9 | .24 |
| 32 | .11 | 6.9 | 5.3 | .23 |
| 33 | .12 | 6.4 | 4.9 | .22 |

| Land Use Intensity Rating LUI | Floor Area Ratio FAR | Open Space Ratio OSR | Living Space Ratio LSR | Recreation Space Ratio RSR |
|---|---|---|---|---|
| 34 | .13 | 6.0 | 4.5 | .20 |
| 35 | .14 | 5.5 | 4.1 | .21 |
| 36 | .15 | 5.1 | 3.7 | .20 |
| 37 | .16 | 4.8 | 3.3 | .20 |
| 38 | .17 | 4.4 | 3.1 | .19 |
| 39 | .19 | 4.1 | 2.85 | .19 |
| 40 | .20 | 3.9 | 2.6 | .18 |
| 41 | .21 | 3.5 | 2.4 | .17 |
| 42 | .23 | 3.3 | 2.2 | .17 |
| 43 | .25 | 3.1 | 2.0 | .16 |
| 44 | .26 | 2.8 | 1.8 | .16 |
| 45 | .28 | 2.6 | 1.6 | .15 |
| 46 | .30 | 2.4 | 1.5 | .15 |
| 47 | .32 | 2.3 | 1.4 | .14 |
| 48 | .35 | 2.1 | 1.3 | .14 |
| 49 | .37 | 1.9 | 1.1 | .13 |
| 50 | .40 | 1.8 | 1.1 | .13 |
| 51 | .43 | 1.7 | .98 | .12 |
| 52 | .46 | 1.5 | .92 | .12 |
| 53 | .50 | 1.4 | .85 | .12 |
| 54 | .53 | 1.3 | .77 | .11 |
| 55 | .57 | 1.2 | .72 | .11 |
| 56 | .61 | 1.1 | .66 | .11 |
| 57 | .65 | 1.10 | .61 | .10 |
| 58 | .70 | 1.0 | .57 | .10 |
| 59 | .75 | .92 | .53 | .097 |
| 60 | .80 | .86 | .49 | .094 |

| Land Use Intensity Rating LUI | Floor Area Ratio FAR | Open Space Ratio OSR | Living Space Ratio LSR | Recreation Space Ratio RSR |
|---|---|---|---|---|
| 61 | .85 | .80 | .46 | .092 |
| 62 | .91 | .75 | .43 | .089 |
| 63 | 1.00 | .70 | .40 | .086 |
| 64 | 1.07 | .65 | .38 | .083 |
| 65 | 1.13 | .60 | .36 | .081 |
| 66 | 1.22 | .55 | .34 | .078 |
| 67 | 1.30 | .52 | .32 | .076 |
| 68 | 1.40 | .49 | .30 | .073 |
| 69 | 1.50 | .45 | .28 | .071 |
| 70 | 1.60 | .43 | .27 | .070 |
| 71 | 1.70 | .40 | .26 | .067 |
| 72 | 1.80 | .38 | .25 | .065 |
| 73 | 2.00 | .36 | .24 | .063 |
| 74 | 2.1 | .34 | .23 | .061 |
| 75 | 2.3 | .32 | .22 | .058 |
| 76 | 2.5 | .31 | .21 | .057 |
| 77 | 2.6 | .30 | .20 | .055 |
| 78 | 2.8 | .29 | .20 | .053 |
| 79 | 3.0 | .28 | .19 | .052 |
| 80 | 3.2 | .27 | .19 | .050 |
| 81 | 3.5 | .26 | .18 | .048 |
| 82 | 3.7 | .25 | .18 | .046 |
| 83 | 4.0 | .23 | .17 | .044 |
| 84 | 4.2 | .22 | .17 | .042 |
| 85 | 4.5 | .21 | .16 | .040 |

Sec. 21-212. Application of Land Use Intensity (LUI).

(a) The purpose of land use intensity is to relate land area, and open space to each other. In applying land use intensity,

the floor area ratio creates a maximum use of building in relation to land area and the open space requirements are minimum requirements based upon and computed from the actual floor area developed on a zoning lot. Where accessory or mixed uses are involved, the open space requirement shall be based on floor area other than that used for commercial purposes. Recreation space (RS) may be a part of living space (LS) and living space a part of open space (OS). The following is an application of the ratios expressed in the foregoing section:

(1) Floor Area Ratio (FAR). The ratio of floor area (FA) to land area (LA) expressed as a percent or decimal. Floor Area Ratio (FAR) x Land Area (LA) = maximum permitted floor area.

(2) Open Space Ratio (OSR). The ratio of Open Space (OS) to Floor Area (FA) that has been developed, expressed, as a percent or decimal. Open Space Ratio (OSR) x Floor Area (FA) = minimum required open space.

(3) Living Space Ratio (LSR). The ratio of Living Space (LS) to Floor Area (FA) that has been developed, expressed as a percent or decimal. Living Space Ratio (LSR) x Floor Area (FA) = minimum required living space which may be part of required Open Space (OS).

(4) Recreation Space Ratio (RSR). The ratio of Recreation Space (RS) to Floor Area (FA) that has been developed, expressed as a percent or decimal. Recreation Space Ratio (RSR) x Floor Area (FA) = minimum required Recreation Space which may be part of required Living Space (LS).

(b) In determining land area, floor area and open space, the following method of computation shall be applicable:

(1) Land area. In determining land area the following shall be included:

(i) The area of the zoning lot, less any area for which vehicular access has been granted to other properties;

(ii) An area equal to not more than one-half of the abutting right-of-way of any public street or alley to which the zoning lot has vehicular access rights. Said abutting right-of-way shall not include freeways, nor easements or private streets in which vehicular rights-of-way to other properties are granted. On lots abutting intersecting streets the area shall be determined by the center line extensions of the abutting streets connected with the lot line extensions of the zoning lot or line established by beneficial open space.

(iii) An area computed by multiplying the total linear feet of the beneficial open space abutting the zoning lot by one-half of the applicable LUI rating or an area equal to not more than one-half of the total area of any beneficial open space abutting the zoning lot, whichever is less.

(2) Floor area. In determining floor area the areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings and all stairways, balconies and corridors shall be included, but the following areas shall be excluded:

(i) Attic areas with headroom of less than 7 feet;

(ii) Elevator hoist machinery;

(iii) Cooling towers;

(iv) Areas devoted exclusively to central air conditioning, ventilating and other building machinery and equipment;

(v) Parking structures, including accessways on the parking level; and

(vi) Lanais.

(3) Open space. In determining the area of open space the following shall be included:

(i) Land area as determined under (1) above, less the building area;

(ii) Usable roof area; and

(iii) One-half of the area of eligible covered open space.

(4) Living open space. In determining the area of living open space the following shall be included:

(i) Zoning lot area less the building area and less the uncovered car area;

(ii) Usable roof area;

(iii) Twenty-five percent of eligible covered open space; and

(iv) Off-site permanent recreation space eligible for recreation space requirements.

(5) Recreation space. In determining the area of recreation space, open areas for both passive and active recreation facilities shall be included, subject, however, to the following conditions:

(i) No portion of any open area for passive or active recreation facilities shall be less than 20 feet measured horizontally from any residential window on the ground floor.

(ii) If the recreation space requirement is less than 10,000 square feet, the recreation space, other than roof areas, shall be located in a contiguous portion of the zoning lot.

(iii) If the recreation space requirement is 10,000 square feet or more, each separate recreation area shall contain at least 10,000 square feet and shall be not less than one hundred feet in least dimensions at any point, except for any space of less than 10,000 square feet constituting the remainder after provision has been made for the 10,000 square-foot area or areas. Modification of these area and dimensional requirements shall be allowed if the shape or topography of the site prevents compliance or if the recreation space consists of usable roof area.

(iv) Off-site permanent recreation space and facilities may be approved as meeting up to one-half of the minimum requirements for countable recreation space, if such off-site space otherwise is in accord with these regulations and abuts the residential site.

C. Sign Regulations.

Sec. 21-221. Applicability.

The provisions of this part relating to signs shall apply in all zoning districts. However, the following types of signs shall be exempted from all requirements of this Chapter, except those specifically provided for herein:

(a) Temporary signs.

(1) Announcing signs. One sign per street frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such sign shall not exceed 16 square feet in residential districts or 32 square feet in other districts.

(2) Real estate signs. One sign per street frontage not exceeding 4 square feet in Residential districts or 8 square feet in other districts advertising the sale, rental or lease of the premises on which displayed.

(3) Subdivision signs. One sign per street entrance to the subdivision and located on the property to be subdivided provided such sign shall not exceed 32 square feet in area. Such 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 Planning 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 Planning Director for a reasonable period of time not to exceed one year at any one time.

(4) Special event displays. Portable signs and wind signs may be erected on the premises of an establishment having a grand opening or special event, provided that such signs shall be displayed for a period not to exceed 7 calendar days within any 6 month period.

(b) Institutional signs. One sign or bulletin board per street front setting forth or denoting the name of any public, charitable or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 square feet in sign area.

(c) Public signs. Signs of a public or non-commercial nature, which shall include community service information signs, public transit service signs, public 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.

(d) Subdivision or tract name signs. One non-illuminated sign not to exceed 24 square feet in area or 2 non-illuminated signs not to exceed 12 square feet each per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.

(e) Flags. Official flags of government jurisdictions including flags indicating weather conditions and flags which are emblems of on-premise business firms and enterprises, religious, charitable, public and non-profit organizations. No single flag shall exceed 50 square feet in area.

(f) Plaques. Commemorative plaques placed by historical agencies recognized by the City and County of Honolulu or the State of Hawaii.

(g) Address signs. Signs indicating street address not exceeding 1 square foot in area.

Sec. 21-222. Permissible Signs.

Except as otherwise provided, signs permitted shall be as enumerated in the district regulations.

Sec. 21-223. Prohibited Signs.

It shall be unlawful to erect or maintain:

(a) Any sign which is not included under the types of signs permitted in district regulations or in this part.

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

(c) Any wind sign, except as permitted under the provisions of this Chapter.

(d) Any portable sign, except as permitted under the provisions of this Chapter.

(e) Any political campaign sign, including poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other advertising device the purpose of which is to announce the candidacy of any person or persons seeking public elected office or offices, when such sign is displayed out of doors.

Sec. 21-224. Height, Clearance and Projection Limits.

(a) Ground signs. Ground signs shall not exceed a height of 16 feet above ground level and shall not overhang any public right-of-way or required yard area, except as specifically allowed.

(b) Hanging signs. Hanging signs extending over walkways shall not have less than 7-1/2 feet of clearance between the lower edge of the sign and the ground level below.

(c) Projecting signs. Projecting signs shall not exceed 6 feet in height above the roof level of a one-story building or 4 feet in height above the roof level of the second story of the building over one story in height.

(d) Roof signs. Roof signs shall not exceed a height of 5 feet above the roof level of a one-story building in industrial districts and 3 feet in commercial districts. Roof signs shall not be permitted in any district on buildings exceeding one story in height or 16 feet above ground level, whichever is the lower height.

(e) Wall signs. Wall signs shall not be permitted in any district above the second floor roof level; provided that a permanent building or principal occupant identification sign, not to include painting of the name on the wall face, may be erected on a maximum of two faces of the building wall with letter or character height not to exceed 2 feet.

(f) Setback. Unless otherwise provided, signs shall not be permitted within any yard setback area. Projections over the public right-of-way is prohibited, except in the B-4 Central Business district and as otherwise provided.

(g) Flashing signs. Flashing signs shall not exceed 20 flashes per minute.

(h) Rotating signs. Rotating signs shall not exceed 10 revolutions per minute.

Sec. 21-225. Special Restrictions Applicable to Certain Uses.

(a) Sign regulations applicable to automotive outdoor sales and rental lots separated from new car dealer showrooms or service facilities and drive-in restaurants:

(1) A maximum of three business signs not to exceed a total of 1 square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Said signs may be either wall, roof, canopy, marquee facia 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 moving but shall not overhang any required yard or public right-of-way.

(b) Sign regulations applicable to automotive service stations and car washes:

(1) A maximum of 4 business signs not to exceed a total sign area of 1 square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Said signs may be illuminated and be either canopy, marquee facia, projecting, or wall signs.

(2) One indirectly illuminated, identification ground sign not to exceed 32 square feet of the total sign area may be erected, provided it does not overhang the public right-of-way. Said sign may be a moving 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.

(c) Sign regulations applicable to drive-in theatres:

(1) One indirectly illuminated ground or wall sign not to exceed 300 square feet in sign area which may state the name of the theatre, name of the currently showing or future motion pictures or other performances and the name of the actors therein or other relevant information shall be permitted. Such sign 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 6 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 not visible from outside the theatre.

(d) Sign regulations applicable to theatres: Four signs either canopy, hanging, marquee facia, projecting or wall signs, which may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each theatre establishment.

(e) Sign regulations applicable to shopping centers with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.

Within a shopping center 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 street level. 'Ground level' as used herein shall mean the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at such level.

D. Performance Standards.

Sec. 21-231. Applicability of Performance Standards.

Unless more restrictive standards are established in the district regulations or by other specific provisions of this Chapter, the following performance standards shall apply in any district.

Except as otherwise provided herein, measurements relating to conformity with performance standards shall be applied at lot boundaries and shall apply to uses and operations on the lot, except construction or demolition of structures.

Sec. 21-232. Noise Regulation.

(a) 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 to exclude noises emanating from off the premises involved, or a correction factor reasonable under the circumstances shall be applied to compensate for off-premise noises.

Sounds of short duration, as from forge hammers and punch presses, which cannot be measured accurately with a sound level meter, shall be measured with the impact noise analyzer manufactured by General Radio Company, or its equivalent, to determine peak value of the impact. For sounds measured with an impact noise analyzer, the sound pressure levels may be increased to the extent of six decibels over and above the levels indicated in the table in subsection (c) below.

(b) Noise level within specific districts.

(1) In I-2 Heavy 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 (c) below; provided, however, that where the I-2 Heavy 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 Heavy Industrial or I-3 Waterfront Industrial district boundary shall be reduced 7 decibels from 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.

(2) 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 in subsection (c) 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 7 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.

(c) Maximum permitted sound pressure level (in decibels). The maximum sound pressure level for each octave band herein designated shall be as follows:

| Octave Band (cycles per second) | Sound Pressure Level (decibels) |
|---|---|
| 0 - 74 | 79 |
| 75 - 149 | 74 |
| 150 - 299 | 66 |
| 300 - 599 | 59 |
| 600 - 1,199 | 53 |
| 1,200 - 2,399 | 47 |
| 2,400 - 4,799 | 41 |
| 4,800 and over | 39 |

Sec. 21-233. Vibration Regulation.

(a) Method of measurement. A three-component measuring system approved by the City Council shall be used to make measurements required by this section. Location and timing of measurements shall be so arranged to exclude vibrations emanating from off the premises involved, or a correction factor reasonable under the circumstances shall be applied to compensate for off-premise vibrations.

(b) Impact vibrations within specific districts.

(1) In I-2 Heavy Industrial and I-3 Waterfront Industrial districts, steady state or impact vibrations from any use shall not exceed at any point at or beyond district boundaries the levels set forth in the table in subsection (c) below.

(2) In all other districts, steady state or impact vibrations from any use shall not exceed at any point at or beyond lot boundaries the levels set forth in the table in subsection (c) below.

(c) Maximum permitted steady state and impact vibration displacement (in inches). The maximum steady state and impact vibration displacement (in inches) for each frequency herein designated shall be as follows:

| Frequency (Cycles per second) | Vibration Displacement (in inches) | |
|---|---|---|
| | Steady State | Impact |
| Under 10 | .0005 | .0010 |
| 10 - 19 | .0004 | .0008 |
| 20 - 29 | .0003 | .0006 |
| 30 - 39 | .0002 | .0004 |
| 40 and over | .0001 | .0002 |

E. Conditional Uses and Structures.

Sec. 21-241. Procedural Requirements.

(a) Application for conditional use permit. A developer, owner or lessee (holding under a recorded lease the unexpired term of which is more than 5 years from date of filing of the application) may file with the Planning Director an

application for a conditional use permit; provided that the conditional use sought is permitted in the particular district. The application shall be accompanied by a plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of existing and proposed buildings, if any, and the existing and proposed uses of structures and open areas; and by such additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required by the Planning Director in the circumstances of the case.

(b) Fees. The application shall be accompanied by a deposit of $100 to cover the cost of publication of notice of public hearing.

(c) Action by Planning Director. The Planning Director shall study the application to determine whether the proposed conditional use conforms to the general purpose and intent of the general plan and any applicable development plan which has been adopted, and to the requirements of this Chapter. Upon completion of such review, the Planning Director shall transmit his findings and recommendations to the Planning Commission.

(d) Action by the Planning Commission. After receiving the report of the Director, with all pertinent related material, the Planning Commission shall give notice of and hold a public hearing. Within 30 days after the hearing, the Commission shall submit its recommendations to the City Council through the Mayor; provided, however, that upon mutual agreement between the Commission and the applicant, such time may be extended.

(e) Action by City Council. After receiving the recommendations of the Planning Director and the Planning Commission, the City Council shall act upon the proposed conditional use, granting the application in whole or in part, with or without modifications, or denying it. In addition to the general or specific requirements set forth in this Chapter 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 City Council as required for the protection of public interest in the specific case.

Sec. 21-242. General Standards for Conditional Uses.

(a) Compliance with requirements. No conditional use permit shall be issued except upon a finding by the City Council that the proposed use conforms to the requirements set forth in this Chapter and that the proposed conditional use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; screening and

buffering; signs, yards and other open spaces; height, bulk and location of structures; location of proposed open space uses; hours and manner of operation; and noise, lights, dust, odor, fumes and vibration.

(b) Conformity with adopted plans. The proposed conditional use shall be in accord with the purposes of the General Plan and any applicable development plan and the zoning regulations.

Sec. 21-243. Additional Requirements for Conditional Uses.

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the requirements set forth hereafter shall apply to the respective conditional uses and structures.

Sec. 21-244. Animal Hospitals, Pounds, Shelters, Commercial Kennels.

Except where animals are kept in sound-proof air conditioned buildings, no structure or area occupied by such animals, whether in animal hospitals, pounds, shelters or commercial kennels, shall be within 100 feet of the property line of any adjacent lot.

Sec. 21-245. Cemeteries, Columbariums, Crematories, Mausoleums.

With respect to cemeteries, columbariums, crematories and mausoleums, certificates of approval shall be required from the State Department of Health as to conformity with its regulations, and, in cases where bodies are to be interred, from the Board of Water Supply, indicating that there is no danger of contamination of water supply.

Sec. 21-246. Convenience Establishments.

(a) Distance to alternate facilities or locations. No convenience establishment, as defined in Sec. 21-110 of this Chapter, shall be permitted within 1,000 feet of any boundary of a district where similar facilities are permitted, nor shall any new establishment of a specific kind be located within 1,000 feet of an existing establishment of the same nature; provided, however, that offices for individuals engaged in a medical profession or occupation may include groups or combinations of such individuals but there shall be not more than four such individuals engaged in a medical profession or occupation. Measurement of distances indicated shall be along usual routes of pedestrian travel.

(b) Grouping of convenience establishments. Where a proposed location is more than 1,000 feet from an existing grocery store, variety store or drug store, and from any boundary of a district in which such establishments are generally permitted, an isolated new grocery store, variety store, or drug store may be permitted if the location is suitable for later addition of other permitted convenience establishments. No new laundry or dry cleaning establishment, beauty shop or barber shop, shall be located other than within 150 feet of a grocery store, variety store or drug store and within the same block. Measurement of this distance shall be from the principal entrance of the grocery store, variety store, or drug store along the usual routes of pedestrian travel. The

location of offices of physicians and dentists shall be determined in the same manner unless a need exists for the selection of other locations.

(c) Maximum size of establishments. No individual convenience establishment shall have a gross floor area exceeding 5,000 square feet.

(d) Minimum lot requirements. Other than as necessary to meet other requirements of this Chapter, no minimum lot requirements are specified.

(e) Minimum yard requirements. A yard 20 feet in depth shall be provided adjacent to all streets. Side yards shall be 10 feet in width adjacent to residential, hotel or apartment lots, but where the side of the lot is adjacent to a lot on which another convenience establishment is located, or is being constructed, no side yard need be provided, if the structures involved are to have a boundary wall, or are to have no space between their walls. If there is to be space between the walls of adjacent structures housing convenience establishments or their accessory uses, such space shall be at least 5 feet in width. Rear yards shall be 25 feet in depth.

(f) Landscaping requirements; buffering; control of appearance. Except for drives and walkways, any yard adjacent to a street shall be landscaped for a distance of 10 feet from the lot line adjacent to the street; provided that portions which adjoin lots in residential use shall be so landscaped and maintained for the full width or depth of the required yard within 25 feet of adjoining lot lines. Side yards adjacent to lots in residential use shall be similarly landscaped and maintained for the required minimum width. No such required landscaped area shall be used for off-street parking or loading.

There shall be no exposed garbage or trash containers or outdoor storage in any portion of any outdoor space about the premises of any convenience establishment.

(g) Lot coverage. Maximum lot coverage by all buildings shall not exceed 40%.

(h) Maximum height of structures. No portion of any structure housing a convenience establishment shall exceed 1 story or 15 feet in height.

(i) Off-street parking and loading. Minimum off-street parking and loading shall be required as follows:

(1) Retail stores shall have at least 1 off-street parking space for each 400 square feet of gross floor area in commercial use.

(2) Coin operated laundry and dry cleaning establishments shall have at least 1 off-street parking space for each 2 washing machines (drying machines and dry cleaning machines are not to be included in this computation).

(3) Barber shops shall have at least 1 off-street parking space for each barber chair.

(4) Beauty shops shall have at least 1 off-street parking space for each barber chair, plus one for each hair dryer other than those used while patrons are in barber chairs.

(5) Medical and dental offices shall have at least 1 off-street parking space for each physician, dentist and employee, plus 1 space for each 500 square feet of gross floor area in such offices.

Where practicable, off-street parking facilities for groups of convenience establishments shall be combined, but the total number of spaces required in such combinations shall at least equal the aggregate of the number of spaces required for each of the individual establishments or uses. Spaces for the patrons or employees of individual establishments need not be marked as so reserved, but the site plan shall clearly indicate the location and the number of spaces provided for each establishment. There shall be no on-street loading in connection with any convenience establishment. Off-street parking areas shall be designed to provide convenient and efficient parking and parking layout, loading facilities, entrances and exits shall be approved by the traffic engineer before any permit is granted. Such parking areas shall be paved with an asphalt or concrete surfacing, shall be properly drained, and shall be maintained in a sound condition.

(j) Lighting. During hours of darkness when convenience establishments are in operation, parking areas and pedestrian ways on the premises shall be lighted to an intensity of at least 6/10-foot candle. All sources of illumination shall be so shielded as to prevent any direct reflection toward any residential property or any street.

(k) Signs. No sign intended to be read from off the premises shall be permitted in connection with convenience establishments except as permitted in the district. Notwithstanding the foregoing, one sign shall be permitted for each side of the building exposed to a public street; provided that:

(1) No such sign shall extend or be mounted above or beyond the wall of the building; and

(2) Such sign shall not exceed 10 square feet in area; and

(3) Such sign shall be mounted flat against the side of the building.

(l) Hours of operation. Except for emergency activities at the offices of physicians and dentists, no convenience establishment shall be open for business between the hours of 10 p.m. and 7 a.m.

(m) Conduct of operations. All sales, services or displays in connection with convenience establishments shall be within completely enclosed buildings, and there shall be no display, service or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

Sec. 21-247. Drive-in Theatres.

(a) Minimum area of a drive-in theatre site shall be 10 acres.

(b) Relation to major street; entrances and exits. The site shall be adjacent to a major street, and entrances and exits shall be from the major street; provided, however, that where adjacent minor streets can be used for access to the major street, this arrangement may be permitted, except in residential districts.

(c) Waiting areas. Off-street parking or storage lanes for waiting patrons shall be available to accommodate not less than 30% of the vehicular capacity of the theatre; provided that, if at least six entrance lanes, each with a ticket dispenser, are provided, then the amount may be reduced to 10% of the vehicular capacity.

Sec. 21-248. Extractive Industries.

(a) Operational requirements. The site of an extractive industry shall be of sufficient size and dimensions to accommodate proposed operations in accordance with performance standards as set forth in part D of this Article, 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 performance 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 Board of Health to eliminate breeding places for mosquitoes and other insects. Off-street parking areas adequate for all employees' vehicles and trucks shall be provided.

(b) Plan for development of site. The plan to be submitted with the application for a conditional use permit shall include a plan for development of the subject property which shall consist of two phases: the exploitation phase and the re-use phase.

(1) Exploitation phase. 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 5 feet in areas where slope is greater than 10%, 2 feet in areas where slope is 10% or less.

The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different stages of exploitation, where and how traffic on and from the development will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other unauthorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the plan for re-use.

(2) Re-use phase. The plan for the re-use 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 such 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 flood plains (if any) to be maintained in open usage. In such plan for re-use, intermittent lakes and marshes shall not be allowed, except in areas included in Flood Hazard (FH) districts, and if situated more than 1,000 feet from the nearest residential, apartment or hotel district boundary.

Sec. 21-249. Marinas, Private, including Facilities for Storage and Repairs of Boats and Sale of Boating Supplies and Fuel.

(a) Locational and site requirements. Marinas shall be so located as to be accessible from major roads without creating traffic congestion on minor streets through residential, apartment or hotel districts. In general, sites shall include at least 150 feet of water frontage and at least 3 acres in area, but these requirements may be either increased or reduced in a particular case as indicated by other specifications herein. Operational and site planning requirements.

(1) Launching ramps, boat repair facilities, facilities for sale of boating supplies and fuel, clubhouses, and parking areas and areas for boat storage on land which are to be open for use between the hours of 9 p.m. and 7 a.m. shall be at least 300 feet from the nearest lot line of any lot on which a residence is permissible. If any of such areas or functions are not open between the hours indicated, the distance may be reduced to 150 feet or if parking areas and areas for boat storage on land are enclosed by a solid masonry wall at least 6 feet in height, the distance may be reduced to 150 feet.

(2) A minimum of ten off-street parking spaces shall be required, provided that where launching ramps adjoin the parking area, the parking spaces shall have a minimum dimension of 12 feet by 40 feet.

Sec. 21-250. Off-Street Parking for Uses in Adjoining Districts.

Off-street parking for uses in adjoining districts shall be permitted only when the distance of the farthest parking space from the nearest principal entrance of the establishment or establishments involved does not exceed 400 feet by normal pedestrian routes.

Yards shall be provided as required in the district in which the facility is located, except for side or rear yards adjoining district boundaries. Such side or rear yards shall be landscaped and a solid wall at least four feet in height or equivalent vegetative screening shall be provided along the inner boundary of such yards, with no vehicular entrances or exits; provided, however, that where the facility is adjacent to the district in which the use served is located, no such screening shall be required at the rear of the front yard, and entrances and exits may be through such front yard.

Parking in such facilities shall be only at ground level or below.

Sec. 21-251. Refuse Dumps, Sanitary Fills and Incinerators, Private.

Private refuse dumps, sanitary fills and incinerators shall be subject to the following conditions:

(a) Certificates of approval shall be required from the State Department of Health, the State Fire Marshall, the Board of Water Supply and the Department of Public Works.

(b) No application for a conditional use permit shall be considered unless owners of at least 75% of the area within 750 feet of the boundaries of the proposed dump, sanitary fill or incinerator shall indicate that they have no objection to the allowance of such use.

(c) No conditional use permit shall be issued for a term of more than 5 years. Any expired permit may be renewed by the City Council for 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 required for the issuance of the renewal permit.

Sec. 21-252. Television or Other Broadcasting Stations and Line-of-Sight Relay Devices.

Except where property borders beneficial open space not less than 50 feet in width, other than streets, measured from the abutting property line, setbacks from property lines shall be at least equivalent to the height of the structure for television and other broadcasting stations and line-of-sight relay devices.

Sec. 21-253. Utilities, Private.

Private utilities shall be subject to the following conditions:

(a) Certificates of approval for private utilities shall be required from the State Department of Health and the Board of Water Supply. In addition, private sewage treatment plants as part of a subdivision development shall require the approval of the Chief Engineer.

(b) Sureties satisfactory to the City shall be provided to insure the proper installation, operation and maintenance of such facilities.

(c) Conditions established may provide that when public utilities become available in the area, the private utilities shall be discontinued or combined with the public system, and services to the properties affected shall be from public systems.

(d) Buildings and other structures shall be set back a minimum of 10 feet from all property lines; provided that when the private utility is located in a zoning lot which is in, or abuts, a residential, apartment or hotel district, the minimum setback shall be 25 feet. Yards and other open areas on the site shall be landscaped and maintained according to plans approved by the Planning Director.

(e) Performance standards set forth in part D of this Article shall apply, with measurements made at lot lines.

(f) Such facilities shall be completely fenced so as to be inaccessible, except through a locked gate.

Sec. 21-254. Riding Academies.

Where a conditional use permit is issued for the operation of a riding academy, not more than five riding animals shall be kept for each acre of land within the site. All buildings housing animals, and all corrals in which animals are kept or assembled in concentrated groups, shall be at least 100 feet from any property line.

Sec. 21-255. Joint Development of Two or more Adjacent Lots.

(a) Status of lots jointly developed.

Whenever two or more lots are developed in accordance with the provisions of this section, they shall be considered and treated as one 'zoning lot' for purposes of this Chapter.

(b) Application for joint development.

Owners of adjacent lots who believe that joint development of their property would further the public health and general welfare and would result in a more efficient use of land may apply for a conditional use permit to undertake such development. The plan submitted with the application shall demonstrate that the development as a whole conforms to the regulations for the district in such a manner that light, air, view, privacy, access, density or land use intensity, height, bulk, off-street parking and other objectives of public control are satisfied to an equivalent or higher degree than if regulated on a lot-by-lot basis. The plan shall also indicate that the effect on adjoining lots will be the same, or of lesser adverse effect, than if regulation within the area were on a lot-by-lot basis.

(c) Agreement to continue development.

The applicants shall submit to the City an agreement which binds themselves and their successors in title, 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 such agreement shall also be granted to the City. The agreement shall be subject to the approval of the Corporation Counsel of the City.

(d) Action by Planning Director. If the Planning Director finds that the area involved is compact, regular and logical in relation to the form of development proposed, that the proposed development as a whole conforms to the intent and requirements set forth above, and that the proposed agreement assures future protection of the public interest and the achievement of public objectives to the same or a higher degree than would application of regulations to the individual properties, he shall recommend the issuance of the conditional use permit. Upon issuance of the permit, the agreement, which shall be part of the conditions of the permit, shall be filed with both the Planning and Building Departments of the City and notations shall be made on the official zoning map in the City Clerk's office and on the copy in the Planning Department for future guidance in administration and as a public record.

Sec. 21-256. Headquarters and Meeting Hall Facilities of Labor Unions.

Headquarters and meeting hall facilities of labor unions permitted as conditional uses shall be subject to the following:

(a) The use of the premises and structures shall be restricted to activities of labor unions and union members;

(b) No accessory business use open to the general public shall be permitted; and

(c) Parking shall be provided at a minimum of one (1) space for each ten (10) persons or fraction thereof based on the occupant load of assembly area (as provided in the Building Code of the City and County of Honolulu), plus one (1) space for each four hundred (400) square feet or fraction thereof of gross floor area of the remaining portions of all buildings.

F. Special Permit Uses.

Sec. 21-270. Procedure Requirements.

(a) Application for Special Permit. A landowner, lessee or any other person with written consent of the land owner or lessee may file with the Planning Director an application for a special permit, provided that the special permit use sought is permitted in the particular district. The application shall be accompanied by a plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of existing and proposed buildings, if any, and the existing and proposed uses of structures and open areas and such additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required by the Planning Director in the circumstances of the case.

(b) Action by Planning Director. The Planning Director shall issue the special permit in writing, provided he finds the requirements for the special permit use have been met.

Sec. 21-271. General Standards for Special Permit.

(a) Conformity with Adopted Plans. The proposed special permit uses shall be in accord with the purposes of the General Plan and any applicable Development Plan and zoning regulations.

(b) All special permit uses shall conform to the yard and setback provisions of the zoning district in which it is located.

(c) Approval of pertinent governmental agencies shall be obtained.

Sec. 21-272. Additional Requirements for Special Permit Uses.

In addition to the general requirements set forth above and limitations established for special permit uses in the district regulations, the requirements set forth hereafter shall apply to the respective special permit uses.

Sec. 21-273. Private Vacation Cabin.

(a) There shall be a minimum lot area of one acre per cabin.

(b) Grading, filling or other disturbance of the natural surface or slope shall be limited to roadways to the cabins and to the area required for the cabin structures.

Sec. 21-274. Temporary Structures and Uses Incidental to Land Development or building construction.

(a) All such structures and uses shall be located on the site being developed.

(b) Roads leading to and from said structures and uses shall be all weather surface.

(c) Times of operation on Mondays through Fridays shall be limited to the hours between 7 a.m. and 6 p.m. and on Saturdays and Sundays between 7 a.m. and 10 p.m.

(d) Rock, soil, sand or gravel moved from its original location may be used for fill or construction on the site, but no such material may be used for on-site manufacture of building materials.

(e) The special permit shall be issued for a period not to exceed one year and may be renewed for periods of six months with written approval by the Planning Director.

Sec. 21-275. Carnivals, Circuses, Luaus and Fairs.

(a) The special permit shall be issued for a period not to exceed one month, provided that said uses not having mechanical rides and which do not exceed a time period of 72 hours shall not be required to obtain a permit.

(b) The site shall have direct access to a secondary or major street or highway.

(c) The site shall be restored to its original condition within one week following the expiration of the special permit.

(d) No activities other than parking shall be within 50 feet of any adjacent residential district lot.

(e) All lighting shall be shielded so that there shall be no direct illumination to abutting residential lot.

Sec. 21-276. Private piers and boathouses which constitute accessory uses and structures.

(a) No structure shall exceed 12 feet in height above the high water mark.

(b) Lights shall be shielded so that there shall be no direct illumination to any residential lot.

(c) All structures shall have written approval of the Harbors Division, State Department of Transportation.

Sec. 21-277. Off-street parking for uses in adjoining districts.

(a) The distance of the farthest parking space from the nearest principle entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes.

(b) A written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, and a certified copy of such agreement shall be filed in the records of the Planning Department. Such agreement shall stipulate that if such space is not maintained, or space acceptable substituted, the use or such portion of the uses as is deficient in number of parking spaces shall be discontinued. The agreement shall be subject to the approval of the Corporation Counsel of the City.

(c) All parking facilities shall conform to the off-street parking requirements in Section 21-204.

(d) All parking facilities shall be only at ground level or below.

Sec. 21-278. 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 farthest parking space 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 on record with the Planning Department. 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.

Sec. 21-279. Off-Site parking facilities.

Off-site parking facilities may be permitted on zoning lots within the same zoning district where the required off-street parking cannot be provided on the lot with the principal building or use and where joint use of facilities is not allowed; provided:

(a) Distance of the farthest parking space from the nearest principal entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes.

(b) Structures for parking facilities shall conform to the yard, setback and height regulations of the district in which located.

(c) A written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, and a certified copy of such agreement shall be filed in the records of the Planning Department. Such agreement shall stipulate that if such space is not maintained, or space acceptable to the Planning 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 of the City.

Sec. 21-280. Cluster Developments.

Cluster developments shall be subject to the following requirements:

(a) Minimum area of the development. The minimum area of the cluster development shall be not less than 2 acres in the District of Honolulu, and not less than 5 acres outside of the District of Honolulu.

(b) Types of buildings.

(1) Within R-1, R-2 and R-3 Residential districts only one-family detached dwellings shall be permitted;

(2) Within R-4, R-5 and R-6 Residential districts detached, semi-detached and attached dwellings shall be permitted.

(c) Minimum area per dwelling unit. The minimum area per dwelling unit, excluding streets and off-street parking areas for 3 or more automobiles, shall be as follows:

(1) 1 acre per dwelling unit for any development within a R-1 Residential district;

(2) 1/2 acre per dwelling unit for any development within a R-2 Residential district;

(3) 10,000 square feet per dwelling unit for any development within a R-3 Residential district;

(4) 7,500 square feet per dwelling unit for any development within a R-4 Residential district;

(5) 6,000 square feet per dwelling unit for any development within a R-5 Residential district; and

(6) 5,000 square feet per dwelling unit for any development within a R-6 Residential district.

(d) Lot size. The minimum size of a lot of record within the development for detached dwellings shall be at least 80 percent of the minimum area required per dwelling unit but not less than 4,800 square feet, provided that an area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.

(e) Attached dwellings.

(1) The minimum lot size for attached dwellings shall be 2,500 square feet for one dwelling unit and 5,000 square feet for two dwelling units;

(2) Attached dwellings shall not exceed 8 dwelling units in one building. Building line and front elevations shall be varied to avoid 'row house' developments.

(f) Common open space. Common open space, permanently reserved and maintained as landscaped park or recreational space, and excluding streets or parking areas, shall be provided in an amount equal to the difference between:

(1) The total of the minimum area requirements of individual lots of record, if the land utilized for the cluster development were developed under the district regulations; and

(2) The total of the area of the lots of record actually provided per dwelling unit of the cluster development.

(g) Yards abutting the boundaries of cluster developments shall conform to minimum requirements for the district; provided that landscaped strips at least 10 feet in width shall be maintained along the boundaries of the development. Such strips shall not be used for parking adjacent to streets bordering the cluster development; nor shall such strips be used for drives or for parking where the cluster development borders any other residential or apartment district without an intervening street or alley. Where groups of buildings are other than perpendicular to a side or rear boundary of the cluster development, and such boundary is not in or at a street or alley, the yard adjacent to such boundary shall be 30 feet in least dimension, and a 10-foot landscaped strip shall be maintained free from drives or parking.

(h) The maximum lot coverage by all buildings, as specified for the district, shall be applied to the cluster development as a whole, and not to individual lots of record within the cluster development.

(i) The Planning Director finds that:

(1) The subdivision is designed to produce an environment of stable and desirable character, consistent with the intent and purpose of the cluster development regulations to promote public health, safety and general welfare, and not out of harmony with its surrounding neighborhood;

(2) Property in the vicinity of the area, included in the plan, will not be adversely affected;

(3) The property would be used for purposes and in a manner permitted in the existing residential district except for lot sizes;

(4) The location, size, nature, and topography of the open areas make them suitable for use as common areas for park, recreational purposes and buffer areas between groups of homesites, and that not more than 50 percent of the open areas resulting from the reduction in lot sizes have a slope in excess of 20 percent;

(5) There is assurance of adequate provision for perpetual maintenance of the open areas, including those in excess of that resulting from reduction in the lot sizes, by the inclusion of covenants running with the land in the deeds or other instruments of conveyance, delineating such open areas; and

(i) Obligating purchasers to participate in a homeowners' association and to support maintenance of the open areas by paying to the association, assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;

(ii) Obligating such association to maintain the open areas;

(iii) Empowering the City, as well as other purchasers in the subdivision to enforce the covenants in the event of failure of compliance; and

(iv) Providing for agreement that if the City is required to perform any maintenance work pursuant to item (iii) above, said purchasers would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid; provided that the subdivider shall be responsible for the formation of the homeowners' association of which the subdivider, or if the subdivider is not the owner of the subdivided tract, then such owner shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Planning Director and the Corporation Counsel. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Bureau of Conveyances or with the Assistant Registrar of the Land Court, of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the tract and each lot therein. The declaration shall be included in the deed or other instruments of conveyance shall be evidenced by the recordation in the Bureau of Conveyances or with the Assistant Registrar of the Land Court, of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and

identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers; provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

## ARTICLE 3. PRESERVATION DISTRICT

Sec. 21-300. Legislative Intent.

The purpose of creating this district is to establish areas to protect and preserve park lands, wilderness areas, open spaces, beach reserves, scenic areas and historic sites, open range, watersheds and water supplies; to conserve fish and wildlife; and to promote forestry and grazing. It is intended that all lands within a preservation district which are under state conservation district jurisdiction shall be governed by the requirements and procedures of Chapter 98H, R.L.H. 1955, as amended.

Sec. 21-301. Use Regulations.

Within a P-1 Preservation district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Fish hatcheries and fish ponds;

(2) Forests and forestry;

(3) Game preserves;

(4) Private, non-illuminated golf courses, including par-3 but not miniature, with a minimum area of 10 acres;

(5) Open agricultural uses not requiring intensive cultivation, including orchards, vineyards, nurseries and the raising and grazing of livestock other than swine;

(6) Parks, recreational areas, botanical and zoological gardens, golf courses, marinas and other public buildings and uses;

(7) Public utilities installations and substations; provided that offices or storage or maintenance facilities therefor shall be permitted only as conditional uses;

(8) Watersheds, wells, water reservoirs and water control structures.

(b) Accessory uses and structures:

Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures; provided that roadside stands for sale of agricultural products shall not be permitted as accessory to agricultural uses in this district; provided further, that in connection with golf courses, accessory uses shall be designed and scaled to meet only the requirements of the members, guests or users of the golf course.

(c) Conditional uses and structures.

Uses and structures hereinafter specified, subject to compliance with the provisions of part E of Article 2 hereof:

(1) Cemetery, columbarium, crematory and mausoleum;

(2) Extractive industries, including the removal of sand, rock, soil and gravel;

(3) Private marinas, including facilities for storage and repair of boats and sale of boating supplies and fuel;

(4) Private refuse dumps, sanitary fills and incinerators;

(5) Private utilities, including temporary sewage treatment plants;

(6) Recreation and amusement facilities of an outdoor nature, other than as specified under permitted principal uses and structures;

(7) Storage or maintenance installations for public utilities;

(8) Television or other broadcasting stations and line-of-sight relay devices;

(9) Private recreational camps;

(10) Private riding academies;

(d) Special permit uses and structures.

Uses and structures hereinafter specified, subject to compliance with the provisions of part F of Article 2 hereof:

(1) Private vacation cabins;

(2) Temporary structures and uses incidental to land development or building construction.

Sec. 21-302. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage Regulations.

Within a P-1 Preservation district, which is not designated as a State Conservation District, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be not less than five (5) acres; provided that the same shall not apply to public utilities installations nor to conditional uses;

(b) The minimum lot width shall be not less than two hundred (200) feet; provided that the same shall not apply to public utilities installations nor to conditional uses;

(c) The minimum front, rear and side yard setbacks shall be not less than fifty (50) feet; provided that where any yard adjoins a major street or highway which is designated on the official General Plan or Development Plan, the setback of such yard shall be not less than one hundred (100) feet from such street or highway.

(d) The maximum lot coverage of all buildings and structures situated on a zoning lot shall be in accordance with the following schedule:

| Cross Slope | | | |
|---|---|---|---|
| Including | but | Not Greater Than | Maximum Lot Coverage |
| 0% | | 19.99% | 10% |
| 20% | | 24.99% | 8% |
| 25% | | 29.99% | 6% |
| 30% | | 34.99% | 4% |
| 35% | | 39.99% | 2% |
| 40% and over | | | 1% |

Sec. 21-303. Height Regulations.

No portion of any building or other structure located within a P-1 Preservation district shall exceed 15 feet in height provided that additional height is permitted if that portion of any structure above 15 feet is set back from any side or rear buildable area boundary line 1 foot for each 2 feet of additional height, said additional setback shall be a continuous vertical plane from the top of the structure to the 15 foot height limit; provided that in no event shall such permitted additional height exceed twenty-five feet above the high point of the buildable area boundary line.

Sec. 21-304. Sign Regulations.

Within a P-1 Preservation district, which is not designated as a State Conservation District only one sign, not exceeding twelve (12) square feet in area, shall be permitted on any zoning lot in connection with any use. No sign shall be directly illuminated or mounted closer than ten (10) feet to the property line fronting the street or be higher than eight (8) feet above the ground elevation.

Sec. 21-305. Off-Street Parking Requirements.

Within a P-1 Preservation district which is not designated as a State Conservation District, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Botanical and zoological gardens: at least one (1) space per 10,000 square feet of lot area;

(b) Golf courses: at least three (3) spaces per hole of the main course;

(c) Uses permissible under conditional use permits shall comply with the off-street parking requirements specified in the conditional use permit.

## ARTICLE 4. AGRICULTURAL DISTRICTS

A. AG-1 Restricted Agricultural District.

Sec. 21-400. Legislative Intent.

The purpose of the AG-1 Restricted Agricultural district is to protect and preserve agricultural lands for the performance of agricultural functions and to encourage concentration of such uses in areas where potential friction with urban uses will be minimized.

Sec. 21-401. Use Regulations.

Within an AG-1 Restricted Agricultural district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Agricultural and horticultural uses, including orchards, vineyards, nurseries and the raising and grazing of livestock other than swine; provided that the keeping of bees shall not be permitted;

(2) Churches;

(3) Dwellings, one-family detached;

(4) Fish hatcheries and fish ponds;

(5) Forests and forestry;

(6) Game preserves;

(7) Public elementary, intermediate and high schools and private schools having similar academic curriculums; colleges and universities (but not trade schools and business colleges); day nurseries in connection with public or private elementary schools or churches;

(8) Parks, recreational areas, botanical and zoological gardens, golf courses, marinas and other public buildings and uses;

(9) Public utilities installations and substations; provided that offices or storage or maintenance facilities shall be permitted only as conditional uses;

(10) Watersheds, wells, water reservoirs and water control structures.

(b) Accessory uses and structures:

Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including:

(1) In connection with agricultural use, dwelling units for employees working on the premises; provided that not more than one such accessory dwelling unit shall be permitted for each two acres of lot area;

(2) In connection with agricultural use, no more than one roadside stand for sale of agricultural products produced on the premises; provided that no such stand shall exceed five hundred (500) square feet in floor area nor be erected within twenty (20) feet of the property line fronting any street.

(c) Conditional uses and structures.

Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Airports and heliports;

(2) Animal hospitals, pounds, shelters, commercial kennels;

(3) Cemetery, columbarium, crematory and mausoleum;

(4) Drive-in theatres;

(5) Extractive industries, including the removal of sand, rock, soil and gravel;

(6) Fraternity and sorority houses, student dormitories and student centers; provided that the same shall be located within a one-mile radius of a college or university;

(7) Private golf courses, including par-3 but not miniature, with a minimum area of ten (10) acres;

(8) Homes for the aged, disabled or handicapped, including convalescent or nursing homes; maternity homes; child care centers, other than those covered as permitted principal uses and structures hereinabove, when not operated by a public agency;

(9) Hospitals and sanitariums, other than public;

(10) Monasteries and convents;

(11) Museums and art galleries when not operated by a public agency;

(12) Private marinas, including facilities for storage and repair of boats and sale of boating supplies and fuel;

(13) Private refuse dumps, sanitary fills and incinerators;

(14) Private utilities, including temporary sewage treatment plants;

(15) Recreation and amusement facilities of an outdoor nature other than as specified under permitted principal uses and structures;

(16) Storage or maintenance installations for public utilities;

(17) Teahouses where unusual sites make location in this district particularly appropriate;

(18) Television or other broadcasting stations and line-of-sight relay devices;

(19) Private recreational camps;

(20) Private riding academies.

(d) Special Permit uses and structures:

Uses and structures hereinafter specified, subject to compliance with the provisions of part F of Article 2 hereof:

(1) Private piers and boathouses accessory to dwellings;

(2) Carnivals, circuses, luaus and fairs;

(3) Private vacation cabins;

(4) Temporary structures and uses incidental to land development or building construction.

Sec. 21-402. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage Regulations.

Within an AG-1 Restricted Agricultural district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be not less than two (2) acres; provided that if the principal use of the subject lot is the raising of livestock or poultry, the minimum lot area shall be not less than three (3) acres;

(b) The minimum lot width shall be not less than one hundred and fifty (150) feet;

(c) The minimum front yard setback shall be not less than twenty five (25) feet; provided that where a front yard adjoins a major street or highway which is designated on the official General Plan or Development Plan, such front yard setback shall be not less than fifty (50) feet from such street or highway;

(d) The minimum side and rear yard setbacks shall be not less than fifteen (15) feet; provided that where a side or rear yard adjoins a major street or highway which is designated on the official General Plan or Development Plan, such side or rear yard setbacks shall be not less than fifty (50) feet from such street or highway;

(e) All front, side and rear yards shall be landscaped or cultivated open space, provided that walks, driveways and paved living areas shall be permitted; provided, however, that no required yard area shall be occupied by any animal other than dogs and cats. Roadside stands shall be permitted in any yard adjacent to a street if the same is not less than twenty (20) feet from the property line;

(f) The maximum lot coverage of all buildings and structures situated on a zoning lot, except those used for purposes of production of agricultural products shall not be considered for purposes of maximum lot coverage:

| Cross Slope | | | |
|---|---|---|---|
| Including | but | Not Greater Than | Maximum Lot Coverage |
| 0% | | 19.99% | 20% |
| 20% | | 24.99% | 16% |
| 25% | | 29.99% | 12% |
| 30% | | 34.99% | 8% |
| 35% | | 39.99% | 4% |
| 40% and over | | | 2% |

Sec. 21-403. Height Regulations.

No portion of any building or other structure located within an AG-1 Restricted Agricultural district shall exceed 15 feet in height provided that additional height is permitted if that portion of any structure above 15 feet is set back from any side or rear buildable area boundary line 1 foot for each 2 feet of additional height, said additional setback shall be a continuous vertical plane from the top of the structure to the 15 foot height limit; provided that in no event shall such permitted additional height exceed twenty-five feet above the high point of the buildable area boundary line.

Sec. 21-404. Sign Regulations.

Within an AG-1 Restricted Agricultural district, only one sign, not exceeding 12 square feet in area, shall be permitted on any zoning lot in connection with any use. No sign shall be directly illuminated or mounted closer than 10 feet to the property line fronting a street or be higher than 8 feet above the ground elevation.

Sec. 21-405. Off-Street Parking Requirements.

Within an AG-1 Restricted Agricultural district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Animal hospital, pound, shelter, commercial kennel: at least 1 space per 400 square feet of floor space; provided that there shall be provided no less than 4 parking spaces;

(b) Churches: at least 1 space per 5 seats or bench seating spaces in the main auditorium;

(c) Dwellings: at least 2 spaces per dwelling unit;

(d) Elementary schools: at least 1 space per 15 seats in the main auditorium;

(e) Fraternity or sorority house, student dormitory: at least 1 space per 2 lodging units or 1 space per 3 occupants, whichever is greater;

(f) Golf courses: at least 3 spaces per hole of the main course;

(g) High school, college or university: at least 1 space per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater;

(h) Hospital, convalescent or nursing home: at least 1 space per 4 patient beds;

(i) Lodging units: at least 1 space for each lodging unit outside of the District of Honolulu; at least 1 space per 2 lodging units within the District of Honolulu;

(j) Museum, art gallery: Not less than 10 spaces and an additional space for each 300 square feet of floor area or fraction thereof in excess of 1,000 square feet;

(k) Botanical and zoological gardens: at least 1 space per 10,000 square feet of lot area;

(l) Uses permissible under conditional use permits shall comply with the off-street parking requirements specified in the conditional use permit.

B. AG-2 General Agricultural District.

Sec. 21-410. Legislative Intent.

The purpose of the AG-2 General Agricultural district is to permit a wider range of agricultural uses than that allowed in the AG-1 Restricted Agricultural district. Accordingly this district should be located away from urban areas and in areas where urbanization is not expected in the forseeable future.

Sec. 21-411. Use Regulations.

All of the uses and structures permitted in the AG-1 Restricted Agricultural district shall be permitted in the AG-2 General Agricultural district. In addition, the raising or keeping of swine or bees shall be permitted as a principal use.

Sec. 21-412. Other Requirements Generally.

All of the other requirements applicable to an AG-1 Restricted Agricultural district shall apply within an AG-2 General Agricultural district, except that the minimum lot area shall not be less than 3 acres.

## ARTICLE 5. RESIDENTIAL DISTRICTS

A. R-1 Residential District.

Sec. 21-500. Legislative Intent.

The purpose of the R-1 Residential district is to provide areas for estate-type residential development. These areas would normally be located in the suburban and rural areas away from concentrated urban development.

Sec. 21-501. Use Regulations.

Within an R-1 Residential district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Agricultural and horticultural uses and structures; provided that uses and structures relating to the keeping of livestock, poultry or bees shall not be allowed, except as set forth in the provisions relating to accessory uses;

(2) Churches;

(3) Dwellings, one-family detached;

(4) Private non-illuminated golf courses, including par-3 but not miniature, with a minimum area of 10 acres, together with such uses which are incidental to golf courses, provided that such uses shall be designed and scaled to meet only the requirements of the members, guests or users of the golf course, and no signs or other indications of such uses shall be visible from any public way;

(5) Parks, playgrounds and community centers, botanical and zoological gardens and other public buildings and uses;

(6) Public elementary, intermediate and high schools and private schools having similar academic curriculums; colleges and universities, business colleges (but not trade schools); day nurseries in connection with public or private elementary schools or churches;

(7) Public utility installations and substations, excluding offices, provided that:

a. Utility substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge; and

b. Transfo mer vaults for underground utilities and like uses shall be surrounded by a landscaped screening hedge, solid except for access opening.

(b) Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including:

(1) Detached guest houses and servants quarters on lots containing not less than 1/2 acre in area;

(2) Stables for horses, provided that no stable shall be within 300 feet of any property line.

(3) Roomers may be accessory to a family composed of persons related by blood, adoption, or marriage, provided that such roomers may not exceed a total of three persons.

(c) Conditional uses and structures. Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Cemetery, columbarium, crematory and mausoleum;

(2) Extractive industries, including the removal of sand, rock, soil and gravel;

(3) Facilities for the production of live theater and allied purposes including education in the theater arts;

(4) Fraternity and sorority houses, student dormitories and student centers; provided, however, that the same shall be located within a one-mile radius of the intersection of University Avenue and Dole Street;

(5) Homes for the aged, disabled or handicapped, including convalescent or nursing homes; maternity homes; child care centers, other than those covered under permitted principal uses and structures hereinabove, when not operated by a public agency;

(6) Hospitals and sanitariums, other than public;

(7) Monasteries and convents;

(8) Museums and art galleries when not operated by a public agency;

(9) Off-street parking for uses in adjoining apartment, hotel, business or industrial districts; provided that the zoning lot on which the off-street parking use is utilized is adjacent to and within 200 feet of such district boundaries; provided further, that the said zoning lot is not separated from the said apartment, hotel, business or industrial district by a street;

(10) Private marinas, including facilities for storage and repair of boats and sale of boating supplies and fuel;

(11) Private utilities, including temporary sewage treatment plants;

(12) Storage or maintenance installations for public utilities;

(13) Recreation and amusement facilities of an outdoor nature, other than as specified under permitted principal uses and structures;

(14) Television or other broadcasting stations and line-of-sight relay devices.

(d) Special permit uses and structures. Uses and structures hereinatter specified, subject to compliance with the provisions of part F of Article 2 hereof:

(1) Carnivals, circuses, luaus and fairs;

(2) Cluster developments;

(3) Joint use of parking facilities;

(4) Off-site parking facilities;

(5) Private piers and boathouses;

(6) Temporary structures and uses incidental to land development or building construction.

(e) Transitional uses and structures.

(1) Where an R-1 Residential district adjoins an apartment, hotel or B-1 Neighborhood Business district without an intervening street, alley, or permanent open space over 25 feet in width, and where zoning lots separated by the district boundary have adjacent front yards, the first lot within the R-1 Residential district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for:

a. One-family semi-detached dwellings, or

b. Two-family detached dwellings.

Such transitional uses shall be subject to the yard requirements of the district in which the zoning lot is located and the lot area requirements of the R-4 Residential district.

(2) Where an R-1 Residential district adjoins a B-2 Community Business district, B-3 Business-Residential district, B-4 Central Business district, B-5 Resort Commercial district, or an industrial district without an intervening street, alley, or permanent open space over 25 feet in width, and where zoning lots separated by the district boundary have adjacent front yards, the first lot within the R-1 Residential district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for:

a. One-family semi-detached dwellings,

b. Two-family detached dwellings,

c. Professional offices, or

d. Clinics, convalescent or nursing homes or child care centers.

Such transitional uses shall be subject to the yard and height requirements of the district in which the zoning lot is located and all the other requirements of the district in which such uses are first permitted in this Chapter as principal uses.

Sec. 21-502. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage Regulations.

Within an R-1 Residential district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be 1 acre; provided that if the cross slope of the zoning lot exceeds 40 percent, the minimum lot area shall be 2 acres.

(b) The minimum lot width shall be:

(1) 125 feet, if the minimum lot area requirement is 1 acre; and

(2) 150 feet, if the minimum lot area requirement is 2 acres.

(c) The minimum front yard setback shall be 30 feet.

(d) The minimum side and rear yard setbacks shall be 15 feet.

(e) The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

Sec. 21-503. Height Regulations.

No portion of any building or other structure located within a R-1 Residential district shall exceed 15 feet in height provided that additional height is permitted if that portion of any structure above 15 feet is set back from any side or rear buildable area boundary line 1 foot for each 2 feet of additional height, said additional setback shall be a continuous vertical plane from the top of the structure to the 15 foot height limit; provided that in no event shall such permitted additional height exceed twenty-five feet above the high point of the buildable area boundary line.

Sec. 21-504. Sign Regulations.

Within an R-1 Residential district, only one sign in connection with a non-dwelling permitted use, and not exceeding 6 square feet in area, shall be permitted on any zoning lot. No sign shall be directly illuminated or located in any required yard area or erected to exceed a height of 8 feet above the ground elevation.

Sec. 21-505. Off-Street Parking Regulations.

Within an R-1 Residential district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Animal hospital, pound, shelter, commercial kennel: at least 1 space per 400 square feet of floor space; provided that there shall be provided no less than 4 parking spaces;

(b) Botanical and zoological gardens: at least 1 space per 10,000 square feet of lot area;

(c) Churches: at least 1 space per 5 seats or bench seating spaces in the main auditorium;

(d) Dwellings: at least 2 spaces per dwelling unit;

(e) Elementary Schools: at least 1 space per 15 seats in the main auditorium;

(f) Fraternity or sorority house, student dormitory: at least 1 space per 2 lodging units or 1 space per 3 occupants, whichever is greater;

(g) Golf courses: at least 3 spaces per hole of the main course;

(h) High school, college or university: at least 1 space per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater;

(i) Hospital, convalescent or nursing home: at least 1 space per 4 patient beds;

(j) Lodging units: at least 1 space for each lodging unit outside of the District of Honolulu; at least 1 space per 2 lodging units within the District of Honolulu;

(k) Museum, art gallery: Not less than 10 spaces and one additional space for each 300 square feet of floor area or fraction thereof in excess of 1,000 square feet;

(l) Nursery schools: at least 1 space per 10 children;

(m) Uses permissible under conditional use permit shall comply with the off-street parking requirements specified in the conditional use permit.

Sec. 21-506. Location of Buildings.

Where two or more buildings containing three or more dwelling units are placed on a zoning lot, each building shall be located in such a manner that if the lot were subdivided the applicable yard and area requirements can be met.

B. R-2 Residential District.

Sec. 21-510. Legislative Intent.

The purpose of the R-2 Residential district is similar to that of the R-1 Residential district. However,lots of a smaller size would be permitted in this district.

Sec. 21-511. Use Regulations.

All of the uses and structures permitted in the R-1 Residential district shall be permitted in the R-2 Residential district, except that stables shall not be allowed, as an accessory use or otherwise.

Sec. 21-512. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-1 Residential district shall apply within an R-2 Residential district.

Sec. 21-513. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

Within an R-2 Residential district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be one-half acre; provided that:

(1) If the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less, the minimum lot area shall be 1 acre; and

(2) If the cross slope of the zoning lot exceeds 40 percent, the minimum lot area shall be 2 acres.

(b) The minimum lot width shall be:

(1) 100 feet, if the minimum lot area requirement is one-half acre;

(2) 125 feet, if the minimum lot area requirement is 1 acre;

(3) 150 feet, if the minimum lot area requirement is 2 acres.

(c) The minimum front yard setback shall be 30 feet.

(d) The minimum side and rear yard setbacks shall be 10 feet in the case of dwelling use and 15 feet for a use other than a dwelling.

(e) The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

C. R-3 Residential District.

Sec. 21-520. Legislative Intent.

The purpose of the R-3 Residential district is to provide areas for urban residential development, as contrasted with estate type development. To insure some privacy for those who may desire it, however, the minimum lot area requirement is set at 10,000 square feet.

Sec. 21-521. Use Regulations.

All of the uses and structures permitted in the R-2 Residential district shall be permitted in the R-3 Residential district, except that detached guest houses and servants quarters shall not be allowed, as an accessory use or otherwise.

Sec. 21-522. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-2 Residential district shall apply within an R-3 Residential district.

Sec. 21-523. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

(a) Lot Area.

(1) For dwelling use, the minimum lot area shall be:

(a) 10,000 square feet, if the cross slope of the zoning lot is 30 percent or less;

(b) One-half acre, if the cross slope of the zoning lot exceeds 30 percent but is 35 percent or less;

(c) One acre, if the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less;

(d) Two acres, if the cross slope of the zoning lot exceeds 40 percent.

(2) For a use other than a dwelling, the minimum lot area shall be 20,000 square feet.

(b) Lot Width.

(1) For dwelling use the minimum lot width shall be:

a. 75 feet, if the minimum lot area requirement is 10,000 square feet;

b. 100 feet, if the minimum lot area requirement is one-half acre;

c. 125 feet, if the minimum lot area requirement is one-acre;

d. 150 feet, if the minimum lot area requirement is two acres.

(2) For a use other than a dwelling, the minimum lot width shall be 100 feet.

(c) The minimum front yard setback shall be 15 feet in the case of dwelling use and 30 feet for a use other than a dwelling.

(d) The minimum side and rear yard setbacks shall be 6 feet in the case of dwelling use and 15 feet for a use other than a dwelling.

(e) The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

D. R-4 Residential District.

Sec. 21-530. Legislative Intent.

The purpose of the R-4 Residential district is to provide areas for urban residential development on medium sized lots. Some flexibility in housing types would be achieved by permitting duplex type facilities.

Sec. 21-531. Use Regulations.

(a) In addition to the uses and structures permitted in the R-3 Residential district, one-family semi-detached dwellings and two-family detached dwellings shall be permitted in the R-4 Residential district.

(b) Transitional uses and structures: Where an R-4 Residential district adjoins an apartment, hotel, business or industrial district without an intervening street, alley, or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first lot within the R-4 Residential district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for:

(1) Multiple-family dwellings; subject, however, to the yard requirements of the district in which the zoning lot is located and all the other requirements of the A-1 Apartment district other than yard requirements.

(2) Professional offices; subject, however, to the yard and height requirements of the district in which the zoning lot is located and all the other requirements of the district in which such use is first permitted in this Chapter as a principal use.

(3) Clinics, convalescent or nursing homes or child care centers; subject, however, to the yard and height requirements of the district in which the zoning lot is located and all the other requirements of the district in which such uses are first permitted in this Chapter as principal uses.

Sec. 21-532. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-3 Residential district shall apply within an R-4 Residential district.

Sec. 21-533. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

(a) Lot Area.

(1) For one-family detached dwellings, the minimum lot area shall be:

a. 7,500 square feet, if the cross slope of the zoning lot is 25 percent or less;

b. 10,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

c. One-half acre, if the cross slope of the zoning lot exceeds 30 percent but is 35 percent or less;

d. One acre, if the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less; and

e. Two acres, if the cross slope exceeds 40 percent.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot area shall be 14,000 square feet; provided that if the cross slope of the zoning lot is greater than 30 percent, one-family semi-detached and two-family detached dwellings shall not be permitted.

(3) For a use other than a dwelling, the minimum lot area shall be 20,000 square feet.

(b) Lot Width.

(1) For one-family detached dwellings, the minimum lot width shall be:

a. 70 feet, if the minimum lot area requirement is 7,500 square feet;

b. 75 feet, if the minimum lot area requirement is 10,000 square feet;

c. 100 feet, if the minimum lot area requirement is one-half acre;

d. 125 feet, if the minimum lot area requirement is one acre; and

e. 150 feet, if the minimum lot area requirement is two acres.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot width shall be 80 feet.

(3) For a use other than a dwelling, the minimum lot width shall be 100 feet.

(c) Front Yard. The minimum front yard setback shall be 15 feet in the case of dwelling use and 30 feet for a use other than a dwelling.

(d) Side and Rear Yards. The minimum side and rear yard setbacks shall be 6 feet in the case of dwelling use and 15 feet for a use other than a dwelling.

(e) Maximum Lot Coverage. The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

E. R-5 Residential District.

Sec. 21-540. Legislative Intent.

The purpose of the R-5 Residential district is to provide areas for concentrated urban residential development. Here again some flexibility in housing types would be allowed by permitting duplex type facilities.

Sec. 21-541. Use Regulations.

All of the uses and structures permitted in the R-4 Residential district shall be permitted in the R-5 Residential district.

Sec. 21-542. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-4 Residential district shall apply within an R-5 Residential district.

Sec. 21-543. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

(a) Lot Area.

(1) For one-family detached dwellings, the minimum lot area shall be:

a. 6,000 square feet, if the cross slope of the zoning lot is 20 percent or less;

b. 7,500 square feet, if the cross slope of the zoning lot exceeds 20 percent but is 25 percent or less;

c. 10,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

d. One-half acre, if the cross slope of the zoning lot exceeds 30 percent but is 35 percent or less;

e. One acre, if the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less; and

f. Two acres, if the cross slope of the zoning lot exceeds 40 percent.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot area shall be:

a. 11,000 square feet, if the cross slope of the zoning lot is 25 percent or less;

b. 14,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

provided that, if the cross slope of the zoning lot is greater than 30 percent, one-family semi-detached and two-family detached dwellings shall not be permitted.

(3) For a use other than a dwelling, the minimum lot area shall be 20,000 square feet.

(b) Lot Width.

(1) For one-family detached dwellings, the minimum lot width shall be:

a. 60 feet, if the minimum lot area requirement is 6,000 square feet;

b. 70 feet, if the minimum lot area requirement is 7,500 square feet;

c. 75 feet, if the minimum lot area requirement is 10,000 square feet;

d. 100 feet, if the minimum lot area requirement is one-half acre;

e. 125 feet, if the minimum lot area requirement is one acre; and

f. 150 feet, if the minimum lot area requirement is two acres.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot width shall be 80 feet.

(3) For a use other than a dwelling, the minimum lot width shall be 100 feet.

(c) Front Yard. The minimum front yard setback shall be 10 feet for dwelling use and 30 feet for a use other than a dwelling.

(d) Side and Rear Yards. The minimum side and rear yard setbacks shall be 6 feet for dwelling use and 15 feet for a use other than a dwelling.

(e) Maximum Lot Coverage. The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

F. R-6 Residential District.

Sec. 21-550. Legislative Intent.

The purpose of the R-6 Residential district is to provide areas for concentrated urban residential development on minimum size lots. This would allow the development of property to maximum residential densities in areas where such intense development is desirable.

Sec. 21-551. Use Regulations.

All of the uses and structures permitted in the R-5 Residential district shall be permitted in the R-6 Residential district.

Sec. 21-552. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-5 Residential district shall apply within an R-6 Residential district.

Sec. 21-553. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

(a) Lot Area.

(1) For one-family detached dwellings, the minimum lot area shall be:

a. 5,000 square feet, if the cross slope of the zoning lot is 20 percent or less;

b. 7,500 square feet, if the cross slope of the zoning lot exceeds 20 percent but is 25 percent or less;

c. 10,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

d. One-half acre, if the cross slope of the zoning lot exceeds 30 percent but is 35 percent or less;

e. One-acre, if the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less; and

f. Two acres, if the cross slope of the zoning lot exceeds 40 percent.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot area shall be:

a. 9,000 square feet, if the cross slope of the zoning lot is 25 percent or less;

b. 14,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

provided that, if the cross slope of the zoning lot is greater than 30 percent, one-family semi-detached and two-family detached dwellings shall not be permitted.

(3) For a use other than a dwelling, the minimum lot area shall be 20,000 square feet.

(b) Lot Width.

(1) For one-family detached dwellings, the minimum lot width shall be:

a. 50 feet, if the minimum lot area requirement is 5,000 square feet;

b. 70 feet, if the minimum lot area requirement is 7,500 square feet;

c. 75 feet, if the minimum lot area requirement is 10,000 square feet;

d. 100 feet, if the minimum lot area requirement is one-half acre;

e. 125 feet, if the minimum lot area requirement is one acre; and

f. 150 feet, if the minimum lot area requirement is two acres.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot width shall be 70 feet.

(3) For a use other than a dwelling, the minimum lot width shall be 100 feet.

(c) Front Yard. The minimum front yard setback shall be 10 feet for dwelling use and 30 feet for a use other than a dwelling.

(d) Side and Rear Yards. The minimum side and rear yard setbacks shall be 5 feet for dwelling use and 15 feet for a use other than a dwelling.

(e) Maximum Lot Coverage. The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

G. R-7 Residential District.

Sec. 21-560. Legislative Intent.

The creation of the R-7 Residential district is in recognition of the existence of areas developed with single-family dwellings on 3,500 square foot lots, some of which are within rehabilitation and conservation projects of the Honolulu Redevelopment Agency. This type of residential development is not considered desirable for the future and extensions, additions or new districts of this type are discouraged.

Sec. 21-561. Use Regulations.

All of the uses and structures permitted in the R-6 Residential district shall be permitted in the R-7 Residential district; provided that the following special permit uses and structures shall not be allowed:

(1) Cluster developments;

(2) Private piers and boathouses.

Sec. 21-562. Applicable Requirements Generally.

Except as herein provided, all of the requirements applicable to an R-6 Residential district shall apply within an R-7 Residential district.

Sec. 21-563. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage.

(a) Lot Area.

(1) For one-family detached dwellings, the minimum lot area shall be:

a. 3,500 square feet, if the cross slope of the zoning lot is 20 percent or less;

b. 7,500 square feet, if the cross slope of the zoning lot exceeds 20 percent but is 25 percent or less;

c. 10,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

d. One-half acre, if the cross slope of the zoning lot exceeds 30 percent but is 35 percent or less;

e. One acre, if the cross slope of the zoning lot exceeds 35 percent but is 40 percent or less; and

f. Two acres, if the cross slope of the zoning lot exceeds 40 percent.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot area shall be:

a. 7,000 square feet, if the cross slope of the zoning lot is 20 percent or less;

b. 11,000 square feet, if the cross slope of the zoning lot exceeds 20 percent but is 25 percent or less;

c. 14,000 square feet, if the cross slope of the zoning lot exceeds 25 percent but is 30 percent or less;

provided that, if the cross slope of the zoning lot is greater than 30 percent, one-family semi-detached and two-family detached dwellings shall not be permitted.

(3) For a use other than a dwelling, the minimum lot area shall be 20,000 square feet.

(b) Lot Width.

(1) For one-family detached dwellings, the minimum lot width shall be:

a. 50 feet, if the minimum lot area requirement is 3,500 square feet;

b. 70 feet, if the minimum lot area requirement is 7,500 square feet;

c. 75 feet, if the minimum lot area requirement is 10,000 square feet;

d. 100 feet, if the minimum lot area requirement is one-half acre;

e. 125 feet, if the minimum lot area requirement is one acre; and

f. 150 feet, if the minimum lot area requirement is two acres.

(2) For one-family semi-detached and two-family detached dwellings, the minimum lot width shall be 70 feet.

(3) For a use other than a dwelling, the minimum lot width shall be 100 feet.

(c) The minimum front yard setback shall be 10 feet for dwelling use and 30 feet for a use other than a dwelling.

(d) Side and Rear Yards. The minimum side and rear yard setbacks shall be 5 feet for dwelling use and 15 feet for a use other than a dwelling.

(e) Maximum Lot Coverage. The maximum lot coverage of all buildings and structures shall be not more than 50 percent.

## ARTICLE 6. APARTMENT DISTRICTS

A. A-1 Apartment District.

Sec. 21-600. Legislative Intent.

The purpose of the A-1 Apartment district is to provide areas for multiple family use within a range of low to medium land use intensities, and for non-residential uses which support or are compatible with the primary residential character. This district, permitting only low rise, low density apartment use, is compatible with adjacent single-family residential districts and is intended as a buffer between those districts and other denser and non-compatible districts. It is also a district which could be used in general application through the City and County.

Sec. 21-601. Use Regulations.

Within an A-1 Apartment district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Agricultural and horticultural uses and structures; provided such uses and structures involving the keeping of livestock, poultry or bees shall not be allowed;

(2) Multiple-family dwellings;

(3) Churches;

(4) Consulates;

(5) Day nurseries;

(6) Dwellings, detached, semi-detached and attached;

(7) Hospitals and sanitariums;

(8) Private non-illuminated golf courses, including par-3 but not miniature, with a minimum area of 10 acres;

(9) Nurses homes and similar housing for institutional employees; monasteries and convents;

(10) Parks, playgrounds and community centers, botanical and zoological gardens and other public buildings and uses;

(11) Public elementary, intermediate and high schools and private schools having similar academic curriculums; colleges and universities (but not trade schools or business colleges);

(12) Public utilities installations and substations; provided offices or storage or maintenance facilities shall not be permitted; and provided further, that utilities substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge 5 to 6 feet in height; and provided also, transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening.

(b) Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including garages, tool sheds, lath houses, greenhouses, barbecue facilities, and tennis courts.

(c) Conditional uses and structures: Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Convenience establishments;

(2) Facilities for the production of live theater and allied purposes, including education in the theater arts;

(3) Fraternity and sorority houses, student dormitories and student centers;

(4) Headquarters and meeting hall facilities for labor unions;

(5) Homes for the aged, disabled or handicapped, including convalescent or nursing homes; maternity homes; child care centers, other than day nurseries, when not operated by a public agency;

(6) Medical offices and clinics; provided that the same are situated on a zoning lot adjacent to, or separated only by a street or alley from a zoning lot on which is situated a hospital or sanitarium which has a physical capacity of 50 or more beds;

(7) Museums and art galleries when not operated by a public agency;

(8) Private marinas, including facilities for storage and repair of boats and sale of boating supplies and fuel;

(9) Private utilities, including temporary sewage treatment plants;

(10) Recreation and amusement facilities of an outdoor nature other than as specified under permitted principal uses and structures;

(11) Teahouses where unusual sites make location in this district particularly appropriate;

(12) Television or other broadcasting stations and line-of-sight relay devices;

(d) Special permit uses and structures.

Uses and structures hereinafter specified, subject to compliance with the provisions of part F of Article 2 hereof:

(1) Carnivals, circuses, luaus and fairs;

(2) Off-street parking for uses in adjoining apartment, hotel, business or industrial districts; provided that the zoning lot on which the off-site parking use is utilized is adjacent to and within 200 feet of such district boundaries; provided further, that the said zoning lot is not separated from the said apartment, hotel, business or industrial district by a street;

(3) Joint use of parking facilities;

(4) Off-site parking facilities;

(5) Private piers and boathouses;

(6) Temporary structures and uses incidental to land development or building construction.

(e) Transitional uses and structures:

(1) Where an A-1 Apartment district adjoins an A-4 Apartment or A-5 Apartment, Hotel, or B-1 Neighborhood Business district without an intervening street, alley, or permanent open space at least 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first zoning lot within the A-1 Apartment district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for the following purposes and, if a conditional use permit is otherwise required, without requiring such conditional use permit:

a. Fraternity and sorority houses, student dormitories and student centers;

b. Homes for the disabled or handicapped, including convalescent or nursing homes, or maternity homes.

(2) Where an A-1 Apartment district adjoins a B-2 Community Business, B-3 Business-Residential, B-4 Central Business, B-5 Resort Commercial, or an Industrial district without an intervening street, alley, or permanent open space at least 25 feet in width, and where lots separated by the district

boundary have adjacent front yards, the first zoning lot within the A-1 Apartment district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for the following purposes and, if a conditional use permit is otherwise required, without requiring such conditional use permit:

a. The uses specified in subsections (1)a, and (1)b, hereinabove.

b. Professional offices; clinics.

(3) All transitional uses shall be subject to the yard and height requirements of the district in which the zoning lot is located and to all of the requirements, other than those relating to yard and height, of the district in which such uses are first permitted in this Chapter (in terms of consecutiveness) as principal uses.

Sec. 21-602. Minimum Lot Area, Lot Width, Yard Spacing, Land Use Intensity and Maximum Density Regulations.

Within an A-1 Apartment district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area for dwelling and lodging use (as a principal use) shall be not less than 7,500 square feet; provided that no minimum lot area shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet parking requirements of a permitted use; and provided further, that the minimum lot area for any use other than as hereinabove provided shall be not less than 20,000 square feet.

(b) The minimum lot width for dwelling and lodging use (as a principal use) shall be not less than 70 feet; provided that no minimum lot width shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet parking requirements of a permitted use; and provided further, that the minimum lot width for any use other than as hereinabove provided shall be not less than 100 feet.

(c) The minimum yard requirements shall be as follows:

(1) Front yards shall have a minimum depth of 10 feet for dwelling, lodging and off-street parking facility uses and a minimum depth of 15 feet for uses other than the foregoing. Such front yards shall, except for necessary access walks and drives, be maintained in landscaping and shall not be used for parking.

(2) Side and rear yards shall have a minimum depth of:

a. Ten feet in the case of dwelling and lodging uses (as a principal use);

b. Five feet in the case of special permit off-street parking facility uses; and

c. Fifteen feet in all other cases.

Such side and rear yards shall be maintained in landscaping and shall not be used for parking; provided that, for uses other than special permit parking facilities, access walks and drives shall be permitted in the half of the required side and rear yards farthest from the lot line.

(d) Maximum land use intensity ratings for multiple-family dwelling and lodging uses shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square feet | LUI Rating |
|---|---|
| 0 - 3,500 | 42 |
| 3,501 - 3,800 | 43 |
| 3,801 - 4,000 | 44 |
| 4,001 - 4,500 | 45 |
| 4,501 - 5,000 | 46 |
| 5,001 - 5,300 | 47 |
| 5,301 - 5,600 | 48 |
| 5,601 - 7,499 | 49 |
| 7,500 - 14,999 | 50 |
| 15,000 - 22,499 | 52 |
| 22,500 - 29,999 | 54 |
| 30,000 - 37,499 | 56 |
| 37,500 - 44,999 | 58 |
| 45,000 and over | 59 |

Land use intensity (LUI) ratings as above shall be applied as set forth in part B of Article 2.

(e) Maximum density of other permitted principal and accessory uses and structures in the A-1 Apartment district shall not exceed a floor area ratio of .50 times the net zoning lot area.

Sec. 21-603. Height Regulations.

No portion of any building or other structure located within an A-1 Apartment district shall exceed 15 feet in height provided that additional height is permitted if that portion of any structure above 15 feet is set back from any side or rear buildable area boundary line 1 foot for each 2 feet of additional height, said additional setback shall be a continuous vertical plane from the top of the structure to the 15 foot height limit; provided that in no event shall such permitted additional height exceed thirty feet above the high point of the buildable area boundary line.

Sec. 21-604. Sign Regulations.

Within an A-1 Apartment district, in connection with any use permitted therein other than one- and two-family dwelling use, only one wall or marquee facia identification sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian entrance to the building; 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 8 square feet in area, shall also be permitted for each such entry side. Such ground signs shall not be located in any required yard.

Sec. 21-605. Off-Street Parking Regulations.

Within an A-1 Apartment district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Botanical and zoological gardens: at least 1 space per 10,000 square feet of lot area;

(b) Churches: at least 1 space per 5 seats or bench seating spaces in the main auditorium;

(c) Consulates: at least 1 space per dwelling or lodging unit plus 1 space per 400 square feet of floor area in offices; provided that there shall be provided not less than 5 parking spaces;

(d) Dwellings, one- or two-family: at least 1 space per dwelling unit;

(e) Dwellings, multiple-family: at least 1 and 1/4 spaces per unit; provided that, if in the overall requirements any fractional parking space shall be required, such fraction shall be increased to one full space;

(f) Elementary schools: at least 1 space per 15 seats in the main auditorium;

(g) Fraternity or sorority house, student dormitory: at least 1 space per 2 lodging units or 1 space per 3 occupants, whichever is greater;

(h) Golf courses: at least 3 spaces per hole of the main course;

(i) High School, college or university: at least 1 space per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater;

(j) Homes for the aged, disabled or handicapped: at least 1 space per 4 beds for bed-care occupants; at least 1 space per 4 dwelling or lodging units for other occupants;

(k) Hospital, convalescent or nursing home: at least 1 space per 4 patient beds;

(l) Museum, art gallery: not less than 10 spaces and an additional space for each 300 square feet of floor area or fraction thereof in excess of 1,000 square feet;

(m) Nursery schools: at least 1 space per 10 children;

(n) Nurses homes and similar housing for institutional employees: at least 1 space per 3 lodging units or 1 space per 4 occupants, whichever is greater;

(o) Private clubs and lodges, special centers, athletic clubs and the like: at least 1 space per 10 seats, or where number of seats cannot be reliably estimated or is inappropriate as a measure, 1 space per 100 square feet of floor area;

(p) Uses permissible under conditional use permit shall comply with the specific off-street parking requirements attached to the conditional use permit.

B. A-2 Apartment District.

Sec. 21-610. Legislative Intent.

The purpose of the A-2 Apartment district is to provide areas for multiple-family and compatible non-residential uses of a medium land use intensity. It is intended that these areas be located where public facilities are adequate for this type of use and where medium density apartment development is desired but where a height limit for protection of views is deemed to be an important consideration.

Sec. 21-611. Use Regulations.

Within an A-2 Apartment district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) All of the principal uses and structures permitted in the A-1 Apartment district;

(2) Fraternity and sorority houses, student dormitories and student centers;

(3) Homes for the aged, disabled or handicapped, including convalescent or nursing homes; maternity homes; all of the foregoing to include those not operated by a public agency.

(b) Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including: garages, tool sheds, lath houses, greenhouses, barbecue facilities and tennis courts; provided that establishments for sale of convenience goods, personal and professional service establishments, and eating and drinking establishments shall not be permitted as accessory uses in the A-2 Apartment district.

(c) Conditional uses and structures. All of the conditional uses and structures permitted in the A-1 Apartment district; subject to compliance with the provisions of part E of Article 2 hereof; provided further that the uses and structures permitted thereunder, which are allowed as principal permitted uses and structures in this district, shall not require a conditional use permit.

(d) Special permit uses and structures. All of the special permit uses and structures as permitted in the A-1 Apartment district.

(e) Transitional uses and structures:

(1) Where an A-2 Apartment district adjoins a hotel, business or industrial district without an intervening street, alley, or permanent open space over 25 feet in width, and where lots separated by the district boundary have adjacent front yards, the first zoning lot within the A-2 Apartment district or 100 feet of such lot nearest the district boundary (whichever is less) may be used for the following purposes, and, if a conditional use permit is otherwise required, without requiring such conditional use permit:

a. Professional offices or clinics. Such transitional uses shall be subject to the yard and height requirements of the district in which the zoning lot is located and to all of the requirements, other than those relating to yard and height, of the district in which such uses are first permitted in this Chapter (in terms of consecutiveness) as principal uses.

Sec. 21-612. Minimum Lot Area, Lot Width, Yard Spacing, Land Use Intensity and Maximum Density Regulations.

Within an A-2 Apartment district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area for dwelling and lodging use (as a principal use) shall be not less than 10,000 square feet; provided that no minimum lot area shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet parking requirements of a permitted use; and provided further that the minimum lot area for any use other than as hereinabove provided shall be not less than 20,000 square feet.

(b) The minimum lot width for dwelling and lodging use (as a principal use) shall be not less than 70 feet; provided that no minimum lot width shall be required of any off-street parking facility, located on zoning lot other than the zoning lot on which the principal use is situated, to meet parking requirements of a permitted use; and provided further that the minimum lot width for any use other than as hereinabove provided shall be not less than 100 feet.

(c) The minimum yard requirements shall be as follows:

(1) Front yards shall have a minimum depth of 10 feet for dwelling, lodging and off-street parking facility uses and a minimum depth of 15 feet for uses other than the foregoing. Such front yards shall, except for necessary access walks and drives, be maintained in landscaping and shall not be used for parking.

(2) Side and rear yards shall have a minimum depth of:

a. Five feet in the case of special permit off street parking facility uses; and

b. Ten feet in all other cases.

Such side and rear yards shall be maintained in landscaping and shall not be used for parking; provided that, for uses other than special permit parking facilities, access walks and drives shall be permitted in the half of the required side and rear yards farthest from the lot line.

(3) Notwithstanding the requirements of subsection (2) hereinabove, upon the option of the owner or developer, the yard regulations as contained in Sec. 21-202 of Article 2 may be substituted in lieu thereof.

(d) Maximum land use intensity (LUI) ratings for multiple-family dwelling and lodging uses shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 0 - 3,000 | 46 |
| 3,001 - 3,200 | 47 |
| 3,201 - 3,500 | 48 |
| 3,501 - 3,700 | 49 |
| 3,701 - 4,000 | 50 |
| 4,001 - 4,300 | 51 |
| 4,301 - 4,600 | 52 |
| 4,601 - 5,000 | 53 |
| 5,001 - 5,300 | 54 |
| 5,301 - 5,700 | 55 |
| 5,701 - 6,100 | 56 |
| 6,101 - 6,500 | 57 |
| 6,501 - 7,000 | 58 |
| 7,001 - 7,500 | 59 |
| 7,501 - 8,000 | 60 |
| 8,001 - 8,500 | 61 |
| 8,501 - 9,999 | 62 |
| 10,000 - 19,999 | 63 |
| 20,000 - 29,999 | 64 |
| 30,000 - 39,999 | 65 |
| 40,000 - 49,999 | 66 |
| 50,000 - 59,999 | 67 |
| 60,000 - 69,999 | 68 |
| 70,000 and over | 69 |

Land use intensity (LUI) ratings as above shall be applied as set forth in part B of Article 2.

(e) Maximum density of other permitted principal and accessory uses and structures in the A-2 Apartment district shall not exceed a floor area ratio of 1.0 times the net zoning lot area.

Sec. 21-613. Height Regulations.

No portion of any building or other structure located within an A-2 Apartment district shall exceed a height of 40 feet measured vertically from the high point of the buildable area.

Sec. 21-614. Sign Regulations.

Within an A-2 Apartment district, the sign regulations for A-1 Apartment district shall apply.

Sec. 21-615. Off-Street Parking Regulations.

Within an A-2 Apartment district, the off-street parking requirements for A-1 Apartment district shall apply.

C. A-3 Apartment District.

Sec. 21-620. Legislative Intent.

The purpose of the A-3 Apartment district is to provide areas for multiple-family and compatible non-residential uses of a medium

land use intensity. It is intended that these areas be located where public facilities are adequate for this type of development and where height of buildings is not an important criteria. Much of the multiple-family areas outside of the district of Honolulu may be designated for this classification. However, the designation of land within an A-3 Apartment district is intended to apply throughout the City and County.

Sec. 21-621. Use Regulations.

All of the uses and structures permitted in an A-2 Apartment district shall be permitted in an A-3 Apartment district.

In addition, private clubs, lodges, social centers and athletic clubs shall be allowed as conditional uses and structures; subject to compliance with the provisions of part E of Article 2 hereof.

Sec. 21-622. Applicable Requirements Generally.

Except as hereinafter provided, all of the other requirements applicable to an A-2 Apartment district shall apply within an A-3 Apartment district.

Sec. 21-623. Yard Spacing.

In addition to the minimum yard requirements applicable within an A-2 Apartment district, for any portion of a structure or building over thirty (30) feet in height situated within an A-3 Apartment district, additional side and rear setbacks shall be provided to the extent of one (1) foot for each ten (10) feet in height or fraction thereof. Said additional setback shall be a continuous vertical plane from the top of the structure to the height of thirty (30) feet above ground elevation.

Sec. 21-624. Height Regulations.

Within an A-3 Apartment district the maximum limitation on height shall be 350 feet, provided that flag poles and television and radio towers may extend up to 500 feet.

D. A-4 Apartment District.

Sec. 21-630. Legislative Intent.

The purpose of the A-4 Apartment district is to provide high density multiple-family dwelling areas of general application, primarily concentrated in the Honolulu district. These areas must have public facilities adequate to support the density and should have some buffer between them and single family areas. Related convenience and non-residential uses will be permitted in this A-4 Apartment district.

Sec. 21-631. Use Regulations.

(a) All of the uses and structures permitted in an A-3 Apartment district shall be permitted in an A-4 Apartment district.

In addition, private clubs, lodges, social centers and athletic clubs shall be permitted as principal uses and structures, rather than as conditional uses; provided that no club or other organization conducting commercial affairs as a principal activity shall be allowed.

(b) In connection with multiple-family dwellings having a minimum of 50 dwelling or lodging units, establishments for sale of convenience goods, personal and professional service establishments and eating and drinking establishments shall be allowed as accessory uses and structures; provided that all such establishments shall be designed and scaled to meet only the requirements of occupants and their guests and that there shall be no external evidence of the existence of such establishments.

Sec. 21-632. Applicable Requirements Generally.

Except as hereinafter provided, all of the other requirements applicable to an A-3 Apartment district shall apply within an A-4 Apartment district.

Sec. 21-633. Minimum Lot Area, Lot Width, Yard Spacing, Land Use Intensity and Maximum Density Regulations.

Within an A-4 Apartment district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area for dwelling and lodging use (as a principal use) shall be not less than 15,000 square feet; provided that no minimum lot area shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meeting parking requirements of a permitted use; and provided further that the minimum lot area for any use other than as hereinabove provided shall be not less than 20,000 square feet.

(b) The minimum lot width for dwelling and lodging use (as a principal use) shall be not less than 70 feet; provided that no minimum lot width shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meeting parking requirements of a permitted use; and provided further that the minimum lot width for any use other than as hereinabove provided shall be not less than 100 feet.

(c) The minimum yard requirements shall be as follows:

(1) Front, rear and side yards shall have a minimum depth of 10 feet. Such yard shall, except for necessary access walks and drives, be maintained in landscaping and shall not be used for parking.

(2) In addition to the requirements of subsection (1) hereof, for any portion of a structure or building over 40 feet in height, additional side and rear setbacks shall be provided to the extent of 1 foot for each 10 feet in height or fraction thereof. Said additional setback shall be a continuous vertical plane from the top of the structure to the height of 40 feet above ground elevation.

(3) Notwithstanding the requirements of subsection (1) hereinabove, upon the option of the owner or developer, the yard regulations as contained in Sec. 21-202 of Article 2 may be substituted in lieu thereof.

(d) Maximum land use intensity (LUI) ratings for multiple-family dwelling and lodging uses shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Ratings |
|---|---|
| 0 - 3,000 | 50 |
| 3,001 - 3,250 | 51 |
| 3,251 - 3,500 | 52 |
| 3,501 - 3,750 | 53 |
| 3,751 - 4,000 | 54 |
| 4,001 - 4,250 | 55 |
| 4,251 - 4,500 | 56 |
| 4,501 - 4,900 | 57 |
| 4,901 - 5,300 | 58 |
| 5,301 - 5,700 | 59 |
| 5,701 - 6,000 | 60 |
| 6,001 - 6,400 | 61 |
| 6,401 - 6,800 | 62 |
| 6,801 - 7,500 | 63 |
| 7,501 - 8,000 | 64 |
| 8,001 - 8,500 | 65 |
| 8,501 - 9,000 | 66 |
| 9,001 - 9,700 | 67 |
| 9,701 - 10,500 | 68 |
| 10,501 - 11,300 | 69 |
| 11,301 - 12,000 | 70 |
| 12,001 - 12,800 | 71 |
| 12,801 - 14,999 | 72 |
| 15,000 - 29,999 | 73 |
| 30,000 - 44,999 | 74 |
| 45,000 - 59,999 | 75 |
| 60,000 - 74,999 | 76 |
| 75,000 - 89,000 | 77 |
| 90,000 and over | 78 |

Land use intensity (LUI) ratings as above shall be applied as set forth in part B of Article 2.

(e) Maximum density of other permitted principal and accessory uses and structures in the A-4 Apartment district shall not exceed a floor area ratio of 2.0 times the net zoning lot area.

E. A-5 Apartment District.

Sec. 21-640. Legislative Intent.

The purpose of the A-5 Apartment district is to provide a very high density multiple-family area where public facilities are adequate and within which non-residential uses that are compatible with such high density will be allowed. This district is not intended for general application but is contemplated for location areas adjacent to high density hotel areas, such as Waikiki, and in areas within walking distance of mass transit station stops where high density multiple-family developments may be desirable.

Sec. 21-641. Use Regulations.

All of the uses and structures permitted in an A-4 Apartment district shall be permitted in an A-5 Apartment district.

Sec. 21-642. Applicable Requirements Generally.

Except as hereinafter provided, all of the other requirements applicable to an A-4 Apartment district shall apply within an A-5 Apartment district.

Sec. 21-643. Land Use Intensity.

Maximum land use intensity (LUI) ratings for multiple-family dwelling and lodging uses shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 0 - 2,000 | 50 |
| 2,001 - 2,150 | 51 |
| 2,151 - 2,300 | 52 |
| 2,301 - 2,500 | 53 |
| 2,501 - 2,650 | 54 |
| 2,651 - 2,800 | 55 |
| 2,801 - 3,000 | 56 |
| 3,001 - 3,250 | 57 |
| 3,251 - 3,500 | 58 |
| 3,501 - 3,750 | 59 |
| 3,751 - 4,000 | 60 |
| 4,001 - 4,300 | 61 |
| 4,301 - 4,600 | 62 |
| 4,601 - 5,000 | 63 |
| 5,001 - 5,400 | 64 |
| 5,401 - 5,700 | 65 |
| 5,701 - 6,000 | 66 |
| 6,001 - 6,500 | 67 |
| 6,501 - 7,000 | 68 |
| 7,001 - 7,500 | 69 |

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 7,501 - 8,000 | 70 |
| 8,001 - 8,500 | 71 |
| 8,501 - 9,000 | 72 |
| 9,001 - 10,000 | 73 |
| 10,001 - 10,500 | 74 |
| 10,501 - 11,500 | 75 |
| 11,501 - 12,500 | 76 |
| 12,501 - 13,000 | 77 |
| 13,001 - 14,999 | 78 |
| 15,000 - 29,999 | 79 |
| 30,000 - 44,999 | 80 |
| 45,000 - 59,999 | 81 |
| 60,000 - 74,999 | 82 |
| 75,000 and over | 83 |

Land use intensity (LUI) ratings as above shall be applied as set forth in part B of Article 2.

Maximum density of other permitted principal and accessory uses and structures in the A-5 Apartment district shall not exceed a floor area ratio of 3.0 times the net zoning lot area.

## ARTICLE 7. HOTEL DISTRICTS

A. H-1 Resort Hotel District.

Sec. 21-700. Legislative Intent.

The purpose of the H-1 district is to provide medium density hotel areas for general application in the City and County where such uses are desirable for resort development and where public facilities are available to meet their needs.

Sec. 21-701. Use Regulations.

Within a H-1 Resort Hotel district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Hotels;

(2) Parks, playgrounds and community centers, botanical and zoological gardens and other public buildings and uses;

(3) Public utilities installations and substations; provided that:

a. Offices or storage or maintenance facilities shall not be permitted;

b. Utilities substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge; and

c. Transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening.

(b) Accessory uses and structures:

Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including:

(1) Establishments for sale of gifts, clothing, drugs, photographic supplies, newspapers and magazines and convenience goods, eating and drinking establishments and professional and personal service establishments; provided that such uses are accessory to hotels having 50 or more dwelling or lodging units for rent; and provided further that all such establishments shall be designed and scaled to meet only the requirements of occupants and their guests; and provided also that there shall be no evidence of the existence of such establishments from outside the property line; and provided finally that the floor area occupied by such establishments shall not exceed 15% of the floor area of the hotel;

(2) Meeting rooms and convention hall facilities.

(c) Conditional uses and structures:

Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Private marinas, other than as accessory uses, including facilities for storage and repair of boats and sale of boating supplies and fuel;

(2) Museums and art galleries when not operated by a public agency;

(3) Recreational and amusement facilities of an outdoor nature other than as accessory uses;

(4) Teahouses where unusual sites make locations particularly appropriate;

(5) Heliports and helistops.

(d) Special permit uses and structures.

Uses and structures hereinafter specified, subject to compliance with the provisions of part F of Article 2 hereof:

(1) Carnivals, circuses, luaus and fairs;

(2) Off-street parking facilities for uses in adjoining apartment, hotel, business or industrial districts; provided that the zoning lot on which the off-site parking use is utilized is adjacent to and within 200 feet of such district boundaries; provided further, that the said zoning lot is not separated from the said apartment, hotel, business or industrial district by a street;

(3) Joint use of parking facilities;

(4) Off-site parking facilities;

(5) Private piers and boathouses;

(6) Temporary structures and uses incidental to land development or building construction.

Sec. 21-702. Minimum Lot Area, Lot Width and Yard Spacing.

Within a H-1 Resort Hotel district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be not less than 15,000 square feet; provided that no minimum lot area shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet zoning requirements of a permitted use.

(b) The minimum lot width shall be not less than 70 feet; provided that no minimum lot width shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet zoning requirements of a permitted use.

(c) The minimum yard requirements shall be as follows:

(1) Front yards shall have a minimum depth of 25 feet and, except for access walks and drives, shall be maintained in landscaping and shall not be used for parking.

(2) Side and rear yards shall have a minimum depth of 20 feet; provided that the nearest 10 feet of such yards to lot lines shall be maintained in landscaping and, except for necessary access to an adjacent street, shall not be used for drives or parking.

(3) In addition to (1) and (2) hereinabove for any portion of a structure or building over 30 feet in height, additional side and rear setbacks shall be provided at the rate of 1 foot for each 10 feet in height or fraction thereof; said additional setback shall be a continuous vertical plane from the top of the structure to the height of 30 feet above ground elevation.

(4) Notwithstanding the requirements of subsection (2) hereinabove, upon the option of the owner or developer, the yard regulations as contained in Sec. 21-202 or Article 2 may be substituted in lieu thereof.

Sec. 21-703. Land Use Intensity.

Maximum land use intensity (LUI) ratings for hotels shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 0 - 4,000 | 45 |
| 4,001 - 4,500 | 46 |
| 4,501 - 5,000 | 47 |
| 5,001 - 5,300 | 48 |
| 5,301 - 5,600 | 49 |
| 5,601 - 6,000 | 50 |
| 6,001 - 6,300 | 51 |
| 6,301 - 6,800 | 52 |
| 6,801 - 7,500 | 53 |
| 7,501 - 8,000 | 54 |
| 8,001 - 8,500 | 55 |
| 8,501 - 9,100 | 56 |
| 9,101 - 9,750 | 57 |
| 9,751 - 10,500 | 58 |
| 10,501 - 11,400 | 59 |
| 11,401 - 12,000 | 60 |
| 12,001 - 12,600 | 61 |
| 12,601 - 14,999 | 62 |
| 15,000 - 29,999 | 63 |

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 30,000 - 44,999 | 64 |
| 45,000 - 59,999 | 65 |
| 60,000 - 74,999 | 66 |
| 75,000 - 89,999 | 67 |
| 90,000 and over | 68 |

Land use intensity (LUI) ratings as above shall be applied as set forth in part B of Article 2.

Sec. 21-704. Maximum Density of Other Uses and Structures.

Maximum density of other permitted principal and accessory uses and structures in the H-1 Resort Hotel district shall not exceed a floor area of 1.0 times the net zoning lot area.

Sec. 21-705. Height Regulations.

No portion of any building or other structure located within the H-1 Resort Hotel district shall exceed a height of 70 feet from the high point of the buildable area.

Sec. 21-706. Sign Regulations.

Within a H-1 Resort Hotel district, in connection with any use permitted therein other than one- and two-family dwellings, only one wall, marquee facia or canopy identification sign, not directly illuminated and not exceeding 24 square feet shall be permitted for each street front having a principal pedestrian entrance to the building; 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, one ground identification 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 entrance is situated. Such ground signs shall not be located closer than 10 feet to any property line.

Sec. 21-707. Off-Street Parking Requirements.

Within a H-1 Resort Hotel district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Golf courses: at least 3 spaces per hole of the main course;

(b) Museum, art gallery: not less than 10 spaces and an additional space for each 300 square feet of floor area or fraction thereof in excess of 1,000 square feet;

(c) Hotels:

(1) Dwelling units: at least one and one-fourth space per unit;

(2) Lodging units: at least three-fourths space per unit; provided that, if in the overall requirements any fractional parking space shall be required, such fraction shall be increased to one full space;

(d) Botanical and zoological gardens: at least one space per 10,000 square feet of lot area.

(e) Uses permissible under conditional use permits shall comply with the off-street parking requirements specified in the conditional use permit;

(f) Eating and drinking establishments accessory to a hotel: at least one space for each 300 square feet of floor area in dining area;

(g) Meeting rooms and convention hall facilities accessory to a hotel: at least one space per 20 seating capacity.

B. H-2 Hotel District.

Sec. 21-710. Legislative Intent.

The purpose of the H-2 district is to provide hotel districts where a high concentration of resort facilities is desirable and which can accommodate high density hotels and multiple family dwellings and their related needs. This district is not intended for general application but should be limited to sizeable tourist destination centers. Because of high densities and the mixture of uses within this district, it is imperative that public facilities be adequate to serve the needs.

Sec. 21-711. Use Regulations.

Within a H-2 Hotel District, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Churches;

(2) Dwellings, one or two family, detached, semi-detached, or attached;

(3) Hotels:

(4) Multiple-family dwellings;

(5) Parks, playgrounds and community centers, botanical and zoological gardens and other public buildings and uses;

(6) Off-street parking facilities to meet zoning requirements for uses within the district only; provided that such parking facilities are situated on a lot without any structure thereon; and further provided said lot is within 400 feet of the use or structure for which the requirements are being made;

(7) Private clubs, lodges, social centers and athletic clubs; provided that commercial affairs as a principal activity shall not be allowed;

(8) Public utility installations and substations; provided that utility substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge; and transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening.

(b) Accessory uses and structures:

Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including establishments for sale of gifts, clothing, drugs, photographic supplies, newspapers and magazines and convenience goods, eating and drinking establishments, professional and personal service establishments and meeting rooms and convention halls; provided that such uses shall be accessory only to hotels having 21 or more dwelling or lodging units; and provided also that there shall be no evidence of the existence of such establishments from outside the zoning lot.

(c) Conditional uses and structures: All of the conditional uses and structures permitted in the H-1 Hotel district, subject to compliance with the provisions of part E of Article 2 hereof.

(d) Special permit uses and structures: All of the special permit uses and structures permitted in the H-1 Hotel district, subject to compliance with the provisions of part F of Article 2 hereof.

Sec. 21-712. Minimum Lot Area, Lot Width and Yard Spacing.

Within a H-2 Hotel District, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be not less than 15,000 square feet; provided that no minimum lot area shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet zoning requirements of a permitted use.

(b) The minimum lot width shall be not less than 70 feet; provided that no minimum lot width shall be required of any off-street parking facility, located on a zoning lot other than the zoning lot on which the principal use is situated, to meet zoning requirements of a permitted use.

(c) Front, side and rear yards shall have a minimum depth of 10 feet; provided that all of the front yard and the nearest 5 feet of side and rear yards to lot lines shall be maintained in landscaping and, except for access to an adjacent street, no yard area shall be used for parking.

(d) In addition to (c) hereinabove, for any portion of a structure above 40 feet in height, additional side and rear setbacks equal to one foot for each 10 feet in height or fraction thereof shall be provided; said additional setback shall be a continuous vertical plane from the top of the structure to the height of 40 feet above ground elevation.

(e) Notwithstanding the requirements of subsection (c) hereinabove for side and rear yards, upon the option of the owner or developer, the yard regulations as contained in Section 21-202 of Article 2 may be substituted in lieu thereof."

Sec. 2 -713 Land Use Intensity.

(1) Maximum land use intensity (LUI) ratings for multiple-family dwellings shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 0 - 2,000 | 50 |
| 2,001 - 2,150 | 51 |
| 2,151 - 2,300 | 52 |
| 2,301 - 2,500 | 53 |
| 2,501 - 2,650 | 54 |
| 2,651 - 2,800 | 55 |
| 2,801 - 3,000 | 56 |
| 3,001 - 3,250 | 57 |
| 3,251 - 3,500 | 58 |
| 3,501 - 3,750 | 59 |
| 3,751 - 4,000 | 60 |
| 4,001 - 4,300 | 61 |
| 4,301 - 4,600 | 62 |
| 4,601 - 5,000 | 63 |
| 5,001 - 5,400 | 64 |
| 5,401 - 5,700 | 65 |
| 5,701 - 6,000 | 66 |
| 6,001 - 6,500 | 67 |
| 6,501 - 7,000 | 68 |
| 7,001 - 7,500 | 69 |
| 7,501 - 8,000 | 70 |
| 8,001 - 8,500 | 71 |
| 8,501 - 9,000 | 72 |
| 9,001 - 10,000 | 73 |
| 10,001 - 10,500 | 74 |
| 10,501 - 11,500 | 75 |
| 11,501 - 12,500 | 76 |
| 12,501 - 13,000 | 77 |
| 13,001 - 14,999 | 78 |
| 15,000 - 29,999 | 79 |
| 30,000 - 44,999 | 80 |
| 45,000 - 59,999 | 81 |
| 60,000 - 74,999 | 82 |
| 75,000 and over | 83 |

(2) Maximum land use intensity (LUI) ratings for hotels shall be determined by the area of the zoning lot. The land use intensity (LUI) ratings shall be as follows:

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 0 - 2,100 | 53 |
| 2,101 - 2,200 | 54 |
| 2,201 - 2,400 | 55 |
| 2,401 - 2,600 | 56 |
| 2,601 - 2,800 | 57 |
| 2,801 - 3,000 | 58 |
| 3,001 - 3,100 | 59 |
| 3,101 - 3,300 | 60 |

| Zoning Lot Area In Square Feet | LUI Rating |
|---|---|
| 3,301 - 3,600 | 61 |
| 3,601 - 3,900 | 62 |
| 3,901 - 4,200 | 63 |
| 4,201 - 4,700 | 64 |
| 4,701 - 5,000 | 65 |
| 5,001 - 5,200 | 66 |
| 5,201 - 5,500 | 67 |
| 5,501 - 6,000 | 68 |
| 6,001 - 6,500 | 69 |
| 6,501 - 6,800 | 70 |
| 6,801 - 7,200 | 71 |
| 7,201 - 7,800 | 72 |
| 7,801 - 8,500 | 73 |
| 8,501 - 9,000 | 74 |
| 9,001 - 9,800 | 75 |
| 9,801 - 10,750 | 76 |
| 10,751 - 11,200 | 77 |
| 11,201 - 12,000 | 78 |
| 12,001 - 12,800 | 79 |
| 12,801 - 14,999 | 80 |
| 15,000 - 29,999 | 81 |
| 30,000 - 44,999 | 82 |
| 45,000 - 59,999 | 83 |
| 60,000 - 74,999 | 84 |
| 75,000 and over | 85 |

(3) Land use intensity (LUI) ratings as in subsections (1) and (2) above, shall be applied as set forth in part B of Article 2.

Sec. 21-714. Maximum Density of Other Uses and Structures.

Maximum density of other permitted principal and accessory uses and structures in the H-2 Hotel district shall not exceed a floor area ratio of 3.5 times the net zoning lot area.

Sec. 21-715. Height Regulations.

No portion of any building or other structure located within the H-2 Hotel district shall exceed a height of 350 feet above ground elevation, provided that flag poles and television and radio towers may extend up to 500 feet.

Sec. 21-716. Sign Regulations.

Within a H-2 Hotel district, in connection with any use permitted therein other than one- and two-family dwellings, only one wall, marquee facia or canopy identification sign, not directly illuminated and not exceeding 32 square feet in area shall be permitted for each street front having a principal pedestrian entrance to the building; 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 16 square feet in area shall also be permitted for each principal pedestrian entrance side. Such ground signs shall not be located closer than 10 feet to any property line.

Sec. 21-717. Off-Street Parking Regulations.

Within a H-2 Hotel district, the off-street parking requirements for H-1 Resort Hotel district shall apply, provided that with reference to the uses herein specified the following requirements shall be applicable:

(a) Churches: at least 1 space per 5 seats or bench seating spaces in the main auditorium;

(b) Dwellings, one- or two-family: at least 1 space per dwelling unit;

(c) Private clubs and lodges, social centers and athletic clubs: at least 1 space per 10 seats, or where number of seats cannot be reliably estimated or determined, at least 1 space per 100 square feet of floor area;

(d) Multiple-family dwellings: at least 1 and one-fourth space per dwelling or lodging unit;

(e) Hotels: at least one-fourth space per dwelling or lodging unit.

However, if in the overall requirements any fractional parking space shall be required, such fraction shall be increased to one full space.

## ARTICLE 8. BUSINESS DISTRICTS

### A. B-1 Neighborhood Business Districts

Sec. 21-800. Legislative Intent.

The purpose of the B-1 Neighborhood Business district is to provide commercial areas within or adjacent to residential areas to meet the demand for certain types of commercial services which cater to the daily needs of the surrounding population. These areas would provide locations for small commercial operations, especially in new areas where such uses are not located nearby nor are readily available.

Sec. 21-801. Use Regulations.

Within a B-1 Neighborhood Business district, only the following uses and structures shall be permitted:

(a) Principal Uses and Structures:

(1) Bakeries, confectioneries and delicatessens; provided that products prepared or processed on the premises shall be sold only at retail and only on the premises;

(2) Child care centers;

(3) Convenience establishments;

(4) Florists, gift shops and stationery stores;

(5) Laundry and dry cleaning agencies;

(6) Liquor stores, package only;

(7) Public buildings and grounds;

(8) Restaurants, provided that drive-in establishments, and restaurants serving intoxicating liquor shall not be permitted;

(9) Public utility installations; and

(10) Dwelling or lodging units, provided that no more than four such units shall be permitted on any zoning lot and they shall be located above or behind the other principal uses in such a way that they do not interrupt the commercial frontage.

(b) Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

(c) Conditional uses and structures: Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Private clubs, lodges, social centers and athletic clubs;

(2) Private utilities, including temporary sewage treatment plants.

Sec. 21-802. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within a B-1 Neighborhood Business district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be 5,000 square feet; and the maximum lot area shall be 20,000 square feet;

(b) The minimum lot width shall be 50 feet;

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a B-1 Neighborhood Business district adjoins a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first zoning lot within the B-1 Neighborhood Business district or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yard of a zoning lot within a B-1 Neighborhood Business district adjoins the side or rear yards of a zoning lot in a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width such side or rear yards shall conform to the setback requirements of the adjoining yard in the residential or apartment district. The yard area within 5 feet of the property line shall be landscaped with a screening hedge, except for walkways necessary for access, and no yard area shall be used for parking.

(3) The minimum yard requirement of any yard adjacent to a street within the B-1 Neighborhood Business district shall be 10 feet. Such yard shall be landscaped, except for drives and walkways necessary for access, and shall not be used for parking.

Sec. 21-803. Height Regulations.

No portion of a building or other structure located within the B-1 Neighborhood Business district shall exceed 25 feet in height; provided that where a zoning lot in such district adjoins a zoning lot in a residential or A-1 Apartment district without an intervening street, alley or permanent open space over 25 feet in width, the additional height setbacks as required for the adjoining residential or A-1 Apartment district shall be applicable at the buildable area boundary lines on the side of the zoning lot adjacent to the residential or A-1 Apartment district.

Sec. 21-804. Sign Regulations.

Within a B-1 Neighborhood Business district, as accessory to a use permitted therein, the following shall be permitted:

(a) One wall sign on the street side for each ground floor establishment. Such sign shall not be directly illuminated, nor exceed one square foot of sign area for each lineal foot of building frontage, nor exceed 100 square feet in sign area. No indirectly illuminated signs shall be so placed or erected as to be visible in any portion of an adjoining residential lot after 10:00 p.m., nor at any time, from any room used for sleeping.

(b) One non-illuminated ground sign, for identification, provided that:

(1) All buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line, and

(2) No portion of such sign is located in or overhangs any required yard area or public right-of-way, and

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

Sec. 21-805. Off-Street Parking Requirements.

Within a B-1 Neighborhood Business district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Dwelling and lodging units: at least 1 and 1/4 spaces per unit;

(b) Eating and drinking establishments: at least 1 space per 100 square feet of floor area or 1 space per 4 seats, whichever is greater;

(c) Utility installations: at least 1 space per 3 employees assigned to the installation but not less than 2 spaces;

(d) Other principal uses: at least 1 space per 400 square feet of floor area;

(e) Uses permissible under conditional use permit shall comply with the specific off-street parking requirements attached to the conditional use permit.

B. B-2 Community Business District.

Sec. 21-810. Legislative Intent.

The purpose of the B-2 Community Business district is to provide land needed for community-wide business establishments. This district is intended for general application in the City and County. It is hoped that the creation of this district will encourage the concentration of business uses in contrast to the strip-type developments along streets which flourished in the past.

Sec. 21-811. Use Regulations.

Within a B-2 Community Business district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Auditoriums, assembly halls and union halls;

(2) Automobile service stations, provided that where there is an adjoining residential or apartment district without an intervening street, alley or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, a six foot solid fence shall separate the automobile service station use from the adjacent residential district and no ground sign shall be within 50 feet of the residential or apartment district;

(3) Automobile repair establishments, provided that all repair work shall be performed within a building;

(4) Business and vocational schools which do not involve the operation of woodwork shops, machine shops or other similar facilities;

(5) Business studios, offices, clinics and medical laboratories;

(6) Child care centers;

(7) Churches;

(8) Commercial recreation facilities; provided that amusement arcades shall not be permitted;

(9) Eating and drinking establishments; provided that where there is an adjoining residential or apartment district without an intervening street, alley or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first lot within the B-2 Community Business district or 100 feet of such lot nearest the boundary (whichever is less) shall not be used for a drive-in eating and drinking establishment;

(10) Financial institutions;

(11) Furniture repair and upholstering, job printing, repair services for radio and television and household appliances other than those with gasoline engines; service and repair services for business machines; carpet and linoleum laying; tile setting, sign shops and other small service businesses;

(12) Greenhouses and plant nurseries;

(13) Hospitals;

(14) Museums, art galleries;

(15) Newspaper printing and publishing;

(16) Nightclubs, bars, taverns, dance halls;

(17) Parking lots, parking garages and storage garages;

(18) Passenger transportation terminals;

(19) Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shops with processing on the premises;

(20) Private clubs, lodges, social centers, eleemosynary establishments and athletic clubs;

(21) Public buildings and grounds;

(22) Public utility installations provided that storage or maintenance facilities shall be permitted only as conditional uses and structures;

(23) Radio and television broadcasting stations and line-of-sight relay devices;

(24) Retail establishments, including the incidental manufacturing of goods for sale only at retail on the premises; retail sales and display rooms and lots, provided that yards for storage of new or used building materials or yards for any scrap or salvage operations or for storage or display of any scrap, salvage or second-hand building materials or automobile parts shall not be allowed;

(25) Veterinary establishments and commercial kennels, provided that all animals shall be kept in sound-proofed, air conditioned buildings;

(26) Wholesaling and distribution operations, provided that such operations do not involve the use of:

(i) more than 2,000 square feet of floor area for storage of wares to be sold at wholesale or to be distributed, or

(ii) any vehicle rated at more than one and one-half ton capacity, or

(iii) a total of more than five delivery vehicles.

(b) Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including a dwelling or lodging unit for the owner or caretaker of the principal use.

(c) Conditional uses and structures. Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Heliports and helistops;

(2) Private utilities, including temporary sewage treatment plants;

(3) Public utility storage or maintenance installations.

(4) Car wash facilities, provided that:

(i) no water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks or adjacent properties;

(ii) a minimum of 3 off-street parking spaces for automobiles shall be provided for each car wash space within the facility.

(5) Recreational and amusement facilities of an outdoor nature; provided that in the development of such properties, safeguards are provided to preserve and protect the existing character of adjacent properties.

Sec. 21-812. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within a B-2 Community Business district, the following shall constitute the lot, yard and open space and density requirements:

(a) The minimum lot area shall be 5,000 square feet;

(b) The minimum lot width shall be 50 feet;

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a B-2 Community Business district adjoins a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first zoning lot within the B-2 Community Business district or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yard of a zoning lot within a B-2 Community Business district adjoins the side or rear yard of a zoning lot in a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width, such side or rear yard shall conform to the setback requirements of the adjoining yard in the residential or apartment district. The yard area within 5 feet of the property line shall be landscaped with a screening hedge, except for walkways necessary for access, and no yard area shall be used for parking.

(3) Except as provided in items (1) and (2) hereinabove, the minimum yard requirement of any yard adjacent to a street within a B-2 Community Business district shall be 5 feet. Such yard shall be landscaped, except for drives and walkways necessary for access, and shall not be used for parking.

(d) The floor area of all buildings and structures situated on a zoning lot shall not exceed a floor area ratio of 2.5; provided that in addition to such maximum, 5 square feet of floor area may be added for each square foot of public open space at ground level and 3 square feet of floor area may be added for each square foot of arcade area, with the 5-foot setback along the street frontage included as arcade area where provided.

Sec. 21-813. Height Regulations.

(a) No portion of a building or other structure located on a zoning lot which is adjacent to a street within the B-2 Community Business district shall exceed a height equal to twice the distance from such structure to the vertical projection of the center line of such street.

(b) In addition, where a zoning lot located within the B-2 Community Business district adjoins a zoning lot in a residential, apartment or hotel district, without an intervening street, alley, or permanent open space over 25 feet in width, the height setbacks as required for the adjoining residential or A-1 apartment districts or the height limitations as required for the adjoining apartment (other than A-1 Apartment) or hotel districts, shall be applicable at the buildable area boundary lines on the side of the zoning lot adjacent to the residential, apartment or hotel district.

(c) Where a zoning lot located within the B-2 Community Business district adjoins a zoning lot in an apartment district, other than A-1 Apartment district, without an intervening street, alley, or permanent open space over 25 feet in width, the following height limitations shall apply to any buildable area boundary line on the side of the B-2 Community Business district zoning lot adjacent to the zoning lot located in the apartment district:

No portion of a building or other structure shall exceed 30 feet in height above ground elevation at the boundary lines of the buildable area of the zoning lot, when adjacent to an A-2 or A-3 Apartment district or 40 feet in height above ground elevation at the boundary lines of the buildable area of the zoning lot, when adjacent to an A-4 or A-5 Apartment district; provided that additional height will be permitted if such additional height shall be set back 1 foot from the buildable area boundary for each 10 feet in height or fraction thereof; said setback shall be a continuous vertical plane from the top of the structure to the beginning of the additional height; further provided that in no event shall such permitted additional height exceed the height limitation imposed by subsection (a) hereof.

(d) In addition to the foregoing height limitation, no portion of any building or other structure shall exceed 350 feet in height, provided that flag poles and television and radio towers may extend up to 500 feet in height.

Sec. 21-814. Sign Regulations.

Within a B-2 Community Business district, as accessory to a use permitted therein, the following shall be permitted:

(a) Two business signs on the street side for each ground floor establishment. Such signs may be illuminated and of the following types: canopy, hanging, marquee facia, projecting or wall sign. The maximum sign area for each building side on which signs are permitted shall not exceed one and one-half square feet for each lineal foot of building frontage; provided, however, that no such sign area shall exceed 250 square feet in area nor shall the total sign area exceed 15% of the wall area on which displayed or attached to.

(b) One indirectly illuminated ground sign for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located; provided, however, that:

(1) All buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line;

(2) No portion of such sign is located in or overhangs any required yard area or public right-of-way; and

(3) The sign area does not exceed 24 square feet.

Sec. 21-815. Off-Street Parking Requirements.

Within a B-2 Community Business district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Accessory dwelling and lodging units: at least 1 and 1/4 space per unit;

(b) Auditoriums and assembly halls; commercial recreational facilities: at least 1 space per 100 square feet of floor area or at least 1 space per 5 fixed seats, whichever is greater;

(c) Bowling alleys: at least 3 spaces per alley;

(d) Churches: at least 1 space per 5 seats or bench seating space in the main auditorium;

(e) Eating and drinking establishments: at least 1 space per 100 square feet of floor area or 1 space per 4 seats, whichever is greater;

(f) Funeral homes: at least 5 spaces per parlor or chapel or one space per 5 seats or 5 bench seating spaces, whichever is greater;

(g) Furniture or appliance stores, machinery, equipment, automotive and boat sales and service: at least 1 space per 900 square feet of floor area;

(h) Hospitals: at least 1 space per 4 patient beds;

(i) Museums; art galleries: not less than 10 spaces and an additional space for each 300 square feet of floor area or fraction thereof in excess of 1,000 square feet;

(j) Nurses homes and similar housing for institutional employees: at least 1 space per 3 lodging units or 1 space per 4 occupants, whichever is greater;

(k) Offices, business studios, clinics, retail stores, business and vocational schools, personal service establishments, greenhouses and plant nurseries, animal hospitals, passenger transportation terminals and financial institutions: at least 1 space per 400 square feet of floor area;

(l) Private clubs and lodges, social centers and athletic clubs: at least 1 space per 10 seats or where number of seats cannot be reliably estimated or is inappropriate as a measure: 1 space per 100 square feet of floor area;

(m) Service establishments other than personal service establishments, repair establishments, automobile service stations, printing, publishing, plumbing and heating establishments and broadcasting studios: at least 1 space per 3 employees;

(n) Uses permitted under conditional use permits shall comply with the specific off-street parking requirements attached to the conditional use permit;

(o) Utility installation: at least 1 space per 3 employees assigned to the installation but not less than 2 spaces;

(p) Wholesaling and distribution operations: at least 1 space per 2 employees on the maximum working shift.

C. B-3 Business-Residential District.

Sec. 21-820. Legislative Intent.

The purpose of the B-3 Business-Residential district is to provide areas where business establishments will be the primary use of the land but where flexibility is desired for possible inclusion of some multiple-family housing. These areas will primarily be located where prior overzoning of land for business uses has created a low demand for full development but where greater development can be encouraged with the mixture of business and multiple-family dwellings.

Sec. 21-821. Use Regulations.

Within a B-3 Business-Residential district, only the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) All of the principal uses and structures permitted in the B-2 Community Business district except the following:

(i) Automobile service stations;

(ii) Automobile repair establishments;

(iii) Drive-in eating and drinking establishments;

(iv) Newspaper printing and publishing;

(v) Wholesaling and distribution operations.

(2) Multiple-family dwellings, provided that the yard and setback regulations of the A-3 Apartment district are met and the Land Use Intensity Rating 63 requirements are complied with.

(b) Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

(c) Conditional uses and structures. All of the conditional uses and structures permitted in the B-2 Community Business district, subject to compliance with the provisions of part E of Article 2 hereof.

Sec. 21-822. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within a B-3 Business-Residential district, the following shall constitute the lot, yard, open space and density requirements:

(a) The minimum lot area shall be 5,000 square feet; provided that for any zoning lot involving principal uses for dwelling or lodging units, the minimum lot area shall be 10,000 square feet;

(b) The minimum lot width shall be 50 feet; provided that for any zoning lot involving principal uses for dwelling or lodging units, the minimum lot width shall be 70 feet;

(c) The minimum yard requirements within the B-3 Business-Residential district shall be the same as the minimum yard requirements of the B-2 Community Business district; provided that for any zoning lot involving principal uses for dwelling or lodging units, the minimum front, side and rear yards shall be 10 feet which shall be landscaped except for necessary drives and walkways and which shall not be used for parking;

(d) The density for all buildings and structures shall be the same as for the density of the B-2 Community Business district; provided that for any zoning lot involving uses for multiple-family dwellings, no open space or arcade area required to

satisfy open space ratio requirements for the multiple-family dwelling portions of a structure shall be included in determining additional commercial floor area bonus.

Sec. 21-823. Height Regulations.

Within a B-3 Business-Residential district, the height regulations applicable to the B-2 Community Business district shall apply, provided that wherever the term 'B-2 Community Business' appears therein, the term 'B-3 Business-Residential' shall be substituted therefor.

Sec. 21-824. Sign Regulations.

Within a B-3 Business-Residential district the sign regulations applicable to the B-2 Community Business district shall apply.

Sec. 21-825. Off-Street Parking Requirements.

Within the B-3 Business-Residential district, the same off-street parking requirements which are applicable to uses permitted within the B-2 Community Business district shall apply to any of such uses which are also permitted in the B-3 Business-Residential district, and in addition for multiple-family dwellings at least 1 and 1/4 spaces per unit shall be provided.

D. B-4 Central Business District.

Sec. 21-830. Legislative Intent.

The purpose of the B-4 Central Business district is to set apart that portion of the City which forms the metropolitan center for financial, commercial, governmental, professional and cultural activities. It is hoped that the suitability of this district for performance of these functions will be continued and that uses likely to create friction will be discouraged. This district is not intended for general application throughout the City and County.

Sec. 21-831. Use Regulations.

Within a B-4 Central Business district, the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) All of the principal uses and structures permitted in the B-2 Community Business district;

(2) Amusement and recreation establishments;

(3) Business service establishments;

(4) Commercial printing;

(5) Hotels and multiple-family dwellings; provided that all such uses shall conform to the maximum land use intensity requirements in the H-2 Hotel district regulations;

(6) Laboratories and establishments for the production and repair of eyeglasses, hearing-aids and prosthetic devices;

(7) Personal service establishments;

(8) Retail stores, sales and display rooms and shops;

(9) Repair establishments, provided that the same shall not include repair garages;

(10) Wholesaling from sample stocks without the restrictions applicable to other wholesaling operations.

(b) Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

(c) Conditional uses and structures: All of the conditional uses and structures permitted in the B-2 Community Business district, subject to compliance with the provisions of part E of Article 2 hereof.

Sec. 21-832. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within a B-4 Central Business district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be 5,000 square feet; provided that for any zoning lot involving uses for dwelling and lodging units, the minimum lot area shall be 15,000 square feet.

(b) The minimum lot width shall be 50 feet; provided that for any zoning lot involving uses for dwelling and lodging units, the minimum lot width shall be 70 feet.

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a B-4 Central Business district adjoins a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first zoning lot within the B-4 Central Business district or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yard of a zoning lot within a B-4 Central Business district adjoins the side or rear yard of a zoning lot in a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width, such side or rear yards shall conform to the setback requirements of the adjoining yard in the residential or apartment district. The yard area within 5 feet of the property line shall be landscaped with a screening hedge, except for walkways necessary for access, and no yard area shall be used for parking.

(3) Except as provided in items (1) and (2) hereinabove, portions of buildings or structures up to 12 feet in height above ground elevation, situated on a zoning lot adjacent to a street within a B-4 Central Business district shall be set back not less than 5 feet from the property line adjacent to said street; 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 setback area, may be provided elsewhere on the lot.

(d) Maximum Density Regulations.

(1) Except as hereinafter provided, the density for permitted principal and accessory uses and structures situated on a zoning lot shall not exceed a floor area ratio of 4.0.

(2) Floor area additional to that under the foregoing 4.0 floor area ratio shall be allowed under the following circumstances, but the total combined area shall not be in excess of a floor area ratio of 7.5:

(i) 10 square feet of floor area may be added for each square foot of open space at ground level; and

(ii) 5 square feet of floor area may be added for each square foot of arcade area, with the 5-foot setback along street frontage included as arcade area where provided;

provided that for any zoning lot involving uses for multiple-family dwellings or hotels, no open space or arcade area required to satisfy open space ratio requirements for the multiple-family dwelling or hotel portions of a structure shall be included in determining additional commercial floor area bonus.

(3) The floor area permitted in items (1) and (2) hereinabove shall include all countable floor area for any multiple-family dwelling or hotel.

(4) In addition to the floor area permitted under items (1) and (2) hereinabove, the area of off-street parking facilities, not in excess of 3.5 times the lot area of the zoning lot, may be included in determining the total floor area allowable.

Sec. 21-833. Height Regulations.

(a) For a minimum of 50% of any contiguous frontage, no portion of a building or other structure located within the B-4 Central Business district on a zoning 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 center line of such street.

(b) In addition, where a zoning lot located within the B-4 Central Business district adjoins a zoning lot in a residential, apartment or hotel district, without an intervening street, alley, or permanent open space over 25 feet in width, the height setbacks as required for the adjoining residential or A-1 apartment districts or the height limitations as required for the adjoining apartment (other than A-1 Apartment) or hotel districts, shall be applicable at the buildable area boundary lines on the side of the zoning lot adjacent to the residential, apartment or hotel district.

(c) In addition to the foregoing limitations, no portion of any building or other structure shall exceed 350 feet in height, provided that flag poles and television and radio towers may extend up to 500 feet in height.

Sec. 21-834. Sign Regulations.

Within a B-4 Central Business district, as accessory to a use permitted therein, the following shall be permitted:

(a) Three business signs on the street side for each ground floor establishment. Such signs may be illuminated, moving or flashing and of the following types: canopy, hanging, marquee facia, projecting or wall sign. The maximum sign area for each building side on which signs are permitted shall not exceed two square feet for each lineal foot of building frontage; provided, however, no sign area shall exceed 250 square feet nor shall the total sign area exceed 15% of the wall area on which displayed.

(b) One indirectly illuminated ground sign for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located; provided, however, that:

(1) All buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line.

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

(3) The sign area does not exceed 32 square feet.

Sec. 21-835. Off-Street Parking Requirements.

Within a B-4 Central Business district, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Auditoriums and assembly halls; amusement and recreational facilities: at least 1 space per 300 square feet of floor area or at least 1 space per 10 fixed seats, whichever is greater;

(b) Bowling alleys: at least 1 space per alley;

(c) Business service establishments; commercial printing: at least 1 space per 3 employees;

(d) Consulates: at least 1 space per dwelling or lodging unit, plus 1 space per 400 square feet of floor area in offices; provided that there shall be no less than 5 parking spaces;

(e) Eating and drinking establishments: at least 1 space per 300 square feet of floor area over 1,500 square feet;

(f) Furniture or appliance stores; machinery, automotive equipment and boat sales and service: at least 1 space per 1,200 square feet of floor area;

(g) Hotels: at least 1 space per 4 units;

(h) Multiple-family dwellings: at least 1 space per unit;

(i) Offices, studios, clinics, retail stores, laboratories and establishments for the production and repair of eyeglasses, hearing-aids and prosthetic devices, personal service establishments, repair establishments, sales and display rooms and shops, animal hospitals and financial institutions: at least 1 space per 600 square feet of floor area over 4,000 square feet.

E. B-5 Resort Commercial District.

Sec. 21-840. Legislative Intent.

The purpose of the B-5 Commercial district is to provide for retail and commercial service facilities to serve the needs of visitors to resort areas and residents living in or adjacent to such areas. The district is not intended for general application in the City and County but will be limited to those areas where a high density of tourist facilities are desired.

Sec. 21-841. Use Regulations.

Within a B-5 Resort Commercial district, the following uses and structures shall be permitted:

(a) Principal Uses and Structures:

(1) All of the principal uses and structures permitted in the B-3 Business-Residential district;

(2) Botanical and Zoological gardens;

(3) Hotels and multiple-family dwellings, provided that the same shall comply with the maximum land use intensity requirements in the H-2 Hotel district regulations.

(b) Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

(c) Conditional uses and structures: All of the conditional uses and structures permitted in the B-2 Community Business district, subject to compliance with the provisions of part E of Article 2 hereof. In addition thereto, automobile service stations shall be permitted, provided that the following requirements, together with the provisions of part E of Article 2, are complied with:

(1) A minimum side yard setback of 5 feet shall be required with a solid fence or wall at least 5 feet in height on the property line with the setback area maintained in planting;

(2) 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 thereto;

(3) All area not landscaped shall provide an all weather surface; and

(4) No water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks.

Sec. 21-842. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within a B-5 Resort Commercial district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be 5,000 square feet; provided, for any zoning lot involving uses for dwelling and lodging units, the minimum lot area shall be 15,000 square feet;

(b) The minimum lot width shall be 50 feet; provided, for any zoning lot involving uses for dwelling and lodging units, the minimum lot width shall be 70 feet;

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a B-5 Resort Commercial district adjoins a residential or apartment district without an intervening street, alley, or permanent open space over 25 feet in width, and where lot separated by the district boundary have adjacent front yards, the first zoning lot within the B-5 Resort Commercial district or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yards of a zoning lot within a B-5 Resort Commercial district adjoins the side or rear yards of a zoning lot in a residential or apartment district without an intervening street, alley or permanent open space over 25 feet in width, such side or rear yards shall conform to the setback requirements of the adjoining yard in the residential or apartment district. The yard area within 5 feet of the property line shall be landscaped, with a screening hedge, and shall not be used for parking. Walkways necessary for access shall be permitted.

(3) Except as provided in items (1) and (2) hereinabove, the minimum yard requirement of any yard adjacent to a street within a B-5 Resort Commercial district shall be 10 feet; provided, of the foregoing setback area, not less than 25% thereof shall be planted landscaping and provided further, no yard area shall be used for parking.

(d) The maximum density for all permitted uses and structures not involving land use intensity (LUI) requirements shall not exceed a floor area ratio of 1.75 times the net zoning lot. For uses and structures involving land use intensity (LUI) requirements, the maximum density shall be the same as for the H-2 Hotel district regulation as applied to the land use intensity scale set forth in Section 21-714 of this chapter; provided that other permitted uses shall be allowed not to exceed a floor area ratio of 1.75 times the net zoning lot area which shall be a part of the maximum floor area permitted for the zoning lot under the land use intensity requirements.

Sec. 21-843. Height Regulations.

(a) Within the B-5 Resort Commercial district, no portion of a building or other structure located in any buildable area within 35 feet of any adjacent street shall exceed a height of 25 feet and no other portion of a building or other structure shall exceed a height of 350 feet, provided that flag poles and television and radio towers may extend up to 500 feet in height.

(b) In addition, where a zoning lot located within the B-5 Resort Commercial district adjoins a zoning lot in a residential, apartment or hotel district, without an intervening street, alley, or permanent open space over 25 feet in width, the height setbacks as required for the adjoining residential or A-1 apartment districts or the height limitations as required for the adjoining apartment (other than A-1 Apartment) or hotel districts, shall be applicable at the buildable area boundary lines on the side of the zoning lot adjacent to the residential, apartment or hotel district.

(c) Where a zoning lot located within the B-5 Resort Commercial district adjoins a zoning lot in an apartment district, other than A-1 Apartment district, without an intervening street, alley, or permanent open space over 25 feet in width, the following height limitations shall apply to any buildable area boundary line on the side of the B-5 Resort Commercial district zoning lot adjacent to the zoning lot located in the apartment district:

No portion of a building or other structure shall exceed 30 feet in height above ground elevation at the boundary lines of the buildable area of the zoning lot, when adjacent to an A-2 or A-3 Apartment district or 40 feet in height above ground elevation at the boundary lines of the buildable area of the zoning lot, when adjacent to an A-4 or A-5 Apartment district; provided additional height will be permitted if such additional height shall be set back one foot from the buildable area boundary for each 10 feet in height or fraction thereof, said setback shall be a continuous vertical plane from the top of the structure to the beginning of the additional height; further provided that in no event shall such permitted additional height exceed the height limitation imposed by subsection (a) hereof.

Sec. 21-844. Sign Regulations.

Within a B-5 Resort Commercial district, as accessory to a use permitted therein, the following shall be permitted:

(a) Two business signs on the street side for each ground floor establishment. Such signs shall not be directly illuminated nor moving nor flashing but may be of the following types: canopy, hanging, marquee facia, projecting or wall sign. Hanging signs may project over public right-of-way. The maximum sign area for each building side on which signs are permitted shall not exceed one square foot for each 2 lineal feet of building frontage; provided, however, that no sign area shall exceed 150 square feet or 10% of the wall area on which it is displayed, whichever is the lesser.

(b) One indirectly illuminated ground sign for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located; provided, however, that:

(1) All buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line.

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

(3) The sign area does not exceed 24 square feet.

Sec. 21-845. Off-Street Parking Requirements.

Within a B-5 Resort Commercial district, the same off-street parking requirements which are applicable to uses permitted within the B-2 Community Business district shall apply to any of such uses which are also permitted in the B-5 Resort Commercial district and in addition, the following specified uses shall comply with the off-street parking requirements designated therefor:

(a) Botanical and zoological gardens: at least 1 space per 10,000 square feet of lot area;

(b) Hotels: at least 1 space per 4 units;

(c) Multiple-family dwellings: at least 1 and 1/4 space per unit;

(d) Radio and television broadcasting studios, rental agencies: at least 1 space per 3 employees.

## ARTICLE 9. INDUSTRIAL DISTRICTS

### A. I-1 Light Industrial District.

Sec. 21-900. Legislative Intent.

The purpose of the I-1 Light Industrial district is to provide areas for light industrial and related uses close to the Central Business District and to other areas covenient to residential concentration, so as to reduce traffic congestion and enhance convenience to the public by moving places of work closer to places of residence. To minimize potential adverse influences on property in the same or neighboring districts, certain performance standards will be applied and landscaping and buffering will be required.

Sec. 21-901. Use Regulations.

Within an I-1 Light Industrial district, the following uses and structures shall be permitted:

(a) Principal uses and structures:

(1) Airports, heliports and helistops;

(2) Automotive sales and rental, repair garages, including part and supply stores, and automobile service stations;

(3) Banks;

(4) Bulk storage yards and building contractors yards; provided that no sale or processing of scrap, salvage or second-hand material shall be permitted in such yards; and provided further that such storage 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;

(5) Eating and drinking establishments;

(6) Establishments such as linen suppliers, freight movers, communication services and canteen services;

(7) Establishments which deliver merchandise in bulk by truck or van; establishments which sell heavy equipment;

(8) Manufacturing, processing, extracting, packaging or fabricating establishments; provided that the class of uses specified under Sec. 21-911(c) of this Article shall not be allowed;

(9) Motion picture studios;

(10) Printing, lithographing, publishing or photography establishments;

(11) Public buildings and grounds;

(12) Repair establishments;

(13) Utilities installations and offices;

(14) Vocational, technical, industrial and trade schools;

(15) Wholesaling, warehousing, storage or distribution establishments.

(b) Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including dwelling or lodging units for occupancy by owners, guards or caretakers; provided that such dwelling or lodging units shall be located above or behind principal uses in such a way that they do not interrupt commercial or industrial frontage;

(c) Conditional uses and structures. Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Hotels; provided the following conditions are met:

a. They are within one 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;

b. They have frontage on a major or secondary street or highway;

c. They have a minimum lot size of 15,000 square feet and minimum lot width of 70 feet;

d. They conform to the Land Use Intensity rating 73 requirements;

e. Accessory uses shall be limited to eating and drinking establishments, gift shops and travel agencies;

f. Parking requirements of at least one space per 2 lodging units shall be provided in addition to the requirements for an accessory use;

g. Front yards shall have a minimum depth of 10 feet and except for necessary driveways, shall be maintained in landscaping and shall not be used for parking;

h. Signs shall conform to the sign requirements applicable within B-2 Community Business district regulations.

Sec. 21-902. Performance Standards for Noise and Vibration.

All uses in the I-1 Light Industrial district shall meet the performance standards for noise and vibration as set forth in Sections 21-232 and 21-233 of Article 2 as applied at zoning lot boundaries.

Sec. 21-903. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within an I-1 Light Industrial district, the following shall constitute the lot, yard and open space requirements:

(a) The minimum lot area shall be 7,500 square feet;

(b) The minimum lot width shall be 60 feet;

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a zoning lot located in an I-1 Light Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width, and where lots separated by the district boundary have adjacent front yards, the first lot within the I-1 Light Industrial district, or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard, except for necessary access drives and walkways, shall be maintained in landscaping and shall not be used for parking;

(2) Where the side or rear yard of a zoning lot located in an I-1 Light Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width, such side or rear yard shall be of the same minimum dimensions as required for the adjoining yard in the residential, apartment or hotel district. Solid walls at least 6 feet in height shall be erected 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 or hotel district.

(3) The minimum yard setback for any yard adjacent to a street shall be 5 feet. Such yard shall be landscaped, except for drives and walkways necessary for access, and shall not be used for parking.

(d) The maximum floor area contained in all buildings and structures situated on a zoning lot shall not exceed a floor area ratio of 2.5; provided that to such amount of maximum floor area may be added an additional 4 square feet of floor area for each square foot of public open space provided at ground level over and above the yard requirements applicable.

Sec. 21-904. Height Regulations.

(a) No portion of a building or other structure located on a zoning lot which is adjacent to a street within the I-1 Light Industrial district shall exceed a height equal to twice the distance from such structure to the vertical projection of the centerline of such street.

(b) In addition, where a zoning lot located within the I-1 Light Industrial district adjoins a zoning lot in a residential, apartment or hotel district, without an intervening street, alley, or permanent open space over 25 feet in width, the height setbacks as required for the adjoining residential or A-1 apartment districts or the height limitations as required for the adjoining apartment (other than A-1 Apartment) or hotel districts, shall be applicable at the buildable area boundary lines on the side of the zoning lot adjacent to the residential, apartment or hotel district.

(c) In addition to the foregoing height limitations, no portion of any building or other structure shall exceed 350 feet in height, except that flag poles and radio and television towers may extend up to 500 feet.

Sec. 21-905. Sign Regulations.

Within an I-1 Light Industrial district, as accessory to a use permitted therein, the following shall be permitted:

(a) On the street side of each building or structure, 2 business signs per ground floor establishment. Such signs may be illuminated, moving or flashing and of the following types: canopy, hanging, marquee facia, projecting, roof or wall signs. The maximum sign area for each building side on which signs are permitted shall not exceed 2 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% of the wall area on which displayed.

(b) One indirectly illuminated ground sign for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located if:

(1) All buildings on the zoning lot are set back a minimum of 50 feet from the property line fronting the street, and

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

(3) The sign area does not exceed 32 square feet.

Sec. 21-906. Off-Street Parking Requirements.

Within an I-1 Light Industrial district, the same off-street parking requirements which are applicable to uses permitted within the B-2 Community Business district shall apply to any of such uses which are also permitted in the I-1 Light Industrial and in addition the following specific uses shall comply with the off-street parking requirements designated therefor:

(a) Service or repair establishments, motion picture studios, utility installations, printing, publishing, plumbing and heating establishments and broadcasting studios: at least 1 space per 3 employees on maximum working shift.

(b) Manufacturing or industrial establishments, research or testing labs, creameries, bottling plants and wholesale establishments: at least 1 space per 2 employees on maximum working shift or 1 space per 600 square feet of floor area, whichever is greater.

(c) Warehouses, bulk storage yards and building contractors yards: at least 1 space per 2 employees on maximum working shift.

B. I 2 Heavy Industrial District.

Sec. 21-910. Legislative Intent.

The purpose of the I-2 Heavy Industrial district is to provide land for industrial and related activities in areas where adverse influences of the industrial uses on other districts would be minimized. It is also intended that the encroachment of non-industrial uses be prevented as much as possible.

Sec. 21-911. Use Regulations.

Within an I-2 Heavy Industrial district, the following uses and structures shall be permitted:

(a) Principal uses and structures: All of the principal uses and structures permitted in the I-1 Light Industrial district.

(b) Accessory uses and structures: All of the accessory uses and structures permitted in the I-1 Light Industrial district.

(c) Conditional uses and structures: Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof:

(1) Explosives manufacturing, storage and distribution;

(2) Petroleum processing;

(3) Storage or processing of salvage, scrap or junk;

(4) Private refuse dumps, sanitary fills and incinerators.

Sec. 21 912. Performance Standards for Noise and Vibration.

All uses in the I-2 Heavy Industrial district shall meet the performance standards for noise and vibration as set forth in Secs. 21-232 and 21-233 of Article 2 as applied at district boundary lines.

Sec. 21-913. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within an I-2 Heavy Industrial district, the following shall constitute the lot, yard and density requirements:

(a) The minimum lot area shall be 10,000 square feet.

(b) The minimum lot width shall be 70 feet.

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a zoning lot located in an I-2 Heavy Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width, and where lots separated by the district boundary have adjacent front yards, the first lot within the I-2 Heavy Industrial district, or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yard of a zoning lot located in an I-2 Heavy Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width, such side or rear yard setback shall be not less than 15 feet. Solid walls 6 feet in height shall be erected 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 or hotel district.

(d) Within the I-2 Heavy Industrial district, the maximum floor area regulations applicable to the I-1 Light Industrial district shall apply.

Sec. 21-914. Height Regulations.

Within an I-2 Heavy Industrial district, the height regulations applicable to the I-1 Light Industrial district shall apply, provided that wherever the term 'I-1 Light Industrial' appears therein, the term 'I-2 Heavy Industrial' shall be substituted therefor.

Sec. 21-915. Sign Regulations.

Within an I-2 Heavy Industrial district, the sign regulations applicable to the I-1 Light Industrial district shall apply.

Sec. 21-916. Off-Street Parking Regulations.

Within an I-2 Heavy Industrial district, the off-street parking requirements of the I-1 Light Industrial district shall apply.

C. I-3 Waterfront Industrial District.

Sec. 21-920. Legislative Intent.

The purpose 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, continuation and expansion. Accordingly, it is intended to permit in such district the full range of facilities necessary for successful and efficient performance of port functions. In order to reserve such areas for port-related activities only, it is intended to exclude uses which are not only inappropriate in this district, but which could well be located elsewhere.

Sec. 21-921. Use Regulations.

Within an I-3 Waterfront Industrial district, the following uses and structures shall be permitted.

(a) Principal uses and structures:

(1) Piers, wharves and docks;

(2) Terminals for freight or passengers arriving or departing by ship;

(3) Facilities for construction, maintenance and repair of vessels;

(4) Ship supply establishments and facilities;

(5) Wholesale and retail establishments dealing primarily in bulk materials delivered by ship, or by ship and railroad or ship and truck in combination;

(6) Military installations other than residential uses;

(7) Heliports and helistops;

(8) Utilities installations;

(9) Radio or television transmission and relay stations;

(10) Eating and drinking establishments;

(11) Fire stations, police stations and other municipal installations; provided that such other municipal installations shall not include residential facilities constructed under municipal auspices; and provided further that if such other municipal installations shall have adverse effects on the efficient performance of primary functions of the I-3 Waterfront Industrial district or is likely to be adversely affected by the usual and regular operations within said district, the same shall not be located within the district except upon a finding by the City Council that both public necessity and the absence of suitable alternative sites require such location.

(b) Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including all of the accessory uses and structures permitted in the I-1 Light Industrial district.

(c) Conditional uses and structures. Uses and structures hereinafter specified; subject to compliance with the provisions of part E of Article 2 hereof; provided that the City Council finds that both public necessity and the absence of suitable alternative sites require location in this district:

(1) Warehouse and storage establishments, including open storage and bulk storage;

(2) Manufacturing and processing generally;

(3) Truck terminals;

(4) Distribution centers; packaging and crating operations;

(5) Office buildings.

Sec. 21-922. Performance Standards for Noise and Vibration.

All uses in the I-3 Waterfront Industrial district shall meet the performance standards for noise and vibration as set forth in Secs. 21-232 and 21-233 of Article 2 as applied at district boundary lines.

Sec. 21-923. Minimum Lot Area, Lot Width, Yard Spacing and Maximum Density Regulations.

Within an I-3 Waterfront Industrial district, the following shall constitute the lot, yard and density requirements:

(a) The minimum lot area shall be 7,500 square feet.

(b) The minimum lot width shall be 60 feet.

(c) The minimum yard requirements shall only be as provided herein:

(1) Where a zoning lot located in an I-3 Waterfront Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width and where lots separated by the district boundary have adjacent front yards, the first lot within the I-3 Waterfront Industrial district, or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.

(2) Where the side or rear yard of a zoning lot located in an I-3 Waterfront Industrial district adjoins a residential, apartment or hotel district without an intervening street, alley, or permanent open space over 25 feet in width, the side or rear yard setback shall be not less than 15 feet. Solid walls at least 6 feet in height shall be erected 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 or hotel district.

(d) Within the I-3 Waterfront Industrial district the maximum floor area regulations applicable to the I-1 Light Industrial district shall apply.

Sec. 21-924. Height Regulations.

Within an I-3 Waterfront Industrial district, the height regulations applicable to the I-1 Light Industrial district shall apply, provided that wherever the term 'I-1 Light Industrial' appears therein, the term 'I-3 Waterfront Industrial' shall be substituted therefor.

Sec. 21-925. Sign Regulations.

Within an I-3 Waterfront Industrial district, the sign regulations applicable to the I-1 Light Industrial district shall apply.

Sec. 21-926. Off-Street Parking Regulations.

Within an I-3 Waterfront Industrial district, one off-street parking space for every 2 employees or 1 space per 1,000 square feet of floor area, whichever is greater, shall be provided.

## ARTICLE 10. PLANNED DEVELOPMENT

A. General Provisions.

Sec. 21-1001. Purpose.

The intent of this Article is to encourage a more efficient use of land and of public services by allowing under certain circumstances a more flexible means of land development than is otherwise permissible under lot-by-lot restrictions generally.

Sec. 21-1002. Application.

The provisions of this Article shall apply only to a tract of land which is under the control of a single owner and for which an application for a planned development project is made as hereinafter provided.

Sec. 21-1003. Types of Planned Development Projects.

Planned development projects shall consist of the following districts:

Planned Development - Housing (PD-H)

Planned Development - Resort (PD-R)

Planned Development - Shopping Center (PD-SC)

Sec. 21-1004. Procedure.

(a) Initiation.

(1) Any developer who desires to initiate a planned development project shall submit to the Planning Director an application for the approval of such project designating the type of district proposed to be created. The application shall be accompanied by a plan showing the location and dimensions of the area, the exact sizes and locations of existing and proposed buildings, the existing and proposed uses of structures and open areas, and information relating to topography, access, surrounding land uses and other matters, including documents showing consent or authorization where the developer is other than the owner, as may be reasonably required by the Planning Director. In the case of planned development projects to be executed in increments, a schedule showing the time within which applications for approval of the various parts are intended to be filed shall also be attached.

(2) The application shall be accompanied by a fee of $100 to cover the costs of publication of notice of public hearing. In addition, an application for a Planned Development-Housing project shall be accompanied by a special fee in the amount of $50 per acre or major fraction thereof of such development to defray administrative costs, provided that such special fee shall not exceed $1,000.

(b) Action of the Planning Director.

Upon receipt of the application, the Planning Director shall refer it to the fire, building, traffic, public works, Board of Water Supply, and other departments and agencies for review as to compliance with pertinent city standards and regulations. Within 30 days after receiving the reports from the other departments or agencies the Planning Director shall recommend (1) approval of the proposal in the form submitted, or (2) approval with modifications or (3) disapproval of the proposal. The recommendation of the Planning Director shall include findings of fact and shall set forth the reasons for the recommendation specifying with particularity in what respects the Plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

(1) The extent to which the Plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

(2) The nature and extent of the common open space in the planned development project, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the Plan;

(3) The manner in which said Plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

(4) The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established;

(5) In the case of a Plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the Plan which finding shall be made only after consultation with the Corporation Counsel of the City;

(6) Conformity with all applicable provisions of this Article.

(c) Action by Planning Commission.

Within 30 days after receiving the Director's report, the Planning Commission shall hold a public hearing on the application, notice of which shall be published at least 10 days prior to such hearing. Within 30 days after such

hearing, the Commission shall submit its recommendations to the Mayor for transmittal to the City Council. The Commission may recommend approval in whole or in part, with or without modifications, or recommend disapproval.

(d) Action by City Council.

The City Council shall either grant the application, with or without modification, or deny such application. If the application is granted, the area of land involved shall be redesignated as a planned development district by ordinance and such ordinance shall incorporate the Plan, including any condition or restriction that may be imposed by the Council.

(e) Effect of Approval.

The Plan as approved together with the conditions and restrictions imposed, shall constitute the zoning for the district; provided that general zoning regulations which were applicable to the land involved prior to approval of the Plan and which are not inconsistent with the Plan shall continue to be applicable.

No building permit shall be issued for any structure within the district unless and until the Director certifies that it conforms to the provisions of the Plan and other applicable zoning requirements.

Sec. 21-1005. Concurrent Change of District Classification.

Notwithstanding that planned development projects are permitted only in specified zoning districts, nothing contained in this Chapter shall be deemed to prohibit the concurrent filing of an application for a planned development project when an application for an appropriate change in the district classification is made.

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

Sec. 21-1011. Planned Development-Housing Districts, Creation.

Planned Development-Housing districts may be established only in existing R-2 residential through R-6 residential and A-1 apartment through A-5 apartment districts, subject to the general requirements and according to the procedure specified herein.

Sec. 21-1012. Use Regulations.

(a) Within a Planned Development-Housing district, all of the principal uses and structures permitted within an A-1 apartment district, other than hospitals and sanitariums, together with the following enumerated uses and structures shall be permitted:

(1) Fraternity and sorority houses, student dormitories and student centers;

(2) Homes for the aged, disabled or handicapped, including convalescent or nursing homes and maternity homes;

(3) Private clubs or social centers, provided that clubs where conduct of commercial affairs is a principal activity shall not be permitted;

(4) Private utilities;

(5) Private marinas.

(b) Other uses may be permitted if specifically approved as part of the plan, provided that the areas and structures occupied shall be so located and designed as to protect the character of the district and the character of the surrounding property and shall not in combination occupy more than 5 percent of the land area of the district; and provided further that convenience establishments and shopping centers shall be subject to additional requirements as herein specified:

(1) Convenience establishments.

(i) Such establishments and their parking areas shall not occupy more than 2.5% of the land area of the development.

(ii) Such establishments shall be limited to trade and service facilities such as stores, eating and drinking establishments (except drive-in), coin operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, beauty shops and barber shops. However, service stations and repair garages shall not be permitted as convenience establishments.

(iii) Such establishments shall be so located, designed and operated as to serve primarily the needs of persons within the district and not persons residing elsewhere.

(iv) Off-street parking and loading requirements shall be determined by the Planning Director as appropriate to the particular case based upon the types of convenience establishments permitted and the anticipated proportion of walk-in trade. Multiple use of off-street parking and service areas and accessways for convenience establishments may be permitted, if such multiple use will not lead to congestion or the creation of hazards to pedestrian or vehicular traffic.

(v) No building permit for any convenience establishment shall be issued nor may any building be used for a convenience establishment before building permits for at least one hundred dwelling units within a radius of 1,000 feet of the proposed establishment have been issued.

(2) Shopping Centers.

(i) Such centers shall be included as an integral part of the Planned Development-Housing plan.

(ii) Such centers shall have direct access to no less than a secondary street and shall be located and designed without creating congestion or traffic hazards on any street.

(iii) Design of parking and service areas, entrances, exits, yards, courts and landscaping, shall preserve the residential character of the Planned Development-Housing district and of any adjoining residential district.

(iv) Shopping center parking and service areas and accessways may serve other nonresidential uses in the vicinity, if such multiple use will not lead to congestion or the creation of hazards to pedestrian or vehicular traffic.

(v) No building permit for any shopping center shall be issued prior to construction of at least five hundred dwelling units in the Planned Development-Housing district.

Sec. 21-1013. Land Area Requirements.

Except as otherwise provided herein, the minimum land area required for a Planned Development-Housing shall be as follows:

| | |
|---|---|
| Planned Development-Housing situated in A-1 through A-5 apartment districts: | 2 acres |
| Planned Development-Housing situated in R-2 through R-6 residential districts within the District of Honolulu: | 2 acres |
| Planned Development-Housing situated in R-2 through R-6 residential districts outside the District of Honolulu: | 5 acres |

In determining whether minimum area requirements for a Planned Development-Housing district have been met, computations shall include the entire area within the proposed boundaries of the district, including the area of streets. Lands in such districts may be divided by streets, but shall be so located, dimensioned and arranged as to permit unified planning and development, to meet all requirements for Planned Development-Housing districts, and to provide adequate protection for uses within the district and in surrounding areas.

Sec. 21-1014. Land Use Intensity (LUI) for Planned Development-Housing Districts.

The following land use intensity (LUI) ratings shall apply with respect to Planned Development-Housing districts created from the 'Residential' or 'Apartment' districts indicated, and related standard ratios as indicated shall apply.

| | Residential | | | | | Apartment | | | |
|---|---|---|---|---|---|---|---|---|---|
| Districts created from: | R-2 | R-3 | R-4 | R-5 | R-6 | A-1 | A-2,3 | A-4 | A-5 |
| Land Use Intensity rating of Planned Development-Housing district: | 30 | 39 | 41 | 43 | 45 | 60 | 70 | 79 | 83 |

Application of the land use intensity ratings shall be as set forth in Sections 21-211 and 21-212.

Sec. 21-1015. Site Planning.

The site planning shall provide among other things for:

(1) Grouping of structures and uses;

(2) Vehicular and pedestrian access;

(3) Protection of views;

(4) Creation of buffer zones where the Planned Development-Housing district adjoins a one-family residential district without an intervening secondary or major street or a permanent open space at least 100 feet;

(5) Screening of off-street parking areas, and service areas for loading and unloading vehicles and areas for storage and collection of trash and garbage.

Sec. 21-1016. Location of Planned Development-Housing District.

A Planned Development-Housing district shall be located in an area where public and private facilities and services are available or are to become available by the time the development reaches the stage where they will be required.

Sec. 21-1017. Off-Street Parking and Loading Requirements.

The off-street parking spaces required under applicable district regulations shall be the minimum requirement applicable to the Planned Development-Housing district, provided that additional parking shall be furnished where recreational facilities in the development require such additional parking.

Loading areas shall also be provided where a need therefor exists.

Sec. 21-1018. Signs.

Plans shall indicate the location, size, orientation and character of any sign within the district intended to be seen from public ways outside the district. In general, not more than two sign surfaces, each with surface area not exceeding 30 square feet, shall be permitted at any principal entrance to the district.

C. Planned Development-Resort (PD-R).

Sec. 21-1021. Planned Development-Resort Districts, Creation.

Planned Development-Resort districts may be established only in existing preservation, agricultural or residential districts.

Establishment of such districts shall be in accordance with the general procedural requirements of this Article.

Sec. 21-1022. Use Regulations.

(a) Principal uses and structures. The following principal uses and structures and others of a similar nature shall be permissible in Planned Development-Resort district:

(1) Hotels, vacation cabins and guest ranches;

(2) Camping facilities for tents, tent trailers, pickup campers and travel trailers;

(3) Golf courses, including par-3, miniature and putting greens and driving ranges; tennis courts, shuffleboard courts and swimming pools;

(4) Cultural or historical museums, exhibits or displays; botanical or zoological gardens;

(5) Bridle paths and stables, provided that no stable shall be located within 300 feet of any residential, agricultural or hotel district boundary;

(6) Small boat harbors, marinas and docks;

(7) Community centers for use by visitors to the district, luau and hukilau facilities, amphitheatres, churches;

(8) Eating and drinking establishments;

(9) Grocery and general stores, sporting goods stores, drug stores, camera stores, gift shops, barber shops, beauty shops, laundry and dry cleaning facilities or agencies and other convenience establishments; provided that such commercial or service uses shall be designed to serve the needs of the district and shall not constitute general facilities to serve surrounding areas.

(b) Accessory uses and structures. Uses and structures incidental and subordinate to and reasonably necessary for support of principal uses and structures shall be permitted. Accessory uses may include management and maintenance structures and facilities, utilities installations required for the district and public buildings requiring location in the district. Housing

for persons engaged in management or operation of the district may be permitted as an accessory use, but no other housing for long-term occupancy shall be provided.

Sec. 21-1023. Area Requirements.

Minimum area required for the establishment of a Planned Development-Resort district shall be 10 acres.

Sec. 21-1024. Land Occupancy by Buildings.

Not more than 20% of the total area of the district shall be covered by buildings.

Sec. 21-1025. Floor Area Limitation.

Total floor area shall not exceed 20% of the area of the district.

Sec. 21-1026. Open Space Requirements.

Open area equal to at least 2.6 times the floor area of all buildings, which shall not be used or occupied by automotive vehicles except in the course of servicing or maintenance of uses within the district, shall be provided. Such space shall be reserved for outdoor living and recreation and for landscaping, and its location, use, landscaping and other improvements shall be consistent with the character of the site and its relation to the general area in which it is located.

Sec. 21-1027. Site Planning.

The same requirements applicable to Planned Development-Housing projects as set forth in Section 21-1015 of this Article, shall apply to Planned Development-Resort projects. In addition the natural features of the site shall be preserved, grading shall be kept to a minimum and trees and other vegetative assets shall be retained. Uses which exist or are permitted in an adjoining district and uses within the district shall be protected from adverse influences in adjoining areas. Building forms, dimensions and materials shall be such as to blend with the landscape. Relation of buildings to parking areas shall be as provided in Sec. 21-1028.

Sec. 21-1028. Off-Street Parking and Loading Regulations.

The off-street parking space required under the underlying district regulations shall be the minimum requirement applicable to the Planned Development-Resort district, provided that additional parking shall be furnished when the proposed uses and structures require such additional parking.

Buildings and activity centers shall be so grouped as to maximize use of central parking facilities and minimize vehicular movement from one building or activity to another.

Off-street loading spaces shall be provided, located and scaled to meet the anticipated needs of all establishments and activities likely to require such spaces. In general, off-street loading spaces shall be located in service areas at the rear or sides of establishments in such a way that there will be minimum interference with off-street parking or vehicular movement in off-street parking areas.

Sec. 21-1029. Sign Regulations.

Plans shall indicate the location, size and character of any sign within the district intended to be seen from public ways outside the district. Not more than two sign surfaces, each with a surface area not exceeding 30 square feet, shall be permitted at any principal entrance to the district. Such signs shall be limited in text to wording identifying the resort by name and character, indicating time of opening and closing of the resort and giving directions to parking areas.

Where exits are at different points from entrances, not more than two sign surfaces, each with a surface area not exceeding 30 square feet, shall be permitted, if necessary to indicate that entry at such points is prohibited, to direct to the principal entries, and to identify the resort by name.

D. Planned Development-Shopping Center (PD-SC).

Sec. 21-1031. Planned Development-Shopping Center Districts, Creation.

Planned Development-Shopping Center districts may be established in zoning districts, other than preservation, agricultural, and industrial, where planned shopping centers will serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed.

Establishment of such districts shall be in accordance with the general procedures and requirements of this Article. Each such district shall be identified as to type (neighborhood, community or regional) and shall be regulated accordingly.

Sec. 21-1032. Use Regulations.

(a) Neighborhood shopping centers. The principal and accessory uses permitted in connection with neighborhood shopping centers shall be the same as for 'B-1' Neighborhood Business districts, and shall also include automobile service stations, provided that the floor area in residential use shall be limited to 5% of the area of the district, and that residential uses shall be located above or behind principal commercial or service uses, or in a separate area, in such a manner that residential uses do not constitute an impediment to free pedestrian flow between commercial or service establishments.

(b) Community shopping centers. The principal and accessory uses permitted in connection with community shopping centers shall be the same as for 'B-2' Community Business districts, provided that the floor area in residential use shall be limited to 10% of the area of the district, and shall be located as indicated for neighborhood shopping centers.

(c) Regional shopping centers. The principal and accessory uses permitted in connection with regional shopping centers shall be the same as for 'B-4' Central Business districts, and shall also include automotive service stations; provided, however, that hotels shall be excluded from regional shopping centers and that the floor area in residential use shall be limited to 15% of the area of the district, and shall be located as indicated for neighborhood shopping centers.

Sec. 21-1033. Area Requirements.

Minimum area for a neighborhood shopping center shall be 2 acres; for a community shopping center, 8 acres; and for a regional shopping center, 20 acres.

Sec. 21-1034. Land Occupancy by Buildings.

Total land occupancy by all buildings for a neighborhood shopping center shall not exceed 40% of the area of the district, nor 60% for a community or regional shopping center; provided, however, that underground parking structures, the highest portions of which are not more than 30 inches above the level of the center line of the nearest adjacent street, shall not be included in computations of land occupancy by buildings.

Sec. 21-1035. Floor Area Limitation.

Total floor area shall not exceed the equivalent of 50% of the area of the district for neighborhood shopping centers; 75% for community shopping centers; and 100% for regional shopping centers. Total floor area computation for determining compliance with these requirements shall include all floor areas in permitted principal and accessory uses, whether involving commercial or service uses or dwelling units; provided, however, that floor area for off-street parking or loading in structures shall not be included.

Sec. 21-1036. Relation to Major Transportation Facilities.

(a) Neighborhood shopping centers shall have direct access to secondary streets, major streets or major thoroughfares.

(b) Community shopping centers shall have direct access to major streets or major thoroughfares.

(c) Regional shopping centers shall have direct access to major thoroughfares.

Sec. 21-1037. Site Planning.

The same requirements applicable to Planned Development-Housing projects, as set forth in Section 21-1015 of this Article, shall apply to Planned Development-Shopping Center districts. In addition, yards with a minimum width of 50 feet shall be provided along all property lines at the boundaries of the district, except where it adjoins a Business or Industrial district. Landscaping and use of such yards shall be as follows:

(1) Along major thoroughfares, major streets, or secondary streets, except in areas described in (2), hereinbelow, the nearest 10 feet to the right-of-way shall be maintained in landscaping, unless turn-out or merging lanes are provided, in which case the nearest 10 feet to the turn-out or merging lane shall be landscaped. The remainder of such yard may be used for surface or subsurface off-street parking.

(2) Where front or side yards in residential districts adjoin the Planned Development-Shopping Center district without an intervening street, the nearest 25 feet to the right-of-way within the Planned Development-Shopping Center district shall be maintained in landscaping and no vehicular access or parking shall be permitted in such landscaped area.

(3) Where lots in residential districts front on minor streets at the boundary of a Planned Development-Shopping Center district, the nearest 25 feet to the right-of-way within the Planned Development-Shopping Center district shall be maintained in landscaping and no off-street parking shall be permitted in such area. Vehicular access through such landscaped strip shall be permitted only for convenience of residents of adjoining residential areas, or for access to dwelling units within the Planned Development-Shopping Center district and not for use by the general public.

(4) All other yards within the Planned Development-Shopping Center district, except those abutting a Business or Industrial district to the extent of a 10-foot depth along the property lines, shall be maintained in landscaping and not used for parking.

(5) In general, landscaping as required herein shall be of a nature which conceals parking areas, service areas and other undesirable views of the district, but shall not create hazards to automotive traffic or pedestrians at intersections within or adjoining the district.

Sec. 21-1038. Off-Street Parking and Loading Requirements.

Off-street parking shall be provided at the minimum ratio of 5.5 spaces per 1,000 square feet of gross leasable area for all shopping centers. In addition, one off-street parking space shall be provided for each dwelling or lodging unit. 'Gross leasable area' shall mean total floor area designed for tenant occupancy and use, including basements, expressed in square feet measured from the center

line of joint partitions and from the outside wall faces, but shall exclude parking areas in structures as are reserved for tenant occupancy and use.

A minimum of 2% of the area devoted to off-street parking shall be maintained in landscaping in such parking areas.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the shopping center and specific uses within it, and no space designated for off-street parking shall be used as off-street loading space.

Sec. 21-1039. Sign Regulations.

Plans shall indicate the location, size, and character of any sign within the district intended to be seen from public ways outside the district. In general, one sign structure with not more than two sign surfaces, each with surface area not exceeding 30 square feet for neighborhood shopping centers, not exceeding 50 square feet for community shopping centers, and not exceeding 75 square feet for regional shopping centers, shall be permitted in the yard area adjacent to each principal entry from a major thoroughfare, major street or secondary street. Such signs shall be limited in text to wording identifying the shopping center by name, stating days and hours when the center is open, and indicating direction to parking areas.

In addition, one flat or wall sign per establishment, intended to be seen from public ways, shall be permitted and, if the establishment has two or more walls facing major thoroughfares, major streets or secondary streets, one such sign may be permitted for each street exposure; provided, however, the size, character and location are compatible with the adjoining districts.

No sign which is not approved as part of the plan shall be erected; provided, however, that in the event of changes in ownership or name or character of establishments, new signs may be erected reflecting such changes upon a finding by the Planning Director, that the new signs are essentially the same in size, character and location as the signs to be replaced.

## ARTICLE 11. FLOOD HAZARD DISTRICTS

Sec. 21-1101. Legislative Intent.

The provisions of this Article enable the City Council to establish Flood Hazard districts which would be subject to special restrictions. The purpose of establishing such districts would be to protect life and property and to reduce public costs for flood control and rescue and relief efforts.

Sec. 21-1102. Creation of Flood Hazard Districts.

Flood Hazard districts, consisting of floodways and flood plains, may be established by the City Council and any land included within a Flood Hazard district shall be subject to the use regulations and the special requirements relating to floodways and flood plains as set forth in this Article.

Sec. 21-1103. Use Regulations.

In a Flood Hazard district, the following uses and structures may be permitted, subject to the requirements of this Article:

(a) Public and private outdoor recreational facilities.

(b) Carnivals and similar transient amusement enterprises situated more than 500 feet from the boundary of any residential, apartment or hotel district.

(c) Agricultural uses, including farming, grazing and the raising of poultry or livestock, except swine; provided that poultry or livestock shall not be housed within 500 feet of any residential, apartment or hotel district.

(d) Open uses, such as off-street parking or loading and unloading areas related to uses in adjoining districts.

(e) Commercial mining, soil removal, quarries and sand and gravel pits, subject to regulations applicable to extractive industries as set forth in the conditional use provisions.

(f) Refuse dumps, sanitary fills and incinerators situated more than 1,000 feet from the boundary of any residential, apartment or hotel district, subject to regulations as set forth in the conditional use provisions.

(g) Public improvements, such as dams, levees and channel improvements, and utilities installations and substations, including temporary storage of materials, except flammable toxic or noxious material, and temporary location of maintenance installations.

(h) Uses and structures customarily accessory and clearly incidental and subordinate to uses listed above, including, in connection with agricultural uses:

(1) Dwelling units for owners or employees working on the premises; provided, however, that not more than one such accessory dwelling unit shall be permitted for each two acres of lot area and that all such dwelling units shall be so located, elevated and constructed as to minimize hazards to life during design floods.

(2) Roadside stands for the sale of agricultural products produced on the premises; provided that (1) only one such stand shall be permitted per lot, (2) no such stand shall exceed 500 square feet in floor area, and (3) no such stand on the street frontage shall be erected within 20 feet of the property line.

Sec. 21-1104. Special Requirements Applicable to Flood Hazard Districts.

(a) Regulation of Floodways. Any provision to the contrary notwithstanding, no use or structure shall be permitted in any floodway, if such use or structure will adversely affect normal flood flow, or will increase flooding of lands above or below the property, or will increase erosion within or adjoining the floodway, or will cause diversion of flood waters in a manner more likely to create damage than does flow in a normal course, or will increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or will increase amounts of damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

(b) Regulation of Flood Plains. Every structure permitted in floor plains shall be so located, elevated and constructed as to resist flotation and to offer minimum obstruction to flood flow. The ground floor level of every dwelling shall be a minimum of three feet above the design flood or maximum recorded flood, whichever is greater. No use shall be permitted if such use will increase the amounts of potentially damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

## ARTICLE 12. HISTORIC, CULTURAL AND SCENIC DISTRICTS

### Sec. 21-1201. Legislative Intent.

The purpose of this Article is to provide the vehicle by which certain areas, structures and objects within the City that have historic, cultural or scenic significance may be preserved and protected.

### Sec. 21-1202. Establishment of Historic, Cultural and Scenic Districts.

(a) Action by Planning Director. The Planning Director shall prepare proposed ordinances for the establishment of Historic, Cultural and Scenic districts. Each proposed ordinance shall be accompanied by a written report, which shall include:

(1) An analysis of existing structures by period of construction, historic significance, architectural style, condition, present use, assessed valuation, location on lot, location of yards and other open spaces, access to interior of the block, off-street parking provided and other pertinent matters. In addition to a general analysis, two specific and detailed classifications shall be established:

a. A classification of individual structures and premises deemed desirable for preservation, with maps, photographs and other data indicating why such structures and premises should be preserved.

b. A classification of existing structures, premises and uses likely to have an adverse effect on the desired character of the district, with maps, photographs and other data indicating the reason for such classification.

(2) An analysis of lands not occupied by structures. Ownership, use and location of such lands shall be indicated and recommendations made as to possible actions which should be taken or encouraged.

(3) Recommendations concerning detailed regulations to be applied within the district (and its subdivisions, if there are reasons for subdividing it for regulatory purposes) and within its transitional areas, including permitted and prohibited principal and accessory uses and structures; minimum lot, yard and building spacing requirements; maximum lot coverage by all buildings; maximum height of structures; off-street parking and loading requirements; control of signs and exterior character of buildings and landscaping and general appearance of premises and unoccupied lands; and control of additions to or removal of existing buildings.

(4) Such report may also include known plans for public or private action in or adjoining the district and likely to affect its character.

(b) Action by Planning Commission. The Planning Commission shall review such proposed ordinances and the accompanying reports. The Commission shall transmit such ordinances and reports together with its recommendation through the Mayor to the City Council for its consideration and action. The Commission shall recommend approval in whole or in part, with or without modifications, or shall recommend rejection thereof.

(c) Action by City Council. The City Council shall create a Historic, Cultural and Scenic district by ordinance, if it finds that the district is in fact of historic, cultural or scenic significance.

Sec. 21-1203. Applicability of Regulations.

In addition to the regulations set forth in the ordinance creating the Historic, Cultural and Scenic district, the underlying regulations of the zoning district within which the Historic, Cultural and Scenic district area is situated shall continue to remain applicable; provided that if any conflict occurs, the more restrictive provisions shall apply. In addition thereto, any proposed development within a Historic, Cultural and Scenic district shall be subject to all the provisions of this Article, including the requirement of certificates of appropriateness.

Sec. 21-1204. Certificates of Appropriateness.

(a) Requirement of Certificate of Appropriateness.

Except as provided in subsection (f), no building permit shall be issued for the construction, alteration or repair of any structure within a Historic, Cultural and Scenic district and no permit shall be issued for the relocation or demolition of any structure within a Historic, Cultural and Scenic district, unless and until the Planning Director has issued a certificate of appropriateness therefor.

(b) Materials to be Submitted for Review. The Planning Director may require submission of any or all of the following: architectural plans, site plan, landscaping plans, proposed signs with appropriate detail as to location, size, number and character, proposed exterior lighting arrangements, elevations of all portions of structures with significant relation to public view, indications as to construction materials, design of doors and windows, ornamentation and colors, photographs or perspective drawings indicating visual relationship to adjoining structures and spaces and such other exhibits and reports as are reasonably necessary in making his determination as to appropriateness.

(c) Grounds for Issuance and Denial of Certificate of Appropriateness.

(1) Issuance. The Planning Director shall issue a certificate of appropriateness only if he finds that the proposal is in fact appropriate to the character, appearance, and efficient functioning of the district and meets the requirements and objectives established by City Council in creating the district.

(2) Denial. The Planning Director shall not issue a certificate of appropriateness authorizing issuance of any permit, if he finds that the action proposed would adversely affect the primary character of the district or the setting of structures of public interest. The Planning Director shall state his reasons for denial in writing. Appeals from decisions of the Planning Director in such cases shall be to the Zoning Board of Appeals.

(d) Consultation. Upon direction by the City Council or the Planning Commission, no certificate of appropriateness shall be issued by the Planning Director until the Historic, Cultural and Scenic Conservation Committee has been consulted.

(e) Demolition. In the case of demolition, if preservation is found to be physically or economically unfeasible, the Planning Director shall issue the certificate forthwith. If preservation is found to be physically and economically feasible, the Planning Director and the Historic, Cultural and Scenic Conservation Committee shall take or promote the taking of whatever public or private action seems likely to lead to such preservation, either on the site on which the structure is located or on another site to which it might appropriately be moved.

(f) Automatic Issuance. If after 6 months from date of receipt of the application (unless the owner of the property agrees to an extension of the time) the Planning Director has not taken final action upon the application, the building permit, relocation permit, or demolition permit shall be issued on demand without the certificate of appropriateness.

Sec. 21-1205. General Certificate of Appropriateness for Specified Classes of Cases.

If the Planning Director finds, and the Historic, Cultural and Scenic Conservation Committee and the Planning Commission concur, that particular materials, designs, architecture or other structural characteristics are generally appropriate within the district, it shall not be necessary to consider individual applications concerning such matters, but building permits may be issued in accord with a general certificate of appropriateness under specifications proposed by the Planning Director and approved by the Historic, Cultural and Scenic Conservation Committee and the Planning Commission.

## ARTICLE 13. MISCELLANEOUS REGULATIONS

Sec. 21-1301. Setback from Zone of Wave Action.

(a) Purpose. The purpose of this section is to preserve the sandy beaches on Oahu which are necessary for the health and welfare of the people of the City and County, by setting forth herein certain requirements designed to prevent the loss of sand deposits, minimize the erosion, promote the maximum utilization and enhance the appearance of such beaches.

(b) Definition. For purposes of this section the following terms used herein are defined as follows:

(1) 'Sandy beaches' shall include those sections of the seashores in which at least fifty (50%) percent of the materials above bedrock within the 'zone of wave action,' either permanently or seasonally, consist of volcanic, organic or calcareous fragments whose median diameter lies within the Unified Soil Classification of the American Society for Testing and Materials for fine sand and coarse sand (0.074 to .47 mm).

(2) 'Zone of wave action' shall mean that portion of the sandy beaches lying between the sea and (a) the root line of vegetation, (b) the low steep slope along a beach covered by wave erosion, (c) the crest of dune line, (d) the rocky shore, or (e) other visible marks which indicate as most applicable in each case, the farthest extent to which the maximum annual wave advances inland.

(c) Setback. No structure, including but not limited to building, seawall, groin and revetment shall be placed or erected within 10 feet of the zone of wave action as measured horizontally and landward from the inland boundary line of the zone of wave action, on any lot which is situated immediately adjacent to a sandy beach; provided, however, the Zoning Board of Appeals, after a hearing as provided for in Section 5-515.3 of the City Charter, may authorize such construction as may be designed for minimum interference with natural beach processes pursuant to a variance granted on the ground of hardship.

(d) Exception. The provisions of this section shall not apply to the installation of the following structures:

(1) Tunnels used by a public utility as the term is defined under Section 104-1, R.L.H. 1955, as amended, for the drawing or discharging of seawater utilized in the operation of its generating station;

(2) Sewer and storm drain outfalls; or

(3) Structures permitted by the State pursuant to Section 112-17, R.L.H. 1955;

Provided, however, all plans for the installation of the foregoing structures except those under '(3)' shall be submitted to the Planning Director, prior to such installation, for his review and approval as provided under subsection (f) hereinbelow.

(e) Nonconforming Structures. Any structure erected within the setback area prior to the enactment of this section shall be permitted to be maintained as a nonconforming structure; provided, however, if such nonconforming structure is removed from the setback area and is not replaced within six months after such removal, the replacement or reconstruction of such structure thereafter within such setback area shall be prohibited.

(f) Review of Plans. The Planning Director shall, prior to granting his approval, review, and if he deems it necessary and feasible, require modification of the plans submitted pursuant to subsection (d) to minimize the effect of the structures to be installed under the plans on the natural beach processes.

(g) Conflict with Other Laws. In case of a conflict between the requirements of this section and the requirements of any other law, the more restrictive requirements shall apply.

## ARTICLE 14. TRANSITION

Sec. 21-1401. Redistricting.

Existing zoning districts of the City are hereby redesignated as follows:

(a) Agricultural Districts.

(1) Agricultural A districts and Farming districts, are redesignated as AG-1 Restricted Agricultural districts.

(2) Agricultural B districts are redesignated as AG-2 General Agricultural districts.

(b) Residential Districts.

(1) AAAA Residential districts are redesignated as R-2 Residential districts;

(2) AAA Residential districts are redesignated as R-2 Residential districts;

(3) AA Residential districts are redesignated as R-3 Residential districts;

(4) A-1 Residential districts are redesignated as R-4 Residential districts;

(5) A-2 Residential districts are redesignated as R-5 Residential districts;

(6) A Residential districts, Unrestricted Residential districts and Rural Protective and Highway Protective districts within the State Urban District are redesignated as R-6 Residential districts;

(7) Off-Street Parking districts are redesignated as R-6 Residential districts;

(8) B Residential districts are redesignated as R-7 Residential districts.

(c) Apartment Districts.

(1) Apartment B.

Apartment B districts are redesignated as A-1 Apartment districts.

(2) Apartment C.

a. Apartment C districts located mauka of Moanalua Highway, H-1 (Lunalilo) Freeway and Kalanianaole Highway, but excluding those districts located in the area between Punahou Street and Alapai Street and the Apartment C districts located mauka of

Kalanianaole Highway between Maunalua Avenue and Lunalilo Home Road, are redesignated as A-2 Apartment districts;

b. Apartment C districts located within the area bounded by H-1 (Lunalilo) Freeway, Queen Emma Street, Beretania Street and Alapai Street are redesignated as A-2 Apartment districts;

c. Apartment C districts, excluding those otherwise designated in items 'a' and 'b' hereinabove, are redesignated as A-3 Apartment districts.

(3) Hotel-Apartment Districts.

a. Hotel-Apartment districts located mauka of Salt Lake Boulevard between Maluna Street and Ala Lilikoi Street are redesignated as A-1 Apartment districts;

b. Hotel-Apartment districts located outside the District of Honolulu and not designated as 'Resort' or 'Apartment' on the General Plan are redesignated as A-1 Apartment districts;

c. Hotel-Apartment districts located mauka of Moanalua Highway, H-1 (Lunalilo) Freeway and Kalanianaole Highway, but excluding such districts located in the area between McCully Street and Alapai Street, those located within the Hawaii Housing Authority's Prince Kuhio Park Terrace Housing Project and those located mauka of Bates Street between Liliha Street and Nuuanu Stream, are redesignated as A-2 Apartment districts;

d. Hotel-Apartment districts located diamond head of Leahi Street and between Monsarrat Avenue and Holei Street are redesignated as A-2 Apartment districts;

e. Hotel-Apartment districts located in the area bounded by Beretania Street, Queen Emma Street, H-1 (Lunalilo) Freeway and Alapai Street are redesignated as A-2 Apartment districts;

f. Hotel-Apartment districts located makai of Moanalua Highway, H-1 (Lunalilo) Freeway and Kalanianaole Highway, excluding those districts otherwise designated in items 'a', 'd', 'e', 'i', 'j', 'k', 'l', 'm', 'p', and 'q' of this subsection, are redesignated as A-3 Apartment districts;

g. Hotel-Apartment districts in the Hawaii Housing Authority's Prince Kuhio Park Terrace Housing Project are redesignated as A-3 Apartment districts;

h. Hotel-Apartment districts located outside the District of Honolulu and designated 'Apartment' on the General Plan are redesignated as A-3 Apartment districts;

i. Hotel-Apartment districts located mauka of H-1 (Lunalilo) Freeway between McCully Street and Alapai Street are redesignated as A-4 Apartment districts;

j. Hotel-Apartment districts located in the area makai of Kalakaua Avenue and bounded by Kalakaua Avenue, Kapahulu Avenue extended to the ocean, the ocean and Coconut Avenue extended to the ocean and any such district which abuts Coconut Avenue makai of Diamond Head Road are redesignated as A-4 Apartment districts;

k. Hotel-Apartment districts located makai of H-1 (Lunalilo) Freeway between Alapai Street extended to the ocean and Kapahulu Avenue extended to the ocean, excluding any Hotel-Apartment district situated in the area bounded by Kapahulu Avenue extended to the ocean, the ocean and the Ala Wai Canal, are redesignated as A-4 Apartment districts;

l. Hotel-Apartment districts situated in the Honolulu Redevelopment Agency's Kukui, Queen Emma and Kauluwela Urban Renewal Projects are redesignated as A-4 Apartment districts;

m. The Hotel-Apartment district abutting Salt Lake is redesignated as A-4 Apartment district;

n. Hotel-Apartment districts located in the area mauka of Bates Street between Liliha Street and Nuuanu Stream are redesignated as A-4 Apartment districts;

o. Hotel-Apartment districts located outside the District of Honolulu and which are designated 'Resort' on the General Plan are redesignated as H-1 Resort Hotel districts;

p. The Hotel-Apartment district located between the Waialae Golf Course and the ocean is redesignated as H-1 Resort Hotel district;

q. Hotel-Apartment districts located within the area bounded by Kapahulu Avenue extended to the ocean, the ocean and the Ala Wai Canal are redesignated as H-2 Hotel districts.

(d) Hotel Districts.

(1) Resort Hotel I districts are redesignated as H-1 Resort Hotel districts.

(2) Resort Hotel II districts are redesignated as PD-R Planned Development-Resort districts.

(e) Business Districts.

(1) Restricted Business districts are redesignated as B-1 Neighborhood Business districts;

(2) Business districts, excluding those mentioned hereinbelow, are redesignated as B-2 Community Business districts;

(3) Business districts located within the area bounded by River Street, Vineyard Boulevard, Richards Street extended to Vineyard Boulevard and Nimitz Highway are redesignated as B-4 Central Business district;

(4) Business districts located within the area bounded by the Ala Wai Canal, Kapahulu Avenue extended to the ocean and the ocean are redesignated as B-5 Resort Commercial districts.

(f) Industrial Districts.

(1) Limited Industrial districts are redesignated as I-1 Light Industrial districts;

(2) Semi-Industrial districts are redesignated as I-1 Light Industrial districts;

(3) Airport districts are redesignated as I-1 Light Industrial districts;

(4) Industrial districts are redesignated as I-1 Light Industrial districts;

(5) Noxious Industrial districts are redesignated as I-2 Heavy Industrial districts.

Sec. 21-1402. Classification of Lands Under State Land Use Districts.

(a) All lands in the City and County of Honolulu presently in State Conservation districts shall also be included in P-1 Preservation districts of the City.

(b) All lands in the City and County of Honolulu presently in State Agricultural districts shall also be included in AG-1 Restricted Agricultural districts of the City."

SECTION 2. Exemption. There is exempted from the provisions of this ordinance urban renewal projects which have been approved by the City Council prior to the effective date of this ordinance; provided that the lands included in such urban renewal projects may be reclassified into new zoning districts by this ordinance.

SECTION 3. Conflicting Ordinances. Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. Severability. The provisions of Chapter 21, R.O. 1961, as enacted by this ordinance, are hereby declared to be severable. In accordance therewith, if any portion of said Chapter 21 is held invalid for any reason, the validity of any other portion

of the Chapter shall not be affected and if the application of any portion of Chapter 21 to any person, property or circumstance is held invalid, the application thereof to any other person, property or circumstance shall not be affected.

SECTION 5. Effective Date. Except as otherwise provided herein, this ordinance shall take effect on January 2, 1969; provided that it shall not be applicable to any structure for which an application for a building permit for the construction, placement, alteration, or enlargement thereof has been properly filed with the Building Department before the effective date of this ordinance. Such structures shall be exempt from the provisions of this ordinance, subject to the following limitations:

a. No application for a building permit shall be accepted, for filing, unless accompanied by four (4) sets of plans, specifications, and structural computations which shall be sufficiently detailed to enable a complete check by the governmental agencies concerned as to whether or not the requirements of the Building Code, Electrical Code, Plumbing Code, Zoning Ordinance, and other applicable statutes, ordinances, rules and regulations have been fully complied with.

b. To constitute filing the application and plans must not only be submitted to the Building Department but must be properly stamped with a date-stamping machine of the Planning Department and be initialed by an authorized employee of said department.

c. After the filing of an application, the applicant shall proceed forthwith to secure the approval of all governmental agencies which may be involved. In obtaining such approval, if the interval between the notification of approval of the plans and specifications by one agency and the submission of such plans and specifications by the applicant to the next agency exceeds thirty days in the aggregate, the exemption herein granted shall be nullified.

d. After the filing of an application, any failure to make any correction ordered by any department in the plans, specifications or structural computations within fourteen (14) calendar days after the date of such order shall nullify the exemption herein granted.

e. Any change in the plans and specifications which will increase the height or floor area of a building, or which will cause encroachment or increase in encroachment of a building into required yards and setback areas, or which is based upon a proposed change in use of the building, made after the effective date of this ordinance shall nullify the exemption herein granted.

f. Upon final approval of the plans and specifications, the applicant shall pay the required permit fee within seven (7) calendar days after such approval. The failure to pay the permit fee, as required herein, shall also nullify the exemption granted.

g. Notwithstanding any provision to the contrary, no extension of the 90 days period within which work must be commenced under a building permit shall be granted for the construction, placement, alteration, or enlargement of any structure exempted from the provision of this ordinance.

Notwithstanding the deferment of the effective date of this ordinance, the provisions of Article 10 and Article 11 of Chapter 21, as enacted by this ordinance, shall become effective upon the approval of the ordinance and any other provision of said Chapter 21 necessary for the processing of planned development projects and flood hazard districts shall be deemed to be in effect for such purpose.

INTRODUCED BY:

(s) CLESSON Y. CHIKASUYE

(s) EUGENE F. KENNEDY

(s) G. KOGA

(s) KEKOA D. KAAPU

(s) FRANK F. FASI

Councilmen

DATE OF INTRODUCTION:

NOV 14 1967

Honolulu, Hawaii

APPROVED AS TO FORM:

Hiroma Sugawa

Deputy Corporation Counsel

APPROVED this 8th day of August, 1968.

Neal S. Blaisdell

NEAL S. BLAISDELL, Mayor
City and County of Honolulu

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