

**THE
REVISED ORDINANCES
OF HONOLULU
1978**

(1983 Edition)

FOR REFERENCE

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**1987
CUMULATIVE
SUPPLEMENT**

Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
Ordinance No. 84-1 through Ordinance No. 86-159
December 31, 1987

VOLUME II

CHAPTERS 21A. THROUGH INDEX

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CHAPTER 21A.*

LAND USE ORDINANCE*

(LUO)

ORDINANCE No. 86-96

EFFECTIVE DATE: October 22, 1986

**Supersedes Chapter 21, Zoning. (The Comprehensive Zoning Code (CZC), which was repealed by Ordinance No. 86-94 in its entirety except for Article 13B, The Kakaako Special Design District (Ordinance 80-58, as amended).*

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LAND USE ORDINANCE

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LAND USE ORDINANCE.

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LAND USE ORDINANCE

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

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Article 1. General Provisions.

Sections:

21A-1.10.	Title.
21A-1.20.	Purpose And Intent.
21A-1.30.	Administration.
21A-1.40.	Appeals.
21A-1.50.	Variances.

Sec. 21A-1.10. Title.

The provisions of this chapter, inclusive of any amendments, shall be known as the land use ordinance (LUO) of the City and County of Honolulu. The provisions may also be referred to as the zoning ordinance and may, to the extent practicable, contain other ordinances regulating the utilization of land pursuant to sec. 6-904 of the Revised Charter of the City and County of Honolulu, 1973 (1984 Edition), as amended. (Am. Ord. 86-96)

Sec. 21A-1.20. Purpose And Intent.

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

- A. Minimizing adverse effects resulting from the inappropriate location, use or design of sites and *structures*.
- B. Conserving the City's natural, historic and scenic resources and encouraging design which enhances the physical form of the City.
- C. Assisting the public in identifying and understanding regulations affecting the development and use of land.

It is the intention of the City council that the provisions of the LUO provide reasonable development and design standards for the location, height, bulk and size of structures, *yard* areas, off-street parking facilities, and *open spaces*, and the use of structures and land for agriculture, industry, business, residences or other purposes. (Am. Ord. 86-96)

Sec. 21A-1.30. Administration.

The *director* of land utilization shall administer the provisions of the LUO. (Am. Ord. 86-96)

Sec. 21A-1.40. Appeals.

Appeals from the actions of the director in the administration of the provisions of the LUO shall be as provided by sec. 6-909 of the City Charter. (Am. Ord. 86-96)

Sec. 21A-1.50. Variances.

The zoning board of appeals shall hear and determine petitions for varying the application of the provisions of the LUO pursuant to secs. 6-909 and 6-910 of the City Charter, including the application of the provisions relating to signs. (Am. Ord. 86-96)

21A-1.60. Temporary uses.

Am. 12/22/89
Ord. 89-146

Article 2. Establishment Of Zoning Districts.

Sections:

- 21A-2.10. **Zoning District Classifications And Map Designations.**
- 21A-2.20. **Zoning Precinct Classifications And Map Designations.**
- 21A-2.30. **Zoning Maps And Interpretations.**

Sec. 21A-2.10. Zoning District Classifications And Map Designations.

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

Title	Map Designation
A. Preservation	
Restricted	P-1
Military & Federal	F-1
General	P-2
B. Agricultural	
Restricted	AG-1
General	AG-2
C. Country	C
D. Residential	R-20
	R-10
	R-7.5
	R-5
	R-3.5
E. Apartment	
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G. Resort	Resort
H. Business	
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Community	B-2
I. Business Mixed Use	
Community	BMX-3
Central	BMX-4
J. Industrial	
Limited	I-1
General	I-2
Waterfront	I-3
K. Industrial-Commercial Mixed Use	IMX-1

(Am. Ord. 86-96)

Sec. 21A-2.20. Zoning Precinct Classifications And Map Designations.

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

Title	Map Designation
A. Waikiki Special District	
Apartment	Apartment Precinct
Resort Hotel	Resort Hotel Precinct
Resort Commercial	Resort Commercial Precinct
Public	Public Precinct

(Am. Ord. 86-96)

Sec. 21A-2.30. Zoning Maps And Interpretations.

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

Zoning Map No.	Area
1	Hawaii Kai
2	Kahala - Kuliouou
3	Moiliili - Kaimuki
4	Nuuanu - McCully
5	Kalihi - Nuuanu
6	Red Hill - Fort Shafter
7	Halawa - Pearl City
8	Waipahu
9	Waipio (Crestview)
10	Waipio (Mililani)
11	Wahiawa - Whitmore
12	Ewa Beach - Iroquois Point
13	Makakilo
14	Barbers Point - Kahe - Nanakuli
15	Lualualei - Makaha
16	Makua - Kaena
17	Mokuleia - Waiialua - Haleiwa
18	Kawailoa - Waialea
19	Kahuku - Laie
20	Hauula - Punaluu - Kaaawa
21	Kualoa - Waiahole - Kahaluu
22	Heeia - Kaneohe - Maunawili
23	Kailua - Lanikai - Keolu
24	Waimanalo

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

B. Whenever uncertainty exists about the boundary lines of a district, the following rules shall apply:

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

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

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

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

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

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

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

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

D. The director shall preserve the adopted zoning maps and shall maintain them in current form. The director shall see that the maps are updated as soon as practicable after the effective date of any ordinance adopting an amendment and the ordinance number of each amendment shall be noted on the map. No person shall make any change in the adopted zoning map except by authorization of the director, in accordance with the procedures and requirements set forth in this chapter. (Am. Ord. 86-96)

Article 3. General Development Standards.

Sections:

- 21A-3.10. General Development Regulations: Purpose And Intent.
- 21A-3.20. Flag Lots.
- 21A-3.30. Yards And Street Setbacks.
- 21A-3.40. Retaining Walls.
- 21A-3.50. Lots In Two Zoning Districts.
- 21A-3.60. Heights.
 - 1. Zoning Adjustment: Grade Irregularities.
- 21A-3.70. Off-street Parking And Loading: Intent.
 - 1. Off-street Parking Requirements.
 - 2. Method Of Determining Number.
 - 3. Arrangement Of Parking Spaces.
 - 4. Minimum Dimensions.
 - 5. Improvement Of Off-street Parking Spaces, Parking Lots And Driveways.
 - 6. Parking Spaces And Required Yards.
 - 7. Mechanical Parking And Storage Garages.
 - 8. Required Parking Spaces Located Off The Premises.
 - 9. Parking For The Physically Disabled.
 - 10. Off-street Loading Requirements.
 - 11. Method Of Determining Number.
 - 12. Dimensions Of Loading Spaces.
 - 13. Location And Improvement Of Loading Spaces.
 - 14. Exceptions To The Off-street Parking And Loading Requirements.
- 21A-3.80. Landscaping And Screening.
- 21A-3.90. Sign Regulations: Purpose And Intent.
 - 1. Definitions And General Sign Standards.
 - 2. Prohibited Signs.
 - 3. Specific District Sign Standards.
 - 4. Special Restrictions On Certain Uses.
 - 5. Permits And Fees.
 - 6. Abatement And Removal.
 - 7. Signs For Nonconforming Uses.
- 21A-3.100. Noise Regulations.
 - 1. Method Of Measurement.
 - 2. Noise Level Within Specific Districts.
- 21A-3.110. Sunlight Reflection Regulations.
- 21A-3.120. Nonconformities.
- 21A-3.130. Existing Uses.

21A-3.140.

Special Accessory Uses.

1. Home Occupations: Standards And Prohibited Uses.
2. Kennels.

21A-3.150.

Waiver Of Requirements For Public Uses And Utility Installations.

21A-3.160.

Plan Review Uses: Purpose And Intent.

1. Applicability.
2. General Provisions.
3. Application Requirements.

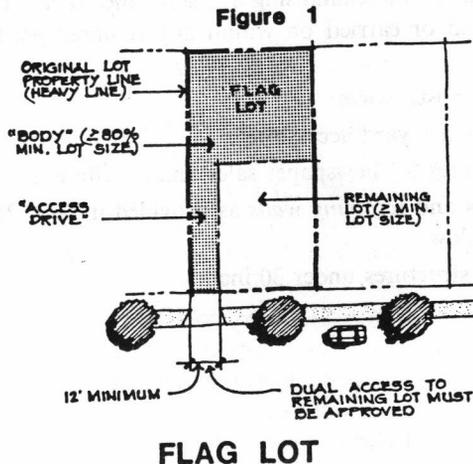
Sec. 21A-3.10. General Development Regulations: Purpose And Intent.

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

It is the intent that where these regulations conflict with optional development regulations, article 6, or special district regulations, article 7 of this chapter, the optional development or special district regulations shall take precedence. (Am. Ord. 86-96)

Sec. 21A-3.20. Flag Lots.

A. *Flag lots* are permitted when a parcel lacks sufficient *street* frontage for more than one lot or parcel. This parcel may be subdivided to create a *flag lot*, provided that the access drive for the flag lot shall be the sole access for only one lot and shall have a minimum width of 12 feet. The *director* may allow dual access of an access drive after consultation with the director of the department of transportation services (see figure 1).



B. The *lot area* excluding the access drive used for ingress and egress shall be not less than 80 percent of the minimum lot area required for the zoning district.

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

D. The location of the access drive shall be subject to the approval of the *director* after consultation with the department of transportation services.

E. The finish grade of any portion of the access drive shall not exceed 19 percent, with provisions for horizontal and vertical curves for adequate vehicular access. The *director* may allow a steeper grade when necessary because of topography, subdivision lot arrangement and design. In granting a steeper grade, the director shall consult with the departments of public works and transportation services and the fire department for their consideration and recommendation, and the director may impose conditions including but not limited to installation of fencing walls and safety barriers.

Whenever the finish grade exceeds 12 percent, a reinforced concrete pavement shall be installed. An alternative roadway pavement may be installed on approval of the director and *chief engineer* of the department of public works.

F. The minimum *yards* for a *flag lot* shall be the minimum *side yard* required of a *zoning lot* in the applicable zoning district. (Am. Ord. 86-96)

Sec. 21A-3.30. Yards And Street Setbacks.

A. No business, merchandising displays, *uses*, *structures* or umbrellas, shall be located or carried on within any required yard except for the following:

1. Poles, posts, wires.
2. Customary yard accessories.
3. Structures for newspaper sales and distribution.
4. Fences and *retaining walls* as provided in secs. 21A-3.30-D. and 21A-3.40 below.
5. Other structures under 30 inches.

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

1. Poles, posts, wires.
2. Customary yard accessories.
3. Structures for newspaper sales and distribution.
4. Fences and retaining walls as provided in secs. 21A-3.30-D. and 21A-3.40 below.
5. Other structures under 30 inches.

C. Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters and other architectural embellishments or appendages with less than a 30-inch vertical thickness may project into required yards and height setbacks as follows:

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

Exteriors balconies, *lanais*, porte cocheres, *arcades*, pergolas or covered passageways are not permitted within required yards.

D. Walls and fences may project into or enclose any part of a required yard unless specified otherwise in special districts, provided that the fence or wall shall not exceed a height of six feet, except that walls and fences constructed by public utilities may be topped with security wire to a height of seven feet.

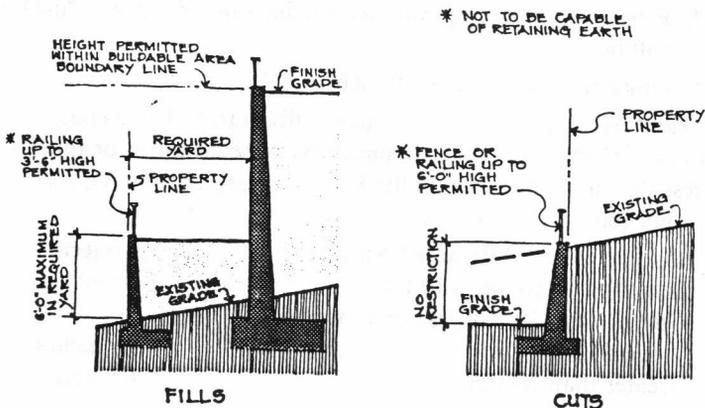
E. Parking and loading shall not be allowed in any required yard, except parking in *front* and *side yards* in agricultural, country and residential districts and as provided under sec. 21A-3.70-6 of this chapter, which allows parking spaces to overlap required front and side yards by three feet if wheel stops are installed. (Am. Ord. 86-96)

Sec. 21A-3.40. Retaining Walls.

A. *Retaining walls* containing a fill within required yards shall not exceed a height of six feet. A safety railing may be erected on top of the retaining wall. The safety railing shall not be capable of retaining earth or exceed 42 inches above the finish grade of the fill on the inside of the retaining wall. The *director* may adjust the maximum height on a finding that additional height is necessary because of safety, topography, subdivision design or lot arrangement. The director may impose reasonable conditions when granting this additional height.

B. A retaining wall may be constructed with a yard which protects a cut below the existing grade. A safety railing or fence, not to exceed six feet in height and not capable of retaining earth, may be constructed on top of the retaining wall (see figure 2). (Am. Ord. 86-96)

Figure 2



RETAINING WALLS

Sec. 21A-3.50. Lots In Two Zoning Districts.

A. Where a lot lies in two zoning districts and a permitted use is common to both districts, the zoning district boundary line may be ignored for the purpose of development for such use.

B. All yard and height regulations of each individual district shall be applicable from the lot lines on the portion of the lot lying within that district, except that such regulations shall not apply to the common boundary between the two zoning districts on the lot.

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

A = FAR for total parcel in most intense district.

B = FAR for total parcel in least intense district.

C = Area of parcel in most intense district.

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

Total Lot Area

(Am. Ord. 86-96)

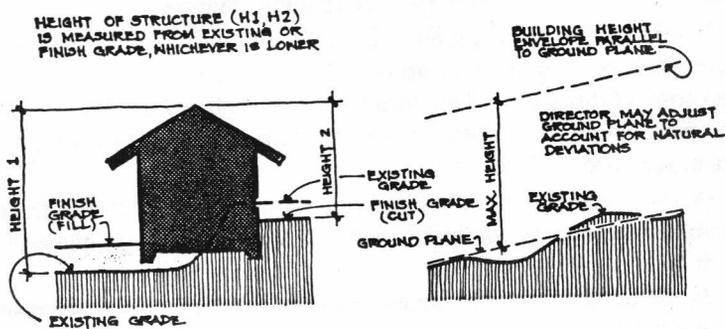
Sec. 21A-3.60. Heights.

A. All structures shall fall within a building height envelope which runs parallel to existing or finish grade, whichever is lower, at a height specified by this chapter or as specified on the zoning maps (see figure 3). Exceptions are specified under subsection B. below, and others may be specified under special districts.

B. The following structures shall be exempt from zoning district height limits under the specified restrictions:

1. Vent pipes, fans, chimneys, and structures housing or screening elevator machinery and other similar rooftop machinery.
2. Safety railings not to exceed 42 inches above the governing height limit.
3. Utility poles, radio and television mast antennae, but not dish antennae, not to exceed 500 feet from existing grade.
4. Spires, flagpoles and smokestacks, not to exceed 350 feet from existing grade.
5. One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.

Figure 3



HEIGHT MEASUREMENT

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

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

8. Construction and improvements in certain flood hazard districts, as specified in subsecs. 21A-7.10-6 and 7.

9. Farm *structures* in agricultural districts, as specified in article 5. (Am. Ord. 86-96)

Sec. 21A-3.60-1. Zoning Adjustment: Grade Irregularities.

Where unusual natural deviations occur in grade, the *director* may adjust the *building* height envelope to permit reasonable building design. An adjustment shall be made only in accordance with the intent of the pertinent district regulations (see figure 3). (Am. Ord. 86-96)

Sec. 21A-3.70. Off-street Parking And Loading: Intent.

Parking and loading standards are intended to minimize *street* congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services and places of public assembly.

Off-street parking and loading spaces shall be provided in such numbers, at such location and with such improvements as required by the provisions of secs. 21A-3.70-1 through 21A-3.70-14. (Am. Ord. 86-96)

Sec. 21A-3.70-1. Off-street Parking Requirements.

Except as otherwise provided in this chapter, the minimum number of required off-street parking spaces shall be as shown on table 1, which follows. (Am. Ord. 86-96)

Sec. 21A-3.70-2. Method Of Determining Number.

To determine the required number of off-street parking spaces, *floor area* shall be as defined in article 9 of this chapter, except that for the purposes of this section, *basement* floor area shall be included as floor area for parking purposes when it is devoted to *uses* having a parking requirement specified in Table 1.

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

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

C. At least 60 percent of required parking shall be standard sized parking spaces and 40 percent may be compact spaces, except that *duplex units*, *detached dwellings* and *multi-family dwellings* may have 50 percent compact spaces.

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

TABLE 1
OFF-STREET PARKING REQUIREMENTS

Use ¹	Requirement ²
Amusement facilities, outdoor, other than herein specified	As determined by Director under provisions of Article 4
Art galleries, museums, libraries	1 per 300 sq. ft.
Auditoriums	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater
Automotive & boat parts & services, but not storage & repair	1 per 400 sq. ft.
Automobile & boat sales & rental	1 per 500 sq. ft.
Automobile service stations	3 per repair stall
Boarding facilities	2 plus .75 per unit
Boat launching ramps	10 per launching ramp
Botanical gardens	As determined by Director under provisions of Article 4
Bowling alleys	3 per alley
Broadcasting stations	1 per 400 sq. ft.
Business services	1 per 500 sq. ft.
Car washing, mechanized	10 standing spaces for waiting vehicles for each wash rack
Consulates	1 per dwelling or lodging unit, plus 1 per 400 sq. ft. of office floor area, but no less than 5
Convenience stores	1 per 400 sq. ft.
Day-care facilities	1 for each 10 care recipients of design capacity (See Article 4)
Drive-in theaters	As determined by the Director under the provisions of Article 4
Dwellings, detached and duplex	2 per unit

Notes 1: Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements.

2: All references to sq. ft. refer to floor area.

OFF-STREET PARKING REQUIREMENTS (continued)

Use ¹	Requirement ²
Dwellings, multi-family	Within the District of Honolulu: Floor Area of Dwelling or Lodging Units Required Parking Per Unit 600 sq. ft. or less 1 More than 600 but less than 800 sq. ft. 1.50 800 sq. ft. and over 2 Outside the District of Honolulu: 1.25 per dwelling or lodging unit Plus 1 guest parking stall per 10 units for all projects
Eating & drinking establishments	1 per 100 sq. ft. of eating & drinking area, plus 1 per 25 sq. ft. of dance floor area, plus 1 per 400 sq. ft. of kitchen area
Financial institutions	1 per 400 sq. ft., plus 5 stacking spaces per drive-in window or machine
Funeral homes, mortuaries	1 per 75 sq. ft. of parlor or chapel area or 1 per 5 fixed seats, whichever is greater, but no less than 20 spaces
Game rooms, including pool & billiard, electronic coin-operated equipment or similar activities	1 per 100 sq. ft.
Golf courses	As determined by Director under provisions of of Article 4
Golf driving ranges	3 per tee stalls
Group living facilities	As determined by Director under provisions of Article 4
Hotels: Dwelling units	1.25 per unit (See Article 4)
Hotels: Lodging units	.75 per unit (See Article 4)
Kennels (other than as an accessory use)	1 per 400 sq. ft., but no less than 4

OFF-STREET PARKING REQUIREMENTS (continued)

Use ¹	Requirement ²
Laundromats, cleaners: coin-operated	1 per 2 washing machines
Lodging units	.75 per unit
Manufacturing processing & packaging	1 per 600 sq. ft.
Marinas	1 per 2 moorage stalls
Medical clinics	1 per 400 sq. ft.
Meeting facilities	1 per 5 fixed seats in general assembly area or 1 per 50 sq. ft., whichever is greater
Offices, other than herein specified	1 per 400 sq. ft.
Personal services, other than herein specified	1 per 400 sq. ft.
Publishing plants for newspapers, magazines & books	1 per 600 sq. ft.
Recreation facilities, outdoor or indoor, other than herein specified	1 per 200 sq. ft., plus 3 per court, e.g., racquetball, tennis or similar
Repair establishments, Major	1 per 400 sq. ft.
Repair establishments, Minor	1 per 600 sq. ft.
Retail, other than herein specified	1 per 400 sq. ft.
Sales: Appliance, household & office furniture	1 per 900 sq. ft.
Sales: Food & grocery stores	1 per 200 sq. ft.
Sales: Machinery	1 per 900 sq. ft.
Sales: Plumbing & heating suppl	1 per 900 sq. ft.
Schools: Elementary & Intermediate	1 for each 20 students of design capacity, plus 1 per 400 sq. ft. of office floor space
Schools: High, language, vocational, business, technical and trade; business colleges	1 for each 10 students of design capacity, plus 1 per 400 sq. ft. of office floor space
Self-storage facilities	1 per 2,000 sq. ft.

OFF-STREET PARKING REQUIREMENTS (continued)

Use ¹	Requirement ²
Skating rinks	1 for each 4 skaters of the rink's maximum capacity or 1 per 1,500 sq. ft. of skating surface, whichever is greater
Sports arenas	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater
Theaters	1 per 75 sq. ft. of assembly area or 1 per 5 fixed seats, whichever is greater
Veterinary establishments	1 per 400 sq. ft.
Warehousing	1 per 600 sq. ft.
Wholesaling	1 per 600 sq. ft.
Zoos	As determined by Director under provisions of Article 4

(Am. Ord. 86-96)

**OFF-STREET PARKING REQUIREMENTS
BMX-4 CENTRAL BUSINESS MIXED USE**

Use ³	Requirement ⁴
Amusement and recreation facilities, indoor, other than herein specified	1 per 300 sq. ft., or 1 per 10 fixed seats, whichever is greater
Auditoriums	1 per 300 sq. ft., or 1 per 10 fixed seats, whichever is greater
Automotive equipment and boat sales and service	1 per 1,200 sq. ft.
Bowling alleys	1 per alley
Business services	1 per 500 sq. ft.
Consulates	1 per dwelling or lodging unit, plus 1 per 400 sq. ft. of office floor area, but no less than 5

Notes 3: Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the BMX-4 District.

4: All references to sq. ft. refer to floor area.

**OFF-STREET PARKING REQUIREMENTS
BMX-4 CENTRAL BUSINESS MIXED USE (continued)**

Use ³	Requirement ⁴
Dwellings, multi-family	1 per dwelling unit
Eating & drinking establishments	1 per 300 sq. ft. of dining area over 1,500 sq. ft., plus 1 per 400 sq. ft. of kitchen area
Financial institutions	1 per 600 sq. ft. over 4,000 sq. ft.
Hotels	1 per 4 unit
Kennels (other than as an accessory use)	1 per 600 sq. ft. over 4,000 sq. ft.
Medical clinics	1 per 600 sq. ft. over 4,000 sq. ft.
Medical laboratories	1 per 600 sq. ft. over 4,000 sq. ft.
Meeting facilities	1 per 300 sq. ft., or 1 per 10 fixed seats, whichever is greater
Offices, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Personal services, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Repair establishments, Minor	1 per 600 sq. ft. over 4,000 sq. ft.
Retail, other than herein specified	1 per 600 sq. ft. over 4,000 sq. ft.
Sales: Appliance, household & office furniture	1 per 1,200 sq. ft.
Sales: Machinery	1 per 1,200 sq. ft.
Self-storage facilities	1 per 2,000 sq. ft.

(Am. Ord. 86-96)

Notes 3: Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the BMX-4 District.

4: All references to sq. ft. refer to floor area.

**OFF-STREET PARKING REQUIREMENTS
WAIKIKI SPECIAL DISTRICT**

Apartment Precinct

Use ⁵	Requirement ⁴
Art galleries, museums, libraries	1 per 300 sq. ft. or fraction thereof in excess of 1,000 sq. ft., but no less than 10
Day-care facilities	1 per 10 enrollment capacity
Dwellings, detached, duplex, and multi-family	1 per dwelling or lodging unit
Group living facilities	1 per 4 patient beds
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 sq. ft.
Schools: Elementary and Intermediate	1 per 15 seats in the main auditorium
Schools: High	1 per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater

Resort-Hotel Precinct

Hotels	.25 per dwelling or lodging unit
All other permitted uses	1 per 800 sq. ft.
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 sq. ft.

Notes 5: Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the Waikiki Special Design District.

Sec. 21A-3.70-4. Minimum Dimensions.

A. Standard-sized automobile parking spaces shall be at least 19 feet in length and 8-1/2 feet in width, with parallel spaces at least 22 feet in length.

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

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

D. Minimum aisle widths for parking bays shall be provided in accordance with the following:

Parking Angle	Aisle Width
0°-44°	12 ft.
45°-50°	13.5 ft.
60°-69°	18.5 ft.
70°-79°	19.5 ft.
80°-89°	21 ft.
90°	22 ft.

E. Ingress and egress aisles shall be provided to a *street* and between parking bays and no driveway leading into a parking area shall be less than 12 feet in width. (Am. Ord. 86-96)

Sec. 21A-3.70-5. Improvement Of Off-street Parking Spaces, Parking Lots And Driveways.

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

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

C. All parking lots shall be *landscaped* as specified in sec. 21A-3.80 of this chapter. (Am. Ord. 86-96)

Sec. 21A-3.70-6. Parking Spaces And Required Yards.

Parking spaces may overlap three feet of required *yards*, *open spaces* or required *landscaping*, if wheel stops are installed, except in special districts and as may be allowed in article 5. (Am. Ord. 86-96)

Sec. 21A-3.70-7. Mechanical Parking And Storage Garages.

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

A. The *director* shall determine that adequate waiting and maneuvering space is provided on the *zoning lot* in order to minimize on-street traffic congestion, after consultation with the department of transportation services.

B. All mechanical parking *structures* shall be visually screened. (Am. Ord. 86-96)

Sec. 21A-3.70-8. Required Parking Spaces Located Off The Premises.

Off-street parking spaces required for any *use* may be permitted off the premises as joint use of parking facilities or off-site parking facilities but shall be subject to compliance with the provisions of article 4, conditional uses. (Am. Ord. 86-96)

Sec. 21A-3.70-9. Parking For The Physically Disabled.

A. For all non-dwelling uses, parking for the physically disabled shall be provided as follows:

Total Required Parking Spaces	Minimum Required Spaces For Physically Disabled
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

B. Parking spaces for the disabled shall be identified as such and shall be at least eight feet wide and shall have an adjacent access aisle a minimum of five feet. Parking access aisles shall be part of an accessible route to the *building* or facility. Two adjacent spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route. (Am. Ord. 86-96)

Sec. 21A-3.70-10. Off-street Loading Requirements.

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

Use or Use Category	Floor Area in Square Feet	Loading Space Requirements
A. Retail stores, eating and drinking establishments, wholesale operations, warehousing, <i>business services, personal services, repair, manufacturing industrial establishments, or self-storage facilities.</i>	2,000-10,000	1
	10,001-20,000	2
	20,001-40,000	3
	40,001-60,000	4
	Each additional 50,000 or major fraction thereof	1
B. <i>Hotels, hospitals or similar institutions, and places of public assembly.</i>	5,000- 10,000	1
	10,001- 50,000	2
	50,001-100,000	3
	Each additional 100,000 or major fraction thereof	1
C. Funeral home or mortuary.	2,500-4,000	1
	4,001-6,000	2
	Each additional 10,000 or major fraction thereof	1
D. Offices or office buildings.	20,000- 50,000	1
	50,001-100,000	2
	Each additional 100,000 or major fraction thereof	1
E. <i>Multi-family dwellings.</i>	<u>Number of Units</u>	
	20-150	1
	151-300	2
	Each additional 200 or major fraction thereof	1

(Am. Ord. 86-96)

Sec. 21A-3.70-11. Method Of Determining Number.

A. To determine the required number of loading spaces, *floor area* shall be as defined in article 9 of this chapter, except that when a *basement* is devoted to a *use* having a loading requirement, loading spaces shall be required as specified in sec. 21A-3.70-10 above.

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

C. The number of loading spaces required may be adjusted to 50 percent of the required number when such spaces are assigned to serve two or more uses jointly, provided that each use has access to the loading zone without crossing public *streets* or sidewalks. (Am. Ord. 86-96)

Sec. 21A-3.70-12. Dimensions Of Loading Spaces.

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

B. When more than one loading space is required or total floor area is more than 5,000 square feet, the minimum horizontal dimension of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least 14 feet. The balance of required spaces may have horizontal dimensions of 19 x 8-1/2 feet and vertical clearance of at least ten feet. (Am. Ord. 86-96)

Sec. 21A-3.70-13. Location And Improvement Of Loading Spaces.

A. No required loading space shall be in any *street* or alley but shall be provided within the *building*, adjacent to the building or on the lot.

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

C. Each required loading space shall be identified as such and shall be reserved for loading purposes.

D. No loading space shall occupy required off-street parking spaces or restrict access.

E. All loading spaces and maneuvering areas shall be paved or covered with an *all-weather surface*.

F. No loading space or maneuvering area shall be located within a required *yard*, except if the area displaced by the loading space or maneuvering area is provided as *open space* immediately abutting the required yard, and the design is approved by the *director*. (Am. Ord. 86-96)

Sec. 21A-3.70-14. Exceptions To The Off-street Parking And Loading Requirements.

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

B. All buildings and *uses*, except *multi-family dwellings* and *hotels*, which are located within the boundaries of any improvement district for public off-street parking and which have been assessed their share of the cost of the improvement district, shall be exempt from off-street parking requirements of this chapter. (Am. Ord. 86-96)

Sec. 21A-3.80. Landscaping And Screening.

Parking lots, service and loading spaces, trash enclosures and utility substations shall be *landscaped* in all zoning districts as follows:

A. Parking lots of five or more spaces shall provide a minimum five-foot landscape strip adjacent to any adjoining *street* right-of-way. This five-foot strip shall contain a screening hedge not less than 42 inches in height, or a minimum 42-inch high wall or fence. If a wall is erected, either a vine or shrub shall be planted at the base of the wall. One tree a minimum of two-inch caliper shall be planted in the landscape strip for each 50 feet or major fraction of adjacent lineal *street frontage*.

B. Five percent of the interior area of parking lots with more than ten parking spaces shall be landscaped. This landscaping shall be dispersed within the parking area and shall consist of planter areas, each of which has a minimum of 50 square feet. Planter areas shall have minimum dimensions of five feet. Within each planter area, a minimum two-inch caliper tree with ground cover or shrubs at the base shall be installed.

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

D. Parking *structures* with open or partially open perimeter walls which are adjacent to *zoning lots* with *side* or *rear yard* requirements shall meet the following requirements:

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

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

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

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

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

G. Within country, residential, apartment, apartment mixed use and resort districts, utility substations, other than individual transformers, shall be enclosed by a solid wall or a fence with a screening hedge a minimum of five feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses shall be enclosed by a landscape hedge, except for access openings.

H. All plant material and *landscaping* shall be provided with a permanent irrigation system. (Am. Ord. 86-96)

Sec. 21A-3.90. Sign Regulations: Purpose And Intent.

The council finds and declares:

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

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

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

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

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

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

G. That the natural beauty of landscape, view and attractive surroundings of the Hawaiian Islands, including the City, constitutes an attraction for tourists and visitors.

H. That a major source of income and revenue of the people of the City is derived from the tourist trade.

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

J. That it is necessary for the promotion and preservation of the public health, safety and welfare of the people of the City that the erection, construction, location and maintenance of signs be regulated and controlled. (Am. Ord. 86-96)

Sec. 21A-3.90-1. Definitions And General Sign Standards.

This section applies to signs in all zoning and zoning precincts. Specific sign standards for the zoning districts and zoning precincts are found in sec. 21A-3.90-3.

Address Signs. Signs indicating a street address.

Standard: Not to exceed one square foot in area.

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

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

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

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

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

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

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

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

Garden Signs. A free-standing sign or a sign attached to the face of a free-standing wall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard: Not to exceed ten revolutions per minute.

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

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

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

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

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

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

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

Public Signs. Signs of a public or non-commercial nature, which shall include public transit service signs, utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty.

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

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

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

Am. 12/22/89
Ord. 89-146

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

Sign Area. The entire area within a single, continuous perimeter of regular geometric form enclosing the extreme limits of writing, representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding poles, supports or uprights (see figure 4).

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

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

Subdivision Name Signs.

Signs identifying the *street* entrance to a subdivision.

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

Temporary Signs:

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

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

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

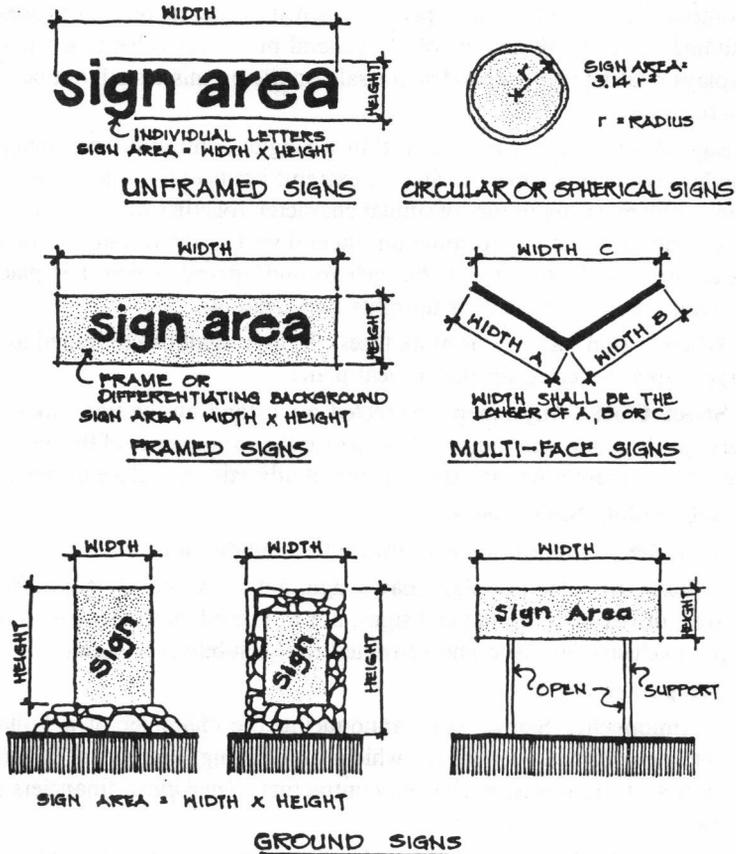
Standard: One sign per street frontage, not to exceed four square feet in residential districts or eight square feet in other districts.

Special Event Displays. Signs erected on the premises of an establishment having a grand opening or special event.

Am. 12/22/89
Ord. 89-146

Standard: May include portable signs and wind signs erected on the premises of the event not to be displayed for a period exceeding seven calendar days within any six-month period.

Figure 4



SIGN AREA

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

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

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

30-day period. The display period may be extended by written approval of the director for a reasonable period of time, not to exceed one year at any one time.

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

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

For the purpose of this section, exterior wall shall include parapet wall above the exterior wall and roof facade with face slope 60 percent or greater with the horizontal plane provided that where a wall sign is to be located on a parapet wall or facade, the parapet wall or facade shall extend entirely across the side of the building and provided further that no portion of a wall sign shall exceed six feet above the roof level. Exterior wall and parapet wall shall be as defined in the Building Code, chapter 16, R.O. 1978 (1983 Edition), as amended.

Am. 12/22/89

(Am. Ord. 86-96)

89-146

Window Display

Sec. 21A-3.90-2. Prohibited Signs.

It shall be unlawful to erect or maintain:

A. Any sign which is not included under the types of signs permitted in this chapter.

B. Any sign which advertises or publicizes an activity not conducted on the premises on which the sign is maintained.

C. Any wind or portable sign, except as otherwise permitted in this chapter.

D. Any 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.

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

F. Flashing signs. (Am. Ord. 86-96)

Sec. 21A-3.90-3. Specific District Sign Standards.

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

P-2 Preservation District.

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

Agriculture Districts.

The sign standards applicable to the P-2 preservation district shall apply to all agricultural districts.

Country And Residential Districts.

Only one sign per *zoning lot* for a permitted non-dwelling *use*, which shall not exceed six square feet. No such sign shall be directly illuminated, located in any required *yard* or erected to exceed a height of eight feet above finish grade, except that signs for non-dwelling uses can be located up to the *front yard* setback line required for dwelling use.

Apartment And Apartment Mixed Use Districts.

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

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

Resort District.

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

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 or vehicular entrance is situated. Instead of the above signs, one garden sign may be permitted.

B-1 Neighborhood Business.

A. One wall sign on the *building* frontage side for each ground floor establishment is permitted. The sign shall not be directly illuminated. The maximum sign area per establishment for each building side on which the sign is permitted shall not exceed one square foot of sign area for each lineal foot of building frontage nor exceed 100 square feet in sign area. No 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.

B. One non-illuminated ground sign per *zoning lot* for identification provided that:

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

2. No portion of the sign is located in or overhangs any required *yard* area or public right-of-way.

3. The sign area does not exceed 12 square feet.

C. One garden sign per zoning lot instead of the signs permitted above.

D. One wall sign per building frontage, not directly illuminated and not exceeding 12 square feet in area, may be erected for building identification purposes as part of the total sign area permitted on the building side on which it is located.

B-2 Community And BMX-3 Community Business Mixed Use.

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

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

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

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

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

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

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

D. One garden sign per zoning lot provided that such sign shall be counted as one of the signs permitted in subsec. A. above.

E. One wall or projecting sign per building frontage, which may be illuminated but not exceed 12 square feet in area, may be erected for building identification or directory purpose as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subsec. A. above for each establishment.

BMX-4 Central Business Mixed Use.

The sign standards applicable to the B-2 community and BMX-3 community business mixed use districts shall apply, except for the following:

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

B. No projecting signs are permitted.

Industrial And Industrial-Commercial Mixed Use Districts.

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

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

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

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

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

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

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

D. One garden sign per zoning lot, provided that such sign shall be counted as one of the signs permitted in subsec. A. above.

E. One wall or projecting sign per building frontage, not directly illuminated and not exceeding 24 square feet in area, may be erected for building identification purposes as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subsec. A. above for each establishment.

Planned Development-Housing.

Not more than one sign, with sign area not exceeding 24 square feet, shall be permitted at any principal entrance to the project.

Plan Review Uses.

One sign or bulletin board per *street* front setting forth or denoting the name of any plan review use when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 square feet in sign area, unless greater signage is allowed in the underlying zoning district, in which case the sign regulations for the underlying zoning district shall apply.

Waikiki District.

Apartment Precinct.

In connection with any use permitted other than one- and two-family dwellings, located on the ground floor, only one wall or marquee fascia identification sign, not directly illuminated and not exceeding one square foot per two linear feet of the *building* frontage or 12 square feet in area, shall be permitted for each street front having a principal pedestrian entrance, provided that if all buildings on the *street frontage* of the *zoning lot* are set back a minimum of 50 feet from the property line on their entry sides, one ground identification sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.

Resort Hotel And Resort Commercial Precincts.

In connection with any use permitted, only one wall or marquee fascia identification sign of one square foot per two linear feet of the building frontage, not directly illuminated and not exceeding 24 square feet in area, shall be permitted per street front for each ground floor establishment having a principal pedestrian entrance, provided that if all buildings on the street frontage are set back a minimum of 50 feet from the property line, one ground identification sign, not directly illuminated and not exceeding 12 square feet in area, shall also be permitted for each principal pedestrian

entrance side. These ground signs shall not be located closer than ten feet to any property line. Instead of one of the above signs, one garden sign may be permitted. (Am. Ord. 86-96)

Sec. 21A-3.90-4. Special Restrictions On Certain Uses.

A. Automotive outdoor sales and rental lots separated from new car dealer showrooms or service facilities.

1. A maximum of three business signs not to exceed a total of one square foot of sign area for each lineal foot of *street frontage* or 200 square feet, whichever is the lesser area, shall be permitted. Signs may be either wall, roof, marquee fascia or projecting signs and may be illuminated.

2. One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but shall not overhang any required *yard* or public right-of-way.

B. *Automobile service stations*, gasoline sales and car washes.

1. A maximum of four business signs not to exceed a total sign area of one square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Signs may be illuminated and be either marquee fascia, projecting or wall signs.

2. One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected, provided it does not overhang the public right-of-way. The sign may be a rotating sign. If there is more than one street frontage, two such signs may be erected, provided they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.

3. Pump island information signs located at the pump islands, denoting "full service, self service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.

4. One price sign, not exceeding two square feet in sign area and located on each gas pump, shall be permitted.

5. In addition to the price signs allowed under subsec. 4. above, one price sign may be erected for each *street frontage*, provided that such sign shall not exceed 24 square feet in sign area and shall not be placed on the identification ground sign specified in subsec. 2. above. The sign shall be counted as one of the business signs and as part of the total signage allowed under subsec. 1. above, and, in addition to the types of signs permitted by subsec. 1. may be a ground sign, but shall not exceed 24 square feet in sign area.

C. Gasoline sales accessory to a *convenience store*.

1. Pump island information signs located at the pump islands, denoting "full service, self service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.

2. One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.

3. In addition to the price signs allowed under sec. 2. above, one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.

D. Drive-in Theaters.

1. One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, shall be permitted; it shall not extend into the public right-of-way.

2. Directional signs which may be illuminated, not to exceed a combined area of 60 square feet with six square feet maximum per sign, may be erected.

3. The restrictions imposed by this section shall not apply to signs within the walls or other enclosed parts of the drive-in and which are not visible from outside the theater.

E. Theaters.

Four signs either hanging, marquee fascia, projecting or wall signs, which may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each *theater* establishment.

F. Shopping centers with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.

Only wall signs shall be permitted at any level situated above the ground level. "Ground level" shall mean the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at this level. (Am. Ord. 86-96)

Sec. 21A-3.90-5. Permits And Fees.

A. It shall be unlawful for any person to install, construct, erect, alter, relocate, reconstruct, or cause to be installed, constructed, erected, altered, relocated or reconstructed within the City any sign or signs without first having obtained a permit in writing from the building superintendent and making payment of the fees required by this section.

B. No permit shall be required nor shall district sign regulations apply to the following types of signs: subdivision construction; pump island information, not to exceed three square feet in sign area; gasoline price signs, not to exceed one square foot in sign area and located on a gasoline pump; temporary; public; flags; plaques; address; directional.

C. Applicants for permits shall file with the building superintendent applications signed by the *owner* of the sign or the owner's agent, on forms furnished by the building department, containing the following information:

1. The name and address of the applicant and of the person by whom such sign is to be constructed, erected, altered, relocated or reconstructed.

2. An accurate description of the location or proposed location, type and character of each sign.

3. A plan or design of the sign showing its weight, dimensions, lighting equipment, materials, details of its attachment and hanging and its position relative to the *building*, property lines and *street* lines.

4. Any electrical design required and approved for the sign.

5. Other information pertinent to the application as may be required by the building superintendent.

D. Every applicant, before being granted a permit, shall pay to the director of finance, for each sign regulated by this chapter, a fee which shall be as specified in ordinance no. 86-95, as amended.*

E. Except when sign work may be commenced without a permit, the fee for a permit for work commenced without a permit shall be \$100 plus the fee specified by the building superintendent.

F. If the applicant complies with all the requirements of this part and all other applicable ordinances, statutes and regulations, the building superintendent shall issue a permit.

G. If the work on any sign authorized under a permit has not been completed within six months after date of issuance, then the permit shall become void and any sign installed, constructed, erected, relocated or altered thereafter under the permit shall constitute a violation of the terms of this chapter.

H. The building superintendent is hereby authorized and empowered to revoke any issued permit on failure of the holder to comply with any provision of this part or any other applicable statute, ordinance or regulation. (Am. Ord. 86-96)

*Codified as sec. 5-48.1, R.O.H. (1986 supp.)

Sec. 21A-3.90-6. Abatement And Removal.

A. Whenever it appears to the building superintendent that any sign has been constructed, erected or is being maintained in violation of this chapter, or after a permit has been revoked or becomes void, or that a sign is unsafe, insecure or in such condition as to be a menace to the safety of the public, a written notice shall be issued to the *owner* of the sign or the tenant of the premises on which the sign is erected or maintained.

B. This notice shall inform the person of the violation or the dangerous condition of the sign and direct the person to make such alteration or repair or do such things or acts necessary to make the sign comply with the requirements of this part.

C. A reasonable time limit for this action shall be stated in the notice, which in no case shall be more than 30 days. The notice may be given by personal service, by depositing a copy in the U.S. mail in a postage prepaid wrapper addressed to the street address of the premises on which the sign is erected or maintained, or by posting a copy on the premises.

D. On failure to comply with the notice within the time allowed, the building superintendent shall cause the sign, or such part of it as it constructed or maintained in an unsafe condition or otherwise in violation of this chapter, to be removed, altered, or repaired so as to make it a conforming sign and shall charge the expenses to the person so notified. (Am. Ord. 86-96)

Sec. 21A-3.90-7. Signs For Nonconforming Uses.

Nonconforming uses are allowed signage not to exceed the sign regulations of the underlying zoning district for each establishment unless otherwise specified. (Am. Ord. 86-96)

Sec. 21A-3.100. Noise Regulations.

The purpose of this section is to provide additional noise controls which supplement those established by the state department of health. (Am. Ord. 86-96)

Sec. 21A-3.100-1. Method Of Measurement.

Sound level meters and *octave band filters* shall be employed in measurements used in the enforcement of these regulations. Location and timing of measurements shall be so arranged as to exclude noises emanating from off the premises involved, or a correction factor reasonable under the circumstances shall be applied to compensate for off-premise noises. (Am. Ord. 86-96)

Sec. 21A-3.100-2. Noise Level Within Specific Districts.

A. In I-2 general industrial 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 subsec. B. below provided, however, that where the I-2 general 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 general industrial or I-3 waterfront industrial district boundary shall be reduced seven decibels from levels indicated in the table for the hours between 8 a.m. and 6 p.m., and shall be reduced ten decibels between 6 p.m. and 8 a.m.

B. In all other districts, sound pressure levels from any activity shall not exceed, at any point at or beyond the lot boundaries, the maximum number of decibels for each of the octave bands as set forth in the table below provided, however, that where such districts permit residences or where such districts adjoin districts which permit residences, apartments or hotels, the maximum sound pressure levels at or beyond the lot boundary shall be reduced seven decibels from the levels indicated in said table for hours between 8 a.m. and 6 p.m., and shall be reduced ten decibels between 6 p.m. and 8 a.m.

Octave Band Center Frequency (Hertz)	Sound Pressure Level (Decibels)
31.5	79
63	79
125	74
250	66
500	59
1,000	53
2,000	47
4,000	41
8,000	39

(Am. Ord. 86-96)

Sec. 21A-3.110. Sunlight Reflection Regulations.

A. Where a *building* wall contains a reflective surface for more than 30 percent of that wall's surface area, diagrams, charts and other documents shall be submitted to the *director*, under the provisions of sec. 21A-8.30-5 of this chapter, which clearly indicate the impact of reflection from the wall on public rights-of-way, designated as *major* and *secondary streets* by the department of transportation services, within 1,000 feet of the reflective wall during the two daily periods of 6:30 a.m. to 8:00 a.m., and 3:30 p.m. to 6:00 p.m. throughout the year.

B. Denial or modification of the project may be made where *adverse reflection* can be shown. (Am. Ord. 86-96)

Sec. 21A-3.120. Nonconformities.

Nonconforming lots, structures, uses, dwelling units and parking may be continued, subject to the following provisions:

A. Nonconforming Lots.

1. A nonconforming lot shall not be reduced in area, width or depth, except by government action to further the public health, safety or welfare.

2. Any conforming *structure* or *use* may be constructed, enlarged, extended or moved on a nonconforming lot as long as all other requirements of this chapter are met.

B. Nonconforming Structures.

1. If a nonconforming structure is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

a. Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use which contains *multi-family dwelling* units owned by *owners* under the authority of the HRS chapters 514A, 421G, or units owned by a "cooperative housing corporation" as defined in the HRS sec. 403-98(b), whether or not the structure is located in a special district, and which is destroyed by accidental means, including destruction by fire, other calamity, or Act of God, may be restored to its former condition, provided that such restoration is permitted by the Building Code and flood hazard regulations and is started within two years.

b. The burden of proof to establish that the destruction of a *structure* was due to accidental means as described above and that the structure was legally nonconforming shall be on the *owner*.

c. Except as otherwise provided herein, no *nonconforming* structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the provisions of this chapter.

2. If a nonconforming structure is moved, it shall conform to the provisions of this chapter.

3. Any nonconforming structure may be repaired, maintained or altered in any manner which does not increase its nonconformity, provided that the *floor area* of the structure is not increased beyond that which existed at the time of the effective date of this chapter.

C. Nonconforming Uses.

1. A *nonconforming use* shall not extend to any part of the structure or lot which was not arranged or designed for such *use* at the time of adoption of the provisions of this chapter.

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

3. Work may be done on any structure devoted in whole or in part to any nonconforming use, provided that work is limited to ordinary repairs, including repair or replacement of walls, fixtures, wiring or plumbing. Further, this work shall not exceed ten percent of the current replacement cost of the structure within a 12-month period, and the *floor area* of the *structure*, as it existed at the time of effective date of this chapter, shall not be increased.

4. Any *nonconforming use* may be changed to another nonconforming use of the same nature and general impact, or to a more restricted *use*, provided that the change to a more restricted use may be made only if the relation of the use to the surrounding property is such that adverse effects on occupants and neighboring properties will not be greater than if the original nonconforming use continued.

D. *Nonconforming Dwelling Units.*

1. A nonconforming dwelling unit may be altered, enlarged, repaired or extended, provided that all other provisions of this chapter are met, except the requirements of sec. 21A-6.30 of this chapter.

2. If a nonconforming dwelling unit is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

E. *Nonconforming Parking.*

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

1. If there is a change in use, the new use shall meet the off-street parking and loading requirements established in sec. 21A-3.70 of this chapter.

2. Any use that adds *floor area* shall provide off-street parking and loading for the addition as required by sec. 21A-3.70 of this chapter. (Am. Ord. 86-96)

Am. 12/22/89
Ord. 89-146

21A-3.120- Zoning Adjustment: Lanai Enclosures.

Am. 12/28/89
Ord. 89-154

21A-3.120-1. Nonconforming Use Certificates for Transient Vacation Units.

21A-3.120-2. Bed & Breakfast Homes ...

Sec. 21A-3.130. Existing Uses.

Any use which was initially established as permitted use, and which would now be subject to cluster housing provisions, a site plan review permit, or a conditional use permit required by this chapter, may be subject to the following instead of sec. 21A-3.120, Nonconformities:

A. *Developments* existing on the site shall be considered as an approved plan after review by the *director*.

B. Minor alterations, additions or modifications may be approved by the director.

C. Any previous variance, conditional use permit or similar actions granted for the particular *use* shall continue in effect until superseded.

D. An existing use application shall be processed in accordance with sec. 21A-8.30-5 of this chapter. (Am. Ord. 86-96)

Sec. 21A-3.140. Special Accessory Uses.

The purpose of this section is to assure that certain *accessory uses* permitted under article 5 of this chapter are consistent with the zoning district intent and are compatible with principal and other uses allowed in the district. (Am. Ord. 86-96)

Sec. 21A-3.140-1. Home Occupations: Standards And Prohibited Uses.

The purpose of this subsection is to permit *home occupations* as an accessory use to *dwelling units* under the following restrictions and standards:

A. Home occupations shall be incidental and subordinate to the principal use of the site as a residence and shall not change the character and external appearance of the dwelling.

B. Only household members shall be employed under the *home occupation*.

C. There shall be no exterior sign that shows the *building* is used for anything but residential use. There shall be no exterior displays or advertisements.

D. There shall be no outdoor storage of materials or supplies.

E. Indoor storage of materials and supplies shall be enclosed and shall not exceed 250 cubic feet or 20 percent of the total *floor area*, whichever is less.

F. The following activities are not permitted as home occupations:

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

2. Contractor's storage *yards*.

Am. 11/26/90
Ord. 90-93

3. Care, treatment or boarding of animals in exchange for money, goods or services. The occasional boarding and the occasional grooming of animals not exceeding five animals per day shall be permitted as *home occupations*, provided the limit on the number of dogs stated in subsec. 21A-3.140-2.D. below is maintained.

4. Those on-premise activities and *uses* which are only permitted in the industrial districts.

5. Use of dwellings or lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations. (Am. Ord. 86-96)

Rep. 11/26/90
Ord. 90-93

Sec. 21A-3.140-2. Kennels.

The purpose of this subsection is to permit *kennels* and other animal enclosures as *accessory uses* to *dwelling units* while ensuring that they are not inconsistent with nor disruptive to residential uses. They are subject to the following restrictions and standards.

A. Kennels and other animal enclosures shall observe all district *yard* requirements.

B. Animals are domesticated and owned by a dwelling occupant.

C. Animals are kept for the pet purposes of personal enjoyment and companionship, including hobby and legal sporting activities and guarding of property. Pets shall be kept in such a manner as to not cause any unreasonable noise, smell or other nuisance. Any animal raised, bred or kept as a commercial enterprise or for food purposes shall not be considered a pet.

D. In residential districts, the number of dogs, four months of age or older, 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, four months in age or older exceed ten on a *zoning lot*.

E. In residential districts, the number of horses and other similar sized animals shall not exceed one per each *zoning lot*. Stables for horses and other similar sized animals shall not be located within 300 feet of any property line. (Am. Ord. 86-96)

Sec. 21A-3.150. Waiver Of Requirements For Public Uses And Utility Installations.

A waiver of the strict application of the *development* or design standards of this chapter for *public uses* and *utility installations* may be granted by the *director*. The granting of the waiver shall not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of

proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking it.

This provision shall not be applicable to uses which fall under sec. 21A-3.160 of this chapter. (Am. Ord. 86-96)

Sec. 21A-3.160. Plan Review Uses: Purpose And Intent.

The purpose of this section is to establish a review and approval mechanism for *uses* of a permanent and institutional nature which, because of characteristics fundamental to the nature of the use, provide essential community services but which could also have a major adverse impact on surrounding land uses.

It is the intent that the design and siting of *structures* and *landscaping*, screening and buffering for these uses be master planned so as to minimize any objectionable aspects of the use or the potential incompatibility with other uses permitted in the zoning district. (Am. Ord. 86-96)

Sec. 21A-3.160-1. Applicability.

Am. 2/23/90
Ord 90-15

A. Plan review use (PRU) approval shall be required for the following public and private uses: *hospitals*, prisons, airports, colleges and universities, except business schools and business colleges.

B. This section is applicable to all of the *uses* in subsec. A., above, in all zoning districts and special districts.

C. PRU approval is also required for *agricultural products processing* uses under certain circumstances. Refer to article 4. (Am. Ord. 86-96)

Sec. 21A-3.160-2. General Provisions.

A. A proposed five-year master plan shall be submitted by the applicant for a PRU and shall be accompanied by a review and comment from all applicable city, state and federal planning and *development* agencies.

B. The master plan shall be approved by city council resolution and may consist of both existing and future development. Future development in the plan shall indicate general height and bulk concepts, land expansion, *landscaping*, setbacks and buffering of adjacent parcels.

C. Density, height and *yards* shall be determined by taking into consideration the surrounding land use, adopted land use policy and applicable zoning regulations.

D. Parking, loading and sign requirements shall be specified in the approval of the plan.

E. The *director* shall approve drawings before *building* permits are issued, in accordance with the approved plan. Deviations from the plan, other than those of minor impact, shall require council approval; the director may approve minor impact deviations. (Am. Ord. 86-96)

Sec. 21A-3.160-3. Application Requirements.

An applicant for a PRU shall submit to the director an application, accompanied by:

- A. A location map showing the development in relation to the surrounding area.
- B. A site plan drawn to scale showing:
 - 1. Property lines and easements with dimensions and area.
 - 2. Location, size, spacing, setbacks and dimensions of all existing and proposed buildings, *structures*, improvements and utilities.
 - 3. The *building* elevations, sections and floor plan and site sections to clearly define the character of the *development*.
 - 4. Topographic information showing existing features and conditions and proposed *grading*.
 - 5. *Landscaping* plans showing open spaces, planting and trees.
 - 6. Existing *streets* showing access to the project, proposed roads and parking layout with dimensions.
 - 7. Shoreline, shoreline setback lines, stream and other setback lines.
- C. Information regarding land use designations, surrounding land uses and development schedules.
- D. Information on the following:
 - 1. The manner in which the plan makes adequate provisions of public services, provides adequate control over vehicular traffic and furthers the amenities of light and air.
 - 2. The relationship, beneficial and adverse, of the proposed development on the neighborhood in which it is established.
 - 3. Confirmation from applicable public agencies that sewer, water and drainage facilities are or will be available and adequate, before the construction of the proposed development.
 - 4. Project justification.
 - 5. Existing and projected number of employees, teachers, students, residents or patients, as appropriate.
 - 6. Planned hours of operation. (Am. Ord. 86-96)

Article 4. Conditional And Site Plan Review Uses.

Sections:

- 21A-4.10. **Conditional Uses: Purpose And Intent.**
- 21A-4.20. **Application Requirements.**
- 21A-4.30. **General Requirements.**
- 21A-4.40. **Minimum Development Standards.**

1. Agriculture Products Processing, Major And Minor.
2. Amusement Facilities, Outdoor.
3. Broadcasting Antennae And Line-of-Sight Relay Devices.
4. Cemeteries And Columbaria.
5. Centralized Bulk Collection, Storage And Distribution Of Agricultural Products To Wholesale And Retail Markets.
6. Commercial Parking Lots And Garages.
7. Consulates.
8. Convenience Stores.
9. Dance Or Music Schools.
10. Eating Establishments.
11. Explosive And Toxic Chemical Manufacturing, Storage And Distribution.
12. Group Living Facilities.
13. Helistops.
14. Historic Structures, Use Of.
15. Honeybees.
16. Hotels.
17. Joint Development Of Two Or More Adjacent Zoning Lots.
18. Joint Use Of Parking Facilities.
19. Language Schools.
20. Livestock Production, Major.
21. Marina Accessories.
22. Neighborhood Grocery Stores.
23. Off-site Parking Facilities.
24. Petroleum Processing.
25. Recreational Facilities, Outdoor.
26. Resource Extraction.
27. Sale And Service Of Machinery Used In Agricultural Production.
28. Salvage, Scrap And Junk Storage And Processing.
29. Saw Mills.
30. Self-storage Facilities.
31. Storage And Sale Of Seed, Feed, Fertilizer And Other Products Essential To Agricultural Production.
32. Utility Installations, Type B.
33. Vacation Cabins.
34. Waste Disposal And Processing.
35. Wind Machines.
36. Zoos.

21A-4.50. Site Plan Review: Purpose And Intent.

21A-4.60. Application Requirements.

21A-4.70. General Requirements.

21A-4.80. Minimum Development Standards.

- 1. Day-care Facilities.**
- 2. Meeting Facilities.**
- 3. Schools: Elementary, Intermediate High.**

Sec. 21A-4.10. Conditional Uses: Purpose And Intent.

The purpose of this article is to specify minimum *development* standards for the establishment of uses considered appropriate in some zoning districts if certain standards and conditions are met.

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

Certain uses may be permitted as principal uses in some zoning districts, but shall be conditional uses in other zoning districts (see table 2). (Am. Ord. 86-96)

**TABLE 2
CONDITIONAL USES**

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

NOTES

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

Zoning Districts

Uses	P-2	AG-1	AG-2	Country	Residential	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
Agricultural Products Processing, minor		1	1														
Agricultural Products Processing, major		2	2														
Amusement Facilities, Outdoor									2	2		2					2
Broadcasting Antennae and Line-of-Sight Relay Devices	1	1	1											1	1	1	1
Cemeteries and Columbaria			1														
Centralized Bulk Collection, Storage and Distribution of Agricultural Products to Wholesale and Retail Markets		1	1														
Commercial Parking Lots and Garages							1										
Consulates					1												
Convenience Stores							1										
Dance or Music Schools							1										
Eating Establishments							1										
Explosives and Toxic Chemical Manufacturing, Storage and Distribution															2		
Group Living Facilities		2	2	2	2	2	2					2	1				
Helistops		1	1					1		1	1	1					1
Historic Structures, Use of	1	1	1	2	2	2	1	1	1	1	1	1	1	1	1	1	1

**TABLE 2 (Continued)
CONDITIONAL USES**

Zoning Districts

	P-2	AG-1	AG-2	Country	Residential	Apartment	AMX	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Honeybees					1											
Hotels														1		
Joint Development				1	1	1	1	1	1	1	1	1	1	1	1	1
Joint Use of Parking Facilities				1	1	1	1	1	1	1	1	1	1	1	1	1
Language Schools				2	2	2	2									
Livestock Production, Major			1													
Marina Accessories	1							1		1	1	1				1
Neighborhood Grocery Stores		1	1	1	1	1	1						1	1	1	
Off-Site Parking Facilities				1	1	1	1	1	1	1	1	1	1	1	1	1
Petroleum Processing														1	1	
Recreation Facilities, Outdoor			1	1					1	1	1	1				1
Resource Extraction	1	1	1													
Sale and Service of Machinery Used in Agricultural Production		1	1													
Salvaging, Scrap and Junk Storage and Processing														1	1	
Saw Mills		1	1													
Self-storage facilities										1	1	1				
Storage and Sale of Seed, Feed, Fertilizer and Other Products Essential to Agricultural Production		1	1													
Utility Installations, Type B	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Vacation Cabins	1															
Waste Disposal and Processing	2		2											1		
Wind Machines		1	1	1	1				1	1			1	1		1
Zoos	2		2													

(Am. Ord. 86-96)

Sec. 21A-4.20. Application Requirements.

A. A *developer, owner* or lessee (holding a recorded lease for the property, the unexpired term of which is more than five years from the date of filing of the application) may file an application for a conditional use permit with the *director*, provided that the conditional *use* sought is permitted in the particular district.

B. The application shall be accompanied by a plan drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed *structures*, if any, and the existing and proposed uses of structures and open areas. The director may request additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required in the circumstances of the case. The application shall not be accepted until the information is provided.

C. The use regulations of each specific zoning district shall list all conditional uses allowed in the district, and shall identify the use as either type 1 or type 2. The application shall be processed in accordance with article 8 of this chapter. (Am. Ord. 86-96)

Sec. 21A-4.30. General Requirements.

The director may allow a conditional use on a finding that the proposed use satisfies the following criteria:

1. The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of this chapter.
2. The site is suitable for the proposed use considering size, shape, location, topography, infrastructure and natural features.
3. The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing, or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district.
4. The *use* at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

B. In addition to the general or specific standards set forth in this article concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions and safeguards may be added by the *director* as required for the protection of the public interest in the specific case.

C. The director may grant conditional use permits by modifying application of the district regulations relating to *yards*, lot dimensions and *all-weather surface* parking requirements for uses which have an unusual peak

hour parking demand. No such modification shall be made unless the proposed conditional use otherwise meets the requirements of subsecs. A. and B. above. At no time may the director modify the minimum standards for a specific conditional use.

D. In determining whether the proposed conditional use meets the requirements of subsecs. A. and B. above, the director will, where applicable, consider traffic flow and control; access to and circulation within the property; off-street parking and loading; sewerage; drainage and *flooding*; refuse and service areas; utilities; screening and buffering; signs; setbacks; yards and other *open spaces*; lot dimensions; height, bulk and location of *structures*; location of all proposed uses; hours and manner of operation; and noise, lights, dust, odor, and fumes. (Am. Ord. 86-96)

Sec. 21A-4.40. Minimum Development Standards.

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the standards which follow shall apply to the respective conditional uses and structures. (Am. Ord. 86-96)

Sec. 21A-4.40-1. Agricultural Products Processing, Major And Minor.

A. No major *agricultural products processing* use shall be located within 300 feet of any residential, apartment, or apartment mixed use district. No minor *agricultural products processing* use shall be located within 50 feet of any residential, apartment, or apartment mixed use district.

B. Before final approval, any major agricultural products processing use must have all appropriate approvals from the state department of health.

C. Any major agricultural products processing use which meets the conditions which follow shall not be processed as a conditional use, but as a plan review use, under sec. 21A-3.160 of this chapter:

1. The use is proposed to be located in any agricultural district.
2. The use involves a site area of more than one acre. A site area for a major agricultural products processing use is that area containing all uses and activities directly related to the proposed facility, including but not limited to the proposed facility, parking areas, storage and warehousing *structures*, motor pools and garages, employee support activities, such as cafeterias, first-aid clinics, administrative offices and related infrastructure. (Am. Ord. 86-96)

Sec. 21A-4.40-2. Amusement Facilities, Outdoor.

A. Traffic lanes shall be provided for adequate ingress and egress to and from the project in accordance with the specifications and approvals of the state department of transportation and the City department of transportation services.

B. Off-street parking or storage lanes for waiting patrons of a drive-in theater shall be available to accommodate not less than 30 percent of the vehicular capacity of the theater. However, if at least six entrance lanes are provided, each with a ticket dispenser, than the amount may be reduced to ten percent of the vehicular capacity.

C. All structures and major activity areas shall be set back a minimum of 25 feet from adjoining lots in country, residential, apartment or apartment mixed use districts. This requirement may be waived by the *director* if topography makes such a buffer unnecessary. Additional protection may be required along property lines through the use of *landscaping*, berms and/or solid walls. (Am. Ord. 86-96)

Sec. 21A-4.40-3. Broadcasting Antennae And Line-of-Sight Relay Devices.

A. Once a new tower or tower site is approved, additional antennae and *accessory uses* shall be permitted under type 1 procedures.

B. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:

1. For TV antenna towers, at least three high power television antennae and one microwave facility or two FM antennas and at least one two-way radio antenna for every ten feet of the tower over 200 feet.

2. For any other towers, at least one two-way radio antenna for every ten feet of the tower, or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility.

3. These requirements may be reduced if the federal communications commission provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future. These requirements may also be reduced if the size of the tower required significantly exceeds the size of existing towers in the area and would therefore create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.

C. 1. Freestanding towers should be set back from every property line a minimum of one foot for every five feet of tower height.

2. Towers supported by guy wires shall be set back from every property line a minimum of one foot for every one foot of tower height.

3. AM broadcast antenna shall be set back a minimum of 500 feet from any country, residential, apartment or apartment mixed use district.

4. FM and TV antenna shall be set back a minimum of 2,500 feet from any country, residential, apartment or apartment mixed use district.

D. If it is determined that the tower is harmful in any way to the health of the surrounding population or if it causes prolonged interference with the public's radio and television reception, the applicant shall be required to correct the situation or discontinue the use and remove the structures at the applicant's expense.

E. The following shall be submitted as part of any application for a communications tower:

1. Statement from the federal aviation administration that the application has not been found to be a hazard to air navigation.

2. Statement from the federal communications commission that the application complies with the regulations of the commission or a statement that no such compliance is necessary.

3. Where a new tower is being requested, a quantitative description of the additional tower capacity anticipated shall be submitted, including the approximate number and types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g. radio frequency interference, mass, height or other characteristics.

4. Evidence of a lack of space on all existing towers which meet the setback requirements above, to locate the proposed antenna and the lack of space on existing tower sites which meet the setback requirements above, to construct a tower for the proposed antenna. (Am. Ord. 86-96)

Sec. 21A-4.40-4. Cemeteries And Columbaria.

A. No application shall be approved until a certificate of approval from the state department of health is obtained.

B. A certificate of approval must be submitted from the board of water supply, prior to final approval of an application, indicating that there is no danger of contamination of the water supply.

C. If a *cemetery* or *columbarium* adjoins lots in country, residential, apartment or apartment mixed use districts, there shall be a minimum 50-foot *landscaped* buffer. (Am. Ord. 86-96)

Sec. 21A-4.40-5. Centralized Bulk Collection, Storage And Distribution Of Agricultural Products To Wholesale And Retail Markets.

No facility or *structure* which handles the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail

markets shall be located within 100 feet of any residential, apartment or apartment mixed use district. (Am. Ord. 86-96)

Sec. 21A-4.40-6. Commercial Parking Lots And Garages.

All *commercial parking lots and garages* shall be set back a minimum of 20 feet from all side and rear property lines which adjoin lots in country, residential, apartment or apartment mixed use zoning districts. (Am. Ord. 86-96)

Sec. 21A-4.40-7. Consulates.

All *consulates* shall be set back a minimum of 20 feet from all adjoining residentially zoned lots. (Am. Ord. 86-96)

Sec. 21A-4.40-8. Convenience Stores.

A. At least one-half of the total length of the *building* facade at ground level, running parallel to and facing a *street*, shall be devoted to entrances, windows or other displays.

B. If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director of the department of parks and recreation.

C. *Drive-through* windows or services shall not be allowed.

D. *Floor area* shall be limited to 2,500 square feet. (Am. Ord. 86-96)

Sec. 21A-4.40-9. Dance Or Music Schools.

All *dance or music schools* shall be located in enclosed, sound-attenuated *structures* and shall limit hours of operation to between 8:00 a.m. and 10:00 p.m. (Am. Ord. 86-96)

Sec. 21A-4.40-10. Eating Establishments.

A. At least one-half of the total length of the *building* facade at ground level, running parallel to and facing a *street*, shall be devoted to entrances, windows or other displays.

B. If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director of the department of parks and recreation.

C. *Drive-through* windows or services shall not be allowed. (Am. Ord. 86-96)

**Sec. 21A-4.40-11. Explosives And Toxic Chemical Manufacturing,
Storage And Distribution.**

The manufacture, storage and distribution of explosives and other materials hazardous to life or property are subject to the following standards:

A. Explosives storage shall not be located closer than 500 feet to any property line.

B. Explosives storage shall be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The landform or barrier shall be of such height that:

1. A straight line drawn from the top of any side wall of all magazines or production facilities to any part of the nearest structure will pass through the landform or barrier.

2. A straight line drawn from the top of any side wall of all magazines or production facilities, to any point 12 feet above the centerline of a public street will pass through the landform or barricade.

3. Artificial barricades shall be a mound or revetted wall of earth a minimum thickness of three feet. (Am. Ord. 86-96)

Sec. 21A-4.40-12. Group Living Facilities.

A. *Group living facilities* shall be buffered from adjoining lots in country, residential, apartment or apartment mixed use districts by either a solid wall six feet in height or a *landscaped* buffer subject to the approval of the *director*. The director may waive this requirement if topography makes buffering unnecessary.

B. Unless directly related to public health and safety, no group living facility shall be located within 1,000 feet from the next closest group living facility.

C. Within agricultural districts, activities associated with group living facilities shall be of an agricultural nature. (Am. Ord. 86-96)

Sec. 21A-4.40-13. Helistops.

A. All *helistops* shall be accessory to a principal *use* otherwise permitted in the underlying zoning district.

B. The maintenance, repair or storage of helicopters, or the storage of equipment for the maintenance and repair of helicopters, or the storage of aviation fuel, shall not be allowed within a helistop, or the use which it serves. (Am. Ord. 86-96)

Sec. 21A-4.40-14. Historic Structures, Use Of.

It is the intent of this section to provide an incentive for *owners of historic structures* to retain them, by allowing uses not otherwise permitted in the underlying zoning district. The director may deny any request which is judged to have major adverse effects on the neighborhood that cannot be mitigated. Any *structure* on the state or national register of historic places may be occupied by a use not otherwise permitted in the underlying zoning

district, provided that any proposed alteration, repair or renovation beyond its original design and the proposed use is approved by the State historic preservation officer. (Am. Ord. 86-96)

Sec. 21A-4.40-15. Honeybees.

Rep. 11/26/90
Ord. 90-93

- A. There shall be no more than eight honeybee hives per zoning lot.
B. Hives shall be maintained in the following condition:

1. Colonies shall be maintained in movable frame hives, constructed to meet specifications for "beehives" set by the American beekeepers' federation.

2. Hives shall be properly shaded from adjacent night lighting on adjoining properties.

3. Hives shall not be located within 25 feet of any property line, public street, sidewalk or alley, except when situated behind a solid fence or hedge at least six feet in height, parallel to the property line, and extending at least 15 feet beyond the hive in both directions; or when located at least eight feet or more above adjacent ground level.

C. The provisions of this section shall not apply to legal beekeeping uses existing on the date of enactment of ordinance no. 85-108, provided that subparagraph D., below, shall apply to such *nonconforming uses*, in addition to all other applicable provisions relating to nonconformities in sec. 21A-3.120.

D. The keeping of honeybees in a residential district, as a nonconforming or conditional use, shall be subject to review by the *director* under the procedures of sec. 21A-8.30-5 on the written request of three persons residing in three different dwellings located within 500 feet of the property lines of the *zoning lot* containing the hives, and alleging a danger to the health, safety or welfare of surrounding residents because of the honeybees. The director shall:

1. Consider all information relevant to the health, safety and welfare of the surrounding residents, including but not limited to a finding that persons residing in the area have a medically-established sensitivity to bee stings.

2. Impose requirements, as needed, on the keeping of bees in order to protect the health, safety and welfare of surrounding residents, including but not limited to requiring that: hives be moved to a different location within the property; the height at which the hives are kept be changed; shading or screening materials be added to the hives, or any other area of the subject property; fencing or solid walls be added on the property; and the size and number of the hives be reduced.

3. Order the removal of all hives, on a finding that lesser measures do not or will not provide adequate protection to the health, safety and welfare of surrounding residents.

4. In addition to the use of all other legal remedies, enforce compliance with this section through injunction, in accordance with sec. 21A-8.60. (Am. Ord. 86-96)

Sec. 21A-4.40-16. Hotels.

Hotels shall be permitted in the I-2 general industrial district provided:

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 area* of 15,000 square feet and minimum *lot width* of 70 feet.

D. The maximum *floor area ratio* shall be 2.0.

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 two *lodging* or *dwelling units* shall be provided.

G. *Front yards* shall have a minimum depth of ten 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. (Am. Ord. 86-96)

Sec. 21A-4.40-17. Joint Development Of Two Or More Adjacent Zoning Lots.

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

B. An *owner*, owners, duly authorized agents of the owners or duly authorized lessees holding leases with a minimum of 30 years remaining in their terms of adjacent lots who believe that *joint development* of their property would result in a more efficient *use* of land shall apply for a conditional use permit to undertake such development.

C. When applying for a conditional use permit, the applicants shall submit an agreement which binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning regulations. The right to enforce the agreement shall also be granted to the

City. The agreement shall be subject to the approval of the corporation counsel of the City.

D. If the *director* finds that the proposed agreement assures future protection of the public interest, the director shall issue the conditional use permit. Upon issuance of the permit, the agreement, which shall be part of the conditions of the permit, shall be filed as a covenant running with the land with the bureau of conveyances or the registrar of the land court. Proof of such filing in the form of a copy of the covenant certified by the appropriate agency shall be filed with the director prior to the issuance of the building permit by the building department. (Am. Ord. 86-96)

Sec. 21A-4.40-18. Joint Use Of Parking Facilities.

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

A. The distance of the entrance to the parking facility from the nearest principal entrance of the establishment or establishments involved in such joint use shall not exceed 400 feet by normal pedestrian routes.

B. The amount of off-street parking which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably anticipated to be available during differing periods of peak demand.

C. A written agreement assuring continued availability of the number of spaces at the periods indicated shall be drawn and executed by the parties involved, and a certified copy shall be filed with the department of land utilization. In such cases, no change in *use* or new construction shall be permitted which increases the requirements for off-street parking space unless such additional space is provided. The agreement shall be subject to the approval of the corporation counsel of the City. (Am. Ord. 86-96)

Sec. 21A-4.40-19. Language Schools.

All classrooms shall be set back a minimum of 20 feet from all side and rear property lines. (Am. Ord. 86-96)

Sec. 21A-4.40-20. Livestock Production, Major.

A. Any feed lot or fowl or poultry enclosures shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district.

B. The operation must have all appropriate approvals from the state department of health.

C. Piggeries shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district. (Am. Ord. 86-96)

Sec. 21A-4.40-21. Marina Accessories.

A. Launching ramps, boat repair facilities, establishments for sale of boating supplies, and fuel, clubhouses and drydock facilities or other areas for storage of boats on land, which are to be open for use between the hours of 9:00 p.m. and 7:00 a.m., shall be located at least 300 feet from the nearest *zoning lot* of any zoning district that permits a residence as a principal use. If any of those uses or facilities are not open between the hours of 9:00 p.m. and 7:00 a.m., then the distance to the nearest lot line may be reduced to 150 feet. Also, if boat storage areas other than drydock facilities are enclosed by a solid wall at least six feet in height, the distance may be reduced to 150 feet.

B. Lighting shall be shielded to eliminate direct illumination to any adjacent residential or apartment district.

C. All piers and boathouses shall have written approval from the harbors division of the state department of transportation. (Am. Ord. 86-96)

Sec. 21A-4.40-22. Neighborhood Grocery Stores.

A. *Neighborhood grocery stores* which request a conditional use *permit* shall have occupied their present location prior to the adoption of this chapter.

B. All neighborhood grocery stores shall be limited to the *floor area* occupied on the effective date of this chapter, provided that total floor area shall not exceed 5,000 square feet.

C. Neighborhood grocery stores shall be limited to the hours between 6:00 a.m. and 10:00 p.m., for operation on any day.

D. All sales, services or displays shall be within enclosed *structures*, and there shall be no display service or storage of merchandise outside such structures.

E. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any adjacent property line.

F. *Drive-through* windows or services shall not be allowed. (Am. Ord. 86-96)

Sec. 21A-4.40-23. Off-Site Parking Facilities.

A. Off-site parking facilities may be permitted by the *director* subject to the following guidelines.

1. The distance of the entrance to the parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes.

2. When the off-site parking is necessary to meet minimum parking requirements, then a written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, with a certified copy to be filed with the director. The agreement shall stipulate that if such space is not maintained, or space acceptable to the director substituted, the *use*, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. The agreement shall be subject to the approval of the corporation counsel. (Am. Ord. 86-96)

Sec. 21A-4.40-24. Petroleum Processing.

All facilities for petroleum processing shall be approved under applicable rules and regulations governing air pollutants. (Am. Ord. 86-96)

Sec. 21A-4.40-25. Recreational Facilities, Outdoor.

A. Not more than five riding animals shall be kept for each acre of land within a site used for a riding academy or stable.

B. All *buildings* housing animals, and all corrals in which animals are kept or assembled, shall be at least 100 feet from any property line when they adjoin *zoning lots* in country, residential, apartment, or apartment mixed use districts.

C. All sources of illumination shall be shielded to prevent any direct illumination towards any adjoining country, residential, apartment or apartment mixed use district. (Am. Ord. 86-96)

Sec. 21A-4.40-26. Resource Extraction.

A. The site of an extractive industry shall be of sufficient size and dimensions to accommodate proposed operations in accordance with the noise standards of the state department of health, with measurements made at site boundaries, provided, however, that upon written agreement by adjoining property *owners*, the points of measurement may be extended to include their property. In addition to limitations established by these noise standards, blasting operations shall be restricted to Mondays through Fridays between 8:00 a.m. and 5:00 p.m. Undrained pockets and stagnant pools resulting from surface drainage shall be sprayed in accordance with requirements of the state department of health to eliminate breeding places for mosquitoes and other insects.

B. The plan to be submitted with the application for a conditional use permit shall include a plan for *development* of the property which shall consist of two phases: the exploitation phase and the re-use phase.

1. The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within 300 feet, and shall include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions

(including topography, drainage and soils) which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five feet in areas where *slope* is greater than ten percent, two feet in areas where slope is ten percent or less.

2. 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 the plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of *floodways* and *flood plains* (if any) to be maintained in open usage. In the plan for re-use, intermittent lakes and marshes shall not be allowed, except in areas included in *flood hazard districts* and if situated more than 1,000 feet from the nearest residential, apartment, apartment mixed use or resort district boundary. (Am. Ord. 86-96)

Sec. 21A-4.40-27. Sale And Service Of Machinery Used In Agricultural Production.

A. No such facility shall be located within 300 feet of any residential, apartment or apartment mixed use district.

B. *Building area* shall not exceed 25 percent of *lot area*. (Am. Ord. 86-96)

Sec. 21A-4.40-28. Salvage, Scrap And Junk Storage And Processing.

A. Any salvage, scrap or junk storage and processing facility shall be enclosed by a solid fence or wall.

B. Any conditional use permit for such an operation shall be issued for no longer than five years, after which time the *director* shall review the operation to determine its compliance with the conditions of the permit. If the operation is found to be in compliance, the director may re-issue the permit for another five-year period, at a maximum. If the operation is not in compliance, the *director* may revoke the permit and initiate action to remove the operation.

C. All salvage, scrap and junk storage and processing operations shall not be located within 500 feet of any residential, apartment or apartment mixed use district. (Am. Ord. 86-96)

Sec. 21A-4.40-29. Saw Mills.

All saw mills shall be set back a minimum of 300 feet from any adjoining residential, apartment or apartment mixed use district. (Am. Ord. 86-96)

