

## Article 7. Sign Regulations

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### Sec. 21-7.10 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 the 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.

(Added by Ord. 99-12)

### Sec. 21-7.20 Definitions and general sign standards.

This section applies to signs in all zoning districts and zoning precincts. Specific sign standards for the zoning districts and zoning precincts are found in Section 21-7.40.

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

"Address signs" means signs indicating a street address.

Standard: Not to exceed one square foot in area.

"Building frontage" means 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, or walkway or open space accessible to the general public, then the area facing the parking area, walkway or open space may be considered the building frontage for an establishment, provided that establishment has an entryway on that frontage. Signs may be placed facing the street or the parking area, walkway or open space in any combination, but shall not exceed two signs.

"Business signs" means 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" means signs indicating entrances and exits, including those for parking lots and garages.

Standard: No more than one sign per entrance or exit; and, when the name, emblem and/or address of an establishment on the premises where the directional sign is located is included, the identification portion of the sign shall not exceed one square foot in sign area.

"Directory sign" means 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" means weather flags and official flags of government jurisdictions, including flags which are emblems of on-premises business firms and enterprises, religious, charitable, public and nonprofit organizations.

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

"Flashing sign" means a sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity; and, also includes any sign involving electronically generated or controlled images, such as an electronic programmable message sign, digital sign, or plasma or LED sign, or video or holographic display.

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

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

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

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

"Hanging signs" means 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 seven and one-half feet of clearance between the lower edge of the sign and the ground level below.

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

"Illuminated signs" means 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" means a sign with its light source as an integral part of the sign, including interior lighting and backlighting.

"Indirectly illuminated signs" means 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.

"Nonilluminated signs" means signs which do not give forth artificial light from an artificial source.

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

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

"Moving signs" means 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" means moving signs or portions of such signs which physically revolve about an axis.

Standard: Not to exceed 10 revolutions per minute.

"Wind sign" means any moving 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" means commemorative plaques placed by historical agencies recognized by the city or the State of Hawaii.

"Portable signs" means 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" means signs with the face(s) generally perpendicular to, and which are affixed or attached to, and supported solely by, an exterior building wall and which extend 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" means signs of a public or noncommercial 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" means the lowest point of intersection between the plane of the roof and the plane of the exterior wall.

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

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

"Second floor establishment." For the purposes of Section 21-7.40, any establishment, the operation of which is located on the second floor of a building of no more than three stories in height; provided that the establishment is accessible from the ground floor by a stairway which is not separated from the rest of the second floor by a door. No part of the operation of the establishment, except for primary access to the establishment, may be located on the ground floor of the building. For purposes of this definition, a story excludes any basement.

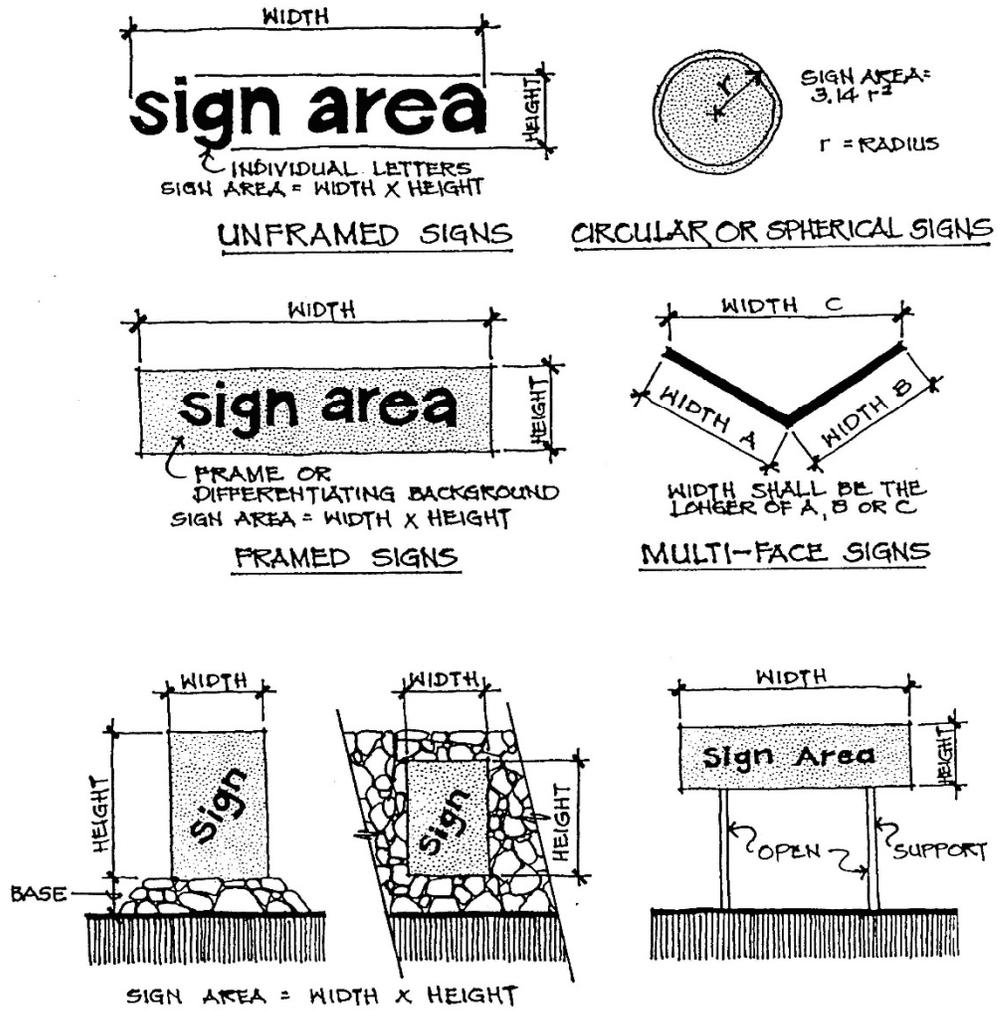
"Sign" means any structure, billboard, marquee, awning, canopy, street clock, announcement, declaration, demonstration, display, flag, pennant, banner, balloon, illustration or insignia used to advertise, attract or promote the interests of any person when it is placed on any property, building or structure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

"Sign area" means 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 21-7.1). Where a sign has two or more faces, the area shall be computed as the largest area projected on the vertical plane.

**Figure 21-7.1**

**SIGN AREA**



"Small signs" means diminutive identification signs and/or signs advertising the days/hours of operation of an establishment (other than as may be permitted as window displays).

Standard: Not to exceed one square foot in sign area, with sign copy not to exceed two inches in height, and the cumulative area of all small signs for a single establishment shall not exceed two square feet.

"Street clock" means 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" means signs identifying the street entrance to a subdivision.

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

"Temporary Signs."

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

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

"Subdivision construction signs" means 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" means signs with a face generally parallel with, and 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 higher height; or, the roof level of the second floor for second floor establishments in buildings of only two stories in height.

For the purpose of this definition, an exterior wall shall include a 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 façade shall extend entirely across the side of the building, and provided further that no portion of a wall sign shall exceed six feet above the roof level. Exterior wall and parapet wall shall be as defined in Chapter 16 (Building Code), as amended.

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

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

(Added by Ord. 99-12; Am. Ord. 03-37, 09-5, 10-19)

#### **Sec. 21-7.30 Prohibited signs.**

It is unlawful to erect or maintain:

- (a) Any sign which is not included under the types of signs permitted in this chapter;
- (b) Any sign which advertises or publicizes an activity not conducted on the premises on which the sign is maintained;
- (c) Any wind or portable sign, except as otherwise permitted in this chapter;
- (d) Any sign which by reason of its size, location, movement, content, coloring or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device, or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement of the public streets and roads;
- (e) Flashing signs.

(Added by Ord. 99-12)

#### **Sec. 21-7.40 Specific district sign standards.**

Except for the Chinatown special district and as otherwise provided, signs shall be permitted as enumerated below.

- (a) P-2 Preservation District. Only one sign, not exceeding 12 square feet in area, shall be permitted on any zoning lot in connection with any use. Only indirectly illuminated or nonilluminated signs shall be permitted. No sign shall be mounted closer than 10 feet to the property line fronting a street or be higher than eight feet above finish grade.
- (b) Agriculture Districts. The sign standards applicable to the P-2 preservation district shall apply to all agricultural districts.
- (c) Country and Residential Districts. Only one sign or bulletin board per street front per zoning lot for a permitted nondwelling use shall be permitted, which shall not exceed 24 square feet in area. No such sign shall be directly illuminated, located in any required yard or erected to exceed a height of eight feet above finish grade, except that signs for nondwelling uses can be located up to the front yard setback line required for dwelling use.
- (d) Apartment and Apartment Mixed Use Districts. In connection with any use permitted other than one-family and two-family dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight

square feet in area, shall also be permitted for each such entry side. The ground sign shall not be located in any required yard. Instead of these signs, one garden sign may be permitted.

(e) Resort District.

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

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

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

(f) B-1 Neighborhood Business District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) No projecting signs are permitted.

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

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

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

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

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

- (A) A maximum 32-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back greater than 50 feet from the front property line.
- (B) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located.
- (C) No portion of the sign shall be located in or overhang any required yard or public right-of-way.
- (4) One garden sign per zoning lot, provided that such sign shall be counted as one of the signs permitted in subdivision (1).
- (5) One wall, ground or projecting sign per building frontage, not directly illuminated and not exceeding 12 square feet in area for the ground sign or otherwise 24 square feet in area, may be erected for building identification or directory purposes as part of the total sign area permitted on the building side on which it is located, provided that the sign shall be counted as one of the signs permitted in subdivision (1) for each establishment. When used, this ground sign shall not be directly illuminated and shall not exceed six feet in height.
- (6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.
- (j) Planned Development-Housing. Not more than one sign, with sign area not exceeding 24 square feet, shall be permitted at any principal entrance to the project.
- (k) Plan Review Uses. Signage for plan review uses shall be determined during the review of the request for the plan review use permit.
- (l) Waikiki District. Except as otherwise provided by this chapter, the following signs may be permitted for each ground floor establishment with building frontage, provided the signs shall not be directly illuminated, and may be wall, marquee fascia or hanging signs.
  - (1) Apartment Precinct and Apartment Mixed Use Subprecinct.
    - (A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one identification sign per building frontage, not exceeding 12 square feet in area.
    - (B) If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.
    - (C) In addition to the above, the following may be permitted in the apartment mixed use subprecinct:
      - (i) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and
      - (ii) One building identification sign per building frontage, not exceeding four square feet in area.
  - (2) Resort Mixed Use Precinct.
    - (A) In connection with any principal use permitted, other than one-family and two-family dwellings, only one business sign, per building frontage, with a maximum area of one square foot per one linear foot of the building frontage or 36 square feet, whichever is less.
    - (B) In addition to the sign referred to in paragraph (A) above, one building directory or identification sign per building frontage may be erected, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign.
  - (3) A permitted outdoor vending cart, kiosk or similar vending structure, when visible from a street, sidewalk or public space, may be permitted the following:
    - (A) One business identification sign not exceeding three square feet in area; and
    - (B) One price sign, not exceeding two square feet in area, to advertise the cost of goods and services provided by the establishment.
 These signs shall be wholly attached to the vending structure.
  - (4) For each second floor establishment with building frontage in the apartment mixed use subprecinct and resort mixed use precinct, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.
  - (5) All signs shall feature English or Hawaiian as the dominant language thereon; other languages are permitted but the lettering thereof must be subordinate to the English or Hawaiian lettering.

(Added by Ord. 99-12; Am. Ord. 99-63, 03-37, 09-5, 11-30)

**Sec. 21-7.50 Special regulations for certain uses.**

When there is a direct conflict between the special standards in this section and the underlying district standards, the special standards shall apply.

- (a) Automotive outdoor sales and rental lots separated from new car dealer showrooms or service facilities.
  - (1) A maximum of three business signs not to exceed a total of one square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area, shall be permitted. Signs may be either wall, roof, marquee fascia or projecting signs and may be illuminated.

- (2) One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but shall not overhang any required yard or public right-of-way.
  - (b) Automobile Service Stations, Gasoline Sales and Car Washes.
    - (1) A maximum of four business signs not to exceed a total sign area of one square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Signs may be illuminated and be either marquee fascia, projecting or wall signs.
    - (2) One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected, provided it does not overhang the public right-of-way. The sign may be a rotating sign. If there is more than one street frontage, two such signs may be erected, provided they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.
    - (3) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, shall be permitted, provided that each sign shall not exceed three square feet in sign area.
    - (4) One price sign, not exceeding one square foot in sign area and located on each gas pump, shall be permitted.
    - (5) In addition to the price signs allowed under subdivision (4), one price sign may be erected for each street frontage, provided that such sign shall not exceed 24 square feet in sign area and shall not be placed on the identification ground sign specified in subdivision (2). The sign shall be counted as one of the business signs and as part of the total signage allowed under subdivision (1), and, in addition to the types of signs permitted by subdivision (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 subdivision (2), one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.
  - (d) Drive in Theaters.
    - (1) One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, shall be permitted; it shall not extend into the public right of way.
    - (2) Directional signs which may be illuminated, not to exceed a combined area of 60 square feet with six square feet maximum per sign, may be erected.
    - (3) The restrictions imposed by this section shall not apply to signs within the walls or other enclosed parts of the drive in and which are not visible from outside the theater.
  - (e) Theaters. Four signs either hanging, marquee fascia, projecting or wall signs, which may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each theater establishment.
  - (f) Shopping centers with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.  
Only wall signs shall be permitted at any level situated above the ground level. "Ground level" means the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at this level.
- (Added by Ord. 99-12)

**Sec. 21-7.60 Permits and fees.**

- (a) It is unlawful for any person to install, construct, erect, alter, relocate, reconstruct, or cause to be installed, constructed, erected, altered, relocated or reconstructed within the city any sign or signs without first having obtained a permit in writing from the director and making payment of the fees required by this section.
- (b) No permit shall be required nor shall district sign regulations apply to the following types of signs: subdivision construction signs; pump island information signs, not to exceed three square feet in sign area; gasoline price signs, not to exceed one square foot in sign area and located on a gasoline pump; temporary signs; public signs; flags; plaques; small signs and address signs; directional signs; and political campaign signs.
- (c) Applicants for permits shall file applications signed by the owner of the sign or the owner's agent, on forms 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 City and County of Honolulu, for each sign regulated by this chapter, a fee which shall be as specified in Chapter 6, Article 41.
- (e) Except when sign work may be commenced without a permit, the fee for a permit for work commenced without a permit shall be \$100.00 plus the fee specified by the director.
- (f) If the applicant complies with all the requirements of this chapter and all other applicable ordinances, statutes and regulations, the director shall issue a permit.

- (g) If the work on any sign authorized under a permit has not been completed within six months after date of permit issuance, then the permit shall become void and any sign installed, constructed, erected, relocated or altered thereafter under the permit shall constitute a violation of the terms of this chapter.
- (h) The director is authorized and empowered to revoke any issued permit on failure of the holder to comply with any provision of this chapter or any other applicable statute, ordinance or regulation.

(Added by Ord. 99-12; Am. Ord. 03-37, 09-5)

**Sec. 21-7.70 Abatement and removal.**

- (a) Whenever it appears to the director that any sign has been constructed, erected or is being maintained in violation of this chapter, or after a permit has been revoked or becomes void, or that a sign is unsafe, insecure or in such condition as to be a menace to the safety of the public, a written notice shall be issued to the owner of the sign or the tenant of the premises on which the sign is erected or maintained.
- (b) This notice shall inform the person of the violation or the dangerous condition of the sign and direct the person to make such alteration or repair or do such things or acts necessary to make the sign comply with the requirements of this chapter.
- (c) A reasonable time limit for this action shall be stated in the notice, which in no case shall be more than 30 days. The notice may be given by personal service, by depositing a copy in the U.S. mail in a postage prepaid wrapper addressed to the street address of the premises on which the sign is erected or maintained, or by posting a copy on the premises.
- (d) On failure to comply with the notice within the time allowed, the director shall cause the sign, or such part of it as is constructed or maintained in an unsafe condition or otherwise in violation of this chapter, to be removed, altered or repaired so as to make it a conforming sign and shall charge the expenses to the person so notified.

(Added by Ord. 99-12; Am. Ord. 03-37)

**Sec. 21-7.80 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. (Added by Ord. 99-12)

**Sec. 21-7.80-1 Nonconforming signs.**

Any sign erected which complied with existing statutes, ordinances and regulations applicable at that time shall be permitted, provided:

- (a) Nonconforming signs shall be maintained in a safe condition and shall not in any respect be dangerous to the public or to property.
- (b) Upon the alteration or relocation of any nonconforming sign or the discontinuance or removal from the premises of the activity to which such sign relates, the sign shall cease to be a nonconforming sign and shall thereafter be permitted to be maintained only upon compliance with all requirements of this chapter. All framing, poles, mountings, supports and other appurtenances shall be removed with the sign. "Alteration" shall not be construed to mean repairs and maintenance for the purpose of keeping the sign in a clean and safe condition.

(Added by Ord. 99-12)

**Article 8. Optional Development Regulations**

**Sections:**

<b>21-8.10</b>	<b>Purpose and intent.</b>
<b>21-8.20</b>	<b>Housing--Ohana dwellings.</b>
<b>21-8.20A</b>	<b>Housing--Multiple dwelling units on a single country or residential district zoning lot.</b>
<b>21-8.20-1</b>	<b>Procedures for approval of ohana dwellings.</b>
<b>21-8.30</b>	<b>Farm dwellings—Agricultural site development plan.</b>
<b>21-8.40</b>	<b>Housing--Zero lot line development.</b>
<b>21-8.40-1</b>	<b>Zero lot line site plan.</b>
<b>21-8.40-2</b>	<b>Zero lot line site design standards.</b>
<b>21-8.50</b>	<b>Housing--Flexible site design.</b>
<b>21-8.50-1</b>	<b>Cluster housing.</b>
<b>21-8.50-2</b>	<b>Cluster site design standards.</b>
<b>21-8.50-3</b>	<b>Cluster housing procedures.</b>
<b>21-8.50-4</b>	<b>Planned development housing (PD-H).</b>
<b>21-8.50-5</b>	<b>PD-H applicability.</b>
<b>21-8.50-6</b>	<b>PD-H use regulations.</b>
<b>21-8.50-7</b>	<b>PD-H density and minimum land area.</b>
<b>21-8.50-8</b>	<b>PD-H site design standards.</b>
<b>21-8.50-9</b>	<b>PD-H procedures.</b>
<b>21-8.50-10</b>	<b>Application requirements.</b>
<b>21-8.50-11</b>	<b>Director's decision.</b>
<b>21-8.60</b>	<b>Exclusive agricultural sites.</b>

**Sec. 21-8.10 Purpose and intent.**

It is the purpose of this article to enable flexibility in the design and development of land to promote its most efficient use in a manner consistent with the city's adopted land use policies and desired public objectives; to encourage

creative and cost effective methods of housing development; to allow the integrated and unified development of structures and facilities within a single site or district, and to encourage the development or redevelopment of land which cannot be used to its fullest potential through the conventional application of the provisions of this chapter or the city's subdivision rules and regulations. (Added by Ord. 99-12)

**Sec. 21-8.20 Housing--Ohana dwellings.**

- (a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.
- (b) It is intended that "ohana" units be allowed only in areas where wastewater, water supply and transportation facilities are adequate to support additional density.
- (c) One ohana dwelling unit may be located on a lot zoned for residential, country, or agricultural use, with the following limitations:
  - (1) The maximum size of an ohana dwelling unit is not limited but will be subject to the maximum building area development standard in the applicable zoning district.
  - (2) Ohana dwelling units are not permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning districts, or on duplex unit lots.
  - (3) An ohana dwelling unit is not permitted on any nonconforming lot.
  - (4) The ohana dwelling unit and the first dwelling may be located within a single structure, i.e., within the same two-family detached dwelling, or the ohana dwelling unit may be detached from the first dwelling and located on the same lot as the first dwelling.
  - (5) The ohana dwelling unit must be occupied by persons who are related by blood, marriage or adoption to the family residing in the first dwelling. Notwithstanding this provision, ohana dwelling units for which a building permit was obtained before September 10, 1992 are not subject to this subdivision and their occupancy by persons other than family members is permitted.
  - (6) All other provisions of the zoning district apply.
  - (7) The parking provisions of this chapter applicable at the time the ohana building permit is issued apply and the provision of this parking is a continuing duty of the owner.
  - (8) The owner or owners of the lot shall record in the bureau of conveyances of the State of Hawaii, or if the lot is subject to land court registration under HRS Chapter 501, they shall record in the land court, a covenant that neither the owner or owners, nor the heirs, successors or assigns of the owner or owners shall submit the lot or any portion thereof to the condominium property regime established by HRS Chapter 514B. The covenant must be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant will be deemed a violation of this chapter and be grounds for enforcement of the covenant by the director pursuant to Section 21-2.150, et seq., and will be grounds for an action by the director to require the owner or owners to remove, pursuant to HRS Section 514B-47, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant.

(Added by Ord. 99-12; Am. Ord. 06-15, 15-41, 17-40)

**Sec. 21-8.20A Housing--Multiple dwelling units on a single country or residential district zoning lot.**

A maximum of eight dwelling units may be placed on a single zoning lot in a country or residential district, provided:

- (1) The zoning lot shall have a lot area equal to or greater than the required minimum lot size for the underlying country or residential district multiplied by the number of dwelling units on or to be placed on the lot.
- (2) If the applicant wishes to erect additional dwelling units under the provisions of Section 21-8.20, ohana dwellings, the zoning lot shall be subdivided.
- (3) The number of dwelling units contained in each structure shall not be greater than permitted in the applicable zoning district.
- (4) This section shall not apply to more than eight dwelling units on a single zoning lot in a country or residential district, which must be processed under the established procedures for cluster housing, planned development housing or subdivision.
- (5) For more than two dwellings, the zoning lot shall be located with access to a street or right-of-way of sufficient access width as determined by the director to assure public health and safety.

(Added by Ord. 10-19)

**Sec. 21-8.20-1 Procedures for approval of ohana dwellings.**

The department, with the assistance of other agencies, as appropriate, shall adopt rules relating to ohana dwellings, including rules to establish the following:

- (a) Procedures for designating ohana-eligible areas, including rules providing that:
  - (1) Only those areas that are determined by the appropriate government agencies to have adequate public facilities to accommodate ohana dwellings shall be ohana-eligible.
  - (2) Upon a finding by the responsible agency that wastewater treatment and disposal, water, or transportation facilities are not adequate to accommodate additional ohana dwellings in any ohana-eligible area, no more ohana dwellings shall be approved in that area.
  - (3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the residential-zoned lots in the same census tract sign a petition requesting that residential-zoned lots in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on residential-zoned lots in that census tract from the date the

department certifies the validity of the petition. For purposes of this subdivision, the term "owners" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" shall mean "lease" as that term is defined in HRS Section 516-1.

- (4) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the agricultural-zoned and country-zoned lots in the same census tract sign a petition requesting that all agricultural-zoned and country-zoned areas in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on agricultural-zoned or country-zoned lots in that census tract from the date the department certifies the validity of the petition. For purposes of this subdivision, "owner" shall mean the fee owner of property that is not subject to a lease and shall mean the lessee of property that is subject to a lease. For purposes of this subdivision, the term "lease" shall mean a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, 20 years or more (including any periods for which the lease may be extended or renewed at the option of the lessee).
  - (5) The director may adopt rules and regulations pursuant to HRS Chapter 91 to establish procedures for, to implement and to further define the terms used in subdivisions (3) and (4). These rules may include, but not be limited to, provisions relating to the form of petitions, determination of necessary signatures where there is more than one owner or when the owner is an entity, the signing of petitions, validity of signatures, the withdrawal of signatures, the time frame for collection of signatures, verification of signatures, certification of results, duration of the prohibition and procedures upon the change of census tract boundaries.
  - (6) Before an area is designated eligible for ohana dwellings, the director shall publish a notice of the proposed change in a newspaper of general circulation, and notify the neighborhood board(s) in the affected area.
- (b) Standards and criteria for determining adequacy of public facilities, to include but not be limited to:
    - (1) Width, gradients, curves and structural condition of access roadways.
    - (2) Water pressure and sources for domestic use and fire flow.
    - (3) Wastewater treatment and disposal.
    - (4) Any other applicable standards and criteria deemed to be appropriate for the safety, health and welfare of the community.
  - (c) Standards and Procedures for Obtaining an Ohana Building Permit. The standards shall, at a minimum, require that planned parking is adequate to meet the parking requirements of this chapter applicable at the time of issuance of the ohana building permit to both the first and ohana dwelling unit.

(Added by Ord. 99-12; Am. Ord. 06-15)

**Sec. 21-8.30 Farm dwellings—Agricultural site development plan.**

Three to six farm dwellings may be placed on a single zoning lot in an agricultural district, provided an agricultural site development plan for the lot is approved by the director.

- (a) Any agricultural zoning lot which has at least twice the required minimum lot size for the underlying agricultural district may have two detached farm dwellings. If the applicant wishes to erect additional farm dwellings under the provisions of Section 21-8.20, ohana dwellings, the zoning lot shall be subdivided.
- (b) The agricultural site development plan shall be in accordance with the requirements of the preliminary subdivision map as stated in the subdivision rules and regulations.
- (c) Prior to granting approval, the director shall determine that:
  - (1) The agricultural site development plan would qualify for approval under the subdivision rules and regulations if submitted in a subdivision application and roadways, utilities and other improvements comply with the subdivision rules and regulations and subdivision standards, unless modified by the director under applicable provisions specified in the subdivision rules and regulations.
  - (2) The number of farm dwellings contained in each structure is not greater than permitted in the applicable zoning district.
  - (3) Except where otherwise provided in this article, each existing and future farm dwelling is located as if the lot were subdivided in accordance with the agricultural site development plan, applicable provisions of this article and the subdivision rules and regulations.
- (d) This section does not apply to applications for more than six farm dwellings on a zoning lot, which must be processed under the established procedures for cluster housing, planned development housing or subdivision.

(Added by Ord. 99-12; Am. Ord. 10-19)

**Sec. 21-8.40 Housing--Zero lot line development.**

The purposes of this section are as follows:

- (a) To allow housing which has the attributes of detached dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying district density controls.
- (b) To offer more usable yard space and allow more efficient use of land.  
It is the intent that zero lot line housing be applied to both new and existing neighborhoods and be used as a method for urban infill.

(Added by Ord. 99-12)

**Sec. 21-8.40-1 Zero lot line site plan.**

All zero lot line housing projects shall be processed in accordance with the subdivision rules and regulations, including application requirements; provided, that a site plan shall be submitted with other application materials which meets the criteria of Section 21-8.40-2. (Added by Ord. 99-12)

**Sec. 21-8.40-2 Zero lot line site design standards.**

- (a) Zero lot line housing may be constructed in the R-7.5, R-5 and R-3.5 residential districts.
- (b) The minimum lot and yard dimensions shall be the underlying district requirements for duplex units, except that a side and/or a rear yard need not be provided, and corner lots in a zero lot line project shall have a minimum lot width of 10 feet more than the underlying district minimum lot width for duplex units.
- (c) The maximum building area shall be 50 percent of the zoning lot.
- (d) The maximum building height shall be the underlying district requirements.
- (e) Height setbacks on the zero lot line shall be measured from five feet on the other side of the property line.
- (f) The following siting standards shall be applied to all zero lot line housing projects:
  - (1) To create useful outdoor areas, dwelling units may be sited on any side and/or rear lot line.
  - (2) Dwelling units shall not be sited on lot lines between a zero lot line dwelling and a lot not included in the project.
  - (3) A minimum distance equivalent to double the yard requirement in the underlying zoning district shall be maintained between any two dwelling units. This requirement can be met entirely on one zoning lot or shared between the lots. This control shall be made a part of deed restrictions as a use easement.
  - (4) Siting of dwelling units shall be staggered a minimum of two feet on adjacent zoning lots. Setbacks shall be varied in a random manner to avoid repetition.
- (g) Walls of structures built along the lot line shall not contain windows, doors or other openings, except that windows may be allowed for light and ventilation purposes; provided, that the height from window sill to finished floor shall be at least six feet.
- (h) For the purposes of construction, upkeep and repair of structures located on a lot line, a minimum five foot maintenance easement shall be recorded between the owner of the property containing the structure and the owner of the property upon which entry must take place.
- (i) All zoning lots within a zero lot line housing project shall carry a record of agreement or deed restriction limiting the use of the lots to zero lot line housing, including all restrictions on yards.
- (j) The director may establish supplemental design guidelines further illustrating the above site design standards. (Added by Ord. 99-12)

**Sec. 21-8.50 Housing--Flexible site design.**

The purpose of this section is to provide for cluster housing and planned development housing, two development options which offer more flexible site design opportunities than conventional subdivisions. (Added by Ord. 99-12)

**Sec. 21-8.50-1 Cluster housing.**

The intent of cluster housing is:

- (a) To allow development of housing sites which would otherwise be difficult to develop under conventional city subdivision standards.
- (b) To allow flexibility in housing types, including attached units.
- (c) To encourage innovative site design and efficient open space.
- (d) To minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted.
- (e) To provide common amenities, when appropriate. (Added by Ord. 99-12)

**Sec. 21-8.50-2 Cluster site design standards.**

Cluster housing may be constructed in all residential and apartment districts, subject to the following standards:

- (a) Within residential and apartment districts, the minimum land area and maximum number of dwelling units for a cluster housing project shall be as follows:

District	Minimum Land Area	Maximum No. of Units
R-20	60,000 sq. ft.	Total project area/20,000
R-10	30,000 sq. ft.	Total project area/10,000
R-7.5	22,500 sq. ft.	Total project area/7,000
R-5	15,000 sq. ft.	Total project area/3,750
R-3.5	10,500 sq. ft.	Total project area/3,500
A-1 - A-3	10,500 sq. ft.	Total project area/3,500

- (b) Within cluster housing projects, detached, duplex and multifamily dwellings shall be permitted. Multifamily dwellings shall not exceed eight dwelling units in one structure.
- (c) The director may waive the following requirements if suitable landscaping and/or fence/wall buffering is provided:

- (1) All structures containing more than two dwelling units shall be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width.
- (2) All common activity areas, such as tot lots, play courts, swimming pools and barbecue facilities, shall be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project.
- (d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit, provided the following conditions are met:
  - (1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;
  - (2) The building contains multifamily dwellings with gabled and/or hipped roof forms;
  - (3) The highest exterior wall line, equivalent to the structural top plate, shall not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;
  - (4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential district. The distance between any three-story buildings shall be at least 30 feet;
  - (5) The building shall not exceed a height limit of 34 feet; and
  - (6) The exemption will not adversely detract from the surrounding neighborhood character.
- (e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall shall be constructed or landscaped buffering shall be installed along the roadway or a combination of a wall and landscaping, subject to the approval of the director.
- (f) Maximum building area shall be 50 percent of the total land area for the project. Maximum building area for any lot of record may be more than 50 percent in response to design considerations, but in no event shall exceed 80 percent.
- (g) Yards and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all lots fronting public streets shall not be less than the front yard requirement of the underlying zoning district.
- (h) The director may establish supplemental design guidelines further illustrating the above site design standards. (Added by Ord. 99-12)

**Sec. 21-8.50-3 Cluster housing procedures.**

All cluster housing applications shall be processed in accordance with Section 21-2.110-1. (Added by Ord. 99-12)

**Sec. 21-8.50-4 Planned development housing (PD-H).**

The PD-H option is intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood, with:

- (a) A variety of housing types, including multifamily dwellings;
- (b) Innovative site design and efficient open space;
- (c) Common amenities;
- (d) Reduced construction costs for the developer and housing costs for the consumer;
- (e) A mixing of uses other than allowed in the underlying zoning district;
- (f) Adequate provision for public services;
- (g) More flexibility for infrastructure improvements.

(Added by Ord. 99-12)

**Sec. 21-8.50-5 PD-H applicability.**

PD-H projects may be constructed in all residential and apartment districts. (Added by Ord. 99-12)

**Sec. 21-8.50-6 PD-H use regulations.**

Within a PD-H project, all of the following uses and structures shall be permitted:

- (a) Meeting facilities; provided, that facilities where the conduct of commercial affairs is a principal activity shall not be permitted;
- (b) Day-care facilities;
- (c) Dwellings--detached, multifamily and duplex;
- (d) Recreation facilities, outdoor;
- (e) Schools--elementary, intermediate and high;
- (f) Utility installations, Type A.

(Added by Ord. 99-12)

**Sec. 21-8.50-7 PD-H density and minimum land area.**

The following floor area ratios and minimum land area requirement shall apply to PD-H projects, based on the underlying zoning district:

District	FAR	Minimum Land Area
R-20	.13	4 acres
R-10	.24	2 acres
R-7.5	.26	1.5 acres

District	FAR	Minimum Land Area
R-5	.35	1 acre
R-3.5	.40	1 acre
A-1	.79	.5 acre
	1.00	if project size is greater than 1 acre
A-2	1.61	.5 acre
	2.00	if project size is greater than 1 acre
A-3	2.60	.5 acre
	3.00	if project size is greater than 1 acre

**Sec. 21-8.50-8 PD-H site design standards.**

All PD-H projects shall comply with the following design review criteria:

- (a) When a PD-H project adjoins a residential zoning district without an intervening secondary or major street or a permanent open space at least 15 feet wide, then a 15 foot open space buffer shall be provided. This buffer requirement may be waived by the director when topography makes buffering unnecessary.
  - (b) All intensive recreational uses, such as play courts, ball fields, tot lots and swimming pools, shall be set back a minimum of 25 feet from all adjoining residential districts and 25 feet from the walls of dwelling units within the planned development project. This requirement may be waived by the director when topography or the installation of landscaping and/or a fence or wall or other design features makes the setback unnecessary.
  - (c) A minimum of 50 percent of the land area of the project shall be maintained in open space.
  - (d) Minor streets within the project shall not be connected to streets outside the development in such a way as to encourage the use of minor streets for through traffic.
  - (e) Walkways may be required for pedestrian access to all dwelling units and project facilities.
  - (f) The director may establish supplemental design guidelines further illustrating the above site design standards.
- (Added by Ord. 99-12)

**Sec. 21-8.50-9 PD-H procedures.**

All PD-H applications shall be processed in accordance with Section 21-2.40-2. (Added by Ord. 99-12)

**Sec. 21-8.50-10 Application requirements.**

Any application for a cluster or a PD-H project shall be accompanied by:

- (a) Project name;
- (b) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one half mile radius of the project;
- (c) A site plan showing:
  - (1) A metes and bounds map of site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
  - (2) Lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot, total number of lots and total area of project;
  - (3) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;
  - (4) Approximate location of areas subject to inundation or stormwater overflow, and all areas covered by waterways, including ditches, gullies, streams and drainage courses within or abutting the site and features such as slide areas or falling boulder areas likely to be harmful to the project or the surrounding area;
  - (5) Existing contours at vertical intervals of five feet where the slope is greater than 10 percent, and contours not more than two feet where the slope is less than 10 percent;
  - (6) The finished condition to be achieved by proposed grading to be shown by contours, cross sections, spot elevations or other means, and estimated quantities of cut and fill. Elevations shall be marked on such contours based on established benchmark;
  - (7) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features;
  - (8) Location, size, spacing, setbacks and dimensions of all existing and proposed structures, and improvements, including the number and type of dwelling units;
  - (9) The shoreline, shoreline setback lines, beach access and stream and other setback lines, when applicable;
  - (10) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;
  - (11) Number and location of dwelling units and guest parking (covered and uncovered);
  - (12) Abutting land uses;
- (d) Architectural plans which show prototype dwelling units, including floor plans and elevation drawings, with sections, dimensions and floor area;
- (e) A landscape plan which includes identification of proposed trees by caliper and other plant material by species;

- (f) A prose description of the project including: objectives of the design concept; unique site conditions; development schedule (number of units and other development features for each phase);
  - (g) Proposals for maintenance and conservation of all common elements.
- (Added by Ord. 99-12)

**Sec. 21-8.50-11 Director's decision.**

The director shall approve, approve with modifications, or deny with reasons the cluster housing or the PD-H application, based on the following criteria:

- (a) The applicant's compliance with the provisions of Section 21-8.50-2, for cluster housing projects, or Section 21-8.50-8, for PD-H projects;
- (b) The applicant's compliance with requirements of other government agencies;
- (c) The applicant's compliance with all other application requirements, as specified in Section 21-8.50-10, application requirements;
- (d) Assurance that the proposed development will be of quality and character compatible with surrounding land uses and will have the same beneficial effect on the health, safety and welfare of persons living or working in the area, as would any use or uses generally permitted in the district.
- (e) No cluster or PD-H shall be granted approval if the land is found by the director, upon consultation with other governmental agencies, to be unsuitable for the proposed use, based on the following conditions:
  - (1) Susceptibility to flooding;
  - (2) Poor drainage;
  - (3) Unstable subsurface;
  - (4) Groundwater or seepage conditions;
  - (5) Inundation or erosion by seawater;
  - (6) Susceptibility to slides or similar hazards;
  - (7) Adverse earth or rock formation or topography; and
  - (8) Other features or conditions likely to be harmful or dangerous to the health, safety or welfare of future residents of the proposed project or to the surrounding neighborhood or community.

Approval shall not be granted unless satisfactory protective improvements or other measures have been proposed by the applicant and approved by the director in consultation with other governmental agencies.

**Sec. 21-8.60 Exclusive agricultural sites.**

The director may approve exclusive agricultural sites under the following conditions:

- (a) The minimum leasable area within an exclusive agricultural site shall be five acres, irrespective of the minimum lot size of the applicable zoning district.
- (b) All structures for temporary, seasonal, or permanent residential occupancy or habitation shall be prohibited.
- (c) Exclusive agricultural site provisions shall be applicable only to leasehold lands located within an agricultural-zoned district and shall require a lease term of no less than 10 years. The term of the lease shall be clearly defined in the lease agreement.
- (d) If a resource concern is identified by the United States Department of Agriculture Natural Resources Conservation Service or appropriate State of Hawaii Soil and Water Conservation District, the owner of the parcel and lessee(s) shall submit a conservation plan approved by a certified conservation planner upon application for an exclusive agricultural site.
- (e) The owner of the parcel shall also submit a map, drawn to scale, of the parcel(s) indicating the land area under consideration for the exclusive agricultural site, the number of existing or proposed leasable areas and acres, and a copy of the executed lease agreement(s).
- (f) Prior to final approval of the site by the director, the leases within or a master lease for an exclusive agricultural site shall be recorded in the bureau of conveyances and/or the land court, as is appropriate, and a certified copy of the recorded document shall be filed with the director. Each lease shall:
  - (1) Restrict uses to those principal and accessory agricultural uses as defined in this chapter, except that farm dwellings or structures suitable for residential occupancy or habitation shall be prohibited;
  - (2) Provide a roadway maintenance agreement for all roadways within the exclusive agricultural site; and
  - (3) Assure implementation of the conservation plan required in subsection (d) and compliance with the provisions of such plan, including maintenance of conservation improvements specified therein.
- (g) Notwithstanding the provisions of Chapter 22, the following infrastructure standards shall apply:
  - (1) A water system shall not be required for an exclusive agricultural site.
  - (2) Roadway improvements, including street lights and utility lines, may be approved within an exclusive agricultural site which do not meet the standards established under Chapter 22, provided that they shall be the property and the responsibility of the subdivider, lot owner, and/or lessees pursuant to an executed roadway maintenance agreement.
- (h) In the event that conditions in the area in which an exclusive agricultural site is located change to such extent that the exclusive agricultural site no longer promotes diversified agriculture, the fee owner may apply to the director to nullify the site permit, provided that the consent of all lessees within the site is secured. Upon the approval of the nullification of the exclusive agricultural site by the director, the parcel shall revert to its original status.
- (i) In the event of expiration or termination of the lease prior to its stated term, the exclusive agricultural site shall be nullified, and the parcel shall revert to its original status.

(Added by Ord. 02-63)