

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.

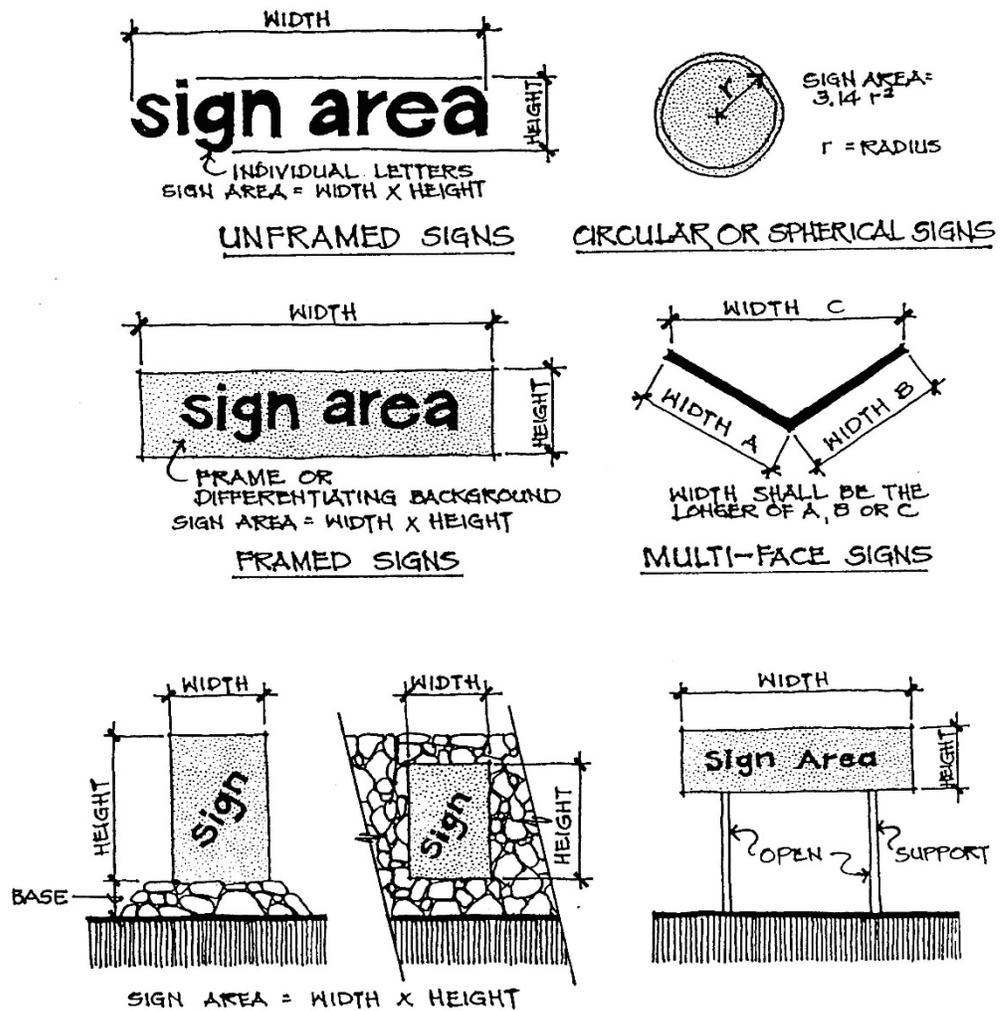
"Sign" means any structure, billboard, marquee, awning, canopy, street clock, announcement, declaration, demonstration, display, flag, pennant, banner, balloon, illustration or insignia used to advertise, attract or promote the interests of any person when it is placed on any property, building or structure 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:

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21-8.20A	Housing--Multiple dwelling units on a single country or residential district zoning lot.
21-8.20-1	Procedures for approval of ohana dwellings.
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21-8.40-1	Zero lot line site plan.
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21-8.50	Housing--Flexible site design.
21-8.50-1	Cluster housing.
21-8.50-2	Cluster site design standards.
21-8.50-3	Cluster housing procedures.
21-8.50-4	Planned development housing (PD-H).
21-8.50-5	PD-H applicability.
21-8.50-6	PD-H use regulations.
21-8.50-7	PD-H density and minimum land area.
21-8.50-8	PD-H site design standards.
21-8.50-9	PD-H procedures.
21-8.50-10	Application requirements.
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21-8.60	Exclusive agricultural sites.

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 restriction 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 such 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 514A. 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 Chapter 21 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 514A-21, 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)

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)

Article 9. Special District Regulations

Sections:

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Sec. 21-9.10 Developments in flood hazard areas.

- (a) All permit applications subject to this chapter shall, at the time of processing, be reviewed for compliance with the flood hazard areas ordinance. Whenever applicable, the flood hazard area requirements of a development project shall be determined prior to processing for other approvals mandated by other laws and regulations.
- (b) Dwellings in country, residential and agricultural districts, as well as detached dwellings and duplex units in apartment and apartment mixed use districts, may exceed the maximum height in the district by no more than five feet if required to have its lowest floor elevated to or above the base flood elevation, provided such additional height shall not be greater than 25 feet above the base flood elevation.
- (c) Notwithstanding any other provision to the contrary, no more than two dwelling units shall be permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances or regulations.

(Added by Ord. 14-9)

Sec. 21-9.20 Special districts--Purpose.

The purpose of a special district is to provide a means by which certain areas in the community in need of restoration, preservation, redevelopment or rejuvenation may be designated as special districts to guide development to protect and/or enhance the physical and visual aspects of an area for the benefit of the community as a whole. (Added by Ord. 99-12)

Sec. 21-9.20-1 Design controls.

- (a) To fulfill district design objectives, each special district may contain regulations which provide guidance for the design of new development and the renovation of existing development.
- (b) Regulations may supplement or modify underlying zoning district regulations. Sections 21-9.20-2 through 21-9.20-5 shall apply to all special districts.
- (c) The director may establish supplemental design guidelines for special districts to illustrate further the objectives and design controls of each special district.

(Added by Ord. 99-12)

Sec. 21-9.20-2 Major, minor, and exempt projects.

All development in any special district shall be classified into one of three categories: major, minor, or exempt. Major and minor projects shall require a special district permit and shall be processed under Sections 21-2.40-2 and 21-2.40-1, respectively. Tables 21-9.1 through 21-9.7 shall be used as a guide to determine the category of a particular project within each special district.

- (a) Major Permits. These permits are intended for projects that may significantly change the intended character of the special district. All major permits shall be reviewed by the design advisory committee as specified in Section 21-2.40-2.
- (b) Minor Permits. Minor permits are intended for projects which will have limited impact and are considered minor in nature. The director shall have the right to review and modify such projects.
- (c) Exempt Projects. Exempt projects will have negligible or no impact and therefore do not require review. They include projects which require emergency repairs, interior work and do not change the exterior appearance of a structure.

(Added by Ord. 99-12)

Sec. 21-9.20-3 Time limits.

The special district permit shall be null and void if the applicant fails to secure building permits within two years of the date of issuance of the permit. The applicant shall be notified in writing of the change in the time period. On show of cause, the applicant may request the director to extend the time limit. (Added by Ord. 99-12)

Sec. 21-9.20-4 Utility lines.

Notwithstanding any ordinance or regulation to the contrary, utility companies shall place their utility lines underground within any special district. The director may grant an exemption to utility lines based on the applicant's satisfactory justification that no other alternative will better achieve the district's purpose and objectives. (Added by Ord. 99-12)

Sec. 21-9.20-5 Design advisory committee.

- (a) The director shall appoint a design advisory committee which shall provide design input to the director on significant proposals in the special districts. The committee shall hear proposals for major special district permits and advise the director concerning the approval, denial or modification of these projects based on the purposes, objectives and design controls of the particular special district.
- (b) The committee shall consist of a minimum of seven members as follows:
 - (1) Two architects;
 - (2) Two landscape architects;
 - (3) Two urban planners;
 - (4) State historic preservation officer from the department of land and natural resources or designated representative.

(Added by Ord. 99-12)

Sec. 21-9.20-6 Conflicting regulations.

If any regulation pertaining to the special districts conflicts with any provision contained within Article 3, the more restrictive regulation shall take precedence; provided, however, that this section shall not apply to TOD development regulations enacted pursuant to Section 21-9.100 and accompanying Sections 21-9.100-1, -2, -3, and -4, which shall take precedence in the event of conflict with any underlying Article 3 provision or special district regulation. (Added by Ord. 99-12; Am. Ord. 09-4)

Sec. 21-9.30 Hawaii capital special district.

- (a) As the seat of state and county government, Honolulu enjoys the clustering of government facilities and buildings. Many of the buildings are listed on the state and national registers of historic places. Because of their close proximity, these facilities, and the areas adjacent to them, contribute significantly to the urban design of Honolulu.
- (b) The purpose of this section is to establish a special district to be called the "Hawaii capital special district" and to provide for its protection, preservation, enhancement and orderly development.
- (c) It is also the purpose of this section to emphasize that the Hawaii capital special district and its landmarks are sources of education, pleasure and intangible benefit for the people of the State of Hawaii and to foster civic pride in the beauty of the district and accomplishments of the past.

(Added by Ord. 99-12)

Sec. 21-9.30-1 Objectives.

The objectives of the Hawaii capital special district are:

- (a) To provide safeguards for the preservation and enhancement of buildings and landmarks within the Hawaii capital special district which represent or reflect elements of the state's civic, aesthetic, cultural, social, economic, political and architectural heritage, and encourage new development which is compatible with and complements those buildings and sites.
- (b) To preserve and enhance the park-like setting of the Hawaii capital special district, including its view from the Punchbowl lookout.

(Added by Ord. 99-12)

Sec. 21-9.30-2 District boundaries.

The Hawaii capital special district and its precinct boundaries are shown on Exhibit 21-9.1, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.30-3 Prominent views and historic places.

- (a) The following streets and locations identify important pedestrian and vehicular corridors by which one experiences the Hawaii capital special district, as well as views of the mountains and the waterfront. The design of all proposed projects within the district shall be guided by the required yards as shown on Exhibit 21-9.2, set out at the end of this article.

- (1) Beretania Street between Alapai Street and Alakea Street.
- (2) The Hotel Street Mall between Alapai Street and Richards Street.
- (3) Hotel Street between Richards Street and Alakea Street.
- (4) King Street between South Street and Alakea Street.
- (5) Kapiolani Boulevard at the intersection of South Street and King Street.
- (6) Ala Moana Boulevard between Punchbowl Street and the district boundary.
- (7) Mililani Street and Mall between Halekauwila Street and King Street.
- (8) Punchbowl Street between Beretania Street and Ala Moana Boulevard.
- (9) South Street between King and Pohukaina Streets.
- (10) Richards Street between Halekauwila and Beretania Streets.
- (11) Alapai Street between King and Beretania Streets.
- (12) The fifth floor lanais of the State Capitol Building, emphasizing a mauka makai orientation.

- (b) The following is a listing of sites, structures and objects which are on the state and/or national registers of historic sites and, therefore, are worthy of preservation. They are identified by number on Exhibit 21 9.3, set out at the end of this article.

- (1) Kawaiahao Church and grounds.
- (2) Adobe School House.
- (3) Lunalilo Mausoleum.
- (4) Kekuanaoa Building.
- (5) Kapuaiwa Building.
- (6) Hale Auhau.
- (7) Kamehameha I Statue.
- (8) Aliiolani Hale.
- (9) U.S. Post Office.
- (10) Hawaiian Electric Building.
- (11) Honolulu Hale and grounds.
- (12) Mission Memorial Building Annex.
- (13) Honolulu Hale Annex (Mission Memorial Building and Auditorium).
- (14) Iolani Palace and grounds.
- (15) Iolani Barracks.
- (16) Royal Burial Ground and Fence.
- (17) Coronation Bandstand.
- (18) Captain Cook Memorial Tablet.
- (19) YWCA and grounds.
- (20) Banyan tree on the Iolani Palace grounds.
- (21) Old Archives Building (Attorney General's Building).
- (22) Hawaii State Library.
- (23) State Capitol and grounds.
- (24) Armed Services YMCA and grounds (No. 1 Capitol District).
- (25) St. Andrew's Cathedral, including St. Andrew's Close, Davies and Tenney Halls and Parke Memorial Chapel adjacent to the cathedral.
- (26) Washington Place and grounds.
- (27) Mission Houses.
- (28) Aloha Tower.
- (29) Royal Brewery.
- (30) Podmore Building.
- (31) Old Kakaako Fire Station.

- (c) Several other buildings contribute to the character of the district. In reviewing applications for modifications and/or removal of the following structures, efforts to retain them are to be encouraged.

- (1) St. Andrew's Priory.
- (2) St. Peter's Church.
- (3) Aliiolani Hale Annex.
- (4) Mabel Smythe Building.

- (5) Harkness Nurses Home.
- (6) Board of Water Supply Buildings.
- (7) Arcade Building.
- (8) 1919 Hawaiian Electric Company Building.

(Added by Ord. 99-12)

Sec. 21-9.30-4 Design controls.

- (a) Landscaping.
 - (1) Open space and yard requirements for each precinct shown on Exhibits 21-9.1 and 21-9.2, respectively, set out at the end of this article, shall be landscaped in accordance with landscape guidelines and regulations contained in this subsection. If no yard or open space requirement is shown, underlying zoning district regulations shall prevail.
 - (2) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.
 - (3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.
 - (4) Rooftop parking and mechanical equipment shall be substantially screened and/or painted to soften their appearance from the Capitol building and the Punchbowl lookouts.
 - (5) All required trees shall be provided in conformance with subdivision (8), and shall be a minimum two inch caliper, except palms which shall have a minimum trunk height of 15 feet. All tree planting shall be in conformance with the requirements and standards shown on Exhibit 21-9.4, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian Islands, including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director. Other exceptions to accommodate special conditions may be approved by the director.
 - (6) Landscaping for the Iolani Palace grounds shall be in conformance with the master plan as approved by the department, the National Council on Historic Preservation and the state department of land and natural resources.
 - (7) Landscaping for the Queen's Medical Center shall include retention of its existing large front lawn along Punchbowl Street, except for the Queen Emma Tower expansion and the HML parking garage authorized by Resolution 04-224, CD1, FD1; necessary driveways providing vehicular access through the campus; and pedestrian accessways. Main entrances that exit to ground level shall include a view of landscaping, including trees wherever possible.
 - (8) Street trees shall be provided along major streets as delineated below, and shown on Exhibit 21-9.4.
 - (A) Beretania Street, except fronting the State Capitol.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
 - (B) King Street, except fronting the Iolani Palace grounds and Aliiolani Hale.
 - (i) Species: Rainbow Shower (*Cassia hybrida*) or Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 50 feet on center.
 - (iii) Location: First five feet of required front yard.
 - (C) Richards Street, except fronting Iolani Palace grounds.
 - (i) Species: Royal Poinciana (*Delonix regia*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: First five feet of required front yard.
 - (D) Punchbowl Street.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
 - (E) Alapai Street.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
 - (F) Ala Moana/Nimitz Highway.
 - (i) Species: Coconut Palm (*Cocos nucifera*).
 - (ii) Maximum spacing: Three palm trees shall be provided per 50 feet of street frontage.
 - (iii) Location: First five feet of required front yard.
 - (G) South Street.
 - (i) Species: Autograph (*Clusea rosea*).
 - (ii) Maximum spacing: 40 feet on center.
 - (iii) Location: Within the required front yard.
 - (H) Alakea Street and Queen Emma Street.
 - (i) Species: False Olive.
 - (ii) Maximum spacing: 20 feet on center.

- (iii) Location: Within the sidewalk area.
- (I) Vineyard Boulevard.
 - (i) Species: Monkeypod (Samanea saman).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
- (9) For all other streets, except those along the State Capitol and Iolani Palace grounds, street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
- (10) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.
- (11) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.
- (12) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.
- (13) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (14) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.
- (15) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (b) Design Guidelines for the Historic Precinct. The following design guidelines shall be used in the design and review of new construction and renovation in the historic precinct. They are intended to promote the concept of "contextualism," wherein new developments are sensitive to the existing historic and other significant structures.
 - (1) Roof Treatment. Roof treatment should reflect existing roofscape by using combinations of overhanging eaves and pitches greater than 1:3. Roofing materials should be green or reddish earth toned tile or gray slate roofing surfaces, or roofing surfaces which closely resemble existing tile or slate roof in color, texture and appearance.
 - (2) Architectural Style. Architectural elements to be encouraged are the open design of arcades, porches, entryways, internal pedestrian spaces and courtyards. New developments should be influenced by the following architectural styles: modified Mediterranean, Spanish mission, Victorian, U.S. Greek revival, Italianate revival, and French second empire.
 - (3) Facade. Facade elements common to the precinct include recessed window openings and strong horizontal lines expressed by combinations of fenestrations, openings, wall edges and decorations. New development should incorporate and employ these elements to visually relate new buildings to adjacent facades of established historic value. Typical is the use of projections, columns, balconies and recessed openings.
 - (4) Color and Surface.
 - (A) Colors and surfaces in the precinct are characterized by being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided. Colors and surfaces which predominate include warm white walls, earth tones, natural colors of stone, coral and cast concrete. Concrete, stone, terra cotta, plaster and wood should be principal finish materials.
 - (B) If the use of metal surfaces is required, they should be used with black or dark earth-toned matte finishes. Copper and brass may be acceptable metal surfaces. Glass surfaces, where used, should be recessed and clear, or of light earth toned tints.
 - (5) Texture. Characteristic textures include those of stucco, tile, concrete, cut coral, cut stone, cast iron, grass and foliage. Development should employ surface qualities which are sympathetic to historic and original uses of material.
 - (6) Details.
 - (A) Details are of prime interest and importance at the pedestrian scale and constitute an important design element. The use of terra cotta, plaster work, ironwork, ornament painting and sculptural elements is highly encouraged.
 - (B) Respect for historic design including detailing should be maintained on elements such as pavers, curbs, signs, planters, benches, trash cans, fountains, lighting, bus shelters and flag and utility poles.
 - (7) Entry Treatment. Characteristic of places within the precinct is the treatment of building entry which provides comfortable transitions from outside to inside. These elements include arcades and porches recessed or projecting from the building mass.
 - (8) Orientation. In order to protect mauka views within the precinct, new development should be oriented on a mauka-makai axis.
 - (9) Signs. Signs shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination should be from a detached source shielded from direct view. No box fluorescent signs shall be allowed.
 - (10) Landscape Treatment.
 - (A) Large open spaces, lawns and canopy-type shade trees, fountains and sculptures shall be compatible with the grounds of Iolani Palace and the Capitol building.

- (B) In small open areas, combinations of ground covers, shrub masses, flowering trees and palms may be used either to introduce rich foliage patterns, for screening purposes, or to provide contrast to large, open lawn areas.
 - (C) Small-scale landscape features such as courtyards, resting places, entrances and intimate gardens are encouraged and should be compatible with, and secondary to, the larger park-like landscape.
- (c) Design Guidelines for Other Precincts.
- (1) Open Space. All parcels shall comply with the minimum open space expressed as a percentage of lot area designated on Exhibit 21-9.1, set out at the end of this article.
 - (2) Visual Impacts. All major development, especially on those parcels and building facades visible and adjacent to the historic precinct, shall be reviewed to ensure that new structures do not visually intrude into the historic precinct. Articulated building walls are encouraged. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.
- (d) Height Regulations.
- (1) Heights for all precincts are identified on Exhibit 21-9.1, set out at the end of this article.
 - (2) The director may exempt the following architectural features from the height regulations of the Hawaii capital special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Hawaii capital special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.
 - (3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this section.

(Added by Ord. 99-12; Am. Ord. 07-8)

Sec. 21-9.30-5 Project classification.

Refer to Table 21-9.1 to determine whether specific projects will be classified as major, minor, or exempt.

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

Table 21-9.1 Hawaii Capital Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited in historic precinct
Tree removal over six inches in diameter	m	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition or repair to historic structures	M	This also includes structures listed in Section 21-9.30 3(c)
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor in historic precinct only
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor in historic precinct only
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	This also includes structures listed in Section 21-9.30 3(c)
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.40 Diamond Head special district.

- (a) Diamond Head is a volcanic crater that has been declared a state and national monument. Its natural appearance and prominent public views have special values of local, state, national and international significance and are in danger of being lost or seriously diminished through changes in land use and accompanying land development.

- (b) In accordance with these findings and established public policies, it is necessary to preserve and protect the views of the Diamond Head monument.

(Added by Ord. 99-12)

Sec. 21-9.40-1 Objectives.

The objectives of the Diamond Head special district are:

- (a) To preserve existing prominent public views and the natural appearance of Diamond Head by modifying construction projects that would diminish these resources.
- (b) To preserve and enhance the park like character of the immediate slopes of the Diamond Head monument, which includes Kapiolani Park.

(Added by Ord. 99-12)

Sec. 21-9.40-2 District boundaries.

The Diamond Head special district boundaries are designated on Exhibit 21-9.5, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.40-3 Prominent public vantage points.

The prominent public vantage points from which significant public views of Diamond Head exist are the following:

- (a) Public Streets.
- (1) Ala Wai Boulevard from McCully Street to Kapahulu Avenue.
 - (2) Paki Avenue from Kapahulu Avenue to Diamond Head Road.
 - (3) Diamond Head Road.
 - (4) Date Street from the Manoa-Palolo Drainage Canal to Kapahulu Avenue.
 - (5) Campbell Avenue from Kapahulu Avenue to Monsarrat Avenue.
 - (6) Kalakaua Avenue from Kapahulu Avenue to Coconut Avenue.
 - (7) Kapahulu Avenue in the vicinity of the intersection of Date Street and Campbell Avenue.
 - (8) Monsarrat Avenue.
 - (9) 12th Avenue from Maunaloa Avenue to Alohea Avenue.
 - (10) 18th Avenue from Kilauea Avenue to Diamond Head Road.
 - (11) Kilauea Avenue from Elepaio Street to 12th Avenue.
- (b) Public Viewing Sites.
- (1) Ala Moana Beach, including Magic Island.
 - (2) The beaches extending from the Ala Wai Yacht Harbor to Sans Souci Beach.
 - (3) Kapiolani Park.
 - (4) Honolulu Zoo.
 - (5) Ala Wai Golf Course.
 - (6) Ala Wai Park.
 - (7) Kapaolono Field.
 - (8) Fort Ruger Park (Kahala Triangle Park).
 - (9) Ala Wai Elementary School.
 - (10) Jefferson Elementary School.
 - (11) Waikiki Elementary School.
 - (12) Kilauea Playground.
 - (13) Kaimuki Intermediate School.
 - (14) H-1 Freeway near the Kapahulu Avenue overpass.
 - (15) Punchbowl lookouts.
 - (16) Puu Ualakaa State Park lookout.

(Added by Ord. 99-12)

Sec. 21-9.40-4 Design controls.

Implementation of the district objectives shall consist primarily of landscaping requirements, height limitations and architectural design review. Specific regulations are enumerated below.

- (a) Landscaping.
- (1) All required yards within the district shall be landscaped and maintained.
 - (2) On the ocean side of Diamond Head, including makai of Kalakaua Avenue, palm trees are appropriate since they convey the tropical characteristics of Hawaii, and provide vertical accents in counterpoint to the high crater behind them.
 - (3) Within the core area, along Diamond Head Road, Monsarrat Avenue and Kalakaua Avenue, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).
 - (4) Street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
 - (5) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.
 - (6) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.
 - (7) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.
 - (8) Any tree six inches or greater in trunk diameter located within the core area identified on Exhibit 21-9.5, set out at the end of this article, shall not be removed or destroyed except as follows:

- (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (9) Any tree removed which is visible from any street, park or other public viewing area identified in Section 21-9.40 3(b) shall be replaced by an approved tree of a minimum two-inch caliper or by alternative- approved landscaping material, unless the replacement results in overcrowded vegetation.
- (10) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet, shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.
- (b) **Heights.**
- (1) Height precincts for the district are identified on Exhibit 21-9.5, set out at the end of this article.
 - (2) The director may grant exceptions to special district height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:
 - (A) That the proposed construction would not substantially diminish any views from any of the prominent public vantage points described for the special district; or
 - (B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:
 - (i) Information which provides a basis for the objective in terms of a public need or problem;
 - (ii) Other reasonable alternatives to achieve the objective; and
 - (iii) An appropriate analysis of the alternatives which indicates that the proposed construction is the most beneficial to the public's interest.
 - (3) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Diamond Head special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.
 - (4) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this section.
- (c) **Architectural Appearance and Character.**
- (1) The exterior facades of all structures and structural forms shall be designed to have architectural scale, exterior finish, material, colors, components and features that relate in a compatible manner to nearby existing structures, particularly small-scale development.
 - (2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in nature.

(Added by Ord. 99-12)

Sec. 21-9.40-5 One-family and two-family detached dwellings.

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Diamond Head special district, except that those dwellings which are located within the "core area" identified on Exhibit 21-9.5, set out at the end of this article, shall comply with Sections 21-9.40-4(a) and (c).

(Added by Ord. 99-12)

Sec. 21-9.40-6 Project classification.

Refer to Table 21-9.2 to determine whether specific projects will be classified as major, minor, or exempt.

(Added by Ord. 99-12)

Table 21-9.2 Diamond Head Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only within "core" area
Detached dwellings and duplex units and accessory structures	E	

Table 21-9.2 Diamond Head Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	E	
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor only within "core" area and if visible from street or public vantage points
Interior repairs, alterations and renovations to all structures	E	
Demolition of all structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights of way	E	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major in "core" area only, except for accessory structures; minor outside "core" area and for accessory structures in "core" area

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.50 Punchbowl special district.

- (a) The significance of the National Memorial Cemetery of the Pacific as a national monument and as one of Hawaii's important landmarks has long been recognized. Over the years, however, land development and land use changes in the area have posed a serious threat to the views of its slopes and diminished the serenity of the natural appearance and sanctity of the national cemetery and its environs.
- (b) The natural appearance of Punchbowl and the prominent public views of Punchbowl have special values of local, state, national and international significance and are in danger of being lost or further diminished through adjacent and surrounding land development. Therefore, it is necessary to preserve and protect the public views of Punchbowl, and the appearance of its slopes and surrounding areas.

(Added by Ord. 99-12)

Sec. 21-9.50-1 Objectives.

The specific objectives of the Punchbowl district are to:

- (a) Preserve and enhance Punchbowl's form and character as a significant landmark.

- (b) Preserve and enhance the park-like character of the immediate slopes of Punchbowl and its major streets.
- (c) Preserve and enhance significant public views to and from Punchbowl, especially those from the Punchbowl lookouts and long-range views of Punchbowl, by modifying construction projects that would diminish those views.
- (d) Provide landscaping and open space which will enhance views and the general character of the Punchbowl area.
- (e) Preserve, enhance and restore to the extent possible, the serene and scenic qualities within the national cemetery.

(Added by Ord. 99-12)

Sec. 21-9.50-2 Boundaries.

The Punchbowl special district boundaries are designated on Exhibit 21-9.6, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.50-3 Prominent vistas and viewing areas.

Prominent vistas and viewing areas are identified on Exhibit 21-9.7, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.50-4 Design controls.

Implementation of the district objectives shall consist primarily of height and lot coverage limits, architectural design review and landscaping controls. Specific regulations are enumerated below.

- (a) Height Regulations.
 - (1) The district's height limit precincts are delineated on Exhibit 21-9.6, set out at the end of this article.
 - (2) The maximum heights of structures at the required front yard shall not exceed 15 feet. An additional height setback equal to one foot for each two feet in height shall be provided to extend a maximum of 30 feet from the street property line, at which point the permitted maximum height shall prevail.
 - (3) The director may grant exceptions to zero height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:
 - (A) That the proposed construction would not substantially diminish any views of Punchbowl from any of the prominent vistas and viewing areas identified on Exhibit 21-9.7, set out at the end of this article; or
 - (B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:
 - (i) Information which provides a basis for the objective in terms of a public need or problem;
 - (ii) Other reasonable alternatives to achieve the objective; and
 - (iii) An appropriate analysis of the alternatives which indicate that the proposed construction is the most beneficial to the public's interest.
 - (4) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Punchbowl special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.
 - (5) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.
- (b) Maximum Building Area. In addition to the requirements for maximum building area in underlying residential, apartment and apartment mixed use zoning districts, the percentage of maximum building area for zoning lots in business, business mixed use and industrial districts shall be 50 percent.
- (c) Architectural Appearance and Character.
 - (1) Articulated facades are encouraged to break up building mass. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.
 - (2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in appearance.
- (d) Required Yards.
 - (1) The minimum required front yard shall be as designated by the underlying zoning district, except that those streets identified as major streets on Exhibit 21-9.7, set out at the end of this article, shall have a minimum 20-foot front yard.
- (e) Landscaping.
 - (1) All required yards shall be landscaped.
 - (2) Street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
 - (3) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.
 - (4) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.

- (5) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.
- (6) Flat rooftop areas visible from the Punchbowl lookout shall incorporate landscaping and/or architectural features, such as screening, to substantially offset any adverse visual impact on views from the lookout areas.
- (7) All fences and walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all streets identified as major streets on Exhibit 21-9.7, set out at the end of this article, and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.
- (8) Any tree six inches or greater in trunk diameter, located within the "core area," or along major streets, as identified on Exhibits 21-9.8 and 21-9.7, respectively, set out at the end of this article, shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area;
 - (B) Appropriate development of the site cannot be achieved without removal of the tree;
 - (C) The tree is a hazard to the public safety or welfare;
 - (D) The tree is dead, diseased or otherwise irretrievably damaged;
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (9) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper or by alternative-approved landscaping material, unless the replacement results in overcrowded vegetation.
- (10) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two-inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.

(Added by Ord. 99-12)

Sec. 21-9.50-5 One-family and two-family detached dwellings.

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Punchbowl special district, except that those dwellings which are located in the "core area" identified on Exhibit 21-9.8, set out at the end of this article, shall comply with Section 21-9.50 4(c) and (e).

(Added by Ord. 99-12)

Sec. 21-9.50-6 Project classification.

Refer to Table 21-9.3 to determine whether specific projects will be classified as major, minor, or exempt.

(Added by Ord. 99-12)

Table 21-9.3 Punchbowl Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor in "core" area or along major streets
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	m/E	Minor in "core" area if results in greater than 15-foot change in elevation
Major exterior repair, alteration or addition to all structures	m	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	E	
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor only within "core" area and if visible from viewing areas
Demolition of all structures	E	
Interior repairs, alterations and renovations to all structures	E	
Fences and walls	E	

Table 21-9.3 Punchbowl Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	E	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major in "core" area only, except for accessory structures; minor outside "core" area and for accessory structures in "core" area

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.60 Chinatown special district.

- (a) Chinatown is the oldest section of downtown Honolulu. In addition to its historic role in the growth of the city, and its architectural significance as reflected in its placement on the National Register of Historic Places, it reflects a dynamic ethnic population and business community.
- (b) However, like other central city areas, it has faced numerous physical, social and economic problems in the past, resulting in the deterioration of commercial and residential structures, a decline in business activity and an erosion in housing stock. While government programs, including urban renewal and tax incentives for renovation of older buildings, have been introduced to address these problems, there is a concern that architectural and historic elements of the district may still be lost. Further, Chinatown's location adjacent to the central business district continues to produce pressures to redevelop the area to a higher density.
- (c) Therefore, it is necessary to preserve the historic significance and architectural characteristics of Chinatown, and to ensure the compatibility of new development within this context. The perpetuation of architectural character dominant during the 1880s to the 1940s is particularly important.

(Added by Ord. 99-12)

Sec. 21-9.60-1 Overall objectives.

The overall objectives of the Chinatown district are as follows:

- (a) Help promote the long-term economic viability of the Chinatown district as a unique community of retail, office and residential uses.
- (b) Retain the low-rise urban form and character of the historic interior core of Chinatown while allowing for moderate redevelopment at the mauka and makai edges of the district.
- (c) Retain and enhance pedestrian-oriented commercial uses and building design, particularly on the ground level.
- (d) Preserve and restore, to the extent possible, buildings and sites of historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements these buildings and sites, primarily through building materials and finishes, architectural detailing and provisions for pedestrian amenities, such as storefront windows and historic signage details.
- (e) Improve traffic circulation with emphasis on pedestrian linkages within and connecting outside Chinatown.

- (f) Retain makai view corridors as a visual means of maintaining the historic link between Chinatown and the harbor.
 - (g) Encourage a variety of signage and graphics that reflect and complement the district's ethnic vitality and diversity, and which are compatible with and complement buildings and sites within the district.
 - (h) Encourage outdoor lighting for the purpose of contributing to a lively, friendly, and safe urban environment.
- (Added by Ord. 99-12)

Sec. 21-9.60-2 District boundaries.

The Chinatown special district and its three precinct boundaries are designated on Exhibit 21-9.9, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.60-3 Prominent view corridors.

- (a) Maunakea Street and Nuuanu Avenue are makai view corridors, and provide a visual connection between Honolulu Harbor and the heart of Chinatown, reflecting the historic ties between the two areas.
- (b) In addition, the street level view along River Street, in an ewa direction, including Aala Park, is an important public viewing area.

(Added by Ord. 99-12)

Sec. 21-9.60-4 Historic and architecturally significant structures.

- (a) The Chinatown and Merchant Street historical districts, as included on the National Register of Historic Places, are identified on Exhibit 21-9.10, set out at the end of this article.
- (b) Structures within the Chinatown special district that are of historic and architectural significance are identified on Exhibit 21-9.10-A, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.60-5 Design controls.

- (a) Implementation of the district objectives shall consist primarily of open space, landscaping and yard regulations, use regulations, architectural review and sign controls. Specific regulations are enumerated below.
- (b) Unless specified herein, all development shall comply with the underlying district permitted uses and development standards, including density.

(Added by Ord. 99-12)

Sec. 21-9.60-6 Mauka precinct objectives.

- (a) Provide multifamily dwellings for a range of household incomes, while supporting and contributing to Chinatown's retail-commercial function, particularly at street level.
- (b) Create a transition between the high rise Kukui Urban Renewal district and the low-rise historic core of Chinatown.
- (c) Promote pedestrian movement and linkages within the district by providing pedestrian malls and adequate sidewalks.
- (d) Provide commercial, cultural, recreational and public facilities for residents by encouraging them on the ground floor street exposure of buildings.

(Added by Ord. 99-12)

Sec. 21-9.60-7 Mauka precinct development standards.

- (a) Maximum Heights.
 - (1) Within the mauka precincts, height limits are identified on Exhibit 21-9.9, set out at the end of this article.
 - (2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: Each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 21-9.9, set out at the end of this article).
- (b) Open Space and Landscaping.
 - (1) Where there are low-level rooftops, roof gardens should be provided, particularly for residents. Otherwise, open space is encouraged in the form of landscaped interior courts.
 - (2) With the exception of Beretania and River Streets, street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the district, including the provisions of sidewalk canopies, a strong continuous street frontage and traffic safety.
 - (3) Along Beretania and River Streets, street trees shall be provided at a minimum two inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation. If location of street trees in the sidewalk area is infeasible, the tree(s) may be located within the front yard, if present. In the event there are no feasible locations for street trees, the director may approve substitute landscaping or waive this requirement.
 - (A) Along Beretania Street, street trees shall strengthen the streetscape image of this major travel corridor, and help maintain a human-scaled orientation at the ground level.
 - (B) Along River Street, street trees shall help to emphasize this "edge" of Chinatown, and shall serve as a transition to Aala Park.
 - (4) The block bounded by Smith, Beretania, Pauahi and Maunakea Streets shall have an informal, landscaped character with large canopy form trees.

- (c) Required Yards. There shall be a minimum front yard of 15 feet along Beretania Street. There shall be no required front yards along other streets.
- (d) Permitted Uses.
 - (1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail-commercial and light manufacturing.
 - (2) Parking may be located on any level within a block's interior.
- (e) Design Guidelines.
 - (1) Except for those facades fronting Beretania Street, street facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.
 - (2) Buildings above 40 feet shall avoid a long axis aligned in an ewa diamond head direction. Their design shall relate to the lower level street facades, including architectural scale, embellishments, color and detailing.

(Added by Ord. 99-12)

Sec. 21-9.60-8 Historic core precinct objectives.

Historic core precinct objectives are as follows:

- (a) Encourage the retention and renovation of buildings of historic, architectural or cultural value.
- (b) Ensure the design compatibility of new structures with historic structures through low building heights, continuous street frontages and characteristic street facade elements.
- (c) Encourage the continuation and concentration of the long-established ethnic retail and light manufacturing activities by providing space for these uses particularly on the ground level.
- (d) Encourage one- and two-family dwelling use to provide a variety of compatible uses which would contribute to the precinct's social and economic vitality.

(Added by Ord. 99-12; Am. Ord. 04-30)

Sec. 21-9.60-9 Historic core precinct development standards.

- (a) Maximum Heights.

Within the historic core precinct, new structures shall not exceed 40 feet.
- (b) Open Space and Landscaping.
 - (1) Open space is encouraged in the form of small-scaled interior landscaped courtyards and interior pedestrian walkways.
 - (2) Street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the precinct, especially the desire for continuous building frontages and sidewalk canopies, as well as traffic and pedestrian safety.
 - (3) Along Hotel Street, street trees may complement its strong retail character and public transit corridor function. They shall be a minimum of two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
- (c) Required Yards.
 - (1) There shall be no required yards.
 - (2) All buildings on the same block face shall form a continuous street facade, except for necessary driveways, pedestrian entryways and small open space pockets.
- (d) Permitted Uses. Ground floor spaces should be used exclusively for retail commercial uses, or light food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown. Notwithstanding the underlying zoning, one- and two-family dwellings are permitted, if located above the ground floor.
- (e) Parking Exemption. Dwelling units within the 40-foot height limit shall be exempt from off street parking requirements.
- (f) Design Guidelines. All street facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.

(Added by Ord. 99-12; Am. Ord. 04-30)

Sec. 21-9.60-10 Makai precinct objectives.

Makai precinct objectives are as follows:

- (a) Provide for expansion of housing and office development from the central business district, compatible with the overall revitalization of Chinatown, including an active retail-oriented ground level and distinctive facade treatments.
- (b) Create a transition between the high-rise central business district and the historic core of Chinatown.
- (c) Provide a visible connection between Nimitz Highway and the interior of Chinatown.
- (d) Develop a continuous street landscaping theme along Nimitz Highway to emphasize its role as a major accessway into the central business district and Waikiki.

(Added by Ord. 99-12)

Sec. 21-9.60-11 Makai precinct development standards.

- (a) Maximum Heights.
 - (1) Within the makai precinct, height limits are identified on Exhibit 21-9.9, set out at the end of this article.
 - (2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: Each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 21-9.9, set out at the end of this article).

- (b) Open Space and Landscaping.
 - (1) Where there are low-level rooftops, roof gardens should be provided. Otherwise, open space shall be provided in the form of landscaped front yards along Nimitz Highway. Landscaped interior courts are also encouraged.
 - (2) With the exception of Nimitz Highway, street trees shall not be required.
 - (3) Along Nimitz Highway, three coconut palm trees (*Cocos nucifera*) shall be provided for every 50 feet of street frontage. Palm trees with a minimum trunk height of 15 feet shall be clustered together rather than evenly spaced. In addition, all parking structures fronting Nimitz Highway shall have planter boxes along the length of the facade on all floors. Bougainvillea shall be planted and maintained in these planter boxes. The director may approve substitute plants due to physical constraints.
- (c) Required Yards. There shall be a minimum front yard of 10 feet along Nimitz Highway. There shall be no required front yards along other streets.
- (d) Permitted Uses.
 - (1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail shops, community centers and light manufacturing. Lower levels other than the ground level should be used for residential, office or other commercial uses.
 - (2) Parking may be located on any level within a block's interior and fronting Nimitz Highway.
- (e) Design Guidelines.
 - (1) Except for those facades fronting Iwilei Road and Nimitz Highway, all facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.
 - (2) Parking structures should have vehicular entrances and exits on Nimitz Highway, when practical.
 - (3) Buildings above 40 feet shall avoid a long axis aligned in an ewa diamond head direction. Their design shall relate to the design of the lower level street facades, including architectural scale, embellishments, color and detailing.

(Added by Ord. 99-12)

Sec. 21-9.60-12 Street facade guidelines.

- (a) Building Materials, Colors and Textures.
 - (1) Building finishes should be of materials such as wood, brick, stone, masonry and plaster. Brick and stone are particularly appropriate.
 - (2) Where existing buildings are to be rehabilitated, any underlying natural finishes should be retained. To expose brick facades, sand blasting and other cleaning methods that will damage the historic building materials should not be undertaken.
 - (3) The colors of natural materials should predominate. Accent colors may be used on trim and details around window and door openings.
- (b) Architectural Design.
 - (1) Building facades or fenestration should be "contextual" to existing structures, and incorporate representative architectural features, such as arches, lintel columns, cornices and varied parapets. Uninterrupted blank walls shall be avoided.
 - (2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.
 - (3) Above the ground floor, there shall be a regulated "rhythm" to the facades, particularly expressed through window treatments and other detailing.
 - (4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.
- (c) Streetscape. Street furnishings include planters, benches, street signs, lampposts, sidewalk paving and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown's period of significance, which is from the 1880s to the 1940s, shall not be permitted.
- (d) Signs and Graphics.
 - (1) Lettering should be reminiscent of styles used from the turn of the century to the 1940s.
 - (2) Symbols, shapes and objects used as signs (such as barber poles) are encouraged.
 - (3) Use of calligraphy and/or Asian characters and symbols on signs and storefront decorations for ethnic-related functions is also encouraged.
 - (4) The following sign provisions shall apply to the Chinatown special district and shall supersede the specific district sign standards enumerated in Section 21-7.40:
 - (A) Not more than four business signs per ground floor establishment with building frontage may be permitted, provided that the maximum sign area for each ground floor establishment does not exceed two square feet for each lineal foot of building frontage of the establishment. Signs may be of the following types: hanging, marquee fascia, or wall signs. Ground floor establishments in multistory buildings also may use one projecting sign as one of the signs and as part of the total sign area permitted for each establishment, subject to the following additional limitations: (i) the sign shall be located on the second floor, above the establishment, and (ii) the sign shall not exceed 18 square feet in area. A projecting sign permitted under this paragraph shall not be deemed to be an off-premises sign under Section 21-7.30(b).

- (B) One of the following signs per building frontage of the building may be erected:
 - (i) One wall sign for building identification purposes (not to exceed 24 square feet in area) or for directory purposes (not to exceed 12 square feet in area);
 - (ii) One ground sign, not to exceed 12 square feet in area, for building identification or directory purposes; or
 - (iii) One garden sign, not to exceed six square feet in area, for building identification or directory purposes.

The sign shall be counted as one of the signs permitted in paragraph (A) for each ground floor establishment, and the sign area shall count as part of the total sign area permitted for all ground floor establishments on the building side on which the sign is located; provided that this sentence shall not apply to building identification signs which are in existence on October 1, 1998 and which are certified by the state historic preservation officer as authentic to the period of the Chinatown special district. A wall sign shall not extend above the exterior wall of the building or exceed a height of 40 feet, whichever is the lower height. Ground signs shall be limited to a maximum height of 10 feet. Notwithstanding the foregoing, no ground or garden signs shall be permitted within the historic core precinct.

- (C) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area for such an establishment shall be six square feet.
- (D) Projecting signs shall not extend above the roof level or top of the parapet, whichever is higher; provided that on buildings with more than two stories, the projecting signs shall not extend above the second story.
- (5) Direct and indirect illumination will be encouraged and allowed for all sign types, provided that (i) garden signs shall not be directly illuminated; (ii) for each ground floor establishment, not more than two permitted signs shall be illuminated; and (iii) directly illuminated signs shall be neon or bulbs that are affixed to the exterior of signs, and shall be appropriate to the period and ambiance of Chinatown. Box fluorescents are prohibited.
- (6) No sign shall extend over window openings and trims, or architectural features and embellishments (e.g., cornices, lintels, arches, rosettes, etc.).
- (7) Exceptions to these sign requirements may be permitted by the director when it can be demonstrated that such exemptions are appropriate to the Chinatown special district.
- (8) See Article 7, except Section 21-7.40, for additional sign requirements.
- (e) Outdoor Lighting. Outdoor lighting that highlights and accents the building facade is encouraged. Light fixtures shall be shielded from street view and be integrated with the architectural design of the building. Lighting shall be subdued or shielded so as to prevent glare and light trespass onto surrounding properties and public rights-of-way.

(Added by Ord. 99-12)

Sec. 21 9.60-13 Project classification.

- (a) Refer to Table 21-9.4 to determine whether specific projects will be classified as major, minor, or exempt.
- (b) Projects involving the demolition of, or the major or minor exterior repair, alteration or addition to structures listed on Exhibit 21-9.10-A, set out at the end of this article, may be referred to the state historic preservation officer and other appropriate agencies for review.

(Added by Ord. 99-12)

Table 21-9.4 Chinatown Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	E	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration or addition to all structures	M/m	Major for structures listed on Exhibit 21-9.10-A
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor for structures listed on Exhibit 21-9.10-A
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if visible from street
Interior repairs, alterations and renovations to all structures	E	

Table 21-9.4 Chinatown Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Demolition of structures	M/m/E	Major for structures listed on Exhibit 21-9.10-A. Exempt for accessory structures such as sheds
Fences and walls	E	
Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights of way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.70 Thomas Square/Honolulu Academy of Arts special district.

- (a) Thomas Square and the Honolulu Academy of Arts are designated for preservation on the state and National Register of Historic Places. Thomas Square is an urban park with a formal symmetrical design. It has historic significance as the site where the sovereignty of the Hawaiian kingdom was restored to King Kamehameha III by Great Britain. It is a focal point for the Honolulu Academy of Arts, the Neal S. Blaisdell Center and Linekona School and has been increasingly used for recreation and special activities. The Academy of Arts has architectural significance as an example of nationally renowned architect Bertram Goodhue's work, and cultural significance as a major art gallery and museum.
- (b) Without special controls, high-rise buildings in the immediate vicinity will have a negative impact on the serenity of these two landmarks. In view of this threat, and established public policies to protect important resources, it is necessary to preserve and protect Thomas Square and the Honolulu Academy of Arts.

(Added by Ord. 99-12)

Sec. 21-9.70-1 Objectives.

The objectives of the Thomas Square/Honolulu Academy of Arts special district are as follows:

- (a) Preserve and enhance Thomas Square's formal park design by modifying construction projects which would diminish its serene and scenic quality.
- (b) Protect the serene scenic quality of the interior courts of the Honolulu Academy of Arts by prohibiting the visual intrusion of neighboring high-rise buildings.
- (c) Create a landscaping theme which takes into consideration the park qualities of Thomas Square and the Honolulu Academy of Arts, and the transition from these two low-rise sites to taller developments nearby and their location as a gateway to the Hawaii capital district.
- (d) Notwithstanding the underlying zoning, the Honolulu Academy of Arts shall be treated as a principal permitted use within the Thomas Square/Honolulu Academy of Arts special district.

(Added by Ord. 99-12)

Sec. 21-9.70-2 District boundaries.

The boundaries of the district are shown on Exhibit 21-9.11, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.70-3 Significant public views.

The following are significant public views within the Thomas Square/Honolulu Academy of Arts special district.

- (a) Views of Thomas Square from Ward Avenue, Victoria Street, Beretania Street, Hotel Street, Young Street, King Street, the Neal S. Blaisdell Center and the Honolulu Academy of Arts.
- (b) Views of the Honolulu Academy of Arts and the Neal S. Blaisdell Center from Thomas Square.
- (c) Views from the academy courtyards skywards.

(Added by Ord. 99-12)

Sec. 21-9.70-4 Design controls.

Implementation of the district objectives shall consist primarily of open space requirements, building height limitations, yard requirements, tree plantings along streets and sign controls. Specific regulations are enumerated below. The district shall consist of four precincts as indicated on Exhibit 21-9.11, set out at the end of this article. Special restrictions for the precincts are as follows:

- (a) Open Space. The percentage of open space shall be as required by the underlying zoning district, except for the following precincts:
 - (1) One hundred percent for precinct one, Thomas Square. The intent is to maintain the existing character and landscape elements in the square and to prohibit all permanent structures except for public rest rooms and the enhancement and function of the landscaped square as a passive park.
 - (2) Fifty percent for precinct two, Honolulu Academy of Arts. The intent is to maintain a maximum amount of open space along Beretania Street to complement and extend the landscaped qualities of Thomas Square.
 - (3) Sixty percent for Neal S. Blaisdell Center within precinct three. The intent is to maintain a park-like setting for the structures of the center by maximizing landscaping on the site and extending the visual open space qualities of Thomas Square along Ward Avenue to and including Kapiolani Boulevard.
- (b) Building Heights and Setbacks.
 - (1) Permitted maximum heights of buildings and structures, and height setbacks shall be as indicated in Exhibits 21-9.11 and 21-9.12, set out at the end of this article.
 - (2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Thomas Square/Honolulu Academy of Arts special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.
 - (3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.
- (c) Landscaping.
 - (1) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.
 - (2) Street trees shall be provided in conformance with subdivision (4) of this subsection and shall be a minimum two inch caliper, except palms which shall have a minimum trunk height of 15 feet. Exceptions to the provisions of this subsection to accommodate special conditions shall be reviewed and may be approved by the director.
 - (3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. One tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.
 - (4) The character and standards for major landscaping in the sidewalk area and required yards are delineated below. All tree planting shall be in conformance with the requirements and standards shown on Exhibit 21 9.4, set out at the end of this article, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian islands, including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director.
 - (A) Thomas Square and the Honolulu Academy of Arts.
 - (i) Unless otherwise provided, all landscaping and tree planting located in, or adjacent to required yards shall be subject to review and approval.
 - (ii) All new landscaping and tree planting shall preserve, enhance and complement the existing trees and landscaping.
 - (B) Kinau Street and Victoria Street (from Kinau Street to H-1 Freeway).

- (i) Character. Continuous planting of medium- sized canopy street trees between the sidewalk and buildings to provide a transition of scale to taller structures.
 - (ii) Street tree species: Alibangbang (*Bahina binata*).
 - (iii) Maximum spacing: 25 feet on center.
 - (iv) Location: In the sidewalk area.
- (C) Beretania Street (except from Ward Avenue to Victoria Street).
- (i) Character. A major approach street to the Hawaii capital district with a continuous canopy of large trees. Hedges, walls, fences and high plant material or shrubs near the sidewalk would not be appropriate.
 - (ii) Street tree species: Monkeypod (*Samanea saman*) or True Kou (*Cordia Subcordata*).
 - (iii) Maximum spacing: 60 feet on center.
 - (iv) Location: Within the required front yard.
 - (v) Other landscaping and landscape elements: Shall not exceed two feet in height within the first 10 feet of the front yard, including fences and walls.
- (D) Hotel Street and Young Street.
- (i) Character. A formal continuation of the entry walks focusing on the fountain and banyan trees of Thomas Square with preservation of views to and from Thomas Square.
 - (ii) Street tree species: Alibangbang (*Bahina binata*).
 - (iii) Maximum spacing: 25 feet on center.
 - (iv) Location: In the sidewalk area.
- (E) South King Street (except from Ward Avenue to Victoria Street).
- (i) Character. A major street of flowering trees. Other trees and landscaping should give evidence of variety to contrast and complement the continuity of the street trees.
 - (ii) Street tree species: Rainbow Shower (*Cassia hybrida*) or Monkeypod (*Samanea saman*).
 - (iii) Maximum spacing: 30 to 50 feet on center for Rainbow Shower and 50 feet on center for Monkeypod.
 - (iv) Location: First five feet of required front yard.
- (F) Ward Avenue (from South King Street to H-1 Freeway except for the diamond head side at Thomas Square and the Honolulu Academy of Arts) and Victoria Street (from South King Street to Kinau Street except for the ewa side at Thomas Square and the Honolulu Academy of Arts).
- (i) Character. Large canopy trees to complement the Honolulu Academy of Arts and Thomas Square and provide continuity of streetscape from Kapiolani Boulevard to the H-1 Freeway.
 - (ii) Street tree species: Royal Poinciana (*Delonix regia*): in combination with Monkeypod (*Samanea saman*) opposite Thomas Square only.
 - (iii) Maximum spacing: 60 feet on center.
 - (iv) Location: Within the first five feet of the front yard.
 - (v) Other landscaping and landscape elements: Fronting Thomas Square and the Honolulu Academy of Arts shall not exceed two feet in height within the first 10 feet of the front yard.
- (G) Ward Avenue (from Kapiolani Boulevard to South King Street) and South King Street (makai side from Ward Avenue to Victoria Street).
- (i) Character. Extension of the open "palm grove" at the Neal S. Blaisdell Center with interspersed lower canopy planting to vary scale and provide color along the street, and to provide continuity of streetscape from Kapiolani Boulevard to the H 1 Freeway.
 - (ii) Street tree species: Royal Poinciana (*Delonix regia*), and coconut palm (*Cocos nucifera*).
 - (iii) Quantity. Three palm trees and one Royal Poinciana tree shall be provided per 100 feet of street frontage.
 - (iv) Location: Palm trees within the front yard and informally grouped; Royal Poinciana trees within five feet of the front yard and interspersed with the palms. Royal Poinciana trees shall be used only on the ewa side of Ward Avenue and along the front of the Neal S. Blaisdell Center Exhibition Hall.
 - (v) Other landscaping and landscape elements: Shall not exceed two feet in height except at the last five feet of the front yard.
- (H) Except as provided, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).
- (5) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
- (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

- (6) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two inch caliper or by alternative-approved landscaping material, unless the replacement results in overcrowded vegetation.
- (7) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (d) Signs. Signs which directly front Thomas Square and/or the Honolulu Academy of Arts shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination shall be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.
- (e) Exterior Lighting. Lighting fronting Thomas Square and/or the Honolulu Academy of Arts shall recognize the serene quality of these resources, and shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.
- (Added by Ord. 99-12)

Sec. 21-9.70-5 Project classification.

Refer to Table 21-9.5 to determine whether specific projects will be classified as major, minor, or exempt.
(Added by Ord. 99-12)

Table 21-9.5 Thomas Square/Honolulu Academy of Arts Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	Directly illuminated signs prohibited fronting Thomas Square
Tree removal over six inches in diameter	m/E	Minor in front yard and sidewalk area only
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior modification, alteration, repair or addition to Thomas Square or Honolulu Academy of Arts	m	
Major exterior repair, alteration or addition to all structures except Thomas Square or Honolulu Academy of Arts	M	
Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor only when involving Thomas Square or Honolulu Academy of Arts
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M	

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.80 Waikiki special district--Findings.

- (a) To the world, Waikiki is a recognized symbol of Hawaii; and the allure of Waikiki continues, serving as the anchor for the state's tourist industry. In addition to its function as a major world tourist destination, Waikiki serves as a vital employment center and as a home for thousands of full-time residents.
- (b) The creation of the Waikiki special district was largely a response to the rapid development of the 1960s and 1970s, and the changes produced by that development. Now, Waikiki can be described as a mature resort plant and residential locale. Waikiki needs to maintain its place as one of the world's premier resorts in an international market; yet, the sense of place that makes Waikiki unique needs to be retained and enhanced.
- (c) Because of the city's commitment to the economic, social and physical well-being of Waikiki, it is necessary to guide carefully Waikiki's future and protect its unique Hawaiian identity.

(Added by Ord. 99-12)

Sec. 21-9.80-1 Waikiki special district--Objectives.

The objectives of the Waikiki special district are to:

- (a) Promote a Hawaiian sense of place at every opportunity.
- (b) Guide development and redevelopment in Waikiki with due consideration to optimum community benefits. These shall include the preservation, restoration, maintenance, enhancement and creation of natural, recreational, educational, historic, cultural, community and scenic resources.
- (c) Support the retention of a residential sector in order to provide stability to the neighborhoods of Waikiki.
- (d) Provide for a variety of compatible land uses which promote the unique character of Waikiki, emphasizing mixed uses.
- (e) Support efficient use of multimodal transportation in Waikiki, reflecting the needs of Waikiki workers, businesses, residents, and tourists. Encourage the use of public transit rather than the private automobile, and assist in the efficient flow of traffic.
- (f) Provide for the ability to renovate and redevelop existing structures which otherwise might experience deterioration. Waikiki is a mature, concentrated urban area with a large number of nonconforming uses and structures. The zoning requirements of this special district should not, therefore, function as barriers to desirable restoration and redevelopment lest the physical decline of structures in Waikiki jeopardize the desire to have a healthy, vibrant, attractive and well-designed visitor destination.
- (g) Enable the city to address concerns that development maintain Waikiki's capacity to support adequately, accommodate comfortably, and enhance the variety of worker, resident and visitor needs.
- (h) Provide opportunities for creative development capable of substantially contributing to rejuvenation and revitalization in the special district, and able to facilitate the desired character of Waikiki for areas susceptible to change.
- (i) Encourage architectural features in building design which complement Hawaii's tropical climate and ambience, while respecting Waikiki's urbanized setting. The provision of building elements such as open lobbies, lanais, and sunshade devices is encouraged.
- (j) Maintain, and improve where possible: mauka views from public viewing areas in Waikiki, especially from public streets; and a visual relationship with the ocean, as experienced from Kalakaua Avenue, Kalia Road and Ala Moana Boulevard. In addition, improve pedestrian access, both perpendicular and lateral, to the beach and the Ala Wai Canal.
- (k) Maintain a substantial view of Diamond Head from the Punchbowl lookouts by controlling building heights in Waikiki that would impinge on this view corridor.
- (l) Emphasize a pedestrian-orientation in Waikiki. Acknowledge, enhance and promote the pedestrian experience to benefit both commercial establishments and the community as a whole. Walkway systems shall be complemented by adjacent landscaping, open spaces, entryways, inviting uses at the ground level, street furniture, and human-scaled architectural details. Where appropriate, open spaces should be actively utilized to promote the pedestrian experience.
- (m) Provide people-oriented, interactive, landscaped open spaces to offset the high-density urban ambience. Open spaces are intended to serve a variety of objectives including visual relief, pedestrian orientation, social interaction, and fundamentally to promote a sense of "Hawaiianess" within the district. Open spaces, pedestrian pathways and other ground level features should be generously supplemented with landscaping and water features to enhance their value, contribute to a lush, tropical setting and promote a Hawaiian sense of place.
- (n) Support a complementary relationship between Waikiki and the convention center.

(Added by Ord. 99-12)

Sec. 21-9.80-2 District boundaries and land use control system.

- (a) The district is identified on Exhibit 21-9.13.

- (b) Within the district there are four types of zoning precincts and one type of zoning subprecinct, the boundaries of which are indicated on Exhibit 21-9.13, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.80-3 Prominent view corridors and historic properties.

- (a) The following streets and locations identify significant public views of Waikiki landmarks, the ocean, and the mountains from public vantage points:
- (1) Intermittent ocean views from Kalia Road across Fort DeRussy Park and from the Ala Wai Bridge on Ala Moana Boulevard;
 - (2) Continuous ocean views along Kalakaua Avenue, from Kuhio Beach to Kapahulu Avenue;
 - (3) Ocean views from Ala Wai Yacht Harbor;
 - (4) Ocean views from Kuhio Beach Park;
 - (5) Views of Ala Wai Yacht Harbor from Ala Moana Park (Magic Island Park);
 - (6) Mauka views from the portions of the following streets mauka of Kuhio Avenue:
 - (A) Nohonani Street;
 - (B) Nahua Street;
 - (C) Kanekapolei Street;
 - (D) Kaiolu Street;
 - (E) Lewers Street;
 - (F) Walina Street; and
 - (G) Seaside Avenue;
- and
- (7) View of Diamond Head from Ala Wai Boulevard between McCully Street and Kapahulu Avenue.
- (b) Development should preserve, maintain and enhance these views whenever possible. Additional yard area and spacing between buildings may be required by the director, in connection with the issuance of special district permits, and the council and/or the director, in connection with planned development-resort and planned development-commercial approvals pursuant to Section 21-2.110-2, to protect these significant views.
- (c) Development should preserve, maintain and enhance historic properties whenever possible. Special district permit applications involving buildings over 50 years old shall be submitted to the state department of land and natural resources for review and comments.

(Added by Ord. 99-12)

Sec. 21-9.80-4 General requirements and design controls.

The design of buildings and structures in the Waikiki special district should always reflect a Hawaiian sense of place, as outlined in the design controls of this section. These design controls shall be supplemented by a design guidebook prepared and made available to the public by the director. The design guidebook shall be used as a principal tool by the director to express those various planning and architectural design elements which demonstrate consistency with the intent, objectives, guidelines, and standards of the Waikiki special district. The director shall submit the design guidebook and any revisions thereof to the council for review and comment prior to making the guidebook and any revisions available to the public. The following requirements shall be applied in all precincts within the district. Where the following requirements are silent, the applicable provisions of this chapter shall apply.

- (a) Uses and Structures Allowed in Required Yards and Setbacks. The provisions of Section 21-4.30 shall apply except as provided by this subsection. No business activity of any kind, including advertising, promotion, solicitation, merchandising or distribution of commercial handbills, or structures or any other use or activity, except as provided by this subsection, shall be located or carried out within any required yard, street or building setback area, except those areas occupied by enclosed nonconforming buildings. The following may be allowed in required yards and setbacks, and when used as provided by this subsection shall not be considered to change a yard's status as open space:
- (1) Newspaper sales and distribution.
 - (2) Garden signs.
 - (3) Porte cocheres no less than five feet back from the property line or road widening setback.
 - (4) Roof eaves, awnings (including retractable awnings) and other sunshade devices not more than 42 inches vertically or horizontally beyond the building face, except as otherwise provided by this subsection. On buildings over 60 feet in height, roof eaves may extend more than 42 inches into a required yard, street setback or height setback area if the resulting roof form is integral to a cohesive, coherent design character for the structure. In no case, however, shall such extension exceed one-half the width of the required yard or height setback.
 - (5) Outdoor dining areas accessory to permitted eating establishments in required front yards, subject to the following:
 - (A) A planter or hedge of not more than 30 inches in height may be provided to define the perimeter of the outdoor dining area. A decorative railing may be permitted in lieu of a planter or hedge subject to the approval of the director.
 - (B) An outdoor dining area shall be no less than five feet from any property line.
 - (C) Outdoor dining facilities shall be limited to portable chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.
 - (D) Up to 100 percent of the front yard may be used as an accessory outdoor dining area, subject to an acceptable design. The remainder of the front yard shall be landscaped except for necessary access drives and walkways, and where lei stands are used as permitted under subdivision (6).

- (E) Retractable awnings directly associated with an outdoor dining area may extend from the building face into the front yard.
 - (F) Sidewalk improvements such as, but not limited to, street trees, paving and landscaping, may be required.
 - (G) Outdoor dining areas shall not be used after 11 p.m. and before 7 a.m.
 - (H) No dancing, entertainment, or live or recorded music shall be permitted in outdoor dining areas, provided that strolling musicians using nonamplified acoustic stringed instruments or traditional Hawaiian wind instruments shall be permitted to perform no later than 10 p.m. when the dining areas are in use.
 - (I) The requirements under paragraphs (A) through (F) may be modified, subject to a major or minor special district permit, as required by Table 21-9.6(C), to a reasonable extent as may be necessary and appropriate to adequately accommodate outdoor dining areas associated with structures that are nonconforming due to required yards, landscaping and/or open spaces.
- (6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The activity shall be no less than five feet from any property line.
 - (B) No more than 10 percent of the front yard may be used for lei stands. The remainder of the front yard shall be landscaped except for necessary access drives or walkways, and where outdoor dining is used as permitted under subdivision (5).
 - (C) Signs. Refer to Article 7 for permitted signs.
 - (D) The operator of a lei stand shall provide for the concealed disposal of trash associated with the use.
- (7) Vending carts in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The front yard shall conform to the applicable front yard standard set forth in Table 21-9.6(B).
 - (B) Only food, nonalcoholic drinks and fresh cut or picked flowers may be sold. Food consistent with a Hawaiian sense of place shall be encouraged.
 - (C) The cart shall be no less than five feet from any property line.
 - (D) Only one cart per front yard per zoning lot or one cart per front yard per 100 feet of lot frontage shall be permitted, whichever is greater. When computation of the total number of permitted carts results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of carts permitted shall be the next highest whole number.
 - (E) Permitted signs shall be in accordance with Article 7.
 - (F) The cart operator shall provide for the concealed disposal of trash associated with the use.
- (8) Walls and fences for dwelling uses, other than nonconforming hotels and/or transient vacation units, in the apartment precinct, up to a maximum height of six feet, provided the wall or fence shall be set back not less than 24 inches from the front property line and shall be acceptably screened with planting material from the street side. The wall or fence shall consist of an open material, preferably wrought iron or lattice work, but not chain link. Solid walls are discouraged, but may be permitted when constructed of an acceptable material, such as wood, moss rock or stucco-finished masonry, set back at least five feet from the front property line and acceptably screened with planting material from the street side.
- (9) Interactive informational displays, provided the following standards are met:
- (A) Only one interactive informational display per common entryway to a project site shall be permitted, which shall not encroach into or otherwise obstruct any public sidewalk or pedestrian easement. For purposes of this subdivision, a “common entryway” shall mean an opening providing public pedestrian access to two or more business establishments from any public sidewalk, pedestrian easement, or right-of-way.
 - (B) The interactive informational display shall consist of a freestanding structure, not exceeding 48 inches in height.
 - (C) The display area shall not exceed 8 square feet, and shall be essentially horizontal in its orientation so as not to be functionally viewable from adjoining streets or sidewalks.
 - (D) No signs regulated under Article 7 of this chapter shall be attached to the interactive informational display structure, nor shall there be any speaker boxes, public address systems, or other devices for reproducing or amplifying voices or sound attached to or associated with the structure.
- (b) Curb Cuts. Curb cuts for driveway openings and sight distances at all intersections shall comply with the design standards of the department of transportation services unless modified by the city council. The number of curb cuts should be kept to a minimum in order to enhance pedestrian movement along sidewalks.
- (c) Design Guidelines.
- (1) General Guidelines. All structures, open spaces, landscape elements and other improvements within the district shall conform to the guidelines specified on the urban design controls marked Exhibit 21-9.15, set out at the end of this article, the design standards contained in this section and other design guidelines promulgated by the director to further define and implement these standards.
 - (2) Yards. Yard requirements shall be as enumerated under development standards for the appropriate zoning precinct under Table 21-9.6(B).
 - (3) Automobile Service Stations and Car Rental Establishments. Automobile service stations and car rental establishments shall comply with the following requirements:

- (A) A minimum side and rear yard of five feet shall be required with a solid fence or wall at least six feet in height on the property line with the required yard substantially landscaped with planting and maintained.
- (B) The station shall be illuminated so that no unshielded, unreflected or undiffused light source is visible from any public area or private property immediately adjacent to the station.
- (C) All areas not landscaped shall be provided with an all weather surface.
- (D) No water produced by activities on the zoning lot shall be permitted to fall upon or drain across public streets or sidewalks.
- (4) Utility Installations. Except for antennas, utility installations shall be designed and installed in an aesthetic manner so as to hide or screen wires and equipment completely from view, including views from above; provided that any antenna located at a height of 40 feet or less from existing grade should take full advantage of stealth technologies in order to be adequately screened from view at ground level without adversely affecting operational capabilities.
- (5) Building Materials. Selection and use of building materials should contribute to a Hawaiian sense of place through the use of subdued and natural materials, such as plaster finishes, textured concrete, stone, wood and limited use of color-coated metal. Freestanding walls and fences should be composed of moss rock, stucco-finished masonry or architectural concrete whenever possible. Colors and finishes shall be characterized as being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided.
- (6) Building Scale, Features and Articulation. Project designs should provide a human scale at ground level. Buildings composed of stepped forms are preferred. Articulated facades are encouraged to break up building bulk. Use of the following building features is encouraged: sunshades; canopies; eaves; lanais; hip-form roofs for low-rise, freestanding buildings; recessed windows; projecting eyebrows; and architectural elements that promote a Hawaiian sense of place.
- (7) Exterior Building Colors. Project colors should contribute to a tropical resort destination. They should complement or blend with surrounding colors, rather than call attention to the structure. Principal colors, particularly for high-rise towers, should be of neutral tones with more vibrant colors relegated to accent work. Highly reflective colors shall not be permitted.
- (8) Ground Level Features.
 - (A) Within a development, attention should be given to pedestrian-oriented ground level features. A close indoor-outdoor relationship should be promoted. Design priority should include the visual links through a development connecting the sidewalk and other public areas with on-site open spaces, mountains and the ocean.
 - (B) Building facades at the ground level along open spaces and major streets (including Kalakaua Avenue, Kuhio Avenue, Kapahulu Avenue, Ala Wai Boulevard and Ala Moana Boulevard) shall be devoted to open lobbies, arcade entrances, and display windows, and to outdoor dining where it is permitted.
 - (C) Where commercial uses are located at ground level, other than as required by paragraph (B), at least one-half of the total length of the building facade along streets shall be devoted to open lobbies, arcade entrances, display windows and outdoor dining where permitted.
 - (D) The street facades of ground level hotel lobbies should include wide, open entryways. Ventilation in these lobbies should primarily depend on natural air circulation.
 - (E) Where buildings are situated between a street and the shoreline or between a street and open spaces, ground level lobbies, arcades and pedestrian ways should be provided to create visual links between the street and the shoreline or open space.
 - (F) Where blank walls must front a street or open space, they shall be screened with heavy landscaping or appropriately articulated exterior surfaces.
 - (G) Ground level parking facilities should not be located along any street, park, beachfront, public sidewalk or pedestrian way. Where the site plan precludes any other location, the garage may front these areas provided landscaping is provided for screening. Principal landscaping shall include trees, and secondary landscape elements may include tall hedges and earth berms.
 - (H) For purposes of the Waikiki special district, an "open lobby" shall mean a ground-floor lobby which shall not be enclosed along the entire length of at least two of its sides or 50 percent of its perimeter, whichever is greater, and which shall provide adequate breezeways and views to interior and/or prominent open spaces, intersecting streets, gateways or significant pedestrian ways.
- (9) Outdoor Lighting. Outdoor lighting shall be subdued or shielded so as to prevent glare and light spillage onto surrounding properties and public rights-of-way. It shall not be used to attract attention to structures, uses or activities; provided, however, that indirect illumination which shall be integrated with the architectural design of a building may be allowed when it is utilized to highlight and accentuate exterior building facades, and architectural and/or ground level features. Rotating, revolving, moving, flashing and flickering lights shall not be visible to the public, except lighting installed by a public agency for traffic safety purposes or temporary lighting related to holiday displays.
- (d) Planned Development-Resort (PD-R) and Planned Development-Apartment (PD-A) Projects. The purpose of the PD-R and PD-A options is to provide opportunities for creative redevelopment not possible under a strict

adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department. PD-R and PD-A projects shall be subject to the following:

- (1) PD-R and PD-A Applicability.
 - (A) PD-R projects shall only be permitted in the resort mixed use precinct, and PD-A projects shall only be permitted in the apartment precinct.
 - (B) The minimum project size shall be one acre. Multiple lots may be part of a single PD-R or PD-A project if all lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (i) The lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and
 - (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet, but subject to the minimum overall project size of one acre.When a project consists of noncontiguous lots as provided above, bridges or other design features connecting the separated lots are strongly encouraged, to unify the project site. Multiple lots that are part of an approved single PD-R or PD-A project shall be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development shall be required therefor.
- (2) PD-R and PD-A Use Regulations. Permitted uses and structures shall be as enumerated for the underlying precinct in Table 21-9.6(A).
- (3) PD-R and PD-A Site Development and Design Standards. The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection (d).
 - (A) In PD-R projects, maximum project floor area shall not exceed an FAR of 4.0, except:
 - (i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or
 - (ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density.In PD-A projects, maximum project floor area shall not exceed an FAR of 3.0, except:
 - (i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or
 - (ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density.In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations. The foregoing maximum densities may be reduced.
 - (B) Maximum building height shall be 350 feet, but this standard may be reduced.
 - (C) Precinct transitional height setbacks shall be as set forth in Table 21-9.6(B), but these standards may be modified.
 - (D) Minimum yards shall be 15 feet, but this standard may be modified.
 - (E) Minimum open space shall be at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.
 - (F) Landscaping requirements shall be as set forth in subsection (f), but these standards may be modified.
 - (G) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located shall apply.
- (4) Approval of PD-R or PD-A Projects.
 - (A) Application Requirements. An application for approval of a PD-R or PD-A project shall contain:
 - (i) A project name;
 - (ii) A location map showing the project in relation to the surrounding area;
 - (iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. It shall also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, when applicable;
 - (iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated

number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;

- (v) An open space plan and integrated pedestrian circulation system;
 - (vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and
 - (vii) A parking and loading management plan.
- (B) Procedures. Applications for approval of PD-R or PD-A projects shall be processed in accordance with Section 21-2.110-2.
- (C) No project shall be eligible for PD-R or PD-A status unless the council has first approved a conceptual plan for the project.
- (D) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a PD-R or PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
- (i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space and landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection (d);
 - (ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and
 - (iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24.
- (E) Deadline for Obtaining Building Permit for Project.
- (i) A council resolution of approval for a conceptual plan for a PD-R or PD-A project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.
 - (ii) The resolution shall further provide that a deadline may be extended as follows: The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of (aa) 60 days after the receipt of the director's report or (bb) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (F) Approval by Director. Upon council approval of the conceptual plan for the PD-R or PD-A project, the application for the project, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
- (i) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
 - (ii) The project also shall implement the objectives, guidelines, and standards of the Waikiki special district and this subsection (d);
 - (iii) The project shall exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features which may fulfill this requirement;

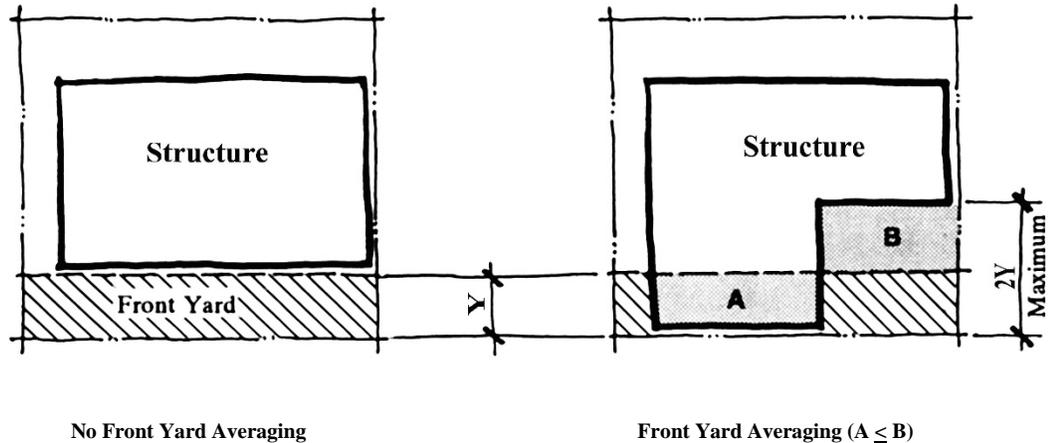
- (iv) The project shall demonstrate a high level of compliance with the design guidelines of this special district and this subsection (d);
 - (v) The project shall contribute significantly to the overall desired urban design of Waikiki;
 - (vi) The project shall reflect appropriate "contextual architecture";
 - (vii) The project shall demonstrate a pedestrian system, open spaces, landscaping and water features (such as water gardens and ponds) which are integrated and prominently conspicuous throughout the project site at ground level;
 - (viii) The open space plan shall provide useable open spaces, green spaces, water features, public places and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;
 - (ix) The system of proposed pedestrian elements shall contribute to a strong pedestrian orientation which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding Waikiki areas; and
 - (x) The parking management plan shall minimize impacts upon public streets where possible, shall enhance local traffic circulation patterns, and shall make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan shall constitute the off-street parking and loading requirements for the project.
- (e) Nonconformity. The provisions of Section 21-4.110, et seq., shall apply, except as provided in this subsection.
- (1) A nonconforming use and/or structure may be replaced by a new structure with up to the maximum permitted floor area of the precinct for similar uses or existing floor area, whichever is greater, provided all other special district standards are met. To achieve this, the following special district standards may be modified, subject to a major special district permit approval:
 - (A) Open Space. Minimum required open space may be adjusted, as follows:
 - (i) For each square foot of public open space provided on the lot, the open space may be reduced by one square foot. If provided, front yards may be included as public open space; and
 - (ii) For every two square feet of arcade space provided on the lot, the open space may be reduced by one square foot; and
 - (iii) For every four square feet of open lobby space on the lot, the open space may be reduced by one square foot.
 - (iv) In the event that the cumulative area of the required yards exceeds the minimum open space requirement for the lot, the resultant cumulative yards may be considered the minimum open space requirement for the lot.

In no event shall the total open space be less than (aa) 25 percent of the lot area or (bb) the cumulative area of the required yards, whichever is greater. In addition, the open space arrangement shall not obstruct or diminish any significant views which are to be preserved, protected or enhanced; shall not obstruct, prevent or interfere with any identified gateways and/or pedestrian ways; and shall be consistent with the intent and objectives of the Waikiki special district.
 - (B) Off-street Parking. Parking and loading requirements may be adjusted, subject to the submission of a parking management plan that shall be reviewed and approved by the director.
 - (C) Height. If the height of an existing structure exceeds the maximum height for the lot, then the height of the existing structure may be retained, provided the new structure or structures:
 - (i) Do not obstruct or diminish any significant views which are to be preserved, protected and enhanced; and/or
 - (ii) Do not obstruct, prevent or interfere with an identified gateway and/or pedestrian way; and
 - (iii) Are consistent with the intent and objectives of the Waikiki special district.
 - (2) In case of the accidental destruction of a nonconforming structure devoted to a conforming use which contains multifamily dwelling units, it may be restored to its original condition in accordance with Section 21-4.110.
 - (3) Nonconforming uses shall not be limited to "ordinary repairs" or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations which will not modify the arrangement of buildings on a zoning lot may be permitted, provided all special district standards are met.
 - (4) Elements of nonconforming structures, including but not limited to, signs, menu displays, awnings and building facades may be renovated, reconfigured, or replaced, provided the work:
 - (A) Results in a reduction of the nonconformity;
 - (B) Is an improvement over the existing condition of the structure;
 - (C) Implements the design intents and requirements of the special district; and
 - (D) Does not increase floor area.
 - (5) The floor area of a structure which already meets or exceeds maximum permitted density may be increased to replace or retrofit electrical or mechanical equipment, utilitarian spaces, or improvements specifically required to comply with federal mandates such as the Americans with Disabilities Act (ADA) or National Environmental Policy Act (NEPA), provided:
 - (A) The increase in floor area is relatively insignificant in relation to the existing structure;

- (B) Adequate screening of building equipment or machinery is provided when necessary to protect the design intents of the special district;
- (C) The increase does not result in a net loss in required open space, arcades, or landscaping; and
- (D) Other than for dwelling units, existing on-site parking spaces may be removed, provided:
 - (i) There are no feasible alternatives to the location of the equipment or utility room; and
 - (ii) The number of off-street parking spaces removed is less than (aa) five percent of the total number of existing spaces, if the total number of existing spaces is 100 or less; or (bb) three percent of the total number of existing spaces, if the total number of existing spaces is more than 100.
- (6) Notwithstanding any ordinance to the contrary, nonconforming hotel units may be time sharing units, subject to applicable state law.
- (7) Unless voluntarily abandoned, nonconforming uses which have been temporarily discontinued for purposes of redevelopment and/or renovation, as permitted by this subsection, shall not otherwise be subject to the discontinuation of use provisions enumerated in Section 21-4.110(c)(2).
- (f) Landscaping.
 - (1) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
 - (2) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet, or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Larger replacement trees may be required depending on the size of the trees removed.
 - (3) Where possible, trees proposed for removal shall be relocated to another area of the project site.
 - (4) Parking structures shall be landscaped. Rooftop parking areas shall also be landscaped wherever they are visible to the public.
 - (5) Landscaped screening shall be required to prevent undesirable vistas and sight lines, and to reduce the visual impact of blank walls and parked vehicles. Spacing and other design elements shall be determined by species, plant size and mix of plant material.
 - (6) Whenever landscaping is required, the use of fragrant, lush, tropical vegetation and native plant species is encouraged.
 - (7) All fences and walls exceeding 36 inches in height, except for moss rock walls, shall be landscaped with vine or hedge planting, or other approved vegetation on the street side.
 - (8) All landscaped areas shall include an adequate irrigation system.
- (g) Height Regulations.
 - (1) Rooftop Height Exemption. The director may exempt necessary mechanical appurtenances, and utilitarian and architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose they serve, but in no case exceeding 18 feet above the maximum height limit for roof forms and 12 feet above the maximum height limit for all other appurtenances and features. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Waikiki special district. The design of roof treatment shall be attractive, contextual and an integral part of the building's design scheme. Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provision of this subsection.
 - (2) Coastal Height Setbacks. In addition to the above limits, there is a need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources. Accordingly, the following minimum setbacks shall apply to all zoning lots along the shoreline:
 - (A) There shall be a building height setback of 100 feet in which no structure shall be permitted. This setback shall be measured from the certified shoreline; and
 - (B) Beyond the 100-foot line there shall be a building height setback of 1:1 (45 degrees) measured from the certified shoreline. (See Exhibit 21-9.15.)
 - (3) The council by resolution may approve a building that exceeds the building height limits established in Exhibit 21-9.15 and on the zoning map, provided that the council determines that the building with the added height would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Koolau Range, and the building does not exceed a height of 350 feet.
- (h) Parking. Off-street parking shall be provided in accordance with Article 6 and Table 21-6.3. Notwithstanding the foregoing, ground floor and basement uses, other than dwelling uses, and retail establishments and eating establishments on lots less than 10,000 square feet in area, in the Waikiki special district shall be exempt from off-street parking requirements.

- (i) Vending Carts. Outdoor vending carts located at ground level, except for those permitted in required yards, shall be generally screened from view to the general public from any street, sidewalk or public space by landscaping or a wall or fence no less than 42 inches in height, which shall be located at the front property line.
(Added by Ord. 99-12; Am. Ord. 01-66, 03-38, 10-19, 11-30)

Figure 21-9.1
FRONT YARD -- WAIKIKI



(Added by Ord. 03-38)

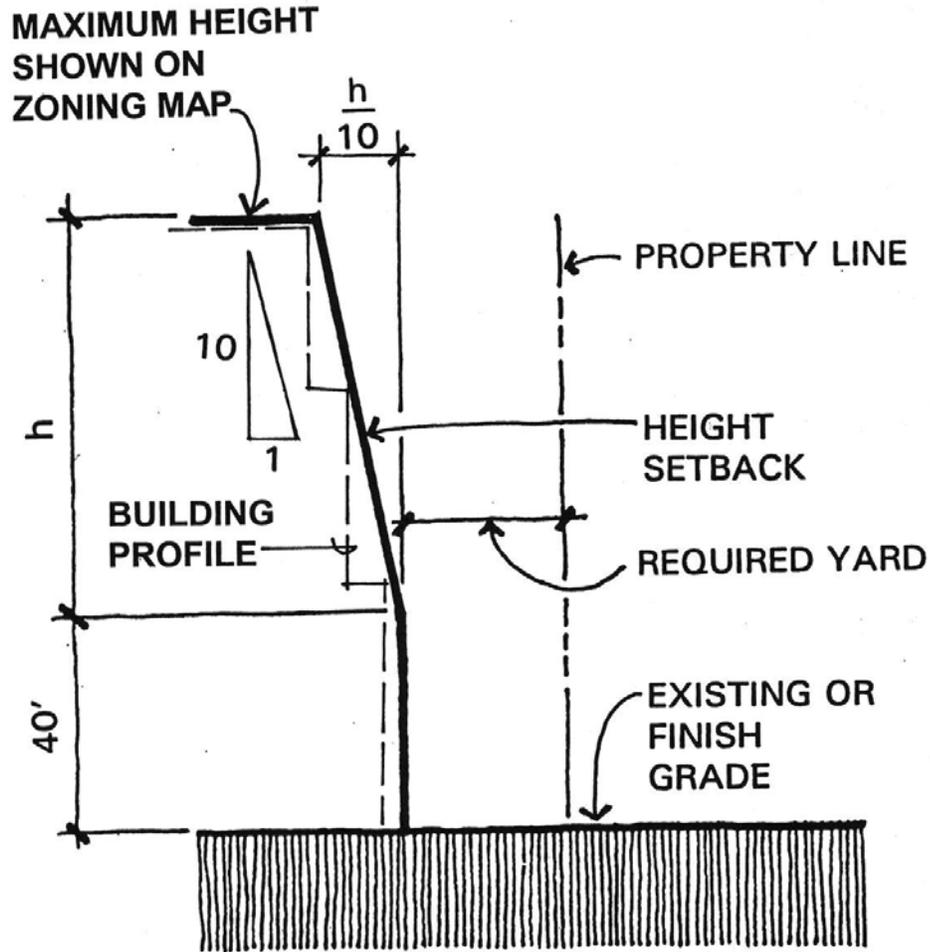
Sec. 21-9.80-5 Apartment precinct.

- (a) Permitted Uses. Within the apartment precinct, including the apartment mixed use subprecinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) Development Standards. Uses and structures within the apartment precinct and the apartment mixed use subprecinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
- (1) Commercial Use Location Within the Apartment Mixed Use Subprecinct. Any of the permitted uses designated in Table 21-9.6(A) as a principal use only within the apartment mixed use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, shall be limited to the basement, ground floor or second floor of a building.
 - (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².

(Added by Ord. 99-12; Am. Ord. 03-38)

Figure 21-9.2

TRANSITIONAL HEIGHT SETBACK – WAIKIKI



(Added by Ord. 03-38)

Sec. 21-9.80-6 Resort mixed use precinct.

- (a) Permitted Uses. Within the resort mixed use precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) Development Standards. Uses and structures within the resort mixed use precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
 - (1) Floor Area Bonus.
 - (A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added;

- (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, five square feet of floor area may be added;
 - (C) For each square foot of arcade area provided, exclusive of required yards, three square feet of floor area may be added; and
 - (D) For each square foot of rooftop landscaped area provided, one square foot of floor area may be added.
- (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².
(Added by Ord. 99-12; Am. Ord. 03-38, 11-30)

(Sec. 21-9.80-7 Resort commercial precinct. – Repealed by Ord. 11-30)

Sec. 21-9.80-7 Reserved

Sec. 21-9.80-8 Public precinct.

- (a) Permitted Uses. Within the public precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A). Additionally:
- (1) In the public precinct, public uses and structures may include accessory activities operated by private lessees under supervision of a public agency purely to fulfill a governmental function, activity or service for public benefit and in accordance with public policy; and
 - (2) All structures within the public precinct shall comply with the guidelines established by the urban design controls marked Exhibit 21-9.15, set out at the end of this article.
- (b) Development Standards. Uses and structures within the public precinct shall conform to the development standards enumerated in Table 21-9.6(B). The FAR, height and yard requirements for structures shall be approved by the director.
- (c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.
- (d) Utility installations, Type A, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².
(Added by Ord. 99-12)

Sec. 21-9.80-9 Tables for permitted uses and structures, development standards and project classification.

Refer to Table 21-9.6(A) for permitted uses and structures for each precinct. Refer to Table 21-9.6(B) for development standards for each precinct. Refer to Table 21-9.6(C) to determine whether specific categories of projects will be classified as major, minor, or exempt. (Added by Ord. 99-12)

Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	Precinct		
	Apartment	Resort Mixed Use	Public
Amusement and recreational facilities, indoor		P	
Amusement facilities, outdoor		C	
Antennas, receive-only	Ac	Ac	Ac
Art galleries and museums	C (Museums only)	P	
Automobile rental establishments (excluding repair facilities and open parking lots)		P	
Automobile service stations, excluding repair facilities			
Bars, cabarets, nightclubs, taverns ¹		P	
Boarding facilities	P	P	
Broadcasting facilities		P	
Business services		P	
Commercial parking lots and garages		P	
Convenience stores	P-AMX	P	
Dance or music schools		P	
Day-care facilities	C	P	
Dwellings, multifamily ²	P	P	
Eating establishments ¹	P-AMX	P	
Financial institutions	P-AMX	P	
Group living facilities	C	C	
Historic structures, use of	C	Cm	Cm
Home occupations	Ac	Ac	

Table 21-9.6(A)
Waikiki Special District Precinct
Permitted Uses and Structures

Use or Structure	Precinct		
	Apartment	Resort Mixed Use	Public
Hotels		P	
Joint development	Cm	Cm	
Joint use of parking	Cm	Cm	
Laboratories, medical		P	
Marina accessories		P	
Medical clinics	P-AMX	P	
Meeting facilities	C	P	
Neighborhood grocery stores	Cm	N/A	
Offices		P	
Off-site parking facilities	Cm	Cm	
Personal services	P-AMX	P	
Photographic processing		P	
Photographic studios		P	
Public uses and structures	P	P	P
Real estate offices	P-AMX	P	
Retail establishments	P-AMX	P	
Schools, language		P	
Schools, vocational, provided they do not involve the operation of woodwork shops, machine shops or similar industrial features		P	
Theaters		P	
Time sharing		P	
Transient vacation units		P	
Travel agencies	P-AMX	P	
Utility installations, Type A	P9	P9	P9
Utility installations, Type B	Cm	Cm	Cm

Ministerial uses:

- Ac = Special accessory use. Also see: Article 10, Accessory use; and Section 21-5.330, Home occupations
- P = Permitted principal use
- P9 = Permitted principal use subject to standards enumerated in Article 9; see Section 21-9.80-5(d), 21-9.80-6(d), or 21-9.80-8(d)
- P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

Discretionary uses:

- Cm = Requires an approved Conditional Use Permit - minor subject to standards in Article 5; no public hearing required
- C = Requires an approved Conditional Use Permit - major subject to standards in Article 5; public hearing required

Other:

- N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category.

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

¹ Provided a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct.

² Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes.
 (Added by Ord. 99-12; Am. Ord. 03-38, 11-30)

Table 21-9.6(B) Waikiki Special District Precinct Development Standards				
Development standard		Precinct		
		Apartment	Resort Mixed use	Public
Minimum lot area (square feet)		10,000	10,000	n/a
Minimum lot width and depth (feet)		50	50	
Yards¹ (feet)	Front	15 ²	15-20 ²	As approved by director
	Side and rear	10 ²	0-10 ³	
Maximum density (FAR) apartment precinct only^{4,5}		Lot Area (sq. ft.) Less than 20,000 20,000 or more	FAR calculation FAR = (.00003 x lot area) + 1.3 FAR = 1.9	
Maximum density (FAR) other precincts		n/a	1.0 ⁵	As approved by director
Minimum open space (percent of zoning lot)		FAR less than 1.5 = 35% of lot FAR 1.5 or more = 50% of lot	0.00	n/a
Open space bonus	Available	No	Yes – See Sec. 21-9.80-6(c)(1)	
	Max FAR	n/a	3.5 ⁵	
Maximum height (feet)		Per zoning map and Exhibit 21-9.15 or as provided in Sec. 21-9.80-4(g)(3)		As approved by director
Transitional height setbacks		Per Sec. 21-9.80-5(c)(2)	Per Sec. 21-9.80-6(c)(2)	

n/a = Not applicable

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

²An average of 20 feet for zoning lots fronting Kuhio Avenue, Kalakaua Avenue, Ala Moana and Ala Wai Boulevard within the resort mixed use precinct, and an average of 15 feet for all other zoning lots, provided: (1) The average yard may vary between the front property line and twice the minimum front yard so long as the yard area street-side of the required yard is equal to the yard area behind the required yard, (2) the yard configuration shall be integrated to the extent feasible with yards and open spaces provided by adjoining lots, and (3) the undulation of the setback line shall result in a design acceptable by the director (see Figure 21-9.1). In the apartment precinct, required yards on lots that are less than 10,000 square feet in area may be adjusted as follows: (1) porches and entry canopies may project into the required yards by up to 5 feet, and (2) the minimum side and rear yard for buildings that are lower than 40 feet in height is 5 feet, plus 1 foot additional setback for every four feet for building height above 20 feet.

³Except for zoning lots adjoining an apartment precinct, side and rear yards shall not be required. Ten feet where a zoning lot adjoins an apartment precinct, unless there is a parking structure or lot on the adjacent apartment precinct zoning lot located within 10 feet of the common property line for more than 75 percent of the length of the common property line. In this case, there shall not be a required yard.

⁴See Sec. 21-9.80-5(c)(1) for commercial use location standards within the apartment mixed use subprecinct.

⁵In computing the permissible floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Portions of buildings devoted to lanais and balconies shall not count as floor area. (Added by Ord. 99-12; Am. Ord. 03-38, 11-30)

Table 21-9.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only when visible from a street, park or other public viewing area; otherwise exempt
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair or addition to historic structures	M	
Minor modification, alteration, repair or addition to historic structures	m	

Table 21-9.6(C) Waikiki Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major exterior repair, alteration or addition to nonhistoric structures	m	
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Planned development projects (PD-R and PD-A)	M	Prior council approval of conceptual plan required. See Sec. 21-9.80-4(d)(4)
Permitted uses and structures under Sections 21-9.80-4(a), uses and activities allowed in required yards and setbacks; 21-9.80-4(e), nonconformity; and 21-9.80-4(g)(1), rooftop height exemption; when not otherwise covered by this table	M/m	Major for the reconstruction of existing nonconforming structures and/or adjustment of open space, off-street parking and/or height provided for nonconforming structures under Section 21-9.80-4(e)(1)
Exterior repainting that significantly changes the character or appearance of the structure	M/m	Major for murals exceeding length or width dimensions of 12 feet
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	
Demolition of nonhistoric structures	m/E	Minor only when structure is over 50 years old; otherwise exempt
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12; Am. Ord. 03-38)

Sec. 21-9.90 Haleiwa special district.

Established in the late 1800s, Haleiwa town provides a historical encounter with a rural commercial setting which is an integral part of Hawaii's history. It is necessary to preserve and enhance its plantation era character. By

designating a special district, it is intended that the character of future developments be compatible with that of the existing community. (Added by Ord. 99-12)

Sec. 21-9.90-1 Objectives.

The objectives of the Haleiwa special district are to:

- (a) Preserve and enhance Haleiwa's existing rural low-rise, human-scaled form and character, especially along Kamehameha Highway and Haleiwa Road.
- (b) Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features and subdued materials.
- (c) As entry points to Haleiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.
- (d) Encourage new development which will complement the significant physical features, waterways, open space, mature trees and sites in Haleiwa.
- (e) Retain a distinctive pedestrian-oriented commercial area for residents and visitors.
- (f) Provide for safe and pleasant pedestrian and vehicular circulation, while avoiding parking areas along the streetscape.
- (g) Enhance the attractiveness and general landscaped open space character of the area.
- (h) Preserve and enhance significant views in Haleiwa, especially those within the highly developed and heavily traveled areas.
- (i) Provide public improvements such as roadways, street lights, street furniture and signage compatible with the rural character of the community, rather than at conventional urban standards.

(Added by Ord. 99-12)

Sec. 21-9.90-2 District boundaries.

The boundaries of the district are designated on Exhibit 21-9.16, set out at the end of this article. The district is generally comprised of parcels abutting Kamehameha Highway between Weed Junction south and Haleiwa Beach Park north.

(Added by Ord. 99-12)

Sec. 21-9.90-3 Significant public views and resources.

The following are significant views within the Haleiwa special district.

- (a) Views of Mount Kaala, the Waianae Range, Lokoea Pond and Waialua Bay from Kamehameha Highway.
- (b) Views of Anahulu Stream from Kamehameha Highway, at the old arched Anahulu ("Haleiwa") Bridge.
- (c) Views of Paukauila Stream, with landscaped buffer material, from Kamehameha Highway.
- (d) Views of other significant features delineated on Exhibit 21-9.18, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.90-4 Design controls.

Implementation of the district objectives shall consist primarily of use restrictions, building height limitations, yard and landscaping requirements, parking, architectural design requirements, choice of exterior colors, and sign and exterior furniture design controls. Specific regulations are enumerated below.

- (a) Prohibited Uses. All uses permitted in the respective underlying zoning district are permitted in the Haleiwa special district.
- (b) Heights.
 - (1) Permitted maximum heights of buildings and structures within the district shall not exceed 30 feet, except as provided under subdivision (2) of this subsection. Where the underlying zoning district has a lower height limit, the lower height shall prevail.
 - (2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Haleiwa special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, parapet walls or ornamental cornices.
 - (3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.
- (c) Required Yards.
 - (1) The required front yard for any building or structure shall be 10 feet. Ground level porches, walkways, roof canopies or eaves for other than residential structures may extend a maximum of five feet into the front yard.
 - (2) Business uses and structures, except for service stations shall be located at the front yard setback line for a minimum of 50 percent along the front yard setback line.
 - (3) The minimum required setback for any new building or structure from any significant waterways as identified on Exhibit 21-9.18, set out at the end of this article, shall be 20 feet as measured from the water's edge.

- (d) Landscaping.
- (1) All required front yards shall be landscaped. A minimum 10-foot-wide buffer landscape strip shall be provided for all service stations, between the Kamehameha Highway property line or street setback lines, whichever is greater, and the service lanes or area.
 - (2) The setback area within 20 feet from any significant waterways shall be maintained in an indigenous state. Additional planting material shall be provided in this area to screen any new structures or parking and drive areas as viewed from Kamehameha Highway. This requirement may be reduced for roadways and access drives where visibility is required for the safety of vehicles and pedestrians.
 - (3) Street trees shall be provided along Kamehameha Highway and Haleiwa Road in an informal arrangement, planted within front yards or the sidewalk area, and shall be a minimum two-inch caliper. Species shall be chosen from the list shown on Exhibit 21-9.18, set out at the end of this article, and shall be a minimum two-inch caliper. Number, spacing and location of trees shall be determined by the director.
 - (4) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
 - (5) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Where possible, trees proposed for removal shall be relocated.
- (e) Off-street Parking.
- (1) Open parking areas of five or more cars shall be screened from view of Kamehameha Highway and adjacent lots and streets by fences, walls, earth berms, depression and/or landscaping a minimum of 48 inches high. This height may be reduced, subject to review and approval of the director, where visibility is required for the safety of vehicles and pedestrians.
 - (2) All other landscaping requirements of Section 21-4.70 shall apply.
 - (3) Except for necessary access drives, parking and loading spaces shall be prohibited in all required yards.
 - (4) Off street parking and loading shall be located at the side and rear of buildings only.
- (f) Architectural Appearance and Character.
- (1) General. The architectural form, scale and character for new or renovated structures and modifications of existing structures shall be similar to the existing traditional building forms of Haleiwa. Typical characteristics for business districts are low structures with sloped roof canopies or overhanging second floors, false front facades or parapets, metal roofs, ground floors with entrances to the street, wood porches, generous window openings, and small-scale architectural detailing of facades.
 - (2) Roofs. Roof projections or canopies shall be provided at the first floor roof level along Kamehameha Highway. Roofs visible from Kamehameha Highway shall have a minimum slope of five inches vertically to 12 inches horizontally. Flat roofs are prohibited in the district except for screened portions to accommodate mechanical equipment or enclosed by parapets or otherwise not visible from within the district. Roof materials shall be limited to wood shingles or shakes, patterned metal, patterned clay or concrete tiles for all sloping roofs visible from the district.
 - (3) Sun Control. Awnings shall be either roll up construction, or fixed and projecting. They shall be subdued in color and pattern. Fixed commercially made metal awnings or "modern style" sun control devices are not permitted except by approval of the director in accordance with the purpose and objectives of the district.
 - (4) Railings, Fences and Walls. Within the front yard railings and fences shall be constructed from wood and refined in detail. Walls exceeding 36 inches in height shall be set back a minimum of 18 inches along Kamehameha Highway and Haleiwa Road and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.
 - (5) Exterior Lighting. Private light fixtures shall complement the character of the architecture of the district. Lighting shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.
 - (6) Exterior Wall Materials. Wall materials shall be subdued and visually compatible with existing materials. Materials should be selected to weather and mature with time and exposure such as stained or natural finish wood, coral, lava rock, watted stucco, field stone and concrete with exposed aggregates, or wood impressions. Board and batten or board on board wood siding walls are particularly encouraged.
 - (7) Colors. Colors for all materials shall be natural or earth tones in subdued ranges and combinations. Colors for architectural trim or accent shall not be so limited.
 - (8) Street Facades.
 - (A) A minimum of 50 percent of the area of the first floor street facade for business uses shall be devoted to windows and entrances. The area shall be measured along the length of the first floor street facade to a height of eight feet from the finish grade.
 - (B) All glass on street facades shall be transparent and tinted.

- (9) Walkways. Private walkway and sidewalk material shall be visually compatible with natural materials such as wood planks or concrete with wood impressions or exposed aggregate.
 - (10) Exceptions. Exceptions to the above requirements for architectural appearance and character may be approved by the director if adequate justification for the exception is submitted and the exception requested is consistent with the objectives of the Haleiwa special district.
 - (g) Signs.
 - (1) Signs shall be designed to enhance the historic and architectural character of Haleiwa. An appropriate sign design would use a carved or sandblasted wood sign with serif-style lettering typical of the turn of the century, incorporating symbols when appropriate, and suspended from canopies or mounted on the building wall.
 - (2) Pole-mounted signs shall be limited to a maximum height of 10 feet.
 - (3) Signs which are self-illuminating, with moving parts, luminous paints or reflective materials are not permitted. Any illumination should be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.
 - (4) Notwithstanding the provisions for ground signs under Article 7, one ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be permitted in the required 10-foot front yard, if there are more than three establishments. If it is used as a directory sign for more than three establishments, a maximum 18-square-foot ground sign is permitted.
 - (5) A second business sign on the building frontage for each ground floor establishment may be allowed, provided the sign is a hanging or projecting sign.
 - (6) In lieu of the second business sign described above, a garden sign may be permitted within the required front yard for each ground floor establishment with building frontage, provided parking is not located within the front yard. Garden signs shall be spaced a minimum of 50 feet apart.
 - (h) Exterior Furniture. Any exterior furniture located within the public right of way by a public agency, or on private property by an owner, lessee or tenant, shall be designed to enhance the rural character of Haleiwa and shall be subject to approval by the director.
 - (i) Drive-thru facilities.
 - (1) Required off-street parking shall be provided on site.
 - (2) Left turns out of a drive-thru lane onto Kamehameha Highway shall be prohibited.
 - (3) The service area for customers shall be at the rear or side of the structure.
 - (4) Queuing vehicles on drive-thru lanes shall be screened from view of Kamehameha Highway by appropriate landscaping. The director shall approve the landscaping plan.
 - (5) Drive-thru lanes shall be of a length sufficient to ensure that waiting vehicles do not obstruct traffic on Kamehameha Highway.
 - (6) Drive-thru operations shall cease at 10:00 p.m.
 - (7) Drive-thru facilities shall only be permitted on zoning lots along Kamehameha Highway:
 - (A) Between Weed Junction and the cane haul road; and
 - (B) Between the northern boundary of the Haleiwa special district and Anahulu Bridge.
 - (8) No portion of any drive-thru facility shall be located within 2,000 feet of another drive-thru facility.
- (Added by Ord. 99-12; Am. Ord. 02-19)

Sec. 21-9.90-5 Detached dwellings and duplex units.

Detached dwellings and duplex units shall be exempt from the requirements of the Haleiwa special district, except for Section 21-9.90-4, subsections (d)(3), (d)(4) and (d)(5), relating to landscaping, subsection (f)(2) relating to roofs, and subsection (f)(4) relating to railings, fences and walls. (Added by Ord. 99-12)

Sec. 21-9.90-6 Project classification.

- (a) Refer to Table 21-9.7 to determine whether specific projects will be classified as major, minor, or exempt.
- (b) Projects involving demolition or relocation of structures listed on Exhibit 21-9.17, set out at the end of this article, may be referred to appropriate public or private agencies for review, which may include submittal for review to the state historic preservation office to investigate public and private alternatives to preserve buildings of scenic, historic, cultural or architectural significance consistent with the legislative intent and objectives of this ordinance. If required, such review shall not exceed a period of 90 days, and shall precede acceptance of the application for a special district permit.

(Added by Ord. 99-12)

Table 21-9.7 Haleiwa Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	

Table 21-9.7 Haleiwa Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, alteration, repair or addition to all structures	M/m	Major if listed on Exhibit 21-9.17 and/or if visible from Kamehameha Highway or Haleiwa Road
Minor modification, alteration, repair or addition to historic structures	m	Also includes structures on Exhibit 21-9.17
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if listed on Exhibit 21-9.17 and/or visible from Kamehameha Highway or Haleiwa Road
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Interior repairs, alterations and renovations to all structures	E	
Demolition of historic structures	M	Also includes structures on Exhibit 21-9.17
Demolition of nonhistoric structures	E	
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Major if visible from Kamehameha Highway or Haleiwa Road
Drive-thru facilities	m	

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

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend--Project classification:

M = Major
m = Minor
E = Exempt

(Added by Ord. 99-12; Am. Ord. 02-19)

Sec. 21-9.100 Transit-oriented development (TOD) special districts.

- (a) The purpose of this section is to establish a procedure for the establishment of special districts known as TOD zones around rapid transit stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable to a TOD zone shall be in addition to underlying zoning district and, if applicable, special district, regulations, and may supplement and modify the underlying regulations. Where a transit station is located within or adjacent to an existing special district, the TOD zone provisions may be incorporated in the existing special district provisions. If any regulation pertaining to a TOD zone conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD zone shall take precedence.

(c) As used in this section:

“TOD” means transit-oriented development.

“TOD development regulations” means the regulations establishing the permitted uses and structures and development standards within a TOD zone, which shall be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations shall be specific to each TOD zone and may include both zone and subzone specific provisions.

“TOD zone” means the parcels of land around a rapid transit station subject to the TOD development regulations. Generally, the TOD zone shall include the parcels of land where any portion of each parcel is within 2,000 feet of a transit station, provided that for any such parcel, the entire parcel must be within one mile of the transit station; provided further that the council, by ordinance, may include or exclude any parcel from the TOD zone either upon its own initiation or upon written request of the director.

(Added by Ord. 09-4)

Sec. 21-9.100-1 Creation of TOD development regulations.

For each TOD zone, a set of TOD development regulations shall be created to foster and encourage transit-oriented development and redevelopment of such TOD zone. The TOD development regulations shall include the minimum requirements in Section 21-9.100-4, and may include any other provisions, incentives and restrictions.

Prior to January 1, 2010, the TOD development regulations for each TOD zone may be based on a neighborhood plan that addresses transit-oriented development (“neighborhood TOD plan”). The plans may include more than one station, and may address other community concerns and opportunities. On or after January 1, 2010, the council may initiate proposed ordinances establishing a TOD zone and TOD development regulations applicable thereto where no neighborhood TOD plan has been adopted; provided, however, that there shall be a recognition that the use of neighborhood TOD plans shall be the preferred way to create TOD development regulations for each TOD zone and amendments to the development regulations should be considered upon the completion of a neighborhood TOD plan.

(Added by Ord. 09-4)

Sec. 21-9.100-2 Neighborhood TOD plans.

(a) For each TOD zone, the department shall prepare a neighborhood TOD plan which serves as the basis for the creation or amendment of a TOD zone and the TOD development regulations applicable thereto. Each neighborhood TOD plan shall address, at minimum, the following:

- (1) The general objectives for the particular TOD zone in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes. Objectives shall summarize the desired neighborhood mix of land uses, general land use intensities, circulation strategies, general urban design forms, and cultural and historic resources that form the context for TOD.
- (2) Recommend parcels to be included in the TOD zone, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership.
- (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Prohibition of specific uses shall be considered. Form-based zoning may be considered.
- (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services.
- (5) Avoid gentrification of the community.
- (6) General direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate, and new financing opportunities that should be pursued.

(b) The process of creating neighborhood TOD plans shall be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.

(c) The process shall consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.

(d) The neighborhood TOD plan shall be consistent with the applicable regional development plan.

(e) To the extent practical, the neighborhood TOD plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.

(f) The neighborhood TOD plan shall be submitted to the council and approval of the plan shall be by council resolution, with or without amendments.

(Added by Ord. 09-4)

Sec. 21-9.100-3 Processing of proposed ordinances establishing TOD zones and the TOD development regulations applicable thereto.

(a) If the council approves a neighborhood TOD plan, with or without amendments, the director shall, within 120 days after the approval, submit to the planning commission a proposed ordinance establishing a TOD zone for the applicable neighborhood and the TOD development regulations applicable thereto.

(b) If the council, pursuant to Section 21-9.100-1, initiates a proposed ordinance establishing a TOD zone and the TOD development regulations applicable thereto where no neighborhood TOD plan has been adopted, the director shall, within 120 days after adoption of the resolution initiating the ordinance, submit to the planning commission a report accompanied by the proposed ordinance and any alternative ordinance proposed by the director. The provisions of Chapter 2, Article 24, relating to council proposals to amend the zoning ordinances

and the processing thereof by the department, shall not apply to council proposals to establish a TOD zone and the TOD development regulations applicable thereto.

The director may request, and the council may approve, a 60-day extension of the deadline to submit a report and proposed ordinance to the planning commission under the following procedure:

- (1) Within the existing deadline, the director shall submit to the council a request for an extension of the deadline and an interim report describing the status of the director's processing of the council proposal and the reasons that additional time is needed for processing.
- (2) The council may approve or deny the proposed extension by adoption of a committee report. If the council fails to take final action on the proposed extension within 45 days after receipt of the director's request, or the existing deadline, whichever occurs first, the extension shall be deemed denied.
- (3) If an extension of the deadline is approved by the council, the director may thereafter request subsequent extensions of the deadline in accordance with the procedure described above.

(Added by Ord. 09-4)

Sec. 21-9.100-4 TOD development regulations minimum requirements.

The TOD development regulations for each TOD zone shall include, but not be limited to, the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally, including affordable housing.
- (b) Density and building height limits that may be tied to the provision of community amenities, such as public open space, affordable housing, and community meeting space.
- (c) Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for joint use of parking spaces.
- (d) Design provisions that encourage use of rapid transit, buses, bicycling, walking, and other nonautomobile forms of transport that are safe and convenient.
- (e) Guidelines on building orientation and parking location, including bicycle parking.
- (f) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources.
- (g) Design controls that require human-scale architectural elements at the ground and lower levels of buildings.
- (h) Landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures.
- (i) Incentives and accompanying procedures, which may include minimum standards and financial incentives, to encourage appropriate and necessary transit-oriented development.

(Added by Ord. 09-4)

Sec. 21-9.100-5 Interim planned development – transit (IPD-T) projects.

The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects within the rail corridor that would not be possible under a strict adherence to the development standards of this chapter prior to the adoption of the TOD neighborhood plans or amendments to this chapter relating to the future TOD zones (special districts), or both. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit-enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multi-modal circulation, and well-designed publicly accessible and useable spaces. Flexibility may be provided for project uses, density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision established in Section 21-9.100-4. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department.

Prior to the adoption of TOD special district standards, proposed development on sites with at least portions of an eligible zoning lot that are within no more than one-half mile of a future rail station identified in the Honolulu Rail Transit Project (HRTTP) Environmental Impact Statement (EIS), accepted by the Governor of the State of Hawaii on December 16, 2010, and any future supplemental EISs for the project, may qualify for an IPD-T permit in the interim, subject to the following:

- (a) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:
 - (1) A portion of the zoning lot shall be within a one-half-mile radius of a planned HRTTP station, as approved by the Honolulu Authority for Rapid Transportation. For purposes of this section, the minimum distance requirement shall be measured as the shortest straight line distance between the edge of the station area and the zoning lot line(s) of the project site;
 - (2) The minimum project size shall be 20,000 square feet. Multiple lots may be part of a single IPD-T project if all of the lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
 - (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided above, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single IPD-T project shall be considered and treated

as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development of multiple lots shall be required therefor;

- (3) The project site shall be entirely in the state-designated urban district;
- (4) All eligible zoning lots shall be in the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; except that this subdivision shall not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and
- (5) Upon the enactment of a TOD special district and its related development regulations, all zoning lots within that TOD special district shall no longer be eligible for this interim permit, but shall henceforth comply with all applicable TOD special district regulations and requirements enumerated by this chapter.

(b) Standards for review.

- (1) Significant flexibility and the possibility of increased development potential are being made available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that these projects can provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by this permit for those projects which demonstrate:
 - (A) The ability to contribute positively to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses and diverse employment opportunities;
 - (B) The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multi-modal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale;
 - (C) The provision of usable, safe, and highly accessible public accommodations, gathering spaces, pedestrian ways, bicycle facilities, or parks; and
 - (D) An appropriate mix of housing and unit types, particularly affordable or rental housing, or both; with qualifying affordable housing being located on the project site or within one-half mile of an identified HRTTP transit station, subject to the requirements set forth below. For purposes of this section, "affordable housing" shall mean housing that is affordable to households with incomes not exceeding 120 percent of the annual median income for Oahu. Off site affordable housing is only allowed subject to the following requirements:
 - (i) At least 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to rules adopted by the department in accordance with HRS Chapter 91 (the "department's affordable housing rules"), must be within the project site;
 - (ii) Up to 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands that are within one-half mile of an identified HRTTP transit station, if:
 - (aa) The units are rental (as opposed to for sale) housing;
 - (bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 60 percent of the "area median income" as defined in the department's affordable housing rules; and
 - (cc) The rentals remain affordable for a period of not less than sixty (60) years; and
 - (iii) Up to 35 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands within one-half mile of an identified HRTTP transit station, if:
 - (aa) The units are rental housing;
 - (bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 80 percent of the "area median income" as defined in the department's affordable housing rules; and
 - (cc) The rentals remain affordable for a period of not less than twenty (20) years.
- If the department's affordable housing rules establish separate factors for determining the satisfaction of affordable housing requirements for transit-oriented developments, then satisfaction of the above percentages will be based on those factors.
- The IPD-T option offers developers opportunities to increase development potential, provided equitable contributions that benefit the general public, the transit system, and TOD are demonstrated.
- (2) IPD-T projects shall be generally consistent with:
 - (A) The approved neighborhood TOD plan for the affected area; or
 - (B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment.

- (c) Use Regulations.
- (1) Permitted uses and structures may be any of those uses permitted in the BMX-4 central business mixed use district; except that hotels shall not be permitted on any zoning lot in an apartment, apartment mixed use, industrial, or industrial-commercial mixed use district, unless it is otherwise in compliance with the standards enumerated by Section 21-5.360(b) (provided that this subdivision does not preclude hotels in the I-2 intensive industrial district and the IMX-1 industrial-commercial mixed use district from qualifying as a conditional use under Section 21-5.30(a)); and
 - (2) Ground floors and pedestrian-accessible spaces should be utilized to the extent feasible for active uses, such as, but not necessarily limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations such as, but not necessarily limited to, benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service.
- (d) Site Development and Design Standards. The standards set forth by this subsection are general requirements for IPD-T projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of Section 21-9.100-4 and this subsection. Also, pursuant to Section 21-9.100-5(b), the modification or reduction in the following standards shall be commensurate with the contributions provided in the project plan, and the project shall be generally consistent with the draft or approved neighborhood TOD plan for the area.
- (1) Density.
 - (A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; provided that where a draft or approved neighborhood TOD plan identifies greater density for the site, a project on that site shall be consistent with the specified density contained in the plan and may be considered for that density; and
 - (B) For lots in the B-2, BMX-3, BMX-4, and IMX-1 districts, the maximum increase shall apply in addition to any eligible density bonuses for the underlying zoning district; that is, the increase shall apply to the zoning lot plus any applicable floor area bonuses.
 - (2) Height.
 - (A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower; and
 - (B) Where there is a draft or approved neighborhood TOD plan, the maximum height shall not exceed the maximum height specified in the plan, provided that where existing height limits exceed those in the plans, the existing height limit shall prevail.
 - (3) Transitional height and/or street setbacks may be modified where adjacent uses and street character will not be adversely affected.
 - (4) Yards shall be as specified by the approved conceptual project plan, provided that building placement will not cause adverse noise, sunlight blockage, privacy and/or wind affects to adjacent uses, and street character will not be adversely affected.
 - (5) Open Space.
 - (A) Project open space shall be as specified in the approved conceptual project plan, with a preference for publicly accessible, highly usable parks and gathering spaces rather than buffering or unusable landscaped areas.
 - (B) Where appropriate, usable open space may be:
 - (i) Transferred to another accessible site within the vicinity of the project that shall be utilized as a public park, plaza or gathering place for the affected community; or
 - (ii) Provided in the form of connections or improvements, or both, to nearby open spaces, pedestrian ways or trails, such as, but not necessarily limited to streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades;
 or both.
 - (6) Landscaping and screening standards shall be as specified in the approved conceptual project plan and project landscaping shall include adjacent rights-of-way. Streetscape landscaping, including street trees or planting strips, or both, should be provided near the edge of the street, rather than adjacent to the building, unless infeasible.
 - (7) Parking and loading standards shall be as follows:
 - (A) The number of parking and loading spaces provided shall be as specified in the approved conceptual project plan;
 - (B) Service areas and loading spaces shall be located at the side or rear of the site, unless the size and configuration of the lot renders this infeasible;
 - (C) Vehicular access shall be provided from a secondary street wherever possible and placed in the location least likely to impede pedestrian circulation; and
 - (D) The provision of car-sharing programs and vehicle charging stations is encouraged.
 - (8) Bicycle parking shall be accommodated on the project site, subject to the following:
 - (A) The number of bicycle parking spaces provided shall be as specified in the approved conceptual project plan;

- (B) Long-term bicycle parking shall be provided for residents of on-site dwelling units in the form of enclosed bicycle lockers or easily accessible, secure and covered bicycle storage;
 - (C) Bicycle parking within enclosed parking structures shall be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged;
 - (D) Each bicycle parking space shall be a minimum of 15 inches in width and six feet in length, with at least five feet of clearance between bicycle and vehicle parking spaces. Each bicycle must be easily reached and movable without moving another bicycle; and
 - (E) The provision of space for bicycle-sharing stations is encouraged either on the exterior of the building or within a parking structure, provided the area is visible and accessible from the street.
- (9) Signs.
- (A) Sign standards and requirements shall be as specified in the approved conceptual project plan. The sign standards and requirements may deviate from the strict sign regulations of this chapter, provided the flexibility is used to achieve good design, compatibility, creativity, consistency, and continuity in the utilization of signs on a pedestrian scale;
 - (B) All projects shall include appropriate measures to accommodate TOD-related way-finding signage, which shall be considered "public signs" for purposes of Article 7; and
 - (C) Where signage is not otherwise specified by the approved conceptual plan for the project, the project signage shall comply with the underlying sign regulations of this chapter.
- (e) Application Requirements. An application for approval of an IPD-T project shall contain:
- (1) A project name;
 - (2) A location map showing the project in relation to the future rail station area and the surrounding area;
 - (3) A site plan showing property lines, the locations of buildings and other major structures, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;
 - (4) A narrative description of the overall development and urban design concept; the general mix of uses; the basic form and number of structures; the relationship of buildings to each other and to the streets, and how that is used to create active public space; the estimated number of proposed dwelling or lodging units, and the proposed mix of housing types; general building height and density; how the project achieves and positively contributes to TOD and transit-enhanced neighborhoods; proposed public amenities and community benefits; the planned development of usable, publicly accessible spaces, accommodations and landscaping; how the project supports walking, bicycling, and active living; proposals to enhance multimodal circulation and access; proposed off-street parking and loading; and possible impacts on security, public health and safety, infrastructure and public utilities;
 - (5) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, an integrated circulation system indicating proposed movement of vehicles, goods, pedestrians, and bicyclists within both the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;
 - (6) A narrative explanation of the project's architectural and urban design relating the various design elements to support pedestrian- and transit-oriented development, and a discussion of any impacts to any cultural or historic resources, as well as any public views protected by law or ordinance;
 - (7) Details of the project, including proposed floor area, open space, open space bonuses, and maximum FAR;
 - (8) A parking and loading management plan or transportation demand management plan, or both;
 - (9) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures shall be included in the proposal; and
 - (10) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (f) Procedures. Applications for approval of IPD-T projects shall be processed in accordance with Section 21-2.110-2. Fees shall be as enumerated for Planned Development applications in Section 6-41.1(a)(19).
- (g) Conceptual Plan for a Project. No project shall be eligible for IPD-T status unless the council has first approved a conceptual plan for the project. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and/or street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs, if the uses and standards depart from the uses and standards applicable in the underlying zoning district. If uses and standards are not otherwise specified, the uses and standards applicable to the underlying zoning district apply.

- (h) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for an IPD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
 - (1) Requested project boundaries and requested flexibility with respect to development standards and use regulations are consistent with the objectives of TOD and the provisions enumerated in Sec. 21-9.100-4; and
 - (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.
- (i) Deadline for Obtaining Building Permit for Project.
 - (1) A council resolution of approval for a conceptual plan for an IPD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.
 - (2) The resolution shall further provide that a deadline may be extended as follows:
 - (A) The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion.
 - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension.
 - (C) The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution.
 - (D) If the council fails to take final action on the proposed extension within the first to occur of (i) 60 days after the receipt of the director's report or (ii) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.
 - (E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (j) Further Processing by Director. If the council approves the conceptual plan for the IPD-T project, the application, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
 - (1) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council. Any increase in the height or density of the project will be considered a significant alteration and a change to the conceptual plan;
 - (2) The project also shall implement the objectives, guidelines, and standards of Section 21-9.100-4 and this section;
 - (3) The project shall contribute significantly to the overall desired urban design of TOD areas;
 - (4) The project shall demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping and other amenities which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding TOD areas;
 - (5) The project shall involve a broad mix of uses or other characteristics, or both, which support the economic development and vitality of the affected TOD enhanced neighborhood; or include an appropriate mix of housing types, particularly affordable housing and rental housing; or both; and
 - (6) The parking management plan or transportation demand management plan shall support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible.

(Added by Ord. 14-10)