LAND USE ORDINANCE

Department of Planning and Permitting
City and County of Honolulu
Revised November 2026

LAND USE ORDINANCE
(LUO) 2021

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

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
88-45	April 22, 1988	Home Occupations
88-46	April 22, 1988	Various/Multiple Changes
88-47	April 27, 1988	Parking
88-48	April 28, 1988	Ohana Dwellings
88-51	May 11, 1988	Industrial Districts
88-56	May 18, 1988	Height
88-57	May 18, 1988	Broadcast Antennas
89-50	April 18, 1989	Trade/Convention Center
89-52	April 18, 1989	Special Districts
89-53	April 18, 1989	Amend Special District Zoning Maps
89-146	December 22, 1989	Various/Multiple Changes
89-154	December 28, 1989	Transient Vacation Rentals /Bed & Breakfast
89-155	December 28, 1989	Ohana Dwellings
90-15	February 23, 1990	Golf Courses
90-93	November 26, 1990	Pet-Keeping
92-101	September 10, 1992	Ohana Dwellings
92-110	October 20, 1992	Flag lots, Parking, Nonconformities, P-2 Uses, & Definitions
93-2	February 9, 1993	Political Signs
93-3	February 9, 1993	Rooftop Structures
93-46	June 14, 1993	Industrial/IMX Districts
93-70	August 27, 1993	BMX-4 Heights
93-71	July 28, 1993	Amend BMX-4 Height on Zoning Map

LAND USE ORDINANCE
(LUO) 2021

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
94-13	March 15, 1994	Minor Zoning Changes
94-14	March 15, 1994	Nonconformities, IMX Density
94-15	March 15, 1994	Conditional Zoning Agreement
94-16	March 15, 1994	Flood Hazard Districts
94-17	March 15, 1994	Helistops
94-18	March 15, 1994	Retaining Walls, Driveway Width, Disable Pk'g, Waivers, ZA's, Uses and Dev. Stds., Cluster Stds., & Special District Stds.
94-25	April 28, 1994	Antennas/Utilities
94-30	May 18, 1994	NUC's for TVU's
94-31	May 18, 1994	NUC's for B&B's
94-64	September 15, 1994	Composting
95-13	May 18, 1995	Sign Regulation Amendments
96-62	October 31, 1996	Various/Multiple Changes
96-71	December 18, 1996	Amend WSD Zoning Map
96-72	December 18, 1996	Amendment Waikiki Special District
97-74	December 17, 1997	Housekeeping Changes
98-3	February 14, 1998	Off-Site Joint Development
98-11	March 23, 1998	Cemetery Caretaker Dwelling
98-58	October 1, 1998	Sign Standards
98-60	November 20, 1998	Industrial Districts

LAND USE ORDINANCE
(LUO) 2021

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
99-12	May 10, 1999	Various amendments and new format
99-63	November 26, 1999	Signs
00-09	April 19, 2000	Resort District
01-12	April 19, 2001	Elderly Housing
01-66	December 28, 2001	Waikiki Special District
02-19	May 10, 2002	Haleiwa Special District
02-63	December 20, 2002	Agriculture
03-37	November 20, 2003	Various amendments
03-38	November 19, 2003	Waikiki Special District
04-09	April 7, 2004	Rezone Land at Ewa Beach and Iroquois Point
04-30	August 26, 2004	China Town Special District
05-28	August 23, 2005	Joint Development
06-15	March 15, 2006	Ohana Dwellings
07-08	April 26, 2007	Hawaii Capital Special District
07-14	May 17, 2007	Vacation Cabins
07-15	May 17, 2007	Indoor Amusement and Recreation Facilities
08-19	August 7, 2008	Planning Commission Recommendation

LAND USE ORDINANCE
(LUO) 2021

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
09-04	March 25, 2009	Transit-oriented Development and Special Districts
09-05	March 25, 2009	Sign Regulations
09-26	September 9, 2009	Plant Nurseries
09-33	October 30, 2009	Meeting Facilities I-1/I-2
10-19	September 2, 2010	House Keeping Changes & Various Amendments
10-24	September 2, 2010	Fence Height Change in Agricultural Districts
11-30	December 14, 2011	Waikiki Special District Development Standards
11-31	December 14, 2011	Waikiki Special District Map Boundaries
13-10	April 19, 2013	(Limited Service) Hotels in BMX-3 Districts
14-9	May 22, 2014	Flood Hazard District Amendments
14-10	June 23, 2014	Interim Planned Development
15-41	September 14, 2015	Accessory Dwelling Units
15-48	November 20, 2015	Waikiki Special District Zoning Map
16-26	September 23, 2016	Public Housing in TOD

LAND USE ORDINANCE
(LUO) 2021

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
17-20	May 26, 2017	Transit Oriented Development (TOD)
17-40	July 27, 2017	House Keeping Amendments
17-46	August 24, 2017	Wind Machines
17-50	September 8, 2017	Joint Development
17-54	October 26, 2017	TOD Special District
17-55	October 26, 2017	TOD
17-59	November 17, 2017	Nonconforming Structures
18-19	March 1, 2018	PD-R and PD-A Projects
18-44	December 21, 2018	Haleiwa Special District
19-3	May 1, 2019	Detached Dwellings
19-18	June 17, 2019	Short-Term Rental
20-6	May 20, 2020	Condominium Property Regimes
20-30	September 17, 2020	Amendment to Short-Term Rental Ord 19-18
20-33	October 22, 2020	Group Living Facilities
20-40	December 23, 2020	Interim Planned Development Transit (IPD-T)
20-41	December 23, 2020	Off-Street Parking and Loading
20-43	December 23, 2020	Detached Dwellings
20-31	September 20, 2021	Nonconformities
22-7	April 26, 2022	Transient Accommodations
22-29	October 24, 2022	TOD Special District
23-32	December 27, 2023	TOD Special District
24-13	June 25, 2024	Large Dwelling Penalty
24-14	July 26, 2024	Short-Term Rental Registration
25-2	January 3, 2025	Use Regulations
25-40	September 16, 2025	LUO Enforcement
25-52	November 5, 2025	STR BNB

LAND USE ORDINANCE
(LUO) 2021

ORDINANCE NOS.	EFFECTIVE DATE	SUBJECT
26-7	April 6, 2026	Development Standards in the Apartment and Apartment Mixed-use Districts
26-8	April 6, 2026	Sign Standards for Apartment and Apartment Mixed-use Districts
26-31	October 21, 2026	TOD Special District

TABLE OF CONTENTS

PAGE NO.

Article 1. General Provisions 1
Sections: 1
Sec. 21-1.10 Title. 1
Sec. 21-1.20 Purpose and intent. 2
Sec. 21-1.30 Administration. 2
Sec. 21-1.40 Appeals. 2
Sec. 21-1.50 Variances. 3
Sec. 21-1.60 Temporary uses. 3
Article 2. Administration and Enforcement 4
Sections: 4
Sec. 21-2.10 Purpose. 4
Sec. 21-2.20 Administrative procedures. 4
Sec. 21-2.30 Application procedures. 6
Sec. 21-2.40 Permits. 8
Sec. 21-2.40-1 Minor permits. 8
Sec. 21-2.40-2 Major permits. 9
Sec. 21-2.50 Multi-permit process. 12
Sec. 21-2.60 Rules governing director's failure to act within specified time period. 13
Sec. 21-2.70 Review of planning commission and/or council. 14
Sec. 21-2.80 Conditional zoning--Agreements. 15
Sec. 21-2.90 Conditional use permit--Purpose and intent. 16
Sec. 21-2.90-1 Application requirements. 17
Sec. 21-2.90-2 General requirements. 17
Sec. 21-2.100 Existing uses. 18
Sec. 21-2.110-1 Cluster housing, agricultural and country clusters. 20
Sec. 21-2.110-2 Planned development-resort, planned development-apartment, planned development-transit, and interim planned development projects. 20
Sec. 21-2.120 Plan review uses--Purpose and intent. 22
Sec. 21-2.120-1 Applicability. 22
Sec. 21-2.120-2 General provisions. 23
Sec. 21-2.120-3 Application requirements. 23
Sec. 21-2.130 Waiver of requirements. 24
Sec. 21-2.140 Zoning adjustments. 25
Sec. 21-2.140-1 Specific circumstances. 25
Sec. 21-2.140-2 Criteria. 31
Sec. 21-2.150 Violation. 31
Sec. 21-2.150-1 Criminal prosecution. 32
Sec. 21-2.150-2 Administrative enforcement. 33
Sec. 21-2.150-3 Depository of fees and civil penalties relating to bed and breakfast homes or transient vacation units. 35
Article 2A. Hosting Platforms 37
Sections: 37
Sec. 21-2A.10 Booking Services. 37
Sec. 21-2A.20 Registration. 37
Sec. 21-2A.30 Reporting. 38
Sec. 21-2A.40 Penalties. 38

Article 3. Establishment of Zoning Districts and Zoning District Regulations 39
Sections: 39
Sec. 21-3.10 Zoning district classifications and map designations. 41
Sec. 21-3.20 Zoning precinct classifications and map designations. 42
Sec. 21-3.30 Zoning maps and interpretations. 42
Sec. 21-3.40 Preservation districts--Purpose and intent. 44
Sec. 21-3.40-1 Preservation uses and development standards. 45
Sec. 21-3.50 Agricultural districts—Purpose and intent. 45
Sec. 21-3.50-1 Agricultural clusters. 46
Sec. 21-3.50-2 Agricultural cluster—Site standards. 46
Sec. 21-3.50-3 Agricultural cluster—Application requirements. 46
Sec. 21-3.50-4 Agricultural uses and development standards. 48
Sec. 21-3.60 Country district—Purpose and intent. 48
Sec. 21-3.60-1 Country clusters. 49
Sec. 21-3.60-2 Country cluster—Site standards. 49
Sec. 21-3.60-3 Country cluster—Application requirements. 49
Sec. 21-3.60-4 Country uses and development standards. 50
Sec. 21-3.70 Residential zoning districts--Purpose and intent. 51
Sec. 21-3.70-1 Residential uses and development standards. 52
Sec. 21-3.80 Apartment zoning districts--Purpose and intent. 54
Sec. 21-3.80-1 Apartment district uses and development standards. 55
Sec. 21-3.90 Apartment mixed use districts--Purpose and intent. 55
Sec. 21-3.90-1 Apartment mixed use district uses and development standards. 55
Sec. 21-3.100 Resort zoning district--Purpose and intent. 57
Sec. 21-3.100-1 Resort uses and development standards. 57
Sec. 21-3.110 Business districts--Purpose and intent. 58
Sec. 21-3.110-1 Business uses and development standards. 58
Sec. 21-3.120 Business mixed use districts--Purpose and intent. 59
Sec. 21-3.120-1 BMX-4 business mixed use special height controls. 60
Sec. 21-3.120-2 Business mixed use district uses and development standards 61
Sec. 21-3.130 Industrial zoning districts--Purpose and intent. 64
Sec. 21-3.130-1 Industrial uses and development standards. 65
Sec. 21-3.140 Industrial-commercial mixed use district--Purpose and intent. 66
Sec. 21-3.140-1 Industrial-commercial mixed use district uses and development standards. 66
Article 4. General Development Standards 78
Sections: 78
Sec. 21-4.10 General development regulations--Purpose and intent. 78
Sec. 21-4.20 Flag lots. 78
Sec. 21-4.30 Yards and street setbacks. 79
Sec. 21-4.40 Retaining walls. 80
Sec. 21-4.50 Lots in two zoning districts. 80
Sec. 21-4.60 Heights. 81
Sec. 21-4.70 Landscaping and screening. 82
Sec. 21-4.70-1 Screening wall or buffering. 83
Sec. 21-4.80 Noise regulations. 84
Sec. 21-4.90 Sunlight reflection regulations. 84
Sec. 21-4.100 Outdoor lighting. 84
Sec. 21-4.110 Nonconformities. 84
Sec. 21-4.110-1 Transient vacation units –Nonconforming use certificates 87
Sec. 21-4.110-2 Bed and breakfast homes--Nonconforming use certificates. 88

Article 5. Specific Use Development Standards 93
Sections: 93
§ 21-5.10 Purpose and intent. 95
§ 21-5.20 Use classification. 95
§ 21-5.40 Agricultural uses. 103
§ 21-5.40-1 Crop production. 103
§ 21-5.50 Residential uses. 108
§ 21-5.60 Public, civic, and institutional uses. 114
§ 21-5.60-1 Assembly. 115
§ 21-5.70 Commercial uses. 125
§ 21-5.70-1 Daycare. 125
§ 21-5.80 Industrial uses. 141
§ 21-5.80-1 Manufacturing and processing. 141
§ 21-5.90 Miscellaneous uses. 146
§ 21-5.90-1 Historic structure reuse. 146
Article 6. Off-street Parking and Loading 148
Sections: 148
Sec. 21-6.10 Off-street parking and loading – Purpose and intent. 148
Sec. 21-6.20 Off-street parking requirements. 149
Sec. 21-6.30 Adjustments and exceptions to parking requirements. 151
Sec. 21-6.40 Bicycle parking. 155
Sec. 21-6.50 Parking space dimensions and access. 156
Sec. 21-6.60 Electric vehicle charging stations. 158
Sec. 21-6.70 Remote parking and loading. 158
Sec. 21-6.80 Surface parking site planning. 159
Sec. 21-6.90 Structured parking site planning and design standards. 161
Sec. 21-6.100 Unbundled parking. 161
Sec. 21-6.110 Off-street loading requirements. 161
Sec. 21-6.120 Adjustments and exceptions to loading requirements. 162
Sec. 21-6.130 Loading space dimensions and access. 163
Sec. 21-6.140 Passenger ride hailing services and deliveries. 164
Sec. 21-6.150 Nonconforming off-street parking and loading. 164
Article 7. Sign Regulations 165
Sections: 165
Sec. 21-7.10 Sign regulations--Purpose and intent. 165
Sec. 21-7.20 Definitions and general sign standards. 166
Sec. 21-7.30 Prohibited signs. 171
Sec. 21-7.40 Specific district sign standards. 171
Sec. 21-7.50 Special regulations for certain uses. 171
Sec. 21-7.60 Permits and fees. 173
Sec. 21-7.70 Abatement and removal. 173
Sec. 21-7.80 Signs for nonconforming uses. 178
Sec. 21-7.80-1 Nonconforming signs. 178
Article 8. Optional Development Regulations 179
Sections: 179
Sec. 21-8.10 Purpose and intent. 179
Sec. 21-8.20A Housing—Multiple dwelling units on a single country or residential district zoning lot. 179
Sec. 21-8.30 Farm dwellings—Agricultural site development plan. 180
Sec. 21-8.40 Housing--Zero lot line development. 180

Sec. 21-8.40-1 Zero lot line site plan. 181
Sec. 21-8.40-2 Zero lot line site design standards. 181
Sec. 21-8.50 Housing--Flexible site design. 182
Sec. 21-8.50-1 Cluster housing. 182
Sec. 21-8.50-2 Cluster site design standards. 182
Sec. 21-8.50-3 Cluster housing procedures. 183
Sec. 21-8.50-4 Planned development housing (PD-H). 183
Sec. 21-8.50-5 PD-H applicability. 184
Sec. 21-8.50-6 PD-H use regulations. 184
Sec. 21-8.50-7 PD-H density and minimum land area. 184
Sec. 21-8.50-8 PD-H site design standards. 184
Sec. 21-8.50-9 PD-H procedures 185
Sec. 21-8.50-10 Application requirements. 185
Sec. 21-8.50-11 Director's decision. 186
Sec. 21-8.60 Exclusive agricultural sites. 187
Article 9. Special District Regulations 189
Sections: 189
Sec. 21-9.10 Developments in Flood Hazard Areas. 192
Sec. 21-9.20 Special districts--Purpose. 192
Sec. 21-9.20-1 Design controls. 192
Sec. 21-9.20-2 Major, minor, and exempt projects. 192
Sec. 21-9.20-3 Time limits. 193
Sec. 21-9.20-4 Utility lines. 193
Sec. 21-9.20-5 Design advisory committee. 193
Sec. 21-9.20-6 Conflicting regulations. 193
Sec. 21-9.30 Hawaii capital special district. 194
Sec. 21-9.30-1 Objectives. 194
Sec. 21-9.30-2 District boundaries. 194
Sec. 21-9.30-3 Prominent views and historic places. 194
Sec. 21-9.30-4 Design controls. 196
Sec. 21-9.30-5 Project classification. 200
Sec. 21-9.40 Diamond Head special district. 202
Sec. 21-9.40-1 Objectives. 202
Sec. 21-9.40-2 District boundaries. 202
Sec. 21-9.40-3 Prominent public vantage points 202
Sec. 21-9.40-4 Design controls. 203
Sec. 21-9.40-5 One-family and two-family detached dwellings. 205
Sec. 21-9.40-6 Project classification. 205
Sec. 21-9.50 Punchbowl special district. 206
Sec. 21-9.50-1 Objectives. 206
Sec. 21-9.50-2 Boundaries. 207
Sec. 21-9.50-3 Prominent vistas and viewing areas. 207
Sec. 21-9.50-4 Design controls. 207
Sec. 21-9.50-5 Single-unit, two-unit, and duplex-unit dwellings. 209
Sec. 21-9.50-6 Project classification. 209
Sec. 21-9.60 Chinatown special district. 210
Sec. 21-9.60-1 Overall objectives. 211
Sec. 21-9.60-2 District boundaries. 211
Sec. 21-9.60-3 Prominent view corridors 211
Sec. 21-9.60-4 Historic and architecturally significant structures. 212

Sec. 21-9.60-5 Design controls. 212
Sec. 21-9.60-6 Mauka precinct objectives. 212
Sec. 21-9.60-7 Mauka precinct development standards. 212
Sec. 21-9.60-8 Historic core precinct objectives. 213
Sec. 21-9.60-9 Historic core precinct development standards. 213
Sec. 21-9.60-10 Makai precinct objectives. 214
Sec. 21-9.60-11 Makai precinct development standards. 214
Sec. 21-9.60-12 Street facade guidelines. 215
Sec. 21-9.60-13 Project classification. 217
Sec. 21-9.70 Thomas Square/Honolulu Academy of Arts special district. 222
Sec. 21-9.70-1 Objectives. 222
Sec. 21-9.70-2 District boundaries. 222
Sec. 21-9.70-3 Significant public views 222
Sec. 21-9.70-4 Design controls. 223
Sec. 21-9.70-5 Project classification. 226
Sec. 21-9.80 Waikiki special district--Findings. 227
Sec. 21-9.80-1 Waikiki special district--Objectives. 228
Sec. 21-9.80-2 District boundaries and land use control system. 229
Sec. 21-9.80-3 Prominent view corridors and historic properties. 229
Sec. 21-9.80-4 General requirements and design controls. 230
Sec. 21-9.80-5 Apartment precinct. 243
Sec. 21-9.80-6 Resort mixed use precinct. 243
Sec. 21-9.80-7 Reserved 244
Sec. 21-9.80-8 Public precinct. 244
Sec. 21-9.80-9 Tables for permitted uses and structures, development standards and project classification. 244
Sec. 21-9.90 Haleiwa special district. 249
Sec. 21-9.90-1 Objectives. 249
Sec. 21-9.90-2 District boundaries. 250
Sec. 21-9.90-3 Significant public views and resources. 250
Sec. 21-9.90-4 Design controls. 250
Sec. 21-9.90-5 Dwellings units. 255
Sec. 21-9.90-6 Project classification. 255
Sec. 21-9.100 Transit-oriented development (TOD) special district. 257
Sec. 21-9.100-1 TOD special district findings. 258
Sec. 21-9.100-2 Neighborhood TOD plans. 259
Sec. 21-9.100-3 Processing of proposed ordinances establishing the TOD special district and development regulations applicable thereto. 261
Sec. 21-9.100-4 TOD development regulations minimum requirements. 261
Sec. 21-9.100-5 Interim planned development – transit (IPD-T) projects. 262
Sec. 21-9.100-6 TOD special district objectives. 271
Sec. 21-9.100-7 Use regulations. 271
Sec. 21-9.100-8 General requirements and development standards. 272
Sec. 21-9.100-9 TOD special district permits. 287
Sec. 21-9.100-10 Planned development–Transit (PD-T) projects. 288
Sec. 21-9.100-11 TOD special district–project classification. 292
Sec. 21-9.100-12 TOD special district boundaries 296
Article 10. Definitions 297
Sections: 297
Sec. 21-10.1 Definitions. 297

FIGURES & EXHIBITS

FIGURE/EXHIBIT	PAGE	SUBJECT
ARTICLE 2. Administration and Enforcement		
[Figure 21-2.1]	p. 7	Permit Application Processing Time
[Figure 21-2.2]	p. 26	Zoning Adjustment: Grade Irregularities
ARTICLE 3. Establishment of Zoning Districts and Zoning District Regulations		
[Table 21-3.1]	p. 50	P-2 Agricultural & Country Districts Development Standards
[Table 21-3.2]	p. 53	Residential Districts Development Standards
[Table 21-3.3]	p. 56	Apartment and Apartment Mixed Use Districts Development Standards
[Table 21-3.4]	p. 62	Resort, Business and Business Mixed Use Districts Development Standards
[Table 21-3.5]	p. 65	Industrial and Industrial Mixed Use Districts Development Standards
[Figure 21-3.1]	p. 67	Height Setbacks (P-2, Agricultural & Country Districts)
[Figure 21-3.2]	p. 68	Heights on Sloping Lots (Country District)
[Figure 21-3.3]	p. 69	A-2, A-3, AMX-2, AMX-3, BMX-3, and IMX-1 District Height Setback
[Figure 21-3.4]	p. 70	Resort District Height Setback
[Figure 21-3.5]	p. 71	Transitional Heights (Business, BMX, IMX and All Industrial Districts)
[Figure 21-3.6]	p. 72	Front Yards (B-2, BMX-3, BMX-4, IMX and All Industrial Districts)
[Figure 21-3.7]	p. 74	Street Setbacks (I-2, I-3 Districts)
[Figure 21-3.8]	p. 75	Front Yard BMX-4 District
[Figure 21-3.9]	p. 76	65 Degree Angle Height Limit (BMX-4 District)

[Figure 21-3.10]	p. 77	Height Measurement in Residential Districts

ARTICLE 4. General Development Standards

[Figure 21-4.1]	p. 90	Flag Lot
[Figure 21-4.2(A)]	p. 90	Retaining Walls
[Figure 21-4.2(B)]	p. 92	Retaining Walls
[Figure 21-4.3]	p. 92	Height Measurement

ARTICLE 5. Specific Use Development Standards

[Table 21-5.1]	p. 96	Use Table
[Figure 21-5.1]	see maps	Bed and Breakfast Homes and Transient Vacation Units Permitted Areas – Waikiki Special District Mauka of Kuhio Avenue
[Figure 21-5.2]	see maps	Bed and Breakfast Homes and Transient Vacation Units Permitted Areas – Close Proximity to the Ko Olina Resort
[Figure 21-5.3]	see maps	Bed and Breakfast Homes and Transient Vacation Units Permitted Areas – Close Proximity to the Turtle Bay Resort
[Figure 21-5.4]	see maps	Bed and Breakfast Homes and Transient Vacation Units Permitted Areas – Contiguous to the Hoakalei Resort and Lagoon

ARTICLE 6. Off-street Parking and Loading

[Table 21-6.1]	p. 147	Minimum Off-street Parking Ratios
[Table 21-6.2]	p. 151	Joint-use Parking and Loading Reduction Matrix
[Table 21-6.3]	p. 155	Bicycle Parking Spaces Required
[Table 21-6.4]	p. 157	Parking Aisle Widths
[Table 21-6.5]	p. 161	Required Number of Loading Spaces
[Figure 21-6.1]	p. 160	Permitted Vehicle Overhangs
[Figure 21-6.2]	p. 160	Permitted Vehicle Overhangs

ARTICLE 7. Sign Regulations

[Figure 21-7.1]	p. 169	Sign Area

ARTICLE 9. Special District Regulations

Hawaii Capital Special District

[Table 21-9.1]	p. 201	Hawaii Capital Special District Project Classification
[Exhibit 21-9.1]	see maps	Hawaii Capital Special District Height and Open Space Precincts
[Exhibit 21-9.2]	see maps	Hawaii Capital Special District // Required Yard & Pedestrian Malls
[Exhibit 21-9.3]	see maps	Hawaii Capital Special District // Historic Structures
[Exhibit 21-9.4]	see maps	Conceptual Street Tree Plan // for Hawaii Capital and Thomas Square// Honolulu Museum of Art Special Districts

Diamond Head Special District

[Table 21-9.2]	p. 203	Diamond Head Special District Project Classification
[Exhibit 21-9.5]	see maps	Diamond Head Special District // Core Area and Height Limits

Punchbowl Special District

[Table 21-9.3]	p. 209	Punchbowl Special District Project Classification
[Exhibit 21-9.6]	see maps	Punchbowl Special District // Height Precincts
[Exhibit 21-9.7]	see maps	Punchbowl Special District // Public Views & Major Streets
[Exhibit 21-9.8]	see maps	Punchbowl Special District // Core Area

Chinatown Special District

[Table 21-9.4]	p. 217	Chinatown Special District Project Classification
[Exhibit 21-9.10-A]	p. 219	Chinatown Special District & Architecturally Significant Structures
[Exhibit 21-9.9]	see maps	Chinatown Special District // Precinct Boundaries & Height Limits
[Exhibit 21-9.10]	see maps	Chinatown Special District // Registered Historic Areas

Thomas Square-Honolulu Academy of Arts Special District

[Table 21-9.5]	p. 226	Thomas Square Honolulu Academy of Arts Special District Project Classification
[Exhibit 21-9.11]	see maps	Thomas Square-Honolulu Museum of Art// Special District Height Precincts and Required Yards
[Exhibit 21-9.12]	see maps	Thomas Square/Honolulu Museum of Art// Special District Building Envelope Height Controls

Waikiki Special District

[Table 21-9.6(A)]	p. 242	Waikiki Special District Precinct Permitted Uses and structures
[Table 21-9.6(B)]	p. 247	Waikiki Special District Precinct Development Standards
[Table 21-9.6(C)]	p. 248	Waikiki Special District Project Classification
[Exhibit 21-.9.13]	see maps	Waikiki Special District Zoning Precincts >>> Ord. Sec. 4. 11-31-53(2011)
[Exhibit 21-9.15]	see maps	Waikiki Special District Urban Design Controls
[Figure 21-9.1]	p. 258	Front Yard – Waikiki
[Figure 21-9.2]	p. 243	Transitional Height Setback - Waikiki

Haleiwa Special District

[Table 21-9.7]	p. 256	Haleiwa Special District Project Classification
[Exhibit 21-9.16]	see maps	Haleiwa Special District // District Boundary
[Exhibit 21-9.17]	see maps	Haleiwa Special District // Historic Structures
[Exhibit 21-9.18]	see maps	Haleiwa Special District // Significant Existing Natural and Man-made Features, and Views

TOD Special District

[Table 21-9.8]	p. 293	TOD Special District Project Classification
[Exhibit 21-9.19]	see maps	West Loch Station Area
[Exhibit 21-9.20]	see maps	Waipahu Transit Center Station Area
[Exhibit 21-9.21]	see maps	Halaulani (Leeward Community College) Station Area
[Exhibit 21-9.22]	see maps	Waiawa (Pearl Highlands) Station Area
[Exhibit 21-9.23]	see maps	Kalauao (Pearlridge) Station Area
[Exhibit 21-9.24]	see maps	Halawa (Aloha Stadium) Station Area
[Exhibit 21-9.25]	see maps	Kualakai (East Kapolei) Station Area, Keoneae (UH-West Oahu) Station Area, Honouliuli (Hoopili) Station Area
[Figure 21-9.3]	p. 277	Yards and Maximum Setbacks on all streets in BMX-3 Business Mixed-Use and B-2 Community Mixed Districts and on Key IMX-1 and I-2 Industrial Districts
[Figure 21-9.3]	p. 277	Yards and Maximum Setbacks on All Streets in the BMX-3 Business Mixed-Use and B-2 Community Mixed-Used Districts and on Key Streets in the IMX-1 Industrial Commercial Mixed-Use and I-2 Intensive Industrial Districts.

[Figure 21-9.4]	p. 277	Yard and Maximum Setbacks on Key Streets, Apartment and Apartment Mixed-Use Districts
[Figure 21-9.5]	p. 278	Building Façade Placement on Corner Lots Fronting Two Key Streets
[Figure 21-9.6]	p. 278	Building Façade Placement on Lots 100 Feet or Less
[Figure 21-9.7]	p. 279	Building Façade Placements on Lots Greater Than 100 Feet
[Figure 21-9.8]	p. 279	Building Façade and Parking Placement on Lots Fronting Two Key Streets
[Figure 21-9.9]	p. 280	Building Façade and Parking Placement on Lots Fronting Three Key Streets
[Figure 21-9.10]	p. 280	Primary and Secondary Building Entrances
[Figure 21-9.11]	p. 281	For Lots with Irregular Property Lines, Building Facades Parallel to Streets
[Figure 21-9.12]	p. 281	Primary Entrances Should Face the Street
[Figure 21-9.13]	p. 282	Building Transparency
[Figure 21-9.14]	p. 282	Pedestrian Walkway Connectivity across Zoning Lots
[Figure 21-9.15]	p. 283	Pedestrian Walkways within a Zoning Lot

Chapter 21

LAND USE ORDINANCE

Articles:

1. General Provisions
2. Administration and Enforcement
2A. Hosting Platforms
3. Establishment of Zoning Districts and Zoning District Regulations
4. General Development Standards
5. Specific Use Development Standards
6. Off-Street Parking and Loading
7. Sign Regulations
8. Optional Development Regulations
9. Special District Regulations
10. Definitions

Appendices:

A. (Reserved)
B. Zoning Ordinances
C. Zoning Maps
D. Resolutions--Plan Review Use Approvals
E. Interim Control Ordinances
F. Kakaako Special Design District
G. List of Figures
H. Amendments to Planned Development, Conditional Use Permit, and Cluster Approvals
I. Key to Department Abbreviations

Article 1. General Provisions

Sections:

21-1.10 Title.
21-1.20 Purpose and intent.
21-1.30 Administration.
21-1.40 Appeals.
21-1.50 Variances.
21-1.60 Temporary uses.

Sec. 21-1.10 Title.

The provisions of this chapter, inclusive of any amendments, shall be known as the land use ordinance (LUO) of the City and County of Honolulu. The provisions may also be referred to as the zoning ordinance and may, to the extent practicable, contain other ordinances regulating the utilization of land pursuant to Section 6-1504 of the charter. *(Added by Ord. 99-12)*

Sec. 21-1.20 Purpose and intent.

(a) The purpose of the LUO is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the city's general plan, and development and sustainable communities plans, and, as may be appropriate, adopted neighborhood plans, and to promote and protect the public health, safety and welfare by, more particularly:
    (1) Minimizing adverse effects resulting from the inappropriate location, use or design of sites and structures;
    (2) Conserving the city's natural, historic and scenic resources and encouraging design that enhances the physical form of the city; and
    (3) Assisting the public in identifying and understanding regulations affecting the development and use of land.

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

(Added by Ord. 99-12; Am. Ord. 17-40)

Sec. 21-1.30 Administration.

The director shall administer the provisions of the LUO.

(Added by Ord. 99-12)

Sec. 21-1.40 Appeals.

Appeals from the actions of the director in the administration of the provisions of the LUO shall be to the zoning board of appeals as provided by Section 6-1516 of the charter. Appeals must be filed within 30 days after the mailing or service of the director's decision. For the purposes of this section:

(a) For actions of the director that are not required to be served by registered or certified mail, the date of mailing or service is the date on which the director's action is placed into the United States Postal Service mail

(b) For actions of the director that are served by registered or certified mail, the date of mailing or service is the date on which the registered or certified mail is received, as indicated by the return receipt for the mailing or other records of the United States Postal Service.

(c) For actions of the director that are served by physical delivery to a person or a person's residence, place of employment, or usual place of business, the date of service is the date of delivery, as established by an acknowledgment of service signed by the person taking delivery of the director's action or a sworn declaration made by the person responsible for effecting the service of the director's action by physical delivery.

(d) For actions of the director that are served by physical posting of a copy of the action on the property where the violation has occurred, the date of the service is the date of posting, as established by a sworn declaration made by the person responsible for erecting the service of the director's action by physical posting.

(e) For actions of the director that are served by publication, the date of service is the date on which the last required publication is made. *(Added by Ord. 99-12, 22-7,)*

(f) For actions of the director that are delivered by facsimile, email, or other means of electronic transmission, the date of service is the date on which the action is transmitted to the correct email address for the person served, as established by a facsimile receipt, email receipt, email response that acknowledges receipt of the email, or other reasonable proof of the successful transmission of electronic delivery to the addressee.

(g) For persons who submit a written request to receive notice of a director's action concerning a particular project, property, or applicant prior to the director's action being issued, the date of service will be determined in accordance with subsections (a) through (f).

(h) For persons who submit a written request to receive notice of a director's action concerning a particular project, property, or applicant after the director's action has been issued, the date of service is the earlier of date on which the director's action was served in accordance with subsections (a) through (f), or the date on which the director's action was served on the person requesting notice of the director's action in accordance with subsections (a) through (f).

SECTION 4. Section 21-2.150-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

Sec. 21-1.50 Variances.

Petitions for varying the application of the provisions of the LUO shall be determined pursuant to Sections 6-1516 and 6-1517 of the charter, including the application of the provisions relating to signs. *(Added by Ord. 99-12)*

Sec. 21-1.60 Temporary uses.

Uses and structures of a temporary nature shall not be governed by this chapter, unless the director determines that significant impacts upon the surrounding area warrant review, and, when necessary, the imposition of conditions on the use or structure. Conditions shall be based on impacts upon the surrounding area, and may cover hours of operation, duration of the activity, and general manner of operation. *(Added by Ord. 99-12)*

Article 2. Administration and Enforcement

Sections:

21-2.10	**Purpose**.
21-2.20	**Administrative procedures.**
21-2.30	**Application procedures.**
21-2.40	**Permits.**
21-2.40-1	**Minor permits.**
21-2.40-2	**Major permits.**
21-2.50	**Multi-permit process.**
21-2.60	**Rules governing director's failure to act within specified time period.**
21-2.70	**Review of planning commission and/or council.**
21-2.80	**Conditional zoning--Agreements.**
21-2.90	**Conditional use permit--Purpose and intent.**
21-2.90-1	**Application requirements.**
21-2.90-2	**General requirements.**
21-2.100	**Existing uses.**
21-2.110	**Exceptions.**
21-2.110-1	**Cluster housing, agricultural and country clusters.**
21-2.110-2	**Planned development-resort, planned development-apartment, interim planned development-transit projects.**
21-2.110-3	**Designation of ohana-eligible areas.**
21-2.120	**Plan review uses--Purpose and intent.**
21-2.120-1	**Applicability.**
21-2.120-2	**General provisions.**
21-2.120-3	**Application requirements.**
21-2.130	**Waiver of requirements.**
21-2.140	**Zoning adjustments.**
21-2.140-1	**Specific circumstances.**
21-2.140-2	**Criteria.**
21-2.150	**Violation.**
21-2.150-1	**Criminal prosecution.**
21-2.150-2	**Administrative enforcement.**
21-2.150-3	**Depository of fees and civil penalties relating to bed and breakfast homes or transient vacation units.**

Figures:

21-2.1	**Permit Application Processing Time.**
21-2.2	**Zoning Adjustment: Grade Irregularities.**

Sec. 21-2.10 Purpose.

The purpose of this article is to set forth the procedures for processing permit applications and to ensure compliance with all provisions of this chapter. Concurrent application and processing are encouraged for projects that require multiple permits. *(Added by Ord. 99-12)*

Sec. 21-2.20 Administrative procedures.

(a) No permit required by this chapter shall be granted or application accepted for any use, structure or project on any zoning lot in conflict with a proposed zone change, including an amendment to or establishment of any special district, between the time the proposal is initiated by the director or the council and the time the proposal is withdrawn, or

approved or denied by the council. This provision shall not apply for a period of more than one year from the date of initiation of the proposal.

(b) If a permit required by this chapter requires a public hearing, no request for postponement of the hearing shall be allowed after notice has been published; however, the applicant may withdraw the permit application.

(c) In the event a permit required by this chapter is denied, or in the event the applicant withdraws the permit application, one year shall elapse before the permit application is resubmitted in the same or substantially the same form; provided that if the denial or withdrawal was the result of infrastructure inadequacies and these inadequacies are subsequently corrected, then the director may accept a new application prior to the lapse of the one-year period.

(d) The director shall notify an applicant in writing whether an application for a permit required by this chapter is complete or incomplete within 10 working days of its receipt by the director. When the application is incomplete the notice shall inform the applicant of the specific requirements necessary to complete the application. The application shall not be accepted by the director unless it is complete.

(e) Applications previously approved by ordinance shall continue to be regulated by the provisions of that ordinance, except that:

(1) The director may administratively modify cluster housing and planned development-housing projects that were originally approved by ordinance;

(2) All such modifications shall be processed in accordance with current site design standards and application procedures.

(f) Applications previously approved, other than by an ordinance, shall continue as approved; provided, that any reference to an approving body shall be construed as the approving body contained in the applicable regulation of this chapter.

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

(h) The department monitors compliance with and enforces the provisions of this chapter only. Accordingly, the issuance of a permit pursuant to this chapter does not constitute the department's confirmation that the applicant has complied with any other applicable laws.

(i) In addition to the requirements stated in this chapter for the issuance of any permit, it shall be the responsibility of the applicant to observe and comply with all other applicable federal, state and city laws, ordinances, rules and regulations.

(j) All references in this chapter to a government agency or department shall mean the government agency or department specifically identified or its successor.

(k) (1) Except as otherwise provided herein, the director may administratively authorize minor alterations, additions, or modifications to any approved permit required by this chapter, provided that the minor modification request:

(A) Is reasonable, and consistent with the intent of the respective permit;

(B) Does not significantly increase the intensity or scope of the use; and

(C) Does not create adverse land use impacts upon the surrounding neighborhood.

(2) Subdivision (1) does not apply to:

(A) Zone changes; and

(B) Council approvals pursuant to Section 21-2.110-2 (Planned development) and 21-2.120 et seq. (Plan review uses), except to the extent that minor modifications are permitted by the express language of the council's approving resolution.

(3) Major alterations, additions, or modifications, and other alterations, additions, or modifications excepted by subdivision (2), will be processed under the provisions for the applicable permit or approval.

(Added by Ord. 99-12; Am. Ord. 10-19; Am. Ord. 17-40)

Sec. 21-2.30 Application procedures.

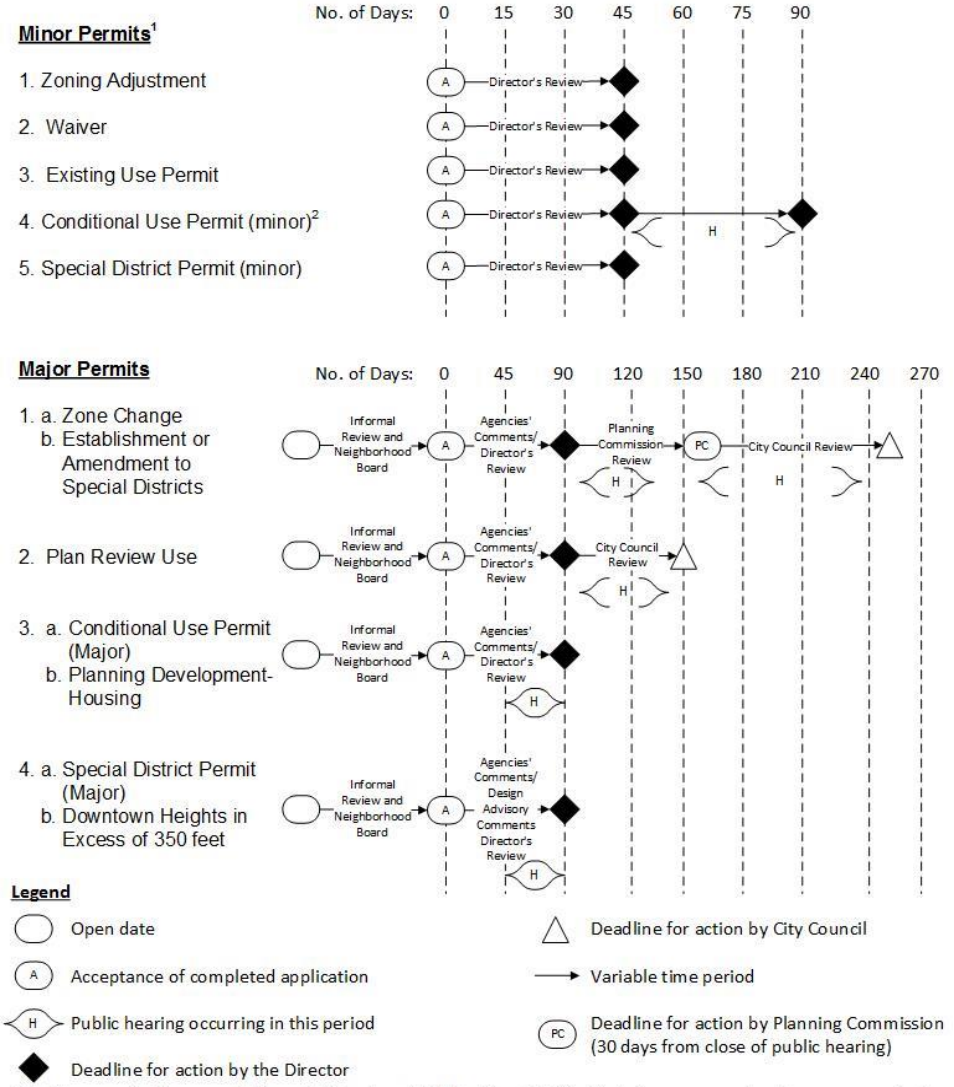
(a) The application procedures specified in this section shall be followed in the administration of this chapter. As used in this section, "applicant" includes but is not limited to any governmental agency or entity.

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

(c) See Figure 21-2.1 for permit application processing.

(Added by Ord. 99-12)

Figure 21-2.1 PERMIT APPLICATION PROCESSING TIME

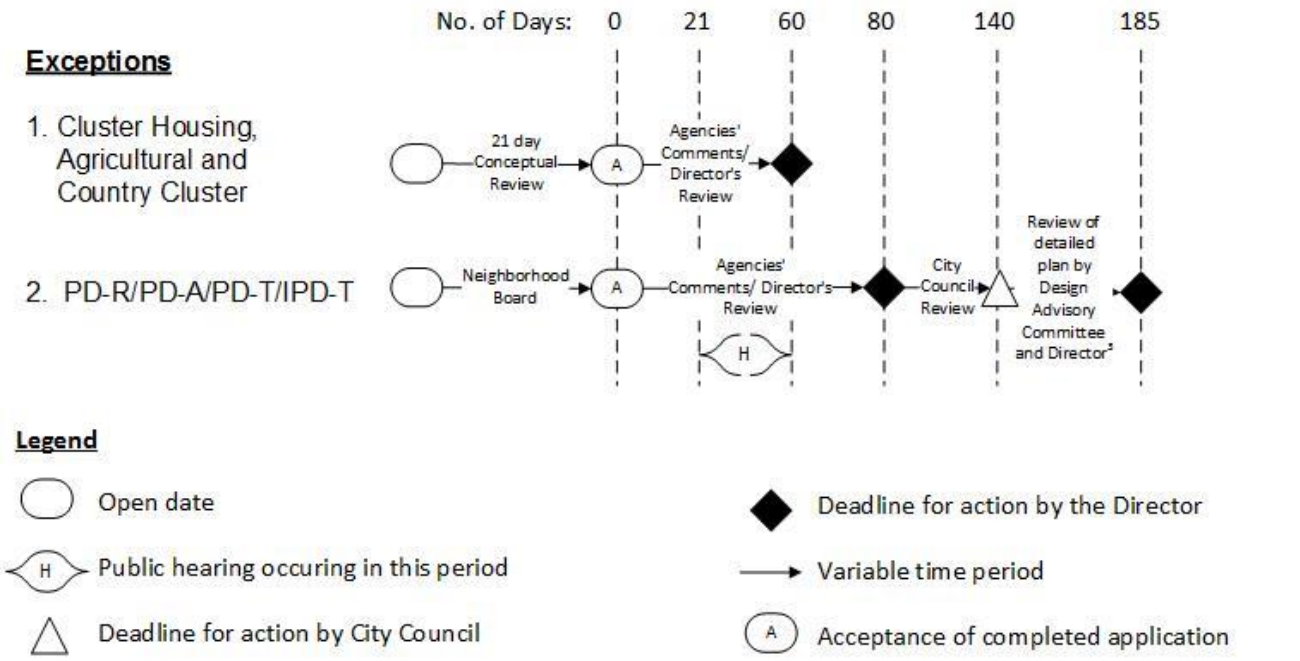


Note: The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.

[1] Before submitting an application for a minor permit for the following uses, the applicant must request an opportunity to present to the appropriate neighborhood board; (a) transmitting antenna mounted on a building or rooftop in a country, residential, A-1 or AMX-1 District or a freestanding antenna structure; (b) meeting facility; (c) day-care facility; or (d) school (elementary, intermediate and high); or (e) hotel with up to 180 dwelling and/or lodging units in the BMX-3 district. See Sec. 21-2.40-1.

[2] Deadline for Director's action may be extended for permits concerning meeting facilities, day-care facilities and schools (elementary, intermediate and high). See Sec 21-2.40-1.

Figure 21-2.1 (continued)



Note: The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.

[3]Presentation to the Design Advisory Committee is not required for PD-T and IPD-T projects. See Sec. 21-2.110-2(d) and (g).

(Am. Ord. 17-40, 17-54)

Sec. 21-2.40 Permits.

There shall be two categories of permits authorized by this chapter: minor and major. The following sections describe the review and processing of applications for permits and approvals within these two categories. *(Added by Ord. 99-12)*

Sec. 21-2.40-1 Minor permits.

(a) Specific Permits. The minor permit category consists of the following permits and approvals:
  (1) Zoning adjustment;
  (2) Waiver;
  (3) Existing use permit;
  (4) Conditional use permit (minor); and
  (5) Special district permit (minor).

(b) Pre-application Procedures. Before submitting an application for a minor permit for the following uses:
  (1) Communication tower or communication support structure in the P-2, AG-1, or AG-2 zoning districts;
  (2) Small or medium meeting facility;
  (3) Child or adult daycare;
  (4) PreK-12 school; or

(5) Minor hotel with up to 180 dwelling and/or lodging units in the BMX-3 zoning district;

the applicant shall first present the project to the neighborhood board of the district where the project will be located, or, if no such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subsection will be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:

(A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days of the date of the written request; or

(B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.

(c) Application and Processing. An applicant seeking a minor permit shall submit the appropriate application to the director for processing. Once the director has accepted an application for a conditional use permit (minor) involving a meeting facility, child daycare, adult daycare, K-12 school, or minor hotel in the BMX-3 zoning district, the director shall notify adjoining property owners and the appropriate neighborhood board or community association of receipt of the application. The director shall ask adjoining property owners whether they wish to have a public hearing on the proposed project, and whether they have any concerns about potentially adverse external effects of the proposed project on the immediate neighborhood. If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no sooner than 45 days after acceptance of the completed application; and the application will thereafter be subject to the provisions of Section 21-2.40-2(c)(2), (3), (4) and (6), and (d). If the director determines that a public hearing is not necessary, within 45 days of the director's acceptance of the completed application, the director shall either:

(1) Approve the application as submitted;

(2) Approve the application with modifications or conditions or both; or

(3) Deny the application and provide the applicant with a written explanation for the denial;

provided, however, that if an applicant substantially amends an application after its acceptance by the director, the director will have up to 45 days from the date of such amendment to act on the application as provided in this section.

(Added by Ord. 99-12; Am. Ord. 03-37, 13-10; Am. Ord. 17-40; Am. Ord. 25-2)

Sec. 21-2.40-2 Major permits.

(a) Specific Permits. The major permit category consists of the following permits and approvals:

(1) Zone change;

(2) Establishment of or amendment to special districts;

(3) Plan review use;

(4) Conditional use permit (major);

(5) Special district permit (major);

(6) Planned development-housing; and
(7) Downtown heights in excess of 350 feet.

(b) Pre-application Procedures.

(1) Before the applicant submits an application for a major permit, the department will hold a pre-application meeting with the applicant to conduct an informal review of the project, unless such a meeting is determined to be unnecessary. A project manager may be assigned by the department, and potential issues shall be discussed with the applicant.

(2) Before submitting an application for a major permit, the applicant shall first present the project to the neighborhood board of the district where the project will be located, or, if no such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subdivision (2) shall be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:

(A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days of the date of the written request; or

(B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.

(c) Application and Processing.

(1) An applicant for a major permit shall submit the appropriate application to the department for processing. If the applicant has presented the project to the appropriate neighborhood board or community association pursuant to subsection (b)(2), the application shall be accompanied by a description of all issues or causes of concern relating to the proposed project, if any, which were identified during the presentation and a statement describing the measures, if any, taken by the applicant to mitigate such issues or concerns.

(2) An applicant for a major permit which does not require the approval of the city council shall be required to erect a "notice of pending permit" sign on the affected lot(s), subject to the following:

(A) The sign shall be nine square feet in area.

(B) One sign shall be posted along each street frontage of the lot, and may be posted in a required yard. The sign shall not be obstructed from view by the general public.

(C) The sign shall contain the following:

(i) The words "Notice of pending land use permit application for (the name of the permit type)";

(ii) A summary description of the nature of the request covered by the application;

(iii) The name of the applicant or agent, and the address and phone number where the applicant or agent can be contacted;

(iv) The date, time and place of the public hearing to be held by the director.

(D) The sign shall be erected no less than 14 days before the public hearing date, and shall be removed no more than seven days after the public hearing has been closed.

(E) Failure to comply with the requirements of this subdivision may result in the denial of the affected permit application.

(F) The sign shall be considered and treated as a "public sign" as provided under Section 21-7.20.

(3) An applicant for a major permit shall make a good faith effort to notify all owners of property within 300 feet of the affected property's boundaries of the applicant's proposed use of the property as follows:

(A) The notification shall be sent within 10 working days of the director's acceptance of a completed application.

(B) The notification shall be sent by regular mail.

(C) The department shall make available to the applicant a list of all properties and owners located within 300 feet of the affected property.

(D) The applicant shall submit an affidavit confirming that the notification requirements have been met.

(E) The notification may be made to the respective homeowners board or association of an affected condominium property regime or cooperative housing corporation in lieu of individual owners.

The failure of any person to receive a notice pursuant to this subsection shall not affect the validity of any permit issued under this chapter.

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

(5) If the application is for a special district permit (major) or any major permit regarding downtown heights in excess of 350 feet, the director shall submit the application to the design advisory committee for comment and review. The design advisory committee shall submit its comments and recommendations in writing to the director within 45 days of its receipt of the application.

(6) If the application is for any major permit which does not require the approval of the city council, the director shall hold a public hearing no earlier than 45 days after the director's acceptance of the completed application. Within 90 days of the director's acceptance of the completed application, the director shall either:

(A) Approve the application as submitted;

(B) Approve the application with modifications and/or conditions; or

(C) Deny the application and provide the applicant with a written explanation for the denial.

Provided, however, that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 90 days from the date of such amendment to act on the application as provided in this subsection.

(7) If the application is for a plan review use, the director shall, within 90 days of the director's acceptance of a completed application, submit a report to the city council, which shall proceed to process the application according to the provisions of Section 21-2.70. Provided, however, that if an applicant substantially amends

an application after acceptance by the director, the director shall have up to 90 days from the date of such amendment to act on the application as provided in this subsection.

(8) If the application is for (i) the establishment of or amendment to a special district, or (ii) a zone change, the director shall, within 90 days of the director's acceptance of a completed application, either:

(A) Deny the application and provide the applicant with a written explanation for the denial; or

(B) Submit a report and a proposed ordinance to the planning commission, which shall proceed to process the application according to the provisions of Section 21-2.70.

Provided, however, that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 90 days from the date of such amendment to act on the application as provided in this subsection.

(d) Exception When Special Management Area Use Permit Required.

When an application for a major permit requires a special management area use permit, the director may extend the deadlines for acting on the application imposed by this section, provided that any such extension shall not extend beyond 10 days after the city council has acted on the special management area use permit.

(Added by Ord. 99-12)

Sec. 21-2.50 Multi-permit process.

When a proposed project requires more than one approval in order to be lawfully completed, the applicant may apply for all such approvals concurrently according to the procedures provided in this section.

(a) The applicant shall submit a one-stop permit application package (OSP) to the director for processing. The OSP shall consist of (i) a completed OSP master application form, (ii) all information required for the individual permits and/or approvals that the applicant is seeking, and (iii) such other information as may be required by the director.

(b) Upon acceptance of the completed OSP, the director shall designate a project manager from within the department to coordinate the review and processing of the individual permit and/or approval applications comprising the OSP. The project manager shall act as the primary contact person between the director and the applicant concerning the proposed project.

(c) The individual permit and/or approval applications which comprise the OSP must comply with and shall be processed by the department in accordance with all applicable requirements of this chapter, subject to subsection (d).

(d) The department will process such OSP within the time provided in this article for the individual permit and/or approval application contained in such OSP which has the longest processing time.

(e) In the event the OSP contains (i) one or more permit and/or approval applications which require city council approval, and (ii) one or more permit and/or approval applications which require only the director’s approval, the director may approve those applications requiring only the director’s approval subject to the condition that all other applications requiring city council approval are duly approved by the city council.

(Added by Ord. 99-12)

Sec. 21-2.60 Rules governing director's failure to act within specified time period.

(a) Subject to subsections (b) and (c), the director may, in accordance with HRS Chapter 91, adopt rules having the force and effect of law which provide that if the director fails to act on applications for (i) a minor permit, (ii) a major permit requiring only the director's approval, or (iii) those portions of a one-stop permit application package (OSP) which require only the director's approval, within the time periods specified in Sections 21-2.40-1(c), 21-2.40-2(c)(6) and -(d), and 21-2.50(d), respectively, the applicable permit requiring only the director's approval shall be deemed approved to the extent that the proposal complies with all applicable laws, regulations, and rules, subject to the following conditions:

(1) The use and/or development authorized by the permit shall be in general conformance with the project, as shown on plans and/or drawings on file with the department, which shall be deemed the approved plans for the project. Any modification to the project and/or plans shall be subject to the prior review of and approval by the director. Major modifications shall require a new permit; and

(2) Approval of the permit does not constitute compliance with any other land-use ordinance or other governmental requirements, including, but not necessarily limited to, building permit approval, which are subject to separate review and approval. The applicant shall be responsible for insuring that the plans for the project deemed approve under the permit comply with all applicable land use ordinance and other governmental provisions and requirements; and

(3) The director may impose additional conditions, modify existing conditions, and/or delete conditions deemed satisfied, upon a finding that circumstances related to the approved project have significantly changed so as to warrant a modification to the conditions of the approval; and

(4) In the event of the noncompliance with any of the conditions of approval, the director may terminate any uses and/or development authorized by the permit, or halt their operation until all conditions are met, or declare the permit null and void, or seek civil enforcement.

(b) The authority granted to the director pursuant to subsection (a) shall be subject to the following conditions:

(1) The director may adopt the rules only if required to do so by State law, and then only to the extent required by State law. Any rule which exceeds the requirements of State law shall be null and void. Any rule shall cease to be of any force and effect upon the repeal or judicial voidance of the State law requiring the adoption of the rule; and

(2) The rules shall not permit any extension of the time periods specified by this Chapter for the director's action, except as follows:

(A) Extension mandated by State law;

(B) Extension required to comply with Section 21-2.40-2(d); and

(C) Upon the prior request of the applicant, one extension of up to 15 days for a minor permit or up to 30 days for a major permit, provided that an extension permitted under this paragraph shall not be combined with an extension permitted under paragraph (B).

(c) Except to the extent provided by rules adopted pursuant to this section, the failure of the director to act within the specified time periods shall not be deemed an approval of any permit or application.

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

Sec. 21-2.70 Review of planning commission and/or council.

(a) Plan Review Use. When the application is for approval of a plan review use, the city council shall, within 60 days of receipt of the director's report, hold a public hearing and either:

(1) Approve the application, in whole or in part, with or without conditions or modifications, by resolution; or

(2) Deny the application.

If the council does not act on the application as provided in this subsection within such 60-day period, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if the request is made in writing and approved prior to the requested effective date of the extension.

(b) Special Districts, Other Amendments to the Land Use Ordinance, and Zone Changes. When the application or proposal is for (i) the establishment of or amendment to a special district, (ii) other amendment to the land use ordinance, or (iii) a zone change (in this subsection collectively referred to as "zoning ordinance proposals"):

(1) (A) Other than council-initiated. The planning commission shall hold a public hearing within 45 days of receipt of the director's report and proposed ordinance. Within 30 days of the close of the public hearing, the planning commission shall transmit through the mayor to the council the director's report and proposed ordinance with its recommendations. The mayor shall transmit the director's report, proposed ordinance, and planning commission recommendations to the council within 30 days of receipt of the same from the planning commission.

(B) Council-initiated. Planning commission processing and mayoral transmission of zoning ordinance proposals initiated by the council pursuant to Revised Charter Section 6-1513 and Chapter 2, Article 24, including revisions or amendments to this chapter or ordinances designating and re-designating land to one or more zoning districts specified in this chapter, shall be governed by Chapter 2, Article 24.

(C) A proposed ordinance prepared by the director as an alternative to a council-initiated zoning ordinance proposal shall be deemed to be initiated by the director and shall be processed in accordance with paragraph (A) above.

(2) Any person may bring a civil action to enforce any time limit established by subsection (1). The failure to meet any time limit established by subsection (1) shall not render the affected proposal null and void, and the council may act on the proposed ordinance after receipt thereof.

(3) (A) The council shall hold a public hearing and may act by approving the ordinance as submitted or with modifications, or by denying it.

(B) For zoning ordinance proposals other than council-initiated proposals, if the council does not take final action within 90 days after receipt of the proposed ordinance from the planning commission, it shall be deemed

denied. The applicant may request, and the council may approve, an extension of time if the request is made in writing and approved prior to the requested effective date of the extension.

(C) For zoning ordinance proposals initiated by the council pursuant to Revised Charter Section 6-1513 and Chapter 2, Article 24, if the council does not take final action prior to the automatic filing of the bill for the proposal pursuant to Section 1-2.4, the proposal shall be deemed denied; provided however, that the council may extend the time for consideration of the proposal one time only by introduction of a new bill for the proposal prior to the automatic filing of the original bill. The new bill shall be identical to the then-current form of the original bill. If the council does not take final action prior to the automatic filing of the new bill, the proposal shall be deemed denied. If more than one new bill is introduced prior to the automatic filing of the original bill, the proposal shall be deemed denied if the council does not take final action prior to the automatic filing of the first new bill.

(Added by Ord. 99-12; Am. Ord. 08-19, Am. Ord. 10-19)

Sec. 21-2.80 Conditional zoning--Agreements.

Before the enactment of an ordinance for a zone change, the city council may impose conditions on the applicant's use of the property. The fulfillment of these conditions shall be a prerequisite to the adoption of the ordinance or any applicable part of it.

(a) The conditions to be imposed must have already been performed before council action on the zone change, or be enforceable by the city to ensure performance after council action. The conditions shall be fulfilled within the time limitation set by the council or, if no time limitation is set, within a reasonable time.

(b) The conditions shall be imposed only if the council finds them necessary to prevent circumstances which may be adverse to the public health, safety, and welfare.

(c) The conditions shall be reasonably conceived to fulfill needs directly emanating from the land use proposed in the following respects:

(1) Protection of the public from the potentially deleterious effects of the proposed use; or

(2) Fulfillment of the need for public service demands created by the proposed use.

(d) Changes or alterations of conditions shall be processed in the same manner as the zone change.

(e) The conditions shall be set forth in a unilateral agreement running in favor of the council, acting by and through its chair. No ordinance with conditions shall be effective until the agreement, properly executed, has been recorded with the bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, so that the conditions imposed by the agreement shall run with the land and shall bind and give notice to all subsequent grantees, assignees, mortgagees, lienors and any other person who claims an interest in such property. The agreement shall be properly executed and delivered to the city prior to council action on the ordinance with conditions; provided, however, that the council may grant reasonable extension in cases of practical difficulty. The agreement shall not restrict the power of the council to rezone with or without conditions. The agreement

shall be enforceable by the city, by appropriate action at law or suit in equity, against the parties and their heirs, successors and assigns.

(1) Declarants, or the declarant's heirs, successors or assigns, shall prepare and submit to the director an annual report detailing the status of compliance with each condition associated with the agreement, which shall include supporting documentation as appropriate, such as, but not limited to, copies of construction and building permits, copies of deeds and restrictive covenants, financial records, phasing plans, build-out summaries, site plans, master plans, or other relevant information verifying compliance. Failure on the part of the declarant, or the declarant's heirs, successors or assigns, to fulfill this requirement shall be grounds for establishing a violation of this subsection.

(2) When the conditions of an agreement have been fully performed and none of the conditions are of a continuing nature, the director may fully release the declarant, or the declarant's heirs, successors or assigns, from the agreement. The director may also execute and record a partial release from the conditions of an agreement upon the successful performance of any specific condition which is not of a continuing nature. Any required fees associated with such a release shall be the responsibility of the declarant, or the declarant's heirs, successors or assigns.

(3) The director shall prepare and submit to the council an annual report summarizing the status of compliance with conditions associated with outstanding agreements. This report shall also include a list of agreements for which a full or partial release has been executed by the director for that year, which shall include at least the liber and page or land court document number of the recorded release.

(f) Failure to fulfill any conditions to the zone change within the specified time limitations may be grounds for the enactment of ordinances making further zone changes upon initiation by the proper parties in accordance with the charter.

(g) The council may require a bond, in a form acceptable to it, or a cash deposit from the property owner or contract purchaser in an amount that will assure compliance with the conditions imposed. The bond shall be posted at the same time the agreement containing the conditions is recorded with the bureau of conveyances or land court of the State of Hawaii, or both, as appropriate.

(h) For the enactment of an ordinance for a zone change where conditions are to be imposed on the applicant's use of the property, and there exist applicable conditions associated with an earlier ordinance for a zone change, the preexisting conditions, in whole or in part, may be repealed by the new ordinance for a zone change or incorporated into the new unilateral agreement.

(Added by Ord. 99-12)

Sec. 21-2.90 Conditional use permit--Purpose and intent.

(a) The purpose of this section is to establish a procedure for permitting certain uses in some zoning districts if certain minimum standards and conditions, which are detailed in Article 5, are met.

(b) The applicant must demonstrate that the proposed use meets all pertinent standards. The director is further empowered to condition the conditional use permit to ensure compatibility with adjacent uses and structures. When a standard from Article 5 differs from that of the zoning district, the standard from Article 5 shall apply.

(c) Certain uses may be permitted as principal uses or principal uses with conditions in some zoning districts, but shall be conditional uses in other zoning districts.

(Added by Ord. 99-12)

Sec. 21-2.90-1 Application requirements.

(a) A developer, owner, or lessee may file an application for a conditional use permit with the director, provided that the conditional use sought is permitted in the particular district.

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

(c) The application will be processed in accordance with this article, subject to the following:

(1) When the application is for a conditional use permit (minor) for a meeting facility, adult or child daycare, or K-12 school, the director has the discretion to hold a public hearing on the application upon a determination that there is sufficient justification for such public hearing.

(2) If the director holds a public hearing as described in this section, the deadline for the director's action on the application will be extended from 45 to 90 days from acceptance of the completed application.

(3) If the determination is made to hold a public hearing as provided in this section, the applicant shall make a good faith effort to notify all owners of property within 300 feet of the affected property's boundaries of the date, time and place of the public hearing for the applicant's proposed use of the property as follows:

(A) The notification must be sent within 10 working days of the director's written decision notifying the applicant of the date, time and place that the public hearing will be held.

(B) The notification will be sent by regular mail.

(C) The department shall make available to the applicant a list of all properties and owners located within 300 feet of the affected property.

(D) The applicant shall submit an affidavit confirming that the notification requirements have been met.

(E) The notification may be made to the respective homeowners board or association of an affected condominium property regime or cooperative housing corporation in lieu of individual owners.

The failure of any person to receive a notice pursuant to this subsection will not affect the validity of any permit issued under this chapter.

(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord. 10-19, Am. Ord. 25-2)

Sec. 21-2.90-2 General requirements.

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

(1) The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of this chapter.

(2) The site is suitable for the proposed use considering size, shape, location, topography, infrastructure and natural features.

(3) The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district.

(4) The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

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

(c) The director may grant conditional use permits by modifying application of the sign regulations; district regulations relating to yards, landscaping, and lot dimensions; and parking requirements for uses which have an unusual peak-hour parking demand. No such modification shall be made unless the proposed conditional use otherwise meets the requirements of subsections (a) and (b). At no time may the director modify the minimum standards for a specific conditional use.

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

(e) Notwithstanding the requirements of subsections (b) and (c) relating to minimum development standards, in the apartment, apartment mixed use, and business mixed use zoning districts, the director may grant a conditional use permit for large group living, as defined in this chapter, which may modify district regulations within the limits and subject to the standards established for this conditional use in Article 5.

(f) For certain conditional use permits, the director may require all or a portion of the site to be dedicated for a minimum of 10 years to active agricultural use. Should the use cease prior to the expiration of the minimum period of dedication, the director may nullify the dedication upon a determination that the permit is revoked or rescinded.

(Added by Ord. 99-12; Am. Ord. 01-12, Am. Ord. 02-63, Am. Ord. 03-37, Am. Ord. 25-2)

Sec. 21-2.100 Existing uses.

(a) The purpose of this section is to recognize the hardship imposed upon uses which were legally established, but which now fall under the procedures and standards of the following permits: cluster housing, country cluster, agricultural cluster and conditional use. Subject to the director's approval, the existing use procedure is an option to nonconforming status for qualifying uses. In the event of destruction, uses may be continued and structures may be rebuilt under the approved existing use plan, provided that such restoration is permitted by the building code and flood hazard regulations and is started within two years.

(b) Existing use approval is subject to the following:

(1) The existing uses and associated structures do not substantially limit, impair or preclude the use of surrounding properties for the principal uses permitted in the underlying district. This assessment may include impacts on traffic flow and control, off-street parking and loading, sewerage, drainage and flooding, refuse and service areas, utilities, screening and buffering, signs, yards and other open spaces, lot dimensions, height, bulk and location of structures, hours and manner of operation, noise, lights, dust, odor and fumes.

(2) Existing uses and structures shall meet the applicable zoning requirements at the time the uses and structures were approved. They need not meet the current underlying district regulations, nor the minimum development standards of this chapter; however, existing uses that involve dwelling units, other than those associated with a plantation community subdivision, must conform to the requirements relating to minimum land area and maximum number of units specified in Section 21-8.50-2 for cluster housing, in Section 21-3.60-2 for country clusters, and in Section 21-3.50-2 for agricultural clusters, whichever is applicable. For purposes of this subsection, a plantation community subdivision may include housing, and community and/or agricultural support buildings, as provided under HRS Section 205-4.5(a)(12).

(3) When granting existing use approval, the director may impose conditions consistent with the purposes of this section and the permit which would otherwise be required.

(4) Developments existing on the site shall be considered as an approved plan after review by the director.

(5) Minor alterations, additions or modifications may be approved by the director, provided the proposal is consistent with the intent of the respective permit otherwise required by this chapter, and does not create adverse land use impacts upon the surrounding neighborhood. Major alterations, additions or modifications shall be processed under the applicable permit.

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

(7) An existing use application shall be processed in accordance with Section 21-2.40-1.

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

§ 21-2.110 Exceptions.

The procedures described in §§ 21-2.110-1 through 21-2.110-3 are exceptions to the major or minor permit process, as provided in those respective sections.

(Added by Ord. 99-12)

Sec. 21-2.110-1 Cluster housing, agricultural and country clusters.

(a) Before the submission of a cluster housing, agricultural or country cluster application, the applicant may undergo a 21-day conceptual review of the project by submitting a preliminary site plan drawn to scale showing the approximate location and dimensions of all proposed structures, roadways, common open areas and recreational facilities. Included on the preliminary site plan shall be a conceptual landscaping plan, with existing contours at vertical intervals of five feet where the slope is greater than 10 percent and not more than two feet where the slope is less than 10 percent. Any areas designated for grading shall be indicated and approximate amounts of cut or fill shown.

(b) This review shall indicate the director's comments on the basic project concept, the number and general location of all dwelling units and other structures, the location of all common areas and the preliminary landscape plan.

(c) Either after the 21-day conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements listed in Section 21-8.50-10. Within 60 days of acceptance of a completed application, the director shall approve as submitted, approve with modifications and/or conditions, or deny, with reasons for denial sent in writing to the applicant. During this 60-day period, the director shall solicit comments on the project from appropriate agencies. Agencies shall submit comments on the project within 45 days of receipt of the request.

(d) If the development requires a special management area use permit, the time limit may be extended by the director, for a period not to exceed 10 working days after action has been taken on the special management area use permit by the council.

(Added by Ord. 99-12)

Sec. 21-2.110-2 Planned development-resort, planned development-apartment, planned development-transit, and interim planned development projects.

(a) Applications for approval of planned development-resort (PD-R) and planned development-apartment (PD-A) projects in the Waikiki special district, applications for approval of planned development-transit (PD-T) in a TOD special district, and interim planned development (IPD-T) projects shall be processed by the department in accordance with this section.

(b) Pre-application procedures. Before the submission of an application, the applicant shall:

(1) For PD-T and IPD-T projects, attend a pre-application meeting with the department to conduct an informal review of the project, unless the department determines that a meeting is not necessary. The applicant shall be prepared to discuss how the project will accomplish the goals and objectives of Section 21-9.100-6 and the approved neighborhood TOD plan for the affected area.

(2) For all planned-development projects, present the proposal to the neighborhood board for the district in which the project will be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, must be given to all owners of properties adjoining the proposed project.

(c) For all planned-development projects, upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, and provide the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing on

the conceptual plan for the project no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. The public hearing may be held jointly and concurrently with any other hearing required for the same project. No less than 15 days prior to the public hearing, the director shall give written notice of the public hearing to the neighborhood board for the district in which the project will be located.

For PD-T and IPD-T projects, a complete application must demonstrate how the project achieves consistency with the approved neighborhood TOD plan for the affected area. (Ord. 22-29)

(d) For PD-R and PD-A projects only, the conceptual plan for the project must also be presented to the design advisory committee for its appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.

(e) Upon conclusion of the public hearing and (except for PD-T and IPD-T projects) design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.

(f) The council shall approve the conceptual plan for the project, in whole or in part, with or without conditions or modifications, by resolution, or shall disapprove the conceptual plan. The council may disapprove the conceptual plan by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application will be deemed denied. The applicant may request, and the council may approve, an extension of time if the request is made in writing, prior to the requested effective date of the extension. An application for council approval of a conceptual plan for a PD-R, PD-A, PD-T or IPD-T project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.

(g) If the council approves the conceptual plan for the project, the application, as approved in concept by the council, will continue to be processed for further detailed review and final action by the director.

(1) The director shall present the detailed plan for the project to the design advisory committee for its recommendation, except in the case of PD-T and IPD-T projects.

(2) Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.

(3) The applicant may request in writing to the director an extension of time as may be necessary for good cause.

(h) A final approval by the director will be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 21-2.40-2.

(Added by Ord. 99-12, 11-30, 14-10, 17-54)

Sec. 21-2.120 Plan review uses--Purpose and intent.

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

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

(Added by Ord. 99-12)

Sec. 21-2.120-1 Applicability.

(a) Plan review use (PRU) approval is required for the following public and private uses:
- (1) Hospitals;
- (2) Prisons;
- (3) Airports;
- (4) Colleges and universities (except vocational schools);
- (5) Large meeting facilities subject to subsection (c);
- (6) Those golf courses described in subsection (d); and
- (7) Zoos.

(b) This section is applicable to all of the uses in subsection (a), in all zoning districts and special districts.

(c) A large meeting facility may not be approved as a plan review use in the preservation, agricultural, country, residential apartment, apartment mixed-use, or industrial zoning district.

(d) Golf courses.
- (1) If, following rezoning of land planned for golf course use to P-2 preservation zoning district either:
  - (A) A grading permit has not been issued for the golf course within two years of the rezoning; or
  - (B) A grading permit that was issued within two years of the rezoning has expired due to suspension or abandonment of work, or is revoked, then PRU approval is required for the golf course.
- (2) Golf courses are permitted as a plan review use in the P-2 and resort zoning districts only when consistent with the city's development plans. Golf courses in the P-2 and resort zoning districts will be deemed consistent with the development plans only when situated on lands designated for preservation, parks and recreation, or golf courses on the development plan land use maps.
- (3) Uses accessory to a golf course must be designed and scaled to meet only the requirements of the members, guests or users of the facility.
- (4) In addition to the general provisions of Section 21-2.120-2, PRU approval of requests for golf courses may be based on the additional criteria enumerated in Section 21-5.70-8(a).

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-2.120-2 General provisions.

(a) A proposed master plan spanning at least five years shall be submitted by the applicant for a PRU and shall be accompanied by a review and comment from all applicable city, state and federal planning and development agencies. The application and proposed master plan shall encompass the entire lot or the entirety of all lots for which the PRU is applied.

(b) The master plan shall be approved by city council resolution. The approved master plan shall apply to the entire lot or the entirety of all lots for which the PRU is approved. No uses or structures, other than the uses and structures in the approved master plan, shall be permitted on the lot or lots. The master plan may consist of both existing and future development. Future development in the plan shall indicate general height and bulk concepts, land expansion, landscaping, setbacks and buffering of adjacent parcels.

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

(d) Parking, loading and sign requirements shall be specified in the approval of the plan.

(e) The director shall approve drawings before building permits are issued, in accordance with the approved plan. Amendments to the plan, other than those of minor impact, shall require council approval; the director may approve minor amendments to the plan.

(Added by Ord. 99-12)

Sec. 21-2.120-3 Application requirements.

(a) An applicant for a PRU shall submit to the director an application, accompanied by:
- (1) A location map showing the development in relation to the surrounding area.
- (2) A site plan drawn to scale showing:
  - (A) Property lines and easements with dimensions and area.
  - (B) Location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures, improvements and utilities.
  - (C) The building elevations, sections and floor plan and site sections to clearly define the character of the development.
  - (D) Topographic information showing existing features and conditions and proposed grading.
  - (E) Landscaping plans showing open spaces, planting and trees.
  - (F) Existing streets showing access to the project, proposed roads and parking layout with dimensions.
  - (G) Shoreline, shoreline setback lines, stream and other setback lines.
- (3) Information regarding land use designations, surrounding land uses and development schedules.
- (4) Information on the following:
  - (A) The manner in which the plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of light and air.
  - (B) The relationship, beneficial and adverse, of the proposed development to the neighborhood in which it is established.
  - (C) Confirmation from applicable public agencies that sewer, water and drainage facilities are or will be available and adequate, before the construction of the proposed development.

(D) Project justification.
(E) Existing and projected number of employees, teachers, students, residents or patients, as appropriate.
(F) Planned hours of operation.

(b) No application for an amendment to an existing PRU or for a new PRU to supersede an existing PRU shall be accepted by the director if:
(1) The application, if approved, would result in a master plan spanning a period which extends beyond the term of the master plan approved by the existing PRU; and
(2) One or more conditions of the existing PRU which are due to be performed (other than conditions of a continuing nature whose performance is current) have not been fully performed.

(Added by Ord. 99-12)

Sec. 21-2.130 Waiver of requirements.

(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following:
(1) Public or public/private uses and structures, communication towers, communication support structures, and small, medium, or large utility installations; provided that wind energy generation facilities are not eligible for a waiver under this section;
(2) To permit the creation of zoning lots designated for landscaping and open space purposes which do not meet minimum zoning lot area and/or dimensions.
(3) To permit the replacement of existing improvements on private property when the improvements are rendered nonconforming through the exercise of government's power of eminent domain on or after October 22, 1986, which for the purposes of this subdivision may also include requirements under Chapter 14, Article 21, and/or the establishment of street setback lines.
(4) To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided such improvements could not otherwise be made without conflicting with the provisions of this chapter.
(5) In the residential, apartment, and apartment mixed use zoning districts, when a zoning lot is subject to a street setback line, the director may reduce the front and/or rear yard requirement by up to 30 percent, provided that the following conditions are satisfied:
(A) The zoning lot does not meet applicable minimum development standards for lot area, lot width, or lot depth, either in its current configuration or after the street setback is taken; and
(B) The appropriate agency or agencies concur in the reduction.

(b) The granting of the waiver shall not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking it.

(c) This provision shall not be applicable to uses which fall under Section 21-2.120.
(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord.25-2)

Sec. 21-2.140 Zoning adjustments.

The purpose and intent of this section is to permit minor zoning adjustments where practical difficulties or results inconsistent with the general purpose of this chapter would occur from its strict literal interpretation. The adjustment review process provides a mechanism by which regulations may be modified to provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of this chapter, while continuing to provide certainty and efficient processing for land use applications.
(Added by Ord. 99-12)

Sec. 21-2.140-1 Specific circumstances.

The director may approve an adjustment from the requirements of this chapter under the following circumstances.

(a) Carports and garages.
  (1) When located in a residential zoning district, a one-car or two-car carport or garage may encroach into required front or side yards, including those in special districts, only under the following conditions:
    (A) No other viable alternative site exists relative to the location of an existing dwelling (including additions), legally constructed prior to October 22, 1986, or to the topography of the zoning lot; and
    (B) The landowner must authenticate the nonconformity of the existing dwelling, carport, or garage, if necessary.

  Any carport or garage covered by this subsection must not be converted to or be used for a use other than a carport or garage.
  (2) The maximum horizontal dimensions for the carport or garage generally must not exceed 20 feet by 20 feet; provided that the dimensions may be reasonably increased to accommodate an existing retaining wall or similar condition.

(b) Energy-saving rooftop designs. Rooftop designs that incorporate energy-saving features, including but not limited to vented ceilings or louvered skylights, may extend above the height limit or height setback of the underlying zoning district by not more than five feet; provided that:
  (1) The building is not a single-unit, two-unit, or duplex-unit dwelling; and
  (2) The proposal is subject to design review. The roofing treatment must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.

(c) Flag lot access width. Where unusual terrain or existing development does not allow the required access drive, the director may:
  (1) Adjust the minimum access width to no less than 10 feet, and
  (2) Allow more than dual access to an access drive; provided that the following criteria are met:
    (A) The appropriate government agencies do not object to the proposal;

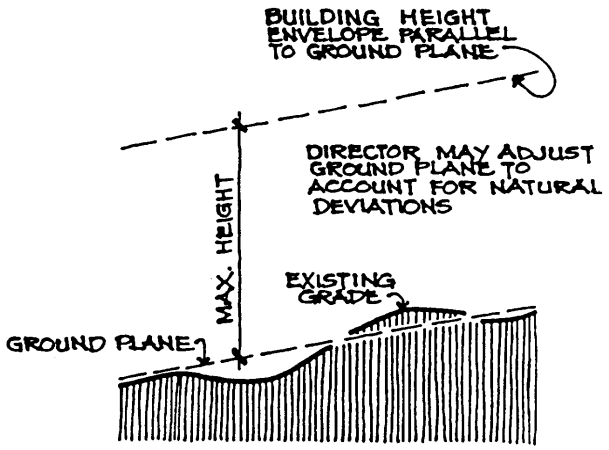
(B) No more than three flag stems or access drives are located adjacent to one another, the access drives do not serve more than five dwelling units, and the combined access drive pavement width does not exceed 32 feet; and

(C) If more than dual access to a flag stem or access drive is proposed, the design results in one common driveway and one curb cut to serve all lots adjoining the flag stem(s).

(d) Grade irregularities. Where unusual natural deviations occur in grade, the director may adjust the building height envelope to permit reasonable building design. An adjustment may be made only in accordance with the intent of the pertinent district regulations (See Figure 21-2.2).

Ref. § 21-2.140-1(d)

Figure 21-2.2
ZONING ADJUSTMENT:
GRADE IRREGULARITIES



ZONING ADJUSTMENT: GRADE IRREGULARITIES

(e) Lanai enclosures. Lanais, which are a part of buildings constructed on or before October 22, 1986 that have reached the maximum permitted floor area, may be enclosed if they meet all of the following criteria:

(1) The enclosure meets a unified design scheme approved by either the condominium association or the building owner, whichever is applicable;

(2) Other lanais in the building have been similarly enclosed; and

(3) Lanais that have already been enclosed have been done so legally.

(f) Loading requirements—Low-rise multi-unit dwellings. The director may adjust or waive the loading requirement for low-rise multi-unit dwellings, provided that:

(1) The project consists of more than one building;

(2) Buildings do not exceed three stories; and

(3) There is sufficient uncovered parking and aisle or turnaround space to accommodate occasional use for loading.

(g) Off-street parking and loading requirements upon change in use.

(1) Change in use on zoning lot with conforming parking and loading. Notwithstanding Article 6, if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, then the director may adjust the number of additional parking or loading spaces required subject to the following conditions:
   (A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and remote parking facilities;
   (B) There was no previous change in use on the zoning lot to a use with higher parking or loading standards during the five-year period immediately preceding the change in use;
   (C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision; and
   (D) The parking and loading will thereafter be deemed to be nonconforming.

(2) Change in use on zoning lot with nonconforming parking and loading. Notwithstanding Section 21-4.110(e)(1), if there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces or no more than one loading space, nonconforming parking and loading may be continued, with no additional parking or loading spaces being required subject to the following conditions:
   (A) There are no reasonable means of providing the additional parking or loading spaces that would otherwise be required, including but not limited to joint use of parking facilities and remote parking facilities;
   (B) There was no previous change in use on the zoning lot to a use with a higher parking or loading standard during the five-year period immediately preceding the change in use; and
   (C) There was no previous grant of an adjustment from parking and loading requirements on the zoning lot pursuant to this subdivision or subdivision (1).

(h) Rebuilding or expansion of a nonconforming ohana unit. Nonconforming ohana units may be altered, enlarged, repaired, or rebuilt provided that all of the following conditions are satisfied:

(1) The ohana unit is a nonconforming structure or dwelling unit. An ohana unit will be deemed nonconforming when the building permit for an ohana unit was issued, and any of the following circumstances apply:
   (A) The ohana unit is occupied by persons who are not related by blood, marriage, or adoption to the family residing in the primary dwelling, and the building permit for the ohana unit was issued prior to September 10, 1992;
   (B) A declaration of condominium property regime or declaration of horizontal property regime was filed with either the State of Hawaii bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, on or before December 31, 1988; or
   (C) The ohana unit was legally established, but is no longer allowed pursuant to Sections 21-5.50-3(c)(4).

(2) The building area of the ohana unit in combination with the building area of the primary dwelling does not exceed the current maximum building area development standard for the underlying zoning district.
(3) The ohana unit complies with all other development standards for the underlying zoning district, including off-street parking standards.
(4) Unless the ohana unit was lawfully established prior to December 31, 1988, the owners shall comply with Section 21-5.50-3(c)(3) prior to the issuance of any building permit.

(i) Accessory receive only antenna height. Accessory receive-only antennas may exceed the applicable zoning district height limit subject to the following conditions:
(1) The zoning lot is not located in a residential zoning district where utility lines are predominantly located underground;
(2) The applicant shall provide evidence to the director that adequate reception by the accessory receive only antenna, for the purposes for which the accessory receive only antenna is designed, cannot be provided anywhere on the zoning lot at or below the applicable zoning district height limit, and the accessory receive only antenna must not extend above a height greater than what is shown by the evidence provided to the director to be necessary to provide adequate reception provided that in no case may the accessory receive only antenna extend more than 10 feet above the applicable zoning district height limit; and
(3) An accessory receive only antenna may be placed on top of an existing structure that is nonconforming in height provided that the accessory receive only antenna must not extend above the height of the structure by more than 10 feet.

(j) Residential height. The director may adjust the second plane of the building height envelope up to a maximum of 35 feet, subject to the following conditions:
(1) The slope of the lot is greater than 40 percent;
(2) There is no reasonable development alternative without an increase in the height envelope; and
(3) The zoning lot must be limited to dwelling use.

(k) Retaining walls. The director may adjust the maximum height of a retaining wall upon finding that additional height is necessary because of safety, topography, subdivision design, or lot arrangement; provided that the aesthetic impact of the wall would not be adverse to the neighborhood and community as viewed from any street. The director may impose reasonable conditions when granting this additional height, such as material used, color, landscaping, terracing, setbacks and offsets, as may be necessary to maintain the general character of the area.

(l) Rooftop height exemption. Rooftop structures that principally house elevator machinery and air conditioning equipment may extend above the applicable zoning district height limit for structures or portions of structures; provided that all of the following conditions are satisfied:
(1) If the elevator cab opens on the roof, machinery must not be placed above the elevator housing;
(2) The highest point of the rooftop structures must not exceed five feet above the highest point of the equipment structures. Rooftop structures principally housing elevator machinery or air conditioning equipment that were installed under a building permit issued before February 9, 1993, will be permitted even if they

exceed the 18-foot limit of Section 21-4.60(c)(1) so long as they do not exceed five feet above the highest point of the equipment structure;

(3) If the building is located in a special district, the special district requirements will prevail;

(4) The proposed rooftop structures will be subject to design review. The design must be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building; and

(5) Areas proposed to be covered by the rooftop structure will not be counted as floor area; provided that they are not used for any purpose other than for covering rooftop machinery. Areas used for purposes other than reasonable aesthetic treatment will be counted as floor area.

(m) Sign master plan. A sign master plan is a voluntary, optional alternative to the strict sign regulations of this chapter, intended to encourage some flexibility in order to achieve good design (including compatibility and creativity), consistency, continuity and administrative efficiency in the utilization of signs within eligible sites. Under this alternative, and subject to the provisions of this subsection, the director may approve a sign master plan that permits the exceptions to the sign regulations of this chapter set forth in subdivision (2).

(1) Eligibility. Developments with three or more principal uses on a zoning lot, other than single-unit, two-unit, or duplex-unit dwellings, are eligible for consideration of a zoning adjustment for a sign master plan. An applicant must have the authority to impose the sign master plan on all developments on the zoning lot.

(2) Flexibility. The following exceptions to the sign regulations of this chapter may be permitted pursuant to an approved sign master plan.

(A) Physical characteristics. The maximum number of permitted signs, sign area, and the height and physical dimensions of individual signs, may be modified; provided that:

(i) No sign may exceed any applicable standard relating to height or dimension by more than 20 percent;

(ii) The total permitted sign area for signs that are part of a sign master plan may not be increased by more than 20 percent beyond the total sign area permitted by the underlying sign regulations for the site; and

(iii) The total number of signs that are part of a sign master plan may not exceed 20 percent of the total number of signs permitted by the underlying sign regulations for the site; provided that when computation of the maximum number of permitted signs results in a fractional number, the number of allowable signs will be the next highest whole number.

(B) Sign types. The types of business signs permitted for ground floor establishments may include hanging, marquee fascia, projecting, roof, and wall signs.

(i) When marquee fascia signs are used, the signs may be displayed above the face of the marquee; provided that the signs must not exceed a height of more than 36 inches above the marquee face.

(ii) When wall signs are used, signs displayed as individual lettering placed against a building wall are encouraged.

(C) Sign illumination

(i) Where direct illumination is not otherwise permitted by the underlying sign regulations for the site, sign copy or graphic elements of business or identification signs for ground floor establishments may be directly illuminated; provided that any remaining sign area must be completely opaque and not illuminated.

(ii) Signs for second floor establishments may be indirectly illuminated.

(D) Sign location. An appropriate, consistent pattern for the placement of regulated signs within the project site must be approved in the sign master plan; provided that all signs must be located on the building containing the identified establishment, and no ground sign may be located within a required yard except as may be permitted by this chapter.

(E) The standards and requirements for directional signs, information signs and parking lot traffic control signs may be established by the director, as appropriate.

(3) Sign master plan approvals. The director may approve a sign master plan only upon a finding that, in addition to the criteria set forth in Section 21-2.140-2, the following criteria have been satisfied:

(A) The proposed sign master plan will accomplish the intent of this subsection;

(B) The size and placement of each sign will be proportional to and visually balanced with the building facade of the side of the building upon which it is maintained;

(C) All signs regulated by this chapter and maintained upon the site will feature the consistent application of not less than one of the following design elements: materials, letter style, color, shape or theme; and

(D) Except as may be adjusted by the sign master plan, all signs regulated by this chapter and maintained upon the site must conform to the provisions of this chapter.

The director may impose appropriate conditions and additional controls on the approval of a sign master plan.

(4) Implementation.

(A) The director shall maintain a copy of the approved sign master plan for each project to facilitate the expedited processing of sign permits for that project. The director shall review each sign permit application for an individual sign within an affected project for its conformity to the approved sign master plan. Upon determining that the sign permit application conforms to the approved sign master plan, the director shall issue the sign permit for the sign.

(B) Except as otherwise provided in this paragraph, no sign may be maintained upon a site subject to an approved sign master plan unless the sign conforms to the sign master plan. If a site has existing signs that will

not conform to the approved sign master plan, the master plan must specify a reasonable time period, as approved by the director, for conversion of all existing signs to the design scheme set forth in the approved master plan; provided that in no event may the time period for full conformance exceed one year from the date the sign master plan is approved.

(n) Conversion of accessory structures. An existing, legally established accessory structure constructed before September 14, 2015, in the country or residential district may be converted to an accessory dwelling unit and allowed to exceed the maximum floor area established by Section 21-5.50-3(a), or be exempted from the off-street parking requirement established by Section 21-6.20(a) and contained in Table 21-6.1, subject to the following conditions;

(1) The director shall find that viable constraints do not allow the reduction of the floor area of the existing accessory structure; and

(2) The director shall find that no feasible alternative off-street parking site exists due to the placement of structure on, or the topography of, the zoning lot.

(Added by Ord. 99-12; Am. Ord. 99-63, Am. Ord. 03-37, Am. Ord. 06-15, Am. Ord. 09-5, Am. Ord. 10-19, Am. Ord. 15-41, Am. Ord. 17-40, Am. Ord. 20-41, Am. Ord. 25-2)

Sec. 21-2.140-2 Criteria.

(a) A zoning adjustment shall be approved on a finding that the following criteria have been met:

(1) Approving the adjustment will meet the purpose and intent of the regulation to be modified;

(2) The proposal will not significantly detract from the livability or appearance of the area and is consistent with the desired character of the area;

(3) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose and intent of the zoning district; and

(4) Any impacts resulting from the adjustment are mitigated to the extent practical.

(b) An applicant may request a zoning adjustment under the specific circumstances described in Section 21-2.140-1. The adjustment request shall be filed with the department with supporting materials describing the requested adjustment and documenting the manner in which the proposed project qualifies for the adjustment and meets the criteria specified in subsection (a). A request for an adjustment shall be approved by the director on a finding that all criteria for the adjustment are satisfied.

(Added by Ord. 99-12)

Sec. 21-2.150 Violation.

Any approval or permit issued pursuant to the provisions of this chapter shall comply with all applicable requirements of this chapter. Failure to comply with conditions imposed as part of any approval or permit, including variances from the provisions of this chapter, shall constitute a violation of this chapter.

(Added by Ord. 99-12)

Sec. 21-2.150-1 Criminal prosecution.

(a) Any person convicted of a violation of this chapter, as amended, shall be sentenced as follows:
  (1) For a first offense, by a fine not exceeding $1,000.00 and one of the following:
    (A) Thirty-two hours of community service, as authorized by and defined in HRS Section 706-605(1)(e), as amended; or
    (B) Forty-eight hours' imprisonment.
  (2) For a second conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine not exceeding $1,000.00 and one of the following:
    (A) Sixty-four hours of community service, as authorized by and defined in HRS Section 706-605(1)(e), as amended; or
    (B) Ninety-six hours' imprisonment.
  (3) For a subsequent conviction which occurs within five years of any two prior convictions under this chapter, by a fine of not less than $500.00 but not exceeding $1,000.00 and one of the following:
    (A) Not less than 64 hours but not exceeding 140 hours of community service as authorized by and defined in HRS Section 706-605(1)(e), as amended; or
    (B) Not less than 96 hours but not exceeding 30 days' imprisonment.

(b) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.

(c) The imposition of a fine under this section shall be controlled by the provisions of the Hawaii Penal Code relating to fines, HRS Sections 706-640 through 706-645.

(d) The city may maintain an action for an injunction to restrain any violation of the provisions of this chapter and may take any other lawful action to prevent or remedy any violation.

(e) Any authorized personnel may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

(f) Any authorized personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

(g) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State of Hawaii and the City and County of Honolulu.

(h) In every case when a citation is issued, the original of the same shall be given to the violator, provided, that the administrative judge of the district court may prescribe the

giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

(i) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(Added by Ord. 99-12)

Sec. 21-2.150-2 Administrative enforcement.

(a) Enforcement authority. In lieu of or in addition to seeking criminal enforcement pursuant to Section 21-2.150-1, the director may issue a notice of violation or notice of order to any person violating this chapter, the rules adopted by the director to administer this chapter, or the condition of any permits or approvals granted under this chapter.

(b) Liability. If the director determines that more than one person is responsible for a violation, the director may issue one enforcement notice to all persons responsible for the violation or separate enforcement notices to each person responsible for the violation. If the director issues one enforcement notice to more than one person responsible for a violation, each person identified in the enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be jointly and severally liable for any fines imposed in a notice of order. If the director issues separate enforcement notices to more than one person responsible for a violation, each person receiving an enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be independently liable for the full extent of any fines imposed in a notice of order.

(c) Service of enforcement notices issued by the director.

(1) The director may serve an enforcement notice issued pursuant to this section by registered or certified mail, with return receipt requested, or by delivering a copy of the enforcement notice to the violator in person.

(2) The director also may serve an enforcement notice issued pursuant to this section by leaving a copy of the enforcement notice with a person of suitable age and discretion at the violator's place of residence or place of employment, or by physically posting a copy of the enforcement notice in a prominent location on the property that is the subject of the enforcement notice, in a conspicuous manner that is likely to be discovered. Service by the physical posting of a copy of the enforcement notice is effective as to all persons named in the enforcement notice upon posting.

(3) If the director is not able to serve the enforcement notice by any of the methods described in subdivisions (1) and (2), the director may serve the enforcement notice on one or more violators by publishing a copy of the enforcement notice once each week for two consecutive weeks in a daily or weekly publication that is in general circulation within the city. Service by publication is effective as to all persons named in the enforcement notice upon the completion of the last publication required under this subdivision.

(4) Where one or more violators identified in an enforcement notice have the same mailing address, place of residence, or place of employment, the delivery of one copy of the enforcement notice to that place is effective

service upon all violators named in the enforcement notice that may be served at the place the enforcement notice has been delivered.

(d) Contents of the notice of violation. Whenever the director seeks enforcement pursuant to subsection (a), the director shall serve, pursuant to subsection (c), a notice of violation to the persons responsible for the violation. In addition to any other information or requirements deemed appropriate by the director, the notice of violation must include the following information:

(1) The date of the notice of violation:
(2) The name of the person noticed;
(3) The address or location of the violation;
(4) The specific ordinance, rule or condition that has been violated;
(5) A concise description of the violation;
(6) A requirement that the violator correct the violation by a specified date or upon receipt of the notice of violation; and
(7) A requirement that the violator send a written notice to the director reporting the correction of the violation when the violator believes the violation has been corrected.

(e) Contents of the notice of order. If the violation is not corrected by the date specified in the notice of violation, the director may serve, pursuant to subsection (c), a notice of order to the persons responsible for the violation imposing penalties for failure to correct the violation.

(1) In addition to any other information or requirements deemed appropriate by the director, the notice of order must include a copy of the applicable notice of violation issued by the director for the violation.
(2) The notice of order may require the person to do any or all of the following:
    (A) Cease and desist from the violation;
    (B) Correct the violation at the person's own expense before a date specified in the order;
    (C) Appear before the department at a specified date and time to present evidence as to why the person should not be required to correct a violation or pay a fine specified in the notice of order;
    (D) Pay a civil fine not to exceed $5,000 in the manner, at the place, and before the date specified in the order; and
    (E) Pay a civil fine not to exceed $5,000 per day for each day in which the violation persists beyond the date specified in paragraph (D), in the manner and at the time and place specified in the order.
(3) Notwithstanding the civil fines specified in subdivision (2)(D) and (E), if the violation is a violation of any provision of this chapter relating to the requirements for transient vacation units or bed and breakfast homes, then, in addition to the requirements in subdivision (2)(A), (B), and (C), the order may require a person to do any of the following;
    (A) Pay a civil fine not to exceed $10,000 in the manner, at the place and before the date specified in the order; and
    (B) Pay a civil fine not to exceed $10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.

(4) Notwithstanding the civil fines specified in subdivision (2)(D) and (E), if the violation involves the construction of conversion of a structure in violation of Section 21-3.70-1(c)(3), relating to large dwellings units, then, in addition to the requirements in subdivision (2)(A), (B), and (C), the order may require a person to do any or all of the following:

(A) Pay a civil fine not to exceed $25,000 in the manner, at the place, and before the date specified in the order; and

(B) Pay a civil fine not to exceed $10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.

(5) The order must advise the persons responsible for the violation that the order will become final 30 days after the date the order was served on the persons responsible for the violation. The order must also advise that the director's action may be appealed to the zoning board of appeals.

(f) Effect of the notice of order-right to appeal. The provisions of the notice order issued by the director under this section will become final 30 days after the date the order is served on the persons responsible for the violation pursuant to subsection (c). The persons responsible for the violation may appeal the notice of order to the zoning board of appeals as provided in Charter Section 6-1516 and Section 2-1.40; provided that an appeal to the zoning board of appeals will not stay any provision of the notice of order, except for the deadline to pay any fines imposed by the notice of order. The appeal must be received in writing on or before the date on which the order becomes final.

(g) Judicial enforcement of the notice of order. The director may institute a civil action in any court of competent jurisdiction for the enforcement of this chapter any notice of violation or notice of order served on the persons responsible for the violation pursuant to subsection (c). After the opportunity to appeal a notice of order has expired or been exhausted, if the director institutes a civil action to enforce the requirement to pay a civil fine imposed by a notice of order, the director need only show that the notice of violation and the notice of order were served in compliance with subsection (c), that a civil fine was imposed, the total amount of the civil fine imposed, and that the fine imposed has not been paid.

(h) Notwithstanding any other provision to the contrary, in addition to daily civil fines, the director may impose a fine in an amount equal to the total sum received by the owner, operator, or proprietor of a bed and breakfast home or transient vacation unit from any impermissible rental activity during the period in which the owner, operator, or proprietor was subject to daily fines.

(i) Nothing in this section precludes the director from seeking any other remedy available by law.

(Am. Ord. 17-40: Am. Ord. 19-18, Am. Ord. 22-7, Am. Ord. 24-13, Am. Ord. 25-2, Am. Ord 25-40)

Sec. 21-2.150-3 Depository of fees and civil penalties relating to bed and breakfast homes or transient vacation units.

Notwithstanding any other ordinance to the contrary, payments of fees and civil penalties relating to bed and breakfast homes or transient vacation units shall be deposited into a special account of the general fund, to be appropriately named by the department of budget and fiscal services, and used by the department of planning and permitting for expenses related to the

enforcement of the provisions of this chapter relating to bed and breakfast homes and transient vacation units.
(Added by Ord. 19-18)

Article 2A. Hosting Platforms

Sections:

21-2A.10	**Booking Services.**
21-2A.20	**Registration.**
21-2A.30	**Reporting.**
21-2A.40	**Penalties.**

Sec. 21-2A.10 Booking Services.

(a) It is unlawful for a person acting as, or on behalf of, a hosting platform to provide and collect, or receive a fee for, booking services in connection with any bed and breakfast home or transient vacation unit located within the city if such bed and breakfast home or transient vacation unit is not lawfully registered, permitted, or otherwise allowed as a bed and breakfast home or transient vacation unit pursuant to this chapter at the time the bed and breakfast home or transient vacation unit is booked. A hosting platform to shall exercise reasonable care to confirm that a bed and breakfast home or transient vacation unit located within the city is lawfully registered, permitted or otherwise allowed as a bed and breakfast home or transient vacation unit prior to providing and collecting or receiving a fee for booking services

(b) Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a bed and breakfast home or transient vacation unit in the city that is not lawfully registered, permitted, or otherwise allowed pursuant to this chapter, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

(c) Booking services provided by hosting platforms for hotel units or timeshare units must include an identifying tax map key number for the property on which the hotel unit or timeshare unit is located.

(Added by Ord. 19-18, Am. Ord. 20-30, 22-7)

Sec. 21-2A.20 Registration.

(a) It is unlawful for any hosting platform to provide booking services to owners or operators of bed and breakfast homes or transient vacation units located within the city without first registering with the department. In order to register, a hosting platform shall provide a hosting platform registration statement to the director, in a form prescribed by the director, pay a registration fee of $100, and agree in writing:

(1) To obtain written consent from all owners or operators of bed and breakfast homes or transient vacation units located within the city for the disclosure of the information required under Section 21-2A.30; and

(2) To furnish such information to the city in accordance with Section 21-2A.30.

(b) A hosting platform may cancel its registration under this section by delivering written notice of cancellation to the director. The director may cancel a hosting platform's registration under this section for cause, including any violation of this article, by delivering written notice of cancellation to the hosting platform no later than 90 days prior to the effective date of cancellation. Nothing in this section relieves the owner or

operator of a bed and breakfast home or transient vacation unit located within the city from the requirements set forth in Section 21-5.730.

(Added by Ord. 19-18, Am. Ord. 20-30)

Sec. 21-2A.30 Reporting.

(a) Subject to applicable laws, all hosting platforms registered pursuant to Section 21-2A.20 shall report to the director on a monthly basis, on the date and in the electronic format specified by the director, for each bed and breakfast home and transient vacation unit located within the city for which the hosting platform provided booking services in the preceding month. The report must include:
   (1) The names of the persons responsible for each listing;
   (2) The address of each listing;
   (3) The transient accommodations tax identification number of the owner or operator of the bed and breakfast home or transient vacation unit;
   (4) The length of stay for each listing; and
   (5) The price paid for each stay.

(b) The director may disclose such information to the appropriate state or city officials to ensure compliance with this article, state tax laws, and county tax ordinances, and any applicable land use laws and ordinances.

(Added by Ord. 19-18, Am. Ord. 20-30)

Sec. 21-2A.40 Penalties.

If the director determines that a hosting platform is violating any provision of this article, notwithstanding the civil fines specified in Section 21-2.150-2(e)(2)(D)and 21-2.1502-2(e)(2)(E), the violator is subject to a civil fine of not less than $1,000 and not more than $10,000 for each day that the violation continues.

(Added by Ord. 19-18, Am. Ord. 20-30, 22-7, Am. Ord. 25-40)

Article 3. Establishment of Zoning Districts and Zoning District Regulations

Sections:

21-3.10	Zoning district classifications and map designations.
21-3.20	Zoning precinct classifications and map designations.
21-3.30	Zoning maps and interpretations.
21-3.40	Preservation districts--Purpose and intent.
21-3.40-1	Preservation uses and development standards.
21-3.50	Agricultural districts--Purpose and intent.
21-3.50-1	Agricultural clusters.
21-3.50-2	Agricultural cluster--Site standards.
21-3.50-3	Agricultural cluster--Application requirements.
21-3.50-4	Agricultural uses and development standards.
21-3.60	Country district--Purpose and intent.
21-3.60-1	Country clusters.
21-3.60-2	Country cluster--Site standards.
21-3.60-3	Country cluster--Application requirements.
21-3.60-4	Country uses and development standards.
21-3.70	Residential districts--Purpose and intent.
21-3.70-1	Residential uses and development standards.
21-3.80	Apartment districts--Purpose and intent.
21-3.80-1	Apartment district uses and development standards.
21-3.90	Apartment mixed use districts--Purpose and intent.
21-3.90-1	Apartment mixed use district uses and development standards.
21-3.100	Resort district--Purpose and intent.
21-3.100-1	Resort uses and development standards.
21-3.110	Business districts--Purpose and intent.
21-3.110-1	Business uses and development standards.
21-3.120	Business mixed use districts--Purpose and intent.
21-3.120-1	BMX-4 business mixed use special height controls.
21-3.120-2	Business mixed use district uses and development standards.
21-3.130	Industrial districts--Purpose and intent.
21-3.130-1	Industrial uses and development standards.
21-3.140	Industrial-commercial mixed use district-- Purpose and intent.
21-3.140-1	Industrial-commercial mixed use district uses and development standards.

Figures:

21-3.1	Height Setbacks (P-2, Agricultural and Country Districts).
21-3.2	Heights on Sloping Lots (Country District).
21-3.3	A-2, A-3, AMX-2, AMX-3, BMX-3, and IMX-1 District Height Setback.
21-3.4	Resort District Height Setback.
21-3.5	Transitional Heights (Business, BMX, IMX and All Industrial Districts).
21-3.6	Front Yards (B-2, BMX-3, BMX-4, IMX and All Industrial Districts).
21-3.7	Street Setbacks (I-2, and I-3 Districts).
21-3.8	Front Yard BMX-4 District.
21-3.9	65 Degree Angle Height Limit (BMX-4 District).

21-3.10 Height Measurement in Residential Districts.

Tables:

21-3.1 P-2, Agricultural and Country Districts Development Standards.
21-3.2 Residential Districts Development Standards.
21-3.3 Apartment and Apartment Mixed Use Districts Development Standards.
21-3.4 Resort, Business and Business Mixed Use Districts Development Standards.
21-3.5 Industrial and Industrial Mixed Use Districts Development Standards.

Sec. 21-3.10 Zoning district classifications and map designations.

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

Title	Map Designation
Preservation	
Restricted	P-1
Military and federal	F-1
General	P-2
Agricultural	
Restricted	AG-1
General	AG-2
Country	C
Residential	R-20
	R-10
	R-7.5
	R-5
	R-3.5
Apartment	
Low-density	A-1
Medium-density	A-2
High-density	A-3
Apartment Mixed Use	
Low-density	AMX-1
Medium-density	AMX-2
High-density	AMX-3
Resort	Resort
Business	
Neighborhood	B-1
Community	B-2
Business Mixed Use	
Community	BMX-3
Central	BMX-4
Industrial	
Limited	I-1
Intensive	I-2
Waterfront	I-3
Industrial-Commercial Mixed Use	IMX-1

(Added by Ord. 99-12)

Sec. 21-3.20 Zoning precinct classifications and map designations.

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

Title	Map Designation
Waikiki Special District	
Apartment	Apartment precinct
Apartment mixed use	Apartment mixed use subprecinct
Resort mixed use	Resort mixed use precinct
Public	Public precinct

(Added by Ord. 99-12; Am. Ord. 17-40)

Sec. 21-3.30 Zoning maps and interpretations.

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

Zoning Map No.	Area
1	Hawaii Kai
2	Kahala--Kuliouou
3	Moiliili--Kaimuki
4	Nuuanu--McCully
5	Kalihi--Nuuanu
6	Red Hill--Fort Shafter
7	Halawa--Pearl City
8	Waipahu
9	Waipio (Crestview)
10	Waipio (Mililani)
11	Wahiawa--Whitmore
12	Ewa Beach--Iroquois Point
13	Makakilo
14	Barber's Point--Kahe--Nanakuli
15	Lualualei--Makaha
16	Makua--Kaena
17	Mokuleia--Waialua--Haleiwa

Zoning Map No.	Area
18	Kawailoa--Waialee
19	Kahuku--Laie
20	Hauula--Punaluu--Kaaawa
21	Kualoa--Waiahole--Kahaluu
22	Heeia--Kaneohe--Maunawili
23	Kailua--Lanikai--Keolu
24	Waimanalo

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

(b) Whenever uncertainty exists about the boundary lines of a district, the following rules shall apply:

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

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

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

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

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

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

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

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

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

(e) The director may adjust boundary lines of a district or precinct under the following conditions:

(1) The change does not result in an increase or decrease in any zoning district affecting more than five percent or one acre of any zoning lot, whichever is less;

(2) The resulting boundary adjustment is in conformance with the general plan and development plan; and

(3) The resulting boundary adjustment does not confer more than a five percent net increase in development potential, as measured by the number of dwelling units or floor area, as permitted by the applicable zoning districts.

The director shall notify in writing the property owner(s) affected by the boundary line adjustment.

(f) The director may adjust boundary lines of a district or precinct to coincide with a state land use commission boundary interpretation, when the interpretation results in an increase in the more restrictive state land use district. In determining the appropriate district or precinct, the director shall take into account surrounding zoning and the intent of the affected state land use district.

(Added by Ord. 99-12)

Sec. 21-3.40 Preservation districts--Purpose and intent.

(a) The purpose of the preservation districts is to preserve and manage major open space and recreation lands and lands of scenic and other natural resource value.

(b) It is intended that all lands within a state-designated conservation district be zoned P-1 restricted preservation district.

(c) The purpose of creating the F-1 military and federal preservation district is to identify areas in military or federal government use and to permit the full range of military or federal government activities.

(d) Should lands be removed from either the state-designated conservation district or from federal jurisdiction, all uses, structures and development standards shall be as specified for the P-2 general preservation district.

(e) It is also the intent that lands designated urban by the state, but well-suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical considerations related to public health, safety and welfare concerns shall also be placed in this district.

(Added by Ord. 99-12)

Sec. 21-3.40-1 Preservation uses and development standards.

(a) Within the P-1 restricted preservation district, all uses, structures and development standards shall be governed by the appropriate state agencies.

(b) Within an F-1 military and federal preservation district, all military and federal uses and structures shall be permitted.

(c) Within the P-2 general preservation district, permitted uses and structures shall be as enumerated in Table 21-5.1.

(d) Within the P-2 general preservation district, development standards shall be as enumerated in Table 21-3.1.

(e) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).

(Added by Ord. 99-12)

Sec. 21-3.50 Agricultural districts—Purpose and intent.

(a) The purpose of the agricultural zoning districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, accessory agricultural uses and secondary supporting uses may be permitted on the same site as an adjunct to agricultural uses. The accessory agricultural uses and secondary supporting uses must be compatible with the onsite agricultural operation and surrounding land uses, and the onsite agricultural operation must be in existence prior to the issuance of any land use permit or building permit for the accessory agricultural use or secondary supporting use.

(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agricultural uses and secondary supporting uses that meet the above intent will be permitted in this zoning district.

(c) The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural district:

(1) Lands which are within the state-designated agricultural district and designated agricultural by adopted city land use policies;

(2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system; and

(3) Lands where a substantial number of parcels are more than five acres in size.

(d) The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.

(e) The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:

(1) Lands which are in the state-designated agricultural or urban district and designated agricultural by adopted city land use policies;
(2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; and
(3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size.

(Added by Ord. 99-12; Am. Ord. 02-63, Am. Ord.25-2)

Sec. 21-3.50-1 Agricultural clusters.

To promote economy of services and utilities and the most efficient use of the remainder area for agricultural pursuits, agricultural clusters shall be permitted in any agricultural district.
(Added by Ord. 99-12)

Sec. 21-3.50-2 Agricultural cluster—Site standards.

(a) The minimum land area required for an AG-1 zoning district agricultural cluster is 15 contiguous acres. The minimum land area required for an AG-2 zoning district agricultural cluster is 6 contiguous acres.
(b) The maximum number of farm dwellings in an AG-1 zoning district agricultural cluster may not exceed one unit per 5 acres. The maximum number of farm dwellings in an AG-2 zoning district agricultural cluster must not exceed one unit per 2 acres.
(c) Within agricultural clusters, single-unit, two-unit, duplex-unit, and multi-unit dwellings are permitted. Multi-unit dwellings may not exceed four dwelling units in any structure.
(d) Within an agricultural cluster, all principal, accessory and conditional uses and structures permitted within the AG-1 restricted agricultural zoning district and AG-2 general agricultural zoning district are permitted, subject to the minimum standards and conditions specified in this chapter for these uses.
(e) Within an agricultural cluster each dwelling may be sited on a lot not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum lot size is a multiple of 5,000 square feet per dwelling.
(f) Height and yards are the same as permitted in AG-1 and AG-2 zoning districts.
(g) Parking, loading and sign requirements are as specified in the approval of the agricultural cluster plan.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.50-3 Agricultural cluster—Application requirements.

(a) The application shall be accompanied by:
(1) Project name;
(2) A location map showing the project in relation to the surrounding area;
(3) (A) An analysis of agricultural use of the proposed cluster, based on projected sales prices and terms, marketability, soils analysis, availability of water, consideration of climate, rainfall and other factors related to agricultural productivity, sufficient to demonstrate that agricultural use will constitute the primary activity undertaken on the land;
(B) The director shall refer the proposal for review and commentary of this analysis to the state department of agriculture or appropriate soil and water conservation district;

(4) A site plan showing:
   (A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
   (B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots;
   (C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;
   (D) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units;
   (E) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable;
   (F) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;
   (G) Finished condition to be achieved by proposed grading shown by contours, cross sections, spot elevations or other means, and estimated quantities of cut and fill. Elevations shall be marked on such contours based on city data;

(5) Verification by the board of water supply of the availability of sufficient agricultural quality water to support agricultural use, whether such water is to be supplied by the board or another water supplier;

(6) Draft covenants, leases, agreements of sale, mortgages and other instruments of conveyance requiring lot purchasers to maintain land in agricultural use in conformity with federal, state and city laws and regulations, enforceable by the city and either by the applicant, lessee or owner, or an association composed of all lot owners and indicating applicable laws and penalties for violation thereof. All subsequent sales of property, lease and rental agreements shall include these restrictions;

(7) Notice of all restrictions contained in laws and regulations to be provided to all prospective subdivision lot purchasers, in the sales agreement, deeds, covenants and other instruments of conveyance;

(8) Notice that building permit applications shall include an agricultural plan for farm dwellings indicating how feasible agricultural use on the lots will be carried out within a period not to exceed five years, to be provided in the sales agreements, deeds, covenants and other instruments of conveyance;

(9) Other information and documentation as may be required by the director to review and ensure feasible agricultural use within the agricultural cluster in conformity with applicable federal, state, and city laws and regulations;

(10) Proposals for maintenance and conservation of all common elements.

(b) All agricultural clusters shall be processed in accordance with Section 21-2.110-1.

(c) The director shall approve, modify or deny the agricultural cluster application based on whether the application meets the intent of the agricultural district, the intent of the agricultural cluster provision, and the applicant's compliance with requirements of other government agencies.

(d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the agricultural cluster plan final drawings by the director, certified deed covenants and/or condominium property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the department.

(Added by Ord. 99-12)

Sec. 21-3.50-4 Agricultural uses and development standards.

(a) Within the agricultural districts, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the agricultural districts, development standards shall be as enumerated in Table 21-3.1.

(c) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet must be set back from every front, side, and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).

(Added by Ord. 99-12, Am. Ord. 17-40)

Sec. 21-3.60 Country district—Purpose and intent.

(a) The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses.

(b) It is the intent that basic public services and facilities be available to support the district but that the full range of urban services at urban standards need not be provided. Typically, the country district would be applied to areas outside the primary and secondary urban centers, which are identified by city-adopted land use policies.

(c) The following guidelines shall be used to identify lands which may be considered for this district:

(1) Lands which are within the state-designated urban district and designated either agricultural or residential by adopted city land use policies.

(2) Lands which are not predominately classified as prime, unique or other under the agricultural lands of importance to the State of Hawaii system.

(3) Lands where a substantial number of existing parcels are less than two acres in size.

(4) Lands where existing public facility capacities preclude more intense development.

(Added by Ord. 99-12)

Sec. 21-3.60-1 Country clusters.

To promote economy of services and utilities and to encourage the retention of large tracts of open space or agricultural lands which contribute to rural character, country clusters shall be permitted in any country district.

(Added by Ord. 99-12)

Sec. 21-3.60-2 Country cluster—Site standards.

(a) The minimum land area required for a country cluster is 3 contiguous acres.

(b) The maximum number of dwelling units in a country cluster must not exceed 1 per one acre.

(c) Within country clusters, single-unit, two-unit, duplex-unit, and multi-unit dwellings str permitted. Multi-unit dwellings must not exceed four dwelling units in any structure.

(d) Within a country cluster, all principal, accessory and conditional uses and structures permitted within the country zoning district and all country district development standards apply except for those relating to yards and lot dimensions. Conditional uses will be subject to the standards in Article 4.

(e) The minimum size of a lot of record for dwellings is 5,000 square feet. The following development standards apply to dwelling lots:
(1) Front yards must be a minimum of 10 feet.
(2) Side and rear yards must be a minimum of 5 feet.

(f) Parking, loading and sign requirements must be specified in the approval of the country cluster plan.

(g) All other underlying zoning district development standards apply.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.60-3 Country cluster—Application requirements.

(a) The application shall be accompanied by:
(1) A project name;
(2) A location map showing the project in relation to the surrounding area and the location of all major community facilities within a one-half-mile radius of the project;
(3) A prose description of the project including: objectives of the cluster, unique site conditions and development schedule;
(4) A site plan showing:
(A) Metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
(B) Total area of project, and if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot and total number of lots;
(C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; existing and proposed utilities, including sewers, water, electric, telephone and refuse;

(D) Approximate location and general description of any historical or significant landmarks or other natural features, and trees with a trunk diameter of six inches or more at five feet above ground, and an indication of the proposed retention or disposition of such features;

(E) Location, size, spacing, setbacks and dimensions of all existing and proposed structures and improvements, including the number and type of dwelling units;

(F) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable;

(G) Location with notations, and the sizes of all parcels of land, including streets, improvements, facilities and easements, proposed to be dedicated to the city, or whether the streets, improvements, facilities and easements are to be private;

(5) Other information and documentation as may be required by the director to review and ensure the proposed project is in conformity with applicable federal, state, and city laws and regulations;

(6) Proposals for maintenance and conservation of all common elements.

(b) Country clusters shall be processed in accordance with Section 21-2.110-1.

(c) The director shall approve, modify or deny the country cluster application based on whether the application meets the intent of the country district, the intent of the country cluster provision, and the applicant's compliance with requirements of other government agencies.

(d) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the country cluster final drawings by the director, certified deed covenants and/or condominium property regime documents binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the department.

(Added by Ord. 99-12)

Sec. 21-3.60-4 Country uses and development standards.

(a) Within the country district, permitted uses and structures shall be in accordance with Table 21-5.1.

(b) Within the country district, development standards shall be in accordance with Table 21-3.1.

(c) Additional Development Standards.

(1) Height. The maximum height may be increased from 15 to 25 feet if height setbacks are provided.

(2) Height Setbacks. Any portion of a structure exceeding 15 feet shall be set back from every side and rear buildable area boundary line one foot for each two feet of additional height above 15 feet (see Figure 21-3.1).

(3) Structures on lots with a slope of 15 percent or more shall be governed by a maximum building envelope running parallel to grade at 30 feet in height measured vertically; and which intersects vertical front, rear and side yard planes, each 20 feet in height set at the respective buildable area boundary line. These intersections shall each be made at an angle of 60 degrees measured from the top of the respective yard plane (see Figure 21-3.2).

(Added by Ord. 99-12)

Table 21-3.1
P-2, Agricultural & Country Districts
Development Standards

Development Standard		District			
		P-2	AG-1	AG-2	Country
Minimum lot area (acres)		5	5	3 for major animal raising, 2 for all other uses	1
Minimum lot width and depth (feet)		200	150	150	100
Yards (feet):	Front	30	15	15	15
	Side and rear	15	10	10	10
Maximum building area (percent of zoning lot)		5	10[2]	10[2]	25[2]
Maximum height (feet)[1]		15-25	15-25[3]	15-25[3]	15-30
Height setbacks		per Sec. 21-3.40-1(e)	per Sec. 21-3.50-4(c)	per Sec. 21-3.50-4(c)	per Sec. 21-3.60-4(c)

[1] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

[2] For nonagricultural structures.

[3] Fifteen feet for nonagricultural structures and dwellings; up to 25 feet are permitted if height setbacks are provided.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.70 Residential zoning districts--Purpose and intent.

(a) The purpose of the residential zoning districts is to allow for a range of residential densities. The primary use is for dwellings. Other types of dwellings may also be allowed, including zero lot line and cluster arrangements. Non-dwelling uses that support and complement residential neighborhood activities are also permitted.

(b) The intent of the R-20 and R-10 zoning districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development and may be applied as a transitional district between preservation, agricultural or country zoning districts and urban zoning districts. They would also be applied to lands where residential use is desirable but some development constraints are present.

(c) The intent of the R-7.5, R-5 and R-3.5 zoning districts is to provide areas for urban residential development. These districts would be applied extensively throughout the island.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.70-1 Residential uses and development standards.

(a) Within the residential zoning districts, permitted uses and structures are as set forth in Table 21-5.1.

(b) Within the residential zoning districts, development standards are as set forth in Table 21-3.2.

(c) Additional Development Standards.

(1) Maximum Height. The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane (see Figure 21-3.10).

(2) Height Setbacks.

(A) Any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and

(B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.

(3) Except for cluster housing and planned development housing developed pursuant to Section 21-8.50, for zoning lots with dwelling units:

(A) The maximum density is a floor area ratio of 0.7.

(B) The number of wet bars in each dwelling unit must not exceed one.

(C) The number of laundry rooms in each dwelling unit must not exceed one.

(D) The number of bathrooms in each dwelling unit must not exceed the following:

Zoning lot size (square feet)	**Number of bathrooms per dwelling unit must not exceed:**	
	One dwelling unit on zoning lot	Two or more dwelling units on zoning lot
Up to 6,999	4	2
7,000 to 9,999	6	3
10,000 and up	8	4

If the dwelling unit is an accessory dwelling unit, this paragraph should not be construed to waive any requirement under § 21-5.50-3(a).

(E) The conversation or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.

(F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to Section 21-10.1 to a portion of the

structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.

(G) For dwellings units constructed pursuant to building permits applied for after May 1, 2019, the impervious surface area of a zoning lot must not exceed 75 percent of the total zoning lot area.

(H) If the floor area ratio exceeds 0.6, the following additional standards apply:

(i) Side and rear yards.

(aa) In the R-3.5 zoning district, side and rear yards must be at least eight feet; and

(bb) In the R-5, R-7.5, R-10, and R-20 zoning districts, side and rear yards must be at least 11 feet.

(ii) Each unit in the dwelling must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property prior to issuance of a temporary certificate of occupancy.

(iii) Subsequent inspections.

(aa) Upon the completion of construction and the determination by the department that the dwelling unit complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of two years after issuance;

(bb) During the two-year period that a temporary certificate of occupancy is in effect, the department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the dwelling unit to confirm that is in the same structural form as when the temporary certificate of occupancy was issued; and

(cc) At the end of the two-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the dwelling unit and close the building permit.

(Added by Ord. 99-12, Am. Ord 19-3, Am. Ord. 20-43, Am. Ord. 25-2)

Table 21-3.2						
Residential Zoning District Development Standards						
Development Standard		**District**				
		R-3.5	**R-5**	**R-7.5**	**R-10**	**R-20**
Minimum lot area (square feet)	**Single-unit dwelling, and other uses**	3,500	5,000	7,500	10,000	20,000
	Two-unit dwelling	7,000	7,500	14,000	15,000	25,000
	Duplex-unit dwelling	3,500	3,750	7,000	7,500	12,500
Minimum lot width and depth (feet)		30 per duplex-unit dwelling, 50 for other uses		35 per duplex-unit dwelling, 65 for other uses	65 for single-unit, two-unit, and duplex-unit dwellings, 100 for other uses	100
Yards (feet):	**Front**	10 for single-unit, two-unit, and duplex-unit dwellings, 30 for other uses				
	Side and rear	5 for single-unit, two-unit, and duplex-unit dwellings[1], 15 for other uses				
Maximum building area		50 percent of the zoning lot				
Maximum height (feet)[2]		25-30				
Height setbacks		per Sec. 21-3.70-1(c)				

[1] For duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

[2] Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.

(Added by Ord. 99-12; Am. Ord. 15-41, Am. Ord. 25-2)

Sec. 21-3.80 Apartment zoning districts--Purpose and intent.

(a) The purpose of the apartment zoning districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include multi-unit dwellings, such as common wall housing, walkup apartments and high-rise apartments. Uses and activities that complement apartment use are permitted, including limited social services.

(b) The intent of the A-1 low density apartment zoning district is to provide areas for low density, multi-unit dwellings. It may be applied as a buffer between residential zoning districts and other more intense, noncompatible districts, and would be applicable throughout the city.

(c) The intent of the A-2 medium density apartment zoning district is to provide areas for medium density, multi-unit dwellings. It is intended primarily for concentrated urban areas where public services are centrally located and infrastructure capacities are adequate.

(d) The intent of the A-3 high density apartment zoning district is to provide areas for high density, high-rise, multi-unit dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.80-1 Apartment district uses and development standards.

(a) Within the apartment districts, permitted uses and structures are as set forth in Table 21-5.1.

(b) Within the apartment districts, development standards are as set forth in Table 21-3.3.

(c) Additional development standards.

(1) Except for necessary access drives and walkways, all yards must be landscaped.

(2) Height setbacks. In the A-2 and A-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks must be provided as follows:

(A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provide; and

(B) The additional setback pursuant to paragraph (A) must be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(Added by Ord. 99-12; Am. Ord. 20-41)

Sec. 21-3.90 Apartment mixed use districts--Purpose and intent.

The purpose of the apartment mixed use districts is to allow some commercial uses in apartment neighborhoods. The additional commercial uses shall be permitted under varying intensities and are intended to support the daily and weekly commercial service needs of the neighborhood, conserve transportation energy by lessening automobile dependency, create more diverse neighborhoods and optimize the use of both land and available urban services and facilities. Mixing may occur horizontally and vertically, but controls are established to maintain the character of these neighborhoods primarily as apartment neighborhoods.

(Added by Ord. 99-12)

Sec. 21-3.90-1 Apartment mixed use district uses and development standards.

(a) Within the apartment mixed use districts, all uses and structures are as set forth in Table 21-5.1.

(b) Within the apartment mixed use districts, development standards are as set forth in Table 21-3.3.

(c) Additional development standards.

(1) Except for necessary access drives and walkways, all yards must be landscaped.

(2) Height setbacks. In the AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks must be provided as follows:

(A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and

(B) The additional setback must be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(3) Commercial use density and location.

(A) The floor area of any use marked with a superscript[1] under Table 21-5.1, either occurring as a single use on a zoning lot or in combination with other uses, must not exceed the FAR as provided under Table 21-3.3, and such floor area will not be counted as part of the maximum non-commercial use FAR allowed.

(B) Where commercial uses are integrated with dwelling uses, pedestrian access to the dwellings must be physically, mechanically, or technologically independent from other uses and must be designed to enhance privacy for residents and their guests. No floor above the ground floor may be used for both dwelling and commercial purposes.

(Added by Ord. 99-12; Am. Ord. 17-55, 20-41)

Table 21-3.3							
Apartment and Apartment Mixed-Use Zoning District Development Standards							
Development Standard		**Zoning District**					
		A-1	**A-2**	**A-3**	**AMX-1**	**AMX-2**	**AMX-3**
Minimum lot area (square feet)[1]		5,000	5,000	5,000	5,000	5,000	5,000
Minimum lot width and depth (feet)[1]		60	60	60	60	60	60
Yards (feet):	**Front**	10	10	10	10	10	10
	Side and rear[2]	5[3] or 10	5[3] or 10	5[3] or 10	5[3] or 10	5[3] or 10	5[3] or 10
Maximum non-commercial use density (Floor Area Ratio or FAR)		2.0	3.0	4.0	2.0	3.0	4.0
Maximum commercial use density (FAR)		n/a			0.3 see §21-3.90-1(c)	0.4 see §21-3.90-1(c)	0.6 see §21-3.90-1(c)
Maximum building area		60 percent of zoning lot					
Maximum height (feet)[5]		30	per zoning map		30	per zoning map	
Height setbacks		none	per Sec. 21-3.80-1(c)		none	per Sec. 21-3.90-1(c)	

[1]There is no minimum lot area, width, or depth for remote parking facilities.

[2]Five feet for single-unit, two-unit, and duplex-unit dwellings and 10 feet for other uses.

[3]For duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the zoning lot containing the common wall.

[4]Heights for duplexes, single-unit dwellings, and two-unit dwellings must comply with residential height and height setback requirements.

n/a = Not applicable

(Added by Ord. 99-12, Am. Ord. 25-2, 26-7)

Sec. 21-3.100 Resort zoning district--Purpose and intent.

The purpose of the resort zoning district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multi-unit dwellings. Retail and business uses that service visitors are also permitted. This zoning district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place. *(Added by Ord. 99-12, Am. Ord. 25-2)*

Sec. 21-3.100-1 Resort uses and development standards.

(a) Within the resort district, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the resort district, development standards shall be as enumerated in Table 21-3.4.

(c) Additional Development Standards.

(1) Except for necessary access drives and walkways, all front yards shall be landscaped. Within 10 feet of the property line, side and rear yards shall be maintained in landscaping, except for necessary access drives and walkways.

(2) Optional Yard Siting. Parking lots and garages may extend to side and rear property lines, provided the following requirements are met:

(A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;

(B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and

(C) Landscaping required under Section 21-4.70 is provided and maintained.

(3) Height Setbacks. For any portion of a structure over 30 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 30 feet above grade (see Figure 21-3.4).

(Added by Ord. 99-12)

Sec. 21-3.110 Business districts--Purpose and intent.

(a) The purpose of the business districts is to set aside areas for commercial and business activities to meet and support the economic growth of the city. The districts provide for the buying and selling of goods and services, the transportation and distribution of commodities and other complementary economic activities. Other uses which are supportive of or compatible with business activities are also permitted. These districts help to ensure a favorable business climate and support the economic and social well-being of city residents.

(b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large scale basis. It would also be applied to rural and urban fringe town centers which may or may not be located along major travel routes.

(c) The intent of the B-2 community business district is to provide areas for community-wide business establishments, serving several neighborhoods and offering a wider range of uses than is permitted in the B-1 district. The intent is to apply this district to areas conveniently accessible by vehicular and pedestrian modes and served by adequate public facilities. Typically, this district would be applied to lots along major streets and in centrally located areas in urban and urban fringe areas.

(Added by Ord. 99-12)

Sec. 21-3.110-1 Business uses and development standards.

(a) Within the business districts, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the business districts, development standards shall be as enumerated in Table 21-3.4.

(c) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards must be landscaped.

(2) B-1 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential district, the residential district height setbacks will be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 21-3.5).

(3) B-2 District Height Setbacks. Within the B-2 district, any portion of a structure over 40 feet in height must have additional height setbacks as follows:

(A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and

(B) The additional setback must be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(4) B-2 District Transitional Height Setback.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback will be applicable at the buildable area boundary line of the adjoining side of the B-2 zoning lot (see Figure 21-3.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure may exceed 40 feet in height along the buildable area boundary line on the adjoining side of the B-2 zoning lot, provided that additional height will be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback must be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

(5) Open Space Bonus. Within the B-2 district:

(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;

(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses cannot exceed the FAR as provided under Table 21-3.4.

(Added by Ord. 99-12; Am. Ord. 17-55)

Sec. 21-3.120 Business mixed use districts--Purpose and intent.

(a) The purpose of the business mixed use districts is to recognize that certain areas of the city have historically been mixtures of commercial and residential uses, occurring vertically and horizontally and to encourage the continuance and strengthening of this pattern. It is the intent to provide residences in very close proximity to employment and retail opportunities, provide innovative and stimulating living environments and reduce overall neighborhood energy consumption.

(b) The intent of the BMX-3 community business mixed use districts is to provide areas for both commercial and residential uses outside of the central business mixed use district and at a lower intensity than the central business mixed use district. Typically, this district would be applied to areas along major thoroughfares adjacent to B-2, BMX-4, A-3, AMX-2 and AMX-3 zoning districts. It is also intended that it be applied to areas where the existing land use pattern is already a mixture of commercial and residential uses, occurring horizontally, vertically or both.

(c) The intent of the BMX-4 central business mixed use district is to set apart that portion of Honolulu which forms the city's center for financial, office and governmental activities and housing. It is intended for the downtown area and not intended for general application. It provides the highest land use intensity for commerce, business and housing.

(Added by Ord. 99-12)

Sec. 21-3.120-1 BMX-4 business mixed use special height controls.

(a) Any development which is proposed to exceed a height limit of 350 feet shall comply with the following:

(1) Minimum Project Size. The minimum project size shall be 35,000 square feet.

(2) Site Plan. The request for additional height shall include a proposed site plan, which shall include the location and height of building towers, and shall take into consideration adjacent uses and structures. Specifically, the following principles shall be reflected in the site plan, and the applicant shall demonstrate how these principles are being met:

(A) Building towers shall not significantly obstruct or intrude on adopted public views.

(B) Proposed open spaces shall complement and relate to adjacent open spaces.

(C) Ground level parking lots and structures should not front streets. Where this is not possible, canopy and vertical form trees, hedges and other landscaping elements shall be provided to visually screen them.

(D) The additional tower height shall not unreasonably block the provision of light and air to other buildings and public open spaces, nor obliterate direct exposure to the sun in any given 24-hour period.

(3) Public Open Space. A minimum of 35 percent of the lot area shall be devoted to public open space in accordance with Table 21-3.4.

(4) Public Views. The additional tower height shall not significantly intrude on any adopted public views, including the view of the central business district from the Punchbowl lookouts.

(5) Pedestrian Orientation. Project design at the ground level shall reflect a strong pedestrian orientation, especially fronting streets. Contributing elements include, but are not limited to:

(A) Arcades, with at least one-half of the arcade perimeter open or devoted to entrances and show windows.

(B) Public open spaces, with provisions for shade, seating areas, landscaping, water features and outdoor sculptures.

(C) Outdoor dining areas.

(D) Interesting paving design and finishes.
(E) Building materials, finishes and details which are human-scaled, nonglaring and not harsh.

(6) Wind Analysis. The request for additional height shall include a wind study of the effects of towers over 350 feet, particularly anticipated impacts at the ground level. Where adverse impacts are anticipated, mitigative measures shall be included in the proposal.

(7) Historic Resources. Any development which includes sites and/or structures on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places shall be evaluated as to the feasibility and appropriateness of retaining the site and/or structure. For every square foot of building area of a site and/or structure on or eligible for inclusion on the national or state register of historic places or on the Oahu register of historic places, 10 square feet of additional floor area may be permitted above 350 feet of building height. This bonus shall be available even if the minimum open space requirements for subdivision (3) are not met.

(8) FAA Clearance. The request for additional height shall include a statement from the Federal Aviation Administration that the proposed building heights will not interfere with the operation of the Honolulu International Airport.

(9) Maximum Density. The maximum density as set forth in Table 21-3.4 shall not be exceeded.

(10) For purposes of this section, an "adopted public view" is a view that has been recognized as significant or otherwise worthy of protection by an adopted ordinance, including Article 9.

(b) Applications to exceed a height limit of 350 feet shall be processed pursuant to the requirements for major permits (special district), as set forth in Section 21-2.40-2.
(Added by Ord. 99-12)

Sec. 21-3.120-2 Business mixed use district uses and development standards.

(a) Within the business mixed use districts, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the business mixed use districts, development standards shall be as enumerated in Table 21-3.4.

(c) Additional Development Standards.

(1) Except for necessary access drives and walkways, all yards must be landscaped.

(2) BMX-3 District Height Setbacks. Within the BMX-3 district, any portion of a structure over 40 feet in height must have additional height setbacks as follows:

(A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and

(B) The additional setback must be a continuous plane from the top of the structure to the height of 40 feet above grade (see figure 21-3.3).

(3) BMX-3 District Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback will be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 21-3.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure may exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height will be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback must be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

(4) BMX-4 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the height setback of the adjoining district will be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 21-3.5).

(5) BMX-4 District Height Setback. For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street may exceed a height that is intersected by a plane over the buildable area that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).

(6) Street Trees. If a street tree plan exists for the street that fronts the project, the applicant shall install a street tree or trees, as required by the director.

(7) BMX-3 District Open Space Bonus.

(A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;

(B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and

(C) Maximum density with open space bonuses cannot exceed the FAR as provided under Table 21-3.4.

(8) BMX-4 District Open Space Bonus.

(A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space;

(B) For each square foot of arcade area provided, five square feet of floor area may be added;

(C) Maximum density with open space bonuses cannot exceed the FAR as provided under Table 21-3.4; and

(D) For developments that exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.

(9) BMX-4 District Heights above 350 Feet. For developments that exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 21-3.120-1.

(10) Historic Resources Bonus. For developments in the BMX-4 district that exceed a height of 350 feet, refer to Section 21-3.120-1 for provisions relating to additional floor area permitted for preservation of historic resources.

(Added by Ord. 99-12; Am. Ord. 17-55)

Table 21-3.4						
Resort, Business, and Business Mixed-Use Zoning District Development Standards						
Development Standard		**District**				
		Resort	**B-1**	**B-2**	**BMX-3**	**BMX-4**
Minimum lot area (square feet)		15,000[1]	5,000	5,000	5,000	5,000
Minimum lot width and depth (feet)		70[1]	50	50	50	50
Yards (feet):	**Front**	25	10	10 for dwellings, 5 for other uses[4]	10 for dwellings, 5 for other uses[4]	5[4,5]
	Side and rear	20[2]	10 for multi-unit dwellings, 0[3] for other uses	10 for multi-unit dwellings, 0[3] for other uses	5[2] for dwellings, 10 for multi-unit dwellings, 0[3] for other uses	0[3]
Maximum building area (percent of zoning lot)		50	not regulated			
Maximum density (FAR) resort district only		***Lot area (sq. ft.)***	***FAR calculation***			
		Less than 10,000	FAR = (.00006 x lot area) + 0.4			
		10,000 - 30,000	FAR = (.00002 x lot area) + 0.8			
		Over 30,000	FAR = 1.4			
Maximum density (FAR) for other districts		see above	1.0	2.5	2.5	4.0
Open space bonus	**Available**	No		Yes, see § 21-3.110-1(c)	Yes, see § 21-3.120-2(c)	
	Max FAR	n/a	n/a	3.5	3.5	7.5
Maximum height (feet)		per zoning map	40	per zoning map	per zoning map	per zoning map, see § 21-3.120-1 for additional height
Height setbacks		per § 21-3.100-1(c)	per § 21-3.110-1(c)		per § 21-3.120-2(c)	

Table 21-3.4					
Resort, Business, and Business Mixed-Use Zoning District Development Standards					
Development Standard	**District**				
	Resort	**B-1**	**B-2**	**BMX-3**	**BMX-4**

[1] There is no minimum lot area, width, or depth for remote parking facilities.

[2] For duplex-unit dwelling zoning lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

[3] Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, or apartment mixed-use zoning district, the side or rear yard must conform to the yard requirements for dwelling use of the adjoining district. In addition, see § 21-4.70-1 for landscaping and buffering requirements.

[4] Where a zoning lot adjoins a residential, apartment, or apartment mixed-use zoning district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) must conform to the front yard requirements for the dwelling use of the adjoining zoning district (see Figure 21-3.6).

[5] Five feet for structures up to 12 feet in height; provided that where the adjacent street is greater than 50 feet in width, an area of open space or an arcade equivalent to the required yard area may be provided elsewhere on the zoning lot (see Figure 21-3.8).

n/a= Not applicable

(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord. 25-2)

Sec. 21-3.130 Industrial zoning districts--Purpose and intent.

(a) The purpose of the industrial zoning districts is to recognize the importance of industrial uses to the welfare of city residents by providing areas for industrial uses without undue competition from other uses and ensuring compatibility with nonindustrial areas. Typical uses include manufacturing, refining, sorting, processing and storage of materials and products. Limited business activities that directly support the industrial uses or those employed by industries therein are permitted in these zoning districts.

(b) Heavy industrial uses such as heavy general manufacturing and processing, and explosive or toxic chemical manufacturing, storage, and distribution will only be allowed under certain conditions and in areas well away from other zoning districts.

(c) To minimize potential adverse impacts on property and persons in the same or neighboring districts, standards are established for the more noxious uses permitted in these zoning districts.

(d) The intent of the I-1 limited industrial zoning district is to provide areas for some of the industrial employment and service needs of rural and suburban communities. It is intended to accommodate light industrial uses including light general manufacturing and processing, linen supplier, and publishing facility. Uses in this district are limited to those that have few environmental impacts and complement the development scale of communities they would serve.

(e) The intent of the I-2 intensive industrial zoning district is to set aside areas for the full range of industrial uses necessary to support the city. It is intended for areas with necessary supporting public infrastructure, near to major transportation systems and with other locational characteristics necessary to support industrial centers. It must be located in areas away from residential communities where certain heavy industrial uses would be allowed.

(f) The intent of the I-3 waterfront industrial zoning district is to set apart and protect areas considered vital to the performance of port functions and their efficient operation. It is

the intent to permit a full range of facilities necessary for successful and efficient performance of port functions. It is intended to exclude uses which are not only inappropriate but which could locate elsewhere.

(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-3.130-1 Industrial uses and development standards.

(a) Within the industrial districts, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the industrial districts, development standards shall be as enumerated in Table 21-3.5.

(c) Additional Development Standards.

(1) Transitional Height Setbacks. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the residential, apartment, apartment mixed use or resort district height setbacks shall be applicable at the buildable area boundary line on the side of the industrial zoning lot (see Figure 21-3.5).

(2) Street Setbacks. In the I-2 and I-3 districts, on zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of the street (see Figure 21-3.7).

(Added by Ord. 99-12)

Table 21-3.5
Industrial and Industrial Mixed Use Districts
Development Standards

Development Standard		District			
		I-1	I-2	I-3	IMX-1
Minimum lot area (square feet)		7,500	7,500	7,500	5,000
Minimum lot width and depth (feet)		60	60	60	50
Yards (feet):	Front[1]	10	5	0	5
	Side and rear	0[2]	0[2]	0[2]	0[3]
Maximum building area (percent of zoning lot)		80 However, the building area may be increased to include all of the buildable area of the zoning lot provided all structures beyond the designated 80 percent building area shall: a. Provide a minimum clear interior height of 18 feet; b. Contain no interior walls, except for those between a permitted use and a special accessory office; and c. Provide a minimum distance of 40 feet between interior columns and other structural features			
Maximum density (FAR)		1.0	2.5	2.5	1.5 - 2.5 see Sec. 21-3.140-1(c)
Maximum height (feet)		40	per zoning map		
Height setbacks		per Sec. 21-3.130-1(c)			per Sec. 21-3.140-1(c)

[1]Except for necessary access drives and walkways, all front yards shall be landscaped. Where a zoning lot adjoins a residential, apartment, apartment mixed use or resort district and forms a continuous front yard, the lot or the first 100 feet of the lot (whichever is less) shall conform to the front yard requirements for the dwelling use of the adjoining district (see Figure 21-3.6).

[2]Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district. In the I-3 district only, this yard shall be not less than 15 feet. In addition, see Section 21-4.70-1 for landscaping and buffering requirements.

[3]Where the side or rear property line of a zoning lot adjoins the side or rear yard of a zoning lot in a residential, apartment, apartment mixed use or resort district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

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

Sec. 21-3.140 Industrial-commercial mixed use district--Purpose and intent.

(a) The purpose of the industrial-commercial mixed use district is to allow mixing of some industrial uses with other uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. To a limited extent, some residential uses shall be permitted.

(b) This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

(Added by Ord. 99-12)

Sec. 21-3.140-1 Industrial-commercial mixed use district uses and development standards.

(a) Within the industrial-commercial mixed use district, permitted uses and structures shall be as enumerated in Table 21-5.1.

(b) Within the industrial-commercial mixed use district, development standards shall be as enumerated in Table 21-3.5.

(c) Additional Development Standards.

(1) Density. For purposes of this subdivision, uses marked by a superscript [2] in Table 21-5.1 will be considered "commercial uses." The maximum FAR for a zoning lot is as follows:

Maximum FAR	Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses
1.5	0.00
2.0	0.5
2.5	0.75

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses will be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 if a unilateral agreement that includes limitations on the permitted uses in the technology park has been recorded pursuant to Section 21-2.80.

(2) Transitional Height Setbacks.

(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback will be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 21-3.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3, or resort district, no portion of a structure may exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height will be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback must be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

(3) Height Setbacks. Any portion of a structure over 40 feet in height must have additional height setbacks as follows:

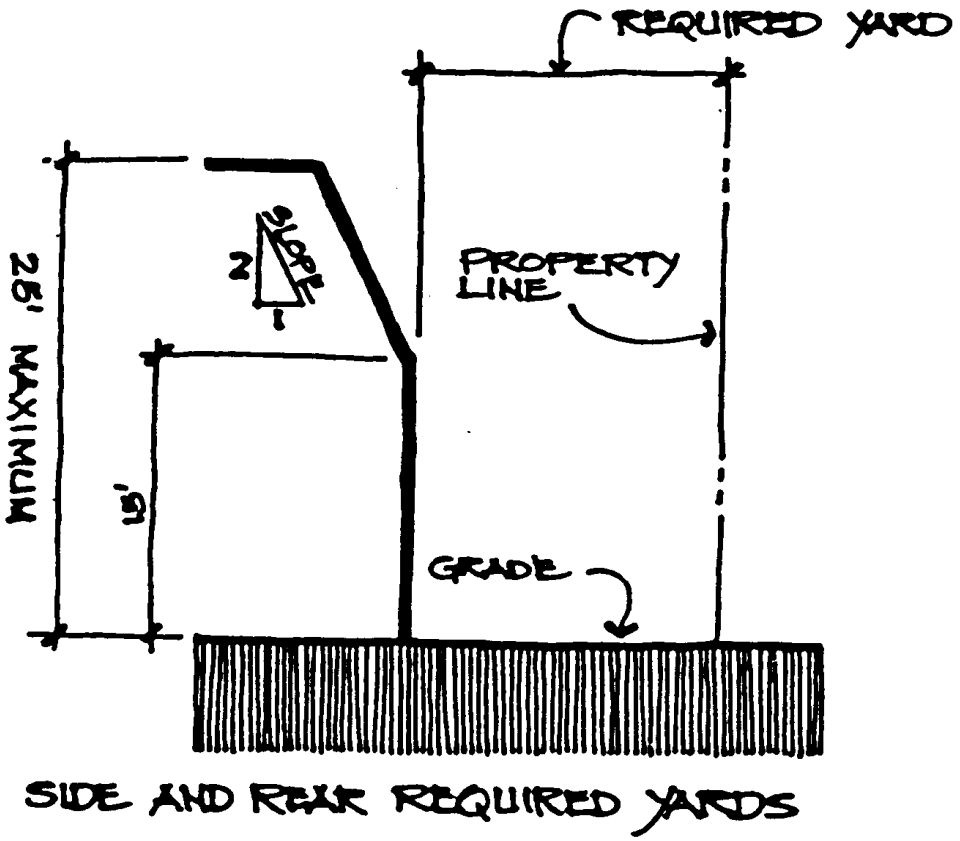
(A) For each 10 feet of additional height or portion thereof, an additional one-foot setback must be provided; and

(B) The additional setback must be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(Added by Ord. 99-12; Am. Ord. 17-40, 17-55)

Ref. § 21-3.40-1(e); § 21-3.50-4(c); § 21-3.60-4(c)

Figure 21-3.1

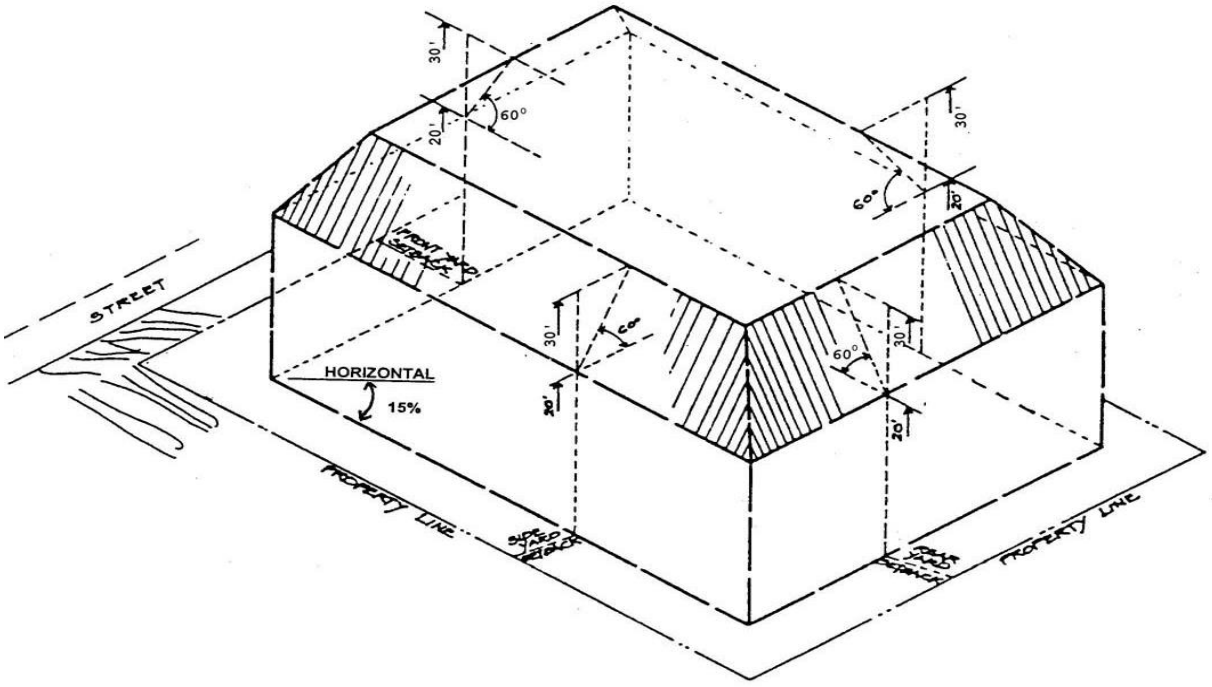


HEIGHT SETBACKS (P-2, AGRICULTURAL AND COUNTRY DISTRICTS)

(Added by Ord. 99-12)

Figure 21-3.2

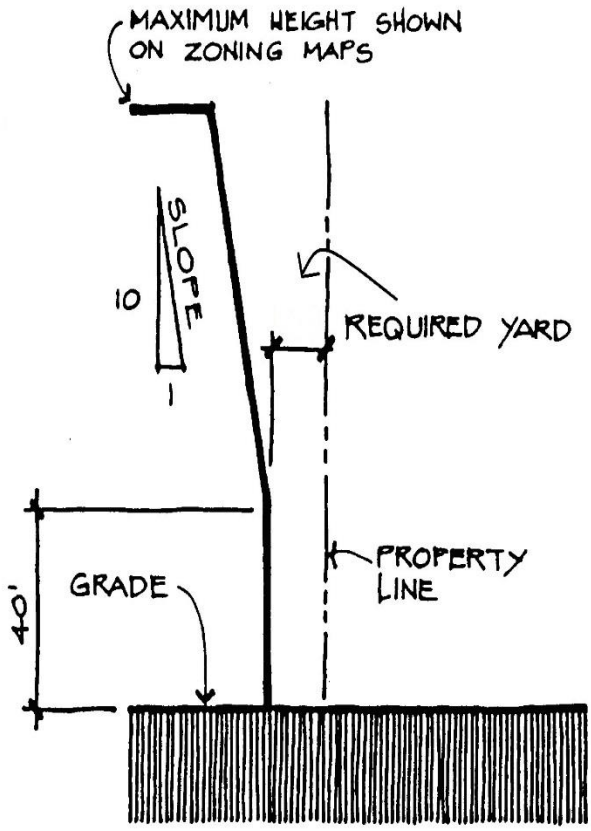
Ref. § 21-3.60-4(c)



HEIGHTS ON SLOPING LOTS (COUNTRY DISTRICT)

(Added by Ord. 03-37)

Figure 21-3.3

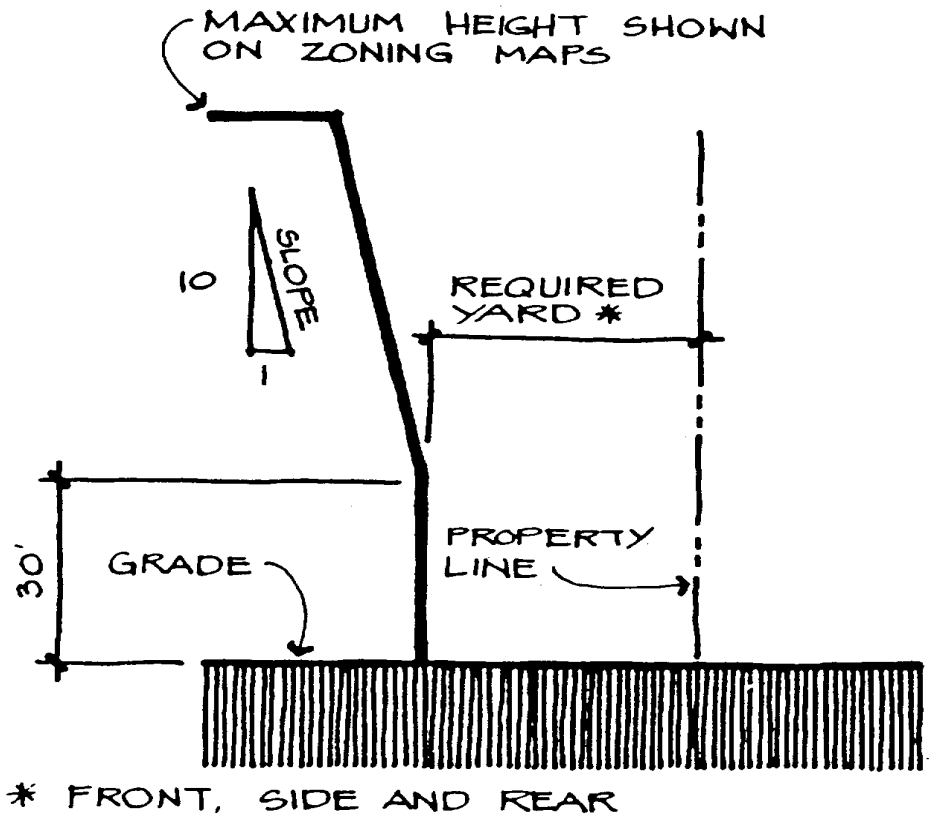


A-2, A-3, AMX-2, AMX-3, BMX-3, AND IMX-1
DISTRICT HEIGHT SETBACK

(Am. Ord. 17-55)

Figure 21-3.4

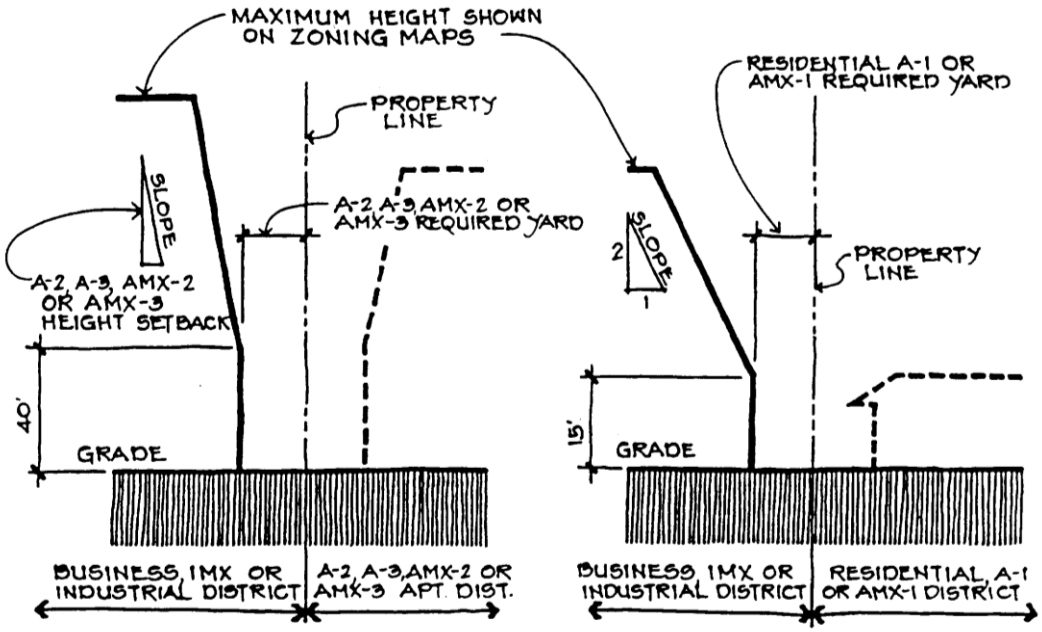
Ref. § 21-3.100-1(c)



RESORT DISTRICT HEIGHT SETBACK

Figure 21-3.5

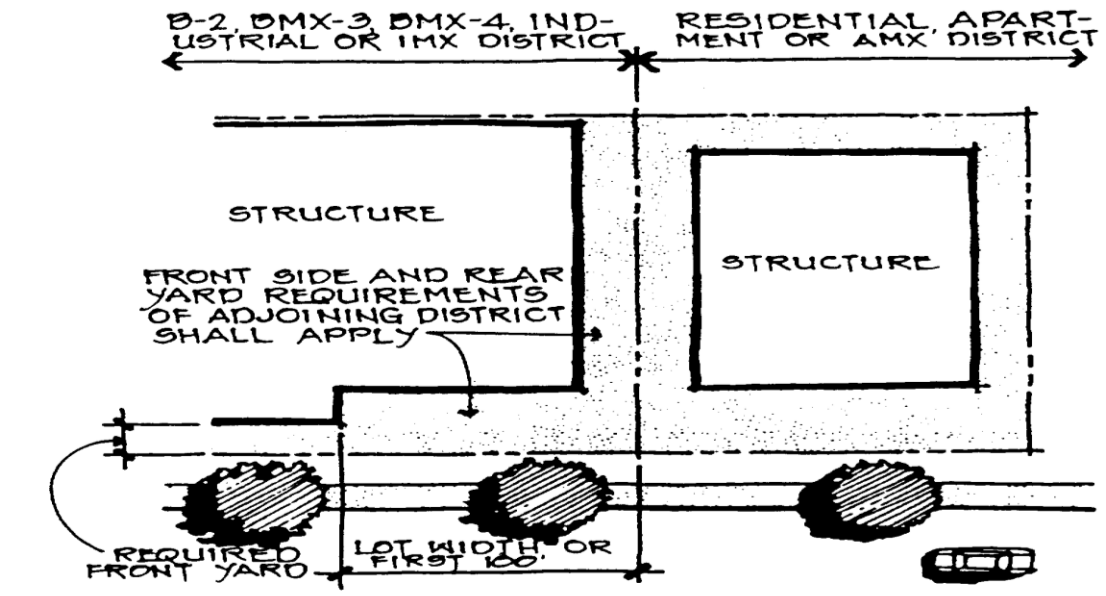
Ref. § 21-3.110-1(c); § 21-3.120-2 (c); § 21-3.130-1(c); § 21-3.140-1(c)



TRANSITIONAL HEIGHTS (BUSINESS, BMX, IMX AND ALL INDUSTRIAL DISTRICTS)

Figure 21-3.6

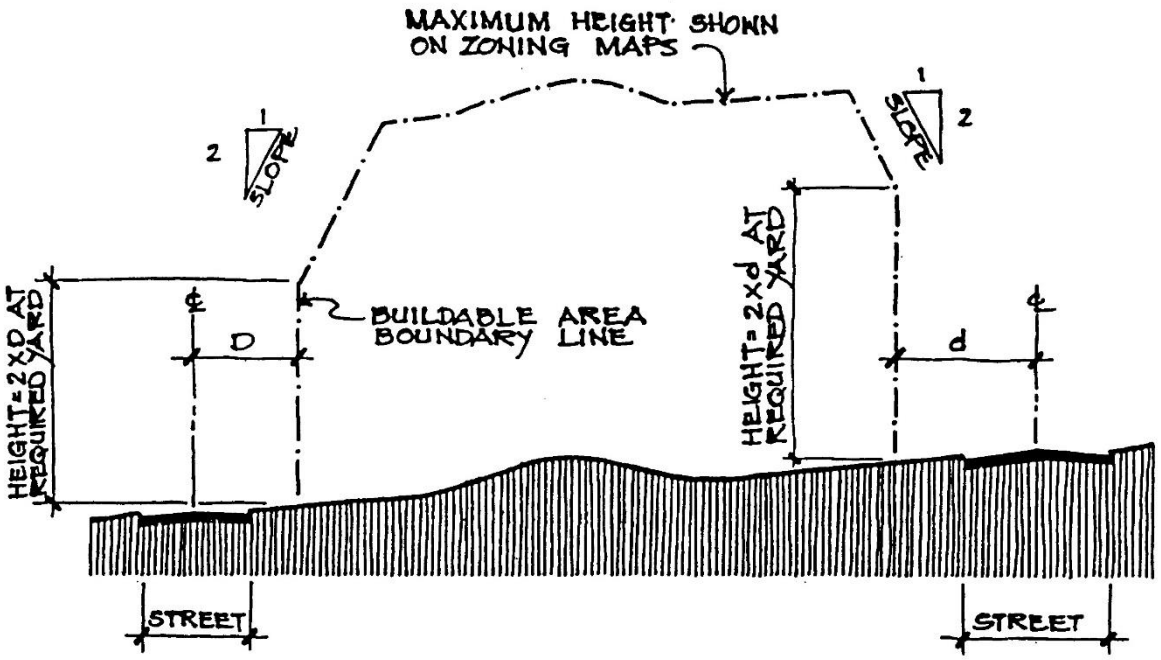
Ref. § 21-3.100 [Table 21-3.4]; § 21-3.130 [Table 21-3.5]



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

Figure 21-3.7

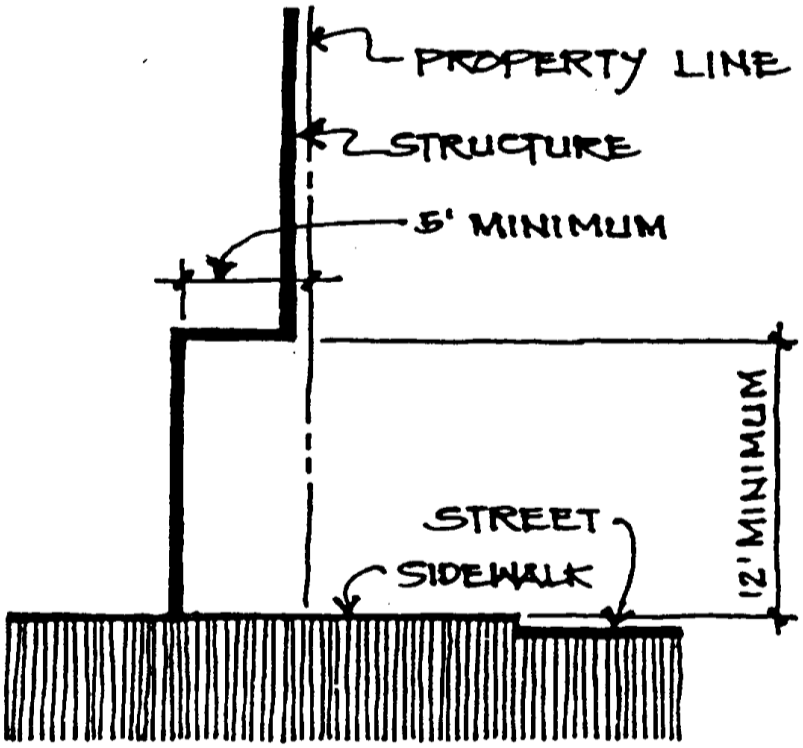
Ref. § 21-3.110-1(c); § 21-3.120-2(c); § 21-3.130-1(c)



STREET SETBACKS (I-2 AND I-3 DISTRICTS)

Ref. § 21-3.100 [Table 21-3.4]

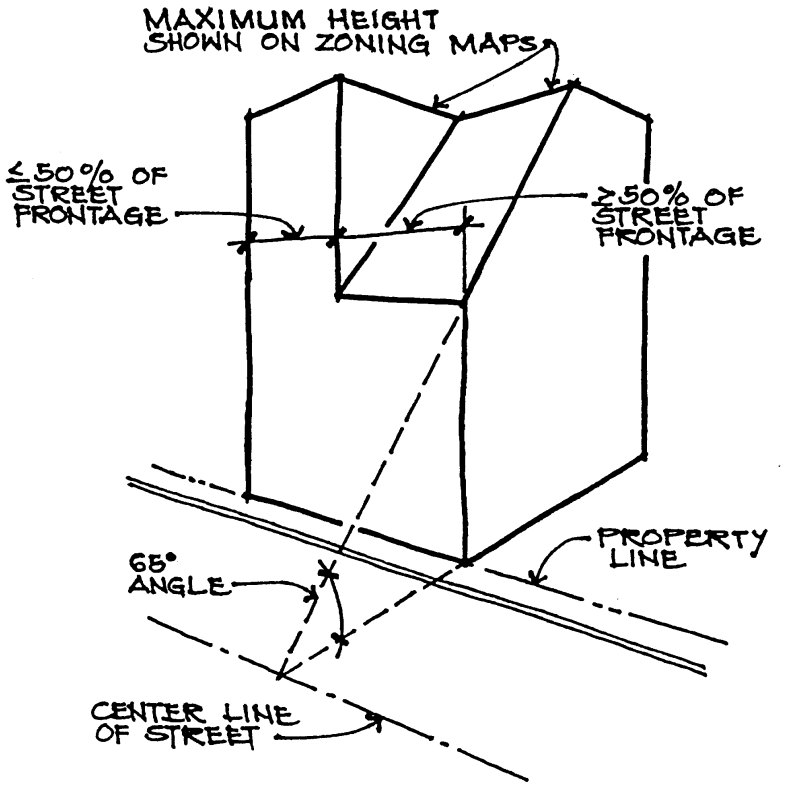
Figure 21-3.8



FRONT YARD BMX-4 DISTRICT

Figure 21-3.9

Ref. § 21-3.120-2(c)

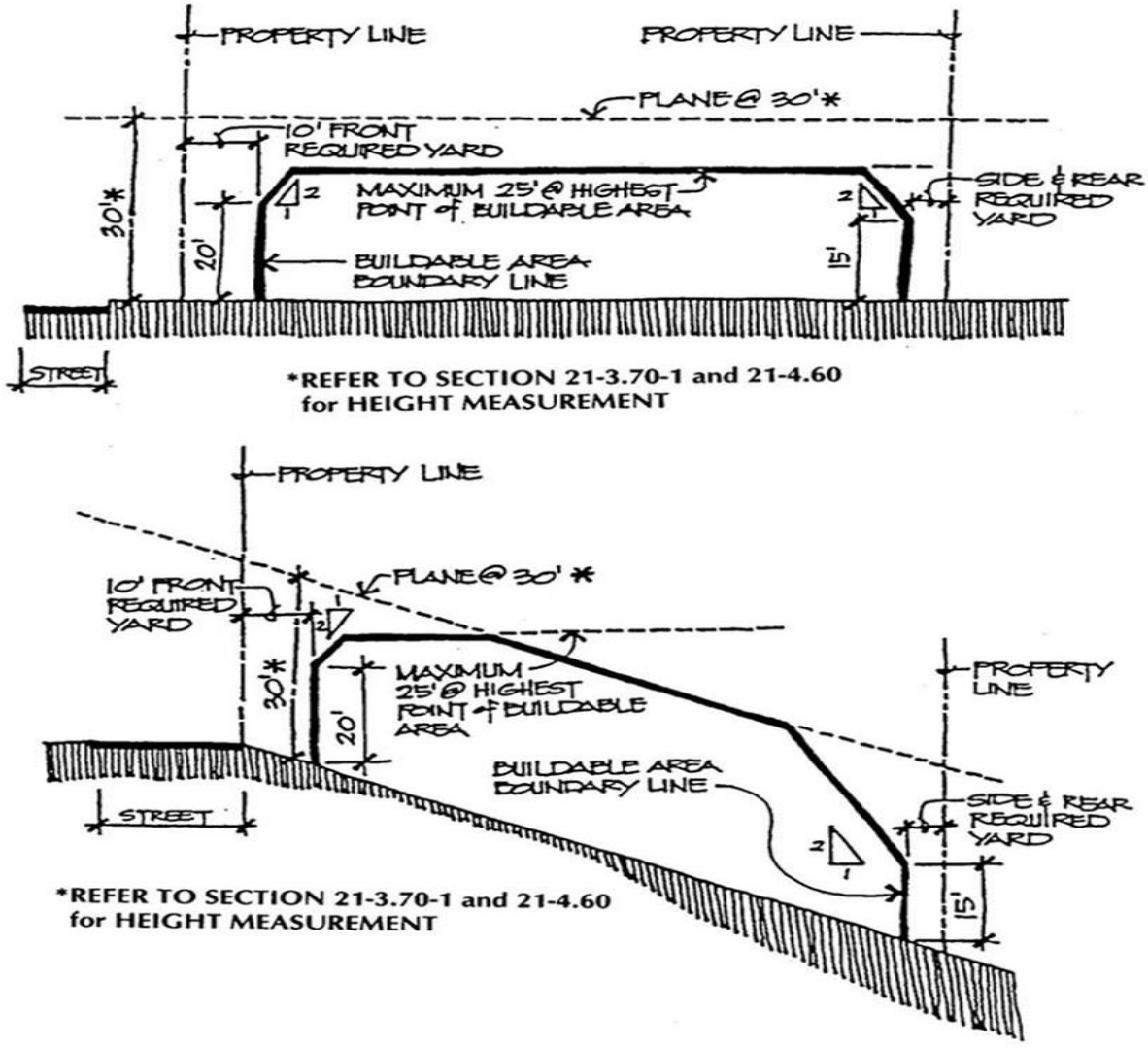


65 DEGREE ANGLE HEIGHT LIMIT (BMX-4 DISTRICT)

(Added by Ord. 99-12)

Figure 21-3.10

Ref. § 21-3.70-1(c); § 21-4.60



HEIGHT MEASURMENT IN RESIDENTIAL DISTRICTS

(Added by Ord. 03-37)

Article 4. General Development Standards

Sections:

21-4.10	**General development regulations--Purpose and intent.**
21-4.20	**Flag lots.**
21-4.30	**Yards and street setbacks.**
21-4.40	**Retaining walls.**
21-4.50	**Lots in two zoning districts.**
21-4.60	**Heights.**
21-4.70	**Landscaping and screening.**
21-4.70-1	**Screening wall or buffering.**
21-4.80	**Noise regulations.**
21-4.90	**Sunlight reflection regulations.**
21-4.100	**Outdoor lighting.**
21-4.110	**Nonconformities.**
21-4.110-1	**Nonconforming use certificates for transient vacation units.**
21-4.110-2	**Bed and breakfast homes—Nonconforming use certificates.**

Figures:

21-4.1	**Flag Lot.**
21-4.2(A)	**Retaining Walls.**
21-4.2(B)	**Retaining Walls.**
21-4.3	**Height Measurement.**

Sec. 21-4.10 General development regulations--Purpose and intent.

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

(b) It is the intent that where these regulations conflict with Article 8, "Optional development regulations," or Article 9, "Special district regulations," the optional development or special district regulations shall take precedence.

(Added by Ord. 99-12)

Sec. 21-4.20 Flag lots.

(a) Flag lots are permitted when a parcel lacks sufficient street frontage for more than one lot or parcel. This parcel may be subdivided to create a flag lot, provided that the access drive for the flag lot shall be the sole access for only one lot and shall have a minimum width of 12 feet. The director may allow dual access of an access drive after consultation with the director of transportation services (see Figure 21-4.1).

(b) The lot area excluding the access drive used for ingress and egress shall be not less than 80 percent of the minimum lot area required for the zoning district. The total lot area shall meet the minimum lot area standard for the zoning district.

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

(d) The location of the access drive shall be subject to the approval of the director.

(e) The finish grade of any portion of the access drive shall not exceed 19 percent, with provisions for horizontal and vertical curves for adequate vehicular access. The director may allow a steeper grade when necessary because of topography, subdivision lot arrangement and design. In granting a steeper grade, the director shall consult with the fire department for their consideration and recommendation, and the director may impose conditions including but not limited to installation of fencing, walls and safety barriers. Whenever the finish grade exceeds 12 percent, a reinforced concrete pavement shall be installed. An alternative roadway pavement may be installed on approval of the director.

(f) The minimum yards for a flag lot shall be the minimum side yard required of a zoning lot in the applicable zoning district.

(Added by Ord. 99-12)

Sec. 21-4.30 Yards and street setbacks.

(a) No business, merchandising displays, uses, structures or umbrellas, shall be located or carried on within any required yard or street setback except for the following:
  (1) Public utility poles.
  (2) Customary yard accessories, such as clotheslines and their supports; unroofed trash enclosures not to exceed six feet in height; and bollards.
  (3) Structures for newspaper sales and distribution.
  (4) Fences and retaining walls as provided in subsection (c) and Section 21-4.40.
  (5) Hawaiian Electric transformers, backflow preventers, and other similar public utility equipment.
  (6) Signs, other than ground signs, or as restricted by special district provisions.
  (7) Bicycle parking, including a fixed bicycle rack for parking and locking bicycles.
  (8) The following equipment, not to exceed four feet in height, may extend a maximum of 30 inches into the side or rear yard setbacks only:
    (A) Freestanding air conditioning equipment meeting the following standards:
      (i) The unit shall not exceed allowable decibel levels established pursuant to law.
      (ii) The minimum Seasonal Energy Efficiency Ratio (SEER) shall be:
        (aa) 12 for units of three tons or less; and
        (bb) 16 for units exceeding three tons and not exceeding five tons.
    (B) Other minor mechanical and electrical apparatus.
  (9) Other structures not more than 30 inches in height.

(b) Roof overhangs, eaves, sunshades, sills, frames, beam ends, projecting courses, planters and other architectural embellishments or appendages, and minor mechanical and electrical apparatus with no more than a 30-inch vertical thickness may project into required yards and height setbacks as follows:

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

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

(c) Other than retaining walls, walls and fences up to a height of six feet may project into or enclose any part of a required yard, except that:

(1) They shall be prohibited in front yards in business, business mixed use, industrial, and industrial- commercial mixed use districts.

(2) Walls and fences constructed by public utilities may be up to eight feet in height, and may be topped with security wire to a total height of nine feet.

(3) Special district regulations under Article 9 may provide for other restrictions.

(4) Fences located on land dedicated for agricultural use pursuant to Section 8-7.3 may be up to ten feet in height.

(d) Parking and loading are not allowed in any required yard, except as provided in Article 6.

(Added by Ord. 99-12; Am. Ord. 03-37, 10-19, 10-24, 20-41)

Sec. 21-4.40 Retaining walls.

(a) Retaining walls containing a fill within required yards shall not exceed a height of six feet, measured from existing or finish grade, whichever is lower, to the top of the wall along the exposed face of the wall. Heights of terraced walls or combinations of retaining walls shall be measured combining all walls located in the required yard (see Figures 21-4.2(A) and (B)).

(b) A retaining wall that protects a cut below the existing grade may be constructed within a required yard, up to the height of the cut. There shall be no height limit for retaining walls which protect a cut, except that a retaining wall which protects a cut and contains fill shall not exceed a total of six feet in height measured from the intersection of the wall and the existing or finish grade, whichever is lower, to the top of the wall along the exposed face of the wall.

(c) A safety railing may be erected on top of any retaining wall within a required yard. If the safety railing is generally constructed of a different material than the retaining wall, and is open at intervals so as not to be capable of retaining earth, it shall not exceed a height of six feet above the retaining wall.

(d) Safety railing or fences constructed of the same materials as the retaining wall shall not exceed a total combined height of six feet measured from the finish grade along the exposed face of the wall. Additional fence height of different material not capable of retaining material may be erected, not to exceed a height of six feet measured from the finish grade of the retained material (see Figure 21-4.2(B)).

(Added by Ord. 99-12)

Sec. 21-4.50 Lots in two zoning districts.

The following apply to lots within two or more zoning districts or precincts:

(a) For a use common to the districts or precincts, district or precinct boundary lines may be ignored for the purpose of yard, height setback, and height requirements.

(b) For uses not common to the districts or precincts, yard, height setback, and height regulations of each individual district or precinct will be applicable from the lot lines on the portions of the lot lying within that district or precinct.

(c) Where a lot lies in two zoning districts and a permitted use is common to both districts, but the floor area ratios differ, the floor area ratios will be calculated by the following formula, where:

A = FAR for total parcel in most intense district.
B = FAR for total parcel in least intense district.
C = Area of parcel in most intense district.

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

(d) Where a lot lies in two zoning districts and a permitted use is common to both districts, but the maximum building area differs, the maximum building area will be calculated by the following formula, where:

A'= Maximum building area (percent of) for zoning lot A.
B'= Maximum building area (percent of) for zoning lot B.

A' x (Lot area of zoning lot A) + B' x (Lot area of zoning lot B)

(Added by Ord. 99-12; Am. Ord. 17-40)

Sec. 21-4.60 Heights.

(a) All structures must fall within a building height envelope at a height specified by this chapter or as specified on the zoning maps. Exceptions are specified under subsection (c), and other exceptions may be specified under special districts.

(b) The building height envelope must run parallel to existing or finish grade, whichever is lower (see Figure 21-4.3), except where finish grade is higher than existing grade in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements, or to meet conditions of permits approved under the provisions of this chapter. In these cases, height will be measured from finish grade.

(c) The following structures and associated screening shall be exempt from zoning district height limits under the specified restrictions:

(1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit, except that structures housing rooftop machinery on single-unit, two-unit, and duplex-unit dwellings are not exempt from zoning district height limits.

(2) Chimneys that may also project into required height setbacks.

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

(4) Utility Poles and Antennas. The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled erection, location, and height of antennas can be and are detrimental to the city's appearance and, therefore, image; that this can cause significant damage to the community's sense of well-being, particularly in residential areas, and can further harm the economy of the city with its tourist trade which relies heavily on the

city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas and that there is a clear public interest served by ensuring that those transmissions and receptions providing the public with power and telecommunications services are unobstructed. Therefore, in accord with the health, safety and aesthetic objectives contained in Section 21-1.20, and in view of the particular public interest needs associated with certain types of telecommunications services:

(A) Utility poles and broadcasting antennas shall not exceed 500 feet from existing grade.

(B) Communication towers and communication support structures must not exceed 10 feet above the governing height limit, but in residential districts where utility lines are predominantly located underground the governing height limit shall apply.

(C) Accessory receive only antennas shall not exceed the governing height limit, except as provided under § 21-2.140-1(j).

(5) Spires, flagpoles and smokestacks, not to exceed 350 feet from existing grade.

(6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.

(7) Wind energy generation facilities, where permitted, provided that each wind energy generation facility must be set back from all property lines pursuant to the standards in Article 5.

(8) Any energy savings equipment, including heat pumps and solar panels, not to exceed 5 feet above the governing height limit; provided that solar panels on buildings other than single-unit, two-unit, or duplex-unit dwellings must not exceed 12 feet above the governing height limit. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area;

(9) Construction and improvements in certain flood hazard districts, as specified in Sections 21-9.10-6 and 21-9.10-7.

(10) Agricultural structures in agricultural zoning districts, as set forth in Article 3, Table 21-3.1.

(d) The following structures and associated screening may be placed on top of an existing building which is nonconforming with respect to height, under the specified restrictions:

(1) Any energy-savings equipment, including heat pumps and solar panels, not to exceed 5 feet above the height of the rooftop; provided that solar panels on buildings other than single-unit, two-unit, or duplex-unit dwellings must not exceed 12 feet above the height of the rooftop. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area; and

(2) Safety railings not to exceed 42 inches above the height of the building.

(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord. 22-28, Am. Ord. 25-2)

Sec. 21-4.70 Landscaping and screening.

Parking lots, vehicle service stations, trash enclosures, and roof-mounted machinery must be landscaped or screened in all zoning districts as follows:

(a) Parking lots and structures must be landscaped as required in Article 6.

(b) All outdoor trash storage areas, except those single-unit, two-unit, or duplex-unit dwelling use, must be screened on a minimum of three sides by a wall or hedge at least six feet in height. The wall must be painted, surfaced, or otherwise treated to blend with the development it serves. All trash storage areas must be curbed or graded to prevent runoff from reaching storm drains or surface water.

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

(d) All plant material and landscaping must be provided with a permanent irrigation system.

(e) All rooftop machinery and equipment, except for solar panels, antennas, plumbing vent pipes, ventilators, and guardrails, must be screened from view from all directions, including from above provided that screening from above is not required for any machinery or equipment whose function would be impaired by the screening. Rooftop machinery and equipment in the industrial zoning districts and on structures or portions of structures less than 150 feet in height will be exempt from this subsection.

(Added by Ord. 99-12; Am. Ord. 20-41, Am. Ord. 25-2)

Sec. 21-4.70-1 Screening wall or buffering.

(a) Any use located in the I-1, I-2 or I-3 zoning districts must be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort zoning district, by a solid wall six feet in height erected and maintained alongside and rear property lines. The walls must not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed use, or resort zoning districts. In addition, a five-foot-wide landscaping strip must be provided along the outside of the solid wall.

(b) Any use located in the IMX-1 zoning district must be screened from any adjacent zoning lot in a residential, apartment, apartment mixed use, or resort zoning district, by a landscaped area a minimum of 5 feet in width alongside and rear property lines. The landscaped area must contain a screening hedge a minimum of 42 inches in height. The requirements of this subsection do not apply to necessary drives and walkways, nor to any meeting facility, child daycare, adult daycare, large group living, or other use governed by subsection (d).

(c) Any use located in the B-1, B-2, or BMX-4 zoning districts, and any use located in the BMX-3 zoning district except for single-unit, duplex-unit, two-unit, and multi-unit dwellings, must be screened from any adjacent zoning lot in a residential, apartment, or apartment mixed-use zoning district, by a landscaped area a minimum of 5 feet in width along side and rear property lines. The landscaped area must contain a screening hedge a minimum of 42 inches in height. The requirements of this subsection do not apply to necessary drives and walkways, nor to any meeting facility, child daycare, adult daycare, large group living, or other use governed by subsection (d).

(d) Any meeting facility, child daycare, adult daycare, large group living, parking facility, commercial use, industrial use, or similar use, located in any zoning district other than those already addressed under subsections (a), (b), and (c), must be screened from any

adjacent zoning lot in a country, residential, apartment, apartment mixed-use, or resort zoning district by:

(1) A solid wall or fence, excepting chain link, six feet in height; or

(2) An equivalent landscape buffer such as a six-foot-high screening hedge.

The solid wall or fence, or equivalent landscape buffer, must be erected and maintained along the common property line. The director may modify the requirements of this subsection (d) if warranted by topography.

(e) This section does not preclude a public utility from constructing a wall or fence exceeding six feet in height pursuant to Section 21-4.30(c)(2).

(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord. 25-2)

Sec. 21-4.80 Noise regulations.

For any commercial or industrial development, no public address system or other devices for reproduction or amplifying voices or music, except as described for drive-thru facilities in §21-5.70-11(b), may be mounted outside any structure on any zoning lot that is adjacent to any lot in the country, residential, apartment, apartment mixed use, or resort zoning district.
(Added by Ord. 99-12, Am. Ord. 25-2)

Sec. 21-4.90 Sunlight reflection regulations.

No building wall shall contain a reflective surface for more than 30 percent of that wall's surface area.
(Added by Ord. 99-12)

Sec. 21-4.100 Outdoor lighting.

For any commercial or industrial, lighting shall be shielded with full cut-off fixtures to eliminate direct illumination to any adjacent country, residential, apartment, apartment mixed use, or resort zoning district. For a rooftop gathering space that is not enclosed, outdoor lighting must be shielded, with full cut-off fixtures to eliminate direct illumination beyond the rooftop gathering space.
(Added by Ord. 99-12; Am. Ord. 22-28, Am. Ord. 25-2)

Sec. 21-4.110 Nonconformities.

Constraints are placed on nonconformities to facilitate eventual conformity with the provisions of this chapter. In other than criminal proceedings, the owner, occupant or user shall bear the burden to prove that a zoning lot, structure, use, dwelling unit, or parking or loading space was legally established as it now exists. Nonconforming lots, structures, uses, dwelling units, commercial use density, and parking and loading spaces may be continued, subject to the following provisions:

(a) Nonconforming Lots.

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

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

(b) Nonconforming Structures.

(1) If that portion of a structure that is nonconforming is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it may not be reconstructed except in conformity with the provisions of this chapter. All reconstruction and restoration work must comply with building code and flood hazard regulations, and commence within two years after the date of destruction.

(A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use that consists of a multi-unit dwelling units owned by owners under the authority of the State of Hawaii Condominium Property Act or HRS Chapter 421H, or dwelling units owned by a "cooperative housing corporation" as defined in HRS Section 421I-1, whether or not the structure is located in a special district, and which is destroyed by any means, may be fully reconstructed and restored to its former permitted condition; provided that such restoration is permitted by the current building code and flood hazard regulations and is started within two years after the date of destruction.

(B) A nonconforming structure that is required by law to be razed by the owner thereof may not thereafter be reconstructed and restored except in full conformity with the provisions of this chapter.

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

(3) Any nonconforming structure may be repaired, expanded, or altered in any manner that does not increase its nonconformity.

(4) Improvements on private property that become nonconforming through the exercise of the government's power of eminent domain may obtain waivers from the provisions of this subsection, as provided by Section 21-2.130.

(5) Nonconforming commercial use density will be regulated under the provisions of this subsection. For the purposes of this section, "nonconforming commercial use density" means a structure that is nonconforming by virtue of the previously lawful mixture of commercial uses on a zoning lot affected by commercial use density requirements in excess of:

(A) The maximum FAR permitted for commercial uses; or

(B) The maximum percentage of total floor area permitted for commercial uses.

(c) Nonconforming Uses. Strict limits are placed on nonconforming uses to discourage the perpetuation of these uses, and to facilitate the timely conversion to conforming uses.

(1) A nonconforming use may not extend to any part of a structure or lot that was not arranged or designed for such use at the time of adoption of this chapter or subsequent amendment; nor may the nonconforming use be expanded in any manner, or the hours of operation increased; provided that a recreational use that is accessory to the nonconforming use may be expanded or extended if the following conditions are met:

(A) The recreational accessory use will be expanded or extended to a structure in which a permitted use also is being conducted, whether that structure is on the same lot or on an adjacent lot; and

(B) The recreational accessory use is accessory to both the permitted use and the nonconforming use.

(2) Any nonconforming use that is discontinued for any reason for 12 consecutive months, or for 18 months during any three-year period, may not be resumed; provided that a temporary cessation of the nonconforming use for purposes of ordinary repairs for a period not exceeding 120 days during any 12-month period will not be considered a discontinuation.

(3) Work may be done on any structure devoted in whole or in part to a nonconforming use; provided that work on the nonconforming use portion will be limited to ordinary repairs. For the purposes of this subsection, the term "ordinary repairs" is only construed to include the following:

(A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing;

(B) Work required to comply with city, state, or federal mandates, including but not limited to the Americans with Disabilities Act (ADA) or the National Environmental Policy Act (NEPA); or

(C) Interior and exterior alterations, provided that there is no physical expansion or intensification of the nonconforming use;

provided further that, ordinary repairs may not exceed 10 percent of the current replacement cost of the structure within a 12-month period, and the floor area of the structure, as it existed on October 22, 1986, or on the date of any subsequent amendment to this chapter pursuant to which a lawful use became nonconforming, may not be increased; and further provided that the 10 percent of the current replacement cost limitation does not apply to work involving that portion of a structure devoted to nonconforming hotel use in the Diamond Head special district.

(4) Any nonconforming use may be changed to another nonconforming use, subject to the prior approval of the director; provided that:

(A) The change in use is only permitted if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use were to be continued; and

(B) The director may impose conditions on the change in nonconforming use necessary or appropriate to minimize impact or prevent greater adverse effects related to a proposed change in use. Other than for ordinary repairs as provided under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant are not permitted.

(5) Any action taken by an owner, lessee, or authorized operator that reduces the negative effects associated with the operation of a nonconforming use, including but not limited to reducing hours of operation or exterior lighting intensity will not be reversed.

(d) Nonconforming dwelling units. With the exception of ohana units, which are subject to § 21-2.140-1(h), nonconforming dwelling units are subject to the following provisions:

(1) A nonconforming dwelling unit may be altered, enlarged, repaired, extended or moved, provided that all other provisions of this chapter are met;

(2) If a nonconforming dwelling unit is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it may not be reconstructed; and

(3) When dwellings constructed on a zoning lot prior to January 1, 1950, exceed the maximum number of dwelling units currently permitted, they will be deemed nonconforming dwelling units.

(e) Nonconforming parking and loading. Nonconforming parking and loading spaces may be continued, subject to the following provisions:

(1) If there is a change in use to a use with a higher parking or loading space requirement, the new use must meet the off-street parking and loading requirements established in Article 6;

(2) Any use that adds floor area must provide off-street parking and loading spaces for the addition as required by Article 6. Expansion of an individual dwelling unit that results in a total floor area of no more than 2,500 square feet will be exempt from this requirement;

(3) When nonconforming parking or loading is reconfigured, the reconfiguration must meet current requirements for arrangement of parking spaces, dimensions, aisles, and, if applicable, ratio of compact to standard spaces, except as provided in subdivision (4). If, as a result of the reconfiguration, the number of spaces is increased by five or more, landscaping must be provided as required in §§ 21-6.80 and 21-6.90; and

(4) Parking lots and other uses and structures with an approved parking plan on file with the department prior to May 10, 1999, and which include compact parking spaces as approved in the plan, may retain up to the existing number of compact spaces when parking is reconfigured.

(Added by Ord. 99-12; Am. Ord. 03-37, Am. Ord. 06-15, Am. Ord. 17-40; Am. Ord. 17-59, Am. Ord. 20-6, Am. Ord. 20-41, Am. Ord. 21-30, Am. Ord.25-2)

Sec. 21-4.110-1 Transient vacation units –Nonconforming use certificates

(a) The purpose of this section is to permit certain transient vacation units that have been in operation since prior to October 22, 1986, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a transient vacation unit who held a valid nonconforming use certificate issued pursuant to this section on the effective date of this ordinance

(b) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:

(1) Between September 1, 2000 and October 15, 2000; then

(2) Between September 1 and October 15 of every year thereafter.

Each application to renew must include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use during the calendar year covered by the nonconforming use certificate being renewed and (ii) there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during such year.

Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 35 days of transient occupancies will be effective on January 1, 1995 and applies to renewal applications submitted on or after January 1, 1996.

(c) The owner, operator, or proprietor of any transient vacation unit who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises. In the event that a single address is associated with numerous nonconforming use certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous common area instead.

(d) The following additional provisions apply to transient vacation units operating under a nonconforming use certificate pursuant to this section:

(1) § 21-5.70-3(a)(2)(C) relating to restrictions and standards; and

(2) § 21-5.70-3(a)(3) relating to advertisements.

(e) In addition to the requirements in subsection (d), for transient vacation units operating under nonconforming use certificate pursuant to this section that are located within the country, residential, or apartment zoning district, transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the transient vacation unit.

(f) A nonconforming use certificate for a transient vacation unit that has been issued and renewed pursuant to this section may be renewed by a new owner, operator, or proprietor of the transient vacation unit, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration.

(Added by Ord. 99-12; Am. Ord. 19-18, Am. Ord.22-7, Am. Ord.22-7, Am. Ord.25-2)

Sec. 21-4.110-2 Bed and breakfast homes--Nonconforming use certificates.

(a) The purpose of this section is to permit certain bed and breakfast homes, that have been in operation since prior to December 28, 1989, to continue to operate as nonconforming uses subject to obtaining a nonconforming use certificate as provided by this section. This section applies to any owner, operator, or proprietor of a bed and breakfast home who holds a valid nonconforming use certificate issued pursuant to this section on August 1, 2019.

(b) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall apply to renew the nonconforming use certificate in accordance with the following schedule:

(1) Between September 1, 2000, and October 15, 2000; then

(2) Between September 1 and October 15 of every year thereafter.

Each application to renew must include proof that (i) there were in effect a State of Hawaii general excise tax license and transient accommodations tax license for the nonconforming use for the calendar year covered by the nonconforming use certificate being renewed and (ii) there were bed and breakfast occupancies (occupancies of less than 30 days apiece) for a total of at least 28 days during such year.

Failure to meet these conditions will result in the denial of the application for renewal of the nonconforming use certificate. The requirement for the 28 days of bed and breakfast

occupancies will be effective on January 1, 1995 and applies to renewal applications submitted on or after January 1, 1996.

(c) Section 21-5.50-3(c) relating to home occupations does not apply to bed and breakfast homes.

(d) The owner, operator, or proprietor of any bed and breakfast home who has obtained a nonconforming use certificate under this section shall display the certificate issued for the current year in a conspicuous place on the premises.

(e) The following additional provisions apply to bed and breakfast homes operating under a nonconforming use certificate pursuant to this section:

(1) Section 21-5.70-3(a)(2)(C) relating to restrictions and standards; and

(2) Section 21-5.70-3(a)(3) relating to advertisements.

(f) In addition to the requirements in subsection (e), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the residential zoning districts are subject to the following:

(1) A maximum of two rooms may be provided to transient occupants for sleeping accommodations, and a maximum of four adult transient occupants may be accommodated at any one time; and

(2) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit.

(3) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(g) In addition to the requirements in subsections (e) and (f), bed and breakfast homes operating under a nonconforming use certificate pursuant to this section that are located within the country or apartment zoning districts are subject to the following:

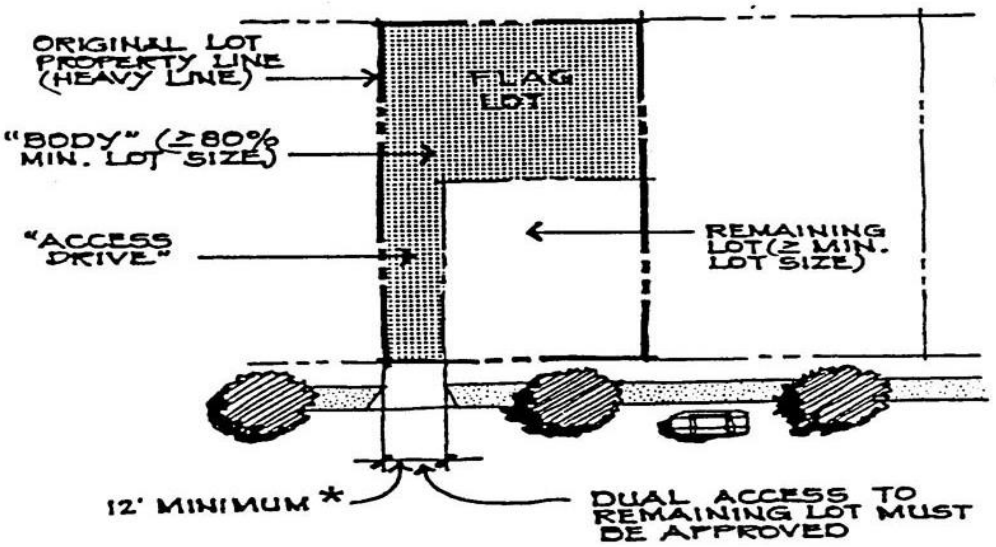
(1) One off-street parking space must be provided for each room used for transient occupant sleeping accommodations, in addition to the number of off-street parking spaces required for the dwelling unit; and

(2) Transient occupants are prohibited from parking their vehicles on the public streets in the vicinity of the bed and breakfast home.

(h) A nonconforming use certificate for a bed and breakfast home that has been issued and renewed pursuant to this section may be renewed by a new owner, operator, or proprietor of the bed and breakfast home, so long as the new owner, operator, or proprietor renews the nonconforming use certificate prior to its expiration.

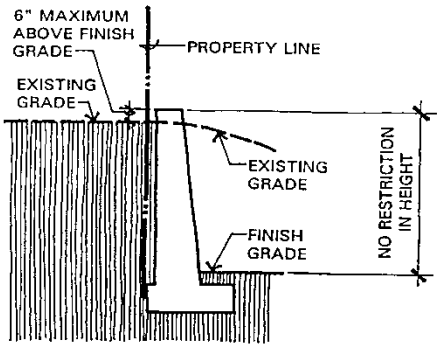
(Added by Ord. 99-12; Am. Ord. 19-18, Am. Ord. 22-7, Am. Ord. 25-2)

Figure 21-4.1
FLAG LOT

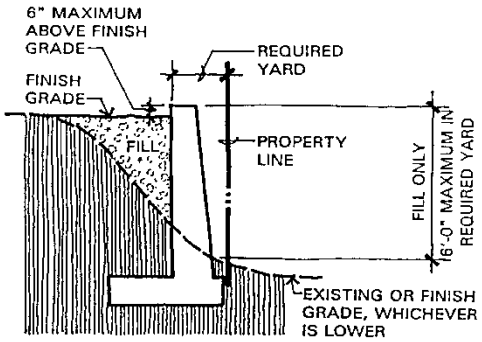


* REFER TO SECTION 21-2.140-1

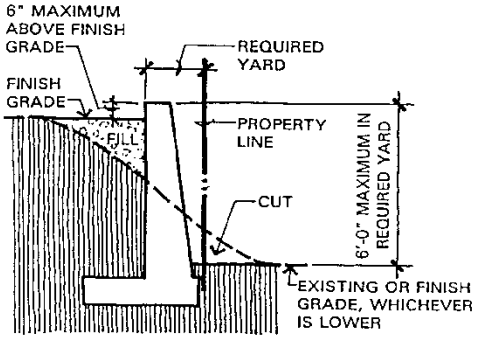
Figure 21-4.2(A)
RETAINING WALLS



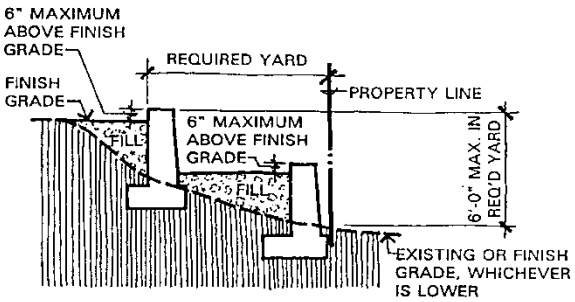
RETAINING WALL PROTECTING A CUT



RETAINING WALL CONTAINING FILL



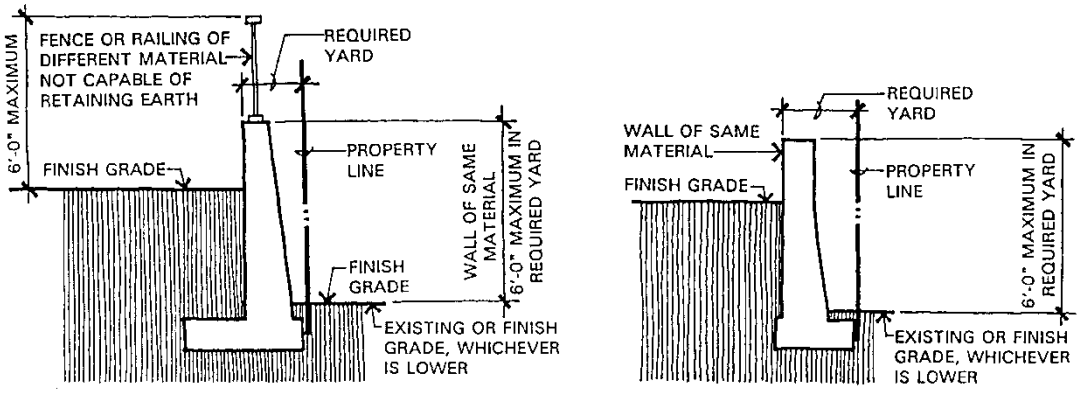
CUT and FILL RETAINING WALL



TERRACED RETAINING WALLS

Ref. § 21-4.40(d)

Figure 21-4.2(B)
RETAINING WALLS

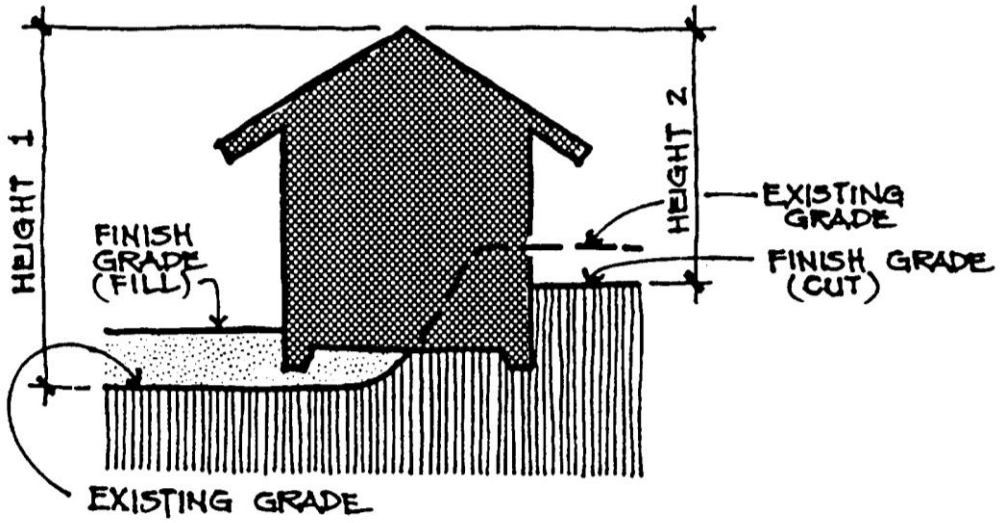


RETAINING WALLS with SAFETY RAILINGS

Figure 21-4.3

Ref. § 21-4.60(b)

HEIGHT OF STRUCTURE (H1, H2) IS MEASURED FROM EXISTING OR FINISH GRADE, WHICHEVER IS LOWER



HEIGHT MEASURMENT

Article 5. Specific Use Development Standards

Sections:

21-5.10	**Purpose and intent.**
21-5.20	**Use classification.**
21-5.30	**Use Table.**
21-5.40	**Agricultural uses.**
21-5.40-1	***Crop production*.**
21-5.40-1(a)	**Urban Agriculture**
21-5.40-1(b)	**Crop Raising**
21-5.40-1(c)	**Plant Nursery**
21-5.40-2	***Livestock and poultry keeping*.**
21-5.40-2(a)	**Animal Raising, Major.**
21-5.40-3	***Agricultural support*.**
21-5.40-3(a)	**Agricultural collection and storage**
21-5.40-3(b)	**Agricultural equipment service**
21-5.40-3(c)	**Agricultural processing**
21-5.40-3(d)	**Feed Store**
21-5.40-3(e)	**Sawmill**
21-5.40-3(f)	**Composting, Minor and Major**
21-5.40-4	***Accessory agricultural*.**
21-5.40-4(a)	**Agricultural Energy Facility**
21-5.40-4(b)	**Agritourism, Minor and Major**
21-5.40-4(c)	**Farm Dwelling**
21-5.40-4(d)	**Farm Stand**
21-5.40-4(e)	**Farm Worker Housing**
21-5.40-4(f)	**Agricultural farmers market**
21-5.50	**Residential uses.**
21-5.50-1	***Household living*.**
21-5.50-1(a)	**Duplex-unit Dwelling**
21-5.50-1(b)	**Two-unit Dwelling**
21-5.50-1(c)	**Multi-unit Dwelling**
21-5.50-2	***Group living*.**
21-5.50-2(a)	**Group Living, Small, State Regulated**
21-5.50-2(b)	**Group Living, Small, Not State Regulated**
21-5.50-2(c)	**Group Living, Large**
21-5.50-3	***Accessory residential*.**
21-5.50-3(a)	**Accessory Dwelling Unit**
21-5.50-3(b)	**Home Occupation**
21-5.50-3(c)	**Ohana Unit**
21-5.50-3(d)	**Rooming**
21-5.50-3(e)	**Caretaker unit**
21-5.60	**Public, civic, and institutional uses.**
21-5.60-1	***Assembly*.**
21-5.60-1(a)	**Meeting Facility, Small, Medium, Large**
21-5.60-1(b)	**Community-Based Recreation Center**
21-5.60-2	***Communication*.**
21-5.60-2(a)	**Dish Antenna**
21-5.60-2(b)	**Communication Tower**
21-5.60-2(c)	**Communication Support Structure**
21-5.60-2(d)	**Accessory Receive Only Antenna**

21-5.60-2(e) Broadcasting Antenna
21-5.60-3 *Education*.
21-5.60-3(a) School, PreK-12
21-5.60-3(b) School, Vocational
21-5.60-4 *Government*.
21-5.60-4(a) Consulate
21-5.60-5 *Parks and open space*.
21-5.60-5(a) Cemetery
21-5.60-5(b) Park
21-5.60-6 *Utility*.
21-5.60-6(a) Small Utility
21-5.60-6(b) Medium Utility
21-5.60-6(c) Large Utility
21-5.70 Commercial uses.
21-5.70-1 *Daycare*.
21-5.70-1(a) Child Daycare
21-5.70-1(b) Adult Daycare
21-5.70-2 *Eating and drinking*.
21-5.70-2(a) General Eating and Drinking
21-5.70-2(b) Bar, Nightclub, Minor and Major
21-5.70-3 *Lodging*.
21-5.70-3(a) Bed and Breakfast Home and Transient Vacation Unit
21-5.70-3(b) Hotel
21-5.70-3(c) Timeshare
21-5.70-4 *Medical*.
21-5.70-4(a) General Medical Services
21-5.70-4(b) Hospital
21-5.70-5 *Office*.
21-5.70-5(a) General Office
21-5.70-6 *Parking*.
21-5.70-6(a) Remote Parking
21-5.70-6(b) Commercial Parking
21-5.70-7 *Personal service*.
21-5.70-7(a) General Personal Services
21-5.70-7(b) Animal Care, Minor and Major
21-5.70-8 *Recreation, outdoor*.
21-5.70-8(a) Golf Course
21-5.70-8(b) Zoo
21-5.70-8(c) Nature-Based Recreation
21-5.70-9 *Retail*.
21-5.70-9(a) General Retail, Small, Medium, Large
21-5.70-9(b) Mobile Commercial Establishment
21-5.70-10 *Vehicle-related*.
21-5.70-10(a) Car Wash
21-5.70-11 *Accessory commercial*.
21-5.70-11(a) Drive-thru
21-5.80 Industrial uses.
21-5.80-1 *Manufacturing and processing*.
21-5.80-1(a) General Manufacturing and Processing
21-5.80-1(b) Biofuel Processing Facility

21-5.80-1(c) Explosive or Toxic Chemical Manufacturing, Storage, and Distribution
21-5.80-1(d) Food Manufacturing and Processing
21-5.80-1(e) Petrochemical Plant
21-5.80-2 *Marine*.
21-5.80-2(a) General Marine
21-5.80-3 *Repair*.
21-5.80-3(a) Heavy Repair
21-5.80-3(b) Vehicle Service
21-5.80-4 *Resource extraction*.
21-5.80-4(a) General Resource Extraction
21-5.80-5 *Storage and warehousing*.
21-5.80-5(a) Self-Storage
21-5.80-5(b) Storage Yard
21-5.80-6 *Transportation*.
21-5.80-6(a) Airport
21-5.80-6(b) Base Yard
21-5.80-6(c) Heliport
21-5.80-6(d) Multi-Modal Facility
21-5.80-7 *Waste-related*.
21-5.80-7(a) Salvage, Scrap, or Junk Storage and Processing
21-5.80-7(b) Waste Disposal and Processing
21-5.80-8 *Accessory industrial*.
21-5.80-8(a) Helistop
21-5.90 Miscellaneous uses.
21-5.90-1 *Historic structure reuse*.
21-5.90-2 *Joint development of two or more adjacent zoning lots*.

§ 21-5.10 Purpose and intent.

The purpose of this article is to identify the permissible land uses in the various zoning districts and the conditions in which they may be conducted. Development standards and uses restrictions are imposed on certain uses in order to mitigate and prevent disruptive community impacts that might otherwise result if these specially regulated uses were permitted without restriction.

(Added by Ord. 99-12; Am. Ord. 03-37; Ord. 25-2)

§ 21-5.20 Use classification.

(a) *Permissible uses of property.* Permissible uses of land in each zoning district are identified in Table 21-5.1. Land uses that are allowed with a land use permit or special approval from the director or the council may only be conducted after obtaining all necessary permits and approvals. It is a violation of this chapter to use property in any manner prohibited by Table 21-5.1.

(b) If a land use is not identified in Table 21-5.1, the use may only be conducted as an accessory use to a lawful principal use or after obtaining the director's approval to conduct the use under subsection (c).

(c) A person wishing to conduct a land use that is not permitted in Table 21-5.1 as a principal use must submit a written application to the director that describes the proposed land use, the property on which the land use is proposed, and the reasonably foreseeable impacts of the proposed land use on the surrounding areas. The director shall review the application

and may require the submission of additional information relevant to the director's decision. After reviewing the application and any additional information requested by the director, the director may:

(1) Determine that the use falls within the definition of a land use identified in Table 21-5.1 and regulate the use according to the applicable requirements; or

(2) Determine that the use is not a land use regulated under Table 21-5.1 and require a zoning variance to allow for the proposed use.

(d) Land uses that are subject to use specific development standards are identified with an asterisk (*) in Table 21-5.1. Uses subject to use specific development standards must comply with the general development standards for the underlying zoning district and the use specific standards in this article. If there is a conflict between the general development standards for the underlying zoning district and the use specific standards in this article, the more stringent requirements will apply.

(e) Notwithstanding any law to the contrary, land located in the State land use conservation district will be regulated by the State department of land and natural resources pursuant to HRS Chapter 183C.

(f) Permitted uses for properties located in the Waikiki Special District are governed by Table 21-9.6(A).

(g) In the event of any conflict between the text of this chapter and the following table, the text of this chapter shall control.

§ 21-5.30 Use table.

Table 21-5.1
Table of Permitted Uses

KEY:

P = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
Ac = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

Uses (Note: Certain uses are defined in Article 10)	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed-Use, Resort				Business, Business Mixed-Use				Industrial, Industrial Commercial Mixed-Use				Standards
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
AGRICULTURAL USES																						
Crop Production																						
Aquaculture	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Crop raising	P*	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-1(b)
Forestry	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Plant nursery	--	P*	P*	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	§ 21-5.40-1(c)
Urban agriculture	--	--	--	--	--	--	--	--	--	Cm*	Cm*	Cm*	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	§ 21-5.40-1(a)
Livestock and Poultry Keeping																						
Animal raising																						
Minor	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Major	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-2(a)
Agricultural Support																						
Agricultural collection and storage																						
Minor	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	§ 21-5.40-3(a)
Major	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	P	--	--	§ 21-5.40-3(a)
Agricultural equipment service	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	§ 21-5.40-3(b)
Agricultural processing																						
Minor	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	--	P*	§ 21-5.40-3(c)
Major	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	§ 21-5.40-3(c)
Composting																						
Minor	P*	P*	P*																P*			§ 21-5.40-3(f)
Major		C*	C*																P*			§ 21-5.40-3(f)
Feed store	--	P*+	P*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	§ 21-5.40-3(d)
Livestock and poultry veterinary service	--	P+	P+	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	

KEY:

P = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
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[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

Uses (Note: Certain uses are defined in Article 10)	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed-Use, Resort				Business, Business Mixed-Use				Industrial, Industrial Commercial Mixed-Use				Standards
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
Sawmill	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	§ 21-5.40-3(e)
Accessory Agricultural																						
Agricultural energy facility	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Ac	Ac	--	--	§ 21-5.40-4(a)
Agricultural farmers market	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-4(f)
Agritourism	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-4(b)
Farm dwelling	--	Ac*	Ac*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-4(c)
Farm stand	--	Ac*	Ac*	Ac*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-4(d)
Farm worker housing	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-4(e)
RESIDENTIAL USES																						
Household Living																						
Single-unit dwelling	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	--	--	
Duplex-unit dwelling	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	--	--	--	--	--	§ 21-5.50-1(a)
Two-unit dwelling	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	--	--	--	--	--	§ 21-5.50-1(b)
Multi-unit dwelling	--	--	--	--	--	--	P	P	P	P	P	P	P	P*	P*	P	P	--	--	--	--	§ 21-5.50-1(c)
Group Living																						
Small – State regulated	--	--	C*+	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	P*	--	--	--	--	§ 21-5.50-2(a)
Small – not State regulated			C*+	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	§ 21-5.50-2(b)
Large	--	--	--	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--	§ 21-5.50-2(c)
Accessory Residential																						
Accessory dwelling unit	--	--	--	Ac*	Ac*	Ac*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.50-3(a)
Caretaker unit	Ac*	Ac*+	Ac*+											Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	§ 21-5.50-3(e)
Home occupation	--	Ac*+	Ac*+	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	--	--	--	--	§ 21-5.50-3(b)
Ohana unit	--	Ac*+	Ac*+	Ac*	Ac*	Ac*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.50-3(c)
Rooming	--	--	--	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	--	--	--	Ac*	§ 21-5.50-3(d)
PUBLIC, CIVIC, AND INSTITUTIONAL USES																						
Assembly																						
Meeting facility																						
Small	--	--	Cm*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	--	--	Cm*	§ 21-5.60-1(a)
Medium	--	--	C*+	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	C*	§ 21-5.60-1(a)
Large	--	--	--	--	--	--	--	--	--	--	--	--	PRU	PRU	PRU	PRU	PRU	--	--	--	PRU	§ 21-5.60-1(a)
Community-based recreation center	Cm*	--	--	Cm	P* Cm*	P* Cm*	P* Cm*	P* Cm*	P* Cm*	P	P	P	P	P	P	P	P	--	--	--	--	§ 21-5.60-1(b)

KEY:

P = Permitted Use **C** = Major Conditional Use **Cm** = Minor Conditional Use **PRU** = Plan Review Use * = Use Standards Apply + = Special Use Permit[1]
Ac = Accessory Use subject to standards[2]

[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required

[2] If there is more than one symbol, all symbols apply.

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	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
Communication																						
Broadcasting antenna	Cm*	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	C*	C*	C*	§ 21-5.60-2(e)
Communication support structure	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	§ 21-5.60-2(c)
Communication tower	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	Cm*	§ 21-5.60-2(b)
Dish antenna	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	P*	P*	§ 21-5.60-2(a)
Education																						
School, PreK-12	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	--	P	P	P	P	--	--	--	--	§ 21-5.60-3(a)
School, vocational																						
Minor	--	P*	P*	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	--	P	§ 21-5.60-3(b)
Major	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	§ 21-5.60-3(b)
University, college	PRU	PRU+	PRU+	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	
Government																						
Consulate	--	--	--	--	P*	P*	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	§ 21-5.60-4(a)
Prison	PRU	PRU+	PRU+	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	
Public facility	P	P+	P+	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Open Space																						
Cemetery	P* PRU*	--	PRU*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.60-5(a)
Park	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.60-5(b)
Utility																						
Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	§ 21-5.60-6(a)
Medium	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	Cm*	P*	§ 21-5.60-6(b)
Large	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	§ 21-5.60-6(c)
Accessory Public, Civic, and Institutional																						
Accessory receive only antenna	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	§ 21-5.60-2(d)
COMMERCIAL USES																						
Daycare																						
Child daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(a)
Adult daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-1(b)

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Uses (Note: Certain uses are defined in Article 10)	**P-2**	**AG-1**	**AG-2**	**Country**	**R-20, R-10**	**R-7.5, R-5, R-3.5**	**A-1**	**A-2**	**A-3**	**AMX-1**	**AMX-2**	**AMX-3**	**Resort**	**B-1**	**B-2**	**BMX-3**	**BMX-4**	**I-1**	**I-2**	**I-3**	**IMX-1**	**Standards**
Eating and Drinking																						
General eating and drinking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	§ 21-5.70-2(a)
Bar, nightclub																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-2(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	P*	--	P*	--	--	--	P*	§ 21-5.70-2(b)
Lodging																						
Bed and breakfast home	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	§ 21-5.70-3(a)
Hotel	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	C*	P	--	--	--	C*	§ 21-5.70-3(b)
Timeshare	--	--	--	--	--	--	--	Cm*	--	--	--	--	P	--	--	--	--	--	--	--	--	§ 21-5.70-3(c)
Transient vacation unit	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	§ 21-5.70-3(a)
Medical																						
General medical services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	§ 21-5.70-4(a)
Hospital	PRU	PRU+	PRU+	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	§ 21-5.70-4(b)
Medical laboratory	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	
Office																						
General office	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	§ 21-5.70-5(a)
Parking																						
Commercial parking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	§ 21-5.70-6(b)
Remote parking	--	--	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	§ 21-5.70-6(a)
Personal Services																						
General personal services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	§ 21-5.70-7(a)
Animal care																						
Minor	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-7(b)
Major	--	--	P*+	P*	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-7(b)
Recreation, Indoor																						
General indoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	
Theater	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	P	
Recreation, Outdoor																						
General outdoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	--	Cm	
Golf course	PRU	--	--	--	--	--	--	--	--	--	--	--	PRU	--	--	--	--	--	--	--	--	§ 21-5.70-8(a)
Nature-based recreation	Cm* C*	--	Cm* C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.70-8(c)

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Uses (Note: Certain uses are defined in Article 10)	**P-2**	**AG-1**	**AG-2**	**Country**	**R-20, R-10**	**R-7.5, R-5, R-3.5**	**A-1**	**A-2**	**A-3**	**AMX-1**	**AMX-2**	**AMX-3**	**Resort**	**B-1**	**B-2**	**BMX-3**	**BMX-4**	**I-1**	**I-2**	**I-3**	**IMX-1**	**Standards**
Zoo	PRU	--	PRU+	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.70-8(b)
Retail																						
General retail																						
Small	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-9(a)
Medium	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-9(a)
Large	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	--	--	--	P*	§ 21-5.70-9(a)
Mobile commercial establishment	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	§ 21-5.70-9(b)
Vehicle-Related																						
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-10(a)
Vehicle fueling station	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	
Vehicle sales and rental																						
Light	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	
Accessory Commercial																						
Drive-thru	--	--	--	--	--	--	--	--	--	--	--	--	--	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*	§ 21-5.70-11(a)
INDUSTRIAL USES																						
Manufacturing and Processing																						
General manufacturing and processing																						
Light	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P	P	P	P	§ 21-5.80-1(a)
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	§ 21-5.80-1(a)
Biofuel processing facility	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	§ 21-5.80-1(b)
Brewery, distillery, winery																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Explosive or toxic chemical manufacturing, storage, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	--	--	§ 21-5.80-1(c)
Food manufacturing and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	§ 21-5.80-1(d)
Linen supplier	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	
Petrochemical plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	Cm*	--	§ 21-5.80-1(e)
Production studio	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	--	P	
Publishing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	P	

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Marine																						
General marine																						
Minor	C	--	--	--	--	--	--	--	--	--	--	--	Cm*	--	Cm*	Cm*	Cm*	--	P	P	P*	§ 21-5.80-2(a)
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
Port	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
Repair																						
General repair	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	P	P	P	P	P	
Heavy repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	§ 21-5.80-3(a)
Vehicle service	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	§ 21-5.80-3(b)
Research and Development																						
General research and development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	
Resource Extraction																						
General resource extraction	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	§ 21-5.80-4(a)
Storage and Warehousing																						
General storage, warehousing, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Self-storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	--	P	§ 21-5.80-5(a)
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	§ 21-5.80-5(b)
Transportation																						
Airport	PRU	PRU+	PRU+	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	§ 21-5.80-6(a)
Base yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	§ 21-5.80-6(b)
Heliport	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	§ 21-5.80-6(c)
Multimodal facility	--	--	--	--	--	--	--	--	--	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	--	--	Cm*	§ 21-5.80-6(d)
Truck terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	
Waste-Related																						
Salvage, scrap, or junk storage and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--	§ 21-5.80-7(a)
Waste disposal and processing	C*	--	C*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--		Cm*	Cm*	--	§ 21-5.80-7(b)
Accessory Industrial																						
Helistop	--	C*+	C*+	--	--	--	--	--	--	--	--	--	C*	--	C*	C*	C*	C*	Ac*	Ac*	C*	§ 21-5.80-8(a)

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	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
MISCELLANEOUS																						
Historic structure reuse	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	§ 21-5.90-1
Joint development	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	§ 21-5.90-2

§ 21-5.40 Agricultural uses.

The following sections contain standards for the agricultural use categories.

§ 21-5.40-1 Crop production.

Uses in the crop production category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Urban agriculture – standards.*
  (1) The keeping and raising of livestock, poultry, and insects is prohibited.
  (2) Pedestrian walkways for customers must be provided on all-weather surfaces.

(b) *Crop raising – standard.* Vertical farms are not permitted in the P-2 zoning district.

(c) *Plant nursery – standards.* In the agricultural zoning districts:
  (1) Retail sales are limited to plants sold directly from the greenhouse or open field where the plant was grown or cultivated, and only sales of the plant in its primary form are allowed.
  (2) The sale of secondary products such as jams, juices, and baked goods is prohibited.
  (3) Separate structures used primarily for retail sales are prohibited.

§ 21-5.40-2 Livestock and poultry keeping.

Uses in the livestock and poultry keeping category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Animal raising, major – standards.* Feedlots, poultry, or swine enclosures must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

§ 21-5.40-3 Agricultural support.

Uses in the agricultural support category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Agricultural collection and storage.*

(1) *Minor:* The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.

(2) *Major:*

(A) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts;

(B) The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area; and

(C) In the AG-1, AG-2, and I-1 zoning districts, if the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning district, pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

(b) *Agricultural equipment service – standards.*

(1) All structures and activities must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

(2) In the AG-1 and AG-2 zoning districts, the building area of all agricultural support facilities must not exceed 25 percent of the lot area.

(c) *Agricultural processing – standards.*

(1) *Minor:* All structures and activities must be set back a minimum of 50 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) *Major:* All structures and activities must be set back a minimum of 1,500 feet from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning district, unless the director determines that potential impacts will be adequately mitigated by the manner of operations and natural conditions, such as prevailing winds and terrain. Where impacts are deemed adequately mitigated by the director, the minimum distance between a property used for agricultural processing and a property located in the country, residential, apartment, or apartment mixed-use (but not the resort) zoning district may be reduced to no less than 500 feet.

(d) *Feed store – standards.*

(1) Only products that are clearly incidental to agricultural activities may be sold or stored.

(2) The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.

(3) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

(e) *Sawmill – standards.* All structures and activities must be set back a minimum of 500 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.

(f) *Minor and major composting – standards*.

(1) *Minor*:

(A) Materials storage and composting activities must be located at least 50 feet away from all surface water, streams, and wetlands.

(B) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required. Odors from composting materials and activities may not be detectable from abutting properties or public areas, including streets and sidewalks.

(C) Compost material must be securely stored; compost materials may not be allowed to leave the property as a result of wind, vehicular tracking, runoff, or other similar influences.

(D) The director may require the implementation of mitigation measures to reduce impacts related to composting activities, including requirements for visual screening, odor control, and pest control. The failure to comply with mitigation measures required by the director under this subdivision will be a violation of this chapter.

(2) *Major*:

(A) All incoming and outgoing loads must be covered and managed to prevent material from falling onto the ground and to mitigate odors while in transport.

(B) Onsite areas where composting takes place must be located at least 50 feet away from all surface water, streams, or wetlands.

(C) Controls to manage odors, vectors, surface contamination, and groundwater contamination are required.

(D) Compost material must be covered in such a way that no material will leave or stray from the site.

(E) Major composting may not occur on a zoning lot located within 1,500 feet of property within the country, residential, apartment, apartment mixed-use, or resort zoning district, unless the director determines that potential impacts will be adequately mitigated by the manner of operations and natural conditions, such as prevailing winds and terrain. Where impacts are deemed adequately mitigated by the director, the minimum distance between a property used for major composting and a property located in the country, residential, apartment, or apartment mixed-use (but not the resort) zoning district may be reduced to no less than 500 feet.

§ 21-5.40-4 Accessory agricultural.

Uses in the accessory agricultural category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Agricultural energy facility – standards.*

(1) No more than 10 percent of the portion of the zoning lot or zoning lots used for crop production or livestock and poultry keeping may be used for the agricultural

energy facility, consistent with the regulation of permissible uses within agricultural districts pursuant to HRS § 205-4.5(a)(17).

(2) Structures associated with the agricultural energy facility must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning district.

(b) *Agritourism minor and major – standards.*

(1) Activities and improvements on the zoning lot may not diminish the long-term agricultural potential of the zoning lot. Improvements on the zoning lot used for agritourism must be capable of removal without unreasonable cost or effort.

(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.

(3) Buildings and structures associated with agritourism that are not required as part of crop production or livestock and poultry keeping on the zoning lot are limited to 10,000 square feet of total floor area.

(4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the agritourism use is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(5) Accessory destination events, including weddings, are subject to the following:

(A) Events must take place at a designated event space; and

(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet.

(6) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a currently operational farm or ranch engaged in crop production or livestock and poultry keeping, and require a minor conditional use approval subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours may not interfere with surrounding farm or ranch operations.

(c) *Farm dwelling – standards.*

(1) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds that are not used in connection with agricultural activities, and swimming pools) must be contained within an area not to exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees.

(2) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.

(3) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit.

(4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production and livestock and poultry keeping, and valid agricultural dedication status must be maintained for as long as the farm dwelling use continues, as evidenced by:

(A) A farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping; or

(B) Agricultural dedication documents used to obtain a Honolulu real property tax exemption.

(d) *Farm stand – standards.*

(1) One farm stand for the growers and producers of agricultural products is allowed per zoning lot. More than one grower or producer is allowed at a farm stand.

(2) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed, but must otherwise be open to the elements.

(3) The farm stand must be located on private property and not on any public right-of-way.

(4) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.

(e) *Farm worker housing – standards.*

(1) All structures and facilities associated with farm worker housing:

(A) Must occupy a contiguous total land area limited to 50 acres;

(B) The building area must not exceed 50 percent of the land area associated with the farm worker housing; and

(C) Impervious surface area must not exceed 75 percent of the land area associated with the farm worker housing.

(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed, and the dwelling units must be dedicated to farm worker housing.

(3) Farm worker housing may be composed of multiple detached dwelling units or attached dwelling units, or may consist of multi-unit dwellings; provided that no more than one employee and the employee's family live in each dwelling unit, or up to three unrelated employees may share one dwelling unit. The employee who occupies a dwelling unit in farm worker housing must be an agricultural worker.

(4) Each dwelling unit must not exceed 800 square feet of floor area.

(5) No more than eight dwelling units are allowed in any multi-unit dwelling.

(6) The landowner may not plan or develop a residential subdivision on the agricultural land, except in accordance with the plantation community subdivision regulations in HRS § 205-4.5(a)(12) (relating to permissible uses within the agricultural districts).

(7) When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family.

(f) *Agricultural farmers market – standards.*

(1) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m.

(2) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the agricultural farmers market is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

§ 21-5.50 Residential uses.

The following sections contain standards for the residential use categories.

§ 21-5.50-1 Household living.

Uses in the household living category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Duplex-unit dwelling – standards.* Each duplex-unit dwelling must be attached by a boundary wall for a minimum of 15 feet or 50 percent of the longer dwelling unit, excluding carports or garages, whichever length is greater (see Figure 21-10.3).

(b) *Two-unit dwelling – standards.*

(1) Each two-unit dwelling must be surrounded by a yard.

(2) Dwelling units may be:

(A) On separate floors; or

(B) Attached by a solid wall a minimum of 15 feet in length, or attached by a carport or garage (see Figure 21-10.3).

(3) Dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.

(c) *Multi-unit dwelling – standards.*

(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted; provided that the following requirements are satisfied:

(A) All residential uses and occupancies must be located on consecutive floors that are located above all nonresidential uses and occupancies in the multi-family dwelling. A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. A building must have at least one nonresidential use; or

(B) The multi-unit dwelling satisfies the following requirements:

(i) For multi-unit dwellings located on zoning lots of 3 acres or less, a minimum nonresidential floor area ratio of 0.2 must be developed on the lot;

(ii) For multi-unit dwellings located on zoning lots larger than 3 acres, but smaller than 7 acres, a minimum of 10,000 square

feet or a floor area ratio of 0.05, whichever is greater, of nonresidential floor area must be developed on the lot; or

(iii) For multi-unit dwellings located on zoning lots larger than 7 acres, a minimum of 40,000 square feet or a floor area ratio of 0.05, whichever is greater, of nonresidential floor area must be developed on the lot.

(C) For purposes of this subdivision, nonresidential uses must be fully enclosed within a building and do not include areas used for parking.

§ 21-5.50-2 Group living.

Uses in the group living category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Group living, small, State regulated – standards.*

(1) Must be licensed, certified, registered, or monitored by the State.

(2) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small group living that is State regulated is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(3) If a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is state regulated, if the aggregate number of residents in both dwelling units exceed eight, the group living will be considered a large group living.

(b) Group living, small, not State regulated – standards.

(1) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small group living that is not State regulated is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(2) Within the country, residential, and A-1 zoning districts, except for multifamily dwellings located in the A-1 zoning district that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, small group living that is not State regulated may not be located within 1,000 feet of the next closest group living.

(3) If a zoning lot that is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a

small group living that is not state regulated, if the aggregate number of residents in both dwelling units exceed eight, the group living will be considered a large group living.

(c) *Group living, large – standards.*

(1) Access roads must comply with the standards established by Chapter 22; provided that the director may waive or modify these requirements if, after consulting with the appropriate State or city agencies, the director determines that substandard roads or driveways provide reasonably safe access to the large group living.

(2) Minimum parking requirements will be determined by the director based on the number of residents and the nature of the proposed use.

(3) For special needs housing for the elderly, as defined in § 21-10.1, that are located in the apartment, apartment mixed-use, and business mixed-use zoning districts, the underlying zoning district standards may be modified under a conditional use permit as follows:

(A) Density may be increased by a maximum of 25 percent of the maximum density permitted in the underlying zoning district;

(B) Height may be increased by a maximum of 25 percent of the maximum height permitted in the underlying zoning district, or 30 feet, whichever is less; and

(C) Off-street parking requirements may be reduced; provided that a minimum of one parking space per four dwelling or lodging units and a minimum of one guest parking space per 10 dwelling or lodging units is required.

(4) The director may modify or waive the large group living standards in this subsection and other applicable requirements as necessary to comply with the federal Fair Housing Act or other laws with similar preemptive effect.

(5) Within the country, residential, and A-1 zoning districts, except for multifamily dwellings located in the A-1 zoning district that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, large group living may not be located within 1,000 feet of the next closest group living.

§ 21-5.50-3 Accessory residential.

Uses in the accessory residential category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Accessory dwelling unit – standards.*

(1) *General.*

(A) Accessory dwelling units are not permitted:

(i) On zoning lots in planned development housing or cluster housing; or

(ii) On zoning lots that are landlocked.

(B) The total floor area of an accessory dwelling unit must not exceed:

(i) 500 square feet for zoning lots up to 4,999 square feet in area; or

(ii) 1,000 square feet for zoning lots 5,000 square feet or more in area.

(C) The construction or conversion of an accessory dwelling unit must meet all development standards for the principal use in the underlying zoning district.

(D) An accessory dwelling unit may be created by:

(i) Building a new structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot); or

(ii) Converting a legally established structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit but located on the same zoning lot), attic, or basement.

(E) Only one accessory dwelling unit is permitted on a zoning lot (including a zoning lot with existing multiple dwelling units); provided that an ohana unit that is otherwise permitted on a zoning lot is not considered to be an accessory dwelling unit for purposes of limiting the number of accessory dwelling units to one per zoning lot.

(F) See § 21-6.30(b) for adjustments and exemptions to parking requirements for an accessory dwelling unit.

(G) Accessory dwelling units are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply, as well as adequate roadways and first-responder resources to accommodate the accessory dwelling unit.

(2) *Conditions of approval.*

(A) *Covenant for accessory dwelling units.* The owners of the zoning lot shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. The covenant must be recorded in a form approved 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 heirs, successors, or assigns to abide by such covenant will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to § 21-2.150. At a minimum, the covenant must state:

(i) The accessory dwelling unit may only be used for long-term residential occupancy and may not be used as a bed and breakfast home or transient vacation unit;

(ii) The deed restrictions lapse upon removal of the accessory dwelling unit;

(iii) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and

(iv) Neither the owners nor the heirs, successors, or assigns of the owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an accessory dwelling unit from the ownership of its principal dwelling unit.

(B) *Removal.* The owners of an accessory dwelling unit shall notify the department upon removal of the accessory dwelling unit.

(b) *Home occupation – standards.*

(1) *General.*

(A) The home occupation must be clearly incidental and subordinate to the use of the dwelling unit and zoning lot for residential living.

(B) The home occupation use may not significantly change the exterior appearance of the dwelling unit, zoning lot, or the surrounding neighborhood. Onsite signage or advertisements for the home occupation is prohibited.

(C) The outdoor storage of materials or supplies is prohibited.

(D) The indoor storage of materials or supplies must not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater.

(E) Noises and obnoxious odors associated with the home occupation must not be detectable from abutting streets or sidewalks. The director may order the mitigation of noise and odor impacts, or the cessation of a home occupation if noise and odor impacts are not able to adequately mitigated.

(F) The home occupation use may not create unreasonable risks of harm to persons or property or cause significant adverse impacts to local traffic or parking.

(G) In the B-1 and B-2 zoning districts, a home occupation use is permitted in a dwelling unit within a multi-unit dwelling.

(2) *Limitations on home occupations:*

(A) Commercial beekeeping may be a home occupation, subject to the standards of this subsection and the animal nuisance provisions in § 12-2.5(b).

(B) Items sold on the property are limited to items produced by the home occupation.

(3) *Prohibited home occupations:* Activities that are prohibited as a home occupation use include but are not limited to:

(A) Vehicle repair and painting that does not include the repair or painting of up to five vehicles owned by a household member per year;

(B) Uses and activities that are only permitted in the industrial zoning districts;

(C) Commercial weddings, including wedding ceremonies and receptions;

(D) Storage yards, base yards, and stockpiling;

(E) Sale of guns and ammunition;

(F) Use of dwellings or zoning lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations;

(G) Metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools;

(H) Commercial events and special events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees; and

(I) Animal care, treatment, boarding, or veterinary services. The occasional boarding and the occasional grooming of animals is permitted, so long as

it involves no more than three animals that are not household pets on the property at any given time.

(4) *Employees:*

(A) In addition to the household member engaging in the home occupation, one employee of the home occupation who is not a household member may be on the property at any given time.

(B) For home-based childcare, in addition to the one non-household member employee of the home occupation who is allowed on the property at any given time under paragraph (A), if an emergency renders unavailable the principal caregiver who is a household member, an additional employee who is not a household member may be on the property on a temporary basis to substitute for the principal caregiver.

(5) *Parking.* See § 21-6.30(d) for adjustments and exemptions to parking requirements for home occupation.

(c) *Ohana unit – standards.*

(1) *General.*

(A) The construction or conversion of an ohana unit must meet all development standards and requirements in the underlying zoning district for the principal dwelling unit and the ohana unit.

(B) An ohana unit may be created by:

(i) Building a new structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit) on the same zoning lot; or

(ii) Converting a legally established structure (attached to, such as a two-unit dwelling, or detached from the principal dwelling unit), attic, or basement.

(C) An ohana unit may be permitted as accessory to a principal dwelling unit on a zoning lot that already includes one accessory dwelling unit; provided that all development standards and requirements in the underlying zoning district for the principal dwelling unit, the accessory dwelling unit, and the ohana unit are satisfied.

(2) *Occupants.* The ohana unit must be occupied by persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit; provided that ohana units for which a building permit was obtained prior to September 10, 1992, are not subject to this subsection and their occupancy by persons other than persons who are related to the family residing in the principal dwelling unit is permitted.

(3) *Covenant for ohana unit.* The owners of the zoning lot on which an ohana unit is located shall record covenants running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. 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 the recorded covenants will be deemed a violation of this chapter and

will be grounds for enforcement by the director pursuant to § 21-2.150. At a minimum, the covenant must state:

(A) The deed restrictions lapse upon removal of the ohana unit;

(B) All of the covenants are binding upon any and all heirs, successors, and assigns of the owners; and

(C) Neither the owner or owners, nor the heirs, successors, or assigns of the owner or owners may submit the zoning lot or any portion thereof to a condominium property regime under the State of Hawaii Condominium Property Act to separate the ownership of an ohana unit from the ownership of its principal dwelling unit.

(4) *Zoning lot limitations.* Ohana units are not permitted on zoning lots that are:

(A) Within a zero lot line project;

(B) Within a cluster housing project;

(C) Within an agricultural cluster project,

(D) Within a country cluster project;

(E) Within a planned development housing project; or

(F) Within a duplex-unit project.

(5) Ohana units are only permitted where there is sufficient infrastructure, including but not limited to waste water treatment and disposal and water supply, as well as roadways and first-responder resources to accommodate ohana units.

(6) See § 21-6.30(m) for adjustments and exemptions to parking requirements for ohana unit.

(d) *Rooming – standards.*

(1) No more than three roomers may reside in a dwelling unit (in addition to the members of a related household occupying the dwelling unit); provided that the dwelling may not be used as group living.

(2) Overnight accommodations provided for compensation must be for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.

(e) *Caretaker unit – standards.*

(1) In the P-2, AG-1, and AG-2 zoning districts, one caretaker unit per zoning lot is allowed only as a secondary supplemental use for cemeteries and Hawaiian fishponds, and the maximum total floor area for a caretaker unit is 1,000 square feet.

(2) Except in the P-2, AG-1, and AG-2 zoning districts, one accessory caretaker dwelling is permitted for each principal use; provided that:

(A) No more than four caretaker units are allowed per zoning lot;

(B) The accessory caretaker dwelling must be located in an area that does not interrupt or interfere with the principal use; and

(C) In the business, business mixed-use, industrial, and industrial mixed-use zoning districts, the caretaker dwelling must be above or behind the principal use.

§ 21-5.60 Public, civic, and institutional uses.

The following sections contain standards for the public, civic, and institutional use categories.

§ 21-5.60-1 Assembly.

Uses in the assembly category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Meeting facility, small, medium, or large – standards.*

(1) Adequate ingress and egress must be provided with access to a street or right-of-way of a minimum width and sufficient street frontage as determined by the appropriate government agencies.

(2) Kitchens are allowed as accessory to the meeting facility, but may not be used to support onsite or offsite commercial activities.

(3) In the AG-2 zoning district:

(A) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the meeting facility is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(B) The maximum capacity for a meeting facility is 500 individuals.

(4) In the country, residential, and apartment zoning districts, noise and odors from the meeting facility use must not be detectable from public streets or sidewalks between the hours of 10:00 p.m. to 7:00 a.m.

(5) In the I-1 zoning district:

(A) A meeting facility may not be located within 1,000 feet of another meeting facility, whether the other meeting facility is a permitted use or a nonconforming use.

(B) The owner or operator of the meeting facility shall file with the department and record with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, a declaration in a form acceptable to the department, stating that the owner or operator acknowledges that:

(i) Structures formerly in industrial use may require upgrades to comply with various government regulations governing use of a structure as a meeting facility. These regulations include but are not limited to building, electrical, plumbing, fire, and occupancy code requirements; and

(ii) Adjacent and neighboring zoning lots may, by right, include potentially annoying or toxic industrial uses at any time, including after the meeting facility use has commenced.

The declaration must also include provisions that preclude the meeting facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws.

(C) No accessory uses are permitted unless otherwise permitted as an accessory use; provided that this paragraph does not prohibit the following

accessory uses to a religious facility such as a church, temple, or synagogue:

(i) A school for the vocational training of adults for the priesthood, ministry, or rabbinate; or

(ii) Classes on religious subjects.

(D) A parking area and landscaping plan demonstrating compliance with the minimum requirements of this chapter for off-street parking, loading, and landscaping and screening must be submitted to the director for review, and must be approved by the director prior to any use of the meeting facility.

(b) *Community-based recreation center – standards.*

(1) In the P-2 zoning district, community-based recreation centers are only permitted if the community-based recreation center is being used to satisfy park dedication requirements, or is a part of a master planned community.

(2) In the residential and apartment zoning districts, if the community-based recreation center is not being used to satisfy park dedication requirements, or is not part of a master planned community, a minor conditional use permit is required.

§ 21-5.60-2 Communication.

Uses in the communication category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Dish antenna – standards.* All dish antennas must be located or screened to minimize visual impacts, especially from public rights-of-way or public places.

(b) *Communication tower – standards.*

(1) Communication towers must be set back from all property lines a minimum of 1 foot for every 5 feet of height.

(2) Communication towers must be enclosed by fencing a minimum of 6 feet in height, and towers must be equipped with an anti-climbing device.

(3) All communication towers in the residential zoning districts must use monotree (designed to blend in with surrounding trees) or other stealth design to minimize visual impacts.

(4) In the industrial zoning districts, the communication tower must be set back a minimum of 100 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(5) Communication towers that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, as may be amended or superseded, do not require any additional land use permits or approvals under this chapter; provided that the communication tower complies with all conditions of the initial land use permit or approval.

(c) *Communication support structure – standards.*

(1) At-grade equipment must be screened by a solid wall or fence, or by a landscape hedge of sufficient height and width to screen the equipment.

(2) Antennas must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscaping, or other

site solutions. Antennas are not considered to be concealed or designed to minimize visual impacts if the antenna extends above the top of the communication support structure or above the top of screening walls or features. Acceptable concealment may be accomplished through the use of one or more of the following design features:

(A) Antennas integrated into the architectural features of a structure, or placed in alignment with elements of the structure, such as corners or columns;

(B) Antennas hidden behind screening walls or features, where the screening walls or features are colored to match or otherwise blend in with the existing structure;

(C) Antennas mounted on screening walls or features that do not extend above the screening walls or features, where the antennas and visible mounting supports are colored to match the existing structure; or

(D) Antennas set back from the edge of the structure to minimize visual impacts from the ground level at the closest public right-of-way or public place.

(3) If satisfying the concealment and integration requirements in subdivision (2) results in the antenna not being able to provide the service it was designed to provide in the desired coverage area, the director may allow for flexibility from the strict application of these requirements if the applicant demonstrates that:

(A) The communication support structure is not structurally capable of supporting the design under applicable codes;

(B) The location of the antenna interferes with the existing use of the communication support structure, such as having to locate antennas on balconies or decks; or

(C) The antenna is not able to properly transmit radio frequencies due to technology limitations, such as:

(i) Inability of the antenna to transmit radio frequencies through paint or screening walls or features;

(ii) To transmit properly, the antenna is required to be located close to or at the edge of the roof; or

(iii) Paint or screening walls or features compromise antenna functionality, such as overheating;

provided that the director shall first determine that there are no feasible alternatives to minimize the visual impacts of the antenna, including possible relocation of the antenna.

(4) Communication support structures that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, as may be amended or superseded, do not require any additional land use permits or approvals under this chapter; provided that the communication support structure complies with all conditions of the initial land use permit or approval.

(5) In the I-1, I-2, and I-3 zoning districts, antennas need not satisfy the concealment and integration requirements in subdivision (2) unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(d) *Accessory receive only antenna – standards.*

(1) Antennas may not be located in the required yards.

(2) All antennas must be set back from all property lines one-third of the height of the antenna or according to the setback requirements for the underlying zoning district, whichever is greater.

(3) The antenna must be located at a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.

(4) Antennas may not be illuminated.

(5) All antennas must be equipped with safety devices to prevent them from being climbed, and must be securely fastened.

(6) All guy wires must be anchored onsite and outside of any right-of-way.

(7) When mounted on the ground, the accessory receive only antenna must be screened by walls, earth berms, or landscaping a minimum of 4 feet in height.

(e) *Broadcasting antenna – standards*.

(1) Freestanding broadcasting antennas must be set back from all property lines a minimum of 1 foot for every 5 feet of height.

(2) Broadcasting antennas supported by guy wires must be set back from all property lines a minimum of 1 foot for every 1 foot of height.

(3) AM antennas must be set back a minimum of 500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

(4) FM and TV antennas must be set back a minimum of 2,500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

(5) Broadcasting antennas must be designed to structurally accommodate:

(A) For TV broadcasting antennas:

(i) At least three high power television antennas and one microwave facility or one low power television antenna; or

(ii) Two FM antennas and at least one two-way radio antenna for every 10 feet of the tower over 200 feet; or

(B) For broadcasting antennas other than for TV:

(i) At least one two-way radio antenna for every 10 feet of the tower; or

(ii) At least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility or one low power TV antenna;

provided that these requirements may be reduced if the Federal Communications Commission provides a written statement that no additional licenses for those broadcast frequencies will be available in the foreseeable future. These requirements may also be reduced if the height of the tower needed significantly exceeds the height of existing towers in the area and would therefore create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the visual impact of existing towers.

(6) Once a site for a broadcasting antenna is approved, additional antennas and accessory uses proposed within the approved envelope (within a specified height and distance) will be processed without requiring modification to the initial land

use permit or approval, unless the broadcasting antenna site is within a special district.

(7) Broadcasting antennas and associated facilities must be enclosed by fencing a minimum of 6 feet in height.

(8) All requests for broadcasting antenna installations must be accompanied by a landscape plan.

§ 21-5.60-3 Education.

Uses in the education category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *School, PreK-12 – standards.*

(1) All structures and facilities must be set back a minimum of 20 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(2) Schools must be located with access to a street or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate government agencies.

(3) *Parking and loading.*

(A) Schools with a design capacity of more than 25 students must provide an off-street drop-off area, with a minimum capacity equivalent to four standard-sized parking spaces. This number may be adjusted by the director as the design capacity of the school changes, or if a traffic management plan is approved. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

(B) Schools with a design capacity of more than 50 students must provide at least one multipurpose bay that is a minimum of 40 feet in depth by 14 feet in width to accommodate bus pickup and drop-off. This multipurpose bay may be used for other activities outside of pickup and drop-off hours. The director may adjust this requirement as the design capacity of the school changes.

(4) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the PreK-12 school is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *School, vocational – standards.*

(1) Minor:

(A) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming or ranching operation that is accessory and secondary to the principal agricultural use

of the zoning lot as described in HRS § 205-4.5(19).

(2) Major: In the AG-1 and AG-2 zoning districts, vocational schools must involve agricultural education programs conducted on a farming or ranching operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5(19).

§ 21-5.60-4 Government.

Uses in the government category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Consulate - standards.* All structures and facilities must be set back a minimum of 20 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts, unless buffered by a solid wall, screening fence, or buffering hedge that is a minimum of 6 feet in height.

§ 21-5.60-5 Parks and open space.

Uses in the parks and open space category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Cemetery – standards.*

(1) Prior to approval of an application for a cemetery, a certificate of approval must be obtained from the Board of Water Supply indicating that there is no danger of contamination of the water supply.

(2) In the AG-2 zoning district, burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.

(3) In the AG-2 zoning district, a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.

(4) In the P-2 zoning district, the following development standard flexibility may be permitted pursuant to the plan review use process:

(A) An increase of up to 25 feet above the maximum height limit; and

(B) An increase in the maximum building area.

(b) *Park – standards.* Playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.

§ 21-5.60-6 Utility.

Uses in the utility category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Small – standards.*

(1) *General:*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Small utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a small utility has been abandoned, the structure must be dismantled and removed or repurposed within 90 days after receipt of written notice from the director, unless the small utility owner or operator demonstrates to the director's satisfaction the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the small utility in a timely manner, or to otherwise restore the site on which the abandoned small utility was located.

(D) In an emergency, a utility may undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service.

(2) *Solar energy generation.*

(A) A solar energy generation facility of any size is considered a small utility if it is mounted to the roof of a permitted structure dedicated to a separate principal use permitted in the underlying zoning district.

(B) A solar energy generation facility of up to 5 acres in size is considered a small utility if it is mounted on a structural support over existing surface parking dedicated to a use permitted in the underlying zoning district.

(C) A ground-mounted solar energy generation facility is considered a small utility if it is less than 20 acres in area.

(D) Notwithstanding paragraphs (A), (B), and (C), a solar energy generation facility is not considered a small utility, but rather a medium utility if:

(i) There are proposed or existing solar energy generation facilities on the same zoning lot or abutting zoning lots, so that the total facility size exceeds 20 acres, excluding permitted rooftop solar energy generation facilities;

(ii) The zoning lot is within the State land use agricultural or conservation districts; or

(iii) The solar energy generation facility involves the use of a historic site listed on the Hawaii or National Register of Historic Places.

(E) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees will be relocated or replaced elsewhere on the zoning lot or surrounding area.

(F) If a solar energy generation facility exceeds 50,000 square feet in area and is within 500 feet of the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts, the facility must be fully screened from the adjoining zoning lots in those zoning districts by a landscaped hedge, solid wall, or screening fence a minimum of 6 feet in height. If the provision of solid screening is not

feasible, the solar energy generation facility will be considered a medium utility.

(3) *Wind energy generation.*

(A) A wind energy generation facility is considered a small utility if it is located within the agricultural, country, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, industrial mixed-use, or preservation zoning districts, and has a rated capacity of no more than 15 kilowatts.

(B) A rooftop wind energy generation facility is considered a small utility if it is accessory to a principal use permitted in the underlying zoning district on the same zoning lot.

(C) For a ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips must not be lower than 15 feet from ground level, unless enclosed by a fence a minimum of 6-feet in height, and must not be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence.

(D) A small wind energy generation facility must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(E) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the small wind energy generation facility is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *Medium – standards.*

(1) *General.*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Medium utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a medium utility has been abandoned, the structure must be dismantled and removed or repurposed within 180 days after receipt of written notice from the director, unless the medium utility owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the medium utility in a timely manner, or to

otherwise restore the site on which the abandoned medium utility was located.

(D) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service; provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.

(2) *Solar energy generation.*

(A) Applications for solar energy generation facilities must include a landscape plan that shows how the facility will be screened from surrounding uses and how displaced trees will be relocated or replaced elsewhere on the zoning lot or within the surrounding area.

(3) *Wind energy generation.*

(A) A wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed-use zoning districts, and has a rated capacity of 15 kilowatts or more, but no more than 99 kilowatts. Medium wind energy generation facilities are not permitted in other zoning districts.

(B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.

(C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.

(D) All guy wires must be anchored onsite and outside of any right-of-way, equipped with safety devices that will prevent them from being climbed, and securely fastened.

(E) A medium wind energy generation facility, whether mounted on the ground or on a structure, must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(F) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the medium wind energy generation facility is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(c) *Large – standards.*

(1) *General.*

(A) All equipment, including rooftop-mounted equipment, must be set back pursuant to the height setbacks for the underlying zoning district or special district precinct, unless otherwise specified below.

(B) All clearances to utility facilities, including overhead lines and poles, must comply with all standards of the applicable utility provider.

(C) Large utilities will be deemed abandoned if operations cease for one continuous year, with the exception of periods related to necessary maintenance, transfer of ownership or operation, or repairs to the system. Upon determination by the director that a large utility has been abandoned, the structure must be dismantled and removed or repurposed within one year after receipt of written notice from the director, unless the large energy generation system owner or operator demonstrates to the satisfaction of the director the owner or operator's good faith efforts to sell, repurpose, dismantle, or remove the large utility in a timely manner, or to otherwise restore the site on which the abandoned large utility was located.

(D) In an emergency, a minor conditional use permit is not required to undertake corrective actions deemed necessary by the utility to avoid unacceptable hazard to life, significant loss of property, or significant economic hardship due to extended loss of power or service; provided that the utility shall obtain after-the-fact approvals for the emergency work performed as soon as practicable after the emergency has ended.

(2) *Wind energy generation.*

(A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts.

(B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence.

(C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades.

(D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened.

(E) Large wind energy generation facilities must be set back as follows:

(i) From all property lines a minimum distance equal to the height of the facility; and

(ii) From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts, a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater.

For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

(F) With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application:

(i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and

(ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings.

Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions.

(G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows:

(i) By an incremental amount not to exceed 7 percent of the original height of the facility; or

(ii) Up to a maximum height of 575 feet;

whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits, and must comply with the minimum setback required under paragraph (E)(i). Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.

(H) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the large wind energy generation facility is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

§ 21-5.70 Commercial uses.

The following sections contain standards for the commercial use categories.

§ 21-5.70-1 Daycare.

Uses in the daycare category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Child daycare – standards.*

(1) All outdoor activity areas, such as playgrounds, toddler lots, play courts, and similar facilities, must be set back a minimum of 15 feet from the property line of any adjoining zoning lot within the country, residential, apartment, or apartment mixed-use zoning districts, and a minimum 6-foot high solid wall must be provided as a buffer. The director may waive this requirement upon finding that the topography or landscaping makes a buffer unnecessary.

(2) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

(3) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the child daycare is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

(b) *Adult daycare – standards.*

(1) Facilities with a design capacity exceeding 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces. The pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

(2) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the adult daycare is in operation, as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

§ 21-5.70-2 Eating and drinking.

Uses in the eating and drinking category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General eating and drinking – standards.*

(1) In the apartment mixed-use zoning district, the density requirements in Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the AMX-1, AMX-2, AMX-3, B-1, and I-3 zoning districts, the preparation and selling of liquor must end at 12:00 a.m.

(3) When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning district:

(A) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and

(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. General eating and drinking establishments that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(b) *Bar, nightclub, minor and major – standards.*

(1) Must be set back a minimum of 300 feet from any zoning lot in the country, residential, apartment, or apartment mixed-use zoning district.

(2) The director may require mitigation of impacts from noise, odor, or glare.

§ 21-5.70-3 Lodging.

Uses in the lodging category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Bed and breakfast home; Transient vacation unit – standards.*

(1) *Permitted districts.* Bed and breakfast homes and transient vacation units are permitted as described in paragraphs (A), (B), and (C), and as depicted in the figures referred to in paragraph (D); provided that if there is any inconsistency between the descriptions in paragraphs (A), (B), and (C), and the depiction in the figures referred to in paragraph (D), the figures referred to in paragraph (D) will prevail.

(A) Bed and breakfast homes and transient vacation units are permitted in the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district; provided that:

(i) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and

(ii) The resort district and the A-1 or A-2 district have been rezoned pursuant to the same zone change application as part of a master-planned resort community;

(B) Bed and breakfast homes and transient vacation units are permitted in the apartment precinct of the Waikiki special district on the zoning lots identified as tax map keys 2-6-025:005 and 2-6-028:011;

(C) Bed and breakfast homes and transient vacation units are permitted on certain zoning lots located in the A-2 medium-density apartment zoning district contiguous to the Hoakalei Resort and Lagoon; and

(D) The areas in which bed and breakfast homes and transient vacation units are permitted as set forth in paragraphs (A), (B), and (C) are depicted in the following figures:

(i) The areas located within the apartment precinct of the Waikiki special district mauka of Kuhio Avenue, as designated in Figure 21-5.1;

(ii) The areas located within the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district situated in close proximity to the Ko Olina Resort, as designated in Figure 21-5.2;

(iii) The area located within the A-1 low-density apartment zoning district situated in close proximity to the Turtle Bay Resort, as designated in Figure 21-5.3; and

(iv) The area located within the A-2 medium-density apartment zoning district located contiguous to the Hoakalei Resort and lagoon, as designated in Figure 21-5.4.

Figure 21-5.1
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Waikiki Special District Mauka of Kuhio Avenue

Figure 21-5.2
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Close Proximity to the Ko Olina Resort

Figure 21-5.3
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Close Proximity to the Turtle Bay Resort

Figure 21-5.4
Bed and Breakfast Homes and Transient Vacation Units
Permitted Areas – Contiguous to the Hoakalei Resort and Lagoon

(2) *Requirements.* The following standards and requirements apply to bed and breakfast homes and transient vacation units; provided that bed and breakfast homes operating under valid nonconforming use certificates pursuant to § 21-4.110-2, or transient vacation units operating under a valid nonconforming use certificate pursuant to § 21-4.110-1 need only comply with paragraph (C):

(A) *Registration.*

(i) The owner or operator of a bed and breakfast home or transient vacation unit shall register the bed and breakfast home or transient vacation unit with the department on a form prescribed by the director, and submit the following with the initial application for registration:

(aa) A title report for the subject property or a copy of the real property tax records listed on the department of budget and fiscal services property records search website, or a copy of a deed or conveyance document, confirming all persons owning an interest in the property;

(bb) A valid current State of Hawaii general excise tax license, transient accommodations tax license, and city transient accommodations tax license for the subject property;

(cc) For a bed and breakfast home, evidence of a real property tax home exemption for the subject property, and evidence that the applicant has a minimum 50 percent ownership interest in the subject property;

(dd) The initial registration fee for the bed and breakfast home or transient vacation unit in the amount specified in § 6-41.1;

(ee) Evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the subject property, pursuant to subdivision (3)(B)(iii)(dd);

(ff) A letter from the applicable homeowners association or apartment owners association dated no more than one year prior to the date of the registration application, confirming that the bed and breakfast home or transient vacation unit is permitted;

(gg) The informational binder required under subdivision (2)(C)(vi); and

(hh) An attestation by the owner or operator of a bed and breakfast home or transient vacation unit stating that a dwelling unit proposed for use as a bed and breakfast home or transient vacation unit:

(AA) Is not an affordable unit subject to income restrictions;

(BB) Did not receive housing or rental assistance subsidies; and

(CC) Was not subject to an eviction within the last 12 months.

(ii) Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually prior to expiration.

(B) *Registration renewal.*

(i) Annually, no earlier than three months prior to the expiration and no later than one month prior to expiration of the registration certificate, the owner or operator of a bed and breakfast home or transient vacation unit shall apply to renew the registration certificate for a bed and breakfast home or transient vacation unit with the department on a form prescribed by the department, and submit to the department the following with the registration renewal application:

(aa) Upon the request of the director, for a bed and breakfast home, evidence of a real property tax home exemption for the subject property;

(bb) A tax clearance certificate issued by the department of budget and fiscal services or a copy of the real property tax records listed on the department of budget and fiscal services property records search website verifying that real property taxes were assessed at the rates required by § 8-7.1 and paid in full during the preceding tax year; provided that additional documents may be required upon the request of the director;

(cc) A tax clearance certificate issued by the State department of taxation or a copy of the State general excise tax and

transient accommodations tax payment records listed on the State department of taxation tax online website verifying the payment of State of Hawaii general excise taxes and transient accommodations taxes, and a tax clearance certificate issued by the department of budget and fiscal services or a copy of the Oahu transient accommodations tax payment records listed on the department of budget and fiscal series payment portal verifying the payment of city transient accommodations taxes, for the subject property during the previous tax year; provided that additional documents may be required upon the request of the director;

(dd) The renewal fee for the bed and breakfast home or transient vacation unit specified in § 6-41.1;

(ee) Upon the request of the director, evidence that the use as a bed and breakfast home or transient vacation unit is covered by an insurance carrier for the property pursuant to subdivision (2)(C)(iv); and

(ff) Upon the request of the director, a letter form the applicable homeowners association or apartment owners association dated no more than one year prior to the date of the registration renewal application confirming that the bed and breakfast home or transient vacation unit is permitted.

(ii) The director may deny the renewal of a registration if:

(aa) The owner or operator receives one or more notices of order for violation of this subsection within a one-year period;

(bb) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community, including but not limited to instances where complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or

(cc) Where other good cause exists for denial of the renewal application.

(C) *Restrictions and standards.* Bed and breakfast homes and transient vacation units must operate in accordance with the following restrictions and standards:

(i) Functioning smoke detectors must be installed in each room that is suitable and used for transient occupant sleeping accommodations, and each hallway connected to such room. In addition to smoke detectors, functioning carbon monoxide detectors must be installed in each room that is suitable and used for transient occupant sleeping accommodations, and each hallway connected to such

room, if the room is served by natural gas, propane, or other combustible gas.

(ii) Occupancy limits and sleeping arrangements are as follows:

(aa) All overnight transient occupants must be registered with the owner or operator of the bed and breakfast home or transient vacation unit;

(bb) Except for studio units, sleeping accommodations for all transient occupants must be provided in bedrooms or other rooms that are suitable for sleeping accommodations (such as a living room with a sofabed). No more than two adults may sleep in each allowable room in which sleeping accommodations are provided;

(cc) The total number of adult overnight transient occupants may not exceed two times the number of rooms provided to transient occupants for sleeping accommodations; and

(dd) The owner or operator shall maintain a current two-year registry setting forth the names and telephone numbers of all transient occupants and the dates of their respective stays;

(iii) Exterior signage indicating that a dwelling unit is used as a bed and breakfast home or transient vacation unit is prohibited;

(iv) *Insurance coverage required.* The owner or operator must maintain at all times a minimum of $1,000,000 per occurrence in commercial general liability insurance or homeowner's insurance with business liability coverage. Additional homeowner's insurance umbrella coverage to meet the $1,000,000 in homeowner's insurance business liability coverage is also acceptable. Owners or operators may fulfill insurance requirements through coverage offered by a hosting platform; provided the insurance coverage satisfies the minimum requirements of this paragraph;

(v) *Gatherings restricted.* The property on which a bed and breakfast home or transient vacation unit is located may not be used for gatherings of 10 or more individuals who are not registered as overnight transient occupants at the bed and breakfast home or transient vacation unit;

(vi) *Informational binder required.* The owner or operator shall create a binder that must be placed and maintained in a conspicuous location within the bed and breakfast home or transient vacation unit at all times. The binder must provide guidance to transient occupants on being respectful of neighbors and responding to emergencies. The binder must be made available for inspection by the department upon request. At a minimum, the binder must include the following documents and information:

(aa) A floor plan of the dwelling unit used as a bed and breakfast home or transient vacation unit, identifying the

location of all transient occupant bedrooms, the maximum occupancy of each bedroom, and the location of all fire exits;

(bb) *Parking plan.*

(AA) For bed and breakfast homes and transient vacation units that are not located in a multi-unit dwelling, a parking plan identifying the location and number of parking stalls available to persons associated with the bed and breakfast home or transient vacation unit (such as owners, transient occupants, visitors, or service providers); the parking plan must include illustrations, drawn to scale, showing the size of designated parking spaces, their location on the zoning lot, and which spaces may be occupied by vehicles of the transient occupants; or

(BB) For bed and breakfast homes or transient vacation units located in a multi-unit dwelling, a parking plan identifying the location and number of parking stalls within the multi-unit dwelling that may be used by persons associated with the bed and breakfast home or transient vacation unit (the parking plan may be provided in narrative form without illustrations or graphics) or a statement that no parking is provided;

(cc) Instructions for trash collection and disposal, including the dates and times of scheduled trash collection;

(dd) A copy of the house rules for the bed and breakfast home or transient vacation unit, which must impose quiet hours between 10:00 p.m. and 7:00 a.m., and for bed and breakfast homes and transient vacation units operating pursuant to nonconforming use certificates and located within the country, residential, or apartment zoning districts, the house rules must prohibit transient occupants from parking vehicles on the public streets in the vicinity of the bed and breakfast home or transient vacation unit;

(ee) A list of emergency contacts, which must include a 24-hour-a-day telephone number for the owner or operator of the bed and breakfast home or transient vacation unit, the 911 emergency telephone number, and the website address for the Hawaii emergency management agency;

(ff) Copies of the general excise and transient accommodations tax licenses for the bed and breakfast home or transient vacation unit; and

(gg) A copy of the registration certificate or nonconforming use certificate for the bed and breakfast home or transient vacation unit.

(vii) Upon reasonable notice, any bed and breakfast home or transient vacation unit must be made available for inspection by the department;

(viii) The violation of any provision of this subsection will be grounds for administrative fines and nonrenewal unless corrected before the renewal deadline. Recurring or multiple violations will result in denial of renewal requests;

(ix) The director may revoke a registration at any time by issuing a notice of revocation under the following circumstances:

(aa) The owner or operator receives more than two notices of order within a one-year period for violation of this subsection;

(bb) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community; including but not limited to instances where complaints from the public indicate that noise or other nuisances created by transient occupants disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or

(cc) The director determines that good cause exists for revocation of the registration;

(x) Registration as a bed and breakfast home or transient vacation unit is not transferable, and does not run with the land; and

(y) Any change in ownership of the subject property or any change in the operator of the bed and breakfast home or transient vacation unit will require a new registration of the bed and breakfast home or transient vacation unit.

(3) *Advertisements.*

(A) *Definitions.* As used in this paragraph, unless the context otherwise requires:

(i) "Advertisement" means the display or transmission of any communication that may cause a reasonable person to understand that a dwelling unit or portion thereof is available for rent. Advertisements include but are not limited to written and spoken words, emails, text messages, electronic and hard copy publications, flyers, handbills, signs, websites, and expressive images.

(ii) "Person" means a legal person or a natural person, consisting of individuals and all types of business and legal entities, including but not limited to associations, nonprofit organizations, trusts, estates, partnerships, corporations, and limited liability companies.

(B) *Prohibition.* Advertisements for specifically identified bed and breakfast homes and transient vacation units, or for the lease or rental of other specifically identified dwelling units where the advertisement may reasonably be read as being an advertisement for the lease or rental of a

bed and breakfast home or transient vacation unit, are subject to this subparagraph.

(i) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to § 21-4.110-1 or § 21-4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located.

(ii) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to § 21-4.110-1 or § 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied."

(iii) Within seven days after receipt of a notice of violation of paragraph (A) or (B), the owner or operator of a dwelling unit shall remove, or cause the removal of, the advertisement identified in the notice, including but not limited to any advertisement made through a hosting platform. If the advertisement is not removed within seven days after receipt of the notice of violation, the following civil fines will be levied against the owner or operator of the dwelling unit:

(aa) An initial fine not to exceed $5,000; and

(bb) A fine not to exceed $10,000 for each day thereafter that the advertisement is on public display.

(iv) The existence of an advertisement that is unlawful under paragraph (A) or (B) will be prima facie evidence that a bed and breakfast home or a transient vacation unit is being operated at the listed address. The burden of proof is on the owner of the subject real property to establish that the property is not being used as a bed and breakfast home or transient vacation unit, or that the advertisement was placed without the property owner's knowledge or consent.

(C) *Exemptions.* The following are exempt from this subdivision.

(i) Legally established hotels, whether owned by one person or owned individually as unit owners but operating as a hotel as defined in § 21-5.70-3(b).

(ii) Legally established timeshare units, as provided in § 21-5.70-3(c).

(4) *Unpermitted bed and breakfast homes or unpermitted transient vacation units.*

(A) *Definitions.* As used in this paragraph, unless the context otherwise requires:

(i) "Unpermitted bed and breakfast home" means a bed and breakfast home that is not:

(aa) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-2; or

(bb) Validly registered under this section.

(ii) "Unpermitted transient vacation unit" means a transient vacation unit that is not:

(aa) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-1; or

(bb) Validly registered under this section.

(B) *Unlawful actions.* It is unlawful for any owner or operator of an unpermitted bed and breakfast home or unpermitted transient vacation unit, or the owner or operator's agent or representative to.

(i) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home for fewer than 90 consecutive days;

(ii) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home or unpermitted transient vacation unit, where such rental, offer, or rental agreement limits actual occupancy of the premises to a period of less than the full stated rental period, or conditions the right to occupy the rented premises for the full stated rental period on the payment of additional consideration;

(iii) Set aside or exclusively reserve an unpermitted bed and breakfast home or unpermitted transient vacation unit for rental or occupancy for a period of 90 consecutive days or more, but limit actual occupancy of the premises to a period of less than the full stated rental period, or condition the right to occupy the rented premises for the full stated rental period on the payment of additional consideration; or

(iv) Advertise, solicit, offer, or knowingly provide rental of an unpermitted bed and breakfast home or unpermitted transient vacation unit to transient occupants for less than 90 consecutive days. An advertisement for an unpermitted bed and breakfast home or unpermitted transient vacation unit that includes daily or less than three-month rental rates will be deemed to be in violation of this paragraph.

(5) *Complaints.* Any person may submit a written complaint to the director reporting a violation of this subsection regarding bed and breakfast homes and transient vacation units.

(A) A complaint reporting a suspected violation of this section must:

(i) Identify the address of the bed and breakfast home or transient vacation unit that is the subject of the suspected violation, including the apartment or unit number of the dwelling unit if it is located in a multi-unit dwelling;
(ii) State all of the facts that cause the complainant to believe that a violation has occurred;
(iii) Identify the provisions of this section that the complainant believes are being violated; and
(iv) Provide the complainant's name and a mailing address where the director may respond to the complaint.

(B) Within 30 days after receiving a written complaint reporting a violation of the provisions of this paragraph, the director shall provide a written response to the complainant either:
(i) Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS § 46-4(b);
(ii) Entering a finding of no violation, which may be appealed to the zoning board of appeals pursuant to Charter § 6-1516; or
(iii) Advising the complainant that the director has initiated an investigation of the complaint.

(6) This subsection does not terminate or supersede private restrictive covenants or other restrictions that prohibit the use of real property as a bed and breakfast home or transient vacation unit.

(7) Notwithstanding any contrary provisions in this chapter, bed and breakfast homes and transient vacation units that do not have a valid nonconforming use certificate or registration certificate are not permitted in areas where the applicable development plan or sustainable communities plan prohibits the establishment of new bed and breakfast homes or transient vacation units; provided that bed and breakfast homes or transient vacation units may renew valid registration certificates that were initially issued prior to an amendment to the applicable development plan or sustainable communities plan that prohibits bed and breakfast homes or transient vacation units in the plan area.

(b) *Hotel – standards.*

(1) In the BMX-3 zoning district, hotels are permitted within the Primary Urban Center development plan, Ewa development plan, or Central Oahu sustainable communities plan areas; provided that all of the following are satisfied:
(A) The hotel does not exceed a floor area ratio of 2.0, excluding floor area dedicated to separate permitted uses;
(B) The hotel may not be used or include facilities for weddings, conventions, or special events as an accessory use, and specific uses must be permitted as a principal use in the underlying zoning district; and
(C) Guest rooms must be offered or used for transient accommodations for a minimum of 275 days per year, unless unavailable for occupancy due to necessary repair or maintenance.

(2) In the IMX-1 zoning district, hotels are permitted in the areas situated in close proximity to the Daniel K. Inouye International Airport, as designated in Figure 21-5.4.

Figure 21-5.4

Hotels Permitted Areas – IMX-1 Zoning District
Close Proximity to the Daniel K. Inouye International Airport

(c) *Timeshare – standards.* Timeshare units are permitted as described in subdivision (1) and as depicted in the figure referred to in subdivision (2); provided that if there is any inconsistency between the description in subdivision (1) and the depiction in the figure referred to in subdivision (2), the figure referred to in subdivision (2) will prevail.

(1) Timeshare units are permitted in the A-2 medium density apartment zoning district; provided that:

(A) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and

(B) The resort district and the A-2 district have been rezoned pursuant to the same zone change application as part of a master-planned resort community; and

(2) The areas in which timeshare units are permitted as set forth in subdivision (1) are depicted as the areas located within the A-2 medium density apartment zoning district situated in close proximity to the Ko Olina Resort, as designed in Figure 21-5.5.

Figure 21-5.5
Timeshare Permitted Areas – Close Proximity to the Ko Olina Resort

§ 21-5.70-4 Medical.

Uses in the medical category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General medical services – standards.*

(1) In the apartment mixed-use zoning district, the density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the industrial mixed-use zoning district, the density requirements of Table 21-3.5 and § 21-3.140-1(c) apply.

(b) *Hospital – standards.* As required pursuant to a plan review use permit.

§ 21-5.70-5 Office.

Uses in the office category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General office – standards.* The density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

§ 21-5.70-6 Parking.

Uses in the parking category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Remote parking – standards.*

(1) In the apartment, apartment mixed-use, and resort zoning districts, there is no minimum zoning lot area, width, or depth for remote parking facilities.

(2) For additional requirements applicable to remote parking see § 21-6.70.

(b) *Commercial parking – standards.* The density controls of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

§ 21-5.70-7 Personal service.

Uses in the personal service category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General personal services – standards.*

(1) In the apartment mixed-use zoning district:

(A) All services involving amplified music or music instruction must be located in a fully enclosed, sound-attenuated structure, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) The density requirements of Table 21-3.3 and § 21-3.90-1(c)(4) apply.

(2) In the industrial mixed-use zoning district, the density requirements of Table 21-3.5 and § 21-3.140-1(c) apply.

(3) When the principal entrance is less than 75 feet or its parking area is less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning district:

(A) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and

(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. General personal services uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(b) *Animal care, minor and major – standards.*

(1) All structures and facilities associated with keeping animals overnight must either:

(A) Be set back a minimum of 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning district; or

(B) Be fully enclosed, soundproofed, and air-conditioned if it is within 100 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning district.

(2) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned, and associated odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks.

(3) Except for occasional and infrequent incidents, animal noises must not be detectable from common areas within a building, abutting properties, or public areas such as streets and sidewalks.

(4) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.

(5) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping for as long as the major animal care is in operation, as evidenced by a farm plan that shows the area and

percentage of the zoning lot to be in active agricultural use, and includes information about a farm or ranch's resources, goals, and business plan to engage in crop production or livestock and poultry keeping.

§ 21-5.70-8 Recreation, outdoor.

Uses in the outdoor recreation category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Golf course – standards.* As required pursuant to a plan review use permit.

(b) *Zoo – standards.* As required pursuant to a plan review use permit.

(c) *Nature-based recreation – standards*.

(1) In the P-2 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area must be dedicated to crop production, livestock and poultry keeping, or passive undeveloped recreational areas, such as natural open space, forests, and trails, for as long as the nature-based recreation is in operation, as evidenced by a farm plan or recreational plan that shows the area and percentage of the zoning lot to be in active agricultural use or passive undeveloped recreational use, and includes information about a farm, ranch, or recreational area resources, goals, and business plan to engage in crop production or livestock and poultry keeping, or for passive recreational purposes.

(2) The overall density for cabins must not exceed one cabin per acre, and no kitchens or wet bars are allowed.

(3) For horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be set back a minimum of 100 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.

(4) A minor conditional use permit is required if the nature-based recreation activity does not include overnight stays. A major conditional use permit is required if the nature-based recreation activity includes overnight stays.

§ 21-5.70-9 Retail.

Uses in the retail category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General retail, small, medium, large – standards.*

(1) All incidental storage of material and equipment must be located in a fully enclosed structure.

(2) When the principal entrance is less than 75 feet or its parking area is less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning district:

(A) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and

(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. Small, medium, or large general retail uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(3) In the apartment mixed-use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m., including any loading activities associated with the retail use.

(4) In the industrial mixed-use zoning district, the density controls of Table 21-3.5 and § 21-3.140-1(c) apply.

(b) *Mobile commercial establishment – standards.*

(1) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter.

(2) Mobile commercial establishments must operate outside of any required yards.

(3) One portable sign per mobile commercial establishment is allowed during hours of operation. The sign must be located within 5 feet of the mobile commercial establishment, unless weather conditions render it unsafe.

(4) When three or more mobile commercial establishments operate on one zoning lot:

(A) A parking management plan is required. See § 21-6.30(m) for adjustments and exemptions to parking requirements for mobile commercial establishments.

(B) A pedestrian and vehicle circulation plan is required.

(C) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(D) If seating areas are provided for patrons of the mobile commercial establishments, restrooms or portable restrooms accessible to patrons must be present on the zoning lot and adequately screened from public view.

(5) If a mobile commercial establishment is located less than 75 feet from any adjoining zoning lot:

(A) In the country, apartment, or apartment mixed-use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m.

(B) In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m.

(6) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this subsection.

§ 21-5.70-10 Vehicle-related.

Uses in the vehicle-related category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Car wash – standards.*

(1) When the use occurs less than 75 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use zoning district:

(A) A solid wall or fence (not a chain-link fence) or equivalent landscape buffer (such as a screening hedge), 6 feet in height, must be installed and maintained at the common property lines; and

(B) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. Car wash uses that are intended to operate beyond these hours may be permitted under a minor conditional use permit.

(2) A closed-loop water recycling system with no offsite discharge or run-off must be used.

(3) The use must be in a sound-attenuated structure.

§ 21-5.70-11 Accessory commercial.

Uses in the accessory commercial category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Drive-thru – standards.*

(1) Speaker boxes must be set back a minimum of 75 feet from the property line of any zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

(2) Drive-thru lanes must be set back a minimum of 20 feet from the property line of any zoning lot in the country, residential, apartment, or apartment mixed-use zoning districts.

§ 21-5.80 Industrial uses.

The following sections contain standards for the industrial use categories.

§ 21-5.80-1 Manufacturing and processing.

Uses in the manufacturing and processing category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General manufacturing and processing – standards.*

(1) *Light:* In the business and business mixed-use zoning districts, total floor area must not exceed 10,000 square feet.

(2) *Heavy:*

(A) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(B) Areas used for pickup or drop-off of equipment between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(b) *Biofuel processing facility – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(3) In the AG-1 and AG-2 zoning districts, agricultural land and other agricultural uses in the vicinity of the biofuel processing facility must not be adversely impacted, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS § 205-4.5(a)(16).

(c) *Explosive or toxic chemical manufacturing, storage, and distribution – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

(3) Explosives storage must be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The height of the landform or barrier must be taller than any magazine or production facility and must consist of an earthen mound or revetted wall with a minimum thickness of 3 feet.

(d) *Food manufacturing and processing – standards.*

(1) In the business and business mixed-use zoning districts, total floor area must not exceed 4,000 square feet.

(2) The slaughter of animals is not permitted.

(e) *Petrochemical plant - standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the required minimum setback may be reduced; provided that under no circumstances may the setback distance be less than 500 feet.

§ 21-5.80-2 Marine.

Uses in the marine category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General marine – standards.*

(1) *Minor:*

(A) Except as provided in (B) or (C), launching ramps, boat repair facilities, establishments for the sale of boating supplies and fuel, clubhouses and drydock facilities, or other areas for storage of boats on land must be set back from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts by:

(i) Except as provided in (ii), 300 feet if open between the hours of 10:00 p.m. and 6:00 a.m.; or

(ii) One hundred fifty feet if not open between the hours of 10:00 p.m. and 6:00 a.m., or if the activity or facility is screened by a solid wall at minimum of 6 feet in height.

(B) A master planned community with an inland waterway designated as within the preservation zoning district is not subject to the additional setback requirements; provided that the master planned community was

created pursuant to the same zone change application as part of a single rezoning action.

(C) Where a general marine use occurs adjacent to an inland waterway designated as within the preservation zoning district, no setback requirement is required for uses not common to both the underlying zoning district and the preservation zoning district.

§ 21-5.80-3 Repair.

Uses in the repair category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Heavy repair – standards.*

(1) All structures and activities must be set back a minimum 100 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(2) All activities conducted between the hours of 10:00 p.m. and 6:00 a.m. must be set back a minimum of 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(b) *Vehicle service – standards.* All activities conducted within 300 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts are limited to the hours between 6:00 a.m. to 10:00 p.m.

§ 21-5.80-4 Resource extraction.

Uses in the resource extraction category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *General resource extraction – standards.*

(1) Blasting operations are restricted to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.

(2) The application for a conditional use permit must include a plan for the development of the property, which includes the exploitation and reuse of the property.

(A) The plan for the exploitation phase must show the proposed development as planned in relation to surrounding property within 300 feet, and include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions (including topography, drainage, and soils) that will exist at the end of the exploitation phase. Contour intervals for topography must be 5 feet in areas where the slope is greater than 10 percent, or 2 feet in areas where the slope is 10 percent or less.

(B) The plan for the reuse phase must indicate how the property is to be left in a form suitable for reuse for purposes permissible in the underlying zoning district, and the relation between the reuse and the existing or proposed uses for surrounding properties. Among items to be included in the plan are:

(i) Feasible circulation patterns in and around the site;

(ii) The treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) in order to make the property suitable for the proposed reuse; and

(iii) The treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage.

In the plan for reuse, intermittent lakes and marshes are not permitted, except in areas within flood hazard districts; provided that the intermittent lake or marsh is situated more than 1,000 feet from the property line of the nearest zoning lot in the residential, apartment, apartment mixed-use, or resort zoning districts.

§ 21-5.80-5 Storage and warehousing.

Uses in the storage and warehousing category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Self-storage – standards.*

(1) No individual storage area may exceed 6,000 cubic feet in volume.

(2) All buildings must have windows or architectural treatments that look like windows.

(3) Storage spaces may not be used for activities other than the storage of personal property. Accessory uses are limited to the sale of boxes, tape, and other packing-related materials.

(b) *Storage yard – standards.*

(1) Sale or processing of scrap, salvage, or secondhand material is prohibited.

(2) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(3) Within the I-1 zoning district:

(A) All structures and activities must be set back a minimum 100 feet from the property line of any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(B) If the facility is within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning districts, equipment startup, including motor vehicles, are limited to the hours between 6:00 a.m. and 10:00 p.m.

§ 21-5.80-6 Transportation.

Uses in the transportation category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Airport – standards.* As required pursuant to a plan review use permit.

(b) *Base yard – standards.*

(1) Except for necessary openings for ingress and egress, storage yards must be completely enclosed by a fence or wall a minimum of 6 feet in height.

(2) Within the I-1 zoning district:

(A) All structures and activities must be set back a minimum of 100 feet from any zoning lot in the residential, apartment, or apartment mixed-use zoning districts.

(B) If the facility is within 300 feet of a zoning lot in the residential, apartment or apartment mixed-use zoning districts, startup of equipment, including motor vehicles, is limited to the hours between 6:00 a.m. and 10:00 p.m.

(c) *Heliport – standards.* Except for emergency medical operations and search and rescue operations:

(1) Heliports may not exceed one operation per hour.

(2) Takeoff and landing operations are restricted to the hours between 8:00 a.m. and 5:00 p.m.

(3) Rotorcraft are limited to a maximum gross weight of up to 7,000 pounds.

(d) *Multimodal facility – standards.* As required by a conditional use permit.

§ 21-5.80-7 Waste-related.

Uses in the waste-related category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Salvage, scrap, or junk storage and processing – standards.*

(1) All structures and activities must be set back a minimum of 1,500 feet from the property line of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning district.

(2) If the director determines that potential impacts of the facility will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the setback requirement may be reduced; provided that under no circumstances may the distance be less than 500 feet.

(b) *Waste disposal and processing – standards.*

(1) No waste disposal and processing facility may be located within 1,500 feet of any zoning lot in the country, residential, apartment, apartment mixed-use, or resort zoning districts. If it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, the 1,500-foot distance may be reduced; provided that the distance may not be less than 500 feet.

(2) Solid waste landfills and construction and demolition landfills may not be constructed, modified, or expanded unless a minimum 0.5-mile buffer zone is provided around the waste or disposal facility from the property line of any zoning lot used for residential, school, or hospital purposes;

(3) This subsection does not apply to the continued operation of an existing solid waste landfill or construction and demolition landfill that is properly permitted; provided that the continued operation does not require vertical or horizontal physical expansion of the facility requiring additional permit review and modification; and

(4) This subsection does not apply to any individual, State-certified, non-industrial redemption center.

§ 21-5.80-8 Accessory industrial.

Uses in the accessory industrial category that are required to comply with specific standards are set forth in this section. Development standards required in other articles of this chapter apply to all uses.

(a) *Helistop – standards.*

(1) Structures for rotorcraft storage are prohibited.

(2) May include overnight parking of one rotorcraft.

(3) Except for emergency medical operations and search and rescue operations:

(A) Helistops may not exceed one operation per hour.

(B) Takeoff and landing operations are restricted to the hours between 8:00 a.m. and 5:00 p.m.

(C) Rotorcraft are limited to a maximum gross weight of up to 7,000 pounds.

§ 21-5.90 Miscellaneous uses.

The following sections set forth the standards for uses in the miscellaneous use categories. Development standards required in other articles of this chapter apply to all uses.

§ 21-5.90-1 Historic structure reuse.

Uses that incentivize the owner of a historic structure to maintain the structure when the use is not otherwise permitted in the underlying zoning district.

(a) Any use is permitted in a structure listed on the Hawaii or National Register of Historic Places; provided that any proposed alteration, repair, or renovation beyond the structure's original design and the proposed use must be approved by the appropriate historic preservation entity, and may not result in the destruction or demolition of the structure.

(b) The director may deny any historic structure reuse request upon determining that the reuse may result in adverse impacts on the surrounding neighborhood for which reasonable mitigative measures are not possible or practicable.

§ 21-5.90-2 Joint development of two or more adjacent zoning lots.

(a) Whenever two or more adjacent zoning lots are developed jointly in accordance with this section, they will be considered and treated as one zoning lot; provided that whenever the zoning lots involve two or more zoning districts, the lots will be subject to § 21-4.50.

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

(c) When applying for a minor conditional use permit for joint development under this section, the applicants shall submit to the director a joint development agreement that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of joint development proposed in such a way that there will be conformity with applicable zoning regulations. The development standards listed in § 21-2.90-2(c) may not be modified through a conditional use permit for joint development unless allowed through another discretionary approval. The right to enforce the

agreement will also be granted to the city. The joint development agreement is subject to the approval of the corporation counsel of the city.

(d) If the director finds that the proposed agreement assures future protection of the public interest and meets the requirements for issuance of a conditional use permit, the director shall issue the conditional use permit. Upon issuance of the permit, the joint development agreement, which must be one of the conditions of the conditional use permit, must be recorded as a covenant running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. Proof of such recording in the form of a copy of the covenant certified by the appropriate agency must be filed with the director prior to the issuance of any building permit.

Article 6. Off-street Parking and Loading

Sections:

21-6.10	**Off street parking and loading—Purpose and intent.**
21-6.20	**Off street parking requirements.**
21-6.30	**Adjustments and exceptions to parking requirements.**
21-6.40	**Bicycle parking**
21-6.50	**Parking space dimensions and access.**
21-6.60	**Electric vehicle charging stations.**
21-6.70	**Off-site parking and loading.**
21-6.80	**Surface parking site planning.**
21-6.90	**Structured parking site planning and design standards.**
21-6.100	**Unbundled parking.**
21-6.110	**Off-street loading requirements.**
21-6.120	**Adjustments and exceptions to loading requirements.**
21-6.130	**Loading space dimensions and access.**
21-6.140	**Passenger ride hailing services and deliveries.**
21-6.150	**Nonconforming off-street parking and loading.**

Figures:

21-6.1	**Permitted Vehicle Overhangs**
21-6.2	**Permitted Vehicle Overhangs**

Tables:

21-6.1	**Minimum Off-Street Parking Ratios**
21-6.2	**Joint-use Parking and Loading Reduction Matrix**
21-6.3	**Bicycle Parking Spaces Required**
21-6.4	**Parking Aisle Widths**
21-6.5	**Required Number of Loading Spaces**

Sec. 21-6.10 Off-street parking and loading – Purpose and intent.

(a) The purpose of off-street parking and loading standards is to provide:

(1) Regulations and guidance regarding off-street parking and loading;

(2) Regulations to assist with satisfying the goals of the Oahu general plan, development plans, sustainable communities plans, neighborhood transit-oriented development plans, Oahu resilience strategy, and other adopted city plans and policies; and

(3) Regulations to create opportunities to reduce housing and development costs and support multimodal communities.

(b) The intent of parking and loading standards is to:

(1) Ensure the provision of sufficient off-street parking and loading spaces in lots and structures that contribute to attractive, environmentally sound, and pedestrian-friendly streetscapes;

(2) Provide mechanisms and incentives to encourage the development of a more sustainable and multimodal transportation network, and encourage the use of transportation options to reduce congestion, improve pedestrian safety, and enhance the quality of the environment; and

(3) Provide reasonable flexibility to ensure that environmental, economic, and technical concerns are given appropriate consideration in decision-making.

(c) Off-street parking and loading spaces must be provided as required by this article.

(d) Unless otherwise specified in this article, the term "parking spaces" refers to motor vehicle parking spaces, and the term "vehicle" refers to motor vehicles.

(Added by Ord. 20-41)

Sec. 21-6.20 Off-street parking requirements.

(a) Determining if parking is required, and the appropriate parking ratio. No off-street parking is required in the Primary Urban Center Development Plan area and Ewa Development Plan area, except for those areas thereof located in the residential, agricultural, and preservation zoning districts. Additionally, no off-street parking is required in any zoning district within 0.5 miles of an existing or future Honolulu rail transit station, as identified in the accepted environmental impact statement, or in the transit-oriented development special districts. The minimum off-street parking ratios shown below in Table 21-6.1 apply to all other areas not identified in this subsection. In areas where no parking is required, any parking that is provided must meet the design, dimensions, and other standards set forth in this chapter.

Table 21-6.1
Minimum Off-Street Parking Ratios

Use Categories	***Standard (per floor area unless noted otherwise)***
RESIDENTIAL AND LODGING Household living – single-unit, two-unit, duplex-unit, and multi-unit dwellings Group living – small and large Accessory residential – accessory dwelling unit, home occupation, ohana unit, rooming Accessory agricultural – farm dwelling, farm worker housing Lodging – hotel, major and minor; timeshare; vacation rental unit	1 per 1,000 square feet of private dwelling or lodging area, not including areas identified in § 21-6.20(b)(2)(A)
COMMERCIAL 1 Daycare – child daycare and adult daycare Eating and drinking – general eating and drinking; bar/nightclub, major and minor Medical services – general medical services, hospital, medical laboratory Office – general office Personal services – general personal services; animal care, minor and major Retail – general retail, medium and large; mobile commercial establishment	1 per 500 square feet
COMMERCIAL 2 Retail – general retail, small	1 per 1,000 square feet

Table 21-6.1 *Minimum Off-Street Parking Ratios*	
Use Categories	***Standard (per floor area unless noted otherwise)***
Vehicle related – car wash; vehicle fueling station; vehicle sales and rental, light and heavy Accessory commercial – drive-thru	
AGRICULTURE, INDUSTRY, AND WAREHOUSING Agricultural support – agricultural equipment services; agricultural collection and storage, major and minor; feed store; agricultural processing, major and minor; sawmills; veterinary services Manufacturing and processing – general manufacturing and processing, light and heavy; bio-fuel processing facility; brewery, distillery, winery, minor and major; explosive or toxic chemical manufacturing, storage, and distribution; food manufacturing and processing; linen supplier; petrochemical plant; production studio; publishing facility Marine – general marine, minor and major; port Repair – general repair, heavy repair Research and development – general research and development Storage and distribution – general storage, warehousing, and distribution; self-storage; storage yard	1 per 2,000 square feet
SCHOOLS Education – school, K-12; vocational school, minor or major	1 per 500 square feet of office or classroom
PLACES OF ASSEMBLY Assembly - meeting facility, small, medium, or large Recreation, indoor – theater	1 per 125 square feet of assembly area, or 1 per 5 fixed seats, whichever is less
RECREATION Recreation, indoor – general indoor recreation Recreation, outdoor – general outdoor recreation	1 per 250 square feet of assembly area or seating, plus 2 per court, and 10 per field or pool
SPECIAL USES AND CIRCUMSTANCES Agricultural Crop production – aquaculture; crop raising; forestry; plant nursery; urban farm; vertical farm Livestock and poultry keeping – animal raising, minor and major Accessory agricultural – agricultural energy facility, agritourism, beekeeping, biofuel processing facility, farm stand, farmers market Residential Accessory residential – home occupation	Determined by Director

Table 21-6.1 *Minimum Off-Street Parking Ratios*	
Use Categories	***Standard (per floor area unless noted otherwise)***
Public, civic, and institutional	
Communication – dish antenna; tower antenna; stealth antenna; accessory receive only antenna	
Government – prison, consulate, public facility	
Parks and open space – cemetery, open land, park, wildlife preserve	
Utility – small, medium, or large	
Commercial – commercial parking	
Industrial	
Accessory industrial – helistop	
Resource extraction – general resource extraction	
Transportation – airport, base yard, heliport, multi-modal facility, truck terminal	
Waste related – salvage, scrap, or junk storage and processing; waste disposal and processing	
Miscellaneous – Historic structure re-use, other unique uses not captured elsewhere	

(b) Method of calculating the number of required parking spaces.

(1) When computation of the total required parking spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required parking spaces will be the next highest whole number.

(2) When a building or premises includes uses incidental or accessory to a principal use, the total number of required parking spaces will be determined on the basis of the parking requirements of the principal use. Floor area that may be eliminated for purposes of calculating parking requirements includes:

(A) Common areas and accessory recreation areas in multi-unit dwellings, lodging, small or large group living, and consulates;

(B) Accessory areas in assembly, education, government, or other similar uses, except all classrooms, offices, and gallery space;

(C) Stairwells and ancillary spaces, when directly and exclusively used for mechanical spaces and not actively used by employees. Mechanical car-wash areas are included in this exemption; and

(D) Other areas that do not induce a parking demand, as determined by the director.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.30 Adjustments and exceptions to parking requirements.

(a) Change of use. If there is a change in use, the number of off-street parking spaces set forth in Table 21-6.1 for the new use is required, except as provided under § 21-4.110(e), relating to nonconforming parking and loading.

(b) For accessory dwelling units, except for accessory dwelling units located within 0.5 mile of a rail station, one off-street parking space must be provided in addition to the required off-street parking for the primary dwelling unit. For accessory dwelling units located on zoning lots within the Primary Urban Center development plan area or the Ewa development plan area, the off-street parking space requirement is waived if the zoning lot developed with an accessory dwelling unit is located within 800 feet of a city bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an ohana unit located on the same zoning lot.

(c) For bed and breakfast homes in areas where parking is required for the dwelling, one off-street parking space for each guest bedroom is required in addition to the required off-street parking for the dwelling.

(d) Home occupations.

(1) Home occupations that involve client visits must provide one off-street parking space for every four clients that may be on the property at any given time in addition to the parking spaces required for the dwelling use.

(2) This requirement will be calculated as requiring one off-street parking for the first four clients and one additional off-street parking for every fractional increment up to four thereafter.

(2) Home occupations that involve employees must provide one off-street parking space for the one onsite employee that may be on the property at any given time.

(3) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling.

(4) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) may not park on the street.

(e) In connection with planned development projects, cluster housing, conditional use permits, existing use permits, and within special districts, the director may impose special parking and loading requirements.

(f) Except for multi-unit dwellings and lodging, all buildings and uses that are located within the boundaries of any improvement district for public off-street parking, and that have been assessed their share of the cost of the improvement district, are exempt from the off-street parking requirements of this chapter.

(g) Joint use of parking and loading, onsite and remote. On-site joint use of parking and loading is permitted on lots with more than one use. Remote joint use of parking and loading is permitted, subject to Section 21-6.70 and this section. All parking spaces provided under this section must be standard size. The number of required parking and loading spaces may be reduced by applying the rates provided in Table 21-6.2 to the total requirement for the various uses when added together.

Table 21-6.2 *Joint-use Parking and Loading Reduction Matrix*						
Uses	**Residential**	**Office/ Industrial**	**Other Commercial**	**Eating and Drinking**	**Lodging**	**Other**
Residential	100%	80%	90%	90%	90%	90%
Office/Industrial	80%	100%	80%	80%	90%	90%
Other Commercial	90%	80%	100%	90%	80%	90%
Eating and Drinking	90%	80%	90%	100%	90%	90%
Lodging	90%	90%	80%	90%	100%	90%
Other	90%	90%	90%	90%	90%	90%
		All joint-use parking spaces must be standard size.				
Three different uses	90%					
Four or more uses	80%					

(h) Incentives for sustainable transportation.

(1) Unbundled parking. Except in the residential zoning districts, in areas where parking is otherwise required under Section 21-6.20, if at least 50 percent of the parking spaces provided by a project is unbundled, the project has no minimum parking requirement.

(2) Bicycle parking in excess of the minimum bicycle parking requirements. Four short-term or long-term bicycle parking spaces in excess of the minimum bicycle parking requirement may be substituted for one off-street vehicle parking space, up to a maximum of four vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Bicycle parking must comply with Section 21-6.40.

(3) Bicycle sharing. Shared bicycle parking spaces, provided off-street on private property, may be substituted for required bicycle parking spaces, or may be substituted for up to a maximum of two vehicle parking spaces or 15 percent of the required off-street vehicle parking spaces, whichever is greater. Four shared bicycle parking spaces are equivalent to one off-street vehicle parking space. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the project's building permit approval:

(A) A written agreement with the provider of the bicycle sharing service, including the number and a written description of the location of shared bicycles;

(B) A floor plan or site plan of the area clearly identifying the location of the shared bicycles;

(C) The property owner and provider's contact information, including street address; and

(D) Any other pertinent information as determined by the director.

(4) Car-sharing. A parking space that is utilized by a car-sharing organization, as that term is defined in HRS § 251-1, for a shared car in its fleet may be substituted for three required off-street vehicle parking spaces. The shared car parking spaces must be accessible to members of the car-sharing organization, and may include members of the car-sharing organization who access the shared cars from a public street. To be eligible for a reduction in the required number of vehicle parking spaces, the following must be submitted prior to the issuance of a building permit for the project:

(A) A written agreement with the car-sharing organization must include the number of shared car parking spaces and a description of the location of the shared car parking spaces;

(B) A floor plan or site plan of the parking area clearly identifying the location of the shared car parking spaces;

(C) The property owner and provider's contact information, including street address; and

(D) Any other pertinent information as required by the director.

(5) Motorcycle and moped parking. One motorcycle or moped parking space may be substituted for one off-street vehicle parking space, up to a maximum of two spaces, or 10 percent of the required off-street vehicle parking spaces, whichever is greater. Motorcycle and moped parking must comply with Section 21-6.50.

(i) No additional off-street parking spaces are required for nonconforming zoning lots beyond parking spaces existing on the effective date of this ordinance. Any parking spaces provided on nonconforming zoning lots are subject to the parking space standards in this chapter.

(j) The following sections may have additional requirements or opportunities not set forth in this article:

(1) Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;

(2) Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;

(3) Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements; and

(4) Section 21-5.50-3(c) relating to home occupations.

(k) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot.

(l) For mobile commercial establishments, when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.

(m) For ohana units, the off-street parking space requirements are the same as required for the primary dwelling unit, which are in addition to the required off-street parking for the primary dwelling unit. For ohana units that are 1,000 square feet or less in size and are located on zoning lots within the Primary Urban Center development plan area or the Ewa development plan area, the off-street parking space requirement is waived if the

zoning lot developed with an ohana unit is located within 800 feet of a city bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an accessory dwelling unit located on the same zoning lot.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.40 Bicycle parking.

(a) Parking for bicycles is required in the apartment, apartment mixed use, business, business mixed use, and resort districts, and in all precincts of the Waikiki special district.

(b) Number of bicycle parking spaces required. Short-term and long-term bicycle parking spaces must be provided as set forth in Table 21-6.3; provided that no bicycle parking spaces are required for single-unit, two-unit, and duplex-unit dwellings. Short-term and long-term bicycle parking spaces must be provided whenever new floor area, new dwelling units, or a new commercial parking lot or structure is proposed. When computation of the total required bicycle parking spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required bicycle parking spaces will be the next highest whole number.

Table 21-6.3
Bicycle Parking Spaces Required

Use or Use Category	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Commercial	1 space per 2,000 square feet of floor area or portion thereof, or 1 space for every 10 vehicle spaces or portion thereof, whichever is greater.	1 space per 12,000 square feet of floor area, or 1 space per 30 vehicle spaces, or portion thereof, whichever is greater.
Industrial	1 space per 4,000 square feet of office floor area or portion thereof (excludes storage floor area).	1 space per 18,000 square feet of office floor area or portion thereof (excludes storage floor area).
Residential	1 space for every 10 dwelling or lodging units.	1 space for every 2 dwelling or lodging units.
Hotel	1 space for every 20 dwelling or lodging units.	1 space for every 10 dwelling or lodging units.

(c) Anchoring and Security. For each bicycle parking space required, a bicycle rack must be provided, to which a bicycle frame and one wheel may be secured with a high-security U-shaped lock. If a bicycle may be locked to each side of the rack without conflict, each side may be counted toward a required space.

(d) Size and Accessibility.

(1) Each bicycle parking space must be a minimum of two feet in width, six feet in length, and must be accessible without moving another bicycle. Vertical or stacked spaces that meet the dimension, security, and accessibility requirements

above are permitted, and the depth and height of these spaces must be a minimum of four feet. All types of bicycle parking spaces must be clear of walls, poles, landscaping (other than ground cover), street furniture, drive aisles, pedestrian ways, and vehicle parking spaces for at least five feet from the edge of the bicycle parking space on the side that the bicyclist accesses the bicycle parking area.

(2) Short-term bicycle parking spaces must be located as close as practicable to the entrances of the principal uses on a lot so they are highly visible and easily identifiable. Section 21-4.110(e), relating to nonconforming parking and loading, does not apply to short-term bicycle parking spaces.

(3) Bicycle parking spaces, including those with fixed racks for parking and locking, are allowed within front yards pursuant to Section 21-4.30(a)(7).

(4) Long-term bicycle parking must be provided in the form of enclosed bicycle lockers or easily accessible, secure, and covered bicycle storage. Section 21-4.110(e), relating to nonconforming parking and loading, does not apply to long-term bicycle parking spaces.

(5) Bicycle parking spaces within enclosed parking structures must be located as close as practicable to an entrance of the parking structure so they are visible from the street or sidewalk. Where the bicycle parking spaces are not visible from the front entrance, signage indicating the location of the bicycle parking spaces is required.

(6) To accommodate technological advances, at the request of an applicant, size, accessibility, and other requirements may be modified at the discretion of the director.

(e) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, short-term and long-term bicycle parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.50 Parking space dimensions and access.

(a) Dimensions of parking spaces.

(1) Standard parking spaces must be at least 18 feet in length and eight feet three inches in width, with parallel spaces at least 22 feet in length.

(2) Compact parking spaces must be at least 16 feet in length and seven feet six inches in width, with parallel spaces at least 19 feet in length.

(3) All provided parking spaces must be standard-sized parking spaces, except that single-unit, two-unit, duplex-unit, and multi-unit dwellings may have up to 50 percent of the total number of provided parking spaces as compact parking spaces, and accessory dwelling units may satisfy the parking requirement with a compact parking space.

(4) Required parking spaces for boat launching ramps must have minimum dimensions of 40 feet in length and 12 feet in width.

(5) Motorcycle and moped parking spaces must be at least eight feet in length and four feet in width, and must provide a minimum five-foot wide access way clear of obstructions.

(6) Minimum aisle widths for parking bays must be provided in accordance with Table 21-6.4.

Table 21-6.4
Parking Aisle Widths

Parking Angle	Aisle Width
0º - 44º	12 ft.
45º - 59º	13.5 ft.
60º - 69º	18.5 ft.
70º - 79º	19.5 ft.
80º - 89º	21 ft.
90º	22 ft.

If the parking angle is 90 degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width of eight feet three inches, to a minimum aisle width of 19 feet.

(7) Ingress and egress aisles must be provided to a street and between parking bays. Driveways leading into a parking area must be a minimum of 12 feet in width, except that driveways for single-unit, two-unit, or duplex-unit dwellings, and internal one-way driveways connecting parking aisles must be a minimum of 10 feet in width.

(b) Arrangement of parking spaces.

(1) All parking spaces must be unobstructed; provided that structural support columns may extend a maximum of six inches into the sides of the parking space. A wall is not considered a structural support column.

(2) Where five or more parking spaces are provided, the spaces or area must be designed or arranged in a manner so that no maneuvering into or from any street, alley, or walkway is necessary in order for a vehicle to enter or leave a space, and that allows all vehicles to enter the street in a forward manner. Parking spaces must be individually marked. Compact spaces must be labeled "compact only."

(3) All parking spaces must be arranged so that any motor vehicle may be moved without moving another motor vehicle; provided that tandem parking is permissible in any of the following instances:

(A) Where two or more parking spaces are assigned to a single dwelling unit, or a parking space is assigned to an accessory dwelling unit;

(B) Where the parking spaces are used as employee parking; provided that the number of parking spaces allocated for employees must not exceed 25 percent of the total number of provided parking spaces, and employee tandem parking is limited to a configuration where only one vehicle must be moved to provide access to another vehicle;

(C) Where all parking is performed by an attendant at all times, and vehicles may be moved within the lot without entering any street, alley, or walkway; or

(D) For public assembly facilities and temporary events, where user arrivals and departures are simultaneous, and parking is attendant directed.

(c) Surface materials. Off-street parking spaces, parking lots, and driveways must be maintained with a dust-free, durable, all-weather surface except in the preservation, agricultural, and country districts, where parking lots and driveways may be surfaced with crushed rock or limestone, or as determined by the director pursuant to Article 2. Suitable dust-free all-weather surfaces may include but are not limited to permeable pavers, including grass-block, or similar systems; provided that the surface is maintained to prevent sediment, dirt, mud, or other debris from being transferred into the right-of-way.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.60 Electric vehicle charging stations.

(a) Equipment mounted on pedestals, lighting posts, bollards, or other devices at electric vehicle charging stations must be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement, or create safety hazards.

(b) Existing standard-sized parking spaces constructed prior to the effective date of this ordinance may be reduced in size to that of a compact space, if necessary, to accommodate electric vehicle charging equipment.

(Added by Ord. 20-41)

Sec. 21-6.70 Remote parking and loading.

(a) Required parking spaces, loading spaces, or bicycle parking spaces may be located off the premises as remote parking and loading facilities, in compliance with Section 21-2.90 relating to conditional uses. Remote parking and loading may be used in conjunction with the joint use of parking and loading.

(b) The distance between the entrance to the parking facility and nearest principal entrance of the establishment must not exceed 2,640 feet (a half-mile) using customary pedestrian routes. Remote loading facilities must not be separated from the establishment requiring the loading by a street, and must be connected by an improved pedestrian path or sidewalk. The distance between remote bicycle parking and the nearest principal pedestrian entrance of the establishment requiring the bicycle parking must not exceed 400 feet by customary pedestrian routes.

(c) When the remote parking or loading is necessary to meet minimum parking requirements, a written instrument must be recorded in the State bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, for both the zoning lot containing the principal structure or use and the remote parking lot or structure. The agreement must assure the continued availability of the number of required remote parking spaces being provided. The agreement must stipulate that if a required parking space is not maintained, or a parking space acceptable to the director is not substituted, the use or the portion of the use that is deficient in the number of required parking spaces must be discontinued. The agreement will be subject to the approval of the department of the corporation counsel as to form and legality.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.80 Surface parking site planning.

(a) Surface parking location and configuration.

(1) Setbacks.

(A) Surface parking, except that in the residential and country districts, must be set back a minimum of five feet from all side and rear property lines that adjoin lots in the country, residential, apartment, or apartment mixed use zoning districts.

(B) Parking and loading are not permitted in any required yards, except as follows:

(i) In the country, agricultural, and residential districts, parking and loading may encroach into the required yards;

(ii) For lots that are split zoned and have nonresidential parking, the parking and loading spaces may encroach entirely into the side yard created by the zoning boundary that splits the lot.

(b) Surface parking lot landscaping and screening. Parked vehicles in surface parking lots must be screened from view from all streets and public spaces.

(1) Surface parking lots of five or more parking spaces must provide a minimum five-foot landscape strip adjacent to any adjoining street right-of-way. If wheel stops are provided, parking spaces may overhang the five foot landscape strip (but not the required yard) by three feet (see Figure 21-6.2); provided that hedges and other landscape elements, including planter boxes over six inches in height, are not permitted within the overhang space. This five-foot strip must contain a continuous screening hedge a minimum of 36 inches in height with plantings a maximum of 18 inches on center. A minimum 36-inch-high wall or fence may be placed outside the yard in lieu of a hedge. If a wall or solid fence is erected, either a vine or shrub must be planted at the base of the wall or solid fence on the side fronting the property line. One canopy form tree, a minimum of two-inch caliper, must be planted in the landscape strip for each 50 feet or major fraction of adjacent lineal street frontage.

(2) To provide shade in surface parking lots and minimize visibility of paved surfaces, parking lots with more than 10 parking spaces must provide one canopy form tree, a minimum of two-inch caliper, for every six parking spaces or major fraction thereof, or one canopy form tree of six-inch caliper or more for every 12 parking spaces or major fraction thereof (see Figure 21-6.1). Each tree must be located in a planting area or tree well a minimum of nine square feet in area. The minimum width of an area for a tree is three feet. If wheel stops are provided, continuous planting areas with low ground cover, and tree wells with trees centered at the corner of parking spaces may be located within the three-foot overhang space of parking spaces (see Figure 21-6.2). Hedges and other landscape elements, including planter boxes over six inches in height, are not permitted within the overhang space of the parking spaces. Trees must be sited so as to evenly distribute shade throughout the parking lot. As an alternative to the above described planter areas for trees, a tree box specifically designed to treat stormwater runoff may be used on a one-for-one basis in place of the landscaped

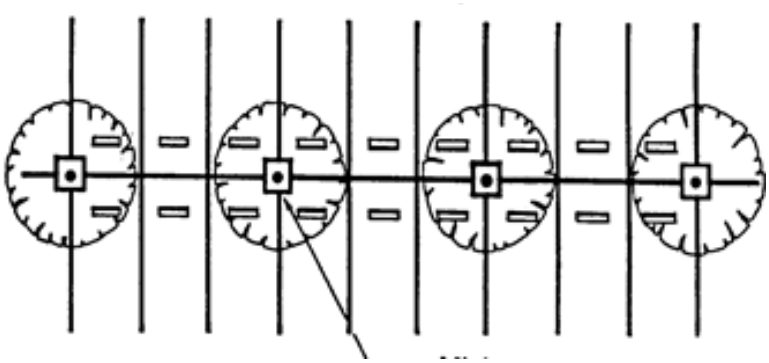
area. Tree boxes must be approved for compliance with the rules related to stormwater quality.

(3) All service areas and loading spaces must be screened from adjoining lots in the country, residential, apartment, and apartment mixed use districts by a wall six feet in height.

(4) All plant material and landscaping must be provided with a permanent irrigation system.

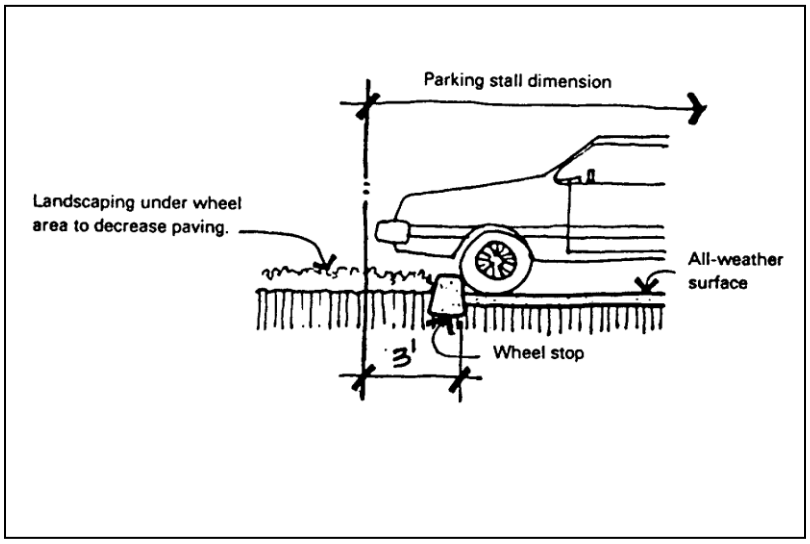
Figure 21-6.1
Canopy Tree Placement

Example: One Canopy tree for every six parking spaces



Minimum planting area, or stormwater tree box

Figure 21-6.2
Permitted Vehicle Overhangs



(c) Surface parking lot lighting. Lighting or illumination for surface parking lots must be designed or shielded to prevent any direct illumination toward any other zoning lot or street.

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.90 Structured parking site planning and design standards.

(a) Structured parking location and configuration.
  (1) All mechanical equipment on or in structured parking that is visible from a street, right-of-way, or public park, including but not limited to electrical panels, transformers, telecommunication distribution boxes, and backflow preventers must be screened from view. Mechanical equipment necessary for emergency responders, such as fire prevention standpipes, need not be screened.
  (2) Mechanical parking systems are permitted in parking structures.
  (3) Illuminated parking areas within the structure and on the roof must be designed or shielded to prevent any direct illumination toward any other zoning lot or street.

(b) Landscape screening for parking structures. Parking structures that are adjacent to zoning lots with side or rear setback requirements must meet the following requirements:
  (1) An 18-inch landscaping strip along the abutting property line must be provided, and consist of landscaping a minimum of 42 inches in height; provided that a solid wall 42 inches in height may be substituted for this requirement; and
  (2) A minimum two-inch caliper vertical-form tree must be planted for every 50 linear feet of structured parking building length facing a required yard.

(Added by Ord. 20-41)

Sec. 21-6.100 Unbundled parking.

Any parking space may be unbundled.

(Added by Ord. 20-41)

Sec. 21-6.110 Off-street loading requirements.

(a) Required number of loading spaces. Off-street loading requirements apply to all zoning lots exceeding 7,500 square feet in lot area for the types of uses specified in Table 21-6.5.

Table 21-6.5
Required Number of Loading Spaces

Use or Use Category	**Floor Area in Square Feet**	**Loading Space Requirements**
A. General retail, general eating and drinking, wholesale operations, general storage, warehousing, and distribution, general personal services, repair, self-storage	2,000 - 10,000	1
	10,001 - 20,000	2
	20,001 - 40,000	3
	40,001 - 60,000	4
	Each additional 50,000 or major fraction thereof	1

Table 21-6.5 *Required Number of Loading Spaces*		
B. Hotels, hospitals or similar institutions, places of public assembly	5,000 - 10,000 10,001 - 50,000 50,001 - 100,000 Each additional 100,000 or major fraction thereof	1 2 3 1
C. Offices	20,000 - 50,000 50,001 - 100,000 Each additional 100,000 or major fraction thereof	1 2 1
D. Multi-unit dwellings (units)	20 – 150 151 – 300 Each additional 200 or major fraction thereof	1 2 1

(b) Method of calculating the number of required loading spaces.

(1) If a building is used for more than one use, and the floor area for each use is less than the minimum floor area that would require a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, a minimum of one loading space is required.

(2) Basements devoted to a use having a loading requirement count towards the total floor area for calculating loading requirements.

(3) When computation of the total required loading spaces for a zoning lot results in a number with a fraction of 0.5 or greater, the number of required loading spaces will be the next highest whole number.

(c) Special loading requirements. Child and adult daycare and educational uses have special loading requirements. Facilities use for child daycare must provide a pickup and drop off area equivalent to four parking spaces pursuant to § 21-5.70-1(a). K-12 schools with more than 25 students must provide a pickup and drop off area equivalent to four parking spaces pursuant to § 21-5.60-3(a).

(Added by Ord. 20-41, Am. Ord. 25-2)

Sec. 21-6.120 Adjustments and exceptions to loading requirements.

(a) Exceptions to off-street loading requirements. The director may impose special loading requirements in connection with planned development projects, cluster housing, conditional use permits, and projects located within special districts.

(b) Joint use of loading. Two or more uses on the same or adjacent zoning lots may share a loading area. If the loading area is being jointly used by different property owners, a loading agreement between the owners is required. A jointly used loading agreement

must satisfy the requirements of a jointly used parking agreement pursuant to Section 21-6.70.

(c) Change of use. If there is a change in use, the number of off-street loading spaces required pursuant to Table 21-6.5 for the new use must be provided, except as provided under Section 21-2.140.

(d) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street loading spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot.

(Added by Ord. 20-41)

Sec. 21-6.130 Loading space dimensions and access.

(a) Dimensions of loading spaces.

(1) When only one loading space is required, the minimum horizontal dimensions of the space are 19 feet in length and eight feet six inches in width, with a minimum vertical clearance of 10 feet.

(2) When more than one loading space is required, the minimum horizontal dimensions for one-third of the required spaces are 35 feet in length and 12 feet in width, with a minimum vertical clearance of 14 feet. For the remaining required loading spaces, the minimum horizontal dimensions are 19 feet in length and eight feet six inches in width, with a minimum vertical clearance of 10 feet. When computation of the total required loading spaces with the dimensions 35 feet in length by 12 feet in width results in a number with a fraction of 0.5 or greater, the number of required loading spaces will be the next highest whole number.

(3) Access to loading spaces must have the same minimum vertical clearance as required for the loading spaces.

(b) Location and improvement of loading spaces.

(1) If loading space areas are illuminated, all sources of illumination must be designed or shielded to prevent any direct illumination toward any zoning lot or street.

(2) Each required loading space must be identified and must be reserved for loading purposes.

(3) All loading spaces and maneuvering areas must be maintained with an all-weather surface.

(4) Loading spaces or maneuvering areas are not permitted in any required yard, except in the preservation, agricultural, and country districts. For lots that are split zoned and have nonresidential loading, the loading spaces may encroach entirely into the side yard created by the zoning boundary that splits the lot.

(5) The width of loading bays entering buildings must not exceed 25 feet when facing streets, except in the agricultural, country, and industrial districts.

(6) Vehicular access to loading areas should be located where it is least likely to impede pedestrian circulation.

(Added by Ord. 20-41)

Sec. 21-6.140 Passenger ride hailing services and deliveries.

(a) Except in the preservation, agricultural, country, and industrial districts, each zoning lot that is required to have at least two loading spaces must provide one of the following or a combination thereof:

(1) A driveway sized to accommodate at least two vehicles designed for pickup and drop-off of passengers and deliveries; or

(2) One dedicated short-term, standard sized, parking space (ten- minute maximum parking period) for every required loading space for the pickup and drop off of passengers and deliveries. The parking space is subject to all parking setback requirements, and must be located near the entrance to the parking area and accessible to drivers or operators of delivery vehicles. The parking spaces required under this subdivision may count toward the minimum parking requirement.

(Added by Ord. 20-41)

Sec. 21-6.150 Nonconforming off-street parking and loading.

Parking and loading spaces that do not conform to the standards and requirements of this article should become conforming over time. If a nonconforming parking or loading space is modified to conform to the standards and requirements of this article, or a nonconformity is reduced, the nonconformity may not be reintroduced. Certain nonconformities may be allowed to continue pursuant to Section 21-4.110.

(Added by Ord. 20-41)

Article 7. Sign Regulations

Sections:

21-7.10	**Sign regulations--Purpose and intent.**
21-7.20	**Definitions and general sign standards.**
21-7.30	**Prohibited signs.**
21-7.40	**Specific district sign standards.**
21-7.50	**Special regulations for certain uses.**
21-7.60	**Permits and fees.**
21-7.70	**Abatement and removal.**
21-7.80	**Signs for nonconforming uses.**
21-7.80-1	**Nonconforming signs.**

Figures:

21-7.1	**Sign Area.**

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 firefighting 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.

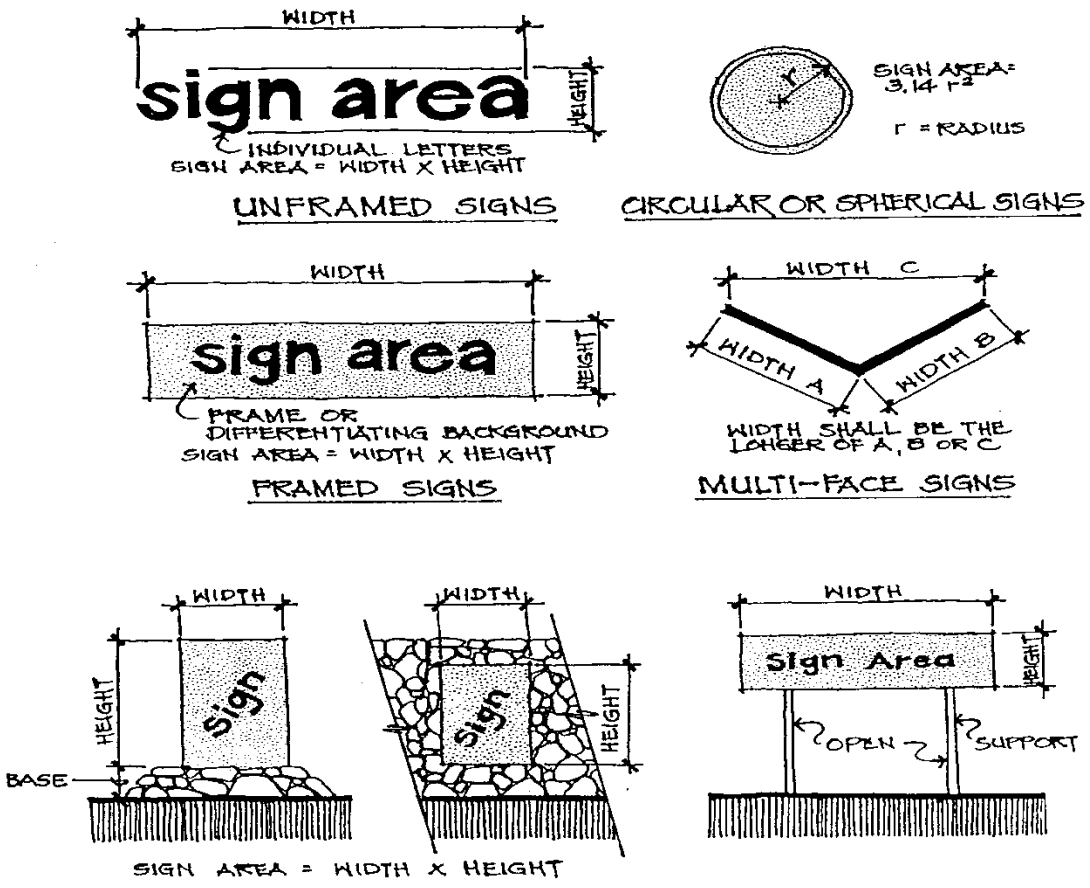
"Sign" means any structure, billboard, marquee, awning, canopy, street clock, announcement, declaration, demonstration, display, flag, pennant, banner, balloon, illustration or insignia used to advertise, attract or promote the interests of any person when it is placed on any property, building or structure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

Ref. § 21-7.20 [“Sign Area”]

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

"Window display" 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. 21-7.50 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 apply.

(a) Vehicle 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, will 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 may not overhang any required yard or public right-of-way.

(b) Car wash, vehicle fueling station, heavy repair, and vehicle service.

(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 will 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, will be permitted, provided that each sign may not exceed 3 square feet in sign area.

(4) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, will 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 may not exceed 24 square feet in sign area and may not be placed on the identification ground sign specified in subdivision (2). The sign will 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 may not exceed 24 square feet in sign area.

(c) Vehicle fueling accessory to small retail.

(1) Pump island information signs located at the pump islands, denoting "Full Service, Self Service" or similar, will be permitted, provided that each sign may not exceed 3 square feet in sign area.

(2) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, will 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; provided that it may 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 do 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) Commercial facilities with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level. Only wall signs are permitted at any level situated above the ground level. "Ground level" means the first level of a shopping center that contains outdoor parking facilities for the business establishments situated at this level.

(Added by Ord. 99-12, Am. Ord. 25-2)

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. 21-7.40 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.

(1) In connection with any permitted use, expect for single-unit dwelling, two-unit dwelling, or duplex-unit dwelling uses, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 9 square feet in area, is permitted for each ground floor establishment with building frontage.

(2) 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, will also be permitted for each building entry side. The ground sign may not be located in any required yard. Instead of one ground sign, one garden sign for each building entry 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, Am. Ord. 03-37, Am. Ord. 09-5, Am. Ord. 11-30, Am. Ord. 25-2, Am. 26-8)

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:

21-8.10	**Purpose and intent.**
21-8.20	**Repealed, Ord. 25-2**
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.**
21-8.30	**Farm dwellings—Agricultural site development plan.**
21-8.40	**Housing--Zero lot line development.**
21-8.40-1	**Zero lot line site plan.**
21-8.40-2	**Zero lot line site design standards.**
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.**
21-8.50-11	**Director's decision.**
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 Repealed, Ord. 25-2
Sec. 21-8.20-1 Repealed, Ord. 25-2

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 must 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 proposes to construct additional dwelling units under the provisions of § 21-5.50-3(c), relating to ohana units, the zoning lot must be subdivided;

(3) The number of dwelling units contained in each structure must not be greater than permitted in the applicable zoning district;

(4) This section does not apply to more than eight dwelling units on a single zoning lot in the country or residential zoning district, which must be processed under the established procedures for cluster housing, planned development housing or subdivision.

(5) For more than dwelling units, the zoning lot must 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, Am. Ord. 25-2)

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

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

(a) Any agricultural zoning lot that has at least twice the required minimum lot size for the underlying agricultural zoning district may have two farm dwellings. If the applicant proposes to construct additional farm dwellings under the provisions of § 21-5.50-3(c), relating to ohana units, the zoning lot must be subdivided.

(b) The agricultural site development plan must 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 as 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 underlying zoning district.

(3) Except where otherwise provided in this article, each existing and future farm dwelling must be located as if the zoning 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. Am. Ord. 25-2)

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

The purposes of this section are as follows:

(a) To allow housing that has the attributes of single-unit dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying zoning 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, Am. Ord. 25-2)

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 that would otherwise be difficult to develop under conventional city subdivision standards;

(b) To allow flexibility in housing types, including two-unit, duplex-unit, and multi-unit dwellings;

(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; and

(e) To provide common amenities, when appropriate.

(Added by Ord. 99-12, Am. Ord. 25-2)

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

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

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

Zoning 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, single-unit, two-unit, duplex-unit, and multi-unit dwellings are permitted. Multi-unit dwellings must not exceed eight dwelling units in one structure;

(c) The director may waive the following requirements if suitable landscaping or buffering with a fence or wall is provided:

(1) All structures containing more than two units must 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; and
(2) All common activity areas, such as tot lots, play courts, swimming pools and barbecue facilities, must 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 satisfied:
(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 multi-unit dwellings with gabled and/or hipped roof forms;
(3) The highest exterior wall line, equivalent to the structural top plate, must 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 zoning district. The distance between any three-story buildings must be at least 30 feet;
(5) The building must 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 must be constructed or landscaped buffering must be installed along the roadway, or a combination of a wall and landscaping must be provided, subject to the approval of the director;

(f) The maximum building area is 50 percent of the total land area for the project. Maximum building area for any zoning lot of record may be more than 50 percent in response to design considerations, but must not exceed 80 percent.

(g) Yards and height setbacks abutting the boundaries of the entire cluster development site must not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all zoning lots fronting public streets must 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, Am. Ord. 25-2)

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 multi-unit 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, Am. Ord. 25-2)

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 are permitted:

(a) Public, civic and institutional uses; provided that facilities where the conduct of commercial affairs is a principal activity are not permitted;
(b) Adult or child daycare facilities;
(c) Dwellings – single-unit, two-unit, duplex-unit, and multi-unit; and
(d) General outdoor recreation.
(Added by Ord. 99-12, Am. Ord. 25-2)

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
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:

21-9.10	**Developments in Flood Hazard Areas.**
21-9.20	**Special districts--Purpose.**
21-9.20-1	**Design controls.**
21-9.20-2	**Major, minor, and exempt projects.**
21-9.20-3	**Time limits.**
21-9.20-4	**Utility lines.**
21-9.20-5	**Design advisory committee.**
21-9.20-6	**Conflicting regulations.**
21-9.30	**Hawaii capital special district.**
21-9.30-1	**Objectives.**
21-9.30-2	**District boundaries.**
21-9.30-3	**Prominent views and historic places.**
21-9.30-4	**Design controls.**
21-9.30-5	**Project classification.**
21-9.40	**Diamond Head special district.**
21-9.40-1	**Objectives.**
21-9.40-2	**District boundaries.**
21-9.40-3	**Prominent public vantage points.**
21-9.40-4	**Design controls.**
21-9.40-5	**One-family and two-family detached dwellings.**
21-9.40-6	**Project classification.**
21-9.50	**Punchbowl special district.**
21-9.50-1	**Objectives.**
21-9.50-2	**Boundaries.**
21-9.50-3	**Prominent vistas and viewing areas.**
21-9.50-4	**Design controls.**
21-9.50-5	**One-family and two-family detached dwellings.**
21-9.50-6	**Project classification.**
21-9.60	**Chinatown special district.**
21-9.60-1	**Overall objectives.**
21-9.60-2	**District boundaries.**
21-9.60-3	**Prominent view corridors.**
21-9.60-4	**Historic and architecturally significant structures.**
21-9.60-5	**Design controls.**
21-9.60-6	**Mauka precinct objectives.**
21-9.60-7	**Mauka precinct development standards.**
21-9.60-8	**Historic core precinct objectives.**
21-9.60-9	**Historic core precinct development standards.**
21-9.60-10	**Makai precinct objectives.**
21-9.60-11	**Makai precinct development standards.**
21-9.60-12	**Street facade guidelines.**
21-9.60-13	**Project classification.**
21-9.70	**Thomas Square/Honolulu Academy of Arts special district.**
21-9.70-1	**Objectives.**
21-9.70-2	**District boundaries.**
21-9.70-3	**Significant public views.**
21-9.70-4	**Design controls.**
21-9.70-5	**Project classification.**

21-9.80	**Waikiki special district--Findings.**
21-9.80-1	**Waikiki special district--Objectives.**
21-9.80-2	**District boundaries and land use control system.**
21-9.80-3	**Prominent view corridors and historic properties.**
21-9.80-4	**General requirements and design controls.**
21-9.80-5	**Apartment precinct.**
21-9.80-6	**Resort mixed use precinct.**
(21-9.80-7)	**Resort commercial precinct—Repealed by Ord. 11-30**
21-9.80-7	**Reserved**
21-9.80-8	**Public precinct.**
21-9.80-9	**Tables for permitted uses and structures, development standards and project classification.**
21-9.90	**Haleiwa special district.**
21-9.90-1	**Objectives.**
21-9.90-2	**District boundaries.**
21-9.90-3	**Significant public views and resources.**
21-9.90-4	**Design controls.**
21-9.90-5	**Detached dwellings and duplex units.**
21-9.90-6	**Project classification.**
21-9.100	**Transit-oriented development (TOD) special districts.**
21-9.100-1	**TOD special district findings.**
21-9.100-2	**Neighborhood TOD plans.**
21-9.100-3	**Processing of proposed ordinance establishing the TOD special district and development regulations applicable thereto.**
21-9.100-4	**TOD development regulations minimum requirements.**
21-9.100-5	**Interim planned development – transit (IPD-T) projects.**
21-9.100-6	**TOD special district objectives**
21-9.100-7	**Use regulations**
21-9.100-8	**General requirements and development standards**
21-9.100-9	**TOD special district permits**
21-9.100-10	**Planned development—Transit (PD-T) projects**
21-9.100-11	**TOD special district—Project classification**
21-9.100-12	**TOD special district boundaries**

Figures:

21-9.1	**Front Yard - Waikiki.**
21-9.2	**Transitional Height Setback - Waikiki.**
21-9.3	**Yards and Maximum Setbacks on All Streets in the BMX3, B-2, and Key Streets in IMX-1 and I-2 Districts**
21-9.4	**Yard and Maximum Setbacks on Key Streets, Apartment and Apartment Mixed Use Districts**
21-9.5	**Building Façade Placement on Corner Lots Fronting Two Key Streets**
21-9.6	**Building Façade on Lots 100 Feet or Less**
21-9.7	**Building Façade Placements on Lots Greater Than 100 Feet**
21-9.8	**Building Façade and Parking Placement on Lots Fronting Two Key Streets**
21-9.9	**Building Façade and Parking Placement on Lots Fronting Three Key Streets**
21-9.10	**Primary and Secondary Building Entrances**

21-9.11	**For Lots with Irregular Property Lines, Building Facades Parallel to Streets**
21-9.12	**Primary Entrances Should Face the Street**
21-9.13	**Building Transparency**
21-9.14	**Pedestrian Walkway Connectivity across Zoning Lots**
21-9.15	**Pedestrian Walkways within a Zoning Lot**

Tables:

21-9.1	**Hawaii Capital Special District Project Classification.**
21-9.2	**Diamond Head Special District Project Classification.**
21-9.3	**Punchbowl Special District Project Classification.**
21-9.4	**Chinatown Special District Project Classification.**
21-9.5	**Thomas Square/Honolulu Academy of Arts Special District Project Classification.**
21-9.6(A)	**Waikiki Special District Precinct Permitted Uses and Structures.**
21-9.6(B)	**Waikiki Special District Precincts Development Standards.**
21-9.6(C)	**Waikiki Special District Project Classification.**
21-9.7	**Haleiwa Special District Project Classification.**
21-9.8	**TOD Special District Project Classification**

Exhibits:

21-9.1	**Hawaii Capital Special District Height and Open Space Precincts.**
21-9.2	**Hawaii Capital Special District Required Yards and Pedestrian Malls.**
21-9.3	**Hawaii Capital Special District Historic Structures.**
21-9.4	**Conceptual Street Tree Plan for Hawaii Capital and Thomas Square/Honolulu Academy of Arts Special Districts.**
21-9.5	**Diamond Head Special District Height Precincts and Core Area Boundary.**
21-9.6	**Punchbowl Special District Height Precincts.**
21-9.7	**Punchbowl Special District Public Views & Major Streets.**
21-9.8	**Punchbowl Special District Core Area.**
21-9.9	**Chinatown Special District Precinct Boundaries and Height Limits.**
21-9.10	**Chinatown Special District Registered Historic Areas.**
21-9.10-A	**Chinatown Special District Historic and Architecturally Significant Structures.**
21-9.11	**Thomas Square/Honolulu Academy of Arts Special Districts Height Precincts and Required Yards.**
21-9.12	**Thomas Square/Honolulu Academy of Arts Special District Building Envelope Height Controls.**
21-9.13	**Waikiki Special District Zoning Precincts.**
21-9.14	**(Blank).**
21-9.15	**Waikiki Special District Urban Design Controls.**
21-9.16	**Haleiwa Special District Boundary.**
21-9.17	**Haleiwa Special District Historic Structures.**
21-9.18	**Haleiwa Special District Significant Existing Natural and Man Made Features, and Views.**
21-9.19	**West Loch Station Area**
21-9.20	**Waipahu Transit Center Station Area**

21-9.21 Leeward Community College Station Area
21-9.22 Pearl Highlands Station Area
21-9.23 Pearlridge Station Area
21-9.24 Aloha Stadium Station Area
21-9.25 East Kapolei Station Area, UH-West Oahu Station Area Hoopili Station Area

Sec. 21-9.10 Developments in Flood Hazard Areas.

(a) All permit application subject to the land use ordinance must, at the time of processing, be reviewed for compliance with Chapter 21A. Whenever applicable, the flood hazard area requirements of a development project must be determined prior to processing for other approvals mandated by other laws and regulations.

(b) Dwellings in country, residential and agricultural zoning districts, as well as single-unit, two-unit, and duplex-unit dwellings in apartment and apartment mixed use zoning 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 must 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 are permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, takes precedence over any less restrictive, conflicting laws, ordinances or regulations.

(Added by Ord. 14-9; Am. Ord. 25-2)

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 is classified into one of three categories: major, minor, or exempt. Major and minor projects must obtain a special district permit and must be processed under Sections 21-2.40-2 and 21-2.40-1, respectively. Tables 21-9.1 through 21-9.8 are to be used by the department 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, other than TOD special district permits, will be reviewed by the design advisory committee as specified in Section 21-2.40-2.

(b) Minor Permits. Minor permits are intended for projects that 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 that require emergency repairs or interior work, and do not change the exterior appearance of a structure. Within a TOD special district, projects that are less than one acre in area or that do not require discretionary review because they meet the development standards in Section 21-9.100-8, are also exempt projects.

(Added by Ord. 99-12; Am. Ord. 17-54)

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 takes precedence; provided, however, that this section does not apply to TOD Development Regulations enacted pursuant to Section 21-9.100 and its accompanying sections, which take precedence in the event of conflict with any underlying Article 3 provision or special district regulation.
(Added by Ord. 99-12, 09-4; Am. by Ord. 17-54)

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.
(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.
    (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.
(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, 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

04-244, 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.

(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.

(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.

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 6 inches in diameter	m	
Single-unit, two-unit, or duplex-unit dwellings, and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition, or repair to historic structures	M	This also includes structures listed in § 21-9.30-3(c)
Major exterior repair, alteration, or addition to nonhistoric structures	m	
Minor exterior repair, alteration, or addition to all structures, that 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 § 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 television, 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. 03-37, Am. Ord. 25-2)

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. *(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, 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.

(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.

Single-unit, two-unit, and duplex-unit dwellings are exempt from the requirements of the Diamond Head special district, except that those dwellings located within the "core area" identified on Exhibit 21-9.5, must comply with §§ 21-9.40-4(a) and (c).

(Added by Ord. 99-12, Am. Ord. 25-2)

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.

Table 21-9.2

Diamond Head Special District Project Classification

Activity/Use	***Required Permit***	***Special Conditions***
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor only within "core" area
Single-unit, two-unit, or duplex-unit dwellings, and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration, or addition to all structures	m	
Minor exterior repair, alteration, or addition to all structures, which does not adversely change the character or appearance of the structure	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	

Table 21-9.2		
Diamond Head Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
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 television, 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. 25-2)

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.

(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.

(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.

(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; 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, 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, 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, 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; and

(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 Single-unit, two-unit, and duplex-unit dwellings.

Single-unit, two-unit, and duplex-unit dwellings are exempt from the requirements of the Punchbowl special district, except that those dwellings located in the "core area" identified on Exhibit 21-9.8 must comply with § 21-9.50 4(c) and (e).
(Added by Ord. 99-12, Am. Ord. 25-2)

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.

Table 21-9.3

Punchbowl Special District
Project Classification

Activity/Use	***Required Permit***	***Special Conditions***
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor in "core" area or along major streets
Single-unit, two-unit, and duplex-unit dwellings, 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	

Table 21-9.3 *Punchbowl Special District* *Project Classification*		
Activity/Use	***Required Permit***	***Special Conditions***
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	
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 television, 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. 25-2)

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.

(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.

(b) Structures within the Chinatown special district that are of historic and architectural significance are identified on Exhibit 21-9.10-A.

(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 multi-family 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.

(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).

(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. In addition to required entryways, ground level spaces should be used for uses that contribute to a vital streetscape. Appropriate uses include but are not limited to commercial retail and light manufacturing.

(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; Am. Ord. 20-41)

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 a variety of dwelling unit types, including single-unit, two-unit, duplex-unit, and multi-unit dwellings that would contribute to the precinct’s social and economic vitality.

(Added by Ord. 99-12; Am. Ord. 04-30, Am. Ord. 25-2)

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

(a) Maximum Heights.

Within the historic core precinct, new structures must 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 are not be required. The planning of trees within a front yard or sidewalk area must 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 must be a minimum of 2-inch caliper. Species and spacing must be chosen from an approved tree list on file with the department and the department of parks and recreation.

(c) Required Yards.
(1) There are no required yards.
(2) All buildings on the same block face must 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 food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown.

(e) Design guidelines. All street facades must meet the requirements of § 21-9.60-12.

(Added by Ord. 99-12; Am. Ord. 04-30, Am. Ord. 20-41, Am. Ord. 25-2)

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.
(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).

(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 used for uses that contribute to a vital streetscape. Appropriate uses include but are not limited to commercial retail, community centers, and light manufacturing. Lower levels other than the ground level should be used for residential, office, or 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; Am. Ord. 20-41)

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 variated parapets. Uninterrupted blank walls shall be avoided.

(2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.

(3) Above the ground floor, there shall be a regulated "rhythm" to the facades, particularly expressed through window treatments and other detailing.

(4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.

(c) Streetscape. Street furnishings include planters, benches, street signs, lampposts, sidewalk paving and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown's period of significance, which is from the 1880s to the 1940s, shall not be permitted.

(d) Signs and Graphics.

(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 21-9.10A, may be referred to the state historic preservation officer and other appropriate agencies for review.

Table 21-9.4

Chinatown Special District Project Classification

Activity/Use	***Required Permit***	***Special Conditions***
Signs	E	
Tree removal over 6 inches in diameter	E	
Single-unit, two-unit, and duplex-unit dwellings, 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

Table 21-9.4		
Chinatown Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
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	
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 television, 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. 25-2)

EXHIBIT 21-9.10-A

CHINATOWN SPECIAL DISTRICT HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

Tax Map Key	Address[1]	Building Name
1-7-01: 2	55 N. Nimitz Hwy.	Pier 13 & 14
1-7-02: 2	800 Nuuanu Ave.	Fisher Hawaii Building
1-7-02: 4		State of Hawaii (shops)
1-7-02: 4	925 Maunakea St.	Fireboat Fire Station
1-7-02: 8	83 N. King St.	Goodwill Industries
1-7-02: 9, 45	75 N. King St.	D. Dam/N. Tam
1-7-02: 11	900 Maunakea St.	M. Kawahara & T. Sato
1-7-02: 13	128 N. Nimitz Hwy.	C. Q. Yee Hop (stone)
1-7-02: 16	905 Kekaulike St.	Nimitz & Kekaulike
1-7-02: 17, 18	915 Kekaulike St., 937 Kekaulike St.	King & Kekaulike
1-7-02: 19, 21	943 Kekaulike St., 125 N. King St.	Fish Market
1-7-02: 23	101 N. King St.	Bank of Hawaii
1-7-02: 24	950 Maunakea St.	Dentist
1-7-02: 25	922 Maunakea St.	J. H. Schnack
1-7-02: 26	902 Kekaulike St.	Holau Market
1-7-02: 28	175 N. King St.	McCandless
1-7-02: 29	165 N. King St.	Musashiya
1-7-02: 34	145 N. King St.	Oahu Market
1-7-02: 35	2 Marin St.	T. R. Foster/Spaghetti-2 Bldg.
1-7-02: 39	1 N. King St.	One North King
1-7-02: 40	928 Nuuanu Ave.	Nippu Jiji
1-7-02: 45	69 N. King St.	Oka
1-7-03: 1	2 N. King St.	Hocking Hotel
1-7-03: 2	36 N. King St.	United Chinese Society
1-7-03: 4, 97	39 N. Hotel St.	Swing Club
1-7-03: 5	29 N. Hotel St.	29-31 Hotel Street
1-7-03: 6	15 N. Hotel St.	Nuuanu Shops
1-7-03: 7	1 N. Hotel St.	Gallery
1-7-03: 8	1044 Nuuanu Ave.	McCandless Property
1-7-03: 9	1038 Nuuanu Ave.	Kim Chow
1-7-03: 10	72 N. King St.	Hawaii National Bank

Tax Map Key	Address[1]	Building Name
1-7-03: 11	80 N. King St.	Lum Yip Kee
1-7-03: 12	90 N. King St.	Lee & Young
1-7-03: 15	61 N. Hotel St.	Bath Palace
1-7-03: 15	61 N. Hotel St.	Mendonca (makai)
1-7-03: 16	51 N. Hotel St.	Mendonca (small, corner)
1-7-03: 18, 90, 92	116 N. King St.	D & B's Lunch
1-7-03: 19	124 N. King St.	Uptown Jewelers
1-7-03: 25	119 N. Hotel St.	Lum Yip Kee 1936
1-7-03: 26	111 N. Hotel St.	Wo Fat
1-7-03: 28	1020 Kekaulike St.	Arita Store
1-7-03: 28	1020 Kekaulike St.	Kekaulike Building
1-7-03: 29, 66	170 N. King St.	Lee Building
1-7-03: 30, 31, 72-74	178 N. King St., 182 N. King St.	N. King & River Streets
1-7-03: 32	165 N. Hotel St.	Wong Building
1-7-03: 33	159 N. Hotel St.	LDCST BenevSoc
1-7-03: 37	102 N. Hotel St.	Siu Building
1-7-03: 42	158 N. Hotel St.	Wong
1-7-03: 45	175 N. Pauahi St.	Komeya Apartments
1-7-03: 48	1138 Maunakea St.	Sumida Building 1926
1-7-03: 49	1130 Maunakea St.	Lum Yip Kee 1920
1-7-03: 50	1110 Maunakea St.	Lee Building
1-7-03: 51	54 N. Hotel St.	Mendonca
1-7-03: 52	1125 Maunakea St.	Ket On Society
1-7-03: 55	65 N. Pauahi St.	Barbershop
1-7-03: 56	2 N. Hotel St.	Encore Saloon Building
1-7-03: 57	24 N. Hotel St.	24 Hotel Street (Mel's)
1-7-03: 58	30 N. Hotel St.	Risque
1-7-03: 59	42 N. Hotel St.	Kuo Min Tang
1-7-03: 59	42 N. Hotel St.	Young Market
1-7-03: 59	50 N. Hotel St.	Mini Garden
1-7-03: 62	1126 Nuuanu Ave.	Love's Bakery
1-7-03: 63	1136 Nuuanu Ave.	McCandless Block
1-7-03: 64	1118 Nuuanu Ave.	Lai Fong
1-7-03: 66, 29	158 N. King St.	United Press, Ltd.
1-7-03: 75	136 N. King St.	L. Ah Leong
1-7-03: 76	1034 Maunakea St.	Cindy's Leis

Tax Map Key	Address[1]	Building Name
1-7-03: 81	1021 Smith St.	
1-7-03: 83	21 N. Hotel St.	Club Hubba Hubba
1-7-03: 84-89	1023 Maunakea St.	Chung Chong Yuen
1-7-03: 96	1120 Maunakea St.	Colusa Building (part of Maunakea Marketplace)
1-7-03: 98	1128 Smith St.	1128 Smith Street
1-7-04: 1	1150 Nuuanu Ave.	Four Seas Chop Suey
1-7-04: 8	1162 Nuuanu Ave.	Bo San Ton
1-7-04: 9	1158 Nuuanu Ave.	Oweco World Travel
1-7-04: 11	1149 Maunakea St.	Yanin Ltd. Building
1-7-04: 13	1159 Maunakea St.	Tsung Tsin Association
1-7-04: 16	1165 Maunakea St.	Old Jailhouse (stone building)
1-7-04: 18	83 N. Beretania St.	Hai On Tong
1-7-04: 19	73 N. Beretania St.	79 N. Beretania Street
1-7-04: 21, 22	53 N. Beretania St.	OK Restaurant (2 sections)
1-7-04: 25	1146 Smith St.	Golden Harvest
1-7-04: 28	1152 Maunakea St.	Minatoya Sukiyaki
1-7-04: 36	171 N. Beretania St.	Fong Building
2-1-02: 12	901 Bethel St.	Kamehameha V Building
2-1-02: 19	63 Merchant St.	Bishop Bank Building
2-1-02: 20	51 Merchant St.	Melcher Building
2-1-02: 24, 57	842 Bethel St.	Old Honolulu Police Station (Walter Murray Gibson Building)
2-1-02: 32	924 Bethel St.	The Friend
2-1-02: 33	908 Bethel St.	Honolulu Publishing Co.
2-1-02: 34	16 Merchant St.	
2-1-02: 35	2 Merchant St.	Royal Saloon
2-1-02: 37	923 Nuuanu Ave.	Wing Wo Tai
2-1-02: 42	2 S. King St.	King's Court/First Federal
2-1-03: 16	1121 Nuuanu Ave.	McLean Block
2-1-03: 17	2 S. Hotel St.	Perry Block 1888
2-1-03: 18	1129 Nuuanu Ave.	Pantheon Bar

[1]In the event the listed addresses are not consistent with the tax map keys or building names, the tax map keys and building names shall prevail.

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

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.

(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. 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 fronting Ward Avenue, Victoria Street, and Kinau Street, shall be as indicated in Exhibits 21-9.11 and 21-9.12, respectively.
  (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, 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.

Table 21-9.5

King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District
Project Classification

Activity/Use	***Required Permit***	***Special Conditions***
Signs	E	Directly illuminated signs prohibited fronting Thomas Square
Tree removal over 6 inches in diameter	m/E	Minor in front yard and sidewalk area only
Single-unit, two-unit, and duplex-unit dwellings, and accessory structures	E	
Grading and stockpiling	E	
Major exterior modification, alteration, repair, or addition to King Kamehameha III at Thomas Square or Honolulu Museum of Art	M	
Major exterior repair, alteration, or addition to all structures except King Kamehameha III at Thomas Square or Honolulu Museum of Art	m	

Table 21-9.5		
King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
Minor exterior repair, alteration, or addition to all structures, that does not adversely change the character or appearance of the structure	m/E	Minor only when involving King Kamehameha III at Thomas Square or Honolulu Museum of Art
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 television, 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. 25-2)

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 "Hawaiianness" 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.

(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 or the director, in connection with planned development-resort and planned development-apartment 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; Am. Ord. 17-40)

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) 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 must conform to the guidelines for urban design controls specified in Exhibit 21-9.15; the design standards of this section; and other design guidelines adopted by the director to further define and implement these guidelines and standards.

(2) Yards. Yard requirements will be as provided under the development standards for the underlying zoning precinct under Table 21-9.6(B).

(3) Car rental establishments. Car rental establishments must comply with the following requirements:

(A) Side and rear yards must be a minimum of five feet; with a solid fence or wall at least six feet in height on the property line, and the required yard substantially landscaped with planting and maintained;

(B) The car rental establishment must be illuminated so that no unshielded, unreflected or undiffused light source is visible from any public area or private property immediately adjacent to the establishment;

(C) All areas not landscaped must be provided with an all-weather surface; and

(D) No water produced by activities on the zoning lot may fall upon or drain across public streets or sidewalks.

(4) Small, medium and large utilities. Except for antennas, small, medium, and large utilities must 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 will 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 are not 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) must be devoted to open lobbies, arcade entrances, display windows, and permitted outdoor dining areas.

(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 must be devoted to open lobbies, arcade entrances, display windows, and permitted outdoor dining areas.

(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 necessarily front a street or open space, they must be screened with heavy landscaping or appropriately articulated exterior surfaces.

(G) Effective December 1, 2025, 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 if landscaping is provided for screening. Principal landscaping must include trees, and secondary landscape elements may include tall hedges and earth berms.

(H) For purposes of the Waikiki special district, an "open lobby" means a ground-floor lobby that is not enclosed along the entire length of at least two of its sides or 50 percent of its perimeter, whichever is greater, and that provides adequate breezeways adequate breezeways and views to interior or prominent open spaces, intersecting streets, gateways, or significant pedestrian ways.

(9) Outdoor lighting. Outdoor lighting must be subdued or shielded so as to prevent glare and light spillage onto surrounding properties and public rights-of-way. Outdoor lighting must not be used to attract attention to structures, uses or activities; provided that indirect illumination that is integrated with the architectural design of a building may be allowed when it is utilized to highlight and accentuate exterior building facades, and architectural or ground level features. Rotating, revolving, moving, flashing, or flickering lights must 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 will be subject to the following:

(1) PD-R and PD-A Applicability.

(A) PD-R projects are only be permitted in the resort mixed use precinct, and PD-A projects shall are only permitted in the apartment precinct.

(B) The minimum project size is one acre. Multiple zoning lots may be part of a single PD-R or PD-A project if the owners, lessees, developers or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. Zoning lots may be added to or removed from existing PD-R or PD-A projects upon the application of the owners, lessees, developers or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD-A project, or the original applicant's successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations contained in this Chapter. Zoning lots to be removed must be able to comply on their own with applicable zoning regulations as a separate project. Multiple zoning 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 satisfied:

(i) The zoning 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 composed of a single zoning lot or multiple contiguous zoning lots, must 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 zoning lots as provided in this paragraph, bridges or other design features connecting the separated zoning lots are strongly encouraged, to unify the project site. Multiple zoning lots that are part of an approved single PD-R or PD-A project must be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development will be required therefore.

(2) PD-R and PD-A Use Regulations. Permitted uses and structures are as set forth 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, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection.

(A) In PD-R projects, the maximum project floor area must not exceed an FAR of 4.0; provided that:

(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 is 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) In PD-A projects, the maximum project floor area must not exceed an FAR of 3.0; provided that:

(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 is 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.

(C) The maximum building height shall be 350 feet, but this standard may be reduced.

(D) The precinct transitional height setbacks are as set forth in Table 21-9.6(B), but these standards may be modified.

(E) The minimum for yards is 15 feet, but this standard may be modified.

(F) The 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.

(G) The landscaping requirements are as set forth in subsection (f), but these standards may be modified.

(H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located 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 must 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. The site plan must 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 will be processed in accordance with Section 21-2.110-2.

(C) No project well 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 in Chapter 24.

(E) Deadline for Obtaining Building Permit for Project.

(i) A council resolution approving a conceptual plan for a PD-R or PD-A project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will 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 will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

(ii) The resolution must 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 may 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 must prepare and submit to the council a report on the proposed extension that must 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, will 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 will be used by the director to review applications:

(i) The project will conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;

(ii) The project also well implement the objectives, guidelines, and standards of the Waikiki special district and this subsection (d);

(iii) The project will 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 that may fulfill this requirement;

(iv) The project must demonstrate a high level of compliance with the design guidelines of the Waikiki special district and this subsection;

(v) The project must contribute significantly to the overall desired urban design of Waikiki;

(vi) The project must reflect appropriate "contextual architecture";

(vii) The project must demonstrate a pedestrian system, open spaces, and landscaping and water features (such as water gardens and ponds) that must be integrated and prominently conspicuous throughout the project site at ground level;

(viii) The open space plan must 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 must contribute to a strong pedestrian orientation that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding Waikiki areas; and

(x) The parking management plan must minimize impacts upon public streets where possible, enhance local traffic circulation patterns, and make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan will 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.

The total open space must not 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 must not obstruct or diminish any significant views which are to be preserved, protected or enhanced; must not obstruct, prevent or interfere with any identified gateways and/or pedestrian ways; and must 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 is 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 multi-unit dwelling units, it may be restored to its original condition in accordance with § 21-4.110.

(3) Nonconforming uses must not be limited to "ordinary repairs" or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations that 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 purposed of redevelopment and/or renovation, as permitted by this subsection, must not otherwise be subject to the discontinuation of use provisions enumerated in § 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 form 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 must be provided in accordance with Article 6, unless otherwise noted in this section.

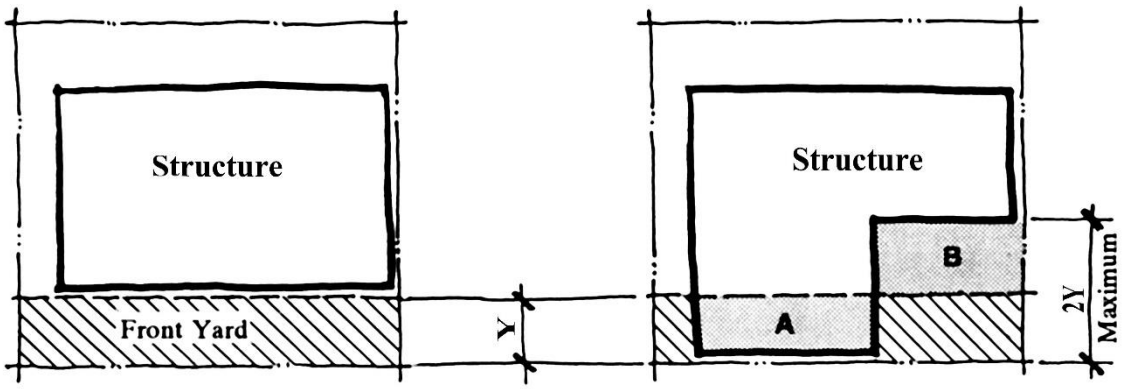
(i) Vending Carts. Outdoor vending carts located at ground level, except for those permitted in required yards, shall be generally screened from view to the general public from any street, sidewalk or public space by landscaping or a wall or fence no less than 42 inches in height, which shall be located at the front property line.

(Added by Ord. 99-12; Am. Ord. 01-66, Am. Ord. 03-38, Am. Ord. 11-30, Am. Ord. 17-40, Am. Ord. 18-19, Am. Ord. 20-41, Am. Ord. 25-2)

Figure 21-9.1

FRONT YARD – WAIKIKI

Ref. § 21-9.80-6(b) [Table 21-9.6(B)]



No Front Yard Averaging Front Yard Averaging (A ≤ B)

(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 are as set forth in Table 21-9.6(A).

(b) Development Standards. Uses and structures within the apartment precinct and the apartment mixed use subprecinct must conform to the development standards set forth 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, are limited to the basement, ground floor or second floor of a building.

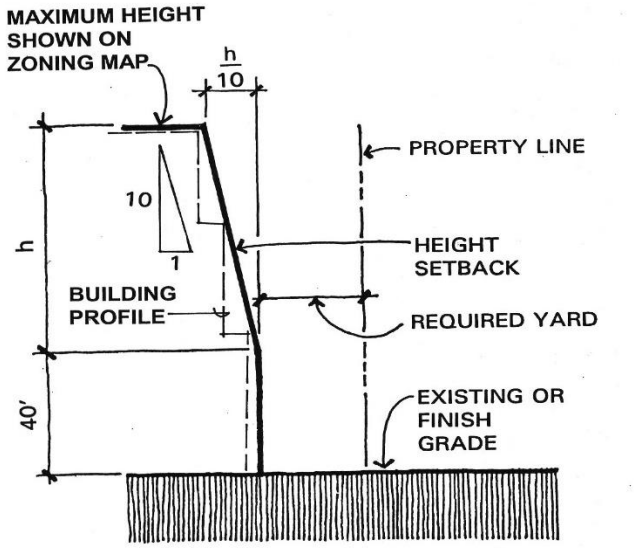
(2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, must be provided. Within the height setback, buildings with graduated, stepped forms are encouraged (see Figure 21-9.2).

(Added by Ord. 99-12; Am. Ord. 03-38, Am. Ord. 25-2)

Figure 21-9.2

TRANSITIONAL HEIGHT SETBACK - WAIKIKI

Ref. § 21-9.80-5; § 21-9.80-6



(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 are as set forth in Table 21-9.6(A).

(b) Development Standards. Uses and structures within the resort mixed use precinct must conform to the development standards set forth 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, must be provided. Within the height setback, buildings with graduated, stepped forms are encouraged (see Figure 21-9.2).

(Added by Ord. 99-12; Am. Ord. 03-38, Am. Ord. 25-2)

Sec. 21-9.80-7 Reserved

Sec. 21-9.80-8 Public precinct.

(a) Permitted Uses. Within the public precinct, permitted uses and structures are as set forth in Table 21-9.6(A). Additionally:
   (1) In the public precinct, public facilities may include accessory activities operated by private lessees under supervision of a public agency solely 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 must comply with the guidelines established by the urban design controls in Exhibit 21-9.15.

(b) Development Standards. Uses and structures within the public precinct must conform to the development standards set forth in Table 21-9.6(B). The director shall approve FAR, height, and yard requirements for structures.

(c) Signs. The director shall approve signs, which must not exceed a total of 24 square feet in area.

(Added by Ord. 99-12, Am. Ord. 25-2)

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.

Table 21-9.6(A)			
Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	***Precinct***		
	Apartment	***Resort Mixed-Use***	***Public***
Agricultural Uses			

Table 21-9.6(A)			
Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	***Precinct***		
	Apartment	***Resort Mixed-Use***	***Public***
None			
Residential Uses			
Dwellings, multi-unit[2]	P	P	
Group living, small – State regulated	P*	P*	
Group living, small – not State regulated	C*	C*	
Group living, large	C*	C*	
Home occupation	Ac*	Ac*	
Public, Civic, and Institutional Uses			
Accessory receive only antenna	Ac	Ac	Ac
Communication support structure	P*	P*	P*
Communication tower	Cm	Cm	Cm
Dish antenna	Cm	Cm	Cm
Meeting facility	C	P	
Public facility	P	P	P
School, vocational, minor		P	
Utility, small	P*	P*	P*
Utility, medium	Cm	Cm	Cm
Utility, large	C	C	C
Commercial Uses			
Bar, nightclub		P	
Bed and breakfast home*	P*	P*	
Daycare, adult	C	P*	
Daycare, child	Cm	P*	
Eating and drinking, general[1]	P-AMX	P	
Hotel		P	
Marine, general, minor		P	
Medical services, general	P-AMX	P	
Medical laboratory		P	
Office, general	P-AMX	P	
Parking, commercial		P	
Parking, remote	Cm	Cm	
Personal services, general	P-AMX	P	
Recreation, general indoor	C (Museums only)	P	
Recreation, general outdoor		C	
Retail, general, small, medium, or large	P-AMX	P	

Table 21-9.6(A)			
Waikiki Special District Precinct Permitted Uses and Structures			
Use or Structure	***Precinct***		
	Apartment	***Resort Mixed-Use***	***Public***
Theater		P	
Timeshare		P	
Transient vacation unit	P*	P*	
Vehicle fueling station			
Vehicle sales and rental		P	
Miscellaneous Uses			
Historic structure reuse	C	Cm	Cm
Joint development	Cm	Cm	

Ministerial uses:
Ac = Special accessory use. Also see: Article 10, Accessory use; and § 21-5.50-3(c), Home occupation
P = Permitted principal use
P* = Permitted use subject to standards in Article 5
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~~] is constructed 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~~] must be independent from the other uses, and no building floor [~~shall~~] may be used for both dwelling and commercial purposes.

(Added by Ord. 99-12; Am. Ord. 03-38, Am. Ord. 11-30, Am. Ord. 19-18, Am. Ord. 20-30, Am. Ord. 25-2)

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	
Yards[1] (feet)	**Front**	15[2]	15-20[2]	As approved by director
	Side and rear	10	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

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

[2]An 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.

[3]Except 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.

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

[5]In computing the permissible floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. 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 6 inches in diameter	m/E	Minor only when visible from a street, park, or other public viewing area; otherwise exempt
Single-unit, two-unit, and duplex-unit dwellings	E	
Grading and stockpiling	E	
Major modification, alteration, repair, or addition to historic structures	M	
Minor modification, alteration, repair, or addition to historic structures	m	
Major exterior repair, alteration, or addition to nonhistoric structures	m	
Minor exterior repair, alteration, or addition to nonhistoric structures, that 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 § 21-9.80-4(d)(4)
Permitted uses and structures under §§ 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 § 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	E	

Table 21-9.6(C)		
Waikiki Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
infrastructure improvements; and all emergency and routine repair and maintenance work		
New buildings not covered above	M/m	Minor for accessory structures
*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, 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, Am. Ord. 25-2)

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, or architectural significance, and encourage new development that is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features, and subdued materials and plantation color schemes.

(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 that 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.

(g) Enhance the attractiveness and general landscaped open space character of the area.

(h) Preserve and enhance significant views in Haleiwa, especially those of the Waianae Range and of the ocean from Haleiwa Beach Park, 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, Am. Ord. 18-44)

Sec. 21-9.90-2 District boundaries.

The boundaries of the district are designated on Exhibit 21-9.16. The district is generally composed of parcels abutting Kamehameha Highway between Weed Junction south and Puaena Point north. *(Added by Ord. 99-12, Am. Ord. 18-44)*

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 the ocean from Kamehameha Highway.

(e) Views of other significant features delineated on Exhibit 21-9.18, set out at the end of this article.

(Added by Ord. 99-12; Am. Ord. 18-44)

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) Permitted 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 limit 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 which they serve, but in no case may they exceed 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 that 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, 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. 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) 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, wattled stucco, field stone and concrete with exposed aggregates, or wood impressions.

Board and batten or board on board wood siding walls are particularly encouraged.

(7) Colors. Colors for all materials must be natural or earth tones in subdued ranges and combinations, or those that reflect traditional plantation or historical colors. Colors for architectural trim or accent are not subject to this limitation.

(8) Street Facades.

(A) A minimum of 50 percent of the area of the first floor street facade for business uses shall be devoted to windows and entrances. The area shall be measured along the length of the first floor street facade to a height of eight feet from the finish grade.

(B) All glass on street facades shall be transparent and untinted.

(9) Walkways. Private walkway and sidewalk material shall be visually compatible with natural materials such as wood planks or concrete with wood impressions or exposed aggregate.

(10) Exceptions. Exceptions to the above requirements for architectural appearance and character may be approved by the director if adequate justification for the exception is submitted and the exception requested is consistent with the objectives of the Haleiwa special district.

(g) Signs.

(1) Signs shall be designed to enhance the historic and architectural character of Haleiwa. An appropriate sign design would use a carved or sandblasted wood sign with serif-style lettering typical of the turn of the century, incorporating symbols when appropriate, and suspended from canopies or mounted on the building wall.

(2) Pole-mounted signs shall be limited to a maximum height of 10 feet.

(3) Signs which are self-illuminating, with moving parts, luminous paints or reflective materials are not permitted. Any illumination should be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.

(4) Notwithstanding the provisions for ground signs under 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 by 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.

(j) Mobile commercial establishments. Mobile commercial establishments are subject to the following regulations:
(1) As used in this section:
"Mobile commercial establishment" means a vehicle, with current registration and safety check, used by an itinerant vendor, peddler, or huckster for the sale of food products or other wares. This includes but is not limited to lunch wagons, lunch vans, and food trucks. Excluded are vendors at farmers' markets, fun fairs, special community events, or other special events where mobile commercial establishments are not the majority of the event and are managed by a regulatory entity. Any vehicle without a current registration and safety check that is used by an itinerant vendor, peddler, or huckster for the sale of food products or other wares will be considered a structure."
(2) Mobile commercial establishments are permitted only on business-zoned lots.
(3) A minimum of five off-street parking stalls is required for each mobile commercial establishment.
(4) A zoning lot with three or more mobile commercial establishments is allowed one ground sign for directory purposes, subject to the requirements of this chapter.
(5) Mobile commercial establishments must comply with the color requirements of subdivision (f)(7) of this section. The name of the mobile commercial establishment may be displayed on the vehicle, subject to the color requirements.
(6) A mobile commercial establishment must operate on areas where an all-weather surface is provided, outside of the yard areas required in subsection (c).
(7) All mobile commercial establishments require a special district permit, which must be site specific. The special district permit for mobile commercial establishments must provide for the following:
    (A) Adequate restroom facilities for employees. Permanent restroom facilities with wastewater systems are preferred. Portable restroom facilities, if any, must be screened from view of Kamehameha Highway.
    (B) A traffic circulation and mitigation plan, parking management plan, and pedestrian circulation plan.

(C) Operating hours must end no later than 10:00 p.m. daily;
(D) Compliance with all mobile commercial establishment and special district regulations and requirements.

(8) Mobile commercial establishments in legal operation prior to December 21, 2018 that do not meet the requirements of this subsection may continue operating as a nonconforming use pursuant to section 21-4.110(c) until such time that the mobile commercial establishment obtains a special district permit consistent with this subsection; provided that a mobile commercial establishment must cease operation as a nonconforming use upon any action taken by an owner, lessee, or authorized operator to transfer any interest in the mobile commercial establishment to a third party.

(9) Mobile commercial establishments are permitted only on zoning lots along Kamehameha Highway:
(A) Between Weed Junction and Paalaa Road; and
(B) Between Achiu Lane and Amara Road: provided that no zoning lot on which a mobile commercial establishment operates may be located within 1,500 feet of another zoning lot on which a mobile commercial establishment operates. This subdivision does not apply to zoning lots on which a mobile commercial establishment operated prior to December 21, 2018.

(Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-5 Dwellings units.

Single-unit, two-unit, and duplex-unit dwellings constructed prior to December 21, 2018, are exempt from the requirements of the Haleiwa special district, except for Section 21-9.90-4, subsection (d)(3), (4), and (5), relating to landscaping, subsection (f)(1) relating to general architectural appearance and character, subsection (f)(2) relating to roofs, and subsection (f)(4) relating to railings, fences and walls, and subsection (f)(7) relating to colors. Single-unit, two-unit, and duplex-unit dwellings constructed after the effective date of this ordinance will fall under the category "New buildings not covered above" in Table 21-9.7.
(Added by Ord. 99-12; Am. Ord. 18-44)

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, 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.

Table 21-9.7		
Haleiwa Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
Single-unit, two-unit, and duplex-unit dwellings, and accessory structures	E	
Grading and stockpiling	E	
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 or obstruction 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 cell towers, new roadways, 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	

Table 21-9.7		
Haleiwa Special District Project Classification		
Activity/Use	***Required Permit***	***Special Conditions***
New buildings not covered above and mobile commercial establishments	M/m	Major if visible from Kamehameha Highway or Haleiwa Road
Drive-thru facilities	m	
*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable television, 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. 18-44, Am. Ord. 25-2)

§ 21-9.100 Transit-oriented development (TOD) special district.

(a) The purpose of this section is to establish a TOD special district surrounding rail stations to encourage appropriate transit-oriented development.

(b) The regulations applicable in the TOD special district are in addition to underlying zoning district regulations and, if applicable, special district regulations, and may supplement and modify the underlying regulations. If any regulation pertaining to the TOD special district conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD special district will take precedence.

(c) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning:

"Active ground floor activities" Those uses and activities that will encourage pedestrian movement and activate the ground floor of buildings, including retail establishments, restaurants, personal service establishments, offices, financial institutions, lobbies for hotels or multi-unit dwelling uses, galleries, theaters, and other similar uses and activities.

"Bike-walk greenway" Shared-use paths or trails for pedestrians, cyclists, and other users of non-motorized transportation modes within or adjacent to a TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set forth at the end of this article.

"Community benefits" Those project elements that will mitigate impacts of greater heights or greater density or modifications to TOD special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions to existing community amenities or public uses, and facilities that enhance the pedestrian experience or improve multimodal transportation.

"IPD-T" An interim planned development-transit project pursuant to § 21-9.100-5.

"Key streets" Streets within a TOD special district that are most vital to facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of a rail station. Certain development standards will apply only to those zoning lots fronting a designated key street. The key streets are identified on the exhibits set forth at the end of this article.

"Nonconforming site development" A zoning lot with structures or uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the TOD special district, including but not limited to building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking.

"PD-T" A planned development-transit project pursuant to § 21-9.100-10.

"Rail station" An existing or planned rail station identified in the Honolulu Rail Transit Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010.

"Setback" The distance from the property line to the front façade of a building.

"Street tree plan" A street tree planting plan approved in accordance with the city "Standards and Procedures for the Planting of Street Trees."

"TOD" Transit-oriented development.

"TOD development regulations" The regulations establishing the permitted uses and structures and development standards within a TOD special district, which will be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations may include provisions specific to certain rail station areas.

"TOD special district" That area surrounding rail stations along the rail alignment and designated in § 21-9.100-12. Lands within a TOD special district are subject to TOD development regulations.

"TOD station area" or "station area" The parcels of land around a rail station subject to the TOD development regulations. Generally, the TOD station area will consist of that land within approximately 0.5 miles of the related rail station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set forth at the end of this article.

(Added by Ord. 09-04; Am. Ord. 17-54, Am. Ord. 22-29, Am. Ord. 25-2)

§ 21-9.100-1 TOD special district findings.

(a) The City's rail transit system represents a significant investment by the community to improve mobility and re-shape the urban form. TOD regulations will support the use of multimodal transportation with the creation of vibrant, mixed-use developments and quality community gathering places around transit stations.

(b) Development along the transit corridor that contains a cohesive and rich mix of uses and a variety of housing types can support the public investment in rail transit and direct a large portion of Oahu's future population growth to the rail corridor, reducing pressures to develop in rural agricultural lands, open spaces, and suburban residential areas.

(c) Therefore, it is necessary to establish special controls and allowances that respond to the unique characteristics of TOD and shape development around transit stations to foster

more livable communities, respond to local conditions, take full advantage of transit, and support the public's investment.

(Added by Ord. 09-04; Am. Ord. 17-54)

§ 21-9.100-2 Neighborhood TOD plans.

(a) For each TOD station area or combination of station areas, the department shall prepare a neighborhood TOD plan, which serves as the basis for the creation of or amendment to the TOD special district and the TOD development regulations applicable thereto. Each neighborhood TOD plan must address, at minimum, the following:

(1) The general objectives for a specific TOD station area in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes. Objectives must 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) Parcels recommended to be included in the TOD special district, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit, including the potential to increase rail and bus 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 districts or special district precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;

(4) Preservation of existing affordable housing and potential opportunities for new affordable housing, with supportive services as appropriate;

(5) Preservation of existing healthcare services. For purposes of this subdivision, "healthcare services" means the furnishing of medicine, medical or surgical treatment, nursing, hospital service, dental service, optometrical service, complementary health services or any other necessary services of like character intended to prevent, alleviate, cure or heal human illness, physical disability or injury;

(6) Preservation and protection of Native Hawaiian cultrual and historic resources, including cultural, historic, and pre-contact sites and monuments;

(7) Mitigating gentrification of the community; and

(8) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and

(9) The general direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate, and new financing opportunities that may be pursued.

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

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

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

(e) To the extent practical, the neighborhood TOD plan must 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 must be submitted to the council and approval of the plan must be by council resolution, with or without amendments.

(g) The primary design objectives of the Waipahu Neighborhood TOD Plan are as follows:

(1) Maintain Waipahu's heritage as a former sugar plantation town in the Pouhala (Waipahu Transit Center) station area;

(2) Maintain the area's low-rise character and wide range of uses;

(3) Retain the area's historic low-rise character, while providing new retail, office, and residential opportunities in a walkable, mixed-use setting in the areas along Waipahu Depot Street and Farrington Highway;

(4) Concentrate development in the Hoaeae (West Loch) station area in the area adjacent to the rail station along Farrington Highway and Leoole Street; and

(5) Encourage a higher density commercial center with mixed-use buildings along Farrington Highway, while Leoole and Leoku Streets serve as pedestrian-oriented streets with active ground floor activities and pedestrian access to the Pearl Harbor Historic Trail.

(h) The primary design objectives of the Aiea-Pearl City Neighborhood TOD Plan are as follows:

(1) Develop the Kalauao (Pearlridge) station area as a major urban center and regional destination with opportunities for new high-density residential and commercial development that enhance access and views to the area's natural features;

(2) Preserve views of Pearl Harbor from Kaonohi Street;

(3) Create additional housing units, improved access and amenities along the Pearl Harbor Historic Trail, and new waterfront open spaces in the area makai of Kamehameha Highway;

(4) Transform the existing parking lots and low-density commercial uses near the Waiawa (Pearl Highlands) station area into a walkable, pedestrian-oriented environment by allowing new high-density development;

(5) Promote the area as an attractive place to live and work by emphasizing and improving amenities like the Pearl Harbor Historic Trail, the University of Hawaii Urban Garden Center, and the wide variety of local shopping and dining.

(6) Improve access to regional transportation options, especially pedestrian and bicycle access to the Pearl Harbor Historic Trail from public streets; and

(7) Promote the vision of the Halaulani (Leeward Community College) station area as a college-oriented neighborhood.

(i) The primary design objectives of the Halawa Area Nieghborhood TOD Plan are as follows:

(1) Develop a TOD-oriented sports and entertainment district tied to a stadium in the Halawa (Aloha Stadium) station area;

(2) Establish a gateway corridor connecting the rail station and stadium; and

(3) Concentrate an eclectic mix of street-level retail with consistent frontage along Salt Lake Boulevard.

(j) The primary design objectives of the East Kapolei Neighborhood TOD Plan are as follows:

(1) Create a greenway corridor that includes a multi-use path and other amenities for active and passive use along the rail guideway, while accommodating opportunities for other forms of recreation and entertainment activities in the neighborhood;

(2) Configure buildings and open spaces to provide neighborhood focal points and view corridors of distinct landmarks, such as the Waianae and Koolau mountain ranges and the university campus library tower, while respecting the prevailing trade-wind pattern;

(3) Establish a local, mixed-use community throughout the Honouliuli (Hoopili) station area that is organized in a compact street grid layout with a medium- to high-density town center around the rail station;

(4) Promote an active "festival street" lined with commercial uses and closed to vehicles during events for at least one block near the Honouliuli (Hoopili) station and one block of Hookulaia Street;

(5) Promote the vision of the Keoneae (University of Hawaii-West Oahu) station area as a campus gateway that includes a university village and main street-style atmosphere focused primarily on the university side of Kualakai Parkway;

(6) Create a greenway that includes a multi-use path along the former Kaloi Gulch to connect the university campus and non-campus lands, including adjacent park and open space; and

(7) Cultivate community uses and active streetscapes in the Kualakai (East Kapolei) station area that provide distinctive, vibrant public spaces at the ground level.

(Added by Ord. 09-04; Am. Ord. 17-20, 17-54, 22-29, 23-32, 26-31)

§ 21-9.100-3 Processing of proposed ordinances establishing the TOD special district and development regulations applicable thereto.

If the council approves a neighborhood TOD plan, with or without amendments, the director shall submit to the planning commission a proposed ordinance establishing the TOD special district or expanding the existing special district to include the applicable station area(s) and the TOD development regulations applicable thereto.

(Added by Ord. 09-4; Am. Ord. 17-54)

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

The TOD development regulations for the TOD special district must include, but need 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 non-automobile 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; and
(i) Incentives and accompanying procedures to encourage appropriate and necessary transit-oriented development, which may include minimum standards, financial incentives, and considerations relating to the ability to contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities.

(Added by Ord. 09-4; Am. Ord. 17-54)

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

(a) The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects and public housing 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 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 usable 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 § 21-9.100-4.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by the legislative review and approval prior to a more detailed administrative review and approval by the department. For the purpose of this section, "public housing project" means a residential or mixed-use development with a significant affordable housing component undertaken by the Hawaii Public Housing Authority or other state or city agency that develops public housing, their lessee, or their designated developer pursuant to a partnership or development agreement.

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 (HRTP) 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 provisions of this section.

For the purposes of 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. Council committee drafts of a plan are deemed under consideration by the council after they have been placed on a full council agenda for adoption. Council floor drafts of a plan are deemed under consideration by the council after the council has amended the plan to the floor draft version.

(b) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:

(1) The zoning lot must be located within the proposed TOD special district as shown in the maps and figures for the applicable neighborhood TOD plan;

(2) For public housing projects, a portion of a zoning lot must be within 1 mile of a rail station.

(3) The minimum project size is 20,000 square feet. Multiple zoning lots may be part of a single IPD-T project if the owners, lessees, developers, or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. Zoning lots may be added to or removed from existing IPD-T projects upon the application of the owners, lessees, developers or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing IPD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations of this chapter. Zoning lots to be removed from an IPD-T project must comply with all zoning regulations applicable to that zoning lot separate from the IPD-T project. Multiple zoning lots in a single IPD-T project must be contiguous; provided that zoning lots that are not contiguous may be part of a single IPD-T project if all the following conditions are satisfied:

(A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, so that if the street were to be removed, the zoning lots would be adjacent to each other; and

(B) Each noncontiguous portion of the IPD-T project site, whether composed of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.

When an IPD-T project consists of noncontiguous zoning lots as provided in this subdivision, pedestrian walkways, improved streetscapes, or functional design features connecting the separated lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single IPD-T project will be considered and treated as one zoning lot for purposes of the project, without requiring separate approval for consolidation of the zoning lots pursuant to Chapter 22.

(4) The IPD-T project site must be entirely within the state-designated urban district;

(5) All eligible zoning lots must be within the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; provided that this subdivision does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and

(6) The TOD special district will be established incrementally, with station areas being added to the TOD special district as the council approves the neighborhood TOD plans and as the subsequent TOD special district regulations are added to this chapter to reflect each TOD station area. Upon the establishment of the TOD special district and its related development regulations, all zoning lots within the station areas that are added to the TOD special district will no longer be eligible for an IPD-T permit, but must henceforth comply with all applicable TOD special district regulations and requirements set forth in this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan prior to the date of enactment of the ordinance expanding the TOD special district to the station area where the project site is located will continue to be processed under and be subject to this section and the applicable use and development standards allowed under the approved conceptual plan.

(c) Review Criteria.

(1) The IDP-T option offers developers opportunities to increase development potential, provided that the project demonstrates and provides community benefits and equitable contributions that benefit the general public, the transit system, and TOD.

(2) Significant flexibility and the possibility of increased development potential are available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that a project may 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 an IPD-T permit for those projects that demonstrate the standards set forth in § 21-9.100-8(a)(1)(E) and § 21-9.100-9(b). When an applicant seeks to exceed the base height or density through an IPD-T permit, the conclusions set forth in § 21-9.100-8(a)(1)(F) must be reached.

(3) Unless otherwise specified in this section, IPD-T projects must 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 at the time the application for the principal project is submitted to the department and accepted as complete.

(d) Use Regulations.

(1) Permitted uses and structures for all zoning districts other than the BMX-4 central business mixed-use zoning district may be any of those uses permitted in the BMX-3 community business mixed-use zoning district; provided that lodging uses are not permitted on any zoning lot unless they are otherwise in compliance with the standards enumerated by § 21-5.70-3(b), or on a zoning lot within the Convention Center Subdistrict of the Ala Moana neighborhood TOD plan;

(2) Permitted uses and structures in the BMX-4 central business mixed-use zoning district will be as specified in Table 21-5.1; and

(3) 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.

(e) Site development and design standards. The standards set forth in this subsection are general requirements for IPD-T projects. When, in the subdivisions below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of § 21-9.100-4 and this subsection. In addition, pursuant to subsection (c), the modification or reduction in the following standard must be commensurate with the contributions and community benefits provided in the project plan, and the project must be generally consistent with the draft or approved neighborhood TOD plan for the area, unless otherwise specified in this subsection.

(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 TOP plan identifies greater density for the site, a project on that site may seek the specified density contained in the plan;

(B) For public housing projects as defined in subsection (a), the FAR may not exceed 7.5; provided that if the maximum FAR under the draft or approved neighborhood TOD plan is greater than 7.5, then the FAR specified in the plan will prevail; and

(C) For lots in the B-2, BMX-3, BMX-4, and IMX-1 districts, the maximum increase will apply in addition to any eligible density bonuses for the underlying zoning district; that is, the FAR may be doubled after any FAR bonuses for public open space or arcade space are added to the base FAR.

(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;

(B) Where there is a draft or approved neighborhood TOD plan, the maximum height may not exceed the maximum height specified in the plan, provided that where existing height limits exceed those in the plan, the existing height limit will prevail; and

(C) For public housing projects as defined in this section, the maximum building height may be up to 400 feet unless the maximum height specified in the draft or approved neighborhood TOD plan is higher, in which case the maximum height specified in the plan will prevail.

(3) Transitional height or street setbacks may be modified where adjacent uses and street character will not be adversely affected.

(4) Buildable area. Yards and the maximum building area must be as specified by the approved conceptual project plan; provided that building placement will not cause adverse noise, privacy, or wind effects to adjacent uses, and street character will not be adversely affected.

(5) Open space.

(A) Project open space must 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 will be utilized as 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, including but not limited to streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades;

or both.

(C) Where public open space is being offered as a community benefit to achieve height or density bonuses, required yards may be included in the calculation and the landscaping requirement will be reduced to 20 percent of the total area.

(6) Landscaping and screening standards will be as specified in the approved conceptual project plan and project landscaping must 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 are as follows:

(A) The number of parking and loading spaces must be provided in accordance with Article 6;

(B) Service areas and loading spaces must be located at the side or rear of the site, unless the size and configuration of the lot renders this infeasible;

(C) Vehicular access must be provided from an existing access or driveway, or from a secondary street whenever possible and placed in the location least likely to impede pedestrian circulation; and

(D) The provision of car-sharing programs and electric vehicle charging stations is encouraged.

(8) Bicycle parking must be accommodated on the project site.

(9) Signs. All projects must include appropriate measures to accommodate TOD-related way-finding signage that will be considered "public signs" for purposes of Article 7.

(f) Affordable Housing Requirements. All projects proposing the construction or conversion of 10 or more for-sale dwelling units must satisfy the requirements of Chapter 29, as the same may be amended or superseded.

(g) Community Benefits.

(1) Community benefits must be proposed in the IPD-T project application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards.

(2) Where community benefits are proposed, they must meet the standards set forth in § 21-9.100-9(e).

(3) For projects that include a hotel component, the community benefits proposed in the IPD-T project application must include one or both of the following:

(A) Affordable housing provided in addition to any affordable housing requirements applicable to the project under Chapter 29. The affordable housing proposed as community benefits must meet the following minimum requirements:

(i) For-sale affordable dwelling units must be sold to households earning 120 percent and below of the AMI. At least one-half of those units must be sold to households earning 100 percent and below of the AMI;

(ii) For-rental affordable dwelling units must be rented to households earning 80 percent and below of the AMI;

(iii) The affordable dwelling units must remain affordable for a period of at least 30 years;

(iv) The affordable dwelling units must be marketed as provided in § 38-1.6 for affordable units required by Chapter 29; and

(v) Application of the department's affordable housing requirement rules, including the room factor calculation, is required. If, after applying the room factor; additional affordable dwelling units are required, the additional required affordable dwelling units must not be created by dividing previously proposed affordable dwelling units into more dwelling units; or

(B) City multimodal transportation system improvements.

For purposes of this subdivision:

"AMI" means the same as defined in § 38-1.2;

'Hotel" means the same as defined in § 21-10.1, and includes condo-hotels owned under a condominium property regime; and

"City multimodal transportation system improvements" means improvements associated with the Honolulu rail transit system, the city bus transit system, or the city special transit services. Improvements may include but are not limited to easements on, over, and across private property; construction or maintenance of rail transit stations or bus stations or stops; provision of informational or directional signage; and monetary contributions to fund the cost of such improvements.

(h) Application Requirements. An application for approval of an IPD-T project must contain:

(1) A project name;

(2) A location map showing the project in relation to the future rail station area and surrounding area;

(3) A site plan showing property lines, the locations of building and the 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:

(A) The overall development and urban design concept;

(B) The general mix of uses;

(C) The basic form and number of structures;

(D) The relationship of buildings to each other and to the streets, and how that is used to create active public space;
(E) The estimated number of proposed public and private dwelling or lodging units, affordability restrictions to be observed, and the proposed mix of housing types;
(F) General building height and density;
(G) How the project achieves and positively contributes to TOD and transit-enhanced neighborhoods;
(H) Proposed public amenities and community benefits;
(I) The planned development of usable, publicity accessible spaces, accommodations, and landscaping;
(J) How the project supports walking, bicycling and active living;
(K) Proposals to enhance multimodal circulation and access;
(L) Proposed off-street parking and loading; and
(M) 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 with 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, 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 view protected by state or city laws;

(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 must be included in the proposal; and

(10) The dollar amount estimate of:
(A) The value of requested height bonuses;
(B) The value of requested density bonuses; and
(C) The cost to the developer for each category of proposed community benefits;
accompanied by an explanation of how the values and costs were calculated.

(11) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.

(i) Procedures. Applications for approval of IPD-T projects must be processed in accordance with § 21-2.110-2. Fees will be as enumerated for Planned Development application in § 6-41.1(a)(19), provided that the fee will be waived for public housing projects.

(j) Conceptual Plan for a Project. No project will be eligible for IPD-T status unless the council, by resolution, 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 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.

(k) 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 § 21-9.100-4 and this section as applicable;

(2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed; and

(3) The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in § 21-9.100-4 and this section as applicable.

(l) Deadline for Obtaining Building Permit for Project.

(1) A council resolution for approval of a conceptual plan for an IPD-T project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will 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 will not be affected. The reordering of phases is permitted with the director's approval as long as the overall completion deadline for multiphase projects has not passed. A revocation of a building permit pursuant to § 18-5.4 after the deadline will be deemed a failure to comply the deadline.

(2) The resolution must 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 may 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 must include the director's finding 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 is deemed to be denied.

(3) For public housing projects, the council resolution for approval of a conceptual plan for an IPD-T project must include a five-year deadline within which the building permit for the first phase of the project must be obtained. Any extensions beyond this deadline, including extensions for subsequent phases, will be subject to council approval pursuant to the procedures in subdivision (2).

(4) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(m) Further Processing by Director. If the council approves the conceptual plan for the IPD-T project, the applicant shall address the conditions of approval contained in the resolution adopted by the council, and modify the project and related plans accordingly. The applicant shall thereafter submit the revised plans to the department so that the project application may continue to be processed by the director as provided under § 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria must be used by the director to review applications:

(1) The project must 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 must implement the objectives, guidelines, and standards of § 21-9.100-4 and this section;

(3) The project must contribute significantly to the overall desired urban design of TOD areas;

(4) The project must demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping and other amenities that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding TOD areas;

(5) The project must involve a broad mix of uses and other characteristics that support the economic development and vitality of the affected TOD enhanced neighborhood; and include an appropriate mix of housing types, particularly affordable housing, rental housing; and public housing; and

(6) The parking management plan or transportation demand management plan must support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible.

(Added by Ord. 14-10; Am. Ord. 16-26, Am. Ord. 17-40, Am. Ord. 20-40, Am. Ord. 20-41, Am. Ord. 22-29, Am. Ord. 25-2)

§ 21-9.100-6 TOD special district objectives.

The objectives of the TOD special district are to:

(1) Promote an appropriate mixture and density of activity around the rail transit stations in order to maximize the potential for transit ridership and promote alternative modes of transportation to the automobile;

(2) Allow for more intense and efficient use of land for the mutual reinforcement of public investments and private development;

(3) Support transit by ensuring connectivity and convenient access, while limiting conflicts among vehicles, pedestrians, bicycles, and transit operations;

(4) Establish standards for building and sites that provide quality urban design that attracts and encourages pedestrian activity;

(5) Provide a high level of streetscape amenities that create a comfortable environment for pedestrians, bicyclists, and other uses, such as walkways, street furniture, street trees, and human-scale architectural features;

(6) Promote an appropriate mix of housing types, including affordable housing and rental housing;

(7) Promote quality publicly accessible and useable spaces and gathering places; and

(8) Contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities.

(Added by Ord. 17-54)

§ 21-9.100-7 Use regulations.

Permitted uses and structures are as enumerated in Table 21-5.1, except as provided below:

(a) In the business mixed-use district, the ground floor of buildings facing a key street, public open space, or transit station must be designed and used for active ground floor activities, as defined in § 21-9.100(c), for at least 80 percent of the ground-floor building frontage. On corner lots, this requirement must be met on each key-street-facing façade.

(b) In the apartment mixed-use district the ground floor of the building frontage facing any key street, public open space, or transit station must be designed and used as residential dwelling units or active ground floor activities, as defined in § 21-9.100(c). On corner lots, this requirement must be met on each key-street-facing façade.

(c) Up to 10 dwelling units may be permitted per zoning lot above the ground floor in the IMX-1 industrial commercial mixed use district, subject to a special district permit.

(d) Safety nets and poles that are accessory to recreation facilities are exempt from the zoning district height limits in the TOD station areas corresponding to Exhibit 21-9.25; provided that:

(1) The height does not exceed 200 feet from existing grade; and

(2) The project site is located 2,000 feet or farther from a rail station.

(Added by Ord. 17-54, Am. Ord. 25-2, Am. Ord. 26-31)

§ 21-9.100-8 General requirements and development standards.

The following standards apply throughout a TOD special district:

(a) Site development and design standards. Development standards are as established for the underlying base zoning district except as provided below.

(1) Density and height.

(A) The maximum FAR is as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit, through which an applicant may seek approval to exceed the base FAR up to a maximum FAR as follows:

	BMX-3 and B-2 Districts	**Apartment and Apartment Mixed-Use Districts**	**Industrial and Industrial Mixed-Use Districts**
Base FAR	2.5	Refer to Table 21-3.3	Refer to Table 21-3.5
Maximum FAR with Minor Special District Permit	3.5	1.2 x Base FAR	1.2 x Base FAR
Maximum FAR with PD-T Approval	7.0	2.0 x Base FAR	2.0 x Base FAR

(B) The open space bonus provisions of §§ 21-3.110-1(c) and 21-3.120-2(c) are not applicable.

(C) In the apartment mixed-use districts, the maximum commercial use density and location provisions of § 21-3.90-1(c) and Table 21-3.3 may be modified through a special district permit if the proposed development meets the objectives of the TOD special district, as enumerated in § 21-9.100-6.

(D) Height. If the maximum height is not prescribed for a zoning district in this chapter, the allowable height is as prescribed on the zoning map. An applicant may seek approval to exceed the base height limit up to the parenthetical height identified as the bonus height limit on the zoning map, where applicable, through a special district permit or PD-T approval as follows:

Maximum Height with Minor Special District Permit	60 feet over the base height limit; or twice the base height limit, whichever is less
Maximum Height with Major Special District Permit	120 feet over the base height limit; or three times the base height limit whichever is less
Maximum Height with PD-T Approval	Up to the parenthetical height identified as the bonus height limit on the zoning map

(E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be commensurate to the community benefits the development will provide for the enhancement of

the surrounding area. The highest degree of flexibility may be authorized for those projects that demonstrate:

(i) The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multimodal circulation system, supporting easy access to, and effective use of the rail and bus transit system on a pedestrian scale;

(ii) The provision of open space, particularly usable, safe, and highly accessible public accommodations, gathering spaces, or parks, either onsite, within the TOD station area, or at a public park or gathering space within 400 feet of the same TOD station area boundary; and

(iii) An appropriate mix of housing and unit types, particularly affordable for-sale or rental housing, or both, located on the project site or within the same rail station area as the project site. Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 29, which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for IPD-T, PD-T and TOD special district projects seeking bonus height or density, or both.

The above notwithstanding, the completed project must be able to contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities, including but not limited to whether the construction workforce employed on all phases of the project will be paid no less than the prevailing minimum wages established for public work projects pursuant to HRS Chapter 104.

(F) When an applicant seeks to exceed the base height or density limit through a special district permit, the following conclusions must be made:

(i) Additional project elements that provide community benefits beyond what would otherwise be required have been incorporated into the project plan, as described in § 21-9.100-9(e);

(ii) The increase in height or FAR is reasonably related to the level of community benefits provided;

(iii) The additional height or FAR will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and

(iv) The provision of community benefits in conjunction with the increase in height or FAR will further the goals and objectives of the TOD special district and the applicable neighborhood TOD plan.

(2) Building area. Within the TOD special district, the building area standard for zoning lots in the apartment mixed-use and industrial mixed-use districts, as set forth in Tables 21-3.3 and 21-3.5, respectively, are not applicable.

(3) Yards, setbacks, street facade, and building placement.

(A) Required yards (in feet) in a TOD special district are as follows:

Required Yard Standards		B-2 and BMX-3 Districts	Apartment and Apartment Mixed-Use Districts	Industrial and Industrial Mixed-Use Districts
Minimum Front Setback[1]	All Streets	5		
Maximum Front Setback[1]	Non-Key Street	10	None	
	Key Street	10	15	10
	Highway[2]	15		

1 Front setbacks may be modified pursuant to in § 21-9.100-8(a)(3)(C).
2 For the purposes of this subdivision, "highway" refers to Farrington Highway or Kamehameha Highway. This provision prevails where there are other maximum front setbacks.

(B) The maximum setback must be measured from the front property line to the exterior face of the building. See Figures 21-9.3 and 21-9.4.

(C) The minimum and maximum front setbacks may be modified as follows:

(i) Buildings may encroach into the front yard provided:

(aa) A paved public sidewalk at least 8 feet in width fronts the building; or

(bb) Other buildings on the same block and sharing the same street frontage are set back less than 5 feet from the property line, and the proposed building location will match the existing setbacks so that the proposed building facade creates a consistent building alignment.

(ii) Buildings may be located beyond the maximum setback if the additional setback is necessary to provide for a tree within the property because it is not feasible to provide for street trees within the adjacent right-of-way due to limitations such as the location of existing infrastructure.

(D) Street facade and building placement.

(i) On a corner zoning lot fronting at least one key street, buildings must be located within 30 feet of the corner. See Figure 21-9.5.

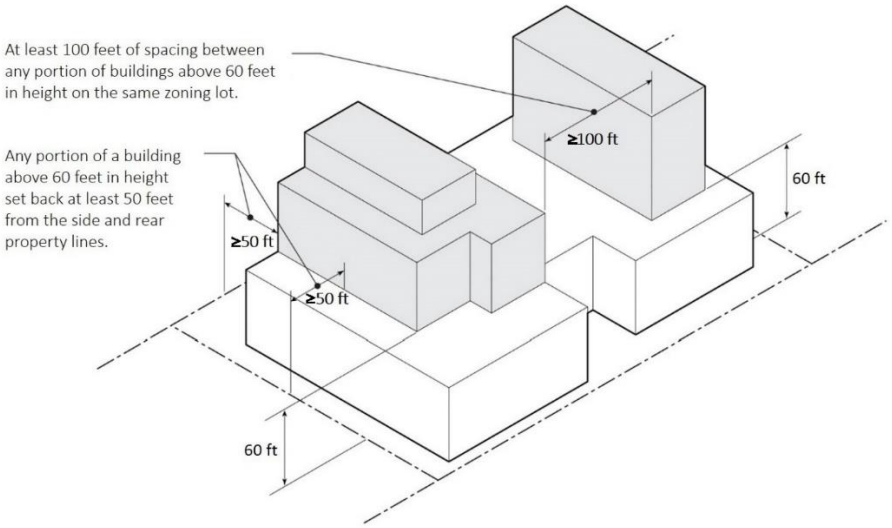
(ii) On a zoning lot with a street frontage of 100 feet or less per frontage, the ground floor building facade must be placed within the maximum front setback for at least 75 percent of the linear street frontage. See Figure 21-9.6.

(iii) On a zoning lot with a street frontage greater than 100 feet per frontage, the ground floor building facade must be placed within the maximum front setback for at least 65 percent of the linear street frontage. See Figure 21-9.7.

(iv) If a zoning lot fronts two or more key streets, the applicant may designate one of the streets or corners for purposes of street facade

and building placement. The structure must be placed within the maximum setback on at least one key street. Setback improvements must be provided along all key street frontages, as set forth in § 21-9.100-8(a)(3)(E). See Figures 21-9.8 and 21-9.9.

(v) Any portion of a building above 60 feet in height must be set back at least 50 feet from the side and rear property lines, and spaced at least 100 feet from any portion of other buildings above 60 feet in height on the same zoning lot, as depicted in the following illustration:



(vi) To preserve important views, no structures greater than 3 feet in height, except for open work fences, may be constructed in the areas identified as view corridors in the exhibits specified in § 21-9.100-12. The director may approve uses and structures allowed in standard required yards; provided that no views will be adversely impacted.

(vii) Buildings above 40 feet in height must be oriented with the long axis aligned in a mauka-makai direction.

(E) Setback improvements.

(i) For structures within 15 feet of the property line with commercial or industrial uses on the ground floor, the setback area between the property line and the building facade must be improved with a combination of hard surface, landscaping that does not obstruct pedestrian access to the setback area, and pedestrian amenities, such as outdoor dining, benches and publicly accessible seating, shade trees, portable planters, trash and recycling receptacles, facilities for recharging electronic devices, Wi-Fi service, bicycle facilities, or merchandising displays.

(ii) Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in § 21-4.30(b), and may encroach into the right-of-way; provided that they meet all

requirements of the building codes and do not conflict with any street tree requirements.

(iii) For ground-floor residential uses, covered porches, stoops, or lanais may encroach into the required front yard. Other portions of the front yard must be landscaped, except for necessary access driveways and walkways.

(F) For zoning lots on key streets in the apartment mixed-use districts, walls and fences located between the property line and the front facade of a building set back 15 feet or less must not exceed 3 feet in height.

(G) Where a side yard, rear yard, or zoning district boundary line abuts a designated bike-walk greenway, a 10-foot setback must be provided. This setback area must be landscaped or improved with a combination of hard surface, landscaping, and pedestrian amenities, such as benches, shade trees, water fountains, or bicycle facilities to enhance the greenway user experience. The setback area may also be used for convenience or commercial purposes that support the users of the bike-walk greenway, such as outdoor dining, merchandise displays, bicycle repair stations, and refreshment kiosks. No fences, except for openwork fences that do not exceed 4 feet in height, may be installed within the 10-foot setback area. For the purposes of this paragraph, "openwork" means at least 50 percent open.

(H) If a street tree plan or TOD special district street tree plan exists for the street that fronts the project, the applicant shall install street trees, as required by the director.

(I) The standards of this subdivision may be modified through a special district permit if at least one of the following conclusions may be made:

(i) Irregular property lines, zoning lot configuration, coastal hazards as projected using the best available science, or topography of the zoning lot render the yards, setbacks, street façade, or building placement standards infeasible;

(ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade or building placement standards are incompatible or unreasonable, and better overall design may be achieved by following existing development patterns; or

(iii) The proposed building placement provides for publicly accessible, highly usable parks or gathering spaces, and will not detract from the purposes of the TOD special district.

(4) Building orientation and entrances.

(A) Building facades must be predominantly oriented to and parallel with the street, property line, or adjacent public spaces. A primary building entrance must be placed on that street frontage. See Figures 21-9.10 through 21-9.12.

(B) Where multiple businesses are located along the front facade of the ground floor of a building, each establishment must have a separate entrance on that street frontage.

(C) At least one entrance must be placed every 50 feet of the building facade facing a street or pedestrian plaza.

(D) The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the zoning lot renders them infeasible.

(5) Building transparency, blank wall limits and required openings for ground-floor facades.

(A) Building facades within 20 feet of a front or street-facing property line must contain windows, doors, or other openings for at least 60 percent of the building facade area located between 2.5 and 7 feet above the level of the sidewalk. See Figure 21-9.13. Blank walls must not extend for more than 25 feet in a continuous horizontal plane without an opening on the ground floor of a building, provided that:

(i) Along key streets, this provision applies to all buildings, except for the portions of a building with residential dwelling units on the ground floor; provided that residential lobbies are subject to the transparency standard; and

(ii) Along non-key streets, structures with residential or industrial uses on the ground floor are exempt from this standard.

(B) Openings fulfilling this requirement must be designed to provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least 3 feet deep.

(C) Modifications to the building transparency standard may be approved through a special district permit; provided that:

(i) The proposed use has unique operational characteristics for which the required windows and openings are incompatible, such as in the case of a cinema or theater; and

(ii) Street-facing building facades will exhibit architectural relief and detail, and will be enhanced with landscaping and street furniture, or provide canopies and awnings in a manner that creates visual interest at the pedestrian level and activates the sidewalk area.

(6) Pedestrian walkways. Walkways with a minimum 5-foot unobstructed width must be provided according to the following standards:

(A) Pedestrian walkways must create internal connections by connecting all buildings on a zoning lot to each other, to onsite automobile and bicycle parking areas, and to any onsite open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15;

(B) Pedestrian walkways must connect the principal pedestrian entryway to a sidewalk on each street frontage;

(C) Direct and convenient access must be provided to neighboring properties from commercial and mixed-use developments on zoning lots 1 acre or more in size whenever possible; and

(D) Where walkways cross or are parallel to driveways, parking areas, or loading areas, they must be clearly identifiable through the use of different paving materials or other visual markings.

(b) Specific use development standards.

(1) Projects must satisfy the applicable affordable housing requirements of Chapter 29.

(2) Outdoor dining areas are subject to the following:

(A) A planter or hedge of not more than 2.5 feet in height may be provided in the required yard to define the perimeter of the outdoor dining area;

(B) Outdoor dining facilities are limited to chairs, tables, serving devices and umbrellas. When umbrellas are used, they will not be counted against open space calculations; and

(C) Outdoor dining areas must not be used after 11:00 p.m. or before 7:00 a.m.

(c) Vehicle parking, loading, and bicycle parking.

(1) At-grade parking spaces and parking on the ground floor of any structure must not be located within 40 feet of any front property line. See Figures 21-9.8 and 21-9.9. Exceptions may be granted with the approval of a special district permit if the director determines that:

(A) Buildings are built as close as possible to the public sidewalk; and

(B) The site is small and constrained such that underground, structured, and surface parking located more than 40 feet from the street frontage could not be accommodated.

(2) Service areas and loading spaces must be located at the side or rear of the site. This requirement may be modified through a special district permit if the director determines that the size and configuration of the zoning lot make such a requirement infeasible.

(3) Vehicular access must be provided from a secondary street wherever possible and located where it is least likely to impede pedestrian circulation, as approved by the appropriate agencies.

(4) The ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line.

(d) Nonconformities. The provisions of § 21-4.110 apply, except as provided in this subsection.

(1) Structures and uses that are nonconforming prior to the adoption of a TOD special district and that do not conform to the TOD special district standards are subject to the provisions of § 21-4.110.

(2) Uses that became nonconforming with the adoption of a TOD special district and zoning map amendments may be expanded to other parts of an existing structure or structures on a lot provided no new floor area devoted to such nonconforming use is proposed.

(3) Structures that became nonconforming with the adoption of a TOD special district and zoning map amendments may be repaired and modified where there is no proposed increase in floor area. Structural repairs that do not enlarge or extend the structure, and exterior repairs and renovations that will not modify the arrangement of buildings on the lot may be allowed, provided that if any portion of a nonconforming structure is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it cannot be reconstructed except in conformity with the provisions of this chapter.

(4) The addition of floor area on a structure that became nonconforming with the adoption of a TOD special district and zoning map amendments may be allowed, provided the proposed development complies with all applicable development standards or does not increase the nonconformity.

(5) Existing structures on lots with nonconforming site development may be repaired and modified, and will not be subject to value limits on repairs or renovation work performed. Where the work involves new floor area or reconfiguration of the site, the new work must comply with the TOD special district uses and standards in §§ 21-9.100-7 and 21-9.100-8.

(6) Where proposed improvements to nonconforming structures or nonconforming site development meet the standards of the underlying zoning but not the TOD special district uses and standards in §§ 21-9.100-7 and 21-9.100-8, the applicant may seek a special district permit to allow the development where the director can find:

(A) The proposed development is not detrimental to the special district, surrounding neighborhood, or streetscape; and

(B) The proposal includes measures to mitigate the impacts of the proposed development, or provides other community benefits to increase the conformity of the site overall with the special district standards.

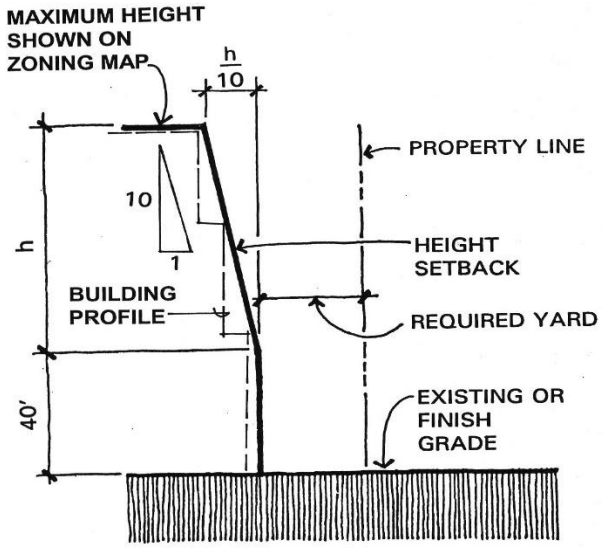
(e) Signage. TOD-related way-finding signage will be considered "public signs" for purposes of Article 7.

(Added by Ord. 17-54; Am. Ord. 20-41, 22-29, 23-32)

Figure 21-9.2

TRANSITIONAL HEIGHT SETBACK - WAIKIKI

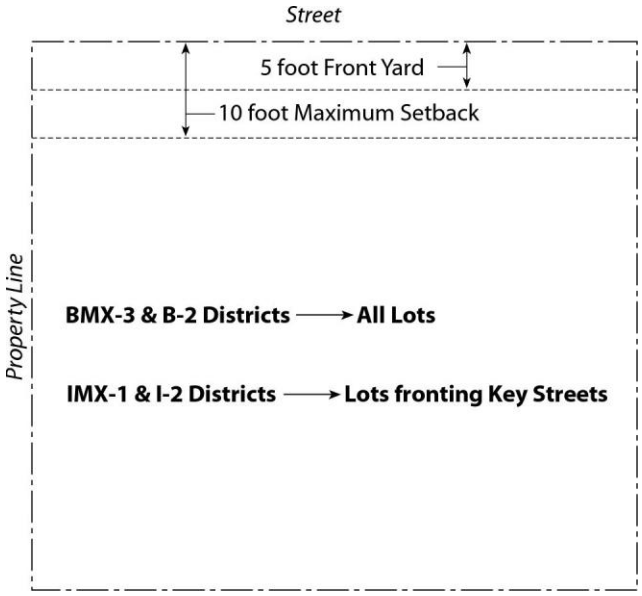
Ref. § 21-9.80-5; § 21-9.80-6



(Added by Ord. 03-38)

Figure 21-9.3

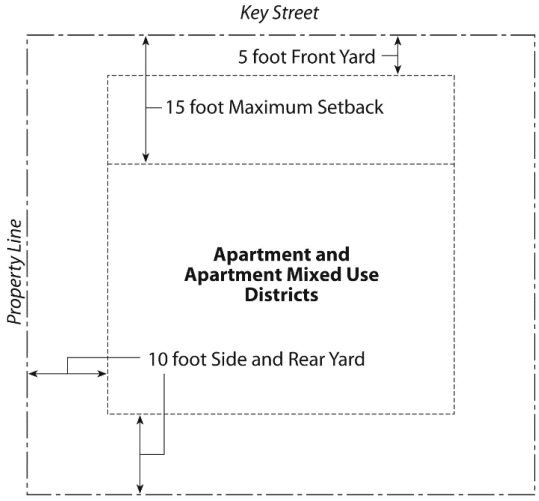
YARDS AND MAXIMUM SETBACKS ON ALL STREETS IN THE BMX-3 BUSINESS MIXED-USE AND B-2 COMMUNITY MIXED-USE DISTRICTS AND ON KEY STREETS IN THE IMX-1 INDUSTRIAL COMMERCIAL MIXED-USE AND I-2 INTENSIVE INDUSTRIAL DISTRICTS



(Added by Ord. 17-54)

Figure 21-9.4

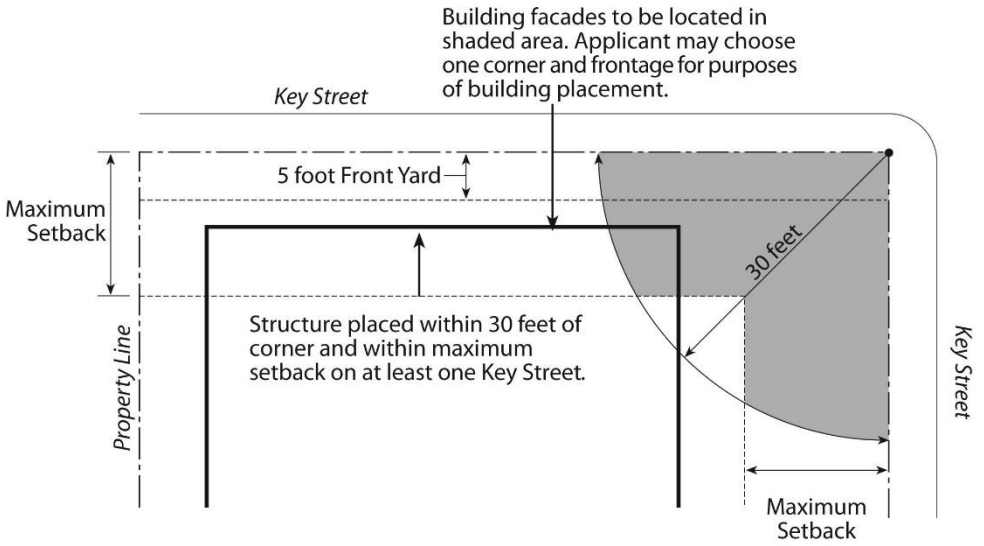
YARDS AND MAXIMUM SETBACKS ON KEY STREETS, APARTMENT AND APARTMENT MIXED-USE DISTRICTS



(Added by Ord. 17-54)

Figure 21-9.5

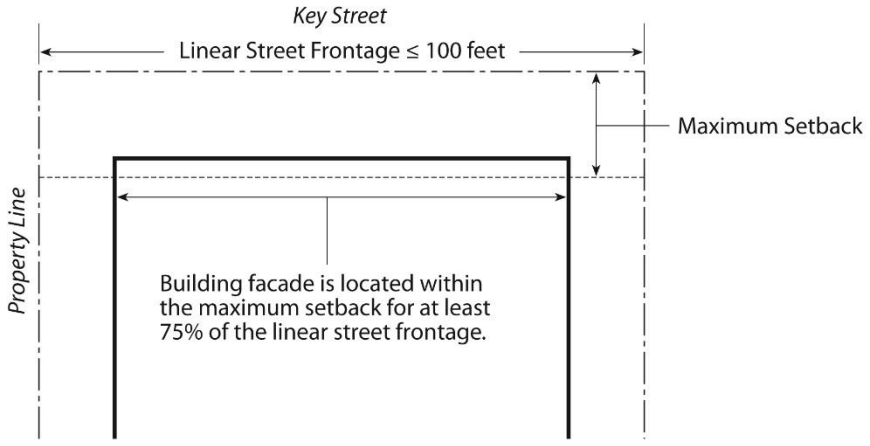
BUILDING FACADE PLACEMENT ON CORNER LOTS FRONTING TWO KEY STREETS



(Added by Ord. 17-54)

Figure 21-9.6

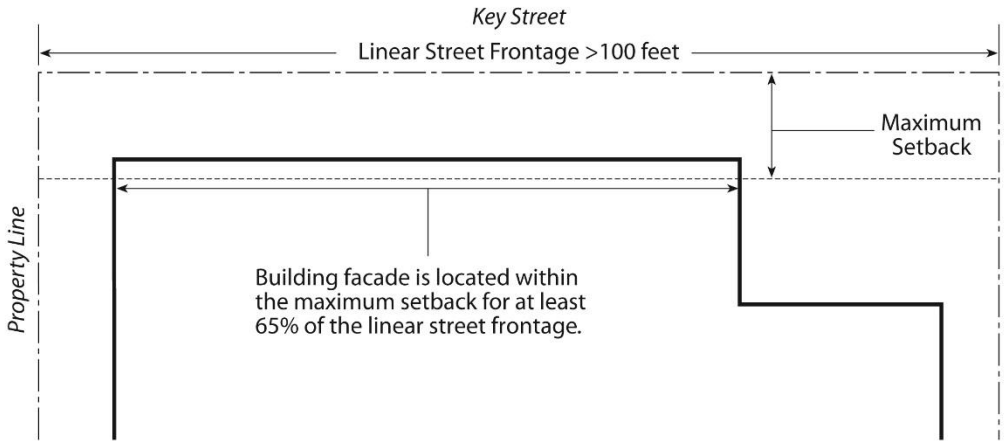
BUILDING FACADE PLACEMENT ON LOTS 100 FEET OR LESS



(Added by Ord. 17-54)

Figure 21-9.7

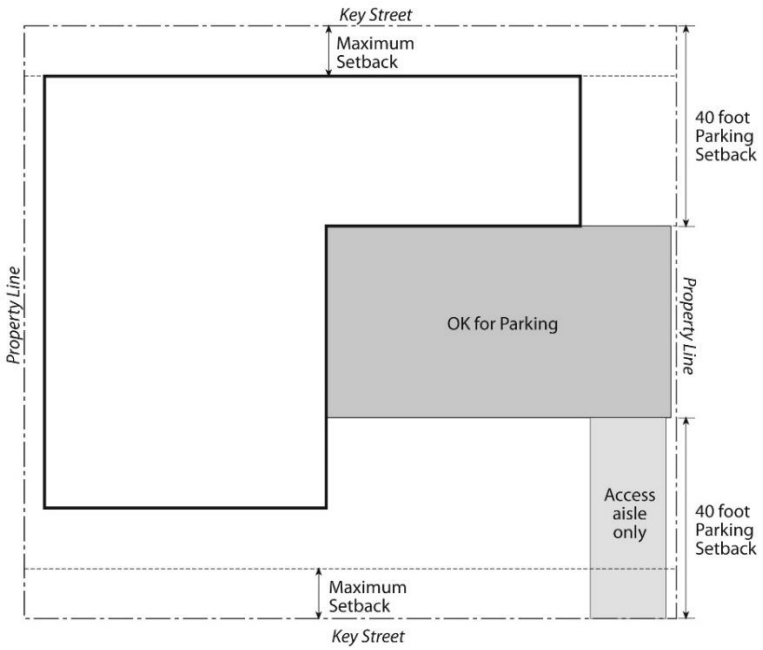
BUILDING FACADE PLACEMENTS ON LOTS GREATER THAN 100 FEET



(Added by Ord. 17-54)

Figure 21-9.8

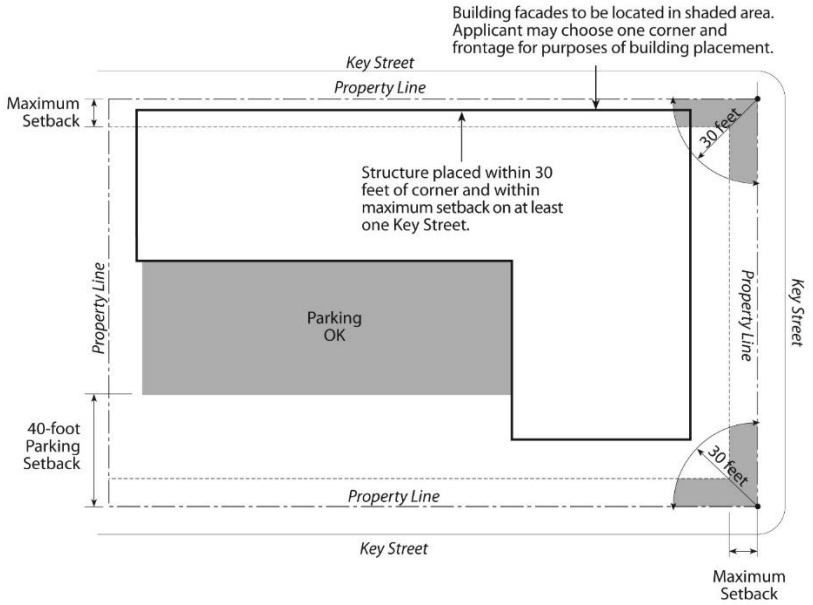
BUILDING FACADE AND PARKING PLACEMENT ON LOTS FRONTING TWO KEY STREETS



(Added by Ord. 17-54)

Figure 21-9.9

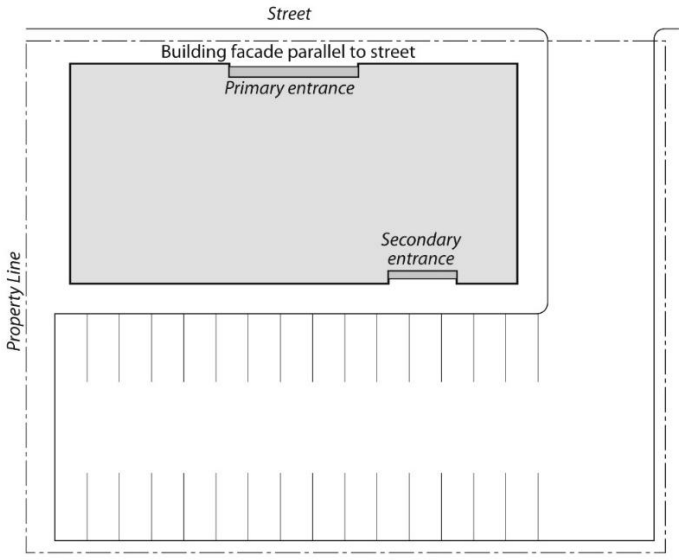
BUILDING FACADE AND PARKING PLACEMENT ON LOTS FRONTING THREE KEY STREETS



(Added by Ord. 17-54)

Figure 21-9.10

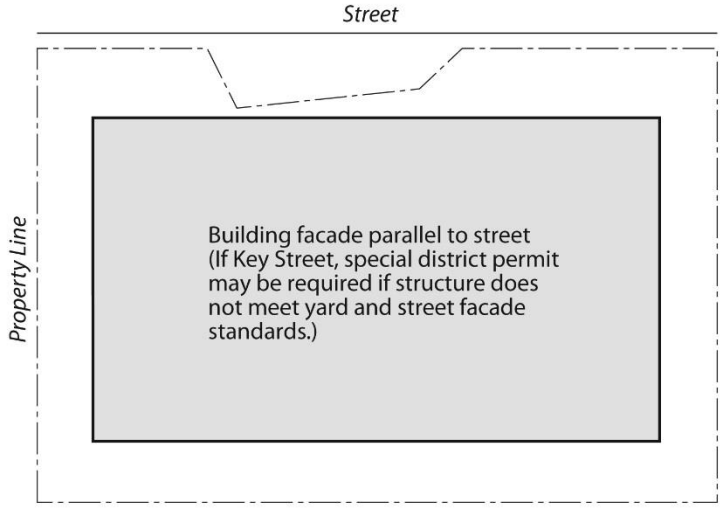
PRIMARY AND SECONDARY BUILDING ENTRANCES



(Added by Ord. 17-54)

Figure 21-9.11

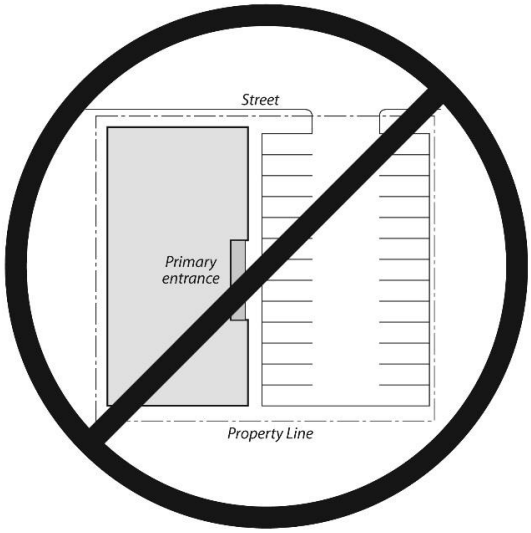
FOR LOTS WITH IRREGULAR PROPERTY LINES, BUILDING FACADES PARALLEL TO STREETS



(Added by Ord. 17-54)

Figure 21-9.12

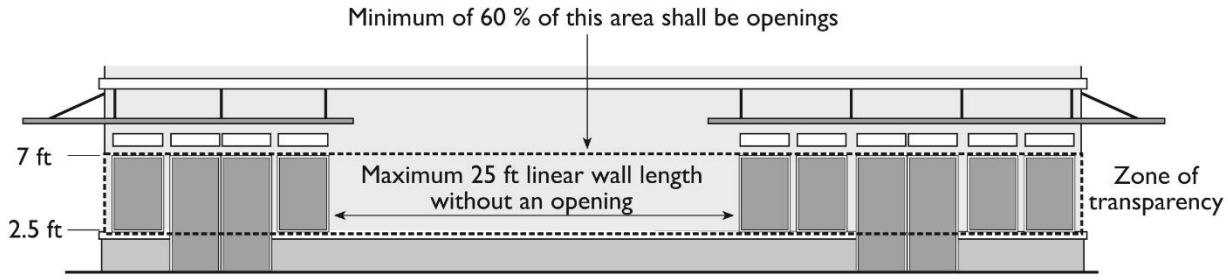
PRIMARY ENTRANCES SHOULD FACE THE STREET



(Added by Ord. 17-54)

Figure 21-9.13

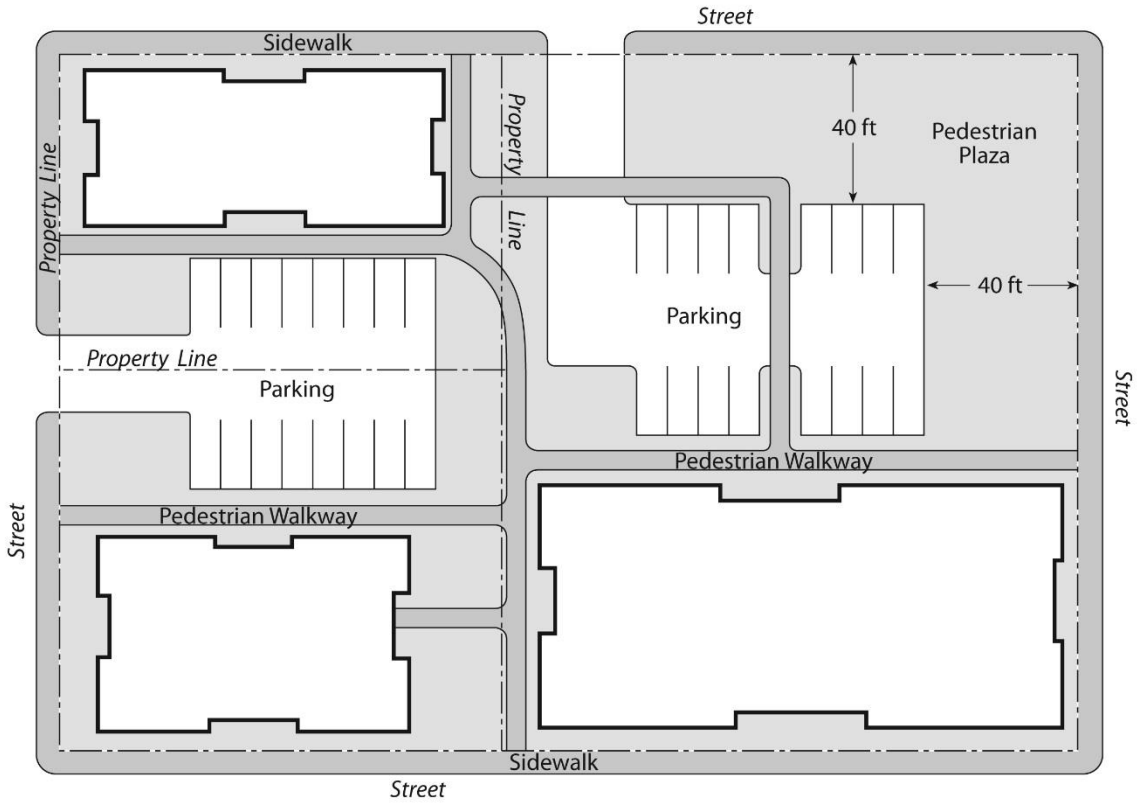
BUILDING TRANSPARENCY



(Added by Ord. 17-54)

Figure 21-9.14

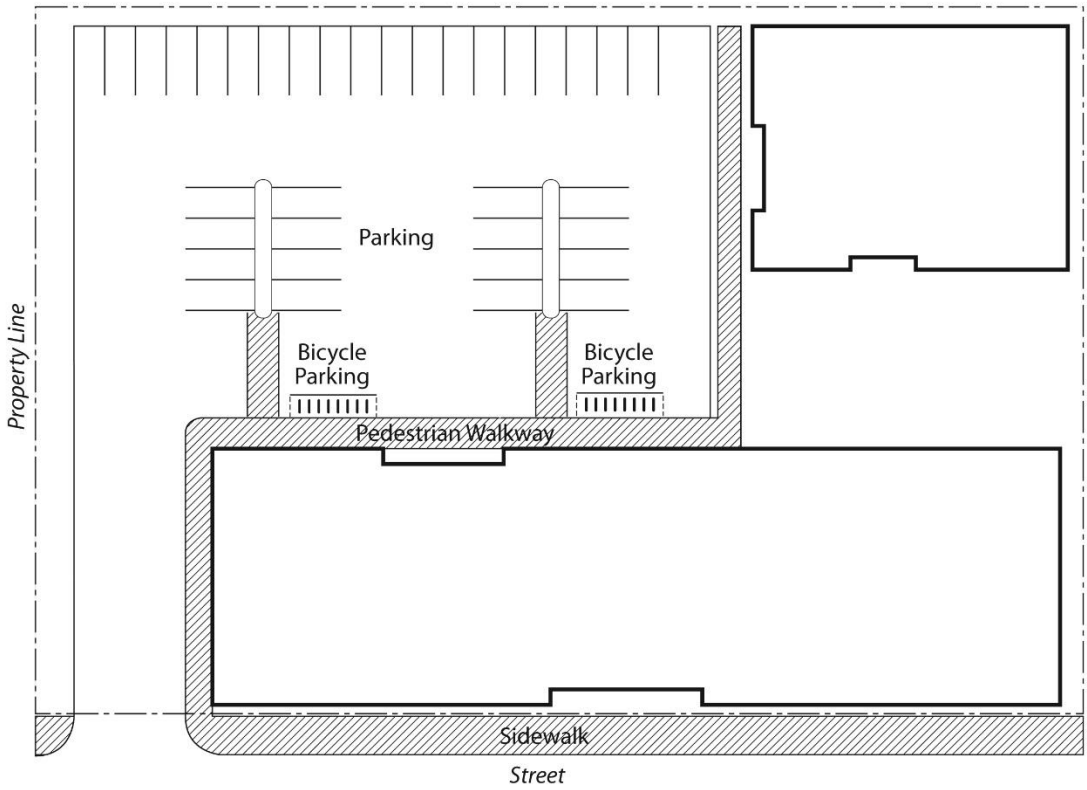
PEDESTRIAN WALKWAY CONNECTIVITY ACROSS ZONING LOTS



(Added by Ord. 17-54)

Figure 21-9.15

PEDESTRIAN WALKWAYS WITHIN A ZONING LOT



(Added by Ord. 17-54)

§ 21-9.100-9 TOD special district permits.

(a) Where a TOD special district permit is sought to modify development standards pursuant to §§ 21-9.100-7 and 21-9.100-8, the application must show that:
  (1) The proposed project is generally consistent with the neighborhood TOD plan for the area; and
  (2) The proposed project meets the findings identified under each specific development standard for which modification is sought.

(b) Where a TOD special district permit is sought because the lot is an acre or more in size, or when height or density bonuses are sought, the proposed development must have a cohesive overall design that meets the goals and objectives of the TOD special district, pursuant to §§ 21-9.100-4 and 21-9.100-6, and is generally consistent with the neighborhood TOD plan for the area. The project plan must show how the development positively contributes to the neighborhood transportation network, including pedestrian paths and connectivity. The application must also show how the proposed development generates active uses and streetscapes, and contributes to neighborhood vitality.

(c) Where a special district permit is sought to allow residential units in the IMX-1 industrial commercial mixed-use district, the application must show how the residential units will be integrated into the neighborhood and how any potential conflicts among the industrial,

commercial, and residential uses will be mitigated. Additionally, the application must provide a review of the adequacy of public utilities and facilities, including sewer, water, and roadway systems, for the proposed dwelling units, and, where necessary, a plan to upgrade any utilities that are inadequate for the proposed use.

(d) Where a special district permit is sought and the project proposes to develop more than 10 residential dwelling or lodging units, or both, the application must show how the affordable housing requirements of Chapter 29 will be satisfied.

(e) Community benefits must be proposed in the TOD special district permit application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards. Where community benefits are proposed, they must meet the following standards:

(1) Where open space is provided as a community benefit for a TOD special district permit, it must meet the following minimum qualifications:

(A) The area dedicated to open space must be at least 2,000 contiguous square-feet, or an area equal to at least five percent of the maximum permitted floor area on the lot, not including floor area bonuses being sought, whichever is greater;

(B) The land dedicated to open space may include required yards, provided all open space must have a minimum average width and depth of 20 feet and a slope no greater than 10 percent across the open space;

(C) Quality open space will involve publicly accessible, highly usable parks and gathering spaces. These spaces should be pedestrian-oriented and provide public accommodations such as, but not necessarily limited to, benches and seating, shaded areas, restrooms, trash and recycling receptacles, facilities for recharging electronic devices, telecommunications facilities, and bicycle facilities. Open space must be surfaced with a combination of trees, landscaped groundcover, and hardscape materials. It must include benches or other seating, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, performance areas, or other similar amenities; and

(D) The open space may be provided on-site, off-site within the same special district, or through a combination of both;

(2) Where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the affordable housing requirements of Chapter 29; and

(3) Where streetscape improvements are provided as a community benefit for a TOD special district permit, the improvements must be in compliance with any adopted "complete streets" guide, manual, or ordinance.

(Added by Ord. 17-54)

§ 21-9.100-10 Planned development–Transit (PD-T) projects.

The purpose of the PD-T permit is to provide opportunities for creative, catalytic redevelopment projects within a TOD special district that would not be possible under a strict adherence to the development standards of this chapter. 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 multimodal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for 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, goals, and objectives of the TOD special district stated in § 21-9.100-6. 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.

(a) Eligibility. PD-T projects may be permitted on zoning lots that meet the following standards:

(1) PD-T projects are permitted on zoning lots with a minimum area of 20,000 square feet. Multiple zoning lots may be part of a single PD-T project if the owners, lessees, developers, or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. Zoning lots may be added to or removed from existing PD-T projects upon the application of the owners, lessees, developers, or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations in this chapter. Zoning lots to be removed must comply with all zoning regulations applicable to that zoning lot separately from the PD-T project. Multiple zoning lots in a single PD-T project must be contiguous; provided that zoning lots that are not contiguous may be part of a single PD-T project if all of the following conditions are satisfied:

(A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, so if the street were to be removed, the zoning lots would be adjacent to each other; and

(B) Each noncontiguous portion of the PD-T project, whether composed of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.

When a PD-T project consists of noncontiguous zoning lots as provided in this subdivision, pedestrian walkways, improved streetscapes, or functional design features connecting the separate zoning lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring separate approval for consolidation of the zoning lots pursuant to Chapter 22.

(2) This subsection does not apply to landscape lots, right-of-way lots, or other lots used for similar utilitarian (infrastructure) purposes.

(b) Standards for review.

(1) All of the development standards of a TOD special district will apply to PD-T projects, except as otherwise provided in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be

commensurate to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate those standards enumerated in § 21-9.100-8(a)(1)(E) and described in § 21-9.100-9(b).

(2) PD-T projects must be generally consistent with the approved neighborhood TOD plan for the area.

(c) Site development and design standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification must be for the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the community benefits provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.

(1) Density. The maximum allowable density is specified in § 21-9.100-8(a)(1)(A) by zoning district.

(2) The maximum height must not exceed the bonus height limit shown as the parenthetical number on the zoning maps.

(3) Transitional height or height setbacks may be modified if adjacent uses and street character will not be adversely affected.

(4) PD-T projects must satisfy the applicable affordable housing requirements of Chapter 29. Affordable housing that is provided as a community benefit must be in addition to the affordable housing requirements of Chapter 29, which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for IPD-T, PD-T and TOD special district projects seeking bonus height or density, or both.

(d) Application Requirements. An application for approval of a PD-T project must contain:

(1) A project name;

(2) A location map;

(3) A site plan showing property lines, the locations of buildings and the other major structures on the same and adjacent lots, 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 building height and density; the basic form and number of structures; the relationship of buildings to each other and the streets; the general mix of uses; the estimated number of proposed dwelling or lodging units; the proposed mix of housing types; the ways the project positively contributes to TOD; the ways the project is consistent with the applicable neighborhood TOD plan; the usable, publically-accessible space and landscape plans; how the project supports walking, bicycling and active living; proposals to enhance multimodal circulation and access; the proposed off-street parking and loading; and the possible impacts on security, public health and safety, infrastructure and public utilities;

(5) Details of the project, including calculations of proposed floor area, FAR, height limits, open spaces, landscaped areas, areas dedicated to parking, and any other significant calculations;

(6) A narrative description of the proposed public amenities and community benefits the project will provide. The narrative must describe how the amenities and

benefits are commensurate with the design flexibility being requested, and how they will benefit the TOD special district and the neighborhood;

(7) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system plan, showing the proposed movement of vehicles, goods, pedestrians, and bicyclists within 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;

(8) A discussion of any impacts to any cultural or historic resources, as well as any public view protected by law or ordinance;

(9) A parking and loading management plan or transportation demand management plan, or both;

(10) 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 must be included in the proposal;

(11) If applicable, a discussion of how the proposed project will satisfy the affordable housing requirements of Chapter 29; and

(12) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.

(e) Procedures. Applications for approval of PD-T projects will be processed in accordance with § 21-2.110-2. Fees will be as enumerated for Planned Development applications in § 6-41.1(a)(19).

(f) Conceptual Plan for a Project. The council must approve the conceptual plan for the project before the final PD-T permit approval can be granted. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and 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 or TOD special district. If applicable, the approved conceptual plan must also show how the proposed project will satisfy the affordable housing requirements of Chapter 29.

(g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for a PD-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 TOD special district development standards and use regulations are consistent with the TOD special district objectives stated in § 21-9.100-6, and this section; and

(2) Requested flexibility with respect to development standards and use regulations to allow up to 10 dwelling units in the IMX-1 district is commensurate with the public amenities and community benefits proposed.

(h) Deadline for Obtaining Building Permit for a Project.

(1) A council resolution approving a conceptual plan for a PD-T project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will 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 will not be affected. A revocation of a building permit pursuant to § 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

(2) The resolution must further provide that a deadline may be extended as follows:

(A) The director may extend the deadline for one year if the applicant demonstrates good cause;

(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 must include the director's finding, recommendations and a proposed resolution approving the extension;

(C) The council may approve the proposed extension or any 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 will be deemed to be denied; and

(E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(i) Further Processing by Director. If the council approves the conceptual plan for the PD-T project, the application, as approved in concept by the council, will continue to be processed by the director as provided under § 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria must be used by the director to review applications:

(1) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any significant 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; and

(2) The project must implement the goals and objectives of this section.

(Added by Ord. 17-54; Am. Ord. 22-29)

§ 21-9.100-11 TOD special district–project classification.

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to § 21-9.20-2(c), the term "exempt" means projects that are in full compliance with the standards and objectives of the TOD special district.

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	**Required Permit**	**Special Conditions**
Major modification, major additions, or new construction on sites 1 acre or more in size	m	
Minor additions to existing structures or construction of new accessory structures on sites 1 acre or more in size	E	
Major modification, additions, or new construction on sites less than 1 acre in size	E	
Interior or exterior repairs, alterations, or renovations to all structures	E	
Modifications to FAR	M/m	See § 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.
Modifications to height	M/m	See § 21-9.100-8(a)(1)(D). PD-T approval may be required prior to obtaining a major permit.

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	**Required Permit**	**Special Conditions**
Modification to the following standards: • Yards and setbacks • Street facade and building placement • Building orientation and entrances • Building transparency • Location of above ground surface parking • Location of service area and loading spaces • Bicycle parking • The commercial use density and location provisions in the apartment mixed-use districts • Additional commercial density in the apartment mixed-use districts • Reconfiguration of sidewalk area	m	
Demolition of structures	E	
Residential units in the IMX-1 district	m	

Table 21-9.8 TOD 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 when part of the development of a zoning lot	m/E	If the director has determined that the project may result in substantial impacts to the TOD special district, a minor permit is required; otherwise exempt. Where addressed as part of another permit, a minor permit is not required.
Major above-grade infrastructure improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks	m/E	If the director has determined that the project may result in substantial impacts to the TOD special district, a minor permit is required; otherwise exempt.
Minor above-grade infrastructure improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
Plan review uses (PRU)	E	Projects are exempt if subject to a PRU approved pursuant to § 21-2.120-2.
A special district permit is not required for activities and uses classified as exempt, as well as other project types that 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. Pursuant to §§ 21-2.110-2, 21-9.100-8(a)(1)(A), and 21-9.100-8(a)(1)(D), PD-T approval may be required prior to obtaining a major special district permit. If a PD-T or major special district permit is otherwise required, a separate minor special district permit is not required. Legend: Project classification: M = Major; m = Minor; E = Exempt		

(Added by Ord. 17-54; Am. Ord. 22-29, 23-32, 26-31)

§ 21-9.100-12 TOD special district boundaries.

(a) The Hoaeae (West Loch) station area TOD special district boundaries are designated on Exhibit 21-9.19, set forth at the end of this article.

(b) The Pouhala (Waipahu Transit Center) station area TOD special district boundaries are designated on Exhibit 21-9.20, set forth at the end of this article.

(c) The Halaulani (Leeward Community College) station area TOD special district boundaries are designated on Exhibit 21-9.21, set forth at the end of this article.

(d) The Waiawa (Pearl Highlands) station area TOD special district boundaries are designated on Exhibit 21-9.22 set forth at the end of this article.

(e) The Kalauao (Pearlridge) station area TOD special district boundaries are designated on Exhibit 21-9.23, set forth at the end of this article.

(f) The Halawa (Aloha Stadium) station area TOD special district boundaries are designated on Exhibit 21-9.24, set forth at the end of this article.

(g) The Kualakai (East Kapolei) station area, Keoneae (University of Hawaii-West Oahu) station area, and Honouliuli (Hoopili) station area TOD special district boundaries are designated on Exhibit 21-9.25, set forth at the end of this article.

(Added by Ord. 17-54; Am. Ord. 22-29, 23-32, 26-31)

Article 10. Definitions

Sections:

21-10.1	**Definitions.**

Figures:

21-10.1	**Arcade.**
21-10.2	**Basement.**
21-10.3	**Dwellings (Types).**
21-10.4	**Floor Area.**
21-10.5	**Open Space, Public.**
21-10.6	**Yard, Front.**

Sec. 21-10.1 Definitions.

For the purposes of this chapter, words used in the present tense shall include the future; words used in the singular include the plural, and the plural the singular. The use of any gender shall be applicable to all genders. The word "shall" is mandatory; the word "may" is permissive; the word "land" includes inland bodies of water and marshes.

Where a proposed use is not specifically listed in this chapter or included in a definition in this article, the director will review the proposed use and, based upon the characteristics of the use, determine which listed and/or defined use is equivalent to that proposed.

A

Accessory dwelling unit. A second dwelling unit, including separate kitchen, bedroom and bathroom facilities, attached or detached from the principal dwelling unit on the zoning lot.

Accessory Receive Only Antenna. An antenna that is not regulated by the Federal Communications Commission, is used primarily to receive radio frequency or microwave transmissions, and is accessory to a principal use. The term includes satellite dishes up to 1 meter in size, amateur (ham) radio antennas, and television antennas attached to single-unit, two-unit, and duplex-unit dwellings. The term does not include broadcasting antennas (see broadcasting antenna), telecommunication facilities (see communication tower, communication support structure), or satellite dishes larger than 1 meter in diameter (see dish antenna).

Accessory use. A use that meets the following conditions:

(1) Is conducted on the same zoning lot as the principal use to which it is related whether located within the same building or an accessory building or structure, or as an accessory use of the zoning lot;

(2) Is clearly incidental to and customarily found in connection with the principal use; and

(3) Is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the zoning lot with the principal use.

Active agricultural use means continuously used for the business of raising and producing agricultural products in their natural state, including necessary and customary fallowing periods.

"Adjoin," "adjoining," and **"adjoins"** mean without an intervening street or permanent open space over 25 feet in width.

"Adverse reflection" means a glare toward any oncoming traffic within a 45-degree cone of vision to each side and a 30-degree cone of vision vertically which could create a traffic hazard.

"Agricultural cluster" means an area accommodating joint facilities for farming activities, including the clustering of homes within a larger site, by individuals, associations or corporations.

Agricultural Collection and Storage. Collecting and storing of crops and animal-related products essential for the support of a variety of agriculture uses for distribution to wholesale and retail markets. The term does not include the storage or movement of non-agricultural products (see general storage, warehousing, and distribution).

(1) Minor: Collecting and storing crops and live animal by-products such as milk, eggs, and honey.

(2) Major: Collecting and storing dead animals and associated by-products

"Agricultural easement" means the grant of a property right stipulating that the affected land will remain in active agricultural production or in open space.

Agricultural Energy Facility. An accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock and poultry keeping. The term includes producing, harvesting, and preparing Hawaii-grown feedstock for use at the agricultural energy facility. The term includes operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural energy facilities necessary for an enterprise that integrally incorporates an agricultural activity with an agricultural energy facility. The term does not include utility-scale solar facilities, or the use of grease, food wastes, animal residues, or animal wastes from offsite commercial or industrial uses to generate energy (see biofuel processing facility).

Agricultural Equipment Service. Selling and repairing machinery used in agricultural production, such as tractors, planters, and harvesters. The term does not include the sale, rental, or lease of motor vehicles for use on a road (see vehicle sales and rental), the repair of industrial machinery, heavy equipment, and engines that are not used in agricultural production (see heavy repair), or the routine maintenance of vehicles that are not used in agricultural production, such as replacing fluids and minor parts (see vehicle service).

Agricultural Farmers Market. An accessory outdoor market for the sale of Hawaii-grown agricultural products and value-added products that were produced using Hawaii-grown agricultural products located on a zoning lot with a principal agricultural use. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts

(see general retail), farm stands (see farm stand), or food trucks or mobile vendors (see mobile commercial establishments).

Agricultural Processing. Agricultural Processing. Processing Hawaii-grown crops and Hawaii-raised animal-related products (grown or raised onsite or offsite) in their original form, such as washing, cutting, bundling, and packaging, which are essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. The term does not include the processing of packaged food or drink products (see food manufacturing and processing). See also agricultural collection and storage.

(1) **Minor**: Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, honey, and aquaculture harvests. In the agricultural zoning districts, the term includes the processing of Hawaii-grown crops grown onsite or offsite to produce malt beverages, distilled spirits, or wines, of which at least 51 percent are Hawaii-grown ingredients other than water.

(2) **Major**: Slaughtering and processing of dead Hawaii-raised animals and associated by-products.

Agritourism. Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock and poultry keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. The term includes accessory destination events, such as weddings. The term does not include agricultural-related tourism for entertainment purposes, including luaus and performance-related shows (see general outdoor recreation).

Aina-Based Education Facility. A facility designed to support educational programs that are grounded in the cultural, environmental, and community values of aina and is not operated primarily for financial gain.

Airport. Activities and structures for the landing and takeoff of flying vehicles, including loading and unloading areas such as passenger terminals. Aviation facilities may be improved or unimproved. The term includes but is not limited to commercial carriers and private aircraft facilities.

"All-weather surface" means a four-inch base course with a two-inch asphaltic concrete surface or a four-inch reinforced concrete pavement or any other similar materials as determined to be acceptable by the department. These materials should combine the load-bearing characteristics, durability and level surface of asphalt and concrete. "Grass bloc" and "grasscrete" may be considered all-weather surfaces.

Amusement and Recreation Facilities, Indoor. "Indoor amusement and recreation facilities" means establishments providing indoor amusement or recreation. Typical uses include: martial arts studios; billiard and pool halls; electronic and coin-operated game rooms; bowling alleys; skating rinks; reducing salon, health and fitness establishments; indoor tennis, handball and racquetball courts; auditoriums, indoor archery and shooting ranges, and gymnasiums and gymnastic schools.

Animal Care. Providing medical care, grooming, training, or boarding services to household pets as a principal use. The term includes animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet daycare, and pet spas. The term does not include raising and feeding livestock and poultry in confined areas such as pens, stalls, or cages (see major animal raising), or providing veterinary services to livestock and poultry (see livestock and poultry veterinary service).

(1) **Minor*:*** Facilities that do not provide overnight boarding.

(2) **Major*:*** Facilities that provide overnight boarding.

Animal Raising. Agricultural establishments primarily engaged in commercial livestock and poultry keeping or feeding as a principal use.

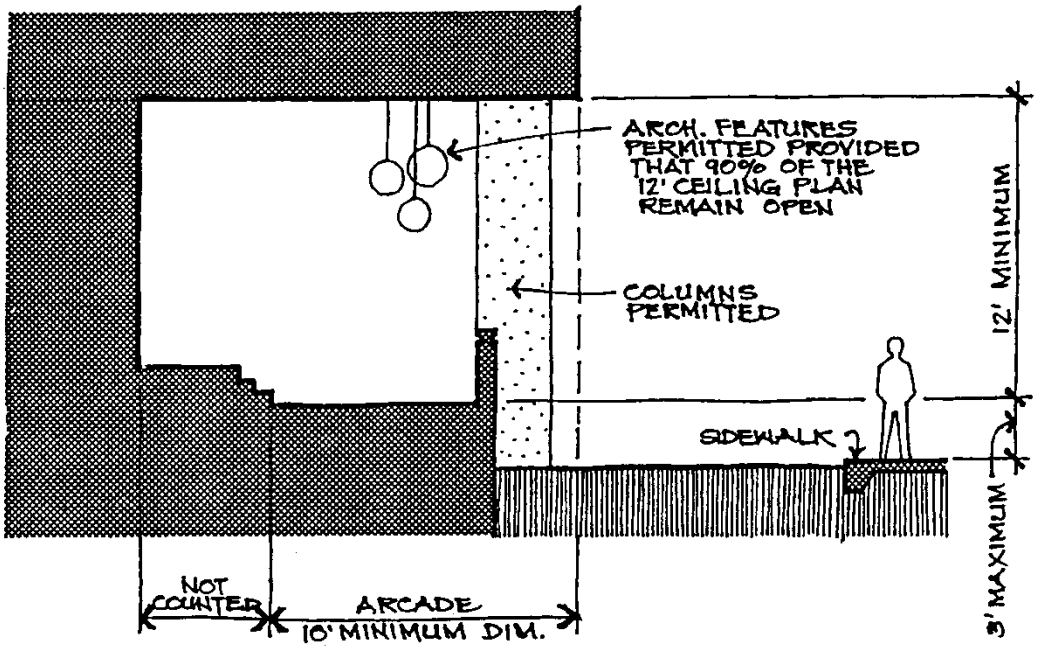
(1) **Minor***:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. The term includes small commercial animal operations such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees, and rabbits. The term does not include feedlots (see major animal raising), the boarding and care of household pets (see animal care), or animal shelters (see animal care).

(2) **Major***:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. The term includes piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms. The term also includes feedlots, defined as any animal feeding operation that concentrates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets (see animal care) or animal shelters (see animal care).

Aquaculture. The cultivating and raising of aquatic plants such as limu, wetland taro, kelp or algae, or aquatic animals such as fish or shellfish in controlled natural or artificial bodies of water. The term does not include cultivating land-based crops, including with hydroponics (see crop raising).

"Arcade" means a contiguous area with access to a street designed to provide pedestrian access to more than one abutting establishment. It is open and unobstructed to a height of not less than 12 feet, is accessible to the public during business hours and has an area of not less than 500 square feet including portions occupied by building columns. It has minimum length and width dimensions of 10 feet. An arcade is not more than three feet above the level of the sidewalk which it adjoins. At least 50 percent of its perimeter is open to a street, sidewalk or public open space, except for a railing or wall with a maximum height of 42 inches (see figure 21-10.1).

Figure 21-10.1



ARCADE

"**Attic**" means a portion of a building wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation. Attic areas with a head room of less than seven feet shall not be included as floor area.

B

Bar, Nightclub. An establishment that prepares and sells liquor for onsite consumption. The term does not include liquor production (see brewery, distillery, winery). A bar or nightclub may include a dance floor or live or amplified recorded music or professional entertainment, subject to licensing by the Honolulu liquor commission. A bar or nightclub may also offer food and nonalcoholic drinks for consumption onsite or offsite but is not considered to be a general eating and drinking establishment if the principal offering is the sale of liquor. See also general eating and drinking.

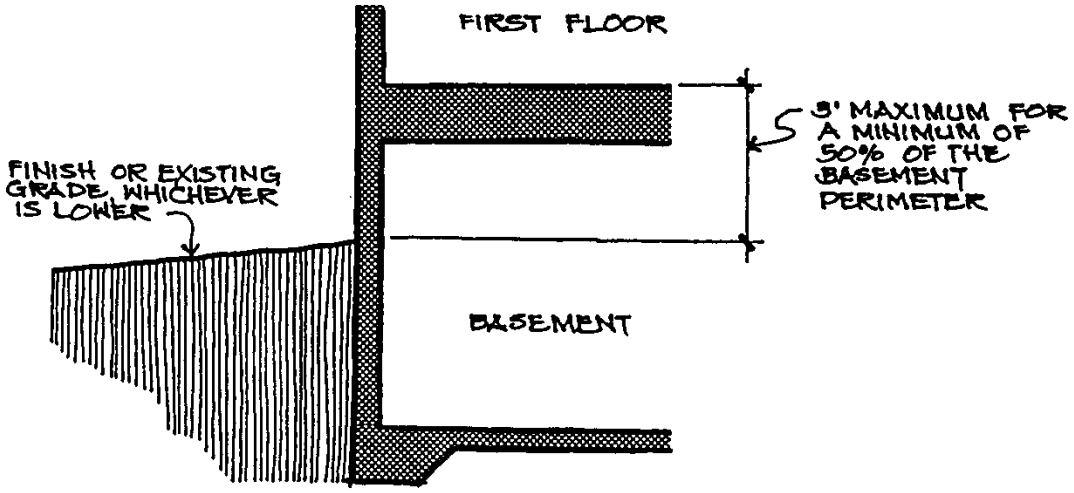
(1) **Minor*:*** A bar or nightclub open until 2:00 a.m. or that closes prior to 2:00 a.m.

(2) **Major*:*** A bar or nightclub open until 4:00 a.m.

Base yard. Outside storage, parking, cleaning, and incidental repair and maintenance of vehicles and associated equipment. The term includes supporting dispatching services, administrative offices, kitchens, showers, lounges, and similar personnel supporting activities.

"**Basement**" means a floor which is wholly below grade, or which is partly below grade such that the floor above is no more than three feet above grade for at least 50 percent of the floor's perimeter. Grade shall be either existing or finish grade, whichever is lower at all points (see Figure 21-10.2).

Figure 21-10.2



BASEMENT

"Bathroom" means a room that contains, or a combination of adjoining rooms that provide access to one another, that that contain, at least two of the following items:

(1) Bath or shower;
(2) Sink; or
(3) Toilet

(Am. Ord. 20-43)

Bed and breakfast home. A use in which overnight accommodations are advertised, solicited, offered, or provided (or a combination of any of the foregoing) to transient occupants for compensation, for periods of less than 90 consecutive days, in the same dwelling unit occupied by an owner, lessee, operator or proprietor of the dwelling unit. See also transient vacation unit. For the purposes of this definition:

(1) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and

(2) Month-to-month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded.
(Am. Ord. 19-18, 22-7)

Beekeeping. The keeping of bees in artificial hives, such as honeybees and varieties of native bees as an agricultural activity. The term does not include accessory commercial beekeeping in zoning districts where home occupations are permitted, which must comply with standards for home occupations (see home occupation). The term does not include accessory backyard beekeeping involving small-scale beekeeping for personal use on the same zoning lot

on which the beekeeper's dwelling unit is located (see § 12-2.5(b) for animal nuisance requirements relating to the keeping of honeybees).

Biofuel processing facility. A facility that produces liquid or gaseous fuels from organic sources, such as biomass crops, agricultural residues, oil crops (including palm, canola, soybean, and waste cooking oils); grease; food wastes; or animal residues and wastes that may be used to generate energy.

Bicycle sharing. Refers to non-rental bicycles that are shared by multiple users at one location, typically for short trips by employees, guests, or residents of a multi-unit dwelling. Bicycle sharing may also refer to bicycles offered for rent with designated docking stations, but does not include bicycle sharing offices or onsite staff.
(Added by Ord. 20-41)

"Booking service" means any reservation or payment service provided by a person that facilitates a transaction between an owner, operator, or proprietor of a bed and breakfast home or transient vacation unit, and a prospective user of that bed and breakfast home or transient vacation unit, and for which the person collects or receives, directly or indirectly through an agent or intermediary, a fee from any person in connection with the reservation or payment services provided for by the transaction.
(Added by Ord. 19-18)

"Boundary wall" means a solid wall without openings, which is part of a building and erected on the boundary line between adjacent zoning lots.

Brewery, Distillery, Winery. A facility that produces malt beverages, distilled spirits, or wines. The term does not include facilities that fall within the minor agricultural processing use (see minor agricultural processing) or establishments that fall within the bar, nightclub use. The onsite or offsite consumption of malt beverages, distilled spirits, or wine is determined by the type of liquor license obtained from the Honolulu liquor commission.

(1) **Minor*:*** Producing a maximum of 10,000 barrels a year (or similar level of production). The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.
(2) **Major*:*** Producing more than 10,000 barrels a year (or similar level of production). The term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.

Broadcasting antenna. Antennas, towers, and other accessory facilities for radio frequency transmissions of AM and FM radio and television broadcasting. Transmissions may be received by anyone with a radio or television. These facilities are regulated by the Federal Communications Commission under Title 47 CFR Part 73, as may be amended or superseded. The term does not include broadcasting studios and stations, and telecommunication facilities (see communication tower, communication support structure).

"Buildable area" means a portion of a zoning lot excluding required yards, stream setbacks, shoreline setbacks and street setbacks.

"Buildable area boundary line" means any of the imaginary lines which constitute a perimeter separating the buildable area from the nonbuildable area of a zoning lot.

Building. Anything built, constructed, or erected, or established or composed of parts joined together in some definite manner that provides shelter for humans, animals, or property of any kind and requires location on the ground, or that is attached to something having permanent location on the ground. A building may or may not be easily moved from a given location on the ground.

"Building area" means the total area of a zoning lot covered by structures and covered open areas. The following are not considered building area:

(1) Open areas covered by eaves and normal overhang of roofs.

(2) Uncovered entrance platforms, uncovered terraces and uncovered steps when these features do not themselves constitute enclosures for building areas below them, and do not exceed 30 inches in height.

(3) All-weather surfaces.

C

"Car sharing spaces" means parking spaces dedicated for use by car sharing vehicles. *(Added by Ord. 20-41)*

"Carport" means an accessory structure or portion of a principal structure consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor vehicles.

Car Wash. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

Caretaker Unit. An accessory dwelling unit occupied by the owner or caretaker of a principal use on a zoning lot for the purposes of maintenance and security of the premises. The term includes accessory caretaker units for principal uses involving cemeteries and Hawaiian fishponds.

Cemetery. A property divided into cemetery lots for sale as burial plots at an interment facility, including columbaria and mausoleums. Permitted accessory uses include crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers.

Communication Support Structure. A structure designed for a separate use or purpose that also supports or conceals a telecommunications facility. Equipment may be mounted on and integrated with a roof or facade, light pole, bell tower, clock tower, campanile, steeple, light structure other than a street light pole or traffic signal pole, or similar structure.

Communication Tower. A freestanding structure that supports a telecommunications facility. The term includes monopoles, monopalms, monopines, lattice towers, and similar structures. The term does not include broadcasting antennas (see broadcasting antenna) or structures that support or conceal an antenna (see communication support structure).

Community-Based Recreation Center. A community-based recreation center, which may be membership based, that includes outdoor and indoor recreation, including swimming pools, locker rooms, sports courts, gymnasiums, meeting rooms, offices, and supporting facilities. See also park, general outdoor recreation, nature-based recreation, personal services, public facility.

Composting. The recycling of organic waste through natural decomposition and other processes that encourage or speed up the decomposition process. Composting may include the receipt of composting materials, primary processing, decomposition, and final processing for sale and marketing of resulting products. The term does not include bioremediation of fuel-contaminated soil, or backyard composting involving small-scale composting of organic materials, primarily yard wastes, at the site where these materials are generated.

(1) **Minor**: Involves simple management and engineering solutions to control odors, vectors, and surface water contamination. The term includes the composting of clean, source-separated organic materials, including greenwaste, animal manure, crop residues, and waste from vegetable food processing operations.

(2) **Major:** Involves complex controls to manage odors, vectors, and surface water contamination. For instance, in some cases, onsite odors may not be able to be completely mitigated. The term includes the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials.

Consulate. A facility that includes the offices (including administrative offices) of an official appointed by a foreign government who serves the interests of foreign citizens. A consulate may include space for residential occupancy. Consulates are public facilities, and are eligible for zoning waivers that apply to public facilities.

Crop Raising. Cultivating, maintaining, and harvesting crops for agriculture and horticulture purposes, generally conducted in an open field or greenhouse. The term includes vertical farm operations and cultivating crops with hydroponics, aeroponics, and aquaponics. The term does not include cultivating aquatic plants or animals (see aquaculture). See also forestry, plant nursery.

"CUP" means conditional use permit.

D

Daycare, Adult. The use of a building or property other than a dwelling unit or medical facility to provide supervision and care to adults who need supervision or assisted living services. The term does not include overnight stays and 24-hour care.

Daycare, Child. The use of a building or property other than a dwelling unit, public school, or medical facility to provide supervision and care for individuals under 18 years of age. The term includes care for seven or more individuals under 18 years of age. The term does not include overnight stays and 24-hour care. See also home occupation, home-based childcare, K-12 school, and public facility.

"Department" means the department of planning and permitting.

"Designated authorized representative" one or more persons appointed by the owner or owner to reside in the primary dwelling unit or accessory dwelling unit and act behalf of the owner or owners in his or her absence.

"Developer" means a landowner or any person with written authorization from the owner who intends to improve or to construct improvements upon a zoning lot or portion of a zoning lot.

"Development" means any human-made change to improved or unimproved real property, including but not limited to buildings or other structures, filling, grading or excavation operation.

"Director" means the director of planning and permitting of the city or designated representatives of the director. As appropriate to the circumstances, approval by the director shall include approval by designated representatives.

Dish Antenna. A receiver or transmitter of radio frequency or microwave transmissions consisting of a reflector-shaped satellite dish that is larger than 1 meter in diameter. The term does not include dish antennas integrated with telecommunication facilities (see communication tower, communication support structure). See also accessory receive only antenna.

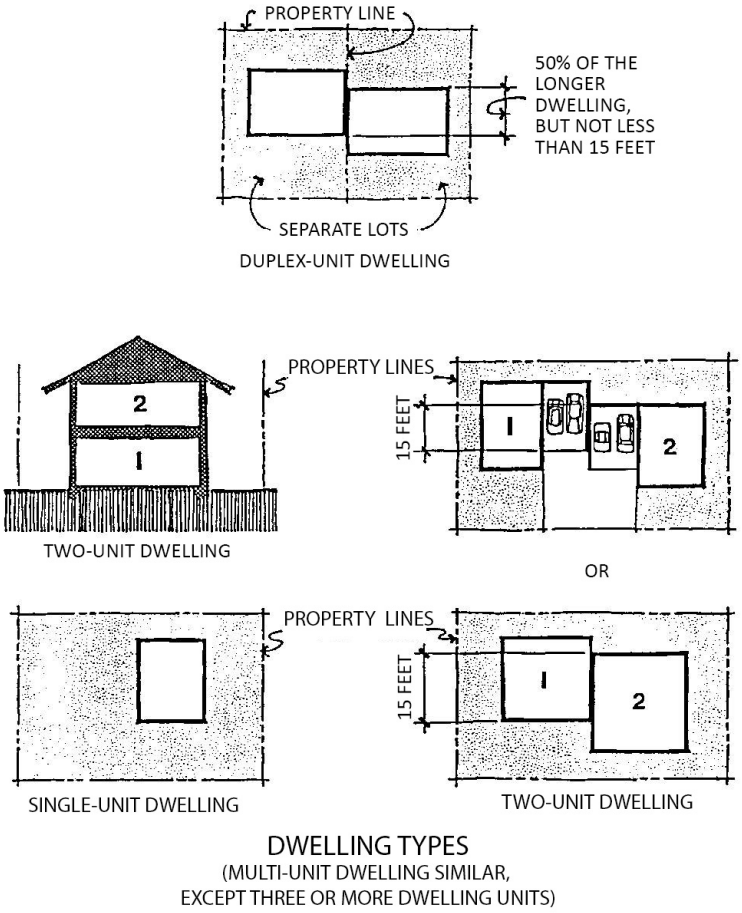
"Donor lot" means a zoning lot that will transfer all or a portion of the unused floor area of the zoning lot to a receiving lot under off-site joint development approval.

Drive-Thru. An accessory facility that allows a customer to be served while seated in a vehicle, typically accessory to an eating and drinking establishment, bank, dry cleaner, or pharmacy.

"Drive-thru facility" means any portion of a retail establishment which offers service to patrons via a drive-thru counter or window so that patrons need not leave their vehicles for service. The term drive-thru does not include automobile service stations.

Dwelling, Duplex-Unit. A single building that is located on two separate zoning lots. The duplex building must contain two independent dwelling units that are separated by a common wall located along a side or rear yard boundary line for the zoning lots. An interior connection between the dwelling units is prohibited, and each dwelling unit must have a separate entrance. Use of a duplex-unit dwelling is the occupancy of each dwelling unit in the duplex-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses (see Figure 21-10.3).

FIGURE 21-10.3
DWELLING TYPES



Dwelling, Multi-Unit. Three or more dwelling units contained in a single building. Use of a multi-unit dwelling includes the occupancy of each dwelling unit in the multi-unit dwelling by one family for non-transient occupancy for residential purposes and permissible accessory uses. If permitted in the underlying zoning district, multi-unit dwellings may include spaces for nonresidential uses; provided that these nonresidential uses will be regulated as separate land uses.

Dwelling, Single-Unit. A detached building containing one dwelling unit that is used exclusively by one family for non-transient occupancy for residential purposes, and permissible accessory uses (see Figure 21-10.3).

Dwelling, Two-Unit. Two dwelling units in a single structurally independent building that is entirely surrounded by yards or other separation from buildings on adjacent zoning lots (see Figure 21-10.3).

Dwelling unit. A room or rooms connected rooms in a single structure that are designed for residential occupancy by one family. A dwelling unit contains one kitchen, sanitary facilities, and space for sleeping. Two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit Dwelling unit use is the exclusive occupancy of a dwelling unit by one

family for non-transient, residential purposes and permissible accessory uses. Unless specifically permitted in use regulations, a dwelling unit may not be used as a timeshare, bed and breakfast home, or transient vacation unit as defined in this section.

E

Eating and Drinking, General. An establishment that serves meals to patrons for compensation as a principal use. Must have suitable kitchen facilities connected therewith, containing the necessay equipment and supplies for cooking an assortment of foods that may be required for ordinary meals. General eating and drinking may include the sale of liquor with appropriate Honolulu liquor commission license. See also bar, nightclub. A bona fide general eating and drinking establishment is distinguished from a bar or nightclub because the principal offering is the sale of food and nonalcoholic drinks for consumption onsite or offsite. See also drive-thru.

"Electric ready" describes a parking space that is prepared in advance for future use as an electrical charging station for electric vehicles. To be electric ready, electrical conduits must be in place with lines to the electrical supply of the structure. The actual wiring and installation of charging equipment or receptacles may occur at a future date when demand for electrical charging stations arises.

Energy Generation System. A facility for producing electricity from renewable sources such as the sun, wind, internal heat of the earth, flowing water, or waves, or from nonrenewable sources such as petroleum, natural gas or coal.

"Energy savings device" means any facility, equipment, apparatus or the like which makes use of nonfossil fuel sources for lighting, heating or cooling or which reduces the use of other types of energy dependent on fossil fuel for generation.

"Exclusive agricultural sites" means leasehold parcels within an agricultural zoning district having a minimum leasable area of five acres, and prohibiting any structures for temporary, seasonal, or permanent residential occupancy or habitation.

Explosive or Toxic Chemical Manufacturing, Storage, and Distribution. Manufacturing, storing, and distributing poisonous, corrosive, or combustible materials capable of causing death or injury to people or damage to property. The term does not include petroleum, liquefied petroleum gas, or coal products (see petrochemical plant).

F

FAR. See definition of floor area ratio in this article.

Family. One or more natural persons, all related by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship occupying a dwelling unit or lodging unit; or no more than five unrelated natural persons.
(Am. Ord.. 03-37, 17-40)

Farm dwelling. A dwelling unit that is accessory to a principal agricultural use on the same zoning lot other than open space or forestry, where onsite agricultural activity provides income to the household occupying the farm dwelling.

Farm Stand. Selling merchandise primarily grown or made onsite with limited sales of prepackaged food and drinks. The term does not include food trucks or mobile vendors (see mobile commercial establishment), or farmers markets (see agricultural farmers market).

Farm Worker Housing. Dwelling units that are accessory to an active, principal agricultural use other than open space, forestry, or the boarding and care of animals, and used exclusively to house employees of agricultural operations and their family members.

Feed Store. Storing and selling products essential to agricultural production, such as seed, feed, and fertilizer.

"Flag lot" means a zoning lot consisting of an access drive and a body in such a manner that the body would be landlocked from a public street or private way except for connection by the access drive (see Figure 21-4.1).

"Flag lot access drive" means a strip of land which provides access for a flag lot (see Figure 21-4.1, page 90).

"Flag lot body" means the landlocked portion of a flag lot (see Figure 21-4.1).

"Floor area" means the area of all floors of a structure excluding unroofed areas, measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure. The floor area of a structure, or portion thereof, which is not enclosed by exterior walls shall be the area under the covering, roof or floor above which is supported by posts, columns, partial walls, or similar structural members which define the wall line (see Figure 21-10.4).

Excluded from the floor area are:

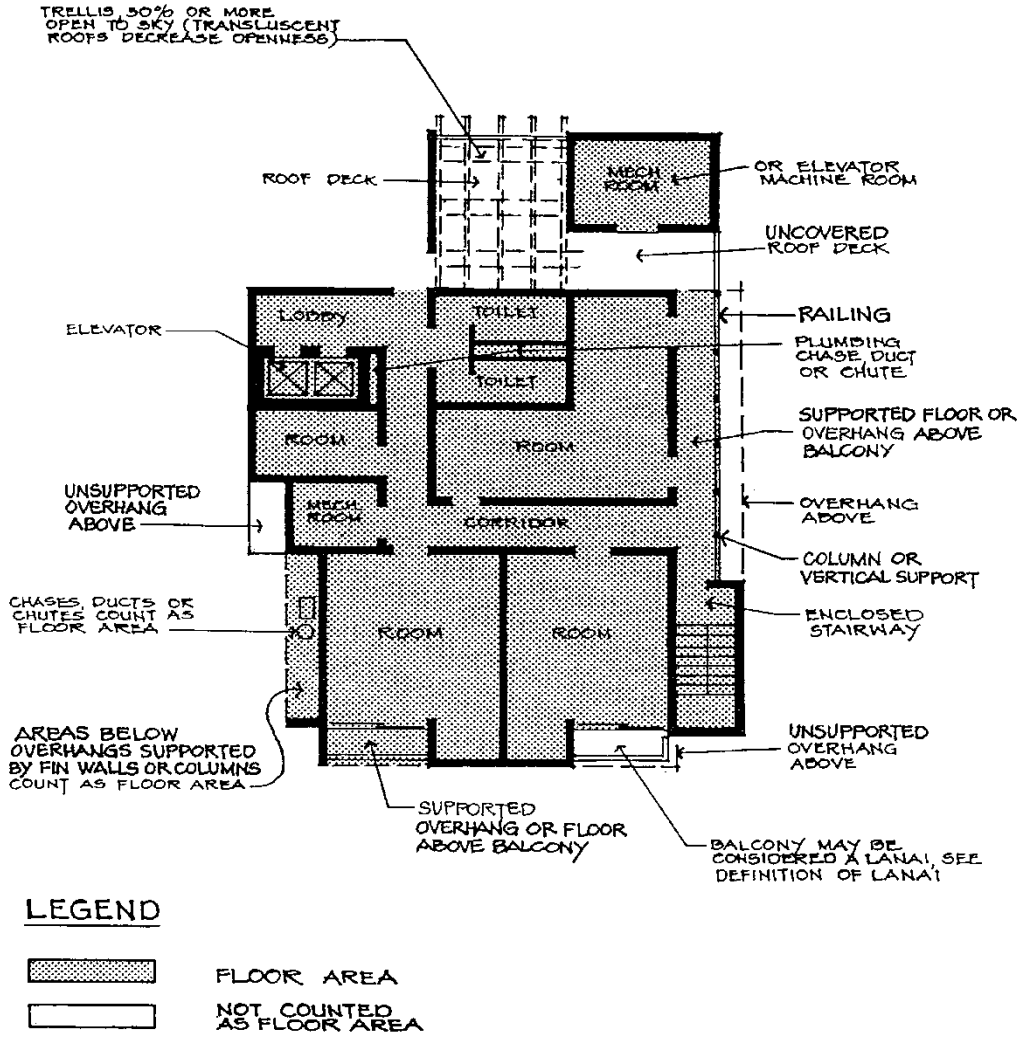
(1) Parking structures, including covered driveways and accessways, porte cocheres, and parking attendant booths;
(2) Attic areas with head room less than seven feet;
(3) Basements;
(4) Lanais;
(5) Projections such as sunshade devices and architectural embellishments which are decorative only;
(6) Areas covered by roofing treatment to screen roof top machinery only; and
(7) Areas underneath rooftop solar panels or unsupported building overhangs, provided the area is not otherwise enclosed.

"Floor area ratio" means the ratio of floor area to total area of the zoning lot expressed as a percent or decimal. Where rounding of numbers is necessary to determine floor area ratio, the nearest one-hundredth shall be used. Multiplying the permissible floor area ratio by the lot area of the zoning lot determines the maximum floor area permitted.

Food manufacturing and processing. Processing of packaged food or drink products for human consumption that does not involve the handling of dead animals or animal by-products (see agricultural processing). The term does not include facilities that fall within the agricultural processing use, if activities include further processing such as cooking and blending.

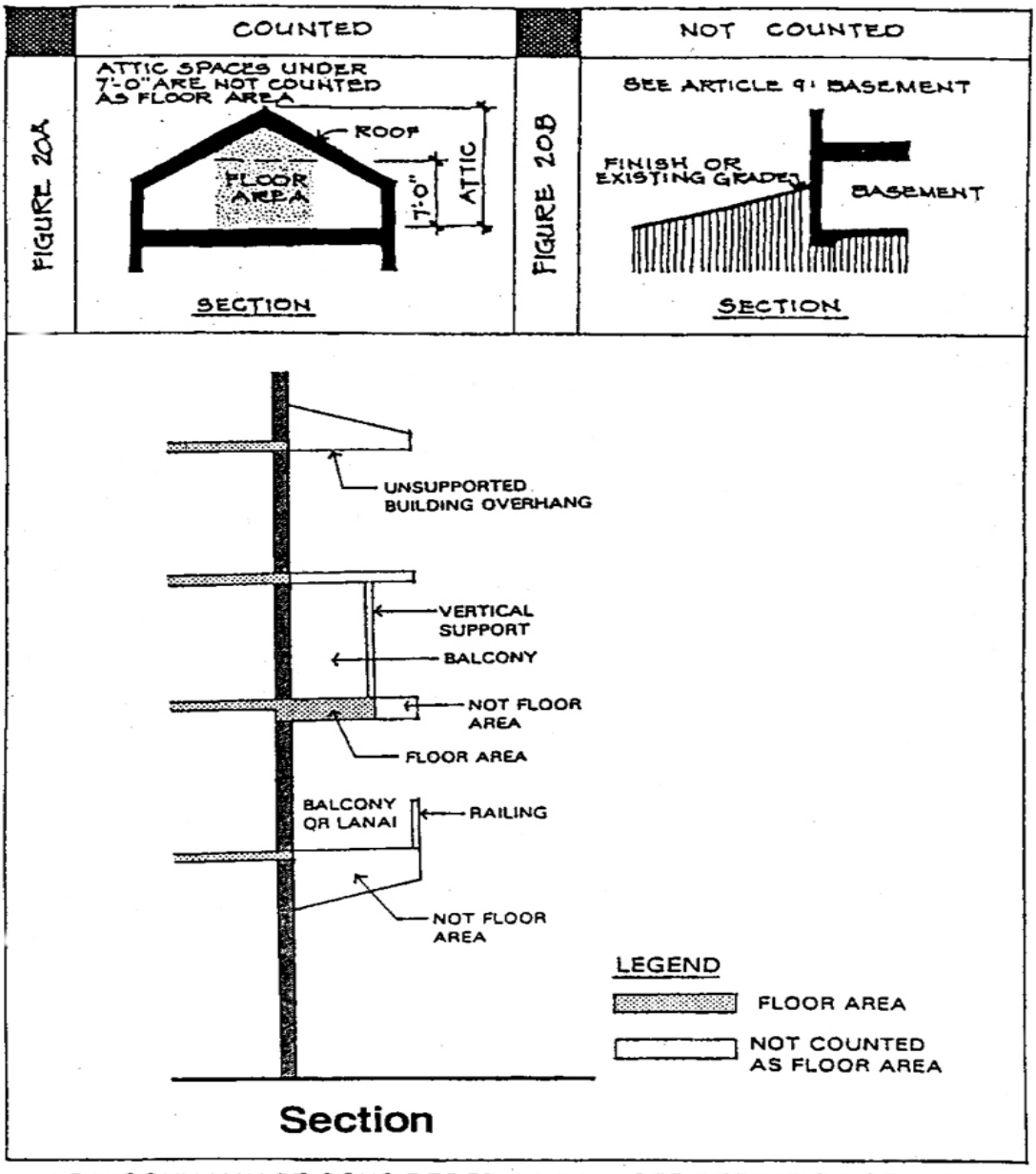
Forestry. Creating, conserving, and managing forests or forest lands for commodity benefits such as lumber or non-commodity benefits such as conservation or education. See also plant nursery, crop raising.

Figure 21-10.4
FLOOR AREA



(Added by Ord. 99-12)

Figure 21-10.4 (Continued)



FLOOR AREA (CONTINUED)

(Added by Ord. 03-37)

G

Golf Course. A facility for playing nine holes or more of golf. Includes associated clubhouses and driving ranges. The term does not include miniature golf courses or stand-alone driving ranges (see general outdoor recreation).

"Grading" means any excavation or cut or fill or combination thereof.

Group living facilities. Residential occupancy that is not included in household living. Includes but is not limited to monasteries, convents, dormitories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, developmental disabilities domiciliary home, special treatment facility, clean and sober home, hospice home, group home, recovery home, nursing home, rehabilitation facility, and sanitarium. These facilities may be licensed, certified, registered, or monitored by the State.

Group Living, Large. Type of group living that may be licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

Group Living, Small – Not State Regulated. Type of group living that is not licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

Group Living, Small – State Regulated. Type of group living that is licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

"Grubbing" means any act to clear the ground surface of any or all trees, large shrubbery and/or large groupings of plants.

H

Hawaiian Fishpond. Has the same meaning as defined in HRS § 183B-1.

"Height envelope" means the three-dimensional space within which a structure is permitted to be built on a zoning lot and which is defined by the buildable area boundary lines, maximum height regulations and any applicable height setbacks.

Heliport. A facility for landing and takeoff of rotorcraft, including supporting fueling, maintenance, repair, and storage activities.

Helistop. An accessory facility for landing and takeoff of rotorcraft that does not include supporting fueling, maintenance, or repair facilities.

"Historic site or structure" means any site or structure which has been placed on either the national or state registers of historic places, or which is specifically listed as a site or structure of significance in a special district under Article 9 of this chapter.

Home-Based Childcare. A home occupation in which childcare services are provided during any portion of a 24-hour day to no more than six children at any given time who are not members of the household, and that is licensed by the State department of human services. In addition to one employee of the home occupation who is allowed on the property at any given time, if the principal caregiver that is a household member becomes unavailable due to illness or emergency, an additional non-household member may be allowed on the property to provide childcare services on a temporary basis to substitute for the principal caregiver. See also child daycare.

Home occupation. Any activity intended to produce income that is carried on within a dwelling unit, accessory structure to a dwelling unit, or on a zoning lot used principally for residential purposes. Home occupations include the use of any residential premise as a base for an off-premise, income-producing activity.

Hospital. An institution providing primarily in-patient, intensive, medical, or surgical care, including emergency care services. The term includes facilities for extended care, intermediate care and out-patient care, living facilities for staff, research and educational facilities, doctor offices, and any administrative offices necessary for the operation of the facility. See also general medical services.

"Hosting platform" means a person that collects or receives a fee from any person for booking services through which an owner, operator, or proprietor of a bed and breakfast home or transient vacation unit may offer use of the bed and breakfast home or transient vacation unit. Hosting platforms typically, but not necessarily, provide booking services through an online platform that allows the owner, operator, or proprietor to advertise the bed and breakfast home or transient vacation unit through a website provided by the hosting platform, and the hosting platform conducts a transaction by which potential users arrange the use of and payment for the bed and breakfast home or transient vacation unit, whether the payment is made directly to the owner, operator, or proprietor, or to the hosting platform.
(Added by Ord. 19-18)

Hotel. A building or buildings, or a portion of a building or buildings, containing guest rooms that are offered and used for the provision of transient accommodations to transient occupants. A hotel must include a lobby or 24-hour front desk and facilities used to provide housekeeping services to guests. The term includes activities, facilities, and services that are traditionally and customarily provided for the benefit and convenience of hotel guests. The term does not include transient vacation units, bed and breakfast homes, and timeshares.

Household Pet. A dog, cat, service animal, or other domesticated animals that are customary and usual pets. The term does not include cows, horses, camels, llamas, sheep, goats, swine, or poultry.

I

"Impervious surface" means a surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall or storm water. Impervious surfaces include, but are not limited to rooftops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.

J

"Joint development" means the development of two or more adjacent subdivision lots under a single or unified project concept. See also "off-site joint development."

K

"Kitchen" means a kitchen facility for a housekeeping unit that exists when there is, on the premises of the housekeeping unit, an item from all three of the following categories:

(1) Fixtures, appliances or devices for heating or cooking food;
(2) Fixtures, appliances or devices for washing utensils used for dining and food preparation and/or for washing and preparing food;
(3) Fixtures, appliances or devices for refrigeration of food.

L

"Lanai" means an area projecting from the face of a building which meets the following conditions:

(1) It is an accessory area to a dwelling or lodging unit.
(2) At least 50 percent of the area's perimeter is permanently open to the exterior except for a safety railing not exceeding four feet in height, and is without structural columns or walls.
(3) The area is solely accessible from the dwelling unit to which it is appurtenant.

Recessed areas within the main building face are not lanais.

"Landscaped" means a maintained area of which a minimum of 50 percent shall be devoted exclusively to include plants which are rooted directly in the ground or in permanently fixed planter boxes. The remaining 50 percent may be devoted to rock gardens, fountains and reflecting pools.

"Laundry room" means a utility room in a dwelling unit that is used for washing and cleaning clothes and other fabrics, and which contains items such as a washing machine, utility sink, and clothes dryer.

"Lei making and selling" means a retail use or structure exclusively involved with the preparation and retail sale of leis made from fresh plant materials, subject to the following limitations:

(1) Any structure used, such as a kiosk or vending cart, is not fixed to a particular location for more than 24 hours at a time; and
(2) Any structure used has no more than one umbrella or canvas overhead directly attached to the structure, and is not fixed at any point to the ground or to another structure.

Linen Supplier. Providing linen and offsite laundry services, including but not limited to delivery and pickup to businesses such as hospitals and hotels. Linens include but are not limited to uniforms, towels, aprons, tablecloths, napkins, and similar fabrics meant to be cleaned.

Livestock. Animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. The term

includes cattle, horses, goats, sheep, swine, and rabbits that are not raised as household pets or for purposes of personal use and companionship.

Livestock and Poultry Veterinary Service. Providing veterinary services to livestock and poultry. The term does not include providing veterinary services to livestock and poultry raised as household pets or for purposes of personal use and companionship (see animal care). See also major animal raising.

Lodging unit. A building, or portion of a building, in a hotel or other structure designed for transient or longer-term occupancy that does not include all three permanent facilities for food preparation (heating/cooking element, sink, and refrigerator).

"Long-term bicycle parking" means secure, weather-protected bicycle parking intended for employees, residents, commuters, and other visitors who generally stay at a site for several hours, or overnight.
(Added by Ord. 17-55)

"Lot area" means the total area within the lot lines of the zoning lot but exclusive of right-of-way for ingress or egress in favor of others, and easements for open drainage systems.

"Lot depth" means the average horizontal distance between the front and rear lot line. In the case of zoning lots with more than one front yard, either one of the zoning lot dimensions may be used to calculate lot depth.

"Lot width" means the average horizontal distance between side lot lines measured at right angles to lot depth. In the case of zoning lots with more than one front yard, either one of the zoning lot dimensions may be used to calculate lot width.

"Lowest floor" means the lowest floor of an enclosed area including basements of a building. An enclosure, usable solely for parking vehicles, building access or storage area is not considered a building's lowest floor.

M

Manufacturing and Processing, General. The manufacture, processing, assembly, fabrication, refinement, alteration, or packaging by hand or by machinery, from raw materials, component parts, or other products, of finished goods, merchandise, or other end products suitable for sale or trade.

(1) ***Light:*** Activities that are non-offensive to adjacent uses; involve no open storage or other types of outdoor accessory uses other than parking and loading; do not involve processes that generate significant levels of heat, noise, odors, or particulates; and do not involve chemicals or other substances that pose a threat to health and safety. The term includes but is not limited to the production of handcrafted goods, electronics-intensive equipment, components related to instrumentation and measuring devices, bio-medical and telecommunications technologies, computer parts and software, optical and photographic equipment, or other similar types of manufacturing, processing, and packaging activities.

(2) ***Heavy:*** Activities involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. The term includes but is not limited to paper and textile milling; wood millwork and production of prefabricated structural wood products; soap and detergent manufacturing; rubber

processing and rubber products manufacturing; production of plastics and other synthetic materials; primary metals processes; vehicle, machinery, and fabricated metal products manufacturing; electroplating; cement making and concrete production; gypsum and related products production; chemical products, perfumes, and pharmaceuticals production; or paving and roofing materials production. The term does not include those activities associated with petroleum processing (see petrochemical plant); the manufacture of explosives or toxic chemicals (see explosive or toxic chemical manufacturing, storage, and distribution); waste disposal and processing (see waste disposal and processing); or the processing of salvage, scrap, or junk materials (see salvage, scrap, or junk storage and processing).

Marine, General. Activities and structures used to support recreational marine or other water-related activities, commercial boating, or the storage and transfer of marine or other water-related goods and services.

(1) **Minor**: Land uses on harbor fast lands, lagoons, or other inland waters that support recreational marine activities. The term includes but is not limited to piers or boathouses, storage and minor repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, and wash racks.

(2) **Major**: Land uses on harbor fast lands that support commercial marine activities. The term includes but is not limited to construction, vocational training, equipment sales, and repair.

"Mechanical parking system" means a mechanism with vertical or horizontal transport capability that provides for automobile storage or retrieval, and refers to systems that are either manually operated, such as a mechanism that lifts and lowers one or more cars within one parking space, or autonomously operated, such as a multi-level robotic garage, sometimes referred to as automated parking systems or APS.

Medical Laboratory. Conducting medical research or testing and examining of materials derived from the human body, such as fluid, tissue, or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure, or prevention of disease. The term includes compounding pharmacy and training of medical students.

"Medical Services, General. Providing out-patient medical, surgical, or dental care by a physician or health care worker in a facility that does not include onsite overnight care. The term includes doctor offices, ambulatory surgery facilities, freestanding surgical out-patient facilities, freestanding birthing centers, chiropractor offices, dentist offices, orthodontist offices, physical therapist offices, kidney dialysis centers, blood donation or collection services facilities, acute care facilities, urgent care facilities, and any administrative offices necessary for operation of the facility. The term does not include emergency care services (see hospital).

"Meeting Facility. A principal use involving regular or periodic gatherings or assemblies of individuals on private property for a common purpose. May be accessory to a principal use if not expressly prohibited. For the purposes of this definition, the director may

liberally construe accessory uses outside of the agricultural zoning districts. The term includes private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. See also public facility.

(1) **Small:** Meeting facilities with a capacity for more than 25 individuals, up to 100 individuals.

(2) **Medium:** Meeting facilities with a capacity for more than 100 individuals, up to 2,000 individuals.

(3) **Large:** Meeting facilities with a capacity for more than 2,000 individuals.

Mobile Commercial Establishment. A vehicle with current registration and safety check used by an itinerant vendor for the sale of food products, other wares, or services. The vehicle must be mobile and in a condition that allows it to enter and exit the zoning lot. The term includes but is not limited to lunch wagons, lunch vans, food trucks, and vehicles with attached or associated pop-up tents. The term does not include vendors at farmers markets, fun fairs, special community events, or other special events managed by a regulatory entity where mobile commercial establishments are not a majority of the event. In the Haleiwa special district, the definition of mobile commercial establishment in § 21-9.90-4(j) supersedes this definition.

Multimodal Facility. A facility for trains, buses, taxis or car share services. The term includes bus transfer facilities, bus stations, car-share facilities, limousine or taxi services, light rail stations, or rail stations.

Music School. See definition of "dance school" in this article.

N

Nature-Based Recreation. A privately-owned and managed permanent facility or area dedicated to outdoor play, outdoor recreation, or aina-based education facilities, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. The term includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins. The term does not include parks (see park), golf courses (see golf course), horse stables (see major animal raising), accessory agriculture-related tourism or recreation (see agritourism), community recreation centers (see community-based recreation center), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation, minor animal raising.

"Nonconforming dwelling unit" means any combination of legally established one-family or two-family detached dwellings that exceed the permitted maximum number currently allowed on a single zoning lot.

"Nonconforming lot" means a zoning lot which was previously lawful but which does not comply with the applicable lot requirements of the district in which it is located, either on October 22, 1986 or as a result of any subsequent amendment to this chapter, a zoning map amendment, or government action associated with eminent domain.

"Nonconforming parking" means parking spaces and parking areas which were previously lawful but which do not conform to current parking standards, including number, dimensions and arrangement of spaces; surface treatment; and landscaping and screening, either on October 22, 1986 or as a result of any subsequent amendment to this chapter, a zoning map amendment, or government action associated with eminent domain.

"Nonconforming structure" means a structure which was previously lawful but which does not comply with the sign, density, yard, setback or height regulations of the district, or design requirements of the special district in which it is located, either on October 22, 1986 or as a result of any subsequent amendment to this chapter, zoning map amendment, or government action associated with eminent domain.

"Nonconforming use" means any use of a structure or a zoning lot which was previously lawful but which does not conform to the applicable use regulations of the district in which it is located, either on October 22, 1986 or as a result of any subsequent amendment to this chapter, or a zoning map amendment.

O

"O'ahu historic preservation commission" means the O'ahu historic preservation commission established pursuant to Section 3-10.3.

Office, General. Business and professional services in a private or co-working setting, including but not limited to accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, design, employment, engineering, insurance, investment, landscape architecture, legal, real estate, security, or technology services. The term includes data storage centers and call centers.

"Off-site joint development" means the development of two or more zoning lots under a single or unified density. Under off-site joint development, floor area normally attributable to a donor lot is allocated to and may be used on a receiving lot.

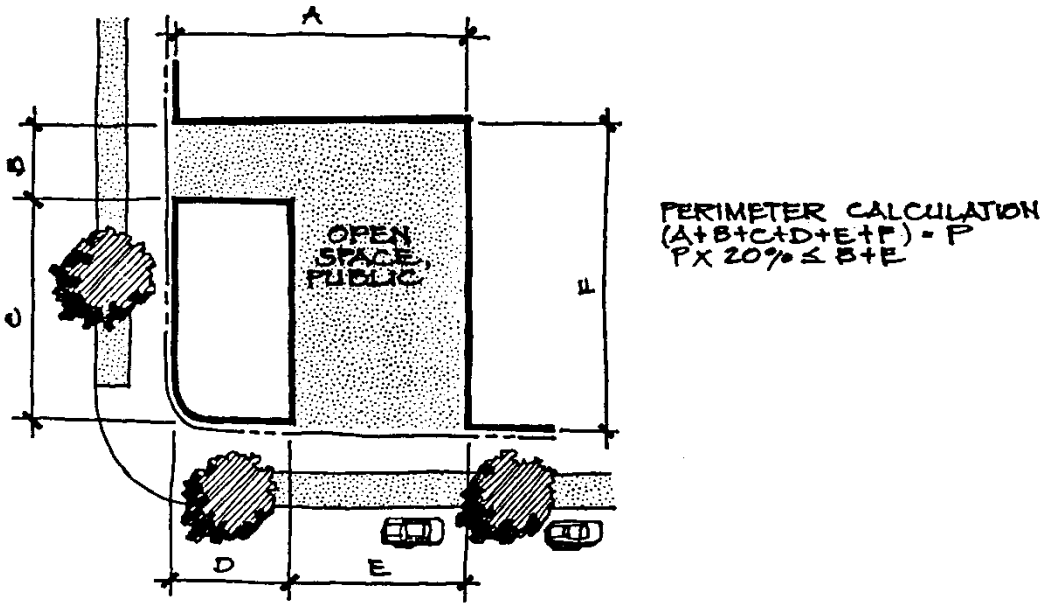
"Ohana Unit. An accessory attached or detached dwelling unit on a zoning lot that includes a principal dwelling unit, for persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit located on the same zoning lot.

"Open land" means land which may be improved, but which contains no structures, and which is set aside, designated or reserved for public or private recreational use or enjoyment, including but not limited to picnic grounds, beaches, beach accesses, greenways and areas for hiking, fishing, hunting, and other scenic interests.

"Open space" means any portion of a zoning lot essentially free of structures that serves the purpose of visual relief and buffering from building and structural mass. These areas may be privately or publicly owned, and may or may not be accessible to the general public. Open space includes but is not limited to parks, playgrounds, playfields, plazas, outdoor dining areas, botanical gardens, fountains, reflecting pools and other bodies of water, walkways and nonbuildable easements. Simple structures which contribute to the enjoyment of the area may be permitted, including stages for performances, street furniture, sculpture, umbrellas, and other similar features. In determining whether an area is open space, the following shall apply:

(1) It shall be unobstructed from its lowest level to the sky, except for umbrellas, and unsupported roof eaves and roof overhangs.
(2) It shall be at finish grade unless otherwise specified in this chapter.
(3) It shall not be used for parking, loading, maneuvering of vehicles, or storage of equipment or refuse.
(4) A required yard may be considered open space.

Figure 21-10.5



OPEN SPACE, PUBLIC

"Owner" means the recorded owner of land in fee simple.

P

Park. An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, sport courts and fields, and botanical gardens. A park may include small office spaces for managers or groundskeepers, storage structures, and barbeque pavilions. A park does not include swimming pools and gymnasiums (see community-based recreation center). The term may include both passive and active recreation. The term includes projects that promote and enhance ecosystem benefits, keep wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. The term does not include public parks (see public facility) or community recreation centers (see community-based recreation center). See also nature-based recreation, general outdoor recreation, meeting facility.

Parking, Commercial. A facility that provides parking as a principal use on the zoning lot. See also remote parking.

"Parking lot" means an open area of land other than a street used or intended to be used to provide space for the parking of motor vehicles for private purposes or is available to the public. It shall include parking spaces, loading spaces, maneuvering aisles and other areas providing access to parking or loading spaces but does not mean an area providing four or less spaces accessory to dwelling units. The term also includes parking of vehicles for sale or rental.

Parking, Remote. The use of a zoning lot to provide parking for vehicles to support a principal use occurring on a different zoning lot. See also commercial parking.

Personal services, General. Providing personal services. The term includes but is not limited to barbershops, beauty shops, computer repair, dance studios, martial arts studios, music studios, photographic studios or classrooms, day spas, dry cleaning drop-off, laundry cleaning and pressing, funeral homes, funeral parlors, mortuaries, undertaking establishments, hair salons, garment repair, gyms, fitness studios, pilates studios, yoga studios, gymnastic studios, cheerleading training, boxing training, climbing gyms, locksmith services, nail salons, tanning salons, tutoring and other schools, travel agencies, tattoo or body piercing, tailoring, shoe repair, watch repair, jewelry repair, eyeglass repair, hearing aid repair, and smartphone repair.

Petrochemical Plant. A facility for processing and refining petroleum, liquefied petroleum gas, or coal products.

"Plant Nursery. Propagating and growing plants for offsite sale or onsite accessory sales (both wholesale and retail). The term includes floriculture operations. The term does not include retail establishments such as garden shops that sell items other than plants, such as gardening supplies, potting soil, and fertilizers (see general retail). See also crop raising, aquaculture, forestry, feed store.

"Plantation community subdivision" means a plantation community subdivision as defined under HRS Section 205-4.5(a)(12).

Port. A facility for supporting commercial marine activity, such as cargo shipping, located on harbor fast lands. The term includes but is not limited to wharves, piers and boathouses, cargo handling systems, storage and repair of boats and ships, sale of marine supplies and fuel, cold storage facilities, power stations, hoists, launching ramps, facilities for embarking and disembarking of passengers, and other facilities necessary for the maintenance and operation of the port.

"Porte cochere" means a covered access drive or walkway leading to the entrance of a building.

Poultry. Fowls, including chickens, turkeys, geese, ducks, and other birds raised for the production of meat, eggs, or feathers.

Prison. A public facility or a facility run by a State-licensed entity for the confinement, housing, and supervision of persons awaiting trial or serving terms of imprisonment for the violation of criminal law. See also public facility.

Production Studio. A facility producing movies, videos, or other similar forms of intellectual property. The term includes but is not limited to studios or other facilities used for production, distribution, editing, set construction, and special effects. The term does not include sites or facilities used temporarily for production purposes.

Public Facility. A facility providing a government function, activity, or service in accordance with public policy, for public benefit. The term does not include buildings leased by the government to a private or nonprofit organization, unless the organization is contracted to act as a public entity or execute a public program. The term includes public (federal, State, or city) administrative offices, transportation stops, libraries, satellite city halls, post offices, schools, parks, zoos, golf courses, and meeting facilities such as the Hawaii Convention Center, the Neal S. Blaisdell Center, and the Waikiki Shell. The term does not include private schools (see PreK-12 school, vocational school), private golf courses (see golf course), parks (see park), or community recreation centers (see community-based recreation center).

Public Open Space. Open space that is accessible to the public at all times, not including required yards, except where permitted. It adjoins a public street, public way, pedestrian easement, or public open space such as a park, playground, or shoreline area, for at least 20 percent of its perimeter at an elevation not more than 3 feet above the adjoining sidewalk. A minimum of 50 percent of its total area is landscaped (see Figure 21-10.5).

Publishing Facility. Printing, reproducing, or duplicating material such as newspapers, books, and magazines using a printing press, photographic reproduction, or other similar techniques.

R

"**Receive-only antennas**" means antennas used for radio frequency (RF) or microwave receptions only, including but not limited to receptions for television, except as provided under the definition of telecommunications antennas or utility installations.

"Receiving lot" means a zoning lot that may, under off-site joint development approval, utilize floor area normally attributable to a donor lot.

Recreation, General Indoor. Permanent facilities for indoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator. The term includes but is not limited to billiard or pool halls, bowling alleys, electronic gaming arcades, escape rooms, ice-skating or roller-skating rinks, playgrounds, or trampoline parks, sport facilities, miniature golf courses, or archery or gun ranges. The term also includes libraries or museums that do not meet the definition of a public facility. The term does not include parks (see park), government facilities (see public facility), or privately-owned clubs (see meeting facility, general eating and drinking, general marine).

Recreation, General Outdoor. Facilities for outdoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator, and may include motorized activities. The term includes amusement parks, batting cages, drive-in theaters, go-cart or vehicle racetracks, golf driving ranges, miniature golf courses, outdoor sport facilities, amphitheaters, outdoor concert venues, outdoor luaus, unenclosed theaters, sport courts and fields, and water parks. The term does not include parks (see park), government facilities (see public facility), golf courses (see golf course), privately-owned clubs (see meeting facility, general eating and drinking, golf course, general marine), horseback riding

tours (see nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biking trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo, animal raising.

"**Reflective surfaces**" means any glass or other peculiar surface such as polished metal, specified in manufacturer's literature, having reflectance (designated by such terminology as average daylight reflectance, visible light reflectance, visible outdoor reflectance and comparable terms) of over 30 percent.

Renewable Energy. Energy generated or produced using the following sources: wind; sun; falling water; biogas, including landfill and sewage-based digester gas; geothermal; ocean water, currents, and waves, including ocean thermal energy conversion; biomass, including biomass crops, agricultural and animal residues and wastes; and municipal solid waste and other solid waste, biofuels, and hydrogen produced from renewable energy sources.

Repair, General. Repair that does not require the use of tools or equipment that generate significant noise or impact to the environment and adjacent land uses, including the repair of household appliances, upholstery, bicycles, shoes, garments, clocks, and general fix-it repair. The term also includes the production and repair of prosthetic devices. See also personal service.

Repair, Heavy. The repair of industrial machinery, heavy equipment, engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, and furniture repair. The term also includes other repair activities not permitted under general repair or activities requiring an industrial wastewater discharge permit.

Research and Development, General. Research and development facilities, including but not limited to laboratories, supporting prototype manufacture, pilot plants used to test manufacturing processes planned for use in production elsewhere, and supporting administrative offices. The term does not include medical research and development (see medical laboratory).

Resource Extraction, General. A site or facility for the exploration, extracting, and processing of natural resources, including but not limited to natural accumulations of minerals, ores, gemstones, sand, rock, soil, gravel, or water.

Retail, General. A facility involved in the sale, lease, or rental of new or used products. The term includes but is not limited to appliance stores; art galleries; automotive stores; banks and other financial institutions; bicycle sales, rentals, and repair; bookstores; clothing stores; copy or shipping service centers; print shops; electronics stores; stores selling electronic cigarettes, vaping, and similar products; department stores; drug or pharmaceutical stores; fabric stores; florists; furniture, grocery or specialty food stores; hardware stores; liquor stores; scooter sales and rentals; musical instrument sales, rentals, and repair; eyeglass sales, pet stores, shoe stores, sporting goods stores; toy stores; and other similar retail activities.

(1) Small: Up to 2,500 square feet of total floor area.

(2) Medium: More than 2,500 square feet of total floor area, up to 25,000 square feet of total floor area.

(3) Large: More than 25,000 square feet of total floor area."

"**Retaining wall**" means that portion of a wall which resists the lateral displacement of soil or other material up to a maximum height of six inches above the finish grade of the retained material.

Rooming. Providing accessory overnight living accommodations to persons other than transient occupants, for compensation, for periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant of the dwelling unit. The term does not include bed and breakfast homes (see bed and breakfast home).

S

Salvage, Scrap, or Junk Storage and Processing. A facility for the storage, sale, dismantling, or other processing of used or waste materials that are not intended for reuse in their original forms. The term includes but is not limited to automotive wrecking yards, junkyards, and salvage yards.

Sawmill. Processing timber, including hardwood or softwood, to produce pulp, lumber, logs, poles, posts, or wood chips.

School, PreK-12. A facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution or entity that provides educational programs using a curriculum analogous to the Hawaii public school curriculum for the same grade level, and when applicable, in compliance with the State compulsory attendance laws. The term does not include public schools (see public facility), post-secondary schools (see university, college, vocational school). See also child daycare, home-based childcare.

School, Vocational. A facility for post-secondary education with a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction, or a language school. The term does not include institutions of higher education that award associates, bachelors, masters, or doctorate degrees (see university, college). The term also does not include vocational training on harbor fast lands that support commercial marine activities (see major general marine). The term also does not include sports classes, tutoring, martial arts studios, dance studios, or gymnastic studios (see general personal services).

(1) **Minor:** Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

(2) **Major:** Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

Self-storage facility. Providing separate storage areas, units, or lockers for personal or business use, designed to allow a tenant private access for storing or removing personal property. The term does not include the outdoor storage of fleet vehicles (see base yard) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing).

"**Shared parking**" means a technique involving the joint use of parking used to reduce parking requirements in mixed use developments or facilities. Peak parking demand times for

proposed or existing uses are calculated, and a reduction of parking space requirements is justified when the peak parking demand times occur at different times of the day.

"**Short-term bicycle parking**" means bicycle parking for customers and visitors of an establishment in convenient, accessible, and visible areas.

Signs. See Article 21-7 for all terms related to signs.

"**Slope**" means the incline of grade across the buildable area of a zoning lot, expressed as a percentage and calculated by the following formula:

$$\frac{\text{Highest elevation point - Lowest elevation point}}{\text{Horizontal linear distance between highest and lowest points}} \times 100$$

"**Special management area use permit**" means a permit defined by and implemented under Chapter 25, ROH 1990, as amended. (Commonly known as shoreline management permit.)

Special needs housing for the elderly. A type of group living that meets one of the following criteria and is eligible for the modification of certain development standards pursuant to Section 21-2.90-2(e):

(1) Provide aging-in-place dwelling units or assisted living facilities, or a combination of both, for residents of a minimum age of 60 years. Aging-in-place dwelling units typically include a congregate residential setting, such as communal dining facilities and services, housekeeping services, organized social and recreational activities, transportation services and other support services appropriate for elderly residents. Assisted living facilities typically include residences for the frail elderly and provide services such as meals, personal care, and supervision of self-administered medication; or

(2) Provide single-room-occupancy dwelling units for residents of a minimum age of 60 years. Single-room- occupancy units typically include small units to accommodate one person. Amenities such as bathrooms, kitchens and common areas may be either shared with other residents, or included within the unit. This type of housing development may be designed to serve as emergency housing for the homeless elderly, transitional housing for the elderly who are progressing to permanent housing, or as permanent housing for the elderly.

The foregoing criteria do not apply to resident managers or supervisors and their families, and the dwelling unit occupied by them.

"**State historic preservation officer**" means that officer appointed by the governor as provided in HRS Section 6E-5.

"**State register of historic places**" means the Hawaii register of historic places as provided for in HRS Chapter 6E.

"**Stockpiling**" means the temporary open storage of earthen materials upon any premises except the premises for which a grading permit has been issued for the purpose of using the materials as fill material at some other premises at a future time.

Storage, Warehousing, and Distribution, General. A facility involved in the storage or movement of goods for a business or other entity. Goods are generally delivered to other entities or the final consumer with little onsite customer activity. The term includes the non-transient storage of motor vehicles not in operating condition, and temporary storage of household goods by a freight mover. See also agricultural collection and storage.

Storage Yard. The open storage of soil, mulch, stone, lumber, pipe, steel, construction materials, or similar products. The term includes but is not limited to a contractor's storage yard. The term does not include the outdoor storage of fleet vehicles (see base yard) or the outdoor storage of junk, scrap metal, or old cars (see salvage, scrap, or junk storage and processing).

"**Street**" means any public right-of-way for vehicle purposes or a private right-of-way for vehicle purposes, which provides access to more than two zoning lots and does not include freeways (controlled-access facilities) which are defined under HRS Chapter 264-61, as amended.

"**Street frontage**" means that portion of a zoning lot which has access rights to a street abutting the lot.

"**Street, Major**" means a street of considerable continuity which can carry a large volume of traffic and is used primarily as a route between communities and large urban areas or from one section of the city to another.

"**Street, Minor**" means a street other than a major or secondary street providing access to abutting property and serving local traffic only.

"**Street, Secondary"** means a street which carries or collects traffic from minor streets either directly or via other secondary streets.

"**Street setback line**" means a future right-of-way line for a street or highway as located and/or dimensioned under adopted street right-of-way maps and standards.

"**Structure**" means anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. The term "structure" includes the term "building."

T

"**Tandem parking**" means two or more parking spaces configured one behind the other.

Telecommunications Facility. Facilities integrated with communication towers or communication support structures that are regulated by the Federal Communications Commission, and may include transmitting panel antennas, GPS antennas, accessory satellite dish antennas, remote radio units, power cables, and similar equipment. The term includes accessory structures that may be located elsewhere on the zoning lot, including equipment cabinets, emergency generators, and fencing.

Theater. An indoor and enclosed facility primarily for the performing arts or for the viewing of motion picture films. The term includes but is not limited to performing arts centers, concert halls, luau venues, and other types of live theater.

Timeshare. The use or occupancy of a timeshare unit, as defined in HRS § 514E-1, or any successor statute.

Transient vacation unit. A dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home (see bed and breakfast home), timeshare (see timeshare), or hotel (see hotel). For the purposes of this definition:

(1) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants; and
(2) Month-to-month holdover tenancies resulting from the expiration of long-term leases of 90 consecutive days or more are excluded.

"**Transient accommodation**" means living accommodations that are offered or made available to transient occupants for less than 90 consecutive days."

"**Transient occupant**" means any person who rents a lodging or dwelling unit, or portion thereof, for less than 90 consecutive days and whose permanent address for legal purposes is not the lodging or dwelling unit being rented. See also transient vacation unit, bed and breakfast home, rooming, and hotel.

Transitional Setback Distance. The shortest straight-line distance between the closest portion of the structure or activity area to the edge of the applicable zoning lot line.

Truck Terminal. A facility used as an origin or destination point for the loading, unloading, assembling, or transferring of goods transported by truck.

U

"**Use**" means and refers to either one of the following:

(1) Any purpose for which a structure or a tract of land is designed, arranged, intended, maintained or occupied; or
(2) Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

"**Unbundled parking**" means that the cost to rent, lease, or purchase a dwelling or commercial space is separate from the cost to rent, lease, purchase, or otherwise use parking spaces.

University, College. A facility for post-secondary education operated by an institution of higher education that awards an associate, bachelor, master, or doctorate degree. See also public facility, vocational school, PreK-12 school.

Unrelated Person. One or more persons not related by blood, adoption, marriage, or other duly authorized custodial relationship.

Urban Agriculture. Crop raising, aquaculture, and related agricultural activities conducted as a principal or predominant land use outside of the P-2, agricultural, and country

zoning districts. The term includes vertical farm operations located outside of the P-2, agricultural, and country zoning districts.

Utility, Small. Utility infrastructure that primarily provides onsite utility services to a single residential, commercial, or industrial site, or a neighborhood at a facility with no staff or crew, and has minimal impacts on surrounding areas. The term includes but is not limited to geothermal, wind, and solar energy generation with supporting storage, control, and electrical equipment; stormwater retention or detention; aeration and septic systems; drainage systems; and water supply wells and water tanks. The term also includes non-generation energy installations with minor impacts on adjacent land uses, such as 46 kilovolt or lower voltage electrical substations, vaults, distribution equipment, and accessory telecommunication antennas to support these installations, minor residential gas infrastructure, and other similar uses.

Utility, Medium. Utility infrastructure that primarily provides onsite utility services to a single commercial or industrial site, or to a neighborhood. The term includes non-generation energy installations with potential impact on adjacent land uses, by virtue of appearance, noise, size, traffic generation, or other operational characteristics, including 138 kilovolt transmission substations, and base yards. The term also includes solar energy generation facilities that are not considered small utilities; wind energy generation facilities; energy storage, control, and electrical equipment; stormwater retention or detention; private water and wastewater pump stations or lift stations; drainage systems; or private water towers.

Utility, Large. Utility infrastructure that primarily provides regional offsite services to multiple neighborhoods. The term includes energy generation facilities, supporting storage, and any generation capacity over 5 megawatts, and utility scale wind energy generation facilities with a rated capacity of 100 kilowatts or more.

V

Vehicle Fueling Station. Providing vehicle fueling services such as gasoline, diesel, compressed natural gas or hydrogen pumps, or electric charging stations. The term does not include electric charging stations that are accessory to a parking lot.

Vehicle Sales and Rental. A facility that sells, rents, or leases motor vehicles for use on a road, such as cars, trucks, and buses.

(1) **Sales and Rental, Light:** The sale, rental, or leasing of light-duty vehicles that weigh less than 10,000 pounds (gross vehicle weight).

(2) **Sales and Rental, Heavy:** The sale, rental, or leasing of heavy-duty vehicles that weigh 10,000 pounds or more (gross vehicle weight). The term includes sales of shipping containers and manufactured or modular homes.

Vehicle Service. The routine service and maintenance of vehicles limited to the replacement of fluids and minor parts such as brakes, tires, windows, filters, mirrors, and accessories. The term does not include body and fender repair, painting, repair, or replacement of powertrain components other than tires, or other significant work (see heavy repair).

"**Vending cart**" means a stand-alone, portable outdoor cart on wheels used to dispense prepared food and drinks, or merchandise for retail sale. It shall be considered a retail use and structure, although not fixed to a particular location for more than 24 hours at a time, and is not fixed at any point to the ground or another structure. No more than one umbrella or canvas overhead may be directly attached to these structures. Associated food preparation activities are limited to warming and steaming, and the dispensing of condiments.

Vertical Farm. Cultivating, maintaining, and harvesting crops in indoor environments such as warehouses or tunnels in stacked layers using hydroponic, aeroponic, or aquaponic techniques. The term does not include cultivating aquatic plants or animals (see aquaculture).

W

Waste disposal and processing. A facility for disposing of and processing solid waste. The term includes but is not limited to refuse dumps, sanitary landfills, incinerators, and resource recovery plants.

"**Wet bar**" means a serving counter in a dwelling or lodging unit that is equipped with small single compartment sink that is not a part of a kitchen, bathroom, or laundry room. A wet bar may contain a refrigerator, but may not contain any fixture, appliance, or device for heating or cooking food, or a 220-volt outlet, which is necessary for a full sized stove.
(Am. Ord. 20-43)

Y

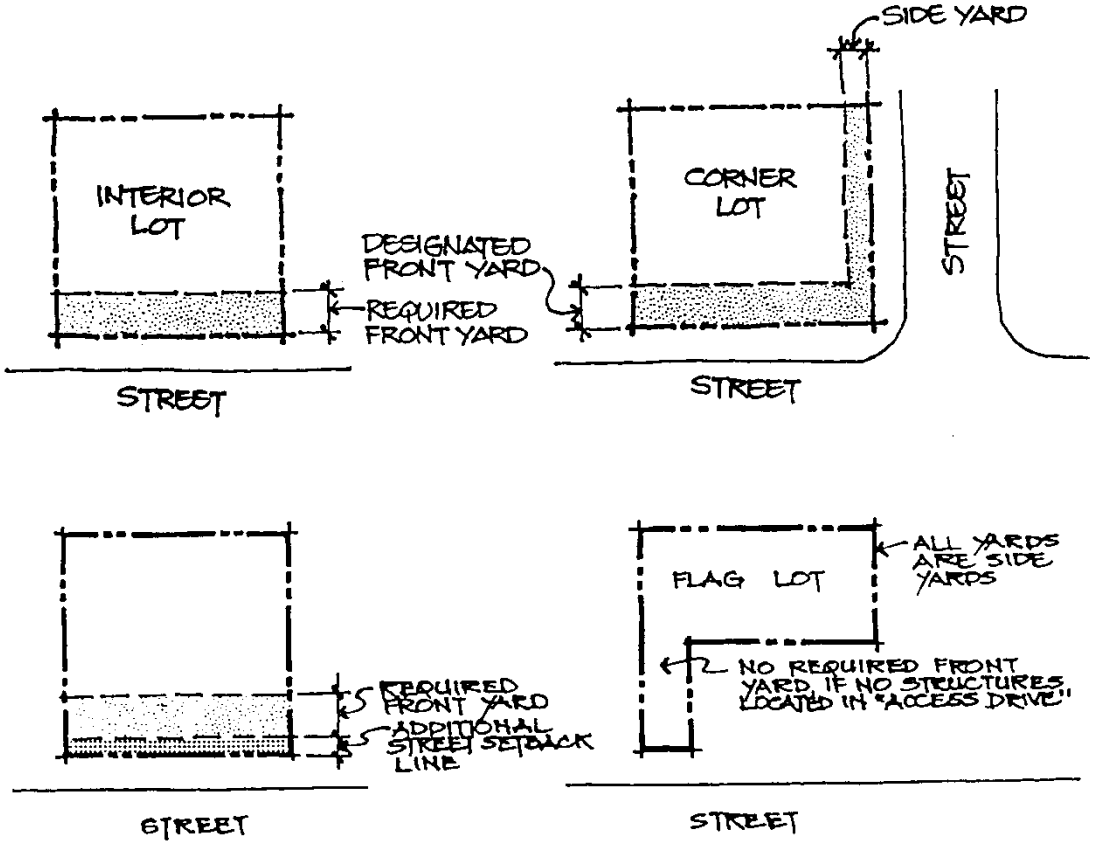
"**Yard**" means an open space required for the purpose of light and air access, bounded on at least one side by a property line, measured at right angles from the property line or the established street setback line (see "Yard, front") and unobstructed by any structure or portion of a structure, except as specifically permitted.

"**Yard, Front**" means any yard bounded by a street except that a single yard may be designated as a front yard by the owner of a zoning lot containing a single-unit, two-unit, or duplex-unit dwelling bounded by more than one street in residential districts. The front yards designated must conform to district regulations for front yards. All front yards are measured at right angles to the street right-of-way or the established street setback line, whichever is the greater distance from the street center line set by adopted street right-of-way maps and standards (see Figure 21-10.6, see page 286).

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

"**Yard, Side**" means a yard extending from the rear line of a required front yard to the lot line at the opposite end of the zoning lot or in the absence of a clear definition of such a lot line, to the point on the lot farthest from the street side of a front yard. For lots with more than one front yard, the side yards are any yards remaining after the front yards have been established.

Figure 21-10.6



YARD, FRONT

(Added by Ord. 99-12).

Z

"**Zoning lot**" means a lot or any portion of a lot, excluding right-of-way lots, within a single zoning district, or precinct, except as permitted under joint development.

Zoo. A facility where animals live in captivity and are put on display for the public to view. The term does not include government facilities (see public facility), uses involving the display of live animals for sale or adoption (see general retail), or displays that are accessory to principal commercial or hotel use.

(Added by Ord. 99-12; Am. Ord. 00-09, 01-12, 02-63, 03-37, 06-15, 09-26, 10-19, 14-9, 15-41, 20-41, 25-2)