

## **CHAPTER 20: FIRE CODE OF THE CITY AND COUNTY OF HONOLULU**

### Articles

1. Adoption of the State Fire Code
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## **Honolulu - Building and Construction Codes**



## ARTICLE 1: ADOPTION OF THE STATE FIRE CODE

### Section

#### 20-1.1 Fire Code of the City and County of Honolulu

#### § 20-1.1 Fire Code of the City and County of Honolulu.

The State Fire Code, as adopted by the State of Hawaii on August 15, 2014, pursuant to HRS Chapter 132, which adopts, with modifications, the 2012 National Fire Protection Association (NFPA) 1 Fire Code, published and copyrighted by the NFPA, is adopted by reference and made a part hereof, subject to the following amendments which, unless stated otherwise, are in the form of amendments to NFPA 1:

- (1) Amending Section 1.1.2. Section 1.1.2 is amended to read:

**1.1.2 Title.** This code shall be known and cited as the “Fire Code of the City and County of Honolulu” and will be referred to herein as “this code”.

- (2) Amending Section 1.10. Section 1.10 is amended to read:

**1.10 Board of Appeals.** See Chapter 16 (Building Code), Article 1, ROH.

- (3) Amending Section 1.12.8. Section 1.12.8 is amended to read:

**1.12.8 Permits, Licenses, and Fees.** A permit or license shall be obtained from the Honolulu Fire Department’s (HFD) Fire Prevention Bureau or designated agency prior to engaging in the following activities, operations, practices, or functions:

1. Places of Assembly. To operate a place of assembly. For permit requirements, see Section 20.1.1.1.

Annual Permit Fee: \$200

2. Tents and Canopies. For permit requirements, see Section 25.1.2.

Permit Fee: \$200

3. Application of Flammable Finishes. For permit requirements, see Section 43.1.1.4.

Annual Permit Fee: \$200

4. Flammable and Combustible Liquid Tank Installation. For permit requirements, see Section 66.1.5.

One-time Permit Fee:

\$150 for a tank capacity of 61 to 4,999 gallons

\$200 for a tank capacity of 5,000 gallons or greater

5. Liquefied Petroleum Gas (LPG) Container (Tank) Installation. For permit requirements, refer to Section 69.1.2.

One-time Permit Fee:

\$200 for a single container or the aggregate of interconnected containers of 125-gallon water capacity or more

6. Licenses to inspect, test, and maintain the following fire protection systems:

Water-based systems. Three-year license fee: \$100

Nonwater-based systems. Three-year license fee: \$100

Portable fire extinguishers. Three-year license fee: \$100

7. Fireworks. For permits and license requirements, see Chapter 20, Article 6, ROH.

8. Automatic Fire Extinguishing Systems for Commercial Cooking Equipment Inspection Fee.

Initial Inspection Fee: \$100

Reinspection Fee: \$100

9. Fire Alarm Systems Acceptance Test Inspection Fee. Inspection fees are as follows:

1-100 devices or appliances:

Initial Fee: \$100

Retest Fee: \$100

101-250 devices or appliances:

Initial Fee: \$250

Retest Fee: \$250

More than 250 devices or appliances:

Initial Fee: \$500

Retest Fee: \$500

10. Fire Plans Review Fee

- a. When plans or other specifications are submitted to the fire department per the Building Code, a plan review fee shall be paid at the time of submittal. The fees collected are hereby deemed appropriated upon receipt and may be expended for fire prevention activities relating to public education, fire investigations, plans checking, permit processing, fire inspections, certifications, and training.
- b. The Fire Plans Review Revolving Fund is established and created herewith as a repository for such fees. The fire plans review fee shall be ten (10) percent of the building permit fee payable to the City prior to the issuance of the building permit.

**EXCEPTION:** Where an automatic fire sprinkler system is elected to be installed in accordance with NFPA 13D, NFPA 13R, or NFPA 13, the Fire Plans Review Fee shall be waived.

11. Fireworks Public Display Inspection Fee. For permit requirements, see Section 20-6.12.

Inspection Fee: \$200

- (4) Amending Section 1.16.4. Section 1.16.4 is amended to read:

**1.16.4 Citations.** Any person, firm, or corporation who fails to comply with the provisions of this code or carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate, shall be deemed guilty of a misdemeanor.

- (5) Amending Section 1.16.4.3. Section 1.16.4.3 is amended to read:

**1.16.4.3 Failure to Comply.** Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than \$1,000 or imprisonment of not more than one year or both such fine and imprisonment.

- (6) Amending Section 10.11.1. Section 10.11.1 is amended to read:

**10.11.1 Open Burning Fires.** Open burning shall be conducted in accordance with this section and may be prohibited when the authority having jurisdiction (AHJ) determines such fires are a hazard.

**10.11.1.1 Compliance.** Open burning shall comply with the following:

1. Fires for Cooking Food. Persons responsible for such fires not contained within an appliance, such as an imu, shall notify the HFD's Fire Communication Center (FCC) 15 minutes prior to lighting such fires.
2. Fires for Recreational, Decorative, or Ceremonial Purposes. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
3. Fires to Abate a Fire Hazard. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
4. Fires for Prevention or Control of Disease or Pests. Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
5. Fires for Training of Fire Fighting Personnel. Fires for the training of fire fighting personnel shall be in accordance with NFPA 1403 and conducted only with the AHJ's approval. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
6. Fires for Disposal of Dangerous Materials. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
7. Fires for Residential Bathing Purposes. Notify the HFD's FCC at least 15 minutes prior to lighting such fires.

**10.11.1.2 Responsibility.** Fires for open burning allowed under Section 10.11.1 shall be the responsibility of the person igniting and maintaining the fire.

**10.11.1.3 Incinerators.** Private incineration is prohibited by State health laws.

**EXCEPTION:** Closed incinerators approved by the State Department of Health (DOH) shall be in accordance with NFPA 82.

- (7) Amending Section 10.11.6.1. Section 10.11.6.1 is amended to read:

**10.11.6.1** For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet (3 meters) of any structure without the AHJ's approval.

- (8) Amending Section 10.11. Section 10.11 is amended by adding Subsection 10.11.11 to read:

**10.11.11 Open Flame Performances Before a Proximate Audience.**

**10.11.11.1** Open flame performances before a proximate audience shall comply with the following:

1. Performances that use an open flame, such as, but not limited to, "fire dancing" and "logo burns", shall be held outdoors or within a building protected with an automatic sprinkler system in accordance with Section 20.1.5.3.
2. Performances shall be in an area provided with at least 25 feet of clearance to readily combustible materials.
3. A minimum clearance of 20 feet shall be kept between the performance and the audience at all times. This distance may be reduced, provided an AHJ-approved, noncombustible safety net is in place in accordance with Section 20.1.5.3.
  - a. Gasoline, white gas, or any Class I flammable liquid shall not be used as the fuel source.
  - b. Fuel storage shall be kept in an approved container at least 25 feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.
  - c. Performers shall not throw any open-flame props over the audience.
  - d. A CO<sub>2</sub> fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 30 feet of the performance. The fire extinguishers shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.
  - e. Fire props shall be adequately extinguished immediately after performances by soaking in a bucket of water.
  - f. Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.

- (9) Amending Section 10.14.1.1. Section 10.14.1.1 is amended by adding Subsection 10.14.1.1.1 to read:

**10.14.1.1.1**

**EXCEPTIONS:**

1. Natural cut Christmas trees shall be allowed in assembly occupancies; provided that, except for those occupancies subject to exception 3 below, the occupancy shall be protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13.
2. Natural cut Christmas trees shall be allowed in hotel occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13. An approved fire watch shall be provided for the duration in which the Christmas trees remain in the hotel.

3. Natural cut Christmas trees shall be allowed in Honolulu Hale and Kapolei Hale. An approved fire watch shall be provided for the duration in which the Christmas trees are displayed.

- (10) Amending Section 10.14.10. Section 10.14.10 is amended by adding Subsection 10.14.10.4 to read:

**10.14.10.4 Clearance of Brush or Vegetative Growth from Structures.** Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, upon, or adjoining hazardous fire areas and persons owning, leasing, or controlling land adjacent to such buildings or structures shall at all times:

1. Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures.

**EXCEPTION:** Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation, and combustible growth located from 30 to 100 feet from such buildings or structures when required by the AHJ because of hazardous conditions causing a firebreak of only 30 feet, which is insufficient to provide reasonable fire safety.

**EXCEPTION:** Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within ten feet of a chimney's outlet.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the structure's roof free of leaves, needles, or other dead vegetative growth.

- (11) Amending Section 11.12.2.2.1.2. Section 11.12.2.2.1.2 is amended by adding an exception to read:

**EXCEPTION:** One- and two-family dwellings shall require only one three-foot wide access pathway from the eave to the ridge on each roof slope where the modules are located.

- (12) Amending Section 11.12.2.2.2. Section 11.12.2.2.2 is amended by adding an exception to read:

**EXCEPTION:** One- and two-family dwellings shall be located not less than 1½ feet below the ridge.

- (13) Amending Section 13.1.2. Section 13.1.2 is amended by adding Subsections 13.1.2.1 and 13.1.2.2 to read:

**13.1.2.1 Halon and Clean Agent Systems.** Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a final approval of an installation test in accordance with nationally recognized standards and the manufacturer's instructions prior to final acceptance of the system. The test shall be witnessed by the AHJ.

**13.1.2.2 Nonwater-based Fire Extinguishing Systems.** Upon completion of a nonwater-based fire extinguishing system installation that is required by this code, a satisfactory final approval of the system's installation test shall be made in accordance with nationally recognized standards and the manufacturer's instructions. Nonwater-based systems include, but are not limited to, dry chemical and carbon dioxide extinguishing systems. The test shall be witnessed by the AHJ.

- (14) Amending Section 13.3.2.20.1. Section 13.3.2.20.1 is amended to read:

**13.3.2.20.1** When required by the county building code, all new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with Section 13.3.2.20.2.

(15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

**13.3.2.26.2** Compliance shall be with either an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems in accordance with the requirements of a building fire and life safety evaluation code assessment as achieved by a passing score on a building fire and life safety evaluation code assessment pursuant to Ordinance 18-14. Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which shall consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20-4.4. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo the building fire and life safety evaluation code assessment; provided that, all buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessment or maintain the codes and standards for automatic fire sprinkler systems that are current and applicable at the time the building permit application is submitted for approval. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be prepared by a licensed design professional, or a building's authorized representative under the supervision of a licensed design professional, be stamped with the licensed design professional's authorized seal or stamp, and be authenticated as provided under Hawaii Administrative Rules Section 16-115-9. A building fire and life safety evaluation shall be conducted within three years from May 3, 2018. Buildings shall comply by passing the building fire and life safety evaluation within six years from May 3, 2018, unless compliance is met with an automatic fire sprinkler system as indicated in the building fire and life safety evaluation form, Table 8. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments or maintain an automatic sprinkler system that complies with this chapter and the building code at the time of the evaluation. For the purposes of this section, "existing high-rise residential building" means the same as "existing highrise residential building" as defined in Section 20-5.1.

**13.3.2.26.2.1** The association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building may appeal the final building fire and life safety evaluation score, and the resulting fire safety requirements for the building, as assessed by the licensed design professional or the determination of the AHJ, by filing a written request for an appeal to the director or head of the AHJ within 45 days of the date of the completed building fire and life safety evaluation assessment or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the Council on the appeals filed for existing high-rise residential buildings and the disposition of the appeals.

**13.3.2.26.2.2** Except as otherwise provided in this paragraph (15), which establishes the life safety evaluation system and authorizes owners of existing high-rise residential buildings to opt-out of approved automatic sprinkler systems through a life-safety evaluation process, existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this chapter and the building code. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation code assessment, but shall be required to apply for and obtain a building permit through a State-licensed specialty contractor for the automatic fire sprinkler system within two years from the date of notifying the AHJ of its option or selecting the option on the building fire and life safety evaluation code assessment form, Table 8.

**13.3.2.26.2.3** Notwithstanding any other provision of this paragraph (15), the association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building 10 floors or higher may opt out of the automatic fire sprinkler system requirement; provided that, a majority of unit owners of a condominium or a majority of shareholders of a cooperative housing corporation vote to opt out of the requirement within three years of the completion of the building fire and life safety evaluation at a regularly scheduled or special meeting of the owners or shareholders, convened and noticed in accordance with the condominium's or cooperative housing corporation's by-laws; and provided further, that the building receives a passing score on the building fire and life safety evaluation through the

implementation of alternative fire prevention and fire safety systems. An association of apartment owners of a condominium or a cooperative housing corporation that has opted out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners, shareholders and residents. Verifiable public disclosure shall include signs posted in the building's public notification areas and real estate sales disclosures as may be required by Hawaii real estate industry practices.

**13.3.2.26.2.4** Each building owner shall, within 180 days from May 3, 2018, file a written statement of its intent to comply with this paragraph (15) with the AHJ for approval.

**13.3.2.26.2.5** The AHJ shall review and respond to the written statement of the owner's intent to comply within 60 days of receipt of the statement of intent to comply.

**13.3.2.26.2.6** Subject to the exceptions in Section 13.3.2.26.2.7, the entire building shall be required to be protected by:

- (a) An approved automatic fire sprinkler system; or
- (b) Alternative fire prevention and fire safety systems as approved by the AHJ,

within 12 years of May 3, 2018, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

**13.3.2.26.2.7** Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from May 3, 2018, common areas for buildings 10 to 19 floors shall be completed within 10 years from May 3, 2018, and all buildings, regardless of the number of floors, shall be completed within 12 years from May 3, 2018. An extension to 15 years from May 3, 2018, may be approved by the AHJ; provided that, compliance using an automatic fire sprinkler system in the common areas related to building egress path has been achieved.

**EXCEPTION:** Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

**EXCEPTION:** Existing high-rise residential buildings less than 10 floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.2.

**EXCEPTION:** Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

**EXCEPTION:** Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Elevator hoistways and machine rooms are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.2.

**EXCEPTION:** Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

**EXCEPTION:** The time periods and deadlines for compliance set forth in Section 13.3.2.26.2 and Section 13.3.2.26.2.7 shall be paused, tolled, or suspended where a building permit application, or other code application, for projects that relate to those sections or are required for the building to achieve compliance with the requirements of Section 13.3.2.26.2.2 for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems, when the application is duly filed by a State-licensed specialty contractor for the design, installation, or upgrade of such system, and the review and issuance of the building permit or other code application has not been completed by the reviewing agency within 90 days of such submission to the reviewing agency. The period of time in excess of the 90-day period following timely filing of a complete application, but before issuance of the permit or approval of the application, shall constitute the period of time in which the time period and deadline is paused, tolled, or suspended.

(16) Amending Section 13.7.1.4.10.4. Section 13.7.1.4.10.4 is amended to read:

**13.7.1.4.10.4** When approved by the AHJ and where permitted by Chapter 11 through Chapter 43 of NFPA 101, a positive alarm sequence shall be permitted, provided that it is in accordance with NFPA 72. The following additional requirements shall also apply:

1. An automatic fire sprinkler system installed in conformance with the building code shall be provided throughout the building or facility.
2. Written fire emergency procedures and an evacuation plan for the building or facility shall be reviewed by the AHJ prior to approval testing. The procedures and plan shall include, but not be limited to, immediate notification to the fire department, use of primary and secondary exits, use of fire protection appliances for the building(s) or facility(ies).
3. Trained personnel shall respond to emergencies on a 24-hour basis. The staff shall be instructed in fire emergency procedures and the use and operation of in-house fire appliances. Documentation of such training shall be maintained and filed on the premises.
4. Immediate notification of the fire department shall take place upon activation of any fire alarm initiating device.
5. If the fire alarm system's initiating device is activated, acknowledgement at the control unit by trained personnel shall be accomplished within 15 seconds in order to initiate the alarm investigation phase. If the signal is not acknowledged within 15 seconds, all building or facility and remote signals shall be activated immediately and automatically (general alarm).
6. If the fire alarm system's initiating device is activated, notification devices in that zone shall be activated. The zone notification shall include the floor of, the floor above, and the floor below the activated device. The zone notification areas may be modified with the AHJ's approval. This zone notification shall be for a maximum of three (3) minutes, during which trained personnel shall initiate the alarm investigation phase, communicate their findings immediately to the fire department, and reset the system if appropriate. After three (3) minutes or an activation of any other initiating device(s), the fire alarm system shall be activated immediately and automatically for the entire building or facility (general alarm). At no time shall the fire alarm system be silenced until verification of the alarm is accomplished.
7. The fire alarm system shall provide a means to bypass the positive alarm sequence and immediately activate the general alarm for the entire building or facility.
8. The AHJ shall conduct a test of the positive alarm sequence prior to implementation.
9. The AHJ may disapprove or rescind approval of the fire alarm system's positive alarm sequence if all of the above-mentioned requirements are not met and shall require the fire alarm system to be reprogrammed to meet a general alarm notification at the owner's expense.



- (17) Amending Section 13.7.3.2. Section 13.7.3.2 is amended by adding Subsection 13.7.3.2.5 to read:

**13.7.3.2.5 Fire Alarm System Testing.** A tag shall be placed on the fire alarm panel when tested in accordance with Section 13.7.3.2. Information on the tag shall include the testing date, testing company and contact information, technician performing the test, and satisfactory testing result.

- (18) Amending Section 18.2.3.1.3. Section 18.2.3.1.3 is amended to read:

**18.2.3.1.3** The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exist:

1. Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1.
2. Not more than two existing one- and two-family dwellings.
3. Private garages having an area not exceeding 1,000 square feet.
4. Carports having an area not exceeding 1,000 square feet.
5. Agricultural buildings having an area not exceeding 1,000 square feet.
6. Sheds and other detached buildings having an area not exceeding 1,000 square feet

- (19) Amending Section 18.2.3.2.2.1. Section 18.2.3.2.2.1 is amended to read:

**18.2.3.2.2.1 Automatic Sprinkler Systems.** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 130, or NFPA 13R, an increase in distance in Section 18.2.3.2.2 shall be permitted as set forth by the AHJ.

- (20) Amending Section 18.2.3.2. Section 18.2.3.2 is amended by adding Subsection 18.2.3.2.3 to read:

**18.2.3.2.3 Access for High-Piled Storage.** When high-piled storage areas exceed 12,000 square feet, one or more access doors shall be provided in each 100 lineal feet, or major fraction thereof, of the exterior walls which face required access roadways. Required access doors shall be a minimum of three feet wide and six feet eight inches high. Roll-up doors shall not be allowed as access doors, unless approved by the AHJ.

- (21) Amending Section 18.5.6. Section 18.5.6 is amended to add a sentence to read:

Global positioning system coordinates of new and existing private hydrant locations shall be provided to the fire department.

- (22) Amending Section 20.1.1.1. Section 20.1.1.1 is amended to read:

**20.1.1.1 Permits and Plans.** A permit is required for each place of assembly with an occupant load capacity of 300 or more persons, such as restaurants, nightclubs, and dancing and drinking establishments. The permit shall be posted in a conspicuous location on the premises.

At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the establishment's floor plan indicating the square footage (gross), seating arrangements (if more than one seating configuration is used by the

establishment), occupancy load, aisle widths, exits and access ways to exits, and compliance with other fire code requirements in accordance with Chapter 20 of this code. See also amended Section 1.12.8.

- (23) Amending Section 20.1.5.10.3.1. Section 20.1.5.10.3.1 is amended to read:

**20.1.5.10.3.1** Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room. The occupant load shall be established per the current building code.

- (24) Amending Section 25.1.2. Section 25.1.2 is amended by adding Subsection 25.1.2.1 to read:

**25.1.2.1 Tents and Canopies.** A permit is required to erect or operate a tent or canopy having an area in excess of 2,100 square feet. At the time of application, two copies of the plot plan shall be submitted to the AHJ indicating distances to property lines, buildings, other tents and canopies, parked vehicles, or internal combustion engines. Refer to amended Section 1.12.8.

**EXCEPTION:** Permits are not required for private parties on private property.

- (25) Amending Section 43.1.1.4. Section 43.1.1.4 is amended to read:

**43.1.1.4 Permits and Plans.** A permit is required for spraying or dipping operations utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 43 of this code.

At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the spraying or dipping installation plan with distances from the storage of flammable or combustible liquids. The plan shall indicate the location of exits from the spraying or dipping area, an approved fixed extinguishing system installed in the permitted area, and other fire code requirements in accordance with Chapter 43 of this code. See also amended Section 1.12.8.

- (26) Amending Section 50.4.4.3.1. Section 50.4.4.3.1 is amended to read:

**50.4.4.3.1** In existing systems, when changes in the cooking media, positioning, operation and use, or replacement of cooking equipment, or changes in ownership occur, the fire-extinguishing system shall be made to comply with 50.4.4.3 and 50.4.11.

- (27) Amending Section 50.4.11. Section 50.4.11 is amended by adding Subsection 50.4.11.3 to read:

**50.4.11.3 Acceptance Test.** Prior to commencing initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the manufacturer's instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.

- (28) Amending Section 65.1.1. Section 65.1.1 is amended to read:

**65.1.1** The storage, use, and handling of explosives, fireworks, and model rocketry shall comply with the requirements of this chapter, NFPA standards referenced within this chapter, Sections 60.1 through 60.4 of this code, and applicable county laws and rules.

- (29) Amending Section 66.1.5. Section 66.1.5 is amended by adding Subsection 66.1.5.1 to read:

**66.1.5.1 Permits and Plans.** A permit is required to install or operate equipment in connection with the storage, handling, use, or sale of flammable or combustible liquids regulated under Chapter 66 of this code.

Permits are not transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit.

At the time of application, two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher, and necessary signage and placards shall be submitted to the AHJ.

Tank installations within the jurisdiction of the City and County of Honolulu (City) shall be approved by the Department of Planning and Permitting's (DPP) Zoning Division prior to submitting an application for the HFD's Flammable and Combustible Liquid Tank Installation Permit. For installations in State conservation-zoned areas, tank installations shall be reviewed and approved by the State Department of Land and Natural Resources (DLNR). Refer to amended Section 1.12.8.

(30) Amending Section 66.21.7.4.3.4. Section 66.21.7.4.3.4 (1) is amended to read:

1. All flammable and combustible liquids, residues, and vapors shall be removed from the tank, appurtenances, and piping. Confirmation that the atmosphere in the tank is safe shall be by testing of the atmosphere using combustible gas indicators or an oxygen meter.

(31) Amending Section 69.1.1.3. Section 69.1.1.3 is amended by adding Subsection 69.1.1.3.1 to read:

**69.1.1.3.1 Records.** Installers shall maintain a record of installations for permits not required by Section 1.12.8, and such record shall be available for inspection by the AHJ.

**EXCEPTION:** Installation of gas-burning appliances and replacement of portable cylinders.

(32) Amending Section 69.1.2. Section 69.1.2. is amended to read:

**69.1.2 Permits and Plans.** A permit is required to install or dispense LPG or maintain an LPG container (tank).

**EXCEPTION:** A permit is not required to install or maintain a portable container or the aggregate of interconnected containers of less than a 125-gallon water capacity.

Permits shall not be transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit. Distributors shall not fill an LPG container for which a permit is required, unless a permit for installation has been issued for that location by the AHJ.

Where a single container or the aggregate of interconnected containers is of a 125-gallon water capacity or more, the installer shall submit plans to the AHJ.

LPG installations requiring a permit shall have the permit on site and available for inspection by the AHJ.

At the time of application for a permit, the installer shall submit to the AHJ two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher(s), and necessary signage and placards.

Container installations within the jurisdiction of the City shall be approved by the DPP's Zoning Division prior to submitting an application for the HFD's LPG Tank Installation Permit. For installations in State preservation-zoned areas, container installations shall be reviewed by the State DLNR. Refer to amended Section 1.12.8.

(33) Amending Section 69.3.6.1.2. Section 69.3.6.1.2 is amended to read:

**69.3.6.1.2** LPG containers or systems of which they are a part shall be protected from damage from vehicles in accordance with Section 60.5.1.9.

(1990 Code, Ch. 20, Art. 1, § 20-1.1) (Added by Ord. 15-45; Am. Ords. 17-14, 18-14, 19-4)

## ARTICLE 2: LIFE SAFETY REQUIREMENTS FOR EXISTING HOTEL BUILDINGS AND EXISTING BUSINESS BUILDINGS

### Sections

20-2.1	General
20-2.2	Definitions
20-2.3	Requirements—Hotels
20-2.3A	Requirements—Existing business buildings
20-2.4	Permit required
20-2.5	Compliance
20-2.6	Appeals
20-2.7	Severability
20-2.8	Rules

### § 20-2.1 General.

- (a) *Purpose.* The purpose of this article is to provide for a reasonable degree of public safety by establishing minimum life safety requirements for existing hotel buildings and existing business buildings.
- (b) *Scope.* This article shall apply to every existing hotel building and every existing business building as defined in this article. A determination that an existing building is “an existing business building” subject to this article shall be made by the fire chief. Any appeal from the decision of the fire chief may be submitted to the board of appeals for hearing and determination as provided in Chapter 16.
- (Sec. 19A-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.1) (Am. Ord. 01-53)

### § 20-2.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Annunciator.*** A unit containing two or more identified targets or indicator lamps in which each target or lamp indicates the circuit, condition, and location to be annunciated.

***Building Code.*** Any of the following:

- (1) With respect to an existing hotel building, the provisions of Chapter 16 that were in effect on the date of approval of Ordinance 83-58; or
- (2) With respect to an existing business building, the provisions of Chapter 16 that are in effect on January 1, 2002.\*

***Building Official.*** Has the same meaning as defined in § 16-1.1.

**Business Building.** A building to which both of the following apply:

- (1) At least 50 percent of the building is classified as “group B — business” occupancy by the building official pursuant to the building code; and
- (2) Has floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access.

**Existing Business Building.** A business building erected before January 1, 2002\* or one for which a legal building permit has been issued before that date.

**Existing Hotel Building.** A hotel building erected before the date of approval of Ordinance 83-58 or one for which a legal building permit was issued before that date.

**Guest.** A person whose principal place of residence is other than the dwelling or lodging unit rented or hired out, or in instances involving time sharing units occupied, by the person for sleeping purposes.

**Guest Room.** Any dwelling or lodging unit intended or designed to be rented, or hired out to be occupied, for sleeping purposes by guests, and includes units subject to HRS Chapter 514E (Time Sharing).

**Hotel.** Any building that has floors used for human occupancy located more than 75 feet above the highest grade and that contains dwelling or lodging units, or both, 50 percent or more of which are guest rooms. A hotel license issued pursuant to HRS § 445-92 shall be prima facie evidence that the building licensed is a hotel subject to this article.

(Sec. 19A-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.2) (Am. Ord. 01-53)

**Editor’s note:**

\* “January 1, 2002” is substituted for “the effective date of Ordinance 01-53.”

### § 20-2.3 Requirements—Hotels.

For hotels subject to this article:

- (1) *Automatic sprinkler systems.* An automatic sprinkler system shall be provided throughout the entire hotel. The installation of the system shall be in conformance with the building code;
- (2) *Smoke detectors.* Smoke detectors shall be provided in every guest room, interior exit corridor, mechanical equipment, electrical, transformer, telephone equipment, elevator machine, or similar room. The installation of the smoke detectors shall be in conformance with the building code. Any smoke detector installed in an interior exit corridor shall be connected to an annunciator;
- (3) *Corridor doors.* All doors opening into interior exit corridors shall be in conformance with the building code, except that 1.75-inch bonded, solid-core wood doors need not be replaced;
- (4) *Exit stairwell doors.* All stairwell doors, which are to be locked to prevent entry from the stairwell side, shall be automatically unlocked without unlatching when the fire alarm system activates or upon power failure;

## **Life Safety Requirements for Existing Hotel Buildings and Existing Business Buildings**§ 20-2.3A

- (5) *Fire alarm systems.* All fire alarm systems shall be designed to be heard clearly within all habitable areas of the hotel and shall be connected to an annunciator. The annunciator shall be located in the first floor lobby area or other area approved by the fire chief;
  - (6) *Emergency power.* Emergency power shall be provided for exit signs, exit illumination, and fire alarm systems. Such emergency power shall be supplied by a generator, or an approved battery or other approved source of energy;
  - (7) *Emergency plan.* The management for each hotel shall establish and maintain a written fire and life safety emergency plan, which is to be approved by the fire chief. The fire chief shall develop written criteria and guidelines upon which all plans shall be based;
  - (8) *Exiting plans and placards.*
    - (A) *Exiting plans.* Exiting plans that are to be approved by the fire chief shall be posted on the room side of the entry door for each guest room.
    - (B) *Placards.* Placards with exit instructions for elevators and stairwells and other placards shall be posted in locations approved by the fire chief; and
  - (9) *Fire drills.* The management for each hotel subject to this article shall conduct fire drills for staff and employees at least once every 180 days. A written record of each drill shall be maintained in the hotel management's office and made available to the fire department for review.
- (Sec. 19A-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.3) (Am. Ord. 01-53)

### **§ 20-2.3A Requirements—Existing business buildings.**

For an existing business building:

- (1) *Automatic sprinkler system.*
  - (A) An automatic sprinkler system shall be provided throughout the entire existing business building. The installation of the system shall be in accordance with the building code.
  - (B) This subsection shall not apply to a telecommunications building for which the council approves a fire safety agreement\* that includes the following requirements:
    - (i) All exit stairwells are automatically pressurized for smoke control when the fire alarm system activates;
    - (ii) Smoke seals are installed on all exit stairwell doors and exit stairwell door frames;
    - (iii) Smoke detectors are provided in all offices or other occupied spaces;
    - (iv) All exit stairwells that service floors located more than 100 feet above the lowest level of fire department vehicle access have a standpipe system;

- (v) The maximum travel distance to a fire extinguisher in the building is 50 feet; and
  - (vi) Such other requirements for the protection of public safety.
- (C) For the purposes of this subsection, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Access Tandem.*** A switching system that:

- (i) Provides a traffic concentration and distribution function for interstate telecommunications services originating from or terminating in the State; and
- (ii) Enables any person engaged for hire in providing interstate telecommunications services to reach all local telecommunications users through facilities connected to all central offices in the State.

***Central Office.*** A switching unit having the necessary equipment and operating arrangements for terminating or interconnecting access lines, toll lines, and trunks.

***Enhanced 911 Switch.*** A switch that permits a wire line telecommunications user to call emergency services through a public safety answering point operated by an authorized government entity that includes the ability to provide automatic number identification to enable the public safety answering point to call the wire line telecommunications user if the call is disconnected, and automatic location identification for emergency service providers to identify the listed address or geographic location of the wire line telecommunications user.

***Interstate Telecommunications Services.*** Telecommunications services between a point located in the State and a point located outside the State.

***Telecommunications Building.*** Any existing business building with a central office used by a telecommunications carrier to provide telecommunications services, provided that the building contains:

- (i) An access tandem; or
- (ii) An enhanced 911 switch.

***Telecommunications Carrier.*** Any person that owns, operates, manages, or controls any facility used to furnish telecommunications services for profit to the public, or to classes of users so as to be effectively available to the public, engaged in the provision of services, such as voice, data, image, graphics, and video services, that make use of all or part of the person's transmission facilities, switches, broadcast equipment, signaling, or control devices.

***Telecommunications Services.*** The offering of transmission between or among points specified by a user, of information of the user's choosing, including voice, data, image, graphics, and video without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, or other similarly effective means of transmission, with or without benefit of any closed transmission medium; provided that the term does not include the one-way transmission to subscribers of video programming or other programming service, regardless of whether subscriber interaction is required for the selection of video programming or other programming service.



## Life Safety Requirements for Existing Hotel Buildings and Existing Business Buildings § 20-2.3A

- (D) If a building ceases to be a telecommunications building, the building owner or an authorized representative shall notify the fire chief in writing within 60 days that the building is no longer a telecommunications building, and shall submit with the notice a schedule for compliance with this subsection. A building that ceases to be a telecommunications building shall comply with this subsection within three years following the date the notice and schedule for compliance with this subsection are received by the chief.
- (2) *Smoke detectors.* Smoke detectors shall be provided in every mechanical equipment, electrical, transformer, telephone equipment, elevator, machine or similar room, and in elevator lobbies. The installation of the smoke detectors shall be in accordance with the building code. Smoke detectors shall be connected to an automatic fire alarm system installed in accordance with the fire code.
- (3) *Corridor doors.* All doors opening into interior exit corridors shall be in accordance with the building code; except that 1.75-inch bonded, solid-core wood doors need not be replaced.
- (4) *Exit stairwell doors.* All stairwell doors, which are to be locked to prevent entry from the stairwell side, shall be automatically unlocked without unlatching when the fire alarm system activates or upon power failure.
- (5) *Fire alarm systems.* When actuated, fire alarm-initiating devices shall activate an alarm signal that is audible throughout the existing business building or in designated portions of the building when approved by the fire chief. The alarm signal shall be a distinctive sound, which is not used for any purpose other than the fire alarm. Fire alarm-initiating devices shall be connected to an annunciator panel which panel shall be located in the first floor lobby area or other area approved by the fire chief.
- (6) *Emergency power.* Emergency power shall be provided for exit signs, exit illuminations, and fire alarm systems. Such emergency power shall be supplied by a generator or an approved battery or other approved source of energy.
- (7) *Emergency plan.* The management or owner of each existing business building shall establish and maintain a written fire and life safety emergency plan, which is to be reviewed by the fire chief and which shall be updated annually. The fire chief shall develop written criteria and guidelines upon which all plans shall be based.
- (8) *Exiting plans and placards.*
- (A) *Exiting plans.* Exiting plans that are to be reviewed by the fire chief shall be posted on each floor at each elevator lobby.
- (B) *Placards.* Placards with exit instructions for elevators and stairwells and other placards shall be posted in locations approved by the fire chief.
- (9) *Fire drills.* The management or owner of each existing business building shall conduct fire drills for staff and employees at least once every 180 days. A written record of each drill shall be maintained in the management office of the building and made available to the fire chief for review.

(1990 Code, Ch. 20, Art. 2, § 20-2.3A) (Added by Ord. 01-53; Am. Ord. 02-65)

### **Editor's note:**

\* A fire safety agreement is attached to Ord. 02-65 as "Exhibit A" and is on file with the office of the city clerk.

**§ 20-2.4 Permit required.**

A building permit shall be obtained whenever required by Chapter 18.  
(Sec. 19A-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.4)

**§ 20-2.5 Compliance.**

- (a) *Authority.* The fire chief is authorized to require compliance with this article.
- (b) *Examination and furnishing of list to owner or operator.* The fire chief shall examine each hotel and existing business building subject to this article. Upon the completion thereof, the fire chief shall immediately furnish to the owner or operator of the hotel or existing business building a written list of items required to achieve compliance with this article.
- (c) *Compliance schedule.*
  - (1) *Sixty days.* Each hotel or existing business building shall comply with subsections (7), (8), and (9) of § 20-2.3 or 20-2.3A, as applicable, within 60 days after the receipt of the written list.
  - (2) *One year.* The owner or an authorized representative of each hotel or existing business building shall submit plans to the fire chief showing intended methods of compliance with subsections (1) through (6) of § 20-2.3 or 20-2.3A, as applicable, within one year after receipt of the written list.
  - (3) *Five years.* Each hotel or existing business building shall comply with subsections (1) through (6) of § 20-2.3 or 20-2.3A, as applicable, within five years after receipt of the written list.
- (d) *Deviation and extension of time.* Deviations or extensions of time shall be allowed by the fire chief for good cause shown for a period not to exceed two years.  
(Sec. 19A-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.5) (Am. Ord. 01-53)

**§ 20-2.6 Appeals.**

Any appeal from the decision of the fire chief involving the denial of any deviation or extension of time may be submitted to the board of appeals as specified in the building code. The board may grant a deviation or extension of time if it finds that the time period appealed from poses an undue hardship, provided the total time of compliance shall not exceed seven years from the receipt of the written list of items as specified in § 20-2.5.  
(Sec. 19A-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.6)

**§ 20-2.7 Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this article is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this article.  
(Sec. 19A-2.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.7)

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**§ 20-2.8 Rules.**

Subject to HRS Chapter 91, the fire chief shall adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article.

(Sec. 19A-2.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 2, § 20-2.8)

## **Honolulu - Building and Construction Codes**

### **ARTICLE 3: EXAMINATION AND APPROVAL OF PLANS BY FIRE CHIEF**

#### Sections

- 20-3.1 Submission of building plans for approval to fire chief
- 20-3.2 Approval or disapproval of plans

#### **§ 20-3.1 Submission of building plans for approval to fire chief.**

The submission of building plans shall be pursuant to the requirements of HRS § 132-9.  
(Sec. 13-26.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 3, § 20-3.1) (Am. Ords. 96-58, 02-47)

#### **§ 20-3.2 Approval or disapproval of plans.**

The fire chief shall approve or disapprove plans and specifications within 30 calendar days after their receipt; otherwise, the plans and specifications shall be approved. Whenever the fire chief finds that the building to be constructed, or upon which alterations and additions are to be made, is for any reason not reasonably safe from loss or damage to property or loss of life or injury to persons by fire, the fire chief shall disapprove the plans and specifications, and return them with a written statement setting forth the reasons for the disapproval.  
(Sec. 13-26.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 20, Art. 3, § 20-3.2) (Am. Ord. 02-47)

## **Honolulu - Building and Construction Codes**

## ARTICLE 4: FIRE AND LIFE SAFETY EVALUATION OF EXISTING HIGHRISE RESIDENTIAL BUILDINGS

### Sections

- 20-4.1 Definitions
- 20-4.2 Requirement for building fire and life safety evaluations
- 20-4.3 Compliance
- 20-4.4 Building fire and life safety evaluation form

#### § 20-4.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Building Code.*** Chapter 16.

***Building Fire and Life Safety Evaluation Code Assessment.*** An assessment of building safety features and fire protection systems providing a minimum level of fire and life safety to occupants and firefighters that is approved by the AHJ.

***Building Fire and Life Safety Evaluation Form.*** A form that is prescribed by the AHJ for assessing the safety features and fire protection systems of an existing high-rise building.

***Existing High-Rise Residential Building.*** Has the same meaning as “existing highrise residential building” as defined in § 20-5.1.  
(Added by Ord. 18-14)

#### § 20-4.2 Requirement for building fire and life safety evaluations.

Existing highrise residential buildings not protected throughout by an automatic fire sprinkler system shall receive a building fire and life safety evaluation code assessment in accordance with Section 13.3.2.26.2 on a form that is prescribed by the AHJ.  
(Added by Ord. 18-14)

#### § 20-4.3 Compliance.

A building fire and life safety evaluation code assessment shall be prepared by a licensed design professional, or a building’s authorized representative under the supervision of a licensed design professional using the building fire and life safety evaluation form prescribed by the AHJ in accordance with Section 13.3.2.26.2; provided that existing highrise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo a building fire and life safety evaluation code assessment for initial compliance.

The AHJ may grant an extension per Section 13.3.2.26.2.7 if automatic fire sprinkler systems in common areas are used to achieve compliance. All buildings that are required to undergo a building fire and life safety evaluation code assessment must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments.

(Added by Ord. 18-14; Am. Ord. 19-4)

**§ 20-4.4 Building fire and life safety evaluation form.**

The AHJ shall prescribe the building fire and life safety evaluation form for conducting building fire and life safety evaluations. No changes or modifications shall be made to the building fire and life safety evaluation form that is prescribed by the AHJ according to this article, or the procedures and process of utilizing the building fire and life safety evaluation form in assessing existing high-rise residential buildings, without the approval of the council. The AHJ shall make the building fire and life safety evaluation form readily available to the public through all reasonable means, including but not limited to, providing copies through the United States Postal Service or by making electronic copies available for downloading from the AHJ's website.

(Added by Ord. 18-14)



## ARTICLE 5: REQUIREMENTS FOR SMOKE DETECTORS IN EXISTING HIGHRISE RESIDENTIAL BUILDINGS

### Sections

- 20-5.1 Definitions
- 20-5.2 Requirements for smoke detectors
- 20-5.3 Public awareness program
- 20-5.4 Compliance and penalties
- 20-5.5 Rules

### § 20-5.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Building Code.*** Chapter 16, which is in effect on the date of approval of this article.

***Dwelling Unit.*** Any portion of an existing highrise residential building that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the building code, for not more than one family.

***Existing Highrise Residential Building.*** Any building that has floors used for human occupancy located more than 75 feet above the highest grade, contains dwelling units, and that was erected before the date of approval of this article, or one for which a legal building permit has been issued.

***Smoke Detector.*** An independent, stand-alone approved device as defined in the building code. (1990 Code, Ch. 20, Art. 5, § 20-5.1) (Added by Ord. 92-61)

### § 20-5.2 Requirements for smoke detectors.

- (a) Within one year from June 12, 1992,\* every dwelling unit in all existing highrise residential buildings shall be equipped with smoke detectors. The installation of the smoke detectors shall be in conformance with § 1210(a) of the building code.
- (b) By January 1, 1994, the fire chief shall give written notice to the owner or owners of every dwelling unit in an existing highrise residential building subject to this article.

The notice shall be sent in a form to be returned to the fire department with the return postage prepaid, and shall contain:

- (1) The date of the notice;
- (2) A description of the requirements of this article;
- (3) Space for recipients to indicate whether they are already in compliance with this article or that they intend to comply within the next 30 days; and
- (4) A statement that the premises shall be subject to inspection by the fire department if the notice is not returned to the fire department within 30 days from the date of notice.

Subsequent notices of compliance shall be mailed periodically and at the discretion of the fire chief.  
(1990 Code, Ch. 20, Art. 5, § 20-5.2) (Added by Ord. 92-61)

***Editor's note:***

*\* "June 12, 1992" is substituted for "the effective date of this ordinance."*

**§ 20-5.3 Public awareness program.**

The fire chief shall establish a public awareness campaign to familiarize the general public with the requirements of this article. The fire chief shall conduct the first public awareness campaign on June 12, 1992\* and shall emphasize the duty of the public to comply. Subsequent public awareness campaigns shall be conducted on a regular basis and as determined by the fire chief.

(1990 Code, Ch. 20, Art. 5, § 20-5.3) (Added by Ord. 92-61)

***Editor's note:***

*\* "June 12, 1992" is substituted for "the effective date of this article."*

**§ 20-5.4 Compliance and penalties.**

The fire chief is authorized to inspect all dwelling units within existing highrise residential buildings for compliance with this article. Two weeks before conducting any inspection, the fire chief shall give written notice of the inspection to the occupants and to the owner or owners of every dwelling unit in an existing highrise residential building. The fire chief shall enforce compliance with § 20-5.2(a) in accordance with the procedures established in the fire code of the City and County of Honolulu, and violators shall be subject to the fines and penalties established therein.

(1990 Code, Ch. 20, Art. 5, § 20-5.4) (Added by Ord. 92-61)

**§ 20-5.5 Rules.**

The fire chief is authorized to adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this article.

(1990 Code, Ch. 20, Art. 5, § 20-5.5) (Added by Ord. 92-61)

## ARTICLE 6: REGULATION OF FIREWORKS

### Sections

20-6.1	Definitions
20-6.2	Prohibitions—Permitted uses
20-6.3	Exceptions
20-6.4	License to import, store, and sell display fireworks or firecrackers
20-6.5	Requirements of licensee
20-6.6	Fees—Use of revenues
20-6.7	Minors
20-6.8	Liability of parents or guardians
20-6.9	Penalty
20-6.10	Notice requirements
20-6.11	Forfeiture
20-6.12	Permit for display fireworks
20-6.13	Permit for firecrackers
20-6.14	Severability

### § 20-6.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Aerial Device.*** Any fireworks containing 130 milligrams or less of explosive materials that produce an audible or visible effect and is designed to rise into the air and explode or detonate in the air or to fly about above the ground. Aerial devices classified as fireworks under UN0336 and UN0337 by the United States Department of Transportation as set forth in CFR Title 49 include firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, Roman candles, flying pigs, and jumping jacks that move about the ground farther than a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, aerial shells, and mines.

***Articles Pyrotechnic.*** Pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction, but not intended for consumer use that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 by the United States Department of Transportation.

***City.*** The City and County of Honolulu.

***Consignee.*** A merchant to which goods are delivered in a consignment.

***Consignment.*** A transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

- (1) The merchant:
  - (A) Deals in goods of that kind under a name other than the name of the person making delivery;
  - (B) Is not an auctioneer; and
  - (C) Is not generally known by its creditors to be substantially engaged in selling the goods of others.
- (2) With respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;
- (3) The goods are not consumer goods immediately before delivery; and
- (4) The transaction does not create a security interest that secures an obligation.

**Consumer Fireworks.** Any fireworks designed primarily for retail sale to the public during authorized dates and times, that produce visible or audible effects by combustion, and that is designed to remain on or near the ground and, while stationary or spinning rapidly on or near the ground, emit smoke, a shower of colored sparks, whistling effects, flitter sparks, or balls of colored sparks, and include combination items that contain one or more of these effects. Consumer fireworks include firecrackers, snakes, sparklers, fountains, and cylindrical or cone fountains that emit effects up to a height not greater than 12 feet above the ground, illuminating torches, bamboo cannons, whistles, toy smoke devices, wheels, and ground spinners that when ignited remain within a circle with a radius of 12 feet as measured from the point where the item was placed and ignited, novelty or trick items, combination items, paperless firecrackers, and other fireworks of like construction that are designed to produce the same or similar effects.

**Display Fireworks.** Includes: 1) any fireworks used for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than 2 grains (130 milligrams) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive materials for classification as “consumer fireworks”; 2) any fireworks or articles pyrotechnic used for movie or television production activities; and 3) any fireworks or articles pyrotechnic used for a theatrical production or sporting event. This term also includes fused set pieces containing components, which together exceed 50 milligrams of salute power.

**Firecracker.** Single paper cylinders not exceeding 1.5 inches in length excluding the fuse and 0.25 of an inch in diameter and containing a charge of not more than 50 milligrams of pyrotechnic composition.

**Fireworks.** Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation including but not limited to aerial devices, articles pyrotechnic, or consumer or display fireworks as defined by this article or contained in the regulations of the United States Department of Transportation as set forth in CFR Title 49. The term fireworks shall not include any explosives or pyrotechnics regulated under HRS Chapter 396 or automotive safety flares, nor shall the term be construed to include toy pistols, toy cannons, toy guns, party poppers, pop-its, or other devices that contain 25/100ths of a grain or less of explosive substance.

**Import.** To transport or attempt to transport fireworks into the city or to cause fireworks to be transported into the city.

**License.** A formal authorization issued by the fire chief pursuant to this chapter to engage in the specifically designated act or acts.

**Permit.** A formal authorization issued by the fire chief to engage in the specifically designated act or acts.

**Place of Entertainment.** A theater, dinner theater, hall, coliseum, convention center, arena, auditorium, stadium, concert hall, garden, outdoor space, or other place of amusement at which theatrical productions, sporting events, or other events are presented.

**Pyrotechnic Composition or Pyrotechnic Contents.** The combustible or explosive component of fireworks.

**Sporting Event.** Those contests, games, or other events involving athletic or physical skills that are shown to the public in a place of entertainment.

**Theatrical Production.** Live-staged dramatic productions, musical productions, and concerts, which are shown to the public at a place of entertainment as defined in this section.  
(1990 Code, Ch. 20, Art. 6, § 20-6.1) (Added by Ord. 10-25)

## § 20-6.2 Prohibitions—Permitted uses.

Except as otherwise provided in this article:

- (1) It shall be unlawful for any person to possess, use, explode, or cause to explode any consumer fireworks within the city;
  - (2) It shall be unlawful for any person to possess, use, explode, or cause to explode any aerial device, articles pyrotechnic, or display fireworks within the city; and
  - (3) It shall be unlawful for any person to import, store, sell, keep or offer for sale, expose for sale any fireworks within the city.
- (1990 Code, Ch. 20, Art. 6, § 20-6.2) (Added by Ord. 10-25)

## § 20-6.3 Exceptions.

The prohibitions in § 20-6.2 shall not apply to:

- (1) The import, storage, sale, and use by a person having obtained a license or permit for display fireworks pursuant to §§ 20-6.4 and 20-6.12;
- (2) The import, storage, sale, and use by a person having obtained a license or permit for firecrackers pursuant to §§ 20-6.4 and 20-6.13;

- (3) The use of flares, noisemakers, or signals for warning, pest control, or illumination purposes by the police and fire departments, utility companies, transportation agencies, and other governmental or private agencies or persons, including agricultural operations, in connection with emergencies, their duties, or business; or
- (4) The sale or use of blank cartridges for a show or theater, or for signal, commercial, or institutional purposes in athletics or sports.

(1990 Code, Ch. 20, Art. 6, § 20-6.3) (Added by Ord. 10-25)

**§ 20-6.4 License to import, store, and sell display fireworks or firecrackers.**

- (a) *License required.* It shall be unlawful for any person to import, store, offer to sell, sell, at wholesale or retail, for use in the city, any display fireworks or firecrackers, unless such person shall first secure a license.
- (b) The licenses shall be issued by the fire chief and shall be nontransferable. Licenses shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each year. The application shall be made on a form setting forth the date upon which the importations are to begin, the address of the importer, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. If the fire chief discovers at a later date that a licensee has been convicted of a violation of this article, the licensee's license shall be revoked and no new license shall be issued to the licensee for two years.
- (c) Each storage, wholesaling, and retailing facility or site shall be required to obtain a separate license. Any license issued pursuant to this article may be revoked by the fire chief if the licensee violates this article or if the licensee stores or handles the fireworks in such a manner as to present an unreasonable safety hazard.
- (d) Display fireworks or firecrackers shall only be sold or transferred by a seller to a person with a valid permit under § 20-6.12 or 20-6.13. No person with a valid permit under § 20-6.12 or 20-6.13 shall sell or transfer display fireworks or firecrackers to any other person.
- (e) Any license issued pursuant to this article shall be prominently displayed in public view at each licensed location.
- (f) Display fireworks or firecrackers shall only be imported and stored, if necessary, in an amount sufficient for an anticipated three-month inventory; provided that if a licensee provides display fireworks, firecrackers, or articles pyrotechnic more than once a month, the licensee may import or store, if necessary, sufficient display fireworks, firecrackers, or articles pyrotechnic for a six-month inventory.

(1990 Code, Ch. 20, Art. 6, § 20-6.4) (Added by Ord. 10-25)

**§ 20-6.5 Requirements of licensee.**

- (a) Any person who has obtained a license under § 20-6.4 and imports display fireworks or firecrackers into the city or transports such items within the city shall:
  - (1) Clearly designate the types of display fireworks or firecrackers in each shipment on the bill of lading or shipping manifest with specificity;

- (2) Declare on the bill of lading or shipping manifest the gross weight of display fireworks or firecrackers to be imported in each shipment and the location of the storage facility, if applicable, in which the display fireworks or firecrackers are to be stored;
  - (3) Before shipment and when booking each shipment of display fireworks or firecrackers notify the fire chief regarding whether the shipment will be distributed from:
    - (A) Pier to pier;
    - (B) Pier to warehouse or storage facility; or
    - (C) Pier to redistribution; and
  - (4) When shipping is booked, the licensee shall notify the fire chief in writing of the expected shipment's landing date.
- (b) The fire chief may inspect any shipment declared on the shipping manifest as fireworks or articles pyrotechnic.
  - (c) The facility in which display fireworks or firecrackers are to be stored shall have received approval 15 days before the shipment's arrival from the fire chief and meet all State and city fire and safety codes.
  - (d) Any shipping company that receives fireworks that are imported into the city shall notify the fire chief as to whether the shipment will be distributed from:
    - (1) Pier to pier;
    - (2) Pier to warehouse or storage facility; or
    - (3) Pier to redistribution.
- (1990 Code, Ch. 20, Art. 6, § 20-6.5) (Added by Ord. 10-25)

**§ 20-6.6 Fees—Use of revenues.**

The fee for the license required under § 20-6.4 shall be \$3,000 for importers, \$2,000 for each wholesaler's site, \$1,000 for each storage site, and \$500 for each retailer's site for each year or fraction of a year in which the licensee plans to conduct business and shall be payable to the city. The license fees shall be used solely by the fire department to pay for:

- (1) Expenses relating to the audit of fireworks, including the inspection of inventory and storage facilities, maintenance of required records, and the training of auditors;
  - (2) Expenses relating to education regarding compliance with this article; and
  - (3) Expenses relating to the enforcement of this article.
- (1990 Code, Ch. 20, Art. 6, § 20-6.6) (Added by Ord. 10-25)

**§ 20-6.7 Minors.**

It shall be unlawful for any person to offer for sale, sell, or give any display fireworks or firecrackers to minors, and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any display fireworks or firecrackers.

(1990 Code, Ch. 20, Art. 6, § 20-6.7) (Added by Ord. 10-25)

**§ 20-6.8 Liability of parents or guardians.**

The parents, guardian, and other persons having the custody or control of any minor, who knowingly permit the minor to possess, purchase, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic, shall be in violation of this article and shall be subject to the penalties in § 20-6.9.

(1990 Code, Ch. 20, Art. 6, § 20-6.8) (Added by Ord. 10-25)

**§ 20-6.9 Penalty.**

- (a) Any person violating § 20-6.2(1) shall be sentenced to a fine of not less than \$200 and not more than \$1,000 or by imprisonment of not more than 30 days, or by both such fine and imprisonment.
- (b) Any person violating this article, other than § 20-6.2(1) shall be sentenced to a fine of not less than \$250 and not more than \$2,000 or by imprisonment of not more than one year, or by both such fine and imprisonment.
- (c) In addition to the penalties provided in subsections (a) and (b), if the person is licensed to sell fireworks, the court may, in addition to the foregoing penalties, revoke or suspend such license. No license shall be issued to any person whose license has been so revoked or suspended until the expiration of two years after such revocation or suspension.

(1990 Code, Ch. 20, Art. 6, § 20-6.9) (Added by Ord. 10-25)

**§ 20-6.10 Notice requirements.**

Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing display fireworks or firecrackers of the prohibitions, liabilities, and penalties set forth in §§ 20-6.7, 20-6.8 and 20-6.9.

(1990 Code, Ch. 20, Art. 6, § 20-6.10) (Added by Ord. 10-25)

**§ 20-6.11 Forfeiture.**

Any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit any violation of this article, or that facilitated or assisted such activity, and any proceeds or other property acquired or maintained with the proceeds from the violation of this article may be subject to forfeiture pursuant to HRS Chapter 712A.

(1990 Code, Ch. 20, Art. 6, § 20-6.11) (Added by Ord. 10-25)



**§ 20-6.12 Permit for display fireworks.**

- (a) Any person desiring to set off, ignite, or discharge display fireworks for a display shall apply to, and obtain a permit from the fire chief not less than 20 days before the date of the display.
- (b) The application shall state, among other things:
  - (1) The name, age, and address of the applicant;
  - (2) The name, age, and address of the person who will operate the display fireworks, and verification that the person is a licensed pyrotechnic operator;
  - (3) The time, date, and place of the use of the display fireworks;
  - (4) The type and quantity of aerial devices, display fireworks, or articles pyrotechnic to be used; and
  - (5) The purpose or occasion for which the display fireworks will be presented.
- (c) *Liability coverage required.*
  - (1) In addition to any other requirements, an applicant for a display fireworks permit must submit to the fire chief evidence of a general liability insurance policy in an amount of not less than \$1,000,000. A display fireworks permit may not be issued without evidence of general liability insurance as required by this section.
  - (2) The general liability insurance policy shall cover bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the use of display fireworks. The policy must continue to be in full force and effect for not less than 10 days after the date of the display.
  - (3) Evidence of the liability insurance policy required by this section must be in the form of a certificate of insurance issued by an insurer authorized to do business in the State and countersigned by an insurance agent licensed in the State of Hawaii.

The fire chief may require coverage in amounts larger than the minimum amounts set forth in subdivision (1) above if the chief deems it necessary or desirable in consideration of such factors as the location and scale of the display, the type of fireworks to be used and the number of spectators expected.
- (d) The fire chief, pursuant to duly adopted rules, shall issue the permit after being satisfied that the requirements of subsection (c) have been met, the display will be handled by a pyrotechnic operator duly licensed by the State, the display will not be hazardous to property, and the display will not endanger human life. The permit shall authorize the holder to display aerial devices, display fireworks, or articles pyrotechnic only at the place and during the time set forth therein, and to acquire and possess the specified aerial devices, display fireworks, or articles pyrotechnic between the date of the issuance of the permit and the time during which the display of those aerial devices, display fireworks, or articles pyrotechnic is authorized.

- (e) The fee for the permit to use display fireworks shall be \$110.  
(1990 Code, Ch. 20, Art. 6, § 20-6.12) (Added by Ord. 10-25)

**§ 20-6.13 Permit for firecrackers.**

- (a) Any person desiring to set off, ignite, discharge, or otherwise cause to explode firecrackers on New Year's Eve, New Year's Day, Fourth of July, Chinese New Year's Day, or for cultural uses, such as, but not limited to, births, deaths, weddings, grand openings, blessings, anniversaries, and other cultural uses shall apply to and obtain a permit from the fire chief.
- (b) The permit application shall be submitted to the fire chief not less than 10 days before the date of the use of the firecrackers, and shall state, among other things:
- (1) The name, age, and address of the applicant;
  - (2) The purpose of the event or celebration for which the permit is requested; and
  - (3) The date, time, and location of the use of the firecrackers.
- (c) No permit shall be allowed at any location where the fire chief deems that use of the firecrackers will pose a threat to public health or safety.
- (d) The permit shall allow the use of firecrackers from 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; or from 1:00 p.m. to 9:00 p.m. on the Fourth of July. A permit for a cultural use shall allow use from 9:00 a.m. to 9:00 p.m. on the day of the requested use.
- (e) Each permit shall allow the purchase and use of up to 5,000 individual firecrackers.
- (f) The fee for the permit to use firecrackers shall be \$25.
- (g) The permit shall be nontransferrable, and the permittee shall have the permit available for inspection at the location where the firecrackers are to be used.
- (h) The fire chief shall adopt rules for the administration and implementation of the permit program.  
(1990 Code, Ch. 20, Art. 6, § 20-6.13) (Added by Ord. 10-25)

**§ 20-6.14 Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this article is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this article.  
(1990 Code, Ch. 20, Art. 6, § 20-6.14 ) (Added by Ord. 10-25)

## **TITLE VI: LAND USE**

### **Chapters**

- 21. LAND USE ORDINANCE**
- 21A. FLOOD HAZARD AREAS**
- 22. SUBDIVISION OF LAND**
- 23. STATE LAND USE CLASSIFICATION**
- 24. DEVELOPMENT PLANS**
- 25. SPECIAL MANAGEMENT AREA**
- 26. SHORELINE SETBACKS**
- 27. COMMUNITY FACILITIES DISTRICTS**
- 28. SPECIAL IMPROVEMENT DISTRICTS**
- 29. AFFORDABLE HOUSING REQUIREMENTS**
- 30. WATER MANAGEMENT**
- 31. COMMUNITY ECONOMIC DEVELOPMENT**
- 32. AFFORDABLE RENTAL HOUSING**
- 33. DEVELOPMENT AGREEMENTS**
- 33A. IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN EWA**

## Honolulu - Land Use

## **CHAPTER 21: LAND USE ORDINANCE**

### **Article**

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
- Appendix 21-A: Key to Department Abbreviations Used in Chapter 21 Appendices
- Appendix 21-B: Zoning Ordinances
- Appendix 21-C: Zoning Maps
- Appendix 21-D: Resolutions—Plan Review Use Approvals
- Appendix 21-E: Interim Control Ordinances
- Appendix 21-F: Kakaako Special Design District
- Appendix 21-G: List of Figures
- Appendix 21-H: Amendments to Planned Development, Conditional Use Permit, and Cluster Ordinances; and Resolutions Approving Planned Development-Apartment, Planned Development-Resort, Interim Planned Development-Transit, and Planned Development-Transit Projects
- Appendix 21-I: Transit-Oriented Development Plan Resolutions

## **Honolulu - Land Use**

## 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

#### **§ 21-1.10 Title.**

This chapter, inclusive of any amendments, shall be known as the land use ordinance (LUO) of the City and County of Honolulu. This chapter 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 Charter § 6-1504. (1990 Code, Ch. 21, Art. 1, § 21-1.10) (Added by Ord. 99-12)

#### **§ 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, 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:
- (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 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.

(1990 Code, Ch. 21, Art. 1, § 21-1.20) (Added by Ord. 99-12; Am. Ord. 17-40)

#### **§ 21-1.30 Administration.**

The director shall administer the LUO.

(1990 Code, Ch. 21, Art. 1, § 21-1.30) (Added by Ord. 99-12)

**§ 21-1.40 Appeals.**

Appeals from the actions of the director in the administration of the LUO shall be to the zoning board of appeals as provided by Charter § 6-1516. Appeals shall be filed within 30 days of the mailing or service of the director's decision.

(1990 Code, Ch. 21, Art. 1, § 21-1.40) (Added by Ord. 99-12)

**§ 21-1.50 Variances.**

Petitions for varying the application of the LUO shall be determined pursuant to Charter §§ 6-1516 and 6-1517, including the application of the provisions relating to signs.

(1990 Code, Ch. 21, Art. 1, § 21-1.50) (Added by Ord. 99-12)

**§ 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.

(1990 Code, Ch. 21, Art. 1, § 21-1.60) (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	Multipermit process
21-2.60	Rules governing director's failure to act within specified time period
21-2.70	Review of planning commission or council, or both
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, planned development-transit, and 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

### § 21-2.10 Purpose.

The purpose of this article is to set forth the procedures for processing permit applications and to ensure compliance with this chapter. Concurrent application and processing are encouraged for projects that require multiple permits.

(1990 Code, Ch. 21, Art. 2, § 21-2.10) (Added by Ord. 99-12)

**§ 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 the establishment of or an amendment to any special district, between the time the proposal is initiated by the director or the council and the time the proposal is withdrawn, approved, or denied by the council. This provision shall not apply for a period of more than one year after 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 before 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 after its receipt by the director. If the application is incomplete the notice shall inform the applicant of the specific requirements necessary to complete the application. An application shall not be accepted by the director unless it is complete.
- (e) Applications previously approved by ordinance shall continue to be regulated by that ordinance, except that:
  - (1) The director may administratively modify cluster housing and planned development-housing projects that were originally approved by ordinance; and
  - (2) All 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 prevents 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 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, and rules.
- (j) All references in this chapter to a government agency or department means the government agency or department specifically identified or its successor.

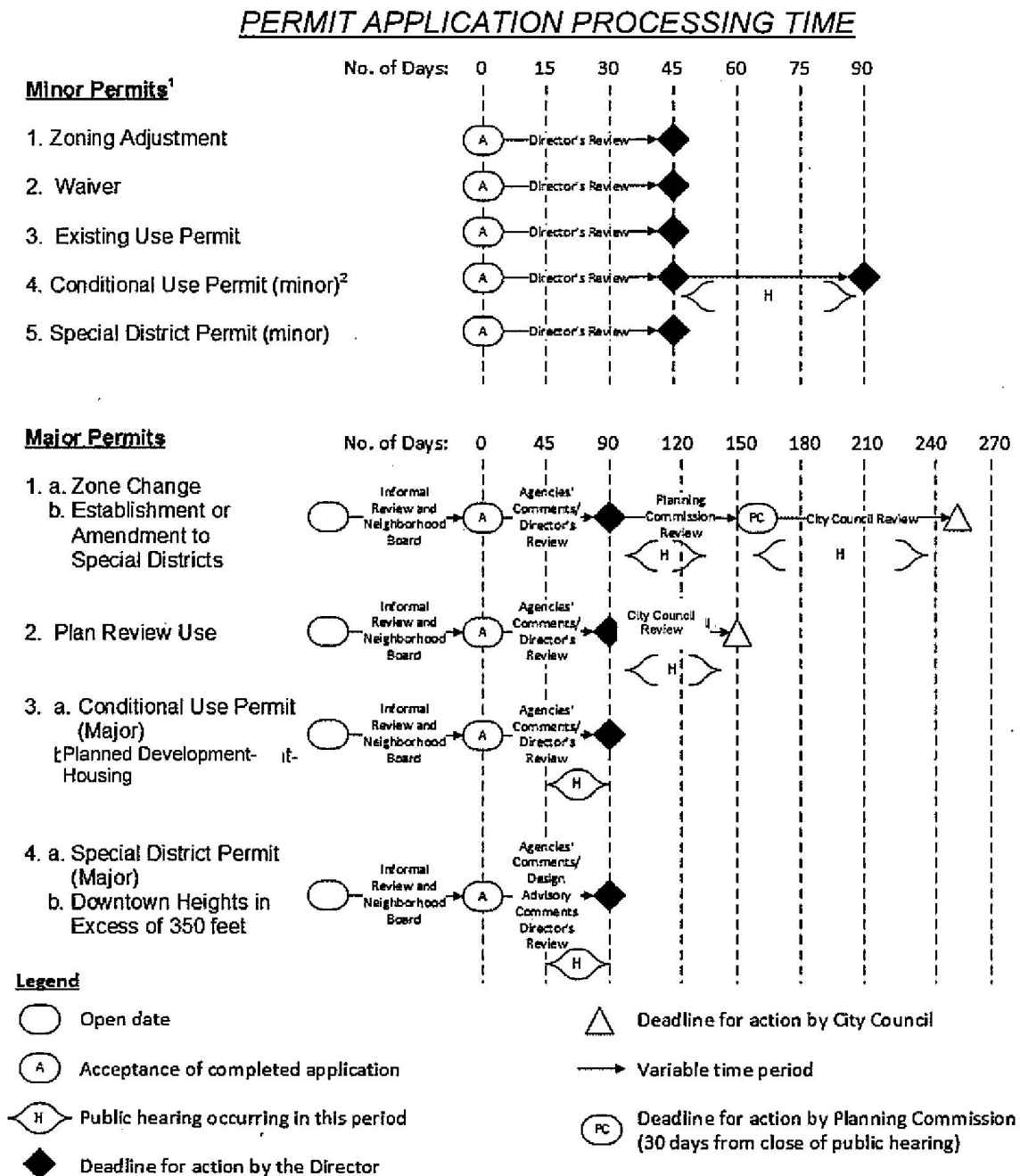
- (k) (1) Except as otherwise provided herein, the director may administratively authorize minor alterations, additions, or modifications to any approved permit required by this chapter; provided that the minor modification request:
- (A) Is reasonable and consistent with the intent of the respective permit;
  - (B) Does not significantly increase the intensity or scope of the use; and
  - (C) Does not create adverse land use impacts to the surrounding neighborhood.
- (2) Subdivision (1) does not apply to:
- (A) Zone changes; and
  - (B) Council approvals pursuant to §§ 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.
- (1990 Code, Ch. 21, Art. 2, § 21-2.20) (Added by Ord. 99-12; Am. Ords. 10-19, 17-40)

**§ 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.
- (1990 Code, Ch. 21, Art. 2, § 21-2.30) (Added by Ord. 99-12)

## Honolulu - Land Use

Figure 21-2.1

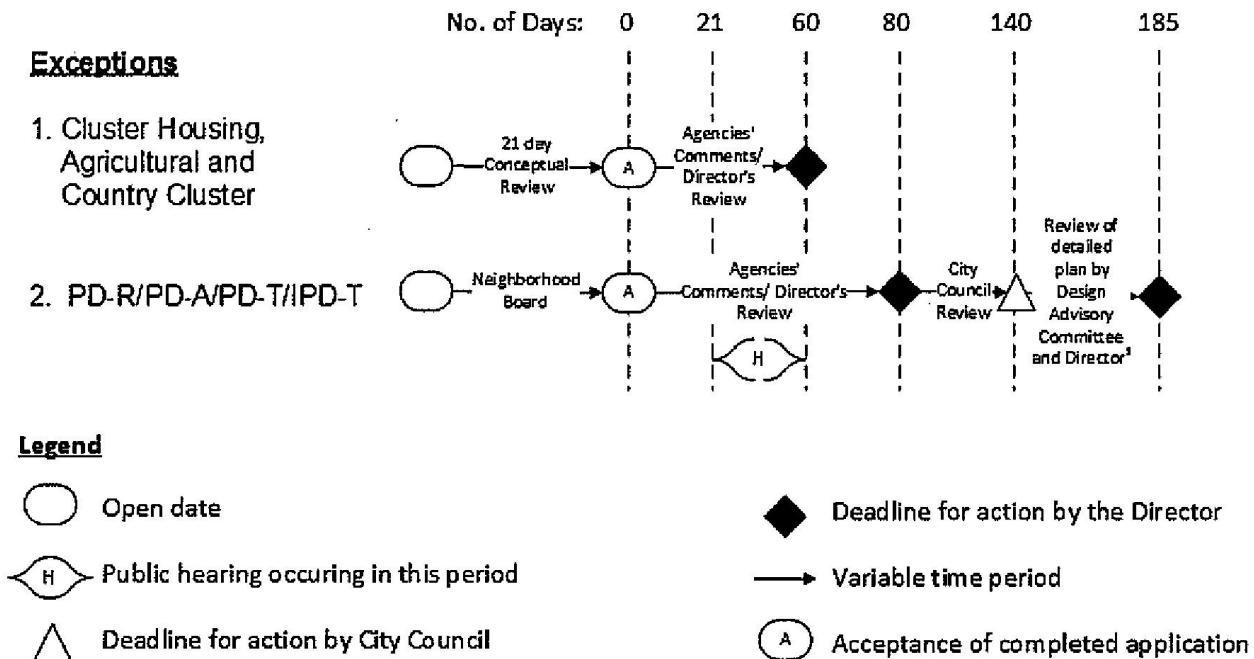


Note: The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup>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).

(Added by Ord. 17-54)

## § 21-2.40 Permits.

There shall be two categories of permits authorized by this chapter: minor and major. Sections 21-2.40-1 and 21-2.40-2 describe the review and processing of applications for permits and approvals within these two categories. (1990 Code, Ch. 21, Art. 2, § 21-2.40) (Added by Ord. 99-12)

### § 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) *Preapplication procedures.* Before submitting an application for a minor permit, except an existing use permit, for the following uses:

- (1) Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;
- (2) Meeting facility;
- (3) Day-care facility;
- (4) Schools: elementary, intermediate, and high; or
- (5) Hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 district;

the applicant shall first present the project to the neighborhood board of the district where the project will be located or, if no neighborhood board exists, an appropriate community association. The applicant shall provide written notice of the presentation to owners of all properties adjoining the proposed project. The requirements of this subsection 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 after 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, day-care facility, school (elementary, intermediate, and high), or hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 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 earlier than 45 days after acceptance of the completed application; and the application will thereafter be subject to § 21-2.40-2(c)(2), (3), (4), and (6), and subsection (d). If the director determines that a public hearing is not necessary, within 45 days after 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 that if an applicant substantially amends an application after its acceptance by the director, the director will have up to 45 days after the date of such amendment to act on the application as provided in this section.

(1990 Code, Ch. 21, Art. 2, § 21-2.40-1) (Added by Ord. 99-12; Am. Ord. 03-37, 13-10, 17-40)

**§ 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) *Preapplication procedures.*

- (1) Before the applicant submits an application for a major permit, the department will hold a preapplication 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 neighborhood board exists, an appropriate community association. The applicant shall provide written notice of the presentation to owners of all properties adjoining the proposed project. The requirements of this subdivision 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 after 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 that were identified during the presentation and a statement describing any measures taken by the applicant to mitigate the issues or concerns.

- (2) An applicant for a major permit that does not require the approval of the council shall be required to erect a “notice of pending permit” sign on the affected lots, subject to the following:
  - (A) The sign shall be 9 square feet in area;
  - (B) One sign shall be posted along each street frontage of the lot, may be posted in a required yard, and 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 may be contacted; and
    - (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; and
  - (F) The sign shall be considered and treated as a “public sign” as provided under § 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 after 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 pertinent governmental agencies. The agencies shall submit their comments and recommendations in writing to the director within 45 days after 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 after its receipt of the application.
- (6) If the application is for any major permit that does not require the approval of the 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 after the director's acceptance of the completed application, the director shall either:
  - (A) Approve the application as submitted;
  - (B) Approve the application with modifications or conditions, or both; or
  - (C) Deny the application and provide the applicant with a written explanation for the denial.

provided that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 90 days after 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 after the director's acceptance of a completed application, submit a report to the council, which shall process the application according to § 21-2.70. Provided that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 90 days after the date of the amendment to act on the application as provided in this subsection.
- (8) If the application is for either:
  - (A) The establishment of or amendment to a special district; or
  - (B) A zone change;

The director shall, within 90 days of the director's acceptance of a completed application, either:

- (i) deny the application and provide the applicant with a written explanation for the denial; or (ii) submit a report and a proposed ordinance to the planning commission, which shall process the application according to § 21-2.70. If, however, an applicant substantially amends an application after acceptance by the director, the director shall have up to 90 days after 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 extension shall not extend beyond 10 days after the council has acted on the special management area use permit.

(1990 Code, Ch. 21, Art. 2, § 21-2.40-2) (Added by Ord. 99-12)

**§ 21-2.50 Multipermit process.**

When a proposed project requires more than one approval to be lawfully completed, the applicant may apply for all 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:
- (1) A completed OSP master application form;
  - (2) All information required for the individual permits or approvals that the applicant is seeking; and
  - (3) 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 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 or approval applications that 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 the OSP within the time provided in this article for the individual permit or approval application contained in the OSP that has the longest processing time.
- (e) In the event the OSP contains:
- (1) One or more permit or approval applications that require council approval; and
  - (2) One or more permit or approval applications that 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 council approval are duly approved by the council.

(1990 Code, Ch. 21, Art. 2, § 21-2.50) (Added by Ord. 99-12)

**§ 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 providing that if the director fails to act on applications for a minor permit; a major permit requiring only the director's approval; or those portions of a one-stop permit application package (OSP)

that require only the director's approval, within the time periods specified in §§ 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 or development authorized by the permit shall be in general conformance with the project, as shown on plans or drawings, on file with the department, which shall be deemed the approved plans for the project. Any modification to the project or plans shall be subject to the prior review and approval of the director. Major modifications shall require a new permit.
  - (2) Approval of the permit does not constitute compliance with any other land use ordinance or other governmental requirements, including but not 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 approved under the permit comply with all applicable land use ordinance and other governmental provisions and requirements.
  - (3) The director may impose additional conditions, modify existing conditions, 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.
  - (4) In the event of the noncompliance with any of the conditions of approval, the director may:
    - (A) Terminate any uses or development authorized by the permit;
    - (B) Halt their operation until all conditions are met;
    - (C) Declare the permit void; or
    - (D) 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 that exceeds the requirements of State law shall be 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.
  - (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) An extension mandated by State law;
    - (B) An extension required to comply with § 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.  
(1990 Code, Ch. 21, Art. 2, § 21-2.60) (Added by Ord. 99-12; Am. Ord. 10-19)

**§ 21-2.70 Review of planning commission or council, or both.**

- (a) *Plan review use.* When the application is for approval of a plan review use, the 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 before 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: the establishment of or amendment to a special district; other amendment to the land use ordinance; or 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 Charter § 6-1513 and Chapter 2, Article 24, including revisions or amendments to this chapter or ordinances designating and redesignating 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 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 this subsection. The failure to meet any time limit established by this subsection shall not render the affected proposal void, and the council may act on the proposed ordinance after receipt thereof; and

- (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 before the requested effective date of the extension.

- (C) For zoning ordinance proposals initiated by the council pursuant to Charter § 6-1513 and Chapter 2, Article 24, if the council does not take final action before the automatic filing of the bill for the proposal pursuant to § 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 before 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 before the automatic filing of the new bill, the proposal shall be deemed denied. If more than one new bill is introduced before the automatic filing of the original bill, the proposal shall be deemed denied if the council does not take final action before the automatic filing of the first new bill.

(1990 Code, Ch. 21, Art. 2, § 21-2.70) (Added by Ord. 99-12; Am. Ords. 08-19, 10-19)

#### **§ 21-2.80 Conditional zoning—Agreements.**

Before the enactment of an ordinance for a zone change, the 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 that 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 the property. The agreement shall be properly executed and delivered to the city before council action on the ordinance with conditions; provided 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, including 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 that is not of a continuing nature. Any required fees associated with 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 a minimum 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 the council, 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 are pre-existing applicable conditions associated with an earlier ordinance for a zone change, the pre-existing conditions, in whole or in part, may be repealed by the new ordinance for a zone change or incorporated into the new unilateral agreement.
- (1990 Code, Ch. 21, Art. 2, § 21-2.80) (Added by Ord. 99-12)

**§ 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 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 the standard for 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.  
(1990 Code, Ch. 21, Art. 2, § 21-2.90) (Added by Ord. 99-12)

**§ 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 any existing and proposed structures, 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 shall 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, day-care facility, or school (elementary, intermediate, and high), the director shall have the discretion to hold a public hearing on the application upon a determination that there is sufficient justification for a 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 shall be extended from 45 to 90 days from acceptance of the completed application; and
  - (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 shall 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 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; and
    - (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.

(1990 Code, Ch. 21, Art. 2, § 21-2.90-1) (Added by Ord. 99-12; Am. Ords. 03-37, 10-19)

**§ 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; and
  - (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 that have an unusual peak-hour parking demand. No 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 special needs housing for the elderly, 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. If the active agricultural use ceases before the expiration of the minimum period of dedication, the director may nullify the dedication upon a determination that the permit is revoked or rescinded.

(1990 Code, Ch. 21, Art. 2, § 21-2.90-2) (Added by Ord. 99-12; Am. Ords. 01-12, 02-63, 03-37)



**§ 21-2.100 Existing uses.**

- (a) The purpose of this section is to recognize the hardship imposed on uses that were legally established, but now fall under the procedures and standards of the following permits: cluster housing; country cluster; agricultural cluster; or 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; and 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. Existing uses and structures are not required to meet the current underlying district regulations, nor the minimum development standards of this chapter; provided that existing uses involving 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 § 21-8.50-2 for cluster housing, in § 21-3.60-2 for country clusters, and in § 21-3.50-2 for agricultural clusters, whichever applies. For purposes of this subsection, a plantation community subdivision may include housing, and community or agricultural support buildings, as provided under HRS § 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 that 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 permit otherwise required by this chapter, and does not create adverse land use impacts on 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 § 21-2.40-1.
- (1990 Code, Ch. 21, Art. 2, § 21-2.100) (Added by Ords. 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.

(1990 Code, Ch. 21, Art. 2, § 21-2.110) (Added by Ord. 99-12)

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

- (a) Before the submission of a cluster housing, agricultural cluster, 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. The preliminary site plan shall include a conceptual landscaping plan, with existing contours at vertical intervals of 5 feet where the slope is greater than 10 percent and not more than 2 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 § 21-8.50-10. Within 60 days after acceptance of a completed application, the director shall approve as submitted, approve with modifications 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 after receipt of the director's 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 the council has taken action on the special management area use permit by the council.

(1990 Code, Ch. 21, Art. 2, § 21-2.110-1) (Added by Ord. 99-12)

**§ 21-2.110-2 Planned development-resort, planned development-apartment, planned development-transit, and interim planned development-transit 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) projects in a TOD special district, and interim planned development-transit (IPD-T) projects shall be processed by the department in accordance with this section.
- (b) *Preapplication procedures.* Before the submission of an application, the applicant shall:
  - (1) For PD-T and IPD-T projects, attend a preapplication meeting with the department to conduct an informal review of the project, unless the department determines that a meeting is unnecessary. The applicant shall be prepared to discuss how the project would accomplish the goals and objectives of § 21-9.100-6 and:

- (A) The approved neighborhood TOD plan for the affected area; or
- (B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan.

As used in this section, “draft neighborhood TOD plan” means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment; and

- (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 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, providing 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 concerning the conceptual plan for the project at a date set 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. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board for the district in which the project will be located no less than 15 days prior to the public hearing.

For PD-T and IPD-T projects, a complete application must demonstrate how the project achieves consistency with:

- (1) The approved neighborhood TOD plan for the affected area; or
- (2) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan.
- (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 recommendation 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 after 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 § 21-2.40-2. (1990 Code, Ch. 21, Art. 2, § 21-2.110-2) (Added by Ord. 99-12; Am. Ords. 11-30, 14-10, 17-54)

**§ 21-2.110-3 Designation of ohana-eligible areas.**

The procedures for designating ohana-eligible areas shall be as provided in § 21-8.20-1(1) and the rules adopted pursuant thereto.  
(1990 Code, Ch. 21, Art. 2, § 21-2.110-3) (Added by Ord. 99-12)

**§ 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 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.  
(1990 Code, Ch. 21, Art. 2, § 21-2.120) (Added by Ord. 99-12)

**§ 21-2.120-1 Applicability.**

- (a) Plan review use (PRU) approval shall be required for the following public and private uses:
  - (1) Hospitals;
  - (2) Prisons;
  - (3) Airports;
  - (4) Colleges and universities (except business schools and business colleges);
  - (5) Trade or convention centers; and

- (6) Those golf courses described in subsection (d).
  - (b) This section applies to all of the uses in subsection (a), in all zoning districts and special districts.
  - (c) Trade or convention centers shall not be approved as a plan review use in any residential zoned district.
  - (d) Golf courses.
    - (1) If, following rezoning of land planned for golf course use to P-2 preservation 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 the golf course shall require PRU approval.
    - (2) Golf courses shall be permitted as a plan review use in the P-2 preservation district only when consistent with the city's development plans. Golf courses on P-2 zoned land shall be deemed consistent with the development plans only when situated on lands designated preservation, parks and recreation, or golf courses on the development plan land use maps.
    - (3) Uses accessory to a golf course shall 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 § 21-2.120-2, PRU approval of requests for golf courses may be based on the additional criteria enumerated in § 21-5.280.
- (1990 Code, Ch. 21, Art. 2, § 21-2.120-1) (Added by Ord. 99-12)

**§ 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 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 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 master plan.

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

(1990 Code, Ch. 21, Art. 2, § 21-2.120-2) (Added by Ord. 99-12)

**§ 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; and
    - (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; and
    - (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 that extends beyond the term of the master plan approved by the existing PRU; and

(2) One or more conditions of the existing PRU that are due to be performed (other than conditions of a continuing nature whose performance is current) have not been fully performed.

(1990 Code, Ch. 21, Art. 2, § 21-2.120-3) (Added by Ord. 99-12)

### **§ 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, and utility installations;

(2) To permit the creation of lots designated for landscaping and open space purposes that do not meet minimum lot area or dimensions;

(3) To permit the replacement of existing improvements on private property when the improvements are, or have been, rendered nonconforming through the exercise of government's power of eminent domain on or after October 22, 1986, which for the purposes of this provision may also include requirements under Chapter 14, Article 6, or the establishment of street setback lines;

(4) To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates, including but not limited to the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided that the improvements cannot otherwise be made without conflicting with this chapter; and

(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 or rear yard requirement by up to 30 percent, subject to the following conditions:

(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 nor 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 that fall under § 21-2.120.  
(1990 Code, Ch. 21, Art. 2, § 21-2.130) (Added by Ord. 99-12; Am. Ord. 03-37)

**§ 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.

(1990 Code, Ch. 21, Art. 2, § 21-2.140) (Added by Ord. 99-12)

**§ 21-2.140-1 Specific circumstances.**

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

(a) *Carports and garages.*

- (1) When located in a residential 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 before 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 shall 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 shall generally not exceed 20 feet by 20 feet, except 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 and louvered skylights, may extend above the governing district height limit or height setback by not more than 5 feet; provided that:

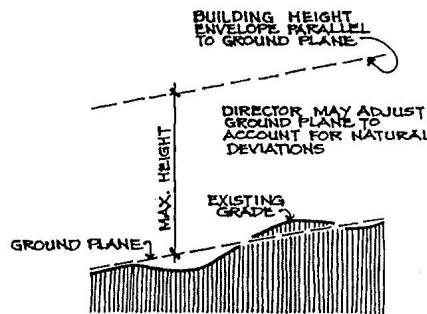
- (1) The building is not a detached dwelling unit or duplex; and
- (2) The proposal shall be subject to design review. The roofing treatment shall be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.

(c) *Flag lot access width.* Where unusual terrain or existing development does not allow the required access drive, the director may: adjust the minimum access width to no less than 10 feet; and allow more than dual access to an access drive; provided that the following criteria are met:



- (1) The appropriate government agencies do not object to the proposal;
  - (2) 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
  - (3) When more than dual access to a flag stems or access drives is proposed, the design results in one common driveway and one curb cut to serve all lots adjoining the flag stems.
- (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 shall be made only in accordance with the intent of the pertinent district regulations (see Figure 21-2.2).

**Figure 21-2.2**  
**Zoning Adjustment: Grade Irregularities**



- (e) *Lanai enclosures.* Lanais that are a part of buildings constructed on or before October 22, 1986 and 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 applies;
  - (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—joint use.* The director may adjust the number of loading spaces to 50 percent of the required number when the loading spaces are to be jointly used by two or more uses on the same zoning lot; provided that:
- (1) Each use has access to the loading zone without crossing driveways, public streets, or sidewalks;
  - (2) All joint loading spaces are in reasonable proximity to the uses they serve, and can be jointly used without disrupting other activities on the lot; and
  - (3) The adjustment shall not be used to reduce the loading available for any single use below the minimum required for that use.

- (g) *Loading requirements—low-rise multi-family dwellings.* The director may adjust or waive the loading requirement for low-rise multi-family 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.
- (h) *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 off-site parking facilities;
    - (B) There was no previous change in use on the zoning lot to a use with higher parking or loading standard 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 shall thereafter be nonconforming.
  - (2) *Change in use on zoning lot with nonconforming parking and loading.* Notwithstanding § 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 off-site 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).
- (i) *Rebuilding or expansion of a nonconforming ohana dwelling.* Nonconforming ohana dwellings may be altered, enlarged, repaired, or rebuilt under the following conditions (all must apply):

- (1) The ohana dwelling is a nonconforming structure or dwelling unit. An ohana dwelling will be deemed nonconforming when an ohana building permit was issued, and any of the following circumstances applies:
    - (A) The ohana dwelling is no longer in an ohana-eligible area pursuant to § 21-2.110-3;
    - (B) The ohana dwelling unit is occupied by persons who are not related by blood, marriage, or adoption to the family residing in the first dwelling, and the building permit for the ohana dwelling was issued before September 10, 1992;
    - (C) A declaration of condominium property regime or declaration of horizontal property regime was filed with either the bureau of conveyances or the land court of the State of Hawaii on or before December 31, 1988; or
    - (D) The ohana dwelling was legally established but is no longer allowed pursuant to § 21-8.20(c)(2) and (c)(3);
  - (2) The building area of the ohana dwelling 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 dwelling complies with all other development standards for the underlying zoning district, including off-street parking standards; and
  - (4) Unless the ohana dwelling was lawfully established before December 31, 1988, the owners shall comply with § 21-8.20(c)(8) before approval of any building permit.
- (j) *Receive-only antenna height.* Receive-only antennas may exceed the governing height limit under the following conditions:
- (1) The zoning lot is not located in a residential district where utility lines are predominantly located underground; and
  - (2) The applicant shall provide evidence to the director that adequate reception by the antenna, for the purposes for which the antenna is designed, cannot be provided anywhere on the zoning lot at or below the zoning district height limit, and the antenna shall not extend above a height greater than is shown by evidence provided to the director to be necessary to provide adequate reception, and in no case shall the antenna extend more than 10 feet above the governing height limit; or
  - (3) A receive-only antenna may be placed on top of an existing structure where the height of the structure is nonconforming; provided that the antenna shall not extend above the height of the structure by more than 10 feet.
- (k) *Residential height.* The director may adjust the second plane of building height envelope up to a maximum of 35 feet, only under the following conditions:
- (1) The lot has a slope greater than 40 percent;

- (2) There is no other reasonable development alternative without an increase in the height envelope; and
  - (3) The lot shall be limited to dwelling use.
- (l) *Retaining walls.* The director may adjust the maximum height of the retaining wall on a finding that additional height is necessary because of safety, topography, subdivision design, or lot arrangement, and 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 type of materials and colors, landscaping, terracing, setbacks, and offsets, as may be necessary to maintain the general character of the area.
- (m) *Rooftop height exemption.* Rooftop structures that principally house elevator machinery and air conditioning equipment may extend above the governing district height limit for structures or portions of structures, provided they meet the following conditions.
- (1) If the elevator cab opens on the roof, machinery may not be placed above the elevator housing.
  - (2) The highest point of the rooftop structures shall not exceed 5 feet above the highest point of the equipment structures. Rooftop structures principally housing elevator machinery or air conditioning equipment that was installed under a building permit issued before February 9, 1993, shall be permitted even if they exceed the 18-foot limit of § 21-4.60(c)(1) so long as they do not exceed 5 feet above the highest point of the equipment structure.
  - (3) The building is not located in a special district. If the building is located in a special district, the special district requirements shall prevail.
  - (4) The proposed rooftop structures shall be subject to design review. The design shall be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building.
  - (5) Areas proposed to be covered by the rooftop structure will not be counted as floor area; provided they are not used for any purpose except covering rooftop machinery. Areas used for purposes other than reasonable aesthetic treatment shall be counted as floor area.
- (n) *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 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 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 one-family or two-family detached dwellings or duplex units, shall be 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 shall 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 shall not be increased by more than 20 percent beyond what is otherwise permitted by the underlying sign regulations for the site; and
  - (iii) The total number of signs that are part of a sign master plan shall not exceed 20 percent of the total number of signs otherwise 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 shall 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 to be used, the signs may be displayed above the face of the marquee; provided the signs shall not exceed a height of more than 36 inches above the marquee face.
  - (ii) When wall signs are to be used, signs displayed as individual lettering placed against a building wall are encouraged.
- (C) *Sign illumination.*
- (i) When 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 shall 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 shall be approved in the sign master plan; provided that all signs shall be located on the building containing the identified establishment, and no ground sign shall 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 § 21-2.140-2, the following criteria have been met:
- (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 on which the sign is located;
- (C) All signs regulated by this chapter and maintained on 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) In all respects not adjusted by the sign master plan, all signs regulated by this chapter and maintained on the site must conform to this chapter.

The director may impose conditions and additional controls as may be appropriate.

(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 shall be maintained on 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 shall 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 shall the time period for full conformance exceed one year after the date of approval of the sign master plan.
  - (o) *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 § 21-5.720(c)(1) or be exempted from the off-street parking requirement established by § 21-5.720(c)(4) and contained in Table 21-6.1; provided that:
    - (1) The director finds that viable constraints do not allow the reduction of the floor area of the existing accessory structure; and
    - (2) The director finds that no feasible alternative off-street parking site exists due to the placement of structures on, or the topography of, the zoning lot, or both.
- (1990 Code, Ch. 21, Art. 2, § 21-2.140-1) (Added by Ord. 99-12; Am. Ords. 99-63, 03-37, 06-15, 09-5, 10-19, 15-41, 17-40)

***Editor's note:***

\* "September 14, 2015" is substituted for "the effective date of this ordinance."

**§ 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 that 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 § 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.
- (1990 Code, Ch. 21, Art. 2, § 21-2.140-2) (Added by Ord. 99-12)

#### **§ 21-2.150 Violation.**

Any approval or permit issued pursuant to 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 this chapter, shall constitute a violation of this chapter.

(1990 Code, Ch. 21, Art. 2, § 21-2.150) (Added by Ord. 99-12)

#### **§ 21-2.150-1 Criminal prosecution.**

- (a) Any person convicted of a violation of this chapter shall be sentenced as follows:
- (1) For a first offense, by a fine not exceeding \$1,000 and one of the following:
    - (A) Thirty-two hours of community service, as authorized by and defined in HRS § 706-605(1)(e); or
    - (B) Forty-eight hours of imprisonment;
  - (2) For a second conviction that occurs within five years of any prior conviction for violation of this chapter, by a fine not exceeding \$1,000 and one of the following:
    - (A) Sixty-four hours of community service, as authorized by and defined in HRS § 706-605(1)(e); or
    - (B) Ninety-six hours of imprisonment; and
  - (3) For a subsequent conviction that occurs within five years of any two prior convictions under this chapter, by a fine of not less than \$500 but not exceeding \$1,000 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 § 706-605(1)(e); 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 Hawaii Penal Code relating to fines, HRS §§ 706-640 through 706-645.
- (d) The city may maintain an action for an injunction to restrain any violation 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 that 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 summons or citations used in modern methods of arrest, so designed to include all necessary information to make it 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 citation shall be given to the violator; provided that the administrative judge of the district court may prescribe giving the violator 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.

(1990 Code, Ch. 21, Art. 2, § 21-2.150-1) (Added by Ord. 99-12)

**§ 21-2.150-2 Administrative enforcement.**

- (a) In lieu of or in addition to enforcement pursuant to § 21-2.150-1, if the director determines that any person is violating this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the director may have the person served, by registered or certified mail, restricted delivery, return receipt requested, or by hand delivery with a written notice of violation and order pursuant to this section. However, if the whereabouts of a person is unknown and cannot be ascertained by the director in the exercise of reasonable diligence and the director provides an affidavit to that effect, then a notice of violation and order may be served by publication once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS § 1-28.5.
- (b) *Contents of the notice of violation.* The notice must include at least the following information:
  - (1) Date of the notice;



- (2) The name and address of the person noticed;
- (3) The section number of the provision or rule, or the number of the permit that has been violated;
- (4) The nature of the violation; and
- (5) The location and time of the violation.

(c) *Contents of order.*

- (1) The 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) Pay a civil fine not to exceed \$1,000 in the manner, at the place, and before the date specified in the order; and
  - (D) 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 (C), in the manner and at the time and place specified in the order.
- (2) Notwithstanding the civil fines specified in subdivision (1)(C) and (D), 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 requirements in subdivision (1)(A) and (B), the order may require a person to do any or all of the following:
  - (A) *For the initial violation.*
    - (i) Pay a civil fine of \$1,000, in the manner, at the place and before the date specified in the order; and
    - (ii) Pay a civil fine of \$5,000 per day for each day in which the violation persists beyond the date specified in subparagraph (i), in the manner and at the time and place specified in the order.
  - (B) *For a recurring violation.*
    - (i) Pay a civil fine of \$10,000 in the manner, at the place, and before the date specified in the order; and
    - (ii) Pay a civil fine of \$10,000 for each day in which the violation persists beyond the date specified in subparagraph (i), in the manner and at the time and place specified in the order.
- (3) The order must advise the person that the order will become final 30 days after the date of its mailing or delivery. The order must also advise that the director's action may be appealed to the zoning board of appeals.

- (d) *Effect of order—right to appeal.* The order issued by the director under this section will become final 30 days after the date of the mailing or delivery of the order. The person may appeal the order to the zoning board of appeals as provided in Charter § 6-1516. However, an appeal to the zoning board of appeals will not stay any provision of the order.
- (e) *Judicial enforcement of order.* The director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the director need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed and that the fine imposed has not been paid.
- (f) 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.
- (g) Nothing in this section shall preclude the director from seeking any other remedy available by law.  
(1990 Code, Ch. 21, Art. 2, § 21-2.150-2) (Am. Ords. 17-40, 19-18)

**§ 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

#### **§ 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.
- (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.

(Added by Ord. 19-18)

#### **§ 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 § 21-2A.30; and
  - (2) To furnish such information to the city in accordance with § 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 § 21-5.730.

(Added by Ord. 19-18)

**§ 21-2A.30 Reporting.**

- (a) Subject to applicable laws, all hosting platforms registered pursuant to § 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)

**§ 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 § 21-2.150-2(c)(1)(C) and 21-2.150-2(c)(1)(D), a 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)

## **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 District Height Setback
21-3.4	Resort District Height Setback
21-3.5	Transitional Heights (Business, BMX, IMX and All Industrial Districts)

## **Honolulu - Land Use**

21-3.6	Front Yards (B-2, BMX-3, BMX-4, IMX and All Industrial Districts)
21-3.7	Street Setbacks (B-2, BMX-3, I-2, I-3 and IMX 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	Master Use Table
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

## Establishment of Zoning Districts and Zoning District Regulations

Table 21-3

**TABLE 21-3  
MASTER USE TABLE**

In the event of any conflict between the text of this chapter and the following table, the text of the chapter shall control.  
The following table is not intended to cover the Waikiki special district; please refer to Table 21-9.6(A).

KEY:      Ac    =    Special accessory use subject to standards in Article 5  
             Cm    =    Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)  
             C     =    Conditional Use Permit-major subject to standards in Article 5; public hearing required  
             P     =    Permitted use  
             P/c    =    Permitted use subject to standards in Article 5  
             PRU   =    Plan Review Use

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
AGRICULTURE																					
Agribusiness activities		Cm	Cm																		
Agricultural products processing, minor		P/c	P/c															P/c	P/c		P/c
Agricultural products processing, major		C	C																P/c		
Animal products processing																			P	P	
Aquaculture	P	P	P	P																	
Centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets		P/c	P/c															P/c	P		
Composting, major	C	C	C																P/c		
Composting, minor	P/c	P/c	P/c																P/c		
Crop production	P	P	P	P																	
Forestry	P	P	P																		

Table 21-3

## Honolulu - Land Use

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Open land		P	P																		
Roadside stands, accessory		Ac	Ac	Ac																	
Sale and service of machinery used in agricultural production		P/c	P/c															P	P		P
Sawmills		P/c	P/c																P		
Storage and sale of seed, feed, fertilizer, and other products essential to agricultural production		P/c	P/c															P	P		
ANIMALS																					
Game preserves	P		P																		
Kennels, commercial			P/c	P/c											P/c	P/c	P/c	P/c	P		P/c
Livestock grazing	P	P	P	P																	
Livestock production, minor		P	P	P																	
Livestock production, major		P/c	P/c																		
Livestock veterinary services		P	P	P																	
Zoos	C		C																		
COMMERCE AND BUSINESS																					
Amusement and recreation facilities, indoor	C												P	P	P	P	P	P	P	P	P²
Automobile sales and rentals, including sales and distribution of automobile parts and supplies															P	P	P	P	P		P



# Establishment of Zoning Districts and Zoning District Regulations

Table 21-3

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Bars, nightclubs, taverns													P		P/c	P/c	P/c	P/c	P		P/c
Business services													P	P	P	P	P	P	P		P
Cabarets													P		P/c		P/c				P/c
Catering establishments													P		P	P	P	P	P		P
Convenience stores										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	Cm P/c	P	P	P	P/c	P/c		P
Dance or music schools										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P/c	P	P	P	P				P <sup>2</sup>
Data processing facilities																		P	P		P
Drive-through facilities														P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c
Eating establishments										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	P	P	P	P	P	P	P	P
Financial institutions										P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P	P	P		P
Home improvement centers															P/c	P/c		P	P		P
Home occupations		Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac			Ac	Ac				
Laboratories, medical														P	P	P	P	P	P		P
Laboratories, research															P	P	P	P	P		P
Medical clinics										P/c <sup>1</sup>	P/c <sup>1</sup>	P/c <sup>1</sup>	P	P	P	P	P				P <sup>2</sup>
Neighborhood grocery stores		Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm						Cm	Cm	Cm	
Office buildings														P	P	P	P				P <sup>2</sup>
Offices, accessory																		Ac	Ac	Ac	
Off-site joint development																C	C				
Personal services										P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P	P				P <sup>2</sup>
Photographic processing														P	P	P	P	P	P		P

Table 21-3

## Honolulu - Land Use

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																			
	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
Photography studios													P	P	P	P	P			P <sup>2</sup>
Plant nurseries		P/c	P/c															P/c	P/c	P/c
Real estate offices													P/c	P	P	P	P			P <sup>2</sup>
Retail, accessory																		Ac	Ac	Ac
Retail establishments													P	P	P	P	P			P <sup>2</sup>
Self-storage facilities															P/c	P/c	P/c	P	P	P
Trade or convention center	PRU	PRU	PRU	PRU			PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Travel agencies													P	P	P	P	P			P <sup>2</sup>
Veterinary establishments														P/c	P/c	P/c	P/c	P	P	P/c
<b>DWELLINGS AND LODGINGS</b>																				
Accessory dwelling units				Ac	Ac	Ac														
Bed and breakfast homes			P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>	P/c <sup>3</sup>			P/c <sup>3</sup>	P/c <sup>3</sup>			
Boarding facilities							P	P	P	P	P	P				P	P			
Consulates					P/c	P/c	P	P	P	P	P	P	P	P	P	P	P			
Duplex units				P	P	P	P	P	P	P	P	P	P			P				
Dwellings, owner's or caretaker's, accessory														Ac	Ac		Ac	Ac	Ac	Ac
Dwellings for cemetery caretakers	Ac		Ac																	
Dwellings, detached, one-family				P	P	P	P	P	P	P	P	P	P			P				
Dwellings, detached, two-family				P	P	P	P	P	P	P	P	P	P			P				
Dwellings, multi-family							P	P	P	P	P	P	P			P/c	P			

# Establishment of Zoning Districts and Zoning District Regulations

Table 21-3

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Farm dwellings		P/c	P/c																		
Group living facilities		C	C	C	C	C	C	C	C	C	C	C				C	Cm				
Guest houses (R-20 only)					Ac																
Hotels													P			C Cm	P		Cm		Cm
Roomers/Rooming				Ac	Ac	Ac															
Special needs housing for the elderly							C	C	C	C	C	C				C	C				
Time sharing								P/c					P								
Transient vacation units							P/c	P/c <sup>3</sup>					P/c <sup>3</sup>								
Vacation cabins	C																				
INDUSTRIAL																					
Base yards																		P/c	P/c	P/c	P/c
Biofuel processing facilities	C	C	C																Cm	Cm	
Building or similar contracting and home improvement and furnishing services, and materials and equipment sales or distribution; provided incidental storage of materials or equipment is within fully enclosed buildings																		P	P		P
Centralized mail and package handling facilities																		P/c	P	P	P/c
Explosive and toxic chemical manufacturing, storage, and distribution																			C		

Table 21-3

## Honolulu - Land Use

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Food manufacturing and processing															P/c	P/c	P/c	P	P	P	P
Freight movers																		P/c	P		
Heavy equipment sales and rentals																		P/c	P		
Linen suppliers																		P	P		
Manufacturing, processing, and packaging, light																		P	P	P	P
Manufacturing, processing, and packaging, general																		P/c	P	P	
Maritime-related vocational training, sales, construction, maintenance, and repairing																			P	P	
Motion picture and television production studios															P/c	P/c		P	P		P
Petroleum processing																			C	Cm	
Port facilities																				P	
Publishing plants for newspapers, books, and magazines															P		P	P	P		P
Repair establishments, major																		P/c	P	P	
Repair establishments, minor														P	P	P	P	P	P	P	P
Resource extraction	C	C	C																P		
Salvage, scrap, and junk storage and processing																			Cm	Cm	

# Establishment of Zoning Districts and Zoning District Regulations

Table 21-3

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Storage yards																		P/c	P/c	P/c	
Warehousing																		P	P	P	P
Waste disposal and processing	C		C																Cm	Cm	
Wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination																				P	
Wholesaling and distribution															P/c	P/c	P	P	P		P
OUTDOOR RECREATION																					
Amusement facilities, outdoor, not motorized													C	C	C		C	C	C		Cm
Amusement facilities, outdoor, motorized													C	C	C		C	C	C		Cm
Golf courses	PRU P/c												P								
Marina accessories	Cm												Cm		Cm	Cm	Cm		P	P	P/c
Recreation facilities, outdoor	Cm		Cm	Cm									P	Cm	Cm	Cm	Cm				
SOCIAL AND CIVIC SERVICE																					
Art galleries and museums														P	P	P	P	P			P <sup>2</sup>
Cemeteries and columbaria	P		Cm																		
Colleges, business														P		P	P	P			
Day-care facilities			C	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P		P
Hospitals	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU

Table 21-3

## Honolulu - Land Use

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Meeting facilities			Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P/c	P/c		P
Prisons	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Public uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, business												P	P	P	P	P	P				
Schools: Elementary, intermediate, and high			Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm		P	P	P	P				
Schools, language				P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P	P	P	P				
Schools, vocational, technical, industrial, trade																		P	P		P
Schools, vocational, which do not involve the operation of woodwork shops, machine shops, or other similar features													P	P	P	P	P				P
Theaters													P	P	P	P	P				P²
Universities, colleges	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
TRANSPORTATION AND PARKING																					
Airports	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU
Automobile service stations														Cm P	P	P	P	P	P		P
Car washing, mechanized														P/c	P/c	P/c	P/c	P/c	P/c		P/c
Commercial parking lots and garages										P/c¹	P/c¹	P/c¹	P	P	P	P	P	P	P		P
Heliports																			P		
Helistops		C	C										C		C	C	C	C	P	P	C
Joint use of parking facilities				Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm

# Establishment of Zoning Districts and Zoning District Regulations

Table 21-3

Uses (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																				
	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
Off-site parking facilities				Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm
Truck terminals																			P	P	
UTILITIES AND COMMUNICATIONS																					
Antennas, broadcasting	Cm	Cm	Cm															C	C	C	C
Antennas, receive-only	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
Broadcasting stations													P		P	P	P	P	P	P	P
Utility installations, Type A	P/c	P/c	P/c	P	P	P	P	P/c	P/c	P	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c	P/c
Utility installations, Type B	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm
Wind machines Up to 100 kW		Cm Ac	Cm Ac	Cm Ac	Cm	Cm								Cm	Cm			Cm	Cm		Cm
Wind machines Over 100 kW		C	C	C																	
MISCELLANEOUS																					
Historic structures, use of	Cm	Cm	Cm	C	C	C	C	C	C	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm
Joint development	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm

Where a proposed use is not specifically listed above, the director shall review the proposed use and, based on its characteristics and its similarity to the uses listed above, shall determine the regulatory requirements for that use.

<sup>1</sup> Commercial use subject to special density controls (see Table 21-3.3 and § 21-3.90-1(c)(4)).

<sup>2</sup> Commercial use subject to special density controls (see Table 21-3.5 and § 21-3.140-1(c)).

<sup>3</sup> Notwithstanding any contrary provisions in this chapter, bed and breakfast homes and transient vacation units are prohibited and may not operate without a valid nonconforming use certificate in areas where the applicable development plan or sustainable communities plan prohibits or does not permit new bed and breakfast homes or transient vacation units.

(Added by Ord. 99-12; Am. Ords. 00-09, 01-12, 02-63, 03-37, 07-14, 07-15, 09-26, 10-19, 13-10, 15-41, 17-46, 19-18)

## **Honolulu - Land Use**



**§ 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:

<i>Title</i>	<i>Map Designation</i>
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

<i>Title</i>	<i>Map Designation</i>
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

(1990 Code, Ch. 21, Art. 3, § 21-3.10) (Added by Ord. 99-12)

### **§ 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:

<i>Title</i>	<i>Map Designation</i>
Waikiki Special District	
Apartment	Apartment precinct
Apartment mixed-use	Apartment mixed-use subprecinct
Resort mixed-use	Resort mixed-use precinct
Public	Public precinct

(1990 Code, Ch. 21, Art. 3, § 21-3.20) (Added by Ord. 99-12; Am. Ord. 17-40)

### **§ 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:

<i>Zoning Map No.</i>	<i>Area</i>
1	Hawaii Kai
2	Kahala—Kuliouou
3	Moiliili—Kaimuki
4	Nuuanu—McCully

<i>Zoning Map No.</i>	<i>Area</i>
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
18	Kawailoa—Waialeale
19	Kahuku—Laie
20	Hauula—Punaluu—Kaaawa
21	Kualoa—Waiahole—Kahaluu
22	Heeia—Kaneohe—Maunawili
23	Kailua—Lanikai—Keolu
24	Waimanalo

Upon 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 that appear to follow centerlines of streets, easements, railroad rights-of-way, waterways, and similar features shall be construed as following such centerlines.
  - (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 centerline of such street or alley, it shall be construed as having been at the centerline.
  - (4) Where district boundaries appear parallel or perpendicular to, or appear as extensions of centerlines, property lines or other features, they shall be so construed.
  - (5) Where district boundaries do not appear to follow centerlines, 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 to 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 5 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 5 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 owners 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.30) (Added by Ord. 99-12)

**§ 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.40) (Added by Ord. 99-12)

**§ 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 21-3.
- (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 1 foot for each 2 feet of additional height above 15 feet (see Figure 21-3.1). (1990 Code, Ch. 21, Art. 3, § 21-3.40-1) (Added by Ord. 99-12)

**§ 21-3.50 Agricultural districts—Purpose and intent.**

- (a) The purpose of the agricultural 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 agribusiness activities may be permitted on the same site as an adjunct to agricultural uses. These accessory activities must be compatible with the onsite agricultural operation and surrounding land uses.
- (b) The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only accessory agribusiness activities that meet the above intent shall be permitted in this district.
- (c) The following guidelines shall be used to identify lands that may be considered for the AG-1 restricted agricultural district:
  - (1) Lands that are within the State-designated agricultural district and designated agricultural by adopted city land use policies;
  - (2) Lands that are predominantly classified as prime or unique under the agricultural lands of importance to the State system; and
  - (3) Lands where a substantial number of parcels are more than 5 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 that may be considered for the AG-2 general agricultural district:
  - (1) Lands that are in the state-designated agricultural or urban district and designated agricultural by adopted city land use policies;
  - (2) Lands that are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; and
  - (3) Lands that are used or are suitable for agricultural purposes and where a substantial number of parcels are less than 5 acres in size.

(1990 Code, Ch. 21, Art. 3, § 21-3.50) (Added by Ord. 99-12; Am. Ord. 02-63)

**§ 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.50-1) (Added by Ord. 99-12)

**§ 21-3.50-2 Agricultural cluster—Site standards.**

- (a) The minimum land area required for an AG-1 district agricultural cluster shall be 15 contiguous acres. The minimum land area required for an AG-2 district agricultural cluster shall be 6 contiguous acres.
  - (b) The maximum number of farm dwellings in an AG-1 district agricultural cluster shall not exceed one unit per 5 acres. The maximum number of farm dwellings in an AG-2 district agricultural cluster shall not exceed one unit per 2 acres.
  - (c) Within agricultural clusters, detached, duplex, and multi-family dwellings shall be permitted. Multi-family dwellings shall 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 district and AG-2 general agricultural district shall be 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 shall be a multiple of 5,000 square feet per dwelling.
  - (f) Height and yards shall be the same as permitted in AG-1 and AG-2 districts.
  - (g) Parking, loading, and sign requirements shall be specified in the approval of the agricultural cluster plan.
- (1990 Code, Ch. 21, Art. 3, § 21-3.50-2) (Added by Ord. 99-12)

**§ 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; and

- (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; and
  - (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 the 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; and
  - (10) Proposals for maintenance and conservation of all common elements.
  - (b) All agricultural clusters shall be processed in accordance with § 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 agricultural clusters, 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 agricultural cluster plan. Before approval of the agricultural cluster plan final drawings by the director, certified deed covenants or condominium property regime documents, or both, binding any lessees or buyers to the conditions of approval imposed by the director shall be submitted to the department.
- (1990 Code, Ch. 21, Art. 3, § 21-3.50-3) (Added by Ord. 99-12)

**§ 21-3.50-4 Agricultural uses and development standards.**

- (a) Within the agricultural districts, permitted uses and structures shall be as enumerated in Table 21-3.
  - (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 1 foot for each 2 feet of additional height above 15 feet (see Figure 21-3.1).
- (1990 Code, Ch. 21, Art. 3, § 21-3.50-4) (Added by Ord. 99-12; Am. Ord. 17-40)

**§ 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 that 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, that are identified by city-adopted land use policies.

- (c) The following guidelines shall be used to identify lands that may be considered for this district:
- (1) Lands that are within the State-designated urban district and designated either agricultural or residential by adopted city land use policies;
  - (2) Lands that are not predominately classified as prime, unique, or other under the agricultural lands of importance to the State system;
  - (3) Lands where a substantial number of existing parcels are less than 2 acres in size; and
  - (4) Lands where existing public facility capacities preclude more intense development.
- (1990 Code, Ch. 21, Art. 3, § 21-3.60) (Added by Ord. 99-12)

**§ 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 that contribute to rural character, country clusters shall be permitted in any country district.  
(1990 Code, Ch. 21, Art. 3, § 21-3.60-1) (Added by Ord. 99-12)

**§ 21-3.60-2 Country cluster—Site standards.**

- (a) The minimum land area required for a country cluster shall be 3 contiguous acres.
  - (b) The maximum number of dwelling units in a country cluster shall not exceed one per 1 acre.
  - (c) Within country clusters, detached, duplex, and multi-family dwellings shall be permitted. Multi-family dwellings shall 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 district and all country district development standards shall apply except those relating to yards and lot dimensions. Conditional uses shall be subject to the standards in Article 4.
  - (e) The minimum size of a lot of record for dwellings shall be 5,000 square feet. The following development standards shall apply to dwelling lots:
    - (1) Front yards shall be a minimum of 10 feet; and
    - (2) Side and rear yards shall be a minimum of 5 feet.
  - (f) Parking, loading, and sign requirements shall be specified in the approval of the country cluster plan.
  - (g) All other underlying district development standards shall apply.
- (1990 Code, Ch. 21, Art. 3, § 21-3.60-2) (Added by Ord. 99-12)

**§ 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 0.5-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; and 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, trees with a trunk diameter of 6 inches or more at 5 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; and
    - (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 that the proposed project is in conformity with applicable federal, State, and city laws and regulations; and
  - (6) Proposals for maintenance and conservation of all common elements.
- (b) Country clusters shall be processed in accordance with § 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 site plan. Before approval of the country cluster final drawings by the director, certified deed covenants 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.
- (1990 Code, Ch. 21, Art. 3, § 21-3.60-3) (Added by Ord. 99-12)

#### § 21-3.60-4 Country uses and development standards.

- (a) Within the country district, permitted uses and structures shall be in accordance with Table 21-3.
- (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 1 foot for each 2 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 that 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).

<i>Table 21-3.1</i>					
<i>P-2, Agricultural, and Country Districts Development Standards</i>					
<i>Development Standard</i>		<i>District</i>			
		<i>P-2</i>	<i>AG-1</i>	<i>AG-2</i>	<i>Country</i>
Minimum lot area (acres)		5	5	3 for major livestock production, 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 <sup>2</sup>	10 <sup>2</sup>	25 <sup>2</sup>

<i>Table 21-3.1</i>				
<i>P-2, Agricultural, and Country Districts Development Standards</i>				
<i>Development Standard</i>		<i>District</i>		
		<i>P-2</i>	<i>AG-1</i>	<i>AG-2</i>
Maximum height (feet) <sup>1</sup>	15-25	15-25 <sup>3</sup>	15-25 <sup>3</sup>	15-30
Height setbacks	per § 21-3.40-1(e)	per § 21-3.50-4(c)	per § 21-3.50-4(c)	per § 21-3.60-4(c)
<sup>1</sup> 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.				
<sup>2</sup> For nonagricultural structures.				
<sup>3</sup> Fifteen feet for nonagricultural structures and dwellings; up to 25 feet are permitted if height setbacks are provided.				

(1990 Code, Ch. 21, Art. 3, § 21-3.60-4) (Added by Ord. 99-12)

#### **§ 21-3.70 Residential districts—Purpose and intent.**

- (a) The purpose of the residential district is to allow for a range of residential densities. The primary use shall be detached residences. Other types of dwellings may also be allowed, including zero lot line, cluster and common wall housing arrangements. Nondwelling uses that support and complement residential neighborhood activities shall also be permitted.
- (b) The intent of the R-20 and R-10 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 districts, and urban 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 districts is to provide areas for urban residential development. These districts would be applied extensively throughout the city.

(1990 Code, Ch. 21, Art. 3, § 21-3.70) (Added by Ord. 99-12)

#### **§ 21-3.70-1 Residential uses and development standards.**

- (a) Within the residential districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the residential districts, development standards shall be as enumerated 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 § 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 1 foot for each 2 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 1 foot for every 2 feet of additional height over 20 feet.
- (3) Except for cluster housing and planned development housing developed pursuant to § 21-8.50, for zoning lots with one-family or two-family detached dwellings or duplexes:

- (A) The maximum density is a floor area ratio of 0.7.
- (B) The number of wet bars on one zoning lot (the aggregate of the number of wet bars in each dwelling unit on the zoning lot) must not exceed the following:

Lot size (square feet)	Number of wet bars cannot exceed:
Up to 9,999	1
10,000 and up	2

- (C) The number of laundry rooms in each dwelling unit must not exceed one.
- (D) The number of bathrooms on one zoning lot (the aggregate of the number of bathrooms in each dwelling unit on the zoning lot) must not exceed the following:

Lot size (square feet)	Number of bathrooms cannot exceed:
Up to 5,999	4 and one 0.5 bathroom
6,000 to 6,999	5 and one 0.5 bathroom
7,000 to 7,999	6 and one 0.5 bathroom
8,000 to 8,999	7 and one 0.5 bathroom
9,000 to 9,999	8 and one 0.5 bathroom
10,000 and up	9 and one 0.5 bathroom

The number of bathrooms on one zoning lot must not under any circumstances exceed 9 and one 0.5 bathroom.

- (E) The conversion 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 § 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 one-family or two-family detached dwellings or duplexes constructed pursuant to building permits applied for after the effective date of this ordinance, 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) The side and rear yards must be at least eight feet.
  - (ii) Each dwelling unit in the detached dwelling or duplex must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property.
  - (iii) *Subsequent inspections.*
    - (aa) Upon the completion of construction and the determination by the department that the detached dwelling or duplex 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 one year after issuance;
    - (bb) During the one-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 detached dwelling or duplex to confirm that it is in the same structural form as when the temporary certificate of occupancy was issued; and
    - (cc) At the end of the one-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the detached dwelling or duplex and close the building permit.

(Added by Ord. 99-12; Am. Ord. 19-3)

<i>Table 21-3.2</i>						
<i>Residential Districts Development Standards</i>						
<i>Development Standard</i>		<i>District</i>				
		<i>R-3.5</i>	<i>R-5</i>	<i>R-7.5</i>	<i>R-10</i>	<i>R-20</i>
Minimum lot area (square feet)	One-family dwelling, detached, and other uses	3,500	5,000	7,500	10,000	20,000
	Two-family dwelling, detached	7,000	7,500	14,000	15,000	25,000
	Duplex	3,500	3,750	7,000	7,500	12,500

Table 21-3.2					
Residential Districts Development Standards					
Development Standard		District			
		R-3.5	R-5	R-7.5	R-10
Minimum lot width and depth (feet)		30 per duplex unit, 50 for other uses	35 per duplex unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yards (feet):	Front	10 for dwellings, 30 for other uses			
	Side and rear	5 for dwellings <sup>1</sup> , 15 for other uses		5 for dwellings <sup>1</sup> , 15 for other uses	
Maximum building area		50% of the zoning lot			
Maximum height (feet) <sup>2</sup>		25-30			
Height setbacks		per § 21-3.70-1(c)			
<sup>1</sup> For duplex 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.					
<sup>2</sup> 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.					

(1990 Code, Ch. 21, Art. 3, § 21-3.70-1) (Added by Ord. 99-12; Am. Ord. 15-41)

### § 21-3.80 Apartment districts—Purpose and intent.

- (a) The purpose of the apartment districts is to allow for a range of apartment densities and a variety of living environments. The predominant uses include multi-family 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 district is to provide areas for low density, multi-family dwellings. It may be applied as a buffer between residential districts and other more intense, noncompatible districts. It would be applied throughout the city.
- (c) The intent of the A-2 medium density apartment district is to provide areas for medium density, multi-family 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 district is to provide areas for high density, high-rise, multi-family dwellings. It is intended for central urban core areas where public services and large infrastructure capacities are present.

(1990 Code, Ch. 21, Art. 3, § 21-3.80) (Added by Ord. 99-12)



**§ 21-3.80-1 Apartment district uses and development standards.**

- (a) Within the apartment districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (b) Within the apartment districts, development standards shall be as enumerated in Table 21-3.3.
- (c) *Additional development standards.*
  - (1) Except for necessary access drives and walkways, all yards shall be landscaped.
  - (2) *Optional yard siting.* In the A-2 and A-3 districts, parking lots and garages may extend to side and rear property lines; provided that 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 3 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 4 feet above existing grade; and
    - (C) Landscaping required under § 21-4.70 is provided and maintained.
  - (3) *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 shall be provided; for each 10 feet of additional height or portion thereof, an additional 1-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).

(1990 Code, Ch. 21, Art. 3, § 21-3.80-1) (Added by Ord. 99-12)

**§ 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.90) (Added by Ord. 99-12)

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

- (a) Within apartment mixed-use districts, all uses and structures shall be as enumerated in Table 21-3.
- (b) Within the apartment mixed-use districts, development standards shall be as enumerated in Table 21-3.3.

(c) *Additional development standards.*

- (1) Except for necessary access drives and walkways, all yards must be landscaped.
- (2) *Optional yard siting.* In the AMX-2 and AMX-3 districts, parking lots and garages may extend to side and rear property lines; provided that 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 must be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to 3 feet if wheel stops are installed. A minimum of 50 percent of the open space must be contiguous to the street frontage abutting the zoning lot;
  - (B) Any parking floor in the 10 feet adjacent to the property line must not be more than 4 feet above existing grade; and
  - (C) Landscaping required under § 21-4.70 is provided and maintained.
- (3) *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 1-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) *Commercial use density and location.*
  - (A) The floor area of any use marked with a superscript<sup>1</sup> under Table 21-3, either occurring as a single use on a zoning lot or in combination with other uses, cannot exceed the FAR as provided under Table 21-3.3, and such floor area will be counted as part of the total FAR allowed.
  - (B) Where these 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.

<i>Table 21-3.3</i>						
<i>Apartment and Apartment Mixed-Use Districts Development Standards</i>						
<i>Development Standard</i>	<i>District</i>					
	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>	<i>AMX-1</i>	<i>AMX-2</i>	<i>AMX-3</i>
Minimum lot area (square feet) <sup>1</sup>	7,500	10,000	15,000	7,500 <sup>2</sup>	10,000 <sup>2</sup>	15,000 <sup>2</sup>
Minimum lot width and depth (feet) <sup>1</sup>	70	70	70	70	70	70

Table 21-3.3							
Apartment and Apartment Mixed-Use Districts Development Standards							
Development Standard	District						
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	
Yards (feet):	Front	10	10	10	10	10	10
	Side and rear <sup>3</sup>	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10	5 <sup>4</sup> or 10
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		Lot area (sq. ft.)			Requirement		
		Less than 7,500			60% of zoning lot		
		7,500—20,000			50% of zoning lot		
		Over 20,000			40% of zoning lot		
Maximum height (feet) <sup>5</sup>		30	per zoning map		30	per zoning map	
Height setbacks		none	per § 21-3.80-1(c)		none	per § 21-3.90-1(c)	
Maximum density (FAR) for A-1 and AMX-1 districts based on zoning lot size		Lot area (sq. ft.)		FAR calculation			
		Less than 10,000		FAR = (.00003 x lot area) + 0.3			
		10,000—40,000		FAR = (.00001 x lot area) + 0.5			
		Over 40,000		FAR = 0.9			
Maximum density (FAR) for A-2 and AMX-2 districts based on zoning lot size		Lot area (sq. ft.)		FAR calculation			
		Less than 10,000		FAR = (.00009 x lot area) + 0.4			
		10,000—40,000		FAR = (.00002 x lot area) + 1.1			
		Over 40,000		FAR = 1.9			
Maximum density (FAR) for A-3 and AMX-3 districts based on zoning lot size		Lot area (sq. ft.)		FAR calculation			
		Less than 10,000		FAR = (.00014 x lot area) + 0.6			
		10,000—20,000		FAR = (.00004 x lot area) + 1.6			
		20,000—40,000		FAR = (.00002 x lot area) + 2.0			
		Over 40,000		FAR = 2.8			
<sup>1</sup> There shall be no minimum lot area, width or depth for off-site parking facilities.							
<sup>2</sup> There shall be no minimum lot area for off-site parking facilities.							
<sup>3</sup> Five feet for detached dwellings and duplexes and 10 feet for other uses.							
<sup>4</sup> For duplex 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.							

<i>Table 21-3.3</i>							
<i>Apartment and Apartment Mixed-Use Districts Development Standards</i>							
<i>Development Standard</i>	<i>District</i>						
	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>	<i>AMX-1</i>	<i>AMX-2</i>	<i>AMX-3</i>	
<sup>5</sup> Heights for detached dwellings and duplexes shall comply with residential height and height setback requirements.							
n/a = Not applicable							

(1990 Code, Ch. 21, Art. 3, § 21-3.90-1) (Added by Ord. 99-12; Am. Ord. 17-55)

### § 21-3.100 Resort district—Purpose and intent.

The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multi-family dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place.

(1990 Code, Ch. 21, Art. 3, § 21-3.100) (Added by Ord. 99-12)

### § 21-3.100-1 Resort uses and development standards.

- (a) Within the resort district, permitted uses and structures shall be as enumerated in Table 21-3.
- (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 that 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 3 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 4 feet above existing grade; and
    - (C) Landscaping required under § 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 1-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).

(1990 Code, Ch. 21, Art. 3, § 21-3.100-1) (Added by Ord. 99-12)

#### **§ 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 that 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 that 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 that 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.110) (Added by Ord. 99-12)

#### **§ 21-3.110-1 Business uses and development standards.**

- (a) Within the business districts, permitted uses and structures shall be as enumerated in Table 21-3.
- (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 1-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 1 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, 5 square feet of floor area may be added, exclusive of required yards;
- (B) For each square foot of arcade area provided, 3 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. (1990 Code, Ch. 21, Art. 3, § 21-3.110-1) (Added by Ord. 99-12; Am. Ord. 17-55)

**§ 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 or vertically, or both.
- (c) The intent of the BMX-4 central business mixed-use district is to set apart that portion of Honolulu that 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.

(1990 Code, Ch. 21, Art. 3, § 21-3.120) (Added by Ord. 99-12)

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

- (a) Any development that 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, that 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; and
    - (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; and
    - (E) Building materials, finishes, and details that 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 that includes sites 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 or structure. For every square foot of building area of a site 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 § 21-2.40-2.
- (1990 Code, Ch. 21, Art. 3, § 21-3.120-1) (Added by Ord. 99-12)

**§ 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 21-3.
- (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 1-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 1 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, 5 square feet of floor area may be added, exclusive of required yards;
  - (B) For each square foot of arcade area provided, 3 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, 5 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 7 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 § 21-3.120-1.

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

<b>Table 21-3.4</b>						
<b>Resort, Business, and Business Mixed-Use Districts Development Standards</b>						
<b>Development Standard</b>		<b>District</b>				
		<b>Resort</b>	<b>B-1</b>	<b>B-2</b>	<b>BMX-3</b>	<b>BMX-4</b>
<b>Minimum lot area (square feet)</b>		15,000 <sup>1</sup>	5,000	5,000	5,000	5,000
<b>Minimum lot width and depth (feet)</b>		70 <sup>1</sup>	50	50	50	50
<b>Yards (feet):</b>	<b>Front</b>	25	10	5 <sup>4</sup>	10 for dwellings, 5 for other uses <sup>4</sup>	5 <sup>4,5</sup>
	<b>Side and rear</b>	20 <sup>2</sup>	0 <sup>3</sup>	0 <sup>3</sup>	5 <sup>2</sup> for detached dwellings, 10 for multi-family dwellings, 0 <sup>3</sup> for other uses	0 <sup>3</sup>
<b>Maximum building area (percent of zoning lot)</b>		50	not regulated			
<b>Maximum density (FAR) resort district only</b>		<b>Lot area (sq. ft.)</b>		<b>FAR calculation</b>		
		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		
<b>Maximum density (FAR) for other districts</b>		see above	1.0	2.5	2.5	4.0
<b>Open space bonus</b>	<b>Available</b>	No		Yes, see § 21-3.110-1(c)	Yes, see § 21-3.120-2(c)	
	<b>Max FAR</b>	n/a	n/a	3.5	3.5	7.5
<b>Maximum height (feet)</b>		per zoning map	40	per zoning map	per zoning map	per zoning map, see § 21-3.120-1 for additional height

<i>Table 21-3.4</i>			
<i>Resort, Business, and Business Mixed-Use Districts Development Standards</i>			
<i>Development Standard</i>		<i>District</i>	
		<i>Resort</i>	<i>B-1</i>
<b>Height setbacks</b>	per § 21-3.100-1(c)	per § 21-3.110-1(c)	per § 21-3.120-2(c)
<sup>1</sup> There shall be no minimum lot area, width, or depth for off-site parking facilities.			
<sup>2</sup> For duplex 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.			
<sup>3</sup> 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 district, there shall be a side or rear yard which conforms to the yard requirements for dwelling use of the adjoining district. In addition, see § 21-4.70-1 for landscaping and buffering requirements.			
<sup>4</sup> Where a zoning lot adjoins a residential, apartment, or apartment mixed-use 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).			
<sup>5</sup> 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			

(1990 Code, Ch. 21, Art. 3, § 21-3.120-2) (Added by Ord. 99-12; Am. Ords. 03-37, 17-55)

### § 21-3.130 Industrial districts—Purpose and intent.

- (a) The purpose of the industrial 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 districts.
- (b) Heavy industrial uses such as refining of petroleum and manufacturing of explosives will only be allowed under certain conditions and in areas well away from other 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 districts.
- (d) The intent of the I-1 limited industrial 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 manufacturing, including handcrafted goods, as well as “high technology industries” such as telecommunications, computer parts manufacturing, and research and development. Uses in this district are limited to those that have few environmental impacts and those that complement the development scale of communities they would serve.
- (e) The intent of the I-2 intensive industrial 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

major transportation systems, and with other locational characteristics necessary to support industrial centers. It shall 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 district is to set apart and protect areas considered vital to the performance of port functions and to 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 that are inappropriate and could locate elsewhere.
- (1990 Code, Ch. 21, Art. 3, § 21-3.130) (Added by Ord. 99-12)

**§ 21-3.130-1 Industrial uses and development standards.**

- (a) Within the industrial districts, permitted uses and structures shall be as enumerated in Table 21-3.
  - (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 centerline of the street (see Figure 21-3.7).
- (1990 Code, Ch. 21, Art. 3, § 21-3.130-1) (Added by Ord. 99-12)

**§ 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.
- (1990 Code, Ch. 21, Art. 3, § 21-3.140) (Added by Ord. 99-12)

**§ 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 21-3.
- (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 <sup>2</sup> in Table 21-3 will be considered “commercial uses.” The maximum FAR for a zoning lot is as follows:

<i>Maximum FAR</i>	<i>Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted “noncommercial” principal uses</i>
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 § 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 1 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).

(1990 Code, Ch. 21, Art. 3, § 21-3.140-1) (Added by Ord. 99-12; Am. Ords. 17-40, 17-55)

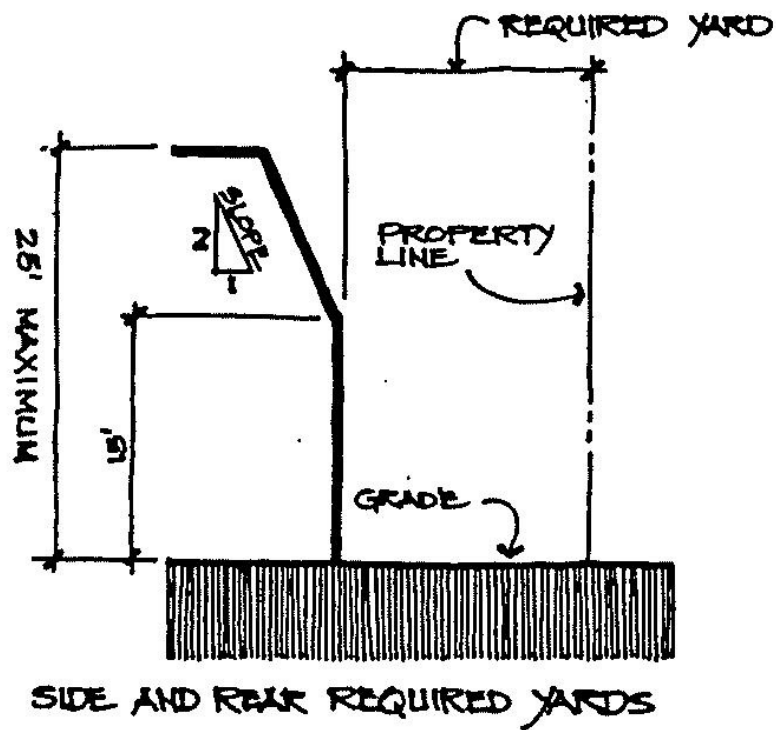
Table 21-3.5

## Honolulu - Land Use

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 <sup>1</sup>	10	5	0	5
	Side and rear	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>3</sup>
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 that all structures beyond the designated 80% 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 § 21-3.140-1(c)
Maximum height (feet)		40	per zoning map		
Height setbacks		per § 21-3.130-1(c)		per § 21-3.140-1(c)	
<sup>1</sup> 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).					
<sup>2</sup> 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 that 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 § 21-4.70-1 for landscaping and buffering requirements.					
<sup>3</sup> 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 that conforms to the side or rear yard requirements for dwelling use of the adjoining district.					

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

FIGURE 21-3.1  
HEIGHT SETBACKS (P-2 AGRICULTURAL AND COUNTRY DISTRICTS)



(Added by Ord. 99-12)

## Honolulu - Land Use

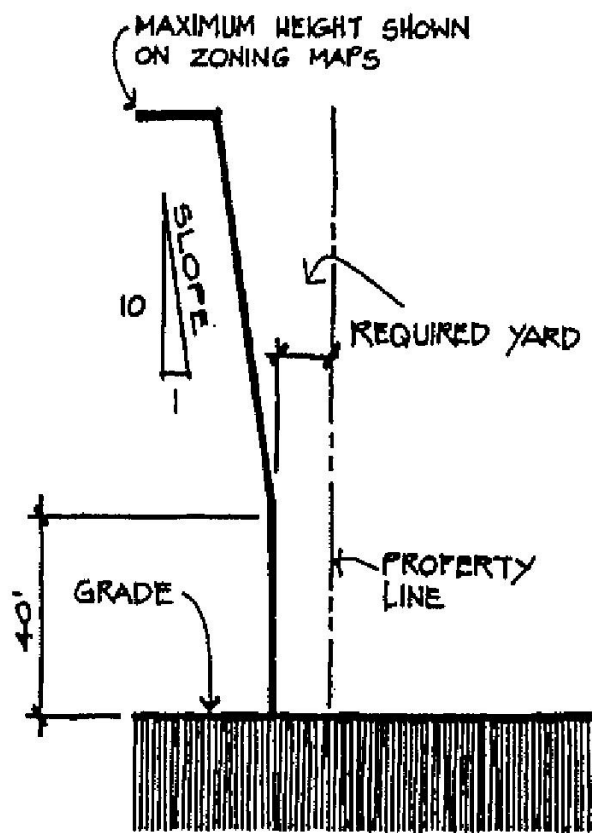
An isometric drawing of a building with a mansard roof. The drawing includes the following details:

- Roof Structure:** The roof is divided into two sections. The lower section has a pitch of 20° and a height of 30'. The upper section has a pitch of 60° and a height of 30'. The total height of the roof is 60'.
- Building Dimensions:** The building has a square footprint. The side walls are 30' high. The front and side walls are 30' wide.
- Orientation and Surroundings:** The building is situated on a lot with a "STREET" to the left and "PROPERTY LINE" boundaries. A "SIDE YARD" is indicated between the building and the property line.
- Annotations:** The word "HORIZONTAL" is written near the base of the building, and "15%" is written near the base of the front wall.

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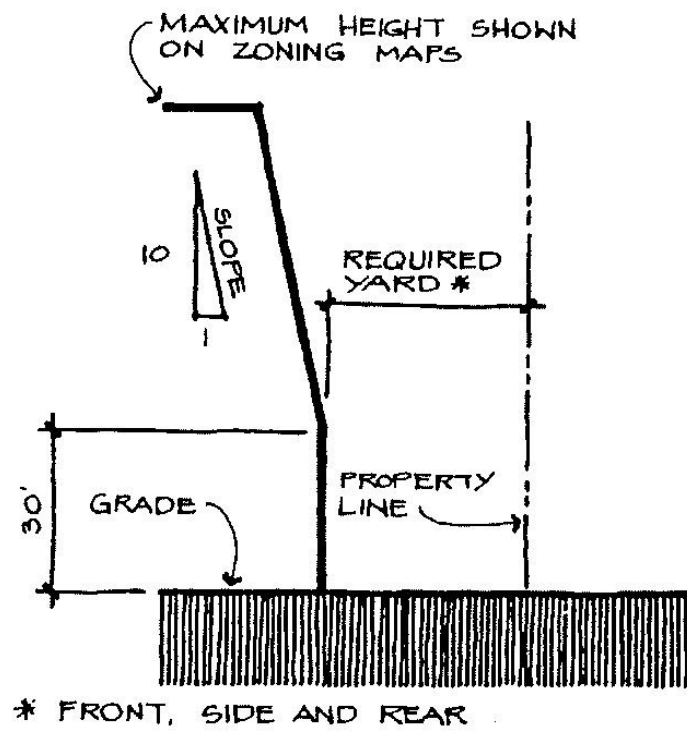


**FIGURE 21-3.3**  
**A-2, A-3, AMX-2, AMX-3, B-2, BMX-3, AND IMX-1 DISTRICT HEIGHT SETBACK**

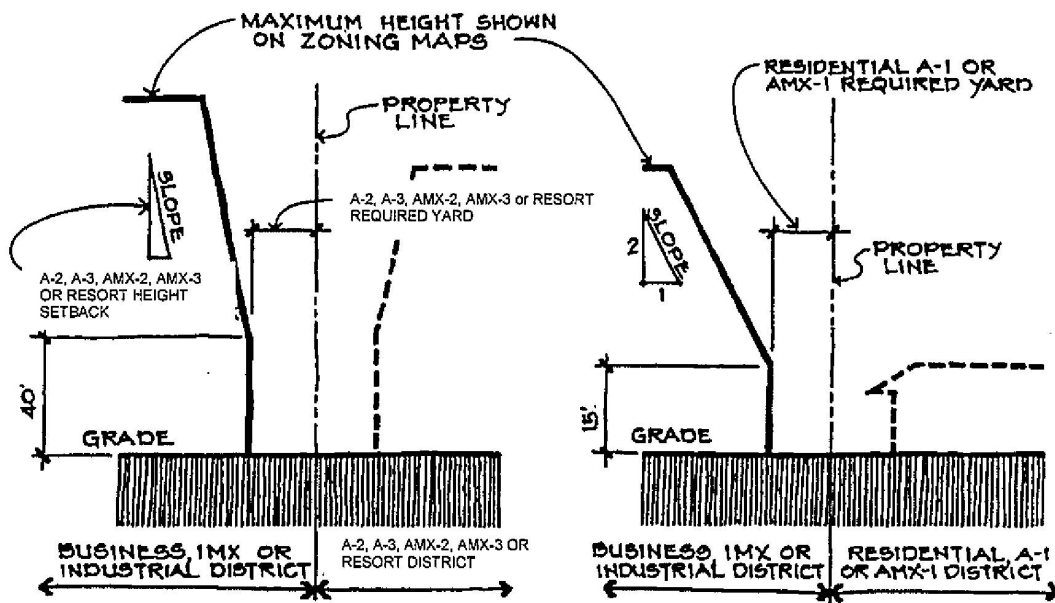


(Added by Ord. 17-55)

FIGURE 21-3.4  
RESORT DISTRICT HEIGHT SETBACK



**FIGURE 21-3.5**  
**TRANSITIONAL HEIGHTS (BUSINESS, BMX, IMX, AND ALL INDUSTRIAL DISTRICTS)**



(Added by Ord. 17-55)

FIGURE 21-3.6  
FRONT YARDS (B-2, BMX-3, BMX-4, IMX, AND ALL INDUSTRIAL DISTRICTS)

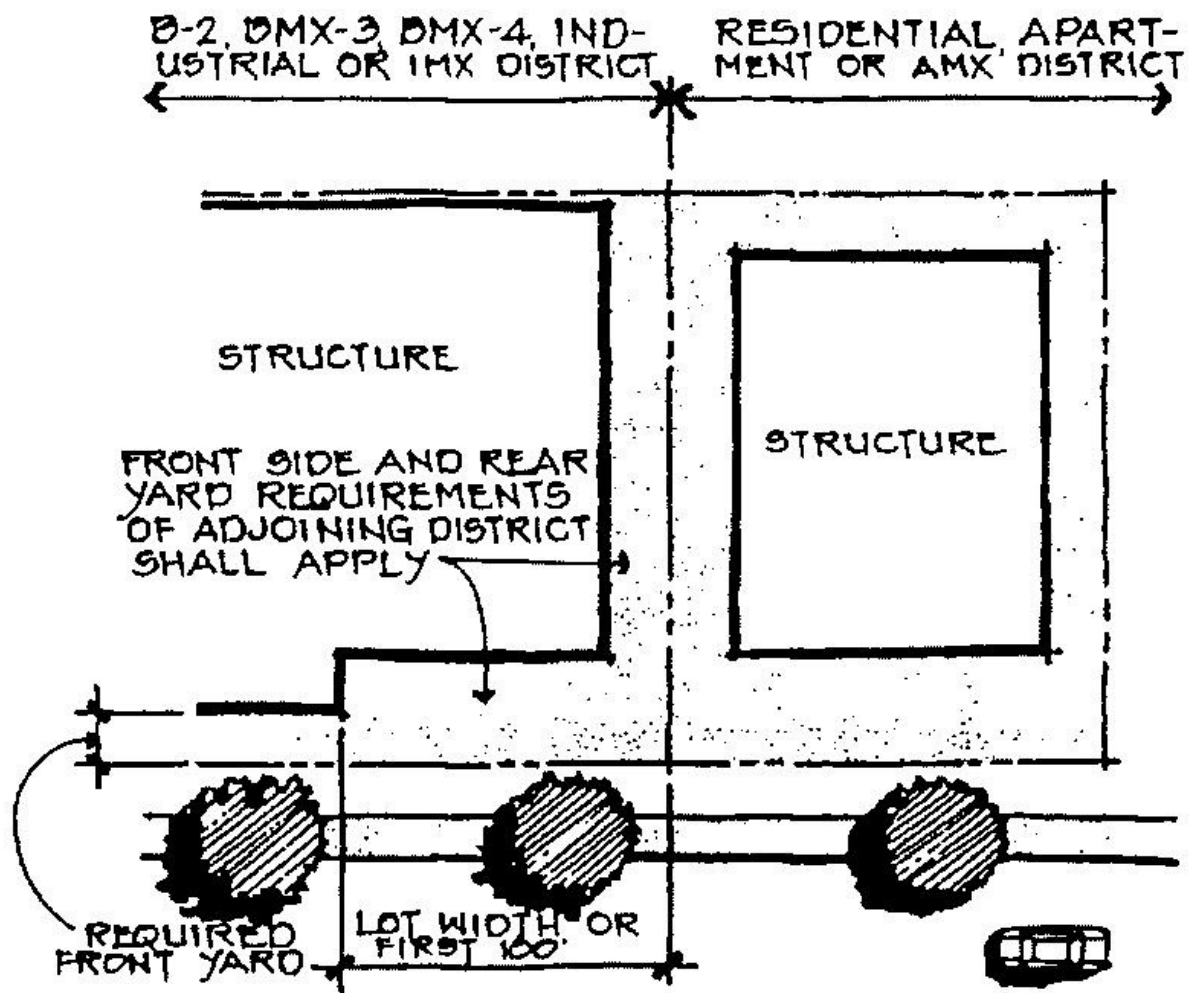
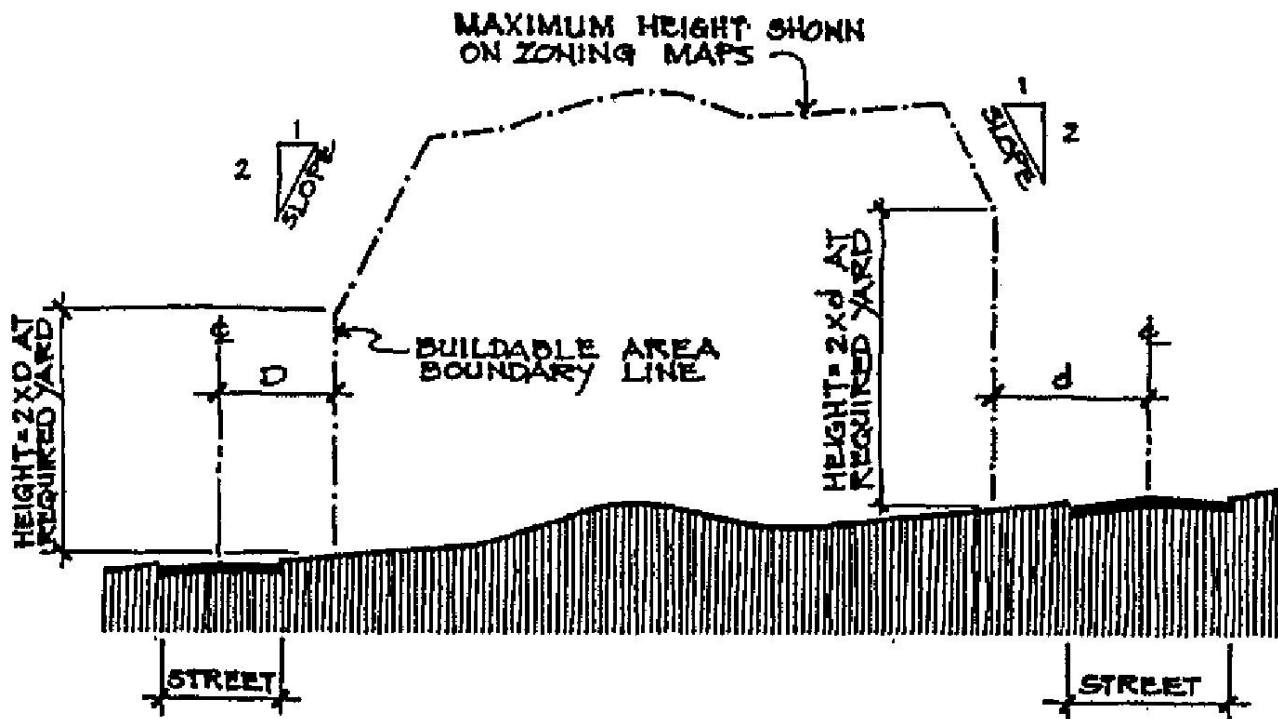
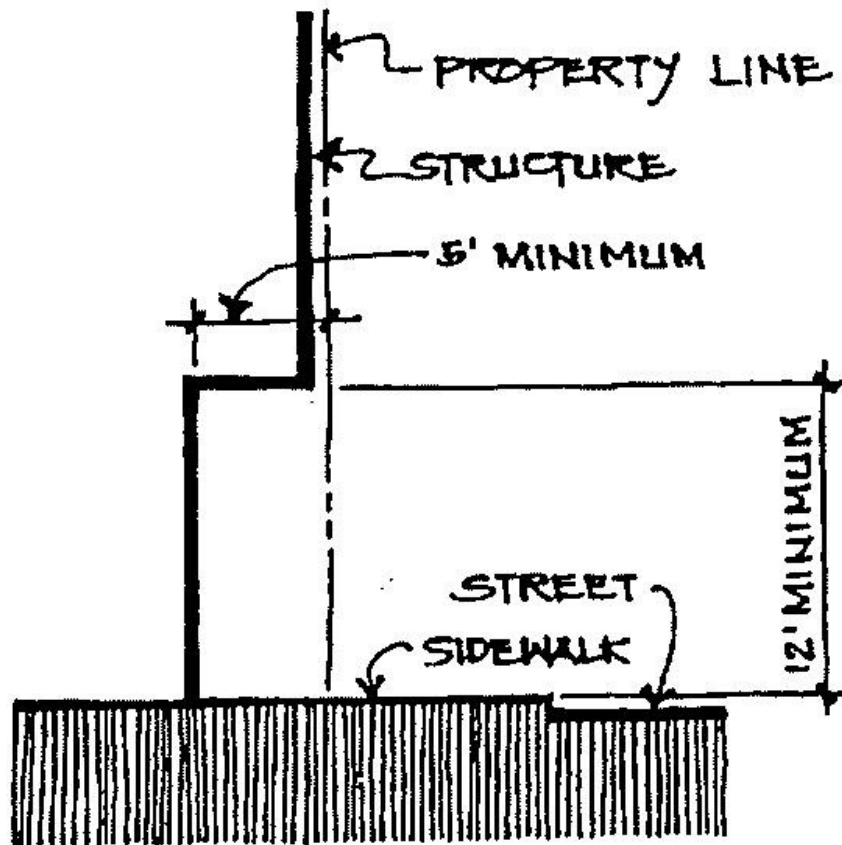


FIGURE 21-3.7  
STREET SETBACKS (I-2 AND I-3 DISTRICTS)

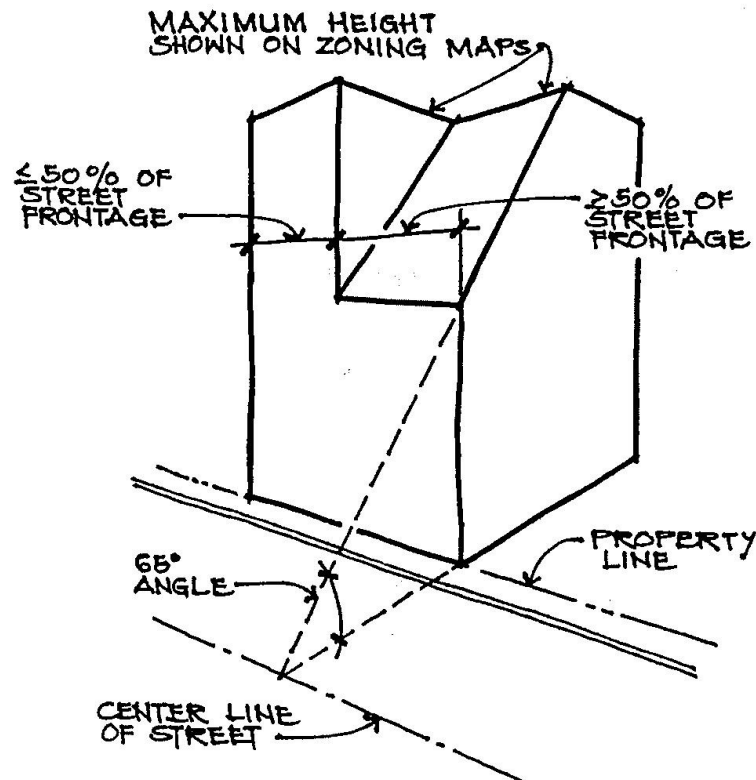


(Added by Ord. 17-55)

FIGURE 21-3.8  
FRONT YARD (BMX-4 DISTRICT)

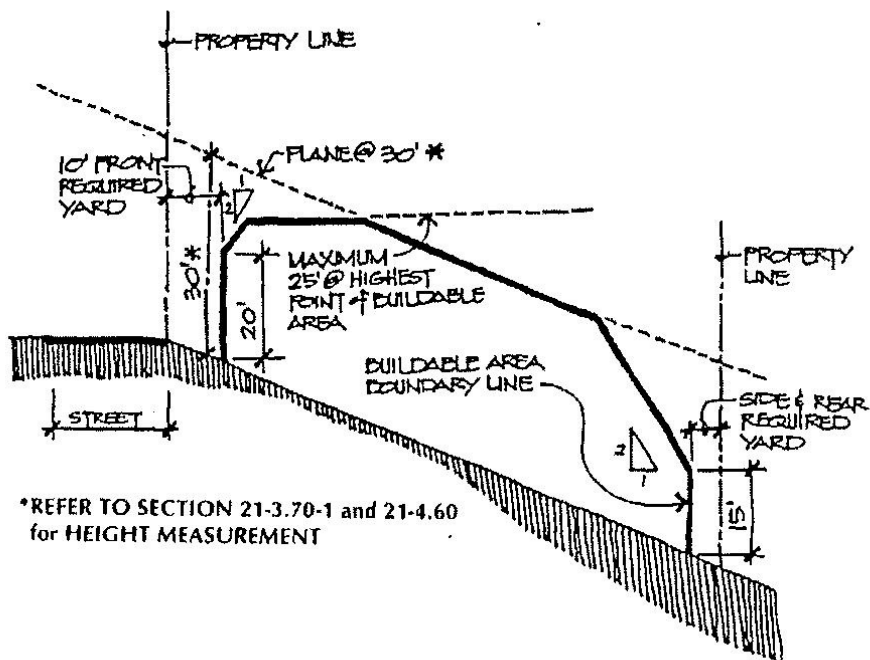
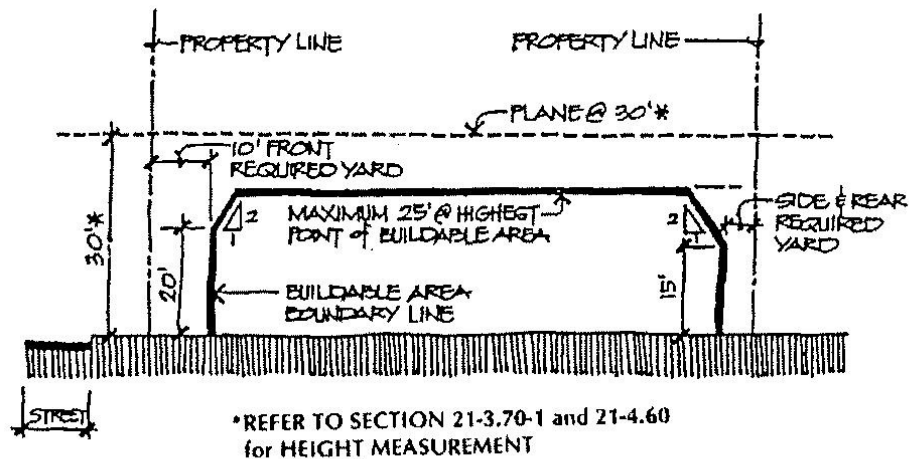


**FIGURE 21-3.9**  
**65 DEGREE ANGLE HEIGHT LIMIT (BMX-4 DISTRICT)**



(Added by Ord. 99-12)

**FIGURE 21-3.10  
HEIGHT MEASUREMENTS 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

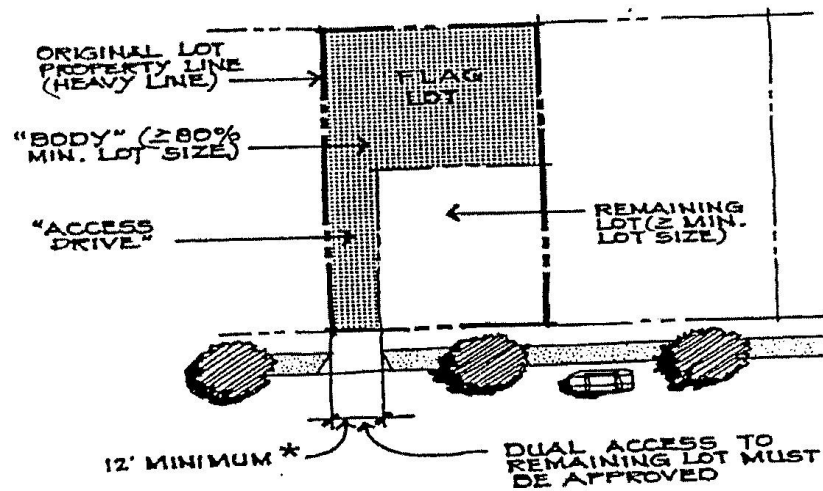
### **§ 21-4.10 General development regulations—Purpose and intent.**

- (a) It is the purpose of this article to establish reasonable standards relating to land development that 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.
- (1990 Code, Ch. 21, Art. 4, § 21-4.10) (Added by Ord. 99-12)

### **§ 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.

**FIGURE 21-4.1  
FLAG LOT**



(Added by Ord. 03-37)

- (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 finished 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 finished grade exceeds 12 percent, a reinforced concrete pavement shall be installed. An alternative roadway pavement may be installed with the 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.

(1990 Code, Ch. 21, Art. 4, § 21-4.20) (Added by Ord. 99-12)

### § 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 6 feet in height; and bollards;
- (3) Structures for newspaper sales and distribution;
- (4) Fences and retaining walls as provided in subsection (c) and § 21-4.40;
- (5) Hawaiian Electric Company 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 4 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; and
- (ii) The minimum Seasonal Energy Efficiency Ratio (SEER) shall be:
  - (aa) Twelve for units of 3 tons or less; and
  - (bb) Sixteen for units exceeding 3 tons and not exceeding 5 tons;

(B) Other minor mechanical and electrical apparatus; and

- (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:

<i>Required Yard</i>	<i>Projection</i>
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

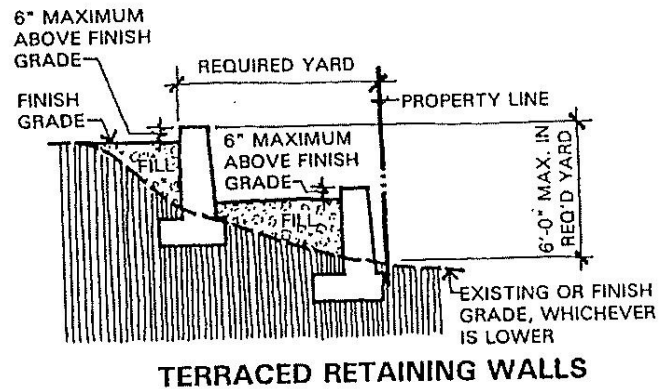
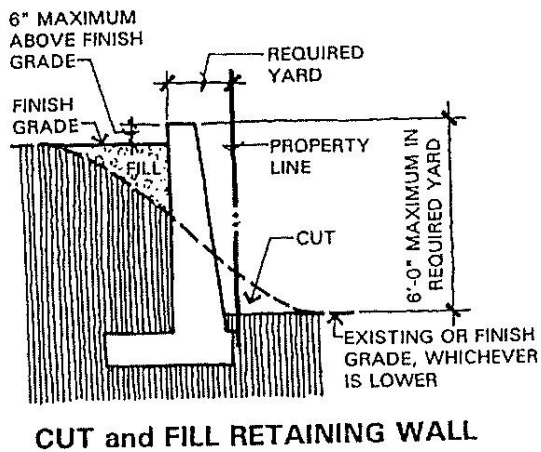
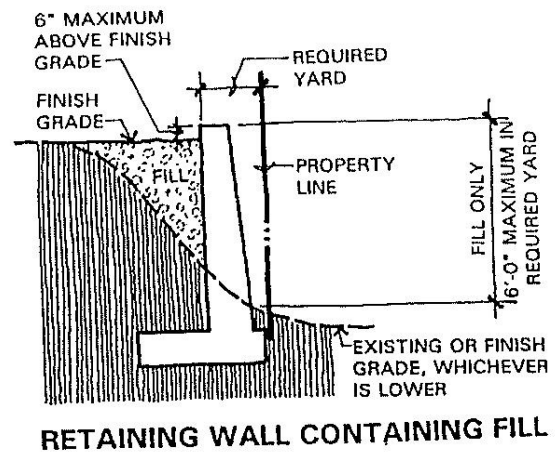
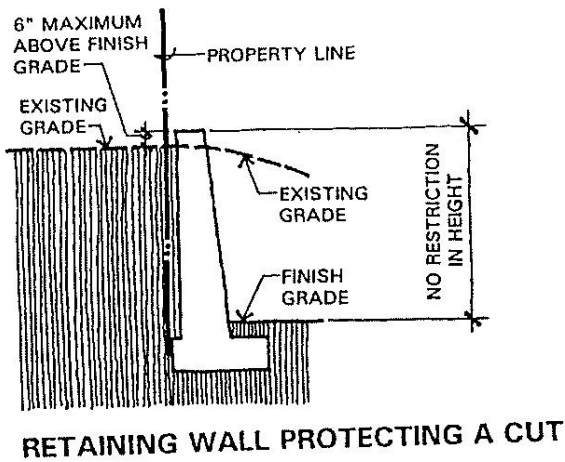
Exterior balconies, chimneys, lanais, porte cocheres, arcades, pergolas, or covered passageways are not permitted within required yards.

- (c) Other than retaining walls, walls and fences up to a height of 6 feet may project into or enclose any part of a required yard; provided 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 8 feet in height, and may be topped with security wire to a total height of 9 feet;
    - (3) Special district regulations under Article 9 may provide for other restrictions; and
    - (4) Fences located on land dedicated for agricultural use pursuant to § 8-7.3 may be up to 10 feet in height.
  - (d) Parking and loading shall not be allowed in any required yard, except for parking and loading in front and side yards in agricultural, country and residential districts; and as provided under § 21-6.70, that allows parking spaces to overlap required front and side yards by 3 feet if wheel stops are installed, and § 21-6.130(f) that allows loading if replacement open space is provided.
- (1990 Code, Ch. 21, Art. 4, § 21-4.30) (Added by Ord. 99-12; Am. Ords. 03-37, 10-19, 10-24)

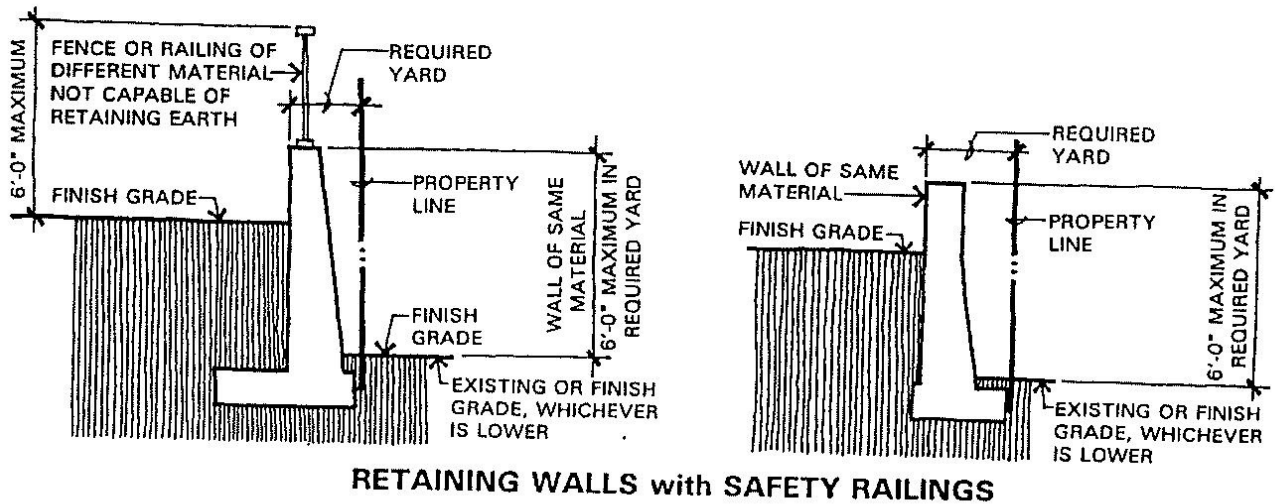
**§ 21-4.40 Retaining walls.**

- (a) Retaining walls containing a fill within required yards shall not exceed a height of 6 feet, measured from existing or finished 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 that protect a cut; provided that a retaining wall that protects a cut and contains fill shall not exceed a total of 6 feet in height measured from the intersection of the wall and the existing or finished 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 6 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 6 feet measured from the finished 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 6 feet measured from the finished grade of the retained material (see Figure 21-4.2(B)).
- (1990 Code, Ch. 21, Art. 4, § 21-4.40) (Added by Ord. 99-12)

**FIGURE 21-4.2(A)  
RETAINING WALLS**



**FIGURE 21-4.2(B)  
RETAINING WALLS**



**§ 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.

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

and

- (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.

$A' \times (\text{Lot area of zoning lot A}) + B' \times (\text{Lot area of zoning lot B}).$

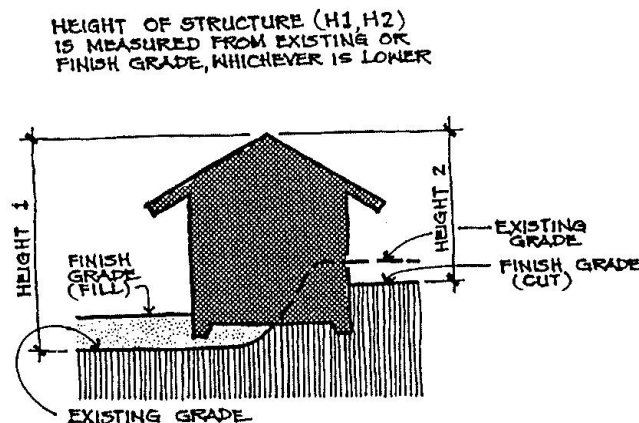
(1990 Code, Ch. 21, Art. 4, § 21-4.50) (Added by Ord. 99-12; Am. Ord. 17-40)

#### § 21-4.60 Heights.

- (a) All structures shall 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 others may be specified under special districts.
- (b) The building height envelope shall run parallel to existing or finished grade, whichever is lower (see Figure 21-4.3), except where finished grade is higher than existing grade to meet city construction standards for driveways, roadways, drainage, sewerage, and other infrastructure requirements, or to meet conditions of permits approved under this chapter. In these cases, height shall be measured from finished 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; provided that structures housing rooftop machinery on detached dwellings and duplex units shall not be 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 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 § 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) Antennas associated with utility installations shall not exceed 10 feet above the governing height limit; provided that in residential districts where utility lines are predominantly located underground, the governing height limit shall apply; and
  - (C) Receive-only antennas shall not exceed the governing height limit, except as provided under § 21-2.140-1;
  - (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 machines, where permitted; provided that each machine shall be set back from all property lines 1 foot for each foot of height, measured from the highest vertical extension of the system;
  - (8) Any energy-savings device, including heat pumps and solar collectors, not to exceed 5 feet above the governing height limit;
  - (9) Construction and improvements in certain flood hazard districts, as specified in § 21-9.10; and
  - (10) Farm structures in agricultural districts, as specified in Article 3.
  - (d) The following structures and associated screening may be placed on top of an existing building that is nonconforming with respect to height, under the specified restrictions:
    - (1) Any energy-savings device, including heat pumps and solar collectors, not to exceed 12 feet above the height of the building; and
    - (2) Safety railings not to exceed 42 inches above the height of the building.
- (1990 Code, Ch. 21, Art. 4, § 21-4.60) (Added by Ord. 99-12; Am. Ord. 03-37)

**FIGURE 21-4.3  
HEIGHT MEASUREMENT**



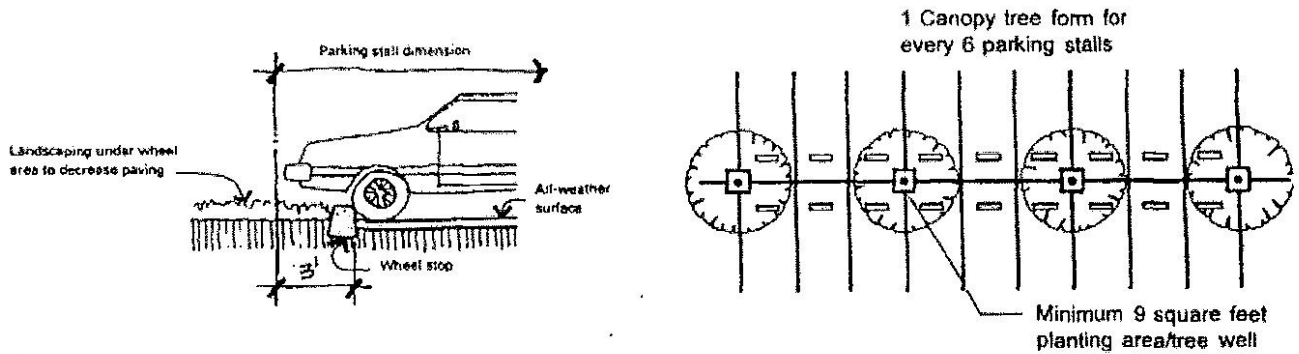


**§ 21-4.70 Landscaping and screening.**

Parking lots, automobile service stations, service and loading spaces, trash enclosures, utility substations, and rooftop machinery shall be landscaped or screened in all zoning districts as follows.

- (a) Parking lots of five or more spaces and automobile service stations shall provide a minimum 5-foot landscape strip adjacent to any adjoining street right-of-way. This 5-foot strip shall contain a continuous screening hedge not less than 36 inches in height with plantings no more than 18 inches on center. If the landscape strip is wider than 5 feet, the hedge may be placed elsewhere in the strip. A minimum 36-inch-high wall or fence may be placed behind the setback line in lieu of a hedge. If a wall or solid fence is erected, either a vine or shrub shall 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 2-inch caliper shall be planted in the landscape strip for each 50 feet or major fraction of adjacent lineal street frontage.
- (b) To provide shade in open parking lots and minimize visibility of paved surfaces, parking lots with more than 10 parking stalls shall provide one canopy form tree a minimum of 2-inch caliper for every six parking stalls or major fraction thereof, or one canopy form tree of 6-inch caliper or more for every 12 parking stalls or major fraction thereof. Each tree shall be located in a planting area or tree well no less than 9 square feet in area. If wheel stops are provided, continuous planting areas with low ground cover, and tree wells with trees centered at the corner of parking stalls may be located within the 3-foot overhang space of parking stalls. Hedges and other landscape elements, including planter boxes over 6 inches in height, are not permitted within the overhang space of the parking stalls. Trees shall be sited so as to evenly distribute shade throughout the parking lot (see Figure 21-4.4).
- (c) Parking structures with open or partially open perimeter walls that are adjacent to zoning lots with side or rear yard requirements shall meet the following requirements.
  - (1) An 18-inch landscaping strip along the abutting property line shall be provided. This strip shall consist of landscaping a minimum of 42 inches in height. A solid wall 42 inches in height may be substituted for this requirement.
  - (2) A minimum 2-inch caliper tree shall be planted for every 50 linear feet of building length, abutting a required yard.
  - (3) Each parking deck along the abutting property line shall have a perimeter wall at least 2 feet in height to screen vehicular lights otherwise cast onto adjacent property.
- (d) All outdoor trash storage areas, except those for one-family or two-family dwelling use, shall be screened on a minimum of three sides by a wall or hedge at least 6 feet in height. The wall shall be painted, surfaced, or otherwise treated to blend with the development it serves.
- (e) All service areas and loading spaces shall be screened from adjoining lots in country, residential, apartment, and apartment mixed-use districts by a wall 6 feet in height.
- (f) Within country, residential, apartment, apartment mixed-use, and resort districts, utility substations, other than individual transformers, shall be enclosed by a solid wall or a fence with a screening hedge a minimum of 5 feet in height, except for necessary openings for access. Transformer vaults for underground utilities and similar uses shall be enclosed by a landscape hedge, except for access openings.

**FIGURE 21-4.4  
PARKING LOT LANDSCAPING**



- (g) All plant material and landscaping shall be provided with a permanent irrigation system.
  - (h) All rooftop machinery and equipment, except for solar panels, antennas, plumbing vent pipes, ventilators, and guardrails, shall be screened from view from all directions, including from above; provided that screening from above shall not be required for any machinery or equipment whose function would be impaired by such screening. Rooftop machinery and equipment in the strictly industrial districts, and on structures or portions of structures less than 150 feet in height shall be exempt from this subsection.
- (1990 Code, Ch. 21, Art. 4, § 21-4.70) (Added by Ord. 99-12)

**§ 21-4.70-1 Screening wall or buffering.**

- (a) Any use located in the I-1, I-2, or I-3 district shall be screened from any adjacent zoning lot in a residential, apartment, apartment mixed-use, or resort district, by a solid wall 6 feet in height erected and maintained along side and rear property lines. The walls shall not project beyond the rear line of an adjacent front yard in the residential, apartment, apartment mixed-use, or resort district. In addition, a 5-foot-wide landscaping strip shall be provided along the outside of the solid wall.
- (b) Any use located in the IMX-1 district shall be screened from any adjacent zoning lot in a residential, apartment, apartment mixed-use, or resort district, by a landscaped area not less than 5 feet in width along side and rear property lines. The landscaped area shall contain a screening hedge not less than 42 inches in height. The requirements of this subsection shall not apply to necessary drives and walkways, nor to any meeting facility, day-care facility, group living facility, or other use governed by subsection (d).
- (c) Any use located in the B-1, B-2, or BMX-4 district, and any use located in the BMX-3 district except detached dwellings and multi-family dwellings, shall be screened from any adjacent zoning lot in a residential, apartment, or apartment mixed-use district, by a landscaped area not less than 5 feet in width along side and rear property lines. Such landscaped area shall contain a screening hedge not less than 42 inches in height. The requirements of this subsection shall not apply to necessary drives and walkways, nor to any meeting facility, day-care facility, group living facility, or other use governed by subsection (d).

(d) Any meeting facility, day-care facility, group living facility, parking facility, commercial, industrial, or similar use, located in any district other than those already addressed under subsections (a), (b), and (c), shall be screened from any adjacent zoning lot in a country, residential, apartment, apartment mixed-use, or resort district by:

(1) A solid wall or fence, excepting chain link, 6 feet in height; or

(2) An equivalent landscape buffer such as a 6-foot-high screening hedge.

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

(e) This section shall not preclude a public utility from constructing a wall or fence exceeding 6 feet in height pursuant to § 21-4.30(c)(2).

(1990 Code, Ch. 21, Art. 4, § 21-4.70-1) (Added by Ord. 99-12; Am. Ord. 03-37)

#### **§ 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-through facilities in § 21-5.190, shall be mounted outside any structure on any lot that is adjacent to any lot in a country, residential, apartment, apartment mixed-use, or resort zoning district.

(1990 Code, Ch. 21, Art. 4, § 21-4.80) (Added by Ord. 99-12)

#### **§ 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.

(1990 Code, Ch. 21, Art. 4, § 21-4.90) (Added by Ord. 99-12)

#### **§ 21-4.100 Outdoor lighting.**

For any commercial, industrial, or outdoor recreational development, 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.

(1990 Code, Ch. 21, Art. 4, § 21-4.100) (Added by Ord. 99-12)

#### **§ 21-4.110 Nonconformities.**

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

(a) *Nonconforming lots.*

- (1) A nonconforming lot shall not be reduced in area, width, or depth, except by government action to further the public health, safety, or welfare.
- (2) Any conforming structure or use may be constructed, enlarged, extended, or moved on a nonconforming lot as long as all other requirements of this chapter are met.

(b) *Nonconforming structures.*

- (1) If 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 this chapter. All reconstruction and restoration work must comply with building code and flood hazard regulations, and commence within two years of the date of destruction.

(A) Notwithstanding the foregoing provision, a nonconforming structure devoted to a conforming use that contains multifamily dwelling units owned by owners under the authority of the State of Hawaii Condominium Property Act or HRS Chapter 421H, or units owned by a “cooperative housing corporation” as defined in HRS § 421I-1, whether or not the structure is located in a special district, and that 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 from 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 this chapter.

- (2) If a nonconforming structure is moved, it must conform to 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 this subsection, as provided by § 21-2.130.
- (5) Nonconforming commercial use density will be regulated under the provisions of this subsection. For 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 thus facilitate the timely conversion to conforming uses.

- (1) A nonconforming use shall not extend to any portion of the structure or lot that was not arranged or designed for such use on July 24, 1986\*; nor shall the nonconforming use be expanded in any manner,

or the hours of operation increased. Notwithstanding the foregoing, 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 that a permitted use also is being conducted, whether that structure is on the same lot or 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, shall 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 shall not be considered a discontinuation.
- (3) Work may be done on any structure devoted in whole or in part to any nonconforming use, provided that work on the nonconforming use portion shall be limited to ordinary repairs. For purposes of this subsection, ordinary repairs shall only be construed to include the following:
- (A) The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing;
  - (B) May include work required to comply with city, State, or federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); or
  - (C) May include interior and exterior alterations; provided that there is no physical expansion of the nonconforming use or intensification of the use.

Further, ordinary repairs shall 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, shall not be increased.

- (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 may be made only if any adverse effects on neighboring occupants and properties will not be greater than if the original nonconforming use 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 as provided as “ordinary repairs” under subdivision (3), improvements intended to accommodate a change in nonconforming use or tenant shall not be 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 — shall not be reversed.

- (d) *Nonconforming dwelling units.* Except for ohana dwelling units, that are subject to § 21-2.140-1(i), 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 cannot be reconstructed.
  - (3) When detached dwellings constructed on a zoning lot before 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 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 standard, the new use shall meet the off-street parking and loading requirements established in Article 6.
  - (2) Any use that adds floor area shall provide off-street parking and loading 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 shall be exempt from this requirement.
  - (3) (A) When nonconforming parking or loading is reconfigured, the reconfiguration shall meet current requirements for arrangement of parking spaces, dimensions, aisles and, if applicable, ratio of compact to standard stalls, except as provided in paragraph (B). If, as a result of the reconfiguration, the number of spaces is increased by five or more, landscaping shall be provided as required in § 21-4.70 based on the number of added stalls, not on the entire parking area.
  - (B) Parking lots and other uses and structures with an approved parking plan on file with the department before the effective date of this ordinance, and that include compact parking spaces as approved in the plan, may retain up to the existing number of compact spaces when parking is reconfigured.
- (1990 Code, Ch. 21, Art. 4, § 21-4.110) (Added by Ord. 99-12; Am. Ords. 03-37, 06-15, 10-19, 17-40, 17-59, 20-6)

***Editor's note:***

\* "July 24, 1986" is substituted for "at the time of adoption of the provisions of this chapter or subsequent amendment."

**§ 21-4.110-1 Nonconforming use certificates for transient vacation units.**

- (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 holds a valid nonconforming use certificate issued pursuant to this section on June 25, 2019.\*
- (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 even-numbered year thereafter.

Each application to renew shall 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 each calendar year covered by the nonconforming use certificate being renewed and that there were transient occupancies (occupancies of less than 30 days apiece) for a total of at least 35 days during each such year and that (ii) there has been no period of 12 consecutive months during the period covered by the nonconforming use certificate being renewed without a transient occupancy.

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 shall be effective on January 1, 1995 and shall apply 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 provisions of § 21-5.730(c) shall apply to advertisements for transient vacation units operating under a nonconforming use certificate pursuant to this section.
- (1990 Code, Ch. 21, Art. 4, § 21-4.110-1) (Added by Ord. 99-12; Am. Ord. 19-18)

**\*Editor's note:**

*"June 25, 2019" is substituted for "the effective date of this ordinance."*

**§ 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 the effective date of this ordinance.
- (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 even-numbered year thereafter.

Each application to renew shall 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 each calendar year covered by the nonconforming use certificate being renewed and that there were bed and breakfast occupancies

(occupancies of less than 30 days apiece) for a total of at least 28 days during each such year and that (ii) there has been no period of 12 consecutive months during the period covered by the nonconforming use certificate being renewed without a bed and breakfast occupancy.

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 shall be effective on January 1, 1995 and shall apply to renewal applications submitted on or after January 1, 1996.

- (c) Section 21-5.350 relating to home occupations shall not apply to bed and breakfast homes.
- (d) Those bed and breakfast homes for which a nonconforming use certificate has been issued and renewed, as required, pursuant to this section shall operate pursuant to the following restrictions and standards:
  - (1) Detached dwellings used as bed and breakfast homes shall be occupied by a family and shall not be used as a group living facility. Rooming shall not be permitted in bed and breakfast homes;
  - (2) No more than two guest rooms shall be rented to guests, and the maximum number of guests permitted within the bed and breakfast home at any one time shall be four;
  - (3) There shall be no exterior signage that advertises or announces that the dwelling is used as a bed and breakfast home;
  - (4) One off-street parking space shall be provided for each guest room, in addition to the required spaces for the dwelling unit; and
  - (5) The provisions of § 21-5.730(c) shall apply to advertisements for the bed and breakfast home.
- (e) 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.

(1990 Code, Ch. 21, Art. 4, § 21-4.110-2) (Added by Ord. 99-12; Am. Ord. 19-18)



## ARTICLE 5: SPECIFIC USE DEVELOPMENT STANDARDS

### Sections

21-5.10	Purpose and intent
21-5.10A	Agribusiness activities
21-5.20	Agricultural products processing, major and minor
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21-5.40	Amusement facilities—Outdoor
21-5.50	Antennas
21-5.60	Automobile service stations
21-5.70	Bars, nightclubs, taverns, and cabarets
21-5.80	Base yards
21-5.80A	Biofuel processing facilities
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21-5.200	Dwellings for cemetery caretakers
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## **Honolulu - Land Use**

21-5.370	Off-site joint development of two or more zoning lots
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21-5.720	Accessory dwelling units
21-5.730	Bed and breakfast homes and transient vacation units

**§ 21-5.10 Purpose and intent.**

- (a) The purpose of this article is to set forth all development and design standards for particular uses within this chapter. Refer to Table 21-3 to determine whether a use is allowed as a permitted principal use in a particular zoning district or requires permit approval.
  - (b) For the purposes of this article, except as may otherwise be specified herein, any minimum distance requirement from or between uses, facilities, or zoning districts herein prescribed shall be measured as the shortest straight line distance between zoning lot lines.
- (1990 Code, Ch. 21, Art. 5, § 21-5.10) (Added by Ord. 99-12; Am. Ord. 03-37)

**§ 21-5.10A Agribusiness activities.**

- (a) Except as otherwise specified under principal uses, retail activities in an enclosed structure may be allowed, but are limited to not more than 500 square feet of floor area, and all products for sale therein must be predominantly agricultural products grown or produced on the site, in the city or elsewhere in the State, and finished foods, drinks, or other goods substantially made from those products. Nonfood items may be sold; provided that these items are made primarily from agricultural products grown or produced on the site, in the city or elsewhere in the State. An incidental amount of general merchandise that features the brand, name, or logo of the agribusiness operator may also be sold; provided that the items occupy no more than 5 percent of the floor area permitted for and devoted to retail sales, as provided in this section. Notwithstanding the limitations in this subsection, an agribusiness activity may also include facilities for the preparation, sale, and consumption of food and drink on the site, which must feature agricultural products grown or produced on the site, in the city or elsewhere in the State.
- (b) A nonmotorized, or motorized transportation system such as, but not limited to, tramways, trains, and other forms of connected, motorized vehicles used for guided or self-guided tours may be permitted only if in conjunction with and incidental to the existing agricultural operation on the same site.
- (c) No more than one farmer's market for the growers and producers of agricultural products to display and sell agricultural products grown in the city or elsewhere in the State may be permitted on a zoning lot. Finished products produced primarily from these agricultural products also may be included for display and sale.
  - (1) Markets may be operated only during daylight hours and cannot be operated on parcels of less than 5 acres.
  - (2) Structures in the farmer's market may have a wall area, but any wall must be at least 50 percent open and all structures must have a rural or rustic appearance.
- (d) Agribusiness activities must always be accessory and incidental to the primary agricultural use of the lot. Permitted agribusiness activities, individually and collectively, must be on a scale appropriate to the size of the lot and the surrounding area; and adequate parking and vehicular access for agribusiness activities, as determined by the director, must be provided.
- (e) As a condition of approval, dedication of 50 percent or more of the project site, as the director determines is necessary to preserve the purpose and intent of the agricultural districts, for a minimum of 10 years to active

agricultural use will be required by way of an agricultural easement or comparable mechanism acceptable to the director.

(1990 Code, Ch. 21, Art. 5, § 21-5.10A) (Added by Ord. 02-63; Am. Ord. 17-40)

**§ 21-5.20 Agricultural products processing, major and minor.**

(a) *Major.* No major agricultural products processing use shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet.

(b) *Minor.* No minor agricultural products processing use shall be located within 50 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district.

(1990 Code, Ch. 21, Art. 5, § 21-5.20) (Added by Ord. 99-12)

**§ 21-5.30 Amusement and recreation facilities—Indoor.**

In the P-2 zoning district, the following standards shall apply:

(a) The use shall be permitted only if in conjunction with and incidental to golf courses and outdoor recreation facilities; and

(b) The total floor area devoted to the use on the golf course or outdoor recreation facility shall not exceed 1,500 square feet.

(1990 Code, Ch. 21, Art. 5, § 21-5.30) (Added by Ord. 99-12)

**§ 21-5.40 Amusement facilities—Outdoor.**

(a) Traffic lanes shall be provided for adequate ingress and egress to and from the project in accordance with the specifications and approvals of the State department of transportation.

(b) Off-street parking or storage lanes for waiting patrons of a drive-in theater shall be available to accommodate not less than 30 percent of the vehicular capacity of the theater. However, if at least six entrance lanes are provided, each with a ticket dispenser, then the amount may be reduced to 10 percent of the vehicular capacity.

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

(d) For motorized outdoor amusement facilities, additional noise mitigation measures may be required.

(1990 Code, Ch. 21, Art. 5, § 21-5.40) (Added by Ord. 99-12)

**§ 21-5.50 Antennas.****(a) Broadcasting.**

- (1) Once a new tower or tower site is approved, additional antennas and accessory uses shall be processed under the minor permit procedures.
- (2) All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:
  - (A) For television antenna towers, at least three high-power television antennas and one microwave facility or one low-power television antenna, or two FM antennas and at least one two-way radio antenna for every 10 feet of the tower over 200 feet; and
  - (B) For any other towers, at least one two-way radio antenna for every 10 feet of the tower, or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility or low-power television antenna;

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

- (3) Freestanding antennas and towers shall be set back from every property line a minimum of 1 foot for every 5 feet of antenna or tower height.
- (4) Antennas and towers supported by guy wires shall be set back from every property line a minimum of 1 foot for every 1 foot of antenna or tower height.
- (5) AM broadcast antennas shall be set back a minimum of 500 feet from any country, residential, apartment, or apartment mixed-use district.
- (6) FM and television antennas shall be set back a minimum of 2,500 feet from any country, residential, apartment, or apartment mixed-use district.
- (7) If it is determined that an antenna is harmful in any way to the health of the surrounding population or if it causes prolonged interference with the public's radio and television reception, the applicant shall be required to correct the situation or discontinue the use and remove the structures at the applicant's expense.
- (8) The following shall be submitted as part of any application for a broadcasting antenna:
  - (A) Where a new tower is being requested, a quantitative description of the additional tower capacity anticipated shall be submitted, including the approximate number and types of antennas. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass, height, or other characteristics; and

- (B) Evidence of a lack of space on all existing towers which meet the setback requirements in this section, to locate the proposed antenna and the lack of space on existing tower sites which meet the setback requirements in this section, to construct a tower for the proposed antenna.

- (b) *Accessory receive-only.* Accessory receive-only antennas when mounted on the ground shall be screened by walls, earth berms or landscaping a minimum of 4 feet in height.  
(1990 Code, Ch. 21, Art. 5, § 21-5.50) (Added by Ord. 99-12)

**§ 21-5.60 Automobile service stations.**

Within the B-1 district only, when a pump island is less than 75 feet from a zoning lot in a country, residential, apartment, or apartment mixed-use district, hours of operation shall be limited to 6:00 a.m. to 12:00 midnight. Automobile service stations not meeting this standard and intended to operate beyond these hours may be permitted under a conditional use permit (minor).  
(1990 Code, Ch. 21, Art. 5, § 21-5.60) (Added by Ord. 99-12)

**§ 21-5.70 Bars, nightclubs, taverns, and cabarets.**

- (a) In the B-2, BMX-4, I-1, and IMX-1 zoning districts, no public address system or other devices for reproducing or amplifying voices or music shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any property line affecting a residential, apartment, or apartment mixed-use zoning district.
- (b) This use is not permitted on any lot which adjoins a parcel in a residential, apartment, or apartment mixed-use zoning district.  
(1990 Code, Ch. 21, Art. 5, § 21-5.70) (Added by Ord. 99-12)

**§ 21-5.80 Base yards.**

All repair work shall be performed within an enclosed structure, and the facility shall be subject to the same minimum development standards for a storage yard provided in this article.  
(1990 Code, Ch. 21, Art. 5, § 21-5.80) (Added by Ord. 99-12)

**§ 21-5.80A Biofuel processing facilities.**

No biofuel processing facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet.  
(1990 Code, Ch. 21, Art. 5, § 21-5.80A) (Added by Ord. 10-19)

**§ 21-5.90 Car washing establishments.**

The following standards shall apply to mechanized car washing establishments as principal or accessory uses:

- (a) There shall be no water runoff onto adjacent properties or public rights-of-way;
- (b) The use shall be in a sound-attenuated structure or sound attenuation walls shall be erected and maintained at the property line; and
- (c) The lot shall not adjoin a zoning lot in a residential or apartment district.

(1990 Code, Ch. 21, Art. 5, § 21-5.90) (Added by Ord. 99-12; Am. Ord. 03-37)

**§ 21-5.100 Cemeteries and columbaria.**

In the AG-2 zoning district, the following standards shall apply:

- (a) A certificate of approval must be submitted from the board of water supply, before final approval of an application, indicating that there is no danger of contamination of the water supply; and
- (b) If a cemetery or columbarium adjoins lots in country, residential, apartment, or apartment mixed-use districts, there shall be a minimum 50-foot landscaped buffer.

(1990 Code, Ch. 21, Art. 5, § 21-5.100) (Added by Ord. 99-12)

**§ 21-5.110 Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.**

In the agricultural and I-1 zoning districts, the following standards shall apply:

- (a) No facility or structure which handles the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets shall be located within 100 feet of any residential, apartment, or apartment mixed-use zoning district; and
- (b) If the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed-use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(1990 Code, Ch. 21, Art. 5, § 21-5.110) (Added by Ord. 99-12)

**§ 21-5.120 Centralized mail and package handling facilities.**

- (a) A centralized mail and package handling facility shall not be located within 100 feet of any residential, apartment, or apartment mixed-use district.
- (b) If the facility is located within 300 feet of any zoning lot in a residential, apartment, or apartment mixed-use district, there shall be no pickup or drop-off between the hours of 10:00 p.m. and 7:00 a.m.

- (c) If the facility adjoins any zoning lot located in a residential, apartment, apartment mixed-use, or resort district, a 6-foot-high solid wall shall be constructed along the common property line; provided that if the facility is located in the industrial-commercial mixed-use district, an equivalent landscape buffer may be used in lieu of the wall.

(1990 Code, Ch. 21, Art. 5, § 21-5.120) (Added by Ord. 99-12)

**§ 21-5.130 Commercial parking lots and garages.**

In the apartment mixed-use zoning district, commercial parking lots and garages shall be set back a minimum of 20 feet from all side and rear property lines which adjoin lots in country, residential, apartment, or apartment mixed-use zoning districts.

(1990 Code, Ch. 21, Art. 5, § 21-5.130) (Added by Ord. 99-12)

**§ 21-5.140 Composting, major and minor.**

- (a) Outgoing and incoming materials shall be received or delivered only between the hours of 7:00 a.m. and 5:00 p.m.
- (b) All incoming and outgoing loads shall be covered or otherwise managed to prevent material from falling onto the ground while in transport and to mitigate odors.
- (c) Areas on site where composting takes place shall be located at least 50 feet away from all surface water sources.
- (d) No major composting facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort zoning district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet.
- (e) No minor composting facility shall be located within 100 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort zoning district.
- (f) Accessory uses may include but are not necessarily limited to packaging and the incidental retailing of finished compost material.
- (g) Compost material shall be covered in such a way that no fugitive material shall leave the site.
- (h) Controls shall be required to manage odors, vectors, and surface and groundwater contamination.

(1990 Code, Ch. 21, Art. 5, § 21-5.140) (Added by Ord. 99-12)

**§ 21-5.150 Consulates.**

In the residential zoning districts, consulates shall be set back a minimum of 20 feet from all adjoining residentially zoned lots.

(1990 Code, Ch. 21, Art. 5, § 21-5.150) (Added by Ord. 99-12)



**§ 21-5.160 Convenience stores.**

- (a) If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director.
- (b) Drive-through windows or services shall not be allowed.
- (c) Floor area will be limited to 2,500 square feet in the B-1, I-1, I-2, and apartment mixed-use districts.
- (d) Within the B-1 district only, when the principal entrance to a convenience store is less than 75 feet or its parking area is less than 20 feet from a country, residential, apartment, or apartment mixed-use district, hours of operation shall be limited to 6:00 a.m. to 12:00 midnight. Affected convenience stores not meeting this standard and intended to operate beyond these hours may be permitted under a conditional use permit (minor). (1990 Code, Ch. 21, Art. 5, § 21-5.160) (Added by Ord. 99-12; Am. Ord. 17-40)

**§ 21-5.170 Dance or music schools.**

- (a) In the apartment mixed-use zoning districts, all dance or music schools shall be located in enclosed, sound-attenuated structures and shall limit hours of operation to between 8:00 a.m. and 10:00 p.m.
- (b) In the resort zoning district, dance or music schools shall be permitted only if they promote a Hawaiian sense of place. (1990 Code, Ch. 21, Art. 5, § 21-5.170) (Added by Ord. 99-12)

**§ 21-5.180 Day-care facilities.**

In the AG-2, country, residential, apartment, and apartment mixed-use zoning districts, the following standards shall apply:

- (a) All common activity areas, such as playgrounds, tot lots, play courts, and similar facilities, identified on the site plan shall be set back a minimum of 15 feet from adjoining lots in country, residential, apartment, or apartment mixed-use districts, unless a 6-foot-high solid wall is provided as a buffer. This requirement may be waived by the director if topography or landscaping makes such a buffer unnecessary;
- (b) All day-care facilities shall be located with access to a street or right-of-way of minimum access width as determined by the appropriate agencies; and
- (c) Facilities with a design capacity exceeding 25 care recipients shall provide an on-site pickup and drop-off area equivalent to four standard-sized parking spaces. (1990 Code, Ch. 21, Art. 5, § 21-5.180) (Added by Ord. 99-12)

**§ 21-5.190 Drive-through facilities.**

No speaker boxes and drive-through lanes shall be within 75 feet and 20 feet, respectively, of a zoning lot in a country, residential, apartment, or apartment mixed-use district.

(1990 Code, Ch. 21, Art. 5, § 21-5.190) (Added by Ord. 99-12)

**§ 21-5.200 Dwellings for cemetery caretakers.**

An accessory dwelling unit occupied by the caretaker of a cemetery shall not exceed a floor area of 1,000 square feet. No more than one caretaker's dwelling shall be permitted per cemetery.

(1990 Code, Ch. 21, Art. 5, § 21-5.200) (Added by Ord. 99-12)

**§ 21-5.210 Dwellings, multi-family.**

In the BMX-3 zoning district, where multifamily dwellings are integrated with other 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.

(1990 Code, Ch. 21, Art. 5, § 21-5.210) (Added by Ord. 99-12; Am. Ord. 17-55)

**§ 21-5.220 Dwelling, owners or caretakers, accessory.**

Accessory dwelling units occupied by an owner or caretaker of the principal use on a zoning lot shall be located above or behind the principal uses in such a way that they do not interrupt commercial frontage. No more than four units shall be permitted on any zoning lot, with only one dwelling unit per establishment.

(1990 Code, Ch. 21, Art. 5, § 21-5.220) (Added by Ord. 99-12)

**§ 21-5.230 Eating establishments.**

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

(b) In the apartment mixed-use zoning districts, drive-through windows or services shall not be allowed.

(1990 Code, Ch. 21, Art. 5, § 21-5.230) (Added by Ord. 99-12)

**§ 21-5.240 Explosives and toxic chemical manufacturing, storage and distribution.**

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

(a) No explosives and toxic chemical manufacturing, storage, and distribution facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology,

or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet; and

- (b) Explosives storage shall be effectively screened by a natural landform or artificial barrier either surrounding the entire site or surrounding each storage magazine or production facility. The landform or barrier shall be of such height that:
    - (1) A straight line drawn from the top of any side wall of all magazines or production facilities to any part of the nearest structure will pass through the landform or barrier;
    - (2) A straight line drawn from the top of any side wall of all magazines or production facilities, to any point 12 feet above the centerline of a public street will pass through the landform or barricade; and
    - (3) Artificial barricades shall be a mound or revetted wall of earth a minimum thickness of 3 feet.
- (1990 Code, Ch. 21, Art. 5, § 21-5.240) (Added by Ord. 99-12)

**§ 21-5.250 Farm dwellings.**

- (a) In the AG-1 district, the number of farm dwellings shall not exceed one for each 5 acres of lot area. In the AG-2 district, the number of farm dwellings shall not exceed one for each 2 acres of lot area.
  - (b) Each farm dwelling and any accessory uses shall be contained within an area not to exceed 5,000 square feet of the lot.
- (1990 Code, Ch. 21, Art. 5, § 21-5.250) (Added by Ord. 99-12)

**§ 21-5.260 Food manufacturing and processing facilities.**

In the B-2 and business mixed-use zoning districts, food manufacturing and processing shall be subject to the following:

- (a) The slaughter of animals shall not be permitted; and
  - (b) Floor area shall not exceed 2,000 square feet.
- (1990 Code, Ch. 21, Art. 5, § 21-5.260) (Added by Ord. 99-12)

**§ 21-5.270 Freight movers.**

In the I-1 zoning district, the following standards shall apply:

- (a) No facility or structure that involves freight movers shall be located within 100 feet of any residential, apartment, or apartment mixed-use zoning district; and
  - (b) If the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed-use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.
- (1990 Code, Ch. 21, Art. 5, § 21-5.270) (Added by Ord. 99-12)

**§ 21-5.280 Golf courses.**

In the P-2 zoning district, the following standards shall apply:

- (a) Golf courses shall be permitted in the P-2 general preservation district only when consistent with the city's development plans. Golf courses on P-2 zoned land are consistent with the development plans only when situated on lands designated preservation, parks and recreation, or golf course on the development plan land use maps;
- (b) Uses accessory to a golf course shall be designed and scaled to meet only the requirements of the members, guests or users of the facility;
- (c) Approval of requests for golf courses may be based on the following additional criteria:
  - (1) Encouraging the use of nonpotable water for irrigation, including sewage effluent and brackish water, or other means to reduce the need for use of potable water, subject to the approval of a proposed irrigation plan by the State departments of health and land and natural resources and the city board of water supply;
  - (2) Provisions to enhance the opportunities for public play for Hawaii residents;
  - (3) Programs to minimize and monitor the environmentally detrimental effects of the application of fertilizers, pesticides, and herbicides;
  - (4) Programs to address any displacement of existing uses and residents;
  - (5) The compatibility of the proposed golf course with both existing and planned surrounding uses;
  - (6) Preservation or enhancement of greenbelts or open space, historic and natural resources, and public views; and
  - (7) Any other impacts which may potentially affect surrounding uses and residents; and
- (d) Those golf courses described in § 21-2.120-1 shall require plan review use approval.  
(1990 Code, Ch. 21, Art. 5, § 21-5.280) (Added by Ord. 99-12)

**§ 21-5.290 Group living facilities.**

- (a) Except for multifamily dwellings that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students, and are located in the apartment, apartment mixed use, or business mixed use zoning districts within a one-half-mile radius of the educational institution, unless directly related to public health and safety, a group living facility must not be located within 1,000 feet of the next closest group living facility.
- (b) Within agricultural districts, activities associated with group living facilities shall be of an agricultural nature. As a condition of approval, dedication to active agricultural use of 50 percent or more of the project site, as the director determines is necessary to preserve the purpose and intent of the agricultural districts, for a minimum

of 10 years shall be required by way of an agricultural easement or comparable mechanism acceptable to the director.

(1990 Code, Ch. 21, Art. 5, § 21-5.290) (Added by Ord. 99-12; Am. Ords. 02-63, 20-33)

**§ 21-5.300 Guesthouses, accessory.**

Within the residential zoning districts, accessory guesthouses shall only be permitted in the R-20 district on zoning lots with a minimum lot size of 20,000 square feet.

(1990 Code, Ch. 21, Art. 5, § 21-5.300) (Added by Ord. 99-12)

**§ 21-5.310 Heavy equipment sales and rentals.**

In the I-1 zoning district, the following standards shall apply:

- (a) No facility or structure which handles heavy equipment sales and rentals shall be located within 100 feet of any residential, apartment, or apartment mixed-use zoning district; and
- (b) If the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed-use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.

(1990 Code, Ch. 21, Art. 5, § 21-5.310) (Added by Ord. 99-12)

**§ 21-5.320 Helistops.**

In the agricultural, resort, B-2, business mixed-use, I-1, and industrial-commercial mixed-use zoning districts, the following standards shall apply:

- (a) All helistops shall be accessory to a principal use otherwise permitted in the underlying zoning district; and
- (b) The maintenance, repair, or storage of helicopters, or the storage of equipment for the maintenance and repair of helicopters, or the storage of aviation fuel, shall not be allowed within a helistop, or the use that it serves.

(1990 Code, Ch. 21, Art. 5, § 21-5.320) (Added by Ord. 99-12)

**§ 21-5.330 Historic structures, use of.**

It is the intent of this section to provide an incentive for owners of historic structures to retain them, by allowing uses not otherwise permitted in the underlying zoning district. The director may deny any request which is judged to have major adverse effects on the neighborhood that cannot be mitigated. Any structure on the State or national register of historic places may be occupied by a use not otherwise permitted in the underlying zoning district; provided that any proposed alteration, repair, or renovation beyond its original design and the proposed use is approved by the State historic preservation officer.

(1990 Code, Ch. 21, Art. 5, § 21-5.330) (Added by Ord. 99-12)

**§ 21-5.340 Home improvement centers.**

In the B-2 and BMX-3 zoning districts, home improvement centers shall locate incidental storage of material and equipment in fully enclosed buildings.

(1990 Code, Ch. 21, Art. 5, § 21-5.340) (Added by Ord. 99-12)

**§ 21-5.350 Home occupations.**

Home occupations as an accessory use to dwelling units are permitted under the following restrictions and standards:

- (a) Home occupations shall be incidental and subordinate to the principal use of the site as a residence and shall not change the character or the external appearance of either the dwelling or the surrounding neighborhood;
- (b) Only household members shall be employed under the home occupation. Notwithstanding the foregoing, when the home occupation is home-based child care, one caregiver, not a member of the household, may be employed as a substitute for the principal caregiver if an emergency renders the principal caregiver unavailable; provided that in no event shall such substitute employment exceed five days per calendar month. As used in this subsection, "emergency" includes but is not limited to illness of the principal caregiver or an immediate relative of the principal caregiver;
- (c) There shall be no exterior sign that shows the building is used for anything but residential use. There shall be no exterior displays or advertisements;
- (d) There shall be no outdoor storage of materials or supplies;
- (e) Indoor storage of materials and supplies shall be enclosed and shall not exceed 250 cubic feet or 20 percent of the total floor area, whichever is less;
- (f) Articles sold on the premises shall be limited to those produced by the home occupation and to instructional materials pertinent to the home occupation;
- (g) Home occupations that depend on client visits, including group instruction, shall provide one off-street parking space per five clients on the premises at any given time. This shall be in addition to, and shall not obstruct the parking required for the dwelling use. Residents of multi-family buildings may fulfill the requirement by the use of guest parking with the approval of the building owner (management) or condominium association;
- (h) For those activities that may have potential negative noise impacts on adjoining residences, the director may require that such activities be conducted in fully enclosed, noise-attenuated structures;
- (i) The following activities are not permitted as home occupations:
  - (1) *Automobile repair and painting.* However, any repair and painting of vehicles owned by household members shall be permitted, provided that the number of vehicles repaired or painted shall not exceed five per year per dwelling unit. A household member providing any legal document showing ownership of an affected vehicle satisfies this requirement;

- (2) Contractor's storage yards;
  - (3) Care, treatment, or boarding of animals in exchange for money, goods, or services. The occasional boarding and the occasional grooming of animals not exceeding five animals per day shall be permitted as home occupations;
  - (4) Those on-premises activities and uses which are only permitted in the industrial districts;
  - (5) Use of dwellings or lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations;
  - (6) Sale of guns and ammunition; and
  - (7) Mail and package handling and delivery businesses; and
  - (j) There shall be no parking on the street of commercial vehicles associated with the home occupation, other than the occasional, infrequent, and momentary parking of a vehicle for pickups and/or deliveries as a service to the home occupation.
- (1990 Code, Ch. 21, Art. 5, § 21-5.350) (Added by Ord. 99-12; Am. Ord. 10-19)

**§ 21-5.360 Hotels.**

- (a) Hotels shall be permitted in the I-2 intensive industrial district and IMX-1 industrial-commercial mixed-use district; provided that:
  - (1) They are within 0.5 mile by the usual and customary route of vehicular travel from the principal entrance of an airport used by commercial airlines, having regularly scheduled flights. For Honolulu International Airport, the principal entrance shall be the intersection of Paiea Street and Nimitz Highway;
  - (2) They have frontage on a major or secondary street or highway;
  - (3) They have a minimum lot area of 15,000 square feet and minimum lot width of 70 feet;
  - (4) The maximum floor area ratio shall be 2.0;
  - (5) Parking requirements of at least one space per two lodging or dwelling units shall be provided;
  - (6) Front yards shall have a minimum depth of 10 feet, and except for necessary driveways and walkways, shall be maintained in landscaping; and
  - (7) Signs shall conform to the sign requirements applicable within B-2 community business district regulations.
- (b) Hotels shall be permitted in the BMX-3 community business mixed-use district; provided that:
  - (1) They are located within the Primary Urban Center Development Plan, the Ewa Development Plan, or the Central Oahu Sustainable Communities Plan areas, as established by Chapter 24;

- (2) Hotels with more than 180 dwelling and/or lodging units shall require a conditional use permit (major);
  - (3) When eating or drinking establishments, meeting facilities, retail establishments, or other commercial establishments are on the same zoning lot, these uses shall be treated as separate permitted uses for purposes of this chapter;
  - (4) Multi-family dwellings and hotel use shall not be permitted on the same floor level; and
  - (5) No hotel unit shall be used as a time share or transient vacation unit.
- (1990 Code, Ch. 21, Art. 5, § 21-5.360) (Added by Ord. 99-12; Am. Ord. 13-10)

**§ 21-5.370 Off-site joint development of two or more zoning lots.**

- (a) Off-site joint development of two or more zoning lots is intended to provide an incentive for the preservation of certain historic properties by permitting the transfer of development rights from a zoning lot in a business mixed-use district with a historic site, building or structure to up to 10 other lots within a business mixed-use district. This enables qualified property owners freely to sell, trade, broker, or otherwise transfer a portion of the floor area that would normally be permitted under the applicable zoning district regulations on the lot where the historic site is located.
- (b) The transferable floor area may be acquired or transferred to be jointly used as part of the development of one or more other qualified zoning lots, subject to the following:
  - (1) The historic site, building, or structure must be suitable for preservation or rehabilitation, or both, and any proposed alterations of the site shall have no adverse effect on the historic value of the historic site, building, or structure, as determined by the State historic preservation officer and any Oahu historic preservation commission;
  - (2) A maintenance agreement for the historic site, building or structure that shall remain in effect for a minimum of 30 years shall have been reviewed and approved by the State historic preservation officer and any Oahu historic preservation commission;
  - (3) The floor area eligible to be transferred shall be calculated by determining the maximum allowable floor area for the donor lot on which the historic site, building, or structure is located, including any applicable density bonuses for open space or for the preservation of the historic site, building, or structure, and subtracting therefrom the sum of:
    - (A) The floor area of all structures to be retained on the donor lot; and
    - (B) The floor area of all structures designated in an approved plan for development or redevelopment of the donor lot;
  - (4) The unused floor area from the donor lot with the historic site, building, or structure may be transferred to up to 10 receiving lots; provided that the donor lot and each receiving lot shall be located in a business mixed-use district. In no case shall the maximum floor area on a receiving lot under off-site joint development be more than 15 percent in excess of the maximum floor area that would otherwise be permitted on the lot. Only floor area may be transferred; all other zoning requirements applicable to the receiving lot shall not be affected;



- (5) The 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 zoning lots who believe that the transfer of floor area in the manner described in this section will result in more efficient use of the zoning lots may apply for a conditional use permit to undertake off-site joint development;
  - (6) The donor and receiving lots shall be jointly developed as a unified project:
    - (A) The historic site, building, or structure on the donor lot shall be maintained in accordance with the approved maintenance agreement. The maintenance agreement shall provide for periodic review and possible amendment, subject to the approval of the State historic preservation officer, any Oahu historic preservation commission and the director; and
    - (B) The department shall not issue a building permit for a building or structure utilizing the transferred floor area on the receiving lot or lots unless and until the State historic preservation officer and any O'ahu historic preservation commission are satisfied that suitable measures have been taken to ensure the preservation of the historic site, building, or structure on the donor lot; and
  - (7) Additional floor area may be developed on the donor lot; provided that there is sufficient remaining permitted floor area that has not been transferred to any receiving lots and the development of the additional floor area will not diminish the value of the historic site, building, or structure on the donor lot or conflict with the approved maintenance agreement. The added floor area permitted on receiving lots under off-site joint development shall not be used in a way that will diminish or destroy the value of a historic site, building, or structure, or a site, building, or structure that is eligible for listing on the State register of historic places.
- (c) When applying for the conditional use permit, the applicants shall submit the following:
- (1) Zoning lot area calculations for all donor and receiving lots;
  - (2) Documentation demonstrating that the donor lot or lots contain a historic site, building, or structure that is listed on the national or State register of historic places, or both;
  - (3) A plan approved by the State historic preservation officer and any Oahu historic preservation commission for the restoration, renovation, or rehabilitation, if necessary, and for the maintenance of the historic site, building or structure on the donor lots for a minimum period of 30 years, including calculation of the current floor area of all historic and nonhistoric buildings or structures on the donor lots. The plan for restoration may be phased;
  - (4) A plan for the development or redevelopment of the receiving lots, that may be phased, including information as to the effect of the development or redevelopment on any historic site, building, or structure on or near the receiving lots; and
  - (5) A proposed agreement running with the land for all donor and receiving lots, binding all owners of these lots and their lessees, mortgagees, heirs, successors, and assigns, individually and collectively, to comply with the plans described in subdivisions (3) and (4) for a minimum of 30 years, subject to subsections (f) and (g). The proposed agreement shall be in recordable form and shall provide that it shall be enforceable by the city. The proposed agreement shall state the consideration to be given for the proposed transfer of density.

- (d) The director shall grant approval of the application if the director determines that:
- (1) The proposed agreement provides adequate protection for the historic site, building, or structure;
  - (2) All proposed donor and receiving lots meet the requirements of this section;
  - (3) The transfer of density to the receiving lots will not cause the density of any of the receiving lots to exceed the maximum density permitted under subsection (b)(4);
  - (4) The plan for development or redevelopment of the receiving lots will not diminish or destroy the value of any historic site, building, or structure or of any site, building, or structure that is eligible to be listed on the State register of historic places and will not create adverse effects on lots in the vicinity of a receiving lot that are inconsistent with the purpose of the zoning designation of those lots; and
  - (5) The proposed plan referred to in subsection (c)(3) and the proposed agreement referred to in subsection (c)(5) will adequately ensure the preservation of the historic site, building, or structure on the donor lot.
- (e) Until the applicants have recorded with the bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, the agreement specified in subsection (c)(5), for all donor and receiving lots, no building permit or construction permit shall be approved for a building or structure that would not conform to development standards that would be applicable in the absence of the conditional use permit.
- (f) Notwithstanding any provision of this section to the contrary, the owner, owners, duly authorized agents of the owners, or duly authorized lessees of all donor and receiving lots of an approved off-site joint development may jointly apply to the director for revocation of the conditional use permit; provided that:
- (1) Plans for development of the receiving lots have changed so that a transfer of density from the donor lots under off-site joint development is no longer required for the planned development of the receiving lots; or
  - (2) The receiving lots have been developed in accordance with the plans described in the agreement, but due to:
    - (A) Demolition of buildings or structures on the receiving lots;
    - (B) Expansion of the lot area of receiving lots;
    - (C) Amendments to density or other zoning regulations applicable to the receiving lots;
    - (D) Rezoning of the receiving lots; or
    - (E) Other factors;
- the buildings and structures on the receiving lots meet the maximum density restrictions and other development standards applicable to the receiving lots without the necessity of off-site joint development.

An application for the revocation of a conditional use permit for off-site joint development shall be processed in the same manner as an application for a conditional use permit for off-site joint development. Upon the

director's approval of the revocation, the agreement recorded pursuant to subsection (e) may be rescinded or revoked if it has not expired.

- (g) Notwithstanding any provision of this section to the contrary, all of the owners of all of the donor and receiving lots may jointly apply to the director for modification of the conditional use permit and, after receiving the director's approval, modify the agreement recorded pursuant to subsection (e) in accordance with the director's approval.

The application for the modification of a conditional use permit for off-site joint development shall be processed in the same manner as an application for a conditional use permit for off-site joint development. The director may grant the modification only if the modification meets all of the requirements of this section for the initial approval of a conditional use permit for off-site joint development.

- (h) If, after:

- (1) Approval of a conditional use permit for off-site joint development; and
- (2) Issuance of a building or construction permit for a structure on the receiving lot which would permit development in excess of the maximum floor area that would be permitted without the benefit of off-site joint development;

but before the expiration of the approved maintenance agreement, the State historic preservation officer and any Oahu historic preservation commission determine that the historic site, building, or structure on a donor lot has been destroyed and cannot or should not be restored, the donor lot may be developed in accordance with this chapter and other applicable laws, subject to the following limitations on maximum floor area:

- (A) If the owner or lessee of the donor lot or any authorized agent thereof can demonstrate that the destruction of the historic site, building, or structure was not due to the negligence of or otherwise due to the fault of an owner of the donor lot or of any lessee, sublessee, or agent of an owner of the donor lot, the maximum floor area permitted on the donor lot shall be reduced by any floor area that has been transferred to a receiving lot; and
  - (B) If the owner or lessee of the donor lot or any authorized agent thereof cannot demonstrate that the destruction of the historic site, building, or structure was not due to the negligence of or otherwise due to the fault of an owner of the donor lot or of any lessee, sublessee, or agent of an owner of the donor lot, the maximum floor area permitted on the donor lot shall be determined by subtracting any floor area that has been transferred to a receiving lot from 50 percent of the maximum floor area normally allowed under the applicable zoning district for the donor lot.
- (i) The director may impose any reasonable conditions on the development and maintenance of any donor and receiving lots, including but not limited to additional yards or setbacks, to mitigate any potential adverse effects of the planned off-site joint development on the surrounding neighborhood and to facilitate the enforcement of the plans referred to in subsection (c)(3) and (c)(4) and of the agreement referred to in subsection (c)(5).
  - (j) Notwithstanding the expiration of the approved maintenance agreement referred to in subsection (c)(5), the donor lot shall not thereafter be entitled to any floor area that has been transferred to a receiving lot. This

subsection shall not apply if the conditional use permit for off-site joint development is revoked pursuant to subsection (f).

(1990 Code, Ch. 21, Art. 5, § 21-5.370) (Added by Ord. 99-12; Am. Ord. 05-28)

**§ 21-5.380 Joint development of two or more adjacent subdivision lots.**

- (a) Whenever two or more adjacent subdivision lots are developed jointly in accordance with this section, they will be considered and treated as one zoning lot; provided that whenever the 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 subdivision lots who believe that joint development of their properties would result in a more efficient use of land shall apply for a conditional use permit (minor) to undertake such development.
- (c) When applying for a conditional use permit for joint development under this section, the applicants shall submit to the director an agreement which 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 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, the director shall issue the conditional use permit. Upon issuance of the permit, the agreement, which must be one of the conditions of the permit, must be filed as a covenant running with the land with the bureau of conveyances or the registrar of the land court. Proof of such filing in the form of a copy of the covenant certified by the appropriate agency must be filed with the director before the issuance of any building permit.

(1990 Code, Ch. 21, Art. 5, § 21-5.380) (Added by Ord. 99-12; Am. Ords. 10-19, 17-40, 17-50)

**§ 21-5.380A Joint development of two or more adjacent subdivision lots— Waikiki special district or Ala Moana transit-oriented development special district.**

- (a) This section applies to the joint development of two or more adjacent subdivision lots in the Waikiki special district or any transit-oriented development special district established pursuant to § 21-9.100 around the Ala Moana rail transit station. The provisions of § 21-5.380 apply to the joint development except to the extent the provisions conflict with this section, in which case this section will control.
- (b) One or more of the adjacent subdivision lots that has been developed jointly with one or more adjacent subdivision lots pursuant to a conditional use permit for joint development, may be developed jointly with other adjacent subdivision lots pursuant to a conditional use permit for a second joint development in accordance with this section, where at least one adjacent subdivision lot involved in the first joint development is excluded from the second joint development. An adjacent subdivision lot may be jointly developed under this section pursuant to no more than two conditional use permits for joint development. The owner, owners, duly authorized agents of the owners, or duly authorized lessees whose adjacent subdivision lots are jointly developed under the first

conditional use permit for joint development, but are excluded from the second joint development, shall not be applicants for the conditional use permit for the second joint development nor parties to the agreement for joint development for the second joint development.

- (c) The first joint development and the second joint development shall be considered and treated as separate zoning lots. That is to say, that there will be two separate reviews for zoning compliance, one for each joint development. The exception is that any otherwise applicable height or yard setback requirements of the underlying zoning will apply only to the outer perimeter of the combined joint developments. Unless otherwise agreed by the parties to both joint development agreements, the development rights attributed to subdivision lots covered by the first joint development, which lots are not part of the second joint development, cannot be used or transferred to the second joint development.
- (d) Under a second joint development, the applicant shall submit all of the information ordinarily required for a conditional use permit, pursuant to § 21-2.90-1(b). As provided in this chapter, the development rights and minimum standards of the subdivision lots under the second joint development may be distributed among the included subdivision lots, demonstrating a unified project concept and furthering the public interest.
- (e) The development rights applicable to the subdivision lots involved in both joint developments must be clearly distributed between the two development agreements and listed in the second agreement.
- (f) Before issuing the conditional use permit for the second joint development, the director shall, in addition to the required finding of § 21-5.380(d), find that the proposed second joint development will have no major adverse effect on the neighborhood, and will advance the objectives of applicable city plans and regulations.
- (g) Upon issuance of the conditional use permit for the second joint development, the department shall send notice of such issuance to the owner, owners, duly authorized agents of the owners, or duly authorized lessees whose adjacent subdivision lots are jointly developed under the first conditional use permit for joint development, but are excluded from the second joint development.
- (h) Notwithstanding any provision of this section to the contrary, the owner, owners duly authorized agents of the owners, or duly authorized lessees of all subdivision lots in an approved joint development or second joint development may jointly or unilaterally apply to the director for complete or partial revocation of the conditional use permit when:
  - (1) Plans for development have changed so that a distribution of development rights under the joint development or second joint development is no longer required; and
  - (2) The applicant or applicants applying for revocation show, to the satisfaction of the director, that all adjacent subdivision lots included in the conditional use permit for joint development can separately meet all minimum development standards as independent subdivision lots, or can otherwise satisfy development standards, such as the use of off-site parking.
- (i) An application for the revocation of a conditional use permit for a joint development or second joint development shall be processed in the same manner as an application for a conditional use permit. Upon the director's approval of the revocation, the applicant for such revocation shall record a revocation of the agreement recorded pursuant to subsection (d). As part of the approval for revocation, the owner, owners, duly

authorized agents of the owners, or duly authorized lessees of all subdivision lots must agree to indemnify, defend and hold the city, including the department, harmless from and against any and all claims made in connection with the conditional use permit for joint development and the revocation thereof.

(1990 Code, Ch. 21, Art. 5, § 21-5.380A) (Added by Ord. 17-50)

**§ 21-5.390 Joint use of parking facilities.**

- (a) Joint use of private off-street parking facilities in satisfaction of appropriate portions of off-street parking or loading area requirements may be allowed; provided that the requirements of the following subsections are met.
- (b) The distance of the entrance to the parking or loading facility from the nearest principal entrance of the establishment or establishments involved in the joint use cannot exceed 400 feet by normal pedestrian routes.
- (c) The amount of off-street parking or loading area that may be credited against the requirements for the use or uses involved cannot exceed the number of spaces reasonably anticipated to be available during differing periods of peak demand.
- (d) All parties involved with a joint parking or loading facility shall execute a written agreement assuring continued availability of the number of spaces at the periods indicated, and file a certified copy with the department. In these cases, no change in use or new construction will be permitted if the change increases the requirements for off-street parking or loading area space, unless the required additional space is provided. The agreement will be subject to the approval of the corporation counsel.
- (e) When joint parking or loading facilities serving eating or drinking establishments adjoin a zoning lot in a residential, apartment, or apartment mixed-use district, the director shall require a solid fence or wall 6 feet in height to be erected and maintained on the common property line. The director may modify the requirements of this subsection if warranted by topography.

(1990 Code, Ch. 21, Art. 5, § 21-5.390) (Added by Ord. 99-12; Am. Ord. 17-40)

**§ 21-5.400 Kennels.**

- (a) In the AG-2 and country zoning districts, commercial kennels shall not be located within 100 feet of any property line unless soundproofed and air-conditioned.
- (b) In the B-2, BMX-3, BMX-4, I-1, and IMX-1 zoning districts, commercial kennels involving more than two animals shall be soundproofed and air-conditioned.

(1990 Code, Ch. 21, Art. 5, § 21-5.400) (Added by Ord. 99-12)

**§ 21-5.410 Livestock production—Major.**

- (a) Any feedlot or fowl or poultry enclosures shall be set back a minimum of 300 feet from any adjoining residential, apartment, or apartment mixed-use district.

- (b) Piggeries shall be set back a minimum of 300 feet from any adjoining residential, apartment, or apartment mixed-use district.  
(1990 Code, Ch. 21, Art. 5, § 21-5.410) (Added by Ord. 99-12)

**§ 21-5.420 Manufacturing, processing and packaging, general.**

In the I-1 zoning district, the following standards shall apply:

- (a) No facility or structure involving manufacturing, processing, and packaging establishments, other than those specified under principal uses, shall be located within 100 feet of any residential, apartment, or apartment mixed-use zoning district; and
- (b) If the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed-use zoning district, there shall be no pickup or drop-off of equipment between the hours of 10:00 p.m. and 7:00 a.m.  
(1990 Code, Ch. 21, Art. 5, § 21-5.420) (Added by Ord. 99-12)

**§ 21-5.430 Marina accessories.**

In the preservation, resort, business, business mixed-use, and industrial-commercial mixed-use zoning districts, the following standards shall apply. Launching ramps, boat repair facilities, establishments for sale of boating supplies and fuel, clubhouses, and drydock facilities or other areas for storage of boats on land, which are to be open for use between the hours of 9:00 p.m. and 7:00 a.m., shall be located at least 300 feet from the nearest zoning lot of any zoning district that permits a residence as a principal use. If any of those uses or facilities are not open between the hours of 9:00 p.m. and 7:00 a.m., then the distance to the nearest lot line may be reduced to 150 feet. Also, if boat storage areas other than drydock facilities are enclosed by a solid wall at least 6 feet in height, the distance may be reduced to 150 feet.  
(1990 Code, Ch. 21, Art. 5, § 21-5.430) (Added by Ord. 99-12)

**§ 21-5.440 Medical clinics.**

In the apartment mixed-use zoning districts, medical clinics shall have no emergency services.  
(1990 Code, Ch. 21, Art. 5, § 21-5.440) (Added by Ord. 99-12)

**§ 21-5.450 Meeting facilities.**

- (a) In the AG-2, country, residential, apartment, and apartment mixed-use districts, the following standards shall apply:
  - (1) Accessory eating and drinking establishments shall not be permitted, except in the apartment mixed-use district;
  - (2) The director may require that certain structures be sound-proofed and may establish hours of operation for amplification equipment; and

- (3) All meeting facilities shall be located with access to a street or right-of-way of minimum access width and sufficient street frontage as determined by the appropriate agencies.

(b) In the I-1 and I-2 zoning districts, the following standards shall apply:

- (1) Before commencement of a meeting facility use in an industrial district, the owner and operator of the meeting facility shall file with the department and record in the bureau of conveyances or the land court of the State of Hawaii, or both, as is appropriate, a declaration acceptable to the department, stating that the owner and operator recognizes that:
  - (A) Structures formerly in industrial use may require upgrades to comply with different governmental regulations governing use of a structure as a meeting facility. These regulations include but are not limited to building, electrical, mechanical, fire, and occupancy code requirements; and
  - (B) Abutting and neighboring properties can, by right, include potentially annoying or even noxious industrial uses at any time, including after the commencement of the meeting facility use.

The declaration shall also contain provisions which preclude the meeting facility and its representatives from filing nuisance complaints against any industrial use operating in compliance with applicable laws;

- (2) No accessory uses shall be permitted unless the accessory use also is a permitted use in the district as enumerated in Table 21-3; provided that this subdivision shall not prohibit the following accessory uses to a religious facility such as a church, temple, or synagogue:
  - (A) A school for the vocational training of adults for the priesthood, ministry, or rabbinate; and
  - (B) Classes on religious subjects;
- (3) A parking lot and landscaping plan demonstrating compliance with the minimum requirements of this chapter for off-street parking, loading, and landscaping and screening shall be submitted to the director for review. This plan shall be approved by the director before the space can be used as a meeting facility; and
- (4) In the I-2 zoning district, no meeting facility shall be located within 1,000 feet of another meeting facility in the same or another industrial district, whether the other meeting facility is a permitted use or a nonconforming use.

(1990 Code, Ch. 21, Art. 5, § 21-5.450) (Added by Ord. 99-12; Am. Ords. 09-33, 10-19)

#### **§ 21-5.460 Motion picture and television production studios.**

In the B-2 and BMX-3 zoning districts, outdoor sets shall not be allowed.

(1990 Code, Ch. 21, Art. 5, § 21-5.460) (Added by Ord. 99-12)



**§ 21-5.470 Neighborhood grocery stores.**

- (a) Neighborhood grocery stores that request a conditional use permit (minor) shall have occupied their present location before October 22, 1986.
  - (b) All neighborhood grocery stores shall be limited to the floor area occupied on October 22, 1986; provided that total floor area shall not exceed 5,000 square feet.
  - (c) Neighborhood grocery stores shall be limited to the hours between 6:00 a.m. and 10:00 p.m. for operation on any day.
  - (d) All sales, services, or displays shall be within enclosed structures, and there shall be no display service or storage of merchandise outside such structures.
  - (e) No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any adjacent property line.
  - (f) Drive-through windows or services shall not be allowed.
- (1990 Code, Ch. 21, Art. 5, § 21-5.470) (Added by Ord. 99-12)

**§ 21-5.480 Off-site vehicular and bicycle parking facilities.**

- (a) The distance of the entrance to the vehicular parking facility from the nearest principal entrance of the establishment or establishments involved cannot exceed 400 feet by customary pedestrian routes. The distance of the entrance to the bicycle parking facility from the nearest principal entrance of the establishment or establishments involved cannot exceed 200 feet by customary pedestrian routes.
  - (b) If the off-site vehicular or bicycle parking is necessary to meet minimum parking requirements, a written agreement assuring continued availability of the number of spaces indicated must be drawn and executed, and a certified copy of the agreement must be filed with the director. The agreement must stipulate that if such space is not maintained, or space acceptable to the director substituted, the use, or such portion of the use as is deficient in number of parking spaces, must be discontinued. The agreement will be subject to the approval of the corporation counsel.
  - (c) In the apartment, apartment mixed use, and resort zoning districts, there is no minimum lot area, width or depth for off-site vehicular or bicycle parking facilities.
- (1990 Code, Ch. 21, Art. 5, § 21-5.480) (Added by Ord. 99-12; Am. Ord. 17-55)

**§ 21-5.490 Offices, accessory.**

Offices, including administrative and executive offices, shall be clearly accessory and incidental to uses on the same zoning lot.

(1990 Code, Ch. 21, Art. 5, § 21-5.490) (Added by Ord. 99-12)

**§ 21-5.500 Petroleum processing.**

No petroleum processing facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet.

(1990 Code, Ch. 21, Art. 5, § 21-5.500) (Added by Ord. 99-12)

**§ 21-5.500A Plant nurseries.**

(a) In the AG-1 and AG-2 zoning districts, the following standards shall apply:

- (1) Retail sales shall be limited to plants sold directly from the greenhouse or open field where the product has been grown or cultivated, and only sales of the products in their primary form shall be allowed. There shall be no retail sales of secondary products such as jams, candies, juices, and baked goods; and
- (2) Except for an accessory roadside stand or an enclosed structure approved by a conditional use permit for accessory agribusiness activities, there shall be no separate structures used primarily for retail sales.

(b) In the I-1, I-2 and IMX-1 zoning districts, all plant cultivation and sales activities shall be within a structure.

(1990 Code, Ch. 21, Art. 5, § 21-5.500A) (Added by Ord. 09-26)

**§ 21-5.500B Real estate offices.**

In the resort zoning districts, real estate offices shall not exceed a floor area of 500 square feet.

(1990 Code, Ch. 21, Art. 5, § 21-5.500B) (Added by Ord. 00-09)

**§ 21-5.510 Recreational facilities—Outdoor.**

- (a) Not more than five riding animals shall be kept for each acre of land within a site used for a riding academy or stable.
- (b) All buildings housing animals, and all corrals in which animals are kept or assembled, shall be at least 100 feet from any property line when they adjoin zoning lots in country, residential, apartment, or apartment mixed-use districts.
- (c) In the AG-2 general agricultural district, dedication to active agricultural use or as open space of 50 percent or more of the project site, as the director determines is necessary to preserve the purpose and intent of the agricultural districts, for a minimum of 10 years shall be required as a condition of approval by way of an agricultural easement or comparable mechanism acceptable to the director.

(1990 Code, Ch. 21, Art. 5, § 21-5.510) (Added by Ord. 99-12; Am. Ord. 02-63)

**§ 21-5.510A Repair establishments, major.**

In the I-1 zoning district, the following standards shall apply:

- (a) No major repair establishment shall be located within 100 feet of any zoning lot in a residential, apartment, or apartment mixed-use district; and
  - (b) If a major repair establishment is within 300 feet of any zoning lot in a residential, apartment, or apartment mixed-use district, there shall be no major repair work performed or external activities of any kind conducted between the hours of 10:00 p.m. and 7:00 a.m.
- (1990 Code, Ch. 21, Art. 5, § 21-5.510A) (Added by Ord. 10-19)

**§ 21-5.520 Resource extraction.**

- (a) Blasting operations shall be restricted to Mondays through Fridays between 8:00 a.m. and 5:00 p.m.
- (b) The plan to be submitted with the application for a conditional use permit shall include a plan for development of the property which shall consist of two phases: the exploitation phase and the reuse phase.
  - (1) The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within 300 feet, and shall include topographic surveys and other materials indicating existing conditions (including drainage) and the conditions (including topography, drainage, and soils) which shall exist at the end of the exploitation phase. Contour intervals for topography shall be 5 feet in areas where slope is greater than 10 percent, 2 feet in areas where slope is 10 percent or less.
  - (2) The plan for the reuse phase shall indicate how the property is to be left in a form suitable for reuse for purposes permissible in the district, relating such reuses to uses existing or proposed for surrounding properties. Among items to be included in the plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil (including measures to be taken to replace topsoil or establish vegetation in excavated areas) to make the property suitable for the proposed reuse, 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 shall not be allowed, except in areas included in flood hazard districts and if situated more than 1,000 feet from the nearest residential, apartment, apartment mixed-use, or resort zoning district boundary.

(1990 Code, Ch. 21, Art. 5, § 21-5.520) (Added by Ord. 99-12)

**§ 21-5.530 Retail, accessory.**

Retailing of products shall be limited to those which are manufactured or processed on the premises, except as otherwise specified under principal uses.

(1990 Code, Ch. 21, Art. 5, § 21-5.530) (Added by Ord. 99-12)

**§ 21-5.540 Roadside stand, accessory.**

No more than one roadside stand as an accessory to agricultural production on the same premises shall be permitted; provided that no stand shall exceed 500 square feet in floor area.

(1990 Code, Ch. 21, Art. 5, § 21-5.540) (Added by Ord. 99-12)

**§ 21-5.550 Roomers, accessory.**

Accessory roomers shall be limited to a maximum of three; provided that the dwelling is also occupied by a family composed of persons related by blood, marriage, or adoption, and is not used as a group living facility.

(1990 Code, Ch. 21, Art. 5, § 21-5.550) (Added by Ord. 99-12)

**§ 21-5.560 Sale and service of machinery used in agricultural production.**

In the agricultural zoning districts, the following standards shall apply:

- (a) No such facility shall be located within 300 feet of any residential, apartment, or apartment mixed-use district; and
  - (b) Building area shall not exceed 25 percent of lot area.
- (1990 Code, Ch. 21, Art. 5, § 21-5.560) (Added by Ord. 99-12)

**§ 21-5.570 Salvage, scrap and junk storage and processing.**

No salvage, scrap, and junk storage and processing operations shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet.

(1990 Code, Ch. 21, Art. 5, § 21-5.570) (Added by Ord. 99-12)

**§ 21-5.580 Sawmills.**

All sawmills shall be set back a minimum of 300 feet from any adjoining residential, apartment, or apartment mixed-use district.

(1990 Code, Ch. 21, Art. 5, § 21-5.580) (Added by Ord. 99-12)

**§ 21-5.590 Schools—Elementary, intermediate, and high.**

In the AG-2, country, residential, apartment, and apartment mixed-use zoning districts, the following standards shall apply:

- (a) All structures shall be set back a minimum of 20 feet from all adjoining lots in country, residential, apartment, or apartment mixed-use districts. This requirement may be waived by the director if topography or landscaping makes such a buffer unnecessary;
- (b) The minimum lot size shall be 20,000 square feet;
- (c) Schools with a design capacity in excess of 25 students shall provide an off-street drop-off area, with a minimum capacity equivalent to four standard-sized parking spaces. This number may be increased by the director as the design capacity of the school increases;

- (d) Schools with a design capacity in excess of 50 students shall provide at least one bus bay. This number may be increased by the director as the design capacity of the school increases; and
  - (e) All schools shall be located with access to a street or right-of-way of minimum access width as determined by the appropriate agencies.
- (1990 Code, Ch. 21, Art. 5, § 21-5.590) (Added by Ord. 99-12)

**§ 21-5.600 Schools, language.**

In the country, residential, apartment, apartment mixed-use, and resort zoning districts, the following standard shall apply: all classrooms shall be set back a minimum of 20 feet from all side and rear property lines.

(1990 Code, Ch. 21, Art. 5, § 21-5.600) (Added by Ord. 99-12)

**§ 21-5.610 Self-storage facilities.**

In the B-2 and business mixed-use zoning districts, the following shall apply:

- (a) No public address system or other devices for reproducing or amplifying sound shall be mounted outside any structure on the premises, nor shall any amplified sound be audible beyond any adjacent property line; and
  - (b) No individual storage area shall exceed 3,600 cubic feet in size.
- (1990 Code, Ch. 21, Art. 5, § 21-5.610) (Added by Ord. 99-12)

**§ 21-5.610A Special needs housing for the elderly.**

- (a) District regulations may be modified as follows:
  - (1) An increase of not more than 25 percent in the maximum density permitted in the district;
  - (2) An increase of no more than 25 percent or 30 feet, whichever is less, in the maximum height permitted in the district; and
  - (3) A reduction in off-street parking requirements, but not to below a minimum of one parking stall per four dwelling or lodging units and one guest parking stall per 10 dwelling or lodging units.
- (b) An appropriate instrument restricting the use of the property to special needs housing for the elderly for the life of any structure developed or used on the property for this purpose shall be recorded with the bureau of conveyances or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, as a covenant running with the land. A draft of the instrument shall be submitted with the application for a conditional use permit. The instrument shall be subject to the approval of the director and the corporation counsel. The restriction on use shall be part of the conditions of the permit.

(1990 Code, Ch. 21, Art. 5, § 21-5.610A) (Added by Ord. 01-12)

**§ 21-5.620 Storage and sale of seed, feed, fertilizer and other products essential to agricultural production.**

In the agricultural zoning districts, the following standards shall apply:

- (a) Only products which are clearly incidental to agricultural activities shall be permitted;
  - (b) Maximum building area shall not exceed 25 percent of lot area; and
  - (c) No such facility shall be located within 300 feet of any adjoining residential, apartment, or apartment mixed-use district.
- (1990 Code, Ch. 21, Art. 5, § 21-5.620) (Added by Ord. 99-12)

**§ 21-5.630 Storage yards.**

- (a) There shall be no sale or processing of scrap, salvage, or secondhand material.
  - (b) Yards shall be completely enclosed, except for necessary openings for ingress and egress, by a fence or wall not less than 6 feet in height.
  - (c) Within the I-1 zoning district, if the facility is within 300 feet of a parcel in a residential, apartment, or apartment mixed-use zoning district, equipment startup, including vehicles, shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
  - (d) Within the I-1 zoning district, no facility shall be located within 100 feet of any parcel in a residential, apartment, or apartment mixed-use zoning district.
- (1990 Code, Ch. 21, Art. 5, § 21-5.630) (Added by Ord. 99-12)

**§ 21-5.640 Time sharing units.**

Time sharing units are permitted in the A-2 medium density apartment zoning district provided:

- (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 shall have been rezoned pursuant to the same zone change application as part of a master-planned resort community.
- (1990 Code, Ch. 21, Art. 5, § 21-5.640) (Added by Ord. 99-12; Am. Ord. 19-18)

**§ 21-5.650 Utility installations.**

- (a) *Type B.*
  - (1) All requests for Type B utility installations shall be accompanied by a landscape plan which shall be approved by the director. Special emphasis shall be placed on visual buffering for the installation from adjacent streets and highways.

- (2) Type B utility installations for telecommunications shall provide fencing or other barriers to restrict public access within the area exposed to a power density of 0.1 milliwatt/cm<sup>2</sup> for all associated antennas involving radio frequency or microwave transmissions.
- (3) In residential districts where utility lines are predominantly located underground, antennas shall not exceed the governing height limit.
- (b) *Type A.* When a Type A utility installation involving a transmitting antenna is located in the preservation, agricultural, A-2, A-3, AMX-2, AMX-3, resort, business, business mixed-use, industrial and industrial-commercial mixed-use zoning districts, it shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm<sup>2</sup>.  
(1990 Code, Ch. 21, Art. 5, § 21-5.650) (Added by Ord. 99-12)

**§ 21-5.660 Vacation cabins.**

- (a) Vacation cabins shall not exceed 800 square feet in floor area.
- (b) Vacation cabins shall be permitted only as an accessory use to outdoor recreation facilities.
- (c) The overall density for vacation cabins shall not exceed one vacation cabin per acre of land area.  
(1990 Code, Ch. 21, Art. 5, § 21-5.660) (Added by Ord. 99-12)

**§ 21-5.670 Veterinary establishments.**

In the business, business mixed-use, and IMX-1 zoning districts, veterinary establishments shall be soundproofed and air-conditioned.  
(1990 Code, Ch. 21, Art. 5, § 21-5.670) (Added by Ord. 99-12)

**§ 21-5.680 Waste disposal and processing.**

No waste disposal and processing facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed-use, or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology, or similar considerations, this distance may be reduced; provided that at no time shall the distance be less than 500 feet.  
(1990 Code, Ch. 21, Art. 5, § 21-5.680) (Added by Ord. 99-12)

**§ 21-5.690 Wholesaling and distribution outlets.**

In the B-2 and BMX-3 zoning districts, the following standards shall apply:

- (1) No more than 2,000 square feet of floor area shall be used for wares to be sold at wholesale or to be distributed; and

(2) No vehicle rated at more than 1.5 ton capacity shall be used.  
(1990 Code, Ch. 21, Art. 5, § 21-5.690) (Added by Ord. 99-12)

**§ 21-5.700 Wind machines.**

- (a) All horizontal-axis wind machines and ground-mounted vertical-axis wind machines must be set back from all property lines a minimum distance equal to the height of the system. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the wind machine. Section 21-4.60(c)(7) notwithstanding, for rooftop mounted vertical-axis wind machines, the machinery must be set back pursuant to the height setbacks enumerated in Articles 3 and 9 for the underlying zoning district or special district precinct.
- (b) In residential zoning districts, in addition to the above, the following apply:
  - (1) For any ground-mounted wind machine, the tower climbing apparatus and blade tips of the wind machine cannot be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and cannot be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence;
  - (2) A public safety sign must be posted at the base of the tower warning of high voltage and dangerous moving blades;
  - (3) The system base and rotor blade must be a minimum of 15 feet from any overhead electrical transmission or distribution lines;
  - (4) Anchor points for guy wires for any wind machine must be located within property lines and not on or across any overhead electrical transmission or distribution lines. Guy wires must be equipped with devices that will, in a safe manner, prevent them from being climbed and must be securely fastened;
  - (5) The applicant shall provide manufacturer's specifications that certify the safety of the machine; provided that the appropriate equipment, structures, and devices were used and proper installation procedures followed, as outlined in the manufacturer's manual;
  - (6) The wind machine must be operated so that no disruptive electromagnetic interference is caused. If the director determines that the system is causing harmful interference, the operator shall promptly mitigate the interference;
  - (7) The system must be kept in good repair and operating condition at all times; and
  - (8) The system will be restricted to a rated capacity of no more than 15 kilowatts.
- (c) In the agricultural and country zoning districts, accessory wind machines must have a rated capacity of no more than 100 kilowatts. Wind machines with a rated capacity of more than 100 kilowatts are not accessory to other uses and require a conditional use permit (major).
- (d) In the business zoning districts, wind machines may have a rated capacity of no more than 15 kilowatts.



- (e) In all zoning districts, a wind machine will be deemed abandoned if not in continuous use for at least one year. Upon determination by the director that a wind machine has been abandoned, the structure must be dismantled and removed within 30 days after written notice thereof.  
(1990 Code, Ch. 21, Art. 5, § 21-5.700) (Added by Ord. 99-12; Am. Ords. 10-19, 17-40, 17-46)

**§ 21-5.710 Zoos.**

- (a) All zoo structures and activity areas shall be set back a minimum of 300 feet from all adjoining country, residential, apartment, or apartment mixed-use districts.
- (b) All zoos must be surrounded by a fence or wall 6 feet in height, which shall be set back a minimum of 10 feet from all property lines.
- (c) Any application for a zoo shall be accompanied by a landscape plan for the area outside the wall required in subsection (b) and shall be subject to the approval of the director.  
(1990 Code, Ch. 21, Art. 5, § 21-5.710) (Added by Ord. 99-12)

**§ 21-5.720 Accessory dwelling units.**

- (a) The purpose of this section is to encourage and accommodate the construction of accessory dwelling units to increase the number of affordable rental units, without substantially altering existing neighborhood character, to alleviate the housing shortage in the city.
- (b) It is intended that accessory dwelling units only be allowed in areas where wastewater, water supply, and transportation facilities are adequate to support the additional dwelling units.
- (c) One accessory dwelling unit may be located on a zoning lot in the country, R-3.5, R-5, R-7.5, R-10, and R-20 zoning districts, subject to the following conditions.

- (1) The maximum size of an accessory dwelling unit is as follows:

<i>Lot Area</i>	<i>Maximum Floor Area</i>
3,500 to 4,999 sq. ft.	400 sq. ft.
5,000 sq. ft. or more	800 sq. ft.

- (2) Accessory dwelling units are not permitted:

- (A) On zoning lots with a lot area of less than 3,500 square feet;
- (B) On zoning lots that have more than one dwelling unit, including but not necessarily limited to more than one single-family dwelling, two-family dwelling, accessory authorized ohana dwelling, guest house, multi-family dwellings, planned development housing, cluster housing, or group living facility; or

- (C) On lots that are landlocked.
- (3) The property owner, or persons related by blood, marriage, or adoption to the property owner, or a designated authorized representative, shall occupy the primary dwelling unit or the accessory dwelling unit; except in unforeseen hardship circumstances (e.g., active military deployment, serious illness) that prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit, subject to confirmation by the director.
- (4) One off-street parking space per accessory dwelling unit must be provided in addition to the required off-street parking for the primary dwelling unit, except for accessory dwelling units located within 0.5 mile of a rail transit station. For purposes of this section, the minimum distance requirement is measured as the shortest straight line distance between the edge of the station area and the zoning lot lines of the project site.
- (5) The owner of the zoning lot shall record covenants running with the land with the State of Hawaii bureau of conveyances, or the office of the assistant registrar of the land court of the State of Hawaii, or both, as is appropriate, stating that:
  - (A) Neither the owner, nor the heirs, successors, or assigns of the owner, will submit the zoning lot or any portion thereof to a condominium property regime pursuant to the State of Hawaii Condominium Property Act to separate the ownership of an accessory dwelling unit from the ownership of its primary dwelling unit;
  - (B) The property owner, or persons related by blood, marriage, or adoption to the property owner, or a designated authorized representative, shall occupy the primary dwelling unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied; except in cases of unforeseen hardship circumstances (e.g., active military deployment, serious illness) that prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit, subject to confirmation by the director. For purposes of this section, "designated authorized representative" means the person designated by the property owner to the department as being responsible for managing the property;
  - (C) The accessory dwelling unit may only be used for long-term rental or otherwise occupied for periods of at least six months, and must not be used as a bed and breakfast home or transient vacation unit;
  - (D) If the property owner, or persons who are related by blood, marriage, or adoption to the property owner, or a designated authorized representative, choose to receive rent for the primary dwelling unit and occupy the accessory dwelling unit, the primary dwelling unit may only be used for long-term rental or otherwise occupied for a minimum period of six months, and must not be used as a bed and breakfast home or transient vacation unit;
  - (E) The accessory dwelling unit is limited to the approved size in accordance with the provisions of this chapter; and
  - (F) The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors, and assigns of the owner.

The covenant must be recorded in a form approved or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign to abide by such a covenant will be deemed a violation of this chapter and will be grounds for enforcement by the director pursuant to §§ 21-2.150 et seq.

- (6) All other provisions applicable to the zoning district apply.
- (7) All rentals of an accessory dwelling unit, or of the primary dwelling unit if the property owner, or persons who are related by blood, marriage, or adoption to the property owner, or a designated authorized representative, choose to receive rent for the primary dwelling unit and occupy the accessory dwelling unit, must be evidenced by a written rental agreement signed by the owner and the tenant for a lease period of at least six months; provided that after the initial lease period is concluded, the owner may allow the same tenant to continue renting the accessory dwelling unit on a consecutive month-to-month basis.
- (d) At the time of application, the applicant shall first obtain written confirmation from the responsible agencies that wastewater treatment and disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.
- (e) An accessory dwelling unit may be created by building a new structure (attached or detached from the primary dwelling unit) or through conversion of a legally established structure (attached to or detached from the primary dwelling unit), attic, or basement, subject to meeting all pertaining zoning requirements.
- (f) The owner of a structure constructed without a building permit before September 14, 2015\*, who wants to convert that structure to an accessory dwelling unit shall obtain an after-the-fact building permit. In addition to fulfilling the base requirements of the after-the-fact permit, any adjustments to the structure must conform with this section and any additional adopted policies and rules.
- (g) The department of planning and permitting must be notified upon removal of an accessory dwelling unit.
- (h) *Prima facie evidence.* If an accessory dwelling unit is advertised as a bed and breakfast home or transient vacation unit, the existence of such advertisement will be prima facie evidence of the following:
  - (1) That the owner of the advertised unit disseminated or directed the dissemination of the advertisement in that form and manner; and
  - (2) That a bed and breakfast home or transient vacation unit, as applicable, is being operated at the location advertised.

The burden of proof is on the owner to establish otherwise with respect to the advertisement and that the subject property either is not being used as a bed and breakfast or transient vacation unit, or that it is being used legally for such purpose.

(1990 Code, Ch. 21, Art. 5, § 21-5.720) (Added by Ord. 15-41; Am. Ord. 20-6)

***Editor's note:***

\* "September 14, 2015" is substituted for "the effective date of this article."

**§ 21-5.730 Bed and breakfast homes and transient vacation units.**

- (a) Bed and breakfast homes and transient vacation units are permitted in the A-1 low-density apartment zoning district and A-2 medium-density apartment zoning district; provided that:
  - (1) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and
  - (2) The resort district and the A-1 or A-2 district, as applicable, were rezoned pursuant to the same zone change application as part of a master-planned resort community.
- (b) In all zoning districts where bed and breakfast homes are permitted, except for the resort district, resort mixed use precinct of the Waikiki special district, and the A-1 low-density apartment district and A-2 medium-density apartment district pursuant to subsection (a), and except as otherwise provided in subdivision (6), the following standards and requirements apply:
  - (1) The owner or operator of a bed and breakfast home, including for purposes of this subdivision the trustee of a revocable trust that owns the subject property, shall register the bed and breakfast home with the department and shall submit the following in the initial application for registration:
    - (A) Affirmation that the applicant of the bed and breakfast home is a natural person;
    - (B) Affirmation that the applicant does not hold a registration for or operate more than one bed and breakfast home or transient vacation unit in the city at one time;
    - (C) A valid current State of Hawaii general excise tax license and transient accommodations tax license for the subject property;
    - (D) 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;
    - (E) An initial fee of \$1,000 for the bed and breakfast home;
    - (F) Evidence that the use as a bed and breakfast home is covered by an insurance carrier for the subject property;
    - (G) Confirmation that the bed and breakfast home is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;
    - (H) An affidavit, signed by the owner, indicating that the owner does not own an interest in any other bed and breakfast home or transient vacation unit in the city;
    - (I) A floor plan showing the location of guest rooms for a bed and breakfast home;

- (J) For bed and breakfast homes located in the AG-2 general agricultural district, evidence that the portion of the subject property that is not being used as a farm dwelling pursuant to § 21-5.250, is currently dedicated for a specific agricultural use pursuant to § 8-7.3; and
- (K) Evidence that a dwelling unit proposed for use as a bed and breakfast home:
  - (i) Is not an affordable unit subject to income restrictions;
  - (ii) Did not receive housing or rental assistance subsidies; and
  - (iii) Was not subject to an eviction within the last 12 months.
- (2) *Registration renewal requirements.* Annually, by August 30, the owner or operator of a bed and breakfast home, including for purposes of this subdivision the trustee of a revocable trust that owns the subject property, shall submit to the department:
  - (A) Affirmation that the applicant for the bed and breakfast home is a natural person;
  - (B) Affirmation that the applicant does not hold a registration for or operate more than one bed and breakfast home or transient vacation unit in the city at one time;
  - (C) Evidence of having paid State of Hawaii general excise taxes and transient accommodations taxes for the subject property;
  - (D) Evidence of a real property tax home exemption for the subject property;
  - (E) A renewal fee of \$2,000 for the bed and breakfast home;
  - (F) Evidence that the use as a bed and breakfast home is covered by an insurance carrier for the property;
  - (G) Confirmation that the bed and breakfast home is permitted by any applicable homeowners association, apartment owners association, or condominium property regime articles, by-laws, and house rules;
  - (H) An affidavit, signed by the owner, indicating that the owner does not own an interest in any other bed and breakfast home or transient vacation unit in the city; and
  - (I) For bed and breakfast homes located in the AG-2 general agricultural district, evidence that the portion of the subject property that is not being used as a farm dwelling pursuant to § 21-5.250, is currently dedicated for a specific agricultural use pursuant to § 8-7.3.

The renewal of a registration for a bed and breakfast home will be granted upon receipt of an application meeting all requirements set forth in this section; provided that if 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 is located, or where other good cause exists, the director may deny the renewal application.

- (3) *Restrictions and standards.* Bed and breakfast homes must operate in accordance with the following restrictions and standards:
- (A) Dwelling units in detached dwellings used as bed and breakfast homes must be occupied by a family, and renters of any room in the detached dwelling other than the bed and breakfast home guests are not permitted;
  - (B) No more than two guest rooms in a bed and breakfast home may be rented to guests, and a maximum of four guests are permitted within the bed and breakfast home at any one time;
  - (C) Functioning smoke and carbon monoxide detectors must be installed in each bedroom;
  - (D) House rules, including quiet hours between 10:00 p.m. and 8:00 a.m., and emergency contact information for the owner or operator must be provided to all guests and posted in conspicuous locations;
  - (E) When any guest room in a bed and breakfast home is being rented to guests, the owner or operator shall remain on the premises during quiet hours;
  - (F) The owner or operator shall maintain a current two-year registry setting forth the names and telephone numbers of all guests and the dates of their respective stays;
  - (G) No exterior signage that shows the dwelling unit is used as a bed and breakfast home is allowed;
  - (H) Registration as a bed and breakfast home is not transferable, and shall not run with the land;
  - (I) *Development plan area density limit.* Excluding bed and breakfast homes and transient vacation units in the resort district, resort mixed use precinct of the Waikiki special district, and the A-1 low-density apartment district and A-2 medium-density apartment district pursuant to subsection (a), where there is no limit on the number of bed and breakfast homes and transient vacation units allowed, the number of bed and breakfast homes and transient vacation units permitted in each development plan area is limited to no more than 0.005 percent of the total number of dwelling units in that development plan area. The total number of dwelling units in a development plan area will be based on the latest figures from the U.S. Census data. Where the initial number of bed and breakfast home applications for a development plan area exceeds the 0.005 percent limitation, acceptance of applications will be selected on a lottery basis. When renewal applications fall below the 0.005 percent limitation, new applications will be accepted on a lottery basis. The director shall adopt rules pursuant to HRS Chapter 91 to implement and administer the lottery;
  - (J) *Multifamily dwelling density limit.* Excluding multifamily dwellings in the resort district, resort mixed use precinct of the Waikiki special district, and the A-1 low-density apartment district and A-2 medium-density apartment district pursuant to subsection (a), unless otherwise specified in apartment bylaws, covenants, or correspondence from a homeowners association, apartment owners association, or condominium property regime, the total number of bed and breakfast homes and transient vacation units must not exceed 50 percent of the total dwelling units in a multifamily dwelling;

- (K) If a bed and breakfast home is located in the AG-2 general agricultural district, the portion of the subject property that is not being used as a farm dwelling pursuant to § 21-5.250, must be currently dedicated for a specific agricultural use pursuant to § 8-7.3;
- (L) A bed and breakfast home must not be located within a 1,000-foot radius of another bed and breakfast home or a transient vacation unit; provided that this spacing requirement:
  - (i) Does not apply as between (1) bed and breakfast homes and transient vacation units in the resort district, resort mixed use precinct of the Waikiki special district, or the A-1 low-density apartment district or A-2 medium-density apartment district pursuant to subsection (a), and (2) bed and breakfast homes located outside of those zoning districts and precincts; and
  - (ii) Does not preclude the continued operation of bed and breakfast homes operating under valid nonconforming use certificates pursuant to § 21-4.110-2; and
- (M) The owner or operator shall provide occupants of dwelling units within 250 feet of the dwelling unit used as a bed and breakfast home with a phone number that must be answered 24 hours a day, to call in complaints regarding the bed and breakfast home. The owner or operator shall keep a log of all complaints received during the applicable registration period, and submit the log with each registration renewal application, and at any other time upon the request of the director. The log must include the name, phone number, and address of the complainant, date of the complaint, date the complaint was resolved, and how the complaint was resolved.
- (4) Upon reasonable notice, any bed and breakfast home must be made available for inspection by the department.
- (5) 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.
- (6) This subsection does not apply to bed and breakfast homes operating under valid nonconforming use certificates pursuant to § 21-4.110-2.
- (7) The director may revoke a registration at any time under the following circumstances:
  - (A) Recurring violations of the standards and requirements for bed and breakfast homes in § 21-5.730(b);
  - (B) 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 is located; or
  - (C) The director determines that good cause exists for revocation of the registration.
- (c) *Advertisements.*
  - (1) *Definitions.* For the purposes of this subsection, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Advertisement.** Any form of communication, promotion, or solicitation, including but not limited to electronic media, direct mail, newspapers, magazines, flyers, handbills, television commercials, radio commercials, signage, e-mail, internet websites, text messages, verbal communications, or similar displays, intended or used to induce, encourage, or persuade the public to enter into a contract for the use or occupancy of a bed and breakfast home or transient vacation unit.

**Person.** A judicial person or a natural person, and includes businesses, companies, associations, non-profit organizations, firms, partnerships, corporations, limited liability companies, and individuals.

(2) *Prohibition.* Advertisements for all bed and breakfast homes and transient vacation units are subject to this subsection.

(A) 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:

- (i) A current registration number obtained pursuant to this section, or nonconforming use certificate number obtained pursuant to § 21-4.110-1 or § 21-4.110-2; or
- (ii) For bed and breakfast homes or transient vacation units located in the resort district, apartment precinct or resort mixed use precinct of the Waikiki special district, or in the A-1 low-density apartment district or A-2 medium-density apartment district pursuant to subsection (a), the street address, including, if applicable, any apartment unit number, for that bed and breakfast home or transient vacation unit.

(B) Within seven days after receipt of a notice of violation, the owner or operator of a bed and breakfast home or a transient vacation unit shall remove, or cause the removal of, the advertisement identified in the notice, including, without limitation, any advertisement made through a hosting platform. If the advertisement is not removed within seven days after receipt of the notice of violation, a fine of not less than \$1,000 and not more than \$10,000 per day will be levied against the owner or operator associated with the bed and breakfast home or transient vacation unit, for each day the advertisement is on public display beyond seven days from the date the notice of violation is received.

(C) The existence of an advertisement 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.

(3) *Exemptions.* The following are exempt from this subsection:

- (A) Legally established hotels, whether owned by one person, or owned individually as unit owners but operating as a hotel as defined in Chapter 21, Article 10;
- (B) Legally established time-sharing units, as provided in § 21-5.640; and
- (C) Legally established dwelling units that are rented for periods of 30 consecutive days or more at any one time.



(d) *Unpermitted bed and breakfast homes or unpermitted transient vacation units.*

- (1) *Definitions.* For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Unpermitted Bed and Breakfast Home.*** A bed and breakfast home that is not:

- (A) Located in the resort district, resort mixed use precinct of the Waikiki special district, or A-1 low-density apartment district or A-2 medium-density apartment district pursuant to subsection (a);
- (B) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-2; or
- (C) Validly registered under this section.

***Unpermitted Transient Vacation Unit.*** A transient vacation unit that is not:

- (A) Located in the resort district, resort mixed use precinct of the Waikiki special district, or A-1 low-density apartment district or A-2 medium-density apartment district pursuant to subsection (a); or
  - (B) Operating under a valid nonconforming use certificate pursuant to § 21-4.110-1.
- (2) 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:
- (A) Rent, offer to rent, or enter into a rental agreement to rent an unpermitted bed and breakfast home or unpermitted transient vacation unit for fewer than 30 consecutive days;
  - (B) 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;
  - (C) Set aside or exclusively reserve an unpermitted bed and breakfast home or unpermitted transient vacation unit for rental or occupancy for a period of 30 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
  - (D) 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 30 consecutive days.

- (e) Any person may submit a written complaint to the director reporting a violation of the provisions of this section regarding bed and breakfast homes and transient vacation units.

(1) A complaint reporting a suspected violation of the provisions of this section must:

- (A) Identify the address of the bed and breakfast home or transient vacation unit that is the subject of the suspected violation;
- (B) State all of the facts that cause the complainant to believe that a violation has occurred;
- (C) Identify the provisions of this section that the complainant believes are being violated; and
- (D) Provide the complainant's address where the director may mail a response to the complaint.

(2) Within 30 days after receiving a written complaint reporting a violation of this section, the director must provide a written response to the complainant either:

- (A) Declining jurisdiction over the complaint, in which case the complainant may pursue judicial relief pursuant to HRS § 46-4(b);
- (B) Entering a finding of no violation, that will be appealable to the zoning board of appeals pursuant to Charter § 6-1516; or

(C) Advising the complainant that the director has initiated an investigation of the complaint.

(Added by Ord. 19-18)

## ARTICLE 6: OFF-STREET PARKING AND LOADING

### Sections

21-6.10	Off-street parking and loading—Intent
21-6.20	Off-street parking requirements
21-6.30	Method of determining number
21-6.40	Arrangement of parking spaces
21-6.50	Minimum dimensions
21-6.60	Improvement of off-street parking spaces, parking lots, and driveways
21-6.70	Parking spaces and required yards
21-6.80	Mechanical parking and storage garages
21-6.90	Required parking spaces located off premises
21-6.100	Off-street loading requirements
21-6.110	Method of determining number
21-6.120	Dimensions of loading spaces
21-6.130	Location and improvement of loading spaces
21-6.140	Exceptions to off-street parking and loading requirements
21-6-150	Bicycle parking

### **§ 21-6.10 Off-street parking and loading—Intent.**

- (a) Parking and loading standards are intended to minimize street congestion and traffic hazards, and to provide safe and convenient access to residences, businesses, public services, and places of public assembly. Parking standards are not intended to satisfy maximum parking demand.
  - (b) Off-street parking and loading spaces shall be provided in such numbers, at such locations and with such improvements as required by this article.
- (1990 Code, Ch. 21, Art. 6, § 21-6.10) (Added by Ord. 99-12)

### **§ 21-6.20 Off-street parking requirements.**

Except as otherwise provided in this chapter, the minimum number of required off-street parking spaces shall be as shown on Tables 21-6.1, 21-6.2, and 21-6.3 which follow. When there is a change in use, the number of off-street parking spaces shown on Tables 21-6.1, 21-6.2, and 21-6.3 for the new use shall be provided, except as provided under § 21-4.110(e) relating to nonconforming parking and loading.

(1990 Code, Ch. 21, Art. 6, § 21-6.20) (Added by Ord. 99-12)

**§ 21-6.30 Method of determining number.**

- (a) To determine the required number of off-street parking spaces, floor area shall be as defined in Article 10; provided that for the purposes of this section, basement floor area shall be included as floor area for parking purposes when it is devoted to uses having a parking requirement specified in Tables 21-6.1, 21-6.2, and 21-6.3.
- (b) When computation of the total required parking spaces for a zoning lot results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of spaces required shall be the next highest whole number.
- (c) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.
- (d) All required parking spaces must be standard-sized parking spaces, except that duplex units, detached dwellings, and multi-family dwellings may have up to 50 percent compact spaces, and accessory dwelling units may have one compact space.
- (e) All spaces, other than for one- and two-family dwellings, shall be individually marked if more than four spaces are required. Compact spaces shall be labeled “compact only.”
- (f) When a building or premises include uses incidental or accessory to a principal use, the total number of spaces shall be determined on the basis of the parking requirements of the principal uses.
- (g) Parking requirements for conversion or development of hotels to condominium ownership other than in the resort district shall be as follows:
  - (1) One parking space per dwelling unit or lodging unit;
  - (2) One parking space per 800 square feet for any accessory uses; and
  - (3) This subsection shall not apply so long as the structure continues in hotel use.

<i>Table 21-6.1</i>	
<i>Off-Street Parking Requirements</i>	
<i>Use<sup>1</sup></i>	<i>Requirement<sup>2</sup></i>
<b>Agriculture</b>	
Agricultural products processing (major or minor); animal products processing; centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets; sale and service of machinery used in agricultural production; sawmills; and storage and sale of seed, feed, fertilizer, other products essential to agricultural production	1 per 1,500 square feet

<i>Table 21-6.1</i>	
<i>Off-Street Parking Requirements</i>	
<i>Use<sup>1</sup></i>	<i>Requirement<sup>2</sup></i>
<b>Animals</b>	
Kennels, commercial	1 per 400 square feet, but no less than 4
<b>Commerce and Business</b>	
Automotive parts and services, boat parts and services, but not storage and repair; automobile sales and rentals, boat sales and rentals; catering establishments; dance or music schools; financial institutions; home improvement centers; laboratories (medical or research); medical clinics; offices, other than herein specified; personal services; photographic processing; photography studios; plant nurseries; retail establishments other than herein specified; veterinary establishments	1 per 400 square feet
Bed and breakfast homes <sup>7</sup>	1 per guest bedroom <sup>8</sup>
Bowling alleys	3 per alley
Business services	1 per 500 square feet
Convenience stores; and sales: food and grocery stores (including neighborhood grocery stores)	1 per 300 square feet
Data processing facilities	1 per 800 square feet
Drive-through facilities (window or machine)	5 stacking spaces
Eating and drinking establishments (including bars, nightclubs, taverns, cabarets, and dance halls)	1 per 300 square feet; provided that the total floor area of all eating and drinking establishments comprises 50% or more of the floor area developed on the zoning lot. Otherwise, 1 per 400 square feet, including outdoor dining areas
Laundromats, cleaners: coin operated	1 per 2 washing machines
Sales: appliance, household and office furniture; machinery; plumbing and heating supply	1 per 900 square feet
Self-storage facilities	1 per 2,000 square feet
Shopping centers <sup>3</sup>	1 per 300 square feet
Skating rinks	1 for each 4 skaters of the rink's maximum capacity or 1 per 1,500 square feet of skating surface, whichever is greater

<i>Table 21-6.1</i>		
<i>Off-Street Parking Requirements</i>		
<i>Use<sup>1</sup></i>	<i>Requirement<sup>2</sup></i>	
<b>Dwellings and Lodgings</b>		
Boarding facilities	2 plus 0.75 per unit	
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but not less than 5	
Dwellings, accessory dwelling unit	1 per accessory dwelling unit or none if the accessory dwelling unit is located within one-half mile of a rail transit station	
Dwellings, detached, duplex, and farm	Excluding carport or garage areas: 2 per unit up to 3,249 square feet 3 per unit from 3,250 to 3,999 square feet 4 per unit from 4,000 to 4,749 square feet 1 additional for each 750 square feet over 4,000 square feet.	
Dwellings, multi-family	<i>Floor Area of Dwelling or Lodging Units</i>	<i>Required Parking per Unit</i>
	600 sq. ft. or less	1
	More than 600 but less than 800 sq. ft.	1.5
	800 sq. ft. and over	2
	Plus 1 guest parking stall per 10 units for all projects	
Hotels: dwelling units	1 per unit	
Hotels: lodging units	0.75 per unit	
<b>Industrial</b>		
Food manufacturing and processing; freight movers; heavy equipment sales and rentals; linen suppliers; manufacturing, processing and packaging (light or general); maritime-related sales, construction, maintenance, and repairing; motion picture and television studios; petroleum processing; port facilities; publishing plants for newspapers, books, and magazines; salvage, scrap, and junk storage and processing; storage yards; warehousing; waste disposal and processing; wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination	1 per 1,500 square feet	

<i>Table 21-6.1</i>	
<i>Off-Street Parking Requirements</i>	
<i>Use<sup>1</sup></i>	<i>Requirement<sup>2</sup></i>
Repair establishments, major	1 per 300 square feet
Repair establishments, minor	1 per 500 square feet
Wholesaling and distribution	1 per 1,000 square feet
<b>Outdoor Recreation</b>	
Boat launching ramps	10 per launching ramp
Golf driving ranges	2 per tee stall
Marinas	1 per 2 moorage stalls
Recreation facilities, outdoor and indoor, involving swimming pools and sports played on courts	1 per 200 square feet of seating area, plus 3 per court, e.g., racquetball, tennis, or similar court, and 12 per outdoor playfield
<b>Social and Civic Service</b>	
Art galleries, museums and libraries	1 per 400 square feet
Auditoriums, funeral homes/mortuaries, meeting facilities, gymnasiums, sports arenas, theaters	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Day-care facilities	1 per 350 square feet of classroom area, meeting area, or gathering space, plus 1 per 400 square feet of office floor space
Schools: elementary and intermediate	1 per 400 square feet of classroom area, plus 1 per 400 square feet of office floor space
Schools: high, language, vocational, business, technical, and trade; business colleges	1 per 200 square feet of high school, language school, business school, or business college classroom area; 1 per 500 square feet of vocational, technical, or trade school classroom area; plus 1 per 400 square feet of office floor space
<b>Transportation and Parking</b>	
Automobile service stations	3 per repair stall
Car washing, mechanized	10 standing spaces for waiting vehicles for each car wash rack
<b>Utilities and Communications</b>	
Broadcasting stations	1 per 400 square feet

<i>Table 21-6.1</i>	
<i>Off-Street Parking Requirements</i>	
<i>Use<sup>1</sup></i>	<i>Requirement<sup>2</sup></i>
<b>Parking to Be Determined by the Director</b>	As determined by the director
<b>Agriculture</b> - aquaculture; composting (major or minor); crop production; forestry; roadside stands	
<b>Animals</b> - game preserves; livestock grazing; livestock production (major or minor); livestock veterinary services; zoos	
<b>Commerce and business</b> - amusement and recreation facilities, indoor and outdoor; home occupations; plant nurseries; trade or convention centers	
<b>Dwellings and lodgings</b> - group living facilities	
<b>Industrial</b> - base yards; explosive and toxic chemical manufacturing, storage and distribution; resource extraction	
<b>Outdoor recreation</b> - amusement facilities, outdoor (motorized and not motorized); botanical gardens; golf courses; recreation facilities, outdoor and indoor, other than as herein specified; marina facilities	
<b>Social and civic service</b> - cemeteries and columbaria; hospitals; prisons; public uses and structures; universities and colleges	
<b>Transportation and parking</b> - airports; heliports; helistops; truck terminals	
<b>Utilities and communications</b> - broadcasting antennas; receive-only antennas; utility installations (Type A or B); wind machines	
<b>Miscellaneous</b> - All other uses not herein specified	

(Added by Ord. 99-12; Am. Ords. 10-19, 15-41, 19-3, 19-18)



<i>Table 21-6.2</i>	
<i>Off-Street Parking Requirements</i>	
<i>BMX-4 Central Business Mixed-Use</i>	
<i>Use<sup>4</sup></i>	<i>Requirement<sup>5</sup></i>
Amusement and recreation facilities, indoor, other than herein specified	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Auditoriums	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Automotive equipment and boat sales and service	1 per 1,200 square feet
Bowling alleys	1 per alley
Business services	1 per 500 square feet
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but no less than 5
Dwellings, multi-family	1 per dwelling unit
Eating and drinking establishments	1 per 300 square feet of dining area over 1,500 square feet, plus 1 per 400 square feet of kitchen and other areas
Financial institutions	1 per 600 square feet over 4,000 square feet
Hotels	1 per 4 units
Kennels (other than as an accessory use)	1 per 600 square feet over 4,000 square feet
Medical clinics	1 per 600 square feet over 4,000 square feet
Medical laboratories	1 per 600 square feet over 4,000 square feet
Meeting facilities	1 per 300 square feet, or 1 per 10 fixed seats, whichever is greater
Offices, other than herein specified	1 per 600 square feet over 4,000 square feet
Personal services, other than herein specified	1 per 600 square feet over 4,000 square feet
Repair establishments, minor	1 per 600 square feet over 4,000 square feet
Retail, other than herein specified	1 per 600 square feet over 4,000 square feet
Sales: appliance, household and office furniture	1 per 1,200 square feet
Sales: machinery	1 per 1,200 square feet
Self-storage facilities	1 per 2,000 square feet

(Added by Ord. 99-12)

<i>Table 21-6.3</i>	
<i>Off-Street Parking Requirements</i>	
<i>Waikiki Special District</i>	
<i>Use<sup>6</sup></i>	<i>Requirement<sup>5</sup></i>
Art galleries, museums, libraries	1 per 300 square feet or fraction thereof in excess of 1,000 square feet, but no less than 10
Day-care facilities	1 per 10 enrollment capacity
Dwellings, detached, duplex, and multi-family	1 per dwelling or lodging unit
Group living facilities	1 per 4 patient beds
Hotels	0.25 per dwelling or lodging unit
Meeting facilities	1 per 10 seats, or where the number of seats cannot be reliably estimated or determined, at least 1 space per 200 square feet
Schools: elementary and intermediate	1 per 15 seats in the main auditorium
Schools: high	1 per 5 seats in the main auditorium or 5 spaces per classroom, whichever is greater
All other permitted uses except in the public precinct	1 per 800 square feet
All permitted uses in the public precinct	With respect to projects requiring a major special district permit, as determined by the council by resolution as appropriate for the particular use and its location; with respect to all other projects, as determined by the director as appropriate for the particular use and its location

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

<b>Notes to Tables 21-6.1, 21-6.2, and 21-6.3:</b>	
<sup>1</sup>	Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements.
<sup>2</sup>	All references to square feet refer to floor area.
<sup>3</sup>	Parking standards for individual uses shall prevail if they are not part of a commercial use that meets the definition of “shopping center”.
<sup>4</sup>	Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the BMX-4 district.
<sup>5</sup>	All references to square feet refer to floor area.
<sup>6</sup>	Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements for the Waikiki special district.

**Notes to Tables 21-6.1, 21-6.2, and 21-6.3:**

- |   |   |
|---|---|
| 7 | Excluding bed and breakfast homes in the resort district, resort mixed use precinct of the Waikiki special district, the A-1 low-density apartment district and A-2 medium-density apartment district pursuant to § 21-5.730(a), and bed and breakfast homes operating under valid nonconforming use certificates pursuant to § 21-4.110-2. |
| 8 | This requirement is in addition to the off-street parking requirement applicable to the dwelling unit being used as a bed and breakfast home.   |

(1990 Code, Ch. 21, Art. 6, § 21-6.30) (Added by Ord. 99-12; Am. Ords. 03-38, 10-19, 15-41, 19-18)

**§ 21-6.40 Arrangement of parking spaces.**

- (a) Except for landscaping elements as provided under § 21-4.70(b), all spaces shall be unobstructed; provided that building columns may extend a maximum total of 6 inches into the sides of the parking space. A wall is not considered a building column.
- (b) Where four or more parking spaces are required, other than for one-family and two-family dwellings, the parking lot or area shall be designed or arranged in a manner 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.
- (c) All 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 these instances:
  - (1) Where two or more parking spaces are assigned to a single dwelling unit or a parking space is assigned to an accessory dwelling unit; provided that for one-family or two-family detached dwellings or duplexes, if three or more off-street parking spaces are required, tandem parking is limited to a configuration where if stacked parking does exist that only one car needs to be moved to allow the car that is blocked to exit the property;
  - (2) For use as employee parking, except that at no time can the number of parking spaces allocated for employees exceed 25 percent of the total number of required spaces. Also, for employee parking, tandem parking is limited to a configuration of two stacked parking spaces;
  - (3) 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; and
  - (4) For public assembly facilities and temporary events when user arrivals and departures are simultaneous and parking is attendant directed.

(1990 Code, Ch. 21, Art. 6, § 21-6.40) (Added by Ord. 99-12; Am. Ords. 15-41, 19-3)

**§ 21-6.50 Minimum dimensions.**

- (a) Standard-sized automobile parking spaces shall be at least 18 feet in length and 8 feet 3 inches in width, with parallel spaces at least 22 feet in length.

- (b) Compact spaces shall be at least 16 feet in length and 7.5 feet in width, with parallel spaces at least 19 feet in length.
- (c) Parking spaces for boat launching ramps shall have a minimum dimension of 40 feet in length and 12 feet in width.
- (d) Minimum aisle widths for parking bays shall be provided in accordance with the following:

<i>Parking Angle</i>	<i>Aisle Width</i>
0 degrees—44 degrees	12 feet
45 degrees—59 degrees	13.5 feet
60 degrees—69 degrees	18.5 feet
70 degrees—79 degrees	19.5 feet
80 degrees—89 degrees	21 feet
90 degrees	22 feet

Notwithstanding the foregoing, with a parking angle of 90 degrees, the minimum aisle width may be reduced by 1 foot for every 6 inches of additional parking space width above the minimum width of 8 feet 3 inches, to a minimum aisle width of 19 feet.

- (e) Ingress and egress aisles shall be provided to a street and between parking bays, and no driveway leading into a parking area shall be less than 12 feet in width, except that driveways for detached dwellings and duplex units shall be no less than 10 feet in width.
- (1990 Code, Ch. 21, Art. 6, § 21-6.50) (Added by Ord. 99-12)

**§ 21-6.60 Improvement of off-street parking spaces, parking lots, and driveways.**

- (a) All off-street parking spaces, parking lots, and driveways shall be provided and maintained with an all-weather surface except in preservation, agriculture, and country districts where parking lots and driveways may be surfaced with crushed rock or limestone, or as determined by the director under Article 2.
  - (b) Parking lots or areas, if illuminated, shall be shielded to prevent any direct illumination toward any zoning lot within a country, residential, apartment, or apartment mixed-use district.
  - (c) All parking lots shall be landscaped as specified in § 21-4.70.
  - (d) Required off-street parking stalls may be converted to bicycle or motorcycle parking areas of equivalent or larger area.
- (1990 Code, Ch. 21, Art. 6, § 21-6.60) (Added by Ord. 99-12)

**§ 21-6.70 Parking spaces and required yards.**

Parking spaces may overlap 3 feet of required yards, open spaces, or required landscaping, if wheel stops are installed, except in special districts and as may be allowed in Article 3, under optional yard siting provisions. (1990 Code, Ch. 21, Art. 6, § 21-6.70) (Added by Ord. 99-12)

**§ 21-6.80 Mechanical parking and storage garages.**

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

- (a) The director shall determine that adequate waiting and maneuvering space is provided on the zoning lot to minimize on-street traffic congestion; and
  - (b) All mechanical parking systems shall be visually screened by providing a solid wall or facade a minimum of 42 inches in height at each level of the mechanical parking system.
- (1990 Code, Ch. 21, Art. 6, § 21-6.80) (Added by Ord. 99-12)

**§ 21-6.90 Required parking spaces located off premises.**

Off-street parking spaces required for any use may be permitted off the premises as joint use of parking facilities or off-site parking facilities but shall be subject to compliance with Articles 2 and 5. (1990 Code, Ch. 21, Art. 6, § 21-6.90) (Added by Ord. 99-12)

**§ 21-6.100 Off-street loading requirements.**

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

<i>Use or Use Category</i>	<i>Floor Area in Square Feet</i>	<i>Loading Space Requirements</i>
A. Retail stores; eating and drinking establishments; shopping centers; wholesale operations; warehousing; business services; personal services; repair; manufacturing; and self-storage facilities	2,000—10,000	1
	10,001—20,000	2
	20,001—40,000	3
	40,001—60,000	4
	Each additional 50,000 or major fraction thereof	1
B. Hotels, hospitals, or similar institutions, and places of public assembly	5,000—10,000	1
	10,001—50,000	2
	50,001—100,000	3
	Each additional 100,000 or major fraction thereof	1

<i>Use or Use Category</i>	<i>Floor Area in Square Feet</i>	<i>Loading Space Requirements</i>
C. Offices or office buildings	20,000—50,000	1
	50,001—100,000	2
	Each additional 100,000 or major fraction thereof	1
D. Multi-family dwellings	<i>Number of Units</i>	
	20—150	1
	151—300	2
	Each additional 200 or major fraction thereof	1

(1990 Code, Ch. 21, Art. 6, § 21-6.100) (Added by Ord. 99-12)

**§ 21-6.110 Method of determining number.**

- (a) To determine the required number of loading spaces, floor area shall be as defined in Article 10, except that when a basement is devoted to a use having a loading requirement, loading spaces shall be required as specified in § 21-6.100.
- (b) When a building is used for more than one use, and the floor area for each use is below the minimum requiring a loading space, and the aggregate floor area of the several uses exceeds the minimum floor area of the use category requiring the greatest number of loading spaces, at least one loading space shall be required.

(1990 Code, Ch. 21, Art. 6, § 21-6.110) (Added by Ord. 99-12)

**§ 21-6.120 Dimensions of loading spaces.**

- (a) When only one loading space is required and total floor area is less than 5,000 square feet, the horizontal dimensions of the space shall be 19 x 8.5 feet. It shall have a vertical clearance of 10 feet.
- (b) When more than one loading space is required or total floor area is more than 5,000 square feet, the minimum horizontal dimension of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least 14 feet. The balance of required spaces may have horizontal dimensions of 19 x 8.5 feet and vertical clearance of at least 10 feet.

- (c) Access to loading spaces shall have the same vertical clearance as required for the loading spaces.

(1990 Code, Ch. 21, Art. 6, § 21-6.120) (Added by Ord. 99-12)

**§ 21-6.130 Location and improvement of loading spaces.**

- (a) No required loading space shall be in any street or alley but shall be provided within the building or adjacent to the building.
- (b) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct illumination toward any country, residential, apartment, or apartment mixed-use districts.
- (c) Each required loading space shall be identified as such and shall be reserved for loading purposes.
- (d) No loading space shall occupy required off-street parking spaces or restrict access.
- (e) All loading spaces and maneuvering areas shall be paved or covered with an all-weather surface.
- (f) Except in front and side yards in agricultural, country, and residential districts, no loading space or maneuvering area shall be located within a required yard, except if the area displaced by the loading space or maneuvering area is provided as open space immediately abutting the required yard, and the design is approved by the director.

(1990 Code, Ch. 21, Art. 6, § 21-6.130) (Added by Ord. 99-12)

**§ 21-6.140 Exceptions to off-street parking and loading requirements.**

- (a) In connection with planned development-housing projects, cluster housing, and conditional use permits, and within special districts, the director may impose special parking and loading requirements.
- (b) All buildings and uses, except multifamily dwellings and hotels, that are located within the boundaries of any improvement district for public off-street vehicular or bicycle parking, and which have been assessed their share of the cost of the improvement district, will be exempt from off-street parking or bicycle parking requirements of this chapter, or both.

(1990 Code, Ch. 21, Art. 6, § 21-6.140) (Added by Ord. 99-12; Am. Ord. 17-55)

**§ 21-6-150 Bicycle parking.**

- (a) In the apartment, apartment mixed use, business, and business mixed use districts, bicycle parking must be provided as follows:

	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Non-Residential Uses	1 space for every 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 for every 12,000 square feet of floor area or portion thereof or 1 space for every 30 vehicle spaces or portion thereof, whichever is greater
Residential Uses	1 space for up to 10 units and thereafter 1 space for every 10 units or portion thereof	1 space for every 2 dwellings or lodging units

provided that no bicycle parking is required for detached single-family and two-family dwellings and duplex dwellings.

- (b) Both short- and long-term bicycle parking must be provided whenever new floor area, a new dwelling unit, or a new parking structure is proposed. Short-term bicycle parking should be located as close as possible to the entrances of the principal uses on a lot so that it is highly visible and easily identifiable. Section 21-4.110(e), regarding nonconforming parking and loading, does not apply to short- and long-term bicycle parking.
- (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 both wheels are left on the bicycle. 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.* Each bicycle parking space must be a minimum of 2 feet in width and 6 feet in length, and must be accessible without moving another bicycle. 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 5 feet.

(Added by Ord. 17-55)



## 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

### § 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; and
  - (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.
- (1990 Code, Ch. 21, Art. 7, § 21-7.10) (Added by Ord. 99-12)

**§ 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 § 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 2 feet; and provided that the lower edge of the sign shall have a vertical clearance of at least 8 feet.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

***Address Signs.*** Signs indicating a street address.

Standard: Not to exceed 1 square foot in area.

***Building Frontage.*** That portion of the principal building of an establishment which faces a street. If the principal buildings are arranged on the lot in such a manner as to face a parking area, 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 the 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.*** Signs that direct attention to a profession, business, commodity, service, entertainment, or activity conducted, sold, or offered on the premises where the sign is located.

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

Standard: No more than one sign per entrance or exit; provided that if the sign includes the name, emblem, or address of an establishment on the premises where the directional sign is located, the identification portion of the sign shall not exceed 1 square foot in sign area.

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

***Flags.*** Weather flags and official flags of government jurisdictions, including flags which are emblems of on-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.** 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, plasma or LED sign, or video or holographic display.

**Garden Sign.** A freestanding sign or a sign attached to the face of a freestanding wall.

Standard: Not to exceed 6 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 6 inches from the face of the wall or exceed 6 feet in height above finished grade.

**Ground Signs.** 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 finished grade.

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

Standard: When extending over walkways, no less than 7.5 feet of clearance between the lower edge of the sign and the ground level below.

**Identification Signs.** Signs that 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.** Signs that 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.

- (1) **Directly Illuminated Sign.** A sign with its light source as an integral part of the sign, including interior lighting and backlighting.
- (2) **Indirectly Illuminated Signs.** Signs illuminated with a light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.
- (3) **Nonilluminated Signs.** Signs that do not give forth artificial light from an artificial source.

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

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

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

- (1) **Rotating Signs.** Moving signs or portions of such signs which physically revolve about an axis.  
Standard: Not to exceed 10 revolutions per minute.
- (2) **Wind Sign.** 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.** Commemorative plaques placed by historical agencies recognized by the city or the State of Hawaii.

**Portable Signs.** Signs that 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.** Signs with the faces 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 5 feet.

Standard: Not to exceed 6 feet in height above the roof level of a one-story building or 4 feet in height above the roof level of the second story of a building over one story in height.

**Public Signs.** 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.** The lowest point of intersection between the plane of the roof and the plane of the exterior wall.

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

Standard: Not to exceed a height of 5 feet above the roof level of a one-story building in the industrial districts and 3 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.

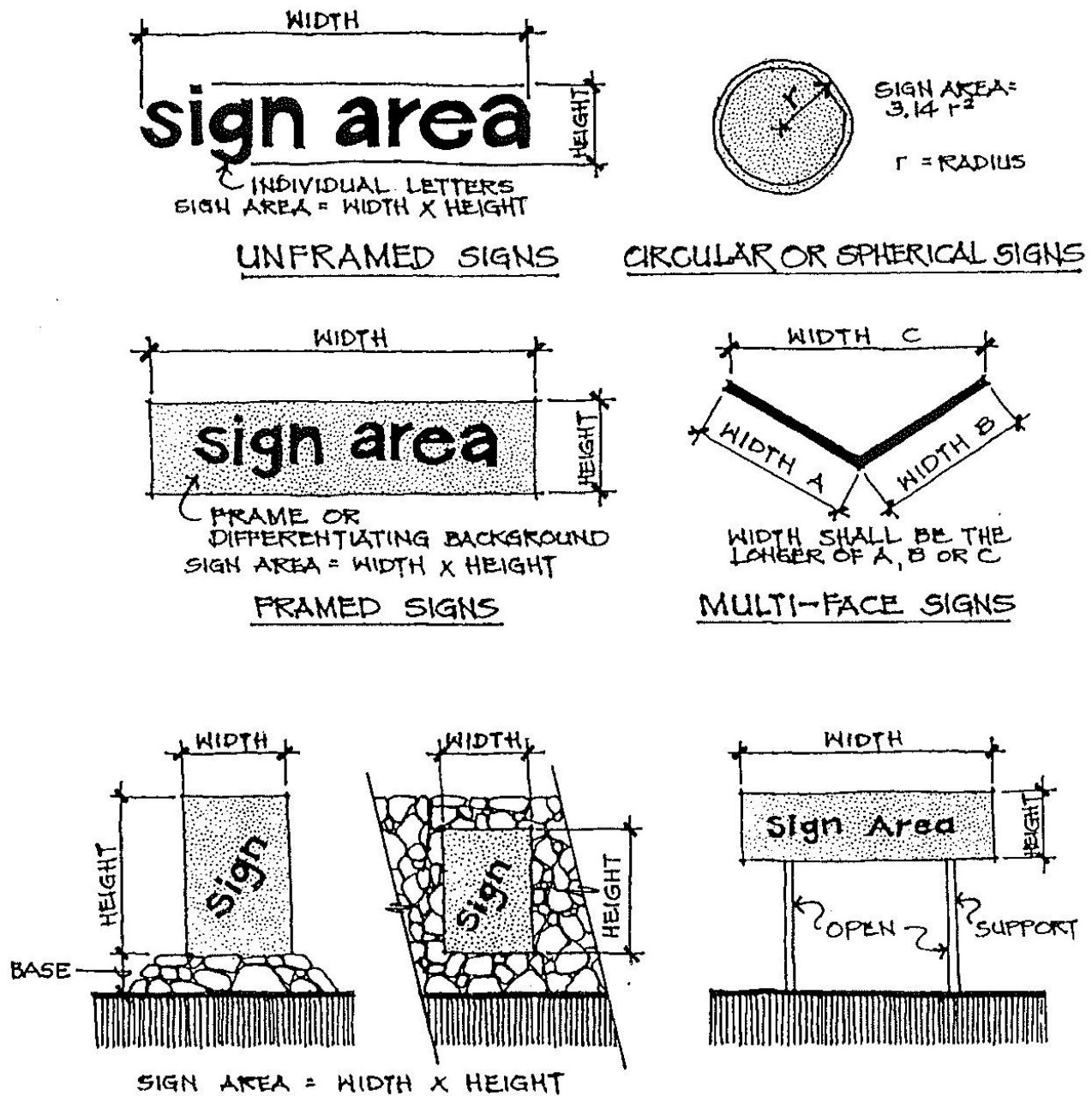
**Second Floor Establishment.** For the purposes of § 21-7.40, any establishment, the operation of which is located on the second floor of a building of no more than three stories in height; provided that the establishment is accessible from the ground floor by a stairway which is not separated from 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.** 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.** 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.

**Small Signs.** Diminutive identification signs or signs advertising the days or hours of operation of an establishment (other than as may be permitted as window displays).

Standard: Not to exceed 1 square foot in sign area, with sign copy not to exceed 2 inches in height, and the cumulative area of all small signs for a single establishment shall not exceed 2 square feet.

FIGURE 21-7.1  
SIGN AREA

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

***Subdivision Name Signs.*** Signs identifying the street entrance to a subdivision.

Standard: One 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.***

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

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

- (B) ***Real Estate Signs.*** Signs advertising the sale, rental, or lease of the premises on which the sign is displayed.

Standard: One sign per street frontage, not to exceed 4 square feet in residential districts or 8 square feet in other districts.

- (C) ***Special Event Displays.*** 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.

- (D) ***Subdivision Construction Signs.*** Signs at the entrance to the subdivision and located on the property to be subdivided.

Standard: One sign per street entrance to the subdivision and located on the property to be subdivided, not to exceed 32 square feet in sign area. The sign may not be erected until the subdivision has been approved by the appropriate city officials and may be displayed for a period of one year from the date of erection, which date must be filed with the director within 30 days after erection. Erection date will be determined to be the same as the subdivision approval date if not filed within the 30-day period. The display period may be extended by written approval of the director for a reasonable period of time, not to exceed one year at any one time.

***Wall Signs.*** Signs 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 purposes 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 6 feet above the roof level. Exterior wall and parapet wall shall be as defined in Chapter 16 (Building Code), as amended.

**Window Display.** 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, the 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.

(1990 Code, Ch. 21, Art. 7, § 21-7.20) (Added by Ord. 99-12; Am. Ords. 03-37, 09-5, 10-19)

### § 21-7.30 Prohibited signs.

It is unlawful to erect or maintain:

- (a) Any sign that is not included under the types of signs permitted in this chapter;
- (b) Any sign that 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 that 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; and
- (e) Flashing signs.

(1990 Code, Ch. 21, Art. 7, § 21-7.30) (Added by Ord. 99-12)

### § 21-7.40 Specific district sign standards.

Except for the Chinatown special district and as otherwise provided, signs shall be permitted as:

- (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 8 feet above finished 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 8 feet above finished grade, except that signs for nondwelling uses can be located up to the front yard setback line required for dwelling use;
- (d) *Apartment and apartment mixed-use districts.* In connection with any use permitted other than one-family and two-family dwelling use, only one wall or marquee fascia identification or directory sign, not directly

illuminated and not exceeding 12 square feet in area, shall be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding 8 square feet in area, shall also be permitted for each such entry side. The ground sign shall not be located in any required yard. Instead of these signs, one garden sign may be permitted;

(e) *Resort district.*

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

One nonilluminated ground sign for identification or directory purposes, not exceeding 8 square feet in area and not exceeding 6 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; and

- (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 1 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 10:00 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 6 feet in height; and
- (4) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be 6 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 1.5 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; and
    - (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 6 feet in height; and
  - (6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be 6 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 2 square feet for each lineal foot of building frontage;
  - (2) No projecting signs are permitted; and
  - (3) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be 6 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 2 square feet for each lineal foot of building frontage; provided that no sign area shall exceed 250 square feet nor shall the total sign area exceed 15 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; and
  - (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 where 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 6 feet in height; and
- (6) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area shall be 6 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 that 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 8 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; and
    - (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 6 feet in height, a wall sign or a garden sign; and
  - (ii) One building identification sign per building frontage, not exceeding 4 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 1 square foot per one linear foot of the building frontage or 36 square feet, whichever is less; and
  - (B) In addition to the sign referred to in paragraph (A), 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 6 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 3 square feet in area; and
  - (B) One price sign, not exceeding 2 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 6 square feet and the sign shall not be illuminated; and
  - (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.
- (1990 Code, Ch. 21, Art. 7, § 21-7.40) (Added by Ord. 99-12; Am. Ords. 99-63, 03-37, 09-5, 11-30)

#### **§ 21-7.50 Special regulations for certain uses.**

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

- (a) *Automotive outdoor sales and rental lots separated from new car dealer showrooms or service facilities.*
  - (1) A maximum of three business signs not to exceed a total of 1 square foot of sign area for each lineal foot of street frontage or 200 square feet, whichever is the lesser area, shall be permitted. Signs may be either wall, roof, marquee fascia, or projecting signs and may be illuminated.
  - (2) One identification ground sign not to exceed 32 square feet of the total sign area may be erected in addition to the above signs which may be illuminated and rotating but shall not overhang any required yard or public right-of-way.

(b) *Automobile service stations, gasoline sales, and car washes.*

- (1) A maximum of four business signs not to exceed a total sign area of 1 square foot for each lineal foot of street frontage or 200 square feet, whichever is the lesser area shall be permitted. Signs may be illuminated and be either marquee fascia, projecting, or wall signs.
- (2) One identification ground sign, which can be directly illuminated and not to exceed 32 square feet of the total sign area, may be erected; provided that 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 that they are on separate sides of the parcel and are more than 75 feet from the point of intersection of the two street frontages.
- (3) Pump island information signs located at the pump islands, denoting "Full Service, Self Service," or similar, shall be permitted; provided that each sign shall not exceed 3 square feet in sign area.
- (4) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, shall be permitted.
- (5) In addition to the price signs allowed under subdivision (4), one price sign may be erected for each street frontage; provided that such sign shall not exceed 24 square feet in sign area and shall not be placed on the identification ground sign specified in subdivision (2). The sign shall be counted as one of the business signs and as part of the total signage allowed under subdivision (1), and, in addition to the types of signs permitted by subdivision (1), may be a ground sign, but shall not exceed 24 square feet in sign area.

(c) *Gasoline sales accessory to a convenience store.*

- (1) Pump island information signs located at the pump islands, denoting "Full Service, Self Service," or similar, shall be permitted; provided that each sign shall not exceed 3 square feet in sign area.
- (2) One price sign, not exceeding 1 square foot in sign area and located on each gas pump, shall be permitted.
- (3) In addition to the price signs allowed under subdivision (2), one business sign, which can be a price sign and which can be a ground sign, may be erected, but not to exceed 24 square feet in area.

(d) *Drive-in theaters.*

- (1) One ground or wall sign, not directly illuminated and not to exceed 300 square feet in sign area which may state the name of the theater, name of the current showing or future motion pictures or other performances and the names of the actors therein or other relevant information, shall be permitted; it shall not extend into the public right-of-way.
- (2) Directional signs that may be illuminated, not to exceed a combined area of 60 square feet with 6 square feet maximum per sign, may be erected.
- (3) The restrictions imposed by this section shall not apply to signs within the walls or other enclosed parts of the drive-in and which are not visible from outside the theater.

- (e) *Theaters.* Four signs either hanging, marquee fascia, projecting, or wall signs, that may be illuminated, not to exceed a total sign area of 300 square feet, may be erected for each theater establishment.
  - (f) *Shopping centers with business establishments at different levels and outdoor parking facilities at each level comparable to that established at the ground level.* Only wall signs shall be permitted at any level situated above the ground level. “Ground level” means the first level of a shopping center which contains outdoor parking facilities for the business establishments situated at this level.
- (1990 Code, Ch. 21, Art. 7, § 21-7.50) (Added by Ord. 99-12)

**§ 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:
  - (1) Subdivision construction signs;
  - (2) Pump island information signs, not to exceed three square feet in sign area;
  - (3) Gasoline price signs, not to exceed one square foot in sign area and located on a gasoline pump;
  - (4) Temporary signs;
  - (5) Public signs;
  - (6) Flags;
  - (7) Plaques;
  - (8) Small signs and address signs;
  - (9) Directional signs; and
  - (10) 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; and
  - (5) Other information pertinent to the application as may be required by the director of planning and permitting.
  - (d) Every applicant, before being granted a permit, shall pay to the city, for each sign regulated by this chapter, a fee that 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 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 the 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 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.
- (1990 Code, Ch. 21, Art. 7, § 21-7.60) (Added by Ord. 99-12; Am. Ords. 03-37, 09-5)

**§ 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.

(1990 Code, Ch. 21, Art. 7, § 21-7.70) (Added by Ord. 99-12; Am. Ord. 03-37)

**§ 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.

(1990 Code, Ch. 21, Art. 7, § 21-7.80) (Added by Ord. 99-12)

**§ 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 that:

- (a) Nonconforming signs shall be maintained in a safe condition and shall not in any respect be dangerous to the public or to property; and
- (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.

(1990 Code, Ch. 21, Art. 7, § 21-7.80-1) (Added by Ord. 99-12)

## **Honolulu - Land Use**



## ARTICLE 8: OPTIONAL DEVELOPMENT REGULATIONS

### Sections

21-8.10	Purpose and intent
21-8.20	Housing—Ohana dwellings
21-8.20-1	Procedures for approval of ohana dwellings
21-8.20A	Housing—Multiple dwelling units on a single country or residential district zoning lot
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
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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

### § 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 this chapter or the city's subdivision rules.

(1990 Code, Ch. 21, Art. 8, § 21-8.10) (Added by Ord. 99-12)

### § 21-8.20 Housing—Ohana dwellings.

- (a) The purpose of this section is to encourage and accommodate extended family living, without substantially altering existing neighborhood character.
- (b) It is intended that ohana units be allowed only in areas where wastewater, water supply, and transportation facilities are adequate to support additional density.

- (c) One ohana dwelling unit may be located on a zoning lot in the residential, country, or agricultural zoning districts, with the following limitations:
- (1) The maximum size of an ohana dwelling unit is not limited, but will be subject to the maximum building area development standard in the applicable zoning district;
  - (2) Ohana dwelling units are not permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning district, or on duplex unit lots;
  - (3) An ohana dwelling unit is not permitted on any nonconforming lot;
  - (4) The ohana dwelling unit and the first dwelling may be located within a single structure, i.e., within the same two-family detached dwelling, or the ohana dwelling unit may be detached from the first dwelling and located on the same lot as the first dwelling;
  - (5) The ohana dwelling unit must be occupied by persons related by blood, marriage, or adoption to the family residing in the first dwelling; provided that an ohana dwelling unit for which a building permit was obtained before September 10, 1992, is not subject to this subdivision and its occupancy by persons other than family members is permitted;
  - (6) All other provisions of the zoning district apply;
  - (7) The parking provisions of this chapter applicable when the building permit for the ohana dwelling unit is issued apply and the provision of this parking is a continuing duty of the owner; and
  - (8) The owner of the zoning lot shall record 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 is appropriate, a covenant stating that neither the owner, nor the heirs, successors, or assigns of the owner shall submit the zoning lot or any portion thereof to the condominium property regime pursuant to the State of Hawaii Condominium Property Act. The covenant must be recorded in a form approved or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor, or assign to abide by such a covenant will be deemed a violation of this chapter and will be grounds for enforcement of the covenant by the director pursuant to §§ 21-2.150 et seq., and grounds for an action by the director to require the owner or owners to remove, pursuant to the State of Hawaii Condominium Property Act, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant.

(1990 Code, Ch. 21, Art. 8, § 21-8.20) (Added by Ord. 99-12; Am. Ords. 06-15, 15-41, 17-40, 20-6)

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

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

- (a) Procedures for designating ohana-eligible areas, including rules providing that:

- (1) Only those areas that are determined by the appropriate government agencies to have adequate public facilities to accommodate ohana dwellings shall be ohana-eligible;
  - (2) Upon a finding by the responsible agency that wastewater treatment and disposal, water, or transportation facilities are not adequate to accommodate additional ohana dwellings in any ohana-eligible area, no more ohana dwellings shall be approved in that area;
  - (3) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the residential-zoned lots in the same census tract sign a petition requesting that residential-zoned lots in the census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on residential-zoned lots in that census tract from the date the department certifies the validity of the petition. For the purposes of this subdivision, the term “owners” means the fee owner of property that is not subject to a lease and means the lessee of property that is subject to a lease. For purposes of this subdivision, the term “lease” has the same meaning as defined in HRS § 516-1;
  - (4) Notwithstanding the adequacy of public facilities, if the owners of 60 percent of the agricultural-zoned and country-zoned lots in the same census tract sign a petition requesting that all agricultural-zoned and country-zoned areas in a census tract be excluded from ohana eligibility and submit the petition to the department, no new ohana dwellings shall be approved on agricultural-zoned or country-zoned lots in that census tract from the date the department certifies the validity of the petition. For the purposes of this subdivision, “owner” means the fee owner of property that is not subject to a lease and means the lessee of property that is subject to a lease. For the purposes of this subdivision, the term “lease” means a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, 20 years or more (including any periods for which the lease may be extended or renewed at the option of the lessee);
  - (5) The director may adopt rules pursuant to HRS Chapter 91 to establish procedures for, to implement and to further define the terms used in subdivisions (3) and (4). These rules may include but not be limited to provisions relating to the form of petitions, determination of necessary signatures where there is more than one owner or when the owner is an entity, the signing of petitions, validity of signatures, the withdrawal of signatures, the time frame for collection of signatures, verification of signatures, certification of results, duration of the prohibition, and procedures upon the change of census tract boundaries; and
  - (6) Before an area is designated eligible for ohana dwellings, the director shall publish a notice of the proposed change in a newspaper of general circulation, and notify the neighborhood boards in the affected area;
- (b) Standards and criteria for determining adequacy of public facilities, to include but not be limited to:
- (1) Width, gradients, curves, and structural condition of access roadways;
  - (2) Water pressure and sources for domestic use and fire flow;
  - (3) Wastewater treatment and disposal; and

- (4) Any other applicable standards and criteria appropriate for the safety, health, and welfare of the community; and
  - (c) *Standards and procedures for obtaining an ohana building permit.* The standards shall, at a minimum, require that planned parking is adequate to meet the parking requirements of this chapter applicable at the time of issuance of the ohana building permit to both the first and ohana dwelling unit.
- (1990 Code, Ch. 21, Art. 8, § 21-8.20-1) (Added by Ord. 99-12; Am. Ord. 06-15)

**§ 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 that:

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

(1990 Code, Ch. 21, Art. 8, § 21-8.20A) (Added by Ord. 10-19)

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

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

- (a) Any agricultural zoning lot which has at least twice the required minimum lot size for the underlying agricultural district may have two detached farm dwellings. If the applicant wishes to erect additional farm dwellings under § 21-8.20, the zoning lot shall be subdivided.
- (b) The agricultural site development plan shall be in accordance with the requirements of the preliminary subdivision map as stated in the subdivision rules.
- (c) Before granting approval, the director shall determine that:
  - (1) The agricultural site development plan would qualify for approval under the subdivision rules if submitted in a subdivision application and roadways, utilities, and other improvements comply with the subdivision

rules and subdivision standards, unless modified by the director under applicable provisions specified in the subdivision rules;

- (2) The number of farm dwellings contained in each structure is not greater than permitted in the applicable zoning district; and
  - (3) Except where otherwise provided in this article, each existing and future farm dwelling is located as if the lot were subdivided in accordance with the agricultural site development plan, applicable provisions of this article, and the subdivision rules.
- (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. (1990 Code, Ch. 21, Art. 8, § 21-8.30) (Added by Ord. 99-12; Am. Ord. 10-19)

#### **§ 21-8.40 Housing—Zero lot line development.**

The purposes of this section are as follows:

- (a) To allow housing which has the attributes of detached dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying district density controls; and
- (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.

(1990 Code, Ch. 21, Art. 8, § 21-8.40) (Added by Ord. 99-12)

##### **§ 21-8.40-1 Zero lot line site plan.**

All zero lot line housing projects shall be processed in accordance with the subdivision rules, including application requirements; provided that a site plan shall be submitted with other application materials which meets the criteria of § 21-8.40-2.

(1990 Code, Ch. 21, Art. 8, § 21-8.40-1) (Added by Ord. 99-12)

##### **§ 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 or a rear yard, or both, 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 5 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 or rear lot line, or both;
  - (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; and
  - (4) Siting of dwelling units shall be staggered a minimum of 2 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 6 feet.
- (h) For the purposes of construction, upkeep, and repair of structures located on a lot line, a minimum 5 foot maintenance easement shall be recorded between the owner of the property containing the structure and the owner of the property where 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. (1990 Code, Ch. 21, Art. 8, § 21-8.40-2) (Added by Ord. 99-12)

**§ 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. (1990 Code, Ch. 21, Art. 8, § 21-8.50) (Added by Ord. 99-12)

**§ 21-8.50-1 Cluster housing.**

The intent of cluster housing is:

- (a) To allow development of housing sites which would otherwise be difficult to develop under conventional city subdivision standards;
- (b) To allow flexibility in housing types, including attached units;

- (c) To encourage innovative site design and efficient open space;
  - (d) To minimize grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted; and
  - (e) To provide common amenities, when appropriate.
- (1990 Code, Ch. 21, Art. 8, § 21-8.50-1) (Added by Ord. 99-12)

#### § 21-8.50-2 Cluster site design standards.

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

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

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

- (b) Within cluster housing projects, detached, duplex, and multi-family dwellings shall be permitted. Multi-family dwellings shall not exceed eight dwelling units in one structure;
- (c) The director may waive the following requirements if suitable landscaping or fence/wall buffering, or both, is provided:
  - (1) All structures containing more than two dwelling units shall be set back a minimum of twice the required side and rear yards from adjoining properties not otherwise separated by a permanent open space in excess of 15 feet in width; and
  - (2) All common activity areas, such as tot lots, play courts, swimming pools, and barbecue facilities, shall be set back a minimum of 25 feet from all adjoining property lines and walls of the units in the project;
- (d) To minimize the visual dominance of parking areas, while encouraging pitched roofs, the director may allow buildings to exceed the underlying district height limit; provided that the following conditions are met:

- (1) The exemption will allow the required parking to be provided underneath the units, and therefore create more opportunities for open space;
- (2) The building contains multi-family dwellings with gabled or hipped roof forms;
- (3) The highest exterior wall line, equivalent to the structural top plate, shall not exceed a height limit of 30 feet. This excludes gable ends above the structural plate line;
- (4) The building must be sited a minimum of 20 feet from any property line in common with a zoning lot in a residential district. The distance between any three-story buildings shall be at least 30 feet;
- (5) The building shall not exceed a height limit of 34 feet; and
- (6) The exemption will not adversely detract from the surrounding neighborhood character;
- (e) If a private roadway abuts a neighboring property, with a setback less than the front yard required in the underlying zoning district of the abutting property, then either a wall shall be constructed or landscaped buffering shall be installed along the roadway or a combination of a wall and landscaping, subject to the approval of the director;
- (f) Maximum building area shall be 50 percent of the total land area for the project. Maximum building area for any lot of record may be more than 50 percent in response to design considerations, but in no event shall exceed 80 percent;
- (g) Yards and height setbacks abutting the boundaries of the entire cluster development site shall not be less than minimum requirements for the underlying zoning district. Additionally, the front yard for all lots fronting public streets shall not be less than the front yard requirement of the underlying zoning district; and
- (h) The director may establish supplemental design guidelines further illustrating the above site design standards. (1990 Code, Ch. 21, Art. 8, § 21-8.50-2) (Added by Ord. 99-12)

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

All cluster housing applications shall be processed in accordance with § 21-2.110-1.  
(1990 Code, Ch. 21, Art. 8, § 21-8.50-3) (Added by Ord. 99-12)

**§ 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-family 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; and
  - (g) More flexibility for infrastructure improvements.
- (1990 Code, Ch. 21, Art. 8, § 21-8.50-4) (Added by Ord. 99-12)

**§ 21-8.50-5 PD-H applicability.**

PD-H projects may be constructed in all residential and apartment districts.  
(1990 Code, Ch. 21, Art. 8, § 21-8.50-5) (Added by Ord. 99-12)

**§ 21-8.50-6 PD-H use regulations.**

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

- (a) Meeting facilities; provided that facilities where the conduct of commercial affairs is a principal activity shall not be permitted;
  - (b) Day-care facilities;
  - (c) Dwellings—detached, multi-family, and duplex;
  - (d) Recreation facilities, outdoor;
  - (e) Schools—elementary, intermediate, and high; and
  - (f) Utility installations, Type A.
- (1990 Code, Ch. 21, Art. 8, § 21-8.50-6) (Added by Ord. 99-12)

**§ 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:

<i>District</i>	<i>FAR</i>	<i>Minimum Land Area</i>
R-20	.13	4 acres
R-10	.24	2 acres
R-7.5	.26	1.5 acres
R-5	.35	1 acre

<i>District</i>	<i>FAR</i>	<i>Minimum Land Area</i>
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

(1990 Code, Ch. 21, Art. 8, § 21-8.50-7)

**§ 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 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; and
  - (f) The director may establish supplemental design guidelines further illustrating the above site design standards.
- (1990 Code, Ch. 21, Art. 8, § 21-8.50-8) (Added by Ord. 99-12)

**§ 21-8.50-9 PD-H procedures.**

All PD-H applications shall be processed in accordance with § 21-2.40-2.

(1990 Code, Ch. 21, Art. 8, § 21-8.50-9) (Added by Ord. 99-12)

**§ 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 0.5 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; and 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 5 feet where the slope is greater than 10 percent, and contours not more than 2 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 6 inches or more at 5 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); and

(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; and development schedule (number of units and other development features for each phase); and
  - (g) Proposals for maintenance and conservation of all common elements.
- (1990 Code, Ch. 21, Art. 8, § 21-8.50-10) (Added by Ord. 99-12)

**§ 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 § 21-8.50-2, for cluster housing projects, or § 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 § 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; and
- (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.

(1990 Code, Ch. 21, Art. 8, § 21-8.50-11) (Added by Ord. 99-12)

**§ 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 5 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 lessees 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 parcels 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 agreements;
- (f) Before 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 or the land court, or both, 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 such plan, including maintenance of conservation improvements specified therein;
- (g) Notwithstanding Chapter 22, the following infrastructure standards shall apply:
  - (1) A water system shall not be required for an exclusive agricultural site; and

- (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 any one or more of the following: the subdivider, lot owner, or lessees, pursuant to an executed roadway maintenance agreement;
  - (h) If 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; and
  - (i) In the event of expiration or termination of the lease before its stated term, the exclusive agricultural site shall be nullified, and the parcel shall revert to its original status.
- (1990 Code, Ch. 21, Art. 8, § 21-8.60) (Added by Ord. 02-63)

## ARTICLE 9: SPECIAL DISTRICT REGULATIONS

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### **§ 21-9.10 Developments in flood hazard areas.**

- (a) All permit applications subject to this chapter shall, at the time of processing, be reviewed for compliance with the flood hazard areas ordinance. Whenever applicable, the flood hazard area requirements of a development project shall be determined before processing for other approvals mandated by other laws and regulations.



- (b) Dwellings in country, residential, and agricultural districts, as well as detached dwellings and duplex units in apartment and apartment mixed-use districts, may exceed the maximum height in the district by no more than 5 feet if required to have its lowest floor elevated to or above the base flood elevation; provided that such additional height shall not be greater than 25 feet above the base flood elevation.
  - (c) Notwithstanding any other provision to the contrary, no more than two dwelling units shall be permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances, or rules.
- (1990 Code, Ch. 21, Art. 9, § 21-9.10) (Added by Ord. 14-9)

**§ 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 or enhance the physical and visual aspects of an area for the benefit of the community as a whole.

(1990 Code, Ch. 21, Art. 9, § 21-9.20) (Added by Ord. 99-12)

**§ 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) Rules 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.20-1) (Added by Ord. 99-12)

**§ 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 §§ 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 § 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 1 acre in area or that do not require discretionary review because they meet the development standards in § 21-9.100-8, are also exempt projects. (1990 Code, Ch. 21, Art. 9, § 21-9.20-2) (Added by Ord. 99-12; Am. Ord. 17-54)

**§ 21-9.20-3 Time limits.**

The special district permit shall be 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. (1990 Code, Ch. 21, Art. 9, § 21-9.20-3) (Added by Ord. 99-12)

**§ 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. (1990 Code, Ch. 21, Art. 9, § 21-9.20-4) (Added by Ord. 99-12)

**§ 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; and
  - (4) State historic preservation officer from the State department of land and natural resources or designated representative.

(1990 Code, Ch. 21, Art. 9, § 21-9.20-5) (Added by Ord. 99-12)

**§ 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 § 21-9.100 and its accompanying sections, which take precedence in the event of conflict with Article 3 or special district regulation.

(1990 Code, Ch. 21, Art. 9, § 21-9.20-6) (Added by Ord. 99-12; Am. Ord. 09-4, 17-54)

**§ 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.30) (Added by Ord. 99-12)

**§ 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; and
- (b) To preserve and enhance the park-like setting of the Hawaii capital special district, including its view from the Punchbowl lookout.

(1990 Code, Ch. 21, Art. 9, § 21-9.30-1) (Added by Ord. 99-12)

**§ 21-9.30-2 District boundaries.**

The Hawaii capital special district and its precinct boundaries are shown on Exhibit 21-9.1.

(1990 Code, Ch. 21, Art. 9, § 21-9.30-2) (Added by Ord. 99-12)

**§ 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; and
  - (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 or national registers of historic sites, or both, 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; and
  - (31) Old Kakaako Fire Station.
- (c) Several other buildings contribute to the character of the district. In reviewing applications for modifications or removal, or both, 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; and
  - (8) 1919 Hawaiian Electric Company Building.
- (1990 Code, Ch. 21, Art. 9, § 21-9.30-3) (Added by Ord. 99-12)

**§ 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 or painted, or both, 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 2-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 Hawaii Medical Library parking garage authorized by Res. 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; and
- (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; and
- (iii) *Location.* First 5 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; and
- (iii) *Location.* First 5 feet of required front yard.

(D) Punchbowl Street:

- (i) *Species.* Monkeypod (*Samanea saman*);
- (ii) *Maximum spacing.* 60 feet on center; and
- (iii) *Location.* Within the required front yard.

(E) Alapai Street:

- (i) *Species.* Monkeypod (*Samanea saman*);
- (ii) *Maximum spacing.* 60 feet on center; and
- (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; and
  - (iii) *Location.* First 5 feet of required front yard.
- (G) South Street:
  - (i) *Species.* Autograph (*Clusea rosea*);
  - (ii) *Maximum spacing.* 40 feet on center; and
  - (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; and
  - (iii) *Location.* Within the sidewalk area.
- (I) Vineyard Boulevard:
  - (i) *Species.* Monkeypod (*Samanea saman*);
  - (ii) *Maximum spacing.* 60 feet on center; and
  - (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 2-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 trees 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 6 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; and
- (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 2-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 that 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 that 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; and
    - (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 that 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; and
- (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.* 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; and
- (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; and
- (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; and

(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 that 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 that 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; and

- (3) Except for flagpoles and smokestacks, all items listed in § 21-4.60(c) shall also be exempt from the height provisions of this section.

(1990 Code, Ch. 21, Art. 9, § 21-9.30-4) (Added by Ord. 99-12; Am. Ord. 07-8)

#### § 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.

<i>Table 21-9.1</i>		
<i>Hawaii Capital Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	Directly illuminated signs prohibited in historic precinct
Tree removal over 6 inches in diameter	m	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, addition, or repair to historic structures	M	This also includes structures listed in § 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

<i>Table 21-9.1</i>		
<i>Hawaii Capital Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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
<b>*Notes:</b> “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.		
<b>Legend—Project classification:</b>  M = Major m = Minor E = Exempt		

(1990 Code, Ch. 21, Art. 9, § 21-9.30-5) (Added by Ord. 99-12; Am. Ord. 03-37)

#### § 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.  
(1990 Code, Ch. 21, Art. 9, § 21-9.40) (Added by Ord. 99-12)

**§ 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; and
- (b) To preserve and enhance the park-like character of the immediate slopes of the Diamond Head monument, including Kapiolani Park.  
(1990 Code, Ch. 21, Art. 9, § 21-9.40-1) (Added by Ord. 99-12)

**§ 21-9.40-2 District boundaries.**

The Diamond Head special district boundaries are designated on Exhibit 21-9.5.  
(1990 Code, Ch. 21, Art. 9, § 21-9.40-2) (Added by Ord. 99-12)

**§ 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; and

(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; and

(16) Puu Ualakaa State Park lookout.

(1990 Code, Ch. 21, Art. 9, § 21-9.40-3) (Added by Ord. 99-12)

**§ 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 sides;
- (4) Street trees shall be provided at a minimum 2-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 trees 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 6 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; 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 identified in § 21-9.40-3(b) shall be replaced by an approved tree of a minimum 2-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; and
- (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 2-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 that 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 that 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 that 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 that 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; and
  - (D) Except for flagpoles and smokestacks, all items listed in § 21-4.60(c) shall also be exempt from the height provisions of this section; and

(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; and
  - (2) Materials, finishes, and colors, including roofs, shall be nonreflective and subdued in nature.
- (1990 Code, Ch. 21, Art. 9, § 21-9.40-4) (Added by Ord. 99-12)



**§ 21-9.40-5 One-family and two-family detached dwellings.**

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Diamond Head special district, except that those dwellings which are located within the “core area” identified on Exhibit 21-9.5 shall comply with § 21-9.40-4(a) and (c).  
(1990 Code, Ch. 21, Art. 9, § 21-9.40-5) (Added by Ord. 99-12)

**§ 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.

<i>Table 21-9.2</i>		
<i>Diamond Head Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor only within “core” area
Detached dwellings and duplex units 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	

<i>Table 21-9.2</i>		
<i>Diamond Head Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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
<p><b>*Notes:</b>            “Infrastructure” includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage, and recreational facilities.</p>		
<p>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.</p>		
<p><b>Legend—Project classification:</b></p> <p>M = Major  m = Minor  E = Exempt</p>		

(1990 Code, Ch. 21, Art. 9, § 21-9.40-6) (Added by Ord. 99-12)

### § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.50) (Added by Ord. 99-12)

#### § 21-9.50-1 Objectives.

The specific objectives of the Punchbowl special 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; and
  - (e) Preserve, enhance, and restore to the extent possible, the serene and scenic qualities within the national cemetery.
- (1990 Code, Ch. 21, Art. 9, § 21-9.50-1) (Added by Ord. 99-12)

**§ 21-9.50-2 Boundaries.**

The Punchbowl special district boundaries are designated on Exhibit 21-9.6.  
(1990 Code, Ch. 21, Art. 9, § 21-9.50-2) (Added by Ord. 99-12)

**§ 21-9.50-3 Prominent vistas and viewing areas.**

Prominent vistas and viewing areas are identified on Exhibit 21-9.7.  
(1990 Code, Ch. 21, Art. 9, § 21-9.50-3) (Added by Ord. 99-12)

**§ 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 1 foot for each 2 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 that 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 that they are screened from view;
  - (B) Necessary utilitarian features, including stairwell enclosures, ventilators, and skylights; and
  - (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 § 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; and
  - (2) Materials, finishes, and colors, including roofs, shall be nonreflective and subdued in appearance;
- (d) *Required yards.* 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 2-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 trees 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 or architectural features, or both, 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 6 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 2-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; and
- (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 2-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.

(1990 Code, Ch. 21, Art. 9, § 21-9.50-4) (Added by Ord. 99-12)

**§ 21-9.50-5 One-family and two-family detached dwellings.**

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Punchbowl special district, except that those dwellings which are located in the “core area” identified on Exhibit 21-9.8 shall comply with § 21-9.50-4(c) and (e).  
(1990 Code, Ch. 21, Art. 9, § 21-9.50-5) (Added by Ord. 99-12)

**§ 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.

<i>Table 21-9.3</i>		
<i>Punchbowl Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor in “core” area or along major streets
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	m/E	Minor in “core” area if results in greater than 15-foot change in elevation
Major exterior repair, alteration, or addition to all structures	m	
Minor exterior repair, alteration, or addition to all structures that 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	

<i>Table 21-9.3</i>		
<i>Punchbowl Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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
<p><b>*Notes:</b>  “Infrastructure” includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage, and recreational facilities.</p>		
<p>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.</p>		
<p><b>Legend—Project classification:</b></p> <p>M = Major  m = Minor  E = Exempt</p>		

(1990 Code, Ch. 21, Art. 9, § 21-9.50-6) (Added by Ord. 99-12)

### § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.60) (Added by Ord. 99-12)

**§ 21-9.60-1 Overall objectives.**

The overall objectives of the Chinatown special district are as follows:

- (a) Help promote the long-term economic viability of the Chinatown special 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, or architectural significance, and encourage new development that 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 that are compatible with and complement buildings and sites within the district; and
  - (h) Encourage outdoor lighting for the purpose of contributing to a lively, friendly, and safe urban environment.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-1) (Added by Ord. 99-12)

**§ 21-9.60-2 District boundaries.**

The Chinatown special district and its three precinct boundaries are designated on Exhibit 21-9.9.  
(1990 Code, Ch. 21, Art. 9, § 21-9.60-2) (Added by Ord. 99-12)

**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-3) (Added by Ord. 99-12)



**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-4) (Added by Ord. 99-12)

**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-5) (Added by Ord. 99-12)

**§ 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; and
  - (d) Provide commercial, cultural, recreational, and public facilities for residents by encouraging them on the ground floor street exposure of buildings.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-6) (Added by Ord. 99-12)

**§ 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 1 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 2-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 trees may be located within the front yard, if present. In the event there are no feasible locations for street trees, the director may approve substitute landscaping or waive this requirement.
  - (A) Along Beretania Street, street trees shall strengthen the streetscape image of this major travel corridor, and help maintain a human-scaled orientation at the ground level.
  - (B) Along River Street, street trees shall help to emphasize this “edge” of Chinatown, and shall serve as a transition to Aala Park.
- (4) The block bounded by Smith, Beretania, Pauahi, and Maunakea Streets shall have an informal, landscaped character with large canopy form trees.

(c) *Required yards.* There shall be a minimum front yard of 15 feet along Beretania Street. There shall be no required front yards along other streets.

(d) *Permitted uses.*

- (1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail-commercial and light manufacturing.
- (2) Parking may be located on any level within a block’s interior.

(e) *Design guidelines.*

- (1) Except for those facades fronting Beretania Street, street facades shall meet the requirements of § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.60-7) (Added by Ord. 99-12)

**§ 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; and
- (d) Encourage one- and two-family dwelling use to provide a variety of compatible uses, which would contribute to the precinct's social and economic vitality.

(1990 Code, Ch. 21, Art. 9, § 21-9.60-8) (Added by Ord. 99-12; Am. Ord. 04-30)

**§ 21-9.60-9 Historic core precinct development standards.**

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

- (e) *Parking exemption.* Dwelling units within the 40-foot height limit shall be exempt from off-street parking requirements.
- (f) *Design guidelines.* All street facades shall meet the requirements of § 21-9.60-12. (1990 Code, Ch. 21, Art. 9, § 21-9.60-9) (Added by Ord. 99-12; Am. Ord. 04-30)

**§ 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; and
  - (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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-10) (Added by Ord. 99-12)

**§ 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 1 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 for uses which contribute to a vital streetscape. Appropriate uses include retail shops, community centers, and light manufacturing. Lower levels other than the ground level should be used for residential, office, or other commercial uses.
    - (2) Parking may be located on any level within a block's interior and fronting Nimitz Highway.
  - (e) *Design guidelines.*
    - (1) Except for those facades fronting Iwilei Road and Nimitz Highway, all facades shall meet the requirements of § 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.60-11) (Added by Ord. 99-12)

**§ 21-9.60-12 Street facade guidelines.**

- (a) *Building materials, colors, and textures.*
  - (1) Building finishes should be of materials such as wood, brick, stone, masonry, and plaster. Brick and stone are particularly appropriate.
  - (2) Where existing buildings are to be rehabilitated, any underlying natural finishes should be retained. To expose brick facades, sand blasting, and other cleaning methods that will damage the historic building materials should not be undertaken.
  - (3) The colors of natural materials should predominate. Accent colors may be used on trim and details around window and door openings.
- (b) *Architectural design.*
  - (1) Building facades or fenestration should be "contextual" to existing structures, and incorporate representative architectural features, such as arches, lintel columns, cornices, and varied parapets. Uninterrupted blank walls shall be avoided.
  - (2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.

- (3) Above the ground floor, there shall be a regulated “rhythm” to the facades, particularly expressed through window treatments and other detailing.
  - (4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.
- (c) *Streetscape.* Street furnishings include planters, benches, street signs, lampposts, sidewalk paving, and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown’s period of significance, which is from the 1880s to the 1940s, shall not be permitted.
- (d) *Signs and graphics.*
- (1) Lettering should be reminiscent of styles used from the turn of the century to the 1940s.
  - (2) Symbols, shapes, and objects used as signs (such as barber poles) are encouraged.
  - (3) Use of calligraphy 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 § 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 2 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 an off-premises sign under § 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 6 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 6 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:

(A) Garden signs shall not be directly illuminated;

(B) For each ground floor establishment, not more than two permitted signs shall be illuminated; and

(C) 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 § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.60-12) (Added by Ord. 99-12)

#### **§ 21-9.60-13 Project classification.**

(a) Refer to Table 21-9.4 to determine whether specific projects will be classified as major, minor, or exempt.

- (b) Projects involving the demolition of, or the major or minor exterior repair, alteration, or addition to structures listed on Exhibit 21-9.10-A may be referred to the State historic preservation officer and other appropriate agencies for review.

<i>Table 21-9.4</i>		
<i>Chinatown Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	
Tree removal over 6 inches in diameter	E	
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior repair, alteration, or addition to all structures	M/m	Major for structures listed on Exhibit 21-9.10-A
Minor exterior repair, alteration, or addition to all structures, which does not adversely change the character or appearance of the structure	m/E	Minor for structures listed on Exhibit 21-9.10-A
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if visible from street
Interior repairs, alterations, and renovations to all structures	E	
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



<i>Table 21-9.4</i>		
<i>Chinatown Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
<b>*Notes:</b> “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.		
<b>Legend—Project classification:</b>  M = Major m = Minor E = Exempt		

(1990 Code, Ch. 21, Art. 9, § 21-9.60-13) (Added by Ord. 99-12)

#### **§ 21-9.70 King Kamehameha III at Thomas Square/Honolulu Museum of Art special district.**

- (a) King Kamehameha III at Thomas Square and the Honolulu Museum of Art are designated for preservation on the State and National Register of Historic Places. King Kamehameha III at 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 Museum of Art, the Neal S. Blaisdell Center, and Linekona School and has been increasingly used for recreation and special activities. The Honolulu Museum of Art 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 King Kamehameha III at Thomas Square and the Honolulu Museum of Art.

(1990 Code, Ch. 21, Art. 9, § 21-9.70) (Added by Ord. 99-12)

#### **§ 21-9.70-1 Objectives.**

The objectives of the King Kamehameha III at Thomas Square/Honolulu Museum of Art special district are as follows:

- (a) Preserve and enhance King Kamehameha III at 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 Museum of Art by prohibiting the visual intrusion of neighboring high-rise buildings;

- (c) Create a landscaping theme that takes into consideration the park qualities of King Kamehameha III at Thomas Square and the Honolulu Museum of Art, and the transition from these two low-rise sites to taller developments nearby and their location as a gateway to the Hawaii capital district; and
  - (d) Notwithstanding the underlying zoning, the Honolulu Museum of Art shall be treated as a principal permitted use within the King Kamehameha III at Thomas Square/Honolulu Museum of Art special district.
- (1990 Code, Ch. 21, Art. 9, § 21-9.70-1) (Added by Ord. 99-12)

**§ 21-9.70-2 District boundaries.**

The boundaries of the district are shown on Exhibit 21-9.11.  
(1990 Code, Ch. 21, Art. 9, § 21-9.70-2) (Added by Ord. 99-12)

**§ 21-9.70-3 Significant public views.**

The following are significant public views within the King Kamehameha III at Thomas Square/Honolulu Museum of Art special district:

- (a) Views of King Kamehameha III at Thomas Square from Ward Avenue, Victoria Street, Beretania Street, Hotel Street, Young Street, King Street, the Neal S. Blaisdell Center, and the Honolulu Museum of Art;
  - (b) Views of the Honolulu Museum of Art and the Neal S. Blaisdell Center from King Kamehameha III at Thomas Square; and
  - (c) Views from the museum courtyards skywards.
- (1990 Code, Ch. 21, Art. 9, § 21-9.70-3) (Added by Ord. 99-12)

**§ 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, King Kamehameha III at 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 restrooms and the enhancement and function of the landscaped square as a passive park;

- (2) Fifty percent for precinct two, Honolulu Museum of Art. The intent is to maintain a maximum amount of open space along Beretania Street to complement and extend the landscaped qualities of King Kamehameha III at Thomas Square; and
- (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 King Kamehameha III at Thomas Square along Ward Avenue to and including Kapiolani Boulevard;

(b) *Building heights and setbacks.*

- (1) Permitted maximum heights of buildings and structures, and height setbacks shall be as indicated in Exhibits 21-9.11 and 21-9.12.
- (2) The director may exempt the following architectural features from the height regulations; provided that 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 King Kamehameha III at Thomas Square/Honolulu Museum of Art special district:
  - (A) Necessary mechanical appurtenances of the building on which they are erected; provided that they are screened from view;
  - (B) Necessary utilitarian features, including stairwell enclosures, ventilators, and skylights; and
  - (C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls, or ornamental cornices; and
- (3) Except for flagpoles and smokestacks, all items listed in § 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) and shall be a minimum 2-inch caliper, except palms which shall have a minimum trunk height of 15 feet. Exceptions to 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) *King Kamehameha III at Thomas Square and the Honolulu Museum of Art.*

- (i) Unless otherwise provided, all landscaping and tree planting located in, or adjacent to required yards shall be subject to review and approval; and
- (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; and
- (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; and
- (v) *Other landscaping and landscape elements.* Shall not exceed 2 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 King Kamehameha III at Thomas Square with preservation of views to and from King Kamehameha III at Thomas Square;
- (ii) *Street tree species.* Alibangbang (*Bahina binata*);

- (iii) *Maximum spacing.* 25 feet on center; and
  - (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; and
  - (iv) *Location.* First 5 feet of required front yard;
- (F) *Ward Avenue (from South King Street to H-1 Freeway except for the Diamond Head side at King Kamehameha III at Thomas Square and the Honolulu Museum of Art) and Victoria Street (from South King Street to Kinau Street except for the Ewa side at King Kamehameha III at Thomas Square and the Honolulu Museum of Art).*
- (i) *Character.* Large canopy trees to complement the Honolulu Museum of Art and King Kamehameha III at 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 King Kamehameha III at Thomas Square only;
  - (iii) *Maximum spacing.* 60 feet on center;
  - (iv) *Location.* Within the first 5 feet of the front yard; and
  - (v) *Other landscaping and landscape elements.* Fronting King Kamehameha III at Thomas Square and the Honolulu Museum of Art shall not exceed 2 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 5 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; and
  - (v) *Other landscaping and landscape elements.* Shall not exceed 2 feet in height except at the last 5 feet of the front yard; and
  - (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 sides;
  - (5) Any tree 6 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; and
    - (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 2-inch caliper or by alternative-approved landscaping material, unless the replacement results in overcrowded vegetation; and
  - (7) Where possible, trees proposed for removal shall be relocated to another area of the project site;
  - (d) *Signs.* Signs that directly front King Kamehameha III at Thomas Square or the Honolulu Museum of Art, or both, 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; and
  - (e) *Exterior lighting.* Lighting fronting King Kamehameha III at Thomas Square or the Honolulu Museum of Art, or both, 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.70-4) (Added by Ord. 99-12)

**§ 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.

<i>Table 21-9.5</i>		
<i>King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	Directly illuminated signs prohibited fronting King Kamehameha III at Thomas Square
Tree removal over 6 inches in diameter	m/E	Minor in front yard and sidewalk area only
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major exterior modification, alteration, repair, or addition to 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	
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	

<i>Table 21-9.5</i>		
<i>King Kamehameha III at Thomas Square/Honolulu Museum of Art Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
<p><b>*Notes:</b>            “Infrastructure” includes roadways, sewer, water, electrical, gas, cable television, telephone, drainage, and recreational facilities.</p>		
<p>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.</p>		
<p>Legend—Project classification:</p> <p>M = Major            m = Minor            E = Exempt</p>		

(1990 Code, Ch. 21, Art. 9, § 21-9.70-5) (Added by Ord. 99-12)

#### **§ 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.80) (Added by Ord. 99-12)

#### **§ 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 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 may 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 used to promote the pedestrian experience;
  - (m) Provide people-oriented, interactive, landscaped open spaces to offset the high-density urban ambience. Open spaces are intended to serve a variety of objectives including visual relief, pedestrian orientation, social interaction, and fundamentally to promote a sense of "Hawaiianess" within the district. Open spaces, pedestrian pathways, and other ground level features should be generously supplemented with landscaping and water features to enhance their value, contribute to a lush, tropical setting and promote a Hawaiian sense of place; and
  - (n) Support a complementary relationship between Waikiki and the convention center.
- (1990 Code, Ch. 21, Art. 9, § 21-9.80-1) (Added by Ord. 99-12)

**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.80-2) (Added by Ord. 99-12)

**§ 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 § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.80-3) (Added by Ord. 99-12; Am. Ord. 17-40)

#### **§ 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 before 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.* Section 1-4.30 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 5 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 5 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 11:00 p.m. and before 7:00 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 10:00 p.m. when the dining areas are in use; and
  - (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, or open spaces;
- (6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use; provided that the following standards are met:
- (A) The activity shall be no less than 5 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; and
  - (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 that 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 5 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; and
- (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 or transient vacation units, in the apartment precinct, up to a maximum height of 6 feet; provided that 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 5 feet from the front property line and acceptably screened with planting material from the street side; and
- (9) Interactive informational displays; provided that the following standards are met:
  - (A) Only one interactive informational display per common entryway to a project site shall be permitted, that shall not encroach into or otherwise obstruct any public sidewalk or pedestrian easement. For the purposes of this subdivision, a “common entryway” means 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; and
  - (D) No signs regulated under Article 7 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 council. The number of curb cuts should be kept to a minimum 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 specified on the urban design controls marked Exhibit 21-9.15, the design standards contained in this section, and other design guidelines adopted by the director to further define and implement these standards.
  - (2) *Yards.* Yard requirements will be as enumerated under development standards for the appropriate zoning precinct under Table 21-9.6(B).

- (3) *Car rental establishments.* Car rental establishments must comply with the following requirements:
  - (A) A minimum side and rear yard of 5 feet will be required with a solid fence or wall at least 6 feet in height on the property line with 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 will be permitted to fall upon or drain across public streets or sidewalks.
- (4) *Utility installations.* Except for antennas, utility installations 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 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 should 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, and display windows, and to outdoor dining where it is permitted.

- (C) Where commercial uses are located at ground level, other than as required by paragraph (B), at least one-half of the total length of the building facade along streets must be devoted to open lobbies, arcade entrances, display windows, and outdoor dining where permitted.
- (D) The street facades of ground level hotel lobbies should include wide, open entryways. Ventilation in these lobbies should primarily depend on natural air circulation.
- (E) Where buildings are situated between a street and the shoreline or between a street and open spaces, ground level lobbies, arcades, and pedestrian ways should be provided to create visual links between the street and the shoreline or open space.
- (F) Where blank walls must front a street or open space, they must be screened with heavy landscaping or appropriately articulated exterior surfaces.
- (G) Ground level parking facilities should not be located along any street, park, beachfront, public sidewalk, or pedestrian way. Where the site plan precludes any other location, the garage may front these areas; provided that landscaping is provided for screening. Principal landscaping must include trees, and secondary landscape elements may include tall hedges and earth berms.
- (H) For the 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 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 cannot 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 used to highlight and accentuate exterior building facades, and architectural or ground level features. Rotating, revolving, moving, flashing, and flickering lights cannot 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 benefitting 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 before 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 permitted in the resort mixed-use precinct, and PD-A projects are only permitted in the apartment precinct; and
- (B) The minimum project size is 1 acre. Multiple 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. 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 lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD-A project, or its successor. Applications for the addition or removal of lots shall be processed in accordance with other applicable regulations contained in this chapter. Lots to be removed shall be able to comply on their own with applicable zoning regulations as a separate project. Multiple lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
  - (i) The lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and
  - (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet, but subject to the minimum overall project size of 1 acre.

When a project consists of noncontiguous lots as provided above, bridges or other design features connecting the separated lots are strongly encouraged, to unify the project site. Multiple lots that are part of an approved single PD-R or PD-A project will 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 therefor;

- (2) *PD-R and PD-A use regulations.* Permitted uses and structures will be as enumerated for the underlying precinct in Table 21-9.6(A);
- (3) *PD-R and PD-A site development and design standards.* The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs in this subdivision, 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 cannot exceed an FAR of 4.0, except:
  - (i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or
  - (ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density.

In 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 cannot exceed an FAR of 3.0, except:

- (i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or
- (ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced;

(C) The maximum building height is 350 feet, but this standard may be reduced;

(D) The precinct transitional height setbacks will be 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 is 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 will be as set forth in subsection (f), but these standards may be modified; and

(H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located will 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 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 § 21-2.110-2;
- (C) No project will 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.* Before 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 this subsection;
  - (ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and
  - (iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24;
- (E) *Deadline for obtaining building permit for project.*
- (i) A council resolution of approval for a conceptual plan for a PD-R or PD-A project 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 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 is 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 cannot be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension. The report 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) Sixty days after the receipt of the director's report; or
  - (bb) The applicant's then-existing deadline for obtaining a building permit, the extension will be deemed denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval; and
- (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 § 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 must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
  - (ii) The project also must implement the objectives, guidelines, and standards of the Waikiki special district and this subsection;
  - (iii) The project must 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 this 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, must enhance local traffic circulation patterns, and must 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 §§ 21-4.110 et seq. shall apply, except as provided in this subsection.
- (1) A nonconforming use 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 that 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 1 square foot. If provided, front yards may be included as public open space;
  - (ii) For every 2 square feet of arcade space provided on the lot, the open space may be reduced by 1 square foot;
  - (iii) For every 4 square feet of open lobby space on the lot, the open space may be reduced by 1 square foot; and
  - (iv) If the cumulative area of the required yards exceeds the minimum open space requirement for the lot, the resultant cumulative yards may be considered the minimum open space requirement for the lot.
- In no event shall the total open space be less than: (aa) 25 percent of the lot area; or (bb) the cumulative area of the required yards, whichever is greater. In addition, the open space arrangement shall not obstruct or diminish any significant views which are to be preserved, protected, or enhanced; shall not obstruct, prevent, or interfere with any identified gateways or pedestrian ways; and shall be consistent with the intent and objectives of the Waikiki special district;
- (B) *Off-street parking.* Parking and loading requirements may be adjusted, subject to the submission of a parking management plan that shall be reviewed and approved by the director;
- (C) *Height.* If the height of an existing structure exceeds the maximum height for the lot, then the height of the existing structure may be retained; provided that the new structure or structures:
- (i) Do not obstruct or diminish any significant views which are to be preserved, protected, and enhanced;
  - (ii) Do not obstruct, prevent, or interfere with an identified gateway or pedestrian way, or both; 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-family dwelling units, it may be restored to its original condition in accordance with § 21-4.110;
- (3) Nonconforming uses shall not be limited to “ordinary repairs” or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations which will not modify the arrangement of buildings on a zoning lot may be permitted; provided that 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 that 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 that:
  - (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 that:
    - (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; and

- (7) Unless voluntarily abandoned, nonconforming uses that have been temporarily discontinued for purposes of redevelopment or renovation, as permitted by this subsection, shall not otherwise be subject to the discontinuation of use provisions in § 21-4.110(c)(2).

(f) *Landscaping.*

- (1) Any tree 6 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; and
  - (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 2-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 that 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 § 21-4.60(c) shall also be exempt from the height provision of this subsection.

- (2) *Coastal height setbacks.* In addition to the above limits, there is a need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources. Accordingly, the following minimum setbacks shall apply to all zoning lots along the shoreline:

(A) There shall be a building height setback of 100 feet in which no structure shall be permitted. This setback shall be measured from the certified shoreline; and

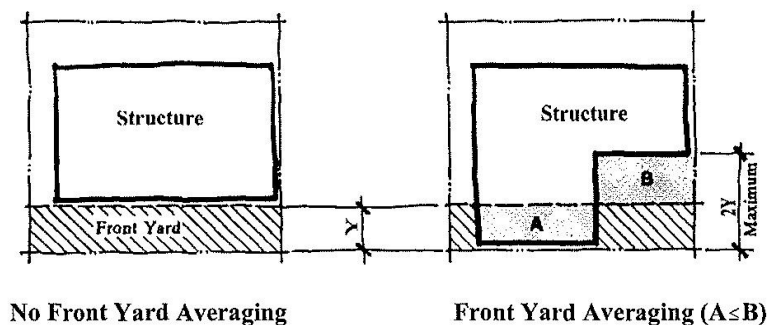
(B) Beyond the 100-foot line there shall be a building height setback of 1:1 (45 degrees) measured from the certified shoreline. (See Exhibit 21-9.15.)

- (3) The council, by resolution, may approve a building that exceeds the building height limits established in Exhibit 21-9.15 and on the zoning map; provided that the council determines that the building with the added height would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Koolau Range, and the building does not exceed a height of 350 feet.

- (h) *Parking.* Off-street parking shall be provided in accordance with Article 6 and Table 21-6.3. Notwithstanding the foregoing, ground floor and basement uses, other than dwelling uses, and retail establishments and eating establishments on lots less than 10,000 square feet in area, in the Waikiki special district shall be exempt from off-street parking requirements.

- (i) *Vending carts.* Outdoor vending carts located at ground level, except for those permitted in required yards, shall be generally screened from view to the general public from any street, sidewalk, or public space by landscaping or a wall or fence no less than 42 inches in height, which shall be located at the front property line. (1990 Code, Ch. 21, Art. 9, § 21-9.80-4) (Added by Ord. 99-12; Am. Ords. 01-66, 03-38, 10-19, 11-30, 17-40, 18-19)

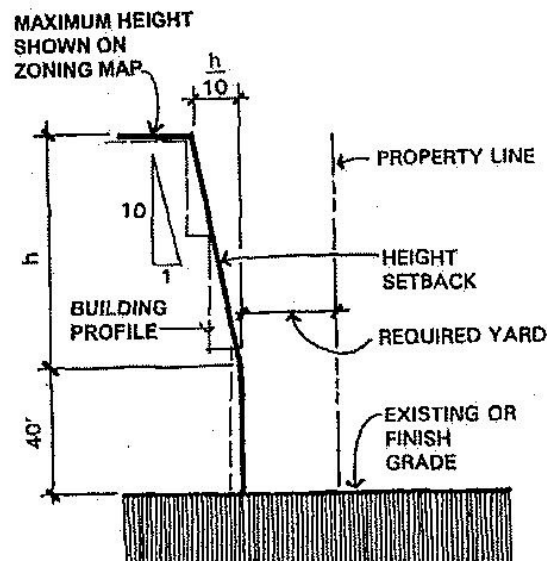
**FIGURE 21-9.1  
FRONT YARD – WAIKIKI**



**§ 21-9.80-5 Apartment precinct.**

- (a) *Permitted uses.* Within the apartment precinct, including the apartment mixed-use subprecinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
  - (b) *Development standards.* Uses and structures within the apartment precinct and the apartment mixed-use subprecinct shall conform to the development standards enumerated in Table 21-9.6(B).
  - (c) *Additional development standards.*
    - (1) *Commercial use location within the apartment mixed-use subprecinct.* Any of the permitted uses designated in Table 21-9.6(A) as a principal use only within the apartment mixed-use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, shall be limited to the basement, ground floor, or second floor of a building.
    - (2) *Transitional height setbacks.* For any portion of a structure above 40 feet in height, additional front, side, and rear height setbacks equal to 1 foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
  - (d) *Additional use standards.* Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm<sup>2</sup>.
- (1990 Code, Ch. 21, Art. 9, § 21-9.80-5) (Added by Ord. 99-12; Am. Ord. 03-38)

**FIGURE 21-9.2  
TRANSITIONAL HEIGHT SETBACK – WAIKIKI**



(Added by Ord. 03-38)



**§ 21-9.80-6 Resort mixed-use precinct.**

- (a) *Permitted uses.* Within the resort mixed-use precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) *Development standards.* Uses and structures within the resort mixed-use precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) *Additional development standards.*
  - (1) *Floor area bonus.*
    - (A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added.
    - (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, 5 square feet of floor area may be added.
    - (C) For each square foot of arcade area provided, exclusive of required yards, 3 square feet of floor area may be added.
    - (D) For each square foot of rooftop landscaped area provided, 1 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 1 foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) *Additional use standards.* Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm<sup>2</sup>.  
(1990 Code, Ch. 21, Art. 9, § 21-9.80-6) (Added by Ord. 99-12; Am. Ords. 03-38, 11-30)

**§ 21-9.80-7 Reserved.**

**§ 21-9.80-8 Public precinct.**

- (a) *Permitted uses.* Within the public precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A). Additionally:
  - (1) In the public precinct, public uses and structures may include accessory activities operated by private lessees under supervision of a public agency purely to fulfill a governmental function, activity, or service for public benefit and in accordance with public policy; and

- (2) All structures within the public precinct shall comply with the guidelines established by the urban design controls marked Exhibit 21-9.15.
- (b) *Development standards.* Uses and structures within the public precinct shall conform to the development standards enumerated in Table 21-9.6(B). The FAR, height, and yard requirements for structures shall be approved by the director.
- (c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.
- (d) Utility installations, Type A, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm<sup>2</sup>.
- (1990 Code, Ch. 21, Art. 9, § 21-9.80-8) (Added by Ord. 99-12)

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

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

<i>Table 21-9.6(A)</i>			
<i>Waikiki Special District Precinct Permitted Uses and Structures</i>			
<i>Use or Structure</i>	<i>Precinct</i>		
	<i>Apartment</i>	<i>Resort Mixed-Use</i>	<i>Public</i>
Amusement and recreational facilities, indoor		P	
Amusement facilities, outdoor		C	
Antennas, receive-only	Ac	Ac	Ac
Art galleries and museums	C (Museums only)	P	
Automobile rental establishments (excluding repair facilities and open parking lots)		P	
Automobile service stations, excluding repair facilities			
Bars, cabarets, nightclubs, taverns <sup>1</sup>		P	
Bed and breakfast home	P/c	P/c	
Boarding facilities	P	P	
Broadcasting facilities		P	
Business services		P	
Commercial parking lots and garages		P	

<i>Table 21-9.6(A)</i>			
<i>Waikiki Special District Precinct Permitted Uses and Structures</i>			
<i>Use or Structure</i>	<i>Precinct</i>		
	<i>Apartment</i>	<i>Resort Mixed-Use</i>	<i>Public</i>
Convenience stores	P-AMX	P	
Dance or music schools		P	
Day-care facilities	C	P	
Dwellings, multi-family <sup>2</sup>	P	P	
Eating establishments <sup>1</sup>	P-AMX	P	
Financial institutions	P-AMX	P	
Group living facilities	C	C	
Historic structures, use of	C	Cm	Cm
Home occupations	Ac	Ac	
Hotels		P	
Joint development	Cm	Cm	
Joint use of parking	Cm	Cm	
Laboratories, medical		P	
Marina accessories		P	
Medical clinics	P-AMX	P	
Meeting facilities	C	P	
Neighborhood grocery stores	Cm	N/A	
Offices		P	
Off-site parking facilities	Cm	Cm	
Personal services	P-AMX	P	
Photographic processing		P	
Photographic studios		P	
Public uses and structures	P	P	P
Real estate offices	P-AMX	P	
Retail establishments	P-AMX	P	
Schools, language		P	

<i>Table 21-9.6(A)</i>			
<i>Waikiki Special District Precinct Permitted Uses and Structures</i>			
<i>Use or Structure</i>	<i>Precinct</i>		
	<i>Apartment</i>	<i>Resort Mixed-Use</i>	<i>Public</i>
Schools, vocational; provided that they do not involve the operation of woodwork shops, machine shops, or similar industrial features		P	
Theaters		P	
Time sharing		P	
Transient vacation units		P/c	
Travel agencies	P-AMX	P	
Utility installations, Type A	P9	P9	P9
Utility installations, Type B	Cm	Cm	Cm
<b>Ministerial uses:</b>			
Ac = Special accessory use. Also see: Article 10, Accessory use; and § 21-5.330, Home occupations			
P = Permitted principal use			
P/c = Permitted use subject to standards in Article 5			
P9 = Permitted principal use subject to standards enumerated in Article 9; see § 21-9.80-5(d), 21-9.80-6(d), or 21-9.80-8(d)			
P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed-use subprecinct			
<b>Discretionary uses:</b>			
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			
<b>Other:</b>			
N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category.			
<b>Note:</b> An empty cell in the above matrix indicates that use or structure is not permitted in that precinct.			
<sup>1</sup>	Provided that a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct.		
<sup>2</sup>	Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes.		

(Added by Ord. 99-12; Am. Ords. 03-38, 11-30, 19-18)

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 <sup>1</sup> (feet)	Front	15 <sup>2</sup>	15—20 <sup>2</sup>	As approved by director
	Side and rear	10 <sup>2</sup>	0—10 <sup>3</sup>	
Maximum density (FAR) apartment precinct only <sup>4, 5</sup>		Lot Area (sq. ft.)	FAR Calculation	
		Less than 20,000	FAR = (.00003 x lot area) + 1.3	
		20,000 or more	FAR = 1.9	
Maximum density (FAR) other precincts		n/a	1.0 <sup>5</sup>	As approved by director
Minimum open space (percent of zoning lot)		FAR less than 1.5 = 35% of lot	0.00	n/a
		FAR 1.5 or more = 50% of lot		
Open space bonus	Available	No	Yes – See § 21-9.80-6(c)(1)	
	Max FAR	n/a	3.5 <sup>5</sup>	
Maximum height (feet)		Per zoning map and Exhibit 21-9.15 or as provided in § 21-9.80-4(g)(3)		As approved by director
Transitional height setbacks		Per § 21-9.80-5(c)(2)	Per § 21-9.80-6(c)(2)	
n/a = Not applicable				
<sup>1</sup> Except for necessary access drives and walkways, all yards shall be landscaped.				
<sup>2</sup> 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 that: (1) the average yard may vary between the front property line and twice the minimum front yard; provided that 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 4 feet for building height above 20 feet.				

<i>Table 21-9.6(B)</i>		
<i>Waikiki Special District Precinct Development Standards</i>		
<i>Development Standard</i>	<i>Precinct</i>	
	<i>Apartment</i>	<i>Resort Mixed-Use</i>
<sup>3</sup> 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% of the length of the common property line. In this case, there shall not be a required yard.		
<sup>4</sup> See § 21-9.80-5(c)(1) for commercial use location standards within the apartment mixed-use subprecinct.		
<sup>5</sup> 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. Ords. 03-38, 11-30)

<i>Table 21-9.6(C)</i>		
<i>Waikiki Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair, or addition to historic structures	M	
Minor modification, alteration, repair, or addition to historic structures	m	
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)

<i>Table 21-9.6(C)</i>		
<i>Waikiki Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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 infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above	M/m	Minor for accessory structures
<b>*Notes:</b> “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.		
<b>Legend—Project classification:</b>  M = Major m = Minor E = Exempt		

(1990 Code, Ch. 21, Art. 9, § 21-9.80-9) (Added by Ord. 99-12; Am. Ord. 03-38)

**§ 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.90) (Added by Ord. 99-12; Am. Ord. 18-44)

**§ 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; and
- (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.

(1990 Code, Ch. 21, Art. 9, § 21-9.90-1) (Added by Ord. 99-12; Am. Ord. 18-44)

**§ 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.90-2) (Added by Ord. 99-12; Am. Ord. 18-44)



**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.90-3) (Added by Ord. 99-12; Am. Ord. 18-44)

**§ 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). 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 that 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 that 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 § 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 5 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; and
- (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; and
- (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 2-inch caliper. Species shall be chosen from the list shown on Exhibit 21-9.18. Number, spacing, and location of trees shall be determined by the director;
- (4) Any tree 6 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; and
  - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation; and
- (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 2-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, 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 § 21-4.70 shall apply;
- (3) Except for necessary access drives, parking and loading spaces shall be prohibited in all required yards; and
- (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 5 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 8 feet from the finish grade; and
    - (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; and
  - (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 that are self-illuminating, with moving parts, luminous paints, or reflective materials are not permitted. Any illumination may 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 that the sign is a hanging or projecting sign; and
  - (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 that 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; and

(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; and
- (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) For the purposes of this section, the following definition applies unless the context clearly indicates or requires a different meaning.

***Mobile Commercial Establishment.*** 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 subsection (f)(7). 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 § 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.90-4) (Added by Ord. 99-12; Am. Ords. 02-19, 18-44)

**§ 21-9.90-5 Detached dwellings and duplex units.**

Detached dwellings and duplex units constructed prior to December 21, 2018 shall be exempt from the requirements of the Haleiwa special district, except for § 21-9.90-4(d)(3), (d)(4) and (d)(5), relating to landscaping, § 21-9.90-4(f)(1) relating to general architectural appearance and character, § 21-9.90-4(f)(2) relating to roofs, § 21-9.90-4(f)(4) relating to railings, fences, and walls, and § 21-9.90-4(f)(7) relating to colors. Detached dwellings and duplex units constructed after December 21, 2018, will fall under the category “New buildings not covered above” in Table 21-9.7.

(1990 Code, Ch. 21, Art. 9, § 21-9.90-5) (Added by Ord. 99-12; Am. Ord. 18-44)

**§ 21-9.90-6 Project classification.**

- (a) Refer to Table 21-9.7 to determine whether specific projects will be classified as major, minor, or exempt.
- (b) Projects involving demolition or relocation of structures listed on Exhibit 21-9.17, set out at the end of this article, may be referred to appropriate public or private agencies for review, which may include submittal for review to the State historic preservation office to investigate public and private alternatives to preserve buildings of scenic, historic, cultural, or architectural significance consistent with the legislative intent and objectives of this ordinance. If required, such review shall not exceed a period of 90 days, and shall precede acceptance of the application for a special district permit.
- (Added by Ord. 99-12; Am. Ord. 18-44)

<i>Table 21-9.7</i>		
<i>Haleiwa Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
Signs	E	
Tree removal over 6 inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
Detached dwellings and duplex units and accessory structures	E	
Grading and stockpiling	E	
Major modification, alteration, repair, or addition to all structures	M/m	Major if listed on Exhibit 21-9.17 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 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	

<i>Table 21-9.7</i>		
<i>Haleiwa Special District Project Classification</i>		
<i>Activity/Use</i>	<i>Required Permit</i>	<i>Special Conditions</i>
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	
New buildings not covered above and mobile commercial establishments	M/m	Major if visible from Kamehameha Highway or Haleiwa Road
Drive-thru facilities	m	
<p><b>*Notes:</b>            “Infrastructure” includes roadways, sewer, water, electrical, gas, cable TV, telephone, drainage and recreational facilities.</p>		
<p>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.</p>		
<p><b>Legend—Project classification:</b></p> <p>M = Major            m = Minor            E = Exempt</p>		

(1990 Code, Ch. 21, Art. 9, § 21-9.90-6) (Added by Ord. 99-12; Am. Ords. 02-19, 18-44)

#### **§ 21-9.100 Transit-oriented development (TOD) special districts.**

- (a) The purpose of this section is to establish a TOD special district around rapid transit stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable in the TOD special district are in addition to underlying zoning district, 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, the regulation applicable to the TOD special district will take precedence. If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect, the regulation applicable to the other special district or unilateral agreement in effect 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 multifamily 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 out at the end of this article.

**Community Benefits.** Those project elements that will mitigate impacts of greater heights or greater density or modifications to 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.

**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 the rail station. Certain development standards will apply only to those lots fronting a designated key street. The key streets are identified on the exhibits set out 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 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.

**Setback.** The distance from the property line to the front facade of a building.

**Street Tree Plan.** A street tree planting plan approved in accordance with the “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 this section. TOD development regulations may include provisions specific to certain station areas.

**TOD Special District.** That area surrounding existing and future rail transit 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.** The parcels of land around a rail transit station subject to the TOD development regulations. Generally, the station area will consist of that land within approximately 0.5 miles of the related transit station, which is roughly the distance of a five- to 10- minute walk from the station, as identified on the exhibits set out at the end of this article.

(1990 Code, Ch. 21, Art. 9, § 21-9.100) (Added by Ord. 09-4; Am. Ord. 17-54)

**§ 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.
- (1990 Code, Ch. 21, Art. 9, § 21-9.100-1) (Added by Ord. 09-4; 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 or amendment of a 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 the particular 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 transit ridership;
  - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;
  - (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services;
  - (5) Preservation of existing healthcare services. For the 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) Mitigating gentrification of the community; and
  - (7) 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 should 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 investigated.
  - (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 will be by council resolution, with or without amendments.
  - (g) *Waipahu Neighborhood TOD Plan.*
    - (1) The Waipahu Neighborhood TOD Plan was adopted by the council via Resolution 14-47, CD1, on April 16, 2014. It includes the West Loch and Waipahu Transit Center station areas.
    - (2) The Waipahu Transit Center station area reflects Waipahu's heritage as a former sugar plantation town. The area is generally low-rise in character, and contains a wide range of uses. The plan envisions the retention of the historic low-rise character while providing new retail, office, and residential opportunities in a walkable, mixed-use setting in the areas along Waipahu Depot Road and Farrington Highway.
    - (3) Development in the West Loch station area will be concentrated in the area adjacent to the transit station along Farrington Highway and Leole Street. The plan envisions a higher density commercial center with mixed-use buildings along Farrington Highway, while Leole and Leoku Streets serve as pedestrian-oriented streets with active ground floor activities and pedestrian access to the Pearl Harbor Historic Trail.
- (1990 Code, Ch. 21, Art. 9, § 21-9.100-2) (Added by Ord. 09-4; Am. Ords. 17-20, 17-54)

**§ 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.

(1990 Code, Ch. 21, Art. 9, § 21-9.100-3) (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:

- (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.

(1990 Code, Ch. 21, Art. 9, § 21-9.100-4) (Added by Ord. 09-4; Am. Ord. 17-54)

**§ 21-9.100-5 Interim planned development-transit (IPD-T) projects.**

The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects and public housing projects within the rail corridor that would not be possible under a strict adherence to the development standards of this chapter before the adoption of the TOD neighborhood plans or amendments to this chapter relating to the future TOD special districts. 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 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 benefitting 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 legislative review and approval before a more detailed administrative review and approval by the department. For the purposes 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.

Before 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 0.5 miles of a future rail station identified in the Honolulu Rail Transit Project (H RTP) Environmental Impact Statement (EIS), accepted by the Governor of the State of Hawaii on December 16, 2010, and any future supplemental EISs for the project, may qualify for an IPD-T permit in the interim, subject to the following:

(a) *Eligible zoning lots.* IPD-T projects may be permitted on zoning lots that meet the following standards:

- (1) A portion of the zoning lot shall be within a 0.5-mile radius of a planned H RTP station, as approved by the Honolulu Authority for Rapid Transportation. For the purposes of this section, the minimum distance requirement shall be measured as the shortest straight line distance between the edge of the station area and the zoning lot lines of the project site. For public housing projects, the distance may be extended to include a portion of a zoning lot within a 1-mile radius of a planned H RTP station;
- (2) The minimum project size shall be 20,000 square feet. Multiple lots may be part of a single IPD-T project if all of the lots are under a single owner or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
  - (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
  - (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided in this subdivision, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single IPD-T project shall be considered and treated as one zoning lot for purposes of the project; provided that no conditional use permit-minor for a joint development of multiple lots shall be required therefor;

- (3) The project site shall be entirely in the State-designated urban district;
- (4) All eligible zoning lots shall be in the apartment, apartment mixed-use, business, business mixed-use, resort, industrial, or industrial-commercial mixed-use districts; provided that this subdivision shall not apply to landscape lots, right-of-way lots, or other lots used for similar utilitarian (infrastructure) purposes; and
- (5) Upon the enactment of a TOD special district and its related development regulations, all zoning lots within that TOD special district shall no longer be eligible for this interim permit, but shall comply with all applicable TOD special district regulations and requirements enumerated by this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan before the date of enactment shall continue to be processed under and be subject to this § 21-9.100-5 and the applicable use and development standards approved under the conceptual plan.

(b) *Standards for review.*

- (1) Significant flexibility and the possibility of increased development potential are being made available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that these projects can provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate:
  - (A) The ability to contribute positively to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses and diverse housing or employment opportunities;
  - (B) 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 transit system on a pedestrian scale;
  - (C) The provision of usable, safe, and highly accessible public accommodations, gathering spaces, pedestrian ways, bicycle facilities, or parks; and
  - (D) An appropriate mix of housing and unit types, including a range of affordable and market rate housing, particularly affordable or rental housing, or both, or public housing projects; with qualifying affordable housing being located on the project site or within 0.5 miles of an identified H RTP transit station, or within 1 mile of an identified H RTP transit station for public housing projects, subject to the requirements in this paragraph. For the purposes of this section, “affordable housing” means housing that is affordable to households with incomes not exceeding 120 percent of the annual median income for Oahu. Off-site affordable housing is only allowed subject to the following requirements:
    - (i) At least 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to rules adopted by the department in accordance with HRS Chapter 91 (the “department’s affordable housing rules”), must be within the project site;
    - (ii) Up to 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department’s affordable housing rules, may be provided on lands that are within 0.5 miles of an identified H RTP transit station, if:
      - (aa) The units are rental (as opposed to for sale) housing;
      - (bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 60 percent of the “area median income” as defined in the department’s affordable housing rules; and
      - (cc) The rentals remain affordable for a period of not less than 60 years.
    - (iii) Up to 35 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department’s affordable housing rules, may be provided on lands within 0.5 mile of an identified H RTP transit station, if:
      - (aa) The units are rental housing;

(bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 80 percent of the “area median income” as defined in the department’s affordable housing rules; and

(cc) The rentals remain affordable for a period of not less than 20 years.

If the department’s affordable housing rules establish separate factors for determining the satisfaction of affordable housing requirements for transit-oriented developments, then satisfaction of the above percentages will be based on those factors.

The IPD-T option offers developers opportunities to increase development potential; provided that equitable contributions that benefit the general public, the transit system, and TOD are demonstrated.

(2) Unless specified in § 21-9.100-5, IPD-T projects shall be generally consistent with:

(A) The approved neighborhood TOD plan for the affected area; or

(B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, “draft neighborhood TOD plan” means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment.

(c) *Use regulations.*

(1) Permitted uses and structures may be any of those uses permitted in the BMX-4 central business mixed-use district; provided that hotels are not permitted on any zoning lot in an apartment, apartment mixed-use, industrial, or industrial-commercial mixed-use district, unless it is otherwise in compliance with the standards enumerated by § 21-5.360(b) (provided that this subdivision does not preclude hotels in the I-2 intensive industrial district and the IMX-1 industrial-commercial mixed-use district from qualifying as a conditional use under § 21-5.30(a)); and

(2) Ground floors and pedestrian-accessible spaces should be used to the extent feasible for active uses, including but not limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations, including but not limited to benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service.

(d) *Site development and design standards.* The standards set forth by this subsection are general requirements for IPD-T projects. When, in the 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. Also, pursuant to subsection (b), the modification or reduction in the following standards must commensurate with the contributions 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 below.

(1) *Density.*

- (A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; provided that where a draft or approved neighborhood TOD plan identifies greater density for the site, a project on that site must be consistent with the specified density contained in the plan and may be considered for that density;
- (B) For public housing projects as defined in § 21-9.100-5, 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 draft or approved TOD FAR 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 increase will apply to the zoning lot plus any applicable floor area bonuses.

(2) *Height.*

- (A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower;
- (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 plans, the existing height limit will prevail; and
- (C) For public housing projects as defined in § 21-9.100-5, 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 in the TOD 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 will 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 used as a public park, plaza, or gathering place for the affected community; or



- (ii) Provided in the form of connections or improvements, or both, to nearby open spaces, pedestrian ways or trails, including but not limited to streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades;

or both.

- (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, 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 provided will be as specified in the approved conceptual project plan;
  - (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 vehicle charging stations is encouraged.
- (8) Bicycle parking must be accommodated on the project site, subject to the following:
  - (A) The number of bicycle parking spaces provided will be as specified in the approved conceptual project plan;
  - (B) Long-term bicycle parking must be provided for residents of onsite dwelling units in the form of enclosed bicycle lockers or easily accessible, secure, and covered bicycle storage;
  - (C) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged;
  - (D) Each bicycle parking space must be a minimum of 15 inches in width and 6 feet in length, with at least 5 feet of clearance between bicycle and vehicle parking spaces. Each bicycle must be easily reached and movable without moving another bicycle; and
  - (E) The provision of space for bicycle-sharing stations is encouraged either on the exterior of the building or within a parking structure; provided that the area is visible and accessible from the street.
- (9) *Signs.*
  - (A) Sign standards and requirements will be as specified in the approved conceptual project plan. The sign standards and requirements may deviate from the strict sign regulations of this chapter; provided

that the flexibility is used to achieve good design, compatibility, creativity, consistency, and continuity in the utilization of signs on a pedestrian scale;

- (B) All projects must include appropriate measures to accommodate TOD-related way-finding signage that will be considered “public signs” for purposes of Article 7; and
- (C) Where signage is not otherwise specified by the approved conceptual plan for the project, the project signage must comply with the underlying sign regulations of this chapter.

(e) *Application requirements.* An application for approval of an IPD-T project shall contain:

- (1) A project name;
- (2) A location map showing the project in relation to the future rail station area and the surrounding area;
- (3) A site plan showing property lines, the locations of buildings and other major structures, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;
- (4) A narrative description of the overall development and urban design concept; the general mix of uses; the basic form and number of structures; the relationship of buildings to each other and to the streets, and how that is used to create active public space; the estimated number of proposed public and private dwelling or lodging units, affordability restrictions to be observed, and the proposed mix of housing types; general building height and density; how the project achieves and positively contributes to TOD and transit-enhanced neighborhoods; proposed public amenities and community benefits; the planned development of usable, publicly accessible spaces, accommodations and landscaping; how the project supports walking, bicycling, and active living; proposals to enhance multimodal circulation and access; proposed off-street parking and loading; and possible impacts on security, public health and safety, infrastructure, and public utilities;
- (5) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system indicating proposed movement of vehicles, goods, pedestrians, and bicyclists within both the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;
- (6) A narrative explanation of the project’s architectural and urban design relating the various design elements to support pedestrian- and transit-oriented development, and a discussion of any impacts to any cultural or historic resources, as well as any public views protected by law or ordinance;
- (7) Details of the project, including proposed floor area, open space, open space bonuses, and maximum FAR;
- (8) A parking and loading management plan or transportation demand management plan, or both;
- (9) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures shall be included in the proposal; and

- (10) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (f) *Procedures.* Applications for approval of IPD-T projects shall be processed in accordance with § 21-2.110-2. Fees shall be as enumerated for planned development applications in § 6-41.1(a)(19); provided that the fee shall be waived for public housing projects.
- (g) *Conceptual plan for a project.* No project shall be eligible for IPD-T status, unless the council has first approved a conceptual plan for the project. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height or street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs, if the uses and standards depart from the uses and standards applicable in the underlying zoning district. If uses and standards are not otherwise specified, the uses and standards applicable to the underlying zoning district apply.
- (h) *Guidelines for review and approval of the conceptual plan for a project.* Before 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 21-9.100-5 while in effect; and
  - (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.
- (i) *Deadline for obtaining building permit for project.*
- (1) A council resolution of approval for a conceptual plan for an IPD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. 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 shall be deemed a failure to comply with the deadline.
  - (2) The resolution shall further provide that a deadline may be extended as follows.
    - (A) The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion.
    - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension.

- (C) The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution.
  - (D) If the council fails to take final action on the proposed extension within the first to occur of:
    - (i) Sixty days after the receipt of the director's report; or
    - (ii) The applicant's then-existing deadline for obtaining a building permit, the extension shall be denied.
  - (3) For public housing projects, the council resolution for approval of a conceptual plan for an IPD-T project shall include a five-year deadline within which the building permit for the first phase of the project shall 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.
  - (j) *Further processing by director.* If the council approves the conceptual plan for the IPD-T project, the application, as approved in concept by the council, shall continue to be processed by the director as provided under § 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
    - (1) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council. Any increase in the height or density of the project will be considered a significant alteration and a change to the conceptual plan;
    - (2) The project also shall implement the objectives, guidelines, and standards of § 21-9.100-4 and this section;
    - (3) The project shall contribute significantly to the overall desired urban design of TOD areas;
    - (4) The project shall demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping, and other amenities, which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding TOD areas;
    - (5) The project shall involve a broad mix of uses or other characteristics, or both, that support the economic development and vitality of the affected TOD enhanced neighborhood; or include an appropriate mix of housing types, particularly affordable housing and rental housing, or both, or public housing; and
    - (6) The parking management plan or transportation demand management plan shall support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible.
- (1990 Code, Ch. 21, Art. 9, § 21-9.100-5) (Added by Ord. 14-10; Am. Ords. 16-26, 17-40)

**§ 21-9.100-6 TOD special district objectives.**

The objectives of a TOD special district are to:

- (a) 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;
- (b) Allow for more intense and efficient use of land for the mutual reinforcement of public investments and private development;
- (c) Support transit by ensuring connectivity and convenient access, while limiting conflicts among vehicles, pedestrians, bicycles, and transit operations;
- (d) Establish standards for buildings and sites that provide quality urban design that attracts and encourages pedestrian activity;
- (e) 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;
- (f) Promote an appropriate mix of housing types, including affordable housing and rental housing;
- (g) Promote quality publicly accessible and usable spaces and gathering places; and
- (h) 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 21-3, 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 facade.
- (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 facade.
- (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. Accessory caretaker dwellings do not require a special district permit.

(Added by Ord. 17-54)

**§ 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 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:

	<b>BMX-3 and B-2 Districts</b>	<b>Apartment and Apartment Mixed Use Districts</b>	<b>Industrial and Industrial Mixed Use Districts</b>
Base FAR	2.5	Refer to Table 21-3.3	Refer to Table 21-3.5
Maximum FAR with Major Special District Permit	3.5	1.2 x Base FAR	1.2 x Base FAR
Maximum FAR with PD-T Permit	7.0	2.0 x Base FAR	2.0 x Base FAR

- (B) The open space bonus provisions of § 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 where the proposed development meets the objectives of the TOD special district, as enumerated in § 21-9.100-6.

- (D) *Height.* The allowable height is as prescribed on the zoning map, unless modified through a special district or PD-T permit. Through a special district or PD-T permit, an applicant may seek approval to exceed the base height up to the parenthetical number identified as the bonus height limit on the zoning map. A PD-T permit is required for projects seeking a bonus height that exceeds the lesser of 50 percent of the total bonus height available, or 50 feet.

- (E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be reasonably related to the community benefits the development will provide for the enhancement of the TOD 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 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 on site, 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 station area as the project site. Where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units must be in addition to the affordable housing requirements of Chapter 29.

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 works projects pursuant to HRS Chapter 104.

- (F) When an applicant seeks to exceed the base height or density 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 FAR or height 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 FAR or height 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	All Streets	5 <sup>1</sup>		
Maximum Front Setback	Key Street	10	15	10
	Non-Key Street	10	N/A	N/A

<sup>1</sup> Front yard may be reduced, pursuant to requirements in § 21-9.100-8(a)(3)(C).

- (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) Buildings may encroach into the front yard; provided that:

- (i) A paved public sidewalk at least 8 feet in width fronts the building; or
- (ii) 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 setback(s) so that the proposed building facade creates a consistent building alignment.

(D) *Street facade and building placement.*

- (i) On corner lots fronting at least one key street, buildings must be located within 30 feet of such corner. See Figure 21-9.5.
- (ii) On a 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 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) Where a 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.

(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 hardsurface, 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. Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in § 21-4.30(b).
- (ii) 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 drives and walkways.

(F) For 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 hardsurface, 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, other than openwork fences that do not exceed 4 feet in height, may be erected within the 10-foot setback area. For the purposes of this section, “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 must install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit where at least one of the following conclusions can be made:
  - (i) Irregular property lines, lot configuration, or topography of the site render the yards, setbacks, street facade, and building placement standards infeasible;
  - (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, and building placement standards are incompatible or unreasonable, and better overall design can 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 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) These requirements may be modified through a special district permit if irregular property lines, lot configuration, or topography of the site 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 may 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. 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 such a manner as to create visual interest at the pedestrian level and activate 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 site 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 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) All new development proposing more than 10 residential dwelling or lodging units, or both, must satisfy the affordable housing requirements of Chapter 29.
  - (2) Outdoor dining areas are subject to the following:
    - (A) A planter or hedge of not more than 30 inches 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) Number and location of off-street parking spaces.

(A) There are no minimum parking requirements for non-residential uses.

(B) The minimum parking requirement for residential dwelling units is as follows:

Off-Street Parking Requirements for Dwelling or Lodging Units	
Floor area of unit	Requirement
300 sq. ft. or less	0
301 – 600 sq. ft.	0.5
601 – 800 sq. ft.	0.75
Over 800 sq. ft.	1

(C) The parking requirements may be reduced through a special district permit where the following conclusions can be made:

- (i) The application demonstrates how the anticipated transportation demand of the future residents and users of the project site will be accommodated; and
- (ii) A parking and transportation demand analysis demonstrates that a modification of the parking requirements will not be detrimental to the surrounding neighborhood. The analysis must include:
  - (aa) an inventory of all on- and off- street parking spaces within the vicinity of the project site;
  - (bb) a survey of current and anticipated parking space utilization; and
  - (cc) a survey of the current and anticipated use of other modes of transportation.

The analysis should also consider strategies such as shared parking agreements, bicycle facilities, bicycle sharing stations, car-sharing, and improved pedestrian mobility.

(2) At-grade parking spaces and parking on the ground floor of any structure may 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 finds 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.

(3) 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 finds that the size and configuration of the lot make such a requirement infeasible.

- (4) 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.
- (5) 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.
- (6) *Bicycle parking.*
  - (A) A covered, single-story, stand-alone bicycle parking structure will not be considered floor area for the purposes of FAR calculation.
  - (B) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. Where the bicycle parking is not visible from the front entrance, signage indicating the location of bicycle parking must be utilized. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged.
  - (C) The bicycle parking standards in § 21-6.150 may be modified through a special district permit if the director finds that there is adequate bicycle parking in the immediate vicinity, including but not limited to public bicycle parking in the right-of-way or private bicycle parking on nearby lots, if such parking is both perpetually accessible to the users of the project location, and designed in such a way that pedestrians and cyclists can easily recognize the availability of the bicycle parking.
- (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 may not 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 that 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 if the director finds:
- (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)

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**

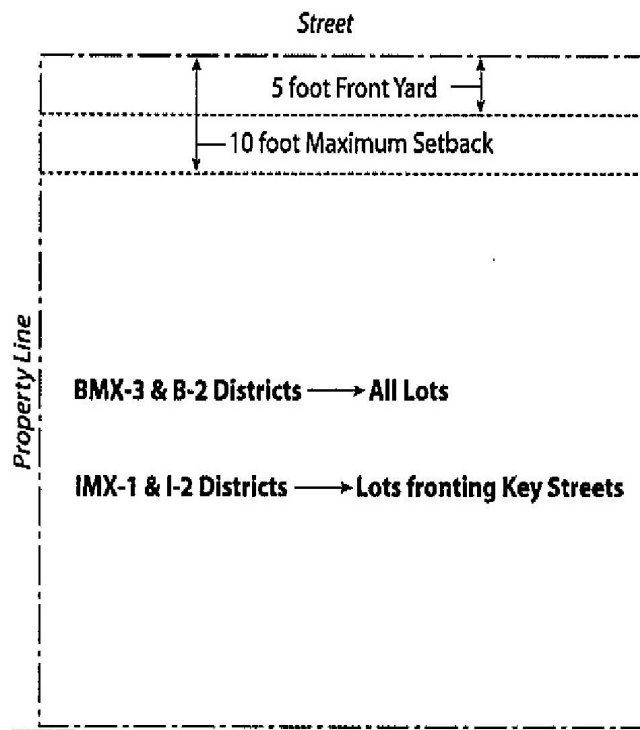


Figure 21-9.4

**YARDS AND MAXIMUM SETBACKS ON KEY STREET,  
APARTMENT AND APARTMENT MIXED USE DISTRICTS**

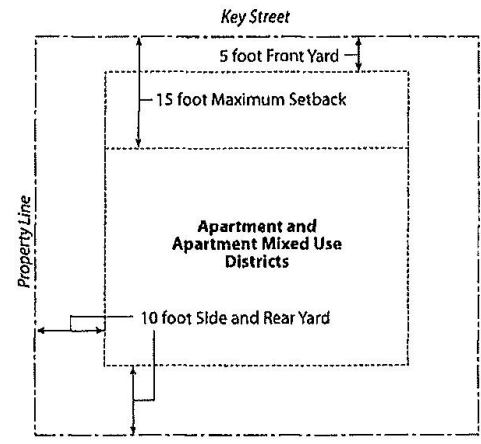


Figure 21-9.5

**BUILDING FACADE PLACEMENT ON CORNER LOTS FRONTING  
TWO KEY STREETS**

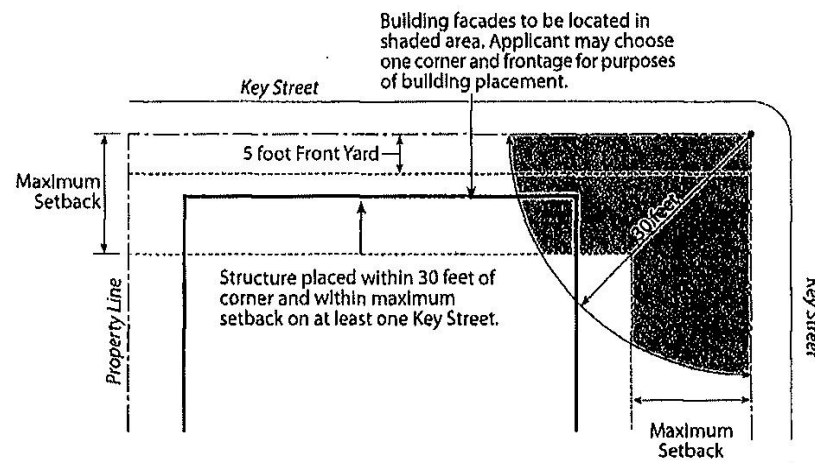


Figure 21-9.6

**BUILDING FACADE PLACEMENT ON LOTS 100 FEET OR LESS**

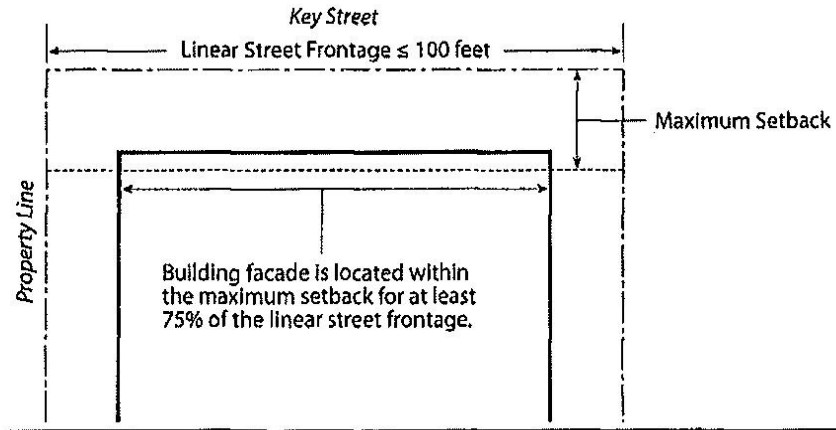


Figure 21-9.7

**BUILDING FACADE PLACEMENTS ON LOTS GREATER THAN 100 FEET**

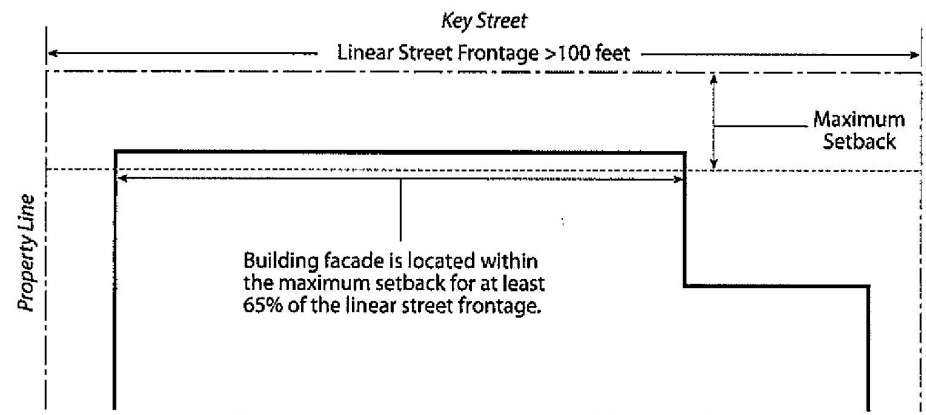


Figure 21-9.8

**BUILDING FACADE AND PARKING PLACEMENT ON LOTS  
FRONTING TWO KEY STREETS**

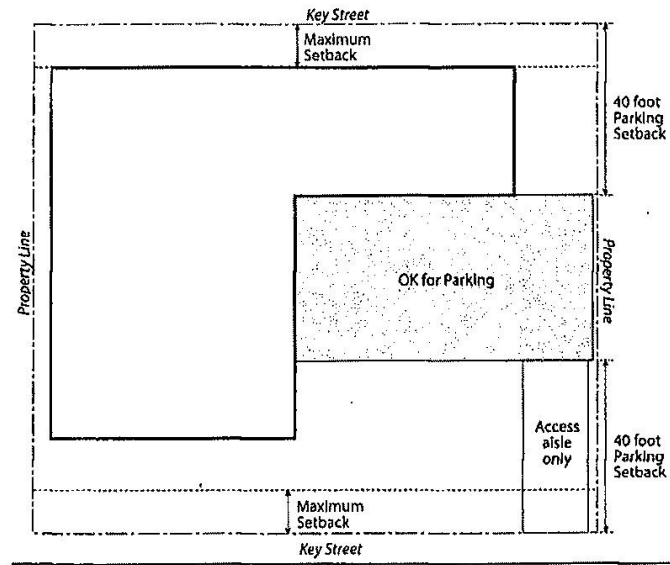


Figure 21-9.9

**BUILDING FACADE AND PARKING PLACEMENT ON LOTS  
FRONTING THREE KEY STREETS**

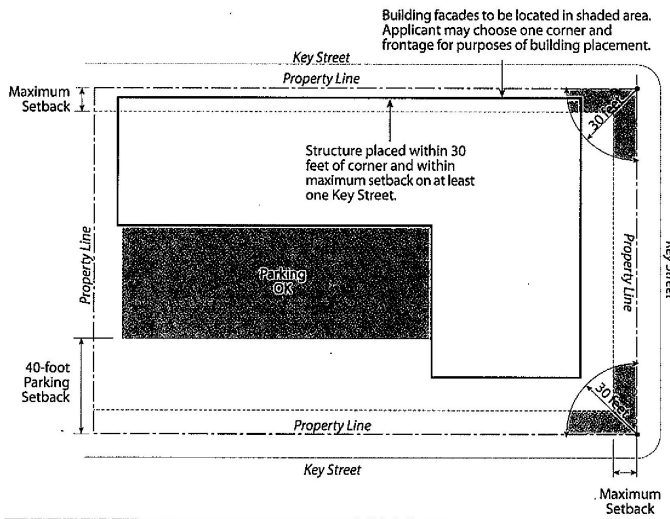




Figure 21-9.10

**PRIMARY AND SECONDARY BUILDING ENTRANCES**

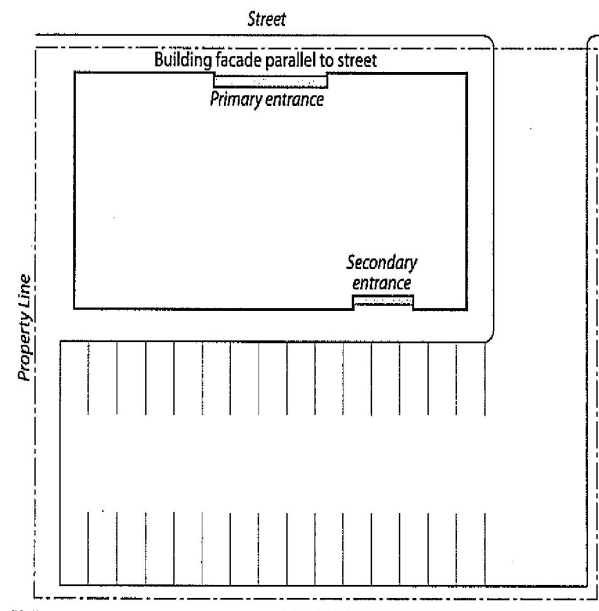


Figure 21-9.11

**FOR LOTS WITH IRREGULAR PROPERTY LINES,  
BUILDING FACADES PARALLEL TO STREETS**

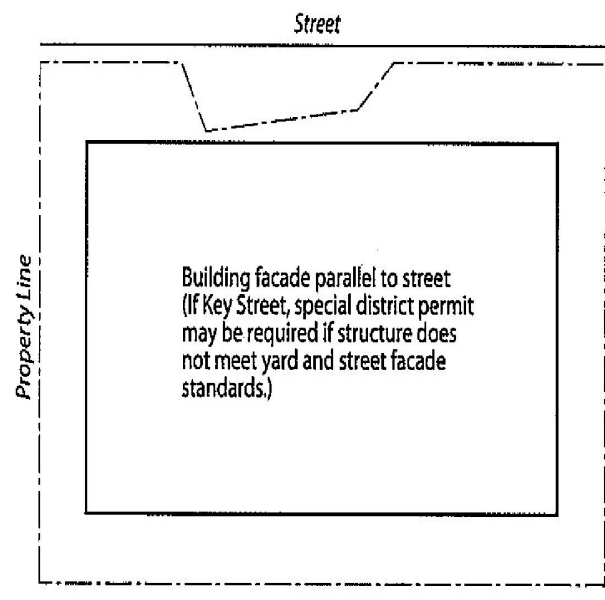


Figure 21-9.12

**PRIMARY ENTRANCES SHOULD FACE THE STREET**

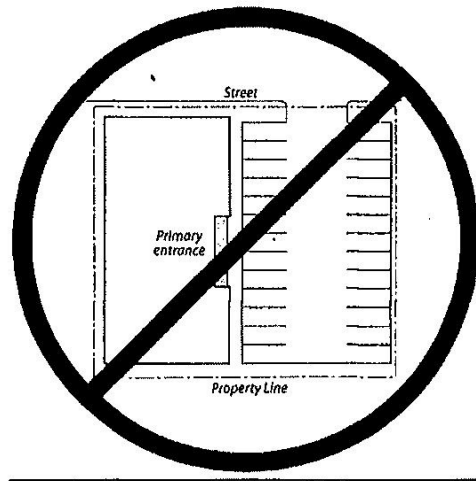


Figure 21-9.13

**BUILDING TRANSPARENCY**

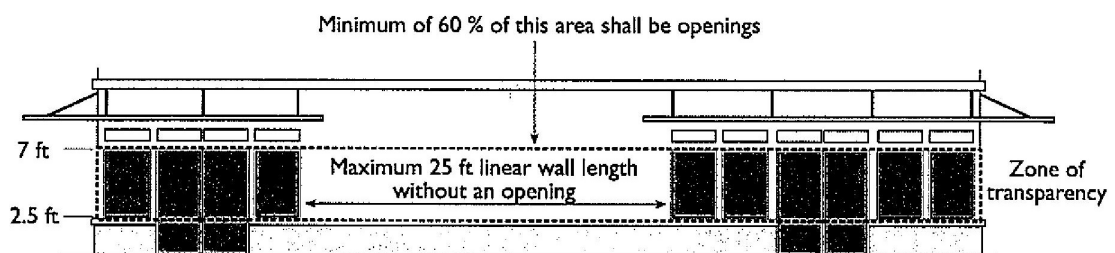


Figure 21-9.14

**PEDESTRIAN WALKWAY CONNECTIVITY ACROSS ZONING LOTS**

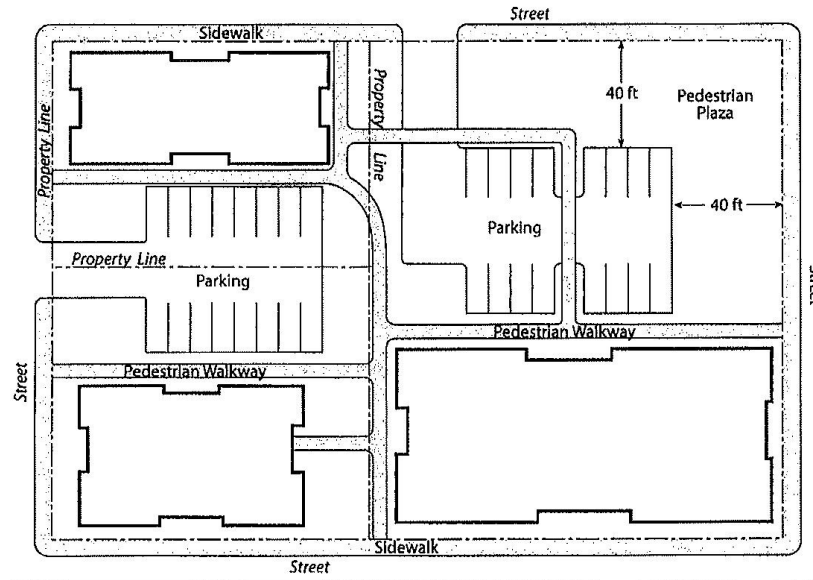
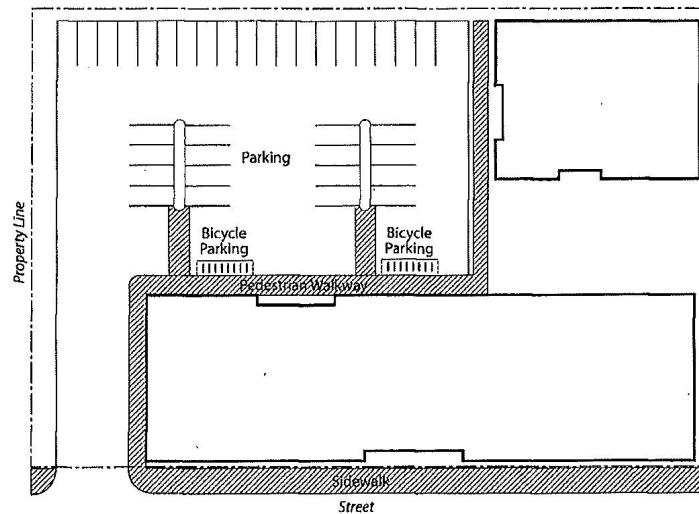


Figure 21-9.15

**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 5 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 that 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, including but not 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 onsite, 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 project size of at least 1 acre. Multiple lots may be part of a single PD-T project if all of the lots are under a single owner or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:

(A) The lots are not contiguous solely because they are separated by a street or right-of-way; and

(B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided in this subdivision, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring a separate conditional use permit-minor for a joint development.

- (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, unless otherwise noted 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 reasonably related 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 affected 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 contributions provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.

- (1) *Density.* Pursuant to § 21-9.100-8(a)(1)(A), the maximum allowable density will be as follows:

- (A) In BMX-3 and B-2 districts, the maximum FAR may be up to seven;
- (B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and
- (C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district.

- (2) The maximum height cannot exceed the bonus height limit shown as the parenthetical number on the zoning maps.

- (3) Transitional height or height setbacks may be modified where adjacent uses and street character will not be adversely affected.

- (4) PD-T projects proposing more than 10 residential dwelling or lodging units, or both, must satisfy the affordable housing requirements of Chapter 29. If affordable housing is provided as a community benefit to justify flexibility with respect to development standards, the affordable housing must be in addition to the affordable housing requirements of Chapter 29.

(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, publicly-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 may 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) Sixty 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)

**§ 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 a TOD special district.

<b>Table 21-9.8 TOD Special District Project Classification</b>		
Activity/Use	Required Permit	Special Conditions
Major modification, additions, or new construction on sites one acre or more in size	M/m	Projects on key streets are major. All others will be minor, unless the director has determined that the project may result in substantial impacts.
Alterations or repair on sites one acre or more in size	E	
Major modification, alteration, repair, additions, or new construction on sites less than one acre in size	E	
Interior repairs, alterations and renovations to all structures	E	

<b>Table 21-9.8</b> <b>TOD Special District</b> <b>Project Classification</b>		
Activity/Use	Required Permit	Special Conditions
Modifications to height or FAR	M	Projects seeking a maximum FAR of up to 3.5 are major. Projects seeking a bonus height that does not exceed the lesser of 50 percent of the total bonus height available, or 50 feet, are major. All other projects seeking densities or heights beyond the base limits specified in §§ 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T.
Modification to the following standards: <ul style="list-style-type: none"> <li>• Yards and setbacks</li> <li>• Street facade and building placement</li> <li>• Building orientation and entrances</li> <li>• Building transparency</li> <li>• Number of parking stalls</li> <li>• Location of above ground surface parking</li> <li>• Location of service area and loading spaces</li> <li>• Bicycle parking</li> <li>• The commercial use density and location provisions in the apartment mixed use districts</li> <li>• Additional commercial density in the apartment mixed use districts.</li> <li>• Reconfiguration of sidewalk area</li> </ul>	m	Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.
Demolition of structures	E	
Residential units in the IMX-1 district	m	
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 a 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 a 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	

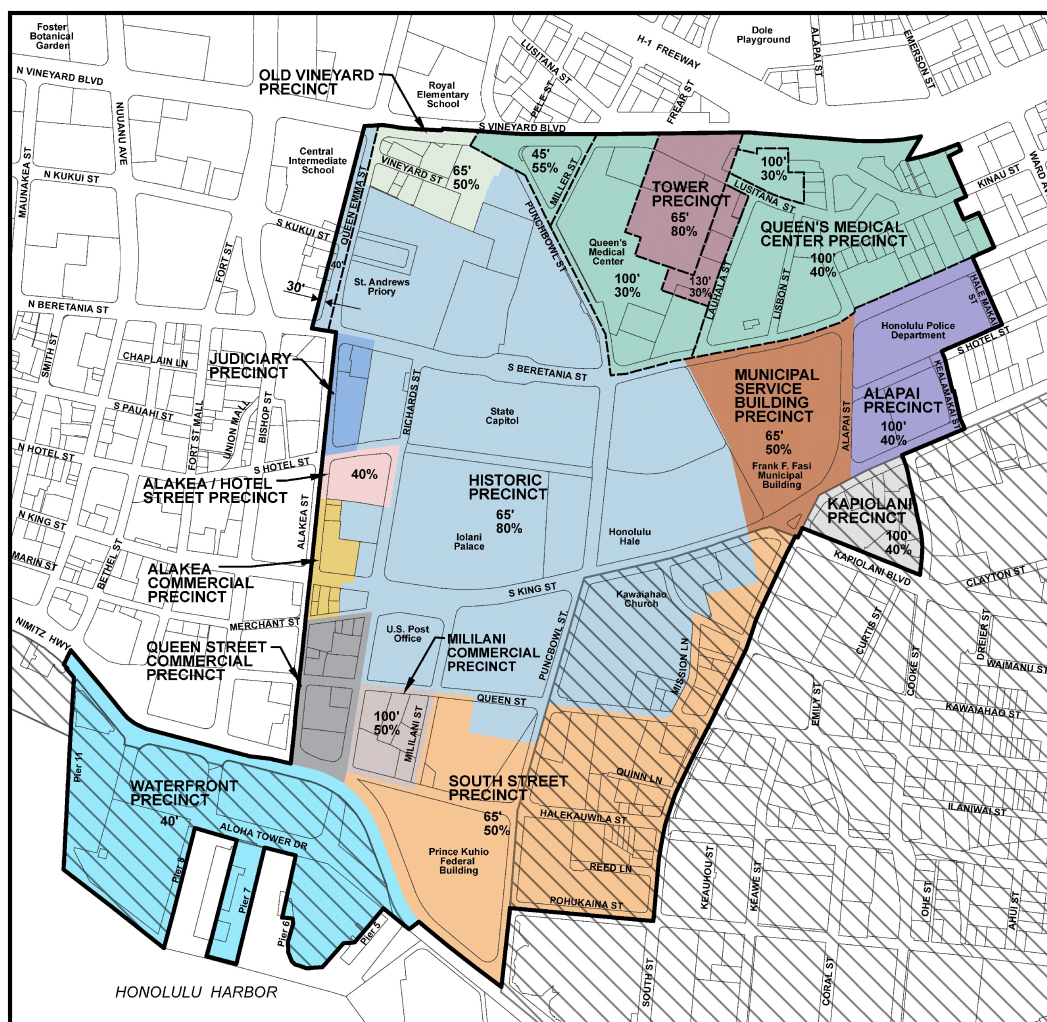
<b>Table 21-9.8</b> <b>TOD Special District</b> <b>Project Classification</b>		
Activity/Use	Required Permit	Special Conditions
<p>A special district permit is not required for activities and uses classified as exempt, as well as other project types that do not fall into one of the categories listed 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.</p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p>		

(Added by Ord. 17-54)

**§ 21-9.100-12 TOD special district boundaries.**




- (a) The West Loch Station area TOD special district boundaries are designated on Exhibit 21-9.19.
  - (b) The Waipahu Transit Center Station area TOD special district boundaries are designated on Exhibit 21-9.20.
- (Added by Ord. 17-54)

## **Honolulu - Land Use**



## HAWAII CAPITAL SPECIAL DISTRICT HEIGHT AND OPEN SPACE PRECINCTS

**LEGEND**

-  HAWAII CAPITAL SPECIAL DISTRICT BOUNDARY  
 AREA SUPERSEDED BY HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
 DISTANCE BETWEEN PROPERTY LINE AND DISTRICT BOUNDARY

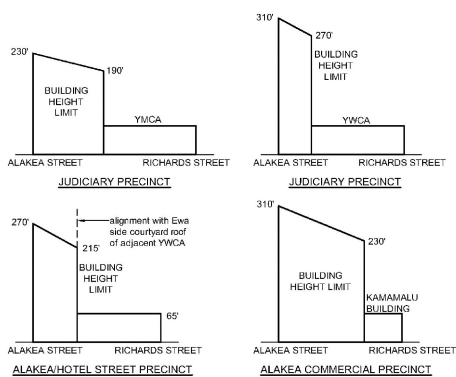


EXHIBIT 21-9.1

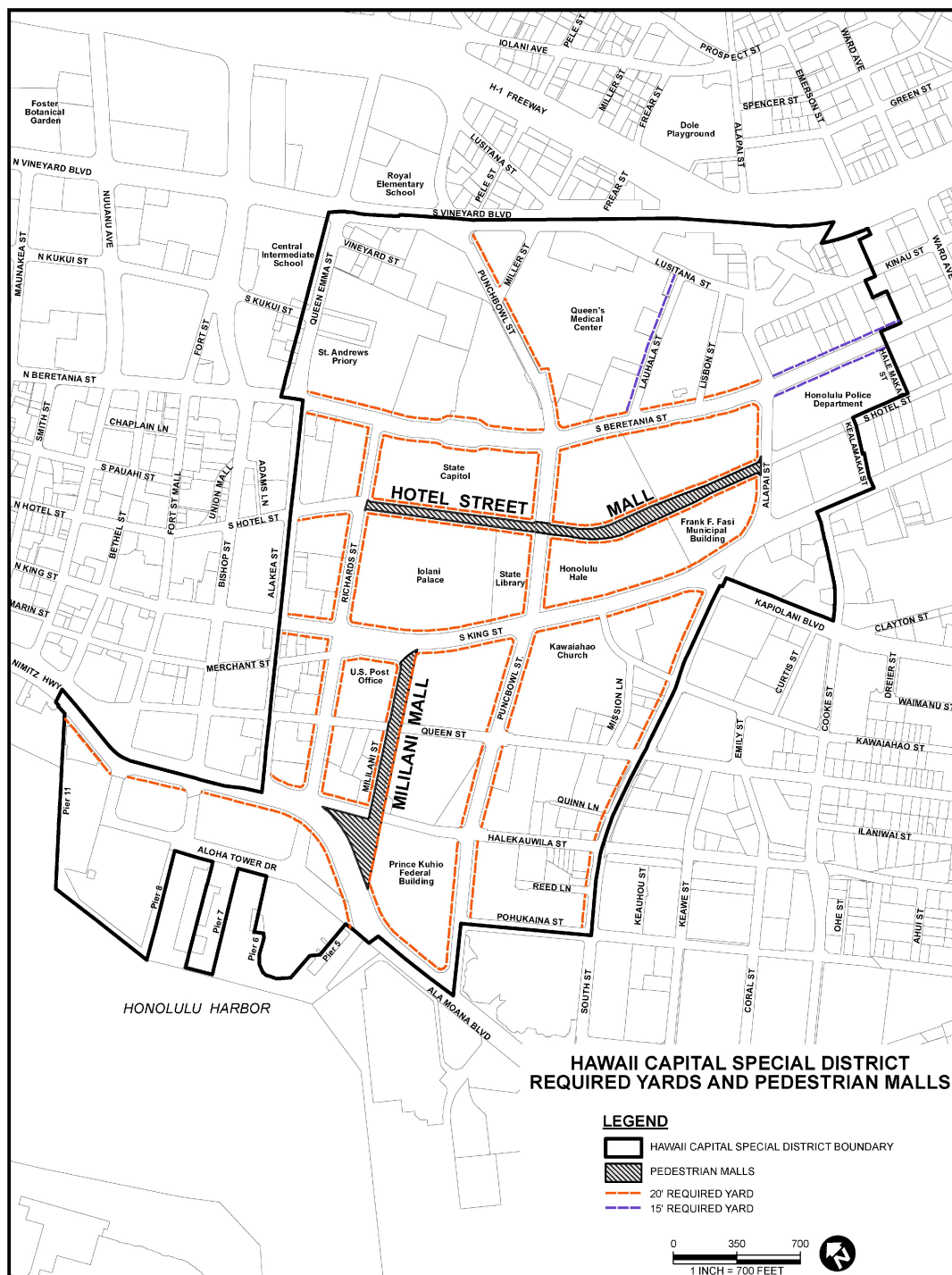


EXHIBIT 21-9.2

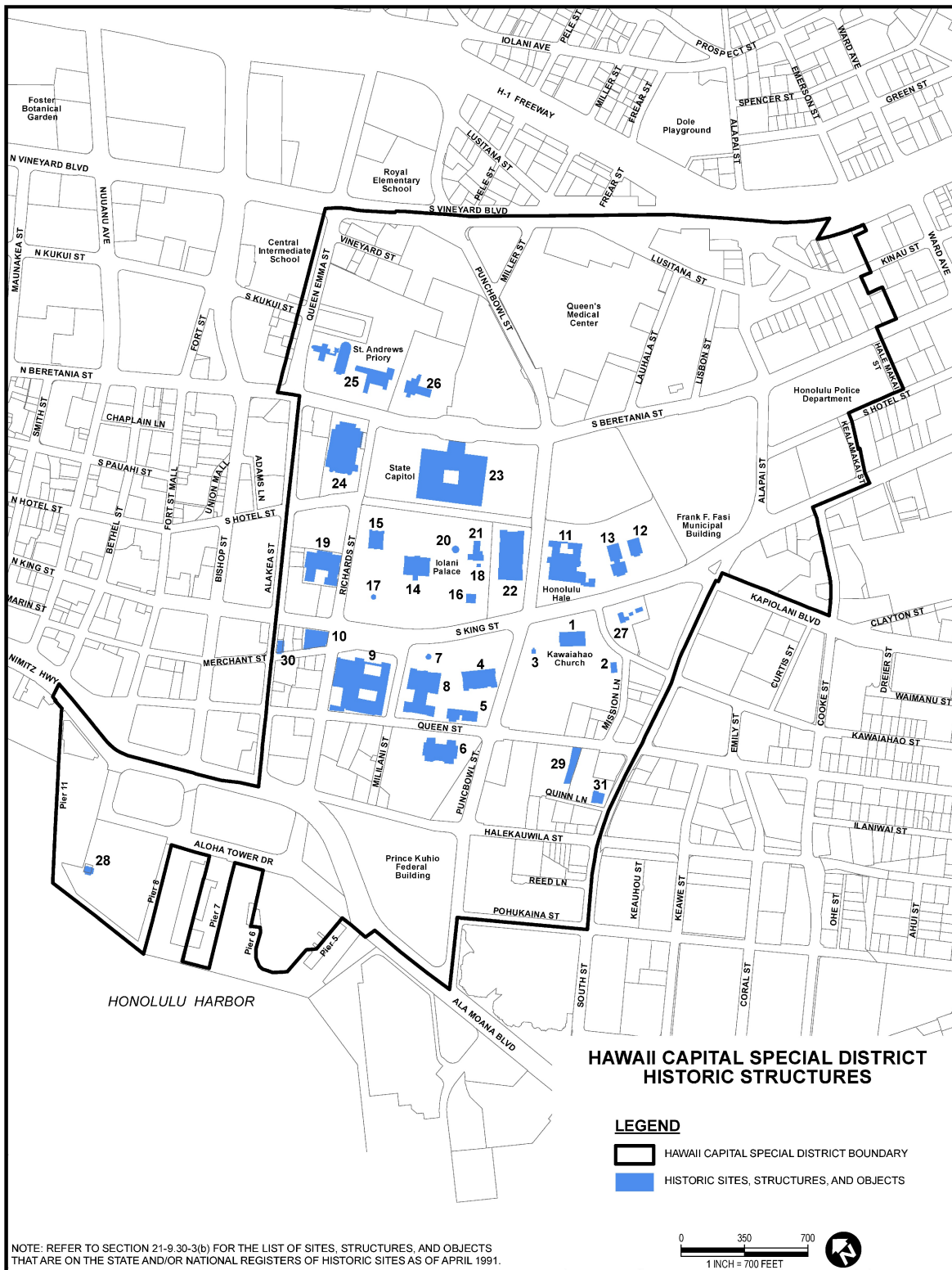


EXHIBIT 21-9.3



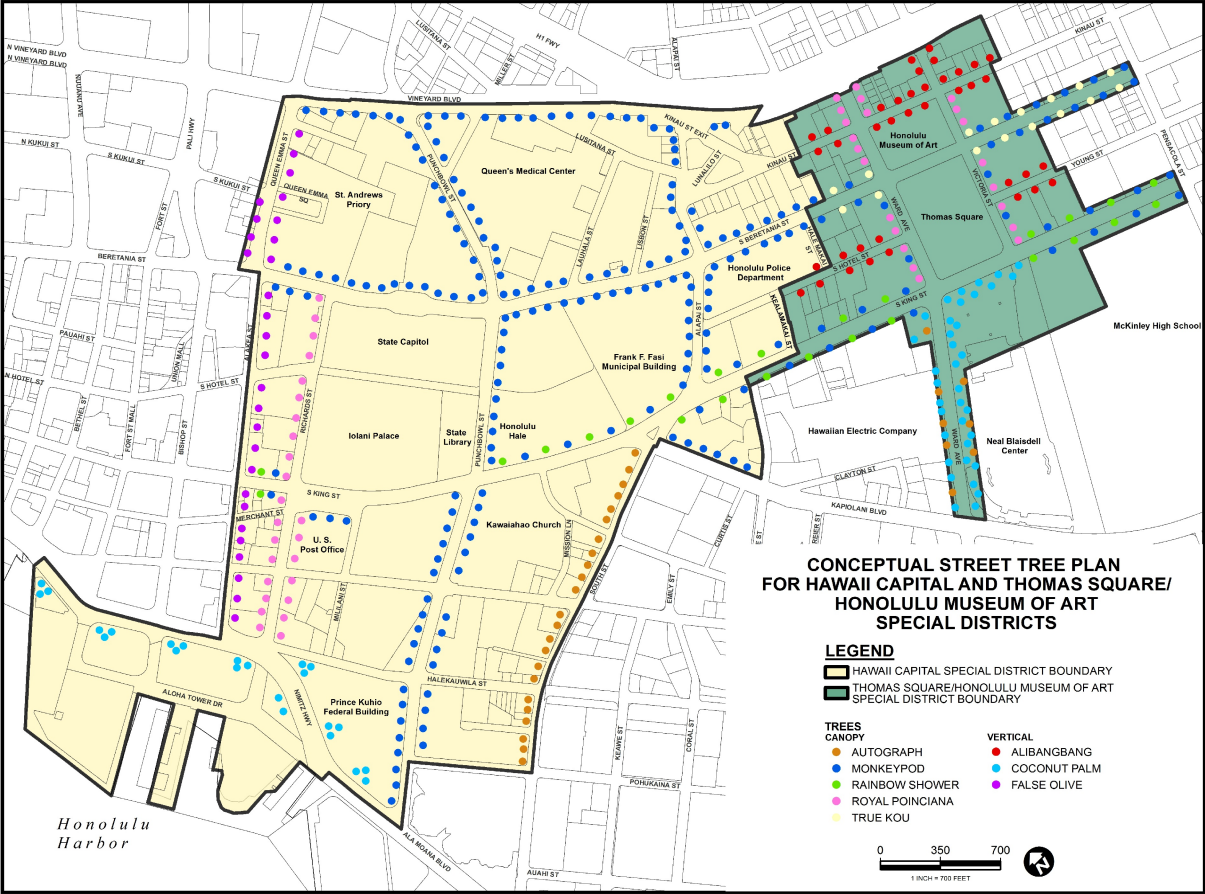


EXHIBIT 21-9.4



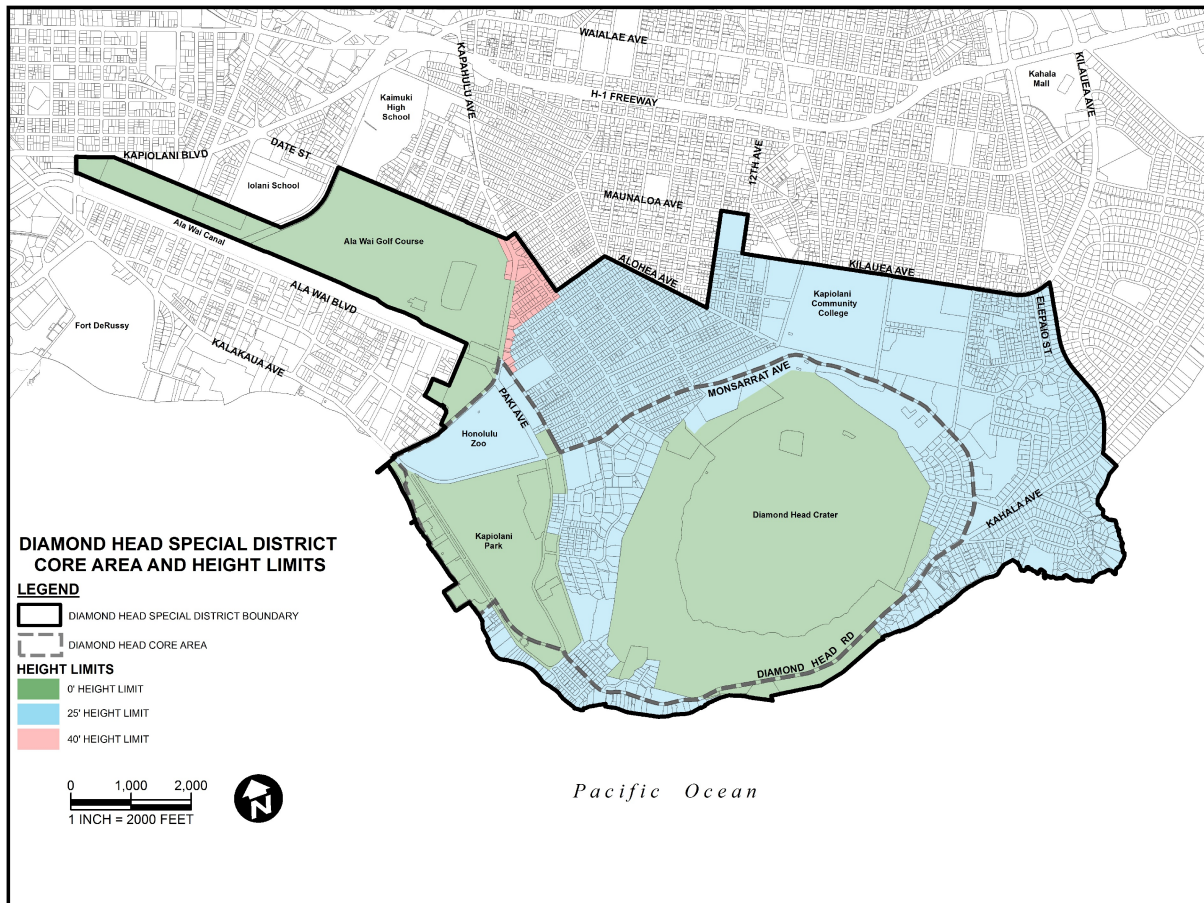
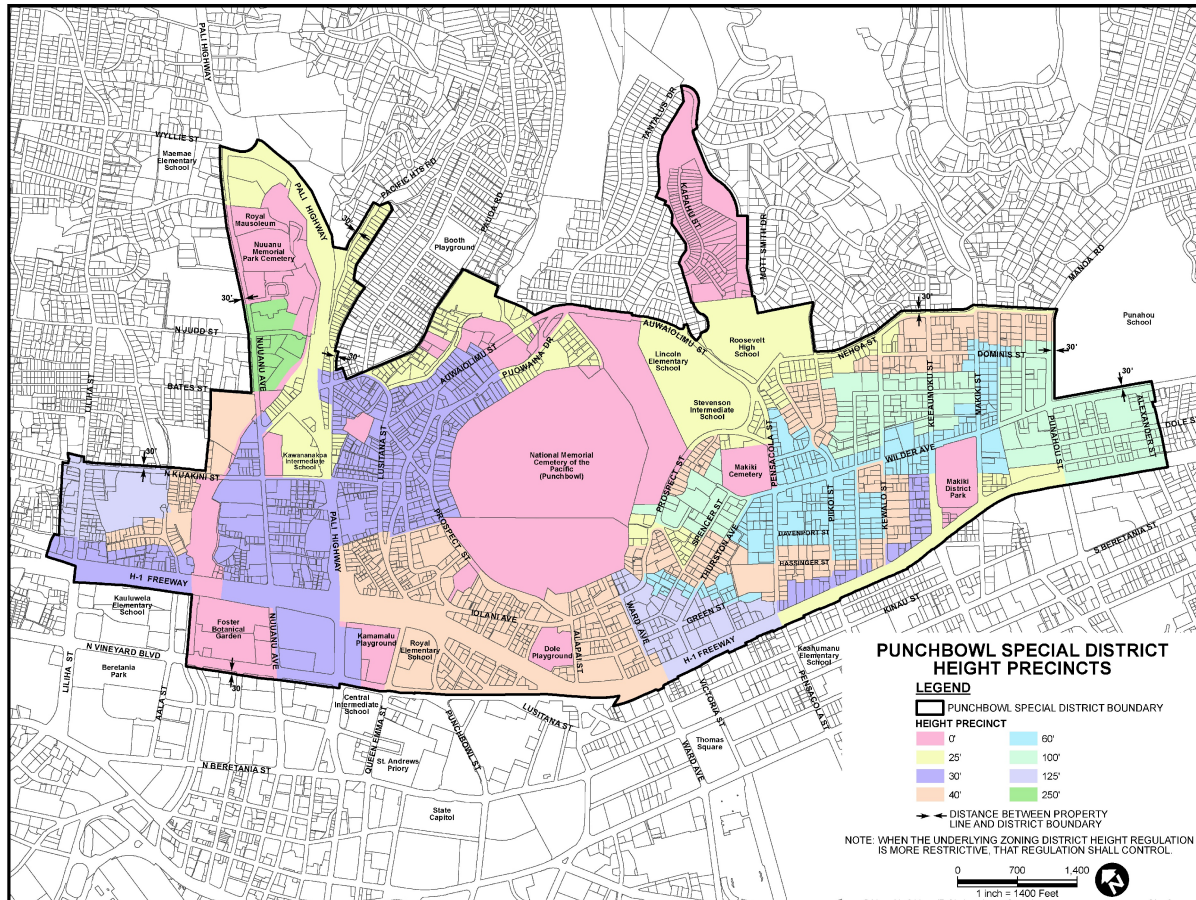


EXHIBIT 21-9.5



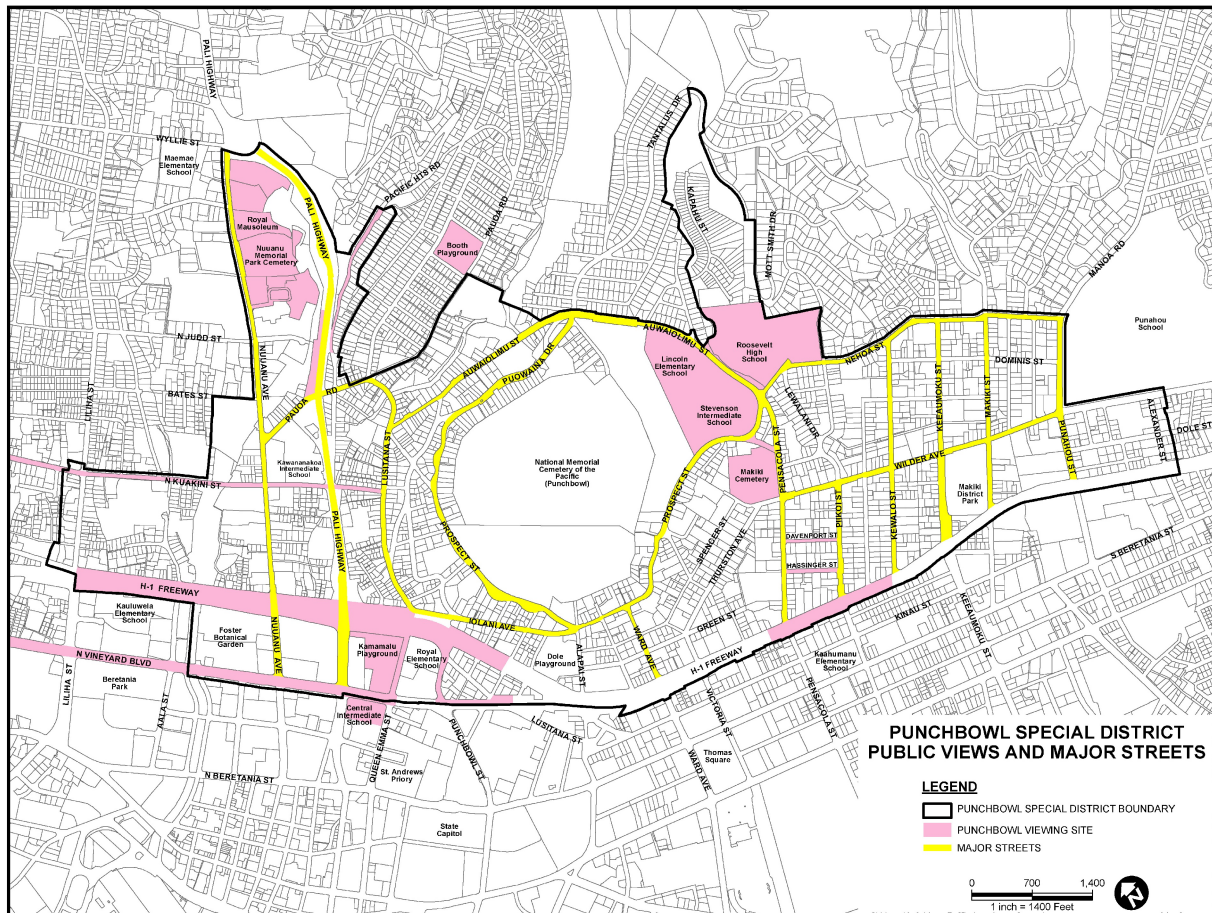


EXHIBIT 21-9.7



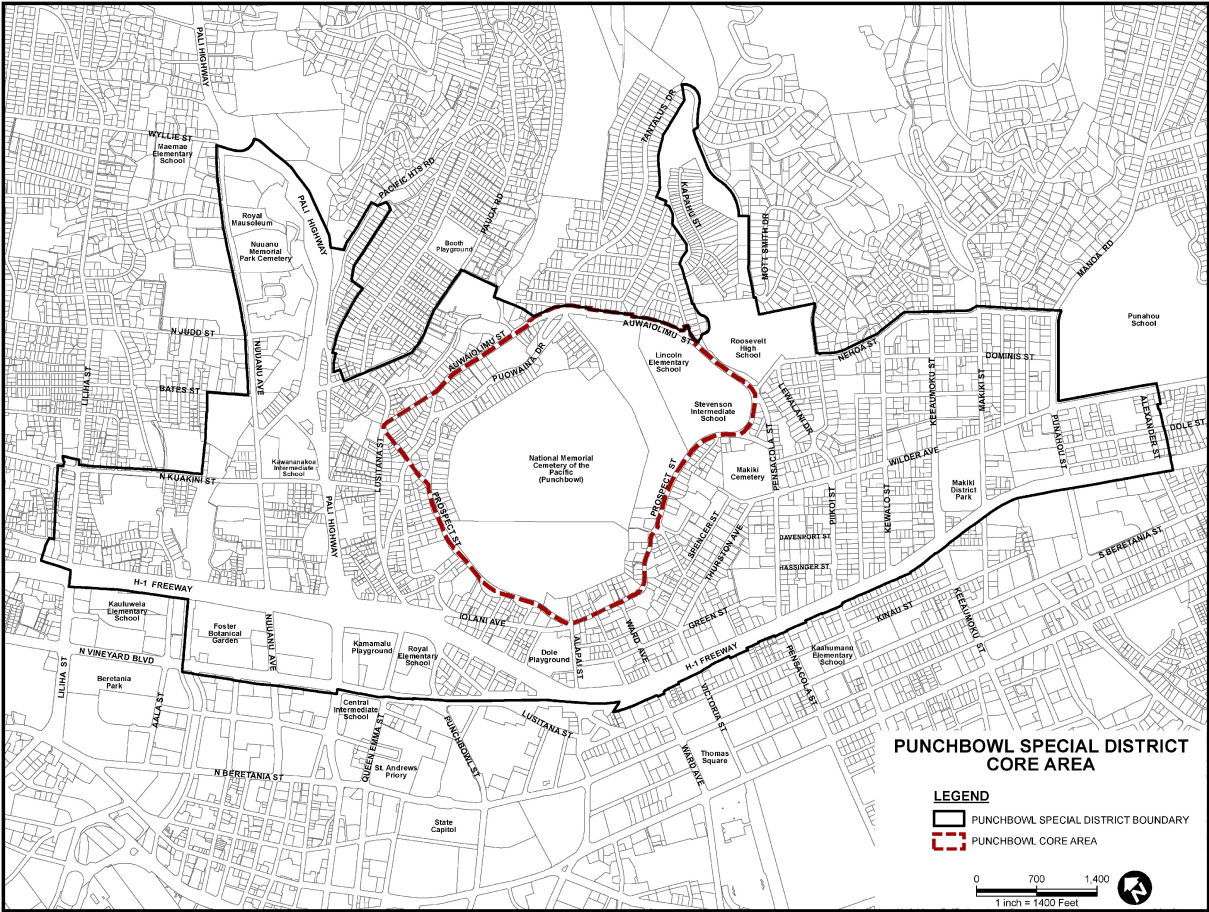
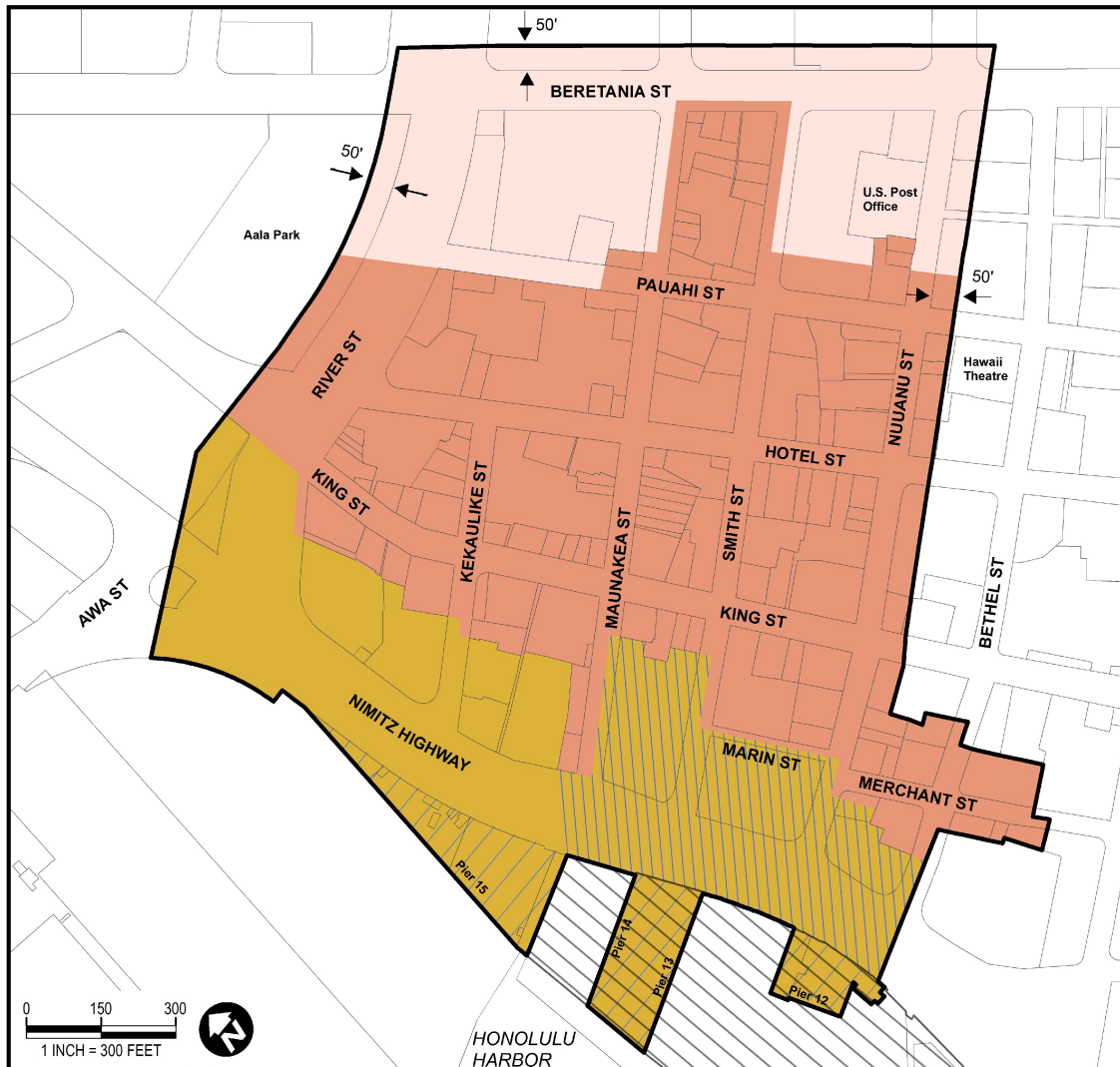


EXHIBIT 21-9.8



### CHINATOWN SPECIAL DISTRICT PRECINCT BOUNDARIES AND HEIGHT LIMITS

#### LEGEND

- CHINATOWN SPECIAL DISTRICT BOUNDARY
- AREA SUPERSEDED BY HAWAII COMMUNITY DEVELOPMENT AUTHORITY

#### PRECINCTS AND HEIGHT LIMITS

- HISTORIC CORE PRECINCT, 40' HEIGHT LIMIT
- MAUKA PRECINCT, 80' HEIGHT LIMIT
- MAKAI PRECINCT
- 40' HEIGHT LIMIT
- 80' HEIGHT LIMIT
- 250' HEIGHT LIMIT

- DISTANCE BETWEEN PROPERTY LINE AND DISTRICT BOUNDARY

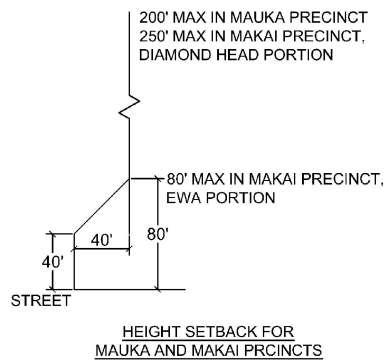


EXHIBIT 21-9.9

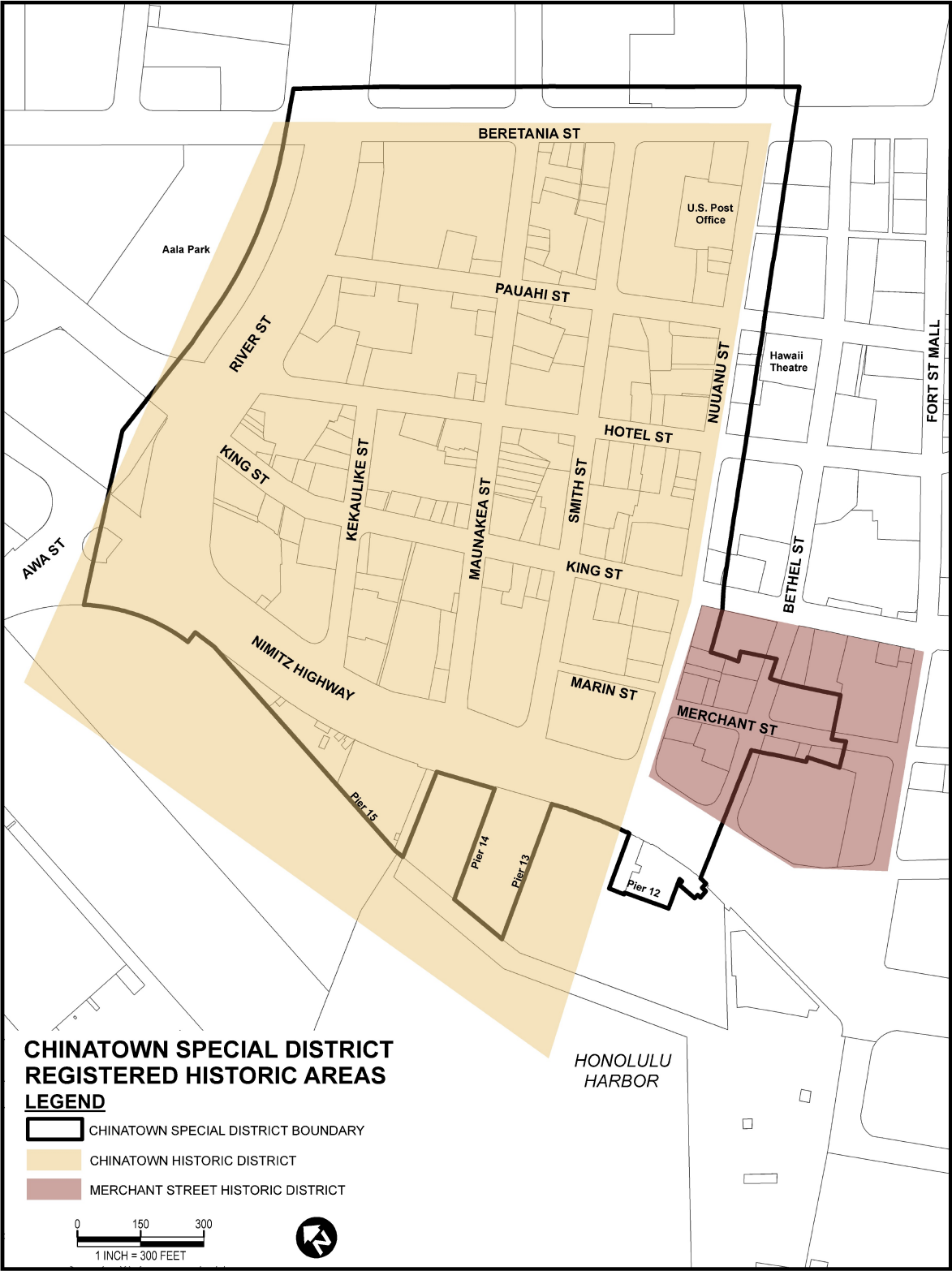


EXHIBIT 21-9.10

**EXHIBIT 21-9.10-A****CHINATOWN SPECIAL DISTRICT HISTORIC  
AND ARCHITECTURALLY SIGNIFICANT STRUCTURES**

<i><b>Tax Map Key</b></i>	<i><b>Address<sup>1</sup></b></i>	<i><b>Building Name</b></i>
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

## Honolulu - Land Use

<i><b>Tax Map Key</b></i>	<i><b>Address<sup>1</sup></b></i>	<i><b>Building Name</b></i>
1-7-03: 5	29 N. Hotel St.	29-31 Hotel St.
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
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	178 N. King St.,	N. King & River Streets
72-74	182 N. King St.	
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



**Land Use Ordinance**

Exhibit 21-9.10-A

<b><i>Tax Map Key</i></b>	<b><i>Address<sup>1</sup></i></b>	<b><i>Building Name</i></b>
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 St. (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
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 St.
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 St.

**Honolulu - Land Use**

<b><i>Tax Map Key</i></b>	<b><i>Address<sup>1</sup></i></b>	<b><i>Building Name</i></b>
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
<sup>1</sup> 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.		

(Am. Ord. 10-19)

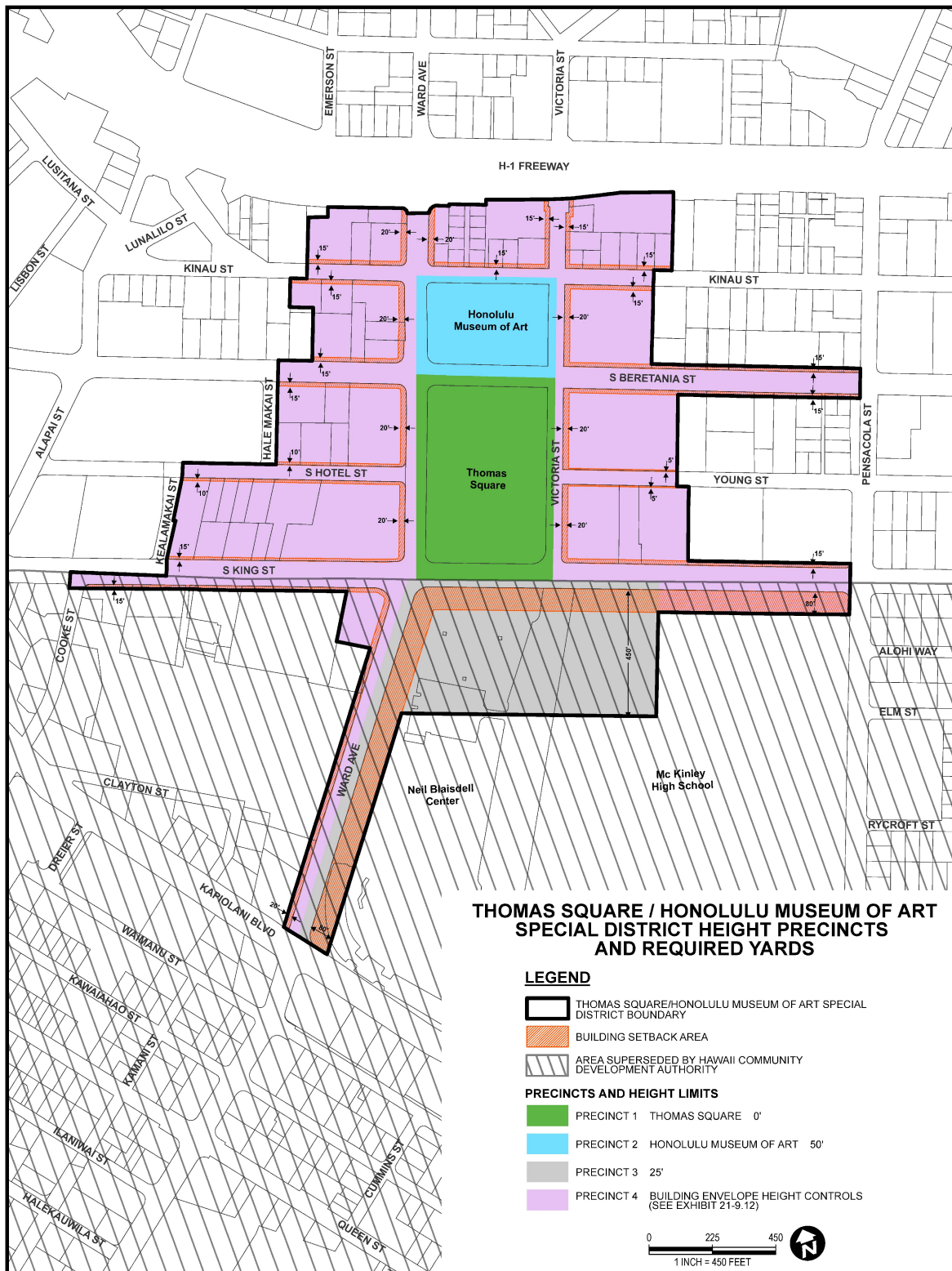
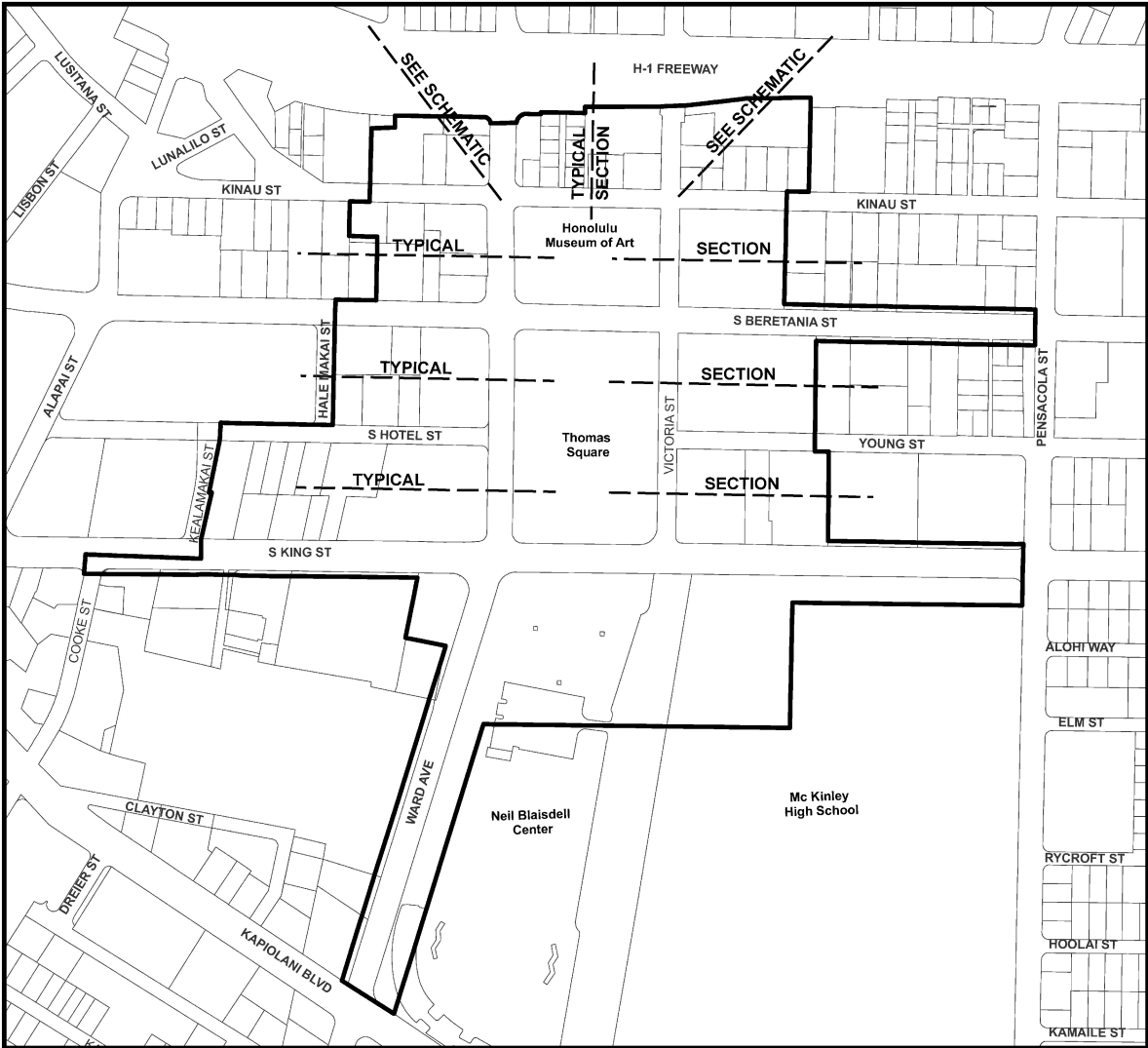
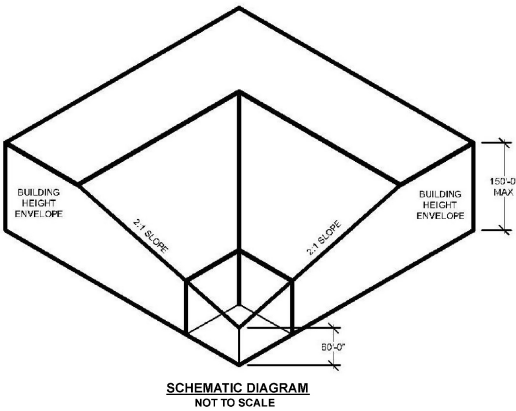


EXHIBIT 21-9.11



THOMAS SQUARE / HONOLULU MUSEUM OF ART  
SPECIAL DISTRICT BUILDING ENVELOPE HEIGHT CONTROLS



LEGEND

THOMAS SQUARE/HONOLULU MUSEUM OF ART SPECIAL DISTRICT BOUNDARY

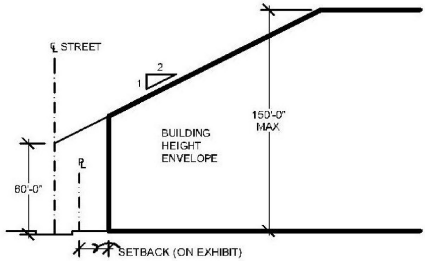
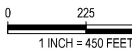


EXHIBIT 21-9.12

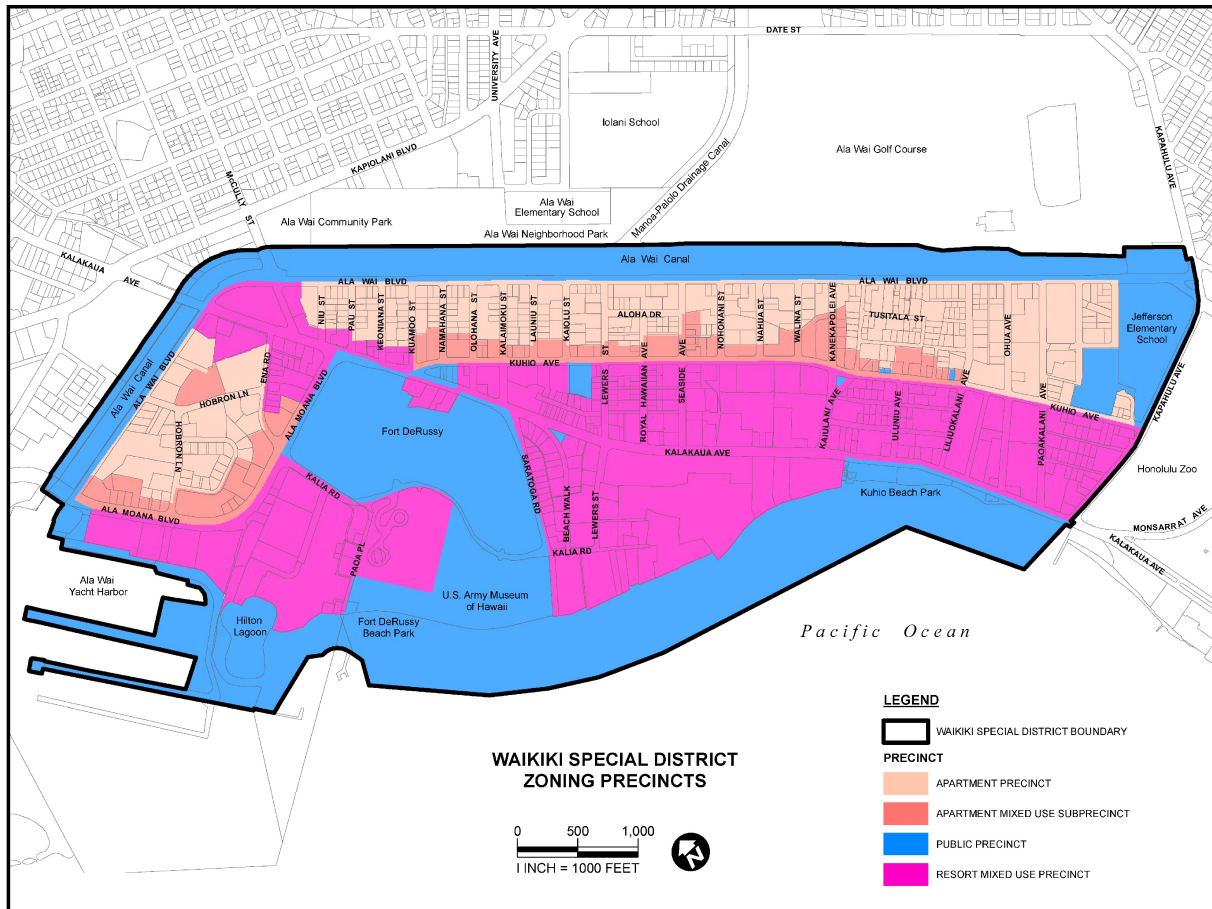
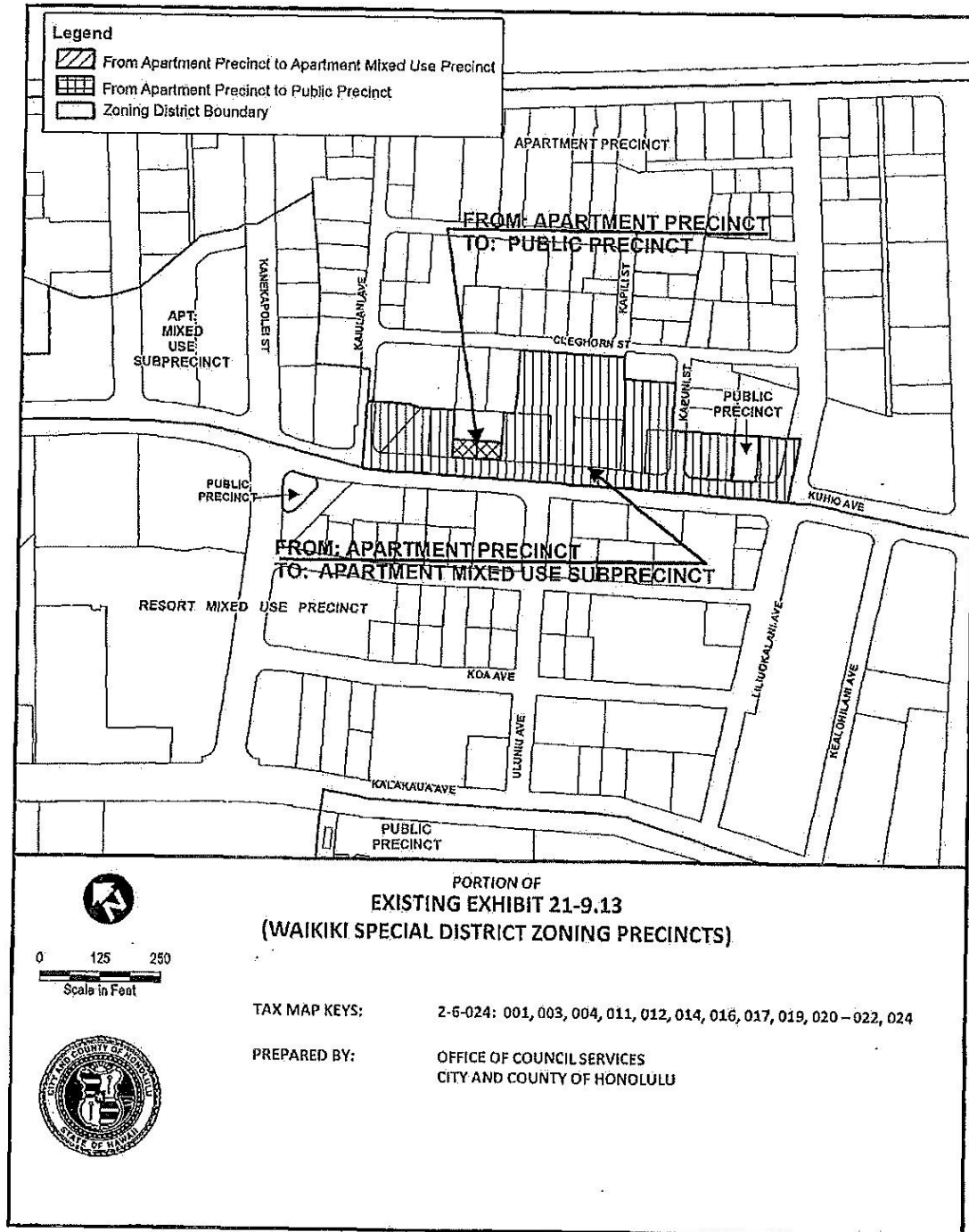


EXHIBIT 21-9.13

EXHIBIT 21-9.13A

Modification to Waikiki Special District Zoning Precincts



**EXHIBIT 21-9.14\***

***Editor's note:***

*\*Exhibit 21-9.14 is left blank intentionally.*

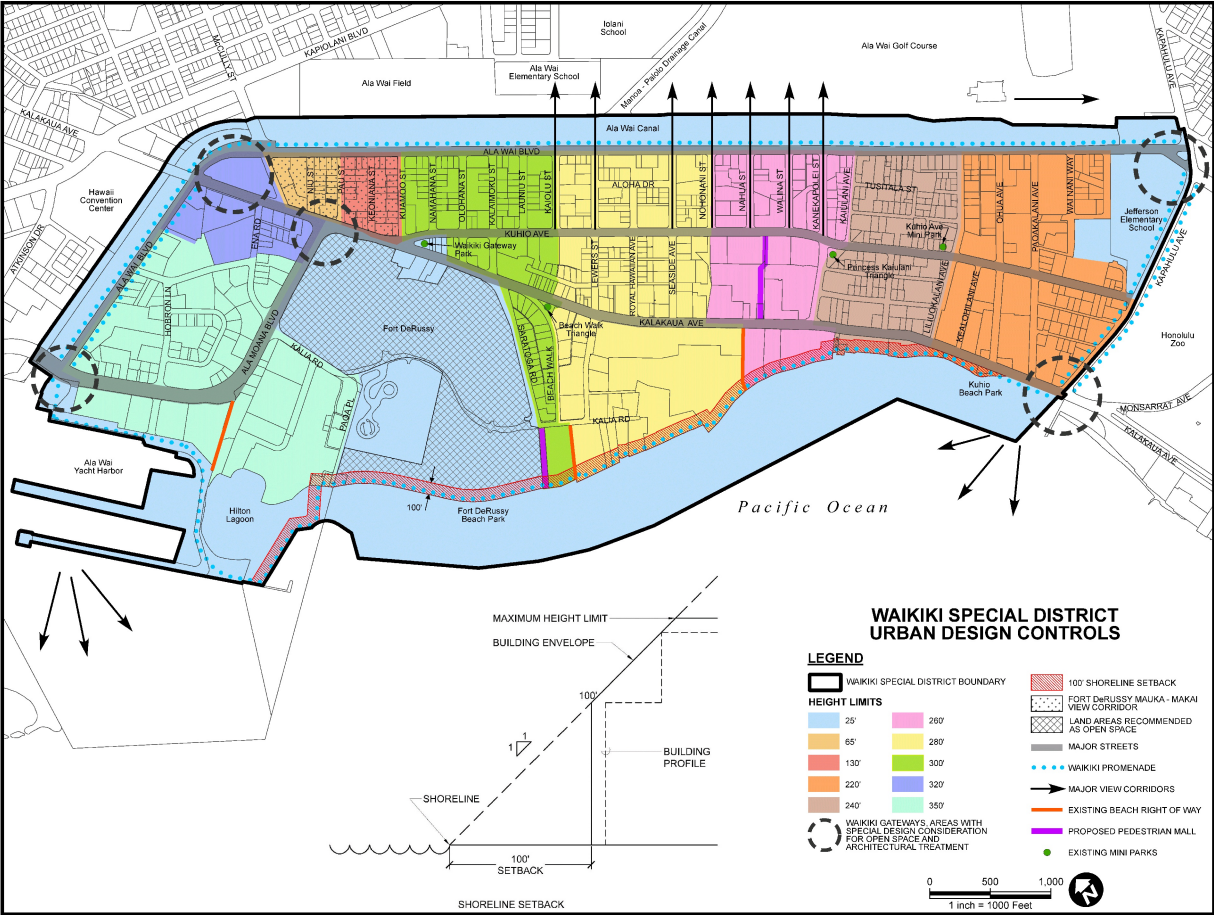
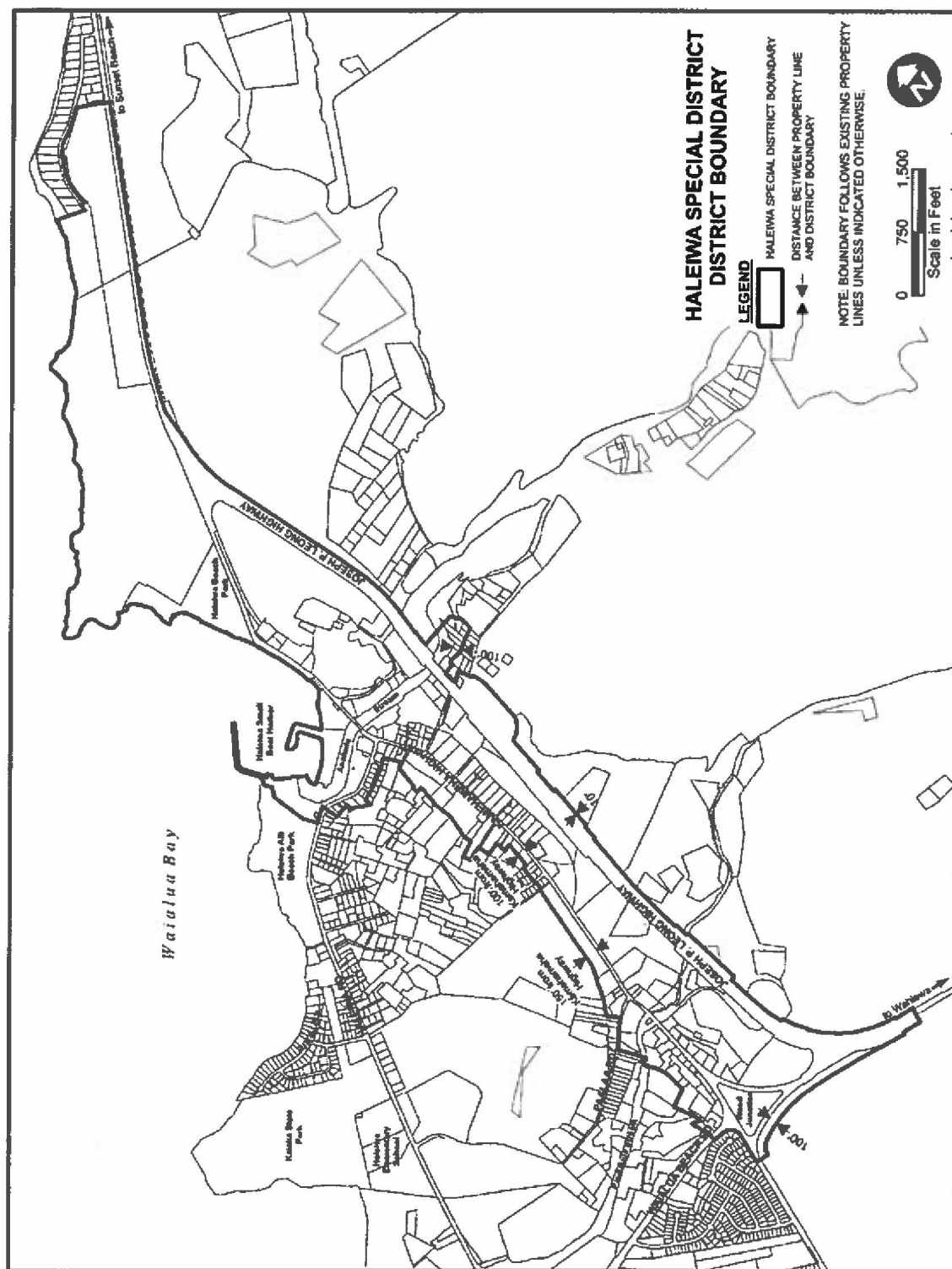


EXHIBIT 21-9.15





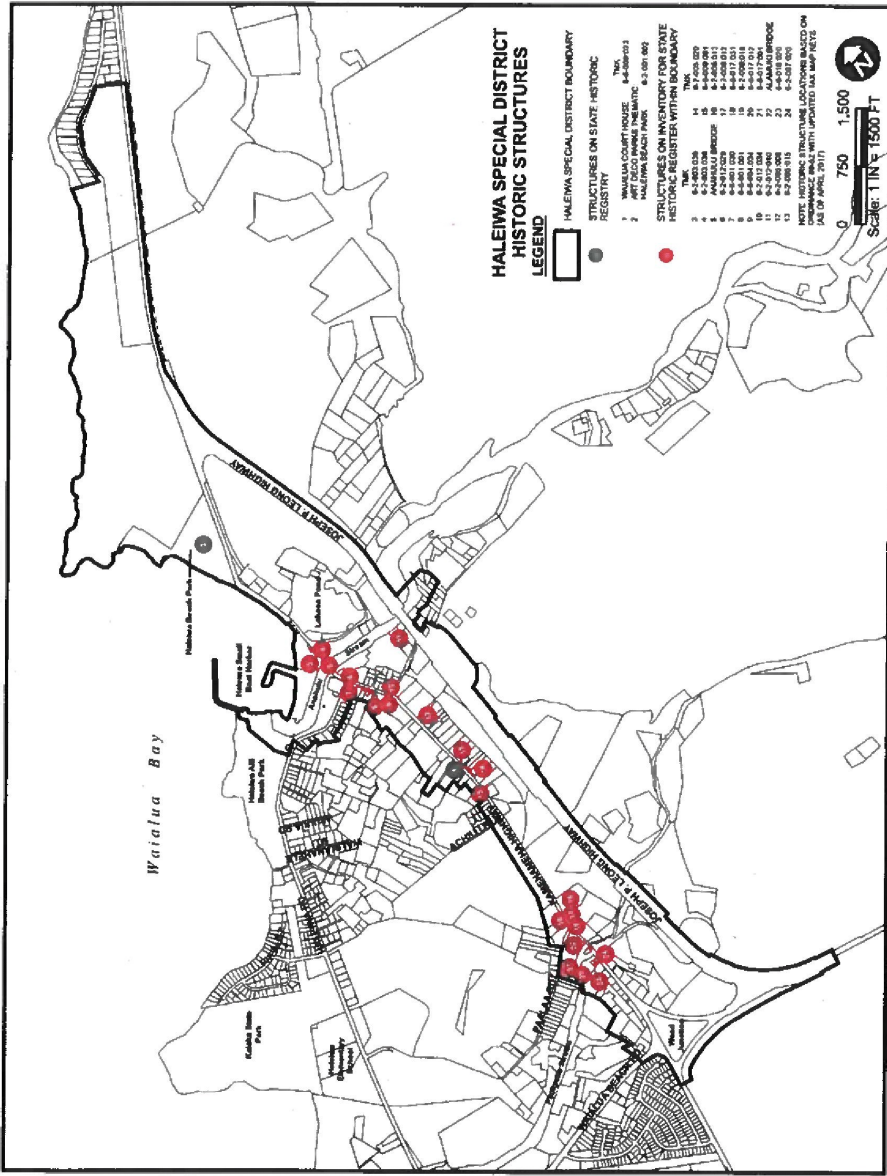
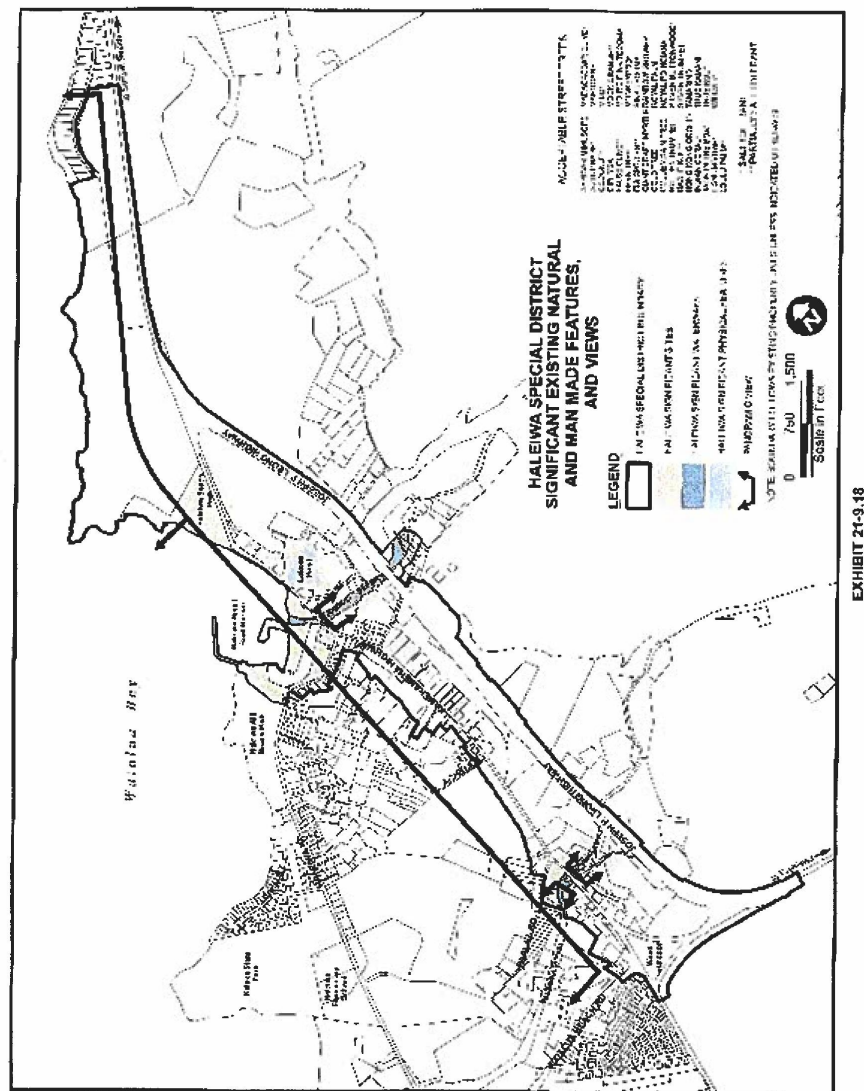
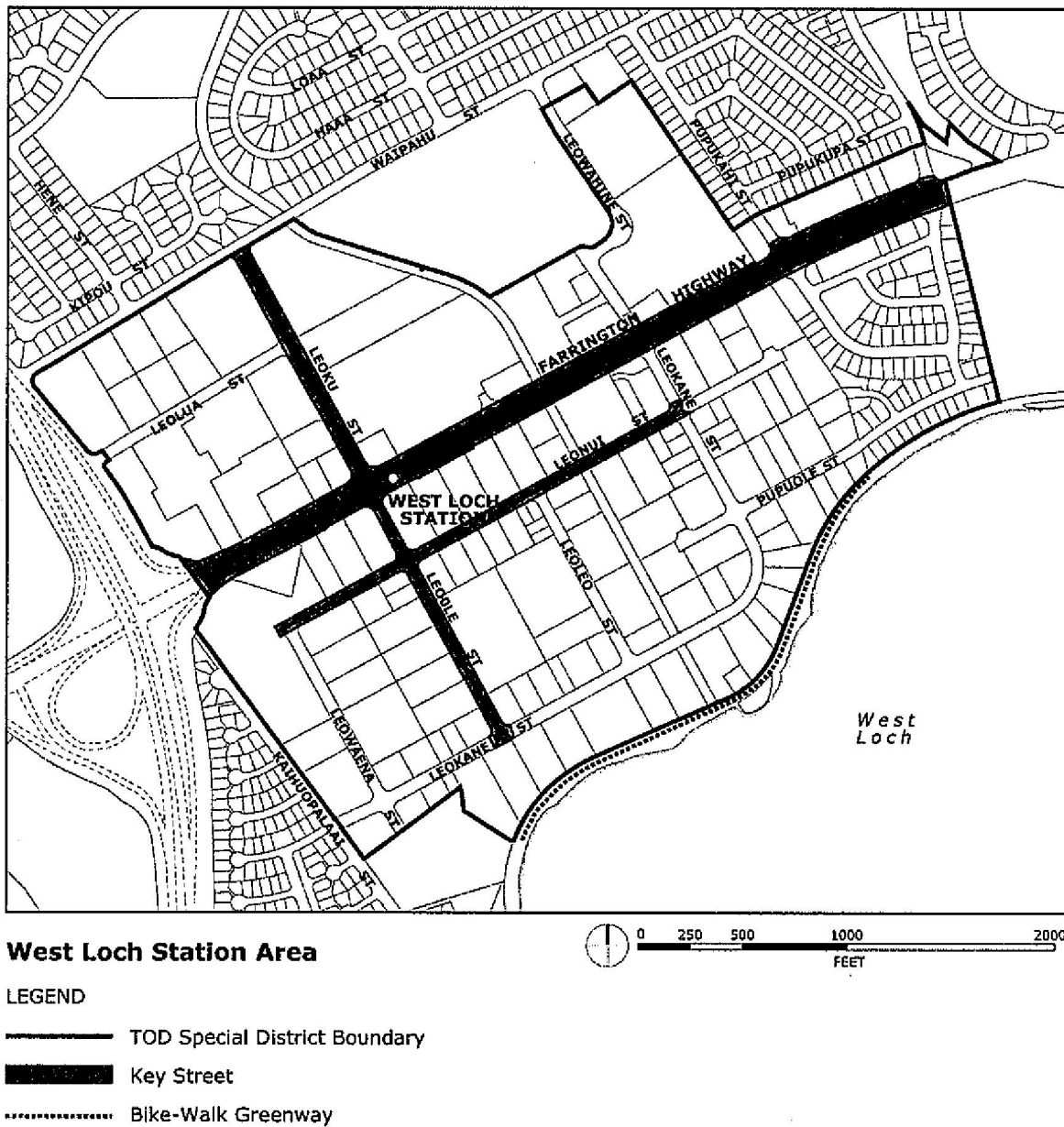




EXHIBIT 21-9.17



**Exhibit 21-9.19**

(Added by Ord. 17-54)



-  TOD Special District Boundary  
 Key Street  
 Bike-Walk Greenway

**Exhibit 21-9.20**

(Added by Ord. 17-54)

## **Honolulu - Land Use**

## ARTICLE 10: DEFINITIONS

### Section

#### 21-10.1 Definitions

##### § 21-10.1 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. Words used in the present tense 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 or defined use is equivalent to that proposed.

***Accessory Dwelling Unit.*** A second dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot.

***Accessory Use.*** A use which meets the following conditions:

- (1) Is a use which is conducted on the same zoning lot as the principal use to which it is related whether located within the same building or an accessory building or structure, or as an accessory use of land;
- (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.*** 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.*** Without an intervening street or permanent open space over 25 feet in width.

***Adverse Reflection.*** A glare toward any oncoming traffic within a 45-degree cone of vision to each side and a 30-degree cone of vision vertically that could create a traffic hazard.

***Agribusiness Activities.*** Accessory uses conducted on the same site where agricultural products are cultivated or raised; including transportation facilities used to provide for tours of the agricultural parcel.

***Agricultural Cluster.*** An area accommodating joint facilities for farming activities, including the clustering of homes within a larger site, by individuals, associations, or corporations.

***Agricultural Easement.*** The grant of a property right stipulating that the affected land will remain in active agricultural production or in open space.

***Agricultural Products.*** Includes floricultural, horticultural, viticultural, aquacultural, forestry, nut, coffee, dairy, livestock, poultry, bee, animal, tree farm, animals raised by grazing and pasturing, and any other farm, agronomic, or plantation products.

***Agricultural Products Processing, Major.*** Activities involving a variety of operations on crops or livestock which may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include slaughterhouses, canneries, and milk processing plants.

***Agricultural Products Processing, Minor.*** Activities on a zoning lot not used for crop production, which are not regulated as major agricultural products processing, and which perform a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are vegetable cleaning, honey processing, poi-making, and other similar activities. Minor activities shall be permitted as an accessory use when conducted on the same zoning lot on which the crop is cultivated.

***All-Weather Surface.*** A 4-inch base course with a 2-inch asphaltic concrete surface or a 4-inch reinforced concrete pavement or any other similar materials as determined to be acceptable by the department. These materials may 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.*** 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.

***Amusement Facilities, Outdoor.*** Permanent facilities providing outdoor amusement and entertainment. Typical uses include: theme and other types of amusement parks, stadiums, skateboard parks, go-cart, and automobile race tracks, miniature golf, and drive-in theaters.

***Amusement Facilities, Outdoor, Motorized.*** Outdoor amusement facilities using motorized vehicles or equipment, and includes go-cart and automobile race tracks and theme and other amusement parks using motorized amusement rides.

***Animal Products Processing.*** Establishments primarily involved in the processing of animal products for food or other uses, including the handling, storage, and processing of meats, fish and fowl, skin, bone, fat, or other animal byproducts suitable for sale or trade. This term does not include slaughterhouses, canneries, or milk processing plants.

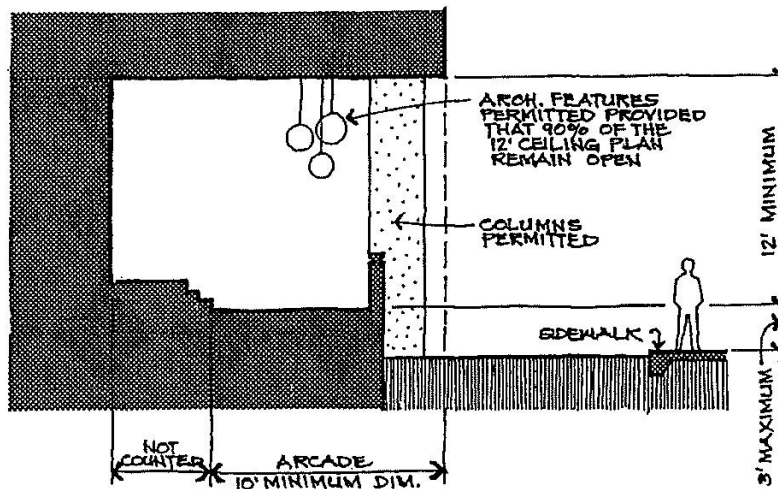
***Antenna Structure, Freestanding.*** A freestanding tower, pole, mast, or similar structure, exceeding 3 inches in diameter or horizontal dimension, used as the supporting structure for a transmitting antenna. For the purposes of this definition, “freestanding” means not attached to a building or similar structure.

***Aquaculture.*** The production of aquatic plant and animal life for food and fiber within ponds and other bodies of water.



**Arcade.** 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 3 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.** 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 7 feet shall not be included as floor area.

**Automobile Service Station.** A retail establishment which primarily provides gasoline, oil, grease, batteries, tires, or automobile accessories and where, in addition, the following routine and accessory services may be rendered and sales made, but no other:

- (1) Servicing of spark plugs, batteries, tires;
- (2) Radiator cleaning and flushing;
- (3) Washing and polishing, including automated, mechanical facilities;
- (4) Greasing and lubrication;
- (5) Repair and servicing of fuel pumps, oil pumps and lines, carburetors, brakes, and emergency wiring;
- (6) Motor adjustments not involving repair of head or crankcase;

- (7) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation, and not to exceed 400 square feet of floor area;
- (8) Provision of road maps and other information material to customers;
- (9) Provision of restroom facilities;
- (10) Parking as an accessory use; and
- (11) Towing service.

The following are not permitted: tire recapping or regrooving, body work, straightening of frames or body parts, steam cleaning, painting, welding, or nontransient storage of automobiles not in operating condition, or permitted repair activities not conducted within an enclosed structure in any zoning district other than the industrial districts.

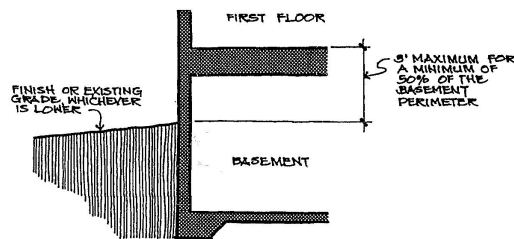
**Base Yards.** The principal facility for establishments which provide their services off-site, but where a site is needed for the consolidation and integration of various support functions, and where the parking of company vehicles is a prominent if not principal activity. Typical base yards include a construction company's facility or a bus yard. Base yards may include but are not limited to the following:

- (1) Business office; provided that administrative and executive functions are clearly accessory and incidental to the overall operation of the facility on the same zoning lot;
- (2) Storage, cleaning, and repair of materials, vehicles, and equipment used by the establishment;
- (3) Vehicle dispatch; and
- (4) Personnel-related support facilities (e.g., locker and shower rooms, kitchen or cafeteria, lounge).

**Basement.** A floor that is wholly below grade, or that is partly below grade such that the floor above is no more than 3 feet above grade for at least 50 percent of the floor's perimeter.

Grade shall be either existing or finished grade, whichever is lower at all points (see Figure 21-10.2).

**FIGURE 21-10.2  
BASEMENT**



**Bathroom.** A room, or combination of adjoining rooms that provide access to one another, that is equipped for taking a bath or shower, and that includes either a sink or toilet, or both. A 0.5 bathroom means any room, or combination of adjoining rooms that provide access to one another, that is equipped with a sink or toilet, or both, but is not equipped with a bath or shower.

**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 guests for compensation, for periods of less than 30 days, in the same detached dwelling as that occupied by an owner, lessee, operator, or proprietor of the detached dwelling. For the purposes of this definition, compensation includes but is not limited to monetary payment, services, or labor of guests.

**Biofuel Processing Facility.** A biofuel processing facility as defined under HRS § 205-4.5(a)(16).

**Boarding Facilities.** Establishments with one kitchen that provide living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. The term does not include group living facilities or monasteries and convents.

**Booking Service.** 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.

**Boundary Wall.** A solid wall without openings, which is part of a building and erected on the boundary line between adjacent zoning lots.

**Broadcasting Antennas.** Includes antennas, towers, and other accessory facilities for radio frequency (RF) transmissions for AM and FM radio and television broadcasting. These facilities are regulated by the Federal Communications Commission (FCC) under Title 47 CFR Part 73. These transmissions can be received by anyone with a radio or television. Not included are broadcasting studios and stations.

**Buildable Area.** A portion of a zoning lot excluding required yards, stream setbacks, shoreline setbacks, and street setbacks.

**Buildable Area Boundary Line.** Any of the imaginary lines which constitute a perimeter separating the buildable area from the nonbuildable area of a zoning lot.

**Building.** A structure with a roof that provides shelter for humans, animals, or property of any kind.

**Building Area.** 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; and

- (3) All-weather surfaces.

**Business Services.** Establishments that primarily provide goods and services to other businesses, including but not limited to minor job printing, duplicating, binding and photographic processing, office security, maintenance and custodial services, and office equipment and machinery sales, rentals, and repairing.

**Carport.** 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.

**Catering Establishments.** Establishments primarily involved in the preparation and transfer of finished food products for immediate consumption upon delivery to off-premises destinations, including but not limited to hotels, restaurants, airlines, and social events.

**Cemeteries and Columbaria.** Interment facilities engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Included are cemetery lots, mausoleums, and columbaria. The following are permitted as accessory uses: crematory operations; cemetery real estate operations; mortuary services; floral and monument sales; and detached one-family dwellings to be occupied only by caretakers of the cemetery.

**Commercial Parking Lots and Garages.** Any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same zoning lot and within which no vehicles shall be repaired.

**Composting, Major and Minor.** A process in which organic materials are biologically decomposed under controlled conditions to produce a stable humus-like mulch or soil amendment. The composting process includes but is not limited to receipt of materials, primary processing, decomposition activities, and final processing for sale and marketing. This term does not include bioremediation of fuel-contaminated soil.

- (1) **Composting, Major.** Involves more complex controls to manage odors, vectors, and surface water contamination. For instance, in some cases, on-site odors may not be able to be completely mitigated. Major composting includes but is not limited to the composting of mixed solid waste, including solid waste facility residues (rubbish), sewage sludge, waste from animal food processing operations, and similar materials.
- (2) **Composting, Minor.** Involve relatively simple management and engineering solutions to control odors, vectors, and surface water contamination. Minor composting includes but is not necessarily limited to the composting of clean, source-separated organic materials, including but not limited to greenwaste, animal manure, crop residues, and waste from vegetable food processing operations.

**Consulate.** The administrative offices of staff and consul, an official appointed by a foreign government representing the interests of citizens of the appointing country.

**Convenience Store.** A small retail establishment intended to serve the daily or frequent needs of surrounding population. Included are grocery stores, drug stores, and variety stores. Excluded are automobile service stations, repair establishments, and drive-through eating and drinking establishments.

**Corporate Retreat.** A transient vacation unit that is provided with or without monetary compensation by a business, company, or corporation, including a nonprofit corporation, to transient occupants, including but not limited to employees, directors, executives, or shareholders of the business, company, or corporation.

**Crop Production.** Agricultural and horticultural uses, including production of grains, field crops, and indoor and outdoor nursery crops, vegetables, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services, and harvesting activities.

**CUP.** Conditional use permit.

**Dance School or Music School.** An establishment where instruction in dance or music is provided students for a fee. Establishments where instruction is accessory to cabarets, nightclubs, or dancehalls are not included in this definition.

**Data Processing Facilities.** Establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**Day-Care Facility.** An establishment where seven or more persons who are not members of the family occupying the premises are cared for on an intermittent basis. The term includes day nurseries, preschools, kindergartens, and adult day-care.

**Department.** The department of planning and permitting.

**Designated Authorized Representative.** One or more persons appointed by the owner or owners to reside in the primary dwelling unit or accessory dwelling unit and act on behalf of the owner or owners in the absence of the owner or owners.

**Developer.** 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.** 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.** The director of planning and permitting or designated representatives of the director. As appropriate to the circumstances, approval by the director shall include approval by the director's designated representatives.

**Donor Lot.** 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-Through Facility.** Any portion of a retail establishment that offers service to patrons via a drive-through counter or window so that patrons need not leave their vehicles for service. The term drive-through does not include automobile service stations.

**Duplex Unit.** A building containing one dwelling unit on a single zoning lot that is to be attached on a side or rear property line with another dwelling. The dwellings shall be structurally independent of each other and attached by means of a boundary wall. The attachment of the wall shall not be less than 15 feet or 50 percent of the longer dwelling on the property line, excluding carports or garages, whichever is the greater length. In lieu of

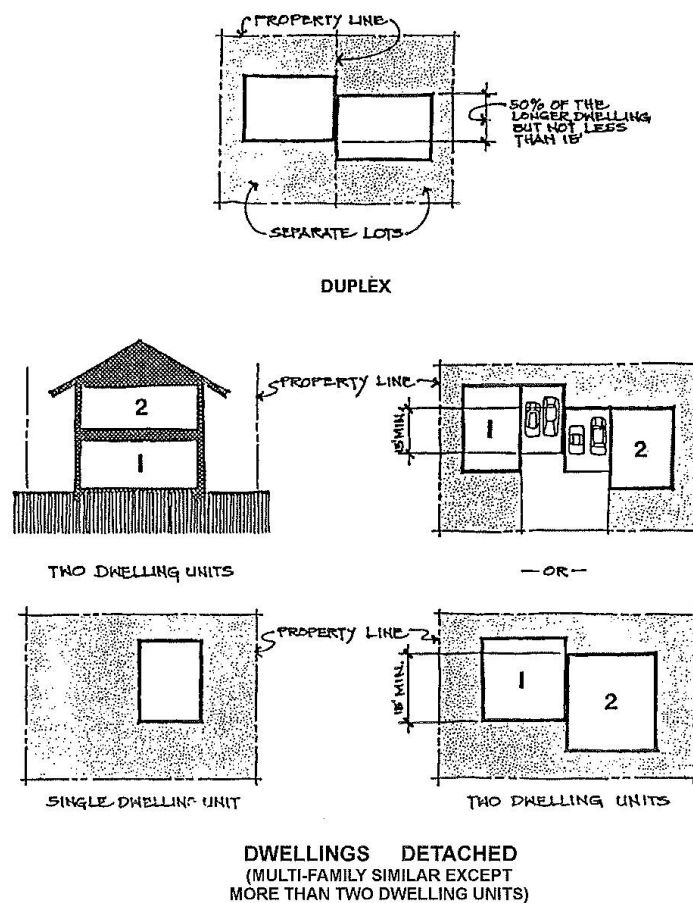
construction with a boundary wall, both dwellings shall be built up independently to the property line (see Figure 21-10.3).

**Dwelling, Detached.** A building containing one or two dwelling units, entirely surrounded by yards or other separation from buildings on adjacent lots. Dwelling units in a two-family detached dwelling may be either on separate floors or attached by a carport, garage, or other similar connection, or attached solid wall without openings that shall not be less than 15 feet or 50 percent of the longer dwelling (see Figure 21-10.3).

**Dwelling, Multi-Family.** A building containing three or more dwelling or lodging units that is not a hotel.

**Dwelling Unit.** A room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen. Two or more essentially separate structures, except for a token connection, such as a covered walkway or a trellis, do not constitute a single dwelling unit. Unless specifically permitted in use regulations, a dwelling unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.

**FIGURE 21-10.3  
DWELLINGS (TYPES)**



**Energy Savings Device.** Any facility, equipment, apparatus, or the like which makes use of nonfossil fuel sources for lighting, heating, or cooling, or that reduces the use of other types of energy dependent on fossil fuel for generation.

**Exclusive Agricultural Sites.** Leasehold parcels within an agricultural zoning district having a minimum leasable area of 5 acres, and prohibiting any structures for temporary, seasonal, or permanent residential occupancy or habitation.

**Family.** One or more persons, all related by blood, adoption, or marriage, occupying a dwelling unit or lodging unit. A family may also be defined as no more than five unrelated persons. In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility, or other similar facility monitored, registered, certified, or licensed by the State of Hawaii will be considered a family. Resident managers or supervisors are not included in this resident count.

**Farm Dwelling.** A dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.

**Financial Institutions.** Those establishments that provide a full range of traditional banking services on the premises, such as savings and checking accounts, loans, safety deposits, fund transfers, trust functions, and investments (e.g., certificates of deposit, savings bonds, annuities). This term includes only banks, credit unions, and savings and loan institutions. This term does not include those establishments, such as loan processing companies, accounting firms, and other bookkeeping services, investment brokers, insurance offices, and title transfer companies, that are principally involved in providing a limited range of financial services or products on the premises.

**Flag Lot.** 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.** A strip of land that provides access for a flag lot (see Figure 21-4.1).

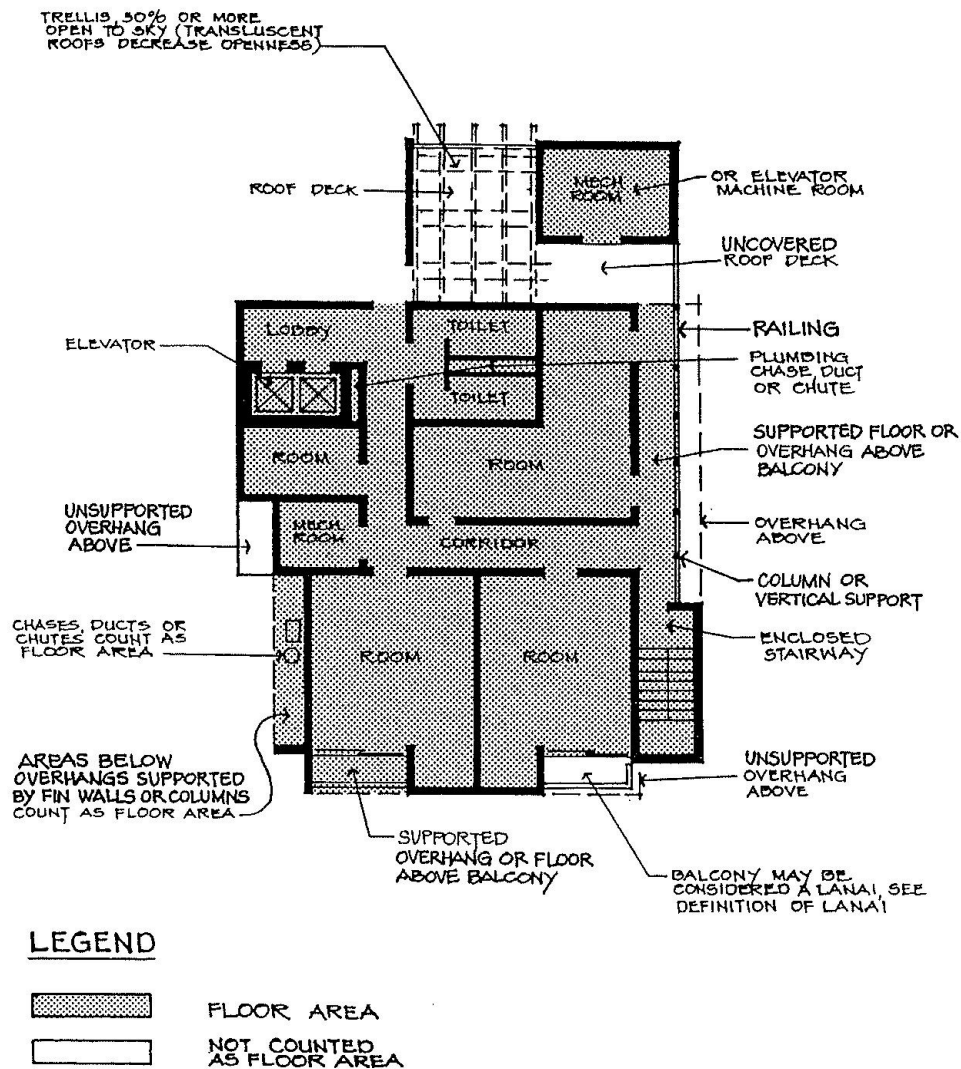
**Flag Lot Body.** The landlocked portion of a flag lot (see Figure 21-4.1).

**Floor Area.** The area of all floors of a structure excluding unroofed areas, measured from the exterior faces of the exterior walls or from the centerline of party walls dividing a structure. The floor area of a structure, or portion thereof, that is not enclosed by exterior walls shall be the area under the covering, roof, or floor above that 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 7 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 unsupported building overhangs, provided the area is not otherwise enclosed.

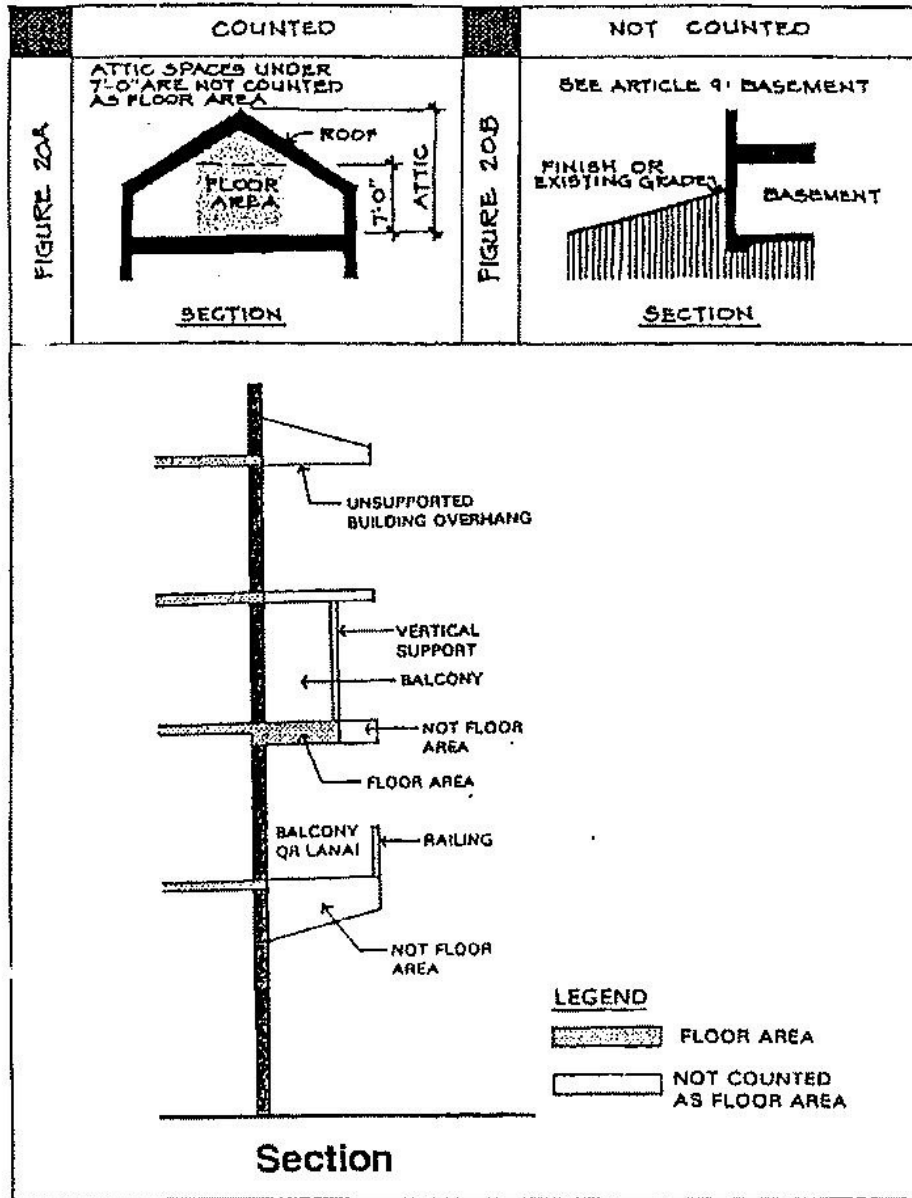
**FIGURE 21-10.4  
FLOOR AREA**



(Added by Ord. 99-12)



FIGURE 21-10.4 (Continued)  
FLOOR AREA (Continued)



\* BALCONY MAY BE CONSIDERED A LANAI, SEE DEFINITION OF LANAI

(Added by Ord. 03-37)

**Floor Area Ratio or FAR.** 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.*** Establishments primarily involved in the manufacture and processing of food products, other than animal products processing establishments, and which occupy less than 2,000 square feet of floor area. Typical activities include but are not limited to noodle factories and coffee grinding.

***Grading.*** Any excavation or cut or fill or combination thereof.

***Group Living Facilities.*** Facilities that are used to provide living accommodations and, in some cases, care services. Included are:

- (1) Monasteries and convents and dwelling units which are used to provide living accommodations and care services under a residential setting to individuals who are handicapped, aged, disabled, or undergoing rehabilitation. These are typically identified as group homes, halfway houses, homes for children, the elderly, battered children and adults, recovery homes, independent group living facilities, hospices, and other similar facilities.
- (2) Facilities that provide services, often including medical care, and are identified as convalescent homes, nursing homes, sanitariums, intermediate-care, or extended-care facilities, and other similar facilities; and
- (3) Facilities with accommodations for more than five resident individuals, except those meeting the definition of family. Resident managers or supervisors shall not be included in this resident count.

***Grubbing.*** Any act to clear the ground surface of any or all trees, large shrubbery, or large groupings of plants.

***Guest House.*** A lodging unit for nonpaying guests or household employees not to exceed 500 square feet of floor area.

***Height Envelope.*** The three-dimensional space within which a structure is permitted to be built on a zoning lot and that is defined by the buildable area boundary lines, maximum height regulations, and any applicable height setbacks.

***Heliport.*** An area of land or structures designated or used for the landing or takeoff of helicopters or other rotorcraft. The term includes storage, maintenance or repair facilities, and sale and storage of supplies and fuel.

***Helistop.*** An area designed and used only for the landing and takeoff of helicopters or other rotorcraft. Helistops shall not include hangars or repair, maintenance, and storage facilities.

***Historic Site or Structure.*** Any site or structure that has been placed on either the national or State registers of historic places, or that is specifically listed as a site or structure of significance in a special district under Article 9.

***Home-Based Child Care.*** A home occupation in which child-care services are provided on a part-time basis to no more than six children who are not members of the household, and that is licensed by the State department of human services.

***Home Improvement Centers.*** Single establishments primarily involved in providing a large variety of goods and services directly associated with building and home improvements.

**Home Occupation.** Any activity intended to produce income that is carried on within a dwelling, accessory structure to a dwelling, or on a zoning lot used principally for dwelling purposes. Home occupations include the use of any residential premises as a base for an off-premise, income-producing activity.

**Hospital.** An institution primarily for in-patient, intensive, medical, or surgical care. It may also include facilities for any one or more of the following: extended care, intermediate care or out-patient care, medical offices, living facilities for staff, research and educational facilities, and related services and activities for operation of these facilities.

**Hosting Platform.** 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.

**Hotel.** A building or group of buildings containing lodging or dwelling units, or both, offering transient accommodations, and a lobby, clerk's desk, or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such restaurants, shops, meeting rooms, or recreational and entertainment facilities.

**Impervious Surface.** A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall or stormwater. 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.

**Joint Development.** The development of two or more adjacent subdivision lots under a single or unified project concept. See also "off-site joint development."

**Kennel, Commercial.** Any structures used to care for, breed, house, or keep dogs, cats, or other domesticated animals for commercial purposes. Included as kennels are animal pounds or shelters.

**Kitchen.** 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 or for washing and preparing food; and
- (3) Fixtures, appliances, or devices for refrigeration of food.

**Lanai.** An area projecting from the face of a building that 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 4 feet in height, and is without structural columns or walls; and
- (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.*** A maintained area of which a minimum of 50 percent shall be devoted exclusively to include plants that 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.*** 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.*** A retail use or structure exclusively involved with the preparation and retail sale of leis made from fresh plant materials; provided that:

- (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.

***Livestock.*** All animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine. See definition of "commercial kennel."

***Livestock Grazing.*** The raising or feeding of livestock by grazing or pasturing. Not included are feedlots or the raising and keeping of swine.

***Livestock Production, Major.*** Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These include piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms.

***Livestock Production, Minor.*** Commercial small animal operations as a principal land use, such as rabbit farms, apiaries, or aviaries.

***Lodging Unit.*** A room or rooms connected together, constituting an independent living unit for a family which does not contain any kitchen. Unless specifically permitted in use regulations, lodging unit shall not include a unit used for time sharing or a transient vacation unit as defined in this chapter.

***Long-Term Bicycle Parking.*** Secure, weather-protected bicycle parking intended for employees, residents, commuters, and other visitors who generally stay at a site for several hours, or overnight.

***Lot Area.*** 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.** 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.** 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.** 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.

**Manufacturing, Processing and Packaging, Light and General.** Establishments primarily involved in 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.

Light manufacturing, processing, and packaging establishments involve activities that are nonoffensive 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. Typical activities include but are 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, and other manufacturing, processing, and packaging uses meeting the criteria prescribed herein.

General manufacturing, processing, and packaging establishments are those involving significant mechanical and chemical processes, large amounts of metal transfer, or extended shift operations. Typical activities include but are not limited to: paper and textile milling; wood millwork and the production of prefabricated structural wood products; the manufacture of soaps and detergents; rubber processing and the manufacture of rubber products; the production of plastics and other synthetic materials; primary metals processes; the manufacture of vehicles, machinery, and fabricated metal products; electroplating; cement making and the production of concrete; gypsum and related products; the production of chemical products, perfumes, and pharmaceuticals; and the production of paving and roofing materials.

This term does not include those activities associated with petroleum processing; the manufacture of explosives and toxic chemicals; waste disposal and processing; or the processing of salvage, scrap, and junk materials.

**Marina Accessories.** Land uses on harbor fast lands that support recreational marine activities, including piers or boathouses, storage and repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, wash racks, and other uses customary and incidental to marine recreation.

**Medical Clinic.** An office building or group of offices for persons engaged in the practice of a medical or dental profession or occupation. A medical clinic does not have beds for overnight care of patients but may involve the treatment of outpatients. A "medical profession or occupation" is any activity involving the diagnosis, cure, treatment, mitigation, or prevention of disease, or that affects any bodily function or structure.

**Meeting Facilities.** Permanent facilities for recreational, social, or multipurpose use. These may be for organizations operating on a membership basis for the promotion of members' mutual interests or may be primarily

intended for community purposes. Typical uses include private clubs, union halls, community centers, religious facilities such as churches, temples and synagogues, and student centers.

***Monasteries or Convents.*** Facilities that provide dwelling or lodging units to clergy members or those who have taken religious vows, which are owned or operated by a religious organization.

***Neighborhood Grocery Store.*** Small retail establishments that provide a variety of goods to the surrounding community, typically known as “mom and pop” grocery stores. Excluded are drive-through facilities. These establishments are located in country, residential, apartment, industrial, or agricultural zoning districts and were nonconforming uses before May 10, 1999\* but shall be permitted under this chapter.

***Nonconforming Dwelling Unit.*** 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.*** A zoning lot that was previously lawful, but does not comply with the applicable lot requirements of the district where the lot 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.*** Parking spaces and parking areas that were previously lawful, but 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.*** A structure that was previously lawful, but does not comply with the sign, density, yard, setback, or height regulations of the district, or design requirements of the special district where the lot 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.*** Any use of a structure or a zoning lot that was previously lawful, but does not conform to the applicable use regulations of the district where the lot is located, either on October 22, 1986, or as a result of any subsequent amendment to this chapter, or a zoning map amendment.

***Oahu Historic Preservation Commission.*** The Oahu historic preservation commission established pursuant to § 3-10.3.

***Off-Site Joint Development.*** 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 Dwelling Unit, Ohana Dwelling, and Ohana Unit.*** A second dwelling unit permitted pursuant to HRS § 46-4(c); and this chapter.

***Open Land.*** Land that may be improved, but contains no structures, and 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.

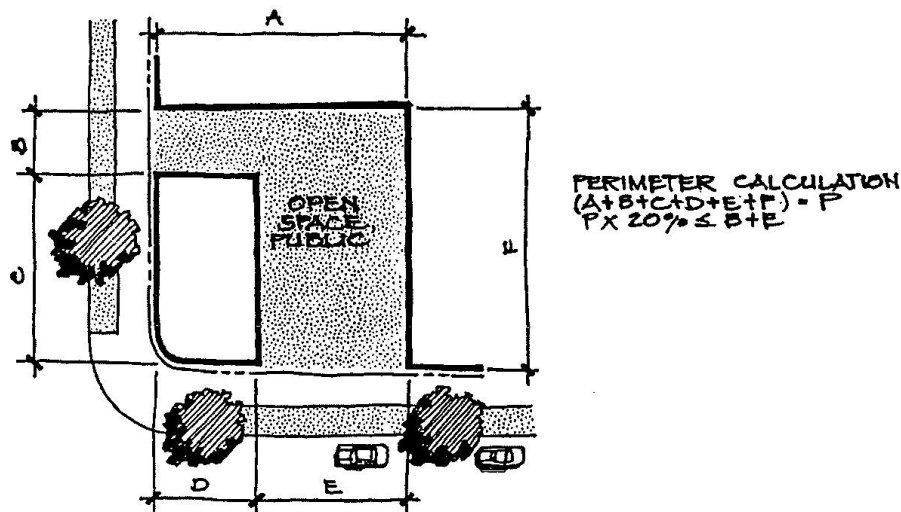
***Open Space.*** Any portion of a zoning lot essentially free of structures that serves the purpose of visual relief and buffering from building and structural mass. These areas may be privately or publicly owned, and may or may

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 that 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 finished 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; and
- (4) A required yard may be considered open space.

**Open Space, Public.** 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).

**FIGURE 21-10.5  
OPEN SPACE, PUBLIC**



**Owner.** The recorded owner of land in fee simple.

**Parking Lot.** 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 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 include an area providing four or less spaces accessory to dwelling units. The term also includes parking of vehicles for sale or rental.

**Personal Services.** Establishments that offer specialized goods and services purchased frequently by the consumer. They include barbershops, beauty shops, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments. The term also includes commercial wedding chapels and services.

**Plant Nurseries.** Land, greenhouses, or other similar type of agricultural structures used to raise flowers, shrubs, and other plants primarily for wholesale sales. The term includes establishments where retail sales of agricultural products, that are raised or grown onsite in containers or directly in the ground, occur. This term does not include retail establishments that are typically categorized as garden shops, which sell to retail customers items other than plants, such as pots and planters; gardening supplies, implements, and tools; mulch, potting soil, and fertilizers; decorations, books, and cards.

**Plantation Community Subdivision.** Has the same meaning as defined in HRS § 205-4.5(a)(12).

**Porte Cochere.** A covered access drive or walkway leading to the entrance of a building.

**Public Uses and Structures.** Uses conducted by or structures owned or managed by the federal government, the State, or the city to fulfill a governmental function, activity, or service for public benefit and in accordance with public policy. Excluded are uses that are not purely a function, activity, or service of government, and structures leased by government to private entrepreneurs or to nonprofit organizations. Typical public uses and structures include: libraries; base yards; satellite city halls; public schools; and post offices.

**Real Estate Office.** An establishment involved in real estate transactions that include but are not limited to the following:

- (1) Selling, buying, or negotiating the purchase, sale, or exchange of real estate; or
- (2) Listing, soliciting for prospective purchasers, leasing, renting, or managing any real estate, or the improvements thereon, for others.

**Receive-Only Antennas.** 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.** A zoning lot that may, under off-site joint development approval, use floor area normally attributable to a donor lot.

**Recreation Facilities, Outdoor.** Permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks; playgrounds; botanical gardens; golf driving ranges; tennis courts; riding stables; academies and trails; and recreational camps.



**Reflective Surfaces.** Any glass or other specular surface such as polished metal, specified in a 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.

**Repair Establishments, Minor and Major.** Establishments that primarily provide restoration, reconstruction, and general mending and repair services.

- (1) **Repair Establishments, Major.** Uses include the following repair activities that are likely to have some impact on the environment and adjacent land uses by virtue of their appearance, noise, size, traffic generation, or operational characteristics:
  - (A) Blacksmiths;
  - (B) Ship engine cleaning and repair;
  - (C) Airplane motor repair and rebuilding;
  - (D) Furniture repair;
  - (E) Industrial machinery and heavy equipment repair;
  - (F) Bus and truck repair; and
  - (G) Repair of vehicle (all types) body and fender, and straightening of frame and body parts.
- (2) **Repair Establishments, Minor.** Uses include the following repair activities that have little or no impact on surrounding land uses and may be compatibly located with other businesses.
  - (A) Automobile (including pickup trucks), motorcycle, moped, motorized bicycle, boat engine, motorized household appliance (e.g., refrigerator, washing machine, dryer), and small equipment (e.g., lawn mower) repairing, including painting; provided that all repair work is performed within an enclosed structure in other than the industrial districts, and does not include repair of body and fender, and straightening of frame and body parts;
  - (B) Production and repair of eyeglasses, hearing aids, and prosthetic devices;
  - (C) Garment repair;
  - (D) General fixit shop;
  - (E) Nonmotorized bicycle repair;
  - (F) Radio, television, and other electrical household appliance repair;
  - (G) Shoe repair; and
  - (H) Watch, clock, jewelry repair.

**Resource Extraction.** The mining of minerals, including the exploration for, and the removal and processing of natural accumulations of sand, rock, soil, and gravel.

**Retail Establishments.** The sale of commodities or goods to the consumer and may include display rooms and incidental manufacturing of goods for retail sale on premises only. Typical retail establishments include grocery and specialty food stores, general department stores, drug and pharmaceutical stores, hardware stores, pet shops, appliance and apparel stores, motorized scooter and bicycle sales and rentals, and other similar retail activities. This term also includes establishments where food or drink is sold on the premises for immediate consumption, but which lack appropriate accommodations for on-premise eating and drinking. The term does not include open storage yards for new or used building materials, yards for scrap, salvage operations for storage or display of automobile parts, service stations, repair garages, or veterinary clinics and hospitals.

**Retaining Wall.** That portion of a wall that resists the lateral displacement of soil or other material up to a maximum height of 6 inches above the finished grade of the retained material.

**Rooming.** A use accessory to the principal use of a dwelling where overnight accommodations are provided to persons ("roomers") for compensation for periods of 30 days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor of the dwelling unit.

**Self-Storage Facility.** A structure, or structures, containing individual locker compartments that allow individuals access to store possessions in these compartments. Each locker or storage area is self-contained, with provisions to secure each individual locker or storage area.

**Shopping Center.** A group of retail stores and service establishments developed under a single or unified project concept, on one or more zoning lots having an aggregate floor area exceeding 40,000 square feet.

**Short-Term Bicycle Parking.** Bicycle parking for customers and visitors of an establishment in convenient, accessible, and visible areas.

**Signs.** See sign definitions in Article 7.

**Slope.** The incline of grade across the buildable area of a zoning lot, expressed as a percentage and calculated by the following formula:

$$\frac{\text{Highest elevation point} - \text{Lowest elevation point}}{\text{Horizontal linear distance between highest and lowest points}} \times 100$$

**Special Management Area Use Permit.** A permit defined by and implemented under Chapter 25

**Special Needs Housing for the Elderly.** Housing developments that meet one of the following criteria and require a modification in district regulations pursuant to § 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 shall not apply to any resident manager, the manager's immediate family, and the dwelling unit occupied by them.

***State Historic Preservation Officer.*** That officer appointed by the governor as provided in HRS § 6E-5.

***State Register of Historic Places.*** The Hawaii register of historic places as provided for in HRS Chapter 6E.

***Stockpiling.*** 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.

***Street.*** Any public right-of-way for vehicle purposes or private right-of-way for vehicle purposes, that provides access to more than two zoning lots, and does not include freeways (controlled-access facilities) as defined under HRS Chapter 264-61.

***Street Frontage.*** That portion of a zoning lot that has access rights to a street abutting the lot.

***Street, Major.*** A street of considerable continuity that 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.*** A street other than a major or secondary street that provides access to abutting property and serves local traffic only.

***Street, Secondary.*** A street that carries or collects traffic from minor streets either directly or via other secondary streets.

***Street Setback Line.*** A future right-of-way line for a street or highway as located or dimensioned under adopted street right-of-way maps and standards.

***Structure.*** 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."

***Tandem Parking.*** Two or more parking spaces configured one behind the other.

***Theaters.*** Facilities that are used primarily for the performing arts or for the viewing of motion picture films. Included are performing arts centers, concert halls, and other types of live theaters. Drive-in theaters are excluded.

***Time Sharing.*** The ownership or occupancy of a dwelling or lodging unit regulated under HRS Chapter 514E, relating to a time share plan and a time share unit hereinafter defined:

- (1) ***Time Share Plan.*** Any plan or program in which the use, occupancy, or possession of one or more time share units circulates among various persons for less than a 60-day period in any year for any occupant. The term time share plan shall include both time share ownership plans and time share use plans, as follows.
  - (A) ***Time Share Ownership Plan.*** Any arrangement, whether by tenancy in common, sale, deed, or by other means, whereby the purchaser received an ownership interest and the right to use the property for a specific or discernible period by temporal division.
  - (B) ***Time Share Use Plan.*** Any arrangement, excluding normal hotel operations, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, in a time share unit for a specific or discernible period by temporal division, but does not receive an ownership interest.
- (2) ***Time Share Unit.*** The actual and promised accommodations and related facilities that are the subject of a time share plan; and, may be either a hotel, transient vacation, or multi-family dwelling unit.

***Trade or Convention Center.*** A structure or structures capable of accommodating 10,000 or more persons assembling for a common purpose, including but not limited to professional or business conventions; concerts; short-term retail or wholesale activities; the large-scale marketing, buying, or selling of goods or services; or sporting events. A trade or convention center may include an accessory hotel, multi-family dwellings, and retail or other commercial uses.

***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 30 days, other than a bed and breakfast home. For the purposes of this definition, compensation includes but is not limited to monetary payment, services, or labor of transient occupants.

***Transmitting Antenna.*** Any antenna used for radio frequency (RF) or microwave transmissions, other than an independent operational fixed-point (unidirectional) or receive-only antenna. This definition is provided to determine which antennas are required to provide fencing or other barriers to restrict public access within a delineated exclusion distance as may be required by this chapter.

***Travel Agency.*** An establishment that acts or attempts to act as an intermediary between a person seeking to purchase and a person seeking to sell travel services. Typical travel services include transportation by air, sea, or rail; related group transportation; hotel accommodations; or package tours, whether offered on a wholesale or retail basis.

***Use.*** 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.

**Utility Installations, Types A and B.** Uses or structures, including all facilities, devices, equipment, or transmission lines, used directly in the distribution of utility services, such as water, gas, electricity, telecommunications other than broadcasting antennas, and refuse collection other than facilities included under waste disposal and processing. A utility installation may be publicly or privately owned and does not include wind machines, which are defined separately. Also not included are: cesspools; individual household septic tank systems; individual household aerobic units; and individual water supplies. Also not included are private temporary sewage treatment plants that are allowed as an accessory use in all zoning districts; provided that such use is approved by the director. These uses so approved shall be permitted notwithstanding the location on a noncontiguous lot or in another zoning district of the principal use or uses served by the plant, and subdivision (1) of the definition of accessory use shall be inapplicable. A utility installation includes accessory uses and structures directly associated with the distribution of the utility service, including but not limited to: accessory antennas, maintenance, repair, equipment, and machine rooms; tool sheds; generators and calibration equipment; and accessory offices. Offices permitted as accessory to a utility installation shall be directly associated with the distribution of the utility service, and not principally function as a business or executive center for the utility operation.

- (1) **Utility Installations, Types A.** Those installations with minor impact on adjacent land uses and typically include: 46 kilovolt transmission substations, vaults, water wells and tanks and distribution equipment, sewage pump stations, telecommunications antennas (except as provided in the definition of Type B utility installations), and other similar uses.
- (2) **Utility Installations, Types B.** Those installations with potential major impact, by virtue of their appearance, noise, size, traffic generation, or other operational characteristics. Typical Type B uses include: 138 kilovolt transmission substations, power generating plants, base yards, and other similar major facilities. Also included as Type B uses are transmitting antennas in country, residential, A-1, or AMX-1 districts, and freestanding antenna structures.

**Vending Cart.** 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.

**Warehousing.** Establishments primarily associated with the storage of raw materials, finished products, merchandise, or other goods, within a structure for subsequent delivery, transfer, or pickup, and may include structures used primarily for the storage of files or records.

**Waste Disposal and Processing.** Facilities for the disposal and processing of solid waste, including refuse dumps, sanitary landfills, incinerators, and resource recovery plants.

**Wet Bar.** 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.

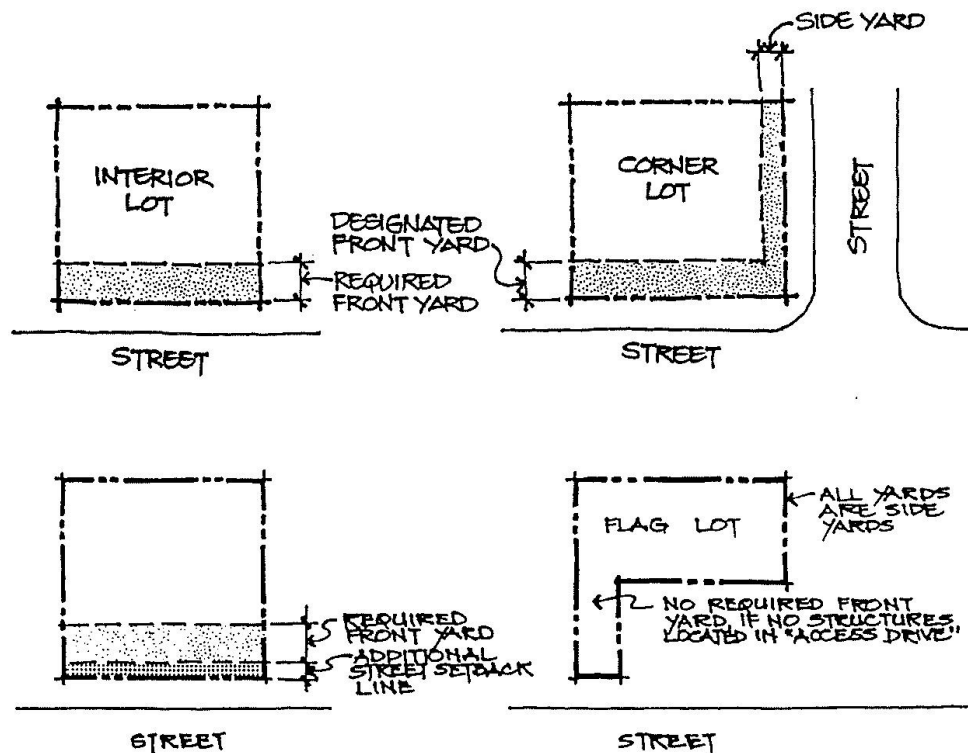
**Wholesaling and Distribution.** Establishments primarily involved in the sale or distribution of manufactured or processed products, merchandise, or other goods in large quantities for subsequent resale to any one or more of the following: retail establishments; or industrial, institutional, and commercial users.

**Wind Machines.** Devices and facilities, including appurtenances, associated with the production and transmission of wind-generated energy.

**Yard.** 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.** 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-family or two-family dwelling unit or a duplex 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 centerline set by adopted street right-of-way maps and standards (see Figure 21-10.6).

FIGURE 21-10.6  
YARD, FRONT



**Yard, Rear.** 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.** 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.

***Zoning Lot.*** 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.  
(1990 Code, Ch. 21, Art. 10, § 21-10.1) (Added by Ord. 99-12; Am. Ords. 00-09, 01-12, 02-63, 03-37, 06-15, 09-26, 10-19, 14-9, 15-41, 17-40, 17-55, 19-3)

***Editor's note:***

\* "*May 10, 1999*" is substituted for "*before the adoption of this chapter.*"

## **Honolulu - Land Use**



## **APPENDIX 21-A: KEY TO DEPARTMENT ABBREVIATIONS USED IN CHAPTER 21 APPENDICES**

***Editor's note:***

*The names of a number of these departments have changed and a number of the departments have been combined. However, the new department names are not generally reflected in the ROH.*

BFS	=	Budget and Fiscal Services (City)
BWS	=	Board of Water Supply (City)
CCL	=	City Council
CPO	=	Chief Planning Officer in the Department of Planning and Permitting
DAGS	=	Department of Accounting and General Services (State)
DDC	=	Department of Design and Construction (City)
DBEDT	=	Department of Business, Economic Development and Tourism (State)
DCS	=	Department of Community Services (City)
DES	=	Department of Environmental Services (City)
DFM	=	Department of Facility Maintenance (City)
DHHL	=	Department of Hawaiian Home Lands (State)
DHR	=	Department of Human Resources (City)
DLM	=	Department of Land Management (City)
DOE	=	Department of Education (State)
DOT	=	Department of Transportation (State)
DPP	=	Department of Planning and Permitting (City)
DPR	=	Department of Parks and Recreation (City)
DTS	=	Department of Transportation Services (City)
HFD	=	Honolulu Fire Department (City)

HPD        =     Honolulu Police Department (City)

HART      =     Honolulu Authority for Rapid Transportation

OCCSR    =     Office of Climate Change, Sustainability and Resiliency (City)

OH        =     Office of Housing (City)

(1990 Code, Ch. 21, Appendix 21-I)

## APPENDIX 21-B: ZONING ORDINANCES

**Editor's note:**

*Ordinances before 1988 may be found in Appendix B and Appendix B-1 to Chapter 21, Revised Ordinances 1978 (1983 Ed.) and in Appendix 21A.1 to the Revised Ordinances 1987 Supp. to 1983 Ed.*

<b>Ord. No.</b>	<b>Approval Date</b>	
88-45	4-22-1988	Amends R.O. 1978 (1983 Ed.) § 21A-3.140-1, home occupations
88-46	4-22-1988	Adds R.O. 1978 (1983 Ed.) §§ 21A-3.90-8, 21A-5.50-2, 21A-5.60-2, 21A-6.40-2(J), 21A-6.50-2(G), 21A-6.50-8(F), 21A-7.80-4(E), 21A-8.60-1, 21A-8.60-2; amends R.O. 1978 (1983 Ed.) §§ 21A-1.50, 21A-3.30, 21A-3.40, 21A-3.50, 21A-3.70-3(A), 21A-3.70-5(A), 21A-3.70-9, 21A-3.70-10, 21A-3.70-13(A) and (F), 21A-3.80, 21A-3.90-1, 21A-3.90-3, 21A-3.90-4, 21A-3.120, 21A-3.130, 21A-4.70, 21A-6.30, 21A-6.50-2(E) and (F), 21A-7.10-2, 21A-7.10-4 — 21A-7.10-7, 21A-7.10-10 — 21A-7.10-13, 21A-7.80-4(C), 21A-8.60, amends Art. 9 of Ch. 21A and Tables 6-B, 10-B — 10-D, 11-B — 11-D, 13-A, 13-B, 14-A, 14-B, 15-A, 15-B, 16-B, 18-A, 20-A and 20-B and table of contents note of Ch. 21A
88-47	4-27-1988	Amends R.O. 1978 (1983 Ed.) 21A-3.70-3(C), Art. 9 of and Table 1 of Ch. 21A, parking
88-48	4-28-1988	Amends R.O. 1978 (1983 Ed.) § 21A-6.20, ohana dwellings
88-51	5-11-1988	Adds R.O. 1978 (1983 Ed.) §§ 21A-4.40-37, 21A-4.40-25, 21A-4.40-16, 21A-4.40-14, 21A-4.40-5 and 21A-4.40-3; amends R.O. 1978 (1983 Ed.) §§ 21A-5.100, 21A-5.100-1 and Tables 17-A, 18-A, 18-B and 19-A of Ch. 21A; renumbers R.O. 1978 (1983 Ed.) §§ 21A-4.40-32 — 21A-4.40-36 to 21A-4.40-38 — 21A-4.40-42, 21A-4.40-21 — 21A-4.40-31 to 21A-4.40-26 — 21A-4.40-36, 21A-4.40-13 — 21A-4.40-20 to 21A-4.40-17 — 21A-4.40-24, 21A-4.40-12 to 21A-4.40-15, 21A-4.40-6 — 21A-4.40-11 to 21A-4.40-8 — 21A-4.40-13, 21A-4.40-4 to 21A-4.40-6 and 21A-4.40-3 to 21A-4.40-4; renumbers and amends R.O. 1978 (1983 Ed.) § 21A-4.40-5 to 21A-4.40-7, industrial districts
88-56	5-18-1988	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.60, 21A-3.60-1 and Tables 7-B, 8-B and 9-B of Ch. 21A, height measurement
88-57	5-18-1988	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.60(B), 21A-4.40-3, and Art. 9 and Tables 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 17-A, 18-A, 19-A and 20-A, broadcast antennas
89-50	4-18-1989	Amends R.O. 1978 (1983 Ed.) §§ 21A-3.160-1, 21A-3.160-2 and Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, convention center

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89-52	4-18-1989	Adds R.O. 1978 (1983 Ed.) § 21A-8.30-8; amends R.O. 1978 (1983 Ed.) § 21A-8.30-4; repeals R.O. 1978 (1983 Ed.) §§ 21A-7.20 — 21A-7.90 and replaces with R.O. 1978 (1983 Ed.) §§ 21A-7.20 — 21A-7.90-6, Ch. 21A, Art. 7, Exhibits 1-18 and Tables 21-A — 21-G, special district regulations and processing
89-146	12-22-1989	Adds R.O. 1978 (1983 Ed.) §§ 21A-1.60, 21A-3.120-3; amends R.O. 1978 (1983 Ed.) §§ 21A-3.80, 21A-3.90-1, Ch. 21A, Tables 1, 4-B, 5-B and 20-A, §§ 21A-7.80-6(A) and (C), 21A-8.30-4(D), 21A-8.30-6(D), 21A-8.30-7(G), 21A-8.30-8(D) and 21A-8.60 and Art 9 of R.O. 1978 (1983 Ed.) Ch. 21A; repeals R.O. 1978 (1983 Ed.) §§ 21A-5.50-2 and 21A-5.60-2
89-154	12-28-1989	Adds R.O. 1978 (1983 Ed.) §§ 21A-3.120-1 and 21A-3.120-2; amends R.O. 1978 (1983 Ed.) Ch. 21A, Table 12-A, and § 21A-7.80-5; amends Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, transient vacation units and bed and breakfast homes
89-155	12-28-1989	Adds R.O. 1978 (1983 Ed.) §§ 21A-6.20-1 and 21A-6.20-2; amends R.O. 1978 (1983 Ed.) §§ 21A-6.20 and 21A-8.30-3, ohana dwellings
90-15	2-23-1990	Adds R.O. 1978 (1983 Ed.) § 21A-5.10-2; amends R.O. 1978 (1983 Ed.) § 21A-3.160-1 and Ch. 21A, Tables 3-A and 12-A, and amends Art. 9 of R.O. 1978 (1983 Ed.) Ch. 21A, golf courses
90-93	11-26-1990	Amends R.O. 1978 (1983 Ed.) § 21A-3.140-1, Ch. 21A, Tables 4-A — 12-A, Ch. 21A, Art. 9; repeals R.O. 1978 (1983 Ed.) §§ 21A-3.140-2 and 21A-4.40-19, pet-keeping regulations
92-101	9-10-1992	Amends §§ 21-3.120, 21-6.20, 21-8.30-3; repeals and replaces §§ 21-6.20-1, 21-6.20-2; amends Art. 9, Ch. 21, ohana dwellings
92-110	10-20-1992	Amends §§ 21-3.20(b), 21-3.70-1, 21-3.70-3(c), 21-3.70-6, 21-3.70-11, 21-3.80, 21-3.120(c) and (d), 21-4.40-4 and 21-9.1, Tables 21-3.1(A), 21-5.3-A, miscellaneous amendments
93-02	2-9-1993	Amends §§ 21-3.90-2 and 21-3.90-5, political campaign signs
93-03	2-9-1993	Amends §§ 21-3.60, 21-3.80, and 21-9.1, definition of floor area; adds § 21-3.60-2, rooftop structures
93-46	6-14-1993	Amends §§ 21-3.120, 21-4.40-20, 21-4.40-25, 21-5.110, 21-9.1; repeals § 21-4.40-5; amends Tables 21-3.1(A), 21-5.17(A) and (B), 21-5.18(A) and (B), 21-5.19(A) and (B), 21-5.20(A) and (B)
93-70	8-27-1993	Adds § 21-5.90-2, BMX-4 business mixed use special height controls; renumbers § 21-5.90-2 to be § 21-5.90-3; amends § 21-8.30-8 and Table 21-5.16-B, major permits—downtown heights in excess of 350 feet
94-13	3-15-1994	Amends § 21-2.30, zoning maps and interpretations
94-14	3-15-1994	Amends § 21-4.40-2, amusement facilities—outdoor, § 21-3.120, nonconformities, Tables 21-5.20-A and B, IMX-1 district, and § 21-9.1, definitions
94-15	3-15-1994	Amends § 21-8.40, conditional zoning—agreements

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94-16	3-15-1994	Amends § 21-7.10-12, nonconforming structures within the flood hazard districts, § 21-7.10-13, flood hazard district exemptions
94-17	3-15-1994	Amends Tables 21-5.4-A, 21-5.5-A, 21-5.12-A, 21-5.14-A, 21-5.15-A, 21-5.16-A, 21-5.20-A, helistops
94-18	3-15-1994	Amends §§ 21-1.40, 21-3.40, 21-3.60, 21-3.70-4, 21-3.120, 21-3.140-1, 21-3.150, 21-4.40-22, 21-4.40-28, 21-4.80-1, 21-5.40-1, 21-6.50-2, 21-7.60-12, 21-9.1, Tables 21-5.3-A, 21-5.4-A, 21-5.5-A, 21-5.7-B, 21-5.8-B, 21-5.9-B, 21-5.10-B, 21-5.10-C, 21-5.10-D, 21-5.11-B, 21-5.11-C, 21-5.11-D, 21-5.13-A, 21-5.14-A, 21-5.15-A, 21-5.16-A, 21-5.18-A, 21-7.1, 21-7.2, 21-7.3, 21-7.4, 21-7.5, 21-7.7; repeals § 21-3.70-9, miscellaneous amendments
94-25	4-28-1994	Amends §§ 21-3.60, 21-3.80, 21-4.40-38, 21-9.1, Tables 21-5.6-A, 21-5.7-A, 21-5.8-A, 21-5.9-A, 21-5.10-A, 21-5.11-A; adds §§ 21-3.60-3 and 21-3.60-4, antennas and utility installations
94-30	5-18-1994	Amends §§ 21-3.120-1 and 21-9.1, transient vacation units
94-31	5-18-1994	Amends § 21-3.120-2, bed and breakfast homes
94-64	9-15-1994	Adds § 21-4.40-8A; amends § 21-9.1 and Tables 21-5.3-A, 21-5.4-A, 21-5.5-A, 21-5.18-A, composting, major and minor
95-13	5-18-1995	Amends §§ 21-3.90-1, 21-3.90-3, signs for second floor business establishments
96-62	10-31-1996	Amend §§ 21-3.30, 21-3.60, 21-3.70, 21-3.70-1, 21-3.70-2, 21-3.70-3, 21-3.70-4, 21-3.70-7, 21-3.70-10, 21-3.70-11, 21-3.70-14, 21-3.80, 21-3.90-1, 21-3.90-3, 21-3.120, 21-3.130, 21-3.140-1, 21-3.150, 21-3.160-2, 21-4.10, 21-4.30, 21-4.40, 21-4.70, 21-6.20-1, 21-6.50-11, 21-7.10-6, 21-7.10-7, 21-7.20-1, 21-7.30-4, 21-7.70-1, 21-8.10, 21-8.20, 21-8.30, 21-8.30-5, 21-8.30-6, 21-8.30-8, 21-9.1; Tables 21-3.1(A), 21-7.1, 21-7.2, 21-7.3, 21-7.4, 21-7.5, 21-7.7; repeals §§ 21-3.60-3, Ch. 21, Art. 5; adds new Ch. 21, Art. 5, various amendments to the land use ordinance
96-72	12-18-1996	Amends §§ 21-2.20, 21-3.90-3, 21-7.80-2, 21-9.1, Table 21-3.1(C), Exhibits 21-7.13 and 21-7.15; renumbers §§ 21-7.80 to 21-7.80-1, 21-7.80-3 to 21-7.80-4, 21-7.80-4 to 21-7.80-5, 21-7.80-5 to 21-7.80-6, 21-7.80-6 to 21-7.80-7, 21-7.80-7 to 21-7.80-8, Table 21-7.6 to Table 21-7.6(C); adds §§ 21-7.80, 21-7.80-3; 21-7.80-9, 21-8.30-9, Tables 21-7.6(A) and (B); repeals § 21-7.80-1 and Exhibit 21-7.14, relating to the Waikiki special district
97-74	12-17-1997	Amends §§ 21-3.30, 21-3.40, 21-3.70-12, 21-4.10, 21-5.20, 21-5.20-2, 21-5.30-4, 21-5.50-1, 21-5.60-1, 21-5.70-1, 21-5.90-3, 21-5.100-1, 21-5.110-1, 21-9.1; Tables 21-5.1-A, 21-5.1-B, 21-5.2-A, 21-5.3-A, 21-5.3-B, 21-5.4-A, 21-5.5-A, 21-5.5-B, 21-7.6(C); Exhibits 21-7.13, 21-7.16, 21-7.17, 21-7.18, miscellaneous minor technical amendments
98-03	2-12-1998	Renumbers § 21-4.40-20 as § 21-4.40-19; adds § 21-4.40-20; amends Table 21-5.4-A and § 21-9.1, relating to the transfer of development rights for certain historic properties

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98-11	3-23-1998	Amends §§ 21-5.10-1, 21-5.20-5, 21-9.1 and Table 21-5.1-A relating to cemetery caretakers (amends LUO to permit dwellings for caretakers as an accessory use to cemeteries)
98-58	10-1-1998	Amends §§ 21-3.90-3, 21-7.60-1, 21-7.60-4, 21-7.60-12, 21-7.60-13, Table 21-7.4; adds Exhibit 21-7.10-A, relating to the Chinatown special district, land use ordinance
98-60	11-20-1998	Amends §§ 21-4.40-8A, 21-4.40-13, 21-4.40-29, 21-4.40-33, 21-4.40-40, 21-5.100-1, Tables 21-5.5-A and 21-5.5-B; adds § 21-4.40-7A, relating to the regulation of uses in industrial and industrial-commercial mixed-use districts
99-12	5-10-1999	Repeals Ch. 21, land use ordinance, and adds a new Ch. 21, which streamlines the land use permitting process and ensures that adequate controls and review mechanisms are in place for certain proposed land uses
99-63	11-26-1999	Amends §§ 21-7.40 and 21-2.140-1, relating to signs (amends LUO to address issues relating to the regulation of signs in response to Res. 98-223, CD1)
00-09	4-19-2000	Adds § 21-5.500A; amends § 21-10.1 and Table 21-3, establishing real estate offices and travel agencies as permitted uses in the resort zoning district (LUO)
01-12	4-19-2001	Amends §§ 21-2.90-2, 21-10.1, and Table 21-3; adds § 21-5.610A, relating to elderly housing (LUO)
01-66	12-28-2001	Amends § 21-9.80-4 (LUO), relating to the Waikiki special district (extending the deadline from 12-31-2001 to 12-31-2006 for submission to DPP of an application for a project needing planned development-resort or planned development-commercial approval)
02-19	5-10-2002	Amends § 21-9.90-4 and Table 21-9.7 (LUO), relating to the Haleiwa special district (establishing drive-thru facilities as a permitted use)
02-63	12-20-2002	Amends §§ 21-2.90-2, 21-3.50, 21-5.290, 21-5.510, 21-10.1, and Table 21-3; adds §§ 21-5.10A and 21-8.60, relating to the regulation of agricultural uses
03-37	11-20-2003	Amends §§ 21-2.40-1, 21-2.90-1, 21-2.90-2, 21-2.130, 21-2.140-1, 21-4.30, 21-4.60, 21-4.70-1, 21-4.110, 21-5.10, 21-5.90, 21-7.20, 21-7.40, 21-7.60, 21-7.70, 21-9.30-5, 21-10.1; Tables 21-3, 21-3.4, 21-3.5; Figures 21-3.2, 21-3.10, 21-4.1, 21-10.4, making miscellaneous minor technical or nonsubstantive revisions to the land use ordinance
03-38	11-19-2003	Amends §§ 21-9.80-4, 21-9.80-5, 21-9.80-6, 21-9.80-7; Tables 21-6.3, 21-9.6(A), (B), (C); Figures 21-9.1, 21-9.2 (LUO), relating to the Waikiki special district
04-09	4-7-2004	Amends §§ 21-9.10-2, 21-9.10-4, 21-9.10-5, 21-9.10-7 through 21-9.10-9, 21-9.10-11; repeals § 21-9.10-13; and adds a new § 21-9.10-13, relating to flood hazard districts (to conform with current language in the National Flood Insurance Program (NFIP) regulations) (LUO)
04-30	8-26-2004	Amends §§ 21-9.60-8 and 21-9.60-9, relating to the Chinatown Special District (LUO) (allows one- and two-family dwellings if located above the ground floor)
05-028	8-23-2005	Amends § 21-5.370, relating to the off-site joint development of two or more zoning lots

## Zoning Ordinances

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<i>Ord. No.</i>	<i>Approval Date</i>	
06-15	3-15-2006	Amends §§ 21-2.140-1, 21-4.110, 21-8.20, 21-8.20-1, and 21-10.1 (LUO), relating to ohana dwellings (deletes the maximum floor area restrictions for ohana dwelling units)
07-8	4-26-2007	Amends § 21-9.30-4; repeals and replaces Exhibits 21-9.1 and 21-9.2 (LUO), relating to the Hawaii Capital Special District
07-14	5-17-2007	Amends Table 21-3, the Master Use Table (LUO), relating to vacation cabins
07-15	5-17-2007	Amends Table 21-3, the Master Use Table (LUO), relating to amusement and recreation facilities, indoor
08-19	8-7-2008	Amends § 21-2.70, relating to the transmission of planning commission recommendations to the council (LUO)
09-4	3-25-2009	Adds §§ 21-9.100, 21-9.100-1 through 21-9.100-4 and amends § 21-9.20-6, relating to transit-oriented development (provides for the establishment of transit-oriented development special districts and accompanying land use regulations around rapid transit stations)
09-5	3-25-2009	Amends §§ 21-2.140-1, 21-7.20, 21-7.40, and 21-7.60, relating to signs
09-26	9-9-2009	Adds § 21-5.500A and amends Table 21-3 and § 21-10.1, relating to plant nurseries (clarifies LUO provisions relating to plant nurseries)
09-33	10-30-2009	Amends § 21-5.450, relating to meeting facilities in industrial districts (removes the 1,000-foot separation and three-month vacancy restrictions for meeting facilities located in industrial districts)
10-19	9-2-2010	Amends §§ 21-2.20, 21-2.60, 21-2.70, 21-2.90-1, 21-2.100, 21-2.140-1, Table 21-3, §§ 21-4.30, 21-4.110, 21-5.350, 21-5.380, 21-5.450, 21-5.700, Table 21-6.1, §§ 21-7.20, 21-8.30, Exhibit 21-9.10-A, §§ 21-9.80-4 and 21-10.1; adds §§ 21-5.80A, 21-5.510A, and 21-8.20A, miscellaneous amendments and additions to the land use ordinance
10-24	9-2-2010	Amends § 21-4.30, relating to agricultural fences (increases the allowable height of fences on certain agricultural lands)
11-30	12-14-2011	Amends §§ 21-7.40, 21-9.80-4, 21-9.80-6, 21-2.110-2, Tables 21-9.6(A) and 21-9.6(B), and Exhibit 21-9.13, and repeals § 21-9.80-7, to amend the provisions in the land use ordinance pertaining to the Waikiki special district
13-10	4-19-2013	Amends § 21-2.40-1, Table 21-3 and § 21-5.360, relating to hotels within the BMX-3 district under the land use ordinance
14-9	5-22-2014	Repeals §§ 21-9.10, 21-9.10-1 through 21-9.10-14 and reenacts a new § 21-9.10, amends § 21-10.1, and creates a new Chapter 21A, relating to flood hazard areas
14-10	6-20-2014	Amends § 21-2.110-2 and adds a new § 21-9.100-5, relating to interim planned development permits for transit-oriented development within close proximity to future rail stations
15-41	9-14-2015	Creates new §§ 21-2.140-1(o) and 21-5.720, and amends Tables 21-3, 21-3.2, and 21-6.1, and §§ 21-6.30(d), 21-6.40(c), 21-8.20(c), and 21-10.1

<i>Ord. No.</i>	<i>Approval Date</i>	
15-48	11-20-2015	Amends a portion of zoning map No. 3, Moiliili-Kaimuki and Exhibit 21-9.13 relating to the Waikiki Special District (Special)
16-26	9-23-2016	Amends § 21-9.100.5, relating to public housing in transit-oriented development special districts
17-20	5-26-2017	Amends § 21-9.100-2(a), relating to transit-oriented development
17-40	7-27-2017	Amends §§ 21-1.20(a) and (k), 21-2.40-1(c) and (i), 21-2.150-2, 21-3.20, 21-3.50-4(c), 21-3.140-1(c), 21-4.50, 21-4.110(d), 21-5.10A, 21-5.160(c), 21-5.380(a), 21-5.390, 21-5.700, 21-8.20(c), 21-9.80-3(b), 21-9.80-4(c) and (d), 21-9.100-5(d), 21-10.1, repeals Figure 21-2.1, and enacts a new Figure 21-2.1, relating to the land use ordinance
17-46	8-24-2017	Amends Chapter 21, Table 21-3 and § 21-5.700(c), relating to wind machines
17-54	10-26-2017	Creates new §§ 21-9.100-6 through 21-9.100-12; amends §§ 21-2.110-2, 21-9.20-2, 21-9.100, 21-9.100-1 through 21-9.100-4, and 21-9.20-6; adds new Figures 21-9.3 through 21-9.15, a new Table 21-9.8, and new Exhibits 21-9.19 and 21-9.20; and repeals and replaces Figure 21-2.1, relating to the transit-oriented development special district
17-55	10-26-2017	Creates a new § 21-6.150; amends Article 10 in Chapter 21 (§ 21-10.1), §§ 21-3.90-1(c), 21-3.110-1(c), 21-3.120-2(c), 21-3.140-1(c), 21-5.210, 21-5.480, and 21-6.140(b); and repeals and replaces Figures 21-3.3, 21-3.5, and 21-3.7, relating to miscellaneous land use ordinance amendments
17-59	11-17-2017	Amends § 21-4.110, relating to nonconforming structures
18-19	6-21-2018	Amends § 21-9.80.4(d), relating to planned development-resort and planned development-apartment projects
18-44	12-21-2018	Amends §§ 21-9.90, 21-9.90-1 through 21-9.90-6, and Table 21-9.7, repeals and adds new Exhibits 21-9.16, 21-9.17, and 21-9.18 in Chapter 21
19-3	5-1-2019	Amends §§ 21-3.70-1, 21-6.40, 21-10.1 and Table 21-6.1, relating to detached dwellings
19-18	6-25-2019	Creates a new Article 2A in Chapter 21; new §§ 21-2.150-3 and 21-5.730; and amends §§ 21-2.150-2, 21-4.110-1, 21-4.110-2, 21-5.640, 21-10.1, and Tables 21-3, 21-6.1 through 21-6.3, and 21-9.6(A), relating to short term rentals



## APPENDIX 21-C: ZONING MAPS

***Editor's note:***

*Ordinances before 1988 may be found in Appendix B-1 to Chapter 21, Revised Ordinances 1978 (1983 Ed.) and in Appendix 21A.2 to the Revised Ordinances 1987 Supp. to 1983 Ed. Department and agency acronyms may be found in Appendix 21-A.*

<b><i>Ord. No.</i></b>	<b><i>Approval Date</i></b>	
88-2	1-20-1988	Rezoning a parcel of land situated at Waikele and Hoaeae, Ewa. (Amending portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Halekua Development Co.
88-10	1-20-1988	Rezoning a parcel of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) M's Investors
88-11	1-21-1988	Rezoning a parcel of land situated at Paalaa, Waialua district. (Amending portion of zoning map No. 17, Mokuleia- Haleiwa, Ord. 86-134.) DLU
88-18	3-7-1988	Rezoning a parcel of land Downtown. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) DLU
88-32	4-7-1988	Rezoning a portion of a parcel of land situated at Waipio, Oahu. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) YMCA of Honolulu
88-37	4-7-1988	Rezoning a parcel and a portion of a parcel of land situated at Ewa. (Amending portion of zoning map No. 12, Ewa Beach Iroquois Point, Ord. 86-114.) The Myers Corp.
88-38	4-7-1988	Amending Ord. 86-150 by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 11, Wahiawa Whitmore, Ord. 86-113.) Oceanic Properties
88-49	5-11-1988	Amending zoning map No. 6, Red Hill Ft. Shafter, Ord. 86-109, relating to height limit on lands situated at Moanalua. DLU
88-55	5-18-1988	Rezoning a parcel of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei Makaha, Ord. 86-117.) Rockwell Rogers
88-63	6-6-1988	Rezoning a parcel of land situated at Kalihi. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Terry W. Hay
88-79	6-19-1988	Rezoning parcels of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei Makaha, Ord. 86-117.) Makaha Valley, Inc.
88-85	7-5-1988	Rezoning parcels of land situated at Pearl City. (Amending portions of zoning map No. 7, Halawa Pearl City, Ord. 86-133.) Holiday Developers, Inc.
88-94	7-20-1988	Rezoning a portion of a parcel of land situated at Mililani. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Mililani Town, Inc.
88-108	9-29-1988	Rezoning a parcel of land situated at Waialua. (Amending portion of zoning map No. 17, Mokuleia Haleiwa, Ord. 84-134.) Philip B. Calilao

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
88-111	10-24-1988	Rezoning parcels of land situated at Laie Point, Oahu. (Amending portion of zoning map No. 19, Kahuku Laie, Ord. 86-120.) DLU
88-116	10 24 1988	Amending Ord. 86 92 by amending the unilateral agreement incorporated therein by reference. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Oceanic Properties
89-1	1-19-1989	Rezoning land situated at Haleiwa. (Amending portion of zoning map No. 17, Mokuleia Haleiwa, Ord. 86-134.) Henry E. Nowicki
89-4	1-19-1989	Rezoning a parcel of land situated at Waipio. (Amending portion of zoning map Nos. 9 and 10, Waipio (Crestview) and Waipio (Mililani), Ords. 86-111 and 86-112.) DLU
89-20	2-23-1989	Amending a parcel of land situated at Makiki. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) Richard Y. and Hong Kwum Pang
89-21	2-23-1989	Rezoning a portion of a parcel of land situated at Halawa. (Amending portion of zoning map No. 7, Halawa Pearl City, Ord. 86-133.) Lani Properties Corp.
89-27	2-23-1989	Rezoning a parcel of land situated at Ewa. (Amending portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) Roy Tokujo-Cove Enterprises, Inc.
89-28	2-23-1989	Rezoning a parcel of land situated at Moanalua. (Amending portion of zoning map No. 6, Red Hill Ft. Shafter, Ord. 86-109.) Circle K Hawaii, Inc. (Unilateral agreement was amended by Ord. 98-14)
89-30	2-23-1989	Rezoning a portion of a parcel of land situated at Kalihi Valley. (Amending portion of zoning map No. 5, Kalihi Nuuanu, Ord. 86-108.) DLU
89-53	4-18-1989	Amending zoning map Nos. 4 and 5, Nuuanu McCully and Kalihi Nuuanu, Ords. 86-107 and 86-108, respectively, to reflect amendments to special district regulations. DLU
89-55	4-18-1989	Rezoning a parcel of land situated at Ewa. (Amending portion of zoning map No. 12, Ewa Beach Iroquois Point, Ord. 86-114.) Puuloa Homes, Ltd., and Herbert K. Horita Realty, Inc.
89-57	5-5-1989	Rezoning a parcel of land situated at Makaha. (Amending portion of zoning map No. 15, Luahalei-Makaha, Ord. 86-117.) Aki Brothers
89-72	6-1-1989	Rezoning parcels of land situated at Halawa. (Amending portion of zoning map No. 7, Halawa Pearl City, Ord. 86-133.) Halawa Associates, Inc.
89-73	6-1-1989	Rezoning a portion of a parcel of land situated at Pearl City. (Amending portion of zoning map No. 7, Halawa Pearl City, Ord. 86-133.) Pearl City Youth Complex
89-97	7-20-1989	Rezoning a parcel of land situated at Kewalo. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) King Birch Joint Venture
89-100	8-3-1989	Rezoning a parcel of land situated at Nuuanu. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) DHCD
89-107	8-3-1989	Rezoning a parcel of land situated at Kaimuki. (Amending portion of zoning map No. 3, Moiliili Kaimuki, Ord. 86-106.) Allan Y. and Janet M. Yamauchi

## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
89-111	9-27-1989	Rezoning a parcel of land situated at Hoaeae, Ewa. (Amending portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Blackfield Hawaii Corp.
89-112	10-4-1989	Rezoning a portion of a parcel of land situated at Kailua. (Amending portion of zoning map No. 23, Kailua-Keolu, Ord. 86-124.) Lone Star, Inc.
89-120	10-4-1989	Rezoning parcels of land situated at Kaimuki. (Amending portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Ukishima/Sullivan Properties
89-122	10-4-1989	Rezoning a parcel of land situated at Kaneohe. (Amending portion of zoning map No. 22, Heeia Kaneohe Maunawili, Ord. 86-123.) William O. Farrior and Robert E. Willis
89-123	10-4-1989	Rezoning a parcel of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Mililani Town, Inc. (UA amended by Ord. 93-23)
89-124	10-23-1989	Rezoning parcels of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117) Honvest Corp.
89-128	10-23-1989	Rezoning parcels of land situated at Hawaii Kai. (Amending portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) CCL
89-131	11-21-1989	Rezoning parcels of land situated at Kapalama. (Amending portion of zoning map No. 5, Kalihi Nuuanu, Ord. 86-108.) Gabrielsen & Co.
90-7	2-7-1990	Rezoning a parcel of land situated at Waipahu. (Amending portion of zoning map No. 8, Ord. 86-110 (Waipahu).) Honpa Hongwanji
90-8	2-7-1990	Rezoning a parcel of land situated at Palolo. (Amending portion of zoning map No. 3, Moiliili Kaimuki, Ord. 86-106.) Emma International, Inc.
90-10	2-7-1990	Rezoning a parcel of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) DLU
90-18	3-9-1990	Rezoning parcels of land situated at Moanalua, Oahu. (Amending portion of zoning map No. 6, Red Hill Ft. Shafter, Ord. 86-109.) Rokan Partners
90-25	3-29-1990	Rezoning a parcel of land situated at Wailupe. (Amending portion of zoning map No. 2, Kahala Kuliouou, Ord. 86-105.) CCL
90-30	4-11-1990	Rezoning a portion of a parcel of land situated in Ewa. (Amending portion of zoning map No. 13, Makakilo, Ord. 86-115, and portion of zoning map No. 14, Barber's Point Kahe Nanakuli, Ord. 86-116.) Campbell Estate
90-36	4-11-1990	Rezoning a parcel of land situated at Makaha. (Amending portion of zoning map No. 15, Lualualei Makaha, Ord. 86-117.) DLU
90-39	5-3-1990	Rezoning a parcel of land situated at Makiki. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) Walter K. Kitagawa and May H. Kitagawa Okazaki
90-61	7-25-1990	Rezoning a parcel of land situated at Waiau, Ewa, Oahu. (Amending portion of zoning map No. 7, Halawa Pearl City, Ord. 86-133.) The Lusk Co.
90-69	7-26-1990	Rezoning a portion of a parcel of land situated at Waialae Nui. (Amending portion of zoning map No. 2, Kahala Kuliouou, Ord. 86-105.) Bishop Estate

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
90-72	8-22-1990	Rezoning a parcel of land situated at Pearl City. (Amending portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) Melville & Blake
90-75	9-26-1990	Rezoning a parcel of land situated at Maunawili. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Edward and Margarita Mager
90-78	10-16-1990	Rezoning parcels of land situated at Honouliuli. (Amending portions of zoning map Nos. 8 and 13, Waipahu and Makakilo, Ords. 86-110 and 86-115.) DLU
90-85	11-26-1990	Rezoning a parcel of land situated at Nuuanu. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Casey Family Program
90-94	11-26-1990	Rezoning a parcel of land situated at Waipio. (Amending portion of zoning map Nos. 9 and 10, Waipio (Crestview) and Waipio (Mililani), Ords. 86-111 and 86-112.) Mililani Town, Inc.
91-11	2-28-1991	Rezoning a parcel of land situated at Waikele and Hoaeae, Ewa. (Amending a portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Halekua Development Corp. (Unilateral agreement was amended by Ord. 01-42.)
91-17	3-21-1991	Rezoning parcels of land situated at Ewa. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Development Co.
91-18	3-21-1991	Rezoning a parcel of land situated at Kalihi. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Erlinda M. Cachola
91-20	3-21-1991	Rezoning a parcel of land situated at Makaha. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) ANA Hotels Hawaii, Inc.
91-36	6-5-1991	Rezoning a portion of a parcel of land situated at Waipio. (Amending portion of zoning map No. 9, Waipio-Makai (Crestview), Ord. 86-111.) Mililani Group, Inc.
91-39	7-29-1991	Rezoning parcels of land situated at McCully. (Amending portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) Fu Tsu Co., Ltd.
91-65	9-20-1991	Rezoning a parcel of land situated at Ewa. (Amending portion of zoning map No. 13, Makakilo, Ord. 86-115, and zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) James Campbell Estate
91-67	10-8-1991	Rezoning a parcel of land situated at Kaneohe. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) RFD Publications, Inc.
91-71	10-18-1991	Rezoning a parcel of land situated at Maili. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Nowlin Correa
91-85	11-27-1991	Rezoning a portion of a parcel of land situated at Moanalua. (Amending portion of zoning map No. 6, Red Hill-Fort Shafter, Ord. 86-109.) Michael Kujubu, et al.
92-19	3-11-1992	Rezoning parcels of land situated at Waikele and Hoaeae. (Amending portion of zoning map No. 9, Waipio (Crestview), by amending two unilateral agreements, Ord. 86-111.) Halekua Development Corp. and Royal Oahu Resort, Inc. (A unilateral agreement and addendum to the unilateral agreement were amended by Ord. 01-42.)

## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
92-21	4-6-1992	Rezoning a portion of a parcel of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio-Mauka (Mililani), Ord. 86-112.) Honbushin Mission International of Hawaii
92-32	4-27-1992	Rezoning parcels of land situated at Kalihi. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) DLU
92-33	4-27-1992	Rezoning a parcel of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) George Plechaty, M.D.
92-41	5-15-1992	Rezoning a parcel of land situated at Makiki. (Amending portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) Calvin Lyau
92-64	6-12-1992	Rezoning parcels and portions of parcels of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112; amending unilateral agreement, Ords. 86-92 and 88-116.) Castle & Cooke Properties, Inc.
92-81	6-29-1992	Rezoning a parcel of land situated at Ewa. (Amending portion of zoning map No. 13, Makakilo, Ord. 86-115.) Lusk Hawaii (Unilateral agreement was amended by Ord. 99-60)
92-85	6-30-1992	Rezoning a parcel of land situated at Lualualei. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Irene M. Okabe, et al.
92-92	7-21-1992	Rezoning a parcel of land situated at Mililani. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Properties, Inc.
92-106	9-10-1992	Rezoning a portion of a parcel of land situated at Honouliuli, Ewa. (Amending portion of zoning map No. 14, Barber's Point-Nanakuli, Ord. 86-116.) James Campbell Estate
92-117	10-27-1992	Rezoning a parcel of land situated at Waipio (Mililani). (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Residential, Inc.
92-118	10-27-1992	Rezoning a parcel of land situated at Nuuanu. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Ms. Debbie Mori
92-120	10-27-1992	Rezoning two parcels of land situated at Waimalu. (Amending portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) DLU
92-128	11-18-1992	Rezoning parcels of land situated at Waipio (Mililani). (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Waihuna Joint Venture; Castle & Cooke Properties, Inc.
92-130	11-18-1992	Rezoning a parcel of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) DLU
92-132	12-09-1992	Rezoning a parcel of land situated at Waialae-Nui. (Amending portion of zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) Episcopal Homes of Hawaii, Inc.
93-08	2-25-1993	Rezoning a parcel of land situated at Makiki. (Amending a portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) Charn-Sing and Rosalia Chan (Sec. II and Exhibit "B" of Ord. 93-08 were repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 2-11-1993 were released by Ord. 07-6.)

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
93-16	3-19-1993	Rezoning a parcel of land situated at Kailua. (Amending portions of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) DLU
93-23	4-16-1993	Rezoning a portion of a parcel of land situated at Mililani. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112; amending unilateral agreement, Ord. 89-123.) Castle & Cooke Residential, Inc.
93-44	6-14-1993	Rezoning a portion of a parcel of land situated at Maili (off Maipalaoa Road). (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) The Lusk Co. (Unilateral agreement was amended by Ord. 97-51.)
93-45	6-14-1993	Rezoning a parcel of land situated at Mililani. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Residential, Inc.
93-54	6-14-1993	Rezoning parcels of land situated at Ewa. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Development Co.
93-66	7-28-1993	Rezoning a parcel of land situated at Kaimuki. (Amending portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Waialae Kahala Partners (Unilateral agreement was amended by Ord. 96-63)
93-67	7-28-1993	Rezoning a parcel of land situated at Niu Valley. (Amending portion of zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) John and Debra Hunt
93-71	8-27-1993	Amends zoning map No. 4, Nuuanu-McCully, to reflect higher height limits. DLU
93-79	11-4-1993	Rezoning various parcels of land situated at Waipio. (Amending portion of zoning map No. 9, Waipio-Makai (Crestview), Ord. No. 86-111.) Gentry Hawaii, Ltd.
93-86	11-29-1993	Rezoning a parcel of land situated at Nuuanu. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Robert Midkiff and Elizabeth Midkiff Myers
93-94	12-13-1993	Rezoning parcels of land situated at Ewa Beach. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Haseko (Ewa), Inc. (UA amended by Ord. 02-58.)
93-96	12-13-1993	Rezoning a parcel of land situated at Pupukea. (Amending portion of zoning map No. 18, Kawaiolo-Waialeale, Ord. 86-119.) Corp. of the Presiding Bishop of the Church of JC of LDS
93-111	12-13-1993	Rezoning a parcel of land and portions of parcels of land situated at Haleiwa. (Amending portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ord. 86-134.) North Shore Market Place
94-04	2-10-1994	Rezoning a parcel of land situated at Keolu. (Amending portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) Richard and Carol Palmer
94-07	2-10-1994	Rezoning a portion of a parcel of land situated at Kahaluu. (Amending portion of zoning map No. 21, Kualoa-Kahaluu, Ord. 86-122.) Raymond Nylan
94-20	3-15-1994	Rezoning a parcel of land situated at Palolo. (Amending portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Yee Palolo Corp.

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<i>Ord. No.</i>	<i>Approval Date</i>	
94-22	4-28-1994	Rezoning a portion of a parcel of land situated at Kailua. (Amending portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) Sea Breeze, Ltd.
94-29	5-18-1994	Rezoning parcels of land situated at Heeia. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) DLU
94-40	6-8-1994	Rezoning a portion of a parcel of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Properties, Inc.
94-51	7-6-1994	Rezoning a portion of a parcel of land situated at Kalihi. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) William Craddick
94-57	7-29-1994	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Development Co. (UA was amended by Ord. 06-26)
94-59	7-29-1994	Rezoning land situated at Heeia Kea. (Amending portion of zoning map No. 22, Heeia-Maunawili, Ord. 86-123.) MK Pacific Realty Inc.
94-60	9-15-1994	Rezoning a portion of a parcel of land situated at Maili. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) P. H. Property Development Company
94-66	9-15-1994	Rezoning a parcel of land situated at Pupukea. (Amending portion of zoning map No. 18, Kawaihoa-Waialea, Ord. 86-119.) DLU
94-81	11-21-1994	Rezoning a portion of a parcel of land situated at Kapolei. (Amending portion of zoning map No. 14, Barber's Point-Nanakuli, Ord. 86-116.) James Campbell Estate (Unilateral Agreement was amended by Ord. 98-08)
94-83	11-21-1994	Rezoning land situated at Makiki-Punchbowl. (Amending portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) Kazutoshi Yato
94-84	11-21-1994	Rezoning land situated at Mililani. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Aloha Management Co.
95-08	3-23-1995	Rezoning land situated at Waipio. (Amending portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Halekua Development Corporation
95-19	5-26-1995	Rezoning parcels and a portion of a parcel of land situated at Pupukea. (Amending a portion of zoning map No. 18, Kawaihoa-Waialea, Ord. 86-119.) Obayashi Hawaii Corporation (Sec. II and Exhibit "B" of Ord. 95-19 were repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 5-17-1995 were released by Ord. 07-5.)
95-53	9-1-1995	Rezoning portions of parcels of land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Homes Hawaii, Inc.
95-54	9-1-1995	Amending Ord. 92-92 by amending the unilateral agreement incorporated therein by reference. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Homes Hawaii, Inc.

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
95-55	9-1-1995	Amending Ord. 93-23 by amending the unilateral agreement incorporated therein by reference. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle & Cooke Homes Hawaii, Inc.
95-56	9-1-1995	Rezoning land situated at Waipio. (Amending portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) DLU
95-57	9-1-1995	Rezoning a portion of a parcel of land situated at Makaha. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Leeward Wholesale Nursery
95-59	10-4-1995	Rezoning a parcel of land situated at Waianae. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Ronny Baker
95-70	12-18-1995	Amending zoning height for parcels of land situated at Kapolei. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) James Campbell Estate
96-03	2-7-1996	Rezoning land situated at Sand Island. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Sand Island Business Association
96-05	2-27-1996	Rezoning land situated at Kalihi-Palama. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Bishop Museum
96-07	2-27-1996	Rezoning land situated at Kaneohe. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Pacific Atlas (Hawaii) Inc.
96-10	3-29-1996	Rezoning a portion of a parcel of land situated at Nanakuli. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Leeward Hawaii, Inc.
96-14	3-29-1996	Rezoning a parcel of land situated at Waimanalo. (Amending portion of zoning map No. 24, Waimanalo, Ord. 86-125.) Waimanalo Teen Project, Inc.
96-21	4-25-1996	Rezoning a parcel of land situated at Honolulu. (Amending portion of zoning map No. 4, Nuuanu McCully, Ord. 86-107.) Real Estate Inc.
96-22	4-25-1996	Rezoning a portion of a parcel of land situated at Honouliuli. (Amending portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) Estate of James Campbell
96-28	5-15-1996	Rezoning land situated at Haleiwa. (Amending portion of zoning map No. 18, Kawaiolo-Waialeale, Ord. 86-119.) Charles P. Booth, et al.
96-46	7-9-1996	Rezoning land situated at Waianae (Waianae Coast Comprehensive Health Center). (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) DLU
96-48	7-9-1996	Rezoning land situated at Pearl City. (Amending portion of zoning map No. 7, Pearl City-Halawa, Ord. 86-133.) Laborers' International Union of America - Local 368)
96-57	10-10-1996	Rezoning a parcel of land situated near the airport. (Amending portion of zoning map No. 6, Red Hill-Fort Shafter, Ord. 86-109.) Airport Industrial Park Associates
96-60	10-10-1996	Rezoning parcels of land situated at Lualualei, Nanakuli. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Sanjiro Nakade



## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
96-61	10-10-1996	Rezoning land situated at Waipahu. (Amending a portion of zoning map No. 8, Waipahu, Ord. 86-110.) Ben Takayesu (Unilateral agreement was amended by Ord. 00-61.)
96-63	10-31-1996	Amending unilateral agreement incorporated in Ord. 93-66, which rezones a parcel of land situated at Kaimuki, and which amends portion of zoning map No. 3, Moiliili- Kaimuki, Ord. 86-106.) Waialae Kahala Partners
96-64	11-27-1996	Rezoning a parcel of land situated at Waialua. (Amending portion of zoning map No. 17, Mokuleia-Haleiwa, Ord. 86-134.) Waialua United Church of Christ
96-65	11-27-1996	Rezoning a parcel of land situated at Waimanalo. (Amending portion of zoning map No. 24, Waimanalo, Ord. 86-125.) Corp. of the President of the Church of Jesus Christ LDS
96-68	11-27-1996	Rezoning land situated at Ewa. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Development Co.
96-69	11-27-1996	Rezoning a parcel of land situated at Waipahu. (Amending portion of zoning map No. 8, Waipahu, Ord. 86-110.) AMFAC/JMB HAWAII
96-71	12-18-1996	Rezoning parcels of land situated at Waikiki. (Amending portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106, to conform to various ROH amendments, to implement the primary urban center development plan land use map and corresponding special provisions for the Waikiki special area, and to amend the zoning map legend.) DLU
96-78	12-19-1996	Rezoning a parcel of land situated at Maunawili. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Le Jardin Academy
97-04	2-12-1997	Rezoning a parcel of land situated at Wailupe. (Amending portion of zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) (Unilateral agreement was amended by Ord. 99-08) MBC Corporation
97-12	4-30-1997	Rezoning a parcel of land situated at Waipio. (Amending portion of zoning map No. 9, Waipio [Crestview], Ord. 86-111.) Halekua Development Corporation
97-19	5-16-1997	Rezoning land situated at Kaneohe. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Hawaiian Memorial Park Cemetery
97-51	8-22-1997	Amending Ord. 93-44 by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Schuler Homes, Inc.
97-71	12-17-1997	Rezoning a parcel of land situated at Kahaluu. (Amending portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu, Ord. 86-122.) Margaret L. Watson Trust
97-72	12-17-1997	Rezoning a parcel of land situated at Wahiawa-Whitmore. (Amending portion of zoning map No. 11, Wahiawa-Whitmore, Ord. 86-113.) McDonald's Corporation
97-75	12-17-1997	Rezoning land situated at Honouliuli, Ewa. (Amending portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) James Campbell Estate
98-01	1-15-1998	Rezoning land situated at Waiawa. (Amending portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Gentry Development Company (Unilateral agreement was amended by Ord. 98-69)

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
98-08	3-4-1998	Amending Ord. 94-81 (an ordinance to rezone land at Kapolei) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) James Campbell Estate
98-13	3-23-1998	Rezoning land situated at Kapaa Valley. (Amending portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) CCL
98-14	3-23-1998	Amending Ord. 89-28 (an ordinance to rezone a parcel of land at Moanalua) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 6, Red Hill-Ft. Shafter, Ord. 86-109.) Circle K Hawaii, Inc.
98-15	4-20-1998	Rezoning a parcel of land situated at Pearl City. (Amending portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) DHCD
98-16	4-20-1998	Rezoning land situated at Waiau. (Amending portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) Jaymark Komer
98-24	6-9-1998	Rezoning parcels of land situated at Waiwai Loop, intersection of Lagoon Drive and Nimitz Highway. (Amending portion of zoning map No. 6, Red Hill-Fort Shafter, Ord. 86-109.) Shelton Investments, Inc.
98-44	7-23-1998	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Investment Properties (UA was amended by Ord. 06-26)
98-45	7-23-1998	Rezoning land situated at Kailua. (Amending portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) DLU
98-47	7-23-1998	Rezoning land situated at Kalihi. (Amending portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Kokua Kalihi Valley
98-52	8-18-1998	Rezoning a portion of a parcel of land situated at Kalihi. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) DLU
98-56	10-1-1998	Rezoning a parcel of land situated at Kaneohe. (Amending a portion of zoning map No. 22, Heeia-Maunawili, Ord. 86-123.) Kaiser Foundation Health Plan, Inc.
98-57	10-1-1998	Rezoning land situated at Lualualei. (Amending portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Quality Home Care, Inc. and Joseph Kauwale, Jr.
98-61	11-20-1998	Rezoning a parcel of land situated at Waipahu. (Amending portion of zoning map No. 8, Waipahu, Ord. 86-110.) Amfac Property Development Corp.
98-63	11-20-1998	Amending the zoning height for land situated at Kahala Avenue. (Amending a portion of zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) DLU
98-67	12-17-1998	Rezoning a parcel of land situated at Kalama Valley. (Amending a portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) Maunalua Associates, Inc.
96-68	12-17-1998	Rezoning land situated at Nanakuli. (Amending a portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Filemon and Leticia Ancheta

## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
98-69	12-17-1998	Amending Ord. 98-01 (an ordinance to rezone land situated at Waiawa) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Gentry Investment Properties
99-04	3-12-1999	Amending Ord. 4320 (an ordinance to rezone land situated at Aiea) by amending the unilateral agreement incorporated therein by reference. Crazy Shirts, Inc.
99-08	3-30-1999	Amending Ord. 97-04 (an ordinance to rezone land situated at Kalanianaʻole Highway) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) William Weinberg
99-18	5-28-1999	Rezoning land situated at Halawa. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) DLU
99-38	6-22-1999	Rezoning land situated at the intersection of Koapaka Street and Ohohia Street (airport vicinity). (Amending a portion of zoning map No. 6, Red Hill-Fort Shafter, Ord. 86-109.) Taihook Assocs.
99-39	6-22-1999	Rezoning land situated at Kaelepulu, Keolu, Kailua. (Amending a portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) CCL
99-47	8-5-1999	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) James Campbell Estate
99-56	10-6-1999	Rezoning land situated at Honolulu. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Maximo D. Pajela, et al.
99-57	10-6-1999	Rezoning land situated at Hawaii Kai. (Amending a portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) Maunalua Associates, Inc.
99-58	10-6-1999	Rezoning land situated at Palolo. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Palolo Land Partnership
99-60	11-4-1999	Amending Ord. 92-81 (an ordinance to rezone land situated at Ewa) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 13, Makakilo, Ord. 86-115.) Schuler Homes, Inc.
99-61	11-4-1999	Rezoning land situated at Kailua. (Amending a portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) KBC Partners
99-67	11-26-1999	Amending Ord. 84-53 (an ordinance to rezone land situated at Kalihi Kai [Colburn Street zone change]) by deleting the unilateral agreement incorporated therein by reference. George and Edward Motonaga
99-68	11-26-1999	Rezoning land situated at Kuliouou. (Amending a portion of zoning map No. 2, Kahala-Kuliouou, Ord. 86-105.) CCL
99-70	12-16-1999	Rezoning land situated at Barber's Point. (Amending a portion of zoning map No. 14, Barber's Point-Nanakuli, Ord. 86-116.) DLNR
00-04	3-30-2000	Rezoning land situated at Kaneohe. (Amending a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Clinton and Joan Ashford

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
00-17	5-10-2000	Rezoning land situated at Kalihi. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Servco Pacific Inc.
00-21	6-7-2000	Rezoning land situated at Halekauwila Farms, Kaneohe. (Amending a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) T. Iida Contracting, Ltd.
00-44	7-27-2000	Rezoning land situated at Waianae. (Amending a portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) AT&T/GTE
00-46	7-27-2000	Rezoning a parcel of land situated at Hawaii Kai. (Amending a portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) Maunalua Associates, Inc.
00-49	11-2-2000	Rezoning land situated at Manoa. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Savas A. Mojarrad
00-51	11-2-2000	Rezoning land situated at Waimalu, Pearl City. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) CCL
00-55	11-2-2000	Rezoning land situated at Kapolei. (Amending a portion of zoning map No. 13, Barber's Point-Kahe-Nanakuli, Ord. 86-115.) Cutter
00-56	11-2-2000	Rezoning land situated at Waipio (Mililani). (Amending a portion of zoning map No. 10, Waipio Mauka (Mililani), Ord. 86-112.) Trinity Church Leeward
00-61	11-30-2000	Amending Ord. 96-61 (an ordinance to rezone land situated at Waipahu) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 8, Waipahu, Ord. 86-110) Gisei Takayesu
00-62	11-30-2000	Rezoning land situated at Waimanalo. (Amending a portion of zoning map No. 24, Waimanalo, Ord. 86-125.) Circle Z Ranch
00-70	12-8-2000	Amending Ord. 86-88 (an ordinance to rezone certain parcels of land situated at Hawaii Kai) by amending the unilateral agreement incorporated therein by reference. (Zoning map No. 1, Hawaii Kai, Ord. 86-104) Maunalua Associates, Inc.
00-71	12-8-2000	Rezoning land situated at Waialua. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ord. 86-134.) Aloha Ke Akua High School
00-74	12-11-2000	Rezoning land situated at Palolo. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Pacific Century Trust
01-04	3-29-2001	Rezoning land situated at Barber's Point. (Amending a portion of zoning map No. 14, Barber's Point-Nanakuli, Ord. 86-116.) DLNR
01-07	3-29-2001	Rezoning lands situated at Kapolei, Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114, and a portion of zoning map No. 13, Makakilo, Ord. 86-115.) DPP
01-13	4-19-2001	Rezoning land situated at Haleiwa. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ord. 86-134.) David M. Robichaux
01-14	4-19-2001	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Investment Properties

## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
01-15	4-19-2001	Rezoning land situated at Waipio, Ewa. (Amending a portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) HRT Limited; Honolulu Ltd.; and 300 Corporation
01-16	4-19-2001	Rezoning land situated at Haleiwa. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ord. 86-134.) Senn-Delaney Leadership Consulting Group
01-40	7-26-2001	Rezoning land situated at Waialua. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ord. 86-134.) Presiding Bishop, Church of Jesus Christ LDS
01-41	7-26-2001	Rezoning land situated at Manoa. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Ayano Okamura Trust
01-42	7-26-2001	Amending Ords. 91-11 and 92-19 rezoning land situated at Waikele and Hoaeae (amending a portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111), by amending a unilateral agreement and addendum incorporated therein by reference. JAC Hawaii, Inc.
02-04	2-13-2002	Rezoning land situated at Liliha. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Dr. Elenita Alvarez
02-09	3-6-2002	Rezoning parcels and portions of parcels of land situated at Ewa Beach. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Haseko Hawaii (UA amended by Ord. 02-58.)
02-13	5-3-2002	Rezoning land situated at Manana. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) DPP
02-16	5-3-2002	Rezoning land situated at Palama. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) Kunawai Terrace
02-23	6-14-2002	Rezoning land situated at Honouliuli. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point), Ord. 86-114.) Child and Family Service
02-29	6-14-2002	Rezoning land situated at Mililani. (Amending a portion of zoning map No. 10, Waipio (Mililani), Ord. 86-112.) Castle and Cooke Homes Hawaii, Inc.
02-38	7-30-2002	Rezoning land situated at Maunaloa. (Amending a portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) DPP
02-41	7-30-2002	Rezoning land situated at Kokokahi. (Amending a portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) Friendship Garden Foundation
02-42	7-30-2002	Rezoning land situated at Waiau. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) Roxanne Okazaki and Helen Chun
02-44	7-30-2002	Rezoning land situated at Heeia. (Amending a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) DPP
02-56	11-27-2002	Rezoning land situated at the Airport Business/Industrial District. (Amending a portion of zoning map No. 6, Red Hill-Fort Shafter, Ord. 86-109.) Loyalty Development Co., Ltd.

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
02-58	11-27-2002	Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114, by amending the unilateral agreement incorporated by reference into Ord. 93-94, as amended, and further incorporated by reference into Ord. 02-09, as set forth in Exhibit "A." Haseko (Ewa), Inc.
02-59	11-27-2002	Amends a portion of zoning map No. 18, Kawaihoa-Waialea, by amending Ord. 86-119 and repeals Ord. 4336 relating to the Sunset PD-H District No. R-41 at Waialea, North Shore. Western United Life Assurance
02-61	11-27-2002	Rezoning land situated at Kapolei. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Hawaii Village Associates
03-01	2-12-2003	Rezoning land situated at Waiawa. (Amending a portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Gentry Investment Properties
03-02	3-11-2003	Rezoning land situated at Ko Olina. (Amending a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) Seagull Schools, Inc. and Ko Olina Development, LCC
03-16	6-19-2003	Rezoning land situated at Kahaluu. (Amending a portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu, Ord. 86-122.) Alice Higa Trust
03-33	11-20-2003	Rezoning land situated at Kahaluu. (Amending a portion of zoning map No. 21, Kualoa-Waiahole-Kahaluu, Ord. 86-122.) Rodney Oshima and Judy Burke
03-36	11-20-2003	Rezoning land situated at Kailua. (Amending a portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ord. 86-124.) Kaneohe Ranch Co., Ltd.
03-39	12-18-2003	Rezoning land situated at Maili. (Amending a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) Schuler Homes Hawaii, Inc.
04-02	2-12-2004	Rezoning land situated at Pearl City. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) DPP
04-04	3-24-2004	Rezoning land situated at Waimalu. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) Best Buy Purchasing, LLC
04-05	4-7-2004	Rezoning land situated at Foster Village. (Amending a portion of zoning map No. 7, Halawa-Pearl City, Ord. 86-133.) Oahu Veterans Council
04-06	4-7-2004	Rezoning land situated at Ewa Beach. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Seagull Schools, Inc.
04-08	4-7-2004	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Gentry Investment Properties (UA was amended by Ord. 06-25)
04-29	8-26-2004	Rezoning land situated at Waimanalo. (Amending a portion of zoning map No. 24, Waimanalo, Ord. 86-125.) Harry Akagi (et al.) and H&R Nurseries, Inc.

## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
04-45	12-15-2004	Rezoning land situated at the City of Kapolei. (Amending a portion of zoning map Nos. 12, 13, and 14, Ewa Beach-Iroquois Point, Makakilo, and Barber's Point-Nanakuli, Ords. 86-114, 86-115, and 86-116.) Kapolei Property Development, LLC
04-46	12-15-2004	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) D. R. Horton, Schuler Division ("School Site" zone change designated on Exhibit A-1 shall become effective on July 2, 2007)
05-029	10-13-2005	Rezoning land situated at Honolulu. (Amending a portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) Central Union Church
05-034	11-21-2005	Rezoning land situated at Kaimuki. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Kaimuki Villa Association
06-24	6-20-2006	Rezoning lands situated at 230 and 254 North Beretania Street between Aala Street and College Walk, Kalihi-Palama. (Amending a portion of zoning map No. 5, Kalihi-Nuuanu, Ord. 86-108.) 3D Investments, LLC
06-25	6-20-2006	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114, and Ord. 04-08 by amending the unilateral agreement.) Gentry Investment Properties
06-26	6-20-2006	Amending Ords. 94-57 and 98-44, rezoning parcels of land situated at Ewa. (Amending portions of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114, by amending conditions in two existing unilateral agreements related to a future child-care facility for Ewa by Gentry.) Gentry Investment Properties
06-28	6-20-2006	Rezoning land situated at Kapolei. (Amending a portion of zoning map No. 13, Makakilo, Ord. 86-115, and a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) The Waters of Kapolei, L.L.C., DBA Hawaiian Waters Adventure Park
06-53	12-27-2006	Rezoning land situated at Kapolei. (Amending a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ord. 86-116.) Aina Nui Corporation
07-5	3-30-2007	Rezoning land situated at Pupukea and Paumalu. (Amending a portion of zoning map No. 18, Kawailoa-Waialea, Ord. 86-119.) (Sec. II and Exhibit "B" of Ord. 95-19 are repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 5-17-95 are released.) DDC
07-6	3-30-2007	Rezoning land situated at Makiki. (Amending a portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) (Sec. II and Exhibit "B" of Ord. 93-08 are repealed, and all conditions set forth in the UA and Declaration for Conditional Zoning dated 2-11-93 are released.) Peter and Chrystal Ahn
07-9	4-26-2007	Rezoning lands situated at Honolulu. (Amending a portion of zoning map No. 4, Nuuanu-McCully, Ord. 86-107.) The Queen's Medical Center
07-16	5-17-2007	Rezoning land situated at Heeia-Kaneohe-Maunawili. (Amending a portion of zoning map No. 22, Heeia-Kaneohe-Maunawili, Ord. 86-123.) Kamehameha Schools
07-31	6-20-2007	Rezoning land in Kapolei. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Costco Wholesale

**Honolulu - Land Use**

<b><i>Ord. No.</i></b>	<b><i>Approval Date</i></b>	
07-32	7-20-2007	Rezoning land situated at 548 Kapahulu Avenue between Campbell Avenue and Herbert Street, Kapahulu. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) DLNR
07-35	7-20-2007	Rezoning land situated at Ocean Pointe Master Planned Development, Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ord. 86-114.) Haseko (Ewa), Inc.
07-38	10-4-2007	Rezoning land situated in Makaha. (Amending a portion of zoning map No. 15, Lualualei-Makaha, Ord. 86-117.) Patricia Chinn
07-39	10-4-2007	Rezoning land situated at Waipio. (Amending a portion of zoning map No. 9, Waipio (Crestview), Ord. 86-111.) Core Realty, LLC
07-41	10-29-2007	Rezoning land situated at Hawaii Kai. (Amending a portion of zoning map No. 1, Hawaii Kai, Ord. 86-104.) 21st Century Homes Inc.
07-42	10-29-2007	Rezoning land situated at 91-101 Malakole Street, Ewa. (Amending a portion of zoning map No. 14, Barber's Point - Kahe - Nanakuli, Ord. 86-116.) HMC Irongate Hawaii Raceway Investors, LLC
07-46	11-26-2007	Rezoning land situated at Moiliili-Kaimuki. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ord. 86-106.) Brenda Hashimoto
08-25	9-29-2008	Rezoning land in Kapolei. (Amending a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ordinance 86-116.) Kapolei Property Development LLC
08-26	9-29-2008	Rezoning lands situated in Ewa. (Amending a portion of zoning map Nos. 13 and 14, Makakilo and Barber's Point-Kahe-Nanakuli, Ordinance Nos. 86-115 and 86-116.) Makaiwa Hills LLC
08-27	9-29-2008	Rezoning land situated in Kapolei. (Amending a portion of zoning map No. 14, Barber's Point-Kahe-Nanakuli, Ordinance 86-116.) Aina Nui Corporation
08-30	11-21-2008	Rezoning lands situated at Kapolei. (Amending a portion of zoning map Nos. 12 and 13, Ewa Beach-Iroquois Point and Makakilo, Ordinances 86-114 and 86-115.) University of Hawai'i
08-31	11-21-2008	Rezoning lands situated at Kapolei. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point (Ordinance 86-114.) The Salvation Army
09-3	3-12-2009	Rezoning land in Pupukea, North Shore. (Amending a portion of zoning map No. 18, Kawaihoa-Waialea, Ordinance 86-119.) A Charitable Foundation Corporation
09-22	6-26-2009	Rezoning land situated at Honouliuli. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ordinance 86-114.) Ewa Industrial Park, LLC
09-34	12-31-2009	Rezoning lands situated at Haleiwa, North Shore. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134.) Scott C. Wallace
09-35	12-31-2009	Rezoning land in Kaimuki. (Amending a portion of zoning map No. 3, Moiliili-Kaimuki, Ordinance 86-106.) Robert E. Hazzard



## Zoning Maps

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<i>Ord. No.</i>	<i>Approval Date</i>	
10-7	5-6-2010	Rezoning land situated at Waipio, Ewa. (Amending a portion of zoning map No. 9, Waipio (Crestview), Ordinance 86-111.) Hawaii United Okinawa Association
10-27	10-27-2010	Rezoning land situated at Ewa. (Amending a portion of zoning map No. 12, Ewa Beach-Iroquois Point, Ordinance 86-114.) The Mutual Housing Association of Hawaii
10-28	10-27-2010	Rezoning land situated at Kailua. (Amending a portion of zoning map No. 23, Kailua-Lanikai-Keolu, Ordinance 86-124.) Kailua Hongwanji Temple
11-4	5-3-2011	Rezoning land situated in Mokuleia. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134.) Ralph Gray
11-27	11-28-2011	Rezoning land situated at Waimanalo. (Amending a portion of zoning map No. 24, Waimanalo, Ordinance 26-125.) S. Kodama Inc.
12-35	10-18-2012	Rezoning land situated at Haleiwa, North Shore. (Amending a portion of zoning map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134.) Trustees of the Estate of Bernice Pauahi Bishop
13-11	4-19-2013	Rezoning land situated at Kapahulu. (Amending a portion of Zoning Map No. 3, Moiliili-Kaimuki, Ordinance 86-106.) Kee Thelma Inc.
13-13	5-20-2013	Rezoning land situated at Ewa. (Amending a portion of Zoning Map No. 12, Ewa-Iroquois Pt., Ordinance 86-114.) Gentry Investment Properties
14-8	4-30-2014	Rezoning land situated at Waimalu. (Amending a portion of Zoning Map No. 7, Halawa-Pearl City, Ordinance No. 86-133.) CP Kam Properties
14-11	6-20-2014	Rezoning land situated at Wahiawa. (Amending a portion of Zoning Map No. 11, Wahiawa-Whitmore, Ordinance 86-113.) Vine4, LLC.
14-14	6-20-2014	Rezoning land situated at 47-357 Ahuimanu Road, Kahaluu. (Amending a portion of Zoning Map No. 21, Kualoa-Waiahole-Kahaluu, Ordinance 86-122.) Bertha S.M. Awa Trust (aka Bertha P. Awa Trust)
14-15	6-20-2014	Rezoning land situated at Makaha Valley. (Amending a portion of Zoning Map No. 15, Lualualei-Makaha, Ordinance 86-117.) Hawaii MGCW LLC
14-23	7-23-2014	Rezoning land situated at Kaneohe. (Amending a portion of Zoning Map No. 22, Keeia-Kaneohe-Maunawili, Ordinance 86-123.) MW Group, Ltd
14-32	10-23-2014	Rezoning land situated at Lualualei Valley. (Amending a portion of Zoning Map No. 15, Lualualei-Makaha, Ordinance 86-117.) Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints
15-2	2-11-2015	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Armed Services Special Education and Training Society
15-9	4-22-2015	Rezoning land situated at Waialua. (Amending a portion of Zoning Map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-117.) Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
15-13	5-20-2015	Rezoning land situated at Ewa. (Amending a portion of Zoning Map No. 13, Ordinance No. 86-115.) D.R. Horton - Schuler Homes, LLC
15-31	7-23-2015	Rezoning land situated at Aiea. (Amending a portion of Zoning Map No. 7, Ordinance No. 86-133.) Church of Jesus Christ of Latter Day Saints
15-47	11-20-2015	Rezoning land situated in Waikiki. (Amending a portion of Zoning Map No. 3, Moiliili-Kaimuki, Ordinance 86-106.) Waikiki Pride, LLC, Albert D.K. Chee, Lu Ching-Shui Family Corp., Copley Investment Group, LLC, Hawaiian Telcom, Kupuni Development Corp., MB Investments III, LLC
15-48	11-20-2015	Rezoning land situated in the Waikiki Special District. (Amending a portion of Zoning Map No. 3, Moiliili-Kaimuki, Ordinance 86-106.)
16-23	8-17-2016	Rezoning land situated at Waimanalo. (Amending a portion of Zoning Map No. 24, Waimanalo, Ordinance 86-125.) Kole Group, LLC
16-27	10-21-2016	Rezoning land situated in Ewa Beach. (Amending a portion of Zoning Map No. 12, Ewa Beach-Iroquois Point, Ordinance 86-114.) HASEKO (Ewa), Inc.
17-4	3-9-2017	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Trinity Missionary Baptist Church
17-9	4-7-2017	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Holy Family Catholic Academy
17-10	4-7-2017	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Church of Christ at Pearl Harbor
17-17	5-12-2017	Rezoning land situated at Kaneohe. (Amending a portion of Zoning Map No. 22, Heeia-Kaneohe-Maunawili, Ordinance 86-123.) Ohana Pacific Management Company Offices
17-18	5-12-2017	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Island Family Christian Church
17-56	10-26-2017	Rezoning land situated at Waipahu. (Amending a portion of Zoning Map No. 8, Waipahu, Ordinance 86-110.) DPP
18-11	4-13-2018	Rezoning land situated at Waialua. (Amending a portion of Zoning Map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134.) Leo'ole Subdivision
18-12	4-13-2018	Rezoning land situated at Maunawili. (Amending a portion of Zoning Map No. 22, Heeia-Kaneohe-Maunawili, Ordinance 86-123.) Oswald K. Stender
18-28	7-25-2018	Rezoning land situated at Kaneohe. (Amending a portion of Zoning Map No. 23, Kailua-Lanikai-Keolu, Ordinance 86-124.) Richard Maruya
18-44	12-21-2018	Amending portions of Zoning Map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-119, to reflect the boundaries of the Haleiwa Special District as shown in Exhibit 21-9.16
19-2	3-22-2019	Rezoning land situated at Moanalua. (Amending a portion of Zoning Map No. 6, Red Hill-Fort Shafter, Ordinance 86-109.) Holy Family Catholic Church

## Zoning Maps

App. 21-C

<i>Ord. No.</i>	<i>Approval Date</i>	
20-12	6-4-2020	Rezoning land situated at Haleiwa. (Amending a portion of Zoning Map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134.) Haleiwa Kem 7309, LLC

## **Honolulu - Land Use**

## APPENDIX 21-D: RESOLUTIONS—PLAN REVIEW USE APPROVALS

***\*Editor's note:***

*Plan use resolutions adopted before 1988 may be found in Appendix C to Chapter 21, Revised Ordinances of Honolulu 1978 (1983 Ed.) and in Appendix 21A.3 to the 1987 Supp. to 1983 Ed.*

***Resolution:***

- 88-121      Issued to Hasegawa Komuten of Hawaii for landowner Tokai University a plan review use to permit construction of a university on A-3 high-density apartment-zoned parcels located at 2329 and 2341 Kapiolani Boulevard in Honolulu. 6-8-88.
- 88-165      Issued to Castle Medical Center a plan review use to permit building additions and renovations on R-5-zoned property located at 640 Ulukahiki Street in Kailua. 6-8-88.
- 88-171      Issued to State department of accounting and general services a plan review use to permit expansion of the Hawaii State Hospital on AG-2 general agricultural-zoned parcels in Kaneohe. 6-8-88.
- 89-124      Issued to Kuakini Medical Center to expand its existing facilities on A-1 low-density apartment-zoned parcels located in Punchbowl. 5-10-89.
- 89-155      Issued to the State department of accounting and general services to expand Kapiolani Community College. 5-24-89. (Amended by Resolution 92-193; modified by Resolution 10-276.)
- 89-411      Issued to the board of regents, University of Hawaii, to expand the University of Hawaii, Manoa campus. 12-13-89. (Modified by Resolution 92-286.)
- 89-412      Issued to Shriners Hospital for Crippled Children to permit expansion of the hospital on an A-2 medium-density apartment-zoned parcel located in Makiki. 11-8-89.
- 90-146      Issued to First Development, Inc., for the development of the Honolulu Convention Center complex on BMX-3 community business mixed use district and A-2 medium-density apartment district-zoned parcels at Kapiolani Boulevard and Kalakaua Avenue. 4-25-90. Modified by Resolution 93-229.)
- 90-254      Issued to Chaminade University to allow the continuance of Chaminade University's existing facilities and to permit expansion of the university on R-5 residentially zoned parcels located in Kaimuki. 10-17-90.
- 91-260      Issued to Nitto Hawaii Co., Inc./Takashi Niino to allow a nine-hole expansion to the Makaha Valley Country Club Golf Course and accessory uses on P-2 general preservation-zoned parcels located in Waianae. 10-14-92.
- 92-93        Issued to Saint Francis Medical Center to permit modification and expansion of the Saint Francis Medical Center - West on two AG-1 restricted agricultural district-zoned parcels of land located in Ewa. 5-27-92.

**Resolution:**

- 92-193 Amending Resolution 89-155 to require removal of portable buildings at Kapiolani Community College by December 31, 1992 and to allow the city department of transportation services to determine if signalization at the intersection of Diamond Head Road and 19th Avenue should be required within the five-year PRU period for Kapiolani Community College. 10-14-92.
- 92-242 Approving a major modification to Resolution 80-270 to permit modification and expansion of the Rehabilitation Hospital of the Pacific complex on an R-5 residential district-zoned parcel of land located on Kuakini Street in Nuuanu. 12-2-92.
- 92-286 Approving a major modification to Resolution No. 89-411 to increase the seating capacity of the Physical Education Facilities Phase II from 4,000 to 10,000 seats at the University of Hawaii, Manoa lower campus, on R-5 residential-zoned parcels located in Manoa and to redesignate the Physical Education Facilities Phase II as the Special Events Arena. 3-10-93.
- 93-212 Approving a major modification to Resolution No. 78-450 to permit Saint Francis Medical Center to renovate and expand certain buildings and to construct a medical office building, a medical imaging center, and a parking structure at the Saint Francis Medical Center located in Puunui. 8-11-93.
- 93-229 Approving a major modification to Resolution 90-146, submitted by Hawaii Convention Center Partners to amend parking and development standards and phasing plans for the convention center facility, amend parking and development standards for non-convention center uses and structures, and amend off-street parking and infrastructure conditions of the master plan approval for the Honolulu Convention Center complex on BMX-3 community business mixed-use district and A-2 medium density apartment district-zoned parcels located in Honolulu. 8-11-93.
- 94-87 Issued to the State department of accounting and general services a plan review use to construct new buildings and renovate existing buildings, and to develop related infrastructure improvements at the Windward Community College, on a portion of an AG-2 general agricultural zoned parcel located in Kaneohe. 5-4-94 (Amended by Reso. 08-258 on 12-3-08)
- 94-123 Issued to Pacific Atlas (Hawaii), Inc., a plan review use to allow expansion and redevelopment of the Bayview Golf Course located in Kaneohe. 9-21-94
- 94-297 Issued to Kahuku Hospital a plan review use to expand the existing physician's office building, enclose certain lanais and construct a new adult day-care/maintenance building located in Kahuku. 1-25-95
- 94-367 Issued to State department of accounting and general services a plan review use to allow the construction of new buildings, the relocation and renovation of existing buildings, the development of support infrastructure, and the removal of nonconforming status for the Oahu Community Correctional Center (OCCC) complex located in Kalihi Kai. 5-3-95
- 95-354 Issued to Kapiolani Medical Center for Women and Children to construct improvements to the existing hospital, including the demolition of the Bingham Building and expansion of existing parking facilities in Honolulu. 1-24-96
- 96-121 Issued to Kapiolani Medical Center at Pali Momi to expand the existing parking facility by completing the parking structure for the medical center developed on property in Aiea. 8-7-96
- 96-272 Issued to Pacific Atlas (Hawaii), Inc., to modify and expand the existing Bayview Golf Course located in Waikalua, Kaneohe. 12-4-96

***Resolution:***

- 96-321 Issued to Brigham Young University-Hawaii Campus to expand and renovate support, academic, and living facilities for the students, faculty, and staff in Laie. 5-7-97
- 98-179 Issued to department of public safety to allow the construction of a new building, the conversion of existing buildings to housing units, and the installation of privacy fences at the Oahu Community Correctional Center Complex and the Laumaka Work Furlough Center. 10-14-98.
- 98-224 Issued to Castle Medical Center to allow the addition of a new medical office building, off-site parking lot and other major improvements to an existing hospital facility. 6-30-99
- 98-294 Issued to Haseko (Ewa), Inc., to allow the development and operation of a golf course at Ocean Pointe in the P-2 General Preservation district located in Ewa. 2-24-99
- 99-22 Issued to Queen’s Medical Center to allow the construction of a new parking structure, construction of underground parking below the ambulance parking area, increase in floor area for emergency services, consolidation of outpatient services, relocation of functional activities, and interior renovations to existing buildings. 8-11-99
- 99-359 Issued to UH Facilities Planning Office to allow construction of new school facilities, expansion and interior renovations to existing buildings, and upgrading of infrastructure improvements at Leeward Community College. 3-15-00
- 00-40 Issued to St. Francis Healthcare System of Hawaii to allow the development of the remaining future planned projects approved under Resolution 92-93, CD1, and subsequent modifications, and the construction of a women’s addiction treatment center, facility maintenance building, and a senior living center at St. Francis Medical-West facility. 5-24-00
- 00-46 Issued to Kuakini Health System to update the master plan to allow expansion of the Kuakini Health System. 5-24-00
- 01-211 Issued to Chaminade University to update the master plan to expand Chaminade University’s existing facility. 12-12-01
- 04-120 Issued to Castle Medical Center to allow for the expansion of the existing hospital facility located in Kailua. 6-4-04
- 04-244 Issued to Queen’s Medical Center to approve a five-year master plan for new facilities development and expansion, relocation, renovation, alteration and upgrade and redevelopment of existing facilities and structures, including the partial and total demolition of existing facilities and structures. 10-13-04
- 05-415 Issued to Shriners Hospitals for Children to update the master plan to expand its existing facility. 2-15-06
- 06-255 Issued to the University of Hawaii at Manoa for a major modification to the University of Hawaii, Manoa campus, five-year master plan, Resolution 89-411, CD-2, to allow redevelopment of the Frear Residence Hall. 9-6-06
- 08-140 Issued to the University of Hawaii to develop the new UH West Oahu campus. 11-12-08
- 08-258 Approving an amendment to Resolution 94-87 by eliminating Condition 8 submitted by Windward Community College. 2-3-08

***Resolution:***

- 09-341 Issued to the University of Hawaii at Manoa to allow implementation of the 2007 Long Range Development Plan (LRDP) which includes future buildings and projects that are on the Capital Improvement Plan (CIP) or are anticipated for development within the next five to ten years, or both. 3-17-10
- 10-134 Issued to the Marianist Center of Hawaii for projects proposed in the Future Campus Plan (Chaminade University, Saint Louis School, and Marianist Center of Hawaii) which are anticipated for development within the next ten years. 9-22-10
- 10-143 Issued to Kapiolani Medical Center for Women and Children to allow implementation of a 15-year Master Plan, including demolition of certain buildings, renovation and expansion of the Shared Services Building (new Neonatal Intensive Care Unit/Pediatric Intensive Care Unit (NICU/PICU) Building, construction of a new hospital tower and parking structure, reconstruction of the Punahou Parking Structure and four new ice storage tanks. 8-18-10
- 10-276 Issued to Kapiolani Community College, University of Hawaii, for a major modification to Plan Review Use Permit No. 87/PRU-3 for the development of a new instructional facility, Culinary Institute of the Pacific, on the former Fort Ruger Cannon Club site. 12-8-10
- 10-323 Issued to Honolulu Community College, University of Hawaii, to establish existing uses and facilities, and to allow for improvement and development over the next ten years. 1-26-11
- 11-179 Approving an application for a Plan Review Use Permit submitted by the Queen's Medical Center, to allow the implementation of a 15-Year Master Plan which includes future buildings and projects that are anticipated for development within the next 15 years. 9-16-11
- 17-329 Approving an application for a Plan Review Use permit for Hawaii State Hospital. 12-6-17
- 17-332 Approving an application for a Plan Review Use permit for the St. Francis Healthcare System of Hawaii at Liliha campus expansion. 12-6-17
- 19-87 Approving an application for a Plan Review Use permit for the Brigham Young University Hawaii campus expansion. 8-17-19
- 19-136 Approving an application for a Plan Review Use permit for a new Oahu Community Correctional Center in Halawa, to replace the current facility in Kalihi. 2-19-20
- 19-139 Approving an application for a Plan Review Use permit for the expansion of the Women's Community Correctional Center in Kailua. 9-4-19



## APPENDIX 21-E: INTERIM CONTROL ORDINANCES

***Editor's note:***

*Ordinances before 1988 may be found in Appendix F to Chapter 21, Revised Ordinances 1978 (1983 Ed.) and in Appendix 21A.5 to the Revised Ordinances 1987 Supp. to 1983 Ed.*

<b><i>Ord. No.</i></b>	<b><i>Approval Date</i></b>	
88-31	3-16-1988	Regulating for an interim period the granting of applications for the issuance of certain grading and building permits in the Lanikai Hillside area of Kailua.
89-36	3-15-1989	Control for an interim period of the construction of golf courses in the AG-2 general agricultural district.
89-71	5-30-1989	Regulating for an interim period the issuance of building permits in the area immediately mauka of Kalanianaʻole Highway in the vicinity of Sandy Beach identified by TMK: 3-9-10: por. of 1.
89-150	12-28-1989	Regulating for an interim period urban development within Oahu hillsides in the City and County of Honolulu.
90-27	3-29-1990	Regulating for an interim period the granting of applications for certain grading and building permits in the Lanikai Hillside area.
90-81	10-26-1990	Regulating for an interim period the granting of applications for conditional use permits and other applications under the land use ordinance, the granting of applications for the subdivision of consolidation of land, and the issuance of building and grading permits for development, in designated portions of the OR&L right-of-way.
90-83	10-26-1990	Regulating for an interim period development within portions of Kalihi Valley.
91-09	2-27-1991	Amends 3.A, 3.B, and 3.C of Ord. 89-150, regulating for an interim period urban development within Oahu hillsides.
91-12	3-14-1991	Regulating for an interim period development within the Barber's Point shoreline area.
91-22	4-22-1991	Regulating for an interim period development within the Waikiki area.
91-26	4-23-1991	Amends § 3 of Ord. 90-81, regulating for an interim period the granting of applications for conditional use permits and other applications under the land use ordinance, the granting of applications for the subdivision of consolidation of land, and the issuance of building and grading permits for development, in the designated portions of the OR&L right-of-way.
91-79	11-4-1991	Amends Ord. 90-81, regulating for an interim period the granting of applications for conditional use permits and other applications under the land use ordinance, the granting of applications for subdivision or consolidation of land, and the issuance of building and grading permits for development in the designated portions of the OR&L right-of-way.
91-81	11-8-1991	Amends Ord. 90-83, regulating for an interim period development within portions of Kalihi Valley.

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<i>Ord. No.</i>	<i>Approval Date</i>	
91-94	12-17-1991	Amends Ord. 89-150, regulating for an interim period urban development within Oahu hillsides in the City and County of Honolulu.
92-31	4-7-1992	Regulating for an interim period development within portions of the IMX-1 Industrial-Commercial Mixed-Use zoning district in the City and County of Honolulu.
93-18	3-19-1993	Regulating for an interim period development along Kamehameha Highway near Heeia Kea Boat Harbor (Heeia, Koolau Poko).
18-6	3-13-2018	Regulating for an interim period the issuance of building permits for the planning and development of large residential structures in residential districts in order to provide time for the city to establish appropriate policies in its long-range plans and zoning ordinances to address the impacts of such structures.

## **APPENDIX 21-F: KAKAAKO SPECIAL DESIGN DISTRICT (KSDD)**

### **Sections**

21-F.1	Legislative purpose
21-F.2	Establishment of the Kakaako special design district
21-F.3	Kakaako special design district boundary
21-F.4	Land use control system
21-F.5	Special conditions
21-F.6	Project eligibility
21-F.7	Project classification
21-F.8	Applicability of regulations
21-F.9	Application procedures
21-F.10	Certificate of occupancy
21-F.11	Violations—Penalty
21-F.12	Expiration of the development conformance certificate
21-F.13	Exhibits
21-F.14	Severability

### **§ 21-F.1 Legislative purpose.**

The purpose for establishment of the Kakaako special design district is:

- (a) To guide the growth of Kakaako toward a balanced mixture of residential, commercial, and industrial uses;
  - (b) To create residential environments along with commercial and industrial services which will be compatible with the residential uses;
  - (c) To maintain regional commercial and industrial service facilities;
  - (d) To relate the development of Kakaako to adjoining area and regional objectives;
  - (e) To ensure that there exists public and private developments which will encourage diversification of uses that are sensitive to their physical environment;
  - (f) To protect, by means of planning and control, the value of private and public investments within the district and its surrounding communities; and
  - (g) To create the criteria which will allow every lot to be developed and become a compatible element in the evolution of the mixed-use concept in Kakaako.
- (Sec. 21-13B.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.1)

**§ 21-F.2 Establishment of the Kakaako special design district.**

In accordance with Article 15 of the comprehensive zoning code, Ordinance 4541, as amended, the Kakaako special design district is established. Zoning district classifications for all land parcels shall be repealed by the use precincts contained in this article. Except as otherwise permitted in this article, all land use and development applications shall, as of July 23, 1980, conform to the requirements and provisions of the Kakaako special design district.

(Sec. 21-13B.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.2)

***Editor's note:***

\* "July 23, 1980" is substituted for "the effective date of this article."

**§ 21-F.3 Kakaako special design district boundary.**

The Kakaako special design district boundary is delineated on Figure 21-F-1 and attached hereto. This article, including procedural requirements for any modification of, additions to, and deletion from any existing use or structure as well as the establishment of any new use or structure, shall apply to all land areas within the Kakaako special design district.

(Sec. 21-13B.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.3)

**§ 21-F.4 Land use control system.**

The following use precincts are established within the district, the boundaries of which are indicated on the use precinct map marked Figure 21-F-1.

(a) *Mixed-use precinct.*

(1) *Legislative intent.* The purpose of the mixed-use precinct is to permit a mixture of business, apartment, community, and regional commercial service uses in a harmonious relationship.

(2) *Use regulations.* Within the mixed-use precinct, the following uses and structures shall be permitted:

(A) Housing and community service uses:

(i) Multiple-family dwellings;

(ii) Private schools which do not involve the operation of woodwork or machine shops, or other similar facilities;

(iii) Nursing, convalescent, aged, disabled, and handicapped homes;

(iv) Child care and senior citizen centers;

(v) Churches;

(vi) Private clubs, lodges, social centers, eleemosynary establishments, and athletic clubs;

- (vii) Public uses; and
- (viii) Parking lots and parking garages.

(B) Commercial uses:

- (i) Offices, professional clinics, studios, and medical laboratories;
- (ii) Eating and drinking establishments;
- (iii) Retail establishments, including the incidental manufacturing of goods for sale only at retail on the premises;
- (iv) Banks, savings and loans, escrow, and similar financial services;
- (v) Personal service establishments, including but not limited to barber and beauty shops, shoe repair shops, cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shops with incidental processing on the premises;
- (vi) Theaters;
- (vii) Repair services for radio, television, bicycles, business machines, and household appliances other than those with internal combustion engines;
- (viii) Wholesaling and distribution operations; provided that such operations do not involve the use of more than 2,000 square feet of floor area for the storage of wares to be sold at wholesale or to be distributed;
- (ix) Printing, lithographing, publishing, photographic processing, or similar uses;
- (x) Commercial recreation facilities; provided that all facilities are totally enclosed in a building;
- (xi) Radio and television studios, excluding towers;
- (xii) Building contractors;
- (xiii) Commercial kennels; provided that all operations are enclosed;
- (xiv) Automobile service stations, car washes, and car rental establishments; provided that they comply with the following requirements:
  - (aa) A solid fence or wall of 6 feet in height shall be required on the side and rear property lines;
  - (bb) The station shall be illuminated so that no unshielded, unreflected, or undiffused light source is visible from any public area or private property immediately adjacent thereto;
  - (cc) All areas not landscaped shall provide an all weather surface; and

(dd) No water produced by activities on the lot shall be permitted to fall upon, or drain across, public streets or sidewalks.

(xv) Commercial services including pest control services, establishments; and

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

(C) Accessory uses.

(b) *Marine precinct.*

(1) *Legislative intent.* The purpose of the marine precinct is to include only those uses which support the marine activities and facilities of Kewalo Basin.

(2) *Use regulations.* Within the marine precinct, only the following uses and structures shall be permitted:

(A) Commercial marine facilities;

(B) Eating and drinking facilities;

(C) Retail facilities not including automobile sales;

(D) Public uses;

(E) Public utility installations and substations conforming to conditions stated in subsection (a)(2)(B)(xvi); and

(F) Accessory uses.

(c) *Waterfront industrial precinct.*

(1) *Legislative intent.* The purpose of the waterfront industrial precinct is to reserve such area for port-related activities only and to exclude those areas which are inappropriate to the precinct and which can be appropriately located elsewhere.

(2) *Use regulations.* Within the waterfront industrial precinct, only the following uses and structures shall be permitted:

(A) Waterfront terminal facilities;

(B) Wholesale and distribution establishments receiving or shipping materials from waterfront terminal facilities located within the precinct;

(C) Public uses;

(D) Public utility installations and substations conforming to conditions stated in subsection (a)(2)(B)(xvi); and

(E) Accessory uses.

(d) *Industrial service precinct.*

(1) *Legislative intent.* The purpose of the industrial services precinct is to retain and provide convenient industrial services to meet the needs of central Honolulu.

(2) *Use regulations.* Within the industrial service precinct, all uses and structures permitted in subsection (a)(2)(B) and the following uses and structures shall be permitted, however, unless otherwise required by this article, automobile service stations, car washes, car rental establishments, and public utility installation and substations shall be exempted from fencing, walls, and screening hedge requirements, unless required for safety or security purposes;

(A) Repair services; provided that all operations are enclosed;

(B) Manufacturing, except for explosives;

(C) Lumber and wood manufacturing products;

(D) Wholesale supplies and distribution;

(E) Warehouses;

(F) Trade schools;

(G) Parking lots and garages;

(H) Radio/television broadcasting, excluding towers; and

(I) Accessory uses.

(e) *Public use precinct.*

(1) *Legislative intent.* The purpose of the public use precinct is to set aside public lands to meet public requirements and the recreation and open space needs of the Kakaako special design district.

(2) *Use regulations.* Public uses and structures, including accessory activities operated by private lessees under supervision of a public agency shall be permitted.

(Sec. 21-13B.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.4)

**§ 21-F.5 Special conditions.**

(a) *Mixed-use precinct.*

- (1) When multiple-family dwellings are integrated with other uses, pedestrian access areas for the residents shall be independent from other uses and shall be designed to enhance the privacy for residents and their guests.
- (2) Where an arcade is used as block frontage, guidelines indicated on Figure 21-F-5 shall be followed; provided that:
  - (A) Only uses listed in subsection (a)(2)(B)(i) through (a)(2)(B)(x) of § 21-F.4 shall be located adjacent to the arcade along streets on the ground level of any building. At least one-half of the total width of any new or reconstructed building, parallel to and facing such frontage, shall be devoted at the ground floor to entrances, show windows or other displays of such uses.
  - (B) All other permitted uses shall be located either on floors above or below the ground floor or at a distance of not less than 20 feet behind the front of the building at the ground level. No more than one-third the width of any lot, parallel to and facing such street, shall be devoted to entrances to such other permitted uses.
- (3) Outdoor entertainment or music, establishments with outdoor ordering or receiving facilities, or outdoor storage of any materials shall not be permitted.
- (4) All loading and unloading areas shall be either enclosed in a building or located on the rear or the side of the building and screened from public view.

(b) *Industrial services precinct.*

- (1) Automobile service stations, car washes, car rental establishments or public utility installations or substations on lots fronting or adjacent to the mixed-use precinct, shall comply with the requirements of such facilities in the mixed-use precinct.
- (2) Accessory open storage areas, and loading and unloading areas for lots fronting or adjacent to the mixed-use precinct shall be located either in a building or on the rear or side of buildings and when located on the side shall be screened from public view from adjacent streets.

(c) *Density.*

- (1) The floor area ratio (FAR) for all uses without multiple-family dwellings shall not exceed 2.5.
- (2) The FAR for mixed uses which include multiple-family dwellings shall not exceed 3.5; provided that a minimum FAR of 1.0 and a maximum of 2.5 is developed as multiple-family dwellings.
- (3) The FAR for multiple-family dwellings without other uses shall not exceed 2.5.



(d) *Heights.*

- (1) Permitted maximum heights of buildings and structures within the Kakaako special design district are delineated on Figures 21-F-2 and 21-F-5. All heights shall be measured vertically from the existing ground surface at any point along the perimeter of the building or structure to the roof level.
- (2) *Exemption for certain architectural features.* Subject to the review and approval of the director of planning and permitting, exemption from the height regulations may be made for the following architectural features 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 limits.

The following building elements or features may be exempt; provided, that the director of planning and permitting finds they do not obstruct any significant views which are to be preserved, protected, and enhanced, and are consistent with the intent of the objectives of this article.

- (A) Necessary mechanical appurtenances of the building on which they are erected; provided that they are screened from view;
- (B) Necessary utilitarian features including stairwell enclosures, ventilators, and skylights; and
- (C) Decorative or recreational features, including rooftop gardens, planter boxes, flag poles, parapet walls, or ornamental cornices.

(e) *Yard requirements.*

- (1) Front yard requirements are shown on Figures 21-F-3 and 21-F-5.
- (2) Side and rear yards are not required except for nonparking structures containing windows or openings adjoining side or rear property lines in which case the minimum side and rear yards shall be 20 feet. In addition to the height and yard regulations stated hereinabove, for any portion of a structure containing windows or openings above 10 feet in height, additional side and rear yard setbacks equal to 1 foot for each 10 feet in height or fraction thereof shall be provided; the additional setback shall be a continuous vertical plane beginning at the floor level of the first windows or openings to the top of the structure.

(f) *Required open space.*

- (1) A minimum of 30 percent of each lot, exclusive of required yards and setbacks shall be devoted to open space. This open space may be provided on another lot within a five-minute walking distance of the respective use, preferably in conjunction with other existing open spaces; provided that such open space is dedicated in fee and accepted by the city.
- (2) Where applicable, the open space, exclusive of required yards and setbacks, may be considered as part of the area required for park dedication.
- (3) Exclusive common space for residents of multiple-family dwellings based upon 110 square feet per dwelling or lodging unit shall be provided in any of the following combinations:

- (A) All or any portion of the required open space that is located on the project lot and designed for exclusive use of the occupants;
- (B) Roof top recreation areas at or below 40 feet above ground elevation; and
- (C) Interior recreation rooms within the development.

(g) *Open space treatment.*

- (1) Open space is that portion of a lot that is a required yard or setback area or required open space. Such open space shall be:
  - (A) Open and unobstructed from ground level to the sky;
  - (B) Landscaped and maintained, and shall not be used for loading purposes or storage, or parking of cars; and
  - (C) Landscaped with a minimum of 50 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.
- (2) Berms, landforms, or underground structures covered with landscape treatment on the roof for which the finished height is 4 feet or less measured from ground elevation, shall be considered as part of the required open space.

(h) *Off-street parking.*

(1) *Parking requirements.*

- (A) Multiple-family dwellings:

<i>Floor Area of Unit</i>	<i>Required Parking Per Unit</i>
600 square feet or less	1
More than 600 but less than 800 square feet	1-1/4
800 square feet and over	1-1/2

- (B) Churches and theaters: one space per every five fixed seats;
- (C) Nursing, convalescent, aged, disabled, and handicapped homes: one space per four patient beds, dwelling units, or lodging units;
- (D) Public school: one space per classroom;
- (E) All other uses listed in the mixed-use and marine precincts: one space per 400 square feet of floor area;

(F) Industrial service precinct uses listed in § 21-F.4(d)(2)(A) through (d)(2)(H): one space per 800 square feet of floor area; and

(G) Waterfront industrial precinct uses: one space per 1,000 square feet of floor area.

(2) *Off-site provisions.*

(A) Except for multiple-family dwellings, permits for off-site and joint use parking facilities may be granted under Chapter 21 §§ 21-2.67, 21-2.68, and 21-2.69.

(i) *Signs.*

(1) In connection with any permitted use, only one wall or marquee fascia identification sign of 1 square foot per 1 linear foot of the building frontage not directly illuminated, nor illuminated from within the sign structure and not exceeding 24 square feet in area shall be permitted per street front for each ground floor establishment having one or more principal pedestrian entrances to the building; provided that if all buildings on the street frontage are set back a minimum of 25 feet from the property line, one ground identification sign, not directly illuminated, nor illuminated from within the sign structure and not exceeding 12 square feet in area, shall also be permitted for each principal pedestrian entrance side. Such ground signs shall not be located closer than 10 feet to any property line. In lieu of one of the above signs, one garden sign may be permitted.

(2) Wherever the Chapter 21, Article 7 sign regulation for a specific use is more restrictive than the above regulation, the sign dimensions and location shall comply with the Chapter 21 regulation for the specific use.

(j) *Architectural criteria.*

(1) The orientation range of the long axis of buildings above 40 feet in height expressed in azimuth degrees from north shall be within zero to 60. The width of the building measured perpendicular to the long axis shall not exceed 100 feet, nor shall the length of the building parallel to the axis exceed 200 feet.

(2) Street frontage first floor elevation shall not deviate more than 18 inches from the adjacent curb elevation unless modified by the director of planning and permitting because of unusual design considerations.

(3) Ground floor establishments shall provide clear glass when glass is used as a ground floor facade.

(4) All rooftop mechanical appurtenances, stairwells and elevator enclosures, ventilators, and air-conditioning equipment shall be screened from view by architectural or landscape treatments.

(5) Parking structures shall have a minimum 10-foot landscape strip along adjacent streets; rooftop parking shall be substantially screened from oblique as well as overhead views by landscaping or architectural features, such as trellises in combination with landscaping.

(k) *Circulation criteria.*

- (1) The approval of the directors of planning and permitting and transportation services is required on plans for the addition to, or deletion, modification, or alteration of existing streets shown on the district ordinance Figure 21-F-3.
- (2) Public or private midblock pedestrian or bicycle circulation paths shall be created and maintained in conjunction with development projects. These circulation paths shall be lighted and have a minimum width of 12 feet, accessible to the public at all times.

(l) *Landscaping.*

- (1) Trees and street landscaping for all streets shall be provided by all new development applicants in accordance with Figures 21-F-4 and 21-F-5 of this appendix and the following list:

(A) Major street system tree species and spacing:

- (i) South King Street: Rainbow Shower 25 feet on center (o/c) maximum;
- (ii) Kapiolani Boulevard: Monkeypod 80 feet o/c maximum;
- (iii) Queen Street to Auahi Street: Royal Poinciana and Coconut palm. Two Rainbow and three Coconut palms per 100 feet of street frontage;
- (iv) Pohukaina Street: Madagascar Olive 25 feet o/c maximum;
- (v) Ala Moana Boulevard: Monkeypod and Coconut palm. Three Coconut palms and one Monkeypod per 100 feet of street frontage;
- (vi) Punchbowl Street: Monkeypod 80 feet o/c maximum;
- (vii) South Street: Autograph 25 feet o/c maximum;
- (viii) Cooke Street: Yellow Poinciana 25 feet o/c maximum;
- (ix) Ward Avenue: Native Wiliwili 60 feet o/c maximum;
- (x) Kamakee Street: Jack-in-the-Box 25 feet o/c maximum;
- (xi) Pensacola: Royal Poinciana 50 feet o/c maximum; and
- (xii) Piikoi Street: Monkeypod 80 feet o/c maximum.

- (B) Local street system tree species shall be subject to the approval of the director of planning and permitting in consultation with the director of parks and recreation. The maximum spacing shall be 30 feet on center.

- (C) Street trees shall be a minimum 3-inch caliper except palms which shall have a minimum trunk height of 15 feet.
  - (D) On the major street system, the area between the curb and a sidewalk shall be landscaped, except for necessary walks and drives, and provided with an irrigation system. Planting in these areas shall not exceed 30 inches in height and shall be grass only where adjacent curbside parking is permitted.
  - (E) Where landscaping is required between the sidewalk and building, at least 25 percent of the area shall include plant material 36 inches or higher.
- (2) Sidewalk materials shall conform to the city and county standards for a minimum of 75 percent of the required sidewalk area. The total sidewalk pattern and the material of the 25 percent area shall be subject to the approval of the director of planning and permitting. Upon the recommendations of the director and chief engineer of the department of facility maintenance, exceptions to the city and county standard paving may be made if the texture and color closely approximate the standard material and finish.
- (3) Any tree 6 inches or greater in trunk diameter shall not be removed with the following exceptions:
- (A) The tree is not predominately visible from any street, park, or other public viewing area;
  - (B) There are no alternatives to removal to achieve appropriate development on the site;
  - (C) The tree is a hazard to public safety or welfare; and
  - (D) The tree is dead.
- (4) *Replacement of trees.*
- (A) Any tree removed which is predominately visible from any street, park, or other public viewing area shall be replaced by a tree of minimum 3-inch caliper.
  - (B) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (m) *Off-street loading.* Off-street loading shall comply with Chapter 21 for similar uses.
- (n) *Uses and activities permitted in yards.* 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 newspaper sales and distribution shall be located or carried out within any required yard, street, or street setback area except those areas occupied by enclosed nonconforming buildings.
- (o) *Utilities.* Public utility companies shall place utility lines underground within the district. The director of planning and permitting may modify this requirement for an electric distribution or transmission system in excess of 15 kilovolts when it is satisfactorily justified that the alternative will equally achieve the intent and objectives of the district.

- (p) *Subdivision.* No parcel shall be subdivided into lots of less than 10,000 square feet with a minimum lot width of 50 feet. Consolidation of lots, regardless of the cumulative size, in conformity with Chapter 22 shall be permitted.
  - (q) *Temporary uses.* Carnivals, circuses, and fairs of not exceeding three days shall be permitted in all precincts.
  - (r) *Nonconforming uses.*
    - (1) *Nonconforming expansion or replacement.* A new temporary structure or a minor expansion to or replacement of a portion of a structure for a nonconforming use is permitted; provided that such expansion or replacement would not substantially prolong the nonconforming use. However, once 25 percent of the land area within a block is in compliance with the precinct requirements, then nonconforming uses in the remainder of the block shall not be permitted to expand or be replaced.
    - (2) *Nonconforming use reestablishment.* A nonconforming use located within the Kakaako special design district may be incorporated in a conforming development; provided that the applicant shall submit a compatibility analysis indicating to the satisfaction of the director the nonconforming use would have no more adverse impact upon the development project or the adjacent areas than permitted uses in the precinct. The analysis would include such consideration as operational characteristics of the use, noise, odor, hours of operation, traffic generation, and other pertinent data unique to the proposal. Such uses would be considered as part of the nondwelling uses within the project.
  - (s) *Joint precinct development.* Where a development is within more than one precinct, the allocation of uses shall be in proportion to that which is permitted within each precinct. The location of such uses within the development need not comply with the precinct boundaries.
  - (t) *Joint parcel development.* A single project may consist of several parcels, either adjoining or separated by a street. Such projects will be reviewed as a total project in terms of permitted density and uses. All parcels involved shall be bound by the conditions and plans of the approved project.
- (Sec. 21-13B.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.5)

**§ 21-F.6 Project eligibility.**

- (a) Before the processing of a building permit or project approval, except for applications relating to demolitions, signs and such interior and exterior repairs or alterations not involving a change or intensification of the existing use, a property owner or developer shall obtain an approval of project eligibility from the director of planning and permitting. The approval shall not be issued except upon a finding by the director that all necessary infrastructure facilities for the area are congruent with the proposed development.
- (b) Infrastructure facilities shall include but not be limited to streets, pedestrian and bicycle circulation, sanitary sewers, drainage, and water. The director of planning and permitting shall approve the project's eligibility upon a finding that:
  - (1) Off-site infrastructure facilities for the project are in place and adequate, or are proposed with firm construction schedules to be installed to coincide with the construction schedule of the project;

- (2) Subsequent development of necessary infrastructure facilities in the area will not disrupt the normal operation of completed projects; and
  - (3) The proposed development does not involve temporary connections to facilities which are programmed to be replaced within six years from the date of application for a building permit.
- (c) In determining project eligibility, the director of planning and permitting shall consult with the applicable governmental agencies.
- (d) No application for building permit shall be considered before obtaining an approval from the director of planning and permitting as to the project's eligibility to proceed.
- (Sec. 21-13B.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.6)

**§ 21-F.7 Project classification.**

- (a) *Significant projects.* Projects involving demolitions and exterior repairs or alterations which adversely change the character or visual appearance of a structure or site on the Hawaii register of historic places and the national register of historic places shall be considered as significant projects.
- (b) *Nonsignificant projects.* The following projects shall be considered as nonsignificant:
- (1) Nonconforming expansion or replacement of uses and structures;
  - (2) Reestablishment of a nonconforming use;
  - (3) Joint precinct and joint parcel developments;
  - (4) Projects containing multiple-family dwellings;
  - (5) Projects in industrial services precinct abutting or fronting on mixed-use precinct; and
  - (6) All projects within the public use precinct.
- (c) *Exempt.* The following projects shall be exempted from the requirement to obtain a development conformance certificate:
- (1) Demolitions, except for structures and sites on the Hawaii register of historic places and the national register of historic places;
  - (2) All interior repairs or alterations;
  - (3) All exterior repairs or alterations, except for those which conflict with the objectives of this article;
  - (4) Signs; and

(5) All other projects not classified as significant or nonsignificant.  
(Sec. 21-13B.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.7)

**§ 21-F.8 Applicability of regulations.**

All developments within the district shall comply with those Chapter 21 provisions not superseded or modified by this article.  
(Sec. 21-13B.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.8)

**§ 21-F.9 Application procedures.**

All applications for structures and uses within the Kakaako special design district shall comply with § 21-13.8, application procedure, of Chapter 21.  
(Sec. 21-13B.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.9)

**§ 21-F.10 Certificate of occupancy.**

No certificate of occupancy shall be issued for any development within the district until it is determined by the director of planning and permitting that all of the conditions, specifications, and requirements of this article have been met.  
(Sec. 21-13B.10, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.10)

**§ 21-F.11 Violations—Penalty.**

- (a) The city may maintain an action for an injunction to restrain any violation of this article and may take any other lawful action to prevent or remedy any violation.
  - (b) Any person violating this article shall upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance.
- (Sec. 21-13B.11, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.11)

**§ 21-F.12 Expiration of the development conformance certificate.**

The development conformance certificate shall be void upon applicant's failure to secure building permits within two years of the date of issuance of the certificate.  
(Sec. 21-13B.12, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.12)

**§ 21-F.13 Exhibits.**

The following are figures used in this appendix:



- (a) Figure 21-F-1 — Use Precincts;
- (b) Figure 21-F-2 — Height Limits;
- (c) Figure 21-F-3 — Circulation;
- (d) Figure 21-F-4 — Street Trees; and
- (e) Figure 21-F-5 — Street Frontage Design Criteria.  
(Sec. 21-13B.13, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.13)

**§ 21-F.14 Severability.**

This article shall be severable and if any provisions shall be determined to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall not be affected thereby but shall remain in full force and effect.

(Sec. 21-13B.14, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 21, Appendix 21-F, § 21-F.14)

## USE PRECINCTS

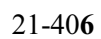


FIGURE 21F-2

HEIGHT LIMITS

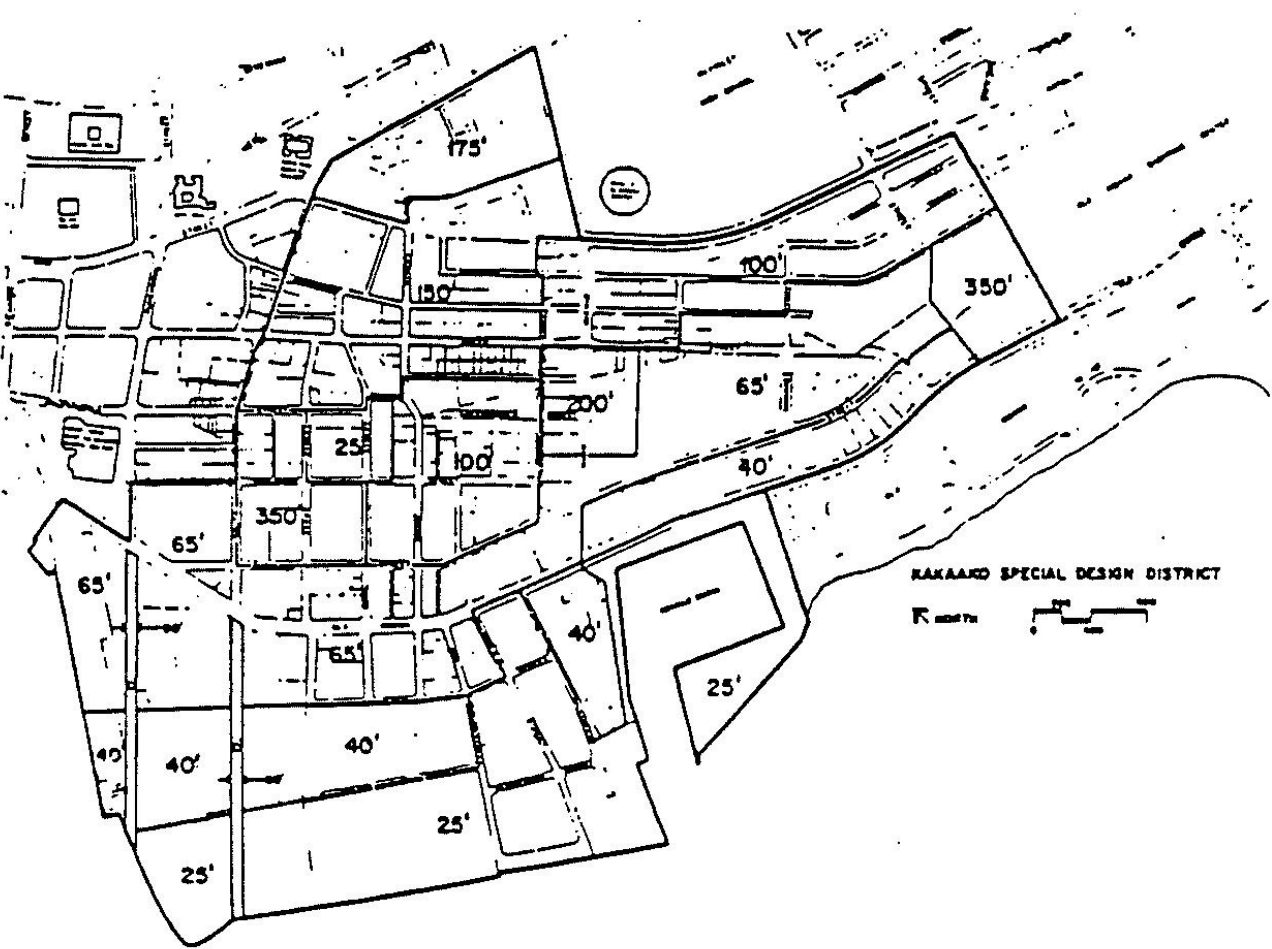


FIGURE 21F-3

CIRCULATION

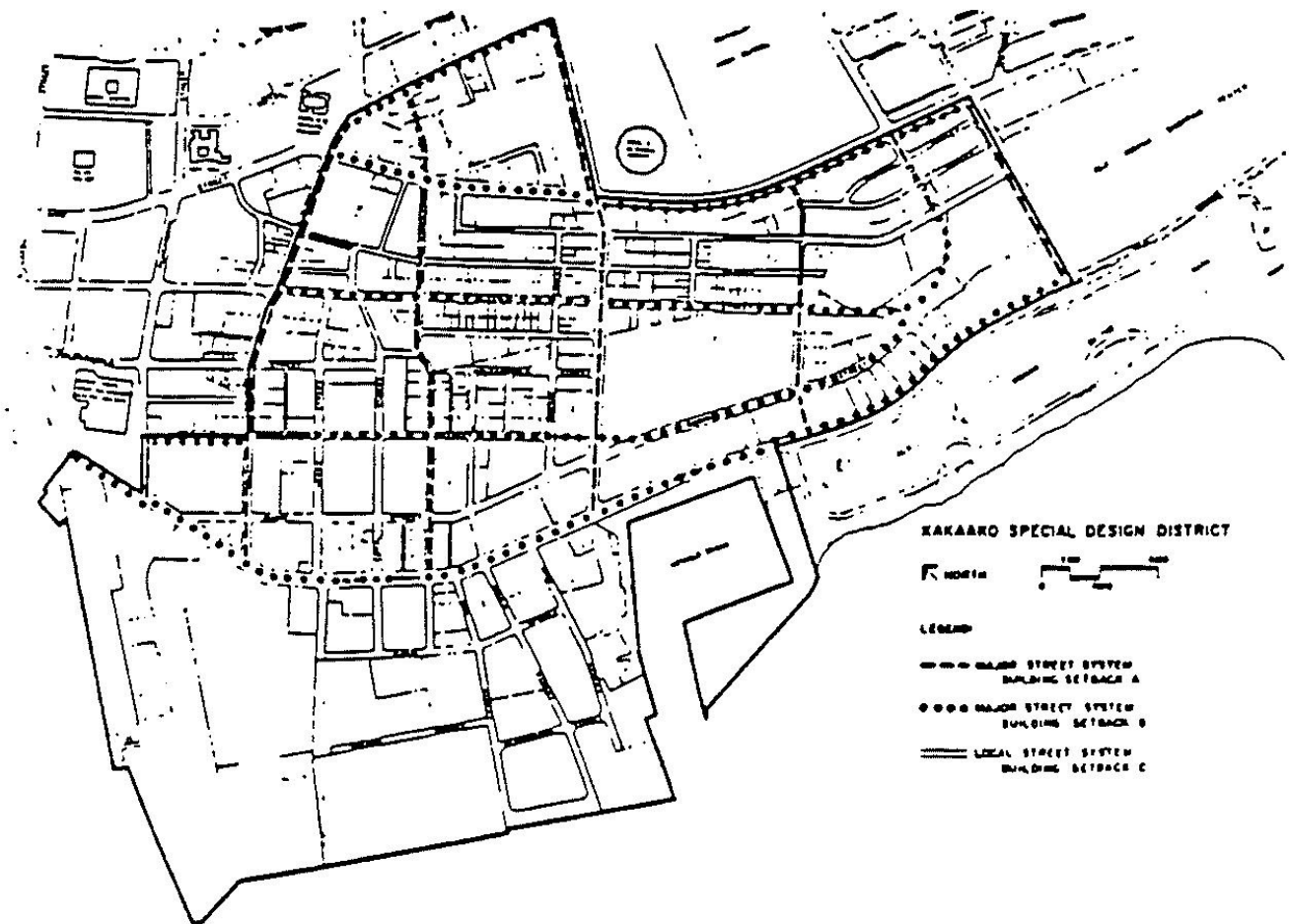


FIGURE 21F-4

STREET TREES

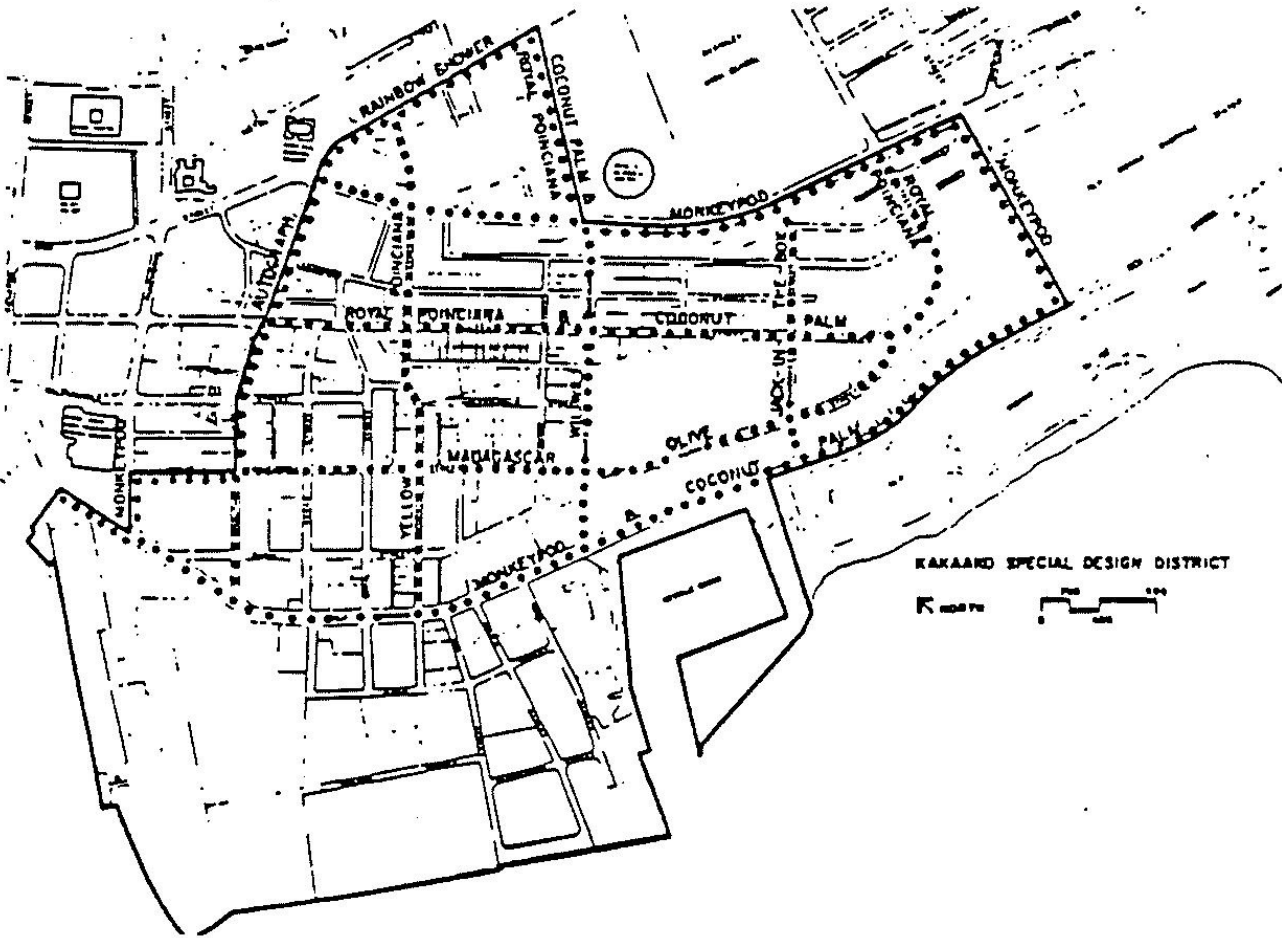
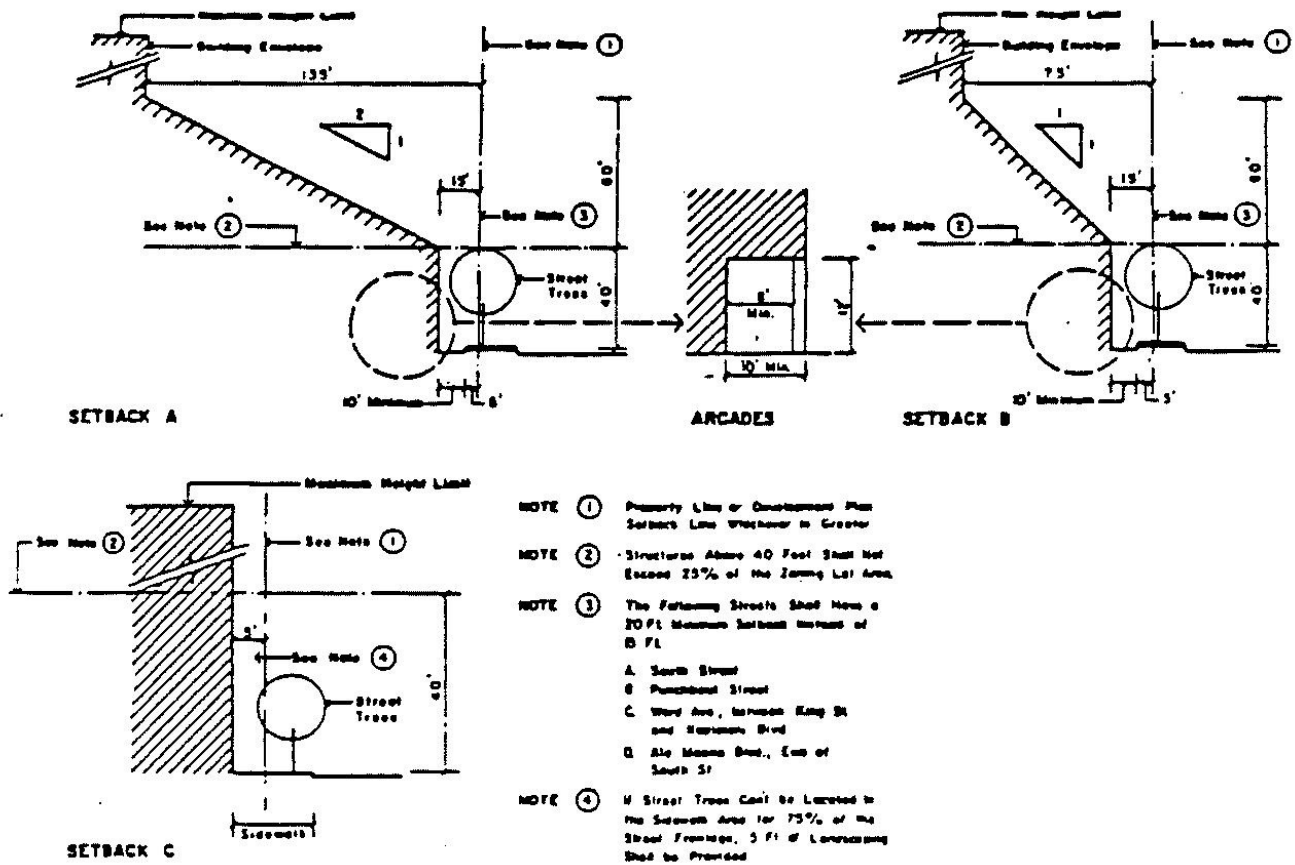


FIGURE 21F-5

## STREET FRONTAGE DESIGN CRITERIA



## **APPENDIX 21-G: LIST OF FIGURES**

Figures are added for the benefit of the users of Chapter 21, and are an official part of the ordinance. They are included to illustrate specific provisions and to make those provisions easier to interpret.

<b><i>Fig. No.</i></b>	<b><i>Subject</i></b>
21-2.1	Permit Application Processing Time
21-2.2	Zoning Adjustment: Grade Irregularities
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 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 (B-2, BMX-3, I-2, I-3 and IMX 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
21-4.1	Flag Lot
21-4.2(A) and (B)	Retaining Walls
21-4.3	Height Measurement
21-4.4	Parking Lot Landscaping
21-7.1	Sign Area
21-9.1	Front Yard - Waikiki
21-9.2	Transitional Height Setback - Waikiki

<b><i>Fig. No.</i></b>	<b><i>Subject</i></b>
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
21-9.4	Yards and Maximum Setbacks on Key Streets, Apartment and Apartment Mixed-Use Districts
21-9.5	Building Facade Placement on Corner Lots Fronting Two Key Streets
21-9.6	Building Facade Placement on Lots 100 feet or Less
21-9.7	Building Facade Placements on Lots Greater than 100 feet
21-9.8	Building Facade and Parking Placement on Lots Fronting Two Key Streets
21-9.9	Building Facade 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
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

(1990 Code, Ch. 21, Appendix 21-G)



**APPENDIX 21-H: AMENDMENTS TO PLANNED DEVELOPMENT, CONDITIONAL USE PERMIT, AND CLUSTER ORDINANCES; AND RESOLUTIONS APPROVING PLANNED DEVELOPMENT-APARTMENT, PLANNED DEVELOPMENT-RESORT, INTERIM PLANNED DEVELOPMENT-TRANSIT, AND PLANNED DEVELOPMENT-TRANSIT PROJECTS**

***Editor's note:***

*Ord. 78-65, effective 7-12-1978, transferred approval authority for Planned Development-Housing, Conditional Use Permits, and Cluster Developments to the Department of Land Utilization (predecessor to the Department of Planning and Permitting) from the City Council. However, Planned Developments-Housing, Conditional Use Permits, and approvals previously approved by ordinance may be amended by ordinance.*

<b><i>Measure No.</i></b>	<b><i>Effective or Approval Date</i></b>	
94-06	2-10-1994	Amends Ord. 4122 relating to the Yacht Club Terrace planned development-housing district No. R-28 at Kaneohe

<b><i>Reso. No.</i></b>	<b><i>Effective or Approval Date</i></b>	
02-226, CD1, FD1	8-7-2002	Approving conceptual plan for Hilton Hawaiian Village PD-R Project - Construction of highrise tower and other improvements, Waikiki (Hilton Hotels Corporation)
02-272, CD1, FD1	11-13-2002	Approving conceptual plan for Outrigger Beach Walk PD-R Project in the Lewers-Saratoga Area of Waikiki (Outrigger Enterprises, Inc.)
10-211, CD1, FD1	8-18-2010	Approving conceptual plan for Princess Kaiulani Hotel Complex PD-R Project, Waikiki (Kyo-ya Hotels and Resorts, LP)
10-212, CD1, FD1	8-18-2010	Approving conceptual plan for the Moana Surfrider Hotel Complex PD-R Project, Waikiki (Kyo-ya Hotels and Resorts, LP)
11-278	12-7-2011	Approving conceptual plan for Hilton Hawaiian Village PD-R Project improvements, including two new time-share towers, Waikiki (Hilton Hawaiian Village Beach & Spa)
14-277, CD1	12-10-2014	Extension of time to 8-18-2019 to obtain building permit for PD-R project approved by Reso. 10-211, CD1, FD1 (Kyo-ya Kaiulani LLC)
14-278	12-10-2014	Extension of time to 8-18-2019 to obtain building permit for PD-R project approved by Reso. 10-212, CD1, FD1 (Kyo-ya Hotels and Resorts, LP)

<i>Reso. No.</i>	<i>Effective or Approval Date</i>	
16-52, CD1, FD1	4-20-2016	Approving a conceptual plan for a planned development-resort project for the redevelopment of 1.05 acres with a mixed-use retail, hotel, and residential project in Waikiki, Oahu (MK Development Consulting, LLC)
16-155, CD1	7-6-2016	Approving a conceptual plan for a planned development-resort project for the redevelopment of 4.05 acres with a mixed use retail, hotel, and residential project in Waikiki, Oahu (PACREP LLC, PACREP 2 LLC, SMK Inc.)
16-172, CD1, FD1	10-5-2016	Approving a conceptual plan for an interim planned development-transit project for the development of the Manaolana Place hotel and residential condominium development project (Manaolana Partners, LLC)
17-175, CD1	3-28-2018	Approving a conceptual plan for an interim planned development-transit project for the development of the Hawaii Ocean Plaza mixed use development project (Hawaii Ocean Plaza LP)
17-221, CD1	9-6-2017	Approving a conceptual plan for an interim planned development-transit project for the development of the 1500 Kapiolani condo-hotel and residential development project (Manaolana AREP III Holdings, LLC)
17-305, CD1, FD1	12-6-2017	Approving a conceptual plan for an interim planned development-transit project for the development of the Hawaii City Plaza condominium development project (Hawaii City Plaza LP)
17-333, CD1, FD1	2-25-2018	Approving a conceptual plan for an interim planned development-transit project for the development of the ProsPac Tower-Residential condominium and commercial development project (ProsPac Holdings Group, LLC)
18-236, CD1	12-5-2018	Approving a conceptual plan for a planned development-apartment project for the redevelopment of 2.52 acres with mixed use commercial and residential project in Waikiki (OliverMcMillan Kuhio, LLC)
18-248, CD1, FD1	11-14-2018	Approving a conceptual plan for an interim planned development-transit project for the development of the Sky Ala Moana condo-hotel and residential project (Avalon Group, LLC)
19-224, CD1	3-18-2020	Approving a conceptual plan for an interim planned development-transit project for the development of the Keeaumoku condominium and commercial project (Keeaumoku Development, LLC)
19-225, CD1	11-6-2019	Approving a conceptual plan for a planned development-resort project for the redevelopment of 4.153 acres with a mixed use retail and resort project in Waikiki (Kyo-ya Kaiulani, LLC)

(1990 Code, Ch. 21, Appendix 21-H)

# **APPENDIX 21-I: TRANSIT-ORIENTED DEVELOPMENT PLAN RESOLUTIONS**

<i><b>Reso. No.</b></i>	<i><b>Approval Date</b></i>	
14-47, CD1	4-16-2014	Approving the Waipahu Neighborhood Transit-Oriented Development Plan
14-71, FD1	9-10-2014	Approving the Aiea-Pearl City Neighborhood Transit-Oriented Development Plan
16-247, CD1, FD1	9-6-2017	Approving the Downtown Neighborhood Transit-Oriented Development Plan
17-33, CD1, FD1	3-22-2017	Approving the Kalihi Neighborhood Transit-Oriented Development Plan

## **Honolulu - Land Use**

## **CHAPTER 21A: FLOOD HAZARD AREAS**

### Article

#### 1. General Provisions

## **Honolulu - Land Use**

## ARTICLE 1: GENERAL PROVISIONS

### Sections

21A-1.1	Purpose
21A-1.2	Statutory authority
21A-1.3	Administration
21A-1.4	Definitions
21A-1.5	Special flood hazard areas
21A-1.6	General development standards
21A-1.7	Floodway area
21A-1.8	Flood fringe area
21A-1.9	Coastal high hazard area
21A-1.10	General floodplain
21A-1.11	Developments adjacent to watercourse outside the flood hazard area
21A-1.12	Flood variance
21A-1.13	Substantial improvements
21A-1.14	Certification standards

### § 21A-1.1 Purpose.

- (a) Within the City and County of Honolulu, certain areas are subject to periodic inundation by flooding or tsunami or both, resulting in loss of life and property, creation of health and safety hazards, disruption of commerce and governmental services as well as extraordinary public expenditures for flood and tsunami protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities also contribute to flood losses.
- (c) Congress has determined that regulation of construction in areas subject to flood hazards is necessary for the protection of life and property and reduction of public costs for flood control, rescue and relief efforts, thereby promoting the safety, health, convenience, and general welfare of the community. To achieve these purposes, this chapter establishes flood hazard areas and imposes restrictions upon man-made changes to improved and unimproved real estate within the areas. These restrictions are necessary to qualify the city for participation in the federal flood insurance program.
- (d) Failure to participate in the program would result in the denial of federal financial assistance for acquisition and construction purposes, and would jeopardize the making, securing, extension, and renewal of loans secured by improved real estate by lending institutions regulated by the federal government.

(e) This chapter is designed to:

- (1) Protect human life and health and promote the general welfare;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy or develop, or both, the areas of special flood hazard assume responsibility for their actions.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.1) (Added by Ord. 14-9)

### **§ 21A-1.2 Statutory authority.**

This chapter is enacted pursuant to the U.S. National Flood Insurance Act of 1968 (Public Laws 90-448 and 91-152), as amended, and the U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended, and HRS Chapter 46.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.2) (Added by Ord. 14-9)

### **§ 21A-1.3 Administration.**

- (a) *Designation of floodplain administrator.* The director of planning and permitting is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.
- (b) Duties and responsibilities shall include but not be limited to the following:
  - (1) Review all development permits to determine that the requirements of this chapter have been satisfied, the project site is reasonably safe from flooding, and other required federal or State approvals are obtained;
  - (2) Where base flood elevation data have not been provided on the federal flood insurance rate maps, the director shall obtain, review, and reasonably use any base flood elevation and floodway data available from a federal or State agency, or other source, to administer this chapter;



- (3) Whenever a watercourse is proposed to be altered or relocated, require that the flood carrying capacity within the altered or relocated watercourse be maintained;
  - (4) Obtain and maintain for public inspection, certifications and documentation required by this chapter, including a record of all variance actions;
  - (5) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions; and
  - (6) Take action to remedy violations of this chapter.
- (c) *Appeals.* This chapter is a zoning ordinance and appeals from the actions of the director in the administration of this chapter shall be to the zoning board of appeals as provided by Charter § 6-1516. Appeals shall be filed within 30 days of the date of mailing or personal service of the director's written decision.
- (d) *Enforcement.* If the director determines that there is a violation of this chapter or any permit issued pursuant thereto, the violator shall be subject to the code enforcement rules of the department.
- (e) *Warning and disclaimer of liability.*
- (1) The degree of flood and tsunami protection required by this chapter is considered reasonable for regulatory purposes and is based on standard engineering methods of study. Larger floods or tsunamis than the base flood as designated on the flood maps, may occur on occasions, or flood or tsunami elevations may be increased by man-made or natural causes. This chapter does not imply that areas outside the flood hazard area will be free from flooding or damage.
  - (2) This chapter shall not create liability on the part of the city or any officer, official, or employee for any flood or tsunami damages that result from reliance on this chapter or any administrative decision lawfully made under this section.
- (f) *Other laws and regulations.* All construction and improvements subject to this chapter shall comply with federal, State, and other applicable city laws and regulations including but not limited to the zoning, building, housing, plumbing, and electrical codes, and grading ordinances. This chapter, designed to reduce flood losses shall take precedence over any less restrictive, conflicting laws, ordinances, or regulations.
- (g) *No exemptions.* Neither the city nor any agency, department, or division under its control shall be exempted from compliance with this chapter.
- (h) *Severability.* This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(i) *Fees.*

<i>Type of Permit</i>	<i>Fee</i>
(1) Floodway permit	\$600
(2) Flood variance	\$600
(3) Letter of map amendment (LOMA), and revision based on fill (LOMR-F)	\$300
(4) Letter of map revision (LOMR), and physical map revision (PMR)	\$600
(5) Flood hazard area interpretation	\$150

(1990 Code, Ch. 21A, Art. 1, § 21A-1.3) (Added by Ord. 14-9; Am. Ord. 16-30)

#### § 21A-1.4 Definitions.

Definitions contained in regulations governing the National Flood Insurance Program, 44 CFR Parts 59 through 77, as amended, are incorporated by reference and made a part of this chapter as though set forth fully herein. Where terms are not defined in this chapter, they shall have their ordinary accepted meanings within the context in which they are used. For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Architect.** A person who has a license to practice architecture in the State of Hawaii.

**Base Flood.** The flood having a 1 percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

**Base Flood Elevation.** The water surface elevation of the base flood.

**Basement.** Any area of a building having its floor below ground level on all sides.

**Breakaway Wall.** Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of a building and which is designed to break away without damaging the structural integrity of the building or other buildings to which it might be carried by floodwaters.

**Coastal High Hazard Area.** A special flood hazard area subject to high velocity wave action from storms or seismic sources and designated on the flood insurance rate map as zone VE or V.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Director.** The director of planning and permitting of the City and County of Honolulu or the director’s authorized representative.

**Encroachment.** The advance or infringement of uses, plant growth, fill, excavation, walls, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

**Engineer.** A person who is licensed to practice civil or structural engineering in the State of Hawaii.

**FEMA.** The Federal Emergency Management Agency.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, resulting from any source, such as tsunamis, or the unusual and rapid accumulation of runoff of surface waters or mud from any source.

**Flood Fringe Area.** A special flood hazard area consisting of the area of the flood fringe designated on the flood insurance rate map as zone AE, AO, and AH.

**Flood Insurance Rate Map or FIRM.** The map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study.** The report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood hazard boundary map, and the water surface elevation of the base flood.

**Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures and properties that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway.** The channel or watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

**Floodway Area or AEF.** A special flood hazard area consisting of the portion of zone AE designated on the flood insurance rate map as a floodway.

**Floodway Permit.** A permit required under this chapter for a structure within the floodway area.

**Fraud and Victimization.** As related to § 21A-1.12, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**Functionally Dependent Use.** A use which cannot perform its intended purpose, unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

**General Floodplain.** A special flood hazard area for which detailed engineering studies were not performed by FEMA to determine the base flood elevations or to identify the floodway, and is identified as zone A on the flood insurance rate map.

**Hardship.** As related to § 21A-1.12, means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional "hardship". All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface before construction next to the proposed walls of a structure.

**Historic Structure.** A structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a State inventory of historic places pursuant to a historic preservation program approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places pursuant to a historic preservation program certified either:
  - (A) By an approved State program as determined by the Secretary of the Interior; or
  - (B) Directly by the Secretary.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not modified so as to render the use in violation of the elevation design requirement of this chapter.

**Manufactured Home.** A structure (other than a recreational vehicle), transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.

**Mean Sea Level.** The national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**New Construction.** Structures for which the “start of construction” commenced on or after May 22, 2014\* and includes any subsequent improvements to such structures.

**Public Safety and Nuisance.** As related to § 21A-1.12, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational Vehicle.** A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Repetitive Loss Structure.** A structure that was damaged by flood two or more times within any 10-year period, where the cost of fully repairing the flood damage to the structure, on average, equaled or exceeded 25 percent of its market value at the time of each flood.

**Special Flood Hazard Area or SFHA.** An area having special flood or flood-related erosion hazards, and shown on a FIRM as zone A, AO, AE, AEF, AH, VE, or V.

**Start of Construction.** Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, and a manufactured home.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure (excluding land) before the damage occurred.

**Substantial Improvement.** Any reconstruction, rehabilitation, addition, or series of reconstruction, rehabilitation, or additions, or other proposed new development of a structure or repetitive loss structure, in any five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure (excluding land) before the “start of construction” of the first improvement during that five-year period. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term also includes the relocation of a structure even if the cost of improvements associated with the relocation does not equal or exceed 50 percent of the market value of the structure. An improvement shall constitute a substantial improvement only if:

- (1) The structure was constructed on or before September 3, 1980;
- (2) The structure was constructed after September 3, 1980, and was not within a special flood hazard area at the time of the issuance of the building permit;
- (3) The structure was constructed after September 3, 1980, and was the subject of a map change that resulted in higher base flood elevations; or
- (4) The structure was constructed after September 3, 1980, and was the subject of a map change that resulted in a FIRM zone change.

The term does not, however, include either:

- (5) Any project for improvement of a structure to correct existing violations of State or county health, sanitary, or safety specifications; or
- (6) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

**Surveyor.** A person who is licensed to practice surveying in the State of Hawaii.

**Violation.** The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without a required elevation certificate, other certification, or other evidence of compliance with this chapter shall be presumed to be in violation until such time as the required certificate or other evidence of compliance is provided.

**Watercourse.** A stream, wash, channel, or other topographic feature on or over which waters flow at least periodically.

**Water Surface Elevation.** The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specific), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Zoning Lot.** A zoning lot as defined by the land use ordinance, Chapter 21, as amended. (1990 Code, Ch. 21A, Art. 1, § 21A-1.4) (Added by Ord. 14-9)

**Editor’s note:**

\* “May 22, 2014” is substituted for “the effective date of this ordinance, as amended.”

**§ 21A-1.5 Special flood hazard areas.**

- (a) *Applicability.* This chapter shall apply to all lands within the special flood hazard areas as determined by the director or as delineated on the flood insurance rate maps (FIRM) prepared by the FEMA, or both. The following special flood hazard areas are established:
- (1) Floodway area (floodway in zone AE);
  - (2) Flood fringe area (zones AE, AO, AH);
  - (3) Coastal high hazard area (zone VE, V); and
  - (4) General floodplain area (zone A).
- (b) *Adoption of federal flood maps and reports.* The special flood hazard areas identified by the FEMA in the flood insurance rate maps and flood insurance study dated January 19, 2011, and any subsequent revisions and amendments (hereinafter called “flood maps”) are adopted and declared to be part of this chapter. The flood maps are on file at the City and County of Honolulu Department of Planning and Permitting, 650 S. King Street, Honolulu, Hawaii 96813.
- (c) The flood hazard areas and base flood elevations shall be determined by the flood maps. Where interpretation is needed as to whether or not a project lies within a certain flood hazard area, or interpretation is needed on the base flood elevation in the floodway, flood fringe, or coastal high hazard areas, a request for interpretation of the flood maps shall be submitted to the director for determination. The request shall include the project site and location plan, property lines, and dimensions and tax map key.
- (d) Where flood hazard areas and base flood elevations have not been determined on the flood maps, the director shall obtain and review the information needed to make this determination. A request for interpretation under this section shall be submitted to the director and include three sets of documents, stamped and signed by a licensed professional engineer, containing adequate information and substantiating data consistent with this part, such as flood study, flood data, project site and location plan, property lines and dimension, tax map key, and topographic data, contours, or spot elevations based on reference marks on flood maps. Upon initial review by the director, other related information may be subsequently required to evaluate the request.
- (e) *Flood map revisions.* Whenever base flood elevations may change due to a proposed development, the applicant shall obtain a conditional letter of map revision from the FEMA before the approval or issuance of any development permit. A letter of map revision shall be obtained from the FEMA whenever a development has changed the base flood elevation within any special flood hazard area. An application for a letter of map revision shall be submitted to the FEMA no later than six months after the completion of a development.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.5) (Added by Ord. 14-9)

**§ 21A-1.6 General development standards.**

Structures within the special flood hazard areas shall conform to the following:

- (1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including effects from buoyancy caused by the base flood;
  - (2) Constructed of flood-resistant materials;
  - (3) Constructed by methods and practices that minimize flood damage;
  - (4) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities that are designed or located, or both, so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (5) Provided with adequate drainage to minimize damage in accordance with the storm drainage standards of the department;
  - (6) For new or replacement potable water system and facilities, be designed to minimize or eliminate infiltration of flood waters into the systems;
  - (7) For new or replacement sanitary sewer system and waste disposal system, be designed, located, and constructed so as to minimize impairment to them or contamination from them during and after flooding by the base flood;
  - (8) *Manufactured homes.* Manufactured homes that are placed or substantially improved within special flood hazard areas that are not coastal high hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to, or above, the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Manufactured homes that are placed or substantially improved within coastal high hazard areas shall meet the requirements of § 21A-1.9;
  - (9) *Recreational vehicles.* Recreational vehicles placed within a special flood hazard area shall either:
    - (A) Be on site for fewer than 30 consecutive days;
    - (B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by a quick disconnect type utilities and security device, and has no permanently attached additions); or
    - (C) Meet the requirements for manufactured homes under subsection (8).
  - (10) A structure that straddles two or more special flood hazard areas shall comply with the standards of the flood hazard area that is considered to have the most stringent or restrictive standards.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.6) (Added by Ord. 14-9)

### § 21A-1.7 Floodway area.

The floodway identified on the flood maps and located within areas of special flood hazard is the watercourse reserved to discharge the base flood. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which could carry debris, and erosion potential, the following apply.



- (a) A floodway permit must be obtained from the director before approval or issuance of any other permits for all new construction of or substantial improvements to structures within the floodway area.
- (b) A restrictive covenant shall be inserted in the deeds and other conveyance documents of the property and recorded or filed with the bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, providing that a permit has been granted to a property located in a floodway area that is subject to flooding and flood damage, increases risks to life and property, and the property owners shall not file any lawsuit, action, or claim against the city for costs or damages, and shall indemnify and save harmless the city from any liability when such loss, damage, injury, or death results due to the permit and the flooding of the property. Upon approval of the floodway permit, such covenant shall be fully executed and recorded. Proof of recordation shall be submitted to the director before issuance of any building permits.
- (c) Any temporary or permanent encroachment, including fill, structures, storage of material or equipment, or other development within the floodway, shall not be approved, unless certification and supporting data, including hydrologic and hydraulic analyses performed in accordance with standard engineering practice, are provided by a licensed engineer demonstrating that the proposed encroachment will not cause any increase in base flood elevations during the occurrence of the base flood.
- (d) Proposed structures in the floodway area shall additionally comply with the general development standards and flood fringe area provisions of this chapter.
- (e) No more than two dwelling units shall be permitted on a single zoning lot whose only buildable area is in the floodway.
- (f) Within an area designated AE without a floodway on the flood maps, until a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.7) (Added by Ord. 14-9; Am. Ord. 16-30)

### **§ 21A-1.8 Flood fringe area.**

In addition to the general development standards, the following standards shall be applicable in the flood fringe area.

- (a) *In areas designated on the flood maps as zone AE or AH.*
  - (1) All new construction or substantial improvements of residential structures shall have the lowest floor, including basements, elevated to or above the base flood elevation.
  - (2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, be designed and constructed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy due to the base flood.

- (3) Within zone AH, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- (b) *In areas of shallow flooding designated on the flood maps as zone AO.*
  - (1) All new construction or substantial improvements of residential structures shall have the lowest floor, including basements, elevated above the highest adjacent grade at least as high as the depth number specified on the flood maps.
  - (2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified on the flood maps; or together with attendant utility and sanitary facilities, be designed and constructed so that below that level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - (3) Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- (c) All new construction or substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
  - (1) For nonengineered openings:
    - (A) Have a minimum of two openings on different sides having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
    - (B) The bottom of all openings shall be no higher than 1 foot above internal or external grade whichever is highest;
    - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters; and
    - (D) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater directly enter.
  - (2) Be certified by a licensed engineer or architect.
- (d) A licensed professional architect or engineer shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter, and include the elevation to which such structures are floodproofed.
- (e) New construction and substantial improvements of below-grade crawlspaces must be constructed in accordance with the requirements of FEMA Technical Bulletin 11-01 and amendments thereto. A licensed engineer or architect must certify that designs for below-grade crawlspaces meet these requirements.

- (f) Accessory residential structures of less than 600 square feet that are used solely for parking or limited storage or both, and are constructed with the lowest floor below the base flood elevation, must be designed to meet the following minimum criteria.
- (1) The structure must be anchored to resist flotation, collapse, and lateral movement;
  - (2) Any portion of the structure located below the base flood elevation must be constructed of flood-resistant materials;
  - (3) The structure must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with preceding subsection (c);
  - (4) All mechanical and utility equipment housed inside the structure must be elevated to or above the base flood elevation; and
  - (5) The use of the structure must be limited to parking or limited storage or both.

A licensed engineer or architect shall certify that designs for accessory residential structures subject to this subsection meet these minimum criteria.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.8) (Added by Ord. 14-9; Am. Ord. 16-30)

#### **§ 21A-1.9 Coastal high hazard area.**

In addition to the general development standards, the following standards shall be applicable in the coastal high hazard area.

- (a)
  - (1) All new construction or substantial improvements of residential and nonresidential structures shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.
  - (2) Piles or column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1 percent chance of being equaled or exceeded in any given year.
- (b)
  - (1) All new construction or substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the structure or supporting foundation.
  - (2) Such enclosed space shall not be used for human habitation and shall be used solely for parking of vehicles, building access, or storage.
  - (3) A breakaway wall shall have a design-safe loading resistance of not less than 10 and not more than 20 pounds per square foot, or a licensed architect or engineer shall certify that the breakaway wall shall collapse from a water load less than that which would occur during the base flood.

- (c) The use of fill for structural support of buildings shall be prohibited.
  - (d) All new development shall be constructed landward of the reach of the mean high tide.
  - (e) Human alterations of sand dunes and native mangrove stands which would increase potential flood damage shall be prohibited.
  - (f) A licensed architect or engineer shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter, and that any development in the coastal high hazard area, including structures and improvements, would not affect the base flood nor aggravate existing flood-related erosion hazards.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.9) (Added by Ord. 14-9)

**§ 21A-1.10 General floodplain.**

- (a) All proposed development within the general floodplain (unnumbered zone A) shall be subject to review and approval of the director. The developer shall provide information signed and stamped by a licensed engineer, to evaluate the flooding and to determine the base flood elevation, and whether the project site is located within a floodway or flood fringe area, under § 21A-1.5(d).
  - (b) The director in reviewing the application may consult with other city, State, and federal agencies for their comments and recommendations, and shall review the related flood data such as flood elevation, riverine flood velocities, boundaries, etc., and evaluate and determine whether the proposed project is located within a floodway or flood fringe area.
  - (c) If it is determined that the proposed project is within a floodway area, the project shall comply with § 21A-1.7. If it is determined that the proposed project is within a flood fringe area, it shall comply with § 21A-1.8. Until a floodway or flood fringe area is designated, no development shall be allowed that would increase the water surface elevation of the base flood more than 1 foot at any point.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.10) (Added by Ord. 14-9)

**§ 21A-1.11 Developments adjacent to watercourse outside the flood hazard area.**

- (a) Applications for building permits for development projects located on property encompassing or adjacent to a property with a watercourse outside of the special flood hazard areas identified on the federal flood maps, shall be subject to review and approval of the director. The application shall include information signed and stamped by a licensed engineer, to evaluate the potential flooding of the area.
  - (b) The director in reviewing the application may consult with other city, State, and federal agencies for their comments and recommendations. If it is determined that the proposed project is within a floodway area, the project shall comply with § 21A-1.7. If it is determined that the proposed project is within a flood fringe area, the project shall comply with § 21A-1.8.
  - (c) No watercourse shall be modified, constructed, lined, or altered in any way unless approved by the director.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.11) (Added by Ord. 14-9)

**§ 21A-1.12 Flood variance.**

- (a) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

This chapter is designed to help protect the community from flood loss and damage. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

- (b) The following may be permitted as a variance from this chapter subject to review and approval of the director:
- (1) New construction or substantial improvement of structures, and other proposed new development to be erected on a lot of 0.5 acre or less in area, contiguous to and surrounded by lots with existing structures constructed below the base flood elevation;
  - (2) Repair or rehabilitation of historic structures upon a determination that the proposed reconstruction or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (3) Improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications, which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions;
  - (4) New construction or substantial improvement of structures, and other proposed new development necessary for the conduct of a functionally dependent use; and
  - (5) New construction or substantial improvement of public beach park facilities.
- (c) The application shall be submitted to the director and signed and stamped by a licensed architect and engineer, and shall include three sets of documents with the following information as may be applicable:
- (1) Plans and specifications showing the site and location; dimensions of all property lines and topographic survey of the zoning lot; existing and proposed structures and improvements, fill, and storage areas; location and elevations of existing and proposed streets and utilities; floodproofing measures; relationship of the site to the location of the flood boundary; and the existing and proposed flood control measures and improvements;

- (2) Cross-sections and profiles of the area and the base flood elevations and profile referenced to the national geodetic vertical datum (NGVD) of 1929;
- (3) Flood study and drainage report data;
- (4) Description of surrounding properties and existing structures and uses, and the effect the variance may have on them and the base flood;
- (5) Justification and reasons for the variance in relationship to the intent and provisions of this section, with information as may be applicable on the following:
  - (A) The danger to life and property, including surrounding properties due to increased flood elevations or velocities caused by the variance;
  - (B) The danger that materials may be swept onto other lands or downstream to the injury of others;
  - (C) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
  - (D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - (E) The importance of the services provided by the proposed facility to the community;
  - (F) The availability of alternative locations not subject to flooding for the proposed use;
  - (G) The compatibility of the proposed use with existing and anticipated development;
  - (H) The relationship of the proposed use to the floodplain management program for the area;
  - (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (J) The expected elevations and velocity of the base flood at the site due to the variance;
  - (K) That failure to grant the variance would result in exceptional hardship to the applicant; and
  - (L) That the variance will not result in increased base flood elevations, additional threat to surrounding properties and to public safety, extraordinary public expense, create a nuisance, cause fraud and victimization of the public, or conflict with other laws or regulations.
- (6) A restrictive covenant which shall be inserted in the deeds and other conveyance documents of the property and recorded or filed with the bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, providing that a flood variance has been granted to a property located in a special flood hazard area that is subject to flooding and flood damage, that a variance for a structure with its lowest floor below the base flood elevation increases risks to life and property, and that the property owners shall not file any lawsuit, action, or claim against the city for costs or damages, and shall indemnify and save harmless the city from any liability when such loss, damage, injury, or death results due to the flood variance and the flooding of the property. Upon approval of the flood variance, such

covenant shall be fully executed and recorded. Proof of recordation shall be submitted to the director before issuance of any building permits; and

- (7) Such other factors which are relevant to the purposes of this section.
- (d) The director in reviewing the variance may consult with other city, State, and federal agencies for their comments and recommendations. A flood variance may be granted only upon a:
  - (1) Showing of good and sufficient cause;
  - (2) Determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) Determination that the granting of a variance will not result in increased flood elevations, additional threat to public safety, extraordinary public expense, create a nuisance, cause fraud and victimization of the public, or conflict with other laws or regulations; and
  - (4) Determination that a variance granted within a floodway area would not result in any increase of the base flood elevation.
- (e) The director may approve, approve with conditions, or deny the variance. Such conditions may include but not be limited to:
  - (1) Modification of the project, including the sewer and water supply facilities;
  - (2) Limitations on periods of use and operation;
  - (3) Imposition of operational controls, sureties, and deed restrictions;
  - (4) Requirements for construction of channels, dikes, levees, and other flood protective measures;
  - (5) Floodproofing measures designed consistent with the base flood elevation, flood velocities, hydrostatic and hydrodynamic forces, and other factors associated with the base flood; and
  - (6) Other conditions as may be deemed necessary by the director to further the purposes of this chapter.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.12) (Added by Ord. 14-9)

#### **§ 21A-1.13 Substantial improvements.**

- (a) All structures proposed to be substantially improved must be brought into compliance with this chapter. For the purpose of determining substantial improvement, the applicant shall provide the market value of a structure and the cost of the proposed improvements to the structure from the following sources:
  - (1) Itemized estimates made by an independent professional construction estimator;
  - (2) Appraisals prepared by an independent licensed appraiser, including appraisals of market value; and

- (3) Calculations based on square foot cost factors published in building cost estimating guides recognized by the building construction industry, and signed and stamped by an independent licensed engineer or architect.
  - (b) The director may require additional or revised documentation should the estimated market value or cost of improvements appear to be inconsistent with the specific characteristics of the building.
- (1990 Code, Ch. 21A, Art. 1, § 21A-1.13) (Added by Ord. 14-9; Am. Ord. 16-30)

**§ 21A-1.14 Certification standards.**

Pre-construction, during-construction, and post-construction certification of elevation and floodproofing of new construction, development, and improvements within the special flood hazard areas must be submitted to the director and must be maintained as a matter of public record, in accordance with the following.

- (a) *Pre-construction certification.* Requirements for approval of the building permit must include the following items, as applicable, and any additional items as required by the director to promote public welfare and safety.
  - (1) *Certification of building plans.* Each set of building plans must include a current topographic survey map prepared by a licensed surveyor, and must be signed and stamped by a licensed engineer or architect certifying the accuracy of the flood boundary and elevation information.
  - (2) *Flood hazard certification.* The city's applicable flood hazard certification form must be completed and signed and stamped by a licensed engineer or architect.
  - (3) *Floodproofing certification.* The Federal Emergency Management Agency "Floodproofing Certificate" form must be completed and signed and stamped by a licensed engineer or architect.
  - (4) *Certification of no-rise determination.* For all construction and improvements in the floodway, the Federal Emergency Management Agency "No-Rise Certification" form must be completed and signed and stamped by a licensed engineer.
- (b) *During-construction certification.* Upon placement of the lowest floor, including the basement, and before further vertical construction of a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate" must be completed and signed and stamped by a licensed surveyor.
- (c) *Post-construction certification.* As a condition to the closing of the building permit or issuance of a certificate of occupancy for a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate" must be completed and signed and stamped by a licensed surveyor, engineer, or architect.

(1990 Code, Ch. 21A, Art. 1, § 21A-1.14) (Added by Ord. 14-9; Am. Ord. 16-30)



## **CHAPTER 22: SUBDIVISION OF LAND**

### Articles

1. Filing Fees
2. Street Lights
3. Subdivision and Consolidation of Land
4. Sidewalks and Curbs in Residential Subdivisions
5. Utility Lines
6. Public Access to Shoreline and Mountain Areas
7. Parks and Playgrounds
8. Street Names
9. Memorials and Names for City Parks, Sites, and Facilities

## **Honolulu - Land Use**

## ARTICLE 1: FILING FEES

### Sections

22-1.1	Filing fees
22-1.2	Exceptions
22-1.3	Payment
22-1.4	Refund

#### **§ 22-1.1 Filing fees.**

Filing fees will be charged as follows:

- (1) A filing fee of \$400 for every application for subdivision or consolidation of land and an additional charge of \$100 for each lot noted on the initial preliminary map and for each additional lot resulting from any subsequent amendment of the initial preliminary map, exclusive of any lot set aside for roadway or easement purposes;
- (2) A filing fee of \$200 for every application for the designation of a public utility easement;
- (3) A nonrefundable filing fee of \$300 for review and written verification of agricultural restrictions that a condominium property regime established under HRS Chapter 514B does not restrict, limit, or prohibit agricultural uses or activities;
- (4) A nonrefundable filing fee of \$400 for lot research and determination;
- (5) A nonrefundable filing fee of \$300 for every application for park dedication providing private park land in perpetuity in conjunction with Article 7; and
- (6) A nonrefundable filing fee of \$200 for every application for park dedication providing in-lieu payment in conjunction with Article 7; provided that the fee will be credited towards the total in-lieu payment for the submittal.

(Sec. 22-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 22, Art. 1, § 22-1.1) (Am. Ords. 99-31, 03-12, 14-4, 20-18)

#### **§ 22-1.2 Exceptions.**

- (a) The filing fees and charges above prescribed shall not apply to applications for subdivision or consolidation of land submitted by any agency of the State or of the city.

- (b) The charge of \$100 for each lot, above prescribed, shall not apply to subdivision of land into burial or crematory plots within the confines of a duly established cemetery area; provided that the filing fee of \$400 above prescribed shall be applicable.

(Sec. 22-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 22, Art. 1, § 22-1.2) (Am. Ords. 99-31, 03-12, 14-4)

**§ 22-1.3 Payment.**

Applicable fees and charges above prescribed shall be paid to the department of planning and permitting upon the filing of an application for subdivision or consolidation. All such fees collected shall be deposited into the general fund.

(Sec. 22-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 22, Art. 1, § 22-1.3)

**§ 22-1.4 Refund.**

If any application for subdivision or consolidation is withdrawn by the applicant before any consideration or action thereon by the department of planning and permitting, all fees and charges paid on account of such application shall be refunded to the applicant.

(Sec. 22-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 22, Art. 1, § 22-1.4)

## ARTICLE 2: STREET LIGHTS

### Sections

22-2.1	Definitions
22-2.2	Street lights required
22-2.3	Installation and energizing of street lighting system
22-2.4	Approval by the director
22-2.5	Costs
22-2.6	Street lighting—Installation, energizing and maintenance—Agreement—Bond

### § 22-2.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**City.** The City and County of Honolulu.

**Department.** The department of transportation services,.

**Subdivider and Subdivision.** Have the same meaning as defined in Article 3.  
(Sec. 22-2.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.1)

### § 22-2.2 Street lights required.

Street lights, together with the related apparatus and appliances, shall be installed by the subdivider in all subdivisions, including agricultural subdivisions, laid out within the city. Any ordinance or regulation inconsistent with this section is superseded.

(Sec. 22-2.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.2)

### § 22-2.3 Installation and energizing of street lighting system.

- (a) Street lights, together with the related apparatus and appliances, shall be installed in accordance with the standard specifications of the department, which incorporate and supplement the standard specifications of the Illuminating Engineering Society of America on file in the department. Street lighting fixtures shall further meet the energy efficiency standards provided in § 2-35.2 and light pollution standards provided in § 2-36.2.
- (b) The type of installation which the subdivider shall provide; i.e., whether the system is to be underground or overhead, shall be governed by Article 5.

- (c) The subdivider shall, at the subdivider's own expense, make final connection from new street lighting systems to an existing system under the supervision of a street lighting division inspector. For 120V multiple systems intended for individual connection to electric utility lines, the subdivider shall make all necessary arrangements with the Hawaiian Electric Company, Ltd. for the connections and pay all costs therefor.
- (d) In addition to the energizing of the entire street lighting system during the period of the operating test as hereinafter provided, the subdivider shall energize the entire street lighting system within the subdivision when the first home in the subdivision is occupied, and pay all costs involved in the energizing of the street lights from such date until the subdivision roadways, together with the street improvements, are accepted by and dedicated to the city.

(Sec. 22-2.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.3) (Am. Ords. 92-01, 13-4)

**§ 22-2.4 Approval by the director.**

- (a) Before the installation of the street lighting systems within a subdivision, the plans and specifications pertaining thereto shall be approved by the director or the director's authorized subordinate.
- (b) Plans submitted for final approval shall be prepared in ink on cloth tracings of good quality and shall bear the stamp or seal of a registered electrical engineer.
- (c) Two prints of the final approved plans, with the signature of the director or the director's authorized subordinate affixed thereon, shall be submitted to the department for use in the inspection of the street lighting system during installation.
- (d) After such street lighting system has been installed, and before acceptance thereof by the city, the director or the director's authorized subordinate shall inspect the same. If the installation is in conformity with the previously approved plans and specifications, and the installation is energized and continues in proper operating condition for a period not to exceed one week, the director shall approve the installation and issue a certificate to the subdivider indicating such inspection, test, and approval. The subdivider shall bear the cost of the test arrangements and electrical energy used therein.
- (e) Upon completion of the street lighting improvements in such subdivision as required by these regulations and certification thereof as provided by subsection (d), the subdivider shall file with the department cloth tracings of the street lighting construction plans as actually modified to meet construction requirements.

(Sec. 22-2.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.4)

**§ 22-2.5 Costs.**

- (a) The total cost of the street lighting system and cost of maintenance thereof, including all energy costs up to the date of dedication and acceptance of the subdivision roadways, shall be borne by the subdivider.
- (b) In order that the requirements for the energizing of the street lighting system and the payment of the monthly energy consumption costs and the cost of maintenance of such system are fulfilled, the subdivider shall file with the city such surety bonds as are required in § 22-2.6.

(Sec. 22-2.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.5)

**§ 22-2.6 Street lighting—Installation, energizing and maintenance—Agreement—Bond.**

- (a) Notwithstanding any ordinance or regulation to the contrary, final approval of a subdivider's final subdivision map shall not be given unless:
- (1) In the case where final approval is sought under § 6-602(a) of the subdivision rules and regulations of the city, after completion of the construction of the required improvements and utilities in accordance with the rules, the subdivider enters into an agreement with the city, wherein the subdivider agrees to pay for all costs of energizing the street lighting system and of the maintenance of such system when the first home in the subdivision is occupied until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. Simultaneously with such agreement, the subdivider shall file a surety bond (other than personal surety) with the city as obligee, conditioned upon the faithful performance of the agreement.
  - (2) In the case where final approval is sought under § 6-602(b) of the subdivision rules and regulations of the city, the agreement referred to therein shall contain a covenant wherein the subdivider agrees to pay for all costs of energizing the street lighting system when the first home in the subdivision is occupied until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. To assure the performance of the covenant, the subdivider shall file a surety bond (other than personal surety) with the city as obligee, conditioned upon the faithful performance thereof. The surety bond shall be in addition to any other security required under § 6-602(b) of the subdivision rules and regulations of the city.

The surety bonds specified in subdivisions (1) and (2) hereinabove shall be in an amount sufficient to cover the costs of energizing the street lighting system and of the maintenance of such system from the time of installation until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city. Such amount shall be based on estimates of the director, or the director's authorized subordinate. The form of the agreements and surety bonds specified in subdivisions (1) and (2) hereinabove shall be referred to the corporation counsel for approval as to form and legality. Such agreements and surety bonds, fully executed, shall be filed with the director of the department of planning and permitting.

- (b) Notwithstanding any ordinance or regulation to the contrary, no subdivider or subdivider's surety shall be discharged from the obligation of any bond required under this section until the subdivision roadways, together with the street improvements, are dedicated to and accepted by the city.
- (Sec. 22-2.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 2, § 22-2.6)

## **Honolulu - Land Use**



## ARTICLE 3: SUBDIVISION AND CONSOLIDATION OF LAND

### Sections

22-3.1	Purpose
22-3.2	Definitions
22-3.3	Approval of subdivision or consolidation required
22-3.4	Compliance with regulations and requirements
22-3.5	Regulations governing the subdivision or consolidation of land
22-3.6	Approval or disapproval of maps—Procedure—Legal effect
22-3.7	Appeal
22-3.8	Permits for work of any character in unapproved subdivisions
22-3.9	Improvements in unapproved streets—Acceptance of streets and roadways
22-3.10	Advertisement, offer, contract, sale or transfer before final map approved—Prohibited
22-3.11	Violations—Penalties—Additional remedies

### § 22-3.1 Purpose.

The purpose of this article and of the subdivision regulations is to achieve orderly development of subdivisions and consolidations of land; to secure adequate and convenient placing of open spaces for utilities and adequate light and air; to prevent congestion of population; to provide for adequate water supply, sewage disposal, drainage, and other utilities and facilities to serve the needs of the residents of the community; to provide for adequate and safe streets for vehicles, firefighting apparatus, and other emergency vehicles; to provide for safety of pedestrians; to promote good civic design and arrangement of lots; and to promote the efficient expenditure of public funds; all of which tend to promote the health, safety, morals, convenience, economy, and general welfare of the people. (Sec. 22-3.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.1)

### § 22-3.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Consolidation.** Combining of two or more lots into one lot. The term shall include reconsolidation, and when appropriate to the context, shall relate to the land consolidated, and may include consolidation of unregistered land with registered land.

**Director.** The director of planning and permitting.

**Subdivider.** A person, firm, corporation, partnership, association, trust, or other entity, or any combination thereof, who is the owner of the land to be subdivided or consolidated, or the duly authorized agent or lessee of the owner.

***Subdivision.*** Division of land into two or more lots, parcels, sites, or other divisions of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such lots, parcels, sites, easements, or other divisions. The term shall include resubdivision, and when appropriate to the context, shall relate to the land subdivided.

(Sec. 22-3.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.2)

**§ 22-3.3 Approval of subdivision or consolidation required.**

(a) No person shall subdivide or consolidate any land, unless the plans therefor conform to this article and the regulations of the planning commission and the board of water supply, and have been duly approved by the director.

(b) No person shall submit a map of a subdivision or consolidation of land for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the land court, unless such map has been given final approval by the director.

(Sec. 22-3.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.3)

**§ 22-3.4 Compliance with regulations and requirements.**

(a) No subdivision or consolidation shall be approved by the director, unless it conforms to the regulations of the board of water supply governing the extent to which water mains and all necessary appurtenances shall be installed to and within subdivisions, including requirements for a water supply for domestic use and for fire protection.

(b) In addition, no subdivision or consolidation shall be approved by the director unless the subdivision or consolidation conforms to the general plan and development plans, and the laws, rules and regulations of the State or the city, or any department or agency thereof, applicable or relating to the subdivision, consolidation or use of the land, including the zoning ordinances.

(Sec. 22-3.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.4)

**§ 22-3.5 Regulations governing the subdivision or consolidation of land.**

(a) The planning commission shall adopt rules and regulations governing the subdivision or consolidation of land, including the procedure and conditions precedent to approval thereof.

(b) All regulations when adopted as provided by law shall have the force and effect of law. Such regulations may be amended or repealed by the same process required for original adoption.

(c) Such regulations may provide for the coordination of streets within subdivisions with existing streets, planned streets, and other features of the general plan and development plans of the city, or with projected street patterns for adjoining land areas; for compliance with the general plan and development plans; for adequate and convenient open spaces for traffic, recreation, light, and air, and for a distribution of traffic and population, which will tend to create conditions favorable to health, safety, convenience, and prosperity.

- (d) Such regulations may include provisions for the minimum right-of-way and pavement widths of streets or roadways within the subdivision to serve the subdivision or to provide access thereto, the extent to which and the manner in which streets and other ways shall be graded and improved, and requirements and standards of construction for street lighting, sidewalks, and shoulder areas, curbs, gutters, sanitary sewers, storm drains, flood control, street name signs, traffic signs, and other utilities and facilities to be provided or installed to and within a subdivision or consolidation, as conditions precedent to the approval of a subdivision or consolidation map.
  - (e) The regulations may provide that a subdivider, before submitting the subdivider's final map for approval, may submit a preliminary map, showing the proposed subdivision or consolidation in a general way, but not necessarily indicating monuments and other survey points in detail, and that the director may give such preliminary map tentative approval, with or without modifications suggested by the director or agreed upon by the applicant. Such tentative approval shall not be entered on the map nor constitute approval of the map for recording.
  - (f) The regulations may require the filing of construction plans for improvements to be constructed, and the construction of improvements as conditions precedent to final approval.
  - (g) The regulations may provide that in lieu of the completion of the improvements, utilities, and facilities in such subdivision or consolidation before approval of the map for recordation, and subject to any conditions which the commission may provide in such rules and regulations, the director may accept a bond or bonds, with surety, or other security deemed sufficient by the director and the manager of the board of water supply to secure the city and the board of water supply the actual construction and installation of such improvements, utilities and facilities at a time and according to specifications fixed by or in accordance with the regulations of the commission and the board of water supply.
  - (h) The regulations may provide for the granting of modifications by the director from the construction standards and requirements in the subdivision rules and regulations where the director finds that the land proposed to be subdivided or consolidated is of such size or shape or is affected by such topographical location or condition or is to be devoted to such uses that it is impossible or impracticable in the particular case for the subdivider to conform fully to the provisions of the regulations; provided that such modifications shall not be contrary to the intent and purpose of the subdivision rules and regulations.
- (Sec. 22-3.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.5)

**§ 22-3.6 Approval or disapproval of maps—Procedure—Legal effect.**

- (a) Within one year after the tentative approval of the preliminary map, or such extension of time thereafter, not exceeding six months at a time, as may be granted in writing by the director, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof to be prepared and stamped by a licensed surveyor in accordance with the rules and regulations and in conformity with the preliminary map and any alterations and changes required thereto. Such final map shall be filed with the director within the period, subject to compliance with all conditions precedent prescribed in the rules and regulations.
- (b) The director shall approve or disapprove the final map within 45 days after receipt thereof, unless the subdivider waives this requirement and consents to an extension of such period in writing; otherwise, such map shall be deemed to have been approved. Approval of a final map shall be evidenced by the stamp of approval of the director and the director's signature, or that of an authorized subordinate, on a copy or print of the map.

- (c) If the final map is disapproved, the director shall communicate in writing the reason for such action to the subdivider. The stamp of disapproval shall be placed on a copy or print of the map. The director shall maintain a record of all disapprovals, including the reasons therefor.
  - (d) Every map approved by the director shall, by virtue of such approval, be an addition to or a detail of the general plan. Approval of the plans shall indicate that the same conform to the subdivision regulations. Approval of a map or a part thereof shall not be deemed to constitute or effect acceptance by the city of any street or other open space shown upon such map.
  - (e) Failure to file a final map within the prescribed period shall automatically terminate all proceedings and the application shall become void. If the subdivider desires to recommence proceedings, the subdivider shall file a new application and submit a new preliminary or final map together with the required filing fees. Any subdivision map so submitted shall be required to conform to any changes or amendments to the rules and regulations or other applicable laws in effect at the time of such filing.
- (Sec. 22-3.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.6)

**§ 22-3.7 Appeal.**

- (a) An applicant aggrieved by an action of the director in the administration of the subdivision ordinance or rules and regulations may appeal to the zoning board of appeals within 15 days after receipt of the notice of such action. The applicant shall file three copies of the map and state the grounds for such appeal. The zoning board of appeals shall afford the applicant a reasonable opportunity to be heard.
  - (b) The zoning board of appeals may sustain, modify, or overrule the director's action; provided that it may modify or overrule the director's action only if it finds that the director's action was based on an erroneous finding of a material fact, or that the director had acted in an arbitrary or capricious manner, or had manifestly abused the director's discretion.
- (Sec. 22-3.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.7)

**§ 22-3.8 Permits for work of any character in unapproved subdivisions.**

- (a) No person shall obtain any permit to move any building onto the subdivision or the consolidated property or to construct any building, cut a curb, tap a sewer or water line, or install any water, lighting, or sewer facility in any subdivision or consolidated property, unless the subdivision or consolidation has been approved by the director. The prohibitions contained in this subsection shall not be applicable to:
  - (1) Any work done pursuant to subdivision regulations;
  - (2) Work done by public utilities for the purpose of furnishing water, electricity, gas, and telephone service; and
  - (3) Work that complies with Chapter 21 as applied to both the existing divisions of land and the proposed subdivision or consolidation.

- (b) Where a subdivision has been granted tentative approval, permits may be issued for the construction of:
- (1) Not more than three model homes in a subdivision consisting of 15 to 50 lots; or
  - (2) Not more than five model homes in a subdivision consisting of over 50 lots.
  - (3) Notwithstanding (1) and (2) above, the director may approve up to five model homes for subdivisions consisting of less than 15 lots, or up to five additional model homes for subdivisions consisting of 15 lots or more; provided that:
    - (A) The subdivider submits, for review and approval by the director, written justification for the number of model homes; and
    - (B) The models shall be used for sales purposes to market other such dwellings within the proposed subdivision. All such model homes shall have fully landscaped yards.

However, no lot or building thereon shall be sold or any interest therein transferred until the subdivision has been granted final approval by the director.

(Sec. 22-3.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.8) (Am. Ord. 95-50)

**§ 22-3.9 Improvements in unapproved streets—Acceptance of streets and roadways.**

- (a) No street or roadway in any subdivision or consolidation which has not been laid out, improved, and approved in conformity with this article and the subdivision regulations shall be taken over, received by dedication or otherwise accepted as public highways; nor shall any street lighting system or sewer system in a subdivision or consolidation in which such nonconforming streets are located be taken over or accepted.
- (b) A street or roadway in any subdivision or consolidation which has been laid out, improved, and approved in conformity with this article and the subdivision regulations shall be deemed accepted for dedication by the city council, without further action by the council, 30 days from receipt by the council of a letter from the department of design and construction attesting to that fact. The letter to the council shall be accompanied by a map showing the street and roadway to be dedicated to the city, and a copy of the deed or other document conveying the street or roadway to the city. This subsection shall be repealed if HRS § 264-1(c) is amended to give the council of each county discretion in accepting or rejecting the dedication of streets or roadways that meet county standards.

(Sec. 22-3.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.9) (Am. Ord. 10-20)

**§ 22-3.10 Advertisement, offer, contract, sale or transfer before final map approved—Prohibited.**

No person shall sell or transfer, or advertise, offer, or agree to sell or transfer, any interest in land located in a subdivision or consolidation until a final map thereof has been duly approved by the director and filed with the department of planning and permitting.

(Sec. 22-3.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 3, § 22-3.10)

**§ 22-3.11 Violations—Penalties—Additional remedies.**

Any person, firm, or corporation which violates this article, or any rule or regulation made pursuant to this article, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. In addition, the corporation counsel may institute an action to prevent, restrain, correct, or abate any violation of this article or of the rules and regulations adopted pursuant thereto.

(Sec. 22-3.12, R.O. 1978 (1983 Ed.); Sec. 22 3.11, R.O. 1987 Supp.) (1990 Code, Ch. 22, Art. 3, § 22-3.11)

## **ARTICLE 4: SIDEWALKS AND CURBS IN RESIDENTIAL SUBDIVISIONS**

### Sections

- 22-4.1 Requirement of sidewalks and curbs
- 22-4.2 Applicability

#### **§ 22-4.1 Requirement of sidewalks and curbs.**

Notwithstanding any ordinance or regulation to the contrary, sidewalks and curbs shall be constructed by the subdivider along all of the streets of any residential subdivision in the city; provided that the construction of sidewalks in residential subdivisions situated in areas zoned as class “AAAA” residential districts shall be left to the discretion of the subdivider. Such sidewalks and curbs shall be constructed in conformity with the specifications and requirements of the city.

(Sec. 22-4.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 4, § 22-4.1)

#### **§ 22-4.2 Applicability.**

The requirements of § 22-4.1 shall apply to all residential subdivisions laid out after the effective date of this article; provided that such requirements shall not apply to any residential subdivision situated outside of the district of Honolulu where tentative approval of the preliminary map of such subdivision has been granted on or before the effective date of this article and where approval of the final map is granted, or deemed to be granted, in accordance with the subdivision rules and regulations.

(Sec. 22-4.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 4, § 22-4.2)

## **Honolulu - Land Use**



## ARTICLE 5: UTILITY LINES

### Sections

22-5.1	Installation of utility lines
22-5.2	Exception
22-5.3	Modification
22-5.4	Appeal
22-5.5	Applicability
22-5.6	Definition
22-5.7	Penalty

#### **§ 22-5.1 Installation of utility lines.**

Notwithstanding any ordinance or regulation to the contrary, utility lines, including but not limited to those required for electric, telephone, street lighting, cable television services, and other related facilities, shall be installed underground in all subdivisions laid out within the city in accordance with the applicable standards and methods employed for such underground installation by the public utility companies involved; provided that if a subdivision consists of three lots or less and if no other lot situated within 500 feet of such subdivision is provided with utility lines and related facilities installed in accordance with this article for underground installation, the subdivider may, at the subdivider's discretion, arrange to have such utility lines and related facilities installed overhead in accordance with the standards and methods employed for such overhead installation by the public utility companies; and provided further, that the underground installation of utility lines shall not be required within agricultural subdivisions consisting of lots with minimum area of 2 acres and which are exempted under § 1-109 of the subdivision rules and regulations of the city from the requirements applicable to the construction of street improvements and utilities. The subdivider shall be responsible for making the necessary arrangements with the public utility companies concerned for the installation of such utility lines and related facilities in accordance with the requirements of this article. The utility lines and related facilities shall be installed in such a manner so as not to interfere with other underground utilities of the city or the proposed locations of such underground utilities. (Sec. 22-5.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.1)

#### **§ 22-5.2 Exception.**

This article shall not apply to the following types of utility lines and related facilities:

- (1) Poles used exclusively for police and fire alarm boxes, traffic control facilities, street lighting, or similar equipment belonging to or operated by either the State or the city;
- (2) Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location of the building to another location on the same building or to an adjacent building without crossing any street or alley;

- (3) Electric distribution or transmission system in excess of 15 kV;
- (4) Electric distribution transformers and related switching and protective equipment mounted on pads or metal poles without crossarm;
- (5) Electric distribution circuits of the 12 kV class supported by metal poles without crossarm; and
- (6) Communication distribution terminals and television cable apparatuses mounted on pads or aboveground pedestals.

(Sec. 22-5.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.2)

**§ 22-5.3 Modification.**

- (a) Whenever the strict application of the requirements of this article would be impractical because of the nature of the surface, subsurface, or topographical conditions of the property to be subdivided, or because of the high cost of installing the utility lines and related facilities underground in accordance with the requirements of this article as compared to the cost involved in making similar type of installation in other subdivisions of similar nature and of equivalent size in the city, or because of any requirement under Articles 14-8 through 14-15, which prevents the strict application of the requirement of this article to an improvement district project, the director may make such modification thereof as in the director's opinion is reasonably necessary in the interest of the public and not contrary to the intent and purposes of this article.
- (b) Before making any such modification, the director shall refer the request for any such modification to the chief engineer and the director of transportation services for their recommendations.

(Sec. 22-5.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.3)

**§ 22-5.4 Appeal.**

Any person adversely affected by the director's action may appeal from such action to the zoning board of appeals, pursuant to § 22-3.7.

(Sec. 22-5.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.4)

**§ 22-5.5 Applicability.**

The requirements under this article shall apply to all subdivisions laid out after the effective date of this article; provided such requirements shall not apply to any subdivision for which tentative approval of the preliminary map and approval of the construction plans have been granted, and the performance of the work under such construction plans has been secured by bond or in the alternative for a subdivision involving five lots or less, the work under such construction plans has started, on or before the effective date of this article, and that approval of final map of such subdivision is subsequently granted in accordance with the subdivision rules and regulations.

(Sec. 22-5.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.5)

**§ 22-5.6 Definition.**

The terms subdivider and subdivision used herein means the same as the terms are defined in Article 3 of this chapter.

(Sec. 22-5.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.6)

**§ 22-5.7 Penalty.**

Any person, firm, or corporation which violates this article shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Sec. 22-5.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 5, § 22-5.7)

## **Honolulu - Land Use**

## ARTICLE 6: PUBLIC ACCESS TO SHORELINE AND MOUNTAIN AREAS

### Sections

22-6.1	Statutory authority
22-6.2	Definitions
22-6.3	Scope
22-6.4	Requirements
22-6.5	Dedication of access—Approval of subdivision

#### § 22-6.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS § 46-6.5, as amended. (Sec. 22-6.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 6, § 22-6.1)

#### § 22-6.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Approval.** The final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term approval shall refer to the issuance of the building permit.

**City.** The City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

**Dedication.** The conveyance of land in fee simple or easement.

**Director.** The director of planning and permitting.

**Easement.** A grant of the right to use a strip of land for specific purpose.

**Multiple-Family Development.** A development of a building or group of buildings, placed on a zoning lot containing or divided into six or more dwelling or lodging units.

**Public Access.** For pedestrian travel, means a public right-of-way in fee or easement for pedestrian traffic, and may also be used as a bikeway, utility easement, or for restricted vehicular traffic.

***Shoreline.*** Defined as determined under the shoreline setback rules and regulations of the City and County of Honolulu and pursuant to the authority of HRS Chapter 205A.

***Subdivision.*** For the purposes of this article, means any land which is divided or proposed to be divided for the purpose of disposition into six or more lots, parcels, units, or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

***Units.*** Has the same meaning as dwelling units and lodging units as defined in the land use ordinance of the city.

***Zoning Lot.*** Has the same meaning as defined in the land use ordinance of the city.  
(Sec. 22-6.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 6, § 22-6.2) (Am. Ord. 96-58)

### **§ 22-6.3 Scope.**

In cases where adequate public access is not already provided, every subdivider or developer as a condition precedent to final approval of a subdivision or issuance of a building permit for a multiple-family development shall dedicate land for public access by right-of-way in fee or easement for pedestrian travel from a public highway or public street to the following:

- (1) The land below the shoreline; and
- (2) The mountains where there are existing facilities for hiking, hunting, fruit picking, ti leaf sliding, and other recreational purposes, and where there are existing mountain trails.

This article shall apply to all subdivisions and to multiple-family development.

This article shall apply to an existing multiple-family development approved before the effective date of this article when six or more units are added to the existing development.

All subdivisions and multiple-family developments affecting public access, whether separated from the shoreline or mountain areas by intervening parcels, subdivisions or developments, shall be subject to this article.

Upon the acceptance of the dedication of land for a right-of-way in fee or easement by the city, the city shall thereafter assume the cost of improvements for and the maintenance of the public access.  
(Sec. 22-6.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 6, § 22-6.3)

### **§ 22-6.4 Requirements.**

- (a) ***Location and alignment.*** The location and alignment shall be consistent with the intent and purpose of this article and shall implement the intent and purpose of the general plan and development plan of the city; and consider the topography; other existing access locations; lot layout; access connections; zoning and uses of the properties on and within the surrounding area; safety; traffic circulation; effect on the surrounding area; areawide traffic; and conform to the standards and requirements of the department of parks and recreation of the city.

- (b) *Subdivision of land.* The director shall determine the location and alignment of the public access for pedestrian travel on subdivision of land, upon consultation with the director of parks and recreation or other governmental agencies affected by such public access.
- (c) *Multiple-family development.* All multiple-family development building permits along or affecting public access near the shoreline or mountain areas shall be reviewed by the director of parks and recreation of the city.

When it is determined by the director of parks and recreation that adequate public access is already provided, the director of parks and recreation shall notify the director of planning and permitting for approval of the building permit.

When it is determined that adequate access is not provided, the developer shall dedicate land for public access by right-of-way in fee or easement as a condition precedent to approval of the building permit.

- (d) *Width of public access.* The minimum width of such public access shall be 12 feet, except as otherwise approved by the director upon consultation with the director of parks and recreation.
- (Sec. 22-6.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 6, § 22-6.4)

#### **§ 22-6.5 Dedication of access—Approval of subdivision.**

- (a) *Subdivision of land.* When it is determined that public access must be provided upon review of a subdivision application, the subdivider shall file the necessary deeds of conveyance with the department of parks and recreation or other governmental agency responsible for the maintenance and improvement of the public access. Upon written notification from the director of parks and recreation or other agency that the dedication documents have been reviewed and approved as to form and contents, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations of the city. The public access for pedestrian travel shall be clearly designated on the final map of the subdivision in accordance with the subdivision rules and regulations.

Upon approval of the subdivision, the subdivider shall file the executed deeds of dedication for conveyance of the public access, free and clear of all encumbrances, within 30 days to the city. Failure to file this document within the 30-day period, or such extension as may be granted by the director of parks and recreation, shall be a violation of this article. Conveyance shall be in conformity with all applicable statutes, ordinances, and regulations.

- (b) *Multiple-family development.* When it is determined that public access must be provided upon review of a multiple-family development, the developer shall file a subdivision application to create the public access right-of-way or easement in accordance with the subdivision rules and regulations.

The subdivider shall file the necessary deeds of conveyance with the department of parks and recreation. Upon written notification from the director of parks and recreation that the dedication documents have been reviewed and approved as to form and content, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations.

The subdivider shall file the executed deeds of conveyance free and clear of all encumbrances upon approval of the subdivision. Upon acceptance by the city of the dedication, the director of parks and recreation shall

notify the director of planning and permitting for approval of the building permit. The right-of-way shall be clearly designated on the multiple family development plan.

(Sec. 22-6.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 6, § 22-6.5)



## ARTICLE 7: PARKS AND PLAYGROUNDS

### Sections

22-7.1	Statutory authority
22-7.2	Definitions
22-7.3	Scope
22-7.4	Exceptions
22-7.5	Land area required for parks and playgrounds
22-7.6	In lieu payment—Combination in lieu payment and dedication
22-7.7	In lieu payment—Determination of amount
22-7.8	Credit for parks and playgrounds
22-7.9	Rules
22-7.10	Appeals
22-7.11	Refund of fees
22-7.12	Violations and penalties

#### § 22-7.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS § 46-6, as amended.  
(Sec. 22-7.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.1)

#### § 22-7.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Approval.** The final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that where construction of a building or buildings is proposed without further subdividing an existing parcel of land, approval shall refer to the issuance of the building permit.

**City.** The City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

**Dedication.** Conveyance of land in fee simple.

**Director.** The director of planning and permitting.

**Dwelling Unit.** Has the same meaning as defined in the land use ordinance of the city.

**Hotel.** Has the same meaning as defined in the land use ordinance of the city.

***Lodging Unit.*** Has the same meaning as defined in the land use ordinance of the city.

***Multiple-Family Development.*** A building or group of buildings, other than a hotel, placed on a zoning lot and containing or divided into three or more dwelling or lodging units, including planned development and cluster projects under the land use ordinance containing or divided into three or more dwelling or lodging units.

***Parks and Playgrounds.*** Areas, including beach parks, used for active or passive recreational pursuits. The areas include parks and playgrounds which implement the intent and purpose of the general plan of the city.

***Privately Owned Parks and Playgrounds.*** Parks or playgrounds and their facilities which are not provided in perpetuity or dedicated but which are owned and maintained by or on behalf of the ultimate users of the subdivision pursuant to recorded restrictive covenants. Where the privately owned park is a part of the lot or lots on which a building or group of buildings containing or divided into three or more dwelling units or lodging units is constructed, it shall not be required that the private park or playground meet county subdivision standards, nor shall the area of the private park or playground be deducted from the area of the lot or lots for purposes of zoning or building requirements.

***Provide Land in Perpetuity.*** Conveyance of land in fee simple with the option on the part of the grantor to provide for reversionary interest.

***Subdivider.*** Any person who divides land as specified under the definition of subdivision or who constructs a building or group of buildings containing or divided into three or more dwelling or lodging units.

***Subdivision.*** The division of improved or unimproved land into two or more lots, parcels, sites, or other divisions of land for residential purposes and for the purpose, whether immediate or future, of sale, lease, rental, or transfer of title to or interest in any or all such lots, parcels, sites, or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a building or group of buildings, other than a hotel, which is placed on a zoning lot, containing or divided into three or more dwelling or lodging units.

(Sec. 22-7.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.2)

### § 22-7.3 Scope.\*

(a) Every subdivider, as a condition precedent to the:

(1) Approval of a subdivision by the director; or

(2) Issuance of a building permit for multiple-family development by the department of planning and permitting;

shall provide land in perpetuity or dedicate land for park and playground purposes, for joint use by the occupants of lots or units in subdivisions as well as by the public. The dedication of land for a park will be subject to the maximum ceiling in land or money in lieu thereof, calculated in accordance with the formula designated in §§ 22-7.5 and 22-7.6. In lieu of providing land in perpetuity or dedicating land, the director may permit a subdivider to pay a fee equal to the value of the land that would otherwise have been required to be provided in perpetuity or dedicated, or combine the payment of a fee with the provision or dedication of land,

the total value of such combination being not less than the total value of the land that would otherwise have been required to be provided in perpetuity or dedicated.

- (b) This article applies to all subdivision of land into two or more lots for residential purposes, including developments under § 21-8.30, and to construction of multiple-family developments. When a new building or group of buildings containing dwelling or lodging units is added to an existing multiple-family development, approved prior to October 16, 1976, this article will apply only to such new additions, and not to the previously approved multiple-family development.
- (c) When an existing building in a multiple-family development, approved prior to October 16, 1976, is enlarged or altered to increase the number of dwelling or lodging units, this article will apply to the number of dwelling or lodging units added to the enlarged or altered building.
- (d) When an existing building in a multiple-family development, approved prior to October 16, 1976, is enlarged or altered without increasing the total number of dwelling or lodging units, and the cost of such work exceeds 50 percent of the total replacement cost of the building at the time of the building permit application, this article will apply to the total number of dwelling or lodging units contained in the enlarged or altered building. The 50 percent replacement cost is calculated on each individual building, and not on the total replacement cost of the multiple-family development. The percentage will be cumulative for each building after October 16, 1976. This article apply to all new or existing units in an enlarged or altered building whenever the cumulative 50 percent replacement cost is exceeded.
- (e) Upon acceptance of the land by the city, the city shall thereafter assume the cost of improvements and their maintenance. Fees received will be disbursed for the acquisition or development of parks and playgrounds, including physical facilities.
- (f) This article also applies to any change in the use of buildings to multiple-family dwelling use subsequent to October 16, 1976.
- (g) In any zoning district or special district where mixed uses of business, commercial, office, and dwelling units are permitted, this article apply to all units where kitchen and bathroom facilities are provided, or electrical and plumbing systems are located and designed so that these units may be readily converted to dwelling units without securing a new building permit or without undertaking any major alterations or renovation work.
- (h) This article does not apply to those units where legal documents are drawn up by the applicant to assure that the units will not be converted to dwelling units. The legal documents must be recorded as covenants running with the land and subject to the review and approval of the director of planning and permitting and the corporation counsel. The legal documents must be fully executed and recorded with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate, and proof of such recordation must be submitted to the director of planning and permitting prior to the issuance of building permits.
- (i) This article applies to any conversion in use of any existing nondwelling unit to a dwelling unit, and such conversion cannot be undertaken unless the provisions of this article have been met.
- (j) This article also does not apply to the following dwelling units:
  - (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter 29;

- (2) Affordable dwelling units provided pursuant to a planned development transit permit pursuant to ROH § 21-9.100-10, or an interim planned development-transit permit pursuant to ROH § 21-9.100-5;
- (3) Affordable rental dwelling units provided in compliance with HRS § 201H-36(a)(5); or
- (4) Affordable rental housing units that are rented to households earning 100 percent and below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less, pursuant to Chapter 32.

(Sec. 22-7.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.3) (Am. Ords. 96-58, 18-1, 19-8)

**\*Editor's note:**

*Section 22-7.3(j) and amendments made to Section 22-7.3(j) in Ord. 19-8 will be repealed on June 30, 2027, in accordance with Ord. 18-1 and Ord. 19-8.*

**§ 22-7.4 Exceptions.**

This article shall not apply to the following:

- (1) Subdivision of land into two or more lots only for the purpose of clarifying records, or for conveyance of portions of land and which is not and will not be developed under this subdivision application into dwelling or lodging units. The subdivider desiring such exception shall file with the director a certified statement therefor, stating fully the grounds for the exception and that the subdivided land shall not be provided with dwelling or lodging units. These conditions shall run with the land. Upon further subdivision or failure of the subdivider to comply with the conditions for the exception, the subdivider shall be required to comply with the requirements of this article;
- (2) Subdivisions for a public utility, public facility, or of a public nature, and which will not be provided with dwelling or lodging units; and
- (3) Subdivision of land into two or less residential or country lots where these lots cannot be further subdivided.

(Sec. 22-7.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.4) (Am. Ord. 90-2)

**§ 22-7.5 Land area required for parks and playgrounds.**

The land area required for parks and playgrounds will be calculated as set forth in this section.

- (a) *Country and residential districts, excluding planned development housing projects.* The minimum land area in country and residential districts will be:
  - (1) For subdivisions involving three or four lots: 50 square feet per dwelling or lodging unit;
  - (2) For subdivisions involving five lots: 100 square feet per dwelling or lodging unit;
  - (3) For subdivisions involving six lots: 200 square feet per dwelling or lodging unit;

(4) For subdivisions involving seven or eight lots: 300 square feet per dwelling or lodging unit; and

(5) For subdivisions involving nine or more lots: 350 square feet per dwelling or lodging unit.

For subdivision actions involving eight or fewer lots, the applicable rate will be based on the total number of potential lots.

A lot that cannot be further subdivided will count as one potential lot. For a lot that can be further subdivided, the potential number of lots will be determined by dividing the area of the lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units include existing, proposed, and potentially developable units, except for “ohana dwelling units” and “accessory dwelling units” as defined in § 21-10.1.

(b) *Other districts and planned development projects within residential districts.* The minimum land area required will be either 10 percent of the maximum permitted floor area or the following, whichever is less:

(1) Apartment, resort, and mixed use districts: 110 square feet per dwelling or lodging unit; and

(2) Planned development project: 110 square feet per dwelling or lodging unit.

(c) *Special district use precincts.*

(1) Dwellings, one- and two-family, and duplex units: 350 square feet per dwelling or lodging unit, in accordance with subsection (a) above; and

(2) Multiple family dwelling: 10 percent of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less.

(Sec. 22-7.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.5) (Am. Ords. 90-2, 93-93, 16-19)

**§ 22-7.6 In lieu payment—Combination in lieu payment and dedication.**

(a) If the director determines that dedicating or providing of land in perpetuity is not in the best interest of the city, the subdivider shall pay to the city, in lieu thereof, a fee in a sum equal to the fair market value of the area otherwise required under § 22-7.5.

(b) If the area of land provided in perpetuity or dedicated by the subdivider and approved by the city is less than the area required under § 22-7.5, the subdivider shall be required to pay a fee equal to the fair market value of the land area which is the difference between the land area provided in perpetuity or dedicated and the area required under § 22-7.5.

(c) If the director determines that the subdivider shall pay a fee to the city in lieu of dedicating or providing land in perpetuity, the subdivider shall pay the fee in one of the two following ways:

(1) Payment in full of the fee before the director’s approval of the subdivider’s park dedication application;  
or

- (2) The filing with the director of an agreement to pay the fee, such agreement to be accompanied by a financial guaranty bond from a surety company authorized to do business in Hawaii, or other security acceptable to the city to ensure payment of such fee. The agreement and surety bond or other security shall be approved by the director and the corporation counsel as to form and legality. The director of budget and fiscal services shall determine the acceptability of the financial guaranty bond or other security. The agreement shall set forth a certain date, not to exceed two years, within which time the fee shall be paid. The financial guaranty bond or other security that must be filed with the agreement shall be in an amount equal to the fee required under this article. The financial guaranty bond shall be in full force and effect until the fees have been paid. In case of security other than a financial guaranty bond, partial releases may be made equal to the portions of the fee paid to the city.
- (d) Payment of fees shall be made to the director of budget and fiscal services for deposit in a special fund created and established pursuant to Charter § 9-202. Moneys in this fund shall be expended for parks and playground purposes in the following manner: Within five years from the date of receipt of the fees, the city shall expend such receipts for any one or more of the following: purchase of land for development of a new or expansion of existing parks and playgrounds; purchase of park and playground equipment; or improvement of existing parks and playgrounds, all according to the following locational priorities: locational priority for creation, expansion, and improvement of parks and playgrounds.
  - (1) Neighborhood and mini parks located within 0.5 mile distance from the project site shall be given the first priority.
  - (2) Should any one or more of the following: the creation, expansion, or improvement of a neighborhood facility prove to be unfeasible, the second priority may be given to community parks located within 1-mile distance of the project site.
  - (3) District parks within 2-mile distance of the project site shall be considered in the event the implementation of (1) and (2) above is unfeasible.
  - (4) Regional parks shall have the last priority.

(Sec. 22-7.6, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.6)

**§ 22-7.7 In lieu payment—Determination of amount.**

- (a) *Valuation.* Valuation shall be based upon the fair market value of the land before its subdivision.
- (b) *Appraisal.* If the city and subdivider fail to agree on the fair market value of the land, the value shall be fixed and established by majority vote of three land appraisers: one shall be appointed by the subdivider; one appointed by the city; and the third appointed by the first two appraisers. All appraisers shall be members of the American Institute of Real Estate Appraisers, Members Appraisal Institute, or other equal national organizations. The subdivider and the city shall equally bear the fees of appraisal and costs thereof.

(Sec. 22-7.7, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.7)

**§ 22-7.8 Credit for parks and playgrounds.**

- (a) *Credit for lands dedicated or provided in perpetuity for parks and playground purposes before the effective date of this article.* Where lands for park and playground were dedicated or provided in perpetuity before the effective date of this article, such land shall be credited against the park land which could otherwise be required under § 22-7.5.
- (b) *Credit for subdivisions where the provisions of this article were previously met.* When a subdivision is resubdivided or redeveloped, this article shall apply to dwelling or lodging units above those units which originally complied with this article. Credit shall be applied to such land area which would otherwise be required under § 22-7.5, whether lands were dedicated, provided in perpetuity or fees were paid in lieu thereof.
- (c) *Credit for privately owned parks and playgrounds.* When land is provided for a private park and playground in a subdivision and such area is to be owned and maintained, and used by the owners (including private parties and public agencies), purchasers, or occupants of the subdivision, such land shall be credited against the park land area which would otherwise be required under § 22-7.5.
- (Sec. 22-7.8, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.8)

**§ 22-7.9 Rules.**

The director shall adopt rules and regulations pursuant to HRS Chapter 91 for implementation of this article. The rules and regulations shall include but not be limited to the following:

- (1) Standards and requirements applicable to providing or dedicating land for parks and playgrounds to the city;
  - (2) Standards and requirements applicable to credit for private parks and playgrounds, provided that the Primary Urban Center and the city of Kapolei multiple-family developments of three stories or more shall be allowed to receive credit for private parks and playgrounds on a level other than the ground level;
  - (3) Procedural requirements for implementation of this article;
  - (4) Administration and disbursement of fees collected for parks and playgrounds; and
  - (5) Standards and requirements applicable to valuation and appraisal of land when fees are to be paid.
- (Sec. 22-7.9, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.9) (Am. Ord. 10-21)

**§ 22-7.10 Appeals.**

An aggrieved party may secure a review of any decision of the director of planning and permitting by appeal to the zoning board of appeals.

(Sec. 22-7.10, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.10)

**§ 22-7.11 Refund of fees.**

- (a) Refund, or partial refund pursuant to subdivision (3) below, of the amount of fees paid to the city shall be allowed to the subdivider for subdivisions or multiple-family developments under the following circumstances:
    - (1) When subdivision applications expire and become void, or building permits are not issued by the building department;
    - (2) When subdivision or building permit applications are withdrawn; or
    - (3) When the number of dwelling or lodging units for a project is reduced and the amended project plans are approved by the director.
  - (b) Requests for refunds shall be submitted in writing with justification and return of the approved applications and building permits to the director and shall be submitted within two years from the date of receipt of the fees by the department of planning and permitting. If the director determines that the request meets any of the three circumstances listed above, the director of budget and fiscal services shall be authorized to make the refund. No interest shall be paid on any dedication fee refunded. Partial refund pursuant to subdivision (3) above shall be determined by the director based upon the valuation method contained in this article as used to determine the original fee paid. No refund shall be made for subdivisions or multiple family development when the method of compliance with this article is revised or amended, or when the amount of fees to be paid has changed, or the two-year time limit has lapsed.
  - (c) Subdivision or building permit applications considered under this article shall become void upon the granting of a total refund. A new application shall be required if a subdivider seeks to renew the project.
- (Sec. 22-7.11, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.11)

**§ 22-7.12 Violations and penalties.**

Any person violating this article shall upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance. The city may maintain an action for an injunction to restrain any violation of this article, and may take any other lawful action to prevent or remedy any violation.

(Sec. 22-7.12, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 7, § 22-7.12)



## ARTICLE 8: STREET NAMES

### Sections

- 22-8.1 Authority to name streets
- 22-8.2 Nomenclature
- 22-8.3 Further requirements relative to street names
- 22-8.4 Procedural requirements
- 22-8.5 Approval

#### **§ 22-8.1 Authority to name streets.**

The authority to name streets and to approve the change of street names within the city is delegated to the director of planning and permitting, to be exercised in accordance with the standards set forth in this article. (Sec. 22-8.1, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 8, § 22-8.1) (Am. Ord. 96-58)

#### **§ 22-8.2 Nomenclature.**

The following nomenclature shall be used in the naming of streets:

- (1) The term “freeway” shall be used to describe a divided arterial roadway for through traffic with full control of access, with grade separations at intersections. Whenever practicable, freeways shall be named after Hawaiian royalty;
- (2) The term “highway” shall be used to describe a roadway generally serving through traffic on a continuous route providing the primary access between communities. Whenever practicable, highways shall be named after Hawaiian royalty;
- (3) The term “parkway” shall be used to describe a major collector roadway, usually containing a medial strip with landscaped setback parklike areas on each side of the right-of-way, generally heavily planted with trees for its entire length;
- (4) The term “boulevard” shall be used to describe a major collector with or without a medial strip, generally shorter than a highway, usually serving through traffic on a continuous route;
- (5) The term “drive” shall be used to describe a long winding collector roadway, usually through a valley, mountainous area, or plateau, having scenic qualities;
- (6) The term “street” shall be used to describe a fully improved through roadway serving local or minor collector traffic;
- (7) The term “avenue” shall be used to describe a fully improved through roadway serving local or minor collector traffic, landscaped, and planted with trees;

- (8) The term “circle” shall be used to describe a roadway having a circular form, with only one access point to the adjoining street;
- (9) The term “loop” shall be used to describe a looped roadway having two access points off the same roadway;
- (10) The term “place” shall be used to describe a cul-de-sac;
- (11) The term “way” shall be used to describe a cul-de-sac which is off another cul-de-sac;
- (12) The term “court” shall be used to describe a short roadway partially or wholly enclosed by buildings, giving the impression of a small open square;
- (13) The term “mall” shall be used to describe a street or portions thereof on which vehicular traffic is to be restricted in whole or in part, and which is to be used exclusively or primarily for pedestrian travel or promenade;
- (14) The term “road” shall be used to describe a collector roadway in the rural district, generally without full improvements such as curbs and sidewalks; and
- (15) The term “lane” shall be used to describe a narrow and short roadway without curbs or sidewalks.

However, a roadway with the characteristics of a “road” or “lane” as above described shall be entitled to be given a name after the effective date of this article only in circumstances where such a roadway constitutes an extension of an already existing and named “road” or “lane.”

(Sec. 22-8.2, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 8, § 22-8.2)

### **§ 22-8.3 Further requirements relative to street names.**

Street names within the city shall comply with the following requirements:

- (1) Street names selected shall consist of Hawaiian names, words, or phrases and shall be selected with a view to the appropriateness of the name to historic, cultural, scenic, and topographical features of the area;
- (2) Street names selected shall not duplicate existing street names in spelling or sound, and shall be as dissimilar as possible in spelling or sound from any existing street names;
- (3) Street names shall be selected so as not to exceed the space limitation of a standard street name sign of the department of transportation services (normally 18 spaces);
- (4) Streets that constitute a continuation of an existing street shall be given the same name as the existing street;
- (5) Streets that are continuous shall bear the same name throughout;
- (6) A street shall be entitled to a street name only if:

- (A) The roadway has a legally defined right-of-way, by roadway lot or easement; however, street names shall be considered for subdivisions as to which tentative approval has been granted and construction plans have been approved by the city;
- (B) The roadway has a minimum right-of-way of 18 feet and is paved; and
- (C) The roadway serves two or more lots or units; and
- (7) Any street names adopted after the effective date of this article shall include appropriate diacritical marks, which shall appear on the street name sign prepared by the department of transportation services. Appropriate diacritical marks shall also be required for all replacement signs for street names in effect on the effective date of this article, and to all signs where a newly named street constitutes an extension of a street for which a name is in effect on the effective date of this article. The department of planning and permitting and the department of transportation services may take all steps necessary to redesignate the names of existing streets to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate.

(Sec. 22-8.3, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 8, § 22-8.3)

#### **§ 22-8.4 Procedural requirements.**

- (a) Any property owner of a street or lot fronting a street, including public agencies, may request a new street name or a change of an existing street name by submitting a street name application to the department of planning and permitting.
- (b) Street name applications shall include the following:
  - (1) A map showing the streets for which a name or name change is sought and the surrounding existing streets and their names;
  - (2) The street names proposed, and their meaning in English; however, the applicant may request the director of planning and permitting to choose the names; and
  - (3) In the case of a request to name a street, other than as part of the subdivision process, or to change an existing street name, the reasons for the proposed name or name change, and the names and addresses of all property owners fronting the street. Notices that a street name or name change has been proposed shall be circulated to all property owners and residents to determine their desires with respect to the proposal, and shall also be sent to the fire department, the police department, and the post office. The director of planning and permitting may approve a name or name change only as to which the approval of a majority of the owners and residents, together with the approval of the fire department, police department, and post office, has been obtained. The applicant for a name or name change shall assume responsibility for conducting a poll to establish that the proposed name is desired by the majority of the property owners and residents; however, the applicant may request the city to conduct the poll for changes affecting 10 or less properties.

(Sec. 22-8.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 8, § 22-8.4)

**§ 22-8.5 Approval.**

- (a) The director of planning and permitting shall indicate the director's approval of a street name by signing the official street name map. A street name shall become effective on the date of such signature.
  - (b) Upon approval of the street name, the applicant shall install street name signs for the naming of the streets. The signs shall conform to the standards of the department of transportation services. The applicant shall bear the total cost of the purchase and installation of the signs.
- (Sec. 22-8.5, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 22, Art. 8, § 22-8.5)

## ARTICLE 9: MEMORIALS AND NAMES FOR CITY PARKS, SITES, AND FACILITIES

### Sections

22-9.1	Purpose
22-9.2	Definitions
22-9.3	Naming of city parks, sites, and facilities
22-9.4	Memorials
22-9.5	Procedures for naming city parks, sites, and facilities and erecting or accepting memorials
22-9.6	Inventory of official names of parks, sites, facilities, statues, and memorials
22-9.7	Use of official names of parks, sites, and facilities

### § 22-9.1 Purpose.

The purpose of this article is to establish guidelines and procedures to be used in the naming of city parks, sites, and facilities, and in the use of statues, busts, or other memorials.

(1990 Code, Ch. 22, Art. 9, § 22-9.1) (Added by Ord. 89-95)

### § 22-9.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**Facility.** Includes any office building, stadium, arena, police, or fire station, or any other facility owned, managed or operated by the City and County of Honolulu.

**Memorial.** Includes any statue, bust, monument, or plaque erected or installed in remembrance of a person or persons or historical event.

**Park.** Includes any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, and other recreation areas and facilities under the control, maintenance, and management of the department of parks and recreation.

**Site.** Includes any mall or land parcel owned, managed, or operated by the City and County of Honolulu.  
(1990 Code, Ch. 22, Art. 9, § 22-9.2) (Added by Ord. 89-95; Am. Ord. 01-11)

### § 22-9.3 Naming of city parks, sites, and facilities. \*

- (a) The names of all city parks, sites, and facilities shall be determined in accordance with requirements set forth herein.

- (1) Existing city parks, sites, and facilities may retain the name which has been historically accepted through common usage.
- (2) New or existing parks, sites, and facilities may be named:
  - (A) For the neighborhood, community, district, or region in which the park, site, or facility is located;
  - (B) After the primary street which it abuts; or
  - (C) In the Hawaiian language with a name which describes the site or its use, function, or purpose.
- (3) In exceptional cases, a new or existing park, site, facility, or any portion thereof may be named for a person, or for a belief, ideal, concept, or historical event of significance to the community, city, nation, or world.
  - (A) In cases involving a deceased individual, that person shall meet one or more of the following criteria:
    - (i) The person has a significant association with the park, site, or facility;
    - (ii) The person has contributed significantly to the community or area in which the park, site, or facility is located;
    - (iii) The person has achieved significant recognition historically on the city, State, national, or international level; or
    - (iv) The person has been honored for service with the armed forces of the United States of America.
  - (B) In cases involving a living individual, that person shall have contributed 50 or more years of service to the community and only a portion of the park, site, or facility may be named for the individual.
- (b) When Hawaiian names or words are used to name an existing or new park, site, or facility, the authoritative Hawaiian spelling and diacritical marks shall be used.
- (c) Any park, site, facility, or memorial name adopted after July 3, 1989\*\* includes appropriate diacritical marks, which shall appear on the park, site, facility, or memorial sign name. Appropriate diacritical marks shall also be required for all replacement signs for park, site, facility, or memorial names in effect on July 3, 1989\*\*. The department that controls, maintains, and manages the park, site, facility, or memorial may take all steps necessary to redesignate the names of existing parks, sites, facilities, or memorials to include appropriate diacritical marks where such redesignation is found to be necessary or appropriate.

(1990 Code, Ch. 22, Art. 9, § 22-9.3) (Added by Ord. 89-95; Am. Ord. 10-29)

**Editor's note:**

\* Ord. 06-02 amended § 22-9.3 to provide that the names of city parks, sites and facilities may be named for former mayors or councilmembers who are still living, but pursuant to § 4 of Ord. 06-02, the ordinance was repealed as of July 31, 2006.

\*\* "July 3, 1989" is substituted for "the effective date of this article."

**§ 22-9.4 Memorials.**

- (a) The city shall erect, install, and accept donations for permanent statues, busts, or other memorials in accordance with requirements set forth in this section.
- (b) Permanent statues, busts, or other memorials may be erected, placed, or installed in city parks, sites, and facilities to honor:
  - (1) Persons or groups that have a significant association with the park, site, or facility;
  - (2) Persons or groups for which a park, site, or facility has been named;
  - (3) A belief, ideal, concept, or historical event of significance to the community, city, State, nation, or world;
  - (4) A historical event of significance to the park, site, or facility;
  - (5) A person or group which has contributed significantly to the park, site, or facility;
  - (6) A person or group which has achieved significant recognition historically on the city, State, national, or international level; or
  - (7) A person or group which has been honored for service with the armed forces of the United States of America.

(1990 Code, Ch. 22, Art. 9, § 22-9.4) (Added by Ord. 89-95)

**§ 22-9.5 Procedures for naming city parks, sites, and facilities and erecting or accepting memorials.**

- (a) When a new park, site, or facility is acquired or authorized for construction, or when a memorial is to be accepted or erected, the mayor shall submit the mayor's recommendations regarding the name or memorial to the council in the form of a resolution, along with any additional information as required in subsections (c) and (d). Any interested person may recommend names or name changes to the city.
- (b) When a beach, stream, lake, pond, or any other geographic feature is involved, the resolution naming, renaming, or correcting the name of a geographic feature or place shall request the board of geographic names, office of State planning to name, rename, or correct the name of a geographic feature or place in accordance with HRS Chapter 4E.
- (c) When a person or historical event is recommended as the name for a park, site, facility, or any portion thereof, the mayor shall submit the following information regarding the proposed name or historical event:
  - (1) The full name of such person, persons, group, or event;
  - (2) The date of birth and the date of death, if appropriate, of the person or persons;

- (3) The residence of the person or persons, if appropriate, including the street address, town, and district, state or nation;
  - (4) The association, if any, of the person, persons, group, or event, if appropriate, with the park, site, facility, or portion thereof, to be named; and
  - (5) A brief biography of the person, persons, or group, or account of the historical event, if appropriate, including all other data relevant to the commemorative naming.
- (d) Any recommendation for acceptance or erection of a permanent memorial shall include:
- (1) The full name of such person, persons, group, or event;
  - (2) The date of birth and the date of death of the person or persons;
  - (3) The residence of the person or persons, if appropriate, including street address, town, and district, state, or nation;
  - (4) The association, if any, of the person, persons, group, or event, if appropriate, with the proposed location;
  - (5) A brief biography of the person, persons, or group, or account of the historical event, if appropriate, including all data relevant to the memorial; and
  - (6) Detailed information, such as size, shape, type of material, any maintenance costs, and total costs, if appropriate.

Notwithstanding subsections (d)(1) and (d)(2), in cases where the memorial will contain human skeletal remains, or iwi, subject to HRS Chapter 6E, or will honor or be dedicated to the remembrance of persons whose identities are unknown, the recommendation for acceptance or erection of a memorial need not include the information specified in subsections (d)(1) and (d)(2).

- (e) All naming or renaming of city parks, sites, or facilities or any portion thereof shall be by resolution by the council. Approval for the erection or placement of permanent memorials shall be by resolution; provided that an appropriate budget ordinance has been enacted where required.
- (f) The council may, on its own motion, designate a name for a new or existing park, site, facility, or any portion thereof, or memorial, consistent with the requirements set forth herein, by adoption of an appropriate resolution.

(1990 Code, Ch. 22, Art. 9, § 22-9.5) (Added by Ord. 89-95; Am. Ord. 01-11, 10-29)

## **§ 22-9.6 Inventory of official names of parks, sites, facilities, statues, and memorials.**

The mayor shall maintain an inventory of official names of parks, sites, facilities, and memorials, which shall be updated annually, and a listing describing or defining names and locations of parks, sites, facilities, and



memorials under the jurisdiction of the city. The inventory and listing shall be accessible at the municipal reference and records center.

(1990 Code, Ch. 22, Art. 9, § 22-9.6) (Added by Ord. 89-95)

**§ 22-9.7 Use of official names of parks, sites, and facilities.**

Official names of parks, sites, and facilities shall be used in city communications, maps, plans, documents, signs, and any other communications.

(1990 Code, Ch. 22, Art. 9, § 22-9.7) (Added by Ord. 89-95)

## **Honolulu - Land Use**

## **CHAPTER 23: STATE LAND USE CLASSIFICATION**

### Article

1. Boundary Adjustments Between Agricultural and Urban Districts  
Appendix 23-A

## **Honolulu - Land Use**

## **ARTICLE 1: BOUNDARY ADJUSTMENTS BETWEEN AGRICULTURAL AND URBAN DISTRICTS**

### **Sections**

- 23-1.1 Purpose
- 23-1.2 Applicability
- 23-1.3 Petition to city council
- 23-1.4 Action by the director of planning and permitting—Petition fees
- 23-1.5 Consolidated proceedings
- 23-1.6 Standards and criteria
- 23-1.7 Planning commission action
- 23-1.8 Council action
- 23-1.9 Effective date—Notification

Appendix 23-A: State Land Use District Boundary Amendments

### **§ 23-1.1 Purpose.**

In accordance with the authority delegated to the counties by HRS § 205-3.1, and in the interest of reducing processing time and cost to an applicant, facilitating the processing of petitions, and reducing duplication of effort, this chapter provides the method to process petitions to amend State land use district boundaries for areas involving 15 acres or less.

(Sec. 34-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.1)

### **§ 23-1.2 Applicability.**

All petitions for changes in the boundary of a State land use district involving an area of 15 acres or less in an agricultural or urban district as the districts are defined by the State land use commission, shall be processed in accordance this chapter.

(Sec. 34-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.2)

### **§ 23-1.3 Petition to city council.**

(a) Any department or agency of the State or county, or any person with a property interest in the land sought to be reclassified, may petition the county for a change in the classification of parcels of land of 15 acres or less which are in the agricultural or urban district. Each petition shall be referred to the department of planning and permitting for evaluation and processing.

(b) Petitions may be initiated by the council by resolution and such petitions shall be referred to the department of planning and permitting for evaluation and processing in the same manner as all other petitions.

(Sec. 34-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.3) (Am. Ord. 96-58)

**§ 23-1.4 Action by the director of planning and permitting—Petition fees.**

- (a) The director of planning and permitting shall deliver a copy of any petition for a district boundary change permitted by this chapter to the State land use commission and State department of business, economic development, and tourism. The director of planning and permitting shall notify the commission and the department of the time, date, and place of the public hearings referred to in §§ 23-1.5 and 23-1.7.
  - (b) The director of planning and permitting shall adopt rules in accordance with the Hawaii Administrative Procedure Act, HRS Chapter 91, for processing the boundary changes permitted by this chapter.
  - (c) Petitions submitted by nongovernmental parties shall be accompanied by a fee of \$700, plus \$300 per acre involved or any major fraction thereof, up to a maximum fee of \$15,000. Fees shall be submitted by the applicant to the director of planning and permitting upon acceptance of an application for a boundary amendment by the director of planning and permitting and fees shall not be refundable.
- (Sec. 34-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.4) (Am. Ords. 96-58, 03-12, 14-4)

**§ 23-1.5 Consolidated proceedings.**

The city may conduct proceedings, including public hearings, to change State land use boundaries pursuant to this chapter, with proceedings to amend the development plan of the affected land.

(Sec. 34-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.5)

**§ 23-1.6 Standards and criteria.**

All petitions for boundary amendments shall be reviewed from the perspective of:

- (1) Contribution to the general welfare and prosperity of the people of the county;
- (2) Whether a public issue, need, or problem presently exists to serve as a basis for the proposed amendment; and
- (3) Consistency with the Hawaii State plan and the county general plan.

(Sec. 34-1.6, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.6)

**§ 23-1.7 Planning commission action.**

The planning commission shall hold a public hearing on each boundary amendment proposal made under this chapter. Thereafter, the planning commission shall make a recommendation on each boundary amendment to the council.

(Sec. 34-1.7, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.7)

**§ 23-1.8 Council action.**

The council shall enact all boundary amendments made pursuant to this chapter by ordinance after holding a public hearing. No boundary amendment petition which would redesignate agricultural lands to urban use shall be approved, unless the council indicates its approval of such amendment by two-thirds vote of the entire council. (Sec. 34-1.8, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.8)

**§ 23-1.9 Effective date—Notification.**

A change in State land use district boundaries pursuant to this chapter shall become effective on the day designated by the council in the ordinance enacting the boundary amendment. Within 60 days of the effective date of the ordinance, the description and a map of the affected land shall be transmitted to the State land use commission and department of business, economic development, and tourism by the director of planning and permitting. (Sec. 34-1.9, R.O. 1978 (1987 Supp. to 1983 Ed.)) (1990 Code, Ch. 26, Art. 1, § 26-1.9) (Am. Ord. 96-58)

## **Honolulu - Land Use**



## APPENDIX 23-A: STATE LAND USE DISTRICT BOUNDARY AMENDMENTS

<i>Ord. No.</i>	<i>Approval Date</i>	
88-44	4-22-1988	Reclassifies a portion of a parcel of land in Waianae from agricultural to urban district. Rockwell Rogers
89-17	2-10-1989	Reclassifies a portion of a parcel of land in Kahuku from agricultural to urban district. Campbell Estate
90-58	7-3-1990	Reclassifies parcels in Ewa from agricultural to urban district. DHCD
92-23	4-6-1992	Reclassifies a portion of a parcel in Waipio from agricultural to urban district. Gentry Development Company
92-45	5-15-1992	Reclassifies portions of parcels in Waikakalaua Gulch from agricultural to urban district. Waihuna Joint Venture
92-91	7-21-1992	Reclassifies a portion of a parcel of land in Mililani Mauka from agricultural to urban district. Castle & Cooke Residential, Inc.
94-10	3-15-1994	Reclassifies a portion of a parcel of land in Waikakalaua from agricultural to urban district. Castle & Cooke Properties Inc.
94-70	10-5-1994	Reclassifies a parcel and a portion of a parcel of land (less than 15 acres) in Waialua from agricultural to urban district. Waialua United Church of Christ
95-66	11-21-1995	Reclassifies certain lands (less than 15 acres) in Laie from agricultural to urban district. Hawaii Reserves, Inc.
96-26	5-15-1996	Reclassifies certain lands (less than 15 acres) in Ewa from agricultural to urban district. Campbell Estate
97-69	12-17-1997	Reclassifies certain lands (less than 15 acres) in Laie from agricultural to urban district. Brigham Young University (Hawaii Campus)
00-12	4-19-2000	Reclassifies certain lands (less than 15 acres) in Ewa (Schofield Barracks Quadrangle) from agricultural to urban district. St. Francis Medical Center-West Remnant Parcels Consolidation
00-57	11-02-2000	Reclassifies a portion of land (less than 15 acres) in Waipio (Waipahu Quadrangle) from agricultural to urban district. Trinity Church Leeward
02-22	6-14-2002	Reclassifies a portion of land (less than 15 acres) in Honouliuli (Waipahu Quadrangle) from agricultural to urban district. Child and Family Service
02-40	7-30-2002	Reclassifies a portion of land (15 acres or less) in Kokokahi, Map No. 0-12 (Kaneohe Quadrangle), from urban to conservation district. Friendship Garden Foundation

**Honolulu - Land Use**

<i>Ord. No.</i>	<i>Approval Date</i>	
06-29	6-20-2006	Reclassifies a portion of land (15 acres or less) in Kapolei, Map No. 0-6 (Ewa Quadrangle), from agricultural to urban district. The Waters of Kapolei, L.L.C., DBA Hawaiian Waters Adventure Park
19-6	5-13-2019	Amends portions (14.85 acres) of the state land use district boundary map (Kahuku Quadrangle) in Laie from agricultural to urban district, and a portion (0.03 acres) from urban to agricultural. Brigham Young University