

## **Chapter 3**

### **SIGNS**

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**Chapter 3****SIGNS****Article 1. Signs.****Division 1. Findings, Purpose and Scope.****Section 3-1. Findings and purpose.**

- (a) The council finds and declares that:
- (1) The people of the County 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 and convenience; encourage and promote the visitor industry; and foster sightliness and physical good order;
  - (2) The natural beauty of the County constitutes an attraction for visitors, and a substantial source of income and revenue of the people of the County is derived from the visitor industry;
  - (3) The indiscriminate erection and improper maintenance of large signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the County, which in turn injuriously affect the tourist trade and the economic well-being of the County; and
  - (4) There has been a marked increase in the number and size of signs advertising business activities and products in the County;
  - (5) The increased number and size of 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 while driving, and which detract from the attention which should be devoted to signs promoting traffic safety;
  - (6) 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;
  - (7) 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 the signs, especially during periods when winds of high velocity are prevalent;
  - (8) The size and location of outdoor signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques;
  - (9) It is necessary for the promotion and preservation of the public health, safety, and welfare of the people of the County, that the erection, construction, location, and maintenance of signs be regulated and controlled; and
  - (10) The people of the County expect stewardship of the land and protection of the natural beauty for future generations; along with conservation and development of the natural beauty of the County, as well as objects and places of historic and cultural interest.
- (b) The purpose of this chapter is to:
- (1) Encourage the effective use of signs as a means of communication in the County;
  - (2) Maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;
  - (3) Improve pedestrian and traffic safety;
  - (4) Minimize the possible adverse effect of signs on nearby public and private property; and
  - (5) Enable the fair establishment and consistent enforcement of these sign regulations.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-2. Scope.**

This chapter regulates all signs that are visible from any public street, park, other public place, or pedestrian way in the County; except that nothing in this chapter is intended to conflict with any state statute, including chapter 445, Hawai‘i Revised Statutes, federal law, or constitutional protection relating to outdoor advertising, signage, or freedom of speech.

(2004, Ord. No. 04-142, sec. 2.)

**Division 2. Definitions.****Section 3-3. Definitions.**

(a) As used in this chapter:

- (1) “Aerial sign” means any moveable sign or inflatable object located above the ground, not permanently affixed, including a balloon used as a sign, or an airplane banner.
- (2) “Automated sign” refers to any sign, which has moving parts or words, or which projects any intermittent or flashing illumination, or which has messages that are manually or electronically changeable on a continuous basis.
- (3) “Banner” is a sign made of fabric or any non-rigid material with no enclosing framework.
- (4) “Building” means a structure intended for use and occupation as a habitation or for some purpose of trade, manufacture, ornament, or use constituting a fabric or edifice.
- (5) “Business” or “business establishment” means a single commercial enterprise.
- (6) “Commercial” or “commercial interests” means relating to any provision or proposal of a commercial transaction, or locating or otherwise enabling or promoting any business or activity or establishment that proposes commercial transactions.
- (7) “Council” means the Hawai‘i County council.
- (8) “Department” means the County department of public works.
- (9) “Design commission” means the Kailua Village special district design review commission.
- (10) “Director” means the director of the County department of public works or the director of the department of public work’s duly authorized County representative.
- (11) “Directory sign” means a special type of ground or wall sign which identifies and attracts attention to any property or premises and which lists, indicates, or identifies a business building, business complex, or two or more business activities conducted on the premises. Such signs shall conform to the applicable ground or wall sign requirements of this chapter.
- (12) “Display case” means a case, cabinet, or other device placed out of doors or affixed to a building which is used as a sign.
- (13) “District” means a zoning district as established in the County zoning code. For the purposes of this chapter, zoning districts shall be divided into three major categories, “residential,” “commercial/industrial,” and “agricultural/open.”
  - (A) “Residential district” includes the following districts:
    - (i) RS, single-family residential district;
    - (ii) RD, double-family residential district; and
    - (iii) RM, multiple-family residential district.
  - (B) “Commercial/industrial district” includes the following districts:
    - (i) RCX, residential commercial mixed district;
    - (ii) V, resort-hotel district;
    - (iii) CN, neighborhood commercial district;
    - (iv) CG, general commercial district;

- (v) CV, village commercial district;
  - (vi) MCX, industrial commercial mixed district;
  - (vii) ML, limited industrial district; and
  - (viii) MG, general industrial district.
- (C) “Agricultural/open district” includes the following districts:
- (i) RA, residential and agricultural district;
  - (ii) FA, family agricultural district;
  - (iii) A, agricultural district;
  - (iv) IA, intensive agricultural district; and
  - (v) O, open district.
- (14) “Ground sign” means any sign supported by or located upon any fence or independent support that is placed on, or anchored in, the ground and that is independent from any building. “Fence” means an enclosing or dividing framework for land, yard, or garden and includes any type of freestanding or retaining wall.
- (15) “Graphic design” means any design or portrayal painted or applied directly on an exterior wall, fence, awning, window, or other structure, which is readily visible from any public street, and which has as its purpose an artistic effect, and is not primarily the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.
- (16) “Illuminated sign” means any sign in which the characters, letters, figures, designs, and/or outlines are illuminated by electric lights or luminous tubes.
- (17) “Indirect lighting” means any external sign illumination which is not an integral part of the sign itself.
- (18) “Kailua Industrial Subdivision” means the area bounded by and adjacent to the following: Beginning at the northwest corner of the intersection of Kaiwi Street and Kuakini Highway, then westerly along Kuakini Highway, then turning northerly along the western boundary of TMK: 7-4-010:007 and continuing northerly along the west boundary of the lots along the west side of Kaiwi Street to the northwest boundaries of TMK: 7-4-015:016, then southeasterly along the makai boundary of Queen Ka‘ahumanu Highway. Then turning southwesterly along the eastern boundary of the ‘Eho Street right-of-way. Then turning southeasterly along the mauka boundary of ‘Ālapa Street and continuing to the southeast corner of TMK: 7-4-010:043. Then turning southwesterly along the eastern boundary of TMK: 7-4-010:043 and continuing to the southeast corner of TMK: 7-4-010:001 at the mauka side of Kuakini Highway. Then westerly along the mauka side of Kuakini Highway to the point of beginning.
- (19) “Kailua Village core” means the area bounded by or adjacent to Ali‘i Drive, Palani Road, Kuakini Highway, and Lunapule Road.
- (20) “Lot” means a building site or a parcel of land with an assigned tax map key number.
- (21) “Marquee sign” means any sign attached to or hung from a marquee. “Marquee” means any canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building.
- (22) “Painted window signs” means any sign painted on a window which exceeds two square feet in size. This qualifies as a sign in lieu of a wall sign.
- (23) “Pedestrian way” means a public right-of-way or easement between or through lots for pedestrian use.
- (24) “Person” or words denoting persons, for instance, “another,” “others,” “any,” “anyone,” “anybody,” and the like signify not only individuals, but corporations, firms, associations, societies, communities, assemblies, inhabitants of a district, or neighborhood, or persons known or unknown, and the public generally, where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended.

- (25) “Portable sign” means any sign that is not an aerial sign and is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, signs converted to A-frames or T-frames, menu and sandwich board signs, and signs attached to or painted on vehicles parked and visible from any public street, park, other public place or pedestrian way, unless said vehicle is driven in the normal day-to-day operation of the business.
- (26) “Projecting sign” means any sign affixed or attached to a building wall or structure and extending beyond the building wall or structure more than fifteen inches with an incidence angle of greater than thirty degrees.
- (27) “Roof sign” means any sign erected, constructed, and maintained wholly upon and over the roof of any building. “Roof” means the cover of a building, including the roofing and all other material and construction (such as supporting members) necessary to carry and maintain it over the walls or uprights. “Roofing” means any material used as a roof covering, including, but not limited to shingles, slate, sheet metal, or tile. “Mansard” means a double-pitched roof with the lower slope steeper than the top.
- (28) “Sign” means any device, figure, painting, picture, drawing, placard, poster, awning, canopy, street clock, light, model, notice or bill, including any announcement, declaration, display, illustration, insignia, or message which is:
- (A) Used to advertise or promote the interests of any person or entity or to communicate information of any kind to the public;
  - (B) Placed on or applied to real property outdoors, attached to the exterior of buildings or structures or is located or displayed directly on the exterior or interior surface of a window; and
  - (C) Visible from any public street, park, other public place or pedestrian way. A sign also includes, but is not limited to, any and all pictorial representations, letters, numerals, emblems, flags, banners, pennants, inscriptions, or patterns whether affixed to a building, painted, or otherwise depicted on a building, or placed separate from any building; provided that traffic control devices prescribed by chapter 291C, Hawai‘i Revised Statutes, shall not be construed as signs under this chapter. “Signs” as used in this chapter is not meant to include or prohibit street addresses required by chapter 14, sculpted ornamental shrubbery or ground cover, or signage that is constitutionally protected or otherwise permitted by state or federal law.
- (29) “Street” means a public right-of-way or easement intended for vehicular and/or pedestrian use that provides direct or indirect access to property. “Street frontage” means that portion of a building site that has a common boundary line with a street right-of-way boundary line.
- (30) “Temporary painted window sign” means any noncommercial painted sign on a window that is seasonal or temporary in nature.
- (31) “Temporary sign” means any sign which is not permanently installed or constructed as required under divisions 8 and 9, such as outdoor decorations or advertising devices announcing an event, a meeting or series of meetings, if displayed on the premises where the event, meeting or series of meetings will be or is being held. Meeting, as used in this section, includes all meetings whether open to the public or not, or whether conducted for profit or not, and, including but not limited to, sports events, conventions, fairs, rallies, plays, lectures, concerts, motion pictures, dances, and religious services.
- (32) “Wall” means any structure which has a slope of sixty degrees or greater with the horizontal plane and which serves to enclose or subdivide a building. Fences, which mean enclosing or dividing frameworks for land, yard, or gardens, shall not be considered to be walls for purposes of this chapter.

- (33) "Wall sign" means any sign which is affixed to an exterior wall of any building when the sign projects not more than fifteen inches from the building wall, structure, or its parts, or a sign attached to a marquee. A wall sign does not include a sign on a mansard, or sloped roof or roof-like facade on a building, each of which is considered a roof sign. The maximum height of a wall sign shall be measured from the finished floor level to the top of the sign.
- (34) "Window" means an aperture or opening in the wall of a building which admits light and/or air to the interior of the building and allows visibility from within and without.
- (35) "Window sign" means any sign which is located or displayed directly on the inside or outside of a window surface.

(2004, Ord. No. 04-142, sec. 2.)

### **Division 3. Sign Area/Size Calculation.**

#### **Section 3-4. Single-faced signs.**

- (a) The size of signs shall be measured and determined in the following manner:
  - (1) If a sign is on a plate or is framed or roofed, all of the plate or frame or roof shall be included in the dimensions.
  - (2) If a sign is not on a plate or is not framed but is partly or entirely outlined by a light line or area, or if the sign is on a plate or is framed and circumscribed by a larger light line or area, all of the area circumscribed by a light line or area shall be included in the dimensions/size.
  - (3) If a sign consists only of words, designs, or figures engraved, painted, projected, or fixed on a wall, the total area/size of the sign shall be the measurable area within the outer boundary of a standard geometrical shape such as a square, rectangle, or circle containing and defined by the extreme reaches of graphic or informational parts of the sign.

(2004, Ord. No. 04-142, sec. 2.)

#### **Section 3-5. Multi-faced signs.**

- (a) The sign area/size for a sign with more than one face shall be computed by adding together the area/sizes of all sign faces, except that when two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twelve inches apart, the sign area/size shall be computed by the measurement of one of the faces.
- (b) The sign area/size for a sign that is spherical shall be computed by squaring the radius of the sphere and multiplying that figure by  $12.5664 (4 \times \pi \times r^2)$ .

(2004, Ord. No. 04-142, sec. 2.)

### **Division 4. Sign Regulations.**

#### **Section 3-6. Type, number, and size of signs permissible.**

- (a) Only signs of the type, number, and size prescribed in this article will be permitted to be erected or maintained.
- (b) Sign type, number, and size restrictions shall be applied per lot or, if the lot is occupied by multiple businesses, per business establishment, or if a business occupies multiple adjacent lots, per business establishment. These restrictions shall be subject to the following provisions:
  - (1) The total number of signs per lot or business shall not exceed two per adjacent street;
  - (2) Each of the two signs facing one street shall be of a different sign type; and
  - (3) Only one ground sign shall be permitted per lot, even if the lot is occupied by multiple businesses.

- (c) In the event that the applicant has obtained a special permit or a use permit, or if the applicant is otherwise legally permitted to conduct activities not normally allowed in that district, the type and number of signs shall conform to requirements of the district within which the activity is occurring.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-7. Signs prohibited in all districts.**

- (a) No person shall erect or maintain:
- (1) Any sign which by reason of its size, location, movement, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any official traffic control device, or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement on the public streets and roads;
  - (2) Any sign which is not expressly permitted or exempt from regulation by this chapter;
  - (3) Any sign which is obscene, as defined in Hawai'i penal code sections 712-1210 and 712-1211;
  - (4) Except as provided for in sections 3-3(a)(31), 3-8, 3-62 and chapter 22, any sign which advertises or publicizes a commercial activity not conducted on the premises or lot upon which the sign is located. This prohibition would include signs on properties which are no longer occupied;
  - (5) Temporary signs used for regular, ongoing commercial use (i.e. sandwich boards and banners);
  - (6) Any automated sign including signs with repeated or changeable commercial advertising;
  - (7) Any aerial sign;
  - (8) Any sign placed on a utility pole;
  - (9) Portable signs;
  - (10) Flashing signs;
  - (11) Any sign placed on a tree;
  - (12) Any sign placed on public property, unless such sign is otherwise permitted by law; and
  - (13) Any sign that is a billboard or outdoor advertising device prohibited by chapter 445, Hawai'i Revised Statutes.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-8. Exempt signs; signs allowed without permits.**

- (a) The following types of signs are exempt from all of the provisions of this article except for the requirements of sections: 3-4, 3-5, 3-6, 3-7, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34 and 3-36 through 3-43, and may be erected without a permit:
- (1) Certain temporary signs, which must be removed within seventy-two hours of the completion of the event or activity to which it refers, and which include:
    - (A) Any single temporary unlighted sign: (i) not exceeding eight square feet in area in the agricultural, open and residential districts, or (ii) not exceeding thirty-two square feet in area in the commercial/industrial districts, when such signs relate to or advertise a meeting, special event, or temporary status or condition of the property on which the sign is located, as long as the sign is not related to or advertising any regular or ongoing course of commercial enterprise conducted on the property. Only one such sign shall be permitted to be visible to traffic proceeding in any one direction on any one street or highway, except that no sign shall be placed over any public right-of-way or street. A temporary sign may be erected for a period not to exceed six months, unless a section in this chapter specifies a more restrictive time period.
    - (B) Any small unlighted sign not exceeding two square feet in area, displayed once in a calendar year for a period of time not to exceed thirty consecutive days.

- (C) Temporary signs or banners not exceeding thirty-two square feet in area, limited in number to one per meeting or event, displayed for a period not exceeding thirty calendar days, and not projecting over a public street or highway. Temporary signs are not permitted for regular, ongoing commercial use (i.e. sandwich boards and banners). Special event or meeting banners are not required to have their placement limited to the place where the activity is held, provided that permission is granted by the owners or lessees of the structure to which the banner is to be attached/displayed. Temporary signs or banners must be removed within seventy-two hours of the completion of the event or activity which they promote.
  - (D) New businesses may display temporary signs or banners for thirty days following the opening of their business on a one-time basis only, on their premises only.
  - (E) Temporary painted window signs may be installed for a period not to exceed thirty days.
  - (2) Any sign of a public, noncommercial nature, which includes any safety sign, danger signs, trespassing sign, sign indicating scenic or historical points of interest, and any sign erected by a public officer in the performance of a public duty, including traffic signs or directional signs, provided they conform to the sizes dictated by the Manual of Uniform Traffic Control Devices as published by the American Association of State Highway and Transportation Officials.
  - (3) Any sign required to be posted by law, including any signs prescribed by chapter 291C, Hawai‘i Revised Statutes.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-9. Signs allowed with permits, in all districts.**

- (a) The following types of signs are allowed, with permits, in all districts:
  - (1) Temporary signs or banners within or projecting over any public street, park, other public place or pedestrian way, if permitted and erected in accordance with this chapter.
    - (A) “Banner permits” include permits to temporarily place a banner over and across a County street.
    - (B) Any person who is an authorized representative for the subject to be publicized by the banner may apply for a banner permit. A permit application shall be submitted upon a form designated by the director and shall include, at a minimum, the following information and attachments:
      - (i) General applicant information, i.e. name, address, phone number.
      - (ii) A map showing the County street and approximate location of the banner.
      - (iii) A description of where and how the banner will be anchored or secured.
      - (iv) Length and width dimensions of the banner.
      - (v) The height of the lowest edge of the banner above the highest point of the roadway.
      - (vi) The duration of time for which the permit is requested.
      - (vii) A description or sketch of the banner’s visual content.
      - (viii) Written statements of consent from every property owner and lessee directly fronting the proposed banner site.
      - (ix) An agreement, to be approved by the corporation counsel, which indemnifies, defends and holds harmless the County of Hawai‘i, its officers and agents thereof, from all claims, demands, suits, actions, or proceedings of every name, character, and description which may be brought against the County of Hawai‘i for or on account of any injuries or damages to any person or property received or sustained by any person by or in consequence of any act or acts of the holder of the permit for actions done under the permit.

- (x) A certificate of insurance and proof of a public liability insurance policy approved by corporation counsel naming as additional insured, the County, its officers, representatives, employees, and agents and covering any claim or liability for damages, injuries or death resulting from any of the uses permitted hereunder. The minimum amount of coverage under such policy shall be \$1,000,000 per occurrence. The policy and coverage shall be kept in force until the banner is removed from the County street, and shall not be cancelled before the banner is removed without thirty days prior written notice to the County.
- (C) The director may issue a banner permit for a period not to exceed seven consecutive days in a calendar year, if all the following criteria are met:
  - (i) The banner will not exceed one hundred square feet and the lowest edge of the banner will be at least fifteen feet above the highest point of the roadway.
  - (ii) Written statements of consent from every property owner and lessee directly fronting the proposed banner site.
  - (iii) The applicant has executed an agreement to indemnify, defend and hold harmless the County as provided above, to the satisfaction of the corporation counsel.
  - (iv) The applicant has submitted a certificate of insurance and proof of a public liability insurance policy meeting the requirements as provided above, to the satisfaction of the finance director and the corporation counsel.
  - (v) The banner will not impede public use of the street or endanger pedestrians including persons with disabilities.
- (2) Subdivision identification sign. One sign, per legal subdivision roadway access, of either a ground or wall type, relating to the identification of subdivision within a district. Neither sign shall not exceed sixteen square feet in area.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-10. Signs permitted in residential districts (RS, RD, RM).**

The following types of signs are allowed, with a permit, in the RS, RD and RM districts:

- (a) One sign, either wall or ground (unlighted or indirectly lighted), not exceeding six square feet in area. Commercial signs shall relate to a legally permitted activity being conducted on the premises.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-11. Signs permitted in commercial/industrial districts (RCX, V, CN, CG, CV, MCX, ML, MG).**

- (a) The following types of signs are allowed, with a permit, in commercial/industrial districts (RCX, V, CN, CG, CV, MCX, ML, MG):
  - (1) Directory sign.
    - (A) If the lot frontage is up to one hundred lineal feet, a directory sign may not exceed sixteen square feet, except that no wall directory sign may exceed the lesser of sixteen square feet or fifteen percent of the wall area on which it is located.
    - (B) If the lot frontage is greater than one hundred lineal feet, a directory sign may not exceed twenty-four square feet, except that no wall directory sign may exceed the lesser of twenty-four square feet or fifteen percent of the wall area on which it is located.
  - (2) Ground sign.
    - (A) One ground sign, relating to business(es) conducted on the premises, as follows:
      - (i) If lot frontage is up to one hundred lineal feet, ground sign may not exceed sixteen square feet and not exceed eight feet in elevation from the ground;

- (ii) If lot frontage is greater than one hundred lineal feet, ground sign may not exceed twenty-four square feet and not exceed twelve feet in elevation from the ground.
  - (B) The elevation of a ground sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign.
  - (3) Marquee sign.
    - (A) One sign attached to the underside of a marquee (hanging sign) for each business conducted on the premises. This marquee sign shall not exceed nine square feet in area and the lower edges must be at least seven and one-half feet above the ground; or
    - (B) One sign attached to or otherwise displayed upon the face of the marquee. This sign shall not exceed a total sign area of thirty-two square feet or fifteen percent of the marquee area on which it is displayed, whichever is less. The maximum letter height is not to exceed twenty-four inches.
  - (4) Projecting sign. One projecting sign for each business conducted on the premises, stating the name and the nature of the business, which may only occur on an exterior wall without an overhang. The bottom edge of the sign shall be no lower than nine feet over any public area or pedestrian right-of-way. Maximum sign area shall not exceed sixteen square feet.
  - (5) Roof sign. Except in the residential-commercial mixed use (RCX) and resort-hotel (V) districts, where roof signs are not allowed, one roof sign, lighted or unlighted, not exceeding thirty-two square feet in area and not containing lettering more than twenty-four inches in height, relating to business conducted on the premises; provided that the highest point on any sign attached to the roof shall not extend above the highest part of the roof to which it is attached.
  - (6) Wall sign.
    - (A) One wall sign, which relates to business conducted on the premises, per side or rear of a building. Each side or rear wall sign shall neither exceed fifteen percent of the total exposed area of the wall, associated with the business on which the sign is displayed, nor exceed one hundred fifty square feet, whichever is less. A sign on the face of the building for each business conducted on the premises shall not exceed fifteen percent or one hundred fifty square feet, whichever is less, of the area of the face of the building actually occupied by the business.
    - (B) The total area of any wall covered by signage shall not exceed fifteen percent of the total area of the wall, whether used by single or multiple businesses.
    - (C) Notwithstanding (A) and (B) above, the maximum size of any wall sign in the RCX and V districts shall not exceed thirty-two square feet.
  - (7) Window signs and painted window signs. For any business, the total area allowed to be covered by one or more window signs facing any street shall be no more than twenty-five percent of the total combined area of the windows or one hundred fifty square feet, whichever is less.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-12. Signs permitted in agricultural/open districts (RA, FA, A, IA, O).**

The following signs are allowed, with a permit, in agricultural/open districts (RA, FA, A, IA, O):

- (a) Ground sign. One ground sign not exceeding eight square feet in area, relating to a business conducted on the premises, provided that the building in front of which the sign is displayed is set back not less than thirty feet from the street.

- (b) Wall sign. One wall sign, not exceeding thirty-two square feet in area upon any wall of a structure on the premises related to the business conducted on the premises.

(2004, Ord. No. 04-142, sec. 2.)

#### **Division 5. Permits.**

##### **Section 3-13. Permits required.**

- (a) Except as otherwise provided in this chapter, no person, firm or agency may display, install, construct, erect, alter, relocate, reconstruct, or cause to be displayed, installed, constructed, erected, altered, relocated, or reconstructed any sign without first having obtained a sign permit in accordance with this chapter.
- (b) Sign permits shall be posted in a conspicuous place on the site during the progress of installation and shall be kept on the premises where the sign is located or at the principal place of business of the sign owner. The permit shall be available for inspection and enforcement by the director.

(2004, Ord. No. 04-142, sec. 2.)

##### **Section 3-14. Building permits.**

Persons applying for a building permit are encouraged to include a sign plan for any signs that will be erected in conjunction with the new construction or improvements for which the building permit is requested in order that the department and applicant may assess the applicability of any additional permit requirements under this chapter.

(2004, Ord. No. 04-142, sec. 2.)

##### **Section 3-15. Illuminated signs.**

A permit application for a sign which uses electrical wiring and connections or which is illuminated by an external source, shall be submitted to the electrical inspector who shall examine the plans and specifications of all wiring and connections of the sign itself to determine if they comply with chapter 9, Hawai‘i County Code, relating to electricity and chapter 14, article 9, Hawai‘i County Code, relating to outdoor lighting. The electrical inspector shall recommend (1) approval of the application if the plans and specifications comply with chapter 9 and chapter 14, article 9, or (2) disapproval of the application if noncompliance with these chapters is found. The plans and specifications shall then be returned to the director for final action in compliance with section 3-18.

(2004, Ord. No. 04-142, sec. 2.)

##### **Section 3-16. Permit application.**

- (a) Applications for sign permits, pursuant to this chapter, shall be filed with the director on forms provided by the department for that purpose. Applications shall contain, at a minimum, the following:
  - (1) The name and address of the owner of the property upon which the sign will be located, the owner of the sign, and the applicant, if different;
  - (2) The tax map key number of the location and proposed location of the sign and an accurate description of the sign, including its contents;
  - (3) A plan or design of the sign, and a photograph or drawing, showing its weight, dimensions, lighting equipment, materials, details of its attachment and hanging, and its position relative to relevant buildings, property lines, and adjacent streets; and
  - (4) Applicable fees and any other information pertinent to the application as may be required by the director and/or this chapter.

- (b) A sign permit is not transferable unless a notice of transfer is filed with the director within ninety days of the effective date of a transfer of the real property or business for which the sign is permitted. The director shall prescribe forms and any fees for this purpose.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-17. Compliance with chapter.**

Any permit, variance, or other approval issued pursuant to this chapter shall comply with all applicable requirements of this chapter.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-18. Action on permit application.**

- (a) Upon receiving an application for a sign permit, submitted pursuant to this chapter, the director shall:
- (1) Review the permit application for completeness; and
  - (2) If the application is deficient, identify and notify the applicant of the deficiencies; or
  - (3) If the application is complete, process the application.
- (b) Within sixty days of receiving a complete application for a sign permit, and unless the applicant has provided written consent for a time extension, the director shall either:
- (1) Issue the sign permit in writing, if:
    - (A) After an examination of the plans, specifications, and other data, the director finds that the sign(s) that is the subject of the application conforms in every respect with the requirements of this chapter and all applicable County, State, or Federal laws or regulations;
    - (B) The application has been reviewed and approved by the electrical inspector, if required pursuant to section 3-15;
    - (C) The application has been reviewed by the Kailua Village design commission, if required under article 2; and
    - (D) Applicable sign permit fees have been received; or
  - (2) Reject the sign permit in writing, if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter.
- (c) In case of a rejection, the director shall:
- (1) Specify in writing the section or sections of this chapter with which the application is inconsistent; and
  - (2) Provide the applicant with information about any applicable variance or appeal processes contained in this chapter or otherwise permitted by law.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-19. Permit contents and record.**

- (a) Permits shall be numbered and shall contain the following information:
- (1) The permit number and the date of issuance;
  - (2) The name of the property owner and sign owner;
  - (3) The location of the sign(s), including tax map key number;
  - (4) In the case of a temporary sign or banner, the date of expiration of the permit; and
  - (5) The amount of any fees paid.
- (b) The director shall maintain for public inspection a record of all permits issued.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-20. Inspection upon completion.**

A permittee shall, upon completion of the installation, construction, erection, relocation or alteration of the sign, notify the director who shall inspect the sign for compliance with the permit and this chapter. The director may revoke any sign permit issued upon failure of the holder of the permit to comply with any provision of this chapter.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-21. Time limit on permit.**

If the work authorized under a sign permit is not started within twelve months after the date of issuance, or if work is suspended for more than ninety calendar days, the permit shall be void without any further action, and any sign installed, constructed, erected, relocated, or altered under that permit is in violation of this chapter.

(2004, Ord. No. 04-142, sec. 2.)

**Division 6. Variances.****Section 3-22. Variances.**

- (a) In unique cases where strict enforcement of this chapter would result in unnecessary hardship or practical difficulty, and where desirable relief may be granted without detriment to the public interest, convenience or welfare, the Hawai'i County council may grant, by resolution, a request for a variance from any provision of this chapter.
- (b) Variance applications shall be submitted upon a form designated by the director and shall include at a minimum, the following information and attachments:
  - (1) The sign owner's and the property owner's name, phone number, and mailing address;
  - (2) The location, tax map key number, and zoning of the property upon which the sign is located;
  - (3) A map showing:
    - (A) The location of the sign; and
    - (B) All streets adjacent to the lot or building where the sign is located;
  - (4) A photo or drawing of the relevant sign(s);
  - (5) A citation of the code section from which a variance is requested;
  - (6) A complete copy of any sign permit application or rejection of the sign permit, if any;
  - (7) An explanation of any unique circumstances, in particular, those arising from peculiar physical conditions not ordinarily found in most districts, peculiarity of the business, or other special event or circumstance;
  - (8) An explanation of why granting the variance will not adversely affect the rights of adjacent property owners or tenants, including an explanation of alternative measures, if any, that the applicant is proposing to take in lieu of compliance with the applicable code section;
  - (9) If applicable, notice of the variance application shall be mailed by the applicant to all property owners and tenants within three hundred feet of the affected property not less than twenty days prior to the initial hearing by the Hawai'i County council, and prior to the date of the hearing, the applicant shall file with the council proof of service or of good faith efforts to serve notice of the hearing on the designated property owners. Such proof may consist of certified mail receipts, affidavits, or the like;
  - (10) An explanation of why the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
  - (11) An explanation of why a strict application of the terms of this chapter would work an unnecessary hardship and practical difficulty upon the applicant or the community;
  - (12) A draft resolution, that satisfies the requirements of sections 3-22 and 3-23, in both paper and electronic formats;

- (13) If applicable, the Kailua Village design commission's and/or any advisory commission's written recommendation; and
  - (14) Any fee(s), prescribed by this chapter.
  - (c) Upon review of a complete application, and, if applicable, the director shall forward the application through the planning director to the Kailua Village design commission and/or any other applicable advisory commission for review and recommendation, then to the appropriate council committee for its consideration and decision.
- (2004, Ord. No. 04-142, sec. 2; Am. 2008, Ord. No. 08-3, sec. 1.)

**Section 3-23. Variances; criteria for granting.**

- (a) Only in situations where the following conditions exist may a variance be granted:
    - (1) Granting the variance is necessitated by peculiar physical conditions not ordinarily found in most districts, because of the peculiarity of a business, or as a result of a special event or circumstance;
    - (2) Granting the variance will not adversely affect the rights of adjacent property owners or tenants;
    - (3) Granting the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public;
    - (4) A strict application of the terms of this chapter would work unnecessary hardship and practical difficulty upon the applicant or the community;
    - (5) Granting the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules; and
    - (6) The application is complete.
  - (b) In and of itself, prior construction of a sign without a permit, regardless of the cost or value of the sign, shall not be deemed to constitute sufficient reason to grant a variance.
  - (c) Council resolutions granting variance requests shall state the underlying factual basis for the council's findings that each of the requisite conditions to grant a variance has been satisfied.
- (2004, Ord. No. 04-142, sec. 2.)

**Division 7. Fees.**

**Section 3-24. Permit/variance fees.**

- (a) Applicants for sign permits pursuant to this chapter shall pay the following nonrefundable fees:
    - (1) For a new sign permit, \$25 for each sign; and
    - (2) For a sign permit for a sign erected prior to obtaining a sign permit \$100 for each sign.
  - (b) For sign variances, pursuant to this chapter, \$100 for each sign or an amount equal to ten percent of the total value of the sign(s), excluding installation costs, whichever is greater.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-25. Disposition of fees.**

- (a) The following monies collected under this chapter shall be used exclusively to support the administration and enforcement of this chapter and efforts to educate and inform the public about the County's sign law:
    - (1) Permit and variance application fees; and
    - (2) Fines, minus costs of collection, that are collected pursuant to this chapter.
  - (b) The director of public works shall keep an accurate record, in a form approved by the director of finance, of all fees and fines received and any disbursements made pursuant to this chapter and shall deposit all monies received with the treasurer.
  - (c) The director of public works shall render an account of all monies received and disbursed pursuant to this article to the council on or before March 1 of each year.
- (2004, Ord. No. 04-142, sec. 2.)

**Division 8. Construction Specifications.****Section 3-26. Wind resistance; support.**

Every sign shall be constructed to withstand, i.e. not flap, bend, or move when subjected to, wind pressure of not less than thirty pounds per square foot of area. In addition, all signs shall be rigidly and firmly braced, or securely attached or anchored to the building, structure, or ground.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-27. Wood construction.**

Any wood used for a new sign or for the repair of an existing sign shall be rot and termite resistant through an approved preservation method specified by the American Wood Preservation Association, or by any other preservation treatment approved by the director. All wood construction shall meet fire resistive requirements as specified by current building code requirements.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-28. Construction specifications.**

All signs shall be installed in compliance with building and electrical codes.

(2004, Ord. No. 04-142, sec. 2.)

**Division 9. Location Specifications.****Section 3-29. Obstructing ingress and egress; obstructing fire-related structures.**

- (a) No sign or supports or hangings for any sign shall be erected so as to cover a door or window of any building or otherwise to prevent free ingress and egress to or from any window, door or fire escape of any building.
- (b) No sign shall be constructed in a manner which interferes with the free passage from one part of the roof to another part of the roof or interferes with any opening on the roof.
- (c) No sign shall be attached to any part of a fire escape or upon or to any stand pipe or fire escape support, or be placed nearer than two feet from any fire escape platform. Every sign shall be so arranged as to swing away from the fire escape or platform.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-30. Interference with public alarms, signals and signs.**

No sign or supports or hangings for any sign shall be placed in a position or manner which obstructs or interferes with any fire alarm, police alarm, sign, or any device maintained by or under public authority.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-31. Projections beyond property line.**

No sign or portion of any sign, except for marquee or projecting signs, may project over any public area or way outside of the property line upon which the sign is located. No sign shall be permitted to interfere with vehicular traffic or project over any public street except as may be permitted in section 3-9.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-32. Distance above ground of projecting signs.**

The lower edge of any sign projecting over any public area, except a marquee sign, shall have a vertical clearance of not less than nine feet.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-33. Height above buildings.**

The highest point on any sign attached to a building or structure shall not extend above the highest part of the building or structure to which it is attached.

(2004, Ord. No. 04-142, sec. 2.)

**Division 10. Maintenance.****Section 3-34. Maintenance specifications.**

- (a) All signs, together with their framework, braces, angles or other supports, shall be:
- (1) Maintained in a safe structural condition, properly secured, supported and braced;
  - (2) Maintained in compliance with all building and electrical codes, and in conformance with this chapter at all times; and
  - (3) Properly maintained with exposed surfaces kept clean and painted if paint is required and defective parts replaced.

(2004, Ord. No. 04-142, sec. 2.)

**Division 11. Nonconforming Signs.****Section 3-35. Signs erected prior to the effective date of this chapter.**

- (a) Any sign erected prior to the effective date of this chapter, in compliance with all then existing statutes, ordinances, and regulations, and for which a legal permit had been obtained, is permitted to be maintained as a nonconforming sign until such time that the sign is altered, relocated, or the business is sold, at which time it must be removed or brought into compliance with all provisions of this chapter. Any person who fails to comply, as indicated in section 3-36 (Violations) and sections 3-38 and 3-39 (Administrative enforcement and Criminal prosecution) shall be sentenced to pay a fine of \$100 per day from the final date specified for correction of the violation. During the time a sign is permitted to remain as a nonconforming sign, it is subject to the following conditions:

- (1) A nonconforming sign shall be maintained in a safe condition and shall not in any respect be dangerous to the public or to property.
- (2) At such time that the nonconforming sign is altered, relocated, or the business is sold, or the discontinuance or removal from the premises of the activity to which the sign relates, the sign ceases to be a nonconforming sign and shall thereafter be allowed to be maintained only upon compliance with this chapter. The term "alteration" does not include repairs and maintenance for the purpose of keeping the sign in a clean and safe condition.

(2004, Ord. No. 04-142, sec. 2.)

**Division 12. Violations, Enforcement, Penalty.****Section 3-36. Violations.**

Failure to comply with any provision of this chapter, any rule adopted pursuant to this chapter, or with conditions imposed as part of any permit or variance from the provisions of this chapter, shall constitute a violation of this chapter.

(2004, Ord. No. 04-142, sec. 2.)

**Section 3-37. Enforcement.**

- (a) The director shall enforce this chapter. Whenever necessary, any official of another department of the County shall assist the director, if requested, consistent with the usual and customary duties of the official's department.

- (b) When the condition of any sign creates an immediate hazard and peril to public safety or to property, or is illegally placed within any public street, park, other public place or pedestrian way the director shall remove the sign summarily and without notice.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-38. Administrative enforcement.**

- (a) If the director determines that any person is violating any provision of this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the director shall have the person served by personal service or by certified mail, with a notice of violation and order pursuant to this section. The director may also have a copy of the notice of violation and order posted at the building site and/or sent to the landlord/owner of the building or lot where the violation is located.
- (b) The notice of violation shall include at least the following information:
- (1) Date of the notice;
  - (2) Name and address of the person noticed;
  - (3) Section number of the provision, or rule, or the permit which has been violated;
  - (4) Nature of the violation; and
  - (5) Location and time of the violation.
- (c) The order may require the person to do any or all of the following:
- (1) Cease and desist from the violation;
  - (2) Correct the violation at the person's own expense before a date specified in the order, which date shall not be more than thirty days;
  - (3) Pay a civil fine not to exceed \$500 in the manner, at the place and before the date specified in the order;
  - (4) Pay a civil fine not to exceed \$100 per day for each day in which the violation persists beyond the final date specified for correction of the violation, in the manner and at the time and place specified in the order.
- (d) The order shall advise the person that the order shall become final thirty days after the person's receipt of the order, unless the director's decision is appealed to the County board of appeals within the thirty day period.
- (e) The provisions of the order issued by the director under this section shall become final thirty days after the receipt of the order, unless the director's action is appealed to the County board of appeals as provided in this chapter.
- (f) Any person adversely affected by any order issued under this chapter, may within thirty days after the service of the order, appeal the order to the County board of appeals as provided by the County Charter, the County Code, and any rules adopted thereto. An appeal to the County board of appeals shall stay the provisions of the director's order pending the final decision of the County board of appeals.
- (g) At the completion of an appeal in which the County's enforcement action is affirmed and upon correction of the violation, if requested by the violator, the case will be reviewed by the director to determine the appropriateness of the amount of the civil fines that accrued while the appeal proceedings were pending. In reviewing of the amount of the accrued fines, the director may consider the following: nature and egregiousness of the violation, duration of the violation, number of recurring and other similar violations, effort taken by the violator to correct the violation, degree of involvement in causing or continuing the violation, reasons for any delay in the completion of the appeal, and other extenuating circumstances. The civil fine which is imposed by administrative order after this review is completed and the violation is corrected is subject to only judicial review, notwithstanding any provisions for administrative review in the County Charter.

- (h) After completion of a review of the amount of accrued civil fine by the director, the amount of the civil fine determined appropriate, including both the initial civil fine and any accrued daily civil fine, shall immediately become due and collectible following reasonable notice to the violator. If no review of the accrued fine is requested, the amount of the civil fine, not to exceed the total accrual of civil fine prior to correcting the violation, shall immediately become due and collectible following reasonable notice to the violator, at the completion of all appeal proceedings.
  - (i) 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.
  - (j) The director shall file with the State bureau of conveyances, liens on all properties which have been the subject of fines levied under this section, which remain unpaid for one year or more after final adjudication and the expiration of the time for any further appeal.
  - (k) Fines assessed under this section shall constitute a lien upon the subject property upon the filing of said lien with the bureau of conveyances.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-39. Criminal prosecution.**

- (a) In lieu of or in addition to enforcement pursuant to this chapter, any person whether as principal agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of a violation, and upon conviction thereof shall be sentenced as follows:
    - (1) For a first offense, by a fine not exceeding \$500.
    - (2) For a subsequent conviction which occurs within five years of any prior conviction for violation of this chapter, by a fine of not less than \$500, but not exceeding \$1,000.
  - (b) After a conviction for a first violation under this chapter, each further day of violation shall constitute a separate offense if the violation is a continuance of the subject of the first conviction.
  - (c) The imposition of a fine under this section shall be controlled by the provisions of the Hawai'i penal code relating to fines, sections 706-641 through 706-645, Hawai'i Revised Statutes.
  - (d) Any authorized personnel may issue a summons or citation to an alleged violator 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.
  - (e) Any authorized personnel issuing a summons or citation 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 time provided in the summons or citation.
  - (f) There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and regulations of the State and County of Hawai'i.
  - (g) In every case when a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.
  - (h) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (2004, Ord. No. 04-142, sec. 2.)

**Section 3-40. Injunctive action.**

The County of Hawai'i may maintain an action for an injunction to restrain any violation of the provisions of this chapter and may take any other lawful action to prevent or remedy any violation. (2004, Ord. No. 04-142, sec. 2.)

**Section 3-41. Right of entry for authorized personnel.**

When it is necessary to make an inspection to enforce the provisions of this chapter, or when the director has reasonable cause to believe that there exists upon a building or upon a premises or upon a building site a condition which is contrary to or in violation of this chapter which makes the building or premises or the building site unsafe, dangerous or hazardous, the director may enter the building or premises or the building site at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if the building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the director shall have recourse to the remedies provided by law to secure entry. (2004, Ord. No. 04-142, sec. 2.)

**Section 3-42. Limited liability of authorized personnel.**

The authorized personnel charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the authorized personnel because of such act or omission performed by the authorized personnel in the enforcement of any provision of this chapter or other pertinent laws or ordinances implemented through the enforcement of this chapter shall be defended by the County of Hawai'i until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the County. (2004, Ord. No. 04-142, sec. 2.)

**Section 3-43. Remedies cumulative.**

The remedies provided in this article shall be cumulative and not exclusive. (2004, Ord. No. 04-142, sec. 2.)

**Division 13. General Provisions.****Section 3-44. Administration.**

The director shall administer all of the provisions of this chapter. Whenever necessary, any official of another department of the County shall assist the director, if requested, consistent with the usual and customary duties of the official's department. (2004, Ord. No. 04-142, sec. 2.)

**Section 3-45. Compliance with this chapter and other laws.**

Any approval, or permit issued pursuant to this chapter shall comply with all applicable requirements of this chapter. The granting of a permit or variance under this chapter does not dispense with the necessity to comply with any law, ordinance, regulation or any other provision of the Hawai'i County Code or other state or federal laws or regulations to which a permittee may also be subject. (2004, Ord. No. 04-142, sec. 2.)

**Section 3-46. Implementation of community design plans or guidelines.**

The Council may adopt sign provisions that implement special community design districts, plans or guidelines that have been approved by the County council.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-47. Adoption of rules.**

The director may adopt rules, pursuant to chapter 91, Hawai'i Revised Statutes, necessary for the purposes of this chapter.  
(2004, Ord. No. 04-142, sec. 2.)

**Section 3-48. Educational material.**

The director shall prepare or cause to be prepared an easy-to-use, user-friendly pamphlet or brochure which describes the key provisions of this chapter and provides examples by drawing or photograph, to facilitate use of this chapter. The director may use community organizations to assist with this process.  
(2004, Ord. No. 04-142, sec. 2.)

**Article 2. Kailua Village Signs.****Division 1. General Provisions.****Section 3-49. Purpose.**

Kailua Village is recognized as a special design district of the County. Unless otherwise provided for in this article, all sections of article 1 apply to the Kailua Village design district. However, certain other aspects of signage are applied specifically to this district in addition to those in article 1.

Unquestionably, signs have a legitimate place in Kailua Village if they are thoughtfully designed and appropriate to their surroundings. Many elements of good sign design adapt well to the theme which is the unique, unhurried atmosphere and the foundation of Kailua's charm.

The primary purpose of a sign is to promote an identity, goods and services, or activities through visual communication. While laws can regulate the size, placement, number, design, and aesthetics of signs, it is recognized that reasonable minds may differ as to how sign control can best be accomplished. The Kailua Village design commission, through the County planning department, has a shared responsibility for sign review within the Kailua Village special design district, as set forth in the County planning department's Master Plan for Kailua-Kona. The provisions of this article shall be utilized by the design commission and cooperating agencies in evaluating all sign permit requests within the Kailua Village special design district.  
(2005, Ord. No. 05-62, sec. 3.)

**Section 3-50. Boundaries.**

This article shall apply to the Kailua Village special design district. For purposes of this article, the boundaries of this district shall be as delineated in the County zoning code, chapter 25, article 7, division 1, sec. 25-7-1, Hawai'i County Code.  
(2005, Ord. No. 05-62, sec. 3.)

**Section 3-51. Permit required.**

Except as otherwise provided in this chapter, no person, firm, or agency may display, install, construct, erect, alter, relocate, reconstruct, or cause to be displayed, installed, constructed, erected, altered, relocated, or reconstructed any sign within the Kailua Village design district without first having obtained a sign permit in accordance with this chapter and article.  
(2005, Ord. No. 05-62, sec. 3.)

**Section 3-52. Permit application; contents.**

- (a) To obtain a sign permit, the applicant shall file an application on forms furnished by the director.
- (b) The application shall include information required by section 3-16 and, in addition:
  - (1) A graphic, colored illustration of the proposed sign, drawn to scale and reflecting all letters and the style and size of lettering.
  - (2) A description or sample of any type of material to be used for the sign and its background, and a description of the method of any lighting.
  - (3) A plot plan illustrating the location of the building or site and the location of the proposed sign.
  - (4) Any other information the director or design commission may require.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-53. Design commission review; failure to review.**

- (a) Each completed permit or variance application, together with all accompanying information shall be forwarded promptly by the director through the County planning director to the design commission for its review and action.
- (b) Within thirty calendar days after receipt of the completed application from the director, the design commission shall provide its written recommendation(s) to the director. If a recommendation is not received within the allotted period, the director shall act on the request in accordance with section 3-18 or 3-23, as the case may be. An extension may be granted by the director only upon the written consent of the applicant.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-54. Guidelines for review.**

- (a) The design commission and the director, when reviewing an application under this article, shall consider the following guidelines, as well as those found in the Master Plan for Kailua-Kona. In the event a conflict exists between any requirement of this chapter and the Master Plan for Kailua-Kona, the more restrictive or specific requirement shall prevail:
  - (1) Relationship to building, site, and surroundings. Fitting each sign to its surroundings shall be a prime consideration. A sign shall complement the building it identifies and the theme of the Kailua Village way of life as described in the Master Plan for Kailua-Kona. It shall be a planned feature, reflecting the architectural scale, design, and color of the building or structure.
  - (2) Size and number. The overall size and number of signs shall minimally dominate the property or the building which it identifies.
  - (3) Shape. The shape of the sign shall seek to aesthetically and functionally emphasize the message and not compete with the architecture of the building.
  - (4) Lettering. Subtleness, proportion, and design shall be emphasized in sign copy and lettering.
  - (5) Illumination. When an illuminated sign is used, the light intensity, color illumination, and the careful screening of the light source shall be considered.
  - (6) Landscaping. A freestanding sign should offer an opportunity for landscaping treatment at its base.
  - (7) Material. The use of any material which is compatible to the village atmosphere of Kailua shall be encouraged. Material includes, but is not limited to, wood, stone, canvas, rope, brushed or textured metal, or glass.
  - (8) Color. The use of any natural or earth tone color that is not gaudy or clashing shall be encouraged.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-55. Action on permit application.**

- (a) The director shall consider the design commission's recommendation(s) when processing a sign permit application.

- (b) If the director, after considering the design commission's recommendation(s), finds that the proposed sign is in compliance with this article and chapter and any other applicable county, state or federal law or regulation, a sign permit shall be issued by the department.  
(2005, Ord. No. 05-62, sec. 3.)

**Section 3-56. Variances.**

A variance may be granted in accordance with division 6 of this chapter.  
(2005, Ord. No. 05-62, sec. 3.)

**Section 3-57. Design commission review of variances.**

Prior to final decision-making on a variance application, the director shall transmit a copy of the variance application through the County planning director to the design commission for its review and recommendation.  
(2005, Ord. No. 05-62, sec. 3.)

**Division 2. Permissible Signs.**

**Section 3-58. Sign area/size and lettering size.**

- (a) Unless otherwise provided, the maximum permitted surface area/size of any sign oriented to any public street, park, other public place or pedestrian way shall be:
- (1) Directory sign.
    - (A) If the lot frontage is up to thirty lineal feet, a directory sign may not exceed twelve square feet, except that no wall directory sign may exceed the lesser of twelve square feet or fifteen percent of the wall area on which it is located.
    - (B) If the lot frontage is greater than thirty lineal feet, a directory sign may not exceed twenty-two square feet, except that no wall directory sign may exceed the lesser of twenty-two square feet or fifteen percent of the wall area on which it is located.
    - (C) A directory sign, either wall or ground sign, shall not exceed sixteen square feet in the Kailua Village Core.
  - (2) Ground sign.
    - (A) If lot frontage is up to thirty lineal feet, a ground sign shall not exceed twelve square feet for any building or portion of a building under separate management or control and not exceed six feet in elevation from the ground.
    - (B) If lot frontage is greater than thirty lineal feet, a ground sign shall not exceed twenty-two square feet for any building or portion of a building under separate management or control and not exceed eleven feet in elevation from the ground.
  - (3) Marquee sign.
    - (A) A sign attached to the underside of a marquee (hanging sign) for each business conducted on the premises shall not exceed nine square feet in area, and the lower edges must be at least seven and one-half feet above the ground.
    - (B) A sign attached to or otherwise displayed upon the face of the marquee shall not exceed a total sign area of twenty-two square feet or fifteen percent of the marquee area on which it is displayed, whichever is less.
  - (4) Projecting sign.
    - (A) A projecting sign for each business conducted on the premises, stating the name and the nature of the business, may only occur on an exterior wall without an overhang and shall not exceed sixteen square feet.

(5) Wall sign.

- (A) If lot frontage is up to thirty lineal feet, a wall sign shall not exceed fifteen percent of the total exposed area of the wall, associated with the business on which the sign is displayed, or twelve square feet, whichever is less. A sign on the face of the building for each business conducted on the premises shall not exceed fifteen percent of the area of the face of the building actually occupied by the business, or twelve square feet, whichever is less.
- (B) If lot frontage is greater than thirty lineal feet, a wall sign shall not exceed fifteen percent of the total exposed area of the wall, associated with the business for which the sign is displayed, or twenty-two square feet, whichever is less. A sign on the face of the building for each business conducted on the premises shall not exceed fifteen percent of the area of the face of the building actually occupied by the business or twenty-two square feet, whichever is less.
- (C) In the Kailua Industrial Subdivision, the maximum wall sign area shall not exceed seventy-five square feet or fifteen percent of the wall, whichever is less.
- (D) The total area of any wall covered by signage shall not exceed fifteen percent of the total area of the wall on which it is located, whether used by single or multiple businesses.

(6) Window signs and painted window signs.

- (A) For any business, the total area allowed to be covered by one or more window signs fronting any street shall be no more than fifteen percent of the total combined area of windows or twenty-two square feet, whichever is less.

(b) In any case, the total area allowed shall not exceed twelve square feet for any sign not fronting a public street or vehicular access or for any sign located within the Kailua Village Core.

(c) Any lettering or symbol, including free-standing letters, shall not exceed nine inches in height, except as noted in (1) below.

- (1) In the Kailua Industrial Subdivision, any lettering or symbol, including free-standing letters, shall not exceed eighteen inches in height.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-59. Sign elevation.**

(a) Maximum sign elevation, measured from the finished ground elevation to the top of the sign, shall be as follows:

- (1) Directory wall sign. A directory wall sign shall not exceed nine feet in elevation.
- (2) Ground sign. The elevation of a ground sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. A ground sign shall not exceed six feet in elevation. The lettering or symbols shall not be higher than five and one-half feet from the finished elevation.
- (3) Projecting sign. A projecting sign may be placed no less than nine feet above ground, and may extend into no more than one-third of the width of any public area or pedestrian way, or four feet, whichever is less.
- (4) Wall sign. The top edge of a wall sign shall not exceed nine feet above the grade or finished floor level or one-half the height of the wall on which it is located, whichever is less.
- (5) Window sign. A window sign shall not exceed five and one-half feet in height.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-60. Number of signs.**

(a) Only one sign for any business or one sign for any street or vehicular access on which a building has frontage shall be permitted.

- (b) In a multi-building complex, a directory sign for the complex may be allowed which shall not count as the one sign allowed for the building frontage.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-61. Prohibited signs.**

- (a) In addition to the signs prohibited in section 3-7, the following types of signs are also prohibited in Kailua Village:

- (1) Any sign or display which is constructed primarily of materials with a shiny, slick, or reflective surface such as fiberglass or acrylic plastic.
- (2) Any sign which is displayed on any roof or mansard roof, or when attached to a building extends above the lowest edge of any portion of the roof or mansard roof.
- (3) Any sign which has a vertical clearance of less than nine feet or projects, extends, or is otherwise displayed over or above any public street, park, other public places or pedestrian way, except as may be permitted by section 3-62 or chapter 22.
- (4) Any sign for product advertising when visible to the general public. A sign containing only the name of a business is not a sign for product advertising.
- (5) Any mechanical sign, graphic design or decorative element that functions through animation, revolvment, up, down, sideways or any other similar movement, including but not limited to, any spinning device, light bulb border, flashing or mobile illumination.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-62. Exempt signs (signs allowed without permits).**

- (a) In addition to the exempt signs allowed in section 3-8, the following signs are exempt in Kailua Village, with the restrictions stated in section 3-8:

- (1) One temporary informational sign or poster for a temporary event, no larger than eight square feet, and posted for a period no longer than thirty days in a calendar year.
- (2) Reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of operation, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted, or other similar information.

(2005, Ord. No. 05-62, sec. 3.)

**Section 3-63. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-64. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-65. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-66. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-67. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-68. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-69. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-70. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-71. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-72. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-73. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 1986, Ord. No. 86-134, sec. 4; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-74. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-75. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-76. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-77. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 2005, Ord. No. 05-62, sec. 2.)

**Section 3-78. Repealed.**

(1979, Ord. No. 481, sec. 2; Am. 1986, Ord. No. 86-134, sec. 5; Am. 2001 Ord. No. 01-108, sec. 1; Am. 2005, Ord. No. 05-62, sec. 2.)