

## Land Use Permits Division FAQs

**Q. How do I find out what kind of sign(s) I can have?**

A: Signs are regulated by **Article 7** of the Land Use Ordinance (LUO). You will need to know the zoning district where your establishment is located, since allowable signs are determined by the zoning of the property. Based on your zoning, the LUO will tell you what kind of sign(s) you can have, how many, where they can be placed, and how big they can be. Only those signs specifically permitted by the LUO are allowed, and your sign MUST be located on your establishment's space.

There are also special sign requirements for the Haleiwa and Chinatown Special Districts [LUO Sections **21-9.60-12(d)** and **21-9.90-4(g)**, respectively]. A few uses have their own unique sign standards: outdoor automobile sales; automobile service stations, gasoline sales and car washes; gasoline sales accessory to a convenience store; drive-in theaters; theaters; and multi-level shopping centers.

Your sign is regulated if it can be seen from a street, another public place, or the parking lot of a neighbor's property. However, not all signs require a permit. Refer to LUO Section **21-7.60(b)** for a complete list of sign types that do not require a sign permit. All other types of signs DQ require an approved sign permit.

**Q. How do I know if a specific kind of structure, activity or use of land is allowed?**

A: You can start by looking at the Master Use Table located at the beginning of **Article 3** of the Land Use Ordinance (LUO). This table shows the types of uses and structures allowed within each zoning district. Some, but not all, of these are defined in **Article 10** of the LUO. Some require permits or are subject to standards contained in **Article 5** of the LUO

Although a use might be permitted in a zoning district, it still must comply with all other applicable LUO requirements, including development standards, parking and loading requirements, and design standards if located within a special district.

General development standards are contained in **Article 4** of the LUO, and district-specific development standards are found in **Article 3**. Parking and loading requirements are contained in **Article 6**. **Article 9** of the LUO contains the special district regulations.

Development which was legally established under prior zoning regulations, but which is no longer allowed, is considered "nonconforming." These structures, activities and uses are "grandfathered," and may be continued subject to regulations in **Section 21-4.110**.

**Q. Can I rebuild my house if it burns down or is destroyed by other means?**

A: The answer depends on the property's zoning, how many houses are located on your property, and the size of the lot. It is often best to call or write the DPP about your situation, since you may need zoning research services to determine the circumstances affecting your house.

As long as the lot is a "legal lot of record," then one single-family dwelling is permitted in zoning districts where this use is permitted; as indicated in the Master Use Table in **Article 3**. In these zoning districts, if there is only one house on the lot, it can be rebuilt provided all Land Use Ordinance (LUO) standards are met: these include height, required yard setbacks, maximum lot coverage and off-street parking. The house can be rebuilt even if the lot does not meet the minimum requirements for lot dimensions or size.

Some zoning districts allow two houses to be physically joined to each other (called "two-family dwellings") on a single lot if the lot is at least a certain size as indicated in **Article 3** of the LUO. When the zoning permits two-family dwellings, both homes can be rebuilt, provided they remain physically joined and all LUO standards are met. Two physically separated houses can only be built on those lots with at least twice the zoning's minimum lot size for a single-family dwelling.

If a lot contains more legally built dwellings than the zoning now permits, then the existing units are considered "nonconforming dwelling units," regulated under LUO **Section 21-4.110(d)**. If a nonconforming dwelling unit is destroyed, by any means, it cannot be rebuilt since only the maximum number of dwellings allowed by the current zoning may remain on the lot or be rebuilt. However, a nonconforming dwelling unit can still be repaired, altered, enlarged or moved, provided all applicable development standards are met.

**Q. How can I qualify for an Ohana dwelling?**

A: An Ohana dwelling is a second home permitted on a lot where the underlying zoning normally allows only one house. Ohana dwellings may be built in the agricultural, country and residential zoning districts (except in the R-3.5 Residential District), if the legal lot of record conforms to the minimum lot size and dimensions for the district. Maps showing areas of potential Ohana eligibility are available at the City's Permit Counter. These maps are based on infrastructure capacity.

The infrastructure, such as water, sewer and roads, must be able to support additional houses in the area, as determined by City agencies. State Department of Health approval is required for individual wastewater facilities. Infrastructure adequacy for the property is reviewed through a *Public Facilities Pre-Check*. The applicant must obtain the approvals and signatures from the agencies listed on the form.

An Ohana dwelling must be attached to the main house, its size is limited, two parking spaces must be provided on the lot, and only relatives of the family living in the main

house may occupy the Ohana unit. An applicant for an Ohana Building Permit must file a restrictive covenant agreeing not to register the property as a condominium, and to abide by the family occupancy requirement. See LUO **Article 8**.

**Q. If I CPR my property, does that allow me to build additional dwelling units?**

A: Registering the property under state regulations for CPR (condominium property regime) does not affect the zoning regulations for the site. The entire site is still subject to all Land Use Ordinance (LUO) provisions. For example, if the size of the lot permits only one dwelling unit, registering the site as a condominium does not permit a second dwelling. The City does not process or approve CPR applications. Contact the State Commerce and Consumer Affairs Department at (808) 586-2644 for more information about CPR.