BILL NO. 291ORDINANCE NO. 15 46

AN ORDINANCE AMENDING CHAPTER 3 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REGULATION OF SIGNS IN THE PĀHOA VILLAGE DESIGN DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose and Findings. The Council finds that Pāhoa Village is identified in the Puna Community Development Plan (PCDP) 2008, as amended, as one of three regional town centers intended to provide a wide range of services for the Puna district. The PCDP further identifies Pāhoa as one of two towns in Puna with the greatest potential for designation as a Special Design District and that land uses, design themes and architectural and site design standards for each village/town center will be determined through the preparation of each regional town center or village center plan under an inclusive community based process that involves major stakeholders, including landowners, community representatives, and public agencies.

The purpose of this ordinance is to establish standards for signage within the Pāhoa Village Design (PVD) district that are consistent with the plantation architectural theme as well as the rural village feel that residents identify with Pāhoa. It is further envisioned that building design and signage standards that identify a Pāhoa brand will be conducive to creating a healthy, economically vital and sustainable community.

SECTION 2. Chapter 3, article 1, division 5, section 3-18 of the Hawai'i County Code 1983 (2005 Edition, as amended), is amended to read as follows:

"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 Count, 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~~] applicable design commission[;] or committee, if required [~~under article 2;~~] by this chapter; 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."

SECTION 3. As applicable exclusively to Section 2 of this ordinance: Material to be repealed is bracketed and stricken; material to be added is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 4. Chapter 3 of the Hawai'i County Code 1983 (2005 Edition, as amended), is amended by adding a new article to be appropriately designated and to read as follows:

"Article . Pāhoa Village Signs.

Division 1. General Provisions.

Section 3-___. Purpose; applicability.

Pāhoa is recognized as a special design district of the County. Unquestionably, signs have a legitimate place in Pāhoa if they are thoughtfully designed and appropriate to their surroundings. Many elements of good sign design can serve well to further express community identity and values through preservation of the architectural theme of the community, which for Pāhoa, is the plantation country village atmosphere cherished by residents and visitors alike. The primary purpose of a sign is to promote the identity, goods and services, or activities on the property 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 Pāhoa design review committee, as established in chapter 25, article 7 of this Code, (hereinafter "committee"), through the planning department, has a shared responsibility for sign review within the Pāhoa Village district. The provisions of this article shall be utilized by the committee and cooperating agencies in evaluating all sign permit requests within the Pāhoa Village district.

Unless otherwise provided for in this article, all sections of article 1 of this chapter shall apply to the Pāhoa Village district. However, certain other aspects of signage are applied specifically to this district in addition to those in article 1.

Section 3-__. Boundaries.

This article shall apply to the Pāhoa Village district. For purposes of this article, the boundaries of this district shall be as delineated in chapter 25, article 7, division __, section 25-7-__ of this Code.

Section 3-__. 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 Pāhoa Village district without first having obtained a sign permit in accordance with this chapter and article.

Section 3-__. 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; and
 - (4) Any other information the director or committee may require.

Section 3-__. Design committee review; failure to review.

- (a) Each completed sign permit application, together with all accompanying information shall be forwarded promptly by the director through the County planning director to the committee for its review and comments for consistency with the Pāhoa Village Design Guidelines (hereinafter "design guidelines").
- (b) Within twenty-five calendar days after receipt of the completed application from the planning director, the committee shall provide its written recommendation(s) to the director via the planning 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. The director may grant a time extension to the committee or planning director only upon the written consent of the applicant.

Section 3-__. Guidelines for review.

The committee and the director, when reviewing an application under this article, shall consider the following guidelines, as well as those found in the design guidelines. In the event a conflict exists between any requirement of this chapter and the design guidelines, the more restrictive or specific requirement shall prevail:

- (1) Fitting each sign to its surroundings shall be a prime consideration. A sign shall complement the building it identifies and contribute to Pāhoa's historical architectural character as described in the design guidelines. Signs shall be a planned feature, reflecting the architectural scale, design, and color of the building or structure. It should be graphically simple and present an appropriate level of detail without appearing cluttered.

- (2) Commercial establishments shall have no more than two signs per street frontage of a building and may include a hanging/projecting sign and a wall/window sign.
- (3) The shape of the sign should aesthetically and functionally emphasize the message and not compete with the architecture of the building.
- (4) Subtleness, proportion, and design shall be emphasized in sign copy and lettering.
- (5) When an illuminated sign is used, the light intensity, color illumination, and the careful screening of the light source shall be considered.
- (6) A freestanding sign should offer an opportunity for landscaping treatment at its base.
- (7) The use of any material which is compatible to the village atmosphere of Pāhoa is encouraged. Primary consideration should be given to wood or non-reflective metal, on which a design can be carved, sand blasted, or painted.
- (8) The use of any natural or earth tone color that is not gaudy or clashing is encouraged.

Section 3-___. Action on permit application.

- (a) The director shall consider the committee's recommendation(s) when processing a sign permit application.
- (b) If the director, after considering the committee'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.

Section 3-___. Variances.

A variance may be granted in accordance with article 1, division 6 of this chapter.

Section 3-___. Design committee review of variances.

- (a) 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 committee for its review and recommendation.
- (b) Within twenty-five calendar days after receipt of the completed variance application from the planning director, the committee shall provide its written recommendation(s) to the director via the planning director. If a recommendation is not received within the allotted period, the director shall act on the request in accordance with division 6 of this chapter. The director may grant a time extension to the committee or planning director only upon the written consent of the applicant.

Division 2. Permissible Signs.

Section 3-___. 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 Pāhoa Village district.

(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 projecting sign for each business conducted on the premises, stating the name and the nature of the business, shall only be allowed 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) 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.

For any business, one window sign fronting any street is allowed and shall cover no more than five percent of the total combined area of windows on the respective street frontage or ten 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 Pāhoa Village district.

Section 3-___. Sign elevation.

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

- (1) A directory wall sign shall not exceed nine feet in elevation.
- (2) 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. Any lettering or symbols shall not be higher than five and one-half feet from the finished elevation.
- (3) A projecting sign may be placed no less than seven 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) The top edge of a wall sign shall not exceed the top of the roof line of the building on which the sign is attached.
- (5) A window sign shall not exceed five and one-half feet in height.

Section 3-___. Number of signs.

- (a) Only two signs for any commercial business for any street or vehicular access on which a building has its primary entrance 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.

Section 3-___. Prohibited signs.

In addition to the signs prohibited in section 3-7, the following types of signs are also prohibited in the Pāhoa Village district:

- (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; and
- (6) Any sign which is flashing, blinking, rotating or inflatable.

Section 3-___. Exempt signs (signs allowed without permits).

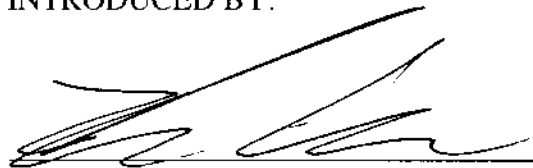
In addition to the exempt signs allowed in section 3-8, the following signs are exempt in the Pāhoa Village district, with the restrictions stated in section 3-8:

- (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; and
- (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.”

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are to be severable.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

B/R

Hi'lo, Hawai'i
Date of Introduction: March 4, 2015
Date of 1st Reading: March 4, 2015
Date of 2nd Reading: May 6, 2015
Effective Date: May 28, 2015

REFERENCE Comm. 1044

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

COUNTY CLERK
COUNTY OF HAWAII
RECEIVED
Time 4:18 p.m. By dy
Date 5-28-15

Introduced By: Zendo Kern (B/R)
Date Introduced: March 4, 2015
First Reading: March 4, 2015
Published: March 14, 2015

REMARKS: _____

Second Reading: May 6, 2015
To Mayor: May 14, 2015
Returned: May 28, 2015
Effective: May 28, 2015
Published: June 6, 2015

REMARKS: March 18, 2015 - Postponed;
April 1, 2015 - Postponed;
April 15, 2015 - Postponed

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter			X	
Wille	X			
	8	0	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved Disapproved this 28th day
of May, 20 15

Mark
MAYOR, COUNTY OF HAWAII

[Signature]
COUNCIL CHAIRPERSON
[Signature]
COUNTY CLERK

Bill No.: 291 (2012-2014)
Reference: C-1044 /PC-8
Ord No.: 15 46