



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO THE HALEIWA SPECIAL DISTRICT.

WHEREAS, the purpose of special districts is to guide development in certain areas of the City in need of restoration, preservation, redevelopment or rejuvenation in a manner that protects and/or enhances the physical and visual aspects of the area for the benefit of the community as a whole; and

WHEREAS, the City's Land Use Ordinance ("LUO") designates Haleiwa town as a special district due to its historic significance, and establishes design controls to preserve and enhance its plantation era character; and

WHEREAS, the Council desires to amend certain provisions of the Haleiwa Special District regulations to ensure that Haleiwa town's historic plantation character will be preserved; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973 (2000 Edition), as amended ("Charter"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513 includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, Chapter 2, Article 24, Revised Ordinances of Honolulu 1990 ("ROH"), establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513, and ROH Chapter 2, Article 24, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and



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BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the Clerk shall transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAR - 9 2017

Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO THE HALEIWA SPECIAL DISTRICT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions, a table and a map pertaining to the Haleiwa special district, to ensure that the district regulations continue to fulfill their purpose of guiding development and protecting and enhancing the physical and visual aspects of the Haleiwa special district for the benefit of the community as a whole.

SECTION 2. Section 21-9.90, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.90 Haleiwa special district.

Established in the late 1800s, Haleiwa town provides a historical encounter with a rural commercial setting which is an integral part of Hawaii's history. It is necessary to preserve and enhance its plantation era character. By designating a special district, it is intended that the character of future developments be compatible with that of the existing community.

Sec. 21-9.90-1 Objectives.

The objectives of the Haleiwa special district are to:

- (a) Preserve and enhance Haleiwa's existing rural low-rise, human-scaled form and character, especially along Kamehameha Highway and Haleiwa Road.
- (b) Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features, and subdued materials[-] and color schemes.
- (c) As entry points to Haleiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.
- (d) Encourage new development which will complement the significant physical features, waterways, open space, mature trees, and sites in Haleiwa.



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- (e) Retain a distinctive pedestrian-oriented commercial area for residents and visitors.
- (f) Provide for safe and pleasant pedestrian and vehicular circulation~~[, while avoiding parking areas along the streetscape].~~
- (g) Enhance the attractiveness and general landscaped open space character of the area.
- (h) Preserve and enhance significant views in Haleiwa, especially those of the Waianae Range and of the ocean from Haleiwa Beach Park within the highly developed and heavily traveled areas.
- (i) Provide public improvements such as roadways, street lights, street furniture and signage compatible with the rural character of the community, rather than at conventional urban standards.

Sec. 21-9.90-2 District boundaries.

The boundaries of the district are designated on Exhibit 21-9.16, set out at the end of this article. The district is generally ~~[comprised]~~ composed of parcels abutting Kamehameha Highway between Weed Junction south and ~~[Haleiwa Beach Park]~~ Puaena Point north.

Sec. 21-9.90-3 Significant public views and resources.

The following are significant views within the Haleiwa special district.

- (a) Views of Mount Kaala, the Waianae Range, Lokoea Pond and Waialua Bay from Kamehameha Highway.
- (b) Views of Anahulu Stream from Kamehameha Highway, at the old arched Anahulu ("Haleiwa") Bridge.
- (c) Views of Paukauila Stream, with landscaped buffer material, from Kamehameha Highway.
- (d) Views of the ocean from Kamehameha Highway.
- ~~[(d)]~~(e) Views of other significant features delineated on Exhibit 21-9.18, set out at the end of this article.



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Sec. 21-9.90-4 Design controls.

Implementation of the district objectives shall consist primarily of use restrictions, building height limitations, yard and landscaping requirements, parking, architectural design requirements, choice of exterior colors, and sign and exterior furniture design controls. Specific regulations are enumerated below.

- (a) ~~Prohibited~~ Permitted Uses. All uses permitted in the respective underlying zoning district are permitted in the Haleiwa special district.
- (b) Heights.
 - (1) Permitted maximum heights of buildings and structures within the district shall not exceed 30 feet, except as provided under subdivision (2) of this subsection. Where the underlying zoning district has a lower height limit, the lower height limit shall prevail.
 - (2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose ~~[for]~~ which they serve, but in no case ~~[exceeding]~~ may they exceed 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Haleiwa special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, parapet walls or ornamental cornices.
 - (3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.
- (c) Required Yards.



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- (1) The required front yard for any building or structure shall be 10 feet. Ground level porches, walkways, roof canopies or eaves for other than residential structures may extend a maximum of five feet into the front yard.
 - (2) Business uses and structures, except for service stations shall be located at the front yard setback line for a minimum of 50 percent along the front yard setback line.
 - (3) The minimum required setback for any new building or structure from any significant waterways as identified on Exhibit 21-9.18, set out at the end of this article, shall be 20 feet as measured from the water's edge.
- (d) Landscaping.
- (1) All required front yards shall be landscaped. A minimum 10-foot-wide buffer landscape strip shall be provided for all service stations, between the Kamehameha Highway property line or street setback lines, whichever is greater, and the service lanes or area.
 - (2) The setback area within 20 feet from any significant waterways shall be maintained in an indigenous state. Additional planting material shall be provided in this area to screen any new structures or parking and drive areas as viewed from Kamehameha Highway. This requirement may be reduced for roadways and access drives where visibility is required for the safety of vehicles and pedestrians.
 - (3) Street trees shall be provided along Kamehameha Highway and Haleiwa Road in an informal arrangement, planted within front yards or the sidewalk area, and shall be a minimum two-inch caliper. Species shall be chosen from the list shown on Exhibit 21-9.18, set out at the end of this article~~[, and shall be a minimum two-inch caliper]~~. Number, spacing and location of trees shall be determined by the director.
 - (4) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.



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- (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (5) Any tree removed which is visible from any street, park, or other public viewing area shall be replaced by an approved tree of minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Where possible, trees proposed for removal shall be relocated.
- (e) ~~[Off-street]~~ Parking.
- (1) Open parking areas of five or more cars shall be screened from view of Kamehameha Highway and adjacent lots and streets by fences, walls, earth berms, depression and/or landscaping a minimum of 48 inches high. This height may be reduced, subject to review and approval of the director, where visibility is required for the safety of vehicles and pedestrians.
 - (2) All other landscaping requirements of Section 21-4.70 shall apply.
 - (3) Except for necessary access drives, parking and loading spaces shall be prohibited in all required yards.
 - (4) Off-street parking and loading shall be located at the side and rear of buildings only.
 - (5) On-street parking on Kamehameha Highway may be allowed if the parking is at a diagonal angle.
- (f) Architectural Appearance and Character.
- (1) General. The architectural form, scale, and character for new or renovated structures and modifications of existing structures shall be similar to the existing traditional building forms of Haleiwa. Typical characteristics for business districts are low structures with sloped roof canopies or overhanging second floors, false front facades or parapets, metal roofs, ground floors with entrances to the street, wood porches, generous window openings, and small-scale architectural detailing of facades.



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- (2) Roofs. Roof projections or canopies shall be provided at the first floor roof level along Kamehameha Highway. Roofs visible from Kamehameha Highway shall have a minimum slope of five inches vertically to 12 inches horizontally. Flat roofs are prohibited in the district except for screened portions to accommodate mechanical equipment or enclosed by parapets or otherwise not visible from within the district. Roof materials shall be limited to wood shingles or shakes, patterned metal, patterned clay or concrete tiles for all sloping roofs visible from the district.
- (3) Sun Control. Awnings shall be either roll up construction, or fixed and projecting. They shall be subdued in color and pattern. Fixed commercially made metal awnings or "modern style" sun control devices are not permitted except by approval of the director in accordance with the purpose and objectives of the district.
- (4) Railings, Fences, and Walls. Within the front yard, railings and fences shall be constructed from wood and refined in detail. Walls exceeding 36 inches in height shall be set back a minimum of 18 inches along Kamehameha Highway and Haleiwa Road and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.
- (5) Exterior Lighting. Private light fixtures shall complement the character of the architecture of the district. Lighting shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.
- (6) Exterior Wall Materials. Wall materials shall be subdued and visually compatible with existing materials. Materials should be selected to weather and mature with time and exposure such as stained or natural finish wood, coral, lava rock, watted stucco, field stone and concrete with exposed aggregates, or wood impressions. Board and batten or board on board wood siding walls are particularly encouraged.
- (7) Colors. Colors for all materials shall be natural or earth tones in subdued ranges and combinations. ~~[Colors for architectural trim or accent shall not be so limited.]~~ The director and design advisory committee shall review color schemes to ensure that colors reflect a traditional plantation style.



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- (8) Street Facades.
- (A) A minimum of 50 percent of the area of the first floor street facade for business uses shall be devoted to windows and entrances. The area shall be measured along the length of the first floor street facade to a height of eight feet from the finish grade.
 - (B) All glass on street facades shall be transparent and untinted.
- (9) Walkways. Private walkway and sidewalk material shall be visually compatible with natural materials such as wood planks or concrete with wood impressions or exposed aggregate.
- (10) Exceptions. Exceptions to the above requirements for architectural appearance and character may be approved by the director if adequate justification for the exception is submitted, ~~[and]~~ the exception requested is consistent with the objectives of the Haleiwa special district~~[-]~~, and the proposal is presented to the neighborhood board whose boundaries include the special district.
- (g) Signs.
- (1) Signs shall be designed to enhance the historic and architectural character of Haleiwa. An appropriate sign design would use a carved or sandblasted wood sign with serif-style lettering typical of the turn of the century, incorporating symbols when appropriate, and suspended from canopies or mounted on the building wall.
 - (2) Pole-mounted signs shall be limited to a maximum height of 10 feet.
 - (3) Signs which are self-illuminating, with moving parts, luminous paints, or reflective materials are not permitted. Any illumination should be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.
 - (4) Notwithstanding the provisions for ground signs under Article 7, one ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be permitted in the required 10-foot front yard, if there are more than three establishments. If it is used as a directory sign for more than three establishments, a maximum 18-square-foot ground sign is permitted.



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- (5) A second business sign on the building frontage for each ground floor establishment may be allowed, provided the sign is a hanging or projecting sign.
- (6) In lieu of the second business sign described above, a garden sign may be permitted within the required front yard for each ground floor establishment with building frontage, provided parking is not located within the front yard. Garden signs shall be spaced a minimum of 50 feet apart.
- (h) Exterior Furniture. Any exterior furniture located within the public right-of-way by a public agency, or on private property by an owner, lessee or tenant, shall be designed to enhance the rural character of Haleiwa and shall be subject to approval by the director.
- (i) Drive-thru facilities.
 - (1) Required off-street parking shall be provided on site.
 - (2) Left turns out of a drive-thru lane onto Kamehameha Highway shall be prohibited.
 - (3) The service area for customers shall be at the rear or side of the structure.
 - (4) Queuing vehicles on drive-thru lanes shall be screened from view of Kamehameha Highway by appropriate landscaping. The director shall approve the landscaping plan.
 - (5) Drive-thru lanes shall be of a length sufficient to ensure that waiting vehicles do not obstruct traffic on Kamehameha Highway.
 - (6) Drive-thru operations shall cease [at] by 10:00 p.m.
 - (7) Drive-thru facilities shall only be permitted on zoning lots along Kamehameha Highway:
 - (A) Between Weed Junction and the cane haul road; and
 - (B) Between the northern boundary of the Haleiwa special district and Anahulu Bridge.
 - (8) No portion of any drive-thru facility shall be located within 2,000 feet of another drive-thru facility.



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(i) Mobile food establishment lots. Mobile food establishment lots are subject to the following regulations:

(1) As used in this section:

"Mobile food establishment" means a vehicle-mounted operation where food is served or provided to the public, with or without charge, and regardless of whether the food is consumed on or off the premises. This includes but is not limited to licensed trailer-type vehicles, push carts, and lunch wagons.

"Mobile food establishment lot" means a zoning lot upon which one or more mobile food establishments are located.

- (2) Mobile food establishment lots are permitted only on business-zoned lots.
- (3) All mobile food establishment lots require a special district permit.
- (4) A minimum of five off-street parking stalls is required for each mobile food establishment on a mobile food establishment lot.
- (5) A mobile food establishment lot is allowed one ground sign for directory purposes, subject to the requirements of this chapter.
- (6) Mobile food establishments located on a mobile food establishment lot must comply with the color requirements of subdivision (f)(7) of this section. The name of the mobile food establishment may be displayed on the vehicle, subject to the color requirements and Chapter 41, Article 14.
- (7) The special district permit for mobile food establishment lots must provide for the following:
 - (A) A landscaping plan must be submitted with a special district permit application.
 - (B) A condition that the permit may be revoked if the establishment fails to comply with Department of Health rules or regulations, including rules or regulations relating to the provision of restrooms. Portable restrooms, if any, must be screened from view of Kamehameha Highway.
 - (C) A condition that all operations are to cease by 10:00 p.m.



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- (D) A traffic study and a traffic circulation and mitigation plan.
- (8) Mobile food establishment lots in legal operation prior to the effective date of this ordinance must obtain a special district permit within one year of the effective date of this ordinance or cease operation.
- (9) Mobile food establishment lots must comply with the yard requirements in subsection (c) of this section, with each mobile food establishment being considered a building or structure.
- (10) Mobile food establishment lots must provide permanent utility connections and adequate restroom facilities, with a preference for permanent toilet facilities with wastewater systems, as opposed to portable toilets.
- (11) Mobile food establishment lots are permitted only on zoning lots along Kamehameha Highway:
 - (A) Between Weed Junction and Paalaa Road; and
 - (B) Between 66-236 Kamehameha Highway and 66-250 Kamehameha Highway.
- (12) No mobile food establishment lot may be located within 400 feet of another mobile food establishment lot.

Sec. 21-9.90-5 Detached dwellings and duplex units.

Detached dwellings and duplex units constructed prior to the effective date of this ordinance shall be exempt from the requirements of the Haleiwa special district, except for Section 21-9.90-4, ~~[subsections]~~ subsection (d)(3), ~~[(d)](4) and ~~[(d)](5)~~, relating to landscaping, subsection (f)(2) relating to roofs, and subsection (f)(4) relating to railings, fences, and walls.~~

Sec. 21-9.90-6 Project classification.

- (a) Refer to Table 21-9.7 to determine whether specific projects will be classified as major, minor, or exempt.
- (b) Projects involving demolition or relocation of structures listed on Exhibit 21-9.17, set out at the end of this article, may be referred to appropriate public or private agencies for review, which may include submittal for review to the state historic preservation office to investigate public and private alternatives to preserve



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buildings of scenic, historic, cultural or architectural significance consistent with the legislative intent and objectives of this ordinance. If required, such review shall not exceed a period of 90 days, and shall precede acceptance of the application for a special district permit."

SECTION 3. Chapter 21, Table 21-9.7 ("Haleiwa Special District Project Classification"), Revised Ordinances of Honolulu 1990, is amended to read as follows:

"

Table 21-9.7 Haleiwa Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Signs	E	
Tree removal over six inches in diameter	m/E	Minor only if visible from Kamehameha Highway or Haleiwa Road
Grading and stockpiling	E	
Major modification, alteration, repair or addition to all structures	M/m	Major if listed on Exhibit 21-9.17 and/or if visible from Kamehameha Highway or Haleiwa Road
Minor modification, alteration, repair or addition to historic structures	m	Also includes structures on Exhibit 21-9.17
Exterior repainting that significantly alters the character or appearance of the structure	m/E	Minor if listed on Exhibit 21-9.17 and/or visible from Kamehameha Highway or Haleiwa Road
Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure	E	
Interior repairs, alterations and renovations to all structures	E	
Demolition or obstruction of historic structures	M	Also includes structures on Exhibit 21-9.17
Demolition of nonhistoric structures	E	



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Table 21-9.7 Haleiwa Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Fences and walls	E	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way	m	
Major above-grade infrastructure* improvements not covered elsewhere, including <u>cell towers</u> , new roadways, [road-widenings,] new substations, new parks and significant improvements to existing parks	m	
Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
New buildings not covered above <u>and mobile food establishment lots</u>	M/m	Major if visible from Kamehameha Highway or Haleiwa Road
Drive-thru facilities	m	

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable [~~tv;~~] TV, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.



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Legend--Project classification:

M = Major

m = Minor

E = Exempt"

SECTION 4. Exhibit 21-9.16, Revised Ordinances of Honolulu 1990 ("Haleiwa Special District, District Boundary"), is amended to reflect the boundary for the Haleiwa Special District as shown in Exhibit A attached to this Ordinance.

SECTION 5. In Sections 2 and 3 of this ordinance, ordinance material to be repealed is bracketed and stricken and new ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 6. The Revisor of Ordinances shall insert the actual effective date of this ordinance in place of the phrase "the effective date of this ordinance" wherever the phrase appears in Section 2 or 3 of this ordinance.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

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SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

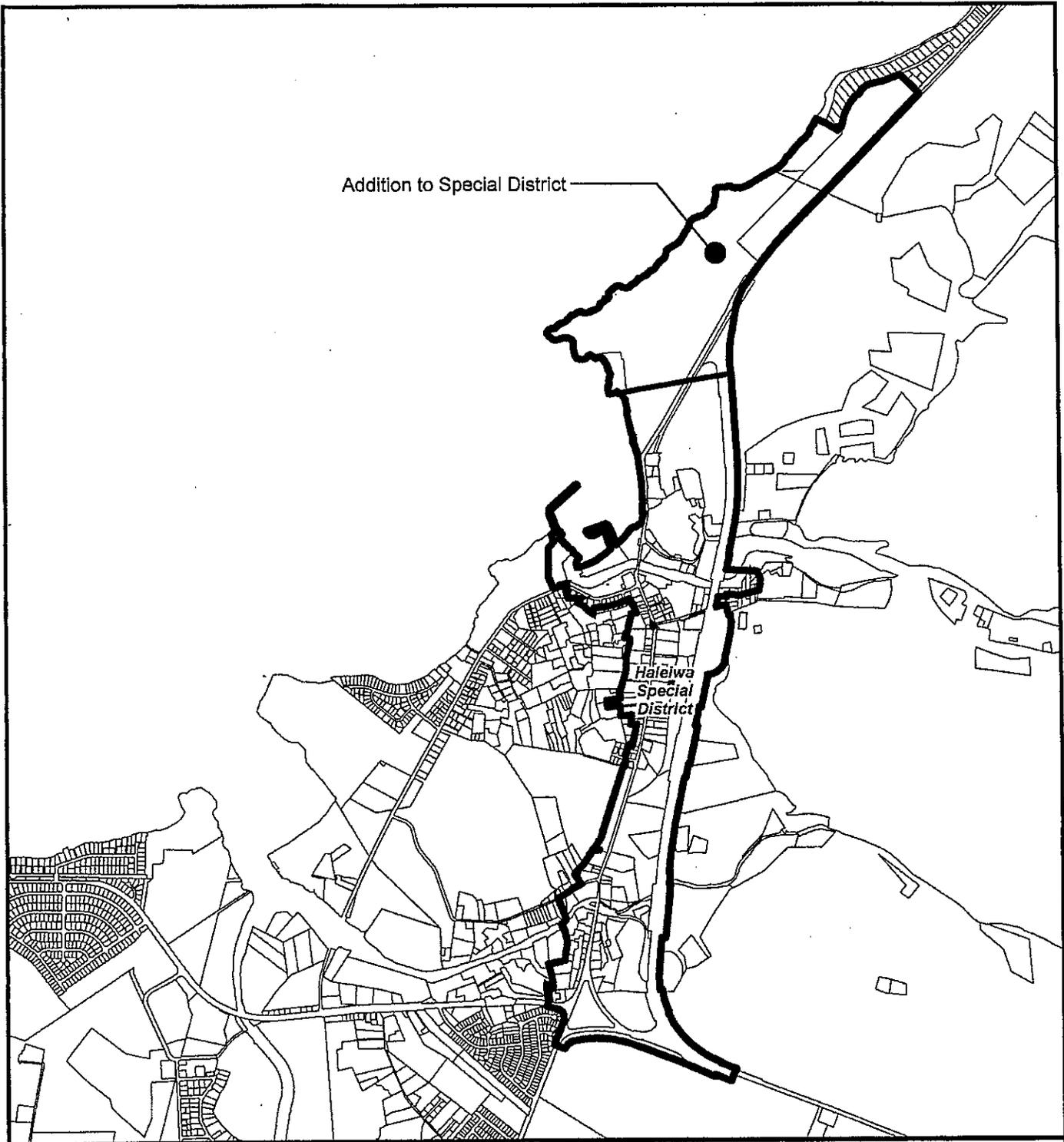
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20_____.

KIRK CALDWELL, Mayor
City and County of Honolulu



Legend

 District Boundary



0 1,000 2,000 4,000
Scale in Feet

**Haleiwa Special District
District Boundary**

Prepared by: Office of Council Services

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Note: Data represented on this map is not
intended to replace site survey.

Date Prepared: December 29, 2014



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 17-79

Introduced: 03/09/17 By: ERNEST MARTIN

Committee: ZONING AND HOUSING

Title: RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO THE HALEIWA SPECIAL DISTRICT.

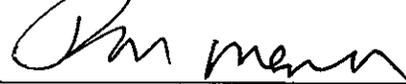
Voting Legend: * = Aye w/Reservations

04/06/17	ZONING AND HOUSING	CR-142 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
06/07/17	COUNCIL	CR-142 AND RESOLUTION 17-79 WERE ADOPTED. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



RON MENOR, CHAIR AND PRESIDING OFFICER