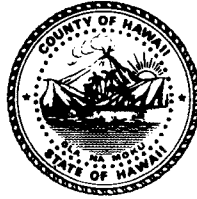


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 12 18 BILL NO. 155

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20), AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-3-035:070.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiākea, South Hilo, Hawai'i, shall be Industrial-Commercial Mixed – 20,000 square feet (MCX-20):

Beginning at the northwest corner of this parcel of land on the east side of Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,163.00 feet south and 11,187.50 feet east and running by azimuths measured clockwise from true south:

1. 270° 00' 176.47 feet along Grant 11505 to Hayato Okino;
2. 341° 00' 105.76 feet along a Road Reserve;
3. 90° 00' 210.90 feet along Grant 11788 to Kikuyoshi Nakayama;
4. 180° 00' 100.00 feet along Kanoelehua Avenue to the point of beginning and containing an area of 19,369 square feet.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
  - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
  - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one-hundred eighty (180) days from the effective date of this ordinance.
- C. Construction of the proposed development shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent

properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

- D. Access to the subject property from Kanoelehua Avenue shall meet with the requirements of the Department of Transportation.
- E. The height of any structure or vegetation within the property shall conform to the requirements of the State Department of Transportation, Airports Division, including the granting of appropriate aviation and noise easements to the State Airports Division.
- F. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. If required, a drainage study shall be prepared and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. Any drainage improvements shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.
- G. If required, a Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
- H. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources – State Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.

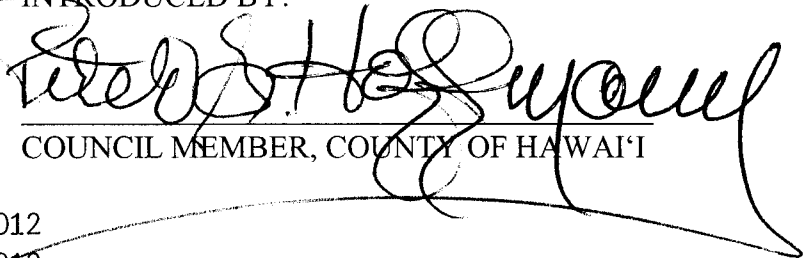
- I. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- J. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- K. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:
  - 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - 2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
  - 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

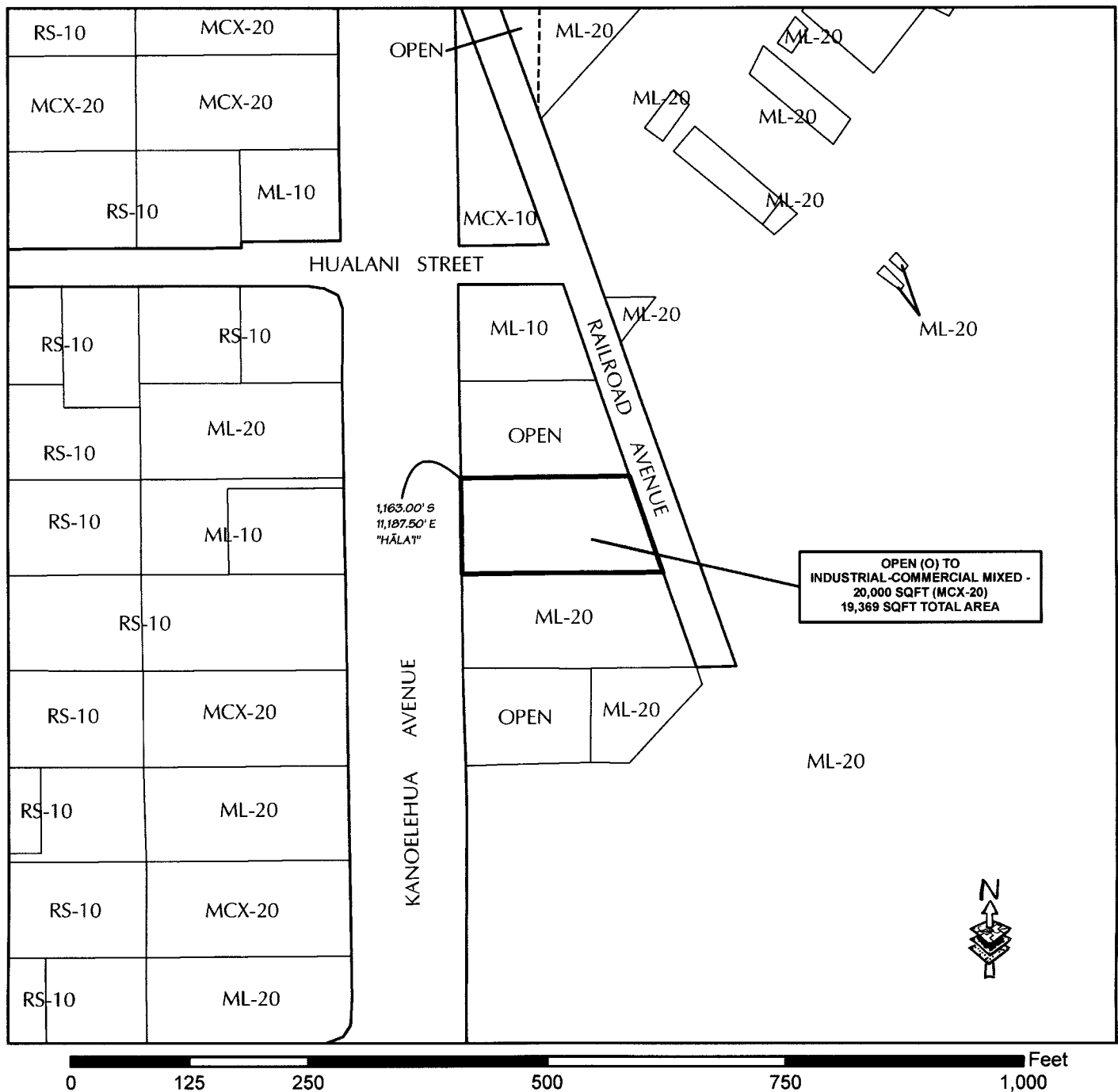
A large, stylized handwritten signature in black ink, likely belonging to a Council Member, is written over the printed name and title.

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: January 4, 2012  
Date of 1st Reading: January 4, 2012  
Date of 2nd Reading: January 20, 2012  
Effective Date: February 6, 2012

REFERENCE: ~~Comms~~ 491



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,  
CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983 (2005 EDITION),  
BY CHANGING THE DISTRICT CLASSIFICATION FROM  
OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED - 20,000 SQFT (MCX-20),  
AT WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

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

COUNTY CLERK  
COUNTY OF HAWAII

2012 FEB -6 PM 3:44

Introduced By: Pete Hoffmann  
Date Introduced: January 4, 2012  
First Reading: January 4, 2012  
Published: N/A

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: January 20, 2012  
To Mayor: January 30, 2012  
Returned: February 6, 2012  
Effective: February 6, 2012  
Published: February 15, 2012

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago			X	
Smart	X			
Yagong	X			
Yoshimoto			X	
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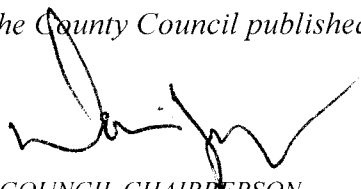
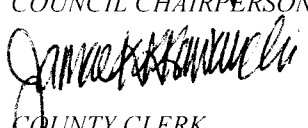
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
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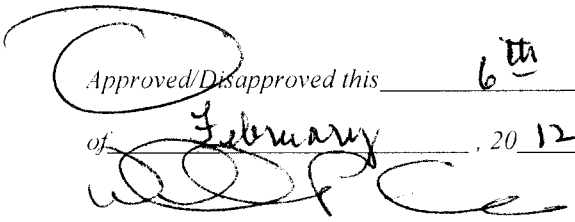
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO  
FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

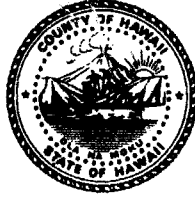
Date FEB - 2 2012

  
COUNCIL CHAIRPERSON  
  
COUNTY CLERK

  
Approved/Disapproved this 6<sup>th</sup> day  
of February, 20 12  
MAYOR, COUNTY OF HAWAII

Bill No.: 155  
Reference: C-491/PC-35  
Ord No.: 12 18

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 12 67 BILL NO. 210

AN ORDINANCE AMENDING ORDINANCE NO. 12-18 TO CORRECT THE TITLE BY CHANGING THE TAX MAP KEY FROM 2-3-035:070 TO 2-2-035:070.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Purpose. The purpose of this ordinance is to correct the Tax Map Key reference provided in the title of Ordinance No. 12-18 from 2-3-035:070 to 2-2-035:070. No other changes are proposed to the provisions of Ordinance No. 12-18, including the attached Exhibit "A."

SECTION 2. The title of Ordinance No. 12-18 is amended to read as follows:

"AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20), AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY [~~2-3-035:070~~] 2-2-035:070."

SECTION 3. Material to be repealed is bracketed and stricken. Material to be added is underscored.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: April 4, 2012  
Date of 1st Reading: April 4, 2012  
Date of 2nd Reading: April 17, 2012  
Effective Date: May 3, 2012



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

COUNTY CLERK  
COUNTY OF HAWAII

2012 MAY -7 AM 8:45

Introduced By: Pete Hoffmann  
Date Introduced: April 4, 2012  
First Reading: April 4, 2012  
Published: N/A

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: April 17, 2012  
To Mayor: April 25, 2012  
Returned: May 7, 2012  
Effective: May 3, 2012  
Published: May 19, 2012

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas			X	
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas	X			
Ford	X			
Hoffmann	X			
Ikeda			X	
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

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

APPROVED AS TO  
FORM AND LEGALITY:

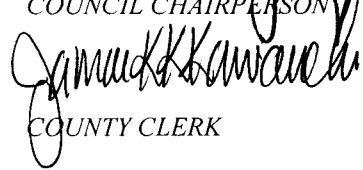
  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date MAY - 1 2012

Approved/Disapproved this 3rd day  
of May, 20 12

  
MAYOR, COUNTY OF HAWAII

  
COUNCIL CHAIRPERSON

  
COUNTY CLERK

Bill No.: 210  
Reference: C-625/Waived-PC  
Ord No.: 12 67