



ORDINANCE NO. 14 55 BILL NO. 213

AN ORDINANCE AMENDING ORDINANCE NO. 06 144 WHICH AMENDED ORDINANCE NO. 98 98, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO INDUSTRIAL COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY 2-2-037:029.

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

**SECTION 1.** Ordinance No. 06 144 is amended as follows:

“SECTION 1. Section [~~25-8-3~~] 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:

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

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
  - (2) 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. ~~[The required water commitment payment shall be submitted to the Department of Water Supply]~~ 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 [its] the “Water Commitment Guidelines Policy” to the Department of Water Supply within one hundred and eighty (180) days from the effective date of this second amendment.

C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this second amendment. This time period shall include securing Final Plan Approval from the Planning Director for the development within the subject property. Plans shall identify structures, fire protection measures, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include a landscaping buffer along the northern, western, and southern boundaries of the subject property.

~~[D. — An overall landscaping plan and maintenance plan, which includes landscaping along the side property boundaries of the subject property, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.]~~

~~[E.]~~ D. Driveway access and sidewalk improvements along Kanoelehua Avenue shall meet with the approval of the Department of Transportation and the Department of Public Works, whichever is applicable.

~~[F.]~~ E. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.

~~[G.]~~ F. A drainage system, if applicable, shall be installed, meeting with the approval of the Department of Public Works.

[H.] G. Sewer line connections shall be installed meeting with the requirements of the Department of Public Works.

H. Should the applicant submit plans to develop a land use beyond what is proposed in the application, which the Planning Department in consultation with the Department of Public Works determines will generate over 50 peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The applicant shall implement when required by the Department of Public Works, at no cost to the County, any transportation improvements deemed necessary by the Department of Public Works.

I. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.

J. Upon compliance with applicable conditions of approval, prior to the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.

K. 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.

L. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the County Council for appropriate action.

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

**SECTION 2.** Material to be deleted is bracketed and struck-through. New material is underscored.

**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.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAI'I

\_\_\_\_\_ Kona \_\_\_\_\_, Hawai'i

Date of Introduction: April 1, 2014  
Date of 1st Reading: April 1, 2014  
Date of 2nd Reading: April 16, 2014  
Effective Date: May 12, 2014

REFERENCE Comm. 717

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

COUNTY CLERK  
COUNTY OF HAWAII

2014 MAY 12 PM 3:32

Introduced By: Zendo Kern (B/R)  
Date Introduced: April 1, 2014  
First Reading: April 1, 2014  
Published: N/A

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

Second Reading: April 16, 2014  
To Mayor: April 28, 2014  
Returned: May 12, 2014  
Effective: May 12, 2014  
Published: May 21, 2014

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

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Eoff	X			
Ford	X			
Ilagan	X			
Kanuha	X			
Kern	X			
Onishi	X			
Poindexter	X			
Wille	X			
Yoshimoto	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Eoff	X			
Ford	X			
Ilagan	X			
Kanuha	X			
Kern	X			
Onishi	X			
Poindexter	X			
Wille	X			
Yoshimoto	X			
	9	0	0	0

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



COUNCIL CHAIRPERSON



COUNTY CLERK

Approved Disapproved this 12th day  
of MAY, 2014

Wanda Ya  
MAYOR, COUNTY OF HAWAII

Bill No.: 213

Reference: C-717/PC-60

Ord No.: 14 55