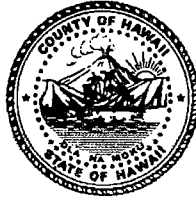


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 16 49 BILL NO. 168

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 SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) TO INDUSTRIAL - COMMERCIAL MIXED - 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA HOUSE LOTS, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-035:060.

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 House Lots, South Hilo, Hawai'i, shall be Industrial-Commercial Mixed - 20,000 square feet (MCX-20):

Beginning at a point at the southeast corner of this parcel of land, being also the northeast corner of a Portion of Lot 10, Block 23, Waiākea House Lots, First Series, portion of Grant 11,469 to Daniel Pavao & Margaret Santos Pavao and on the westerly side of Kanoelehua Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HĀLA'I" being 1,363.00 feet south and 11,062.50 feet east and thence running by azimuths measured clockwise from true south:

- | | | | |
|----|---------|--------|--|
| 1. | 90° 00' | 210.50 | feet along a Portion of Lot 10, Block 23, Waiākea House Lots, First Series, portion of Grant 11,469 to Daniel Pavao & Margaret Santos Pavao; |
|----|---------|--------|--|

- | | | | |
|----|----------|--------|--|
| 2. | 180° 00' | 100.00 | feet along Lot 7, Grant 10,948 to Takeshi T. Okuno; |
| 3. | 270° 00' | 210.50 | feet along Lot 6-B and Lot 6-A, being portions of Lot 6, Block 23, Waiākea House Lots, First Series, Grant 12,795 to Emil M. Osorio & Eliza K. Osorio; |
| 4. | 0° 00' | 100.00 | feet along the westerly side of Kanoelehua Avenue to the point of beginning and containing an area of 21,050 square feet more or less. |

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:

- (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(s), 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 (DWS), the applicant(s) shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of

Hawai'i to the DWS. A water commitment deposit shall be paid to the DWS within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply's Rules and Regulations. The applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.

- C. The applicant(s) shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, if required, which must be inspected and approved by the Department of Water Supply.

- D. Construction of the proposed development shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the applicant(s), successor(s) or assign(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall 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) standards for MCX zones adjoining a RS zone.

- E. 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, if required, shall be constructed, meeting the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy.

- F. The project shall comply with all applicable State Department of Transportation-Airports Division and Federal Aviation Administration laws, rules, regulations and requirements as they may apply to construction activities, proposed structures and related facilities due to the proximity of the subject property to the Hilo International Airport.
- G. 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-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- H. 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.
- I. The applicants shall comply with all County, State and Federal laws, rules, regulations and requirements.
- J. 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 applicants, 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).
5. If the applicant(s) should require an additional extension of time, the Planning Department shall submit the applicants' request to the County Council for appropriate action.

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.

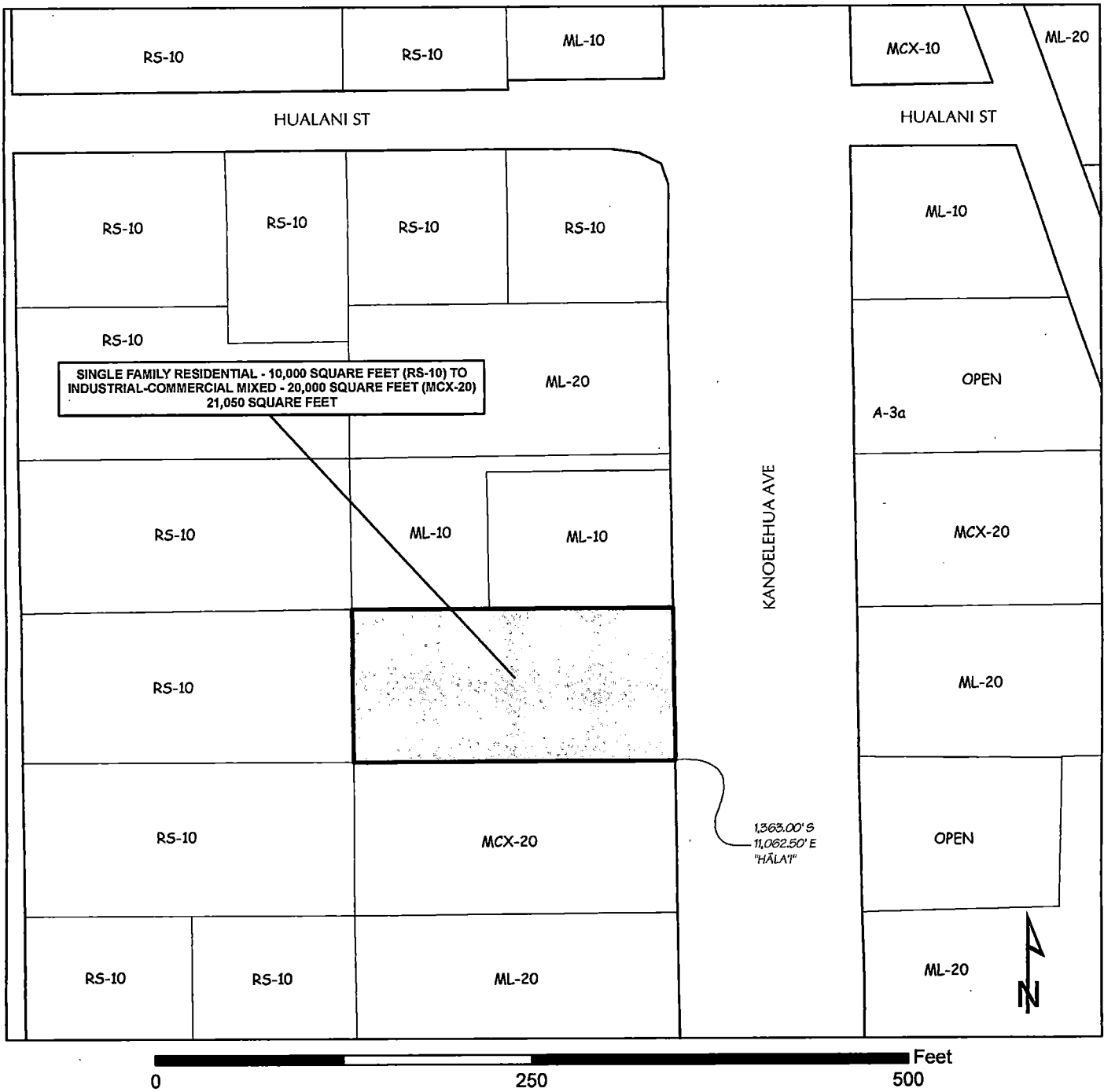
INTRODUCED BY:

 B/R

COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i
Date of Introduction: April 20, 2016
Date of 1st Reading: April 20, 2016
Date of 2nd Reading: May 4, 2016
Effective Date: May 23, 2016

REFERENCE Comm. 754



AMENDMENT TO THE ZONING CODE

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
 SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) TO
 INDUSTRIAL-COMMERCIAL MIXED - 20,000 SQUARE FEET (MCX-20)
 AT WAIĀKEA HOUSE LOTS, SOUTH HILO, HAWAI'I

MAP PREPARED BY:
 COUNTY OF HAWAI'I, PLANNING DEPARTMENT

TMK: (3) 2-2-035:060

DATE: December 17, 2015

EXHIBIT "A"

Pulama 'Aina
 Map: 1369

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

COUNTY CLERK
 COUNTY OF HAWAII

2016 MAY 23 PM 1:03

Introduced By: Greggor Ilagan (B/R)
 Date Introduced: April 20, 2016
 First Reading: April 20, 2016
 Published: April 30, 2016

REMARKS: _____


Second Reading: May 4, 2016
 To Mayor: May 12, 2016
 Returned: May 23, 2016
 Effective: May 23, 2016
 Published: June 4, 2016

REMARKS: _____



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			
	9	0	0	0

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

Approved/Disapproved this 23rd day
 of May, 2016


MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 168

Reference: C-754/PC-55

Ord No.: 16 49