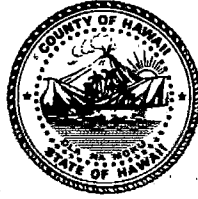


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 16 80 BILL NO. 209

AN ORDINANCE AMENDING ORDINANCE NO. 03 115, WHICH RECLASSIFIED LANDS FROM MULTIPLE FAMILY RESIDENTIAL – 1,000 SQUARE FEET (RM-1) TO VILLAGE COMMERCIAL – 7,500 SQUARE FEET (CV-7.5) AT HONUAAULA, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-5-022:040.

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

SECTION 1. Ordinance No. 03 115 is amended as follows:

“SECTION 1. Section 25-8-5, 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 Honuaula, North Kona, Hawai'i, shall be Village Commercial – 7,500 square feet (CV-7.5):

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, 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 in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance. Prior to this payment, water calculations with anticipated maximum daily water usage as recommended by a registered engineer shall be submitted to the Department of Water Supply.]~~ The applicant shall construct necessary water system improvements as required by the Department of Water Supply (DWS), which may include, but not be limited to, the installation of a reduced pressure type backflow prevention assembly and improvements to meet DWS' commercial zoning fire flow standard of 2,000 GPM at the site for fire protection. 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. The applicant shall comply with all other applicable DWS policies and requirements.
- C. Construction of the proposed development shall be completed within five (5) years from the effective date of this ~~[ordinance]~~ amended ordinance. This time period shall include securing comments from the Kailua Village Design Commission and Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. The applicant shall provide adequate off-street parking and a turnaround before entering the County road right-of-way. Landscaping shall be indicated on the plans for the purpose of

mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

- D. The applicant shall provide a five (5)-foot future road widening setback along the entire Kalawa Street frontage of the subject property and show the future road widening setback on any site plan for Plan Approval. All structural setbacks shall be taken from this future road widening line. [~~The applicant shall provide improvements to Kalawa Street fronting the subject property. The applicant shall widen, by 5 feet, and~~] The Applicant shall provide full improvements to the entire~~[(as widened)]~~ Kalawa Street frontage consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any relocation of utilities meeting with the approval of the Department of Public Works. The ~~[widened street]~~ improvements shall be dedicated without cost to the County of Hawai'i prior to the issuance of a Certificate of Occupancy. Install street lights, signs and markings, meeting with the approval of the Department of Public Works, Traffic Division.
- E. The driveway connection to the subject parcel from Kalawa Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code and meet with the approval of the Department of Public Works. Driveways shall conform to County Standards Details. All sight distances shall meet the requirements of the Hawai'i Statewide Uniform Design Manual or AASHTO Guidelines.
- F. A drainage study shall be prepared, and the recommended drainage system shall be constructed, meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy for any portion of the proposed development.

- G. The applicant shall connect to the existing County sewer lateral meeting with the approval of the Department of Environmental Management prior to the issuance of a certificate of occupancy.
- H. A Solid Waste Management Plan shall be submitted the Department of Environmental Management for review and approval. A copy of the approved plan shall be submitted to the Planning Department prior to the issuance of Final Plan Approval.
- I. All earthwork activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
- J. 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 the DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- K. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development.
- L. If the applicant(s), successor(s), or assign(s) develops residential units on the subject property, the applicant(s) shall make its (their) fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair share contribution for each lot shall be based on the actual number of

residential units developed. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a maximum combined value of \$8,754.58 per multiple family residential unit (\$13,672.20 per single family residential unit). The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit (single family residential units) shall be allocated as follows:

1. \$4,318.39 per multiple family residential unit (\$6,608.08 per single family residential unit) to the County to support park and recreational improvements and facilities;
2. \$136.48 per multiple family residential unit (\$317.37 per single family residential unit) to the County to support police facilities;
3. \$419.84 per multiple family residential unit (\$626.84 per single family residential unit) to the County to support fire facilities;
4. \$187.12 per multiple family residential unit (\$274.44 per single family residential unit) to the County to support solid waste facilities; and
5. \$3,692.75 per multiple family residential unit (\$5,845.47 per single family residential unit) to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council.

[L.]M. 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.

[M.]N. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of [~~the ordinance~~] this amendment. The report shall include, but not limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

O. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Hawai'i County Code, Chapter 11, as it relates to affordable housing. Compliance with Chapter 11 shall be approved by the Administrator of the Office of Housing and Community Development prior to receipt of Final Plan Approval and/or Final Subdivision Approval.

[N.]P. [~~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 applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval. 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).~~
5. ~~If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.]~~

Should the applicant require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission and the Hawaii County Council for appropriate action.

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

SECTION 2. Material to be deleted is bracketed and struck through and material to be added 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.

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

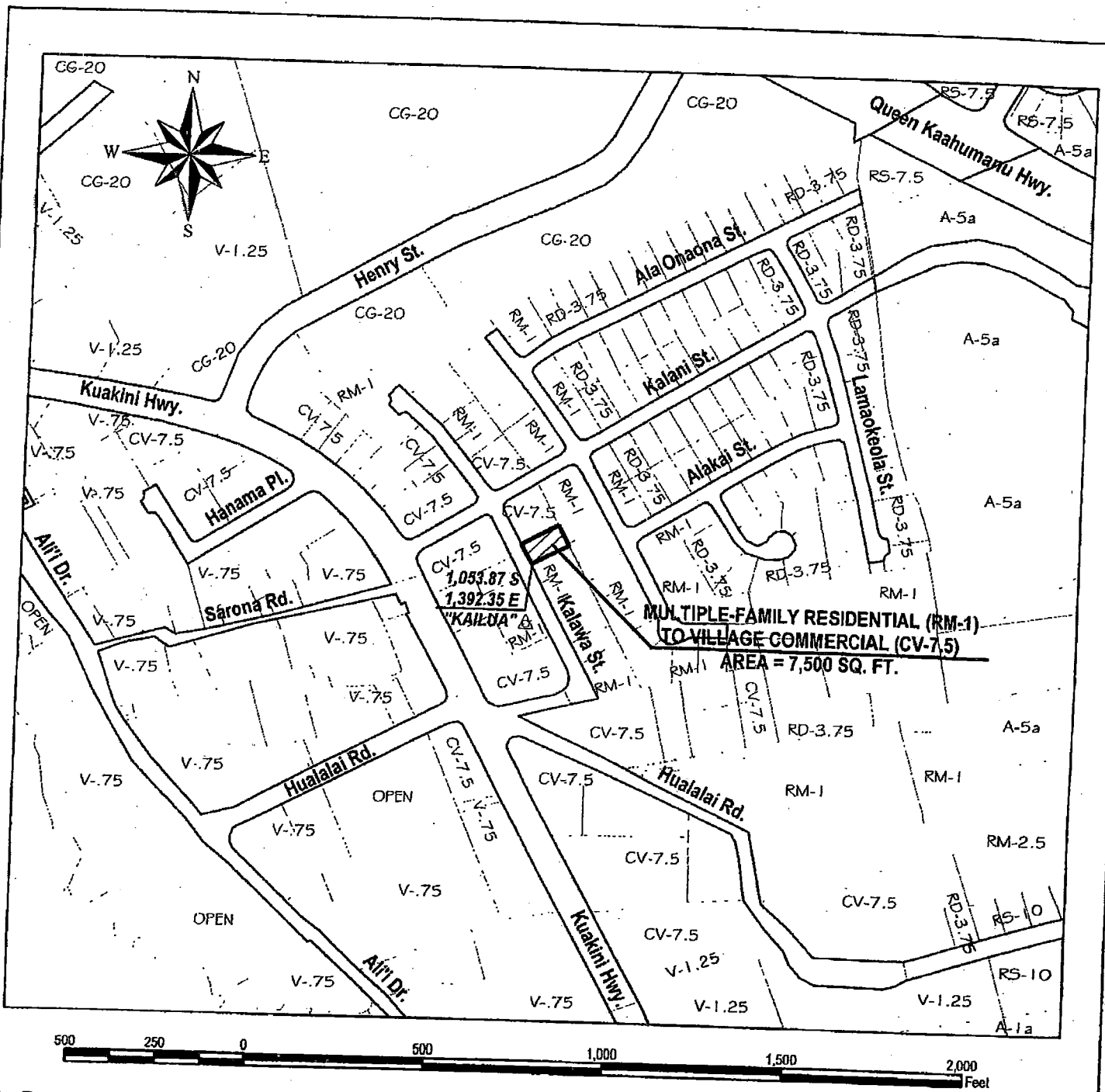
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: June 15, 2016
Date of 1st Reading: June 15, 2016
Date of 2nd Reading: July 7, 2016
Effective Date: July 25, 2016

REFERENCE Comm. 888



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-5 (KAILUA URBAN ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE,
 BY CHANGING THE DISTRICT CLASSIFICATION
 FROM MULTIPLE-FAMILY RESIDENTIAL (RM-1)
 TO VILLAGE COMMERCIAL (CV-7.5)
 AT HONUULA, NORTH KONA, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 7-5-022:040

EXHIBIT "A"

Date: April 23, 2003

FOR REFERENCE ONLY

TANTE URBAN

(Chrystal T. Yamaoeki, 1097)

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

COUNTY CLERK
COUNTY OF HAWAII

2016 JUL 25 PM 2: 59

Introduced By: Greggor Ilagan (B/R)
Date Introduced: June 15, 2016
First Reading: June 15, 2016
Published: July 2, 2016

REMARKS: _____

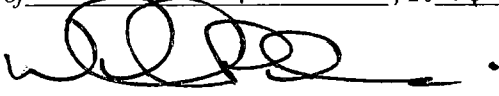
Second Reading: July 7, 2016
To Mayor: July 15, 2016
Returned: July 25, 2016
Effective: July 25, 2016
Published: July 30, 2016



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 25th day
of JULY, 20 16

MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON

COUNTY CLERK

Bill No.: 209
Reference: C-888/PC-66
Ord No.: 16 80