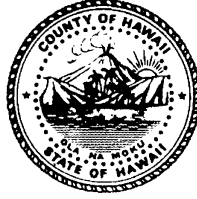


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 19 28 BILL NO. 18

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT WAIĀKEA HOUSE LOTS, WAIĀKEA SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-034:086.

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

SECTION 1. Section 25-8-3, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) 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, Waiākea, South Hilo, Hawai'i, shall be Neighborhood Commercial – 20,000 square feet (CN-20):

Beginning at a galvanized iron spike and ahu at the southwest corner of this lot and the northwest corner of Lot 7, on the east side of Manono Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,263.00 feet south and 9,141.00 feet east as shown on Government Survey Registered Map No. 2566, and running by true azimuths:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 180° 00' | 100.00 | feet along east side of Manono Avenue to a galvanized iron spike and ahu; |
| 2. | 270° 00' | 225.00 | feet along Lot 3 to a galvanized iron spike and ahu;                      |

- |    |          |        |  |
|----|----------|--------|--|
| 3. | 360° 00' | 100.00 | feet along Lot 6 to a galvanized iron spike and ahu;   |
| 4. | 90° 00'  | 225.00 | feet along Lot 7 to the point of beginning and containing an area of 22,500 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 (2016 Edition, as amended), 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. Should the applicant, successors or assigns develop a land use that requires water service, the applicant shall comply with Department of Water Supply requirements to obtain County water.

- C. Construction of a paved parking lot shall be completed within two (2) 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 Section 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code. Landscaping shall be provided in accordance with the requirements of Planning Department’s Rule No. 17 (Landscaping Requirements) standards for CN zones adjoining a RS zone.
- D. Consolidation of the subject property with TMK 2-2-034:085 shall be completed prior to issuance of Final Plan Approval.
- E. Driveway access from Manono Street shall conform to Chapter 22, County Streets, of the Hawai‘i County Code.
- F. A five (5)-foot wide future road widening strip along the property’s Manono Street frontage shall be subdivided and dedicated, at no cost to the County, within two (2) years from the effective date of this ordinance.
- G. The applicant shall provide improvements to the property’s frontage along Manono Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements and any required utility relocation, meeting the requirements of the Americans with Disabilities Act and the approval of the Department of Public Works. The improvements shall be located within the future road widening strip referenced in Condition F. These improvements shall be completed within two (2) years from the effective date of this ordinance.
- H. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to

issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to commencement of any commercial use on the property.

- I. Should the applicant, successors or assigns develop a land use 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 applicants shall implement, when required by the Department of Public Works, at no cost to the County, any transportation system improvements to Manono Street that may be deemed necessary by the Department of Public Works.
  
- J. Should the applicant, successors or assigns develop a land use that requires wastewater service, the property shall connect to the public sewer in accordance with Section 21-5 of the Hawai'i County Code prior to issuance of a Certificate of Occupancy.
  
- K. Should the applicant, successors, or assigns develop residential units on the subject property, the applicant shall make its 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 for each unit shall be based on the actual number of residential units developed and shall become due and payable prior to receipt of Final Plan Approval. 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 combined value of **\$9,159.34** per multiple family residential unit (**\$14,329.89** 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 unit) shall be allocated as follows:

1. **\$4,535.80** per multiple family residential unit (**\$6,910.13** per single family residential unit) to the County to support park and recreational improvements and facilities;
2. **\$143.36** per multiple family residential unit (**\$333.35** per single family residential unit) to the County to support police facilities;
3. **\$440.97** per multiple family residential unit (**\$658.40** per single family residential unit) to the County to support fire facilities;
4. **\$196.54** per multiple family residential unit (**\$288.25** per single family residential unit) to the County to support solid waste facilities; and
5. **\$3,878.67** per multiple family residential unit (**\$6,139.77** 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. 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. 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 Chapter 11, Article 1, Hawai‘i County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to Final Plan Approval.
- N. The applicant, successors, or assigns shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- O. 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).

5. If the applicant(s) should require an additional extension of time, the Planning Director shall submit the applicant's 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 Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

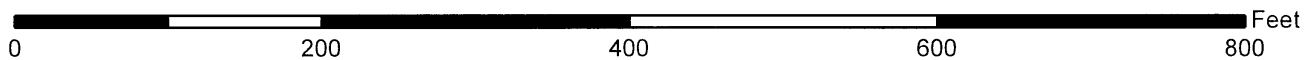
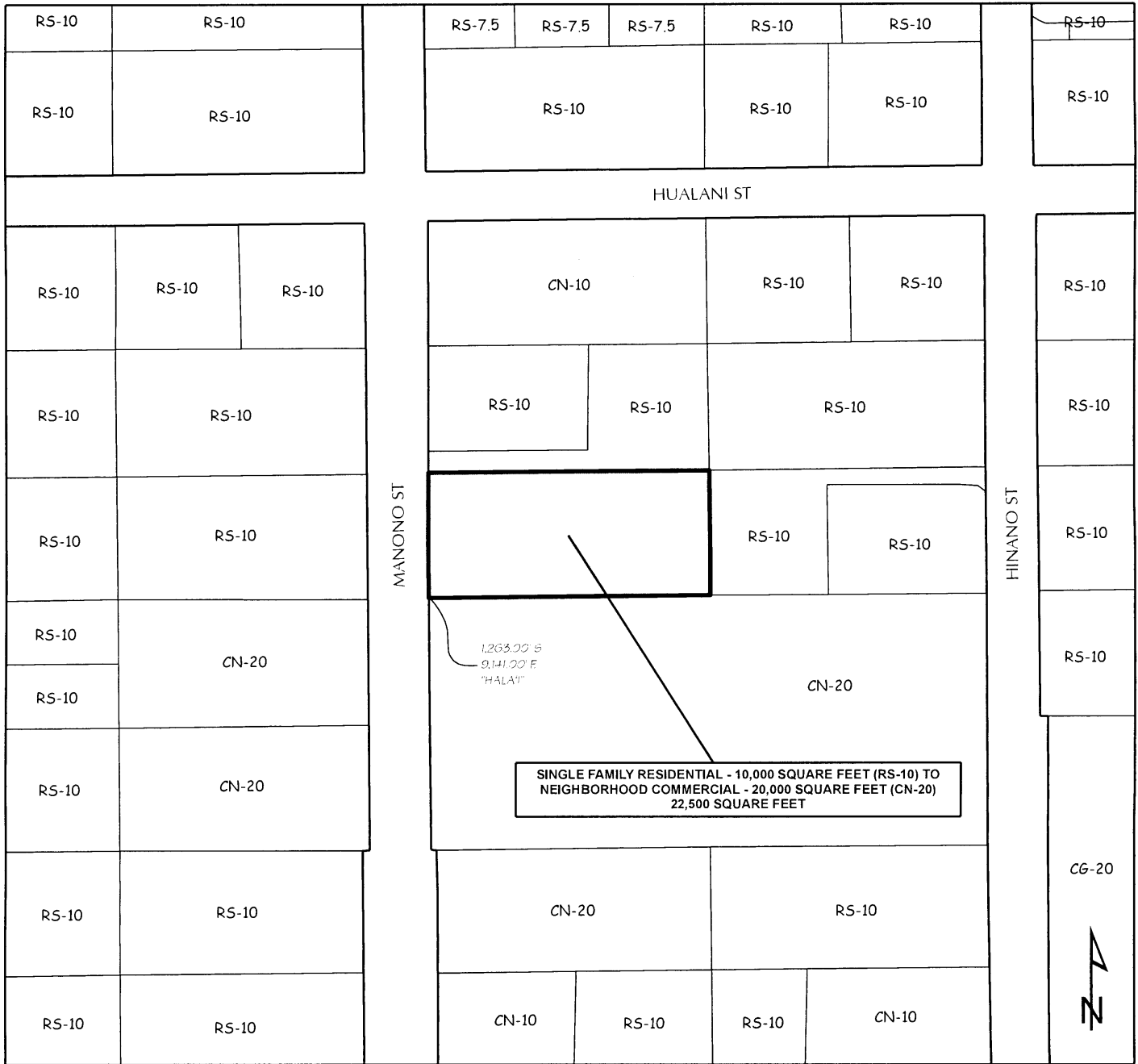
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAI'I

    Hilo    , Hawai'i  
Date of Introduction: February 20, 2019  
Date of 1st Reading: February 20, 2019  
Date of 2nd Reading: March 13, 2019  
Effective Date: March 25, 2019

REFERENCE Comm.     66



# **AMENDMENT TO THE ZONING CODE**

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,  
 CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED),  
 BY CHANGING THE DISTRICT CLASSIFICATION FROM  
 SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) TO  
 NEIGHBORHOOD COMMERCIAL - 20,000 SQUARE FEET (CN-20)  
 AT WAIĀKEA HOUSE LOTS, WAIĀKEA, SOUTH HILO, HAWAI'I

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

TMK: (3) 2-2-034:086

DATE: September 10, 2018



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

COUNTY CLERK  
 COUNTY OF HAWAII

2019 MAR 27 AM 8:41

Introduced By: Ashley Kierkiewicz (B/R)  
 Date Introduced: February 20, 2019  
 First Reading: February 20, 2019  
 Published: March 2, 2019

REMARKS: \_\_\_\_\_  
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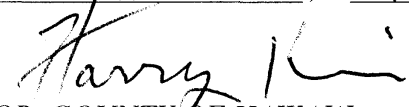
Second Reading: March 13, 2019  
 To Mayor: March 21, 2019  
 Returned: March 27, 2019  
 Effective: March 25, 2019  
 Published: April 6, 2019


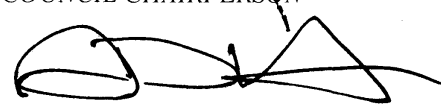
REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter			X	
Richards			X	
Villegas	X			
	7	0	2	0

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

Approved/Disapproved this 25<sup>th</sup> day  
 of March, 2019  
  
 MAYOR, COUNTY OF HAWAII

  
 COUNCIL CHAIRPERSON  
  
 COUNTY CLERK

Bill No.: 18  
 Reference: C-66/PC-7  
 Ord No.: 19 28