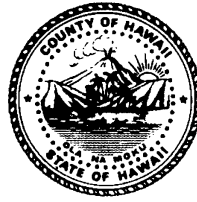


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 19 39 BILL NO. 33

AN ORDINANCE AMENDING ORDINANCE NO. 06 107 WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-034:012.

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

SECTION 1. Section 1 and Section 2 of Ordinance No. 06 107 is amended as follows:

“SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 [~~(2005 Edition)~~] (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 [~~Waiakea~~] Waiākea, South Hilo, Hawai'i, shall be Neighborhood Commercial – 20,000 square feet (CN-20):

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 [~~(2005 Edition)~~] (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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. [~~Conversion of the existing dwelling shall be completed within five (5) years from the effective date of this ordinance.~~] Construction of any new commercial development or use of the property, as permitted by the zoning district, shall be completed within five (5) years from the effective date of this amended 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), Hawaii 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).
- C. Access to Manono Street shall be limited to a single location. All driveway connections to Manono Street shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
- D. A 5-foot wide future road-widening strip along Manono Street shall be delineated on the plans submitted for Plan Approval review. Dedication of the[The] 5-foot future road widening section will occur in conjunction with the completion and dedication of infrastructure improvements outlined in Condition E and [~~roadway improvements along Manono Street~~] shall be [~~subdivided and~~] dedicated to the County of Hawaii within five (5) years from the effective date of this amended ordinance.

- E. The applicant shall provide full improvements to the entire 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 with the approval of the Department of Public Works. Improvements shall be located within the future road-widening setback as established by the Planning Department and be completed within five (5) years from the effective date of this amended ordinance.
- F. The applicant shall also install street lights and traffic controls as required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices. All of the roadway improvements to Manono Street shall be completed prior to a Certificate of Occupancy.
- G. 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 receipt of a Certificate of Occupancy.~~] and the recommended drainage system shall be constructed, meeting the approval of the Department of Public Works.
- H. 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.
- I. If the applicant, successors, or assigns develop residential units on the subject property in excess of the two (2) units allowed by the [~~current~~]previous RS-10

zoning, 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 [~~\$6,411.25~~]\$9,195.34 per multiple family residential unit (~~[\$9,991.20]~~\$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. [~~\$3,162.29~~]\$4,535.80 per multiple family residential unit (~~[\$4,817.93]~~\$6,910.13 per single family residential unit) to the County to support park and recreational improvements and facilities;
2. [~~\$99.95~~]\$143.36 per multiple family residential unit (~~[\$232.42]~~\$333.35 per single family residential unit) to the County to support police facilities;
3. [~~\$307.46~~]\$440.97 per multiple family residential unit (~~[\$459.06]~~\$658.40 per single family residential unit) to the County to support fire facilities;

4. ~~[\$137.04]~~\$196.54 per multiple family residential unit (~~[\$200.98]~~\$288.25 per single family residential unit) to the County to support solid waste facilities; and
5. ~~[\$2,704.31]~~\$3,878.67 per multiple family residential unit (~~[\$4,280.82]~~\$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.

- J. 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.
- K. 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.
- L. An Emergency Response Plan shall be submitted to the Hawaii County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.
- M. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements

- N. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of the ordinance. The report shall include, but not be 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. An [~~initial~~] extension of time for the performance of conditions within the amended 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 should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

- P. 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 2. Material to be deleted is bracketed and stricken. 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.~~] 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.

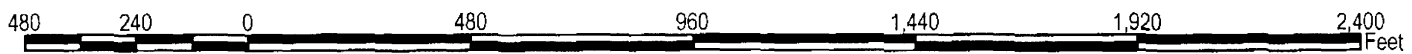
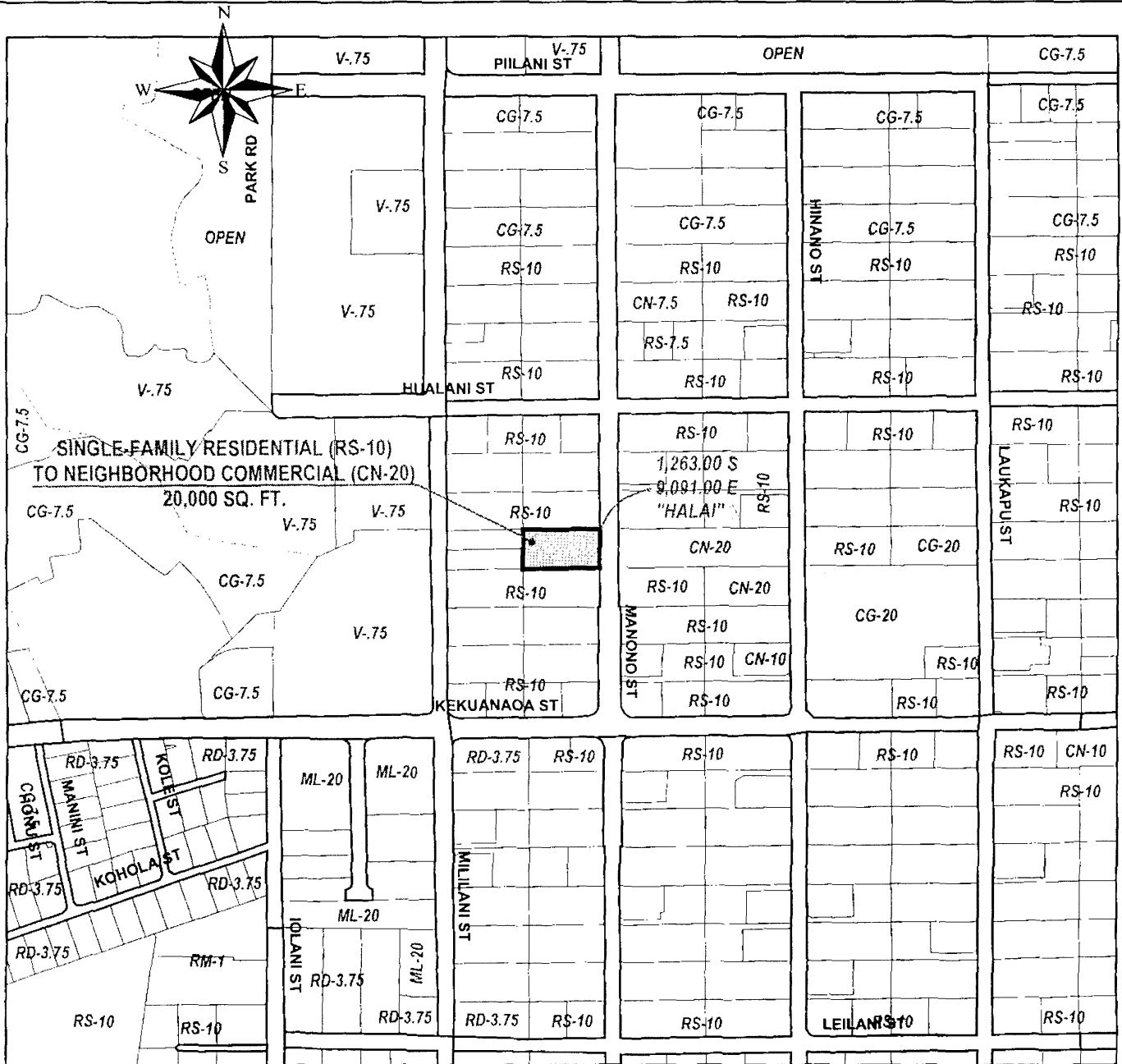
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i
Date of Introduction: March 28, 2019
Date of 1st Reading: March 28, 2019
Date of 2nd Reading: April 10, 2019
Effective Date: April 25, 2019

REFERENCE Comm. 134



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 SINGLE-FAMILY RESIDENTIAL (RS-10)
 TO NEIGHBORHOOD COMMERCIAL (CN-20)
 AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

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

COUNTY CLERK
 COUNTY OF HAWAII

2019 APR 26 PM 3: 01

Introduced By: Ashley L. Kierkiewicz (B/R)
 Date Introduced: March 28, 2019
 First Reading: March 28, 2019
 Published: April 6, 2019

REMARKS: _____

Second Reading: April 10, 2019
 To Mayor: April 18, 2019
 Returned: April 26, 2019
 Effective: April 25, 2019
 Published: May 11, 2019

REMARKS: _____

| 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 |

| 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 |

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

Disapproved this 25th day
 of April, 2019.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 33
 Reference: C-134/PC-13
 Ord No.: 19 39