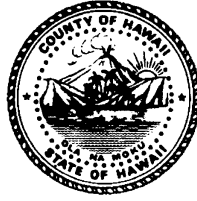


COUNTY OF HAWAI‘I



STATE OF HAWAI‘I

BILL NO. 111

ORDINANCE NO. 19 113

AN ORDINANCE AMENDING ORDINANCE NO. 09 90A, 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 HOUSELOTS, WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-050:043.

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

**SECTION 1.** Section 1 and Section 2 of Ordinance No. 09 90A 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 Waiākea Houselots, Waiākea, South Hilo, Hawai‘i, shall be Industrial-Commercial Mixed – 20,000 square feet (MCX-20):

Beginning at the southwest corner of this parcel of land, also being the northeast corner of the intersection of the rights-of-way of Laukapu Street and Kawili Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station “HALAI” being 3,894.00 feet South and 10,121.00 feet East and thence running by azimuths measured clockwise from true South:

1. 180° 00’ 00” 200.00 feet along the east side of Laukapu Street (40’ wide);

2. 270° 00' 00" 229.00 feet along Lot 2-A, Block 46, [~~Waiākea~~  
Waiākea House Lots, First Series;
3. 0° 00' 00" 200.00 feet along Lots 6-A and 8, Block 46,  
[~~Waiākea~~] Waiākea House Lots, First  
Series;
4. 90° 00' 00" 229.00 feet along the north side of Kawili Street  
(80' wide) to the point of beginning and  
containing an area of 45,800 Sq. Ft., 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]~~2016 Edition, as amended), the County Council finds the following conditions are:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) 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. ~~[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 the “Water Commitment Guidelines Policy” to the Department of Water Supply within 180 days from the effective date of this ordinance.]~~The applicant shall submit updated estimated maximum daily water usage calculations as recommended by a registered engineer, for review and approval by the Department of Water Supply. The applicant shall comply with the Department of Water Supply for the appropriate service lateral and meter-size required.
- C. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the water meter on private property, which must be inspected and approved by the Department of Water Supply.
- D. ~~[Construction of the proposed development, including the improvements listed in Condition G, 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), Hawai’i County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and paved 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) and Chapter 25 (Zoning Code), Hawai’i County Code.

- E. Access(es) to the project site shall be limited to right-turn in, right-turn out movements at Kāwili Street and full movements at Laukapu Street and shall meet with the approval of the Department of Public Works. Should there be future road improvements at East Kāwili Street, such as dedicated turn land fronting the subject site that can reasonably and safely accommodate left turn movements, left turn movements may be permitted by the Department of Public Works. All driveway connections to East Kāwili Street and Laukapu Street shall conform to Chapter 22 (County Streets) of the Hawai'i County Code.
- F. A 10-foot wide future road widening strip along the Laukapu Street frontage shall be subdivided and dedicated to the County prior to the issuance of the Certificate of Occupancy.~~[within five (5) years from the effective date of this amended ordinance.]~~
- G. The applicant shall provide improvements to the project's frontage along East Kāwili Street and Laukapu Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements and any required utility relocation, meeting the approval of the Department of Public Works. The improvements shall be located within the future road widening setbacks.
- H. The applicant shall provide a minimum 20-foot corner radius at the intersection of East Kāwili Street and Laukapu Street incorporating the road widening setback.
- I. Streetlights and traffic control devices shall be installed as may be required by the Traffic Division, Department of Public Works.
- J. 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 for any new structures.]~~ Any drainage improvements shall be constructed, meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy.

- K. The project shall connect to the existing County sewerline prior to the issuance of a Certificate of Occupancy.
- L. 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.
- M. 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 (SHPD) shall be immediately notified. Subsequent work shall proceed upon an archeological clearance from SHPD when it finds that sufficient mitigation measures have been taken.
- N. 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.
- O. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

~~[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 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.]~~

[Q.]P. 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 repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

**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.

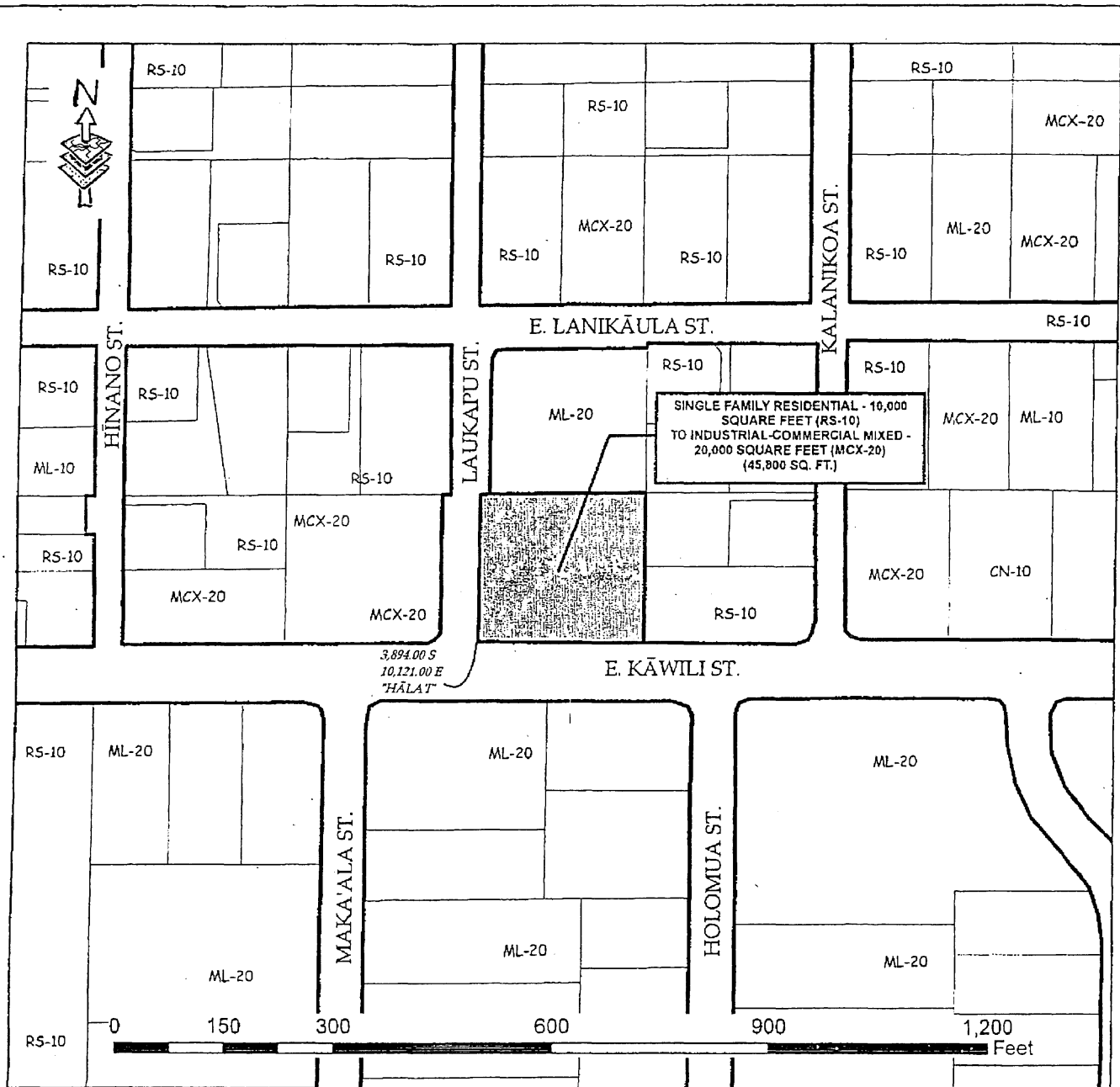
INTRODUCED BY:

  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAI'I

\_\_\_\_\_  
Hilo, Hawai'i

Date of Introduction: November 20, 2019  
Date of 1st Reading: November 20, 2019  
Date of 2nd Reading: December 4, 2019  
Effective Date: December 17, 2019

REFERENCE Comm. 545



# 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 - 10,000 SQUARE FEET (RS-10) TO INDUSTRIAL-COMMERCIAL MIXED - 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA HOUSELOTS, WAIĀKEA SOUTH HILO, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: 2-2-50: 43

DATE: February 6, 2009

EXHIBIT "A"

(Dr. Rodrigues -  
Map 1258)

FOR REFERENCE ONLY



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

COUNTY CLERK  
 COUNTY OF HAWAII

2019 DEC 18 PM 3:11

Introduced By: Ashley L. Kierkiewicz (B/R)  
 Date Introduced: November 20, 2019  
 First Reading: November 20, 2019  
 Published: November 30, 2019

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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Second Reading: December 4, 2019  
 To Mayor: December 12, 2019  
 Returned: December 18, 2019  
 Effective: December 17, 2019  
 Published: December 28, 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			
	9	0	0	0

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

Disapproved this 17th day  
 of December, 2019.

MAYOR, COUNTY OF HAWAII

COUNCIL CHAIRPERSON  
  
 COUNTY CLERK

Bill No.: 111  
 Reference: C-545/PC-35  
 Ord No.: **19 113**