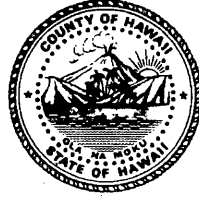


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 22 1 BILL NO. 89

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 INDUSTRIAL – COMMERCIAL MIXED – 20,000 SQUARE FEET (MCX-20) AT WAIĀKEA HOUSELOTS, WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-035:049, AND 096.

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 (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 Districts – 20,000 square feet (MCX-20):

Beginning at the southwest corner of this lot and the northeast corner of Kekūanaō'a and Kalanikoa Streets (formerly Avenues), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,763.00 feet South and 10,629.00 feet East, as shown on Government Survey Registered Map 2566, and running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|--------|---|
| 1. | 180° 00' 00" | 100.00 | feet along the east side of Kalanikoa Street; |
| 2. | 270° 00' 00" | 223.00 | feet along Lot 13, Block 23; |
| 3. | 360° 00' 00" | 100.00 | feet along Lot 16, Block 23; |

4. 90° 00' 00" 223.00 feet along the north side of Keūanaō‘a Street to the point of beginning and containing an area of 22,300 square feet.

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 ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
- B. Construction of the proposed development, as substantially represented by the Applicant, or as permitted by the zoning district classification, shall be completed within five (5) years from the effective date of this ordinance. Prior to construction, the Applicant 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 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.

- C. The Applicant shall secure Final Consolidation Approval for consolidation of the two (2) subject parcels within one (1) year of the effective date of this ordinance or prior to the issuance of Final Plan Approval, whichever occurs first.
- D. Prior to commencement of the proposed office use within the existing single-family dwelling, the Applicant shall secure and finalize all required building permits from the Department of Public Works Building Division, including a change of use building permit to convert the dwelling to an office.
- E. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the Applicant 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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" prior to the issuance of Final Plan Approval. 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.
- F. The Applicant 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, which must be inspected and approved by the Department of Water Supply.
- G. The Applicant shall implement any improvements required by the Fire Department and/or Department of Water Supply to ensure that fire protection requirements can be met for Industrial-Commercial Mixed zoning.

- H. Prior to issuance of a Certificate of Occupancy for any industrial or commercial use on the property, the Applicant shall provide improvements to the subject property's entire Kekūanāo'a Street and Kalanikoa Street frontages consisting of, but are not limited to, pavement widening with concrete curb, gutter, and sidewalk, drainage improvements, and any required utility relocation, that shall meet the requirements of the Americans with Disabilities Act and shall be approved by the Department of Public Works. The improvements shall be located within the future road widening setback established in this ordinance.

- I. A ten (10) foot wide future road widening strip along the property's Kekūanāo'a Street frontage and a five (5) foot wide future road widening strip along the property's Kalanikoa Street frontage shall be subdivided and dedicated, at no cost to the County, prior to issuance of Certificate of Occupancy for any industrial or commercial use on the property.

- J. The Applicant shall provide a minimum 20-foot corner radius (property line) at the intersection of Kekūanāo'a Street and Kalanikoa Street incorporating the future road widening setbacks prior to issuance of Certificate of Occupancy for any industrial or commercial use on the property.

- K. Access to the project site shall be limited to right-turn in, right-turn out movements at Kekūanāo'a Street and full movements at Kalanikoa Street and shall meet with the approval of the Department of Public Works. All driveway connections to Kekūanāo'a Street and Kalanikoa Street shall meet the requirements of Chapter 22 (County Streets), Hawai'i County Code.

- L. The Applicant shall be responsible for the design, purchase, and installation of streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works.

- M. Should the Applicant 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 Applicant shall implement, when required by the Department of Public Works, at no cost to the County, any transportation system improvements to Kekūanāo‘a Street and Kalanikoa Street that may be deemed necessary by the Department of Public Works.

- N. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared by a professional civil engineer licensed in the State of Hawai‘i and submitted to the Department of Public Works prior to issuance of Final Plan Approval. 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.

- O. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai‘i County Code.

- P. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

- Q. 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.
- R. 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.
- S. The Applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- T. An initial extension of time for the performance of conditions within the ordinance may be granted by the 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 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 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).

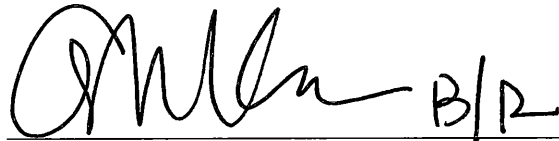
5. If the Applicant should require an additional extension of time, the Planning Director shall submit the Applicant's request to the County Council for appropriate action.

U. 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 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.

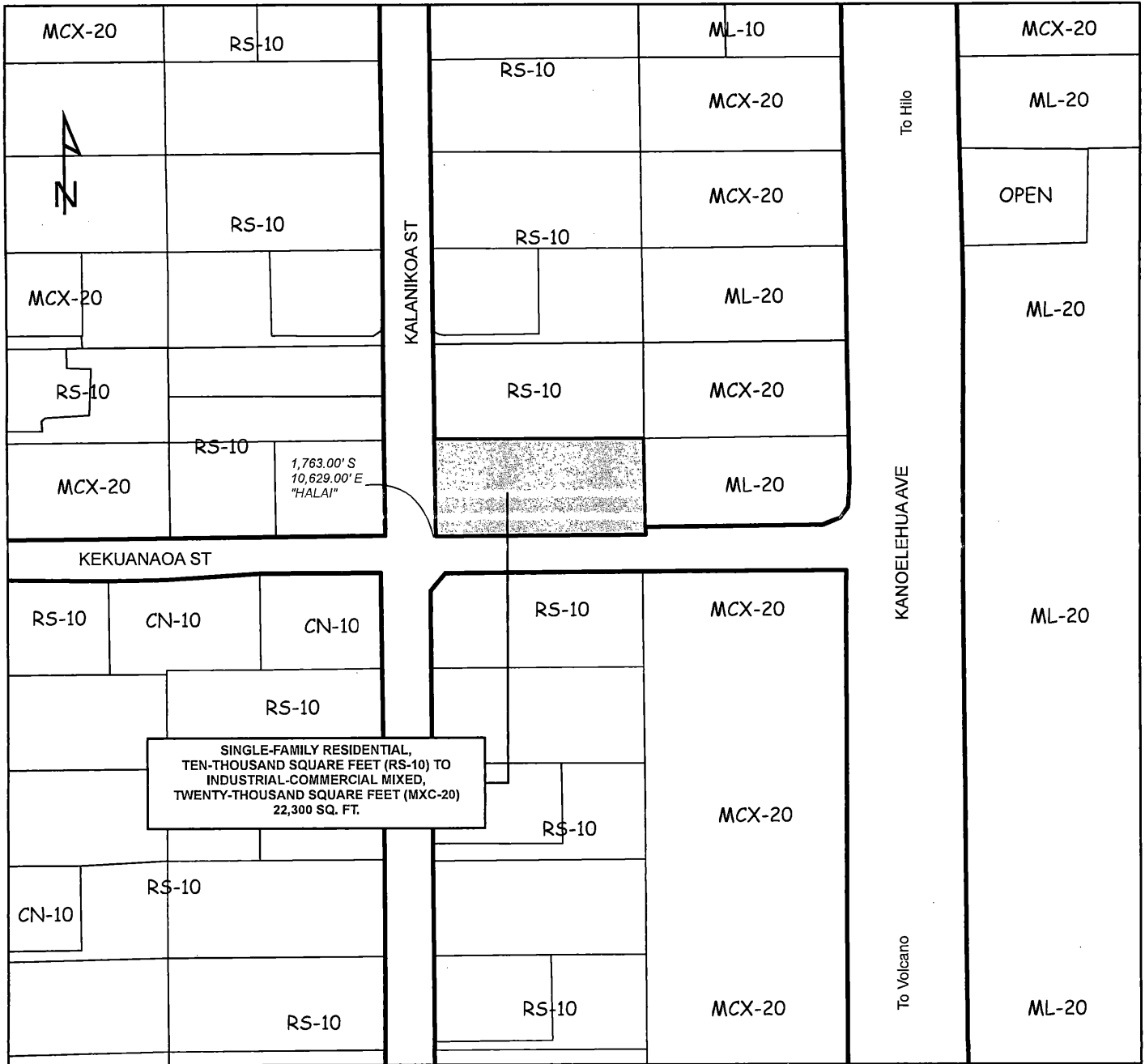
INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'A. M. ... B/P', written over a horizontal line.

COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i
Date of Introduction: December 8, 2021
Date of 1st Reading: December 8, 2021
Date of 2nd Reading: December 22, 2021
Effective Date: January 11, 2022

REFERENCE Comm. 473



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
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 WAIAKEA HOUSELOTS, WAIAKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:

COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-2-035:049 and 096

DATE: June 30, 2021

EXHIBIT "A"

Leila Shimizu
Map: 1426

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

COUNTY CLERK
 COUNTY OF HAWAII

2022 JAN 13 PM 12: 55

Introduced By: Ashley L. Kierkiewicz (B/R)
 Date Introduced: December 8, 2021
 First Reading: December 8, 2021
 Published: December 17, 2021

REMARKS: _____

Second Reading: December 22, 2021
 To Mayor: January 3, 2022
 Returned: January 13, 2022
 Effective: January 11, 2022
 Published: January 28, 2022

REMARKS: _____

| ROLL CALL VOTE | | | | |
|-----------------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Chung | X | | | |
| David | X | | | |
| Inaba | X | | | |
| Kāneali'i-Kleinfelder | X | | | |
| Kierkiewicz | X | | | |
| Kimball | | | X | |
| Lee Loy | X | | | |
| Richards | X | | | |
| Villegas | | | X | |
| | 7 | 0 | 2 | 0 |

| ROLL CALL VOTE | | | | |
|-----------------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Chung | X | | | |
| David | X | | | |
| Inaba | X | | | |
| Kāneali'i-Kleinfelder | X | | | |
| Kierkiewicz | X | | | |
| Kimball | X | | | |
| Lee Loy | 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.



COUNCIL CHAIRPERSON



COUNTY CLERK

Approved/Disapproved this 11th day
 of January, 2022.



MAYOR, COUNTY OF HAWAII

Bill No.: 89
 Reference: C-473/PC-34
 Ord No.: 22 1