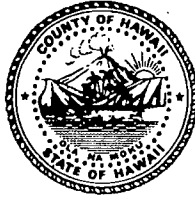


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 24 35 BILL NO. 148
(DRAFT 2)

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO DISTRICT 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 HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-036:076.

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

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning) 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 Hilo, Hawai'i, shall be Industrial-Commercial Mixed Districts – 20,000 square feet (MCX-20):

Beginning at the northwest corner of this parcel of land, being the southwest corner of Lot 11-A, a Portion of Lot 11, Block 35, (Grant 9812 to Marcy Kanoelehua Brown), Waiākea House Lots, 1st Series, and on the east side of Manono Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,243.00 feet South and 9,146.00 feet East, and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 270° 00' | 107.50 | feet along Lot 11-A, a portion of Lot 11, Block 35, (Grant 9812 to Marcy Kanoelehua Brown), Waiākea House Lots, 1 st Series; |
| 2. | 0° 00' | 200.00 | feet along Lot 14-A, a portion of Lot 14, Block 35, (Grant 8757 to Mrs. Maryan H. Holi) Waiākea House Lots, 1 st Series; |

- | | | | |
|----|----------|--------|--|
| 3. | 90° 00' | 50.65 | feet along the North side of Lanikāula Street; |
| 4. | 180° 00' | 5.00 | feet along a jog on the North side of Lanikāula Street; |
| 5. | 90° 00' | 26.85 | feet along the North side of Lanikāula Street; |
| | | | Thence along the Northeast corner of Lanikāula Street and Manono Street, on a curve to the right with a radius of 30.00 feet, the direct chord azimuth and distance being: |
| 6. | 135° 00' | 42.43 | feet; |
| 7. | 180° 00' | 165.00 | feet along the East side of Manono Street to the point of beginning and containing an area of 21,023 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(s), its successor(s), or assign(s) (“Applicant”) 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 (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. A water commitment deposit shall be paid to the DWS in accordance with Rule 5 of the Department of Water Supply’s Rules and Regulations. 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.
- C. 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, within 5 feet of the meter on private property, meeting with the approval of DWS.
- D. Prior to submittal of plans for Plan Approval, the Applicant shall confer with the State Department of Health regarding the need for any environmental remediation of the subject property. The remediation, if needed, shall occur prior to issuance of a building permit for the proposed development.
- E. Prior to the issuance of a Certificate of Occupancy, 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 the MCX zoning.

- F. Construction of the proposed development shall be as substantially represented by the Applicant, or as permitted by the zoning district classification, and shall be completed within ten (10) years from the effective date of this ordinance. Prior to construction, 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 structure(s), paved driveway access and 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.
- G. Prior to issuance of Final Plan Approval for all retail uses, including those involving the sale of food and alcoholic beverages, the Planning Director shall review the proposed use and its parking and noise impacts to adjoining properties and, if deemed necessary, increase the minimum required number of parking spaces and require noise mitigation measures, such as landscaping, to enhance the public safety, convenience, and welfare. All parking or noise mitigation requirements shall be in place prior to issuance of any occupancy permit. This condition shall remain in effect until the district classifications of the two adjoining properties are changed to zoning districts other than single-family residential (RS-10).
- H. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.
- I. A five (5)-foot-wide future road widening strip along the subject property's Lanikaula Street frontage shall be subdivided and dedicated, at no cost to the County. The Applicant shall provide improvements to the property's frontage

along Lanikaula Street consisting of, but not limited to, pavement widening with concrete 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. These improvements shall be completed prior to establishing any commercial or industrial use on the property or when required by the Department of Public Works, whichever occurs first.

- J. The three (3) existing driveway accesses from Manono Street shall be consolidated into one (1) and be situated at the existing northern most access. Access from East Lanikaula Street shall be limited to right-in, right-out movements only. Full movements from Manono Street shall be allowed, provided that all outbound movements shall be subject to the approval of the Department of Public Works and provided, further, that a Department of Public Works-approved traffic assessment with appropriate mitigation shall be submitted in conjunction with any application for Plan Approval for a drive-thru use or use requiring off-street loading spaces. Driveway access plans pursuant to Hawai'i County Code, Chapter 22, County Streets, shall be submitted for the review and approval of the Department of Public Works. The required and/or appropriate mitigation(s) shall be in place prior to issuance of a Certificate of Occupancy for any use.
- K. All driveway connections and construction within Manono Street and Lanikaula Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- L. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties. Additionally, a drainage study shall be prepared prior to Plan Approval and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division, prior to the issuance of a Certificate of Occupancy.

- M. At least seven (7) days prior to commencement of any land disturbance activity, the Applicant shall provide notice to the immediately adjoining single-family residentially zoned property owners of the commencement date, hours of operation, and contact information of the owner or person responsible to ensure compliance with the State Department of Health's rules and regulations regarding noise, dust, and air quality mitigation. Further, upon the project's completion, the Applicant shall provide to the County Planning Department and immediately adjacent single-family residentially zoned property owners the contact information of the owner or person(s) or management company responsible to ensure compliance with appropriate State and County regulations regarding noise and parking.
- N. 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.
- O. 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 department of Land and Natural Resources- State Historic Preservation Division (DLNR-SHPD) 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.
- P. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements.

- Q. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.

- R. If the Applicant fails to fulfill any conditions of the zone change within the specified time limitations, the Planning Director or County Council may initiate the process for enactment of an ordinance reverting the affected property back to its original zoning designation or a more appropriate zoning designation in accordance with Section 25-2-43 of the Hawai'i County Code.

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.

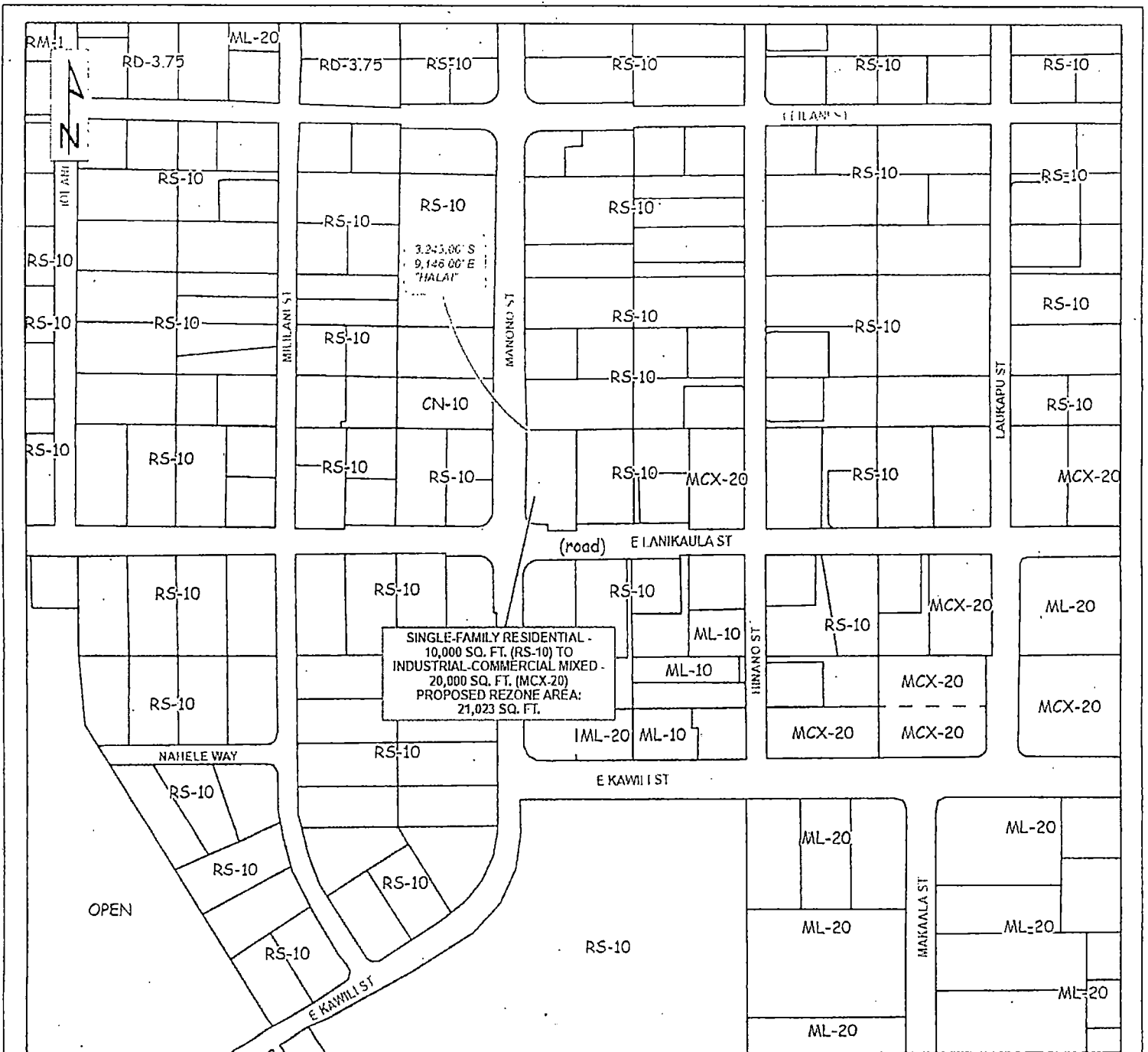
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

 B/R
 COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i
 Date of Introduction: May 15, 2024
 Date of 1st Reading: May 15, 2024
 Date of 2nd Reading: June 5, 2024
 Effective Date: June 19, 2024

REFERENCE Comm. 815.2



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO DISTRICT 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 SQ. FT. (RS-10)
TO INDUSTRIAL-COMMERCIAL MIXED - 20,000 SQ. FT. (MCX-20)
AT HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

DATE: November 17, 2023

TMK: (3) 2-2-036:076

Manono Corner, LLC
Map: 1459

EXHIBIT "A"

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

COUNTY CLERK
COUNTY OF HAWAII
2024 JUN 21 PM 3: 23

(Draft 2)

Introduced By: Dr. Holeka Goro Inaba (B/R)
Date Introduced: May 15, 2024
First Reading: May 15, 2024
Published: May 24, 2024

REMARKS: _____

Second Reading: June 5, 2024
To Mayor: June 13, 2024
Returned: June 21, 2024
Effective: June 19, 2024
Published: July 5, 2024

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba			X	
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	8	0	1	0

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

~~Approved~~ Disapproved this 19th day
of June, 2024.


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON


COUNTY CLERK

Bill No.: 148 (Draft 2)
Reference: C-815.2/LAAC-54
Ord No.: 24 35